

PART II - CODE OF ORDINANCES

Chapter 2 ADMINISTRATION

Chapter 2 ADMINISTRATION [11](#)

ARTICLE I. - IN GENERAL

ARTICLE II. - TOWN COUNCIL

ARTICLE III. - OFFICERS AND EMPLOYEES

ARTICLE IV. - BOARDS, COMMITTEES, COMMISSIONS

FOOTNOTE(S):

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Charter reference— Incorporation and boundaries, ch. 1; administration and government, ch. 2; property, buildings, utilities and streets, ch. 4; miscellaneous provisions, ch. 7. [\(Back\)](#)

State Law reference— The Virginia Freedom of Information Act, Code of Virginia, § 2.2-3700 et seq.; counties, cities and towns, Code of Virginia, § 15.2-100 et seq.; powers of cities and towns, Code of Virginia, § 15.2-1100 et seq. [\(Back\)](#)

ARTICLE I. IN GENERAL

[Sec. 2-1. Submission of information required prior to certain applications.](#)

[Secs. 2-2—2-20. Reserved.](#)

Sec. 2-1. Submission of information required prior to certain applications.

Prior to the application for a special exception, conditional use permit, variance, rezoning, zoning ordinance modification, conditional zoning, site plan review, subdivision plat review or a land disturbing permit, including building permits and erosion and sediment control permits, the property owner, the owner's agent, or any entity in which the owner holds an ownership interest greater than 50 percent, will submit satisfactory evidence that any delinquent real estate taxes, nuisance charges, stormwater management utility fees, and any other charges that constitute a lien on the subject property, that are owed to the town and have been properly assessed against the subject property, have been paid.

(Ord. No. 2013-2, § 2-6, 3-5-2013)

PART II - CODE OF ORDINANCES

Chapter 2 ADMINISTRATION

Secs. 2-2—2-20. Reserved.

ARTICLE II. TOWN COUNCIL [\[2\]](#)

DIVISION 1. - GENERALLY

DIVISION 2. - RULES OF ORDER

DIVISION 3. - ORDINANCES AND RESOLUTIONS AND CERTAIN OTHER DOCUMENTS

FOOTNOTE(S):

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Charter reference— Council generally, § 2.01 et seq. [\(Back\)](#)

State Law reference— Governing bodies of localities, Code of Virginia, § 15.2-1400 et seq.; powers of cities and towns, Code of Virginia, § 15.2-1100 et seq.; filling vacancy on council, Code of Virginia, § 24.2-226. [\(Back\)](#)

DIVISION 1. GENERALLY

[Sec. 2-21. When regular meetings held.](#)

[Sec. 2-22. Town clerk to be clerk of town council.](#)

[Sec. 2-23. Campaign finance disclosure.](#)

[Secs. 2-24—2-49. Reserved.](#)

Sec. 2-21. When regular meetings held.

The regular meetings of the town council shall be held at a time and place to be set at the organization meeting of the council.

(Code 1972, § 2-6; Code 1992, § 2-31)

Charter reference— Meetings of Council, § 2.18 et seq.

State Law reference— Virginia Freedom of Information Act, Code of Virginia, § 2.2-3700 et seq.

PART II - CODE OF ORDINANCES

Chapter 2 ADMINISTRATION

Sec. 2-22. Town clerk to be clerk of town council.

The town clerk shall be the clerk of the town council.

(Code 1972, § 2-32; Code 1992, § 2-32)

Charter reference— Clerk of Council, § 2.28.

Sec. 2-23. Campaign finance disclosure.

Code of Virginia, Chapter 9.3, Campaign Finance Disclosure Act of 2006, of title 24.2, Elections, as amended, shall be applicable to elections for town offices in the town pursuant to Code of Virginia, § 24.2-945, as amended.

(Code 1992, § 2-33; Ord. No. 2010-5, 11-2-2010)

State Law reference— Council of town with a population of less than 25,000 may provide, by ordinance, that the provisions of Code of Virginia, Title 24.2, chapter 9.3 shall be applicable to elections for town offices in the town, Code of Virginia, § 24.2-945.

