

WARSAW, TOWN OF
County of Richmond.
Established as a town by an 1846 Act of Assembly.

Charter, 1948, c. 446.

Amended 1972, c. 99 (Art. III, § 1)
1977, c. 43 (Art. II, § 1; Art. III, § 1; Art. III, § 1 (18) [repealed])
1982, c. 148 (Art. III, § 1 (1) [repealed]; Art. III, § 1; Art. IX, § 1
[repealed]; Art. IXA, § 1 [added])
2009, c. 831 (Art. III, § 1).

ARTICLE I
THE TOWN CORPORATE

§ 1. (1) The inhabitants of the territory comprised within the limits of the town of Warsaw, as such limits are hereinafter set out or as the same may be hereafter altered and established by law, shall constitute and continue a body, politic and corporate, to be known and designated as the town of Warsaw, and as such shall have and may exercise all powers which are now or hereafter may be conferred upon or delegated to towns under the Constitution and laws of the Commonwealth of Virginia, as 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, and shall have, exercise and enjoy all the rights, immunities, powers and privileges and be subject to all the duties and obligations now appertaining to and incumbent on said town as a municipal corporation, and shall have perpetual succession, may sue and be sued, implead and be impleaded, contract and be contracted with, and may have a corporate seal which it may alter, renew, or amend at its pleasure by proper ordinance. (1948, c. 446)

ARTICLE II
CORPORATE LIMITS

§ 1. (1) Description. The corporate limits of the town of Warsaw, Virginia, shall be the boundaries established in the final Order of Annexation entered December 31, 1975, by the Circuit Court of Richmond County, Virginia, in the annexation proceedings styled Town of Warsaw, Virginia v. County of Richmond, Virginia, recorded in the Clerk's Office of the Circuit Court of Richmond County in Common Law Order Book 8, at page 425. In addition to the above, the corporate limits shall include such other territories as are added to the town from time to time as provided by law. (1948, c. 446; 1977, c. 43)

ARTICLE III
ADMINISTRATION AND GOVERNMENT

§ 1. (1) (Repealed 1982, c. 148)

(2) The eight-member town council shall be elected biennially for staggered four-year terms commencing with the May 4, 2010, general election. Following that election, the four candidates receiving the highest number of votes will serve four-year terms and the four candidates receiving the next four highest number of votes will serve two-year terms. Those elected shall enter upon the duties as councilmen on the first day of July

next succeeding their election, and shall continue in office until their successors are duly qualified.

On or before the date that the councilmen enter upon their duties of their offices, they shall elect from their members a mayor and a vice mayor. Every councilman so elected shall take an oath faithfully to execute and discharge the duties of his office to the best of his judgment, and the mayor and the vice mayor shall take the oath prescribed by law for state officers. The failure of any person elected or appointed under the provisions of this charter to qualify or to take the oath required, within the time prescribed for entering upon the discharge of the duties of the office to which he is elected or appointed, shall vacate the said office, and the council shall proceed and is hereby vested with power to fill such vacancy in the manner herein prescribed.

(3) All elections held in the town shall be conducted in accordance with general law; the electorate shall be that prescribed by general law.

(4) The council may fine its members for disorderly conduct, and, with the concurrence of two-thirds of those elected expel a member for cause. Any vacancy occurring, by expulsion or otherwise, during the term for which a person was elected shall be filled by the council by the appointment of any one eligible to such office.

(5) A majority of the members of the council shall constitute a quorum for the transaction of business.

(6) Each member of the council may receive a salary to be fixed by the council, payable at such times and in such manner and amount as the council may direct. The mayor may receive a salary to be fixed by the council, payable in such manner and amount and at such times as the council may direct.

(7) The mayor shall preside at the meetings of the council and perform such other duties as are prescribed by this charter and by general law, and such as may be imposed by the council consistent with his office. The mayor shall have the right to vote in the council. He shall take care and see that the bylaws, ordinances, acts and resolutions of the council are faithfully executed and obeyed, and shall have and exercise all power and authority conferred by general law on mayors of towns not inconsistent with this charter. He shall authenticate by his signature any documents and instruments as the council, this charter, or the laws of the Commonwealth require. He shall from time to time recommend to the council such measures as he may deem needful for the welfare of the town.

