



**SMALL TOWNS CONFERENCE**

**2025**

# So you want to change your charter?

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# Code of Virginia Authority



Section 15.2 - 200 Code of Virginia, Required Procedure for obtaining new charter or amendment



This Code section details the process by which municipalities obtain or change a charter



# Required Steps for Changing a Charter

## 1. Initiation by the Local Governing Body

The process typically begins with the **town council** adopting a resolution or ordinance requesting a charter amendment or a new charter.

## 2. Drafting the Proposed Changes

The town may work with legal counsel or the **Division of Legislative Services** to draft the proposed charter or amendments in proper legislative format.

## 3. Public Input (Optional but Recommended)

Although not always legally required, holding **public hearings** or community meetings can help ensure transparency and gather support.

## 4. Submission to the General Assembly

The proposed charter or amendments must be submitted to the **Virginia General Assembly**, which is the only body authorized to grant or amend municipal charters.

## 5. Legislative Approval

The General Assembly reviews the proposal during its legislative session. If approved, it becomes law, and the charter is amended accordingly.

# Research Findings from Town Charters



2023 Research Study by Virginia Tech



Review of 191 Charter obtained from Legislative Information System



Article published in VML Town and City June 2023

# Key Facts

- ▶ Of the 95 counties, 72 counties have towns
- ▶ Average population of towns is 2,761 persons
- ▶ The three largest towns are Herndon (Fairfax County), Blacksburg (Montgomery County), and Leesburg (Loudoun Count)
- ▶ Accomack has the greatest number of towns (14)
- ▶ Average of 3 towns per County

# Governing Body Structure in Towns

- 170 Towns have elected mayors (91%)
- 17 Towns have appointed mayors (9%).
- 4 Towns Not Available
- There are 1,255 elected officials governing the Towns
- Smallest Council, not including mayors, is 3 and the largest, not including mayors, is 8 councilmembers

# Powers of Mayor

- ▶ 3 Main categories of mayoral powers:
  1. No right to vote unless there is a tie.
  2. No right to vote unless there is a tie AND veto power.
  3. Right to vote but no veto power.

	No right to Vote unless a tie	No right to Vote unless a tie AND veto power	Right to Vote/no VETO power
All Mayors	62	30	60
Appointed Mayor	3	0	13
Elected Mayor	59	30	47

# Appointed Officials identified in the Charter

Many Town Charters include appointed positions; administrative positions that are appointed by the Council. Six categories of officials were identified in the charters:

1. Town Manager
2. Town Attorney
3. Town Clerk
4. Town Treasurer
5. Chief of Police
6. Town Sergeant

► Other appointed positions were identified including fire chief, commissioner of the revenue, town assessor, and registrar but were only a single occurrence in the charter review. The table below details the number of charters with appointed positions and the percentage of towns having a position in the Charter.



# Appointed Positions in Charter

	Town Manager	Town Attorney	Town Clerk	Town Treasurer	Chief of Police	Town Sergeant
Number	110	101	142	124	75	60
Percentage of Towns having position in Charter	57.6%	52.9%	74.4%	64.9%	39.3%	31.4%

# Charter and Code of Virginia references

- ▶ Some charters have adopted certain sections of the Code of Virginia to incorporate state authority in their local Charters.
- ▶ References to State Code 15.2-1100 through 15.2-1133 are identified in some Charters.
- ▶ However, many charters still refer to State Codes section 15.1 and are not consistent with the current State Code.
- ▶ 112 of the 191 Towns have adopted some portion of State Code.

# Functional Authority included in Charters

Function included in Charter	Number of Towns with language in Charter	General synopsis of example language included in Charter
Execution of Bonds	115	Can create and execute bonds
Eminent Domain	97	Has authority
Boards and Commissions	96	Can create and provide for boards and commissioners
Condemn Property	69	Has authority
Financial	80	Fiscal year determination
Police	55	Exercise all police powers under general law of Virginia
Planning	31	Creation of planning commission, comprehensive plan
Elections	79	Authority under general law
Utilities	67	Grant franchises, water and sewage, garbage
Streets	83	Maintain or build streets
Building Inspections	92	Enforce building codes
Nuisance	65	Abatement of nuisance
Fire	40	Can establish and control a fire department
Public Schools	21	Establish or contribute to
Library	12	Can support or contribute
Roads	47	May build, maintain roads
Public Health	46	Oversee and protect dangers to public health



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Thank you and Questions  
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