WEST POINT, TOWN OF
County of King William.

Incorporated, 1870, c. 329; repealed 1973, c. 304.
Charter, 1884, c. 200.
Charter, 1887, c. 115.
Charter, 1973, c. 304.
Amended 1981, c. 70 (§§ 3.1, 3.2, 3.3)
2012, c. 487 (§§ 3.1, 3.2, 3.5, 3.8).

CHAPTER 1.
INCORPORATION AND BOUNDARIES

§ 1.1. INCORPORATION.

The inhabitants of the territory comprised within the present limits of the Town of West Point, 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 West Point, 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. 304)

§ 1.2. BOUNDARIES.

The boundaries of the Town of West Point shall be those described in an order of the Circuit Court of King William County entered on the ninth day of December, 1963, and of record in the clerk's office of that Court in Chancery Order Book 13, page 216. (1973, c. 304)

CHAPTER 2.
POWERS

§ 2.1. GENERAL GRANT OF POWERS.

The Town of West Point 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. (1973, c. 304)

§ 2.2. ADOPTION OF CERTAIN SECTIONS OF CODE OR VIRGINIA.

The powers set forth in Chapter 18 of Title 15.1 of the Code of Virginia, as in force on January 1, 1973, are hereby conferred on and vested in the Town of West Point. (1973, c. 304)

§ 2.3. EMINENT DOMAIN.

The powers of eminent domain set forth in Title 15.1 and Title 25 of the Code of Virginia are conferred upon the Town of West Point. (1973, c. 304)

§ 2.4. LICENSE TAX; UTILITIES, ETC.

The Town of West Point may impose a license tax upon any utility, public service corporation or quasi-public corporation, including telephone and telegraph companies, for the privilege of doing business therein. Such license tax shall not exceed one-half of one per centum of the gross receipts of such business, accruing to such corporation from such business within the town. (1973, c. 304)

CHAPTER 3.
MAYOR AND COUNCIL

§ 3.1. ELECTION, QUALIFICATION AND TERM OF OFFICE OF COUNCILMEN AND MAYOR.

(a) The Town of West Point shall be governed by a town council composed of seven councilmen and a mayor, all of whom shall be qualified voters of the town, to be elected from the town at large.

(b) The mayor and councilmen 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. The councilmen and mayor shall be elected at a regular municipal election to be held on the first Tuesday in May, 1982, in the manner prescribed by law, for terms beginning on the first day of July next following their election, each of them serving until the successors shall be elected and qualified. The three candidates for council receiving the highest number of votes and the mayor shall be elected for initial terms of four years, and the four candidates receiving the next highest number of votes shall be elected for initial terms of two years. Thereafter, all councilmen and the mayor shall be elected for terms of four years at a regular municipal election which shall be held on the first Tuesday in May of each even numbered year, the number of councilmen elected each election year being equal to the number of councilmen whose terms expire during such year and the mayor being elected every fourth year.

However, beginning with elections to be held in 2012 and 2014, the council and mayor shall be elected on the Tuesday following the first Monday in November to serve four-year terms that begin on January 1 and end on December 31. All members whose terms would have expired on July 1 of 2012 of 2014 shall have their terms extended six months until their successors have been elected and qualified. Thereafter, all members shall serve for terms of four years. (1973, c. 304; 1981, c. 70; 2012, c. 487)

§ 3.2. VACANCIES ON COUNCIL.