Secs. 2-24—2-49. Reserved.

DIVISION 2. RULES OF ORDER ^[3]

[Sec. 2-50. Officers and employees to attend meetings.](#)

[Sec. 2-51. Excusal of member during meeting.](#)

[Sec. 2-52. Control of meetings.](#)

[Sec. 2-53. Preservation of decorum and order.](#)

[Sec. 2-54. Member's right to floor.](#)

[Sec. 2-55. Personal privilege.](#)

[Sec. 2-56. Conduct in addressing council.](#)

[Sec. 2-57. Appeal from ruling of presiding officer.](#)

[Sec. 2-58. When nonmembers may speak.](#)

[Sec. 2-59. Speaking to particular member during meeting.](#)

[Sec. 2-60. Second and withdrawal of motions.](#)

[Sec. 2-61. Questions containing several distinct propositions.](#)

[Sec. 2-62. Consideration of amendments.](#)

[Sec. 2-63. Amending amendments.](#)

[Sec. 2-64. Amendment of ordinances.](#)

[Sec. 2-65. Voting.](#)

[Sec. 2-66. Dissent and protest.](#)

[Sec. 2-67. Reconsideration after decision on question.](#)

PART II - CODE OF ORDINANCES

Chapter 2 ADMINISTRATION

[Sec. 2-68. Adjournment.](#)

[Sec. 2-69. Amending rules of order.](#)

[Secs. 2-70—2-85. Reserved.](#)

Sec. 2-50. Officers and employees to attend meetings.

The head of any department or any officer or employee of the town, when requested by the council or the town manager, shall attend any regular, adjourned or special meeting of the council.

(Code 1972, § 2-7; Code 1992, § 2-46)

Sec. 2-51. Excusal of member during meeting.

No member of the council shall leave the council chamber while in a regular meeting of the council without the permission of the presiding officer.

(Code 1972, § 2-8; Code 1992, § 2-47)

Sec. 2-52. Control of meetings.

The clerk of the council and other officers and employees of the council shall be under the control and direction of the presiding officer during sessions of the council.

(Code 1972, § 2-10; Code 1992, § 2-49)

Sec. 2-53. Preservation of decorum and order.

The presiding officer shall preserve decorum and decide on questions of order, subject to appeal to the council. If a member transgresses the rules of the council, the presiding officer shall call him to order.

(Code 1972, § 2-11; Code 1992, § 2-50)

Charter reference— Authority of Council to fine and expel members, § 2.22.

Sec. 2-54. Member's right to floor.

When recognized by the presiding officer, a member of the council shall confine himself to the question under debate, avoid personalities and refrain from impugning the motives of any other member's argument or vote.

(Code 1972, § 2-12; Code 1992, § 2-51)

PART II - CODE OF ORDINANCES

Chapter 2 ADMINISTRATION

Sec. 2-55. Personal privilege.

The right of a member of the council to address the council on a question of personal privilege shall be limited to cases in which his integrity, character or motives are assailed, questioned or impugned.

(Code 1972, § 2-13; Code 1992, § 2-52)

Sec. 2-56. Conduct in addressing council.

Every member of the council shall confine himself to the question before the council and avoid all personal or indecorous language. No discussion of a sectarian or political nature shall be allowed. No member shall interrupt another while speaking, except to make a point of order, the point to be briefly stated to the presiding officer.

(Code 1972, § 2-14; Code 1992, § 2-53)

Sec. 2-57. Appeal from ruling of presiding officer.

Any member of the council may appeal to the council from the ruling of the presiding officer. If the appeal is seconded, the member making the appeal may briefly state his reason for the same and the presiding officer may briefly explain his ruling; but there shall be no debate on the appeal and no other member shall participate in the discussion. The presiding officer shall then put the question: "Shall the decision of the chair be sustained?" If the majority of the members present vote "aye," the ruling of the presiding officer is sustained; otherwise, it is overruled.

(Code 1972, § 2-15; Code 1992, § 2-54)

Sec. 2-58. When nonmembers may speak.

