

TITLE III: ADMINISTRATION

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CHAPTER 30: GENERAL PROVISIONS

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GENERAL PROVISIONS

§ 30.01 PROCEDURE FOR EXECUTION OF TOWN DEEDS, CONTRACTS, NOTES AND THE LIKE.

All papers duly authorized to be executed in the name of and on behalf of the town shall, unless otherwise provided for by ordinance or resolution of the Council, be signed as follows.

(A) Deeds, bonds, contracts and other instruments requiring the seal of the town to be affixed thereto shall be signed by the Mayor or Vice-Mayor in the absence of the Mayor, and the seal shall be affixed thereto and attested to by the Clerk of the Council.

(B) Notes or other similar evidences of debt shall be signed by the Mayor or Vice-Mayor and by the Clerk of the Council.

(1961 Code, § 2-4)

ORDINANCES

§ 30.15 PASSAGE GENERALLY; READING AT TWO MEETINGS OF TOWN COUNCIL REQUIRED; EXCEPTION AS TO EMERGENCY ORDINANCES; AMENDMENTS.

No ordinance or resolution having the effect of an ordinance, unless it be an emergency, shall be passed until it has been read at two meetings of the Town Council not less than one week apart, one of which shall be a regular meeting and the other of which may be either an adjourned or called meeting; provided, that the requirement of a second reading by the affirmative vote of any two members of the Council may be confined to the reading of the title only. Any ordinance or resolution read at one such meeting may be amended, and passed as amended, provided the amendment does not materially change the ordinance.

(1961 Code, § 2-1)

Cross-reference:

Enactment of ordinances as amendments or additions to code, see § 10.14

§ 30.16 EFFECTIVE DATE.

All ordinances, resolutions and other matters passed by the Town Council shall take effect at the time indicated in such ordinances, resolutions or bylaws, but in the event no effective date shall be set forth in such ordinance, resolution or bylaws, the same shall become effective 30 days from the passage thereof.

(1961 Code, § 2-2)

Charter reference:

Effective date of ordinances, see Char. Art. III, § 18

§ 30.17 EMERGENCY MEASURES.

An ordinance passed by the Town Council involving an emergency measure, when properly designated as such, shall become effective immediately. An emergency measure is an ordinance for the immediate preservation of the public peace, property health or safety or providing for the daily operation of a municipal department. The emergency shall be stated in every such measure.

(1961 Code, § 2-3)

CONFLICTS OF INTEREST

§ 30.30 INTENT.

The intent of this subchapter is to promote the public service and instill confidence, respect and understanding of the roles and responsibility of public officials, employees, paid or unpaid, elected or appointed in the conduct of the business of local government and recognition of the public trust accepted and subscribed to by all who serve on any board, body, commission, agency or committee in the interest of the public service of the town.

(Ord. passed - -)

§ 30.31 FINANCIAL OR PERSONAL INTEREST.

No member of the governing body, Planning Commission or individuals involved in the administration of the ordinances and public business of the town shall act on any matters in which he or she has, either directly or indirectly, any personal or financial interest.

(Ord. passed - -)

§ 30.32 DISCLOSURE AND DISQUALIFICATION.

Whenever, in the performance of official duties, any official or employee is required to deliberate and vote on any matter involving a personal or financial interest, he or she shall publicly disclose the nature and extent of such interest and disqualify himself or herself from participating in the deliberations, hearings and decisions relating thereto.

(Ord. passed - -)

§ 30.33 IMPARTIALITY.

No official or employee shall grant or make available to any person any consideration, treatment, advantage or favor beyond that which it is the general practice to grant or make available to the public at large.

(Ord. passed - -)

§ 30.34 CONFIDENTIAL INFORMATION.

No official or employee shall, without prior formal authorization by the public body having jurisdiction, disclose any confidential information concerning other officials, employees, persons or any other confidential matters related to property and governmental affairs of the town.

(Ord. passed - -)

CHAPTER 31: TOWN COUNCIL

Section

Powers and Duties

- 31.01 Generally
- 31.02 Suspension and removal of town officers
- 31.03 Fines and expulsion of Council members
- 31.04 Additional powers and duties

Meetings

- 31.15 Generally; open to the public; exception
- 31.16 Time and place of regular meetings
- 31.17 Special meetings; limitation as to business transacted
- 31.18 Special meetings; notice
- 31.19 Quorum
- 31.20 Minute book
- 31.21 Regulation of proceedings; number of votes required for tax levy, corporate debt contract and money appropriation
- 31.22 Action to be by separate ordinance or resolution
- 31.23 Order of business

POWERS AND DUTIES

§ 31.01 GENERALLY.