(a) A vacancy on town council, whether occurring when for any reason an officer-elect does not take office or occurring after an officer begins his term, shall be filled in accordance with state law and as provided by Article 5 (§ 24.2-681 et seq.) of Chapter 6 of Title 24.2 of the Code of Virginia. The town council shall, within 15 days of the occurrence of the vacancy, petition the circuit court to issue a writ of election to fill the vacancy as set forth in Article 5 (§ 24.2-681 et seq.) of Chapter 6 of Title 24.2 of the Code of Virginia. Either upon receipt of the petition or on its own motion, the court shall issue the writ ordering the election promptly, which shall be no later than the next general election in November unless the vacancy occurs within 90 days of the next such general election, in which event it shall be held promptly but no later than the second such

general election. Upon receipt of written notification by an officer or officer-elect of his resignation as of a stated date, the town council may immediately petition the circuit court to issue a writ of election, and the court may immediately issue the writ to call the election. The officer's or officer-elect's resignation shall not be revocable after the date stated by him for his resignation or after the forty-fifth day before the date set for the special election. The person so elected shall hold the office for the remaining portion of the regular term of the office for which the vacancy is being filled.

(b) No election to fill a vacancy shall be ordered or held if the general election at which it is to be called is scheduled within 60 days of the end of the term of the office to be filled.

(c) When an interim appointment to a vacancy in town council has been made by the remaining members thereof, no election to fill the vacancy shall be ordered or held if the general election at which it is to be called is scheduled in the year in which the term expires. (1973, c. 304; 1981, c. 70; 2012, c. 487)

§ 3.3. VACANCY IN OFFICE OF MAYOR.

A vacancy in the office of mayor shall be filled in the same manner as is provided herein for filling vacancies on council. (1973, c. 304; 1981, c. 70)

§ 3.4. COUNCIL A CONTINUING BODY.

The town council shall be a continuing body, and no measures pending before such body or any contract or obligation incurred, shall abate or be discontinued by reason of the expiration of the term of office or removal of any of its members. (1973, c. 304)

§ 3.5. 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 a member of the council, but shall not vote except in the case of a tie vote. He shall have the power of veto over any action of the town council, but any such action that has been vetoed by the mayor 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 his office as may be imposed by the town council. He shall see that the duties of the various town officers are faithfully performed. The police force of the town shall be under the control of the mayor for the purpose of enforcing peace and good order and executing the laws of the State and the ordinances of the town. He shall authenticate by his signature such documents or instruments as the council, this charter, or the laws of the Commonwealth shall require. (1973, c. 304; 2012, c. 487)

§ 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. (1973, c. 304)

§ 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. The person so elected shall possess the powers and discharge the duties of the mayor during such period of time 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. (1973, c. 304)

§ 3.8. MEETINGS OF COUNCIL.

The town council shall fix the time of its stated meetings and except as herein provided, the council shall establish its own rules of procedure. 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 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. 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. (1973, c. 304; 2012, c. 487)

§ 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 said 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. (1973, c. 304)

CHAPTER 4.
TOWN MANAGER

§ 4.1. APPOINTMENT.

The town council may appoint a chief administrative officer of the town who shall be designated the town manager, who shall, under the control of the council, have general charge and management of the administrative affairs and work of such town and shall perform such other duties as may be required of him by the town council. He shall receive such salary or compensation as shall be allowed him by such council and may be dismissed at any time by the council. (1973, c. 304)

§ 4.2. ACTING TOWN MANAGER.

The town council may designate a person to act as town manager in case of the absence, incapacity, death, inability to act or resignation of the town manager, until his return to duty or the appointment of his successor. (1973, c. 304)

CHAPTER 5.
APPOINTIVE OFFICERS

§ 5.1. APPOINTMENTS.

The town council may appoint a town clerk, a chief of police, a town sergeant, a municipal judge, a town attorney or such other officers as they may deem necessary. 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. (1973, c. 304)

§ 5.2. DEPUTIES AND ASSISTANTS.

The town council may appoint such deputies and assistants to appointive officers as they may deem necessary. (1973, c. 304)

§ 5.3. TERM OF OFFICE.

Appointees hereunder shall serve at and during the pleasure of the town council. (1973, c. 304)

§ 5.4. 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. 304)

§ 5.5. VACANCIES IN OFFICE.

The town council may fill any vacancy in any appointive office. (1973, c. 304)

§ 5.6. APPOINTMENT OF ONE PERSON TO MORE THAN ONE OFFICE.

