

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 ~~Local Enterprise Zones~~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 ~~he deems~~ necessary in carrying out the Town functions.

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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.

~~(a) Time and Place of Regular Meetings. The Town council shall each year at its first meeting in July adopt a resolution establishing the day, time and place of its regular meetings to be held during the ensuing months. Unless otherwise provided in the annual resolution, the Town council shall meet in regular session on the first Thursday of each month and the meeting shall be called to order at 7:30 p.m. 6:00pm or alternative time as adopting by the Town Council via resolution during it regular annual organization meeting. a~~

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

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~~Town Council shall adopt annually at this organizational meeting a rules of procedure outline the proceeding of council meetings.~~

~~(b) Order of Proceedings; Consent Agenda:~~

- ~~(1) Town council may establish an agenda format to reflect its order of proceedings by resolution. Any such resolution to change the agenda format shall not be effective until the next regularly scheduled or adjourned meeting of council.~~
- ~~(2) Any such agenda format established by council shall include a consent agenda, which shall include by way of illustration, but not by limitation, the following:
 - ~~a. Approval of minutes.~~
 - ~~b. First readings of proposed ordinances and scheduling of public hearings and second readings thereof.~~
 - ~~c. Reports of staff members, department heads and committees.~~
 - ~~d. Resolutions and/or motions appointing persons to boards, committees, posts and commissions.~~
 - ~~e. Resolutions authorizing interdepartmental budget transfers.~~
 - ~~f. Acceptance of reports and petitions and scheduling of public hearings thereon.~~
 - ~~g. Resolutions accepting dedication of streets and/or utilities.~~
 - ~~h. Any item believed by the Town manager to be routine and not controversial in nature.~~~~
- ~~(3) Any member of Council may by request have any item removed from the consent agenda, which item shall then be discussed as new business on the regular agenda.~~
- ~~(4) A single motion and roll call vote in favor thereof shall approve all items remaining on the consent agenda.
State law references: Code of Virginia, § 15.2-1427.~~
- ~~(c) Addressing Council. No person who is not a member of the Town council shall address it during public addresses, unless recognized by the mayor, and at other times, unless granted permission by majority consent of the council.~~
- ~~(d) How Debate Conducted. The question shall be stated by the chair before it is debated. In any debate no member shall speak more than once on the same question until all others have spoken who desire to do so, or more than twice upon the same question, except by consent of the council.~~
- ~~(e) Calling for Aye and Nay Vote. The ayes and nays on any question may be called for at any time before proceeding to any other business, and shall be ordered upon the demand of any three (3) members of the council.~~
- ~~(f) How Questions Determined.
 - ~~(1) No action of the council, except adjournment, shall be valid or binding unless adopted by the affirmative vote of four or more members of the council.~~
 - ~~(2) No ordinance or resolution appropriating money exceeding the sum of \$500, imposing taxes, or authorizing the borrowing of money shall be passed except by a recorded affirmative vote of five members.~~
 - ~~(3) No rights in and to any streets, avenues, parks, bridges, or other public places, or gas, water, or electric works shall be sold except by ordinance or resolution passed by a recorded affirmative vote of three-fourths of all elected members.~~
 - ~~(4) No tax shall be imposed except by a two-thirds vote of the council members.~~
 - ~~(5) On final vote on any ordinance or resolution, the name of each member of the governing body voting and how he voted shall be recorded; however, votes on all ordinances and resolutions~~~~

~~adopted prior to February 27, 1998, in which an unanimous vote of the governing body was recorded, shall be deemed to have been validly recorded. The governing body may adopt an ordinance or resolution by a recorded voice vote unless otherwise provided by law, or any member calls for a roll call vote. An ordinance shall become effective upon adoption or upon a date fixed by the governing body.~~

- ~~(6) All ordinances or resolutions heretofore adopted by a governing body shall be deemed to have been validly adopted, unless some provision of the Constitution of Virginia or the Constitution of the United States has been violated in such adoption.~~
- ~~(7) An ordinance may be amended or repealed in the same manner, or by the same procedure, in which, or by which, ordinances are adopted.~~
- ~~(8) An amendment or repeal of an ordinance shall be in the form of an ordinance which shall become effective upon adoption or upon a date fixed by the governing body, but, if no effective date is specified, then such ordinance shall become effective upon adoption.~~
- ~~(9) An emergency ordinance may be adopted by the Town Council without prior notice; however, no such ordinance shall be enforced for more than sixty days unless readopted in conformity with the provisions of the Code.~~

