

BOYDTON, TOWN OF
Located in County of Mecklenburg
Town established in 1811-12 by an Act of Assembly.
Incorporated by Act of Assembly, 1874.

Charter revived and amended 1833-34, c. 222.

Charter to incorporate 1874, c. 114; repealed 1958, c. 567.

Charter, 1874, all amended in 1914.

Charter, 1958, c. 567.

Amended 1991, c. 17 (§ 3).

§ 1. The inhabitants of the territory embraced within the present limits of the town of Boydton, as hereinafter defined, or as the same may be hereafter altered or established by law, shall constitute and continue a body politic and corporate, to be known and designated as the town of Boydton, and as such shall have and may exercise all powers which are now, or may hereafter be, conferred upon or delegated to towns under the Constitution and laws of the Commonwealth of Virginia as fully and as completely as though all such powers were specifically enumerated herein. (1958, c. 567)

§ 2. The administration and government of the town shall be vested in one principal officer styled the mayor, and six councilmen, all of whom shall be residents and qualified voters of the town. Each councilman may receive a salary for his services as such, the amount thereof to be fixed by the council. (1958, c. 567)

§ 3. The mayor and three councilmen shall be elected by the qualified voters of the town on the first Tuesday in May 1994, and every two years thereafter, in the manner prescribed by law. The mayor shall be elected for a two-year term and the councilmen shall be elected for staggered four-year terms. Vacancies in the offices of mayor or councilmen shall be filled by the council for the unexpired terms. The present mayor and councilmen shall continue in office until the expiration of the terms for which they were respectively elected.

To provide for the staggered election of councilmen, at the general election held in May 1992, a mayor and six councilmen shall be elected. The mayor shall be elected for a two-year term and the three councilmen receiving the highest number of votes shall be elected to serve four-year terms. The remaining three councilmen shall be elected to serve two-year terms. Thereafter, all councilmen shall be elected for four-year terms. (1958, c. 567; 1991, c. 17)

§ 4. The council shall, by ordinance, fix the time for its regular meetings. Special meetings shall be called by the clerk of the council upon the written request of the mayor or any three councilmen. At least twelve hours' written notice shall be given to the other members of the council, of the purpose, place and time of any such special meeting. Special meetings may also be held at any time without notice, provided all members of the council are present. No business shall be transacted at any such special meeting which is not stated in the notice calling the same, unless all members of the council attend the meeting or waive notice thereof. (1958, c. 567)

§ 5. The council may appoint a clerk, a commissioner of the revenue, and a treasurer, and may appoint a town attorney and such other officers and create such boards

and departments as it deems necessary or proper, and define their duties and functions. Such officers so appointed shall hold office during the pleasure of the council, shall give such bonds as the council requires, and shall receive such compensation as the council prescribes. The same person may hold two or more of such offices, in the discretion of the council. (1958, c. 567)

§ 6. The council may appoint a sergeant who shall qualify as provided by law, and give bond in such amount as the council requires. The sergeant shall be a conservator of the peace, and shall have the same powers and perform the same duties within the corporate limits of the town and to a distance of one mile beyond the same, as were formerly had and performed by constables. He shall perform such other duties and receive such compensation as the council prescribes, and shall hold office during the pleasure of the council. (1958, c. 567)

§ 7. The mayor shall be a conservator of the peace, and shall, unless and until a police justice is appointed as hereinafter provided, have power to issue warrants and summon witnesses, and exclusive original jurisdiction to try cases involving violations of town ordinances, or the collection of town taxes or assessments, or any other form of debts owing to the town, and shall have like powers in the matter of collecting fines and costs imposed by him, as are vested by law in trial justices. The fees and costs in connection with such cases shall be the same as are authorized by law to be charged, taxed and collected by trial justices for similar services, and such fees, and all fines collected by the mayor shall be promptly paid by him into the town treasury, unless the council by ordinance directs some other disposition thereof; provided that the council may, at any time it deems the same expedient, appoint a police justice for the town, who shall be a resident and qualified voter of the town, shall give such bond as the council requires, shall serve during the pleasure of the council, and shall receive such compensation as the council prescribes.

In the event of the appointment of such police justice, he shall have, during such time as he serves, and to the exclusion of the mayor, the same powers and jurisdiction as are hereinabove conferred upon and vested in the mayor, and shall exercise the same in like manner as they are above authorized and directed to be exercised by the mayor. (1958, c. 567)

§ 8. In addition to, and supplementary of the powers conferred upon towns and town councils by general law, the town of Boynton and its council shall have the powers set forth in the following sections of this charter. (1958, c. 567)

§ 9. The town is empowered to acquire, establish, enlarge, maintain and operate such water works and systems as the council deems necessary for the purpose of providing an adequate supply of water to consumers within the corporate limits of the town and within such adjacent territory as the council deems it expedient or proper to serve, at such rates as the council prescribes.

