

Chapter C

CHARTER

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| <p>§ C-1. Boundaries.</p> <p>§ C-2. Mayor and Council generally.</p> <p>§ C-2.1. Vice-Mayor, election of.</p> <p>§ C-2.2. Municipal elections, time of.</p> <p>§ C-2.3. Salaries of Mayor and Councilmen.</p> <p>§ C-3. Appointment, compensation and bond of Clerk and Treasurer.</p> <p>§ C-3.1. Town Attorney, appointment of.</p> <p>§ C-4. Powers and duties of sergeant.</p> <p>§ C-5. Powers and duties of Mayor.</p> <p>§ C-6. Judicial authority of Mayor and Council.</p> <p>§ C-7. [Repealed 1988]</p> <p>§ C-8. [Repealed 1988]</p> <p>§ C-9. [Repealed 1988]</p> <p>§ C-10. Erection of jailhouse.</p> | <p>§ C-11. Exemption of Town from county road levy.</p> <p>§ C-12. Taxation generally.</p> <p>§ C-13. Powers of Town generally.</p> <p>§ C-13.1. Powers of Town.</p> <p>§ C-13.2. Additional powers of Town.</p> <p>§ C-14. Authority of Mayor and Council to deputize citizens.</p> <p>§ C-15. Licenses.</p> <p>§ C-16. Disposition of revenue.</p> <p>§ C-17. Qualifying of Mayor for office; oath of office of Clerk and Councilmen.</p> <p>§ C-18. Voting of Mayor in Council meetings.</p> <p>§ C-19. Appointment of original officers.</p> <p>§ C-20. Effective date.</p> |
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[HISTORY: Adopted by Act of the General Assembly of Virginia, approved 3-5-1902 (Acts 1902, ch. 237). Amendments noted where applicable.]

§ C-1. Boundaries.

- A. The inhabitants of the territory embraced within the the Town of Windsor, in the County of Isle of Wight, Virginia as the same are now established and shown and described on the "Plat Showing Incorporated Limits of Windsor, Isle of Wight County" hereinafter referred to in Subsection B., or as may be hereafter altered and established by law, shall constitute and continue to be a body politic and corporate under the name of the "Town of Windsor, Virginia," and as such and by that name shall have perpetual succession, may sue or be sued, contract and be contracted with, and may have a corporate seal which it may alter, renew or amend at its pleasure.
- B. The territory in the County of Isle of Wight, Virginia, embraced within the Town of Windsor and the corporate limits or boundaries of said Town, unless and until changed in the manner prescribed by law, shall be as shown and described on a plat of survey thereof made by Roy Brinkley, Certified Land Surveyor, in October, nineteen hundred fifty-six entitled "Plat Showing Incorporated Limits, Town of Windsor, Isle of Wight County," and of record in the Clerk's Office of the Circuit Court of Isle of Wight County, Virginia, in Plat Book 5, page 255, which are incorporated herein by reference

and are substantially the same as described and established in § 1 of Chapter 237 of the Acts of Assembly of 1902. (Acts 1973, Ch. 84)

§ C-2. Mayor and Council generally. [Amended 1988]

The government of the said Town shall be vested in a Mayor and Council of six members, besides the Mayor (who shall be ex-officio, a member of the Council, and who shall preside at all the meetings thereof), who shall be residents of the said Town, and shall be elected when and as, and to take and hold office, as prescribed hereinafter. The Mayor and Councilmen serving at the time of the effective date of this act shall continue in office until the first day of September, nineteen hundred sixty-nine, or until their successors are duly elected and shall qualify. An election shall be held on the second Tuesday of June, nineteen hundred sixty-nine, and every two years thereafter. At the election to be held in June, nineteen hundred sixty-nine, the candidate for the office of Mayor receiving the highest number of votes shall be elected for a term of four years; the three candidates for Councilmen receiving highest number of votes, respectively, at such election shall be elected for a term of two years. Thereafter as the terms of the Mayor and the members of the Council, respectively, expire, their successors shall be elected for terms of four years. Thereby the term of office of three Councilmen shall alternately expire each two years. The Mayor and Council elected at such elections shall enter upon their duties the first day of September next succeeding. Any vacancy in the office of Mayor occurring other than by expiration of term shall be filled, from the electors of the Town for the unexpired term by a majority vote of the members of Council and any vacancies of the Council occurring other than by expiration and 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. (Acts 1927, ch. 81; Acts 1968, ch. 20).

