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[HISTORY: Adopted by the General Assembly of Virginia by 1985 Acts of Assembly Chapter 168, approved 3-14-1985. Amendments noted where applicable.]

Chapter 1

Incorporation and Boundaries

§ 1.1. Incorporation.

The inhabitants of the territory comprised within the present limits of the Town of Pennington Gap as such limitations are now, or may hereafter be altered and established by law, shall constitute and be a body politic and corporate, to be known and designated as the Town of Pennington Gap, 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.

§ 1.2. Boundaries.

The territory embraced within the Town of Pennington Gap is that territory in the County

of Lee, Virginia, as set forth in that certain Order, dated June 25, 1960, of record in the Clerk's Office of the Circuit Court of Lee County, Virginia, in Order Book 22, page 243 and following.

Chapter 2

Powers

§ 2.1. Powers.

The Town of Pennington Gap shall have all powers that may be conferred upon or delegated to towns under the Constitution and laws of the Commonwealth of Virginia, including, but not limited to, those powers set forth in §§ 15.1-837 through 15.1-907 of the Code of Virginia, as amended.

Chapter 3

Mayor and Council

§ 3.1. Election, qualification and term of office.

- A. The Town of Pennington Gap shall be governed by a town council of six members, composed of the mayor and five councilmen, all of whom shall be qualified voters of the town.
- B. The mayor and councilmen in office at the time of the passage of this act shall continue until the expiration of the terms for which they were elected or appointed, or until their successors are duly elected and qualified. At the regular municipal election to be held on the first Tuesday in May, 1986, and every four years thereafter, the mayor and five members of the council shall be elected for a term of four years each.
- C. The mayor shall preside at the meetings of the council and be a member of council, he shall be recognized as head of the town government for ceremonial purposes and by the Governor for purposes of military law. He shall have the same powers and duties as other members of the council, except as provided otherwise herein, with a vote but no veto powers.

§ 3.2. Vacancies.

Vacancies on the council and in the office of mayor shall be filled for the unexpired term by a majority vote of the remaining members of council.

§ 3.3. Qualifications of members.

Any person qualified to vote in the town shall be eligible for the office of councilman or mayor.

§ 3.4. Powers of council.

The council shall make such rules as are necessary for the orderly conduct of its business not inconsistent with the laws of Virginia and shall have the power in its discretion to appoint a town manager, clerk, treasurer, town attorney, and a chief of police or sergeant, who shall have such duties and shall be paid such compensation as the council may determine. If appointed, they shall serve at the pleasure of the council. The council by majority vote of its membership may appoint one of its members as vice mayor.

Chapter 4

Miscellaneous

§ 4.1. Eminent domain.

The powers of eminent domain as set forth in Title 15.1 and Title 25 of the Code of Virginia, as amended, are hereby conferred upon the town.

§ 4.2. Fiscal year.

The fiscal year of the town shall begin on July 1 of each year and end June 30 of the following year.

§ 4.3. Ordinances continuing.

All ordinances now in force in the town, not inconsistent with this charter, shall remain in force until altered, amended or repealed by the council.

§ 4.4. Legislative procedure.

Except in dealing with parliamentary procedure, the council shall act only by ordinance or resolution, and with the exception of ordinances making appropriations, or authorizing the contracting of indebtedness, shall be confined to one general subject.