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SENATE BILL NO. 99

Offered January 12, 2022

Prefiled January 6, 2022

A *BILL to provide a new charter for the Town of Grottoes in Rockingham County and to repeal Chapter 571 of the Acts of Assembly of 1997, as amended, which provided a charter for the Town of Grottoes.*

 Patron—Hanger

Referred to Committee on Local Government

Be it enacted by the General Assembly of Virginia:

1.

**CHARTER
FOR THE
TOWN OF GROTTUES.**

Chapter 1.

Incorporation and Boundaries.

§ 1.1. *Incorporation.*

The inhabitants of the territory comprised within the present limits of the Town of Grottoes, as such limits may 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 Grottoes, and as such, shall have perpetual succession, may sue and be sued, plead and be impleaded, contract and be contracted with, and have a corporate seal that it may alter, renew, or amend at its pleasure by ordinance.

§ 1.2. *Boundaries.*

The territory embraced within the present limits of the Town of Grottoes is described in a recordation in the Clerk's Office of the court where deeds are filed. It is the purpose of the description to embrace and include within the limits of the Town of Grottoes all land legally within the boundaries of said Town as of the date of the enactment of this Charter.

Chapter 2.

Powers.

§ 2.1. *General Grant of Powers.*

(a) Powers authorized in Code of Virginia. The Town shall have and may exercise all powers that are now or hereafter may be conferred upon or delegated to Towns under the Constitution and the laws of the Commonwealth of Virginia as fully and completely as if such powers were specifically enumerated in this Charter. No enumeration of particular powers in this Charter shall be held to exclude other, unmentioned powers. The Town shall have, exercise, and enjoy all of the rights, immunities, powers, and privileges and be subject to all of the duties and obligations now appertaining to and incumbent upon the Town as a municipal corporation.

(b) Powers exercised by governing body. All powers vested in the Town by this Charter shall be exercised by its governing body unless expressly provided to the contrary. Such powers shall include those not expressly prohibited by the Constitution and general law of the Commonwealth of Virginia and that are necessary or desirable to secure and promote the general welfare of the Town's inhabitants and the safety, health, peace, good order, comfort, convenience, morals, trade, commerce, and industry of the Town and the Town's inhabitants, and the enumeration of specific powers shall not be construed or held to be exclusive or as a limitation upon any general grant of power but shall be construed and held to be in addition to any general grant of power. The exercise of the powers conferred under this section is specifically limited to the area within the corporate limits of the Town, unless otherwise conferred in the applicable sections of the Constitution and general laws, as amended, of the Commonwealth of Virginia.

(c) Repeal of prior inconsistent acts and Charters. All acts and parts of acts in conflict with this Charter are hereby repealed, insofar as they affect the provisions of this Charter, provided, however, that nothing contained in this act shall be construed to invalidate or to in any manner affect the present existing indebtedness and liabilities of the Town, whether evidenced by bonded obligations or otherwise, or to relieve it of any part of its present obligation or liability on account of bond issues, liabilities, or debts of whatsoever nature or kind. Upon the effective date of this Charter, all references to the Town Superintendent in the Town's resolutions, ordinances, code provisions, contracts, and all other official acts and governing documents then in effect shall be deemed as referring to the Town Manager.

§ 2.2. *Financial Powers.*

59 (a) *Generally. In accordance with the Constitution of Virginia and the United States Constitution, the*
60 *Town may raise through annual taxes and assessments on property, persons, and other subjects of*
61 *taxation that are not prohibited by law such sums of money as in the judgment of the Town are*
62 *necessary to pay the debts, defray the expenses, accomplish the purposes, and perform the functions of*
63 *the Town, in such manner as the Council deems necessary or expedient.*

64 (b) *Assessments for local improvements. The Town may impose special or local assessments for local*
65 *improvements and enforce payment thereof, subject, however, to such limitations prescribed by the*
66 *Constitution of Virginia as may be in force at the time of the imposition of such special or local*
67 *assessments.*