~~State law references: Article VII, § 9, Virginia Constitution.~~

~~(g) Motion to Reconsider. No motion to reconsider a question which has been decided shall be entertained unless it is made by a member who voted with the prevailing side, and unless the motion to reconsider is made at the same meeting of the council or any adjournment thereof or the next subsequent meeting to that at which the question to be reconsidered was decided. All motions to reconsider shall be decided by a majority vote of the members present.~~

~~(h) Motion to Adjourn:~~

~~(1) The motion to adjourn shall always be in order, except:~~

- ~~a. When a member has the floor;~~
- ~~b. When the ayes and nays are being called;~~
- ~~c. When the previous question has been ordered; or~~
- ~~d. When a motion to adjourn has been put and lost without any other business intervening.~~

~~(2) No motion to adjourn shall be debatable.~~

~~(i) Robert's Rules of Order. Robert's Rules of Order shall govern in the deliberations of the council, except as otherwise provided by ordinance or resolution.~~

~~(j) Suspension of Rules. The council may temporarily suspend any of its rules by a vote of two thirds of the members present.~~

~~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~~

~~2.04.030 Participation In Virginia Retirement System~~

~~2.04.040 Right Of Entry For Purposes Of Inspection~~

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.

2.04.030 Participation In Virginia Retirement System

- ~~(a) The Town may participate in the Virginia Retirement System and all full time pay plan officers and employees, and all part time pay plan employees working an average of 30 or more hours per week may be members of the Virginia Retirement System.~~
- ~~(b) The Town council may, each year, appropriate sufficient funds to make its required employer contributions to the board of trustees of the Virginia supplemental retirement system. All such contributions shall be paid by the Town manager or his designee to such board of trustees in compliance with rules, regulations and procedures established by that board.~~
- ~~(c) The Town manager shall be responsible for the performance by the Town of all duties imposed upon the Town and its member officers and employees under the applicable provisions of the Code of Virginia. The Town manager may assign to the Town clerk, treasurer, finance director or other Town employees specific duties in this connection.~~

2.04.040 Right Of Entry For Purposes Of Inspection

~~Whenever any officer or employee of the Town is required or authorized by state law, the provisions of this Code or any ordinance or resolution, or rules and regulations or orders issued thereunder, in order to carry out his or her duties thereunder, to enter any premises or vehicle for the purpose of making an inspection thereof or of anything therein contained, such officer or employee shall have the right to enter any such premises or vehicle in accordance with law at any reasonable time in pursuance of such duties.~~

Article 2.06 Specific Officers

2.06.010 Town Manager

2.06.020 Town Clerk

2.06.030 Town Attorney

2.06.040 Claims Procedure

2.06.0540 Director Of Finance, Town Treasurer

2.06.0650 Signatures On Town Checks

2.06.0760 Payment By ~~Credit Or Debit Card~~Commercially Acceptable Means

2.06.010 Town Manager

(a) The Town Manager, as the Chief Addministrative 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

(7)(8) Serve as the Town's Director of Emergency Management pursuant to § 44-146.19 of the Code of Virginia.

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(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.

~~(a) The Town Council may retain the services of a member of the bar of the Commonwealth, or a law firm or partnership of two (2) or more members of the bar of the commonwealth, and the person, firm or partnership so retained shall be known as the Town attorney.~~

~~(b) The Town Attorney shall be the legal advisor to the Town council and its committees and to the mayor, the Town manager and other officers of the Town, and when requested, shall furnish written or verbal opinions upon any subject involving questions of law in which the Town is interested.~~

~~(c) It shall be the duty of the Town Attorney to draft all bonds, deeds, obligations, contracts, leases, conveyances, agreements and other legal instruments, of whatever nature, which may be required by any ordinance or order of the Town Council, or which, by law, usage or agreement, should be drawn by the Town. It shall also be the Town attorney's duty to commence and prosecute all actions and suits to be brought by the Town before any tribunal in this commonwealth, or to request the appointment of other counsel for such purpose, also to appear, defend and advocate the rights and interests of the Town in any suit or prosecution brought against it, and the Town attorney shall perform such other duties as are or may be required for the Town under his or her contract therewith or by any ordinance or resolution of the Town Council.~~

