

CHARTER OF THE TOWN OF OCCOQUAN, VIRGINIA

CHARTER*

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Editor's note:

Printed herein is the town Charter, as adopted by the Virginia General Assembly and signed by Governor L. Douglas Wilder, to be effective on March 28, 1993. Amendments to the Charter are indicated by parenthetical history notes following amended provisions. The absence of a history note indicates that the provision remains unchanged from the original Charter. Obvious misspellings have been corrected without notation. For stylistic purposes, a uniform system of headings, catchlines, and citations to state statutes has been used. Additions made for clarity are indicated by brackets. Sections 18, 18a, 19 and 22 of the Charter have been repealed by the act that adopted the current Charter.

Sec. 1. [Continuation of town.]

The Town of Occoquan, in the County of Prince William, shall continue to be a town corporate, in the name style of the Town of Occoquan, and as such shall have and exercise all the powers conferred upon towns in this Commonwealth by the general laws of this Commonwealth concerning towns now in force, or that may hereafter be enacted for the government of towns.

Sec. 2. [Town boundaries.]

The following are hereby declared to be the bounds of the town: Beginning at a prominent stone, marked X on the south bank of Occoquan River, one hundred fifty feet above the northwest corner of the old cotton factory building, and running thence in a direct line through Janney's land, in a southeast direction to a forked white oak and stone marked X, on Janney's land and on the north side of a small branch; running thence in a direct line southeasterly, to the corner of Janney and Selecman, on the west side of the Deep Hole Road; thence running with Janney and Selecman's lines to Occoquan River; and thence with Occoquan River to place of beginning. The corporation shall embrace all of Occoquan River opposite to the bounds above named.

Sec. 3. [Town council.]

The government of the town shall be vested in a town council which shall be composed of the mayor and five councilmen, each of whom shall be a qualified voter within the town.

Sec. 4. [Continuation of officers.]

Those councilmen and mayor in office on April 1, 1972, shall continue in office until July 1 of the year following termination of their respective terms or until their respective successors shall have been duly elected and qualified. On the first Tuesday in May of even-numbered years, there shall be elected by the qualified voters of the town, five councilmen and a mayor who shall be electors of the town and who shall hold office for terms of two years, each beginning on July 1 following the date of their election and thereafter until their respective successors have been duly elected and qualified.

Sec. 5. [Appointment of clerk, sergeant.]

The council shall appoint a clerk and town sergeant, and if they deem it advisable a deputy town sergeant, a town treasurer and such other officers as the council may deem necessary and proper, all of whom shall hold office at and during the pleasure of the council, and said officers shall qualify and execute bonds in the manner prescribed by resolution of the council; and the council shall have power to fill vacancies in any of these offices created by death, resignation, removal or otherwise. The council shall not appoint any officer for a term extending beyond the council's term in office.

Sec. 6. [Mayor.]

The mayor shall be the chief executive officer of the town and shall preside over the meetings of the council. The mayor shall be a member of the council but shall have no right to vote in the council except that, in every case of a tie vote of council, the mayor shall be entitled to vote. The mayor's vote in case of a tie does not increase the number of votes required for a majority of all members elected to

the council, which is three affirmative votes, as required by Section 7 of Article VII of the Constitution of Virginia, or for any other purpose, and the mayor's vote does not increase the number of votes required for a three-fourths majority of all members elected to the council, which is four affirmative votes, as required by Section 9 of Article VII of the Constitution of Virginia.

Sec. 7. [Vice-mayor.]

At its first meeting following the regular municipal election for members of the council, the council shall elect one of its members as vice-mayor. In the absence of the mayor or during vacancy in his office, the vice-mayor shall have and exercise the same jurisdiction and authority, including presiding at council meetings, and shall continue to have the right to vote in the council.

Sec. 8. [Filling vacancy in office of mayor.]

In case a vacancy shall occur in the office of the mayor the same shall be filled by appointment of the council of any one eligible to such office.

Sec. 9. [Election of pro tempore.]

If the mayor and vice-mayor are absent during any meeting of the council it shall elect one of its members as president pro tempore to preside at such meeting, which member shall continue to have the right to vote in council.

