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HOUSE BILL NO. 2019

Offered January 13, 2025

Prefiled January 7, 2025

A BILL to provide a new charter for the Town of Shenandoah in Page County and to repeal Chapter 163 of the Acts of Assembly of 1926, as amended, which provided a charter for the Town of Shenandoah.

Patron—Gilbert

Referred to Committee on Counties, Cities and Towns

Be it enacted by the General Assembly of Virginia:

1.

CHARTER FOR THE TOWN OF SHENANDOAH.

§ 1. Town incorporated; powers generally.

The Town of Shenandoah, in the County of Page, shall continue to be a town corporate, in the name and style of the Town of Shenandoah and as such shall have and exercise all the powers conferred upon towns by the general laws of the Commonwealth of Virginia concerning towns now in force or that hereafter may be enacted for the government of towns so far as the same are not inconsistent with this act.

§ 2. Boundaries.

The boundaries of the Town shall remain as now established unless changed in accordance with applicable law.

§ 3. Government vested in Town council; composition of council and qualifications of members.

The government of said Town shall be vested in a Town council, which shall be composed of the Mayor and six council members, each of whom shall be a qualified voter within the said Town.

§ 4. Election of Mayor; term of office.

The Mayor shall be elected at large at the November 2026 general election, and every two years thereafter, and shall hold office for two years from the first day of January next succeeding his election.

§ 4.1. Election of council members; term of office.

The Town council shall be a continuing body, and no measure pending before such body shall abate or be discontinued by reason of expiration of the term of office or removal of any or all of the members. The Mayor and council in office at the time of adoption of this charter shall continue in office until the expiration of the terms to which they were elected or until their successors are elected and qualified. Accordingly, at the time of the general election in November of 2026, there will be an election for Mayor and three council positions and, in November 2028, there will be an election for the Mayor and the other three council positions. The terms of council members shall be for four years, beginning on the first day of January next succeeding their election. Council members shall be elected by the locality at large.

§ 5. Officers appointed by council.

The Town council may appoint the following officers, who serve at the pleasure of the council:

(a) Town Manager. The Town Manager shall be responsible to the Town council for the proper administration of all affairs of the Town, for the control and management of all Town departments and property, for the appointment, supervision, discipline and dismissal of all Town employees (except, with respect to Town council appointed officers, appointment and dismissal shall be by act of the Town council), for the preparation and implementation of an annual budget, and for any other duties as prescribed by the council and is vested with all the powers provided by the general laws of the Commonwealth of Virginia. The Town Manager shall also perform other duties and receive such compensation as the Town council may prescribe. The Town Manager may also hold the position of Town Clerk.

(b) Town Treasurer. The Town Treasurer shall keep the Town's books and accounts and collect all the taxes, revenues, and assessments that may be levied by the council and is vested with all the powers provided by the general laws of the Commonwealth of Virginia. The Town Treasurer shall also perform other duties and receive such compensation as the Town council may prescribe.

(c) Town Clerk. The Town Clerk shall attend the meetings of the council, keep a record of its proceedings, and generally perform such other acts and duties as the council may from time to time prescribe. The Town Clerk shall receive such compensation as the council may prescribe and may also hold the office of Town Treasurer so long as he or she is not a member of the Town council.

(d) Town Attorney. The Town Attorney shall be an attorney at law licensed to practice under the laws of the Commonwealth of Virginia. The Town Attorney shall receive such compensation as may be determined by the council and shall have such duties as prescribed by the council.

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59 (e) *Chief of Police.* The Chief of Police shall be the head of the Town of Shenandoah Police Department
60 and shall be a law-enforcement officer responsible for the enforcement of the criminal laws and such other
61 duties prescribed by the laws of the Town and the Commonwealth of Virginia. The Chief of Police shall also
62 perform other duties and receive such compensation as the Town council may prescribe. The Chief of Police
63 shall have all powers that are now or may hereafter be provided to law-enforcement officers and police
64 chiefs by the Commonwealth of Virginia.

65 (f) *Other officers.* The Town council may appoint such other officers as may be necessary to conduct the
66 business of the Town, prescribe their duties, and fix their compensation.

