

CHARTER

**Editor's Note:** The Charter set out herein is derived from Acts of Assembly of 1942, chapter 480, approved April 7, 1942. Amendments to such Act are cited in parentheses following the section affected. A uniform system of capitalization has been utilized and a frontal analysis has been added for the convenience of the user. Catchlines have been modified for editorial purposes.

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**Sec. 1. Style of corporation.**

The inhabitants of the territory comprised within the present limits of the Town of Chatham, 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 Chatham, and as such 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 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 said town as a municipal corporation, and said Town of Chatham, 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.

**Sec. 2. Town boundaries.**

**Editor's Note:** Pursuant to Code of Va., § 15.1-908, this section relating to town boundaries is not set out. The official map of the town is on file in the office of the town clerk.

**Sec. 3. Powers generally.**

In addition to the powers elsewhere mentioned in this Charter and powers conferred by general law, and the Constitution, the said Town of Chatham shall have the following powers:

- (1) To raise revenue as hereinafter provided, in accordance with this Charter and the laws of the State of Virginia.
- (2) To impose special and local assessments for local improvements as hereinafter provided in accordance with general laws of this state.
- (3) To impose a tax not exceeding one dollar per annum upon all persons residing in said town above the age of twenty-one years, not exempt from the payment of state capitation tax.

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(4) To contract debts, borrow money, and make and issue evidences of indebtedness.

(5) To expend the money of the town for all lawful purposes.

(6) To acquire by purchase, gift, devise, condemnation or otherwise, property, real or personal, or any estate therein, within or without the town, for any purpose of the town; and to hold, improve, sell, lease, mortgage, pledge or otherwise dispose of the same or any part thereof, including any property owned by the town.

(7) To establish markets in the town and regulate the same, and to enforce such regulations in regards to the keeping and sales of fresh meat, vegetables, eggs, and other green groceries and the trade of hucksters and junk dealers as may be deemed advisable.

(8) To own, operate and maintain water works and to acquire in any lawful manner in any county of the state, such water, lands, property rights, and riparian rights as the council of the said town may deem necessary for the purpose of providing an adequate water supply to the said town and piping and conducting the same; to lay, erect and maintain all necessary mains and service lines, either within or without the corporate limits of the said town, for the distribution of water to its customers and consumers, both within and without the corporate limits of the said town and to charge and collect water rents therefor; to erect and maintain necessary dams, pumping stations and other works in connection therewith; to make reasonable rules and regulations for promoting the purity of its said water supply, and for protecting the same from pollution; and for this purpose to exercise full police powers and sanitation

patrol over all land comprised within the limits of the water shed, tributary to any such water supply wherever such lands may be located in this state; to impose and enforce adequate penalties for the violation of any such rules and regulations; and to prevent by injunction any pollution or threatened pollution of such water supply, and any and all acts likely to impair the purity thereof, and to carry out the powers herein granted, and said town may exercise within the state all powers of eminent domain provided by the laws of the state.

(9) To acquire by gift, purchase, exchange or by right of exercise of the power of eminent domain within this state lands or any interest or estate in lands, rock quarries, gravel-pits, sand pits, water and water rights, and the necessary roadways thereto, either within or without the town, and to acquire and install machinery and equipment, and build the necessary roads or tramways thereto, operate the same for producing material required for any and all purposes of the town.

(10) To provide in or near the town lands to be used as burial places for the dead; to charge for and to improve and care for and regulate the use of the ground therein; to cooperate with any non-profit corporation or society in the improvement and care of burial places and approaches thereto; and to provide for the perpetual upkeep and care of any plot or burial lot therein, and the said town is authorized to take and receive sums of money by gift, bequest, or otherwise, to be kept invested, and the income thereof used in and about perpetual upkeep and care of the said lot or burial plot, for which the said donation, gift or bequest shall have been made; and said town is further empowered to subdivide any such

land acquired as burial places for the dead into lots and to sell or otherwise dispose of the same to person or persons, and to contract with such person or persons, either at the time of sale or other disposition of said lot or lots, or at any other time, for temporary or permanent care and maintenance, by payment of such sum or sums to the said town as it may deem sufficient, to be held and invested by it, the income to be used for said permanent care and maintenance, and in all such cases, such permanent care shall be consistent with the general rules and regulations governing such burial place as may be designated by the council of the said town. And all acts of the said town in accepting from any cemetery or other private company, society or corporation any such land to be used as a burial place for the dead, whether said land had been heretofore used or not, as well as all contracts and agreements made with any person or persons for perpetual care and maintenance are hereby declared valid.

(11) To collect and dispose of sewage, offal, ashes, garbage, carcasses of dead animals, and other refuse, make reasonable charges therefor; to acquire and operate reduction or any other plants for utilization or destruction of such material or any of them; to contract or regulate the collection and disposal thereof, and to require the collection and disposal thereof, and to acquire land within or without the said town for said purpose.

