

TIMBERVILLE, TOWN OF
County of Rockingham.

Incorporation and charter, 1884, c. 455; repealed 1962, c. 167.

Incorporation and charter, 1894, c. 329; repealed 1962, c. 167.

Charter, 1962, c. 167.

Amended 1972, c. 157 (§§ 2, 3, 4, 9)
 1977, c. 129 (§§ 3, 4, 5, 8 [repealed], 11, 12 [repealed])
 2007, c. 147 (§ 4).

§ 1. The inhabitants of the territory embraced within the present limits of the Town of Timberville, as hereinafter defined, or as the same may be hereafter altered or established by law, shall constitute and continue a body politic and corporate, to be known and designated as the Town of Timberville, and as such shall have and may exercise all powers which are now, or may hereafter be, conferred upon or delegated to towns under the Constitution and laws of the Commonwealth of Virginia as fully and as completely as though all such powers were specifically enumerated herein. (1962, c. 167)

§ 2. The territory embraced within the present limits of the Town of Timberville is described in Chapter 329, Acts of Assembly of 1893-94, approved February 21, 1894, as enlarged by an order entered by the Circuit Court of Rockingham County, May 18, 1950, and December 14, 1968, recorded in the Clerk's Office of said Court in Common Law Order Book No. 23, page 154, and in Common Law Order Book No. 27, page 202. (1962, c. 167; 1972, c. 157)

§ 3. The administration and government of the town shall be vested in a council which shall consist of seven members, six of whom shall be denominated the councilmen and one to be denominated the mayor, all of whom shall be residents and qualified voters of the town. The salary of each councilman and the mayor shall be set in accordance with general law. (1962, c. 167; 1972, c. 157; 1977, c. 129)

§ 4. On the Tuesday after the first Monday in November 2008, and every two years thereafter, the qualified voters of the town shall elect a mayor for a term of office of two years, commencing on the first day of January following the date of his election and until his successor has been duly elected and qualified; however, the term of office of the mayor subject to expire June 30, 2008, shall be extended to December 31, 2008. On the Tuesday after the first Monday in November 2008, and every two years thereafter, the qualified voters of the town shall elect three council persons for a term of office of four years each, commencing on the first day of January following the date of their election and until their successors have been elected and qualified; however, the terms of the three council persons subject to expire June 30, 2008, shall be extended to December 31, 2008, and the terms of the three council persons subject to expire June 30, 2010, shall be extended to December 31, 2010. Any vacancy occurring during the term for which a councilman has been elected shall be filled by the council from the electors of the town until a successor has been elected. The successor shall be elected at the next general election as provided by law to fill the unexpired term of office. The council may elect one of their number vice-mayor to act in the place and stead of the mayor in the latter's

absence. The term of office of the vice-mayor, if there be one, shall be the same as that provided for the mayor. (1962, c. 167; 1972, c. 157; 1977, c. 129; 2007, c. 147)

§ 5. The council shall, by ordinance, fix the time for its regular meetings. Special meetings shall be called by the clerk of the council upon the written request of the mayor or any three councilmen. At least twelve hours' written notice shall be given to the other members of the council of the purpose, place and time of any such special meeting. Special meetings may also be held at any time without notice, provided all members of the council are present. No business shall be transacted at any such special meeting which is not stated in the notice calling the same, unless all members of the council attend the meeting or waive notice thereof. Notice of all meetings, including special meetings, shall be given as required by the Virginia Freedom of Information Act. (1962, c. 167; 1977, c. 129)

§ 6. The council shall appoint a clerk and a treasurer, and may appoint a town attorney and such other officers and create such boards and departments as it deems necessary or proper, and define their duties and functions. Such officers so appointed shall hold office during the pleasure of the council, shall give such bonds as the council requires, and shall receive such compensation as the council prescribes. The same person may hold two or more of such offices, in the discretion of the council. (1962, c. 167)

§ 7. The council shall appoint a sergeant who shall qualify as provided by law, and give bond in such amount as the council requires. The sergeant shall be a conservator of the peace, and shall have the same powers and perform the same duties within the corporate limits of the town and to as distance of one mile beyond the same, as were formerly had and performed by constables. He shall perform such other duties and receive such compensation as the council prescribes, and shall hold office during the pleasure of the council. (1962, c. 167)

§ 8. (1962, c. 167; repealed 1977, c. 129)

§ 9. The powers set forth in §§ 15.1-838 through 15.1-907 of the Code of Virginia as in force on January 1, 1972, and as may be hereafter amended, are hereby conferred on and vested in the Town of Timberville. (1962, c. 167; 1972, c. 157)

§ 10. The town is empowered (a) to regulate the holding of shows, carnivals, fairs and other similar public exhibitions, or to prohibit the holding of same, or any of them, within its corporate limits or within one mile thereof; (b) except as prohibited by general law, to impose and collect a license tax for the privilege of doing within the town, anything upon which the State imposes a license tax; provided that the town may, unless expressly prohibited by general law, impose a higher license tax on any such thing, than that imposed by the State on the same thing, the amount of the license tax imposed by the town to be, in each instance, in the discretion of the council. (1962, c. 167)

§ 11. (a) The council may appoint a town manager who shall be the chief administrative officer of the town and shall be chosen solely on the basis of his executive and administrative qualifications, and shall have some knowledge of civil, mechanical and electrical engineering. He shall be appointed for such term as he and the council agree upon, not to exceed two years, but in any event, to end with the term of the council making the appointment. The town manager may be suspended or removed by the council for any cause it deems sufficient, provided that no order of suspension or removal shall be made until after he shall have been given at least five days' notice in writing, stating the cause for such suspension or removal and fixing a day when he may be heard

thereon. The action of the council, suspending or removing the town manager, shall be final. The council may place the control and supervision of the police force of the town under either the mayor or the town manager.

(b) Except as otherwise provided in this charter, the town manager may, with the consent of the council, appoint or employ, and remove or discharge, such officers, employees and assistants as he deems necessary to carry on the work of such departments of the town as are committed to him by the council, in all their respective details, in an economical and satisfactory manner. The salary or compensation, and the terms of office or employment of such officers, employees and assistants shall be fixed by the town manager, subject to approval by the council; and his actions in all respects shall be subject to review by the council, and he shall be accountable to the council only. (1962, c. 167; 1977, c. 129)

§ 12. (1962, c. 167; repealed 1977, c. 129)

§ 13. All ordinances now in force in the Town of Timberville, not inconsistent with this charter, shall be and remain in full force and effect until altered, amended or repealed by the council of the town, after the effective date of this act. (1962, c. 167)