

CHRISTIANSBURG, TOWN OF

Located in County of Montgomery.

Established 1792, Chapter 71 of the Acts of Assembly.

Town of Cambria incorporated, 1906, c. 141.

Consolidated with the Town of Cambria in 1964 (information in 1964 Report of the Secretary of the Commonwealth).

Charter, 1833, c. 199, incorporated with trustees; repealed 1954, c. 240.

Charter, 1861, c. 94, amended the 1833 charter, provided for elected officers (called a charter by c. 289, 1873 Acts)

Charter, 1916, c. 173, a new charter that amends the 1833 Act, and repeals any acts inconsistent (Chapter 269, 1938 Acts, amends the 1916 charter)

Charter, 1954, c. 240 (repeals the 1833 charter and all amendments thereto).

Amended 1968, c. 173 (§§ 1.02, 2.03, 2.04, 2.05, 2.07, 2.08, 2.14, 2.15, 2.17, 2.18, 2.19, 2.20, 2.28, 2.29, 2.30 [repealed], 2.31, 2.32, 3.05, 3.18, 3.20, 3.21, 4.06, 6.02, 7.01)

1969, c. 23 (§ 2.18)

1981, c. 616 (§§ 1.02, 2.01, 2.03, 2.16, 2.31, 3.06 [repealed], 3.09)

2004, c. 59 (§ 2.08)

2010, c. 848 (§ 2.01).

Chapter 1

Incorporation and Boundaries

§ 1.01. The Town Corporate.--The inhabitants of the territory comprised within the present limits of the town of Christiansburg, as such limitations are now or may be hereafter altered and established by law, shall constitute and continue a body, politic and corporate, to be known and designated as the town of Christiansburg, and as such 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 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, and the town of Christiansburg, 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. (1954, c. 240)

§ 1.02. The Boundaries.--The present boundaries of the town are as set forth in annexation orders entered on the ninth day of October, 1974, and of record in Chancery Order book No. 39, page 442, et seq. of the Clerk's Office of the Circuit Court of Montgomery County, Virginia, and are incorporated herein by reference thereto. (1954, c. 240; 1968, c. 173; 1981, c. 616)

## Chapter 2

### The Administration and Government

§ 2.01. Vesting of administration and government in council; composition of council; election and term of council members; council to be continuing body; vacancies in council.--The administration and government of the town is vested in the council composed of a mayor and six councilmen, all of whom shall be electors of the town.

(a) The council shall be elected in the manner provided by law. Three council members shall be elected on the November 2011 general election date and every four years thereafter. A mayor and three other council members shall be elected on the November 2013 general election date and every four years thereafter.

Terms of office shall begin on the first day of January next following their election. Each council member and the mayor elected as hereinabove provided shall serve for the term stated or until his successor has been elected and qualified. The council shall be a continuing body, and no measure pending before such body shall abate or be discontinued by reason of expiration of term of office or removal of any of its members.

(b) Vacancy in the council or in the office of mayor shall be filled within sixty days, for the unexpired term, by a majority vote of the remaining members; provided, that if the term of office to be filled does not expire for two years or more after the next regular election for council member, following such vacancy and such vacancy occurs in time to permit it, then the council shall fill such vacancy only for the period then remaining until such election, and a qualified person shall then be elected by the qualified voters and shall from and after the date of his election and qualification succeed such appointee and serve the unexpired term. The number of candidates for council equal to the number of vacancies to be filled for full terms receiving the highest number of votes shall be entitled to such full terms and the candidate receiving the next highest number of votes shall be entitled to the unexpired term caused by such vacancy.

(c) Notwithstanding any provisions of law to the contrary, any person shall be qualified to fill a vacancy on council or as mayor who is a resident of the town and is a qualified elector therein, except that a member of council shall not be qualified to fill a vacancy as mayor. (1954, c. 240; 1981, c. 616; 2010, c. 848)

§ 2.02. Electors.--electors of the town of Christiansburg shall be the actual residents of the town, who are otherwise qualified to vote for members of the General Assembly. (1954, c. 240)

§ 2.03. Municipal Officers.--The municipal officers of said town shall, in addition to the mayor, consist of treasurer, chief of police, clerk of the town council, town manager and town attorney; and the mayor may appoint such committees of the council as he may see fit, and the council may create such boards and departments of town government and administration with such powers and duties and subject to such regulations as it may see fit, consistent with the provisions of this act and the general laws of this State. The said treasurer and clerk may be one and the same person if the council deem it more expedient.

