

BUCHANAN, TOWN OF
Located in County of Botetourt.
Town established, 1811-12.
Buchanan incorporated and combined
with the Town of Pattonsburg, 1881-1882.

Charter, 1833, c. 197; repealed 1882, c. 27.
Charter, 1881-82, c. 27; repealed 1898, c. 964.
Charter, 1898, c. 964; repealed 1972, c. 263.
Charter, 1972, c. 263; repealed 1992, c. 29.
Charter, 1992, c. 29.

Chapter 1.

Incorporation and Boundaries.

§ 1.1. Incorporation.--The inhabitants of the territory comprised within the present limits of the Town of Buchanan as such limitations are now, or may hereafter be altered and established by law, shall constitute and be a body politic and corporate, to be known and designated as the Town of Buchanan, and as such shall have perpetual succession, may sue and be sued, plead 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. (1992, c. 29)

§ 1.2. Boundaries.--The territory embraced within the Town of Buchanan is that territory in the County of Botetourt, Virginia, as set forth in Chancery Order Book 42, at Pages 451, 452 and 453, in the Clerk's Office of the Circuit Court for Botetourt County, Virginia. (1992, c. 29)

Chapter 2.

Powers.

§ 2.1. The Town of Buchanan shall have all powers that may be conferred upon or delegated to towns under the Constitution and laws of the Commonwealth of Virginia, including, but not limited to, those powers set forth in §§15.1-837 through 15.1-907 of the Code of Virginia, as amended. (1992, c. 29)

Chapter 3.

Council Generally; Mayor;
Vice-Mayor; Powers and Duties.

§ 3.1. Legislative powers in council.--The legislative powers of the municipality shall be vested in a council, consisting of seven members, one of whom in addition shall be the mayor. (1992, c. 29)

§ 3.2. Town council: composition, terms of office.--Each member of council shall be an elector of the municipality.

The council of the Town of Buchanan shall be elected from the town at large. Councilmen shall serve for terms of two years. (1992, c. 29)

§ 3.3. Election of council: term of office, mayor and vice-mayor.--On the first Tuesday in May, 1992, and every two years thereafter, there shall be elected by the qualified voters of the town, six electors who shall be denominated councilmen. In addition thereto, the qualified voters shall elect an additional elector who shall be denominated mayor. They shall enter upon the duties of their offices on the first day of

July next succeeding their election. Council shall elect from their numbers one who shall be denominated vice-mayor, who shall serve in the absence of the mayor. (1992, c. 29)

§ 3.4. Duties of mayor.--The mayor shall preside at all meetings of the council, and shall be a regular member of council. The mayor shall be recognized as the head of the municipal government for all ceremonial purposes, the purpose of military law and the service of civil process. The mayor shall authenticate by his signature such documents and instruments as the council, Constitution, or general laws require. The mayor shall be the chief executive officer of the town, unless and until a manager is appointed as hereafter provided. (1992, c. 29)

§ 3.5. Meetings of council.--Council shall hold at least one regular meeting each month of each calendar year. All meetings of the council shall be public meetings except as provided for by § 2.1-340 et seq. of the Code of Virginia. No official action shall be taken by the council in executive session. Council may by ordinance adopt such rules as it may deem proper for the regulation of its proceedings, the time of its meetings, and the calling of special meetings. (1992, c. 29)

§ 3.6. Vacancies in office of councilmen or mayor.--Vacancies in the office of councilmen or mayor, for whatever cause, shall be filled for the unexpired portion of the term by majority vote of the remaining members of the council. If council shall fail to fill a vacancy within sixty days, such vacancy shall be filled by appointment of the judge of the Circuit Court for Botetourt County, Virginia, upon notice to the court by petition filed by the mayor or any councilman. (1992, c. 29)

Chapter 4.

Appointive Officers.

§ 4.1. Appointment and term of office.--The town council may appoint such officers of the town as they may from time to time deem necessary for the proper government thereof. Officers, deputies and assistants appointed by town council shall serve for a term of two years unless otherwise provided by this charter or by ordinance of the town council. Such terms shall commence upon appointment. The enumeration of officers hereinafter set forth in this chapter of this charter shall not be construed to require the appointment of any such officers herein named. The town council in its discretion may appoint the same person to more than one appointive office. Vacancies in appointive offices shall be filled by town council for the remainder of the unexpired term. (1992, c. 29)

§ 4.2. Duties; appointment of deputies and assistants.--The officers appointed by town council shall perform such duties as may be specified in this charter or as town council may designate. Town council may appoint such deputies and assistants to appointive offices as town council shall deem necessary. (1992, c. 29)

§ 4.3. Town manager.--There may be a town manager who shall be the executive officer of the town responsible to the town council for the proper administration of the town government. The town manager shall be appointed by council for an indefinite term. At the time of appointment, he need not be a resident of the town or of the Commonwealth, but during his tenure of office he shall reside within the town limits. (1992, c. 29)

§ 4.4. Duties.--The town manager shall:

1. Attend all meetings of town council with the right to speak but not to vote.
2. Advise town council of the financial condition and future needs of the town and of all matters pertaining to its proper administration and to make such recommendations as may seem to him requisite and proper.
3. Prepare and submit to town council the annual budget and be responsible for the administration of the budget as adopted.
4. Prepare in suitable form and submit to town council each year a comprehensive report of the financial transactions and administrative activities of the town government during the immediately preceding fiscal year.
5. Arrange for an annual audit by a certified public accountant previously approved by the town council.
6. Perform such other duties as may be prescribed by the general laws of the Commonwealth, required of him by town council or otherwise provided for by this charter.
7. Have the right to attend and participate, but not vote, in the proceedings of all boards, commissions or agencies created by this charter or by ordinance or by resolution of the town council. (1992, c. 29)

§ 4.5. Powers as to employees.--Except those officers and employees appointed by town council pursuant to this charter or the general laws of this Commonwealth, all officers and employees shall be appointed by and may be removed by the town manager, who shall report each appointment or removal to the town council at the next regular meeting thereof following such appointment or removal. (1992, c. 29)

§ 4.6. Acting town manager.--The town council shall designate by ordinance a person to act as town manager in the case of absence, incapacity, death or resignation of the town manager until his return to duty or the appointment of his successor. (1992, c. 29)

§ 4.7. Town clerk.--The town clerk shall be clerk of the town council and shall be responsible for maintaining the journal of its proceedings and recording all ordinances and resolutions in the book or books kept for that purpose. The town clerk shall be custodian of the town corporate seal and shall be the officer authorized to use and authenticate it. The town clerk shall perform such other duties and keep such other records as town council may require or the general laws of the Commonwealth may require. All records of the office of town clerk shall be public records and open to inspection at all times during regular business hours. (1992, c. 29)

§ 4.8. Town treasurer.--Town council shall appoint a municipal treasurer, who shall give such bond as may be prescribed by town council and perform such duties as may be prescribed by town council or prescribed by the general laws of this Commonwealth. (1992, c. 29)

Chapter 5. Miscellaneous.

§ 5.1. Eminent domain.--The powers of eminent domain as set forth in Title 15.1 and Title 25 of the Code of Virginia, as amended, are hereby conferred upon the Town of Buchanan. (1992, c. 29)

§ 5.2. Fiscal year.--The fiscal year of the town shall begin July one of each year and end June thirty of the following year. (1992, c. 29)

§ 5.3. Rates for services.--The town shall have the power and right to charge a different rate for any utility service rendered or convenience furnished without the corporate limits from the rates charged for similar services within the corporate limits. (1992, c. 29)

§ 5.4. Sale or lease of town utilities.--Neither town council nor any town officers or agents shall have the power or authority to sell, lease, rent or otherwise dispose of any public utility owned by the town except by the procedure provided for in the Constitution and general laws of the Commonwealth of Virginia. (1992, c. 29)

§ 5.5. Bonds of officers and employees.--Town council may require all or any officers and employees of the town to give bond for the faithful and proper discharge of their respective duties, whether such officers and employees be solely or partly paid by the town. Town council may authorize payment of premium on such bonds from town funds and may provide for individual surety bonds or for a bond covering all officers and employees or any group thereof. The bond shall be payable to the town, as its interest may appear, in event of breach of the conditions thereof. (1992, c. 29)

§ 5.6. Ordinances to continue in force.--All ordinances now in force in the Town of Buchanan and not inconsistent with the provisions of this charter shall be and remain in force until altered, amended or repealed by the town council. (1992, c. 29)

§ 5.7. Officers to continue.--The present elected officers of the town shall be and remain in office until expiration of their respective terms and until their respective successors have been duly elected and qualified. (1992, c. 29)

§ 5.8. Applicability of ordinances to lands outside of town.--All ordinances of the town so far as they are applicable shall apply on, in or to all lands, buildings and structures owned by or leased or rented to the town and located outside the town. (1992, c. 29)

§ 5.9. Appointment of commissioners of Redevelopment and Housing Authority.--The council of the Town of Buchanan shall appoint commissioners of the Redevelopment and Housing Authority in the number and pursuant to the terms and conditions set out in § 36-11 of the Code of Virginia as amended; however, any person who is an officer or employee of the Town of Buchanan, Virginia, may be appointed to serve as a commissioner of the Redevelopment and Housing Authority, or the council of the Town of Buchanan may, by majority vote of council, authorize the council of the Town of Buchanan to act as commissioners of the Redevelopment and Housing Authority of the Town of Buchanan, Virginia. (1992, c. 29)

§ 5.10. Continuation of privileges and property.--All the rights, privileges and property of the town heretofore acquired, now owned or enjoyed shall continue undiminished and remain vested in the Town of Buchanan. (1992, c. 29)

§ 5.11. Severability of provisions.--If any clause, sentence, paragraph or part of this charter shall for any reason be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this charter but shall be confined in its operation to the clause, sentence, paragraph or part thereof directly involved in the controversy in which such judgment shall have been rendered. (1992, c. 29)