(12) To inspect, test, measure and weigh any commodity or commodities or articles of consumption for use within the town; and to establish, regulate, license and inspect weights, meters, measures and scales.

(13) To license and regulate the holding and location of shows, circuses, public

exhibitions, carnivals and other similar shows, or fairs, or prohibit the holding of the same, or any of them, within the limits of the town or within one mile thereof.

*Editor's Note:* For case holding charter provisions as to authority of town to tax carnivals, etc., within one mile of corporate limits to be unconstitutional, see *Campbell v. Bryant*, 104 Va. 509, 52 S.E.2d 638 (1905).

(14) To construct, maintain, regulate and operate public improvements of all kinds, including municipal and other buildings, markets and all buildings and structures necessary and appropriate for the use and proper operation of the various departments of the town and to acquire by condemnation or otherwise, all lands, riparian and other rights and easements necessary for such improvements, or any of them.

(15) To establish, alter, enter, open, widen, extend, grade, improve, construct, maintain, and clean public highways, streets, sidewalks, boulevards, parkways, and alleys; to establish and maintain parks, playgrounds and public grounds; to keep them lighted and in good order; to construct, maintain and operate bridges, viaducts, subways, tunnels, sewers, and drains, and to regulate the use of all such highways, streets, alleys, parks, public grounds and works; to plant and maintain or remove shade trees along the streets and upon such public grounds; to prevent the obstruction of such streets, alleys and highways, abolish and prevent grade crossings over the same by railroads in the manner provided by general law for the elimination of grade crossing; to require any railroad company operating a railroad at a place where any highway or street is crossed within the limits of the town to erect and maintain at such crossing proper gates and keep a per-

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son in charge thereof, or keep a flagman at such crossings during such hours as the council may require in accordance with general laws; to regulate, except in so far as may be prohibited by state law, the operation and speed of automobiles and vehicles upon said streets and highways, as well as the speed of all engines, cars and trains on railroads within the town; and to do all other things whatsoever adapted to make said streets and highways safe, convenient and attractive.

(16) In addition to the parks and playgrounds above provided for, the said town may also operate parks, playgrounds, and public grounds without the corporate limits of said town, and may place thereon stadiums, swimming pools, recreation and amusement buildings, structures or enclosures of every character, and charge admission, and may rent out or lease the privileges of the same.

(17) To establish, impose and enforce the collection of water and sewage rates, and rates and charges for public utilities, or other services, products or conveniences, operated, rented or furnished by the town and to assess, or cause to be assessed, after reasonable notice to the owner or owners, water and sewage rates and charges directly against the owner or owners of the buildings against the proper tenant or tenants; and may by ordinance require a deposit of such a reasonable amount as it may by such ordinance prescribe before furnishing such service, to either owner or tenant.

(18) To establish, construct and maintain sanitary sewers, sewer lines and systems, and to require abutting property owners to connect therewith and to establish, construct, maintain and operate sewage disposal plants, and to acquire by condemnation or

otherwise, within or without the town limits, all land, rights-of-ways, riparian and other rights and easements necessary for the said purpose, and to charge and assess and collect reasonable fees, rentals, assessments or costs of service for connecting with and using the same.

(19) Subject to the provisions of the Constitution and general laws and this Charter to grant franchises for public utilities.

(20) To charge and collect fees for permits to use public facilities and for public services and privileges. The said town shall have the power and right to charge a different rate for any service rendered or convenience furnished to citizens without the corporate limits from the rates charged for similar services to citizens within the corporate limits.

(21) To compel the abatement and removal of all nuisances within the town or upon property owned by the town beyond its limits at the expense of the person or persons causing the same, or of the owner or occupant of the ground or premises whereon the same may be, and to collect said expense by suit or motion or by distress and sale; to require all lands, lots and other premises within the town to be kept clean and sanitary and free from stagnant water, weeds, filth, and unsightly deposits, or to make them so at the expense of the owners or occupants thereof, and to collect said expense by suit or motion or by distress and sale; to regulate or prevent slaughter houses or other noisome or offensive business within the said town, or the exercise of any dangerous or unwholesome business, trade or employment therein; to regulate the transportation of all articles through the streets of the town; to compel the abatement of smoke and dust, and pre-

vent unnecessary noise; to regulate the location of stables and the manner in which same shall be kept and constructed; to regulate the location, construction, operation and maintenance of billboards and generally to define, prohibit, abate, suppress and prevent all things detrimental to the health, morals, aesthetics, safety, convenience and welfare of the inhabitants of the town; and to require all owners or occupants of property having sidewalks in front thereof to keep the same clean and sanitary, free from all weeds, filth, unsightly deposits and ice and snow.

