

CHARTER OF THE TOWN OF BOYCE

Part I

The Charter

of the

TOWN OF BOYCE, VIRGINIA

Editor's Note - The Town of Boyce, Clarke County, Virginia, was incorporated on November 28, 1910, by Order of the Circuit Court of Clarke County, Virginia (Common Law Order Book G, page 348), and a plat thereof, made by Charles E. S. Harris, Clarke County Surveyor, was recorded in Deed Book 6, page 220. This Charter was amended by the Circuit Court, by Order dated September 26, 1927 (Common Law Order Book J, page 29). And in 1973, the following new Charter was enacted by the General Assembly:

CHAPTER 493

An Act to provide a new charter for the Town of Boyce and to repeal the existing charter, which was granted by order of the Circuit Court of Clarke County, and amendments thereto.

[H 1269]

Approved March 20, 1973

Be it enacted by the General Assembly of Virginia:

Incorporation

1. 1A The inhabitants of the territory comprised within the limits of the Town of Boyce, as such limits are hereinafter set out or as the same may be hereafter altered and established by law, shall constitute and continue a body, politic and corporate, to be known and designated as the Town of Boyce 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 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 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.

1B The corporate limits of the town shall be boundaries of the Town of Boyce, its predecessor, as described in a plat thereof, made by Charles E. S. Harris, which was recorded in the Circuit Court of Clarke County in Deed Book 6, page 220.

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Rights and Powers

2. (1) All of the rights, powers, and privileges of the Town of Boyce heretofore acquired, possessed, and enjoyed not in conflict with this charter shall continue and remain vested in the said town under this charter and all laws, resolutions, and ordinances of the Council now in force and not inconsistent with this charter, shall be and continue in full force and effect until regularly repealed by a duly elected council of the said town.

(2) Any of the persons holding office provided for in this charter which have existed under the charter heretofore granted, shall continue to hold the same until July one, nineteen hundred seventy-four, and all laws in force prior to this charter and consistent herewith, and all liabilities, rights, actions, and contracts arising thereunder shall remain in full force and effect as if this amendment had not been granted.

3. (1) Elections by the qualified voters of the said Town of Boyce will be held on the first Tuesday in May, of each even numbered year. On the first Tuesday in May, nineteen hundred eight, a Mayor and two Councilmen shall be elected for a term of four years, and a Recorder and two Councilmen shall be elected for a term of two years. On the first Tuesday in May, nineteen hundred eighty-two, a Recorder and two Councilmen shall be elected for a term of four years. Thereafter, the Mayor, the Recorder, and Councilmen shall be elected for a term of four years. The Mayor, Recorder, and Councilmen shall constitute the Common Council of the said town. They shall enter upon the duties of their respective offices on the first day of July next succeeding their election and shall continue in office until their successors are elected and qualified.

(2) That an emergency exists and this act is in force from its passage.

(Amended 3/7/1979)

4. (1) The Mayor, Recorder, and Councilmen shall each before assuming the duties of their office take oath that they will truly and faithfully discharge the duties of their said office to the best of their abilities. The Mayor after having taken said oath before any officer authorized by law to administer oaths shall be qualified to administer the oath of the Recorder and Councilmen.

(2) There may be a Town Sergeant and Treasurer appointed by the Council for a term concurrent with that of the Common Council.

Elections

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5. (1) The town election shall be conducted by the Judges of Election, appointed by the Electoral Board of Clarke County; the voting shall be done at such place within town as the Council may prescribe. The Council shall also prescribe the manner of filling vacancies in the said town offices.

(2) The Council in existence at the time of the election shall be judge of the election, qualification and returns of its members, may fine them for misbehavior, and with the concurrence of two thirds expel a member. It shall be the duty of the Mayor within ten days after any election to call a meeting of the Council to examine the returns and to notify the persons of their election.

(3) Should any member of the Council duly elected thereto, be declared ineligible to hold said office for any reason, or be expelled, or refuse to take the oath of office, the Common Council of said town shall declare such office vacant and order a new election to fill said vacancy, or vacancies, at the same place and at such time as it may prescribe, except that where there shall be vacancies in the majority of the Council, the Circuit Court, or the Judge thereof, in vacation, shall fill such vacancies from the qualified voters of the town.

(4) A vacancy in the office of Mayor may be filled by the Council from the qualified electors of said town.

(5) Whenever any vacancy shall otherwise occur during the term for which any of the said persons have been elected may be filled by the Council by appointment of any one eligible to such office.

Bond of City Officers

6. The Council shall have the power to require and take from the Treasurer, Recorder, and any other town officers such bonds, with sureties therefore, as the Council may deem necessary. These bonds shall be conditioned for the faithful performance of the duty of the respective officers, and such officer will faithfully account for all moneys that shall come into his hands as an official of the said town.

