

CHARTER

An Act to provide a new charter for the town of Mineral and to repeal Chapter 477 of the Acts of Assembly of 1902, approved April 2, 1902, as amended, which provided a charter for the town of Mineral.

Acts 1972, Chapter 258
Approved April 1, 1972

Be it enacted by the General Assembly of Virginia:

Chapter 1 Incorporation and Boundaries

§ 1.1. Incorporation.

The inhabitants of the territory comprised within the present limits of the Town of Mineral, hereinafter referred to as "Town", as such limits are now or may hereafter be altered and established by law, shall constitute and continue a body politic and corporate, to be known and designated as the Town of Mineral, and as such shall have perpetual succession, may sue and be sued, implead and be impleaded, contract and be contracted with, and may have a corporate seal which it may alter, renew or amend at its pleasure by proper ordinance.

§ 1.2. Boundaries.

The boundaries of the Town of Mineral is that territory in the County of Louisa, as shown on a plot of said Town, of record in the Clerk's Office of Louisa County, made by W. L. Bishop, Engineer, and being further shown on a boundary survey of the Town of Mineral, Virginia, 1962, made by James H. Bell and Kenneth M. Hart, Certified Land Surveyors, which, also, is of record in the Clerk's Office of Louisa County, Virginia, in plat book 6 at page 41.

Chapter 2 Powers

§ 2.1. General Grant of Powers.

The Town shall have and may exercise all powers which are now or hereafter may be conferred upon or delegated to towns under the Constitution and laws of the Commonwealth of Virginia, as fully and completely as though such powers were specifically enumerated herein, and no enumeration of particular powers by this Charter shall be held to be exclusive, and the Town shall have, exercise and enjoy all the rights, immunities, powers and, privileges, and be subject to all the duties and obligations, now appertaining to and incumbent on the Town as a municipal corporation.

§ 2.2. Adoption of certain sections of Code of Virginia.

The powers set forth in §§ 15.1-837 through 15.1-907, both inclusive, of Chapter 18 of Title 15.1 of the Code of Virginia, as in force on January 1, 1972, and as may be amended, are hereby conferred on and vested in the Town.

State law reference(s)—See Title 15.2, Code of Virginia, Subtitle II, Powers of Local Government, particularly Ch. 11, Powers of Cities and Towns.

§ 2.3. Eminent Domain.

The powers of eminent domain set forth in Title 15.1, Title 25, Chapter 1.1 and § 33.1-121 of the Code of Virginia, as amended, and all acts amendatory thereof and supplemental thereto, mutatis mutandis, are hereby conferred upon the Town, subject to the provisions of § 25-233.

- (a) In any case in which a petition for condemnation is filed by or on behalf of the Town, a true copy of a resolution or ordinance duly adopted by the Town Council declaring the necessity for any taking or damaging of any property, within or without the Town, for the public purposes of the Town, shall be filed with the petition. The Town may employ the procedures conferred by the foregoing laws, mutatis mutandis, and may, in addition thereto, proceed as hereinafter provided.
- (b) Certificates issued pursuant to § 33.1-121 of the Code of Virginia, as amended, and acts amendatory thereof and supplemental thereto, may be issued by the Town Council, signed by the Mayor and countersigned by the Town Treasurer. Such certificate shall have the same effect as certificates issued by the State Highway Commissioner, under the aforesaid laws, and may be issued in any case in which the Town proposes to acquire property of any kind by the exercise of its powers of eminent domain for any lawful public purpose, whether within or without the Town; provided, that the condemnation authority shall be subject to the provisions of § 25-233 of the Code of Virginia.
- (c) In addition to the powers conferred by the aforesaid laws, such certificates may be amended or cancelled by the court having jurisdiction of the proceedings, upon petition of the Town, at any time after the filing thereof; provided, that the court shall have jurisdiction to make such order for the payment of costs and damages, if any, or the refund of any excessive sums theretofore paid pursuant to such certificate as shall, upon due notice and hearing, appear just. The court shall have jurisdiction to require refunding bonds, for good cause shown by the Town or any other person or party in interest, prior to authorizing any distribution of funds pursuant to any certificate issued or deposit made by the Town.

State law reference(s)—See Title 15.2 and Title 25.1, Code of Virginia; See § 25.1-102, Code of Virginia.