All the corporate powers of the town shall be exercised by the Town Council or under its authority, except where otherwise provided by the Charter or by the general laws of the state.

(1961 Code, § 2-5)

Statutory reference:

Powers of Town Council generally, see VA Code §§ 15.2-1400 et seq.

§ 31.02 SUSPENSION AND REMOVAL OF TOWN OFFICERS.

The Town Council shall have the power to suspend and to remove all town officers, whether they be elected or appointed, for misconduct in office or neglect of duty, but no such removal shall be made without reasonable notice to the officer complained of and an opportunity afforded him or her to be heard in his or her defense.

(1961 Code, § 2-6)

Statutory reference:

Suspension and removal of town officers, see VA Code § 15.2-1503

§ 31.03 FINES AND EXPULSION OF COUNCIL MEMBERS.

(A) The Town Council may fine any member of its own body for disorderly behaviour and, with a concurrence of two-thirds of the members of the Town Council, may expel any member of the Council.

(B) Any member of the Town Council who shall have been convicted of a felony while in office shall thereby forfeit his or her office.

(1961 Code, § 2-7)

Charter reference:

Fines and expulsions, see Char. Art. III, § 4

Statutory reference:

Fines and expulsions of members of Town Council, see VA Code § 15.2-1400

§ 31.04 ADDITIONAL POWERS AND DUTIES.

The Town Council shall further have such other powers and perform such other duties as may be provided for by the Charter or by the laws of the state.

(1961 Code, § 2-8)

MEETINGS**§ 31.15 GENERALLY; OPEN TO THE PUBLIC; EXCEPTION.**

Meetings of the Town Council shall be open to the public except, when in the judgment of the Council, the public welfare requires executive meetings.

(1961 Code, § 2-9)

Charter reference:

Council meetings being open to public, see Char. Art. III, § 9

§ 31.16 TIME AND PLACE OF REGULAR MEETINGS.

Regular meetings of the Town Council shall be held on the second Thursday of each month, at 7:30 p.m. in the Town Office or such place the Mayor directs.

(1961 Code, § 2-10)

Charter reference:

Provisions as to time and place of regular Council meetings, see Char. Art. III, § 9

§ 31.17 SPECIAL MEETINGS; LIMITATION AS TO BUSINESS TRANSACTED.

(A) Special meetings of the Town Council may be called by the Clerk at the instance of the Mayor or any three members of the Council in writing.

(B) No business shall be transacted at a special meeting, except that stated in the call, unless all members are present and consent to the transaction of such other business.

(1961 Code, § 2-11)

Charter reference:

Special Council meetings, see Char. Art. III, § 9

§ 31.18 SPECIAL MEETINGS; NOTICE.

Notice of special meetings of the Town Council shall be given to members of the Council at least 24 hours prior to the time thereof.

(1961 Code, § 2-12)

§ 31.19 QUORUM.

A majority of all the members of the Town Council shall constitute a quorum to do business.

(1961 Code, § 2-13)

Charter reference:

What constitutes a quorum of the Town Council, see Char. Art. III, § 5

§ 31.20 MINUTE BOOK.

The Town Council shall keep a minute book in which its Clerk shall note the proceedings of the Council and shall record the proceedings at large on the minute book and keep the same properly indexed.

(1961 Code, § 2-14)

Charter reference:

Minute book, see Char. Art. III, § 10

§ 31.21 REGULATION OF PROCEEDINGS; NUMBER OF VOTES REQUIRED FOR TAX LEVY, CORPORATE DEBT CONTRACT AND MONEY APPROPRIATION.

The Town Council may adopt rules for regulating its proceedings but no tax shall be levied or corporate debt contracted except by a recorded two-thirds vote of all the members elected to the Council and no appropriation of money exceeding the sum of an amount set by Council from time to time shall be made except by a recorded affirmative vote of a majority of all the members elected to the Council. (1961 Code, § 2-15)

Charter reference:

Regulation of proceedings, tax levy and corporate debt contract, see Char. Art. III, § 12

§ 31.22 ACTION TO BE BY SEPARATE ORDINANCE OR RESOLUTION.

