

Dayton, Town of  
County of Rockingham

*Dayton Town Council passed Resolution unanimously July 8, 2019*

### **History of incorporation**

Established by an 1833 Act of 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Charter, 1833, c. 204; repealed 1852, c. 376.

Charter, 1852, c. 376, incorporated and charter; powers per 54th Chapter of Code of Virginia; repealed 1880, c. 302.

Charter, 1880, c. 302; repealed 1988, c. 136.

Charter, 1892, c. 424, rewrote chapter 302; repealed 1988, c. 136.

Charter, 1912, c. 73, rewrote chapters 302 and 424; repealed 1988, c. 136.

### **Current charter**

Charter, 1988, c. 136.

### **Amendments to current charter**

1999, c. 300 (§§ 2.2, 3.5, 4.5)

2011, c. 439 (§ 3.1)

2016, c. 160 (§ 3.5)

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.**

##### **(a) Powers authorized in Code of Virginia.**

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.

**(b) Powers exercised by governing body.**

All powers vested in the town by this charter shall be exercised by its governing body unless expressly provided to the contrary. Such powers shall include those not expressly prohibited by the Constitution and general law of the Commonwealth, and which are necessary or desirable to secure and promote the general welfare of the town's inhabitants and the safety, health, peace, good order, comfort, convenience, morals, trade, commerce, and industry of the town and the town's inhabitants, and the enumeration of specific powers shall not be construed or held to be exclusive or as a limitation upon any general grant of power, but shall be construed and held to be in addition to any general grant of power. The exercise of the powers conferred under this section is specifically limited to the area within the corporate limits of the town, unless otherwise conferred in the applicable sections of the Constitution and general laws, as amended, of the Commonwealth.

**(c) Repeal of prior inconsistent acts and charters.**

All acts and parts of acts in conflict with this charter are hereby repealed, insofar as they affect the provisions of this charter, provided, however, that nothing contained in this act shall be construed to invalidate or to in any manner affect the present existing indebtedness and liabilities of the town, whether evidenced by bonded obligations or otherwise, or to relieve it of any part of its present obligation or liability on account of bond issues, liabilities, or debts of whatsoever nature or kind. Upon the effective date of this charter, all references to the town superintendent in the town's resolutions, ordinances, code provisions, contracts, and all other official acts and governing documents then in effect shall be deemed as referring to the town manager.

**§ 2.2. Financial powers.**

**(a) Generally.** In accordance with the Constitution of Virginia and the United States Constitution, the town may raise through annual taxes and assessments on property, persons, and other subjects of taxation that are not prohibited by law such sums of money as in the judgment of the town are necessary to pay the debts, defray the expenses, accomplish the purposes, and perform the functions of the town, in such manner as the council deems necessary or expedient.

**(b) Assessments for local improvements.** The town may impose special or local assessments for local improvements and enforce payment thereof, subject, however, to such limitations prescribed by the Constitution of Virginia as may be in force at the time of the imposition of such special or local assessments.

**(c) Water, light, and sewerage rates; rates and charges for public utilities or services, etc., operated, etc., by town.** The town may establish, impose, and enforce water, light, and sewerage rates and rates and charges for public utilities, or other service, products, or conveniences, operated, rendered, or furnished by the town and assess, or cause to be assessed, water, light, sewerage, and other public utility rates and charges directly against the owner or owners of the buildings, or against the proper tenant or tenants, and in the event that such rates and charges shall be assessed against a tenant, then the council may, by an ordinance, require of such tenant a deposit

of such reasonable amount as may be by such ordinance prescribed before furnishing such services to such tenant.

**§ 2.3. Contractual powers; gifts; grants.**

**(a) Acquisition of property generally; holding, selling, leasing, etc., town property.** The town may acquire, by purchase, gift, devise, condemnation, or otherwise, property, real and personal, or any estate or interest therein, within or without the town or the Commonwealth of Virginia and for any of the purposes of the town.

**(b) Debts and evidence of indebtedness.** The town may contract debts, borrow money, and make and issue evidence of indebtedness.

**(c) Gifts.** The town may accept or refuse gifts, donations, bequests, or grants of any kind from any source, absolutely or in trust, which are related to the town's powers, duties, and functions, or for educational, charitable, or other public purposes, and do all the things and acts necessary to carry out the purposes of such gifts, grants, bequests, and devises, with power to manage, maintain, operate, sell, lease, or otherwise handle or dispose of the same, in accordance with terms and conditions of such gifts, grants, bequests, and devises.

**§ 2.4. Operational powers.**

**(a) Generally.** The town may provide for the organization, conduct, and operation of all departments, offices, boards, commissions, and agencies of the town, subject to such limitations as may be imposed by this charter or otherwise by law, and may establish, consolidate, abolish, or change departments, offices, boards, commissions, and agencies of the municipal corporation and prescribe the powers, duties, and functions thereof, except where such departments, offices, boards, commissions, and agencies or the powers, duties, and functions thereof are specifically established or prescribed by charter or otherwise by law.

