

TROUTVILLE, TOWN OF
County of Botetourt.

Incorporation, Circuit Court of Botetourt County, 4 June 1956.

Charter, 1973, c. 73.

Amended 2007, c. 405 (§ 3.1)
2008, c. 4 (§ 3.1).

CHAPTER 1
INCORPORATION AND BOUNDARIES

§ 1.1. *Incorporation.*

The inhabitants of the territory comprised within the present limits of the town of Troutville as such limitations are now, or may hereafter be altered and established by law, shall constitute and continue a body politic and corporate, to be known and designated as the town of Troutville, 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. (1973, c. 73)

§ 1.2. *Boundaries.*

The territory embraced within the town of Troutville is that territory in the county of Botetourt, Virginia, as recorded in the clerk's office of the Circuit Court of Botetourt County in Common Law Order Book 1954 at Page 100. (1973, c. 73)

CHAPTER 2
POWERS

§ 2.1. *General Grant of Powers.*

The town of Troutville shall have all powers that may be conferred upon or delegated to towns under the Constitution and laws of the Commonwealth of Virginia, as full 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 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. (1973, c. 73)

§ 2.2. *Adoption of Certain Sections of the Code of Virginia.*

Included specifically in § 2.1 of this chapter are the powers set forth in §§ 15.1-873 through 15.1-907, inclusive, of Chapter 18 of Title 15.1 of the Code of Virginia, and as hereafter amended, which are hereby conferred on and vested in the town of Troutville. (1973, c. 73)

CHAPTER 3
MAYOR AND COUNCIL

§ 3.1. *Election, Qualification and Term of Office of Councilmen and Mayor.*

(a) The town of Troutville shall be governed by a town council composed of six councilmen and a mayor, all of whom shall be qualified voters of the town.

(b) The mayor and councilmen in office at the time of the passage of this act shall continue 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 councilmen shall be

held on the first Tuesday in May, 1974, and the mayor and councilmen shall constitute the town council, who shall hold office for a term of two years from the first day of July, next following the date of their election and until their successors have been duly elected and qualified. In the year 1974, and every second year thereafter, a municipal election of councilmen shall be held on the first Tuesday in May. In the year 1974, and every second year thereafter, a municipal election of mayor shall be held on the first Tuesday in May.

However, beginning in 2008, the elections for mayor and councilmen shall be held at the time of the November general election. The mayor and councilmen in office on June 30, 2008, shall remain in office until their successors have been duly elected and qualified. Furthermore, for purposes of staggering the terms of council members, the three candidates who receive the highest number of votes in the November general election shall be elected to terms of three years. The mayor and remaining three council members shall serve terms of two years. Thereafter, the mayor and all council members shall be elected for terms of two years. (1973, c. 73; 2007, c. 405; 2008, c. 4)

§ 3.2. *Vacancies on Council.*

Vacancies on the Council shall be filled for the unexpired portion of the term by a majority vote of the members of the council. (1973, c. 73)

§ 3.3. *Vacancy in Office of Mayor.*

A vacancy in the office of mayor shall be filled for the unexpired portion of the term by a majority vote of the members of the council. (1973, c. 73)

§ 3.4. *Council a Continuing Body.*

The town council shall be a continuing body, and no matter pending before such body, or any contract or obligation incurred, shall abate or be discontinued by reasons of the expiration of the term of office or removal of any of its members. (1973, c. 73)

§ 3.5. *General Grant of Powers to Council.*

The town council shall have all powers and authority that are now or may hereafter be granted to councils of towns by the general laws of the Commonwealth and by this charter, and the recital of special powers and authorities herein shall not be taken to exclude the exercise of any power and authority granted by the general laws of the Commonwealth to town councils, but not herein specified. (1973, c. 73)

§ 3.6. *Powers and Duties of Mayor.*

The mayor shall be the chief executive officer of the town. He shall have and exercise all power 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 town council, but shall not vote, except in the case of tie. 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 recognized as the head of the town government for all ceremonial purposes. He shall perform such other duties consistent with this office as may be imposed by the council. He shall see that the duties of the various town officers are faithfully performed. In times of public danger or emergencies, he may take command of the police and maintain order and enforce laws, and for this purpose may deputize such assistant policemen as may be necessary. He, or the person acting as mayor, shall authenticate, by his signature, such documents or instruments as the council, this charter, or the laws of the Commonwealth shall require. (1973, c. 73)

§ 3.7. *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. (1973, c. 73)

§ 3.8. *Meetings of Council.*

The town council shall fix the time of their stated meetings, and they shall meet at least once a month. The council shall keep a journal of its official proceedings and its meetings shall be open. 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 four members of the council; provided that the mayor and all council members are duly notified a reasonable period of time prior to such meeting, 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. (1973, c. 73)

