

CHARTER

**PART I**

**CHARTER\***

\* **Editor's note** – Printed herein is the town Charter, as contained in Acts 1948, ch. 229, §1, and as published and amended in the Town's 1975 Code.

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### **Sec. 1. Incorporation**

The inhabitants of the Town of Stephens City, in the County of Frederick, as the same now or hereafter may be established by fixed territorial limits, shall be and are hereby made a body, politic and corporate, to be known and designated by the name of the Town of Stephens City and as such shall have and exercise the powers conferred upon incorporated towns under the general laws of the State of Virginia, passed under and pursuant to the Constitution of the State, for the government of cities and towns of the Commonwealth (so far as the same apply to towns as defined by the general law now in force and as hereafter may be amended and changed by the general assembly) and the provisions of the general laws and the Constitution of the State, relative to such towns are hereby incorporated in and made a part of the Charter of the Town of Stephens City as fully in every respects as if such general laws and constitutional provisions were fully set forth herein, except insofar as the same are inconsistent with the provisions of this act [Charter].

### **Sec. 2. Boundaries; prior names of town.**

The corporate limits and boundaries of the Town of Stephens City (formerly called Newtown and Stephensburg) with Frederick County, Virginia shall be as presently established, secondary to boundary adjustment as appropriate and either agreed upon by Frederick County of by court order.

### **Sec. 3. Reserved.**

**Note** – Repealed by Acts 1970, Ch.58, §2, §1 of the same act added §3.1 to the town charter to replace the repealed §3.

### **Sec. 3.1. Composition of Town Council, qualification, elections and terms of councilmen and mayor; when terms to begin; council constitutes governing body; oath of office of council men and mayor.**

Six residents and qualified voters of the Town of Stephens City shall be elected as councilmen of the town. Successors to the three members of the present council whose terms expire in 2014 shall be elected on the first Tuesday following the first Monday in November of 2014 and every four years thereafter, and successors to the three members of the present council whose terms expire in 2012 shall be elected on the first Tuesday following the first Monday in November 2012 and every four years thereafter. On the first Tuesday following the first Monday in November 2014 and every four years thereafter, there shall be elected one elector of the town as mayor. The mayor and councilmen shall constitute the town council and governing body of the Town of Stephens City. They shall enter upon the duties of their offices on the first day of January next succeeding their election, and shall continue in office until their successors are duly qualified. Every person elected as council man shall take an oath administered by the clerk of the Frederick County Circuit Court that they shall faithfully execute the duties of the office to the

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best of their judgment and ability. The person elected as mayor shall take the oath prescribed by law for state officers.

The Council at its first meeting in January following the elections shall select by majority vote one of its members as vice mayor to serve a term of two years. He shall serve as mayor and exercise the powers of such office during the mayor's absence.

(Added by Acts 1970, ch. 58 §1)

(Amended by Acts of the General Assembly 2012)

### **Sec. 4. Appointment of registrar and election officials; elections to be held in accordance with state law.**

All elections held in the town shall be governed and conducted in accordance with the general law.

### **Sec. 5. Council to be judge of qualifications and returns of members; new elections for disqualified members, filling vacancies; quorum of council; mayor pro-tem.**

Any vacancies occurring on council and any vacancy in the office of mayor shall be filled by the council from the electors of the town. For the transaction of business by the council four members (not counting the mayor as one) shall constitute a quorum. In case of the inability of the mayor to attend any meeting of the council on account of sickness or other reasons, the vice mayor shall preside and in the vice mayor's absence the council may appoint by recorded vote, one of its own members as mayor pro-tem.

### **Sec. 6. General ordinance making power of council; taxes and assessments for streets, sidewalks and sewers.**

The mayor and council so elected shall have power to make by-laws and ordinances for the regulation and good government of the town, and to assess and collect taxes on the inhabitants and property within limits of the town for all municipal purposes, subject to the limitations and restrictions of the general laws of the state regulating municipalities, and shall have power to impose taxes and assessments upon abutting land owners for making or improving the walk ways upon then existing streets and improving and paving then existing alleys and for either the construction or for the use of sewers in accordance with the provisions of the Constitution and general laws of the state.

