

BRISTOL, CITY OF
City of First Class
Established in 1850 as Goodson.
Incorporated as a town in 1856.
Incorporated as a city and name changed to Bristol in 1890.

Charter, 1890, c. 202; repealed 1899, c. 611.
Charter, 1899, c. 611; repealed, 1908, c. 286.
Charter, 1908, c. 286; repealed, 1920, c. 309.
Charter, 1920, c. 309; repealed 1990, c. 542 except § 3.
Charter, 1990, c. 542, retaining § 3.
Amended 1996, cc. 655, 678 (§§ 4.03, 4.07, 4.09, 4.10, 5.03, 5.04, 7.02, 7.06, 8.02, 8.03, 8.04)
1999, cc. 139, 170 (§§ 2.11 [repealed], 5.10 [repealed], 7.05)
2000, cc. 949, 976 (§§ 8.06, 14.01)
2003, cc. 539, 546 (§§ 7.10, 8.06)
2007, cc. 607, 682 (§§ 2.01, 5.11 [repealed], 7.02, 7.05, 7.07, 7.08, 8.06, 10.10)
2008, cc. 99, 323 (§ 8.06).

§ 3. City boundaries.

The corporate limits of the City of Bristol, Virginia, until altered as provided by law, shall embrace the territory within the following boundaries, to-wit: Beginning on the State line, between the States of Virginia and Tennessee, at the point where Beaver Creek crosses said line on State street, between the cities of Bristol, Tennessee, and Bristol, Virginia, and running thence east along said State line for the distance of one miles; thence running a due course north for the distance of one mile; thence running west parallel with said State line for the distance of two miles; thence running a due course south to the said State line; and thence along said State line east to the beginning. (1920, c. 309)

CHAPTER 1.
INCORPORATION AND BOUNDARIES.

§ 1.01. Incorporation.

The inhabitants of the City of Bristol, Virginia, comprised within the limits established for such city are and shall continue to be a body politic and corporate under the name of the City of Bristol. The city shall have perpetual succession, shall exercise and enjoy all the rights, immunities, powers, and privileges of a municipal corporation, and shall be subject to all the duties and obligations encumbered upon and pertaining to the city as a municipal corporation. The City of Bristol shall continue liable for all existing indebtedness, whether funded or floating, outstanding in the name of the city. (1990, c. 542)

§ 1.02. Corporate limits.

The corporate limits of the City of Bristol, Virginia, are those set forth in § 3 of Chapter 309 of the Acts of Assembly of 1920 and in Deed Book 173, page 729, in the Circuit Court Clerk's office, Bristol, Virginia. (1990, c. 542)

CHAPTER 2.

POWERS.

§ 2.01. General grant of powers.

The City of Bristol shall have and may exercise all powers which are now or hereafter may be conferred upon or delegated to municipal corporations under the Constitution and laws of the Commonwealth of Virginia as fully and completely as though such powers were specifically enumerated herein. The city shall have as well any powers expressly set forth herein, including the power to provide and operate telecommunication and related services, including without limitation, cable television, Internet, and all other services that might be rendered by use of the city's fiber-optic system; provided further that also the city shall have the power, within and without the city and within or without the Commonwealth of Virginia to provide consulting and management services for the operation of telecommunication services, including without limitation, cable television, Internet, and all other services that might be rendered by use of a fiber-optic system. Nothing in the foregoing provision shall be deemed to have expanded the powers of the city to provide and operate telecommunication and related services, including without limitation, cable television, Internet and all other services that might be rendered by use of the city's fiber-optic system, beyond those limitations and restrictions set forth in §§ 15.2-2108.2, 15.2-2108.3, 15.2-2108.9 through 15.2-2108.17, 15.2-2160, and 56-265.4:4 of the Code of Virginia, which, as amended from time to time, shall continue to be applicable to the city to the extent provided therein. The enumeration of powers in this charter shall not be exclusive or otherwise be construed to limit the powers of the city. (1990, c. 542; 2007, cc. 607, 682)

§ 2.02. Financial powers.

