

VINTON, TOWN OF
Located in County of Roanoke.
Formerly known as Gish's.
Changed to Vinton by Chapter 468, 1884 Acts of Assembly.

Charter, 1884, c. 468; repealed, 1904, c. 136.

Charter, 1904, c. 136; repealed, 1928, c. 277.

Charter, 1928, c. 277; repealed, 1936, c. 423.

Charter, 1936, c. 423, repealed, 1981, c. 618.

Charter, 1981, c. 618.

Amended 1982, c. 86 (§ 3.1)
 1985, c. 14 (§ 3.8 [added])
 1990, c. 30 (§ 2.4 [added])
 1992, c. 272 (§§ 3.5, 4.5)
 1998, c. 249 (§§ 3.1, 3.2, 3.5)
 2003, c. 199 (§ 3.1.1 [added]).

CHAPTER 1

Incorporation. Form of Government and Boundaries.

§ 1.1. Incorporation.--The inhabitants of the territory comprised within the present limits of the town of Vinton, as such limits are now or may hereafter be altered and established by law, shall constitute and continue to be a body politic and corporate, to be known and designated as the town of Vinton, and as such shall have perpetual succession, may sue and be sued, plead 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. (1981, c. 618)

§ 1.2. Form of government.--The municipal government provided by this charter shall be known as the "town manager plan." Pursuant to its provisions, and subject only to the limitations imposed by the Constitution of Virginia and by this charter, all powers of the town shall be vested in an elective council, hereinafter referred to as "the council," which shall enact local legislation, adopt budgets, determine policies, and appoint the town manager, who shall execute the laws and administer the government of the town. (1981, c. 618)

§ 1.3. Boundaries.--The boundaries of the town shall be as established by the General Assembly, in Chapter 423 of the Acts of Assembly of 1936, and by order of the Circuit Court of Roanoke County, Virginia, entered in the Common Law Order Book 23 page 167. (1981, c. 618)

CHAPTER 2

Powers

§ 2.1. General grant of powers.--The town of Vinton 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 the town shall have, exercise, and enjoy all of 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. (1981, c. 618)

§ 2.2. Adoption of certain sections of the Code of Virginia.--The powers granted in § 2.1 of this charter include specifically, but are not limited to, all powers set forth in §§ 15.1-837 through 15.1-907, inclusive, of the Code of Virginia, as amended, and all acts in furtherance thereof and supplemental thereto. (1981, c. 618)

§ 2.3. Eminent domain.--The powers of eminent domain as set forth in Title 15.1 and Title 25 of the Code of Virginia, as amended, are hereby conferred upon the town of Vinton. (1981, c. 618)

§ 2.4. Proration of personal property tax.--A. The town of Vinton may provide by ordinance for the levy and collection of personal property tax on motor vehicles, trailers, and boats which have acquired a situs within such town after the tax assessment day for the balance of the tax year. Such tax shall be prorated on a monthly basis. The ordinance may exclude boats from the property subject to proration of the personal property tax. For purposes of proration, a period of more than one-half of a month shall be counted as a full month and a period of less than one-half of a month shall not be counted.

The ordinance shall also provide for relief from such tax and a refund of the appropriate amount of the tax already paid, which shall be prorated on a monthly basis, where any motor vehicle, trailer, or boat loses its situs within such town after the tax assessment day or after the day on which it acquires a situs. When any person sells or otherwise transfers title to a motor vehicle, trailer, or boat with a situs in the town after the tax day or situs day, the tax shall be relieved, prorated on a monthly basis, and the appropriate amount of tax already paid shall be refunded or credited, at the option of the taxpayer, against the tax due on any motor vehicle, trailer, or boat owned by the taxpayer during the same tax year by the treasurer of such town. Such refund shall be made within thirty days of the date such tax is relieved. When any person, after the tax assessment day, acquires a motor vehicle, trailer, or boat with a situs in the town, the tax shall be assessed on the motor vehicle, trailer, or boat for the portion of the tax year during which the new owner owns the motor vehicle, trailer, or boat and it has a situs within the town.

B. The ordinance shall provide for the filing of returns and payment of the tax. The ordinance shall also exempt property from the levy of such personal property tax for any tax year or portion thereof during which the property was legally assessed by another jurisdiction in the Commonwealth and the tax paid. The ordinance may provide that, notwithstanding any other date for billing and payment of personal property tax, the town may bill all personal property taxes assessed for a portion of the tax year less than the full year on or after December 15 of each year. The ordinance may further provide that such taxes shall be due not less than thirty days after the date of the tax bill. If the tax is not paid when due, the penalty and the interest otherwise provided for by law shall be imposed based on the established due date. (1990, c. 30)

CHAPTER 3 Council

§ 3.1. Election, qualification and term of office for mayor and councilmen.