67 The Town council may designate a person to act in an interim capacity for any of the foregoing officers
68 during the absence or incapacity of such officer.

69 All Town officers already in office at the time of the enactment of this charter shall continue until further
70 action of the Town council.

71 Any officer appointed by the council may be removed at its pleasure. The council may fill any vacancy in
72 any appointed office.

73 § 6. *Mayor; powers and duties.*

74 The Mayor shall have the following powers and duties:

75 (a) The Mayor shall see that the bylaws and ordinances of the Town are fully executed and enforced. He
76 shall preside over the meetings of the Town council and shall have the same right to speak therein as
77 members of the Town council but shall not vote except in the case of a tie. He shall be recognized as the head
78 of the Town council and the head of the Town government for all ceremonial purposes. He shall perform such
79 other duties consistent with his office as may be imposed by the council. In times of public danger or
80 emergencies, he may take command of the police and maintain order and enforce laws, and for this purpose
81 may deputize such assistant law-enforcement officers as may be necessary.

82 (b) The Mayor, or the person acting as Mayor, shall authenticate with his signature every ordinance and
83 resolution adopted by the council, and such documents or instruments as the council, this charter, or the laws
84 of the Commonwealth shall require.

85 (c) The Mayor shall see that the duties of the various Town officers, agents, and employees are faithfully
86 performed. The Mayor shall have power to investigate their accounts and have access to all of their books
87 and documents in their offices.

88 § 7. *Salary.*

89 The salary of the Mayor and council members shall be fixed by the Town council.

90 § 8. *Vice Mayor.*

91 A Vice Mayor shall be elected by a majority of the council at its organizational meeting after the general
92 election of 2026 to a term of two years, and every two years thereafter. The Vice Mayor shall possess the
93 powers and discharge the duties of the Mayor during any period of absence or disability of the Mayor. While
94 serving in the place of the Mayor, the Vice Mayor may vote as a member of the Town council. If the Vice
95 Mayor is also absent or unable to act, the council may choose another council member to possess the powers
96 and discharge the Mayor's duties during the period of the Vice Mayor and Mayor's absence or disability.
97 While serving in the place of the Mayor, such council member may vote as a member of the Town council.
98 The council may provide reasonable compensation to the Vice Mayor or other council member discharging
99 the duties of the Mayor pursuant to this section. Upon the adoption of this charter, the current Vice Mayor of
100 the council shall serve as Vice Mayor until the organizational meeting after the general election of 2026.

101 § 9. *Public utilities; acquisition, maintenance, etc., of waterworks and other utilities.*

102 The Town shall have the right to maintain, operate, acquire, construct, and keep waterworks and electric
103 plants, and any other plants or property which towns have the right to conduct, maintain, acquire, operate,
104 and construct under the general laws of the Commonwealth of Virginia.

105 § 10. *Public utilities; appointment of officers; establishment of regulations; fixing of rates.*

106 For the purpose of properly conducting its waterworks, electric plant, and other public works, the council
107 may employ such officers, agents, and employees as it may deem necessary, and fix the compensation of the
108 same; may promulgate and establish such rules and regulations in regard to the use and maintenance of such
109 water, water systems, electric plant, and public works as it thinks best; may fix the rates for the use of water,
110 electricity, et cetera, from its works, and provide for the collection of the same; may change and alter the
111 rates at any time, without notice; and the council shall be the sole judge of the rates to be charged for such
112 service; and the council is granted all the powers which a municipal corporation has in the operation of its
113 public works.

114 § 11. *Sewers and sewage systems.*

115 The Town may construct, maintain, and operate sewers and sewage systems, and charge for connections
116 therewith, and the use thereof such rates as the council may deem proper, and may change the same from
117 time to time without notice. The council may establish and promulgate any rules and regulations in regard to
118 the connection, or continued use thereof as it may deem proper; may refuse any connection, and disconnect
119 the same if for any reason the connection, or continued use thereof, becomes inimical to the public welfare,

120 *or detrimental to the sewage system, or if the charges therefor be unpaid, and the council may be the sole*
 121 *judge when the same is to be disconnected or when the connection is to be refused.*

