

PART II

THE CODE

CHAPTER 1

Division 1 - Town Code

- Sec. 1-1. How Code designated and cited.
- Sec. 1-2. Rules of construction and definitions.
- Sec. 1-3. Provisions considered as continuations of existing ordinances.
- Sec. 1-4. Severability of parts of Code.
- Sec. 1-5. Catchlines of sections.

Division 2 - Administration

Article I. In General

- Sec. 1-6. Fiscal year.
- Sec. 1-7. Loan or rental of town equipment.
- Sec. 1-8. Execution of checks for disbursement of town funds.
- Sec. 1-9. Town Funds.

Article II. Town Council

Part 1. Generally

- Sec. 1-10. When regular meetings held.
- Sec. 1-11. How Town Council convened.
- Sec. 1-12. Adjournment in absence of quorum.
- Sec. 1-13. Order of proceedings.
- Sec. 1-14. Rules of procedure.
- Sec. 1-15. Permission required for member to absent self from meeting.

Part 2. Standing Committees

- Sec. 1-16. Standing Committees.
- Sec. 1-17. Same - Duties.

Article III. Mayor

- Sec. 1-18. Powers and duties generally.
- Sec. 1-19. Employment, etc., of labor, etc.
- Sec. 1-20. Vice-Mayor.

Article IV. Town Treasurer

- Sec. 1-21. Establishment of appointment and terms.
- Sec. 1-22. Bond.
- Sec. 1-23. Receipt and deposit of taxes, etc.
- Sec. 1-24. Right of distress, levy, etc.
- Sec. 1-25. Bankbooks and checkbooks; checks and vouchers.
- Sec. 1-26. How books to be kept.
- Sec. 1-27. Inspection of books and records.
- Sec. 1-28. Annual audit and report.

Article V. Town Clerk

- Sec. 1-29. Establishment of position; appointment and term.
- Sec. 1-30. Attendance at Town Council meetings.
- Sec. 1-31. Journal of Town Council proceedings; attestation and publication of ordinances, etc., ordered published.
- Sec. 1-32. Transmission to Town Council of reports of Town officers.
- Sec. 1-33. Additional books and records.
- Sec. 1-34. Examination of books and papers.
- Sec. 1-35. Notice of coming Town elections.

Article VI. Town Attorney

- Sec. 1-36. Establishment of position; appointment and term.
- Sec. 1-37. Powers and duties.

Article VII. Chief of Police, etc.

- Sec. 1-38. Town sergeant as Chief of Police; subordinate officers.
- Sec. 1-39. Powers and duties of Chief of Police generally.

Article VIII. Town Manager

- Sec. 1-40. Establishment of position; appointment and term.
Sec. 1-41. Duties - General.

Article IX. Ordinances and Resolutions

- Sec. 1-42. Procedure for adoption of ordinances and resolutions; when effective.
Sec. 1-43. Amendment, etc., of ordinances.
Sec. 1-44. Numbering of ordinances.
Sec. 1-45. Ordinance book - Entering ordinances.
Sec. 1-46. Same - Notation of amending or repealing ordinances.
Sec. 1-47. Voting place.

Sec. 1-1. How Code designated and cited.

The ordinances embraced in this and the following chapters and sections shall constitute and be designated "The Code of the Town of Hurt, Virginia" and may be so cited. Such ordinances may also be cited as "Hurt Town Code".

Sec. 1-2. Rules of construction and definitions.

In the interpretation and construction of this Code and of all ordinances and resolutions of the Town, the following rules of construction and definitions shall be observed, unless they are inconsistent with the manifest intent of the council or the context clearly requires otherwise:

Bond. When a bond is required, an undertaking in writing with such surety, if any, as the council may direct, shall be sufficient.

*Computation of time.*¹ The time within which an act is to be done shall be computed by excluding the first and including the last day; and if the last day be Sunday or a legal holiday, that day shall be excluded.

Council. The words "council" or "the council" shall mean the Town of Hurt, Virginia.

County. The words "county" or "the county" shall mean the County of Pittsylvania in the State of Virginia.

1. Va. Code Ref. Sec. 1-13 and 1-13.27

*Following.*¹ The word "following" when used by way of reference to any section, shall be construed to mean next following that in which such reference is made.