68 (c) *Water and sewage rates; rates and charges for public utilities or services operated by the Town.*
69 *The Town may establish, impose, and enforce water, light, and sewage rates and rates and charges for*
70 *public utilities, or other services, products, or conveniences, operated, rendered, or furnished by the*
71 *Town and assess, or cause to be assessed, water, light, sewage, and other public utility rates and*
72 *charges directly against the owner or owners of the buildings, or against the proper tenant or tenants,*
73 *and in the event that such rates and charges shall be assessed against a tenant, then the Council may,*
74 *by an ordinance, require of such tenant a deposit of such reasonable amount as may be by such*
75 *ordinance prescribed before furnishing such services to such tenant.*

76 § 2.3. *Contractual Powers; Gifts; Grants.*

77 (a) *Acquisition of property generally; holding, selling, leasing Town property. The Town may*
78 *acquire, by purchase, gift, devise, condemnation, or otherwise, property, real and personal, or any*
79 *estate or interest therein, within or without the Town or the Commonwealth of Virginia and for any of*
80 *the purposes of the Town.*

81 (b) *Debts and evidence of indebtedness. The Town may contract debts, borrow money, and make and*
82 *issue evidence of indebtedness.*

83 (c) *Gifts. The Town may accept or refuse gifts, donations, bequests, or grants of any kind from any*
84 *source, absolutely or in trust, that are related to the Town's powers, duties, and functions, or for*
85 *educational, charitable, or other public purposes, and do all the things and acts necessary to carry out*
86 *the purposes of such gifts, grants, bequests, and devisees, with power to manage maintain, operate, sell,*
87 *lease, or otherwise handle or dispose of the same, in accordance with terms and conditions of such*
88 *gifts, grants, bequests, and devisees.*

89 § 2.4. *Operational Powers.*

90 (a) *Generally. The Town may provide for the organization, conduct, and operation of all*
91 *departments, offices, boards, commissions, and agencies of the Town, subject to such limitations as may*
92 *be imposed by this Charter or otherwise by law, and may establish, consolidate, abolish, or change*
93 *departments, offices, boards, commissions, and agencies of the municipal corporation and prescribe the*
94 *powers, duties, and functions thereof, except where such departments, offices, boards, commissions, and*
95 *agencies or the powers, duties, and functions thereof are specifically established or prescribed by this*
96 *Charter or otherwise by law.*

97 (b) *Records and accounts. The Town shall provide for the control and management of the Town's*
98 *affairs and shall prescribe and require the adoption and keeping of such books, records, accounts, and*
99 *systems of accounting by the departments, boards, commissions, or other agencies of the local*
100 *government consistent with generally accepted accounting standards necessary to give full and true*
101 *accounts of the affairs, resources, and revenues of the municipal corporation and the handling, use, and*
102 *disposal thereof.*

103 (c) *Expenditure of money. The Town may expend money for all lawful purposes.*

104 (d) *Construction and maintenance of improvements, buildings, and property for use and operation of*
105 *Town departments. The Town may construct, maintain, regulate, and operate public improvements of all*
106 *kinds, including municipal and other buildings, comfort stations, markets, and all buildings and*
107 *structures necessary or appropriate for the use and proper operation of the various departments of the*
108 *Town, and may acquire by condemnation or otherwise all land, riparian, and other rights and*
109 *easements necessary for such improvements, or any of them.*

110 (e) *Town events. The Town may conduct festivals, music events, running races, athletic competitions,*
111 *community festivals, and all such other events and may charge fees for the participation therein.*

112 § 2.5. *Utilities; Public Improvements.*

113 (a) *Water works and water supply. The Town may own, operate, and maintain water works and*
114 *acquire in any lawful manner in any town, county or city of the Commonwealth of Virginia such water,*
115 *lands, property rights, and riparian rights as the Council may deem necessary for the purpose of*
116 *providing the Town with an adequate water supply, and of piping or conducting the same; lay all*
117 *necessary mains and service lines, either within or without the corporate limits of the Town, and charge*
118 *and collect water rents therefor; erect and maintain all necessary dams, pumping stations, and other*
119 *works in connection therewith; make reasonable rules and regulations for promoting the purity of the*
120 *Town water supply and protecting it from pollution and for this purpose exercise full police powers and*