122 § 12. *Miscellaneous powers.*

123 (a) *Removal or reconstruction of unsafe buildings, etc.; protection of public gatherings.*

124 *The Town may regulate the size, height, materials, and construction of buildings, fences, walls, retaining*
 125 *walls, and other structures hereafter erected in such manner as the public safety and conveniences may*
 126 *require; remove or require to be removed or reconstructed any building, structure, or addition thereto, which*
 127 *by reason of dilapidation, defect of structure, or other causes may have become dangerous to life or property,*
 128 *or which may have been erected contrary to law; and enact stringent and efficient laws for securing the*
 129 *safety of persons from fires in halls and buildings used for public assemblies, entertainments, or amusements.*

130 (b) *Fees for permits, etc.*

131 *The Town may charge and collect fees for permits to use public facilities and for public services and*
 132 *privileges.*

133 (c) *Cemeteries.*

134 *The Town may provide in or near the Town lands to be used as burial places for the dead; improve and*
 135 *care for the same and the approaches thereto; charge for and regulate the use of ground therein; and provide*
 136 *for the perpetual upkeep and care of any plot or burial lot therein. The Town is authorized to take and*
 137 *receive sums of money by gift, bequest, or otherwise, to be kept or invested, and the income thereof is to be*
 138 *used for the perpetual upkeep and care of the said lot or plat for which the said donation, gift, or bequest*
 139 *shall have been made.*

140 (d) *Injunctive relief.*

141 *The Town may maintain a suit to restrain by injunction the violation of any ordinance, notwithstanding*
 142 *any punishment that may be provided for the violation of such ordinance.*

143 § 13. *Contractual powers; gifts; grants.*

144 (a) *Acquisition of property generally; holding, selling, leasing, etc., Town property.*

145 *The Town may acquire, by purchase, gift, devise, condemnation, or otherwise, property, real and*
 146 *personal, or any estate or interest therein, within or without the Town or the Commonwealth of Virginia and*
 147 *for any of the purposes of the Town.*

148 (b) *Debts and evidence of indebtedness.*

149 *The Town may contract debts, borrow money, and make and issue evidence of indebtedness.*

150 (c) *Gifts.*

151 *The Town may accept or refuse gifts, donations, bequests, or grants of any kind from any source,*
 152 *absolutely or in trust, which are related to the Town's powers, duties, and functions, or for educational,*
 153 *charitable, or other public purposes, and do all the things and acts necessary to carry out the purposes of*
 154 *such gifts, grants, bequests, and devises, with power to manage, maintain, operate, sell, lease, or otherwise*
 155 *handle or dispose of the same, in accordance with terms and conditions of such gifts, grants, bequests, and*
 156 *devises. The Town shall also have the authority to make appropriations of public funds, of personal property*
 157 *or any real estate and donations to any charitable institution or association, located within its respective*
 158 *limits or outside its limits, if such institution or association provides services to residents of the Town.*

159 § 14. *Adoption of ordinances.*

160 *All ordinances of the Town must, before becoming effective, be enacted by a majority vote of the council*
 161 *and be approved by the Mayor, and if disapproved by the Mayor, shall become effective only upon the*
 162 *affirmative vote of the council by at least four members thereof entered of record.*

163 § 15. *Council; meetings; quorum.*

164 (a) *Regular meetings. The Town council shall by ordinance fix the time of their regular meetings. The*
 165 *council may convene at such additional times as it may deem necessary in accordance with applicable law.*

166 (b) *Special meetings. A special meeting may be called by the Mayor or by three or more council members,*
 167 *provided that the Mayor and all council members are notified a reasonable period of time prior to the*
 168 *meeting, or are present, or sign a waiver, which may be signed after the meeting. No business shall be*
 169 *transacted at a special meeting except that for which it is called unless all members of the council are present*
 170 *or sign a waiver, which may be signed after the meeting.*

171 (c) *Quorum. Four members of the council shall constitute a quorum for the transaction of business. As the*
 172 *Mayor does not vote, the Mayor's attendance does not count towards the quorum requirement.*

173 (d) *Procedural rules. The council may adopt its own rules of order and procedure that govern meetings of*
 174 *the council.*

