

BROADWAY, TOWN OF
Located in County of Rockingham
Incorporated by Act of Assembly 1879-80

Charter, 1879-80, c. 246; repealed, 1885-86, c. 226.

Charter, 1885-86, c. 226; repealed, 1954, c. 563.

Charter, 1954, c. 563; repealed, 1978, c. 836.

Charter, 1978, c. 836.

Amended 1982, c. 9 (§ 3.2).

CHAPTER 1.
INCORPORATION AND BOUNDARIES.

§ 1.1. Incorporation.--The inhabitants of the territory embraced within the present limits of the town of Broadway, as such limitations are now or may be hereafter altered and established by law, shall constitute and continue a body, politic and corporate, to be known and designated as the town of Broadway, 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. (1978, c. 836)

§ 1.2. Boundaries.--The present boundaries of the town are as follows:

The identical tract of land as described in Chapter 563 of the Acts of Assembly of 1954, plus (a) the tracts described in the annexation order entered November 28, 1922, by the Circuit Court of Rockingham County, Virginia, which order is spread in the Clerk's Office of the Circuit Court of Rockingham County, Virginia, in Common Law Order Book 17, at page 132; (b) the tract described in the annexation order entered August 17, 1959, by the Circuit Court of Rockingham County, Virginia, which order is spread in the aforesaid Clerk's Office in Common Law Order Book 24, at page 582, in Deed Book 274, at page 445; and (c) the tract described in the annexation order entered December 28, 1967, by the Circuit Court of Rockingham County, Virginia, which order is spread in the aforesaid Clerk's Office in Common Law Order Book 27, at page 45, and in Deed Book 356, at page 319. (1978, c. 836)

CHAPTER 2.
POWERS.

§ 2.1. General grant of powers.--The town of Broadway 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 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 shall have, exercise and enjoy all 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. (1978, c. 836)

§ 2.2. Adoption of certain sections of the Code of Virginia.--The powers set forth in §§ 15.1-837 through 15.1-915.1, both inclusive, of Chapter 18 of Title 15.1 of the Code of Virginia, as in force on January 1, 1978, and all acts amendatory thereof and supplemental thereto, mutatis mutandis, insofar as they do not conflict with other power

and authority conferred by virtue of this charter, are hereby conferred on and vested in the town of Broadway. (1978, c. 836)

CHAPTER 3. COUNCIL.

§ 3.1. Composition; election and qualification.--The administration and government of the town of Broadway shall be vested in the town council composed of a mayor and six councilmen, all of whom shall be electors of the town. The town shall be governed under the general councilmanic plan. The mayor and councilmen shall be elected from the town at large. (1978, c. 836)

§ 3.2. Terms of office.--All councilmanic elections shall be held in accordance with general law. Commencing in 1984, and every even-numbered year thereafter, there shall be elected three councilmen to serve four-year terms. Their terms shall commence July 1 of the year in which the election is held.

In the May 1982 general election the two members elected shall take office July 1 following their election and hold such office for a term of four years.

In the May 1983 general election the two members elected shall take office July 1 following their election and hold office as follows: the councilman receiving the highest number of votes shall serve a term of three years; the councilman receiving the second highest number of votes shall serve a term of one year. Thereafter, all terms shall be for four years.

Each councilman elected as hereinabove provided shall serve for the term stated or until his successor has been elected and duly qualified in office. (1978, c. 836; 1982, c. 9)

§ 3.3. Vacancies.--Any vacancy on the town council shall be filled for the unexpired term within thirty days by a majority vote of the remaining members of the town council; provided, however, that if the term of office to be filled does not expire for one year or more after the next regular municipal election following such vacancy and such vacancy occurs in time to permit it, then the council shall fill such vacancy only for the period then remaining until such election, and a qualified person shall then be elected by the qualified voters and shall from and after the date of his election and qualification succeed such appointee and serve the unexpired term.