In regulating its proceedings, the Town Council shall act only by ordinance or resolution, and each such ordinance or resolution shall be confined to one subject. (1961 Code, § 2-16)

§ 31.23 ORDER OF BUSINESS.

The order of business of the Town Council at its regular meeting shall be as follows:

- (A) Read the minutes of the last meeting;
- (B) Reports of officers or committees;
- (C) Unfinished business; and

(D) New business.

(1961 Code, § 2-17)

CHAPTER 32: TOWN OFFICERS

Section

- 32.01 Mayor
- 32.02 Vice-Mayor
- 32.03 Election and term of certain town officers
- 32.04 Town Clerk
- 32.05 Town Treasurer
- 32.06 Code Enforcement Officer
- 32.07 Town Attorney
- 32.08 Compensation

§ 32.01 MAYOR.

The Mayor shall be the judicial head of the town and shall preside at the meetings of the Town Council and perform such other duties as are prescribed by the Charter of the town and by the general law and such other duties as may be imposed by the Town Council consistent with his or her office. He or she shall take care and see that the bylaws, ordinances and resolutions of the Council are faithfully executed and obeyed. He or she shall be ex officio conservator of the peace within the town and within one mile of its corporate limits. He or she shall see that peace and good order are preserved, and persons and property within the town are protected. He or she shall authenticate by his or her signature such documents and instruments as the Town Council, the Charter or the laws of the state may require. He or she shall from time to time recommend to the Council such measures as he or she may deem needful for the welfare of the town. He or she shall have such other powers and perform such other duties as may be provided for by ordinance, the Charter or the laws of the state.

(1961 Code, § 2-24)

Charter reference:

Mayor generally, see Char. Art. III, § 7

§ 32.02 VICE-MAYOR.

The Town Council shall, as soon as possible after qualification and biannually thereafter, following the regular town election, appoint one of its members as Vice-Mayor. The Vice-Mayor, during the absence or disability of the Mayor, shall perform the duties and be vested with all the powers, authority and jurisdiction of the Mayor. In the event of a vacancy for any reason in the office of Mayor, he or she

shall act as Mayor until a Mayor is duly appointed by the Council or is elected. The member of the Council who shall be chosen as Vice-Mayor shall continue to have all the rights, privileges, powers, duties and obligations of a Council member even when performing the duties of Mayor, during the absence or disability of the Mayor.

(1961 Code, § 2-25)

Charter reference:

Vice-Mayor generally, see Char. Art. III, § 8

§ 32.03 ELECTION AND TERM OF CERTAIN TOWN OFFICERS.

On the first day of September following each regular municipal election and organization of the Council, or as soon thereafter as may be practicable, the Town Council shall elect a Town Clerk, a Town Treasurer, a Town Attorney and a Code Enforcement Officer and such other officers as are required by law or as the Council may deem expedient; each of such officers shall serve at the pleasure of the Council and in no event shall the Council elect any officer for a term extending beyond August 31 next succeeding its regular biennial municipal election for members of the Town Council.

(1961 Code, § 2-26)

Charter reference:

Election and the like of town officers, see Char. Art. III, §§ 11, 13, 15, 17

§ 32.04 TOWN CLERK.

The Town Council shall elect a Town Clerk whose duty it shall be to attend all meetings of the Council and keep an accurate record of its proceedings. The Clerk shall file and preserve all written opinions furnished by the Town Attorney to the Town Council or its committees, also a copy of every contract entered into by the town and such other papers and books as may come into his or her hands as Clerk. He or she shall keep all papers required to be kept by the Town Council; shall publish reports and ordinances that are required to be published; and shall perform such other duties as the Council may require. He or she shall hold office at the pleasure of the Town Council and his or her compensation shall be fixed by the Council. He or she shall have custody of the town seal and shall affix it to all bonds, contracts and deeds executed in the name of the town, and to other documents and instruments requiring the seal and shall attest the same.

(1961 Code, § 2-27)

Charter reference:

Town Clerk generally, see Char. Art. III, § 11

§ 32.05 TOWN TREASURER.