Chapter 3 Mayor and Council

§ 3.1. Composition of Council; Election, Qualification and Term of Office of Councilmen.

The Town shall be governed by a Mayor and a Town Council composed of six councilmen, to be elected from the Town at large. Councilmen shall be qualified electors of the Town, and shall serve for terms of four years, and until their successors are appointed or elected and qualified as provided by law.

§ 3.2. When Terms of Office to Begin.

The terms of office for the Mayor and Town Councilmen shall begin after their election, and continue as is provided by the laws of the Commonwealth.

§ 3.3. Oath of Office.

The Mayor and Councilmen shall each, before entering upon the duties of their office, make oath or affirmation that they will truly, faithfully and impartially discharge the duties of their offices to the best of their abilities, so

long as they shall continue therein. Such oath to be administered by the retiring Mayor, Vice-Mayor or the Clerk of the Circuit Court of Louisa County, Virginia.

§ 3.4. Election and Term of Vice-Mayor.

The Town Council shall elect from its members a Vice-Mayor, who shall serve, at the discretion of the Town Council and until a successor is appointed.

§ 3.5. Powers and Duties of Mayor and Vice-Mayor.

The Mayor shall preside over the meetings of the Town Council and shall have the same right to speak and vote therein as other members of the Town Council, when they are equally divided. He shall be recognized as the head of the Town government for all ceremonial purposes, for the purposes of military law and for the service of civil processes.

During the absence of the Mayor or the inability of the Mayor to act, the Vice-Mayor shall possess the powers and discharge the duties of the Mayor.

§ 3.6. Absence or Disability of Mayor and Vice-Mayor.

If both the Mayor and Vice-Mayor are absent or unable to act, the Town Council shall, by a majority vote of the members present, elect from its members a person to serve as Acting Mayor until either the Mayor or Vice-Mayor is present and able to act. The person so elected shall possess the powers and discharge the duties of the Mayor during such period of time. Whenever it is necessary to elect an Acting Mayor pursuant to this section, in the absence of both the Mayor and Vice-Mayor, the Town Clerk or Acting Town Clerk shall call the meeting of the Town Council to order and shall preside until an Acting Mayor is elected. This shall not be construed to vest in the Town Clerk any of the powers and duties of the Mayor, except as expressly stated in this section.

§ 3.7. Council a Continuing Body.

The Town Council shall be a continuing body, and no measures pending before such body, or any contract or obligation incurred, shall abate or be discontinued by reason of the expiration of the term of office or removal of any of its members.

§ 3.8. General Grant of Powers to Council.

The Town Council shall have all powers and authority that are now or may hereafter be granted to councils of towns by the general laws of the Commonwealth and by this Charter, and the recital of special powers and authorities herein shall not be taken to exclude the exercise of any power and authority granted by the general laws of the Commonwealth to town councils, but not herein specified.

§ 3.9. Meetings of Council.

The Town Council shall fix the time of their stated meetings, and they shall meet at least once a month. Special meetings may be called at any time by the Mayor or by three members of the Town Council; provided, that all members shall be duly notified a reasonable period of time prior to any special meeting.

§ 3.10. Quorum; Reconsideration of Action.

Three members of the Town Council shall constitute a quorum for the transaction of business. No vote taken at any meeting shall be reconsidered or rescinded at any subsequent special meeting unless at such special meeting there are as many members of the Town Council present as were present when such vote was taken.

§ 3.11. Rules of Order and Procedure.

The Town Council shall establish its own rules of order and procedure, and may punish its own members and other persons for violations thereof.

§ 3.12. Council to Fix Salaries.

The Town Council is hereby authorized to fix the salaries of each of the members of the Town Council, members of board or commissions and all appointed officers and all employees of the Town, at a sum not to exceed any limitations placed by the laws and Constitution of the Commonwealth of Virginia. The salaries of the members of the Town Council shall not exceed one thousand two hundred dollars per year.

Chapter 4 Appointive Officers

§ 4.1. Appointment.

The Town Council may appoint such officers of the Town as they deem necessary. Such officers may include, but shall not be limited to, a Town Manager, a Town Clerk, a Town Attorney, a Town Treasurer, a Town Sergeant, Special Police Officers, and Justices of the Peace. The enumeration of officers in this section shall not be construed to require the appointment of any of such officers herein named. Officers appointed by the Town Council shall perform such duties as may be specified in this Charter, by the laws of the Commonwealth, or by the Town Council.