(22) To extinguish and prevent fires, and to establish, regulate and control a fire department or division, to regulate the size, height, material and construction of buildings, fences, walls, retaining walls and other structures hereafter erected in such manner as the public safety and conveniences may require; to remove or require to be removed or reconstructed any buildings, structure, or addition thereto which by reason of dilapidation, defect of structure, or other causes may have become dangerous to life or property, or which may be erected contrary to law; and may enact stringent and efficient laws for securing the safety of persons from fires in halls and buildings used for public assemblies, entertainments, amusements or school gatherings.

(23) To direct the location of all buildings for storing explosives or combustible substances; to regulate the sale and use of gunpowder, nitroglycerin, fireworks, kerosene oil or other like material; to regulate the exhibition of fireworks, the discharge of firearms, and the making of bonfires in the streets or yards.

(24) To provide for the care, support and maintenance of children and of sick, aged,

insane or poor persons and paupers; and where in the opinion of the governing body of the town the same is necessary, to contribute to organizations providing for care, support or maintenance of sick, aged, insane or poor persons and paupers.

(25) To prevent the riding and driving of horses or other animals at an improper speed; to prevent the throwing of stones, or engaging in any sort of employment in the public streets which is dangerous or annoying to passers-by, and to prohibit the abuse of animals.

(26) To acquire in any lawful manner, for the purpose of encouraging commerce and manufacture, lands within or without the town not exceeding at any one time five hundred acres in the aggregate, and from time to time sell or lease the same or any part thereof for industrial or commercial use and purposes, irrespective of the consideration paid for such lease or sale.

(27) To prevent any person having no visible means of support, paupers, and persons who may be dangerous to the peace and safety of the town from coming to said town from without the same; and to expel therefrom any such person who has been in said town less than twelve months.

(28) To restrain and punish drunkards, vagrants and street beggars; to prevent and quell riots, disturbances, and disorderly assemblages; to suppress houses of ill fame and gambling houses; to prevent and punish lewd, indecent and disorderly exhibitions in said town; and to expel therefrom persons guilty of such conduct who have not resided therein as much as twelve months.

(29) To prohibit and punish mischievous, wanton or malicious damage to school and public property, as well as private property.

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(30) To prohibit and punish minors from frequenting, playing in or loitering in any public poolroom, billiard parlor, or bowling alley, and to punish any proprietor or agent therefor for permitting the same.

(31) To compel persons sentenced to confinement in jail of the town for any misdemeanor or other violation of the laws or ordinances of the town to work on the public streets, parks or other public works of the town; and on the requisition of the mayor or any other persons acting as judge or justice of the municipal court, it shall be the duty of the sergeant of the town to deliver such persons to the duly authorized agent of the town for such purposes from day to day as he may require. For the purpose of carrying into effect the police regulations of the said town, the town shall be allowed the use of the county jail of Pittsylvania County for the safe keeping and confinement of all persons who shall be sentenced to imprisonment under the ordinances of the said town.

(32) To offer and pay rewards for the apprehension and conviction of criminals.

(33) To give names to streets and to alter and change the same.

(34) To regulate, permit or prohibit poles and wires for electric, telephone and telegraph purposes to be erected and gas or other pipes to be laid in the streets and alleys, and to prescribe and collect annual charges for such privileges, hereafter granted; to require the owner or lessee of an electric light, telephone or telegraph pole or poles or wires now in use or hereafter erected, to change the location or move the same; to require all telephone and telegraph wires and all wires and cables carrying electricity, hereafter installed, to be placed in conduits underground, and prescribe rules

and regulations for the construction of such conduits, provided that none of the rights exercised by town in accordance with this paragraph shall be inconsistent with the provisions of any franchise granted by town.

(35) To enact and carry out zoning ordinances, and building codes within the limits of the said town, in conformity with laws of the State of Virginia, and to provide for changes therein, and by ordinance from time to time to modify and change the same.

(36) To enact and carry out plumbing and heating ordinances and to regulate in the limits of the town the installation of water, gas, and heating pipes, and lines, fixtures, boilers and plants, on private or public property, and to regulate and supervise installation of the same.

(37) To exercise full police powers and establish and maintain a division or department of police.

(38) To make and enforce ordinances, not inconsistent with the laws of the State of Virginia.

(39) To enjoin and restrain the violation of any town ordinance or ordinances, although a penalty is provided upon conviction thereof.

(40) To pass and enforce all by-laws, rules, regulations and ordinances which may be deemed necessary for the good order and government of the town, the management of its property, the conduct of its affairs, the peace, comfort, convenience, order, morals, health and protection of its citizens and their property, and to do such other things, pass such other laws, as may be necessary or proper to carry into full force and effect, all powers, authority, capacity or jurisdiction which is or shall be granted or vested

in said town, in the council, court, or other officers thereof, or which may be necessarily incident to a municipal corporation.

(41) To provide reasonable penalties for violation of any town ordinance, rule or regulation or any provision of this Charter, not exceeding penalties prescribed by the general laws of the State of Virginia.