sanitary patrol over all lands comprised within the limits of the watershed tributary to any such water supply wherever such lands may be located in the Commonwealth of Virginia; impose and enforce adequate penalties for the violation of any such rules and regulations and prevent by injunction any pollution or threatened pollution of such water supply and any and all acts likely to impair the purity thereof; and for the purpose of acquiring lands, interest in lands, property rights, and riparian rights or materials for any such use, exercise all powers of eminent domain provided by the laws of the Commonwealth of Virginia. For any of the purposes aforesaid, said Town may, if the Council shall so determine, acquire by condemnation, purchase, or otherwise any estate or interest in such lands or any of them in fee.

(b) Wastewater collection and treatment. The Town may collect, treat, and dispose of sewage. The Town may own, operate, and maintain wastewater treatment plants and acquire in any lawful manner in any town, county or city of the Commonwealth of Virginia such lands and property rights as the Council may deem necessary for the purpose of providing the Town with an adequate wastewater treatment, and of collecting the same; lay all necessary mains and service lines, either within or without the corporate limits of the Town, and charge and collect fees therefor; erect and maintain all necessary pumping stations and other works in connection therewith; make reasonable rules and regulations for protecting the Town from pollution and for this purpose exercise full police powers and sanitary patrol over all lands comprised within the limits of the watershed tributary to the Town's water supply wherever such lands may be located in the Commonwealth of Virginia; impose and enforce adequate penalties for the violation of any such rules and regulations; and for the purpose of acquiring lands, interest in lands, and property rights for any such use, exercise all powers of eminent domain provided by the laws of the Commonwealth of Virginia. For any of the purposes aforesaid, said Town may, if the Council shall so determine, acquire by condemnation, purchase, or otherwise any estate or interest in such lands or any of them in fee.

(c) Streets; parks and playgrounds; infrastructure; vehicles. The Town may establish, maintain, improve, alter, vacate, regulate, and otherwise manage its streets, alleys, parks, playgrounds, and all of its public infrastructure and public works, in such manner as best serves the public interest, safety, and convenience; regulate, limit, restrict, and control the services and routes of and rates charged by vehicles for the carrying of passengers and property in accordance with general law; permit or prohibit poles and wires for electric, telephone, telegraph, television, and other purposes to be erected and gas pipes to be laid in the streets and alleys and prescribe and collect an annual charge for such privileges; and subject to the provisions of franchise agreements, require the owner or lessees of any such poles or wires now in use or hereafter used to place such wires, cables, and accoutrements in conduits underground in accordance with the Town's prescribed requirements.

(d) Public utilities. Subject to the provisions of the Constitution of Virginia, this Charter, and general law, the Town may grant franchises for public utilities, reserving rights of transfer, renewal, extension, and amendment thereof.

(e) Collection and disposition of garbage, ashes, refuse, reduction, and disposal plant. The Town may collect and dispose of ashes, garbage, carcasses of dead animals, and other refuse; make reasonable charges therefor; acquire and operate reduction or any other plants for the utilization or destruction of such materials, or any of them; contract for and regulate the collection and disposal thereof and require and regulate the collection and disposal thereof.

§ 2.6. Nuisances; Sanitary Conditions.

The Town may compel the abatement and removal of all nuisances within the Town; require all lands, lots, and other premises within the Town to be kept clean; regulate the keeping of animals, poultry, and other fowl therein; regulate the exercise of any dangerous or unwholesome business, trade, or employment therein; regulate the transportation of all articles through the streets of the Town; compel the abatement of smoke, dust, and unnecessary noise; compel the removal of grass and weeds from private and public property and snow from sidewalks; require the covering or removal of offensive, unwholesome, unsanitary, or unhealthy substances allowed to accumulate in or on any place or premises; require the filling in to the street level of the portion of any lot adjacent to a street where the difference in level between the lot and the street constitutes a danger to life and limb; require the raising or draining of the grounds subject to be covered by stagnant water and the razing or repair of all unsafe, dangerous, or unsanitary public or private buildings, walls, or structures; and remedy, repair, and secure any blighted or derelict building or structure within the Town in accordance with applicable law.

