

NARROWS, TOWN OF
County of Giles.
Formerly known as Intermont.

Incorporation and charter, 1904, c. 142; amended 1908, c. 302; repealed 1920, c. 450.

Charter, 1908, c. 302; repealed 1920, c. 450.

Charter, 1914, c. 327; repealed 1920, c. 450.

Charter, 1920, c. 450; repealed 1947, Extra Session, c. 38.

Charter, 1947, Extra Session, c. 38; repealed, 1970, c. 472.

Charter, 1970, c. 472.

Amended 1975, c. 97 (§ 3.1)

2008, c. 458 (§§ 1.2, 2.2, 6.1 through 6.4 [repealed], 7.2, 7.3,
7.4, 7.6, 7.7)

2011, c. 437 (§ 3.1).

CHAPTER 1
INCORPORATION AND BOUNDARIES

§ 1.1. Incorporation.

The inhabitants of the territory comprised within the present limits of the Town of Narrows, as such limitations are now, or may hereafter be altered and established by law, shall constitute and continue a body politic and corporate, to be known and designated as the Town of Narrows, 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. (1970, c. 472)

§ 1.2. Boundaries.

The territory embraced within the Town of Narrows is that territory in the County of Giles, Virginia, described in a recordation in the Clerk's Office of the court where deeds are filed. (1970, c. 472; 2008, c. 458)

CHAPTER 2
POWERS

§ 2.1. General Grant of Powers.

The Town of Narrows 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 full 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 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. (1970, c. 472)

§ 2.2. Adoption of Certain Sections of Code of Virginia.

The powers set forth in § 15.2-1100 et seq. of the Code of Virginia, as in force on the date of enactment of this charter, are hereby conferred on and vested in the Town of Narrows. (1970, c. 472; 2008, c. 458)

CHAPTER 3
MAYOR AND COUNCIL

§ 3.1. Election, Qualification and Term of Office of Councilmen and Mayor.

(a) The Town of Narrows shall be governed by a town council composed of five councilmen and a mayor, all of whom shall be qualified voters of the town.

(b) The mayor and members of the town council shall hereafter be elected at the November general election date, beginning with the general election to be held in November 2012, and every two years thereafter. The mayor shall be elected to a term of two years and town council members shall be elected for a term of four years. The mayor and council members in office at the time of the passage of the appropriate ordinance shall, unless otherwise vacated prior thereto, continue in office until the expiration of the terms for which they were elected; however, the term of the mayor and any member of council elected at a May election whose term shall expire as of June 30 of any year shall continue in office until their successors have been elected at the November general election and have been qualified to serve. The mayor and council members elected at the November 2012 general election, and all subsequent November general elections, shall enter upon the duties of their offices on the first day of January next succeeding their election. (1970, c. 472; 1975, c. 97; 2011, c. 437)

§ 3.2. Vacancies on Council.

Vacancies on the council shall be filled for the unexpired portion of the term by a majority vote of the members of the council. (1970, c. 472)

§ 3.3. Vacancy in Office of Mayor.

A vacancy in the office of mayor shall be filled for the unexpired portion of the term by a majority vote of the members of the council. (1970, c. 472)

§ 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. (1970, c. 472)

§ 3.5. 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 general laws of the Commonwealth 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 town councils, but not herein specified. (1970, c. 472)

§ 3.6. 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 same right to speak therein as members of the town council, but shall not vote, except in the case of tie. 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 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 council. He shall see that the duties of the various town officers are faithfully performed. In times of public danger or emergencies, he may take command of the police and maintain order and enforce laws, and for this purpose, may deputize such assistant policemen as may be necessary. He, or the person

acting as mayor, shall authenticate, by his signature, such documents or instruments as the council, this charter, or the laws of the Commonwealth shall require. (1970, c. 472)

§ 3.7. 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. (1970, c. 472)

§ 3.8. Meeting of Council.

The town council shall fix the time of their stated meetings, and they shall meet at least once a month. The council shall keep a journal of its official proceedings and its meetings shall be open. Three 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 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. (1970, c. 472)

§ 3.9. Rules of Order and Procedure.

The town council shall establish its own rules of order and procedure, and may take appropriate action against its own members and other persons for violations thereof. (1970, c. 472)

§ 3.10. Council to Fix Salaries.