~~(d) The Town Attorney, in consultation with the Town Manager, shall have the authority to compromise and settle disputes, claims and controversies involving the interests of the Town, and to discharge any such claims; provided that, where any proposed compromise or settlement involves the payment of more than one thousand dollars (\$1,000.00) by the Town. The Town attorney shall obtain the approval of the Town council for such payment. The Town Attorney in consultation with the Town Manager is authorized to deny any claim against the Town, its officers, officials, agents, or employees, for any reason supported by the law.~~

~~(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 Claims Procedure

~~(a) Persons proposing to make a claim against the Town, its officers, officials, agents, or employees, for injury to person or property or for wrongful death, alleged to have been sustained by reason of the negligence of the Town, its officers, officials, agents, or employees, shall file within six (6) months after the injury or damage is alleged to have occurred, with the mayor, Town Manager, or Town Attorney, a written statement of the nature of the claim and of the time and place at which the injury or damage is alleged to have occurred.~~

~~(b) The claim notice shall be transferred to the Town Attorney who shall cause a factual investigation to be made of the claim, research the law governing the claim, and in consultation with the Town Manager, deny or offer to settle the claim or make a recommendation with respect thereto, in accord with the Code.~~

~~(c) In reviewing any such claim, the Town Attorney shall consider any available insurance coverage and shall utilize such coverage when the Town attorney shall deem such course in the best interest of the Town, its officers, officials, agents, or employees.~~

~~(d) Settlement or denial of claims, or recommendations with respect thereto, shall be in accord with official written policies or ordinances of this council or law of the commonwealth and United States of America, as determined by the Town Attorney, as appropriate.~~

2.06.0540 Director Of Finance, Town Treasurer

The ~~D~~irector of ~~F~~inance and Town ~~T~~reasurer 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.

2.06.0650 Signatures On Town Checks

All checks drawn against the Town shall be signed by the Town Treasurer ~~or~~ and the Town Manager. If either the Treasurer or Manager is incapacitated or otherwise unavailable, then ~~and~~ the Mayor shall be the second signatory.

HISTORY

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

2.06.0760 Payment By Credit Or Debit Card Commercially acceptable means

The Treasurer is authorized to accept payments of local taxes, other fees, or charges due to the Town generated by the sale of utility services by use of a credit card or debit card 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.

~~A fee shall be established by Town Council for the acceptance of payments by credit card or debit card.~~

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State law references: Code of Virginia, §§ 58.1-30132.2-614.1.

Article 2.08 Town Departments

~~2.08.010 Parks, Recreation Activities~~

~~2.08.020 Rules And Regulations For Use Of Parks, Recreation Facilities~~

~~2.08.030 Additional Rules And Regulations For Use Of Town Hall~~

~~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~~

~~**2.08.010 Parks, Recreation Activities**~~

~~This Article shall apply to all park and recreational property owned, maintained or operated by the Town of Bowling Green, Virginia, including but not limited to Town Hall and Dickinson Park. The Town Manager may promulgate rules and regulations for use of park areas and facilities.~~

~~State law references: Code of Virginia, § 15.2-1800.~~

2.08.020 Rules And Regulations For Use Of Parks, Recreation Facilities (to be adopted by Council Policy)

~~(a) No person, except an employee in the performance of his or her assigned duties, shall in any manner pick, pull, pull up, tear, tear up, dig, dig up, cut down, break, burn, injure, deface, disturb, destroy, mutilate, disfigure, remove, scar, take or gather, in whole or in part, any part of any park, building, sign, equipment or other property, including but not limited to any tree, flower, fern, shrub, vine, turf, plant, rock, artifact, fossil or mineral found growing or being a part of the land of any park, recreation facility or Town Hall. Notwithstanding any other provision in this section to the contrary, the Town Manager may issue permits, in writing, to permit collecting, for scientific and/or educational purposes, trees, flowers, ferns, shrubs,~~

~~vines, turf, plants, rocks, artifacts, fossils or minerals or any part thereof in any park.~~

