

TOWN OF BOWLING GREEN

AN ORDINANCE TO AMEND AND UPDATE CHAPTER 2: ADMINISTRATION OF GOVERNMENT OF THE BOWLING GREEN TOWN CODE

WHEREAS, certain provisions in the Bowling Green Town Code related to the administration of government have not been updated in several years; and

WHEREAS, Council now desires to update Town Code to reflect current practices as well as state law.

NOW, THEREFORE, it is Ordained by the Council for the Town of Bowling Green, Virginia, that the Town Code is hereby amended as follows:

§1. CHAPTER 2: ADMINISTRATION OF GOVERNMENT

Article 2.02 Town Seal, Town Council, Mayor

Article 2.04 Officers And Employees Generally

Article 2.06 Specific Officers

Article 2.08 Town Departments

Article 2.10 Economic Development Authority

Article 2.12 Tourism Zones

Article 2.14 Reserved.

Article 2.16 Planning Commission

Article 2.02 Town Seal, Town Council, Mayor

2.02.010 Generally

2.02.020 Council Meetings Rules of Order and Procedure

2.02.010 Generally

(a) Town Seal.

(1) There is adopted, as the seal of the Town, two (2) embossed concentric circles between which shall be embossed the words "Town of Bowling Green, Virginia." The area within the inner circle shall include the words "SETTLED 1667" at the top and at the bottom "INCORPORATED 1837".

(2) No one shall be permitted to use, publish, duplicate, sale or distribute materials bearing the Town seal without the prior approval of Town Council.

(b) Town Council, Terms Of Office, Elections.

- (1) Except as otherwise provided in the Town Charter, all powers of the Town and the administration and government thereof shall be vested in the Council and such boards or officers as are hereafter mentioned or as may be by law otherwise provided.
- (2) An election shall be held on the first Tuesday of November, 2012, and every two years thereafter. The Mayor and members of council shall serve for terms of four years. The mayor and councilmen elected at such elections shall enter upon their duties the first day of January next succeeding. Any vacancies on the council occurring other than by expiration of terms shall be filled, from the electors of the Town, for the unexpired term, by a majority vote of the remaining members of the council.
- (3) The council shall judge of the election, qualification, and returns of its members; and, with the concurrence of two-thirds, expel a member, for cause. If any person returned be adjudged disqualified or be expelled, a new election to fill the vacancy shall be held on such day as the council may prescribe. Any vacancy occurring otherwise during the term for which such person was elected shall be filled by the council by the appointment of anyone 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 fill such vacancy.
- (4) A majority of the members of the council shall constitute a quorum for the transaction of business.

(c) Compensation Of Town Council And Mayor.

- (1) Each member of the council shall receive a salary in an amount established by council, payable as the council may direct, provided no increase in salary of a council member shall take effect during the incumbent council member's term in office, but this restriction shall not apply when the council members are elected for staggered terms.
- (2) The Mayor shall receive a salary in an amount established by council, payable as the council may direct, but no increase in the mayor's salary shall take effect during the incumbent mayor's term in office.

State law references: Code of Virginia, § 15.2-1406

- (d) Establishment Of Council Committees. The mayor may establish such committees as deemed necessary in carrying out the Town functions.

HISTORY

Amended by Ord. 1-11 on 4/7/2011

2.02.020 Council Meetings Rules of Order and Procedure

The Town Council may adopt such rules of procedure it deems proper for the

regulation of the time, place, cancellation, and special meetings; the mayor as presider of meetings, order of business, time limits of speakers, mayor and town council comments, new business items, Robert's Rules of Order, special rules of order, committee of the whole/work session, order of business at meetings, quorums, and the journal of proceedings.

State law references: Code of Virginia, § 15.2-1416.

Article 2.04 Officers And Employees Generally

2.04.010 Tenure Of Officers And Employees

2.04.020 Authority Of Deputies, Assistants And Acting Officers And Employees

2.04.010 Tenure Of Officers And Employees

All appointments of officers and hiring of other employees shall be without definite term, unless for temporary services not to exceed one year, or except as otherwise provided by general law or special act.

State law references: Code of Virginia, § 15.2-1503(A).

2.04.020 Authority Of Deputies, Assistants And Acting Officers And Employees

- (a) Authority vested in and duties imposed upon Town officers by state law, the Town Charter, this Code or other ordinances and resolutions of the Town council may be exercised or performed by their deputies, assistants and other subordinates, to the extent not prohibited by state law, the Town Charter, this Code or other ordinance or resolution of the Town council.
- (b) When any Town officer or employee is absent or disabled, or when any office or position in the Town government is vacant, the person designated by competent authority to act in the place of such absent or disabled Town officer or employee or to hold temporarily the vacant office or position shall have the powers and perform the duties of such absent or disabled officer or employee or appertaining to such vacant office or position.

