

Burkeville, Town of

County of Nottoway

History of incorporation

Incorporated by an 1877 Act of Assembly.

Charter, 1877, c. 157; repealed 1930, c. 163.

Charter, 1930, c. 163; repealed 1972, c. 755.

Current charter

Charter, 1972, c. 755.

Chapter 1. Incorporation and Boundaries.

§ 1.1. Incorporation.

The inhabitants of the territory comprised within the present limits of the town of Burkeville, 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 Burkeville, and 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. (1972, c. 755)

§ 1.2. Boundaries.

The boundaries of the town shall be the boundaries of the town of Burkeville, its predecessor, as described in § 3 of Chapter 163 of the Acts of the General Assembly of the State of Virginia of 1930, as approved March 20, 1930. (1972, c. 755)

Chapter 2. Powers.

§ 2.1. General grant of powers.

The town of Burkeville 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 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. (1972, c. 755)

§ 2.2. Adoption of certain sections of Code of Virginia.

The powers set forth in §§ 15.1-837 through 15.1-915, both inclusive, of Chapter 18 of Title 15.1 of the Code of Virginia, as in force on January 1, 1972, are hereby conferred on and vested in the town of Burkeville. (1972, c. 755)

§ 2.3. Eminent domain.

The powers of eminent domain set forth in Title 15.1 and Title 25, Chapter 1.1 and § 33.1-121 of the Code of Virginia, as amended, and all acts amendatory thereof and supplemental thereto, mutatis mutandis, are hereby conferred upon the town of Burkeville subject to the provisions of § 25-233, and acts amendatory thereof, of the Code of Virginia.

(a) In any case in which a petition for condemnation is filed by or on behalf of the town, a true copy of a resolution or ordinance duly adopted by the town council declaring the necessity for any taking or damaging of any property, within or without the town, for the public purposes of the town, shall be filed with the petition and shall constitute sufficient evidence of the necessity of the exercise of the powers of eminent domain by the town. The town may employ the procedures conferred by the foregoing laws, mutatis mutandis, and may, in addition thereto, proceed as hereinafter provided.

(b) Certificates issued pursuant to § 33.1-121 of the Code of Virginia, as amended, and acts amendatory thereof and supplemental thereto, may be issued by the town council, signed by the mayor and countersigned by the town manager. Such certificate shall have the same effect as certificates 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 §§ 33.1-119 through 33.1-129, inclusive, of the Code of Virginia, as amended, 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.

(c) In addition to the powers conferred by the aforesaid laws, such certificates may be amended or cancelled by the court having jurisdiction of the proceedings, upon petition of the town, at any time after the filing thereof; provided, that the court shall have jurisdiction to make such order for the payment of costs and damages, if any, or the refund of any excessive sums theretofore paid pursuant to such certificate as shall, upon due notice and hearing, appear just. The court shall have jurisdiction to require refunding bonds, for good cause shown by the town or any other person or party in interest, prior to authorizing any distribution of funds pursuant to any certificate issued or deposit made by the town. (1972, c. 755)

§ 2.4. License tax: utilities, etc.

The town of Burkeville may impose a license tax upon any utility. public service corporation or quasi-public corporation, including telephone and telegraph companies, for the privilege of doing business therein. Such license tax shall not exceed one-half of one percent of the gross receipts of such business, accruing to such corporation from such business within the town. (1972, c: 755)

Chapter 3. Mayor and Council.

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

(a) The town of Burkeville shall be governed by a town council composed of seven councilmen and a mayor, all of whom shall be qualified voters of the town, to be elected from the town at large.

(b) The mayor and councilmen in office at the time of the passage of this act shall continue in office until the expiration of the terms for which they were elected. An election for mayor and councilmen shall be held on the first Tuesday in May, 1972 and every two years thereafter. The mayor and councilmen elected on the first Tuesday in May, 1972 shall enter upon their duties on the first day of September, 1972 and shall serve until their successors have qualified. The mayor and councilmen elected on the first Tuesday in May, 1974 and thereafter, shall enter upon their duties on the first day of July next succeeding his or their election, and shall each serve for a term of two years, or until their successors have qualified. (1972, c. 755)

§ 3.2. Vacancies on council.

