

DENDRON, TOWN OF
County of Surry.

Incorporation and charter, 1906, c. 265; repealed 1968, c. 472.

Charter, 1968, c. 472.

Amended 1973, c. 41 (§§ 3-2, 3-3, 3-7, 5-1, 7-1).

Editor's note: The 1968 charter did not create sections beginning with 6-.

ARTICLE I
CREATION

§ 1-1: INCORPORATION: The inhabitants of the territory comprised within the limits of the town of Dendron, as the same are now or may hereafter be established by law, shall continue to be a body politic and corporate under the name of the town of Dendron and as such shall have perpetual succession, may sue and be sued, contract and be contracted with, and may have a corporate seal which it may alter at its pleasure. (1968, c. 472)

§ 1-2: BOUNDARIES: The boundaries of the town shall be the boundaries of the town of Dendron, its predecessor as established by Chapter 265, Acts of Assembly of 1906, approved March 15, 1906. (1968, c. 472)

ARTICLE II
CORPORATE POWERS

§ 2-1: GENERAL POWERS: The town of Dendron shall have and may exercise all powers which are now or may hereafter be conferred upon or delegated to cities and towns under the Constitution and Laws of the Commonwealth, and all other powers pertinent to the conduct of municipal government, the exercise of which is not prohibited by the Constitution and laws of the Commonwealth, and which in the opinion of the council are necessary to promote the general welfare of the inhabitants of the town. The powers set forth in §§ 15.1-887 through 15.1-915 of the Code of Virginia as in force on January 1, 1968, are hereby conferred on and vested in the town of Dendron. It is intended that the town shall possess all powers which, under the Constitution, it would be competent for this charter to enumerate specifically, and no enumeration of particular powers shall be held to be exclusive, but in addition to this general grant.

The powers which are now or may hereafter be conferred upon or delegated to the town under the Constitution and laws of the Commonwealth and this charter shall be construed liberally when such powers are exercised by the town and in case of doubt as to the existence of a power such doubt shall be resolved in favor of the town. (1968, c. 472)

§ 2-2: FINANCIAL POWERS: The town of Dendron shall have the power to raise annually by taxes and assessments in said town such sums of money as the council thereof shall deem necessary for the purposes of the town, and in such manner as the council may deem expedient in accordance with the Constitution and general laws of the Commonwealth and of the United States, and to expend the money of said town for all lawful purposes. (1968, c. 472)

§ 2-3: SPECIAL ASSESSMENTS: The town of Dendron shall have the power to impose special or local assessments for local improvements and to enforce the payment thereof, subject to the limitations prescribed by the Constitution and laws of the

Commonwealth as may be in force at the time of the imposition of such special or local assessments. (1968, c. 472)

§ 2-4: **BORROWING POWER:** The town of Dendron may incur indebtedness by issuing its negotiable bonds and notes for the purposes and in the manner provided in the Constitution and general laws of the Commonwealth. No bonds shall be issued by the town except by ordinance adopted by a majority of all members of the council and approved by the affirmative vote of a majority of the voters of the town voting in the election. (1968, c. 472)

§ 2-5: **EMINENT DOMAIN:** The town of Dendron is hereby empowered to acquire by condemnation or otherwise, property, real or personal, or any interest or estate therein, either within or without its corporate limits, for any of its proper purposes, and may sell, lease, manage, and control such property as its interests require, and in such manner as council deems expedient. (1968, c. 472)

§ 2-6: **ORDINANCES:** The town of Dendron shall have the power to enact and enforce ordinances to carry into effect all powers granted by this charter. (1968, c. 472)

ARTICLE III THE COUNCIL

§ 3-1: **COMPOSITION:** The town of Dendron shall be governed by a town council which shall be composed of six members who shall be qualified voters of the town. (1968, c. 472)

§ 3-2: **ELECTION:** The members of the council in office at the effective date of this charter are hereby continued in office for the terms for which they were elected. On the first Tuesday in May, 1974, there shall be elected six councilmen from the town at large, to be held at such place in said town as may be designated by the council of the town; and biennially thereafter there shall be held an election of a mayor and six councilmen of the said town on the first Tuesday in May at such place and under such rules and regulations and subject to such provisions as the council may prescribe.

The term of office of the mayor and councilmen to be elected as provided in the preceding section of this act shall be for two years from the first day of July next succeeding their election, and until their successors have been duly elected and qualified. (1968, c. 472; 1973, c. 41)

§ 3-3: **TERM:** All councilmen shall take office on the first day of July next following their election. (1968, c. 472; 1973, c. 41)

§ 3-4: **COMPENSATION:** The council may by ordinance authorize the payment of an annual salary to councilmen, subject to such limitations as may be imposed by the general laws of the Commonwealth. (1968, c. 472)

§ 3-5: **VACANCIES:** Vacancies on the council shall be filled for the unexpired portion of the term by a majority vote of the remaining members of the council. (1968, c. 472)

§ 3-6: **POWERS:** All powers of the town of Dendron as a body politic and corporate shall be vested in the town council. (1968, c. 472)

§ 3-7: **VICE MAYOR:** The council shall at its first meeting in July, 1974, and every second year thereafter, elect from its membership a vice mayor, who shall serve as mayor whenever the mayor is ill, absent or otherwise unable to discharge the duties of his office. (1968, c. 472; 1973, c. 41)

§ 3-8: TOWN ATTORNEY: The council may appoint a town attorney whose term of appointment, duties, and compensation shall be prescribed by the council. (1968, c. 472)

