

# VIRGINIA ACTS OF ASSEMBLY -- 2022 SESSION

## CHAPTER 315

*An Act to amend and reenact § 1.2, as amended, § 1.3, §§ 2.1 and 2.2, as severally amended, § 2.3, § 2.4, as amended, §§ 2.5 and 3.1, §§ 3.2 through 3.5, as severally amended, § 3.6, §§ 4.1, 4.2, and 4.3, as severally amended, § 5.1, and § 5.2, as amended, of Chapter 520 of the Acts of Assembly of 1983, which provided a charter for the Town of Lovettsville in Loudoun County, relating to Town Council; town officers and powers.*

[H 1028]

Approved April 11, 2022

### **Be it enacted by the General Assembly of Virginia:**

**1. That § 1.2, as amended, § 1.3, §§ 2.1 and 2.2, as severally amended, § 2.3, § 2.4, as amended, §§ 2.5 and 3.1, §§ 3.2 through 3.5, as severally amended, § 3.6, §§ 4.1, 4.2, and 4.3, as severally amended, § 5.1, and § 5.2, as amended, of Chapter 520 of the Acts of Assembly of 1983 are amended and reenacted as follows:**

#### **§ 1.2 - Corporate ~~limits~~ Limits.**

The corporate limits or boundaries of the Town are those established in Deed Book 6M at Page 406, et seq., of the land records of Loudoun County, Virginia, as extended by the annexation decree of the Circuit Court of Loudoun County, Virginia, entered on March 27, 1973, of record in the Clerk's Office of the Circuit Court for Loudoun County in Common Law Order Book 33 at Page 21, Deed Book 572 beginning at Page 545, by Final Order entered June 12, 1995, of record in the Clerk's Office in Common Law Order Book 102 at Page 0263 in At Law No. 16467 and in Deed Book 1371 at page 1964, et seq., and by Final Order entered December 22, 2006, in CL 43628, recorded among the land records of Loudoun County as Instrument Nos. 20070104-0000612 and 20070315-0019694, and the plat as 20070315-0019695, and by any orders of the Circuit Court of Loudoun County heretofore or hereafter entered.

#### **§ 1.3 - Corporate ~~seal~~ Seal.**

The Town of Lovettsville may provide for the adoption of its corporate seal, which it may alter, amend or renew at its pleasure.

#### **§ 2.1 - In ~~general~~ General.**

The Town of Lovettsville shall have and may exercise all the powers and privileges conferred upon it by this charter, as well as all the powers and privileges conferred upon towns by the Constitution of Virginia and all other laws of the Commonwealth. All powers set forth in Chapter 9 (§ 15.2-900 et seq.) of Title 15.2 of the Code of Virginia, as now existing or as may be added to or amended from time to time, are hereby specifically conferred upon the Town of Lovettsville.

#### **§ 2.2 - Eminent ~~domain~~ Domain.**

~~Generally.~~ The Powers powers of eminent domain, which may be exercised by municipal corporations under the provisions of Title 15.2 (§ 15.2-100 et seq.) and Title 25.1 (§ 25.1-100 et seq.) of the Code of Virginia, are hereby conferred upon the Town.

**§ 2.3 - Acquisition of ~~land~~ Land or ~~interest therein~~ Interest Therein for ~~exchange~~ Exchange with ~~public utility company~~ Public Utility Company.**

Whenever any public utility company owns any land or any easement, right-of-way or other interest in land which the Town deems necessary and intends to acquire for any public purpose, which land, easement, right-of-way or other interest in land owned by such public utility company is devoted to a public use, the Town may acquire by gift, purchase or by the exercise of its power of eminent domain additional or a like easement, right-of-way or interest in land adjacent to or approximately adjacent to such land needed and proposed to be acquired by the Town. The Town may then convey the same to the public utility company for use by such company in lieu of the land, easement, right-of-way or other interest in land theretofore owned by it but needed by the Town. The condemnation of such land, easement, right-of-way or other interest in land to be conveyed to any public utility company shall be governed by the procedures prescribed in this charter.

#### **§ 2.4 - Water and ~~sewer services~~ Sewer Services.**

A. Generally. The Town shall have the power and authority to acquire, establish, maintain, operate, extend and enlarge waterworks and sewage disposal plants within or without the corporate limits of the Town; and to establish and enforce reasonable rates, rules and regulations for the use of same, any or all of which rates, rules and regulations the Council may alter from time to time.

B. Rates. In operating public water and sewer services, the Town may charge a different rate for services furnished to customers outside the corporate limits of the Town from the rates charged for similar services to customers within the corporate limits.

C. Unpaid ~~charges~~ Charges. The Town may provide by ordinance that all unpaid water and sewer

service charges and interest thereon shall constitute a lien on the real estate served by the water or sewer line through which the service is provided.

