

SOUTH BOSTON, TOWN OF
Located in County of Halifax.

Charter granted to town of South Boston by the 1883-84 Acts of Assembly.
Incorporated as a city by order of the Circuit Court of Halifax County, 1959.
City of Second Class.
Reverted from city to town status pursuant to Chapter 20.2 (§ 15.1-965.9 et seq.) of Title 15.1 of the Code of Virginia (Case # 92000086-00, order dated 12/30/94, effective 7/1/95).

Charter, 1883-84, c. 130; repealed 1960, c. 219.
City Charter, 1960, c. 219; repealed 1996, c. 209.
Town Charter, 1996, c. 209.
Amended 2011, c. 507 (§§ 4, 5, 6, 7).

§ 1. Incorporation; name; perpetual succession; corporate seal.

The inhabitants of the territory embraced within the present limits of the Town of South Boston, as hereinafter defined, or as the same may be hereafter altered or established by law, shall constitute and continue to be a body politic and corporate to be known and designated as the Town of South Boston; and as such, and by that name, shall have perpetual succession, with the power to sue and be sued, contract and be contracted with, and may have a corporate seal which it may alter, renew, or amend at its pleasure. (1996, c. 209)

§ 2. Boundaries.

The boundaries of the Town of South Boston shall be as shown on a plat thereof made in December, 1963, and recorded November 23, 1964, in Plat Book Seven (7), pages one hundred seven (107) through one hundred twelve (112) in the office of the Clerk of the Circuit Court of Halifax County, Virginia. (1996, c. 209)

§ 3. Form of government; appointment of town manager.

The municipal government provided by the charter shall be known as the "council-manager government" pursuant to its provisions and subject only to the limitations imposed by the Constitution of Virginia and by its charter. All powers of the town shall be vested in an elective council hereinafter referred to as the council, which shall enact local legislation, adopt budgets, determine policies, and appoint the town manager who shall serve at the will of council and shall execute the laws and administer the government of the town. All powers of the town shall be exercised in the manner prescribed by this charter, or if the manner be not prescribed, then in such manner as may be prescribed by ordinances. (1996, c. 209)

§ 4. Town council.

(a) The legislative powers of the town shall be vested in a council consisting of seven (7) members including the mayor. Members of council shall be elected at large by the voters of the town. Three (3) members of the council and the mayor shall constitute a quorum and at a meeting so constituted, the mayor shall have the right to vote, and at any other meeting of the council, the mayor shall have the right to vote in the event of a tie.

Four (4) members of the council shall constitute a quorum without the presence of the mayor.

(b) The terms of the three (3) members who were elected with the highest number of votes in May, 1995 shall expire on June 30, 1998. At the regular municipal election to be held on the first Tuesday in May, 1998, and every four (4) years thereafter, three (3) members of council shall be elected for a term of four (4) years each. The terms of the four (4) members who were elected with the next highest number of votes in May, 1995 shall expire on June 30, 1996. At the regular municipal election held on the first Tuesday in May, 1996, and every four (4) years thereafter, three (3) members of council shall be elected for a term of four (4) years each.

(c) The terms of office shall commence on July 1 following the election. The members of council shall serve until their successors are elected and qualified.

(d) The mayor and members of the council shall receive compensation for their services in an amount to be determined by the council, in accordance with general law.

(e) When a vacancy on council occurs, whether occurring when a new member-elect of council does not take office or occurring after the term begins, the remaining members of council shall by majority vote, within forty-five (45) days after the office becomes vacant, appoint a qualified voter to temporarily fill the vacancy until the vacancy is filled by a special election pursuant to §§ 24.2-226, 24.2-228, and 24.2-682 of the Code of Virginia and the person so elected has qualified. Within fifteen (15) days of the occurrence of the vacancy, council shall petition the Halifax County Circuit Court to issue a writ of election to fill the vacancy as set forth in Article 5 of Chapter 6 of Title 24.2 of the Code of Virginia.

(f) The number of candidates equal to the number of vacancies to be filled for full terms receiving the highest, second highest, and third highest number of votes shall be entitled to such full terms, and the candidate receiving the fourth highest number of votes shall be entitled to the unexpired term caused by such vacancy.

