

NEW CASTLE, TOWN OF
Located in County of Craig.
Incorporated by order of Circuit Court, September 1, 1911.

Charter, 1978, c. 30.

Amended 1992, c. 228 (§ 3.1)
2000, c. 158 (§ 4.8 [added])
2005, c. 617, 675 (§ 3.1).

CHAPTER 1.
INCORPORATION AND BOUNDARIES.

§ 1.1. INCORPORATION: The inhabitants of the territory comprised within the present limits of the town of New Castle, as such limits are now or may hereafter be altered and established by law, shall constitute and continue to be a body politic and corporate, to be known and designated as the town of New Castle, and as such 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. (1978, c. 30)

§ 1.2. BOUNDARIES: The boundaries of the town of New Castle shall be as described in the Order of the Circuit Court of Craig County, entered of the 11th day of May, 1911 and of record in the Clerk's Office of Craig County, New Castle, Virginia. (1978, c. 30)

CHAPTER 2.
POWERS.

§ 2.1. GENERAL GRANT OF POWERS: The town of New Castle 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 the town 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 the town as a municipal corporation. (1978, c. 30)

§ 2.2. ADOPTION OF CERTAIN SECTIONS OF CODE OF VIRGINIA: The powers granted in § 2.1 of this charter include specifically, but are not limited to, all powers set forth in §§ 15.1-837 through 15.1-915, inclusive, of the Code of Virginia, as amended, and all acts in furtherance thereof and supplemental thereto. (1978, c. 30)

§ 2.3. 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 New Castle. (1978, c. 30)

CHAPTER 3.
MAYOR AND COUNCIL.

§ 3.1. ELECTION, QUALIFICATION AND TERM OF OFFICE OF COUNCIL PERSON AND MAYOR: The town of New Castle shall be governed by a town council composed of four council persons and a mayor, all of whom shall be qualified voters of

the town, to be elected from the town at large. Any person qualified to vote in the town shall be eligible for the office of council person or mayor. The mayor and council person in office at the time of the passage of this act shall continue in office until the expiration of the terms for which they were elected or until their successors are duly elected and qualified. An election for mayor and council persons shall be held on the first Tuesday in May, nineteen hundred seventy-eight, and on the first Tuesday in May of every second year thereafter and take office on the first day of July succeeding their election to serve for terms of two years or until their successors have qualified. However, beginning with the election to be held in May 2006, the mayor and council persons shall be elected to terms of four years or until their successors have qualified. No person may be a candidate for the office of mayor and for the office of councilman in the same election. (1978, c. 30; 1992, c. 228; 2005, c. 617, 675)

§ 3.2. VACANCIES ON COUNCIL: Vacancies on the council shall be filled for the unexpired portion of the term from among the qualified voters of the town, by a majority vote of the remaining members of the council. (1978, c. 30)

§ 3.3. VACANCY IN OFFICE OF MAYOR: A vacancy in the office of mayor shall be filled for the unexpired portion of the term from among the qualified voters of the town, by a majority vote of the council. (1978, c. 30)

§ 3.4. COUNCIL A CONTINUING BODY: The town council shall be a continuing body, and no measures pending before such body, or contract or obligation incurred, shall abate or be discontinued because of the expiration of the term of office or removal of any council members. (1978, c. 30)

§ 3.5. POWERS AND DUTIES OF MAYOR: The mayor shall be the chief executive officer of the town and a member of council. He shall have and exercise all the privileges and authority conferred by general law not inconsistent with this charter. He shall preside over the meetings of the town council and shall have the same right to speak therein as members of the council, but shall not vote except in the case of a tie vote. He shall have the power of veto over the ordinances and resolutions of the council but such ordinances and resolutions may be passed over such veto by a two-thirds vote of the members of the town council present and voting. He shall be the head of the town government for all ceremonial purposes and shall perform such other duties consistent with his office as may be imposed by the town council. He shall see that the duties of the various town officers are faithfully performed and shall authenticate his signature on such documents or instruments as the council, this charter or the laws of the Commonwealth shall require. (1978, c. 30)

§ 3.6. VICE-MAYOR: The town council shall elect from its members, by a majority of the members present, a vice-mayor. During the absence or inability of the mayor to act, the vice-mayor shall possess the powers and discharge the duties of the mayor. While serving in the place of the mayor, the vice-mayor may vote as a member of the town council, but shall not exercise the veto power of the mayor over the acts of the council. (1978, c. 30)

§ 3.7. ACTING MAYOR: If both the mayor and the vice-mayor are absent or unable to act, the town council shall, by a majority vote of the members present, elect from its members a person to serve as acting mayor until either the mayor or vice-mayor is present and able to act. While serving in the place of the mayor, the acting mayor may vote as a member of the town council, but shall not exercise the veto power of the mayor

over the acts of the council. Whenever it is necessary to elect an acting mayor pursuant to this section, in the absence of both the mayor and vice-mayor, the town clerk or acting town clerk shall call the meeting of the town council to order and shall preside until an acting mayor is elected. This shall not be construed to vest in the town clerk any of the powers and duties of the mayor, except as expressly stated in this section. (1978, c. 30)