(8) Every ordinance, or resolution having the effect of an ordinance, shall, before it becomes operative, be presented to the mayor. If he approves, he shall sign it, but if not, he may return it, with his objections at length on the minute book of the council. The council shall thereupon proceed to reconsider such ordinance or resolution. If, after such consideration, two-thirds of all members elected to the council shall agree to pass the ordinance or resolution, it shall become operative notwithstanding the objection of the mayor. In all such cases the votes of the members of the council upon such reconsideration and the names of the members voting for and against the ordinance or resolution shall be entered on the minute book of the council. If any ordinance or resolution shall not be returned by the mayor within five days (Sunday excepted) after it shall have been presented to him, it shall become operative in like manner as if he had signed it, unless his term of office or that of the council, shall expire within said five days.

(9) The vice mayor, during the absence or disability of the mayor, shall perform the duties and be vested with all the powers, authority, and jurisdiction of the mayor; and in the event of a vacancy for any reason in the office of mayor, he shall act as mayor until a mayor is duly appointed by the town council. The member of the council who shall be chosen vice mayor shall continue to have all of the rights, privileges, powers, duties and obligations of councilman even when performing the duties of mayor during the absence or disability of the mayor of the town.

(10) The council shall, by ordinance, fix the time for their regular meetings, which shall be held at least once a month. Special meetings may be called by the clerk at the instance of the mayor or any two members of the council in writing; and no other business shall be transacted at a special meeting except that stated in the call, unless all members be present and consent to the transaction of such other business. The meetings of the council shall be open to the public except as otherwise authorized by law.

(11) The council shall keep a minute book, in which the clerk shall note the proceedings of the council, and shall record proceedings at large on the minute book and keep the same properly indexed.

(12) The council may adopt rules for regulating its proceedings, but no tax shall be levied, corporate debt contracted, or appropriation of money exceeding the sum of \$100 be made, except by a recorded affirmative vote of a majority of all the members elected to the council.

(13) There shall be appointed by the council at its first meeting in July, or as soon as practicable thereafter, a treasurer, who shall hold office for a term of two years. The council may provide a salary for the treasurer. He shall give such bond, with surety and in such penalty as the council prescribes. He shall receive all money belonging to the town, and keep correct accounts of all receipts from all sources and of all expenditures of all departments. He shall be responsible for the collection of all taxes, license fees, levies and charges due to the town, and shall disburse the moneys of the town in the manner prescribed by the council as it may by ordinance direct.

(14) The treasurer shall make such reports and at such time as the council may prescribe. The books and accounts of the treasurer shall be examined and audited at least once during the term for which he is elected by a competent accountant selected by the council, such examination and audit to be reported to the council.

(15) The council may in its discretion designate the place of deposit of all town funds, which shall be kept by the treasurer separate and apart from his personal funds.

(16) There shall be appointed by the council, at its first regular meeting in July after its election, a clerk of the council, who shall hold office at the pleasure of the council. He shall attend the meetings of the council and keep its minutes and records and have charge of the corporate seal and shall attest the same. He shall keep all papers required to be kept by the council, shall publish such reports and ordinances as are required to be published, and shall perform such other duties as the council may from time to time require. His compensation shall be fixed by the council. Any vacancy in this office shall be filled by the council.

(17) There shall be appointed by the council at its first regular meeting in July or as soon as practicable thereafter, a chief of police; and he shall hold office at the pleasure of the council. His duties shall be such as the council prescribes. He shall be vested with

the powers of a conservator of the peace. His compensation shall be fixed by the council. As authorized by § 15.1-796, the office of town sergeant shall not be established.

(18) (Repealed, 1977, c. 43)

(19) The council may appoint or select such other officers as may be necessary, including a manager for the town, and fix their salaries and define their duties.