### **Sec. 7. Council to elect town officers and fix their compensation; powers and duties; terms of office and residence of town officers.**

As soon as practicable following the election of the council, the council shall appoint a treasurer, clerk of the council, town sergeant, town attorney, and town manager whose terms of office shall be coequal with the time the council appointing them shall continue in office, unless sooner removed as provided by this charter or ordinance of the town. The salaries and

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compensation paid such officers, together with their duties, shall be fixed by the council. The council may appoint or elect such officers as may be necessary or desirable for the best interests of the town.

### **Sec. 8. Mayor and councilmen clothed with authority of a justice of the peace; police judge of town; trials before police judge, et.**

**Note** – The text of this section (being Acts 1948, Ch. 229, §1, Char. §8.) was omitted as obsolete. Chapter 4.1 of title 16.1 (§§ 16.1-69 to 16.1-69.52) of the Code of Virginia, as added by Acts 1972, ch. 708, provides (in §16.1-69.6) that on or after July 1, 1973, there shall be in each city and in each county a general district court and a juvenile district court; and further provides (in §16.1-69.8, subsection d) the municipal court or other court “however called” having general, civil and criminal jurisdiction in any town shall be abolished and all jurisdiction and power conferred upon each such court shall pass to the general district court and juvenile district court of the county wherein the town is located; provided, that any such town court shall continue in operation until the judge incumbent in office on June 30, 1973, completes his term of office or a vacancy shall occur in his office; and further provided (in §16.1-69.48) that fines collected for violations of town ordinances shall be paid promptly into the treasury of the town; and it is further provided (in §16.1-69.1) that all provisions of municipal charters inconsistent therewith are repealed to the extent of such inconsistency.

### **Sec. 8.1. The Frederick County District Courts shall hear and determine charges of violations of town ordinances. Fines collected for violations of town ordinances shall be paid promptly into the treasury of the town.**

### **Sec. 9. Extraterritorial criminal and licensing jurisdiction of town.**

The jurisdiction of the corporate authorities of the town in all criminal matters and for imposing and collecting license taxes on shows, performances and exhibitions, shall extend one mile beyond the corporate limits of the Town of Stephens City as provided by general law.

### **Sec. 10. Filling of vacancy in mayor’s or councilman’s office.**

In the event of the death, resignation or removal out of town of the mayor and any of the councilmen, such vacancy shall be filled by the council from the qualified voters of the town.

### **Sec. 11. Use of county jail.**

The municipal authorities of the Town of Stephens City shall have the use of the jail of the County of Frederick in execution and enforcement of their duties incident to their office under this act [Charter] and by the general laws of the Commonwealth regulating the same.

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### **Sec. 12. Powers of mayor generally; financial report; supervision of officers.**

The council may require the mayor to communicate to it annually as soon as may be practicable after the close of the fiscal year, or oftener if necessary, a general statement of the conditions of the town in relation to its government, finances and public improvements with such recommendations as he may deem proper, and the mayor at any time, upon his own motion and at his pleasure make such report and statement to the council. The mayor shall exercise a constant supervision over all affairs of the town and over the conduct of all subordinate officers. He shall have the power and authority to investigate the acts of such authorities, have access to all books and documents in their control and may examine such officers on oath. He shall have power to suspend all officers appointed by the council until the next regular meeting of the council but such suspension shall in all cases be for misconduct in office or neglect of duties, the same to be specified in the order of suspension. In case of the suspension of any such officer, the mayor may appoint some other person in his place to hold such office and perform the duties thereof until the next regular meeting of the council. At such regular meeting, the mayor shall report such suspension, together with his reason therefor.

### **Sec. 13. Appointments of special police, direction of police force by mayor.**

The mayor may appoint a chief of police, who may also serve as town sergeant, and through the office of the mayor may appoint special police officers when in his judgment it is best for the peace and good government of the town. The mayor may, at any time that the welfare and peace of the town require it, direct the police force of the town in the performance of any of its special or regular duties or may delegate this to the town manager.