§ 4.2. Deputies and Assistants.

The Town Council may appoint such deputies and assistants to appointive offices as the Town Council may deem necessary.

§ 4.3. Term of Office.

Officers and deputies and assistant officers appointed by the Town Council, shall serve at the will and pleasure of the Town Council.

§ 4.4. Appointment of one person to more than one office.

The Town Council may appoint the same person to more than one appointive office, at the discretion of the Town Council, subject to the provisions of Article VII, § 6 of the Virginia Constitution.

§ 4.5. Qualifications and Duties of the Town Manager.

The Town Manager shall be the executive officer of the Town, and shall be responsible to the Town Council for the proper administration of the Town government. It shall be the duty of the Town Manager to:

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- (a) Attend all meetings of the Town Council, with the right to speak but not to vote.
 - (b) Keep the Town Council advised of the financial condition and the future needs of the Town and of all matters pertaining to its proper administration, and make such recommendations as may seem to him desirable.
 - (c) Prepare and submit the annual budget of the Town Council and be responsible for its administration after its adoption.
 - (d) Prepare in suitable form for publication and submit to the Town Council at the next regular meeting following the end of each fiscal year, a concise, comprehensive report of the financial transactions and administrative activities of the Town government during the immediately preceding fiscal year.
 - (e) Present adequate financial and activity reports as required by the Town Council.
 - (f) Arrange for an annual audit by a certified public accountant, the selection of whom shall be approved by the Town Council.
 - (g) Perform such other duties as may be prescribed by this Charter, or required of him in accordance therewith by the Town Council, or which may be required by the chief executive officer of a Town by the general laws of the Commonwealth.

All employees of the Town, except those appointed by the Town Council, pursuant to this Charter or the general laws of the Commonwealth, shall be appointed and may be removed by the Town Manager, who shall report each appointment or removal to the Town Council at the next meeting thereof following any such appointment or removal. The Town Council shall designate by ordinance a person to act as Town Manager in the case of the absence, incapacity, death or resignation of the Town Manager, until his return to duty or the appointment of his successor. Until such time as the Town Council appoints any such Town Manager, the duties and powers outlined herein shall be given the Mayor, or such other person as may be designated by the Town Council.

§ 4.6. Duties of the Town Clerk.

The Town Clerk shall be the Clerk of the Town Council. He shall keep the journal of the proceedings and shall record all ordinances and resolutions in a book or books kept for the purpose. He shall be the custodian of the corporate seal of the Town and shall be the officer authorized to use and authenticate it. He shall perform such other duties and keep such other records as the Town Council may specify or the general laws of the Commonwealth require of Town Clerks. All records in his office shall be public records and open to inspection at any time during regular business hours.

§ 4.7. Duties of the Town Attorney.

The Town Attorney shall be the legal adviser of the Town Council. He shall represent the Town in all legal affairs as may be requested by the Mayor, Town Council, or by an officer of the Town appointed under the provisions of this Charter. The Town may employ the Commonwealth's Attorney of Louisa County for criminal prosecutions.

§ 4.8. Duties of the Town Treasurer.

The Town Treasurer shall collect the Town taxes and licenses, and shall have the power to levy and sell for collection as given to County Treasurers.

§ 4.9. Powers and Duties of the Town Sergeant and Special Policemen.

The Sergeant of the Town shall be a Conservator of the Peace, and vested with the full powers of a Constable within the limits of the Town, and, also, have the power to arrest offenders within the limits of the County of

Louisa. He, and any special police officers, who may be appointed by the Mayor with the advice and consent of a majority of the members of the Town Council, shall have all the powers given to special police officers under the laws of the Commonwealth. He shall assist the Treasurer in the collection of Town taxes, and may distrain and sell therefor in like manner, for which State taxes and County levies are distrained.

§ 4.10. Residence of Officers and Employees.

Any appointive officers or employees of the Town may be appointed and serve whether or not the appointee be a resident or nonresident of the Town.

Chapter 5 Raising of Revenue

§ 5.1. Assessment of Taxes.