(42) To appoint a town sergeant who shall qualify and give bond, if any required, in such amount as the council may deem proper. He shall be vested with powers of a conservator of the peace, and shall have the same powers and discharge the same duties as a constable within the corporate limits of the town, and to a distance of one mile beyond the same, and shall perform such other duties as may from time to time be prescribed by the council.

(43) The mayor, the town councilmen, the town sergeant and the members of the police force of the town shall have jurisdiction, power and authority in criminal and police matters for one mile from the corporate limits of the said town.

#### **Sec. 4. Administration and government.**

(1) The present mayor and council of the Town of Chatham shall continue in office until the expiration of the term for which they were respectively elected, or until their successors are duly elected and qualified.

(2) Except as otherwise provided in this Charter, all powers of the town and the administration and government of the said town shall be vested in the council of the Town of Chatham, and such boards or officers as are hereafter mentioned, or may be by law otherwise provided.

(3) On the second Tuesday in June, nineteen hundred and forty-two, and every two years thereafter, there shall be elected by the qualified voters of the Town of Chatham, one elector of the town, who shall be denominated mayor, and six other electors who shall be denominated the councilmen of the town, and said mayor and councilmen shall constitute the town council. They shall enter upon the discharge of the duties of their offices on the first day of September next succeeding their election, and shall continue in office until their successors are duly elected and qualified. Every person elected shall take an oath faithfully to execute and discharge the duties of his office to the best of his judgment, and the mayor shall take the oath prescribed by law for state officers. The failure of any person elected or appointed under the provisions of this Act [Charter] to qualify or to take the oath required, within the time prescribed for entering upon the discharge of the duties of the office to which he is elected or appointed, shall vacate the said office, and the council shall proceed and are hereby vested with power to fill such vacancy in the manner herein prescribed.

*Editor's Note:* Pursuant to the Code of Va., § 24.1-90, elections for town officers are held on the first Tuesday in May and such officers enter office on July 1.

(4) There shall be appointed for the town a registrar and officers of election in the manner provided for by general law of Virginia, and all elections held in said town shall be governed in accordance with said general law; the electorate shall be that prescribed by general law.

*Editor's Note:* Pursuant to Code of Va., § 24.1-93, the county registrar acts as the registrar for the town.

## Charter Revisions

### Section 4. Administration and government

(3) On the first Tuesday in November and every two years thereafter, there shall be elected by the qualified voters of the Town of Chatham, one elector of the town who shall be denominated mayor, and will serve a two year term. Six other electors shall be denominated the councilmembers of the town. These councilmembers are to be elected for four year terms. This will be accomplished by the designation of three of the six electors in November 2010 to serve out their remaining period of their existing four year terms. Such designation shall be by lottery supervised by the Town Clerk. Thereafter three councilmembers will be denominated at each election beginning November 2012. Said Mayor and councilmembers shall constitute the town council. They shall enter upon the discharge of the duties of their offices on the first day of January next succeeding their election and shall continue in office until their successors are duly elected and qualifies. Every person elected shall take an oath faithfully to execute and discharge the duties of his office to the best of his judgment, and the mayor shall take the prescribed by law for state officers. The failure of any person elected or appointed under the provisions of the Charter to qualify or take oath required within the time prescribed for entering upon the discharge of the duties of the office to which he is elected or appointed, shall vacate the said office, and the council shall proceed and are hereby vested with power to fill such vacancy in the manner herein prescribed.

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(5) The council of the town shall judge the election, qualification and return of its members; may fine them for disorderly conduct, and with concurrence of two-thirds vote of the council, expel a member. If any person returned, be adjudged disqualified, or be expelled, a new election to fill the vacancy shall be ordered by the council and held on such day as it may designate by ordinance. Any other vacancy occurring during the term of any member of the council shall be filled by the council by the appointment of any one eligible to such office. A vacancy in the office of mayor shall be filled by the council from the electors of the town, and any member of the council may be eligible to such office.

(6) For the transaction of business by the council, four members of whom the mayor may be counted as one, shall constitute a quorum.

(7) Each member of the council may receive a salary to be fixed by the council, payable at such times, and in such manner, as the council may direct, but the salary paid to any one member during any year shall not exceed the sum of sixty dollars per annum; the mayor may receive a salary to be fixed by the council, payable in such manner and at such times as the council may direct, not to exceed the sum of five hundred dollars per annum; and the council is also empowered to provide that the salary of the mayor shall be in lieu of any fees he is entitled to receive for acting as justice of the municipal court. The present acting council of the town shall receive no salary for their services during the remaining part of their present term, but may set a salary for both mayor and councilmen to begin on and after the first day of September, nineteen hundred and forty-two.

**Editor's Note:** Code of Va., §§ 15.1-827, 15.1-827.1 supersede the provisions of this section relating to the salary of the mayor.