§ C-2.1. Vice-Mayor, election of.

The Council, at its first meeting after the effective date of this act, and at its first meeting in the month of every second year thereafter in which the term of office of any Councilman begins following the election of Councilmen, shall elect by a majority vote of the members of the Council present one of its members as Vice-Mayor. In the event of the absence, death, resignation, removal, sickness, disability or disqualification for any reason or cause of the Mayor, the Vice-Mayor shall serve as and be vested with and perform all of the duties, powers, authority, rights, privileges and obligations of Mayor. In the event of a vacancy in the office of Mayor, the Vice-Mayor shall act as Mayor until a Mayor is elected by the Council or is otherwise elected. The member of the Council who is elected Vice-Mayor shall continue to have all of the rights, privileges, powers, duties and obligations of Councilmen while serving as a performing the duties of Mayor during the absence, sickness, disability or disqualification of or in event of the removal, resignation or death of the Mayor. Any vacancy occurring in the office of Vice-Mayor, other than by expiration of term, shall be filled for the unexpired term by the Council as provided for above. (Acts 1971, ch. 260)

§ C-2.2. Municipal elections, time of. [Amended 1988]

All municipal elections for Mayor and Councilmen in the Town of Windsor shall be held on the first Tuesday in May in even numbered years and the terms of office of said officers shall

begin and they shall enter upon the discharge of their duties on the first day of July next following such election and shall continue in office until their successors are elected or appointed and qualified. (Acts 1973, ch. 84)

§ C-2.3. Salaries of Mayor and Councilmen.

The Mayor and Councilmen shall be paid a salary for their services, to be fixed by the Council, which shall not be increased nor diminished during the term for which the Mayor and Councilmen, respectively, have been elected.

§ C-3. Appointment, compensation and bond of Clerk and Treasurer.

The Council shall appoint annually a Clerk and Treasurer, fix their compensations, and prescribe their duty, and require such bond as may deemed proper. One person may serve as both Clerk and Treasurer.

§ C-3.1. Town Attorney, appointment of.

The Town Council may create the office of and appoint a Town Attorney who shall (1) serve during the pleasure of the Town Council, (2) perform such legal duties as the Town Council may specify, and (3) receive such compensation for his services as may be agreed upon by such attorney and the Town Council. (Acts 1970, ch. 737)

§ C-4. Powers and duties of sergeant.

[Repealed 1988]

§ C-5. Powers and duties of Mayor. [Amended 1988]

The Mayor shall be the chief executive officer of the Town; he shall take care that the bylaws, ordinances, acts, and resolutions of the Council are faithfully executed; he shall have control of the police of the Town; it shall be his duty to see that peace and good order are preserved, and that persons and property are protected in the Town; he shall, from time to time, recommend to the Council such measures as he may deem needful for the welfare of the Town; he may receive a compensation for his services, to be fixed by the Council, which shall not be increased or diminished during the term for which he shall have been elected.

§ C-6. Judicial authority of Mayor and Council.