The council may discontinue serving water to any consumer who defaults in payment for such service within the time prescribed by the council for the payment thereof, for so long as such default continues. (1958, c. 567)

§ 10. The town is empowered to establish, construct, enlarge, and maintain such sanitary sewer lines and systems as the council deems necessary or expedient, and to require owners or occupiers of real estate within the corporate limits of the town, which fronts or abuts on any such sewer line, to make connection with and use the same; and

shall have power to assess and collect reasonable fees and rates for making sewer connections and for sewer service, of the reasonableness of which, the council shall be the sole judge; and sewer service may be discontinued for default in payment for such service within the time prescribed by the council for payment thereof, for so long as such default continues.

The town is empowered to acquire by condemnation or otherwise, such properties or interests or estate therein, either within or without its corporate limits, as the council deems necessary for the purpose of establishing, enlarging, maintaining or operating any such sewer line or lines. (1958, c. 567)

§ 11. The town is 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, including that of providing playgrounds, parks, golf courses and other recreational facilities, and to make reasonable charges for the use of such facilities, and to otherwise handle and deal with such properties in such manner as the council deems proper or expedient; and shall have power to acquire by condemnation or otherwise, rights of way from the town to any property acquired by it under any of the provisions of this charter, which lies without its corporate limits, and to construct and maintain upon such rights of way, such roads or bridges as may reasonably necessary for the full enjoyment thereof; provided, however, that the provisions of § 25-233 of the Code of Virginia, 1950, shall apply to any property owned by a corporation possessing the power of eminent domain that may be sought to be taken by condemnation under the provisions of this chapter; and shall also have power to sell such properties or any of them, or any other property owned by the town, whenever the council deems it expedient to do so. (1958, c. 567)

§ 12. In so far as not expressly prohibited by general law, the town is empowered (a) to control and regulate the operation upon its streets and alleys, of motor vehicles carrying passengers or freight for hire, and to require the owners or operators of such carriers to provide and maintain within the town, suitable terminals for the convenient loading and unloading of passengers and freight; (b) to regulate the fares to be charged by operators of taxicabs or other motor vehicles operating from established stands within the town, for carrying passengers within its corporate limits, and to require that the drivers of such vehicles be of such moral character as meets with the approval of the council; and (c) to prescribe rules and regulations with respect to motor traffic of all kinds, within the town, and the parking of motor vehicles on its streets and alleys. (1958, c. 567)

§ 13. The town is empowered (a) to regulate the holding of shows, carnivals, fairs and other similar public exhibitions, or to prohibit the holding of same, or any of them, within its corporate limits or within one mile thereof; (b) except as prohibited by general law, to require licenses, prohibit the conduct of any business or profession without such a license, require taxes to be paid on such licenses in respect of all businesses and professions which cannot, in the opinion of the council, be reached by the ad valorem system; and to require licenses of owners of vehicles of all kinds for the privilege of using the streets, alleys and other public places in the town, require taxes to be paid on such licenses and prohibit the use of streets, alleys and other public places in the town without such licenses. (1958, c. 567)

§ 14. The town is empowered to levy taxes upon all subjects of taxation in the town, the taxation of which by towns is not prohibited by general law; to collect the same in the same manner as State taxes are collected; and to expend the revenues so raised for any lawful purpose. The fiscal year of the town shall begin on September one and close on August thirty-one. (1958, c. 567)

§ 15. The town is empowered (a) to provide a building code for the town; to provide for the orderly and safe construction of houses and other buildings; to prescribe setback lines on designated streets; to designate standards to be observed in the construction of dwellings and business houses on designated streets and in designated sections; and (b) to adopt a comprehensive plan concerning the subdivision of lands within the corporate limits of the town or within two miles thereof; to require that plats of all such subdivisions shall, after having been approved by the council as hereinafter provided, be recorded in the clerk's office of Mecklenburg County; and the term "subdivision," when and as used in this charter, means the division of a tract of land into five or more lots, with appropriate streets and alleys, and with the intention on the part of the owner of the land, of developing the same, or making it available for development by others, for residential and business purposes. (1958, c. 567)