*Gender.*² A word importing the masculine gender only may extend and be applied to females and to corporations as well as males.

Health officer. The term "health officer" shall be taken to mean the Director of Public Health of Pittsylvania County or his authorized representative.

In the Town. The words "in the town" shall mean any territory jurisdiction of which for the exercise of its regulatory power has been conferred on the Town by public or private law.

Month. The word "month" shall mean a calendar month.

*Number.*³ A word importing the singular number only may extend and be applied to several persons or things, as well as to one person or thing; and a word importing the plural number only may extend and be applied to one person or thing, as well as to several persons or things.

*Oath.*⁴ The word "oath" shall be construed to include an affirmation in all cases in which by law an affirmation may be substituted for an oath.

Occupant or tenant. The word "occupant" or "tenant" applied to a building or land, shall mean any person who holds a written or oral lease of or actually occupies the whole or a part of such building or land, either alone or with others.

Official time standard. Whenever particular hours are specified in this Code relating to the time within which any act shall or shall not be performed by any person, the time applicable shall be Eastern Standard Time or Eastern Daylight Saving Time, whichever may be in current use in the Town.

Owner. The word "owner" applied to a building or land, shall include any part owner, joint owner, tenant in common, joint tenant or tenant by the entirety, of the whole or part of such building or land.

*Person.*⁵ The word "person" may extend and be applied to bodies politic and corporate as well as individuals.

*Preceding.*⁶ The word "preceding" when used by way of reference to any section, shall be construed to mean next preceding that in which such reference is made.

1. Va. Code Ref. Sec. 1-13.6
2. Va. Code Ref. Sec. 1-13.7
3. Va. Code Ref. Sec. 1-13.15
4. Va. Code Ref. Sec. 1-13.16
5. Va. Code Ref. Sec. 1-13.19
6. Va. Code Ref. Sec. 1-13.23

Property. The word "property" shall mean real, personal or mixed property.

Public grounds. The words "public grounds" shall mean the parks and all public lands owned by the Town, and those parts of public places which do not form travelled parts of streets as defined in this section.

Shall. The word "shall" shall be mandatory.

Sidewalk. The word "sidewalk" shall mean any portion of a street between the curb line, or the lateral lines of a roadway where there is no curb, and the adjacent property line intended for the use of pedestrians.

Signature, subscription. The words "signature" and "subscription" shall include a mark when the person cannot write, his name being written near it and being witnessed by a person who writes his own name as a witness.

State. The words "state" or "the state" shall mean the State of Virginia.

Street. The word "street" shall include avenue, boulevards, highways, roads, alleys, lanes, viaducts, bridges and the approaches thereto and all other public thoroughfares in the Town, and shall mean the entire width thereof between the abutting property lines. It shall be construed to include a sidewalk or footpath, unless the contrary is expressed or unless such construction would be inconsistent with the manifest intent of the council.

*Swear, sworn.*¹ The word "swear" or "sworn" shall be equivalent to the word "affirm" or "affirmed" in all cases in which by law an affirmation may be substituted for an oath.

Town. The words "town" or "the town" shall mean the Town of Hurt, in the County of Pittsylvania and State of Virginia.

Written, in writing. The words "written" and "in writing" shall include typewriting, printing on paper and any other mode of representing words and letters.

Sec. 1-3. Provisions considered as continuations of existing ordinances.

The provisions appearing in this Code so far as they are the same as those of the ordinances adopted by the Town Council included herein shall be considered as continuations thereof and not as new enactments.

Sec. 1-4. Severability of parts of Code.

It is hereby declared to be the intention of the Town Council that the sections, paragraphs, sentences, clauses and phrases of this Code are severable, and if any phrase, clause, sentence, paragraph or section of this Code shall be declared unconstitutional or invalid by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality or invalidity shall not effect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Code.

1. Va. Code Ref. Sec. 1-13.28

Sec. 1-5. Catchlines of Sections.¹

The headlines of the several sections of this Code are intended as mere catchwords to indicate the contents of the section and shall not be deemed or taken to be titles of such sections, nor as any part of the section, nor, unless expressly so provided shall they be so deemed when any of such sections, including the headlines are amended or re-enacted.