(20) All ordinances, resolutions and bylaws passed by the council shall take effect at the time indicated in such ordinances, resolutions or bylaws, but in the event no effective date shall be set forth in any such ordinances, resolutions or bylaws passed by the council, the same shall become effective thirty days from its passage. (1948, c. 446; 1972, c. 99; 1977, c. 43; 1982, c. 148; 2009, c. 831)

ARTICLE IV

TAXATION AND FINANCES

§ 1. (1) The town council shall have control of taxation and finances for its municipal purposes. It shall have the following powers:

(2) To prepare, or cause to be prepared, annually a budget showing the estimated receipts and proposed expenditures for town purposes as required by State law, and to publish the same.

(3) To raise annually by levy and collection of taxes and assessments in the said town on all such property, real and personal, as is now or may hereafter be subject to taxation by towns by the laws of the Commonwealth, such sums of money as the council thereof may deem necessary for the purposes of the said town in such manner as the said council shall deem expedient in accordance with this charter, the Constitution and laws of this State and the United States; provided, however, that it shall impose no taxes on the bonds of the said town.

(4) To impose special or local assessments for local improvements and enforce the payment thereof, subject to such limitations as may be prescribed by the Constitution and laws of this State, as may be in force at the time of the imposition of such special or local assessments.

(5) To contract debts in the name of and for the use of the town and make and issue, or cause to be made and issued, as evidence thereof, bonds, notes or other obligations, within the limitations prescribed by the Constitution and laws of this State concerning bonds issued by towns, upon credit of the town, or solely upon the credit of specific property owned by the town or solely upon the credit of income derived from property used in connection with any public utility owned and operated by the town.

(6) To borrow money temporarily, pending the issuance and sale of any bonds, notes or other obligations authorized by this charter, or in anticipation of the receipt of taxes and revenue of the current fiscal year, and to issue notes or other evidences of indebtedness therefor, and from time to time to renew such temporary loans or to use current funds to be ultimately repaid from the proceeds of said bonds, notes or other obligations, or from the town taxes and revenues, as the case may be.

(7) To expend the money of the town for all lawful purposes.

(8) To levy a tax or a license on any slot machine or similar device of any kind, whether a license may be required therefor by the State or not, and may, if permitted by general law, exceed the State license, if any be required, and may provide penalties for any violation thereof.

(9) 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.

(10) To impose licenses by ordinance upon 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 prohibited by general law, whether or not a license may be required therefor by the State. The fee for such license may exceed the State license fee if any be required.

(11) Licenses may also be imposed upon and a fee therefor 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.

(12) For every license issued or transferred under this charter, there may be prescribed by ordinance a reasonable charge or fee, for issuing or transferring the same. Such charges or fees shall be paid into the town treasury.

(13) A lien shall exist on all real estate within the corporate limits for taxes, levies, penalties 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 penalties and procedure for collecting such taxes and for selling real estate for town taxes shall be the same as provided by the general laws of this Commonwealth. The council shall have the benefit of all other remedies for the collection of town taxes which are now, or may hereafter be permitted under the general law of the State, including the power to distrain goods and chattels for failure to pay taxes levied thereon. (1948, c. 446)

ARTICLE V PROPERTY

§ 1. The town council shall have the following powers:

(1) To acquire by purchase, gift, devise, condemnation, or otherwise, property, real or personal, or any estate therein within or without the town, for any purpose of the town, and to hold, improve, sell, lease, mortgage, or pledge, or otherwise dispose of the same or any part thereof, including any property now owned by the town.

(2) To acquire by gift, purchase, exchange or by the exercise of the power of eminent domain within this State, lands, or any interest or estate in lands, rock quarries, gravel pits, sandpits, water and water rights, and the necessary roadways thereto, either within or without the town, and to acquire and install machinery and equipment and build the necessary roads or trainways thereto, and to operate the same for producing material required for any and all purposes of the town.

(3) To acquire and operate parks, playgrounds, and public grounds within or without the corporate limits of the town, and to place on the same either within or without the town, stadia, swimming pools, recreation and amusement buildings, structures or enclosures of every character, and charge admission thereto, and to rent out or lease the privileges of the same.