(8) The mayor shall preside at the meetings of the council and perform such other duties as may be prescribed by this Charter and by general law, and such as may be imposed by the council, consistent with his office. The mayor shall have no right to vote in the council except that in case of a tie vote then the mayor shall vote. The mayor shall, unless the council shall by resolution place the trial of violations of town ordinances in the hands of the trial justice, or some other duly authorized person, be clothed with authority to try all violations of any ordinance of the town, and shall be a conservator of the peace within the limits of the town. There may be two justices of the peace for the Town of Chatham who shall be appointed by the council and shall hold office during its pleasure, and such justices may be justices of the peace for Chatham Magisterial District. They shall be conservators of the peace within the limits of the Town of Chatham, and one mile beyond, and shall have the right and authority to issue warrants and summon witnesses involving violations of town ordinances. All warrants and process issued by the justices shall be returnable before the mayor. The compensation of said justices of the peace shall be determined by the council of the town and shall be either in the form of a salary or the fees which the justices collect.

**Editor's Note:** Pursuant to Code of Va., § 16.1-69.1 et seq., the general district court for the county has exclusive authority to try violations of town ordinances. Magistrates now perform the functions and duties of justices of the peace.

(9) The council shall, as soon as practicable, after qualification, choose one of its members as vice mayor. The vice mayor shall perform the duties of the mayor during his absence or disability, and in event of a vacancy for any reason in the office of mayor, he shall serve until a mayor is duly appointed by the council or is elected. The said vice mayor shall continue to have all rights, privileges, powers, duties and obligations of councilman while performing the duties of mayor during the absence or disability of the mayor of the town, and the said vice mayor shall be clothed with authority to try all violations of any ordinance of the said town in absence of the mayor or in event of the mayor for any reason being disqualified, to try any such violation. In the absence of the mayor or vice mayor, the mayor may designate a member of the council to perform his duties.

*Editor's Note:* Pursuant to Code of Va., § 16.1-69.1 et seq., the general district court for the county has exclusive authority to try violations of town ordinances. Magistrates now perform the functions and duties of justices of the peace.

(10) The council shall, by ordinance, fix the time for their meetings, but shall have at least one meeting each month. Special meetings shall be called by the clerk at the instance of the mayor or any three members of the council, in writing; no business shall be transacted at a special meeting but that for which it shall be called, unless the council be unanimous. The meetings of the council shall be open to the public except when in the judgment of the council the public welfare shall require executive sessions.

(11) The council shall keep a minute book, in which the clerk shall note the proceedings of the council, and shall record

proceedings at large on the minute book and keep the same properly indexed.

(12) The council may adopt rules for regulating its proceedings, but no tax shall be levied or corporate debt contracted except by a vote of two-thirds of the council, four votes being counted as two-thirds, which vote shall be taken by yeas and nays, and recorded in the minute book. It may appoint such committees as may be deemed proper for the transaction of business, and may compel attendance of absent members.

(13) The council may require the mayor to communicate to it annually as soon after the close of the fiscal year, or oftener, if necessary a general statement of the condition of the town in relation to its government, finances and improvements, with such recommendations as he may deem proper. He shall exercise a constant supervision over the conduct of all subordinate officers, have power and authority to investigate their acts, have access to all books and documents in their offices, and may examine such officer on oath. He shall have power to suspend all officers appointed by the council until the next regular meeting of the council, but such suspension shall in all cases be for misconduct in office or neglect of duty, to be specified in the order of suspension. In case of suspension of any officer the mayor shall submit a written report of the same to the council at its next regular meeting, or any meeting called for that purpose, specifically designating the charge against the officer and reasons for dismissal, and in case of suspension by the mayor, he shall have power to appoint some other person in his place to hold such office and perform the duties thereof until the next regular meeting of the council.

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(14) Every ordinance passed by the council for the violation of which a penalty is imposed shall be published in such way as the council may order, so as to give general publicity thereto, and no order may become effective until so published, either by handbills posted in at least two public places, or in a newspaper published and having general circulation in the town, except in the case of an emergency, in which instance the ordinance shall so state and shall become effective immediately upon its passage. If published by handbill, a certification of the posting thereof shall be made by the clerk or sergeant as to the time and place where the ordinance is recorded, provided however, that after the expiration of six months from date of the passage of any ordinance, its publication shall not be questioned, or its validity affected by any failure to publish the same. (Acts 1952, ch. 314, § 1.)

### Sec. 5. Town clerk.

At its first meeting in September of nineteen hundred and forty-two, or as soon thereafter as practicable, and every two years thereafter, there shall be appointed by the council a clerk, who shall hold office for a period of two years, unless sooner removed by the council for cause, and said clerk shall attend all meetings of the council, and shall keep a permanent record of its proceedings as hereinbefore set out; he shall be custodian of the town seal, and shall affix the same to all documents and instruments requiring a seal, and shall attest the same; he shall keep all papers, codes, documents, and records pertaining to the town, the custody of which is not otherwise provided for in this Charter. He shall give all notices to all parties, presenting petitions or communications to the council of the final

action of the council on such petitions or communications; he shall publish such reports and ordinances as the council is required to publish, and such other records and ordinances as it may direct; he shall perform such other acts or duties as the council may, from time to time, require.