(g) In order to qualify as a candidate for the office of a member of council, an individual must have been a resident of the Commonwealth of Virginia for one year next preceding his election and of the Town of South Boston for thirty (30) days next preceding his election and be qualified to vote for that office. (1996, c. 209; 2011, c. 507)

§ 5. Mayor and vice mayor.

(a) At the regular municipal elections held by the Town of South Boston, the mayor of the town shall be elected by the voters of the town, and the candidate that receives the plurality of the votes shall be elected to the office. The term of office of the mayor shall commence on July 1, following the election, and the mayor shall hold office for four years from the date of commencement of his/her term. The mayor shall preside at meetings of the council, and shall be recognized as head of the town government for ceremonial purposes and by the governor for purposes of military law. The mayor shall have the power to suspend and the council to remove any town officer appointed by the council for misconduct in office or neglect of duty to be specified in the order of suspension or removal, but no such removal shall be made without reasonable notice to the officer complained of and an opportunity afforded him to be heard in his defense. Notwithstanding the foregoing, the town manager shall serve at the pleasure of council.

(b) The first election of the mayor shall take place on the first Tuesday in May, 1996, for a term to commence on July 1, 1996.

(c) The council shall, at the 1996 organizational meeting and every fourth year thereafter, elect from the members of the council a vice mayor for a four-year term, and the vice mayor shall in the absence or disability of the mayor perform all of the duties of that office.

(d) When a vacancy occurs in the office of mayor, whether occurring when a mayor-elect does not take office or occurring after the term begins, the members of council shall by majority vote, within forty-five (45) days after the office becomes vacant, appoint a qualified voter or a member of council to temporarily fill the vacancy until the vacancy is filled by a special election pursuant to §§ 24.2-226, 24.2-228, and 24.2-682 of the Code of Virginia and the person so elected has qualified. Within fifteen (15) days of the occurrence of the vacancy, council shall petition the Halifax County Circuit Court to issue a writ of election to fill the vacancy as set forth in Article 5 of Chapter 6 of Title 24.2 of the Code of Virginia. In the interim between a vacancy in the office of mayor and the appointment or election of an interim mayor, the duties of the office of mayor shall be performed by the vice-mayor.

(e) The council may by ordinance provide for a salary, if any, to be paid the mayor.

(f) In order to qualify as a candidate for the office of mayor, an individual must have been a resident of the Commonwealth of Virginia for one year next preceding his election and the Town of South Boston for thirty (30) days next preceding his election and be qualified to vote for that office. (1996, c. 209; 2011, c. 507)

§ 6. Powers of town generally; adoption of provisions of Code of Virginia.

The powers set forth in Chapters 9 (§ 15.2-900 et seq.) and 11 (§ 15.2-1100 et seq.) of Title 15.2 of the Code of Virginia, are hereby specifically conferred upon the Town of South Boston, as provided in and pursuant to the provisions of said chapters of the Code of Virginia. (1996, c. 209; 2011, c. 507)

§ 7. Incorporating state law by reference.

Where reference is made herein to any provision of the Code of Virginia, Acts of the General Assembly or state regulations or where any provision of the Code of Virginia, Acts of the General Assembly or state regulations are incorporated herein by reference, such reference includes future amendments and successor provisions to the provisions of the Code of Virginia, Acts of the General Assembly and state regulations without future amendment to this Charter. (2011, c. 507)

§ 8. Continuation of employment and powers of town officers and employees.

All officers and employees heretofore elected or appointed shall remain in office and continue in their employment and be vested with the powers and duties heretofore imposed upon them by the council or by operation by law or hereafter imposed upon them under the provisions of this act until their successors are duly elected or appointed as provided by law or until action is taken by the town as set forth in § 15.1-845 of Chapter 18 of Title 15.1 of the Code of Virginia, as in force on July 1, 1995. (1996, c. 209)

§ 9. Continuation of ordinances and resolutions.

All ordinances and resolutions heretofore made and adopted by the town or previous city, not in conflict with this charter, shall be and remain in full force and effect until altered, amended or repealed by the council of the town. (1996, c. 209)