Vacancies on the council shall be filled for the unexpired portion of the term from among the qualified voters of the town, by a majority vote of the members of the council. (1972, c. 755)

§ 3.3. Vacancy in office of mayor.

A vacancy in the office of mayor shall be filled for the unexpired portion of the term from among the qualified voters of the town by a majority vote of the members of the council. (1972, c. 755)

§ 3.4. Council a continuing body.

The town council shall be a continuing body, and no measures pending before such body, or any contract or obligation incurred, shall abate or be discontinued by reasons of the expiration of the term of office or removal of any of its members. (1972, c. 755)

§ 3.5. Powers and duties of mayor.

The mayor shall be the chief executive officer of the town. He shall have and exercise all power and authority conferred by general law not inconsistent with this charter. He shall preside over the meetings of the town council and shall have the same right to speak therein as members of the council, but shall not vote except in the case of a tie vote. He shall have the power of veto over the ordinances and resolutions of the council, but such ordinances and resolutions may be passed over such veto by a two-thirds vote of the members of the town council present and voting. He shall be recognized as the head of the town government for all ceremonial purposes. He shall perform such other duties consistent with his office as may be imposed by the town council. He shall see that the duties of the various town officers are faithfully performed. The police force of the town shall be under the control of the mayor for the purpose of enforcing peace and good order and executing the laws of the State and the ordinances of the town. He, or the person acting as mayor, may deputize such assistant policemen as may be necessary; and shall authenticate by his signature, such documents or instruments as the council, this charter, or the laws of the Commonwealth shall require. (1972, c. 755)

§ 3.6. Vice-mayor.

The town council shall elect from its members, by a majority of the members present, a vice-mayor. During the absence or inability of the mayor to act, the

vice-mayor shall possess the powers and discharge the duties of the mayor. While serving in the place of the mayor, the vice-mayor may vote as a member of the town council, but shall not exercise the veto power of the mayor over the acts of the council. (1972, c. 755)

§ 3.7. Acting mayor.

If both the mayor and the vice-mayor are absent or unable to act, the town council shall, by a majority vote of the members present, elect from its members a person to serve as acting mayor until either the mayor or vice-mayor is present and able to act. The person so elected shall possess the powers and discharge the duties of the mayor during such period of time but shall not exercise the veto power of the mayor over the acts of the council. Whenever it is necessary to elect an acting mayor pursuant to this section, in the absence of both the mayor and vice-mayor the town clerk or acting town clerk shall call the meeting of the town council to order and shall preside until an acting mayor is elected. This shall not be construed to vest in the town clerk any of the powers and duties of the mayor, except as expressly stated in this section. (1972, c. 755)

§ 3.8. Meetings of council.

The town council shall fix the time of their stated meetings, and they shall meet at least once a month, and except as herein provided, the council shall establish its own rules of procedure. A journal shall be kept of its official proceedings and its meetings shall be open to the public. Four members of the town council shall constitute a quorum for the transaction of business at any meeting. Special meetings may be called at any time by the mayor or by any three members of the council; provided that the mayor and all council members are duly notified a reasonable period of time prior to such meeting, 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. (1972, c. 755)

§ 3.9. Council to fix salaries.

The town council is hereby authorized to fix the salary of the mayor, members of the town council, the town manager, members of boards or

commissions, and all appointed officers and employees of said town, at a sum not to exceed any limitations placed thereon by the laws of the Commonwealth of Virginia. The salaries of the mayor and members of council shall not be increased during the term for which they were elected. (1972, c. 755)

Chapter 4. Town Manager.

§ 4.1. Appointment.

The town council may appoint a chief administrative officer of the town who shall be designated the town manager, who shall, under the control of the council, have general charge and management of the administrative affairs and work of such town and shall perform such other duties as may be required of him by the town council. He shall receive such salary or compensation as shall be allowed him by such council and may be dismissed at any time by the council. (1972, c. 755)

§ 4.2. Acting town manager.

The town council may designate a person to act as town manager in case of the absence, incapacity, death, inability to act or resignation of the town manager, until his return to duty or the appointment of his successor. (1972, c. 755)

Chapter 5. Appointive Offices.

§ 5.1. Appointments.