*Editor's Note:* The organizational meeting of the town council is now held in July.

### Sec. 6. Town treasurer.

(1) There shall be appointed by the council at its first meeting in September of nineteen hundred and forty-two, or as soon thereafter as practicable, and every two years thereafter, a treasurer, who shall serve at the pleasure of the council who before entering upon the discharge of his duties shall give bond with sufficient surety to be approved by the council, in the penalty of such amount as may be fixed by the council from time to time, payable to the Town of Chatham, conditioned for the true and faithful performance of the duties of his office. The treasurer shall be responsible for the collection of all taxes, licenses, and levies and charges for services furnished by the public utilities of the town. The council shall have the authority to place in the hands of a town collector to be designated by it, the collection of taxes, licenses and other levies at any time if in the discretion of the council it shall be proper to do so.

(2) The town treasurer shall receive all moneys belonging to the town which it is his duty to collect from persons owing the same to the town, or which it is the duty of other officers of the town to collect and pay over to him, and pay the same out as ordinances of the town may prescribe; to keep all such moneys safely, and account therefor; and to pay all drafts and orders made

on him in conformity with ordinances of the town.

(3) The funds of the town shall be deposited by the treasurer in such bank or banks as the council may direct, and such bank or banks may be required to give security in such sum or sums as the council shall fix. He shall keep books showing accurately the date of his accounts and the money of the town shall be kept distinct and separate from his own money, and he is prohibited expressly from using directly or indirectly the town's money for his own benefit, or the benefit of any other person or persons whomsoever, and any violation of this provision shall subject him to immediate removal from office.

(4) The town treasurer shall, when required by the council, render an account to the council showing the state of the treasury and balance of money on hand. He shall also, when required by the council, accompany such account with a statement of all moneys received by him on what account with a list of checks paid by him during the month closed, and shall furnish such other information as the council may direct, and at all times the accounts and books of the treasurer shall be open to inspection by the mayor and council, and to any other person or persons appointed by the council to inspect the same.

(5) All taxes, levies and other sums of money received by the town treasurer belonging to the Town of Chatham, shall be credited on the books of the treasurer, and paid out by him only on a warrant of the clerk of the council, countersigned by the mayor.

(6) The treasurer shall perform such other duties as may be required by the council, not inconsistent with the general

laws of the State, and he shall receive for his services such compensation as the council may deem proper. (Acts 1942, ch. 480, § 6.)

*Editor's Note:* The organizational meeting of the town council is now held in July.

**Sec. 7. Designation of one person to serve as clerk and treasurer.**

The clerk the council and the treasurer of the town may be one and the same person in the discretion of the council.

**Sec. 8. Town manager.**

(1) The council may appoint a town manager who shall be the chief administrative officer of the town. The town manager shall be chosen by the council solely on the basis of his executive and administrative qualifications, and shall have some knowledge of civil, mechanical and electrical engineering, and need not when appointed be a resident of the town or state, but during his term of office he shall reside in the limits of the town, or within two miles of the corporate limits thereof; he shall be appointed for a term acceptable to the town council and the town manager, not to exceed two years, to end in any event with terms of office of the council making his appointment, but may be reappointed by the succeeding council. He may be removed by the council for any cause deemed sufficient to the council, but the town manager may require notice in writing, and shall have the right to be heard before the council prior to a vote to remove him. The action of the council in suspending and removing the town manager shall be final. The council shall have the authority to place the control and supervision of the police force of the

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town under either the mayor or town manager.

(2) Except as otherwise provided in this Charter, the town manager, subject to the consent of the town council, may appoint or employ, and he may remove or discharge officers, employees and assistants, as may be necessary to carry on the work of those departments of the town committed to him by ordinance, in all their respective details, in an economical and satisfactory manner. The salary and terms of office or employment of such officers, employees and assistants shall be fixed by the town manager, subject to the approval of the town council. His actions in all respects shall be subject to review by the council, and he shall be accountable to the town council only. (Acts 1973, ch. 48, § 1.)

### Sec. 9. Taxation.

(1) In addition to all other powers mentioned in this Charter and granted by general law, the town council shall have power to raise annually by taxes and assessments in the said town on all subjects or taxation of which by incorporated towns is not forbidden by general law, such sums of money as the council may deem necessary for the purpose of the town, and in such manner as the council shall deem expedient, in accordance with the Constitution and laws of this state and of the United States.

(2) The town council may levy a tax or license on any person, firm or corporation pursuing or conducting any trade, business, profession, occupation, employment or calling whatsoever, within the boundaries of the town, whether a license may be required therefor by the state or not, and may exceed the state license, if any be required, except when prohibited by general law.

(3) Any payment of delinquent taxes made by the tenant, unless under express contract contained in his lease, shall be a credit against the person to whom he owes the rent.