Sec. 10. [Emergency powers of mayor.]

If at any time the mayor shall believe that an emergency exists or that it is necessary for the good order and preservation of the laws that additional police be provided, the mayor shall have the power to furnish and qualify such additional police, their compensation to be fixed by the council.

Sec. 11. [Enactment of ordinances.]

All ordinances, appointments or resolutions of the Town, including ordinances or resolutions appropriating money exceeding the sum of \$500.00, imposing taxes, or authorizing the borrowing of money, shall become effective only upon the affirmative vote of a majority (three) of all members elected to the council. Notwithstanding the above, all ordinances or resolutions enacted pursuant to Section 9 of Article VII of the Constitution of Virginia, including authorizing the sale of the rights to public property or a public utility system, shall become effective only upon the affirmative vote of three-fourths (four) of all of the members elected to the council. No penalty shall be imposed under any ordinance enacted by the council until such ordinance shall have been posted for a period of thirty days in one or more conspicuous places in the said town.

Sec. 12. [Duty of clerk to keep record of council proceedings.]

It shall be the duty of the town clerk to keep a correct and proper record of the proceedings of the council and to publish in such manner as the council may indicate the bylaws, ordinances and resolutions that may from time to time be adopted. The clerk shall issue licenses to all persons engaged in a pursuit, business, occupation, or profession for which a license shall be required, shall prepare the tax tickets and shall perform such other duties as may be required by the council and by the provisions of this Charter, for which services the clerk shall receive such compensation as the council may determine,

Sec. 13. [Town treasurer.]

The treasurer of the town shall be the disbursing agent of the town and have the custody of all monies and securities belonging thereto; he shall collect all taxes and assessments, light bills, water bills, and other charges payable to the town, and for that purpose he is hereby vested with all powers which are now or may hereafter be vested in county and city treasurers for the collection of county, city and state taxes under general law. The treasurer shall keep an accurate account of all receipts from all sources and of expenditures of all departments of the town government.

- a. No money shall be paid out by the treasurer except by order of the council and upon a warrant of the clerk of the council countersigned by the mayor.
- b. The treasurer shall annually at the end of each fiscal year publish, either in a newspaper published in Prince William County or by posting in front of his office, a statement showing all receipts and income of the town and from what source derived, and all disbursements made and for what purpose.
- c. The treasurer shall make such other reports from time to time as may be required by ordinance or by resolution of the council.
- d. The treasurer's compensation shall be fixed by the council, but in no case shall it exceed five per centum of all monies collected from all sources; provided the treasurer shall receive no commission or compensation on bonds issued or money borrowed by the town.

Sec. 14. [Town sergeant.]

The town sergeant shall be a conservator of the peace and [sic] in civil cases that may arise within the corporate limits of the town and shall be invested with all the powers which the general laws of this state confer upon sheriffs. The sergeant shall possess the like right of distress and power in collecting municipal taxes possessed by sheriffs in the collection of state and county taxes. He shall receive the same fees as a sheriff, and such other compensation as may be prescribed by the council.

Sec. 15. [Council control over clerk, treasurer, officer.]

The clerk, treasurer and sergeant shall be under direct control of the council and in addition to the duties required of them under this Charter they shall perform such other duties as may be required by the council. They shall be subject to removal for incompetence, misconduct or negligence of duty by the affirmative vote of a majority (three) of all members elected to the council. If required by the council, they shall execute bond in such penalty as may be prescribed by the council, surety to be approved by the mayor. The town council shall have the right to pay the premiums of the official bonds of its officers.

Sec. 16. [Council meetings.]

The council shall hold regular or stated meetings once a month at such time as shall be fixed by their body. Extra or special meetings may be called by the mayor or by three members of the council; but the purpose for which a special meeting is called shall be stated in writing. Three councilmen and the mayor, or in the absence of the mayor, three councilmen shall constitute a quorum for the transaction of business. If any member of the council shall be voluntarily absent from three regular meetings of the council consecutively, his seat may be deemed vacant by resolution approved by a majority vote (three) of all members elected to the council, and thereupon his unexpired term shall be filled according to the provisions of this Charter.