The Town Council shall elect a Town Treasurer, who shall hold office for a term of two years. The Council may provide a salary for the Treasurer and he or she shall give such bond with surety in such penalty as the Council may prescribe. He or she shall receive all money belonging to the town and keep a correct account of all receipts from all sources and of all expenditures of all departments. He or she

shall be responsible for the collection of all taxes, license fees, levies and charges due to the town and shall disburse the monies of the town in the manner prescribed by the Council as it may direct by ordinance. He or she shall make such reports at such times as the Council may prescribe. The books and accounts of the Treasurer shall be examined and audited at such times as the Town Council may prescribe, and such examinations and audits shall be reported to the Town Council.

(1961 Code, § 2-28)

Charter reference:

Town Treasurer generally, see Char. Art. III, § 13

Cross-reference:

Duty of Town Treasurer relative to tax on bankstock, see § 34.22

§ 32.06 CODE ENFORCEMENT OFFICER.

The Code Enforcement Officer shall have the same powers and discharge the same duties as constables within the corporate limits of the town and to a distance of one mile beyond the same. He or she shall have all the powers vested in the Code Enforcement Officer by general law and shall hold office at the pleasure of the Town Council. His or her duties shall be such as the Town Council prescribes and he or she shall be vested with the powers of a conservator of the peace. His or her compensation shall be fixed by the Council. It shall be the duty of the Code Enforcement Officer to use his or her vested power to prevent the commission in the town of offenses against the laws of the state and offenses against the ordinances and regulations of the town; to observe and enforce all such laws, ordinances and regulations; to detect and arrest offenders against the same; to preserve the good order of the town and secure the inhabitants of the town from violence and the property therein from injury. He or she shall have such other powers and perform such other duties as may be provided for by ordinances, the Charter or by the laws of the state.

(1961 Code, § 2-29)

Cross-reference:

Code Enforcement Officer as Building Official, see § 150.002

§ 32.07 TOWN ATTORNEY.

The Town Council shall elect a Town Attorney, who shall be a regular practicing attorney in the courts of this state. His or her term of office shall be for the two ensuing years beginning on September 1 after each regular town election. He or she shall be the legal adviser of, and attorney and counsel for, the town and all of its officers in matters relating to their official duties; he or she shall conduct for the town all cases in court whenever the town is a party thereto, and upon request of the Mayor, he or she shall appear before the Mayor to represent the town on violations of this code or other town ordinances. He or she shall prepare and officially pass upon all contracts, bonds and instruments in writing in which the town is concerned and certify before execution to the legality and correctness thereof. He or she shall receive such compensation as the Council shall direct and shall have such other powers and perform such other duties as may be provided for by ordinances, the Charter or the laws of the state.

(1961 Code, § 2-30)

§ 32.08 COMPENSATION.

The compensation of all town officers shall be fixed by the Town Council and shall not be diminished in the town for which they are elected or appointed.
(1961 Code, § 2-31)

CHAPTER 33: ELECTIONS

Section

- 33.01 Date of regular election; special elections
- 33.02 Voting place
- 33.03 Elected officials; assumption of office; term
- 33.04 Elected officials; oaths
- 33.05 Effect of failure to qualify or take oath
- 33.06 Council to judge elections and the like

§ 33.01 DATE OF REGULAR ELECTION; SPECIAL ELECTIONS.

The regular election for the town shall be held on the second Tuesday in June of each even numbered year. All other town elections that may be held shall be known as special elections.

(1961 Code, § 2-18)

Charter reference:

Date of regular elections, see Char. Art. III, § 2

Statutory reference:

Date of regular elections, see VA Code §§ 24.2-600 set seq. and 24.2-222.1

§ 33.02 VOTING PLACE.

The voting place of the town shall be in such place as the Council directs.

(1961 Code, § 2-19)

§ 33.03 ELECTED OFFICIALS; ASSUMPTION OF OFFICE; TERM.

Persons elected at the regular town election shall enter upon their regular respective offices on September 1 next succeeding their election and shall continue in office until their successors are duly elected and qualified.

(1961 Code, § 2-20)

Charter reference:

Date elected officials shall assume office, see Char. Art. III, § 2

§ 33.04 ELECTED OFFICIALS; OATHS.

Every person elected a Council member and the Mayor shall take an oath to faithfully execute and discharge the duties of his or her office to the best of his or her judgment, and the Mayor shall take the oath prescribed by law for state officers.