### **Sec. 14. Meetings of council, limitation of business at special meetings.**

The council may, by ordinance or resolution, fix the time of its regular meetings., but a meeting may be called and convened by the mayor or by any three members of the council by giving due notice to all members of the council at any time, but at such called meetings no business shall be transacted except such as plainly stated in such call.

### **Sec. 15. Council to adopt procedural rules, appoint committees and compel attendance; records to be kept of meetings; vote required to levy tax or contract debt.**

The council may adopt rules for the regulation of its proceedings but no tax shall be levied or corporate debt contract except by a vote of two-thirds of the council, four votes being counted as two-thirds, the mayor having no vote except in case of a tie, which vote shall be taken by yeas and nays recorded on the journal in which the minutes of all meetings of the council are kept. It may appoint such committees as may be deemed proper for the transaction of business and may compel the attendance of absent members. The mayor shall preside over the council but shall not be entitled to vote on any question except in the case of a tie. A journal shall be kept of the proceedings of all meetings of the council and at the request of any member the yeas and nays shall be recorded on any question.

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### **Sec. 16. Publication of ordinances which impose penalty for violation.**

Every ordinance passed by the council for the violation of which any penalty is imposed, shall be published in any way as the council by order, so as to give general publicity hereto and no such ordinance shall become effective until the same shall have been published either by handbills or in some paper published in the county, as the council may deem proper. If the publication be by handbills, a certificate of posting of them shall be given by the sergeant to the clerk of the council; provided, however, that after the expiration of six months from the date of the passage of such ordinance its publication shall not be questioned or its validity affected by any failure to publish the same.

### **Sec. 17. Power of council generally.**

In addition to the powers conferred by other general statutes, the council of the town shall have the power to lay off streets, walks or alleys; alter, improve and light the same and have them kept in good order; to lay off public grounds and provide all buildings necessary for the town; to abate and remove nuisances; to make regulations and provisions in reference to contagious diseases; to regulate the keeping of gun powder or other combustibles within the corporate limits and beyond within one mile thereof; to regulate the keeping of gasoline, kerosene and other combustible oils within the town or out of town near the corporate limits; and may prohibit the keeping of more than certain fixed quantities of gasoline and other such combustible or explosive products at certain places and within fixed area and permit the storage of larger quantities at other places within and beyond the limits of the town; to provide, permit or prohibit the establishment of cemeteries or place for interment of the dead in or within one mile of the town, and to regulate the same, and also such places heretofore established; to acquire control or establish, maintain, operate, extend and enlarge water works, ice plants, gas works, electric light and power plants and other public utilities within or beyond the limits of the town for the purpose of supplying the inhabitants of the town with gas, light, power and other benefits and conveniences for public use, and for such other purposes as are permitted by laws of the state; to acquire within or beyond the limits of the town by purchase, condemnation or otherwise, whatever land may be necessary for constructing, locating, establishing, maintaining, operating, extending, or enlarging any such water works, ice plants, gas works, electric plants and other plants and facilities necessary for establishing any and other public utilities, and also the rights of ways, rail, pipes, poles, conduits or any of the fixtures or appurtenances thereof; to lease, own, operate or maintain rock quarries and land within or out of the town for the purpose of obtaining material for use upon the public streets, place or works of the town and to own and operate all machinery and plants necessary for the operation and development of any such quarries; to prevent the pollution of water and injuries to water works and electric light plants and their appurtenances for which purpose the council shall have jurisdiction for ten miles beyond the limits of the town in like manner as if the works, plants and other such property of the town were within the town and to protect from injury by ordinance with adequate penalty, the pipes, poles, works, fixtures, land and other things used in connection with the water works, electric plants or other public utilities owned or controlled by the town; to make, erect, and construct within or