§ 2.5 - Power to ~~incur debts~~ *Incur Debts* and ~~contract loans~~ *Contract Loans*.

A. The Council, within the limits of the Constitution of this Commonwealth and in accordance with the provisions of general law, may, in the name of and for the use of the Town, contract loans or cause to be issued certificates of debt, notes or bonds.

B. 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 a rate permitted by general law for towns, and such bonds or notes shall be payable within one (1) year from the 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 seventy-five percent (75%) of the Town's income of the previous year.

C. All bonds and other evidences of indebtedness of the Town shall be signed by the Mayor and countersigned by the Town Clerk.

§ 3.1 - Conduct of ~~municipal elections~~ *Municipal Elections*.

All elections shall be conducted pursuant to and in accordance with the general laws governing the holding of elections in towns.

§ 3.2 - Council.

A. The legislative powers of the Town shall be vested in a ~~town council~~ *Town Council*, composed of six (6) members, who shall be elected as specified herein.

B. Council members shall be elected to four-year terms, on the date specified by general law for municipal elections, in the manner herein provided:

1. Three ~~council~~ (3) *Council* members shall be elected in the municipal elections held in 1984, and in municipal elections held every four (4) years thereafter.

2. Three ~~council~~ (3) *Council* members shall be elected in the municipal elections held in 1986, and in municipal elections held every four (4) years thereafter.

C. The ~~council~~ *Council* members so elected shall qualify and take office on ~~July 4~~ *the date specified by general law for municipal elections*, following their election, and shall continue to serve until their successors are duly elected, qualify and assume office.

~~C. D.~~ Any person qualified to vote in Town elections shall be eligible for the office of ~~councilman~~ *Council member*.

~~D. E.~~ Vacancies in the ~~council~~ *Council*, for whatever cause arising, shall be filled for the ~~unexpired term~~ by a majority vote of the remaining members of the Council from among the qualified voters of the Town. For purposes of this section, no distinction shall be made between a member elected to the council and a member who has been appointed to the council except as to voting on those matters set forth in Article VII, Section 7 of the Constitution of Virginia. Upon any matter except those set forth in Article VII, Section 7 of the Constitution of Virginia coming before the council, the votes of all members shall be of the same dignity, whether a member has been elected or appointed in accordance with general law. Council members appointed to fill vacancies on the Council shall have the rights, privileges, powers, duties and obligations of an elected member of the Council as provided in this charter, or otherwise conferred by general law not inconsistent with this charter.

~~E. F.~~ The Council members of the Council in office at the time of the passage of this Act shall continue until the expiration of the terms for which they were elected or appointed, or until their successors are duly elected, qualify and assume office.

§ 3.3 - Mayor.

A. Powers and ~~duties~~ *Duties*.

1. The ~~mayor~~ *Mayor* shall be the ~~chief executive officer~~ *Chief Executive Officer* of the Town and shall be recognized as the head of Town government for all ceremonial purposes, the purpose of military law and the service of civil process;

~~he~~ 2. *The Mayor* shall have and exercise all power and authority conferred by general law on the mayors of towns not inconsistent with this charter;

~~he~~ 3. *The Mayor* shall authenticate by his signature such documents as the ~~council~~ *Council*, this charter or the laws of the Commonwealth shall require;

~~and he~~ 4. *The Mayor* shall perform such other duties consistent with his office ~~the Office of Mayor~~ as may be imposed by the ~~council~~ *Council*;

~~2-~~ 5. The ~~mayor~~ *Mayor* shall preside at all meetings of the ~~council~~ *Council* but shall have no vote except in case of tie;

~~he~~ 6. *The Mayor* shall have the power to veto resolutions, acts and ordinances of the ~~council~~ *Council*, which resolutions, acts and ordinances may be passed over such veto by a two-thirds *majority* vote of the ~~entire~~ council;

~~and he~~ shall 7. *The Mayor may* from time to time recommend to the ~~council~~ *Council* such measures as ~~he may deem~~ *the Mayor deems* necessary for the welfare of the Town-;

~~3-~~ 8. Except as otherwise provided herein or by law, the ~~mayor~~ *Mayor* shall have the authority to appoint such officers and committees as are necessary for the proper administration of the affairs of the

Town, but shall report each appointment to the ~~council~~ *Council* for confirmation at the next meeting thereof following any such appointment; ~~the mayor and~~

9. *The Mayor* shall see that the duties of the various Town officers are faithfully performed, and he shall have the power to suspend any such officer for misconduct in office or neglect of duty until the next regular or special meeting of the ~~council~~ *Council*, when the decision of the ~~council~~ *Council* shall be final. *In the absence of an officer, the roles and responsibilities of said officer shall be executed by the Town Manager or a staff member.*

B. Election. In each even-numbered year, on the date specified by general law for municipal elections, a ~~mayor~~ *Mayor* for the Town shall be elected for a term of two (2) years. The person so elected shall so qualify and take office on ~~July 1~~ *the date specified by general law for municipal elections*, following election. ~~Mayors~~ *The Mayor* shall continue to serve until ~~their successors are a~~ *successor is* duly elected, ~~qualify~~ *qualifies* and ~~assume~~ *assumes* office.