§ 3.9. *Rules of Order and Procedure.*

The town council shall establish its own rules or order and procedure and may take appropriate action against its own members and other persons for violation thereof. (1973, c. 73)

§ 3.10. *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 said town at a sum not to exceed any limitations placed by the laws and Constitution of the Commonwealth of Virginia. (1973, c. 73)

CHAPTER 4
APPOINTIVE OFFICERS

§ 4.1. *Appointments.*

The town council may appoint a town clerk, a chief of police, a town attorney and a town treasurer and may appoint such other officers of the town as they deem necessary. Each and every 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. (1973, c. 73)

§ 4.2. *Deputies and Assistants.*

The town council may appoint such deputies and assistants to appointive officers as they may deem necessary. (1973, c. 73)

§ 4.3. *Term of Office.*

Officers and deputy and assistant officers appointed by the town council shall serve at and during the pleasure of the town council. (1973, c. 73)

§ 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. (1973, c. 73)

§ 4.5. *Vacancies in Office.*

The town council may fill any vacancy in any appointive office. (1973, c. 73)

§ 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 subject to the limitations of Article VII, Section 6 of the Virginia Constitution. (1973, c. 73)

§ 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 kept for the 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. All records in his office shall be public records and open to inspection at any time during regular business hours. (1973, c. 73)

CHAPTER 5
MISCELLANEOUS

§ 5.1. *Elections Governed by State Law.*

All town elections shall be held and conducted in the manner prescribed by the laws of the Commonwealth. (1973, c. 73)

§ 5.2. *Actions against Town for Damages, Etc.*

(a) No action shall be maintained against the town for damages for any injury to any person or property alleged to have been sustained by reason of the negligence of the town, or any officer, agent or employee thereof, unless a written statement of the claimant, his agent or attorney, or the personal representatives of any descendant whose death is a result of the alleged negligence of the town, its officers, agents or employees, of the nature of the claim and the time and place at which the injury is alleged to have occurred, or to have been received, shall have been filed with the mayor or an attorney appointed by the town council for this purpose, and the town is hereby authorized to appoint such an attorney, within sixty days after such cause of action shall have accrued. Where the claimant is an infant or non compos mentis, or the injured party dies within such sixty days, such statement may be filed within 120 days. No officers, agents or employees of the town shall have authority to waive such conditions precedent or any of them.

(b) No order shall be entered or made, and no injunction shall be awarded by any court or judge, to stay proceedings of the town in the prosecution of their works, unless it be manifest that they, their officers, agents, or servants are transcending the authority given them in this charter, and that the interposition of the court is necessary to prevent injury that cannot be adequately compensated in damages.

(c) The town council is authorized and empowered to compromise any claim for damages or any suit or action brought against the town. (1973, c. 73)

§ 5.3. *United States Government Employees.*

No person, otherwise eligible, shall be disqualified, by reason of his accepting or holding an office, post, trust or emolument under the United States Government, from serving as an officer or employee of the town, or as a member, officer, or employee of any board or commission. (1973, c. 73)

§ 5.4. *Acceptance of Federal Aid, Contribution, Etc.*

The town of Troutville shall have the power to receive and accept from any federal agency grants of any kind for or in aid of public works, the construction of any project, the procuring or reserving of park land, open spaces or any recreational facility,

and to do all such things or make any covenants or agreements which may be necessary or required in order to obtain and use such federal grants. The town may receive and accept aid or contributions from any source or money, property, labor or other things of value, to be held, used and applied only for the purposes for which such grants and contributions may be made. (1973, c. 73)

§ 5.5. *Power of Town as to Poles and Wires for Electric, Etc., Service.*

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. (1973, c. 73)

§ 5.6. *Eminent Domain.*

The powers of eminent domain set forth in Title 15.1 and Title 25 of the Code of Virginia and all acts amendatory and supplemental thereto are hereby conferred upon the town of Troutville. (1973, c. 73)

§ 5.7. *Disclosure of Interest.*

The town council is hereby empowered to enact a conflict of interest and disclosure ordinance to govern elected town officials not inconsistent with the general law. (1973, c. 73)

§ 5.8. *Fiscal Year.*

The fiscal year of the town shall begin on July 1 of each year and end on June 30 of the year following. (1973, c. 73)

§ 5.9. *Present Officers to Continue.*

The present elected officers of the town shall be and remain in office until June 30, 1974, or until their successors have [been] duly elected and qualified. (1973, c. 73)

§ 5.10. *Ordinance in Force.*

All ordinances now in force in the town of Troutville, not inconsistent with this charter, shall be and remain in force until altered, amended or repealed by the town council. (1973, c. 73)

§ 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 judgement 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 judgement shall have been rendered. (1973, c. 73)