Article I. In General

Sec. 1-6. Fiscal year.

The fiscal year of the Town shall begin on the first day of July of each year and shall end on the following thirtieth day of June.

Sec. 1-7. Loan or rental of Town equipment.

No Town equipment shall be loaned for any purpose. Such equipment may be rented in accordance with the provisions of this section if such rental does not interfere with the Town work and if approved by the Town Manager. The rental of the various pieces of the equipment shall be at such rate and upon such conditions as the Town Council may establish and charges for the operator shall be included in such rental. Minimum rental time shall be one hour.

Sec. 1-8. Execution of checks for disbursement of Town funds.²

The Town clerk is hereby authorized to sign checks for duly authorized disbursements of Town funds, which checks also shall be countersigned by the Mayor or Vice-Mayor.

Sec. 1-9. Town funds.

All monetary funds belonging to the Town of Hurt shall be secured by deposits in a qualified public depository as defined in the Virginia Security for Public Deposits Act, and the Town elects to become a public depositor under the terms of the aforesaid Act.

1. Va. Code Ref. Sec. 1-13.9
2. As to duties of Town Treasurer with reference to bankbooks, checkbooks, checks and vouchers, see Sec. 1-25 of this Code.

Article II. Town Council

Part 1. Generally

Sec. 1-10. When regular meetings held.

The regular meetings of the Town Council shall be held on the first Tuesday of each month at 7:30 P.M., unless the Town Council shall direct that such meeting shall be held at some other hour. When any regular meeting falls on a legal holiday, such regular meeting shall then be held upon the next Tuesday following.

Sec. 1-11. How Town Council convened.¹

The Town Council of the Town may be convened at any time upon the call of the Clerk at the instance of the Mayor or any three councilmen, in writing.

Sec. 1-12. Adjournment in absence of quorum.

If a quorum of the Town Council, as provided in section 3 (5) of the Charter fail to attend within half an hour after the appointed time of meeting, those present may adjourn to such time as they may deem proper, and the Town Clerk shall enter the names of those present and those absent on the journal.

Sec. 1-13. Order of proceedings.

The order of the proceedings of the Town Council, at a Town Council meeting, shall be as follows:

- A. Roll Call.
- B. Reading of minutes.
- C. Consideration of accounts and appropriations.
- D. Reports of officers.
- E. Reports of standing committees.
- F. Reports of special committees.
- G. Unfinished business.
- H. Communications and new business.

Sec. 1-14. Rules of procedure.²

The proceedings of the Town Council, except as its own rules of procedure may otherwise provide, shall be conducted according to the same rules of procedure

1. Va. Code Ref. Sec. 15.1-832
2. Va. Code Ref. Sec. 15.1-826

as those used by the House of Delegates of the State. No rule shall be suspended except with the concurrence of three of the members of the Town Council.

Sec. 1-15. Permission required for member to absent self from meeting.

After a member of the Town Council, at any meeting, has been recorded as present, he shall not, without the permission of the presiding officer, absent himself from such meeting until the adjournment.

Part 2. Standing Committees

Sec. 1-16. Standing Committees.

The Mayor shall, at the first regular meeting of the Town Council after new councilmen chosen at any election shall qualify, appoint the following standing committees:

- A. Committee on budget and finance.
- B. Committee on economic development.
- C. Committee on human resources, legal and police.
- D. Committee on public works and public relations.

Sec. 1-17. Same - Duties.

It shall be the duty of each of the Committees referred to in section 1-16, to exercise general supervision of those matters and things which belong to, affect or pertain to its department of the public affairs, and to report thereon to the Town Council at each regular meeting, or whenever such report is called for by the Mayor or Town Council. Each committee shall have authority, with approval of the Mayor, to cause repairs to be made and evils to be remedied affecting those things belonging to its department where such repairs or remedies are too urgent to be delayed and the cost thereof does not exceed two hundred and fifty dollars. A detailed report of such expenditure shall be made to the Town Council at the next regular meeting after such expenditure.

Replacement Page. (Sec. 1-16 amended 1/6/15)

Article III. Mayor¹

Sec. 1-18. Powers and duties generally.

The Mayor shall perform the duties prescribed in the Charter and shall exercise general supervision of all the Town's rights, franchises, properties and affairs, and shall perform such duties and functions as he may be directed to perform by the Town Council.