§ 3.8. MEETINGS OF COUNCIL: The town council shall fix the time of its stated meetings, and it shall meet at least once a month and, except as herein provided, the council shall establish its own rules of procedure and such rules as are necessary for the orderly conduct of its business not inconsistent with the laws of the Commonwealth of Virginia. A journal shall be kept of its official proceedings and its meetings shall be open to the public. Four members of the town council shall constitute a quorum for the transaction of business at any meeting. Special meetings may be called at any time by the mayor or by any three members of the council; provided that the mayor and all council members are duly notified a reasonable period of time prior to such meetings and no business shall be transacted at a special meeting thereof except that for which it shall be called. If all members are present, this provision may be waived by a majority vote of the council. No ordinance, resolution, motion or vote shall be adopted by the council unless it shall have received the affirmative votes of a majority of the members present. But no ordinance or resolution shall be adopted or passed having for its object the levying of taxes except by a concurring vote of two-thirds of the members of council. (1978, c. 30)

§ 3.9. COUNCIL TO FIX SALARIES: The town council is hereby authorized to fix the salary of the mayor, members of the town council, members of boards or commissions, and all appointed officers and employees of the town, at a sum not to exceed any limitations placed thereon by the laws of the Commonwealth of Virginia. The salaries of the mayor and members of council shall not be increased during the term for which they were elected. (1978, c. 30)

CHAPTER 4. APPOINTIVE OFFICERS.

§ 4.1. APPOINTMENTS: The town council may, in its discretion, appoint a town clerk, a town treasurer, a town sergeant and such other officers, and may create such other boards and departments as may be authorized by law. Each officer appointed under this section shall be directly responsible to the town council and mayor. Such officers shall perform such duties as are required by general law, as well as such additional duties, not inconsistent with general law, as this charter or the council may prescribe. The enumeration of officers in this section shall not be construed to require the appointment of any such officers herein named. (1978, c. 30)

§ 4.2. DEPUTIES AND ASSISTANTS: The town council may appoint such deputies and assistants to appointive offices as it may deem necessary. (1978, c. 30)

§ 4.3. TERM OF OFFICE: Appointees hereunder shall serve at all times during the pleasure of the town council and may be dismissed at any time by the council. (1978, c. 30)

§ 4.4. BONDS: Officers, deputies and assistants appointed by the town council shall execute such bonds as may be required by resolution of the town council. (1978, c. 30)

§ 4.5. VACANCIES IN OFFICE: The town council may fill any vacancy in any appointive office. (1978, c. 30)

§ 4.6. APPOINTMENT OF ONE PERSON TO MORE THAN ONE OFFICE: The town council may appoint the same person to more than one appointive office. (1978, c. 30)

§ 4.7. TOWN CLERK: The town clerk shall be the clerk of the town council and shall keep the journal of its proceedings and shall record all ordinances and resolutions in a book or books for this purpose. He shall be the custodian of the corporate seal of the town and shall be the officer authorized to use and authenticate it. He shall perform such other duties and keep such other records as the town council or the general laws of the Commonwealth require of town clerks. The records in his office shall be public records and open to inspection during regular business hours. (1978, c. 30)

§ 4.8. Appointments to planning commission and board of zoning appeals.

The town council may appoint a planning commission consisting of at least three members. One member of the commission may be a member of council and one member of the commission may be a member of the administrative branch of the town.

The town council may appoint a board of zoning appeals consisting of at least three members. One member of the board may be a member of the town planning commission. (2000, c.158)

CHAPTER 5. FINANCIAL PROVISIONS.

§ 5.1. FISCAL YEAR: The fiscal year of the town shall begin on July one of each year and end on June thirty of the year following. (1978, c. 30)

§ 5.2. POWERS AND DUTIES OF TOWN TREASURER: The treasurer shall receive all money belonging to and received by the town and keep a correct account of all receipts from all sources, and expenditures of all departments. He shall collect all taxes, levies, licenses, assessments, fees, water rents and other charges belonging to and payable to the town and for that purpose he is hereby vested with any and all powers which are now or may be hereafter vested in county treasurers, for the collection of county, city, and State taxes under the general law; he shall keep and disburse all monies or funds in such manner and in such places as may be determined by ordinance or the provisions of law applicable thereto. He shall pay no money out of the treasury except in the manner prescribed by ordinance or the general law; he shall perform such duties as are usually incident to the office of commissioner of revenue in relation to the assessment of property for town taxation and the town license taxes and shall have power to administer oaths in the performance of such duties; and shall make such reports and perform such other duties not inconsistent with the office as may be required by the mayor or by resolution and ordinance of the council. The treasurer shall not be entitled to any commission for handling the funds of the town but shall be paid such salary as may be provided by the council. (1978, c. 30)

CHAPTER 6. MISCELLANEOUS.

§ 6.1. ELECTIONS GOVERNED BY STATE LAW: All town elections shall be held and conducted in the manner prescribed by the laws of the Commonwealth of Virginia. (1978, c. 30)

§ 6.2. APPLICABILITY OUTSIDE TOWN: All ordinances of the town, so far as they are applicable, shall apply on, in or to all land, buildings and structures owned by or leased or rented to the town and located outside the town. (1978, c. 30)

§ 6.3. ORDINANCES CONTINUED IN FORCE: All ordinances now in force in the town of New Castle, not inconsistent with this charter, shall be and remain in force until altered, amended or repealed by the town council. (1978, c. 30)

§ 6.4. 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. (1978, c. 30)

§ 6.5. LEGISLATIVE PROCEDURE: Except in dealing with parliamentary procedure, the council shall act only by ordinance or resolution, and with the exception of ordinances making appropriations, or authorizing the contracting of indebtedness, shall be confined to one general subject. (1978, c. 30)