(1961 Code, § 2-21)

Charter reference:

Date elected officials shall assume office, see Char. Art. III, § 2

Statutory reference:

Oaths to be taken by Mayor and Council members, see VA Code § 15.2-1512

§ 33.05 EFFECT OF FAILURE TO QUALIFY OR TAKE OATH.

The failure of any person elected or appointed under the provisions of the Charter to qualify or take the oath required within the time prescribed for entering upon the discharge of the duties of the office to which he or she is elected or appointed, shall vacate such office and the Council shall proceed to fill such vacancy in the manner provided by law or by the Charter.

(1961 Code, § 2-22)

§ 33.06 COUNCIL TO JUDGE ELECTIONS AND THE LIKE.

The Town Council shall be the judge of elections, qualification and return of its members as set forth in the Town Charter and as provided by the laws of this state.

(1961 Code, § 2-23)

Charter reference:

Judging of elections and the like by Council, see Char. Art. III, § 4

Statutory reference:

Judging of elections and the like by Town Council, see VA Code § 15.2-1654

CHAPTER 34: TOWN FINANCES

Section

Transient Occupancy Tax

- 34.01 Statement of intent
- 34.02 Definition
- 34.03 Amount of levy
- 34.04 Collection
- 34.05 Reports required
- 34.06 Failure to collect taxes or make reports
- 34.07 Records required

Tax on Bankstock

- 34.20 Levy
- 34.21 Annual report to Treasurer
- 34.22 Duty of Treasurer
- 34.23 Determination of value of shares
- 34.24 Payment by bank

- 34.99 Penalty

Charter reference:

Powers of taxation generally, see Char. Art. IV, § 1

TRANSIENT OCCUPANCY TAX

§ 34.01 STATEMENT OF INTENT.

A transient occupancy tax to be collected as set forth in this subchapter, for the general good and benefit of the citizens and the town; to better the life for its citizens and, among other things, to maintain and improve its infrastructure; said funds to be allocated and disbursed as solely determined by the Town Council.

(Ord. passed - -)

§ 34.02 DEFINITION.

For the purpose of this subchapter, the following definition shall apply unless the context clearly indicates or requires a different meaning.

TRANSIENT PERSON. One who for a period of not more than 90 consecutive days, either at his or her own expense or at the expense of another, lodges or obtains lodging at any hotel, motel, tourist home, inn, bed and breakfast or other facility.

(Ord. passed - -)

Statutory reference:

Municipal taxes and assessments generally, see VA Code § 15.2-1104

§ 34.03 AMOUNT OF LEVY.

There is hereby imposed and levied by the town on each transient a transient occupancy tax in the amount set by Council from time to time of the charge made for each room rented to such transient. Such tax shall be collected from such transient at the time and in accordance with this subchapter.

(Ord. passed - -)

§ 34.04 COLLECTION.

Every person, firm or corporation receiving any payment for lodging with respect to which a tax is levied under this subchapter shall collect the amount of such tax so imposed from the transient on whom such tax is levied or from the person paying for such lodging at the time payment for such lodging is made. The tax required to be collected under this section shall be deemed to be held in trust by the person, firm or corporation required to collect such taxes as provided in this subchapter.

(Ord. passed - -)

§ 34.05 REPORTS REQUIRED.

The person, firm or corporation collecting any tax as provided in this subchapter shall make a report thereof on such forms and setting forth such information as the Town Treasurer may prescribe and require, showing the amount of lodging charges collected, and taxes required to be collected. Such person shall sign and deliver such report to the Town Treasurer with remittance of the taxes collected. Such report and remittance is required by the Town Treasurer covering taxes collected for each calendar month, on or before the twentieth day of the month following the month in which the taxes are collected.

(Ord. passed - -) Penalty, see § 34.99

§ 34.06 FAILURE TO COLLECT TAXES OR MAKE REPORTS.