The town of Vinton shall be governed by a town council composed of a mayor and four councilmen, all of whom shall be qualified voters of the town, to be elected from the town at large. Any person qualified to vote in the town shall be eligible for the office of mayor or councilman. The mayor and the councilmen in office at the time of the adoption of this charter shall continue in office until their successors are duly elected and qualified. An election for two councilmen shall be held on the first Tuesday in May, 1982, and on the first Tuesday in May of every second year thereafter. A mayor shall be elected on the first Tuesday in May, 1984, and every four years thereafter unless a vacancy in office occurs, in which case the provisions of § 3.5 of this charter shall control. The mayor and councilmen

shall enter upon their duties on the first day of July next succeeding their election, and shall each serve for a term of four years or until their successors have qualified. (1981, c. 618; 1982, c. 86; 1998, c. 249)

§ 3.1.1. Holding other office.

Except as otherwise authorized by law, the mayor or a councilman shall not be eligible during his term of office, or for one year thereafter, for any compensated town employment. If appointed by the council to a board or commission, he may be compensated as a member. (2003, c. 199)

§ 3.2. Vacancies on council.

Vacancies on the council shall be filled within thirty days of when the vacancy occurs, for the unexpired portion of the term, by a majority vote of the remaining members of the council. If, however, the unexpired portion of the term is more than two years, the person appointed by council shall serve only until the next regular councilmanic election, at which time the vacancy shall be filled by the electorate. (1981, c. 618; 1998, c. 249)

§ 3.3. Council a continuing body.--The council shall be a continuing body, and no measures pending before such body, or contract or obligation incurred, shall abate or be discontinued because of the expiration of the term of office or removal of any council members. (1981, c. 618)

§ 3.4. Mayor and vice-mayor.--The mayor shall preside over the meetings of the council, have the same right to speak therein as other members and shall have a vote but no veto. He shall be recognized as the head of the town government for all ceremonial purposes, the purposes of military law, and the service of civil process, and shall authenticate by his signature, such documents or instruments as the council, this charter, or the laws of the Commonwealth shall require. At its first meeting, the council shall choose by a majority vote of all the members thereof one of their number to be vice-mayor for the ensuing two years. The vice-mayor shall in the absence or disability of the mayor perform the duties of the mayor. In the absence or disability of both mayor and vice-mayor the council, by majority vote of those present, shall choose one of their number as acting mayor. (1981, c. 618)

§ 3.5. Vacancy in office of mayor.

A vacancy in the office of mayor shall be filled within thirty days of when the vacancy occurs, for the unexpired portion of the term, by a majority vote of council. If, however, the unexpired portion of the term is more than two years, the person appointed by council shall serve only until the next regular councilmanic election. At such election, the vacancy shall be filled by the electorate for a four-year term beginning on July 1 of the year of the election. Succeeding mayoral elections shall be every four years after the election at which the vacancy was filled. (1981, c. 618; 1992, c. 272; 1998, c. 249)

§ 3.6. Meetings of council.--The council shall fix the time of its stated meetings and it shall meet at least once a month and, except as herein provided, the council shall establish its own rules of procedure and such rules as are necessary for the orderly conduct of its business not inconsistent with the laws of the Commonwealth of Virginia. A journal shall be kept of its official proceedings, and its meetings shall be open to the public. Three members of the council shall constitute a quorum for the transaction of business at any meeting. Special meetings may be called at any time by the mayor, by any three members of the council, or by the town manager; provided that, the members of the council are given reasonable notice of such meetings and no business shall be transacted at a special meeting thereof except that for which it shall be called. If all members are present this provision may be waived by a majority vote of the council. No ordinance, resolution, motion, or vote shall be adopted by the council unless it shall have received the affirmative votes of a majority of the members present. (1981, c. 618)

§ 3.7. Powers of council.--In addition to exercising the powers of the town specified in Chapter 2 of this charter, the council shall have the power to make such rules as are necessary for the orderly conduct of its business and for the administration of the town government not inconsistent with the laws of Virginia. (1981, c. 618)