175 § 16. *Town powers enumerated.*

176 *The Town may do all things whatsoever necessary or expedient for promoting or maintaining the general*
 177 *welfare, comfort, education, morals, peace, government, health, trade, commerce, or industries of the Town*
 178 *or its inhabitants; prescribe any penalty for the violation of any Town ordinance, rule, or regulation or of*
 179 *any provisions of this charter, not exceeding the fine or sentence imposed by the laws of the Commonwealth*
 180 *of Virginia; pass and enforce all bylaws, rules, regulations, and ordinances that it may deem necessary for*

181 *the good order and government of the Town, the management of its property, the conduct of its affairs, and*
182 *the peace, comfort, convenience, order, morals, health, and protection of its citizens or their property; and do*
183 *such other things and pass such other laws as may be necessary or proper to carry into full effect any power,*
184 *authority, capacity, or jurisdiction that is or shall be granted to or vested in said Town, or in the council,*
185 *court, or offices thereof, or which may be necessarily incident to a municipal corporation.*

186 *The Town may compel the abatement and removal of all nuisances within the said Town at the expense of*
187 *the person or persons causing the same or the owner or occupant of the ground or premises wherein the*
188 *same may be found, and to require all lands and lots and other premises within the Town to be kept clean and*
189 *sanitary and free from stagnant water, weeds, filth, and unsightly deposits or to make them at the expense of*
190 *the owners or occupants thereof; to regulate or prevent slaughterhouses or other noisome and offensive*
191 *business within the Town and generally to define, prohibit, abate, and suppress and prevent all things*
192 *detrimental to the health, morals, safety, convenience, and welfare of its inhabitants.*

193 *§ 17. Organization and maintenance of volunteer fire department.*

194 *The Town council may organize and maintain a volunteer fire department for the purpose of extinguishing*
195 *fires and protecting the buildings and property located within said Town from destruction by fires and*
196 *conflagrations; and said council may enact ordinances and regulations for the control and regulation of said*
197 *fire department.*

198 *§ 18. Licensing and regulating shows, circuses, etc.*

199 *The council shall have the right to license and regulate the holding and location of shows, circuses, public*
200 *exhibitions, carnivals, and similar shows or fairs, or prohibit the holding of the same or any of them within*
201 *the Town.*

202 *§ 19. Removal of snow from sidewalks; skating or riding bicycles thereon.*

203 *The council shall have the right to require the owners of real estate abutting upon paved or other*
204 *improved sidewalks to remove the snow therefrom, to prevent skating or riding of bicycles thereon, and of all*
205 *other improper uses thereof, and to punish such violation by fine.*

206 *§ 20. Applicability of general laws of the Commonwealth; powers enumerated in charter not exclusive.*

207 *The Town council shall have all powers and authority that are now or may hereafter be granted to*
208 *councils of towns by the general laws of the Commonwealth of Virginia; and the recital of special powers*
209 *and authorities herein shall not be taken to exclude the exercise of any power and authority granted by the*
210 *general laws of the Commonwealth of Virginia to town councils, but not herein specified.*

211 *§ 21. Ordinances continued in force.*

212 *All ordinances now in force in the Town, not inconsistent with this act, shall be and remain in force until*
213 *altered, amended, or repealed by the Town council.*

214 *§ 22. Severability of provisions.*

215 *If any clause, sentence, paragraph, or part of this charter shall for any reason be adjudged by any court*
216 *of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of*
217 *said charter, but shall be confined in its operations to the clause, sentence, paragraph or part thereof directly*
218 *involved in the controversy in which such judgment shall have been rendered.*

219 *§ 23. Repealing clause.*

220 *All acts and parts of acts in conflict with this charter are hereby repealed, provided, however, that*
221 *nothing contained in this act shall be construed to invalidate or to in any manner affect the present existing*
222 *indebtedness and liabilities of the Town, whether evidenced by bonded obligations or otherwise, or to relieve*
223 *it of any part of its present obligation or liability on account of bond issues, liabilities, or debts of whatsoever*
224 *nature or kind.*

225 **2. That Chapter 163 of the Acts of Assembly of 1926, as amended, is repealed.**