No person other than a member of the council shall have the right to discuss any matter in a meeting of the council, unless by consent of a majority of the council.

(Code 1972, § 2-16; Code 1992, § 2-55)

Sec. 2-59. Speaking to particular member during meeting.

If any person other than a town officer desires to speak to a member of the council while the council is in session, the member, if agreeable to the request, shall leave his seat and retire to the rear of the council chamber, or elsewhere, until the conversation is finished.

(Code 1972, § 2-17; Code 1992, § 2-56)

Sec. 2-60. Second and withdrawal of motions.

No motion shall be entertained by the presiding officer until it shall have been seconded, nor shall any motion after being seconded be withdrawn if any member objects to such withdrawal.

(Code 1972, § 2-18; Code 1992, § 2-57)

PART II - CODE OF ORDINANCES

Chapter 2 ADMINISTRATION

Sec. 2-61. Questions containing several distinct propositions.

If the question under discussion contains several distinct propositions, the same shall be divided at the request of any member and a vote taken separately.

(Code 1972, § 2-21; Code 1992, § 2-60)

Sec. 2-62. Consideration of amendments.

All amendments shall be considered in the order in which they are mentioned. When an amendment is under consideration, a substitute to the whole matter may be received. No proposition on a subject different from the one under consideration shall be received under color of a substitute.

(Code 1972, § 2-22; Code 1992, § 2-61)

Sec. 2-63. Amending amendments.

A motion to amend an amendment shall be in order, but one to amend an amendment to an amendment shall not be introduced. An amendment modifying the intention of a motion shall be in order, but an amendment relating to a different matter shall not be in order.

(Code 1972, § 2-23; Code 1992, § 2-62)

Sec. 2-64. Amendment of ordinances.

It shall always be in order to amend an ordinance.

(Code 1972, § 2-24; Code 1992, § 2-63)

Sec. 2-65. Voting.

The vote may be called for by any member of the council. Every member present when a vote is put shall vote either "aye" or "no," unless the council shall for special reason excuse him from voting. Application to be excused from voting must be made before the votes are called for. The member having previously stated the reason for his request, the decision thereon shall be made without debate. Except as otherwise provided in the State and Local Government Conflict of Interests Act (Code of Virginia, § 2.2-3100 et seq.), no member who has any personal or pecuniary interest in the result of any question before the council shall vote thereon. The vote shall be entered in full on the records.

(Code 1972, § 2-25; Code 1992, § 2-64)

State Law reference— Prohibited conduct regarding personal interest in a transaction, exceptions, Code of Virginia, § 2.2-3112.

Sec. 2-66. Dissent and protest.

Any member of the council shall have the right to express dissent from or protest against any ordinance or resolution of the council and shall have the reason therefor entered upon the minutes. Such dissent or

PART II - CODE OF ORDINANCES

Chapter 2 ADMINISTRATION

protest must be filed in writing, couched in respectful language and presented to the council not later than the next meeting following the date of passage of the ordinance or resolution objected to.

(Code 1972, § 2-26; Code 1992, § 2-65)

Sec. 2-67. Reconsideration after decision on question.

Any member of the council who voted with the majority may move a reconsideration of any action on the same for the next succeeding meeting; provided, that a resolution authorizing or relating to any contract may be reconsidered at any time before the final execution thereof. A motion to reconsider shall require the same number of votes as is required to adopt an ordinance or resolution, after a motion for reconsideration thereof shall have been made without unanimous consent.

(Code 1972, § 2-27; Code 1992, § 2-66)

Sec. 2-68. Adjournment.

The council shall be automatically adjourned at 11:00 p.m. at each regular or called meeting, unless by the unanimous consent of all members present, recorded by an affirmative vote, the meeting shall be further continued. A motion to adjourn shall always be in order and shall be decided without debate.

(Code 1972, § 2-28; Code 1992, § 2-67)

Sec. 2-69. Amending rules of order.

The rules set out in this division may be amended or new rules may be adopted by a majority vote of all members elected to the council. Any such amendments shall be submitted in writing at the preceding regular meeting and shall be placed on the agenda under the order of new business. This requirement shall be waived only by the unanimous consent of all members elected to the council with a recorded vote of all members.