No employee of the town or either of the officers of treasurer, chief of police, clerk of the town council, town manager or town attorney shall be required at the time of their employment or appointment to be a resident of the town. (1954, c. 240; 1968, c. 173; 1981, c. 616)

§ 2.04. Town Manager.--The council of the town may, in its discretion appoint a town manager who may also serve as town engineer. Upon appointment of a town manager, he shall be vested with the administrative and executive powers of the town and shall hold office during the pleasure of the council. He shall receive such compensation as may be fixed by the council. He shall see that within the town the laws, ordinances, resolutions and bylaws of the council are faithfully executed and that the duties of the various other appointed town officers, members of the police, fire and public works departments and all other departments of the town government, are faithfully performed. He shall have power to investigate their acts, have access to all books and documents in their offices and may examine them or their subordinates on oath, but the evidence given by the persons so examined shall not be used against them in any criminal proceedings. He shall attend all meetings of the council and recommend for adoption such measures as he may deem expedient. He shall make reports to the council from time to time as to the affairs of the town, keep the council fully advised as to the town's financial condition and its future financial needs. He shall prepare and submit to the council a tentative budget for each fiscal year. The town manager shall perform such other duties as may be prescribed by the council and shall be bonded in such amount as the council may deem necessary. (1954, c. 240; 1968, c. 173)

§ 2.05. Removal of Officers and Employees--All officers and employees appointed may be removed by the town council at its pleasure, and where the appointment is by a committee or board, or where such appointment is by the mayor, or town manager, such removal may be by order of the mayor, town manager, or committee or board. (1954, c. 240; 1968, c. 173)

§ 2.06. Compensation.--The council shall by ordinance or resolution fix the salaries of all officers and employees of the town elected or appointed by it, or appointed by its authority and may so far as is not inconsistent with the provisions of the charter, define the powers and prescribe the duties of all such officers and employees. To effectuate the powers conferred by general laws as well as the powers herein specifically granted, the council may employ all such persons as may be necessary. (1954, c. 240)

§ 2.07. Officers.--Fill More than One Office.--It shall be unlawful for any officer appointed by the council, any committee, municipal board, or the head of any department to fill two or more of the offices whose incumbents are appointed by the council or by any appointing power designated by the council, except as otherwise provided herein. (1954, c. 240; 1968, c. 173)

§ 2.08. Eligibility of Mayor and Councilmen for Remunerative Position.--Neither the mayor nor any member of the town council during his tenure of office as such shall be eligible to any remunerative office, position, or employment with the town, except that a member of the council appointed to a board or commission may be compensated as a member of such. (1954, c. 240; 1968, c. 173; 2004, c. 59)

§ 2.09. Oaths of Office.--The mayor, councilmen and all municipal officers of said town shall, before entering upon the duties of their respective offices, be sworn in accordance with the laws of the State of Virginia by anyone authorized to administer oaths under the laws of the State. (1954, c. 240)

§ 2.10. Certificate of Oath.--When the mayor, councilmen, treasurer, clerk, and sergeant take the oaths required of them, duplicate certificates of the court or person administering the same, stating the fact of their having been taken, shall be obtained by

the person taking the same and be by him delivered for record as follows: one to the clerk of the circuit court of Montgomery County and one to the clerk of the town council. When any other municipal officer takes the oath required of him, a certificate as aforesaid, shall be secured by him and delivered to the clerk of the town council. (1954, c. 240)

§ 2.11. Neglect of Oath.--If any person elected or appointed to any office in said town shall neglect to take such oath on or before the day on which he is to enter upon the discharge of the duties of his office, or shall, for twenty days after the beginning of his term of office, fail to give such bond with such security as may be required of him by the council of said town, he shall be considered as having declined said office, and the same shall be deemed vacant, and such vacancy shall be filled as prescribed in this act or by the general laws of this State. (1954, c. 240)

§ 2.12. Surrender of Papers and Property.--If any person, having been an officer of said town, shall not within ten days after he shall have vacated or been removed from office, and upon notification of request of the council within such time as it may allow, deliver to his successor in office all property, books and papers belonging to the town or appertaining to such office, in possession or under his control, he shall forfeit and pay to the town a sum not exceeding five hundred dollars, to be sued for and recovered with costs; and all books, records and documents used in any office by virtue of any provision of this act, or of any ordinances or order of the town council, or any superior officer of said town, shall be deemed the property of said town and appertaining to said office, and the chief officer thereof shall be held responsible therefor. (1954, c. 240)

§ 2.13. Salary of Mayor.--The salary of the mayor shall be fixed by the town council, and shall not be diminished during his term of office. (1954, c. 240)

§ 2.14. Duties of Mayor.--The mayor shall preside at the meetings of the council, voting only in case of a tie, and perform such other duties as may be prescribed by this charter and by general law and such as may be imposed by the council consistent with his office. He shall perform the duties of the town manager during the absence of the town manager or while the office of town manager is vacant. He shall have power to investigate the acts of the various town officers, members of the police, fire and public works departments and all other departments of the town government, whether elected or appointed. The mayor shall have and exercise all power and authority conferred by general law on mayors of towns and not inconsistent with this charter; and shall, from time to time, recommend to the council such measures which he may deem needful for the welfare of the town. (1954, c. 240; 1968, c. 173)