(4) To acquire by condemnation, purchase or otherwise, provide for, maintain, operate and protect aircraft landing fields either within or without the corporate limits of the town.

(5) To acquire in any lawful manner, for the purpose of encouraging commerce and manufacture, lands within or without the town, not exceeding at any one time five hundred acres in the aggregate, and from time to time sell or lease the same or any part thereof for industrial or commercial use and purposes, irrespective of the consideration paid for such lease or sale.

(6) To construct, purchase, maintain, regulate and operate public improvements of all kinds, including municipal and other buildings, armories, sewage disposal plants, jails, comfort stations, markets and all buildings and structures necessary or appropriate for the use and proper operation of various departments of the town and to acquire by condemnation or otherwise all lands, riparian and other rights and easements necessary for such improvements, or any of them, and, either within or without the town to construct, maintain, or aid therein, roads and bridges to any property owned by the said town, and situated beyond the corporate limits thereof, and to acquire land necessary for the aforesaid uses by condemnation or otherwise.

(7) To provide in or near the town land to be used as burial places for the dead, to improve and care for the same and the approaches thereto, and to charge for and regulate the use of the ground therein, to cooperate with any nonprofit corporation or association in the improvements and care of burial places and approaches thereto; and to provide for the perpetual upkeep and care of any plot or burial lot therein, the town is authorized to take and receive sums of money by gift, bequest, or otherwise, to be kept and invested, and the income thereof used in and about the perpetual upkeep and care of the said lot or plot for which the said donation, gift, or bequest has been made. And all acts of the said town in accepting from any cemetery company, society or corporation such land to be used as a burial place for the dead, whether the land has been heretofore used or not, as well as all contracts and agreements made with any person or persons for perpetual care and maintenance, are hereby declared valid. (1948, c. 446)

ARTICLE VI UTILITIES

§ 1. The town council shall have the following powers:

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

(2) To own, operate and maintain water works and to acquire in any lawful manner in any county of the State, 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 piping and conducting the same; to lay, erect and maintain all necessary mains and sewer lines, either within or without the corporate limits of the town, and to require abutting property owners within such corporate limits to connect therewith, for the distribution of water to its customers and consumers, both within and without the corporate limits of the town, and to charge and collect water rents therefor; to

erect and maintain all necessary dams, pumping stations and other works in connection therewith; to make reasonable rules and regulations 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 land comprised within the limits of the watershed, tributary to any such water supply wherever such lands may be located in 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.

(3) To establish, construct, and maintain sanitary sewers, sewer lines and systems, and to require abutting property owners to connect therewith; to establish, construct, maintain, and operate sewage disposal plants, and to acquire by condemnation or otherwise, within or without the town limits, all land, rights-of-way, riparian and other rights and easements necessary for said purposes, and to charge and assess and collect reasonable fees, rentals, assessments or costs of service for connecting with and using the same.

(4) To charge and collect fees for permits to use public facilities and for public services and privileges; and to have the right and power to charge for any service rendered or convenience furnished to those residing without the corporate limits different from the rates charged for similar services or conveniences to those residing within the corporate limits.

(5) To collect and dispose of sewage, offal, ashes, garbage, carcasses of dead animals, and other refuse, and make reasonable charges therefor; to acquire and operate reduction or any other plants for utilization and disposal of such material; to contract for or regulate the collection and disposal thereof; and to require the collection and disposal thereof, and to acquire land within or without the town for said purpose.

(6) To establish, impose and enforce the collection of water and sewage rates, and rates and charges for public utilities, or other services, products, or conveniences, operated, rented, or furnished by the town; and to assess, or cause to be assessed, after reasonable notice to the owner or owners, water and sewage rates and charge directly against the owner or owners of the building, or against the proper tenant or tenants; and may by ordinance require a deposit of such reasonable amount as it may prescribe before furnishing such service either to owner or tenant.

(7) To grant franchises for public utilities in accordance with the provisions of the Constitution and general laws; provided, however, the town shall at any time have the power to construct, own, operate, manage, sell, encumber, or otherwise dispose of, either within or without the town, any and all public utilities for the town, and to sell the services thereof any existing franchises to the contrary notwithstanding.