C. Qualifications. Any person qualified to vote in Town elections shall be eligible for the ~~office~~ *Office of Mayor*.

D. Vacancies. A vacancy in the ~~office~~ *Office of Mayor*, for whatever cause arising, shall be filled for the ~~unexpired term~~ by a majority vote of the members elected to the ~~council~~ from among the qualified voters of the Town. A member of the ~~council~~ shall not be qualified to fill a vacancy in the office of ~~mayor~~. For the purposes of this section, no distinction shall be made between a person elected as ~~mayor~~ and a person who has been appointed as ~~mayor~~ except as to voting on those matters set forth in Article VII, Section 7 of the Constitution of Virginia. Upon any matter except those set forth in Article VII, Section 7 of the Constitution of Virginia coming before the ~~council~~, the votes of all members shall be of the same dignity, whether a member has been elected or appointed in accordance with general law. *The person appointed to fill a vacancy in the Office of Mayor shall have the rights, privileges, powers, duties and obligations as provided in this charter, or otherwise conferred by general law on the mayors of towns not inconsistent with this charter.*

E. The ~~mayor~~ *Mayor* in office at the time of the passage of this Act shall continue in office until the expiration of the term for which ~~he~~ *the Mayor* was elected, or until ~~his~~ a successor is duly elected, ~~qualifies~~ and ~~assumes~~ office.

#### § 3.4 - Vice-Mayor.

A. The ~~council~~ *Council* shall elect from among its members a ~~vice-mayor~~ *Vice-Mayor*, who shall preside at ~~council~~ *Council* meetings in the absence of the ~~mayor~~ *Mayor*. Election of the ~~vice-mayor~~ *Vice-Mayor* shall be made at the organizational meeting of the ~~council~~ *Council* following the regular election of ~~mayor~~ *the Mayor* and ~~council~~ *Council* members.

B. In the event of the disability or absence of the ~~mayor~~ *Mayor*, ~~his~~ *place* the *Office of Mayor* may be filled and ~~his~~ *the Mayor's* powers and duties discharged by the ~~vice-mayor~~ *Vice-Mayor*.

#### § 3.5 - Meeting.

A. All meetings of the council shall be public, unless a closed session is called according to *general law*. No official action shall be taken by the ~~council~~ *Council* while in closed session.

B. The ~~council~~ *Council*, by ordinance, shall adopt such rules as it may deem proper for the regulation of its proceedings and the time of its meetings. It shall hold at least such regular meetings as may be required by § 15.2-1416 of the Code of Virginia. Special meetings may be called at any time by the ~~mayor~~ *Mayor* or by three (3) *Council* members of the ~~council~~, provided all *Council* members of the ~~council~~ are actually notified of such meeting.

C. A majority of the ~~council~~ *Council* shall constitute a quorum for the transaction of business. Each *Council* member of the ~~council~~ shall have one (1) vote.

#### § 3.6 - Compensation.

Compensation for *Council* members of the ~~council~~ and the ~~mayor~~ *Mayor* shall be set by the ~~council~~ *Council*. Any increases in the compensation of the ~~mayor~~ *Mayor* or *Council* members of the ~~council~~ may become effective during such ~~mayor's~~ *Mayor's* or ~~council~~ *Council* member's term of office.

#### § 4.1 - Town ~~officers~~ *Officers*.

A. Town Clerk. ~~A~~ *The Mayor shall appoint and the Council shall confirm the appointment of a* Town Clerk ~~shall be appointed~~ who shall be the Clerk of the ~~council~~ *Council* and shall keep the journal of its proceedings and shall record all ordinances and resolutions in a book or books kept for that purpose. All such records shall be public records, stored and filed at the Town's offices and open to inspection at any time during the Town's regular office hours. The Town Clerk shall serve at the pleasure of the ~~town~~ *council* *Council*.

B. Town Treasurer. ~~A~~ *The Mayor shall appoint and the Council shall confirm the appointment of a* Town Treasurer ~~shall be appointed~~, who shall receive all money belonging to the Town and keep correct accounts of all receipts from all sources and of all expenditures; ~~he~~. *The Town Treasurer* shall be responsible for the collection of all license fees, taxes, levies and charges due to the Town and shall disburse the funds of the Town as the ~~council~~ *Council* may direct. The Town Treasurer shall serve at the pleasure of the ~~town~~ *council* *Council*.