§ 2.15. Vice-Mayor.--The council shall choose from its members a vice-mayor who in case of the absence or inability of the mayor to act, shall possess the same powers and discharge the duties of the mayor during such absence or inability; and in case of the absence or inability of both the mayor and the vice-mayor, the council shall choose another of its members who shall possess the same powers and discharge the duties of the mayor during the absence or inability of both the mayor and vice-mayor. (1954, c. 240; 1968, c. 173)

§ 2.16. Vacancy in Office of Mayor.--In case a vacancy shall occur in the office of the mayor, the vacancy shall be filled by the method provided in § 2.01 for filling vacancies in council. (1954, c. 240; 1981, c. 616)

§ 2.17. Salaries of Councilmen.--The town council is hereby authorized and empowered, by ordinance or resolution, passed by the affirmative recorded vote of two-thirds of the full membership thereof, to be determined by yeas and nays, to provide and fix salaries for its members, as it may determine, to be payable in such amounts and at such time or times as it may direct. The council may provide and fix the salaries for its members, on the basis of stated amounts or sums, for each regular and special meeting of the council and each committee meeting attended by members, and may prescribe that no member shall receive any compensation for any meeting of said council or committee not attended by such member. (1954, c. 240; 1968, c. 173)

§ 2.18. Meeting of Council--Quorum--Adoption of Procedural Rules.--The council shall by ordinance adopt such rules as it might deem proper for the regulation of its proceedings and shall meet at such times as may be prescribed by ordinance, provided, however, that it shall hold at least one regular meeting each month. The mayor and four councilmen shall constitute a quorum for the transaction of business, or in the absence of the mayor, four councilmen shall constitute a quorum. No ordinance, or resolution appropriating money exceeding the sum of five hundred dollars, imposing taxes, or authorizing the borrowing of money shall be passed by the council except by a recorded affirmative vote of a majority of all members elected to the council. No such ordinance shall be passed by the council on the same day on which it is introduced, nor shall any such ordinance or resolution be valid until at least three days intervene between its introduction and the date of passage. The meetings of the council shall be public, unless the council by a recorded affirmative vote of two-thirds of its members shall declare that the public welfare demands an executive session of the council ; and citizens may have access to the minutes and records of the council at any reasonable time during established office hours of the general offices of the town. (1954, c. 240; 1968, c. 173; 1969, c. 23)

§ 2.19. Special Meetings.--The mayor, or any other two members of the council, may call a special meeting of the council upon at least twelve hours written notice of the time, place and purpose to each member served personally or left at his usual place of business or residence by any police officer, and no business shall be transacted by the council in such special meeting which has not been stated in the notice, provided, however, that these regulations shall not apply when all members of the council attend such meeting or waive notice thereof, nor shall it apply to an adjourned session from a regular meeting.

No vote shall be reconsidered or rescinded at any special meeting, unless at such special meeting there be present as large a number of members of council present as were present when such vote was taken. (1954, c. 240; 1968, c. 173)

§ 2.20. Record of Proceedings.--A record shall be kept of the proceedings of the town council, and at the request of any member present the yeas and nays shall be recorded on any question. At the next meeting the proceedings shall be read and signed by the person who was presiding when the previous meeting adjourned, or if he be not then present, by the person presiding when they were read, but reading of minutes may be dispensed with at the pleasure of the council. (1954, c. 240; 1968, c. 173)

§ 2.21. Recording of proceedings.--The clerk of the council shall keep such record and shall record therein the proceedings of the council at large thereon, and keep the same properly indexed. (1954, c. 240)

§ 2.22. Qualifications and Conduct of Members.--The town council may compel the attendance of absent members, and fine them for disorderly behavior, and with the concurrence of five members, expel a member for malfeasance or misfeasance while in office. (1954, c. 240)

§ 2.23. Replacing of Expelled Member.--If any member of the council shall be adjudged by the council disqualified or be expelled, under the previous § 2.22, a special election shall be held under the general election laws of the Commonwealth to fill such vacancy, for the unexpired term. (1954, c. 240)

§ 2.24. Absenteeism.--If any member of said council be voluntarily absent from its meetings consecutively for three months, his seat may be declared vacant by the council, and the unexpired term filled by appointment as provided in § 2.01 (b).

Where not otherwise provided for by the laws of this State the town council shall by ordinance provide for any irregular elections not herein or by the State laws provided for, and appoint the necessary officers to conduct the same. (1954, c. 240)

§ 2.25. General Powers.--The town council shall have, subject to the provisions of this act and the general laws of this State, the management and control of the fiscal and municipal affairs of the town, and of all property, real and personal, belonging to the town. (1954, c. 240)

§ 2.26. Same.--The town council shall have all power and authority that is now or may hereafter be granted to the councils of towns by the Constitution and general laws of this State; 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 State to town councils, but not herein specified. (1954, c. 240)

§ 2.27. Same.--For carrying into effect the powers granted by this act and the general laws of this State, the town council may make ordinances and by-laws, and prescribe fines and other punishments for violation thereof, levy taxes and licenses, keep town guard, appoint a collector of taxes and levies, and such other officers as they may deem proper, define their powers, prescribe their duties and compensation, and take from any of them a bond, with surety, in such penalty as the council may deem proper, payable to the town by its corporate name, and with condition for the faithful discharge of the said duties. (1954, c. 240)