Sec. 1-19. Employment, etc., of labor, etc.

The Mayor shall employ such labor and purchase or hire such vehicles and purchase such materials and tools for work on the streets and public works of the Town as he may deem proper, when so authorized by the Town Council.

Sec. 1-20. Vice-Mayor.

The Town Council shall select, from the membership of the Town Council, a Vice-Mayor who shall function as Mayor in event of the disability or absence of the mayor and who shall perform such further duties as may be required of him by the Town Council.

Article IV. Town Treasurer

Sec. 1-21. Establishment of appointment and terms.

There is hereby established the position of Town Treasurer who shall hold office for a term of three years.

Sec. 1-22. Bond.

Before entering upon the duties of his office, the Town Treasurer shall execute a bond, the premium for which shall be paid by the Town, with surety approved by the Town Council in the penalty of five thousand dollars, conditioned upon the faithful performance of the duties of his office, for the proper collection of and accounting for all moneys which shall come into his hands or which it shall be his duty to collect and for the payment of all moneys by him, on proper order of the Town Council, to those entitled to receive the same.

1. As to authority of Mayor and Vice-Mayor to countersign checks for disbursement of Town funds, see Sec. 1-8 of this Code.

Sec. 1-23. Receipt and deposit of taxes, etc.

The Town Treasurer shall receive all taxes, license taxes, assessments and other money, revenues, and funds belonging to the Town, and deposit the same in such bank as he may deem proper or as may be directed by the Town Council.

Sec. 1-24. Right of distress, levy, etc.

For the purpose of collecting taxes, license taxes, assessments and other money, revenues and funds due the Town, the Town Treasurer shall have the right of distress, levy, attachment and all other remedies provided by general law.

Sec. 1-25. Bankbooks and checkbooks; checks and vouchers.

The Town Treasurer shall keep the bankbooks and checkbooks so that such books will accurately reflect the state of his accounts. Each check shall be drawn payable to the order of the person for whose benefit it is drawn and shall contain a notation on its face which will indicate the purpose for which it is drawn. All checks and vouchers shall be carefully preserved.

Sec. 1-26. How books to be kept.

The Town Treasurer shall keep his books so that all receipts and disbursements and the source and character of the same may appear and that a true and accurate understanding of the financial affairs and conditions of the Town may be readily ascertained therefrom.

Sec. 1-27. Inspection of books and records.

All the Town Treasurer's books and records shall be open at any time to the inspection of any member of the Town Council or such persons as the Town Council may direct.

Sec. 1-28. Annual audit and report.

An audit of the books of the Town Treasurer shall be made annually by such persons as the Town Council may designate for the purpose, assisted by the Town treasurer, and a report of such audit shall be made to the Town Council as soon as possible. Such report shall also indicate the amount of uncollected assets of the Town in the hands of the Town Treasurer for collection.

Article V. Town Clerk¹

Sec. 1-29. Establishment of positions; appointment and term.

There is hereby established the position of Town Clerk, who shall be appointed by the Town Council for a three year term.

Sec. 1-30. Attendance at Town Council meetings.

The Town Clerk shall attend every meeting of the Town Council.

Sec. 1-31. Journal of Town Council proceedings; attestation and publication of ordinances, etc., ordered published.

The Town Clerk shall keep an accurate journal of the proceedings of the Town Council. He shall file and preserve all papers which may come into his hands as Town Clerk, and shall attest and publish, as Town Clerk, all ordinances or other papers or proceedings required by the Town Council to be published.

Sec. 1-32. Transmission to town council of reports to town officers.

The Town Clerk shall transmit to the Town Council, monthly reports of Town officers.

Sec. 1-33. Additional books and records.

In addition to the books of account and records provided for in this article, the Town Clerk shall keep such other books and records as may be necessary to the discharge of the functions of his office.

Sec. 1-34. Examination of books and papers.

The books and papers of the Town Clerk shall, at all times, be subject to examination by the Mayor, any member of the Town Council or any committee of the Town Council.

Sec. 1-35. Notice of coming town elections.

The Town Clerk shall notify the Mayor and all members of the Town Council of a coming election at least sixty-five days prior to such Town elections.