The town council is hereby authorized to fix the salary of the mayor, members of the town council, members of boards or commissions, and all appointed officers and employees of said town, at a sum not to exceed any limitations placed by the laws and Constitution of the Commonwealth of Virginia. (1970, c. 472)

CHAPTER 4
TOWN MANAGER

§ 4.1. Appointment.

The town council may appoint a chief administrative officer of the town who shall be called the town manager, fix his salary and delegate to him such administrative duties, powers and responsibilities as it believes to be in the best interest of the town. During his tenure of office the town manager shall reside within the town. The town manager shall serve at and during the pleasure of the town council. (1970, c. 472)

§ 4.2. Duties.

It shall be the duty of the town manager to (a) attend all meeting of the town council with the responsibility to counsel and advise but with no voting rights; (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 he deems desirable; (c) prepare and submit the annual budget to the town council and be responsible for its administration after its adoption; (d) prepare in suitable form for publication and submit the annual budget to the town council at a regular meeting in September of each year a concise, comprehensive report of the financial transactions and administrative activities of the town government during the immediately preceding fiscal year; (e) present adequate financial and activity reports as required by the town council; (f) arrange for an annual audit by a certified public accountant, the selection of whom

shall be approved by the town council; and (g) perform such other duties as may be prescribed by this charter or required in accordance therewith by the mayor of the town council or which may be required of the chief administrative officer of a town by the general laws of the Commonwealth other than the duties conferred on the mayor by this charter. (1970, c. 472)

§ 4.3. Temporary Transfer of Personnel between Departments and Removal of Personnel.

The town manager shall have the power, whenever the interest of the town require, to assign employees of any department, bureau, office or agency under his supervision to the temporary performance of duties in another department, bureau, office or agency. The town manager shall not have the right or power to appoint, transfer, or remove the town clerk, town sergeant, chief of police, town attorney, town treasurer, but the town council may delegate to the town manager the authority to appoint and remove other personnel. (1970, c. 472)

§ 4.4. Relations with Boards, Commissions and Agencies.

The town manager shall have the right to attend and participate in the proceedings of, but not to vote in, the meetings of all boards, commissions or agencies created by this charter or by ordinance and any other board or commission the town council may designate. (1970, c. 472)

§ 4.5. Acting Town Manager.

The town council may designate a person to act as town manager in case of the absence, incapacity, death or resignation of the town manager, until his return to duty or the appointment of his successor. (1970, c. 472)

CHAPTER 5
APPOINTIVE OFFICERS

§ 5.1. Appointments.

The town council shall appoint a town clerk, a chief of police, a town attorney and a town treasurer and may appoint such other officers of the town as they deem necessary. Each and every 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. (1970, c. 472)

§ 5.2. Deputies and Assistants.

The town council may appoint such deputies and assistants to appointive offices as they may deem necessary. (1970, c. 472)

§ 5.3. Term of Office.

Officers and deputy and assistant officers appointed by the town council shall serve at and during the pleasure of the town council. (1970, c. 472)

§ 5.4. Bonds.

Officers and deputies and assistants appointed by the town council shall execute such bonds as may be required by resolution of the town council. (1970, c. 472)

§ 5.5. Vacancies in Office.

The town council may fill any vacancy in any appointive office. (1970, c. 472)

§ 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. (1970, c. 472)

§ 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 the 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. (1970, c. 472)

CHAPTER 6
MUNICIPAL COURT

§ 6.1. (1970, c. 472; repealed 2008, c. 458)

§ 6.2. (1970, c. 472; repealed 2008, c. 458)

§ 6.3. (1970, c. 472; repealed 2008, c. 458)

§ 6.4. (1970, c. 472; repealed 2008, c. 458)

CHAPTER 7
MISCELLANEOUS

§ 7.1. Election Governed by State Law.

All town elections shall be held and conducted in the manner prescribed by the laws of the Commonwealth. (1970, c. 472)

§ 7.2. Actions against Town for Damages, Etc.

(a) No action shall be maintained against the town for damages for any injury to any person or property alleged to have been sustained by reason of the negligence of the town, or by any officer, agent or employee thereof, unless a written statement of the claimant, his agent or attorney, or the personal representative of any decedent whose death is a result of the alleged negligence of the town, its officers, agents, or employees, of the nature of the claim and the time and place at which the injury is alleged to have occurred, or to have been received, shall have been filed with the mayor or an attorney appointed by the town council for this purpose, and the town is hereby authorized to appoint such an attorney, within six months after such cause of action shall have accrued. However, if the claimant was under a disability at the time the cause of action accrued, the tolling provisions of § 8.01-229 of the Code of Virginia apply. No officers, agents or employees of the town shall have authority to waive such conditions precedent or any of them.