§ 2.7. Police Powers.

(a) The Town may exercise full police powers as provided by general law and establish and maintain a department or division of police.

(b) The Town may also do all things whatsoever necessary or expedient for promoting or maintaining the general welfare, comfort, education, morals, peace, government, health, trade,

182 commerce, or industries of the Town or its inhabitants; prescribe any penalty for the violation of any
183 Town ordinance, rule, or regulation or of any provisions of this Charter, not exceeding the fine or
184 sentence imposed by the laws of the Commonwealth of Virginia; pass and enforce all bylaws, rules,
185 regulations, and ordinances that it may deem necessary for the good order and government of the Town,
186 the management of its property, the conduct of its affairs, and the peace, comfort, convenience, order,
187 morals, health, and protection of its citizens or their property; and do such other things and pass such
188 other laws as may be necessary or proper to carry into full effect any power, authority, capacity, or
189 jurisdiction that is or shall be granted to or vested in said Town, or in the Council, court, or offices
190 thereof, or which may be necessarily incident to a municipal corporation.

191 § 2.8. Miscellaneous Powers.

192 (a) Removal or reconstruction of unsafe buildings; protection of public gatherings. The Town may
193 regulate the size, height, materials, and construction of buildings, fences, walls, retaining walls, and
194 other structures hereafter erected in such manner as the public safety and conveniences may require;
195 remove or require to be removed or reconstructed any building, structure, or addition thereto that by
196 reason of dilapidation, defect of structure, or other causes may have become dangerous to life or
197 property, or that may have been erected contrary to law; and enact stringent and efficient laws for
198 securing the safety of persons from fires in halls and buildings used for public assemblies,
199 entertainments, or amusements.

200 (b) Fees for permits. The Town may charge and collect fees for permits to use public facilities and
201 for public services and privileges.

202 (c) Injunctive relief. The Town may maintain a suit to restrain by injunction the violation of any
203 ordinance, notwithstanding any punishment that may be provided for the violation of such ordinance.

204 Chapter 3.

205 Elected Officers.

206 § 3.1. Government of Town.

207 The Town shall be governed by a Town Council composed of six members and a Mayor, all of whom
208 shall be qualified voters in the Town.

209 § 3.2. Mayor.

210 The Mayor shall be the Chief Executive of the Town.

211 The Mayor shall have and exercise all the privileges and authority conferred by general law not
212 inconsistent with this Charter. The Mayor shall preside over the meetings of the Council and shall have
213 the right to speak therein. The Mayor shall be entitled to vote upon measures pending before the
214 Council only in event that the other members voting are equally divided for and against such measure.

215 The Mayor shall be the head of Town government for all ceremonial purposes and shall perform
216 such other duties consistent with the office as may be imposed by the Council. The Mayor shall see that
217 the duties of the various Town officers are faithfully performed and shall execute on behalf of the Town
218 such documents or instruments as the Council, this Charter, or the laws of the Commonwealth of
219 Virginia shall require.

220 § 3.3. Vice-Mayor.

221 The Council shall elect each year during its organizational meeting a Vice-Mayor, who shall possess
222 the powers and discharge the duties of the Mayor during any absence or disability of the Mayor.

223 § 3.4. Council as a Continuing Body.

224 The Council shall be a continuing body, and no measure pending before it nor any contract or
225 obligation incurred shall abate or be discontinued because of the expiration of the term of office or the
226 removal of any Council members.

227 § 3.5. Election of Mayor and Members of Council.

228 The Mayor and members of Council shall be elected by the qualified voters of the Town in the
229 manner provided by law from the Town at large. The Council and Mayor in office at the time of the
230 adoption of this Charter shall continue in office until the expiration of the terms for which they were
231 elected or until their successors are elected and qualified. The term of office for members of the Council
232 and Mayor shall be four (4) years or until their successors are elected and qualified. All elections of the
233 Mayor and Council members shall take place on the Tuesday after the first Monday in November.
234 Persons elected under this section shall take office on January 1 following their election.

235 § 3.6. Vacancies.