- ~~(b) No person, except an employee in the performance of his or her assigned duties, shall deposit, dump, place or abandon any garbage, refuse or trash not generated in a park in any park refuse container.~~
- ~~(c) No person, other than any law enforcement officer, emergency service person or Town employee in the course of his respective employment, shall have in his possession in any park or Town facility any, slingshot, bow and arrow, crossbow, dart device, boomerang or any other like device, except in areas designated and posted by the Town as areas in which one or more of these devices are permitted for recreational use.~~
- ~~(d) No person, except an employee in the performance of his or her assigned duties, shall erect or post within any park any sign, notice or advertisement of any nature, nor shall any person operate any musical instrument, radio, talking device, phonograph, tape recorder or drum or make any noise for the purpose of attracting attention to any exhibition of any kind within a park without prior written permission from the Town Manager.~~
- ~~(e) No person, except a law enforcement officer or Town employee in the course of his respective employment, shall enter or remain in any park except during such hours as designated and posted by the county as hours of operation. Those hours of operation will be dawn to dusk, unless it is an event scheduled by the Town Manager. All activity must be completed by 12:00 midnight. This may be waived if conditions warrant and written permission is given by the Town Manager.~~
- ~~(f) No person, except an employee in the performance of his or her assigned duties, shall kindle, build, maintain or use a fire other than in grills and in places provided and/or designated by the county for such purpose, except by prior written permission from the Town Manager.~~
- ~~(g) No person, except an employee in the performance of his or her assigned duties, shall sell or offer for sale, hire, lease or let out any object or merchandise, property, privilege, service or any other structure whatsoever without prior written permission from the Town Manager.~~
- ~~(h) Any person who violates any of the provisions of this article shall be deemed to be guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than \$2,500 or imprisoned for a term not to exceed 12 months.~~

HISTORY

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

2.08.030 Additional Rules And Regulations For Use Of Town Hall

- ~~(a) The following services are hereby required at the functions and events listed below, when conducted or held at Town Hall, and the fees for such services are hereby established, as follows:~~
 - ~~(1) The presence of a police officer shall be required at all events at which alcohol beverages are served. The person or organization sponsoring such event dances shall pay the fees established by Town Council in the manner therein prescribed for the presence of such police officer. Such police officer must be approved by the Town Police Chief.~~
 - ~~(2) The presence of an event Point of Contact supervisor shall be required during the use of Town Hall and said event supervisor must be approved by Town Manager. All events involving individuals under the age of 18 years shall include a chaperone for every ten (10) individuals under the age of 18 years. Said chaperones must be over the age of 21 years.~~
 - ~~(3) The services of a custodian shall be required at any function or event at Town Hall when the Town Manager determines that the function will require clean up and set up beyond the usual work required for custodial upkeep of the building so used. The person or organization using such building in such a manner to require such additional custodial service shall pay a fee as established by Town Council and shall be paid to the Town of Bowling Green.~~
 - ~~(4) Payment of fees shall be made prior to the use of such Town facility or building or part thereof, or~~

~~prior to participation in any league, program, or event sponsored by the Town. These fees shall be paid to the Town Manager or his authorized designee.~~

Reserved. (to be adopted by Council Policy)

~~(b) Town Council may approve the free use of Town Hall or any Town Park or property by a non-partisan non-profit organization when such use is not in conflict with any event, activity or project sponsored by the Town. Written documentation of the organization's 501(c)(3) status shall be provided to the Town Manager at least ten (10) days prior to the meeting of Town Council at which free use for the organization will be considered.~~

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2.08.040 Planning And Zoning Administrator; Building Official

- (a) The Town Manager, or designee shall serve as ~~the Planning Director and~~ Zoning Administrator for the Town and shall be responsible for administering land use ~~and zoning and building regulations~~ for the Town. In this capacity, the ~~Planning Director~~ 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 building shall be as established in this code or ~~by a fee schedule in the budget ordinance or amendments thereto by separate ordinance adopted by Council in accordance with state law. Fees shall remain at the level established until amended by ordinance.~~
- (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 ~~director of public utilities and public works~~ who shall be appointed by the Town Manager. The Director of Public Works and Utilities ~~director of public utilities and public works~~ 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 police force shall have such personnel who shall hold such ranks as from time to time may be provided by the Town Council; and the organization of the police force shall be as from time to time provided by the Town Council or as prescribed in the rules and regulations of the police force.~~

~~(b)~~(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.