(8) To regulate, permit or prohibit poles and wires for electric, telephone, and telegraph purposes erected or to be erected and gas pipes to be laid in the streets and alleys of the town; to require the owner or lessee of an electric light, telephone, or telegraph pole, or poles, or wires, now in use or hereafter erected, to change the location of or move the same. (1948, c. 446)

ARTICLE VII STREETS

§ 1. The town council shall have the following powers:

(1) The town shall have the power to acquire, establish, enter, open, widen, extend, grade, improve, construct, maintain, and clear public highways, streets, sidewalks, boulevards, parkways, alleys, and to alter, vacate, or close the same; to establish and maintain parks, golf courses, playgrounds and public grounds and to keep them lighted and in good order; to construct, maintain and operate bridges, viaducts, subways, tunnels, sewers and drains, and to regulate the use of all such highways, parks, public grounds and works; to plant and maintain or remove shade trees along the streets and upon such public grounds; to prevent the obstruction of such streets, alleys and highways, to regulate the operation and speed of cars and vehicles within the streets and highways within the town; and to do all other things whatsoever adapted to make the streets and highways safe, convenient and attractive.

(2) To give names to or alter the names of the streets. (1948, c. 446)

ARTICLE VIII

BUILDING REGULATIONS

§ 1. The town council shall have the following powers:

(1) To regulate the size, height, materials and construction of buildings, fences, walls, retaining walls and other structures hereafter erected in such manner as the public safety and convenience 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 become dangerous to life or property, or which may be erected contrary to law.

(2) To provide for regular and safe construction of houses in the town for the future and to provide a building code for the town; to provide setback lines on the streets beyond which no buildings may be constructed if permitted by general law; to require the standard of all dwelling houses to be maintained in residential sections in keeping with the majority of residences therein, and if permitted by general law to require the standard of all business houses to be maintained in business sections in keeping with the majority of the business houses therein.

(3) To make and adopt a comprehensive plan for the town and to that end all plats and replats hereafter made subdividing any land within the town, or within one mile thereof, into streets, alleys, roads and lots or tracts, shall be submitted to and approved by the council before such plats or replats are filed for record, or recorded, in the office of the clerk of Richmond County, Virginia.

(4) To issue, or refuse (in case of noncompliance with the building requirements of the town) to issue, permits for the construction of buildings, fences, walls and other structures in the said town; and any person, firm or corporation failing to secure such permit prior to the beginning of said construction or other work shall be deemed guilty of a misdemeanor and punished as hereinbefore provided. (1948, c. 446)

ARTICLE IX

ADDITIONAL POWERS

§ 1. (1948, c. 446; repealed 1982, c. 148)

ARTICLE IXA

ADDITIONAL POWERS

§ 1. In addition to powers conferred by the Constitution, general laws and elsewhere in this charter, the town shall have the following powers:

1. To establish, regulate, and finance a fire department;
2. To establish, regulate, and finance a police department; and
3. To have and exercise 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 of 1950. (1982, c. 148)

ARTICLE X

ACTIONS AGAINST TOWN

§ 1. (1) No actions shall be maintained against the town for damages for any injury to any person or property alleged to have been sustained by reason of the negligence of the town or any officer, agent, or employee thereof, unless a written statement of the claimant, his agent, or attorney, or the personal representative of any decedent whose death is a result of the alleged negligence of the town, its officers, agents or employees, of the nature of the claim and the time and place at which the injury is alleged to have occurred or to have been received, shall have been filed with the mayor or any attorney appointed by the council for the purpose within sixty days after such cause of action shall have occurred, 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 officers, agents, or employees of the town shall have authority to waive such conditions precedent or any of them. (1948, c. 446)

ARTICLE XI

MISCELLANEOUS

§ 1. (1) If any clause, sentence, paragraph, or part of this act shall for any reason be adjudged by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of the act, but shall be confined in its operation to the part of the act directly involved in the controversy in which the judgment shall have been rendered.

(2) This act may be referred to or cited as the Warsaw Charter of 1948. (1948, c. 446)