§ 2.28. Clerk of the Council.--The clerk of the council shall be appointed by it, and shall attend the meetings of the council and shall keep permanent records of its proceedings; and also keep such other papers, documents and records pertaining to the town as may be determined by the council; he shall be custodian of the town seal and shall affix it to all documents and instruments requiring the seal, and shall attest the same; he shall give notice to all parties, presenting petitions or communications; he shall give to the proper department or officials ample notice of the expiration or termination of any franchise, contract or agreements; he shall publish such records and ordinances as the council is required to publish, and such other records and ordinances as it may direct; he shall upon final passage transmit to the proper departments or officials copies of all ordinances or resolutions of the council relating in any way to such departments or to the duties of such officials, and he shall perform such other acts and duties as the council may, from time to time, allow or require. (1954, c. 240; 1968, c. 173)

§ 2.29. Town Treasurer.--There shall be appointed by the council a town treasurer who shall hold office during the pleasure of the council; but the present

treasurer of the town shall continue to discharge the duties of the office until removed by the council or until his or her successor shall have qualified. Any vacancy in this office shall be promptly filled by the council. The said treasurer shall be the disbursing agent of the town and have the custody of all money and all evidences of value belonging to the town or held in trust by the town. He shall receive all money belonging to and received by the town and keep correct accounts of all receipts from all sources and of all expenditures of all departments. He shall collect all taxes and assessments, and other charges belonging and payable to the town, and for that purpose he is hereby vested with powers similar to these which are now or may hereafter be vested in county and town treasurers for the collection of county, town, and state taxes under the general law; he shall keep, disburse and deposit all money or funds in such manner and in such places as may be determined by ordinance or the provisions of the law applicable thereto; he shall pay no money out of the treasury, except in the manner prescribed by this charter or by ordinance or the general law; he shall perform such duties as are usually incident to the office of commissioner of revenue in relation to the assessment of property for town taxation and town license taxes and shall have power to administer oaths in performance of his or her official duties. The treasurer shall not be entitled to any commission for handling the funds of the town but shall be paid such salary as may be provided by the council, and before entering upon the duties of his office shall execute a bond in such amount and with such security as the council by ordinance may prescribe. The treasurer shall be subject to the administrative supervision of the town manager of the town of Christiansburg. The said treasurer and clerk may be one and the same person if the council may deem it more expedient. (1954, c. 240; 1968, c. 173)

§ 2.30. (1954, c. 240; repealed 1968, c. 173)

§ 2.31. Chief of Police.--The town council shall have the power and authority to appoint a chief of police and to provide for the employment of such additional police officers and privates as it may deem necessary or proper, to prescribe rules and regulations for the government thereof, to prescribe their rate of pay; and in addition thereto the mayor, or in his absence, the vice-mayor, or in the absence of both, any councilman, shall have the power and authority whenever the regular police force of the town is inadequate to meet the needs of the occasion, to appoint and swear in such additional or special policemen as he may deem requisite for a term of service not to exceed ten days and at such compensation as the council may fix for special policemen. The duties and powers of such special policemen shall be the same as that of private of the regular police force. (1954, c. 240; 1968, c. 173; 1981, c. 616)

§ 2.32. Police Force.--The police force shall be under the control of the town manager, and during any time that the office of town manager is not filled, or in the absence of the town manager, under the control of the mayor, for the purpose of enforcing peace and order and executing the laws of the state and ordinances of the town. They shall perform such other duties as the council may prescribe. For the purpose of enabling them to execute their duties, each policeman is hereby invested with all the power and authority which belongs to the office of the constable at common law in criminal cases. (1954, c. 240; 1968, c. 173)

§ 2.33. Warrants and Summonses.--The policemen of the town shall have no power or authority in civil matters, but they shall in all other cases execute such warrants or summonses as may be placed in their hands by the mayor or any councilman of said

town, or any other properly constituted authority, and shall make due return thereof. The criminal jurisdiction of the policemen of the town shall extend one mile beyond the corporate limits of the town. (1954, c. 240)

### Chapter 3

#### Taxation and Finances

§ 3.01. Other Powers.--The town council shall have control of taxation and finances for its municipal purposes. It shall have the powers set forth in the following sections subject to the general laws of the Commonwealth. (1954, c. 240)

§ 3.02. To prepare, or cause to be prepared, annually a budget showing the estimated receipts and proposed expenditures for town purposes. (1954, c. 240)

§ 3.03. To raise annually, by the levying of taxes and assessments in the said town, on all such property, real and personal, as is now or may be subject to taxation by the general laws of the Commonwealth, such sums of money as the council thereof shall deem necessary, for the purpose of said town, in such manner as the town council shall deem expedient in accordance with the constitution of the State; provided, however, that it shall impose no taxes on the bonds of said town. (1954, c. 240)