1. As to authority of Town Clerk to sign checks for duly authorized disbursement of Town funds, see Sec. 1-8 of this Code.

Article VI. Town Attorney¹

Sec. 1-36. Establishment of position; appointment and term.

There is hereby established the position of Town Attorney, who shall be appointed by the Town Council for a one-year term.

Sec. 1-37. Powers and duties.

The Town Attorney shall have such powers and perform such duties as may be granted to him, imposed upon him or required of him by the Town Council.

Article VII. Chief of Police, etc.²

Sec. 1-38. Town sergeant³ as chief of police; subordinate officers.

The Town Sergeant shall be the Chief of Police. Subordinate police of the Town shall be designated by the title "sergeant" or by such lesser titles as the Mayor may designate.

Sec. 1-39. Powers and duties of chief of police generally.

It shall be the duty of the Chief of Police to enforce, under the supervision of the Mayor and the committee on police and law enforcement, the provisions of this Code and other ordinances of the Town. He shall have such powers and duties as are customarily vested in sheriffs under the laws of the State.

Article VIII. Town Manager

Sec. 1-40. Establishment of position; appointment and term.

Pursuant to Sec. 15.1-920 of the Code of Virginia there is hereby established the position of Town Manager who shall be appointed by the Town Council by a majority vote of the members, and shall hold office at the pleasure of the Council. The salary of the Town Manager shall be fixed by the Council at the time of his or her appointment and shall be payable monthly. He or she shall be subject to suspension or removal from the office at any time by majority vote of the council. The Clerk and/or the Treasurer of the town may serve as the Town Manager.

1. As to committee on police and legal matters, see Sec. 1-16 and 1-17 of this Code.
2. Va. Code Ref. Sec. 15.1-138.
3. For charter provision as to appointment, powers, duties, etc., of town sergeant, see Char. Sec. 5.

Sec. 1-41. Duties - General.

The Town Manager shall be responsible for the efficient administration of the Town affairs. He/she shall have general supervision of the Town Police Department and of the construction, maintenance and operation of the Town Water System, Streets, Sidewalks and shall have direct control of all work directed to be done by the Council or any committee thereof. He/she shall see that all terms and conditions imposed by law upon any public utility company or under any franchise in favor of the Town or its inhabitants are faithfully kept and performed. He/she shall have general powers necessary and proper to carry out the work above specified, and shall personally superintend all work and labor done and performed in connection with the Town affairs, except such as may be designated from time to time by the council as separated and apart from the duties of the Town Manager. He/she shall employ, manage, direct and discharge all employees of the Town and shall have such other duties and responsibilities as directed by Council.

Article IX. Ordinances and Resolutions

Sec. 1-42. Procedure for adoption of ordinances and resolutions; when effective.

An ordinance or resolution of the Town Council may be read and adopted or rejected at any particular meeting of the Town Council. More than one reading shall not be necessary for the adoption of any ordinance or resolution. If the ordinance or resolution before the Town Council is adopted, such ordinance or resolution shall become effective at such time as may be specified therein, but if no time is so specified such ordinance or resolution shall become effective immediately.

Sec. 1-43. Amendment, etc., of ordinances.

No ordinance shall be amended, suspended or repealed unless and except by ordinance regularly introduced in writing and passed nor shall any provision of any section of an ordinance be amended unless the whole section be expressly re-enacted.

Sec. 1-44. Numbering of ordinances.

All ordinances of the Town shall be consecutively numbered.

Sec. 1-45. Ordinance book -- Entering ordinances.

The Town Clerk shall enter in a book copies of all ordinances passed by the Town Council. The book in which ordinances are thus entered shall be known as the "Ordinances at Large of the Town of Hurt, Virginia" and shall be indexed.

Sec. 1-46. Same -- Notation of amending or repealing ordinances.

The Town Clerk shall write on the first page of every ordinance, entered in the book mentioned in the preceding section, if the same has been amended or repealed, as the case may be, the words "amended" or "repealed", with a reference to the page of the ordinance book where the amending or repealing ordinance can be found.

Sec. 1-47. Voting place.

The voting place for the Town of Hurt shall be at the Town Hall in the Council Chambers thereof for all elections conducted by law.