§ 16. The town is empowered (a) to prohibit, and to punish for mischievous or wanton damage to school property or any other property, either public or private, within the town; (b) to prohibit minors from frequenting or loitering in public pool rooms, billiard parlors or bowling alleys, and prescribe punishment therefor, and to punish the proprietors of such places, or their agents in charge, for permitting the same; (c) to compel persons sentenced to confinement in jail for violations of town ordinances, to work on the streets or other public places of the town. (1958, c. 567)

§ 17. The town is empowered to prohibit encroachments upon the streets or alleys, or upon parks or other public places of the town by any fence, building, porch, or other projection, and to require the removal of any such encroachment heretofore or hereafter made, unless made with the consent and approval of the council, and to punish for any such encroachment hereafter made without such consent first obtained; and any such encroachment made without such consent shall be deemed a nuisance, of which the town may compel the abatement and removal by and through appropriate court action or proceeding, against which right of the town, no statute of limitation shall run. (1958, c. 567)

§ 18. The town is empowered to permit and regulate, or to prohibit, the erection of poles and wires for electric, telegraph or telephone service or the laying of any kinds of pipes in the streets or alleys of the town, and to prescribe, assess and collect annual or other periodical charges for the doing of any such things under permits hereafter granted; and the power to require the owners or operators of any such electric light, telephone or telegraph lines to change the location of any of their poles whenever the council deems any such change expedient; and to require all wires or cables carrying electric current, whether heretofore or hereafter installed, to be placed in suitable conduits, underground, in the discretion of the council; provided that none of the powers above enumerated shall be exercised in a manner inconsistent with the provisions of any franchise granted by the town. (1958, c. 567)

§ 19. The town is empowered to exercise all such police powers as the council deems reasonably necessary for the promotion and protection of the health, morals and

safety of the inhabitants of the town, for the protection of the property of the town and its inhabitants, for the preservation of peace and good order, and for the general welfare; and the council is empowered to make ordinances and by-laws for the purpose of carrying into effect the enumerated powers conferred upon the town by this charter, including police powers, and to prescribe punishments for violations thereof, provided that no such punishment shall exceed the maximum punishment prescribed by general law for a misdemeanor; and provided further, that all ordinances, by-laws and resolutions made and adopted by the council shall become effective thirty days after their passage, unless a different date is specified in any such ordinance, by-laws or resolution, upon which the same shall become effective. (1958, c. 567)

§ 20. (a) The council may appoint a town manager who shall be the chief administrative officer of the town and shall be chosen solely on the basis of his executive and administrative qualifications, and shall have some knowledge of civil, mechanical and electrical engineering. He shall be appointed for such term as he and the council agree upon, not to exceed two years, but in any event, to end with the term of the council making the appointment. The town manager may be suspended or removed by the council for any cause it deems sufficient, provided that no order of suspension or removal shall be made until after he shall have been given at least five days' notice in writing, stating the cause for such suspension or removal and fixing a day when he may be heard thereon. The action of the council, suspending or removing the town manager, shall be final. The council may place the control and supervision of the police force of the town under either the mayor or the town manager.

(b) Except as otherwise provided in this charter, the town manager may, with the consent of the council, appoint or employ, and remove or discharge, such officers, employees and assistants as he deems necessary to carry on the work of such departments of the town as are committed to him by the council, in all their respective details, in an economical and satisfactory manner. The salary or compensation, and the terms of office or employment of such officers, employees and assistants shall be fixed by the town manager, subject to approval by the council; and his actions in all respects shall be subject to review by the council, and he shall be accountable to the council only. (1958, c. 567)

§ 21. No plat of any subdivision within the corporate limits of the town or within two miles thereof shall be recorded in the clerk's office of Mecklenburg County unless and until it shall have been approved by the council, and the council shall not approve any plat of any such subdivision unless the streets, alleys or other roadways provided for therein are of such widths and grades and are so located as to, in the opinion of the council, meet the probable traffic needs in the reasonably near future. Before approving any such plat, the council may, in its discretion, require the owner of the land so subdivided to enter into an agreement in writing, and to give satisfactory security for the performance thereof, to the effect that he will, when and as the same becomes necessary, grade and surface the streets, alleys or roadways shown thereon, in such manner as to meet with the approval of the council.

The approval of any such plat by the council shall not be construed or held to impose any obligation upon the town to grade or surface such streets, alleys, or roadways unless and until the same is, in the opinion of the council, for the best interest and general welfare of the town and its inhabitants. (1958, c. 567)

§ 22. All ordinances now in force in the town of Boydton, not inconsistent with this charter, shall be and remain in full force and effect until altered, amended or repealed by the council of the town, after the effective date of this act. (1958, c. 567)