Duties of Town Officials

Mayor

7A. The jurisdiction of the Mayor's court in criminal matter shall extend one mile beyond the corporate limits of the said town.

The Mayor shall be the chief Executive Officer of the town. It

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shall be his duty to take the proper steps to enforce the laws, resolutions, and ordinances of the Council. He shall be ex-officio a conservator and justice of the peace within the said town and one mile beyond the corporate limits thereof, but he shall have no jurisdiction in any capacity in civil cases beyond the corporate limits.

The Mayor shall have the power to remove or suspend any subordinate officer of the town for misconduct in office or neglect of duty, but no such removal shall be made without reasonable notice to such person specifying the grounds of removal and giving such person an opportunity to defend himself. His action hereunder shall be reported to the next meeting of the Council for consideration and action thereon.

The Mayor shall preside over the meetings of the Council, and shall have the right to vote on all matters before the Council, and, in case of a tie, shall have the deciding vote.

The Mayor shall have the power to commit any party to the jail of the county of the county upon their failure to pay fines and costs imposed upon them by him, and the power to issue executions for all such costs and fines imposed by him. However, he cannot commit such person to jail for a longer period than sixty days, for failure to pay any fine or cost.

The Mayor shall make an annual report to the Town Council at the beginning of each fiscal year, showing the general condition of the town as to its finances, and government, and make such recommendations as he may deem necessary. In case of the death, disqualification, absence, or inability of the Mayor to serve, the Recorder shall perform the duties of the Mayor and be vested with all of his powers.

The Mayor shall receive such compensation for his services as the Council may determine, which compensation shall not be diminished or increased during the term for which he shall have been elected.

The Recorder

7B The Recorder shall keep a journal of the proceedings of the Council and keep and preserve the records of the town. If for any reason the Mayor shall be absent or unable to serve, the Recorder shall perform of the Mayor and be vested with the powers during such absence or inability of the Mayor.

In case both the Mayor and the Recorder are absent, or for any reason cannot serve, the Council shall, by a majority vote of the members

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present, appoint one of their number to fill the respective office until the Mayor, or Recorder may resume their duties, or the vacancy has been filled.

No money belonging to the said town shall be paid out by the Treasurer unless the same has been appropriated and ordered to be paid by the Council, and upon the certificate of the Recorder, or in his absence that of the Mayor, for such payment.

The Town Treasurer

7C It shall be the duty of the Treasurer of the town to collect all taxes and licenses and to account for all the money which comes into the Treasury during the period of his office, and to pay out all moneys belonging to the town upon the proper order of the Council to do so, and upon the proper certificate of the Recorder, or in his absence that of the Mayor.

The Treasurer shall make a regular report annually at the end of each fiscal year to the Town Council, showing his receipts and expenditures for the year and the condition of the town finances.

The books of the Treasurer shall be subject to the control of the Council, and he shall show them to the Council, or to such Committee as the Council may appoint to audit the books.

The Treasurer shall make no payment out of the town finances except by an order of the Common Council and upon the proper certificate from the Recorder, or in the absence of the Recorder, of that of the Mayor, in conformity with the said order of the Council.

The Treasurer shall not perform the duties of his office until he has given such bond, with penalty as the Council may require.

Town Sergeant

7D. It shall be the duty of the Town Sergeant to collect delinquent taxes and any levies, either by an ordinance or resolution of the Council, that may be placed in his hands for collection. He shall make a report and pay into the Treasury all sums collected from such delinquent taxes or levies, before the first day of each calendar month.

The Sergeant shall perform all duties pertaining to the office of Sergeant of the town and of the Police Officer within the said town, and as such shall have the same powers and duties as are by law prescribed for a

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Sergeant or Constable. The Common Council shall fix the amount of compensation which he shall received for his services.

He shall keep the public streets and sidewalks properly cleaned and see that the laws and ordinances of the town are properly enforced.

The Town Sergeant, or any other Police Officer of the town, shall have the power and authority to arrest without a warrant, any person or persons, seen at the time of arrest engaged in committing any breach of peace, or in any way violating any of the laws or ordinances of the town, or disturbing the security of the persons or property of the citizens of the said town.

Town Council

7E (1) The Mayor shall be the Presiding Officer at the meetings of the Common council, except that in his absence the meetings shall be presided over by the Recorder. In the absence of both the Mayor and the Recorder, such member of the Council as may be chosen by a majority of the Councilmen present shall preside.

(2) Three members of the Common Council shall constitute a quorum of the said Council for the transaction of business. the Mayor or the Recorder and at least two Councilmen shall constitute such a quorum.