The number of candidates for council equal to the number of vacancies to be filled for full terms receiving the highest number of votes shall be entitled to such full terms and the candidates receiving the next highest number of votes shall be entitled to the unexpired term caused by such vacancy. (1978, c. 836)

§ 3.4. Disqualification and expulsion.--The town council shall be judge of the election, qualifications and returns of its members; it may compel the attendance of absent members and fine them for disorderly behavior, and, with the concurrence of two-thirds of the members, expel a member for malfeasance while in office. If any member of the council shall be adjudged by the council disqualified or be expelled, his seat shall be declared vacant and a new election to fill the vacancy shall be held at the same place, on such day as the council may prescribe. (1978, c. 836)

§ 3.5. Absenteeism.--If any member of the council be voluntarily absent from its meetings consecutively for three months, his seat may be declared vacant by the council, and the unexpired term filled by appointment or election as provided in § 3.3 herein. (1978, c. 836)

§ 3.6. Quorum; reconsideration of action.--Any four councilmen shall constitute a quorum for the transaction of business except as herein or by the general statutes of the Commonwealth otherwise provided. No vote taken at any meeting shall be reconsidered or rescinded at any subsequent special meeting unless at such special meeting there are as many members of the town council present as were present when such vote was taken. (1978, c. 836)

§ 3.7. Rules and special meetings.--The council shall by ordinance adopt such rules, regulations and resolutions as it may deem proper for the regulations of its proceedings and shall meet at such time as may be prescribed by ordinance, provided, however, that it shall hold at least one regular meeting each month. The mayor or any other two members of the council, may call a special meeting of the council upon at least twelve hours written notice to each member of the time, place and purpose of such meeting, which notice is to be served personally or left at each member's usual place of business or residence by a town policeman or officer, and no business shall be transacted by the council in such special meetings which has not been stated in the notice, provided, however, that these regulations shall not apply when all members of the council attend such meeting or waive notice thereof, nor shall it apply to an adjourned session from a regular meeting. (1978, c. 836)

§ 3.8. Meetings to be public.--The meetings of the council shall be public, unless the council by a recorded affirmative vote of two-thirds of its members shall declare that the public welfare demands an executive session of the council for any reason as set forth in the Virginia Freedom of Information Act. (1978, c. 836)

§ 3.9. Salaries.--The town council is hereby authorized and empowered by ordinance passed by the affirmative recorded vote of two-thirds of the full membership thereof, to be determined by yeas and nays, to provide and fix salaries for its members, in accordance with the provisions of law in such amounts for each member, as it may determine, to be payable in such amounts and at such time or times as it may direct.

No such ordinance shall be passed by the council on the same day on which it is introduced, nor shall it be valid until at least three days intervene between its introduction and the date of passage.

The council may provide and fix the salaries for its members, on the basis of stated amounts of sums, for each regular meeting of council attended by members, and may prescribe that no member shall receive any compensation for any meeting of the council not attended by such member.

Such salaries, when provided and fixed, shall be payable out of the general funds of the town when approved for payment by the council. Salaries shall not be diminished during the member's term of office. (1978, c. 836)

§ 3.10. Ineligibility to hold certain offices.--No member of the town council during his tenure of office as such shall be eligible to appointment to any remunerative office to be filled by the council. (1978, c. 836)

§ 3.11. 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 reason of the expiration of the term of office or removal of any of its members. (1978, c. 836)

§ 3.12. Journal of proceedings.--A journal shall be kept of the proceedings of the town council, and at the request of any member present the yeas and nays shall be

recorded on any question. At the next meeting the proceedings shall be read and signed by the person who was presiding when the previous meeting adjourned, or if he be not then present, by the person presiding when they were read.

The clerk of the council shall keep the journal and shall record the proceedings of the council at large thereon, and keep the same properly indexed. Further, the journal and other minutes and records of the council shall be open for public viewing at any reasonable time upon the request of any citizen. (1978, c. 836)

§ 3.13. General grant of powers to council.--The town council shall have all powers and authority that are now or may hereafter be granted to councils of towns by the Constitution and general laws of the Commonwealth of Virginia and by this charter and the recital of special powers and authorities herein shall not be taken to exclude the exercise of any power and authority granted by the general laws of the Commonwealth to the town councils, but not herein specified. (1978, c. 836)

CHAPTER 4.

MAYOR.

§ 4.1. Term of office and salary.--The mayor shall be elected by the qualified electors of the town for a term of two years. In the general municipal election in May 1978, a mayor shall be elected to serve a term from September 1, 1978, through June 30, 1980. Thereafter, he shall serve a two-year term beginning on July 1 of each even-numbered year.

His salary shall be fixed by the town council by ordinance in accordance with the provisions of law and shall not be diminished during his term of office.