(Code 1972, § 2-30; Code 1992, § 2-69)

Secs. 2-70—2-85. Reserved.

FOOTNOTE(S):

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Charter reference— Authority of Council to adopt procedural rules, § 2.18. ([Back](#))

PART II - CODE OF ORDINANCES

Chapter 2 ADMINISTRATION

DIVISION 3. ORDINANCES AND RESOLUTIONS AND CERTAIN OTHER DOCUMENTS ^[4]

[Sec. 2-86. Proposed ordinances and resolutions to be in writing.](#)

[Sec. 2-87. Style of ordinances and resolutions.](#)

[Sec. 2-88. Record book for ordinances and resolutions to be kept by clerk of council.](#)

[Sec. 2-89. Notation of amendments and repeals.](#)

[Sec. 2-90. Approval, execution, and force and effect of deeds, contracts, etc.](#)

[Secs. 2-91—2-105. Reserved.](#)

Sec. 2-86. Proposed ordinances and resolutions to be in writing.

No proposed ordinance or proposed resolution shall be considered or passed by the town council unless it shall be submitted in writing.

(Code 1972, § 2-1; Code 1992, § 2-1)

Charter reference— Authority of Town Council to enact ordinances, § 2.27.

State Law reference— Form of the ordinance, Code of Virginia, § 15.2-1426.

Sec. 2-87. Style of ordinances and resolutions.

The style in which ordinances shall be enacted by the council shall be as follows: "Be it ordained by the Council of the Town of Christiansburg, Virginia:...." The style of any resolution so passed shall be: "Be it resolved by the Council of the Town of Christiansburg, Virginia:...."

(Code 1972, § 2-2; Code 1992, § 2-2)

State Law reference— Form of ordinances, Code of Virginia, § 15.2-1426.

Sec. 2-88. Record book for ordinances and resolutions to be kept by clerk of council.

The clerk of the council shall enter in a well-bound book copies of all ordinances and resolutions passed by the council. The book in which such ordinances and resolutions are thus entered shall be known as the "Ordinances and Resolutions of the Town of Christiansburg." The clerk of the council shall index such book.

(Code 1972, § 2-3; Code 1992, § 2-3)

Sec. 2-89. Notation of amendments and repeals.

When any ordinance or resolution entered in the book referred to in section 2-88 is repealed or amended, the clerk of the council shall write on the first page thereof the words "amended" or "repealed"

PART II - CODE OF ORDINANCES

Chapter 2 ADMINISTRATION

with a reference to the page of the book where the amending or repealing ordinance or resolution can be found.

(Code 1972, § 2-4; Code 1992, § 2-4)

Sec. 2-90. Approval, execution, and force and effect of deeds, contracts, etc.

All deeds and conveyances of any description authorized to be made or entered into by the town shall, unless otherwise provided herein or by the council, be signed by the mayor and approved as to form by the town attorney. All leases, contracts, and agreements where the contract price is within the limitations of appropriations made by council shall, unless otherwise provided by the council, Charter, law, or ordinance, be authorized and signed by the town manager. Notwithstanding the foregoing, specific council authorization is required for the award of any contract for legal services and for contracts in excess of \$100,000.00.

Whenever the seal of the town is required to any writing, the clerk of the council shall have the authority to affix the same to such writing. Any duly authorized writing executed, as provided by this section, shall be the true and binding act and instrument of the town. Nothing herein contained shall apply to conveyances of land sold for delinquent taxes.

(Code 1972, § 2-5; Code 1992, § 2-5; Ord. No. 2017-5, 7-25-2017)

Charter reference— Execution of bonds, § 3.19.

Secs. 2-91—2-105. Reserved.