**(b) Records and accounts.** The town shall provide for the control and management of the town's affairs and shall prescribe and require the adoption and keeping of such books, records, accounts, and systems of accounting by the departments, boards, commissions, or other agencies of the local government consistent with generally accepted accounting standards and necessary to give full and true accounts of the affairs, resources, and revenues of the municipal corporation and the handling, use, and disposal thereof.

**(c) Expenditure of money.** The town may expend money of the town for all lawful purposes.

**(d) Construction, maintenance, etc., of improvements, buildings, etc., for use and operation of town departments.** The town may construct, maintain, regulate, and operate public improvements of all kinds, including municipal and other buildings, comfort stations, markets, and all buildings and structures necessary or appropriate for the use and proper operation of the various departments of the town, and may acquire by condemnation or otherwise all land, riparian, and other rights and easements necessary for such improvements, or any of them.

**(e) Town events.** The town may conduct festivals, music events, running races, athletic competitions, community festivals and all such other events, and may charge fees for the participation therein.

**§ 2.5. Utilities; public improvements.**

**(a) Water works and water supply.** The town may own, operate, and maintain water works and acquire in any lawful manner in any county or city of the Commonwealth of Virginia such water, lands, property rights, and riparian rights as the council may deem necessary for the purpose of providing the town with an adequate water supply, and of piping or conducting the same; lay all necessary mains and service lines, either within or without the corporate limits of the town, and charge and collect water rents therefor; erect and maintain all necessary dams, pumping stations, and other works in connection therewith; make reasonable rules and regulations for promoting the purity of the town water supply and protecting it from pollution and for this purpose exercise full police powers and sanitary patrol over all lands comprised within the limits of the watershed tributary to any such water supply wherever such lands may be located in the Commonwealth of Virginia; impose and enforce adequate penalties for the violation of any such rules and regulations and prevent by injunction any pollution or threatened pollution of such water supply and any and all acts likely to impair the purity thereof; and for the purpose of acquiring lands, interest in lands, property rights, and riparian rights or materials for any such use, exercise all powers of eminent domain provided by the laws of the Commonwealth of Virginia. For any of the purposes aforesaid, said town may, if the council shall so determine, acquire by condemnation, purchase, or otherwise any estate or interest in such lands or any of them in fee.

**(b) Streets; parks, playgrounds, etc.; infrastructure; vehicles.** The town may establish, maintain, improve, alter, vacate, regulate, and otherwise manage its streets, alleys, parks, playgrounds, and all of its public infrastructure and public works, in such manner as best serves the public interest, safety, and convenience; regulate, limit, restrict, and control the services and routes of and rates charged by vehicles for the carrying of passengers and property in accordance with general law; permit or prohibit poles and wires for electric, telephone, telegraph, television, and other purposes to be erected and gas pipes to be laid in the streets and alleys and prescribe and collect an annual charge for such privileges; and, subject to the provisions of franchise agreements, require the owner or lessees of any such poles or wires now in use or hereafter used to place such wires, cables, and accoutrements in conduits underground in accordance with the town's prescribed requirements.

**(c) Public utilities.** Subject to the provisions of the Constitution of Virginia, this charter, and general law, the town may grant franchises for public utilities, reserving rights of transfer, renewal, extension, and amendment thereof.

**(d) Collection and disposition of sewage, garbage, ashes, refuse, etc.; reduction and disposal plant.** The town may collect and dispose of sewage, ashes, garbage, carcasses of dead animals, and other refuse; make reasonable charges therefor; acquire and operate reduction or any other plants for the utilization or destruction of such materials, or any of them; contract for and regulate the collection and disposal thereof, and require and regulate the collection and disposal thereof.

**§ 2.6. Nuisances; sanitary conditions, etc.**

The town may compel the abatement and removal of all nuisances within the town; require all lands, lots, and other premises within the town to be kept clean; regulate the keeping of animals, poultry, and other fowl therein; regulate the exercise of any dangerous or unwholesome business, trade, or employment therein; regulate the transportation of all articles through the streets of the

town; compel the abatement of smoke, dust, and unnecessary noise; compel the removal of grass and weeds from private and public property and snow from sidewalks; require the covering or removal of offensive, unwholesome, unsanitary, or unhealthy substances allowed to accumulate in or on any place or premises; require the filling in to the street level of the portion of any lot adjacent to a street where the difference in level between the lot and the street constitutes a danger to life and limb; require the raising or draining of the grounds subject to be covered by stagnant water and the razing or repair of all unsafe, dangerous, or unsanitary public or private buildings, walls, or structures; and remedy, repair, and secure any blighted or derelict building or structure within the town in accordance with applicable law.

### **§ 2.7. Police powers.**

(a) The town may exercise full police powers as provided by general law, and establish and maintain a department or division of police.