236 Vacancies on the Council shall be filled in accordance with general law.

237 § 3.7. Meetings of the Council.

238 (a) Organizational meeting. The Town Council's organizational meeting for the purposes set forth in
239 § 15.2-1416 of the Code of Virginia shall be its first meeting held after January 1 of each year.

240 (b) Regular meetings. The Council shall fix the date and time of its regular meetings, which shall be
241 at least once each month.

242 (c) Special meetings. A special meeting of the Council shall be held when called by the Mayor or
243 when requested by three or more of the members of the Council. The call or request shall be made to

the Clerk and shall specify the matters to be considered at the meeting. Upon receipt of such call or request, the Clerk of the Council, after consultation with the Mayor, shall immediately notify each member of the Council and the Town attorney in writing delivered in person, or to his or her place of residence or business or, if so requested by the member of the governing body, by electronic mail or facsimile, to attend such meeting at the time and place stated in the notice. Such notice shall specify the matters to be considered at the meeting. No matter not specified in the notice shall be considered at such meeting unless the Council by unanimous consent agrees to consider additional matters.

(d) Rules of procedure. From time to time, the Council may adopt rules of procedure governing its meetings, such rules not being inconsistent with state law.

§ 3.8. Committees.

The Mayor shall establish committees consisting of members of the Council, including a finance committee and such other committees as deemed appropriate. At the organizational meeting each year, and at such other times as appropriate, the Mayor shall assign the Council members to the various committees and shall name the respective chair.

§ 3.9. Compensation.

Compensation for the Mayor, Council members, and all appointed officers shall be set by the Council, subject to any limitations placed thereon by the laws of the Commonwealth of Virginia.

Chapter 4.

Appointed Officers.

§ 4.1. Town Manager.

The Council may appoint a Town Manager, who shall be the Town's Chief Administrative Officer and the administrative head. The Town Manager shall be responsible to the Council for the proper management of the Town. In addition to any other duties prescribed by the Council or required by law, the Town Manager shall:

(1) See that all ordinances, resolutions, directives, and orders of the Council and all laws of the Commonwealth of Virginia are faithfully executed;

(2) Appoint, supervise, and dismiss all officers and employees of the Town, including but not limited to the police chief and treasurer, if any. The Town Manager may authorize the head of an office or department to appoint, supervise, and discipline subordinates in such office or department subject to review and approval by the Town Manager;

(3) Report to the Council from time to time on the affairs of the Town;

(4) Receive reports from, and give directions to, all heads of offices and departments of the Town;

(5) Submit to the Council a proposed annual budget, in accordance with general law, with recommendations, and execute the budget as finally adopted by the Council; and

(6) Advise the Council on the Town's financial condition and future financial needs.

§ 4.2. Town Attorney.

The Council may appoint a Town attorney to represent the Town, who shall be an attorney-at-law licensed to practice under the laws of the Commonwealth of Virginia. The Town attorney shall receive compensation as provided by the Council and shall have such duties as prescribed by the Council.

§ 4.3. Clerk.

The Council may appoint a Clerk, who shall be responsible for maintaining the official legislative record of Council meetings and actions and perform such other duties as may be prescribed by the Council or required by law.

§ 4.4. Other Officers.

The Council may appoint any other officers as it deems necessary and proper.

§ 4.5. Terms of Office.

Appointees under this chapter shall serve at the pleasure of the Council. The Council may fill any vacancy in any appointive office.

Chapter 5.

Financial Provisions.

§ 5.1. Fiscal Year. The fiscal year of the Town shall begin on July 1 of each year and end on June 30 of the following year.

Chapter 6.

Miscellaneous.

§ 6.1. Existing Ordinances.

All ordinances now in force in the Town, not inconsistent with this Charter, shall be and remain in force until altered, amended, or repealed by the Council.

§ 6.2. Severability of Provisions of this Charter.

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 the Charter but shall be confined in its operation to the clause, sentence, paragraph, or

305 *part thereof directly involved in the controversy in which such judgment shall have been rendered.*
306 **2. That Chapter 571 of the Acts of Assembly of 1997, as amended, is repealed.**