State law references: Code of Virginia, § 15.2-1502.

Article 2.06 Specific Officers

2.06.010 Town Manager

2.06.020 Town Clerk

2.06.030 Town Attorney

2.06.040 Director Of Finance, Town Treasurer

2.06.050 Signatures On Town Checks

2.06.060 Payment By Commercially Acceptable Means

2.06.010 Town Manager

- (a) The Town Manager, as the Chief Administrative Officer of the Town as provided in the Charter, shall be the administrative head of the Town and shall be responsible for the proper management of all the affairs of the Town which the governing body has authority to control.
- (b) The Town Manager, unless otherwise provided by general law, charter, or by ordinance or resolution of the Town, shall:
 - (1) Enforce all ordinances, resolutions, directives and orders of the Town Council and all laws of the Commonwealth required to be enforced through the Town Council or officers subject to the control of the Town council are faithfully executed;
 - (2) Make reports to the Town council from time to time as required or deemed advisable upon the affairs of the Town under the manager's control and supervision;
 - (3) Receive reports from and give directions to all heads of offices and departments of the Town under the manager's control and supervision;
 - (4) Submit to the Town council a proposed annual budget, in accordance with general law, with the manager's recommendations;
 - (5) Execute the budget as finally adopted by Town council;
 - (6) Keep the Town council fully advised on the Town's financial condition and its future financial needs;
 - (7) Appoint all officers and employees of the Town, except as the manager may authorize the head of an office or department responsible to the Town manager to appoint subordinates in such office or department; and
 - (8) Serve as the Town's Director of Emergency Management pursuant to § 44-146.19 of the Code of Virginia.
- (c) The Town Manager, or his or her designee, is authorized to obtain criminal history record information from the Central Criminal Records Exchange of the Department of State Police on all applicants for employment, permit, or license with the Town to determine if the past criminal conduct of a person with a conviction record would be compatible with the nature of the employment, permit, or license.
- (d) Except as otherwise provided by law, Charter or ordinance, the Town Manager or his or her designee shall be authorized to make and execute, during the ordinary course of business and within the limitations of appropriations, all contracts on behalf of the Town.

State law references: Code of Virginia, §§ 15.2-1536, 15.2-1540, 15.2-1541, 19.2-389.

2.06.020 Town Clerk

- (a) The Town Clerk shall have such powers and perform such duties as may be prescribed by state law, the Charter, this Code and other ordinances and resolutions of the Town Council.
- (b) No record or other item of personal property of the Town shall be removed from the office of the Town Clerk except by the Town clerk's authority, and for which the clerk may require a written receipt, or by authority of the Town council, the Town manager or a valid subpoena duces tecum issued by a court, tribunal, officer or other body having competent jurisdiction.

State law references: Code of Virginia, §15.2-1539

2.06.030 Town Attorney

- (a) The Town Attorney shall be a member in good standing of the Virginia State Bar and shall be retained by the Town Council upon such terms and conditions as may be mutually agreed upon, subject to the following provisions:
 - i. The Town Attorney shall be legal counsel for the Town Council and Town officers, boards and commissions; shall attend meetings of the Town Council and its committees upon request; and shall draft ordinances, resolutions, contracts, deeds and other legal instruments for the Town Council and Town officers, boards and commissions upon request.
 - ii. The Town Attorney shall have such other powers and perform such other duties as may be provided for by the council, this Code, the charter or other ordinances of the town or the laws of the state.
- (b) The Town Attorney is authorized, with the concurrence of the Caroline County Commonwealth's Attorney, to prosecute criminal cases charging the violation of Town ordinances.

State law references: Code of Virginia, §§ 15.2-1536, 15.2-1542.

2.06.040 Director of Finance, Town Treasurer

The Director of Finance and Town Treasurer shall have such powers and perform such duties as may be prescribed by state law, the Charter, this Code and other ordinances and resolutions of the Town council.

State law references: Code of Virginia, §15.2-1537.

2.06.050 Signatures on Town Checks

All checks drawn against the Town shall be signed by the Town Treasurer and the Town

Manager. If either the Treasurer or Manager is incapacitated or otherwise unavailable, then the Mayor shall be the second signatory.