(b) The town may also do all things whatsoever necessary or expedient for promoting or maintaining the general welfare, comfort, education, morals, peace, government, health, trade, commerce, or industries of the town or its inhabitants; prescribe any penalty for the violation of any town ordinance, rule, or regulation or of any provisions of this charter, not exceeding the fine or sentence imposed by the laws of the Commonwealth of Virginia; pass and enforce all by-laws, rules, regulations, and ordinances that it may deem necessary for the good order and government of the town, the management of its property, the conduct of its affairs, and the peace, comfort, convenience, order, morals, health, and protection of its citizens or their property; and do such other things and pass such other laws as may be necessary or proper to carry into full effect any power, authority, capacity, or jurisdiction that is or shall be granted to or vested in said town, or in the council, court, or offices thereof, or which may be necessarily incident to a municipal corporation.

### **§ 2.8. Miscellaneous powers.**

**(a) Removal or reconstruction of unsafe buildings, etc.; protection of public gatherings.** The town may regulate the size, height, materials, and construction of buildings, fences, walls, retaining walls, and other structures hereafter erected in such manner as the public safety and conveniences may require; remove or require to be removed or reconstructed any building, structure, or addition thereto, which by reason of dilapidation, defect of structure, or other causes may have become dangerous to life or property, or which may have been erected contrary to law; and enact stringent and efficient laws for securing the safety of persons from fires in halls and buildings used for public assemblies, entertainments, or amusements.

**(b) Fees for permits, etc.** The town may charge and collect fees for permits to use public facilities and for public services and privileges.

**(c) Cemeteries.** The town may provide in or near the town lands to be used as burial places for the dead; improve and care for the same and the approaches thereto; charge for and regulate the use of ground therein; and provide for the perpetual upkeep and care of any plot or burial lot therein. The town is authorized to take and receive sums of money by gift, bequest, or otherwise, to be kept invested, and the income thereof is to be used for the perpetual upkeep and care of the said lot or plat for which the said donation, gift, or bequest shall have been made.

**(d) Injunctive relief.** The town may maintain a suit to restrain by injunction the violation of any ordinance, notwithstanding any punishment that may be provided for the violation of such ordinance.

### Chapter 3. Elected Officers.

#### **§ 3.1. Government of town.**

The town shall be governed by a town council composed of six members and a mayor, all of whom shall be qualified voters in the town. (1988, c. 136; 2011, c. 439)

#### **§ 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. 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; 2016, c. 160)

#### **§ 3.6. Vacancies.**

Vacancies on the council shall be filled in accordance with general law.

**§ 3.7. Meetings of the council.**

**(a) Organizational meeting.** The town council’s organizational meeting for the purposes set forth in § 15.2-1416 of the Code of Virginia shall be its first meeting held after January 1 of each year.

**(b) Regular meetings.** The council shall fix the date and time of its regular meetings, which shall be at least once each month.

**(c) Special meetings.** A special meeting of the council shall be held when called by the mayor, or when requested by two or more of the members of council. The call or request shall be made to the clerk, and shall specify the matters to be considered at the meeting. Upon receipt of such call or request, the clerk of council, after consultation with the mayor, shall immediately notify each member of council and the town attorney in writing delivered in person, or to his place of residence or business or, if so requested by the member of the governing body, by electronic mail or facsimile, to attend such meeting at the time and place stated in the notice. Such notice shall specify the matters to be considered at the meeting. No matter not specified in the notice shall be considered at such meeting.

**(d) Rules of procedure.** From time to time, the council may adopt rules of procedure governing its meetings, such rules not being inconsistent with state law.

**§ 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 manager.**

The council may appoint a town manager who shall be the town’s chief administrative officer and the administrative head. The town manager shall be responsible to the council for the proper management of the town. In addition to any other duties prescribed by council or required by law, the town manager shall:

- (a) See that all ordinances, resolutions, directives and orders of council, and all laws of the Commonwealth are faithfully executed;
- (b) Appoint, supervise and dismiss all officers and employees of the town, including but not limited to the police chief and treasurer, if any. The town manager may authorize the head



of an office or department to appoint, supervise, and discipline subordinates in such office or department subject to review and approval by the town manager;

- (c) Report to council from time to time on the affairs of the town;
- (d) Receive reports from, and give directions to, all heads of offices and departments of the town;
- (e) Submit to the council a proposed annual budget, in accordance with general law, with recommendations, and execute the budget as finally adopted by council; and
- (f) Advise the council on the town's financial condition and future financial needs.

**§ 4.2. 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)

**§ 4.3. Clerk.**

The council may appoint a clerk who shall be responsible for maintaining the official legislative record of council meetings and actions, and perform such other duties as may be prescribed by the council or required by law.

**§ 4.4. Other officers.**

The council may appoint any other officers as it deems necessary and proper.

**§ 4.5. 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.

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)