No such ordinance shall be passed by the council on the same day on which it is introduced, nor shall it be valid until at least three days intervene between its introduction and the date of passage. (1978, c. 836)

§ 4.2. Powers and duties.--The mayor shall be the chief executive officer of the town and it shall be his duty to see that the laws and ordinances thereof are fully executed; further, he shall preside over the meetings of the town council and possess the same power to vote as any councilman on the town council. (1978, c. 836)

§ 4.3. Vice-mayor.--At the first or organizational meeting of the town council held in each year the town council shall elect from its members, by a majority vote of the members elected, a vice-mayor who shall serve for a term of one year. During the absence of the mayor or the inability of the mayor to act, the vice-mayor shall possess the powers and discharge the duties of the mayor. (1978, c. 836)

§ 4.4. Absence or inability to act.--If both the mayor and 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. 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. (1978, c. 836)

§ 4.5. Vacancy in office.--In case a vacancy shall occur in the office of the mayor, the vacancy shall be filled in the same manner provided for filling councilmanic vacancies in § 3.3 of this charter. (1978, c. 836)

§ 4.6. Annual report.--The mayor shall communicate to the town council annually at the beginning of each fiscal year, or more often if he be required by the council, a general statement of the condition of the town in relation to its government, finances and improvements, with such recommendations as he may deem proper; and may from time to time communicate to the council such suggestions and recommendations as he shall deem expedient. (1978, c. 836)

CHAPTER 5. APPOINTIVE OFFICERS.

§ 5.1. Appointment.--The town council may appoint such officers of the town as it may deem necessary. Such officers may include but shall not be limited to, a town manager, town treasurer, clerk of the council, town attorney, chief of police and such other officers as may be provided for by the town council. The enumeration of officers in this section shall not be construed to require the appointment of any such officers named herein. Officers appointed by the town council shall perform such duties as may be specified in this charter or by the town council.

The council may further appoint such committees of the council and create such boards, departments and commissions of town government and administration with such powers and duties and subject to such regulations as it may see fit, consistent with the provisions of this charter and the general laws of the Commonwealth. (1978, c. 836)

§ 5.2. Employees' salaries, duties and powers generally.--The council shall by ordinance fix the salaries of all officers and employees of the town appointed by it, or appointed by its authority and may so far as is not inconsistent with the provisions of this charter, define the powers and prescribe the duties of all such officers and employees. To effectuate the powers conferred by general law as well as the powers herein specifically granted, the council may employ all such persons as may be necessary. (1978, c. 836)

§ 5.3. Term of office; removal.--All appointive officers shall serve an indefinite term from the date of their appointment. All officers and employees appointed may be removed by the town council at its pleasure, and where the appointment is by a committee or board, or where such appointment is by the mayor, or head of a department, such removal may be by order of the mayor or head of department. (1978, c. 836)

§ 5.4. Filling two offices.--It shall be lawful for any officer appointed by the council, any committee, municipal board, or the head of any department to fill two or more of the offices, whose incumbents are appointed by the council or by any appointing power designated by the council, subject to the same penalties, liabilities and requirements as to each of such offices as would apply to the incumbents thereof if held by different persons. (1978, c. 836)

§ 5.5. Vacancies.--Upon the removal, expulsion, death or disability of any appointive officer, the town council shall fill any vacancy in such office as it deems best. (1978, c. 836)

§ 5.6. Town manager; appointment and qualification.--The council of the town of Broadway, may, in its discretion, appoint a town manager who may also serve as town engineer. Upon his appointment, he shall be vested with the administrative powers of the town and shall hold office for an indefinite term. He shall receive such compensation as

shall be fixed by the council from time to time. He shall be chosen solely on the basis of his executive and administrative qualifications, with special reference to his actual experience in or knowledge of accepted practices with respect to the duties of his office. (1978, c. 836)

§ 5.7. Town manager; duties.--It shall be the duty of the town manager to:

A. attend all meetings of the town council with the right to speak but not to vote, recommending for adoption such measures as he shall deem expedient;

B. keep the town council advised of the financial condition and the future needs of the town and of all matters pertaining to its proper administration, and make such recommendations as may seem to him desirable;

C. prepare and submit a tentative annual budget to the town council for each fiscal year and be responsible for its administration after its adoption;