HISTORY

Amended by Ord. 2015-001 on 4/2/2015

2.06.060 Payment By Commercially acceptable means

The Treasurer is authorized to accept payments of local taxes, other fees, or charges due to the Town including but not limited to taxes, interest, penalties, fees, fines or other charges, by any commercially acceptable means, including but not limited to checks, credit cards, debit cards, and electronic funds transfers. The Treasurer may add to any amount due a sum not to exceed the amount charged to the treasurer for acceptance, pursuant to contract or otherwise.

State law references: Code of Virginia, §2.2-614.1.

Article 2.08 Town Departments

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2.08.040 Planning And Zoning Administration, Building Official

2.08.050 Fee For Review Of Site Development Plans; When Payable

2.08.060 Public Utilities And Public Works Department

2.08.070 Department Of Police; Police Chief

2.08.080 Arts Commission Advisory Committee Created; Composition, Appointment, Terms Of Office

(to be adopted by Council Policy)

HISTORY

Amended by Ord. 12-02-11 on 1/5/2012

Reserved. (to be adopted by Council Policy)

2.08.040 Planning And Zoning Administrator; Building Official

- (a) The Town Manager, or designee shall serve as Zoning Administrator for the Town and shall be responsible for administering land use and zoning for the Town. In this capacity, the Zoning Administrator shall have staff and assistants as the Town Council may from time to time authorize.
- (b) The duly authorized Caroline County Building Official shall serve and hereby has the authority and power of Building Official as the Town of Bowling Green Building Official.

State law references: Code of Virginia, §15.2-2286

2.08.050 Fee For Review Of Site Development Plans; When Payable

- (a) The fees charged by the Town for planning and zoning shall be as established in this code or by separate ordinance adopted by Council in accordance with state law.
- (b) Fees shall be due and payable at the time each application is submitted unless otherwise stated..

State Law Reference: Code of Virginia, §15.2-107

2.08.060 Public Utilities And Public Works Department

- (a) There is created the department of public utilities and public works of the Town. This department shall provide the functions of public utility facilities construction, operation, maintenance, and repair; maintenance and operation of general properties; street construction maintenance and repair; and landscaping, horticulture, and tree preservation.
- (b) There shall be a Director of Public Works and Utilities works who shall be appointed by the Town Manager. The Director of Public Works and Utilities shall be the administrative head of this department and shall have such staff and assistants as the Town council may from time to time authorize.
- (c) The department of public utilities and public works shall be under the supervision and control of the Town manager and the director of this department shall report directly to the Town Manager.

2.08.070 Department Of Police; Police Chief

- (a) The Chief of Police, under the direction of the Town Manager, shall be commanding officer of the police force and shall be responsible for the administration, training, discipline and morale of the members of the force and their effective deployment and employment; to preserve and maintain law and order in the Town and to enforce therein all applicable provisions of state law, the Town Charter, this Code and other ordinances and resolutions of the Town Council and such other responsibilities as may be designated by the Town Manager.
- (b) The Chief of Police and such other members of the police force for whom uniforms or badges may be prescribed by the Town Council shall at all times while on duty wear such uniform and badge as so prescribed. There shall be no modification of the uniform or badge without the consent and approval of Town Council.
- (c) The Town Manager, in consultation with the Chief of Police, shall prepare rules and regulations for the police force of the Town not inconsistent with state law, the Town Charter, this Code or other ordinance of the Town and shall submit them to the Town Council. When any such rules and regulations, so prepared, have been approved by resolution of the Town Council and placed on file in the office of the Town Clerk, with a copy thereof placed on file in the headquarters of the police force for the information of all members of the force, it shall be unlawful for any such member to violate or fail to comply with any such rule or regulation.

2.08.050 Arts Commission Advisory Board; Composition, Appointment, Terms Of Office

- (a) Members of the Bowling Green Arts Commission may be appointed by the Town Council and shall serve at the pleasure of Council. Residents of the Town of Bowling Green and the County of Caroline are eligible for appointment. The term of office

shall be two years beginning on July 1 of the year of appointment. All terms of office shall be served from July 1 to June 30 of the second year of service.

- (b) The Bowling Green Arts Commission shall serve as advisor to the Bowling Green Town Council in matters related to the development and encouragement of the arts in the community. The Bowling Arts Commission is an advisory body to the Town Council.