§ 3.04. To impose special or local assessments for local improvements and force payment thereof, subject to such limitations prescribe by the laws of the State as may be in force at the time of the imposition of such special and local assessments. (1954, c. 240)

§ 3.05. Property Assessments.--The assessment of real and personal property in the town for the purpose of municipal taxation shall be the same as the assessment for the purpose of county taxation, but where the commissioner of revenue for the town knows of property that has been omitted by the commissioner of revenue of the county from his books, the commissioner of revenue of the town, shall advise the commissioner of revenue of the county thereof, and thereafter such omitted property, real or personal, shall be assessed for taxation in the manner provided by general law. However, the council may, by unanimous vote at a meeting at which all members are present, provide for another method of assessing real and personal property in the town for municipal taxation not in conflict with the laws of the Commonwealth of Virginia. (1954, c. 240; 1968, c. 173)

§ 3.06. (1954, c. 240; repealed 1981, c. 616)

§ 3.07. To impose licenses by ordinance upon businesses, trades, professions or callings, and upon persons, firms, associations or corporations engaged therein or offering to do business within the boundaries of the town, whose principal offices are or are not located in the town, except when prohibited by general law, whether or not a license may be required therefor by the State. The fee for such license may exceed the state license fee if any be required. (1954, c. 240)

§ 3.08. Licenses may also be imposed upon and a fee therefor collected from persons, firms, or corporations selling and delivering at the same time at other than a definite place of business, goods, wares or merchandise, to licensed dealers or retailers in the town. (1954, c. 240)

§ 3.09. To establish rates and fees for the following services provided by the town: (1) water, (2) sewer and garbage collection, (3) other services, products, utilities or conveniences operated, rented or provided by the town. The town council shall have the power and authority to enforce collection of charges for all such services from any

applicant for the same, whether it be a tenant, lessee, or owner, including interest thereon, penalty, late charges and costs, including the right to require advance deposits in a reasonable amount by any applicant for such services, together with the right to terminate such services after reasonable notice to any person, firm or corporation who is in default in the payment of any sums due for the same. (1954, c. 240; 1981, c. 616)

§ 3.10. To license and regulate the holding and location of shows, circuses, public exhibitions, carnivals, and other similar shows or fairs, or prohibit the holding of same, or any of them, within the town or within one mile thereof. (1954, c. 240)

§ 3.11. To require every owner of motor vehicles residing in the said town, on a date to be designated by the council, to annually register such motor vehicles and to obtain a license to operate the same by making application to the treasurer of the said town, or such other person as may be designated by the council of the said town, to issue said license, and to require the said owner to pay an annual license fee therefor to be fixed by the council within the limits permitted by State law. (1954, c. 240)

§ 3.12. To grant or refuse licenses to owners or keepers of wagons, drays, carts, automobiles, motorcycles, trailers and other wheeled vehicles kept, used, or employed in the town for hire, or used or the transportation of persons or property for pay, and may require the owners or keepers of wagons, drays and carts, automobiles, and other wheeled vehicles using them in the town, to take out licenses therefor, and may assess and require taxes to be paid thereon, and subject the same to such regulations as they may deem proper, and may prescribe their rates, fees and compensation. (1954, c. 240)

§ 3.13. The authority to grant franchises to public service corporations, for public transportation facilities and others, and to provide ordinances, rules and rights not contrary to State laws. (1954, c. 240)

§ 3.14. The town is empowered to levy and collect taxes, on all subjects of taxation except as restrained by the Constitution or by the general law heretofore or hereafter adopted, provided that it shall impose no taxes on the bonds of the said town. (1954, c. 240)

§ 3.15. The town council shall have the right to prescribe the dates on which all taxes and licenses shall be payable and to prescribe penalties and interest rates for nonpayment on such dates, not in conflict with the general laws of this State. (1954, c. 240)

§ 3.16. The town council, within the limits of the Constitution of this State and in accordance with the provisions of the general laws thereof, may, in the name of, and for the use of the town, contract loans or cause to be issued certificates of debts, notes or bonds. (1954, c. 240)

§ 3.17. The town council shall have the authority to issue bonds for public improvements in accordance with the statutes of the Commonwealth of Virginia. (1954, c. 240)

§ 3.18. The council shall have the power to negotiate temporary loans, in anticipation of taxes, for the purpose of paying current expenses of the town; such loans to be evidenced by bonds or notes bearing interest at not exceeding the then current rate of interest established by State statute; such bonds or notes shall be payable within one year from date of issue out of the current revenue of the year in which the same are issued. No such temporary loan shall in the aggregate exceed fifteen per cent of the previous year's gross income. (1954, c. 240; 1968, c. 173)

§ 3.19. All bonds, and other evidences of indebtedness of the town shall be signed by the Mayor and countersigned by the clerk of the council, who shall affix the corporate seal of the town and attest the same. (1954, c. 240)

§ 3.20. Sinking funds.--(a) There shall be set apart from the revenues of the town an annual amount to be covered into a sinking fund sufficient to pay, at or before maturities, all outstanding bonded indebtedness of the town. This does not include so-called short term obligations of the town. The council may, in its discretion, annually, from time to time, set aside such additional sinking funds for equipment and capital improvements as it may deem advisable.