The town council may appoint a town clerk, a chief of police, a town sergeant, a municipal judge, a town attorney or such other officers as they may deem necessary. Each officer appointed under this section shall be directly responsible to the town council and mayor. Such officers shall perform such duties as are required by general law, as well as such additional duties not inconsistent with general law as this charter or the council may prescribe. The enumeration of officers in this section shall not be construed to require the appointment of any of such officers herein named. (1972, c. 755)

§ 5.2. Deputies and assistants.

The town council may appoint such deputies and assistants to appointive officers as they may deem necessary. (1972, c. 755)

§ 5.3. Term of office.

Appointees hereunder shall serve at and during the pleasure of the town council. (1972, c. 755)

§ 5.4. Bonds.

Officers, deputies and assistants appointed by the town council shall execute such bonds as may be required by resolution of the town council. (1972, c. 755)

§ 5.5. Vacancies in office.

The town council may fill any vacancy in any appointive office. (1972, c. 755)

§ 5.6. Appointment of one person to more than one office.

The town council may appoint the same person to more than one appointive office. (1972, c. 755)

§ 5.7. Town clerk.

The town clerk shall be the clerk of the town council and shall keep the journal of its proceedings and shall record all ordinances and resolutions in a book or books kept for this purpose. He shall be the custodian of the corporate seal of the town and shall be the officer authorized to use and authenticate it. He shall perform such other duties and keep such other records as the town council or the general laws of the Commonwealth require of town clerks. All records in his office shall be public records and open to inspection at any time during regular business hours. (1972, c. 755)

Chapter 6. Courts.

§ 6.1. Authority to establish municipal court; jurisdiction of court.

The town council may establish by ordinance a municipal court, which shall be known as the Municipal Court of Burkeville. Jurisdiction of such court in criminal matters shall be as provided in §§ [16.1-124](#) and 16.1-125 of the Code of Virginia, as amended, and such court shall have original jurisdiction in the trial of all cases involving the violation of town ordinances, and in the collection of town taxes or assessments, or other forms of debt owing to the town. (1972, c. 755)

§ 6.2. Judge of municipal court; substitute judge.

The judge of the municipal court shall be appointed by the town council. He shall serve at the pleasure of the town council. The town council may appoint a substitute judge to serve during the absence or inability to act of the judge of the municipal court. The municipal judge and substitute municipal judge need not be residents of the municipality. The mayor may be appointed to serve as municipal judge or substitute municipal judge and receive a salary therefor in addition to his salary as mayor. (1972, c. 755)

§ 6.3. Clerk of municipal court.

A clerk of such court shall be appointed by the town council, to serve at the pleasure of the town council. (1972, c. 755)

§ 6.4. Jurisdiction of county court if municipal court not created or if municipal court abolished.

If the town council shall elect not to establish a municipal court, as provided in § 6.1 of this charter, or if the town council shall, by ordinance, abolish such a municipal court after its having been established, the County Court of Nottoway County, Virginia, or its successor, shall have jurisdiction within the town of Burkeville as the municipal court would otherwise have had. In such instance the town council may enter into such contracts or agreements as it may deem necessary to permit the trial in said county court, or its successor, of cases or causes of action arising within the town or within the jurisdiction of said town. (1972, c. 755)

Chapter 7. Financial Provisions.

§ 7.1. Fiscal year.

Prior to July 1, 1973, the fiscal year of the town shall begin on January 1st. On and after July 1, 1973, the fiscal year of the town shall begin on July 1 of each year and end on June 30 of the year following. (1972, c. 755)

Chapter 8. Miscellaneous.

§ 8.1. 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. (1972, c. 755)

§ 8.2. 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. (1972, c. 755)

§ 8.3. Present officers to continue.

The present elected officers of the town shall be and remain in office until expiration of their several terms, and until their successors have been duly elected and qualified. (1972, c. 755)

§ 8.4. Ordinances continued in force.

All ordinances now in force in the town of Burkeville, not inconsistent with this charter, shall be and remain in force until altered, amended or repealed by the town council. (1972, c. 755)

§ 8.5. Succession to rights and duties.

The town of Burkeville shall succeed to all the rights, duties, obligations and contracts of the town of Burkeville, its predecessor. (1972, c. 755)

§ 8.6. 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 this 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. (1972, c. 755)

§ 8.7. Disclosure of interest.

The town 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. (1972, c. 755)