If any person, firm or corporation, whose duty it is to do so, shall fail or refuse to collect the tax imposed under this subchapter and make timely report and remittance thereof, the Town Treasurer shall proceed in such manner as is practicable to obtain facts and information on which to base an estimate of the tax due. As soon as the Treasurer has procured whatever facts and information may be obtainable, upon which to base the assessment of any tax payable by any person, firm or corporation who has failed to collect, report or remit such tax the Treasurer shall proceed to determine and assess against such person, firm or corporation the tax, penalty and interest provided in this subchapter, and shall notify the person, firm or corporation by registered mail sent to his or her last known address of the amount of such tax, penalty and interest. The total amount thereof shall be payable ten days after the date such notice is sent.

(Ord. passed - -) Penalty, see § 34.99

§ 34.07 RECORDS REQUIRED.

It shall be duty of every person, firm or corporation liable for the collection and payment to the town of any tax imposed by this subchapter to keep and preserve for a period of four years all suitable records as may be necessary to determine the amount of tax due to have been collected and paid to the town. The Town Manager, or a designated representative, may inspect such records at all reasonable times.

(Ord. passed - -) Penalty, see § 34.99

TAX ON BANKSTOCK**§ 34.20 LEVY.**

A tax of an amount set by Council from time to time of the state rate of taxation on each \$100 of the taxable value of the shares of stock in any bank located in the town is hereby levied; provided, however, that if any such bank has a branch located outside the town, the tax imposed by this section shall be upon only such proportion of the taxable value of the shares of stock in such bank as the total deposits of the bank, minus deposits through any branch located outside the town, bear to the total deposits of the bank as of the beginning of the tax year.

(1961 Code, § 10-1)

Statutory reference:

Authority of the town to levy a tax on bankstock, see VA Code § 58.1-1209

§ 34.21 ANNUAL REPORT TO TREASURER.

Every bank located in the town is hereby required to prepare and deliver to the Town Treasurer a copy of the report that such bank is required to make up and return to the Commissioner of the Revenue

of the county, by the laws of the state, on or before February 1 in each year, in which report shall be given the names and residences of all the stockholders and the number and actual value of the shares of stock held by each stockholder.

(1961 Code, § 10-2)

§ 34.22 DUTY OF TREASURER.

It shall be the duty of the Treasurer to extend the tax provided for in § 34.20 against the stockholders of any bank located in the town at the rate prescribed in § 34.20.

(1961 Code, § 10-3)

Cross-reference:

Town Treasurer generally, see § 32.05

§ 34.23 DETERMINATION OF VALUE OF SHARES.

The actual value of shares of stock held by the stockholders shall be determined in the same manner provided by law for the determination of the value of such stock for the purpose of taxation by the state.

(1961 Code, § 10-4)

§ 34.24 PAYMENT BY BANK.

Every bank located in the town shall, on or before June 1 in each year, pay into the town treasury the taxes assessed against its stockholders as provided in §§ 34.20 to 34.23, and upon the payment thereof, the Town Treasurer shall give to such bank duplicate receipts upon forms to be prescribed by the Department of Taxation of the state.

(1961 Code, § 10-5)

§ 34.99 PENALTY.

(A) *Generally.* Any person violating any provision of this chapter, for which no other penalty is provided, shall be subject to the penalty provisions of § 10.99.

(B) *Transient occupancy tax.*

(1) *Penalties for late payment.* If any person shall fail or refuse to remit to the Town Treasurer the tax required to be collected and paid under §§ 34.01 through 34.07 within the time and in the amount specified, there shall be added to such tax by the Town Treasurer a penalty in the amount of 10% thereof and interest thereon at the rate of 10% per annum, which shall be computed upon the taxes and penalty from the first day of the month next following the month in which such taxes are due and payable.

(2) *Violations and penalties.* Any person, firm or corporation who shall violate or fail to comply with any of the provisions of §§ 34.01 through 34.07, or who shall file a false or misleading monthly report hereunder, shall be guilty of a Class 3 misdemeanor and fined an amount set by Council from time to time.

(Ord. passed - -)

CHAPTER 35: TOWN POLICIES

Section

Northern Neck Regional Natural Hazards Mitigation Plan

35.01 Adoption by reference

NORTHERN NECK REGIONAL NATURAL HAZARDS MITIGATION PLAN

§ 35.01 ADOPTION BY REFERENCE.

The portions of the Northern Neck Regional Natural Hazards Mitigation Plan applicable to the town are hereby approved and adopted for the town. A copy of the plan is attached to the resolution codified herein and is hereby incorporated by reference, as though set out in full.

(Res. passed 3-8-2012)