C. Town Manager. ~~A~~ *The Mayor shall appoint and the Council shall confirm the appointment of a* Town Manager, ~~in the discretion of the mayor and council~~, may be appointed who shall serve as the

~~chief administrative officer~~ *Chief Administrative Officer* of the Town. The Town Manager shall serve at the pleasure of the ~~council~~ *Council*.

D. Other ~~town officers~~ *Town Officers*. The ~~mayor, in his discretion and with the approval of the council,~~ *Mayor shall appoint and the Council shall confirm the appointment of a town attorney* *Town Attorney*, a ~~town zoning administrator~~ *Town Zoning Administrator*, and such other town officers as may be deemed appropriate. Such officers shall serve at the pleasure of the ~~council~~ *Council*, unless the ~~council~~ *Council* shall provide otherwise.

E. *Non-Officers*. For staff not considered officers, the Town Manager shall hire and the Mayor and the Council may confirm the non-officers' employment. Requests for such confirmation may be initiated by the Mayor or any three (3) Council members and shall only be invoked prior to the non-officer's initial offer of employment.

F. Duties, etc *Etc*. Each officer shall have such duties as are specified by the ~~council~~ *Council* not inconsistent with the Constitution and general laws of the Commonwealth and this charter, shall execute such bonds as may be prescribed by resolution of the ~~council~~ *Council*, and shall receive such compensation as the ~~council~~ *Council* may prescribe.

~~F. G.~~ The same person may be appointed to more than one (1) office; provided, however, that no person may serve both as an officer of the Town and as ~~mayor~~ *Mayor* or *Council* member of the ~~council~~ except as otherwise provided in this charter or by general law.

#### § 4.2 - Boards, ~~commissions~~ *Commissions* and ~~committees~~ *Committees*.

A. ~~Planning commission~~ *Commission*. The ~~council~~ *Council* shall appoint a Town ~~planning commission~~ *Planning Commission* that shall have such powers and duties as are provided by general law.

B. Board of Zoning Appeals. The ~~council~~ *Council* shall appoint the members of the Board of Zoning Appeals for the Town, which shall consist of three (3) or five (5) members, and prescribe their terms of office and qualifications. The Board of Zoning Appeals shall have such powers and duties as are provided by general law.

C. Committees. The ~~council~~ *Council*, in its discretion, may establish such committees, whether standing or ad hoc, as it may deem appropriate, to study and report to the ~~council~~ *Council* on those matters referred to such committees by the ~~council~~ *Council*. The report of any such committee shall not be binding upon the ~~council~~ *Council* but shall be advisory only.

D. Membership. Except as otherwise provided by law, *Council* members of the ~~council~~ and the ~~mayor~~ *Mayor* are eligible to serve as members of any Town commission, committee or group. ~~Members of the council and the mayor so serving~~ and shall be entitled to participate fully as voting members of such commission, committee or group ~~except as otherwise provided by law~~.

E. Compensation. The ~~council~~ *Council* may provide for compensation to such of their boards, commissions or committees performing special work to the extent that may be reasonable and fair.

#### § 4.3 - Fiscal ~~control~~ *Control*.

A. Fiscal ~~year~~ *Year*. The fiscal year of the Town shall begin on July 1 and end on June 30.

B. Fiscal ~~control~~ *Control*. The ~~council~~ *Council* shall have the power to control and manage the fiscal affairs of the Town and to make such ordinances, orders and resolutions relating to the same as it may deem necessary. After the close of each fiscal year, the ~~council~~ *Council* shall cause to be made an independent audit of the accounts, books, records and financial transactions of the Town either by the Auditor of Public Accounts of the Commonwealth or by an independent certified public accountant to be selected by the ~~council~~ *Council*. The report of such audit shall be filed within such time as the ~~council~~ *Council* shall specify, and one (1) copy thereof shall always be available for public inspection in the Town's offices during the Town's regular business hours.

#### § 5.1 - Continuity.

A. All ordinances now in force in the Town of ~~Lovettsville~~, not inconsistent with this charter, shall remain in force until altered, amended or repealed by the ~~council~~ *Council*.

B. The present officers of the Town shall continue in office at the pleasure of the ~~council~~ *Council*, or until their successors have been duly appointed.

#### § 5.2 - Historic ~~districts~~ *Districts*.

Notwithstanding any other provision of law, the ~~council~~ *Council* may establish one (1) or more historic districts within the Town for the purpose of promoting the general welfare, education and recreational pleasure of the public through the perpetuation of those general areas, individual structures or premises ~~which~~ that have been officially designated by the ~~council~~ *Council* as having historical or architectural significance. The establishment of historic districts shall be by amendment of the Town's zoning ordinance and consistent with the purposes, criteria and procedures set forth in § 15.2-2306 of the Code of Virginia.