(b) All sinking funds set aside for the payment of the bonded indebtedness of the town shall be used exclusively in the payment or purchase and redemption of such outstanding bonds. When any sinking funds are not immediately needed for the purpose for which they were provided, they may be invested in securities as provided for by § 26-40 of the Code of Virginia under the then existing laws of the Commonwealth of Virginia for public sinking funds, to such extent as the council shall deem proper or expedient. (1954, c. 240; 1968, c. 173)

§ 3.21. The council shall have the financial records of the town audited by a certified public accountant biannually, as soon after the close of the fiscal year as it practicable or at any other time deemed necessary by the council. The fiscal year begins September one of each year and ends August thirty-one of the following year.

The town council may, by resolution, change the fiscal year where it would seem to be to the best interest of the town. (1954, c. 240; 1968, c. 173)

#### Chapter 4

#### Property--Buildings--Utilities--Streets

§ 4.01. The town is empowered to make and adopt a comprehensive plan for the town, and to that end all plats and replats hereafter made subdividing any land within two miles of its corporate limits into streets, alleys, roads and lots or tracts shall be submitted to and approved by the council within such limitations as they may prescribe before such plats or replats are filed for record or recorded in the office of the clerk of the circuit court of Montgomery County, Virginia.

The town council shall have the authority to require real estate subdividers within the corporate limits of the town to construct, at the subdividers' expense, water mains, sewer mains, streets, drainage, sidewalks, curbs and gutters. Such construction to be as prescribed by and under the direction of the town council.

The town council shall have the authority to negotiate with subdividers without the corporate limits as to the construction of water mains, sewer mains, and as to water and sewer service. (1954, c. 240)

§ 4.02. The town council shall have the power and authority to acquire, establish and maintain public grounds, parks, parking lots, playgrounds and boulevards, to equip and beautify same; to erect and maintain public buildings for the proper use of the town, to provide a prison house, workhouse, and to employ managers, physicians, nurses and servants for the same, and prescribe regulations for their government and discipline, and persons therein. (1954, c. 240)

§ 4.03. To provide, in or near the town, lands to be used as burial places for the dead; to improve and care for the same and the approaches thereto, and to charge for and regulate the use of the ground therein, to cooperate with any nonprofit corporation in the

improvement and care of burial places and approaches thereto; and to provide for the perpetual upkeep and care of any plot or burial lot therein, the town is authorized to take and receive sums of money by gift, bequest, or otherwise to be kept invested, and the income thereof used in and about the perpetual upkeep and care of the said lot or plat, for which the said donation, gift, or bequest shall have been made. (1954, c. 240)

§ 4.04. For the promotion of health, safety, morals, comfort, property and general welfare, the town is empowered to provide by ordinance, for the adoption of a master plan, divide the area of the town into one or more districts, establish setback building lines, regulate and restrict the location, construction, reconstruction, alteration and repair or use of buildings and other structures and their height, area and bulk and percentage of lot to be occupied by buildings or other structures and the trade, industry and other specific uses of the premises in such districts and adapt building, plumbing, electrical and other codes to carry these purposes into effect. (1954, c. 240)

§ 4.05. The town council shall have the power and authority to establish a market or markets in and for said town, and appoint proper officers therefor; to provide suitable buildings and grounds therefor; to prescribe the time for holding markets and to regulate the same, and to make and enforce such regulations as may be necessary and proper. (1954, c. 240)

§ 4.06. (a) The town council shall have the power and authority to acquire or otherwise obtain control of, or establish, maintain, operate, extend and enlarge waterworks, sewerage systems and treatment facilities, gasworks, electric plants, airports and other public utilities within or without the limits of the town; to acquire within or without the limits of the town by purchase, or otherwise, whatever land may be necessary for acquiring, locating, establishing, maintaining, operating, extending and enlarging said waterworks, electric plants, airports, and other utilities, and rights of way, rails, pipes, manholes, poles, conduits and wires connected therewith; establish rates, rules and regulations for all public utilities operated by the town, any or all of which rates, rules and regulations the council may alter at any time without notice. The town council may, by ordinance, prohibit the waste and unnecessary use of water.

(b) The town of Christiansburg may exercise the power of eminent domain with respect to land and improvements thereon, machinery and equipment, for any lawful purposes of said town.