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beyond the limits of the town septic tanks and other sewage disposal plants, sewers and public ducts and to acquire within or beyond the limits of the town, by purchase, condemnation or otherwise, so much land as may be necessary to make, erect, construct, operate and maintain the same; to make regulations concerning the building of houses in the town and to establish and maintain public squares, parks and playgrounds and boulevards and cause the same to laid out, equipped or beautified and in particular districts or along particular streets, to prescribe and erect building lines, regulate the height and character of buildings and to require the removal of any dilapidated, unsightly or unused buildings, especially where same constitute a dangerous menace and fire risk; to locate and establish or re-locate and re-establish permanent street lines where same are in doubt and after due notice to all parties in interest; to make regulations for the purpose of guarding against accidents, fires and other dangers to the general public; to regulate the means of exit from houses used for the assemblies of the public; to prevent injury or annoyance to the public from anything dangerous, offensive or unwholesome; to protect places of divine worship and to prevent disturbances of public worship in and about the premises where held; to provide for order and observance of the Sabbath Day; to prevent vice and immorality; to suppress houses of gambling and of ill fame; to appoint and publish the places for holding town elections and the time of holding special elections and polls.

### **Sec. 18. Removal of encroachment on public property.**

In any case where a street of the town or other public place has been or may be encroached upon by any fence, building or other structure, the council may require its removal and may cause such encroachment to be removed at the expense of the person responsible therefor. No encroachment on any street, sidewalk or public place, however long continued, shall constitute an adverse possession or right against the town.

### **Sec. 19. Dedication of streets, roads, etc.; approval of subdivision plats, etc.**

No street, road, or alley shall be deemed dedicated to the town until it shall have first been accepted as such by an affirmative vote of the town council. All plats and replats hereafter made subdividing any land with[in] the corporate limits of the town, or one mile thereof, into streets, alleys, roads, lots or tracts, shall be submitted for approval by the council before such plats or replats may be filed for record or recorded in the office of the clerk of the circuit court of Frederick County, Virginia, and the streets, roads, or alleys so designated shall not be deemed and held to be a dedication to the town until they shall be accepted by an affirmative vote of the council.(Amended by Acts 1960, ch. 265 §1)

### **Sec. 20. Power to contract loans, incur debts and issue bonds; procedure generally.**

The council may negotiate temporary loans for amounts not exceeding 10% of the previous year's total budget revenue and not to exceed a five-year term, whenever two-thirds of its members, by a recorded vote, decide that such course is in the best interest of the town and necessary for the acquirement and establishment of some needed public improvement or utility. For any amount of debt greater than 10% of the previous year's total budget revenue or for a

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term greater than five years, or for bonding, the council must first submit to the qualified voters of the town the question of whether or not such debt or bonding shall be incurred, and the majority of the qualified voters voting at any election held for such purpose shall have voted for such question. Such election shall be held in the manner prescribed and under the provisions of the general laws of the Commonwealth of Virginia. Any bonds issued under this section may be either registered or coupon bonds, and for the purposes for which the bonds are issued shall be clearly set forth. The council shall have the discretion in determining the bonding denominations, interest rate, time payable, term, issuance, and sale and shall have the discretion to allow for redemption without penalty.

### **Sec. 21. Licensing authority.**

Except when prohibited by general law, the town council may levy a tax or a license on any person, firm, or corporation pursuing or conducting any trade, business, profession, occupation, employment or calling whatsoever within the boundaries of the town, whether a license may be required therefor by the state or not, which license may exceed the state license, if any be required.

### **Sec. 22. Compensation of mayor and council.**

The mayor may receive a salary to be fixed by council, but such salary shall not be increased or diminished during his term of office. The councilmen may be paid compensation in an amount to be fixed by it and permitted by general law. The council may provide for additional compensation to such of their committees performing special work to the extent that may be reasonable and fair.

### **Sec. 23. Ordinances continued in force.**

All ordinances now in force in the town not inconsistent with this act [Charter] or the laws of this state and of the United States shall be and remain in force until altered, amended, or repealed by the council of the town.