The Council shall have the power to assess and tax real or personal property within the Town, levy taxes, impose licenses and collect the same to any extent not prohibited by laws of the Commonwealth.

§ 5.2. License for Public Utilities, Etc.

The Town shall have the power to impose, levy and collect a license tax on any public utility or public service company, including Electric Power Companies, Telephone Companies, Telegraph Companies, Railway Companies, Gas Companies, Water or Sewerage Companies, doing business within the Town, either by serving consumers within the Town, or maintaining an office in the Town, unless otherwise specifically prohibited by law; provided, that this section shall in no way limit any licensing authority otherwise granted the Town by this Charter or by general law.

Chapter 6 Courts

§ 6.1. Authority to Establish Municipal Court; Jurisdiction of Court.

The Town Council may establish by ordinance a Municipal Court, which shall be known as the Municipal Court of the Town. Jurisdiction of the Municipal Court in civil matters shall be as provided in § 16.1-77 of the Code of Virginia, and in criminal matters as provided in § 16.1-124 of the Code of Virginia.

State law reference(s)—Section 16.1-124, Code of Virginia, was repealed by Acts 1984, c. 506.

§ 6.2. Judge of Municipal Court; Substitute Judge.

The Judge of the Municipal Court shall be appointed by the Town Council. He shall serve at the pleasure of the Town Council. The Town Council may appoint a Substitute Judge to serve during the absence or inability to act of the Judge of the Municipal Court.

§ 6.3. Jurisdiction of County Court if Municipal Court not created.

If the Town Council shall elect to not establish a Municipal Court, as provided in § 6.1 of this Charter, the County Court of Louisa County shall have such jurisdiction within the Town as the Municipal Court would have if it were established by the Town Council. The Town Council may enter into such contracts or agreements as it may deem

necessary to permit the trial in said County Court of cases or causes of action arising within the Town or within the jurisdiction of the Town.

§ 6.4. Use of County Jail.

The Town shall be allowed the use of the Louisa County Jail for the purpose of carrying into effect the police regulations of the Town, and for the safekeeping and confinement of all persons who may be arrested or sentenced to imprisonment under the laws and ordinances of the Town. The sergeant or any police officer of the Town may convey any person arrested or sentenced to jail, and the jailer of said County shall receive such persons in the same manner as if such person or persons were committed by a Justice, and delivered to said jailer as any other police officer of the said County or the Commonwealth.

Chapter 7 Financial Provisions

§ 7.1. Fiscal Year.

The fiscal year of the Town shall begin on July 1 of each year, and end on June 30 of the year following, but the same may be changed by action of the Town Council, where not inconsistent with general law.

§ 7.2. Actions against Town, or Damages, Etc.

- (a) No action shall be maintained against the Town for damages for any injury to any person or property alleged to have been sustained by reason of the negligence of the Town, or any officer, agent or employee thereof unless a written statement of the claimant, his agent or attorney, or the personal representative of any decedent whose death is a result of the alleged negligence of the Town, its officers, agents or employees, of the nature of the claim and the time and place at which the injury is alleged to have occurred, or to have been received, shall have been filed with the Mayor or an attorney appointed by the Town Council for this purpose, and the Town is hereby authorized to appoint such an attorney, within sixty days after such cause of action shall have accrued. Where the claimant is an infant or non compos mentis, or the injured party dies within such sixty days, such statement may be filed within one hundred twenty days provided, that if the complainant is compos mentis during such sixty-day period but is able to establish by a clear and convincing evidence that due to the injury sustained for which a claim is asserted that he was physically or mentally unable to give such notice within the sixty-day period, then the time for giving notice shall be tolled until the claimant sufficiently recovers from such injury so as to be able to give such notice. No officer, agent or employee of the Town shall have authority to waive such conditions precedent or any of them.
- (b) No order shall be entered or made, and no injunction shall be awarded by any Court or Judge, to stay proceedings of the Town in the prosecution of their works, unless it be manifest that they, their officers, agents or servants are transcending the authority given them in this Charter, and that the interposition of the Court is necessary to prevent injury that cannot be adequately compensated in damages.
- (c) The Town Council is authorized and empowered to compromise any claim for damages or any suit or action brought against the Town.

§ 7.3. Creation of Debt; Election on Issuance of Bonds.