State Law Reference—Code of Virginia, § 15.2-1411

Article 2.10 Economic Development Authority

2.10.010 Created

Article 2.10 Economic Development Authority

2.10.010 Created

- (a) There is hereby created a political subdivision of the Commonwealth of Virginia with the public and corporate powers stated in the Industrial Development and Revenue Bond Act (Code of Virginia, tit. 15.2, ch. 49 [§ 15.2-4900 et seq.]), including such powers as may hereafter be stated in such act.
- (b) The name of the political subdivision of the state created by this article shall be the Economic Development Authority of the Town of Bowling Green (the Authority).
- (c) The authority shall be governed by a board of seven (7) directors to be appointed by resolution of the town council in accordance with the provisions of said Act, directors to be appointed for four-year staggered terms. If at the end of any term of office of any director a successor thereto has not been appointed, then the director whose term of office has expired shall continue to hold office until his successor is appointed and qualified.
- (d) Members of the Bowling Green Town Council may serve as directors provided, they do not comprise a majority of the board for so long as the population of the Town of Bowling Green remains under 3, 500.
- (e) The directors shall receive no salary but may be compensated such amount per regular, special, or committee meeting or per each official representation as may be approved by the Bowling Green Town Council, not to exceed \$200 per meeting or official representation, and shall be reimbursed for necessary traveling and other expenses incurred in the performance of their duties.
- (f) The Economic Development Authority of the Town of Bowling Green shall keep suitable records of its financial transactions and, unless exempted by Virginia Code § 30-140, it shall arrange to have the records audited annually. Copies of each such audit shall be furnished to the Bowling Green Town Council and shall be open to public inspection.

State Law Reference—Code of Virginia, § 15.2-4900

HISTORY

Adopted by Ord. 08-01-11 on 8/4/2011

Article 2.12 Tourism Zones

2.12.010 Eligibility Requirements

2.12.010 Eligibility Requirements

- (a) Economic incentives and regulatory flexibility may be made available to any new or expanded business that is located in an area of Town that is zoned for commercial activity which seeks to attract customers into the Town of Bowling Green. The business must advance the town's strategic goals identified in the town's Comprehensive Plan. The business must commit to a performance agreement based upon investment, historic preservation, jobs, sales revenues, or other significant criteria. Examples of eligible business include retail trade establishments, eating establishments, museums, bed and breakfasts, hotels, theaters, cultural art centers, health clubs/fitness centers, conference centers, commercial parking garages, and commercial recreation facilities.
- (b) An existing business must make a capital investment of at least \$50,000.00 or create and sustain at least 5 new full-time jobs in order to be eligible for economic incentives or regulatory flexibility. A new business must make a capital investment of at least \$100,000.00 or create and sustain at least 10 new full-time jobs in order to be eligible for economic incentives or regulatory flexibility.
- (c) Economic incentives may be provided for up to ten years through the performance agreement. In the case of multi-year incentives, the business shall establish its qualification for the incentives on an annual basis.

HISTORY

Adopted by Ord. 10-02-11 on 11/3/2011

Article 2.14 Reserved.

Article 2.16 Planning Commission

2.16.010 Composition, Appointment And The Term Of Members, Filling Of Vacancies

2.16.020 Functions, Powers, And Duties

2.16.030 Compensation Of Members

2.16.040 Removal Of Members

2.16.010 Composition, Appointment And The Term Of Members, Filling Of Vacancies

- (a) The Town Planning Commission shall consist of five members, one town council member and four of which shall be appointed at-large.
- (b) The term of the council member shall be coextensive with the term of office. The remaining members may be appointed for terms of one, two, three and four years,

these terms divided as equally as possible among the membership to ensure staggered terms with no more than two members being appointed in a given year. Their successors shall be appointed to terms of four years by the Town Council. Any vacancy in membership shall be filled by appointment by the town council and shall be for the remainder of the unexpired term.

HISTORY

Adopted by Ord. O-2018-001 on 1/18/2018

2.16.020 Functions, Powers, And Duties

The Town Planning Commission shall have the functions, powers and duties which are prescribed by law.

HISTORY

Adopted by Ord. O-2018-001 on 1/18/2018

2.16.030 Compensation of Members

Commission members may be compensated for their services, reimbursement for actual expenses incurred, or both HISTORY

Adopted by Ord. O-2018-001 on 1/18/2018

2.16.040 Removal of Members

A member of the Town Planning Commission may be removed by the town council for malfeasance in office. Members of the Town Planning commission may also be removed by the town council in the event that the commission member is absent from any three consecutive meetings of the commission, or is absent from any four meetings of the commission within any 12-month period.

HISTORY

Adopted by Ord. O-2018-001 on 1/18/2018

§2. Effective Date: This ordinance shall be effective upon adoption.

Adopted by the Bowling Green Town Council this _____ day of February 2026.

By: _____
Tina Gambill, Mayor

Attest: _____
India Adams-Jacobs, Town Manager and Clerk to Council