~~(e)~~(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.

~~(d)~~(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.

2.08.0850 Arts Commission ~~Advisory Board~~Created; Composition, Appointment, Terms Of Office

(a) ~~Members of the A~~Bowling Green Arts Commission may be appointed by the Town Council and shall serve at the pleasure of Council. ~~Citizens-Residents~~ of the Town of Bowling Green and the County of Caroline are eligible for ~~appointment~~appointments. 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. ~~The Bowling Green Arts Commission shall have no independent authority to hold events, collect fees or raise funds without the prior consent of the majority of Town Council.~~

~~(c)~~ A written report shall be submitted to the Town Manager on a quarterly basis beginning October 1 of each year.

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 state 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. The Economic Development Authority of the Town of Bowling Green shall be governed by a board of directors in which all powers of the authority shall be vested and which board shall be composed of seven directors, appointed by the Bowling Green Town Council. The seven directors shall be appointed initially for terms of one, two, three and four years; two being appointed for one year terms; two being appointed for two year terms; two being appointed for three year terms and one being appointed for a four year term. Subsequent appointments shall be for terms of four years, except appointments to fill vacancies which shall be for the unexpired terms. All terms of office shall be deemed to commence upon the date of the initial

~~appointment to the Economic Development Authority of the Town of Bowling Green, and thereafter, in accordance with the provisions of the immediately preceding sentence.~~ 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~~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) A member of the board of directors of the Economic Development Authority of the Town of Bowling Green may be removed from office by the Bowling Green Town Council without limitation in the event that the board member is absent from any three consecutive meetings of the Economic Development Authority of the Town of Bowling Green, or is absent from any four meetings of the authority within any 12-month period. In either such event, a successor shall be appointed by the Bowling Green Town Council for the unexpired portion of the term of the member who has been removed.~~

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~~(f) Each director shall, upon appointment or reappointment, before entering upon his duties take and subscribe the oath prescribed by Virginia Code § 49-1.~~

~~(g)~~(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.

~~(h)~~(f) The Economic Development Authority of the Town of Bowling Green ~~shall keep detailed minutes of its proceedings, which shall be open to public inspection at all times.~~ It 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~~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~~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 Local Enterprise Zones Reserved.

2.14.010 Purpose

2.14.020 Boundaries Defined

2.14.030 Administration

2.14.040 Assessment And Collection

2.14.050 Use Of Funds

2.14.010 Purpose

~~(a) The purpose of this article is to establish a local enterprise zone development taxation program and create a local enterprise zone development fund pursuant to Sections 58.1-3245.8 and 58.1-3245.10 of the Code of Virginia. Appropriations from the local enterprise zone development fund may be used, as directed by the Council of Bowling Green for any one or more of the following purposes:~~

- ~~(1) to provide enhanced law enforcement and other governmental services, including financing transportation projects, as may be appropriate to secure and promote private investment in the local enterprise zone;~~
- ~~(2) to make grants to chambers of commerce and similar organizations within Bowling Green in order to secure and promote economic development within the local enterprise zone or;~~
- ~~(3) to make grants to any economic development authority created by the Town of Bowling Green in order to secure and promote economic development within the local enterprise zone.~~

~~—Any revenues in the Local Enterprise Zone Development Fund which are not used for a purpose authorized by subsection (a) of this section shall be deemed “surplus funds.” At the end of the tax year, all surplus funds may be paid into the town’s general fund in which the local enterprise zone is located.~~

~~State Law Reference — Code of Virginia, §§ 58.1-3245.7, 58.1-3245.10~~

~~(b) The Town Council of Bowling Green finds that the development of its commercial and industrial tax base requires incentives and determines that an appropriate method of offering incentives for the areas described below is to create local enterprise zones with specified percentages of the increase in real estate taxes and machinery and tools taxes directed to the maintenance and improvement of properties and businesses within such zones. The Town Council finds that the establishment of local enterprise zones will foster development of commercial and industrial businesses to the benefit of public health, safety, welfare and convenience through the creation of employment opportunities and the promotion of business retention, expansion, formation and location.~~