FOOTNOTE(S):

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Charter reference— Council to adopt ordinances, § 2.27. [\(Back\)](#)

State Law reference— Ordinances, Code of Virginia, § 15.2-1425. [\(Back\)](#)

ARTICLE III. OFFICERS AND EMPLOYEES [\[5\]](#)

DIVISION 1. - GENERALLY

DIVISION 2. - PERSONNEL PLAN AND GRIEVANCE PROCEDURE

FOOTNOTE(S):

PART II - CODE OF ORDINANCES

Chapter 2 ADMINISTRATION

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Charter reference— Municipal officers, § 2.03 et seq.; town manager, § 2.04; clerk of the council, § 2.28; town treasurer, § 2.29; chief of police, 2.31; police officers, §§ 2.32, 2.33. ([Back](#))

State Law reference— Local government personnel, Code of Virginia, § 15.2-1500 et seq. ([Back](#))

DIVISION 1. GENERALLY

[Sec. 2-106. Town manager.](#)

[Sec. 2-107. Bond for town treasurer.](#)

[Sec. 2-108. Enforcement of ordinances, laws, etc.](#)

[Sec. 2-109. Right of entry for purposes of law enforcement.](#)

[Sec. 2-110. Resisting or obstructing officers, employees, etc.](#)

[Sec. 2-111. Criminal background checks of applicants for town employment.](#)

[Secs. 2-112—2-130. Reserved.](#)

Sec. 2-106. Town manager.

There shall be a town manager, whose duties shall be as provided by the Charter and the town council. The assistant town manager shall serve as town manager in the absence of the town manager.

(Code 1972, § 2-31; Code 1992, § 2-91)

Charter reference— Town Manager, § 2.04.

Sec. 2-107. Bond for town treasurer.

The town treasurer shall, before entering upon the duties of his office, execute a bond in an amount specified by the town council, with corporate security conditioned according to law. The premium on such bond shall be paid by the town.

(Code 1972, § 2-35; Code 1992, § 2-92)

Charter reference— Town Treasurer, § 2.29.

Sec. 2-108. Enforcement of ordinances, laws, etc.

All officers and employees of the town shall enforce obedience to such statutes, provisions of this Code, ordinances, resolutions, rules and regulations, or orders issued thereunder, as may relate to their regular duties and any other statutes, provisions of this Code, ordinances, resolutions, rules, regulations or orders with whose enforcement they are properly chargeable, by any measures provided therein, by the

PART II - CODE OF ORDINANCES

Chapter 2 ADMINISTRATION

proper report of any violation thereof and by instituting such proceedings as may be necessary to such enforcement.

(Code 1972, § 2-40; Code 1992, § 2-97)

Sec. 2-109. Right of entry for purposes of law enforcement.

- (a) For the purpose of enforcing provisions of local, state and federal laws and regulations, duly authorized officers and employees of the town shall have the right to inspect any premises or vehicle or anything contained therein at any reasonable time. No inspection shall be conducted without the consent of the tenant, occupant, property owner or managing agent (if the property owner or managing agent have reserved a right of re-entry in order to inspect the premises) or pursuant to a duly issued administrative inspection or search warrant, or as authorized by other lawful means.
- (b) In the event duly authorized officers or employees shall be denied access to a premises or vehicle, he may apply for an administrative inspection or search warrant in order to gain access to the premises or vehicle.
- (c) It shall be a violation punishable as a Class 4 misdemeanor for any owner, managing agent, tenant or other person to deny a duly authorized officer or employee of the town access to any premises or vehicles after the duly authorized officer or employee has obtained an administrative inspection or search warrant for such premises or vehicle.

(Code 1972, § 2-41; Code 1992, § 2-98)

State Law reference— Inspection warrants, Code of Virginia, § 19.2-393 et seq.

Sec. 2-110. Resisting or obstructing officers, employees, etc.

It shall be unlawful for any person to resist, abuse, obstruct or hinder any officer or employee of the town in the discharge of his duty or any contractor or other person in the execution of any work for the town. Any person who violates this section shall be guilty of a Class 4 misdemeanor.

(Code 1972, § 2-4; Code 1992, § 2-99)

State Law reference— Obstructing justice by threats or force, Code of Virginia, § 18.2-460.

Sec. 2-111. Criminal background checks of applicants for town employment.