(4) The council may require owners of motor vehicles, trailers, semitrailers, and other vehicles of any kind, residing in the town, licenses for the privilege of operating such vehicle in the town, such license to be issued and the fee therefor fixed by the town council.

(5) All goods and chattels found, may be distrained and sold for taxes assessed and due thereon, and no deed of trust nor mortgage upon goods and chattels shall prevent the same from being distrained and sold for taxes.

(6) The council may add penalties for failure of any person or firm or corporation to pay taxes or licenses at the time provided for by ordinance of the council, and there shall be a lien for all taxes assessed which may be enforced as provided by general law of the state.

(7) The council may, by a two-thirds vote of the body, exempt real and personal property used for manufacturing purposes or other enterprises from all taxes for municipal purposes for a period not exceeding five years, if it deem it expedient to do so in order to encourage the establishment of such enterprise therein.

(8) The assessment of real and personal property in the town, for the purpose of municipal taxation, shall be the same as the assessment of such property for the purpose of county or state taxation, where there is a county or state assessment of such property.

(9) The council, in the name of and for the use of the town, may contract loans,

incur indebtedness and cause certificates of debt or bonds to be issued, whenever two-thirds of its members by a recorded vote decide that it is to the interest of the town so to do, but such council may only borrow money to the extent prescribed by the Constitution and laws of this state. But the council shall issue no bonds or certificates of debt, except in anticipation of current revenue, until it shall have first submitted to the qualified voters of said town the question of whether or not such bonds shall be issued and a majority of the qualified voters voting at any election held for such purpose shall have voted for such issue. Such election shall be held under the provisions of the general laws of this state, except the council shall have power to call such election and fix the date thereof by ordinance, copy of which shall be published at least five days beforehand in some newspaper published in said town. The publisher of the newspaper shall certify to the publication thereof, which certification shall be recorded in the minute book of the town. The judges conducting any such election shall certify the returns to the clerk of the circuit court of Pittsylvania County and to the said council, not to the judge of the circuit court of said county.

(10) Any bonds which may be issued under this charter may be either registered or coupon bonds; they shall be issued in such denominations and bear such rate of interest, not exceeding six per cent, as may be determined by the council; they shall be made payable at such time or times as the council may prescribe, not exceeding thirty years from their date, and may, at the option of the council, be made redeemable after such times as the council may prescribe; and the interest thereon may be

made payable at such place as the council may designate, either annually or semi-annually. Any issue of bonds under this act shall be signed by the mayor and countersigned by the clerk of the council, with the town seal attached; they shall be sold in the manner as the council may prescribe, and the proceeds from such sale shall be used and expended under the order of the council. In case of an issue of bonds to refund any outstanding bonded indebtedness heretofore made by the said town under any act or charter, may be done by ordinance of the council, but no vote by the people shall be necessary at an election for said purpose. Such bonds shall be known as refunding bonds.

(11) A lien shall exist on all real estate within the corporate limits for taxes, levies and assessments in favor of the town, assessed thereon from the commencement of the year for which the same were assessed and the procedure for collecting the said taxes, for selling of real estate for town taxes, and for the redemption of real estate sold for town taxes, shall be the same as provided in the general laws of the state to the same extent as if herein fully set out. The said town and its treasurer shall have the benefit of all other additional remedies for the collection of town taxes which are now or hereafter may be granted or permitted by and under the general law.

**Sec. 10. Sinking fund.**

(1) The council may provide for a sinking fund for the purpose of paying off any outstanding indebtedness of the town, if it matures, or to provide for any additional indebtedness hereafter made, and may make an additional levy therefor, said sinking fund to be set aside and invested as herein-

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after provided for, but this section does not authorize any additional levy to pay the interest or create a sinking fund for any bonded indebtedness of the town now outstanding.

(2) When taxes on real and personal property are collected for the year, the town treasurer shall take therefrom the necessary amount of any additional sum, if any, so set apart, and deposit the same in a separate account to the credit of the sinking fund in such bank or banks as the council may designate; and the council may if it so elect, cause its sinking fund to be loaned on improved real estate, situated in the Town of Chatham, not to be loaned to a greater amount than fifty per cent of the fair market value of the property, and fire insurance shall be carried on the property during the loan in an amount at least equal to the face value of the amount of the loan, which money shall be loaned at not exceeding six per cent per annum, payable semi-annually, and for no longer than for two years at any one time.

(3) All sinking funds shall be used exclusively in the payment or purchase and redemption of the outstanding bonds of the town, and when such sinking funds are not required or may not within a reasonable time be required for payment of any bond of the town, or cannot be used to advantage in purchase and redemption of any bond of the town, which may be outstanding, the same shall be securely invested in interest bearing municipal state or government bonds or loaned upon otherwise unencumbered real estate within the Town of Chatham, upon the basis hereinbefore provided, or invested in any security approved by the general laws of the State of Virginia for investment of such funds, or deposited

in a bank on a reasonable rate of interest. Such sinking funds may be used in the payment or purchase and redemption of all bonds of the town at the discretion of the council.