D. prepare and present adequate financial and activity reports as required by the town council;

E. perform such other duties as may be prescribed by this charter or required of him in accordance therewith by the town council or which may be required of a town manager by the general laws of the Commonwealth. (1978, c. 836)

§ 5.8. Clerk.--It shall be the duty of the town clerk to:

A. attend all meetings of the town council and keep permanent records of its proceedings;

B. be custodian of the town seal and affix it to all documents and instruments requiring the seal and attest the same;

C. keep all papers, documents and records pertaining to the town, the custody of which is not otherwise provided for in this charter;

D. give notice to all parties, presenting petitions or communications;

E. give to the proper department or officials ample notice of the expiration or termination of any franchise contract or agreements;

F. publish such records and ordinances as the council is required to publish and such other records and ordinances as it may direct;

G. upon final passage transmit to the proper departments or officials copies of all ordinances or resolutions of the council relating in any way to such departments or to the duties of such officials;

H. perform such other acts and duties as the council may from time to time allow or require. (1978, c. 836)

§ 5.9. Treasurer.--It shall be the duty of the treasurer to:

A. be the disbursing agent of the town and have the custody of all money and all evidences of value belonging to the town or held in trust by the town;

B. receive all money belonging to and received by the town and keep correct accounts of all receipts from all sources and of all expenditures of all departments;

C. collect all taxes and assessments, water rents, electric bills and other charges belonging and payable to the town, and for that purpose he is hereby vested with power similar to those which are now or may hereafter be vested in county and town treasurers for the collection of county, town and State taxes under the general law;

D. keep, disburse and deposit all money or funds in such manner and in such places as may be determined by ordinance or the provisions of the law applicable thereto;

E. pay no money out of the treasury except in the manner prescribed in this charter or by ordinance or the general law;

F. perform such duties as are usually incident to the office of commissioner of revenue in relation to the assessment of property for town taxation and town license taxes and shall have power to administer oaths in the performance of his official duties;

G. make such reports and perform such other duties not inconsistent with the office as may be required by this charter or by ordinance or resolution of the council;

H. execute a bond in such amount and with such security as the council by ordinance may prescribe before entering upon the duties of his office;

I. not be entitled to any commission for handling the funds of the town but shall be paid such salary as may be provided by the council;

J. be subject to the supervision of the council of the town of Broadway and perform such other duties not inconsistent with his office as may be required of him by the town council. (1978, c. 836)

§ 5.10. Chief of police.--As provided by the provisions of § 15.1-796 of the Code of Virginia, there shall not be created in the town of Broadway the office of town sergeant. However, if the council should see fit to appoint a chief of police he shall qualify and give bond in such amount as the council may require. He shall be vested with powers of the conservator of the peace and shall have the same powers and discharge the same duties as sheriffs within the corporate limits of the town and to a distance of one mile beyond the same, and shall perform such other duties as may be from time to time prescribed by the council.

The council shall have the additional power and authority to appoint such additional police officers and privates as it may deem necessary or proper. The entire police force shall be under the control of the town council for the purpose of enforcing peace and order and executing the laws of the State and ordinances of the town. (1978, c. 836)

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. (1978, c. 836)

§ 6.2. Two-thirds vote required for taxes or borrowing.--Notwithstanding the requirements of quorum for the transaction of business as provided in § 3.6 hereinabove, no ordinance or resolution shall be adopted having for its object the levying of taxes or contracting a debt except by a recorded, affirmative vote of two-thirds of the members serving on the council. (1978, c. 836)

§ 6.3. Second reading required for taxes or borrowing.--No ordinance or resolution imposing taxes or authorizing the borrowing of money, shall be passed by the council on the same day on which it is introduced, nor shall any such ordinance or resolution be valid until at least three days intervene between its introduction and the date of passage. (1978, c. 836)

§ 6.4. Majority vote required for appropriations.--No ordinance or resolution appropriating money shall be passed except by the recorded, affirmative vote of a majority of all members serving on the council. (1978, c. 836)

§ 6.5. Temporary debt.--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 as provided by law; such bonds or notes shall be payable within one year from date of issue out of the current revenue of the year in which the same are issued. (1978, c. 836)

§ 6.6. Sinking fund.--There may be set apart annually from the revenues of the town a sinking fund sufficient in amount to pay the outstanding indebtedness of the town, which by its terms, is payable in not less than one year as it matures, and the council may, in its discretion annually from time to time, set aside such additional sinking fund as may be deemed proper, and invest all of the sinking fund as hereinafter set forth.