- (a) In order to determine whether, in the interest of public welfare and safety, an applicant for public employment or a volunteer position may be disqualified from such position by reason of a criminal record, the applicant, either upon identification as a finalist in the personnel selection and placement process or upon offer of employment with the town, as determined by the town manager or his designee, shall be required to provide personal descriptive information and to submit to a criminal background check. The applicant will not be required to pay the cost of the criminal background check.
- (b) The criminal history record information regarding such applicant may be obtained through the central criminal records exchange or other appropriate qualified private source.
- (c) Town employees are required to promptly notify the human resource department upon notice that the employee is the subject of a criminal investigation by law enforcement or a child protective services investigation by any department of social services.

PART II - CODE OF ORDINANCES

Chapter 2 ADMINISTRATION

- (d) The criminal history record information, provided in accordance with this section, shall be used solely to assess eligibility for public employment or service, and shall not be disseminated to any person not involved in the assessment process. If an applicant is denied employment because of information appearing in his criminal record history, the town manager or his designee shall notify the applicant in writing that information from the Virginia Central Criminal Records Exchange or other appropriate qualified private source contributed to such denial. Additionally, the applicant shall be provided a copy of the criminal history record, a copy of his rights under the Fair Credit Reporting Act, as well as the name, address and phone number for the agency that provided the information, should the applicant desire to contest the contents of his criminal history record information.

(Ord. No. 2012-8, § 2-100, 9-8-2012)

Secs. 2-112—2-130. Reserved.

DIVISION 2. PERSONNEL PLAN AND GRIEVANCE PROCEDURE

[Sec. 2-131. Establishment.](#)

[Secs. 2-132—2-144. Reserved.](#)

Sec. 2-131. Establishment.

There is hereby established, pursuant to Code of Virginia, § 15.2-1506, a personnel plan or system, including a classification plan for service, a uniform pay plan for all employees and a grievance procedure for town employees to afford an immediate and fair method for the resolution of disputes which may arise between the town and its employees. The personnel plan or system is on file in the town offices. The term "grievance," as used herein, shall not be interpreted to mean negotiations of wages, salaries or fringe benefits.

(Code 1972, § 2-59; Code 1992, § 2-111)

State Law reference— Establishment of grievance procedure, personnel system for employees required, Code of Virginia, § 15.2-1506.

Secs. 2-132—2-144. Reserved.

ARTICLE IV. BOARDS, COMMITTEES, COMMISSIONS

DIVISION 1. - GENERALLY

DIVISION 2. - RECREATION ADVISORY COMMISSION

DIVISION 3. - PLANNING COMMISSION

DIVISION 1. GENERALLY

[Secs. 2-145—2-171. Reserved.](#)

PART II - CODE OF ORDINANCES

Chapter 2 ADMINISTRATION

Secs. 2-145—2-171. Reserved.

DIVISION 2. RECREATION ADVISORY COMMISSION

[Sec. 2-172. Establishment; composition; appointment; purpose.](#)

[Sec. 2-173. Term of office of members.](#)

[Sec. 2-174. Organization.](#)

[Secs. 2-175—2-201. Reserved.](#)

Sec. 2-172. Establishment; composition; appointment; purpose.

- (a) There is hereby established an advisory commission on recreation which shall be known as the Christiansburg Recreation Advisory Commission. This commission, to be appointed by the mayor, shall consist of one member of the town council and six to nine citizen members, all of whom shall be actual residents and qualified voters of the town. An additional member, to be known as the junior citizen member, may be appointed to serve on this commission. The junior citizen member need not be a qualified voter in the town, but must be a resident of the town.
- (b) The commission shall serve to advise the town council on the immediate and long range plans and programs necessary to ultimately care for the active and passive recreational needs of the citizens of the town of all ages and shall assist the director of parks and recreation in the continuing development of such plans and programs.

(Code 1972, § 2-53; Code 1992, § 2-166; Ord. No. 2010-7, 11-16-2010)

Sec. 2-173. Term of office of members.

The term of office of the councilmember of the recreation advisory commission shall run concurrently with his tenure of office as a councilmember, and the citizen members shall serve for staggered terms of four years. The term of office of the junior citizen member, if appointed, shall be for one year.