§ 3-9: CLERK: The council shall appoint a clerk whose term of appointment, duties, and compensation shall be prescribed by the council. (1968, c. 472)

§ 3-10: SERGEANT: The council shall appoint a sergeant whose term of appointment, duties, and compensation shall be prescribed by the council. (1968, c. 472)

§ 3-11: TREASURER: The council shall appoint a treasurer whose term of appointment, duties, and compensation shall be prescribed by the council. (1968, c. 472)

ARTICLE IV PROCEDURES

§ 4-1: REGULAR MEETINGS: The council shall meet in regular session at least once each month. (1968, c. 472)

§ 4-2: SPECIAL MEETINGS: The council shall provide for the calling of special meetings by the mayor or vice mayor, or any four members of the council, and shall prescribe the method of giving notice thereof, provided such notice shall contain a statement of the specific item or items of business to be transacted, and no other business shall be transacted at such meetings except by the unanimous consent of all the members of council; provided, however, that a special meeting may be held at any time without notice if all members of the council attend said meeting or waive notice thereof. (1968, c. 472)

§ 4-3: QUORUM: A majority of the members of the council shall constitute a quorum for the transaction of business. (1968, c. 472)

§ 4-4: OPEN MEETINGS: No ordinance, resolution, motion or vote shall be adopted by the council except at a meeting open to the public and unless it shall have received the affirmative votes of the majority of the members present. (1968, c. 472)

§ 4-5: VOTING: No vote shall be reconsidered or rescinded at any special meeting unless at such special meeting there are present as large a number of members as were present when such vote was taken. (1968, c. 472)

§ 4-6: CONFLICT OF INTEREST: No member of the council shall participate in the vote on any ordinance, resolution, motion, or other proceeding in which he, or any person, firm, or corporation for which he is attorney, officer, director, employee, or agent has a financial interest other than as a minority stockholder of a corporation or as a citizen of the town. (1968, c. 472)

ARTICLE V THE MAYOR

§ 5-1. ELECTION AND TERM: On the first Tuesday in May, 1974, and every two years thereafter, there shall be elected from the town at large a mayor, who shall be a qualified voter of the town and who shall serve for a term of two years. (1968, c. 472; 1973, c. 41)

§ 5-2: DUTIES: The mayor shall preside over the meetings of the council and shall have the same right to speak therein as councilmen, however, he shall not have the right to vote except in the case of a tie, in which event he shall be entitled to cast one vote. He shall be recognized as the head of the town government for all ceremonial purposes, the purposes of military law and the service of civil process. He shall have jurisdiction to try all violations of town ordinances, and inflict such punishment and

impose such fines as may be prescribed for a violation of the same. The mayor shall, by virtue of his office, possess all the jurisdiction and exercise all the power and authority of a justice of the peace in civil and criminal cases arising in said town, or within one mile of the corporate limits thereof. (1968, c. 472)

§ 5-3: COMPENSATION: The council may by ordinance authorize the payment of an annual salary to the mayor, subject to such limitations as may be imposed by the general laws of the Commonwealth. (1968, c. 472)

ARTICLE VI

FINANCIAL ADMINISTRATION

§ 7-1. FISCAL YEAR: The fiscal year for the town of Dendron shall begin on July 1 and end on June 30 of the following year. (1968, c. 472; 1973, c. 41)

§ 7-2: BUDGET: There shall be prepared and submitted to the council a budget presenting a financial plan for conducting the affairs of the town for the ensuing fiscal year. Such budget shall be set up in the manner provided by law and shall include such information as the council by ordinance or resolution may require. Hearings on the budget shall be held and notice thereof given and the budget adopted in accordance with the general laws of the Commonwealth, provided that the tax levy for each fiscal year shall be made, and the budget for each fiscal year shall be adopted prior to the first day of the fiscal year for which made or adopted. (1968, c. 472)

ARTICLE VII

POST AUDIT

§ 8-1: ANNUAL AUDIT: After the close of each fiscal year, the council shall cause to be made an independent audit of the accounts, books, records and financial transactions of the town by an independent accountant to be selected by the council. The report of such audit shall be filed within such time as the council shall specify and one copy thereof shall be always available for public inspection. (1968, c. 472)

ARTICLE VIII

CONTINUATION AND REPEAL PROVISIONS

§ 9-1: REPEAL OF FORMER CHARTER: All former charters and amendments thereto for the town of Dendron, Virginia, are hereby repealed. (1968, c. 472)

§ 9-2: SUCCESSION TO RIGHTS AND DUTIES: The town of Dendron shall succeed to all the rights, duties, obligations, and contracts of the former town of Dendron, Virginia. (1968, c. 472)

§ 9-3: ORDINANCES SHALL REMAIN IN FORCE: All ordinances of the former town of Dendron not inconsistent with this charter shall remain in full force and effect until amended or repealed by the town council. (1968, c. 472)

§ 9-4: CONTINUITY OF TERMS OF OFFICERS: The officers of the town of Dendron who were in office immediately prior to the adoption of this charter shall remain in office until the expiration of their several terms and until their successors have been duly elected and qualified. (1968, c. 472)

§ 9-5: SAVING CLAUSE: In the event that any portion, section, or provision of this charter shall be declared illegal, invalid, or unconstitutional by final judgment of any court of competent jurisdiction such judgment shall not invalidate any other portion, section, or provision hereof, but all parts of this charter not expressly held to be invalid shall remain in full force and effect. (1968, c. 472)