

DAYTON, TOWN OF
Located in County of Rockingham.
Established 1833 by General Assembly.

Charter, 1833, c. 204; repealed 1852, c. 376.

Charter, 1852, c. 376, incorporated and charter; powers per 54th Chapter of Code of Virginia; repealed 1880, c. 302.

Charter, 1880, c. 302; repealed 1988, c. 136.

Charter, 1892, c. 424, rewrote chapter 302; repealed 1988, c. 136.

Charter, 1912, c. 73, rewrote chapters 302 and 424; repealed 1988, c. 136.

Charter, 1988, c. 136.

Amended 1999, c. 300 (§§ 2.2, 3.5, 4.5).

Chapter 1.
Incorporation and Boundaries.

§ 1. Incorporation.

The inhabitants of the territory comprised within the present limits of the Town of Dayton, as such limits may 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 Dayton, 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 ordinance. (1988, c. 136)

§ 1.2. Boundaries.

The boundaries of the town, until altered, shall be as recorded in the Clerk's Office of the Circuit Court of Rockingham County, Virginia, in Deed Book 884 at page 264. (1988, c. 136)

Chapter 2.
Powers.

§ 2.1. General grant of powers.

The town shall have and may exercise all powers which are now or hereafter may be conferred upon or delegated to towns under the Constitution and the laws of the Commonwealth of Virginia as fully and completely as if such powers were specifically enumerated in this charter. No enumeration of particular powers in this charter shall be held to exclude other, unmentioned powers. 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 upon the town as a municipal corporation. (1988, c. 136)

§ 2.2. Adoption of powers granted by the General Assembly.

In addition to the powers in § 2.1 of this charter the town is granted, but not limited to, all powers set forth in Chapter 9 (§ 15.2-900 et seq.) and Chapter 11 (§ 15.2-1100 et seq.) of Title 15.2 of the Code of Virginia, 1950, including subsequent amendments and recodifications thereof. (1988, c. 136; 1999, c. 300)

Chapter 3. Elected Officers.

§ 3.1. Government of town.

The town shall be governed by a council composed of seven members and a mayor, all of whom shall be qualified voters in the town. (1988, c. 136)

§ 3.2. Mayor.

The mayor shall be the chief executive of the town. He shall have and exercise all the privileges and authority conferred by general law not inconsistent with this charter. He shall preside over the meetings of the council and shall have the right to speak therein. He shall have a vote as a member of the council, but shall have no veto power. He shall be the head of town government for all ceremonial purposes and shall perform such other duties consistent with his office as may be imposed by the council. He shall see that the duties of the various town officers are faithfully performed and shall authenticate his signature on such documents or instruments as the council, this charter, or the laws of the Commonwealth shall require. (1988, c. 136)

§ 3.3. Vice-Mayor.

The chairman of the council's finance committee shall serve as vice-mayor, and shall possess the powers and discharge the duties of the mayor during any absence or disability of the mayor. (1988, c. 136)

§ 3.4. Council as a continuing body.

The council shall be a continuing body, and no measure pending before it nor any contract or obligation incurred shall abate or be discontinued because of the expiration of the term of office or the removal of any council members. (1988, c. 136)

§ 3.5. Election of mayor and members of council.

The mayor and members of council shall be elected by the qualified voters of the town in the manner provided by law from the town at large. The council and mayor in office at the time of the adoption of this charter shall continue in office until the expiration of the terms for which they were elected or until their successors are elected and qualified. The term of office for members of the council shall be four years, and the term of office for the mayor shall be two years, or until their successors are elected and qualified. Thus an election for four council members and the mayor shall be held in 2000, and an election for the remaining three council members and the mayor shall be held in 2002. All elections of the mayor and council members shall take place on the Tuesday after the first Monday in November. Persons elected under this section shall take office on January 1 following their election. (1988, c. 136; 1999, c. 300)

§ 3.6. Vacancies.

Vacancies on the council shall be filled for the unexpired term from among the qualified voters of the town by a majority vote of the remaining members of the council. A vacancy in the office of mayor shall be filled for the unexpired term from among the qualified voters of the town by a majority vote of the council. (1988, c. 136)

§ 3.7. Meetings of the council.

The council shall fix the time of its regular meetings, which shall be at least once each month. Except as provided in this charter or the laws of the Commonwealth, the council shall follow Robert's Rules of Order, latest edition, for rules of procedure necessary for the orderly conduction of its business. Its meetings shall be open to the public unless an executive session is called according to law. Special meetings may be

called at any time by the mayor provided that all council members are given reasonable notice. Any four members of the council may also call special meetings, provided that other members of the council and the mayor are given reasonable notice. No business shall be transacted at the special meeting except that for which it is called. (1988, c. 136)

§ 3.8. Committees.

The mayor shall establish committees consisting of members of the council, including a finance committee and such other committees as he shall deem appropriate. Following the qualification of council members and the mayor after the town's biennial elections, and at such other times as he deems appropriate, the mayor shall assign the council members to the various committees and shall name the respective chairmen. (1988, c. 136)

§ 3.9. Compensation.

Compensation for the mayor, council members and all appointed officers shall be set by the council subject to any limitations placed thereon by the laws of the Commonwealth of Virginia. (1988, c. 136)

Chapter 4.
Appointed Officers.

§ 4.1. Town superintendent.

The council may appoint a town superintendent who shall be responsible to the council for the proper administration of all affairs of the town, for the control and supervision of all town departments, employees, and property, and for any other duties prescribed by the council. (1988, c. 136)

§ 4.2. Town treasurer.

The council may appoint a town treasurer, whose duties shall be to receive all money belonging to the town, to keep correct accounts of all receipts from all sources and of all expenditures, to be responsible for the collection of all license fees, taxes, levies, and charges due to the town, to disburse the funds of the town as council may direct, and other duties as prescribed by the council. (1988, c. 136)

§ 4.3. Town attorney.

The council may appoint a town attorney, who shall be an attorney at law licensed to practice under the laws of the Commonwealth. The town attorney shall receive such compensation as provided by the council and shall have such duties as prescribed by the council. (1988, c. 136)

§ 4.4. Police chief.

The council in its discretion may provide for a Chief of Police whose duties shall be as prescribed by the council. (1988, c. 136)

§ 4.5. Recorder.

The council may appoint a recorder whose duties shall be prescribed by the council. (1988, c. 136; 1999, c. 300)

§ 4.6. Other officers.

The council may appoint any other officers as it deems necessary and proper. (1988, c. 136)

§ 4.7. Terms of office.

Appointees under this chapter shall serve at the pleasure of the council. The council may fill any vacancy in any appointive office. (1988, c. 136)

Chapter 5.

Financial Provisions.

§ 5.1. Fiscal year.

The fiscal year of the town shall begin on July 1 of each year and end on June 30 of the following year. (1988, c. 136)

Chapter 6.

Miscellaneous.

§ 6.1. Existing ordinances.

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. (1988, c. 136)

§ 6.2. Severability of provisions of this charter.

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. (1988, c. 136)