(Code 1972, § 2-54; Code 1992, § 2-167)

Sec. 2-174. Organization.

The recreation advisory commission shall elect from its own membership a chairperson, vice-chairperson and secretary, and formulate such bylaws and operating procedures as it may deem necessary for the conduct of its business.

(Code 1972, § 2-55; Code 1992, § 2-168)

PART II - CODE OF ORDINANCES

Chapter 2 ADMINISTRATION

Secs. 2-175—2-201. Reserved.

DIVISION 3. PLANNING COMMISSION ^[6]

[Sec. 2-202. Creation.](#)

[Sec. 2-203. Composition; appointment and term of members.](#)

[Sec. 2-204. Vacancies.](#)

[Sec. 2-205. Program of work; master plan.](#)

[Sec. 2-206. Functions, powers and duties.](#)

[Sec. 2-207. Compensation of members.](#)

[Sec. 2-208. Removal of appointed members.](#)

Sec. 2-202. Creation.

A town planning commission is hereby created for the town, in accordance with the provisions of Code of Virginia, §§ 15.2-2212 through 15.2-2222.

(Code 1972, § 2-46; Code 1992, § 2-216)

Sec. 2-203. Composition; appointment and term of members.

- (a) The town planning commission shall consist of not fewer than five members nor more than 15 members, appointed by the town council, all of whom shall be residents of the town, qualified by knowledge and experience to make decisions on questions of community growth and development; provided that at least one-half of the members so appointed shall be owners of real property.
- (b) One member of the commission may be a member of the town council of the town. The term of this member shall be coextensive with the term of office to which he has been elected, unless the town council, at the first regular meeting each year, appoints another to serve as its representative. The town manager or town manager's designee shall attend the meetings of the planning commission. Members shall be appointed for terms of four years each.

(Code 1972, § 2-47; Code 1992, § 2-217; Ord. of 9-3-1996)

Sec. 2-204. Vacancies.

Any vacancy in the membership of the town planning commission shall be filled by appointment by the town council and such appointment in the case of an appointed member shall be for the unexpired term.

(Code 1972, § 2-48; Code 1992, § 2-218)

PART II - CODE OF ORDINANCES

Chapter 2 ADMINISTRATION

Sec. 2-205. Program of work; master plan.

The town planning commission prepared a program of work and may amend the same after the consultation with the town council. Such program of work shall outline the activities which the commission expects to engage in as follows:

- (1) Assembling such data regarding the town and adjacent territory as the commission may deem to be necessary in exercising its functions, powers and duties.
- (2) Preparing a comprehensive plan as a general guide for the development of the town and as a basis for the preparation of zoning and other regulations.
- (3) Recommending to the council appropriate procedures for effectuating such comprehensive plan.

(Code 1972, § 2-49; Code 1992, § 2-219)

Charter reference— Town Plan, § 4.01; master plan, § 4.04.

Sec. 2-206. Functions, powers and duties.

The town planning commission shall have the functions, powers and duties which are prescribed by law.

(Code 1972, § 2-50; Code 1992, § 2-220)

State Law reference— Duties of planning commission, Code of Virginia, § 15.2-2221; powers or planning commission, Code of Virginia, § 15.2-2210.

Sec. 2-207. Compensation of members.

All members of the town planning commission may be compensated for their services at the discretion of the town council.

(Code 1972, § 2-51; Code 1992, § 2-221)

State Law reference— Compensation, Code of Virginia, § 15.2-2212.

Sec. 2-208. Removal of appointed members.

Any appointed member of the town planning commission may be removed by the town council for neglect of duty or malfeasance in office; provided, that such removal may be made only after a public hearing at which such member shall be given an opportunity to appear and be heard on the charges against him.

(Code 1972, § 2-52; Code 1992, § 2-222)

State Law reference— Removal of members, Code of Virginia, § 15.2-2212.

PART II - CODE OF ORDINANCES

Chapter 2 ADMINISTRATION

FOOTNOTE(S):

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State Law reference— Creation of local planning commissions, Code of Virginia, § 15.2-2210. ([Back](#))