Any ordinance creating a debt for which money is to be borrowed shall be adopted by a majority vote of the elected members of the Town Council. Any bonds issued by the Town shall be issued in compliance with the Laws of the Commonwealth.

The Town Council may submit to a vote of the qualified electors of the Town the question of whether such money shall be borrowed. Any such petition shall be filed with the Town Clerk within thirty days of the vote of the Town Council to borrow money.

Any such election shall be held within sixty days of the vote of the Town Council to call such election or within sixty days of receipt of such petition. The election shall be held in the manner provided for such elections by the general laws of the Commonwealth. A majority vote of the qualified electors voting at such election shall be required for the approval of the borrowing of such money.

The provisions of this section shall not be construed to prohibit the Town Council from proceeding under any provisions of the Constitution of Virginia and general laws of the Commonwealth in the borrowing of money.

Chapter 8 Miscellaneous

§ 8.1. Elections Governed by State Law.

All Town elections shall be held and conducted in the manner prescribed by the laws of the Commonwealth.

§ 8.2. Amendment of Zoning Ordinance.

The Town Council may, by ordinance, require that whenever any Planning Commission recommends against the adoption of any proposed amendment to the Zoning Ordinance of the Town, now or hereafter in effect, such amendment shall become effective only upon the affirmative vote of two-thirds of the elected members of the Town Council.

§ 8.3. Applicability of Ordinances to Lands, Etc., Outside Town.

All ordinances of the Town, so far as they are applicable, shall apply on, in or to all land, buildings and structures owned by or leased or rented to the Town and located outside the Town.

§ 8.4. Bonds of Officers and Employees.

The Town Council may require all or any officers and employees of the Town to give bond for the faithful and proper discharge of their duties. As used herein, the words "officers and employees" shall include officers and employees paid solely or partly by the Town. The Town may pay the premium on such bonds from the Town funds and may provide for individual surety bonds or for a bond covering all officers and employees or any group thereof. The bond shall be payable to the Town as its interest may appear in event of breach of the conditions thereof.

§ 8.5. Office of Town Sergeant Created, but not Elected.

Notwithstanding the provisions of § 15.1-796 of the Code of Virginia, there shall be created in the Town the office of Town Sergeant, however, the Town Sergeant shall be appointed as herein provided, and not elected, in accordance with said Code section. The Town Sergeant shall have the powers and duties as herein provided, and in addition thereto, the duties and powers imposed by said Code section, and all other laws of the Commonwealth as may be applicable thereto.

State law reference(s)—See § 15.2-1600 et seq., Code of Virginia.

§ 8.6. United States Government Employees.

No person, otherwise eligible, shall be disqualified, by reason of his accepting or holding an office, post, trust or emolument under the United States government, from serving as an officer or employee of the Town, or as a member, officer or employee of any board or commission.

§ 8.7. Acceptance of Federal Aid, Contributions, Etc.

The Town shall have the power to receive and accept from any federal agency grants of any kind for or in aid of the construction of any project, the procuring or reserving of park land, open spaces or any recreational facility, and to do all such things or make any covenants or agreements which may be necessary or required in order to obtain and use such federal grants. The Town may receive and accept aid or contributions from any source or money, property, labor or other things of value, to be held, used and applied only for the purposes for which such grants and contributions may be made.

§ 8.8. Conflicts of Interest; Disclosure of Interest.

The Town Council is hereby empowered to enact a conflict of interest and disclosure ordinance to govern elected and/or appointed Town officials not inconsistent with general law.

§ 8.9. Present officers to continue.

The present elected officers of the Town shall be and remain in office until expiration of their several terms, and until their successors have been duly elected and qualified.

§ 8.10. Ordinances continued in force.

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 Town Council.

§ 8.11. Severability of Provisions.

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 this charter, but shall be confined in its operation to the clause, sentence, paragraph or part thereof directly involved in the controversy in which such judgment shall have been rendered.

1. Chapter 477 of the Acts of Assembly of 1902, approved April 2, 1902, as amended, providing a charter for the town of Mineral is repealed.
2. An emergency exists and this act is in force from its passage.

Editor's note(s)—The 1902 Charter has been included in the Appendix of the Code for historical purposes only. See Ch. A500.