[Repealed 1988]

§ C-7. [Repealed 1988]

§ C-8. [Repealed 1988]

§ C-9. [Repealed 1988]**§ C-10. Erection of jailhouse.****[Repealed 1988]****§ C-11. Exemption of Town from county road levy.****[Repealed 1988]****§ C-12. Taxation generally.**

The taxes of said Town shall be due and payable on such date or dates as may be established by State law; if any person fails to pay his taxes on or before the due date, penalties and interest on the said delinquent taxes shall be payable as established by State law; and, the treasurer of the Town, following the due date of any such taxes, upon the failure or refusal of any person who owes such taxes to pay the same, may proceed to collect such taxes by any means provided by State law. If for any tax, a due date, penalties and interest not be provided for by State law, the Town may provide for same by ordinance. The Town may, by ordinance, parallel State law on such subjects. (Acts 1979, ch. 171)

§ C-13. Powers of Town generally. [Amended 1988]

The said Council shall have the power to make accurate bounds of existing streets, and to compel the removal of obstructions therefrom, and to lay off and to have new streets, alleys, and sidewalks, and to provide and protect shade trees thereon. The Council shall further have the power to prevent and provide against fire by accident; to prevent the cumbering of streets, sidewalks, and alleys in any manner whatsoever; to appoint police and prescribe their duties and compensations, and to make, pass, and ordain such rules, regulations, and bylaws as they may deem necessary and proper for the internal and general good, safety, health, and convenience of said Town and the inhabitants thereof, and for enforcing the provisions of the Charter. They shall punish all violators of the law by fine or imprisonment, or both, as may be prescribed by the ordinances of said Town. All fines collected for violations of the ordinances of said Town shall be paid into the treasury of said Town, and shall be appropriated as the Council may determine. The Council shall also have the authority and power to acquire property suitable for the purpose, either within or without the corporate limits of the Town, and to provide and maintain thereon, a community house or civic center for the use and enjoyment of the citizens of the Town, and others, for such lawful purposes as the Council may by ordinance permit, and the Council shall have authority to receive donations toward the cost and maintenance thereof. (Acts 1940, ch. 418; Acts 1950, ch. 13.)

§ C-13.1. Powers of Town.

- A. The powers set forth in §§ 15.1-837 through 15.1-907 of Chapter 18 of Title 15.1 of the Code of Virginia, 1950, as amended,¹ as now in force and effect and as hereafter amended, are hereby conferred on and vested in the Town of Windsor, Virginia.
- B. All ordinances, laws, rules and regulations of the Town of Windsor, Virginia, and the provisions of this Charter, so far as they are applicable, shall apply on, in and to all land, easements, buildings, structures and property owned by or leased or rented to the Town of Windsor and located outside of the Town.
- C. The Town of Windsor, Virginia, shall have and may exercise all of the powers and authority which are now or hereafter may be conferred on, vested in and delegated to towns under the Constitution and laws of the Commonwealth of Virginia and by this Charter and all other powers and authority pertinent to town government which the Town Council determines are necessary, proper, desirable or expedient to secure and promote the general welfare, safety, health, education, recreation, peace, good order, comfort, convenience and morals of the Town and its inhabitants as fully and completely as though such powers and authority were specifically enumerated in this Charter and all such powers and authority are hereby conferred on, vested in and delegated to the Town of Windsor, Virginia, and no enumeration of particular powers in this Charter shall be held to be exclusive, but shall be in addition to the general grant of powers, and shall have, exercise and enjoy all the rights, immunities, powers and privileges and be subject to all the duties and obligations now pertaining to and incumbent on the Town as a municipal corporation.
- D. The powers of eminent domain set forth in Title 15.1,² and Title 25 of the Code of Virginia, as amended, are hereby conferred upon and vested in the Town of Windsor. (Acts 1973, ch. 84.)

§ C-13.2. Additional powers of Town. [Amended 1988]

- A. In addition to the powers and authority granted by other sections of this charter and the authority and powers granted and conferred by the general law and the Constitution of Virginia, the Town of Windsor, Virginia, is authorized and empowered:
 - (1) To appropriate and expend the revenue, money and funds of the Town for all lawful purposes which the Town Council may deem necessary, proper, desirable, and expedient to secure, preserve and promote the general welfare, economy, safety, health, education, recreation, peace, good order, comfort, convenience and morals of the Town and its inhabitants.
 - (2) To establish, open, locate, relocate, construct, maintain, extend, change, widen, narrow, enlarge, alter and improve public highways, streets, roads, parkways, alleys, avenue, bridges and sidewalks in the Town and to vacate and close the

1. Editor's Note: Title 15.1 was extensively renumbered in 1997. For the provisions formerly contained in Chapter 18 of Title 15.1, see now Chapter 11 of Title 15.2.