All sinking funds shall be used exclusively in the payment or purchase and redemption of the outstanding bonds of the town, and when such sinking funds are not required or may not within a reasonable time be required for payment of any bond of the town, or cannot be used to advantage in the purchase and redemption of any bonds of the town, which may be outstanding, the same shall be securely invested in interest-bearing municipal, State or government bonds or loaned upon otherwise unencumbered real estate, within the town of Broadway upon the basis hereinabove provided, or invested in any securities approved by the general laws of the Commonwealth for the investment of such funds, or deposited in a bank at a reasonable rate of interest. Such sinking fund may be used in the payment or purchase and redemption of all bonds of the town at the discretion of the council. (1978, c. 836)

§ 6.7. Signatures and seal.--All bonds and other evidences of indebtedness of the town shall be signed by the mayor and countersigned by the clerk of the council, and to all bonds the clerk of the council shall affix the corporate seal of the town and attest the same. (1978, c. 836)

CHAPTER 7. MISCELLANEOUS.

§ 7.1. Electors.--The electors of the town of Broadway shall be the actual residents of the town who are otherwise qualified to vote in State elections. (1978, c. 836)

§ 7.2. 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. (1978, c. 836)

§ 7.3. Oaths and qualifications.--The mayor, councilmen and all municipal officers shall, before entering upon the duties of their respective offices, be sworn and give bond in accordance with the laws of the Commonwealth of Virginia. A record or certificate of the same shall be filed as required by State law. Failure of any officer to qualify as required by State law vacates the office, which vacancy shall be filled as hereinabove provided. (1978, c. 836)

§ 7.4. Duties upon vacating office; penalty.--If any person, having been an officer or employee of the town, shall not within ten days after he shall have vacated or been removed from office or employment, and upon notification or request of the council within such time as it may allow, deliver to his successor in office all property, books and papers belonging to the town or appertaining to such office, in his possession or under his control, he shall forfeit and pay to the town a sum not exceeding five hundred dollars, to be sued for and recovered with costs; and all books, records and documents used in any office by virtue of any provision of this charter, or of any ordinances or order of the town council, or any superior officer of the town, shall be deemed the property of the town and

appertaining to such office, and the chief officer thereof shall be held responsible therefor. (1978, c. 836)

§ 7.5. Rewards.--The town council shall have the power and authority, where any crime has been committed or attempted to be committed in the town, in its discretion, to offer such reward as it deems appropriate to any person or persons for information leading to the arrest or conviction of any such criminal. (1978, c. 836)

§ 7.6. Shows, circuses, etc.--The town council shall have the power to regulate the holding and location of shows, circuses, public exhibitions, carnivals, and other similar shows or fairs, within the town or within one mile thereof. (1978, c. 836)

§ 7.7. Fire protection.--The town council shall have the power and authority to establish and maintain a fire department for the town, and all powers necessary for the government, management, maintenance, equipment and direction of such fire department and the premises, property and equipment thereof; or the council may contract with other persons, firms, corporations or organizations to furnish for the town such services as are normally provided by a fire department and to provide such regulations as it may determine appropriate to govern such persons, firms, corporations or organizations in the performance of its functions under such contracts. The council may make ordinances as it may deem proper for the prevention and extinguishment of fires, for the regulation of the conduct of persons in attendance at fires, in relation to the powers and duties of the officers and men of the fire department, to require citizens to render assistance to the fire department in case of need, and in relation to the acquisition, use, maintenance and preservation of real estate, personal property, fire apparatus and equipment necessary or proper for the use of the fire department. (1978, c. 836)

§ 7.8. Ordinances continued in force.--All ordinances now in force in the town of Broadway, not inconsistent with this charter, shall be and remain in force until altered, amended or repealed by the town council. (1978, c. 836)

§ 7.9. Present officers to continue.--The present officers of the town shall be and remain in office until expiration of their several terms, and until their successors have been duly elected or appointed and qualified. (1978, c. 836)

§ 7.10. 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. (1978, c. 836)

§ 7.11. Reference.--This act may for all purposes be referred to or cited as the Broadway Charter of 1978. (1978, c. 836)