(b) In any action against the town to recover damages against it for any negligence in the construction or maintenance of its streets, alleys, lanes, parks, public places, sewers, reservoirs or water mains, where any person or corporation is liable with the town for such negligence, every such person or corporation shall be joined as defendant with the town in such action brought to recover damages for such negligence, and where there is a judgment or verdict against the town, as well as the other defendant, it shall be ascertained by the court or jury which of the defendants is primarily liable for the damages assessed.

(c) If it is ascertained by the judgment of the court that some person or corporation other than the town is primarily liable, there shall be a stay of execution against the town until execution against such person or persons or corporation or corporations shall have been returned without realizing the full amount of such judgment.

(d) If the town, when not primarily liable, shall pay such judgment in whole or in part, the plaintiff shall, to the extent that such judgment is paid by the town, assign the judgment to the town, without recourse on the plaintiff, and the town shall be entitled to have execution issued for its benefit against the other defendant or defendants who have been ascertained to be primarily liable, or may institute any suit to enforce the said judgment, or any action at law, or scire facias to revive such judgment.

(e) No order shall be entered or made, and no injunction shall be awarded by any court or judge, to stay proceedings of the town in the prosecution of their works, unless it be manifest that they, their officers, agents, or servants are transcending the authority given them in this charter, and that the interposition of the court is necessary to prevent injury that cannot be adequately compensated in damages.

(f) The town council is authorized and empowered to compromise any claim for damages or any suit or action brought against the town. (1970, c. 472; 2008, c. 458)

§ 7.3. United States Government Employees.

No person, otherwise eligible under the laws of the United States and the Commonwealth of Virginia, shall be disqualified, by reason of his accepting or holding an office, post, trust or emolument under the United States government, from serving as an officer or employee of the town, or as a member, officer, or employee of any board or commission. (1970, c. 472; 2008, c. 458)

§ 7.4. Board of Zoning Appeals.

The Circuit Court for Giles County shall appoint a Board of Zoning Appeals, consisting of five members, none of whom shall hold any other positions with the town, except that one may be a member of the local planning commission, and each of whom shall be a qualified voter of said town. Their term of office shall be for five years each, except that original appointments shall be made for such terms that the term of one member shall expire each year. (1970, c. 472; 2008, c. 458)

§ 7.5. Acceptance of Federal Aid, Contributions, etc.

The Town of Narrows shall have the power to receive and accept from any federal agency grants of any kind for or in aid of the construction of any project, the procuring or reserving of park land, open spaces or any recreational facility, and to do all such things or make any covenants or agreements which may be necessary or required in order to obtain and use such federal grants. The town may receive and accept aid or contributions from any source or money, property, labor or other things of value, to be held, used and applied only for the purposes for which such grants and contributions may be made. (1970, c. 472)

§ 7.6. Eminent Domain.

The powers of eminent domain set forth in Title 15.2; Title 25.1; and Title 33.1, Chapter 1, Article 7 of the Code of Virginia, as amended, and all acts amendatory thereof and supplemental thereto, necessary changes having been made, are hereby conferred upon the Town of Narrows, provided, however, that the provisions of § 25.1-102 or any other applicable section of the Code of 1950, as amended, shall apply as to any property owned by a corporation possessing the power of eminent domain that may be sought to be taken by condemnation under the provisions of this act.

(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 to 33.1-129, inclusive, 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 clerk. 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 acquisition of lands, easements or related interests in property necessary for streets, water, sewer or utility pipes or lines and/or conduits, or related facilities, whether within or without the town.

(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 funds 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. (1970, c. 472; 2008, c. 458)

§ 7.7. Disclosure of Interest.

The town council is hereby empowered to enact a conflict of interest and disclosure ordinance, in conformity with § 2.2-3100 et seq., §§ 15.2-852, 15.2-2287, and 15.2-2289 of the Code of Virginia to govern elected and/or appointed town officials not inconsistent with the general law. (1970, c. 472; 2008, c. 458)

§ 7.8. 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. (1970, c. 472)

§ 7.9. 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. (1970, c. 472)

§ 7.10. Ordinances in Force.

All ordinances now in force in the Town of Narrows, not inconsistent with this charter, shall be and remain in force until altered, amended or repealed by the town council. (1970, c. 472)

§ 7.11. 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. (1970, c. 472)