2. Editor's Note: Title 15.1 of the Code of Virginia was extensively renumbered in 1997. See now Title 15.2.

same, or any part thereof, in such manner as the Town Council may deem necessary, proper and expedient.

- (3) To receive and accept from the federal government and/or the Commonwealth of Virginia or any agency, department, bureau, board or commission of either or both of said governments and use grants of any kind, aid, contributions or gifts of money, property, labor, services or other things of value for or in aid of the acquisition, location, construction, reconstruction, repair, maintenance and operation of any project or for any lawful purpose, and to do all things and make any agreements which may be necessary or required in order to obtain and use the same.
- (4) To enter into contractual relationships with the federal government and/or the Commonwealth of Virginia or any agency, department, bureau, board or commission of either or both of said governments; either political subdivisions; and special authorities, whether regional or not, on such terms and for such periods and purposes as the Town Council may determine.
- (5) To contract debts, borrow money and make and issue evidences of indebtedness.
- (6) To acquire by purchase, exchange, gift, devise, eminent domain, lease, rental or otherwise, property, real and/or personal, or easements, or any estate or interest therein, within or without the Town, for any of the uses and purposes of the Town as the Town Council may determine and to hold, use and improve the same.
- (7) To sell, exchange, rent, lease, encumber, pledge, or otherwise dispose of any personal property, or any part thereof or interest therein, wherever located, now or hereafter owned by the Town for any and all of its uses and purposes, in such manner and by such method as the Town Council may determine.
- (8) To sell, exchange, rent, lease, encumber, pledge or otherwise dispose of any real estate, including, but not limited to, land, buildings, structure, parts, playgrounds, recreation centers, landings, highways, streets, roads, alleys, avenues, sidewalks, bridges, water and sewer works and systems, sewage, garbage and refuse collection and disposal systems, gas and electric works and systems and other public utility works and systems of every kind and description, and any other real property of every kind and description, or any part thereof or interest therein, wherever located, now or hereafter owned by the Town for any of its uses and purposes, including, but not limited to, any such property now or hereafter owned and accepted by the Town for and dedicated to public uses and purposes. (Acts 1973, ch. 84)

§ C-14. Authority of Mayor and Council to deputize citizens.

[Repealed 1988]

§ C-15. Licenses.

[Repealed 1988]

§ C-16. Disposition of revenue.

The revenue from those and other sources shall be collected, paid over and accounted for at such times and to such purposes as the Council may deem fit; they may be used for the benefit of the Town.

§ C-17. Qualifying of Mayor for office; oath of office of Clerk and Councilmen. [Amended 1988]

The Mayor of said Town shall qualify before entering upon the duties of office in the manner prescribed by the law. The Clerk and Councilmen shall each, before entering upon the duties of their offices, make oath of affirmation that they will truly, faithfully, and impartially discharge the duties of their offices, so long as they shall continue in office, to the best of their abilities.

§ C-18. Voting of Mayor in Council meetings.

The Mayor shall give no vote in the Council except in case of a tie, when he shall give the casting vote.

§ C-19. Appointment of original officers.

The following named persons are hereby appointed to fill the following offices until the first day of January, in the year one thousand nine hundred and three, and until their successors are duly elected and qualified, namely: Charles T. King, Mayor; and Councilmen as follows: C. L. Griffin, W. S. Holland, C. W. Bailey, Franklin Pierce, J. S. Vaughan, F. S. Roberts, W. J. Rhodes, and J. F. Deans. Said persons are to take their oath of office and enter upon the discharge of the duties of their respective offices as soon as practicable after the passage of this act, and they are hereby clothed with all the powers and subject to all the provisions appertaining to their respective office herein prescribed.

§ C-20. Effective date.

This act shall be in force from its passage.