- a. The council shall have the power to fill all vacancies in its own body and in any other office of the town. It may elect such committees for the various departments of the town as it may desire.

Sec. 17. [Ordinances, bylaws.]

The town council may make ordinances and bylaws for carrying into effect the provisions of this Charter; may prescribe fines and other punishment for the violation of any of the ordinances of the town; may levy and collect privilege and other kinds of taxes not prohibited by general law; may prevent animals and fowl from running at large on the streets of the town; may prohibit cruelty to animals; may restrain and punish beggars, peddlers and vagrants; may prevent and disperse riots, disturbances and unlawful or disorderly assemblages; may suppress houses of ill fame and bawdy houses; may abate as a nuisance any house or other place upon evidence of general reputation that the same is being used for the purpose of lewdness; may prohibit and punish gaming and betting, regardless of the amount won or lost; may prevent indecent or lewd conduct, pictures and exhibitions; may prevent and prohibit immoral and lewd picture shows, or motion pictures calculated to injure the morals of the town; may prohibit 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; may offer rewards for the apprehension of persons committing felonies in the town; may prescribe rules and regulations for the orderly building of blacksmith shops, garages and other shops and structures; may control or prevent the storage of firecrackers, gunpowder and other works manufactured or prepared therefrom, kerosene oil, gasoline or other combustible materials.

The council may compel the abatement and removal of nuisances within the town, at the expense of the person or persons causing the same, or at the expense of the owner or occupant of the ground or premises wherein the same may be found; may require all lands and lots and other premises within the town to be kept clean and sanitary and free from stagnant water, weeds, filthy and unsightly deposits; may regulate or prevent slaughterhouses or other noisome and offensive business within the town, and may generally prohibit, abate and suppress and prevent all things detrimental to the health, morals, safety, convenience and welfare of the inhabitants of the town.

The council shall also have the right to license and regulate the holding and location of shows, circuses, public exhibitions, carnivals and similar shows or fairs and to prohibit the holding of the same, or any of them, within the town. The council may require a license tax for anything for which a state license tax is required, and for which under the general laws of the Commonwealth a license tax may be required by a town, and in addition thereto may impose a license tax on any business or thing carried on or done in the town, for which under the general laws of the Commonwealth a license tax may be required by a town, whether a license tax is required therefor by the Commonwealth or not.

Secs. 18, 19. [Reserved.]

Sec. 20. [Right of council regarding sidewalks.]

The council shall have the right to require the owners of real estate abutting upon paved or other improved sidewalks to remove the snow therefrom, and the council shall also have the right to prohibit skating and riding of bicycles thereon and of all other improper uses thereof, and to enforce the regulations and ordinances with reference thereto by fine.

Sec. 21. [Right of council to regulate building construction.]

The council may prohibit the erection of frame buildings in any part of the town designated by it as the fire area; may prescribe and locate building lines and regulate the height and construction of buildings; may require building permits and may make reasonable rules and regulations regarding the

building and construction of houses in the town.

Editor's note:

Certain powers in this section are limited by building regulations under VA Code §§ 36-97 et seq.

Sec. 22. [Reserved.]

Sec. 23. [General powers, authority of town council.]

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

Sec. 24. [Retention of existing ordinances.]

All ordinances now in force in the town of Occoquan not inconsistent with this Charter shall be and remain in force until amended or repealed by the town council.

Sec. 25. [Separability.]

If any clause, sentence, paragraph or part of this Charter shall for any reason be adjudged by any court of competent jurisdiction to be invalid[,] that judgment shall not affect, impair or invalidate the remainder of the Charter, but shall be confined in its operation to the clause, sentence, paragraph or part thereof directly involved in the controversy in which such judgment shall have been rendered.

Sec. 26. [Repeal of conflicting acts.]

All acts or parts of acts in conflict with the provisions of this Charter are hereby repealed; provided that the officers of the town of Occoquan shall continue in office until their successors have been elected and qualified.