The powers set forth in §§ 15.1-837 through 15.1-915 inclusive of Chapter 18 of Title 15.1 of the Code of Virginia as in force on January 1, 1968, are hereby conferred on and vested in the town of Christiansburg. In addition, the town of Christiansburg shall have the powers set forth in §§ 33-70.1 through 33-70.11. When certificates are issued pursuant to §§ 33-70.1 through 33-70.11, inclusive, of the Code of Virginia as amended, and acts amendatory thereof and supplemental thereto, they may be issued by the town council, signed by the town manager, or the mayor, and countersigned by the town treasurer. Such certificate shall have the same effect as a certificate 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 provisions of §§ 33-70.1 through 33-70.11, inclusive, shall not be used except for the acquisition of lands or easements necessary for streets, water, sewer or utility pipes or lines or related facilities. (1954, c. 240; 1968, c. 173)

§ 4.07. The town council shall have the power and authority to make and enforce ordinances to secure the safe and expeditious use of the streets and alleys of the town, and to regulate traffic and parking thereon, and for the protection of persons and property thereon or near thereto. (1954, c. 240)

§ 4.08. The town council shall have the authority to open, grade, close, alter, improve, pave, drain, widen or narrow streets, avenues, alleys, construct curbs, gutters, and walkways. (1954, c. 240)

§ 4.09. The town council shall have the power to require the payment by the abutting property owners benefited by the installation of curbs, gutters and sidewalks, at half of the cost thereof. Such payments shall be made upon their real estate and collectable in the same manner as is herein provided for the collection of taxes. (1954, c. 240)

§ 4.10. The town council shall have the exclusive authority to determine the grades for all streets, sidewalks, curbs, gutters and alleys not in conflict with the State Department of Highways, and shall have the right to require permits for, and control of any opening in any street under its jurisdiction. (1954, c. 240)

§ 4.11. The town council shall have the power and authority to adopt ordinances authorizing owners or occupants of property abutting upon any street or alley in the town, within such limitation as they may prescribe, to construct and maintain in, upon and over such street or alley, awnings, fire escapes, sidewalk gratings, basement entrances, shutters, signs, cornices, gutters, down spouts and bay windows and other appendages to buildings; but such permission so granted shall be held and deemed to be a license merely and shall be revocable at the pleasure of the town, and said permission shall not be construed to relieve the said owners of any negligence on their part. (1954, c. 240)

#### Chapter 5

#### Fire Prevention

§ 5.01. The town council shall have the power and authority to establish and maintain a fire department for the town, and all powers necessary for the government, management, maintenance, equipment and direction of such fire department and the premises, property and equipment thereof. The council may make ordinances as it may deem proper for the prevention and extinguishment of fires, for the regulation of the conduct of persons in attendance at fires, in relation to the powers and duties of the officers and men of the fire department, to require citizens to render assistance to the fire department in case of need, and in relation to the acquisition, use, maintenance and preservation of real estate, personal property, fire apparatus and equipment necessary or proper for the use of the fire department. (1954, c. 240)

§ 5.02. The town council shall have the power and authority to regulate the keeping or storage of dynamite, gunpowder or other combustibles within the town, and to provide magazines for the same, and direct the location of all buildings for the storage thereof; to regulate the sale and use of dynamite, gunpowder and other combustibles, and firecrackers or fireworks manufactured therefrom, gasoline, kerosene oil, nitroglycerine, camphene, fuel oil, or other combustible material; to regulate the exhibition of fireworks and the discharge of firearms, and to restrict the making of bonfires in streets, alleys and yards. (1954, c. 240)

#### Chapter 6

#### Health and Sanitation

§ 6.01. The town shall have the power to provide for the general preservation of the public health of the inhabitants of the town; and to make regulations and ordinances to secure the same; to establish quarantines within or without the town; to control infectious diseases; and to enforce the removal of persons afflicted therewith to hospitals for the treatment thereof. (1954, c. 240)

§ 6.02. The town council shall have the power and authority to require the owners or occupiers of the real estate within the corporate limits of the town to use such sewer pipes and conduits and water furnished by the town under such ordinances and regulations as the council may deem necessary to secure the proper sewerage thereof and to improve and secure good sanitary conditions; and shall have the power to enforce the observance of all such ordinances and regulations by the imposition and collection of fines and penalties, to be collected as other fines and penalties, under the provisions of this act. (1954, c. 240; 1968, c. 173)

§ 6.03. The town is empowered to collect and dispose of sewage, offal, ashes, garbage, carcasses of dead animals and other refuse, to make and collect reasonable charges therefor; to acquire and operate reduction or any other plants or land for the utilization or destruction and disposal of such materials, or any of them; to require and regulate the collection and disposal thereof; to contract for and regulate the collection and disposal thereof. (1954, c. 240)

§ 6.04. The town council shall have the power and authority to prevent injury or annoyance from anything dangerous, offensive, or unhealthy, to provide by general ordinances of the town what are nuisances, to cause abatement of any nuisance so declared to be by the general laws of the State or by the general ordinances of the town and the town shall have the authority to compel the abatement of nuisances within the town, or upon property owned by the town without the corporate limits, at the expense of the person, or persons causing the same, or of the owner or occupants of the grounds or premises whereon the same may be, and to collect said expenses by suit or motion; to require all lots, lands, and other premises within the town to be kept clean and sanitary, free from all stagnant waters, weeds, filth, fire hazards and unsightly deposits, or to make them so, at the expense of the owners or occupants thereof, and to collect said expenses by suit or motion, or by distress and sale; to regulate or prevent slaughter houses, or other noisome or offensive businesses within said town, the keeping of hogs or other animals, poultry or fowl therein, or the exercise of any dangerous or unwholesome business, trade or employment therein; to compel the abatement of smoke or unnecessary noises; to regulate the location, construction, operation, and maintenance of billboards, signs, and advertising, and to generally define, prohibit, abate, suppress, and prevent, all things detrimental to the health, morals, or safety, convenience or welfare of the inhabitants of the town; and to require all owners or occupants of property having sidewalks in front thereof to keep the same clean and sanitary, free from all weeds, snow, or other obstructions. (1954, c. 240)