§ 3.8. Salaries and expenses.--The council by ordinance may establish the salary of the mayor and members of council as provided for in §§ 15.1-827 and 15.1-827.1 of the Code of Virginia, and may also authorize monthly expense allotments or expense accounts for the mayor and members of council. However, all claims for expenses shall be for reasonable expenses to the extent permitted by law incurred in the conduct of official town business and shall be itemized and documented by stamped paid receipts to the extent feasible. (1985, c. 14)

CHAPTER 4 Appointive Officers

§ 4.1. Appointments.--At the first meeting in July following each councilmanic election, or as soon thereafter as practicable, the council shall appoint the following officers: (1981, c. 618)

§ 4.2. Town manager.--A town manager who shall be the administrative and executive head of the municipal government. He shall be chosen by the council without regard to political beliefs and solely upon the basis of his executive and administrative qualifications. (1981, c. 618)

§ 4.3. Town treasurer.--A town treasurer, whose duties shall be as prescribed by the council. (1981, c. 618)

§ 4.4. Town clerk.--A town clerk, who also may be the town manager, and/or the town treasurer, whose duties shall be as prescribed by council. (1981, c. 618)

§ 4.5. Town attorney.--A town attorney, who shall be an attorney-at-law licensed to practice under the laws of the Commonwealth. He shall receive such compensation and fees as shall be provided by the council by ordinance or resolution. His duties shall be as prescribed by the council. (1981, c. 618; 1992, c. 272)

§ 4.6. Police and fire department officers.--The council, in its discretion, may provide a chief of police and a fire chief whose duties shall be as prescribed by council. In accordance with the provisions of § 15.1-796 of the Code of Virginia, there shall not be created in the town the office of town sergeant. (1981, c. 618)

§ 4.7. Deputies and assistants.--The council may appoint such deputies and assistants to appointive offices as it may deem necessary. (1981, c. 618)

§ 4.8. Duties.--Each officer, deputy, and assistant, as the case may be, shall have such duties not inconsistent with the Constitution, general laws of the Commonwealth or this charter, and shall be paid such compensation as the council may determine. (1981, c. 618)

§ 4.9. Term of office.--Appointees hereunder shall serve at all times at the pleasure of the council and may be dismissed at any time by the council. (1981, c. 618)

§ 4.10. Bonds.--Officers, deputies, and assistants shall execute such bonds as may be required by resolution of the council. (1981, c. 618)

§ 4.11. Vacancies of office.--The council may fill any vacancy in any appointive office. (1981, c. 618)

§ 4.12. Appointment of one person to more than one office.--The council may appoint the same person to more than one appointive office. (1981, c. 618)

§ 4.13. Boards and commissions.--The council, in its discretion, may appoint such boards and commissions as it deems necessary. (1981, c. 618)

CHAPTER 5

Courts

§ 5.1. Jurisdiction of courts within the town.--The Roanoke County General District Court and the Juvenile and Domestic Relations Court, and the Circuit Court of Roanoke County, or their successors, shall have the same jurisdiction both criminal and civil within the town as provided by law. (1981, c. 618)

CHAPTER 6

Financial Provisions

§ 6.1. Fiscal year.--The fiscal year of the town shall begin on July one of each year and end on June thirty of the year following. (1981, c. 618)

CHAPTER 7

Miscellaneous

§ 7.1. Elections governed by State law.--All town elections shall be held and conducted in the manner prescribed by the laws of the Commonwealth of Virginia. (1981, c. 618)

§ 7.2. Applicability outside town.--All ordinances of the town, so far as they are applicable, shall apply on, in, or to all land, buildings, and structures owned by or leased or rented to the town and located outside the town. (1981, c. 618)

§ 7.3. Ordinances continued in force.--All ordinances now in force in the town, not inconsistent with this charter, shall be and remain in force until altered, amended, or repealed by the council. (1981, c. 618)

§ 7.4. Severability of provisions.--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, such 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. (1981, c. 618)

§ 7.5. Disclosure of interest.--The council is hereby empowered to enact a conflict of interest and disclosure ordinance to govern elected and/or appointed town officials not inconsistent with the general law. (1981, c. 618)

§ 7.6. Legislative procedure.--Except in dealing with parliamentary procedure, the council shall act only by ordinance or resolution, and with the exception of ordinances making appropriations, or authorizing the contracting of indebtedness, shall be confined to one general subject. (1981, c. 618)

§ 7.7. Water and sewer service charges.--In operating public water and sewer services, the town may charge a different rate for any such services furnished to customers without the corporate limits from the rates charged for similar services to customers within the corporate limits. The town may provide by ordinance that all such unpaid charges and interest thereon shall constitute a lien on the real estate served by such water line or sewer. (1981, c. 618)