(4) The town council shall act as the sinking fund commission or committee and shall provide for the investment, deposit and application of the funds in conformity to the provisions of this charter; and may require any bank or banks receiving on deposit its revenues or any of its sinking fund a fidelity bond or other security.

### **Sec. 11. Actions against town for damages, etc.**

(1) 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, verified by oath of the claimant, his agent or attorney, or the personal representative of any decedent 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 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, except 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 one hundred and twenty days. No officer, agents, or employees of the town shall have authority to waive such conditions precedent or any of them.

(2) In any action against the town to recover damages against it for any negligence in the construction or maintenance of its streets, alleys, lanes, parks, public places, sewers, reservoirs, or water mains, where any person or corporation is liable with the town for such negligence, every such person or corporation shall be joined as defendant with the town in such action brought to recover damages for such negligence, and where there is a judgment or verdict against the town, as well as the other defendant, it shall be ascertained by the court or jury which of the defendants is primarily liable for the damages assessed.

(3) If it be ascertained by the judgment of the court that some person or corporation other than the town is primarily liable, there shall be a stay of execution against the town until execution against such person or persons or corporation or corporations shall have been returned without realizing the full amount of such judgment.

(4) If the town, when not primarily liable, shall pay the said judgment in whole or in part, the plaintiff shall, to the extent that the said judgment is paid by the town, assign the judgment to the town, without recourse on the plaintiff, and the town shall be entitled to have execution issued for its benefit against the other defendant or defendants who have been ascertained to be primarily liable, or may institute any suit to enforce the said judgment, or an action at law, or scire facias to revive the said judgment.

(5) 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.

(6) The council of said town is authorized and empowered to compromise any claim for damages or any suit or action brought against said town.

*Editor's Note:* The provisions of this section regarding the time limit on filing notice of claims against the town are superseded by Code of Va., § 8-653.

**Sec. 12. Dedication of streets and plats thereof.**

(1) No plat showing a new street or highway within the town shall be filed or recorded in the office of the clerk of any county until such plat shall have been approved by the council. The council shall not approve any such plat unless the streets and highways provided for therein are of sufficient width, of proper grades and suitably located to meet the probable traffic needs, to afford adequate light, air, and access of the fire apparatus to such buildings as may be erected along the proposed streets and highways; and to insure healthful conditions on the land adjacent to such streets or highways. The council may, in appropriate cases, require that a plat before being approved shall provide adequate open space for parks, playgrounds, or other recreational uses; but the inclusion of such open spaces upon a plat does not require their dedication to public use.

(2) Before approving any plat, and thereby accepting the dedication of the streets, alleys and highways thereon, the council shall require the owner thereof to execute and deliver to the Town of Chatham a release and waiver of any claim or claims for damages which such owner,

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his heirs, successors or assigns may have or acquire against the said town by reason of establishing proper grades and grade lines along such streets, alleys, or highways, and by reason of doing necessary grading and filling for the purpose of placing such streets and alleys and highways upon the property grade, and releasing the said town from building any retaining walls along the streets, alleys, or highways, and property lines or for any damage to property abutting by reason of the construction of any drain or pipe line for removal of surface water, whereby water is emptied on or drained from such adjacent or abutting property. Such release or waiver may be required to be in writing and executed on the plat or on a written instrument accompanying the same, and all of which shall be filed of record in the clerk's office of the County of Pittsylvania.

(3) Before approving any such plot the town council may, at its discretion, require the owner of such land to grade the streets and alleys thereon, according to grade or grade lines approved by the council. By the acceptance of any such plat, street, alley or highway as above set out, there shall be no liability upon the town to surface such street, or to install any sewage, water, gas, lights or other improvements, until in the judgment of the council the same is required.

### **Sec. 13. Validation of contracts.**

All contracts and obligations heretofore or hereafter made by council of the Town of Chatham, while in office, not inconsistent with this Charter, or the Constitution, or the general laws of this state shall be, and hereby are declared to be valid and legal.

### **Sec. 14. Ordinances to continue in force.**

All ordinances now in force in the Town of Chatham, not inconsistent with this Charter, shall be and remain in full force until altered, amended or repealed by the council of the said town.

### **Sec. 15. Severability of charter provisions.**

If any clause, sentence, paragraph or part of this Act [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 the said act, but shall be confined in its operations to the clause, sentence, paragraph or part thereof directly involved in the controversy in which said judgment shall be rendered.

### **Sec. 16. Repeal of conflicting acts.**

All acts or parts of acts in conflict with this Charter, in so far as they affect the provisions of this Charter, and all former charters and amendments thereto for the Town of Chatham, are hereby repealed.

### **Sec. 17. Citation of charter.**

This Act [Charter] may for all purposes be cited or referred to as the Town of Chatham Charter of Nineteen Hundred Forty-two.

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