The town council may appoint the same person to more than one appointive office. (1973, c. 304)

§ 5.7. 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 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. All records in his office shall be public records and open to inspection at any time during regular business hours. (1973, c. 304)

CHAPTER 6.
COURTS

§ 6.1. AUTHORITY TO ESTABLISH MUNICIPAL COURT. JURISDICTION OF COURT.

The town council may establish by ordinance a municipal court, which shall be known as the Municipal Court of West Point. Jurisdiction of such court in criminal matters shall be as provided in §§ 16.1-124 and 16.1-125 of the Code of Virginia, as amended, and such court shall have original jurisdiction in the trial of all cases involving the violation of town ordinances, and in the collection of town taxes or assessments, or other forms of debt owing to the town. (1973, c. 304)

§ 6.2. JUDGE OF MUNICIPAL COURT. SUBSTITUTE JUDGE.

The judge of the municipal court shall be appointed by the town council. He shall serve at the pleasure of the town council. The town council may appoint a substitute judge to serve during the absence or inability to act of the judge of the municipal court. The municipal judge and substitute municipal judge need not be residents of the municipality. The municipal judge and the substitute municipal judge shall meet the qualifications for judges of courts not or record. (1973, c. 304)

§ 6.3. CLERK OF MUNICIPAL COURT.

A clerk of such court shall be appointed by the town council, to serve at the pleasure of the town council. (1973, c. 304)

§ 6.4. JURISDICTION OF COUNTY COURT IF MUNICIPAL COURT NOT CREATED OR IF MUNICIPAL COURT ABOLISHED.

If the town council shall elect not to establish a municipal court, as provided in § 6.1 of this charter, or, if the town council shall, by ordinance, abolish such a municipal court after its having been established, the County Court of King William County, Virginia, or its successor, shall have jurisdiction within the Town of West Point as the municipal court would otherwise have had. In such instance the town council may enter into such contracts or agreements as it may deem necessary to permit the trial in said county court, or its successor, of cases or causes of action arising within the town or within the jurisdiction of said town. (1973, c. 304)

CHAPTER 7.
FINANCIAL PROVISIONS

§ 7.1. 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. 304)

CHAPTER 8.
SCHOOLS

§ 8.1. SUPPORT OF SCHOOLS.

So long as the Town of West Point constitutes a separate school district or school division, the town council is authorized to levy a tax on all property subject to local taxation and to appropriate funds for the support of schools, and to acquire and maintain land and facilities for school purposes, and to do all other things required and necessary for the operation of a public free school system within such district or division. (1973, c. 304)

§ 8.2. SCHOOL BOARD.

The town council shall appoint the members of the School Board of the Town of West Point as provided by State law. Present members of the Board shall continue in office until their successors are appointed and qualify. (1973, c. 304)

CHAPTER 9.
MISCELLANEOUS

§ 9.1. 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. (1973, c. 304)

§ 9.2. 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. (1973, c. 304)

§ 9.3. PRESENT OFFICERS TO CONTINUE.

The present elected officers of the town shall be and remain in office until expiration of their several terms, and until their successors have been duly elected and qualified. (1973, c. 304)

§ 9.4. ORDINANCES CONTINUED IN FORCE.

All ordinances now in force in the Town of West Point, not inconsistent with this charter, shall be and remain in force until altered, amended or repealed by the town council. (1973, c. 304)

§ 9.5. SUCCESSION TO RIGHTS AND DUTIES.

The Town of West Point shall succeed to all the rights, duties, obligations and contracts of the Town of West Point, its predecessor. (1973, c. 304)

§ 9.6. 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. (1973, c. 304)

§ 9.7. DISCLOSURE OF INTEREST.

The town council is hereby empowered to enact a conflict of interest and disclosure ordinance to govern elected and/or appointed town officials not inconsistent with the general law. (1973, c. 304)