(3) The Council shall keep an accurate record of all of its proceedings, which record shall be open to inspection of any citizen who is entitled to vote for members of the Council.

(4) At each meeting of the Common Council, the minutes of the last meeting shall be read, such corrections as may be necessary made, and signed by the Presiding Officer at that meeting. Any member of the Council may, upon request, have a recorded vote of the Council upon any question passed upon by the said Council.

(5) The Mayor and Recorder shall be members of the Council and be entitled to vote, and, in case of a tie vote, the Presiding Officer shall cast the deciding vote.

(6) The common Council shall have the power within the corporate limits of the said town to open streets, alleys, and sidewalks for the public use, and to change or improve the same, and to regulate the width of said streets, alleys, and sidewalks; to lay off public grounds, to provide for and take care of public buildings of the town; prevent injury or annoyance to the public, or individuals from any dangerous or offensive things;

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to regulate the keeping of powder and other combustibles; to abate and remove anything which in the opinion of a majority of the Council shall be considered a nuisance; to make regulations for guarding against the danger from fire, to provide for the poor of the town, to appoint the place and regulate the holding of town elections; to formulate rules for the transaction of its business and the regulation of said Council; to require and take bonds from such officials of the town, together with such surety, as the Council may see fit, for the true and faithful performance of their duties; to regulate and control the establishment of burial grounds within the corporate limits; to erect or permit, or prohibit the erection of gas works, water works, or electric light works in or near the town, and to protect the property of persons therein and preserve the peace and good order and promote the general welfare of the said town; and for all, of which said purposes named herein, the Council shall have jurisdiction within and for one mile beyond the corporate limits of the said town.

(7) In order to carry into effect the enumerated powers, and all other powers conferred upon said town, either expressly or by implication in this charter, or the general laws of Virginia, the Council shall have the power to make bylaws and ordinances which are not contrary to the constitution and laws of the state of Virginia. The Council shall have the power to prescribe and enforce fines and penalties, or imprisonment in the County jail for a term not exceeding sixty days, for a failure to pay such fines, all of which fines, penalties, and imprisonment's shall be recovered or enforced under the judgment of the Mayor of the said town, or such personal lawfully exercising his functions.

(8) The said Council may, with the consent and by an agreement with the County Court of said county, entered of record, have the right to use the jail of the said County of Clarke, for any purposes for which the jail may be needed by them, under the ordinances of the Council or of the laws of the State.

(9) The Council shall annually make an estimate (budget) of all sums which may be lawfully chargeable on the said town, and to be paid within one year, which estimate is to be paid from the taxes, licenses, and other sources of revenue. The said estimate shall be entered upon the records of its journal.

(10) The said Council shall have the power and authority to require a license for doing business within the town, from any person, company, corporation, or firm, for which a State license is required of such person company, or corporation, for doing such business.

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(11) The said Council may also grant or refuse licenses to the owners and operators of automobiles, trucks, or other vehicles employed and operated in or from the said town for hire.

(12) The revenue from all sources payable to the said town shall be collected and accounted for to such persons and at such times as the Council shall order.

(13) The jurisdiction of the Council, in criminal matter shall extend one mile beyond the corporate limits of the town.

(14) The Council shall have power to require and take from such officers of the town, as it may deem necessary, bonds with satisfactory sureties conditioned for the faithful performance of the duty of such officer.

(15) For the violation of duty by any officer of the said town and the terms of his said bond, it shall be lawful for the Council to recover on his bond by motion, in the corporate name of the town, before any court of record of the said county of Clarke, against the said officers and the surety on his bond, or either of them, on giving ten days' notice of the same.

(16) The Council of the town may be convened at any time upon the call in writing of the Mayor or of any three members thereof.

(17) The Council shall not take or use any private property for public purposes without a just and fair compensation thereof to the owners of said property. But in all cases where it is impossible for the town to agree with the owner of such property upon a price for the same, it shall be lawful for the said town to apply and obtain from the Circuit Court of Clarke County authority to condemn the said property, which application and proceeding of condemnation shall be according to law.

(18) The Council may take whatever steps may be deemed necessary, in accordance with the law applicable to the same, for the protection of persons and property within the limits of the said town and to preserve the peace and welfare of the said town.

(19) The Council may appoint a Physician and an Attorney for the town and prescribe their term of office and compensation.

(20) No bonds shall be issued by the Town of Boyce under the laws of the State of Virginia, made and provided, except after an election held for the purpose and a vote of the citizens of the said town shall have first authorized the same.

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(21) All acts and ordinances inconsistent with this charter are hereby repealed.

8. The charter of the Town of Boyce granted by order of the Circuit Court of Clarke County and all amendments thereto are repealed.

9. An emergency exists and this act is in force from its passage.