HISTORY

Adopted by Ord. 17-005 on 8/3/2017

2.14.020 Boundaries Defined

~~For the purposes of this article, the term “local enterprise zone” shall be those areas of the local enterprise zone area maps for zone areas 1, 2, 3 and 4 dated July 17, 2017. The local enterprise zone maps for zone areas 1, 2, 3 and 4 are hereby declared to be a part of this article and to have the same force and effect as if they were fully set forth and described herein. The local enterprise zone maps shall be kept on file in the office of the Town Manager.~~

~~State Law Reference — Code of Virginia, § 58.1-3245.8~~

HISTORY

Adopted by Ord. 17-005 on 8/3/2017

2.14.030 Administration

~~(a) This article shall be administered by the Town Manager or designee with assessment and collection of taxes administered by the Commissioner of the Revenue or other local assessing officer as provided for by the Code of Virginia. Upon adoption of this article, the Town Manager shall transmit to the County Commissioner of the Revenue and the County Treasurer a copy of this article as adopted and other information as required by Section 58.1-3245.9 of the Code of Virginia.~~

~~—The Town Council of Bowling Green shall allocate money deposited in the Local Enterprise Zone Development Fund established by Section 2.14.040 below through appropriations as part of the annual town budget process or at such other times as determined by the Town Council.~~

~~State Law Reference—Code of Virginia, § 58.1-3245.9~~

HISTORY

Adopted by Ord. 17-005 on 8/3/2017

2.14.040 Assessment And Collection

~~For purposes of this article, the terms "base assessed value" and "current assessed value" shall have the meanings set forth in Section 58.1-3245.6 of the Code of Virginia. Real estate taxes in the local enterprise zone shall be assessed, collected and allocated in the following manner:~~

~~(a) the local assessing officer shall record in the appropriate books both the base assessed value and the current assessed value of the real estate and machinery and tools in the local enterprise zone.~~

~~(b) real estate taxes attributable to the lower of the current assessed value or base assessed value of real estate located in a local enterprise zone shall be allocated by the treasurer or director of finance as they would be in the absence of this article.~~

~~(c) the specified percentage of the increase in real estate taxes to be transferred to the Local Enterprise Zone Development Fund shall be one hundred percent (100%) for real estate taxes.~~

~~(d) the specified percentage of the increase in real estate taxes attributable to the difference between (i) the current assessed value of such property and (ii) the base assessed value of such property shall be allocated by the treasurer or director of finance and paid into a special fund entitled the "Local Enterprise Zone Development Fund" to be used as provided in Section 58.1-3245.10 of the Code of Virginia. Such amounts paid into the fund shall not include any additional revenues resulting from an increase in the tax rate on real estate after the adoption of this article, nor shall it include any additional revenues merely resulting from an increase in the assessed value of real estate located in the zone prior to the adoption of this article unless such property is improved or enhanced.~~

~~State Law Reference—Code of Virginia, § 58.1-3245.8~~

HISTORY

Adopted by Ord. 17-005 on 8/3/2017

2.14.050 Use Of Funds

Funds deposited to the Local Enterprise Zone Development Fund shall be used for any one or more of the following purposes:

- (a) to provide enhanced law enforcement and other governmental services, including financing transportation projects, as may be appropriate to secure and promote private investment in the local enterprise zone;
- (b) to make grants to chambers of commerce and similar organizations within such county, city, or town in order to secure and promote economic development within the local enterprise zone; and,
- (c) to make grants to any industrial development authority created by the governing body pursuant to Chapter 49 (§ 15.2 4900 et seq.) of Title 15.2, in order to secure and promote economic development within the local enterprise zones.

HISTORY

Adopted by Ord. 17-005 on 8/3/2017

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~~ ~~town~~ ~~P~~lanning ~~C~~ommission 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 ~~T~~own ~~C~~ouncil. 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 ~~T~~own ~~P~~lanning ~~C~~ommission 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 ~~O~~of Members

Commission members may be compensated for their services, reimbursement for actual expenses incurred, or both. All members of the town planning commission shall serve without compensation unless compensation is approved by the town council.

HISTORY

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

2.16.040 Removal ~~O~~of Members

A member of the Town Planning Commission may be removed by the town council for malfeasance in office, ~~provided that such removal is made only after a public hearing at which time such member is given an opportunity to appear and be heard on the charges against him.~~ Members of the Town Planning commission may also be removed by the town council for Poor attendance. ~~A member of the commission may be removed without limitation~~ 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