## Chapter 7

### Miscellaneous Provisions

§ 7.01. All contracts for the erection of public improvements and buildings within the jurisdiction of the town where the estimated cost thereof exceeds three thousand dollars, and in all cases where practicable, shall be let to the lowest responsible bidder, all things considered, and the party to whom any contract is let shall give bond as

the council may require, but in no event shall any contract be let to any member of the town council, nor shall any member have any interest in such contract. (1954, c. 240; 1968, c. 173)

§ 7.02. The town council shall have the power to provide for the inspection, testing, measuring, and weighing of any commodities or articles for sale, consumption or use within the town; to establish, regulate, inspect and license scales, measures, meters and similar devices; and to charge a reasonable fee for same, and to regulate the transportation of such commodities through the streets. (1954, c. 240)

§ 7.03. The town council shall have the power and authority to protect the persons and property of the inhabitants of the town and others within the town, restrain and punish drunkards, vagrants and street beggars; to prevent vice and immorality; to preserve the public peace and good order; to prevent and quell riots, disturbances and disorderly assemblages; to suppress houses of ill fame and gambling houses; to prevent and punish lewd or indecent conduct or exhibitions in the town; and to expel therefrom persons guilty of such conduct who have not resided therein as much as one year; and for any violation of such ordinances may impose fines and other punishments in addition to those prescribed by the laws of the State. (1954, c. 240)

§ 7.04. The town council shall have the power and authority to prevent the coming into town of persons having no ostensible means of support, and of persons who may be dangerous to the peace and safety of the town. (1954, c. 240)

§ 7.05. The town council shall have the power and authority, where any crime has been committed or attempted to be committed in the town, in their discretion to offer such reward as they think right to any person or persons for information leading to the arrest or conviction of any such criminal. (1954, c. 240)

§ 7.06. The town shall operate under the county trial justice system for the trial of violations of the ordinances of the town. However, should the town council deem it advisable, to the best interest of the town, to withdraw from such system, then the mayor shall try such cases and shall be clothed with the authority to inflict such punishment and impose such fines as may be prescribed for the violation of town ordinances.

The compensation of the mayor in the trial of such cases shall be as fixed by the town council. (1954, c. 240)

§ 7.07. In lieu of the mayor trying cases involving the violation of town ordinances, the council may, in its discretion create, by ordinance, the office of police justice and may appoint a police justice for the town, to try all violations of town ordinances.

The term of office and compensation of such police justice shall be as fixed by the town council. (1954, c. 240)

§ 7.08. The town council shall have the power to appoint a justice of the peace for such town, who shall be clothed with all the powers and authority of other justices of the peace and upon whom may be conferred, in the manner provided in § 16-129 of the Code of Virginia the right and authority therein set forth. (1954, c. 240)

§ 7.09. The town is authorized to use the jail of Montgomery County for the confinement of persons awaiting trial for, or convicted and sentenced to jail for violation of town ordinances, upon such terms and conditions as may be agreed upon between the governing bodies of the town and county, respectively. (1954, c. 240)

§ 7.10. Any person confined in jail as provided in this charter or for violations of town ordinances may be required to work on the streets and public works of said town during the time of confinement. Any person refusing so to work may be subjected to solitary confinement with a diet of bread and water for a period not exceeding thirty-six hours. (1954, c. 240)

§ 7.11. All ordinances now in force in the town of Christiansburg, not inconsistent with this act, shall be and remain in force until altered, amended or repealed by the town council. (1954, c. 240)

§ 7.12. No ordinance hereafter passed by said council, as now constituted or hereafter elected, for the violation of which any penalty is imposed, shall take effect until the same shall have been published as the council may order; and all laws regulating any ordinance of the council may be read in evidence in all courts of justice, and all proceedings before any officer, body or board, in which it shall be necessary to refer thereto; but after the expiration of six months from the date of such ordinance its publication shall not be questioned or its validity affected by any failure to publish the same; but this section shall not apply to the ordinances of whatever kind now in force in the town of Christiansburg so as to require republication thereof. (1954, c. 240)

§ 7.13. The present elective officers of the town shall be and remain in office until expiration of their several terms, and until successors have been duly elected and qualified. (1954, c. 240)

§ 7.14. This act may for all purposes be referred to or cited as the Christiansburg Charter of 1954. (1954, c. 240)