The City of Bristol shall have the following powers relative to its financial affairs:

1. To raise annually by taxes and assessments such sums of money as the council deems necessary to pay the debts and defray the expense of operation of the city; provided that such taxes and assessments are not prohibited by the laws of the Commonwealth;

2. To impose special or local assessments for local improvements and enforce payment thereof;

3. To contract debts, borrow money and make and issue evidences of indebtedness subject to the provisions of the Constitution of Virginia and of this charter;

4. To expend the money of the city for all lawful purposes;

5. To make appropriations, subject to the limitations imposed by this charter and the Constitution of Virginia, for the support of the city government and any other purposes authorized by this charter and the laws of the Commonwealth;

6. To accept and receive or refuse gifts, donations, bequests or grants from any source for any purpose related to the powers and duties of the city's government, and to dispose of the same in any manner for such purpose in accordance with the terms and conditions, if any, of such gifts, grants, bequests and devices;

7. To provide, or aid in the support of, public libraries and public schools;

8. To grant financial aid to military units organized in the city in accordance with the laws of the Commonwealth and to charitable, educational or benevolent institutions and corporations, including those established for scientific, literary or musical purposes or for the encouragement of agricultural and mechanical arts, whose functions further the public purposes of the city;

9. To provide control and management of the fiscal affairs of the city and 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 this city's government as may be provided for elsewhere in this charter or to be set forth by ordinance or resolution;

10. To establish, impose and enforce rates and charges for public utilities, or other services, products or conveniences which are operated, rendered or furnished by the city including without limitation, water and sewer rates, and to the extent permitted by law, to regulate the rates for all such services provided by public service corporations within the city.

The city also may assess or cause to be assessed such rates and charges for public utilities, services, products or conveniences directly against the owner or owners of the buildings or against the proper tenant or tenants. Where charged against the tenants, the city may, by ordinance, make the owner or owners directly liable in the event such tenant or tenants fail to pay when the rents or charges are assessed.

Such fees, rents and charges being in the nature of a use or service charge shall, as nearly as the council shall deem practical and equitable, be uniform for the same type, class and amount of use. In the case of consumption of water, the rate may be based on actual consumption on or in connection with the real estate, making due allowances for the commercial use of water, or on the number and kind of water outlets on or in connection with the real estate or on the number and kind of plumbing or sewage fixtures or facilities on or in connection with the real estate, or on the average number of persons residing or working on or otherwise connected or identified with the real estate, or on any other factors determining the type, class and amount of water used. Similarly rational alternate means of determining rates for other utilities, services, products and goods provided by the city may be authorized by city council.

City council shall have the right and power to combine charges for water and sewer services on one statement, separate or together, with a bill for electrical services and to bill the beneficiary of such services therefor in such manner as to require the payment of all charges as a unit and to enforce the payment of such charges by discontinuing the water service, the sewer service, the electrical service or all others. In the event that fees, rents and charges charged for furnishing water, or for the use of services of the sewer disposal system, for furnishing electricity or any other utility in connection with any real estate shall not be paid when due, a reasonable penalty to be set by the council may at that time be added thereto, and the owner or tenant, as the case may be, of such real estate shall, until such fees, rents and charges for the same be paid together with such penalty, cease to use water, to dispose of sewage or industrial waste by discharge thereof directly or indirectly into the sewage disposal system or any other utility otherwise being used and furnished by the city. If such owner or tenant shall not have paid such fees, rents and charges together with such penalty within ten days after the same shall have become due, the supplier of water, electricity or other utility for the use of such real estate shall cease supplying same thereto. When the water for the use of such real estate has been shut off, it shall not be turned on again until the delinquent charges together with the penalty and a reasonable service charge to be fixed by council for shutting it off and turning it on again has been paid.

Such fees, rents, charges and penalty may be recovered by the city, by action at law or suit in equity. The council may designate a person, persons, board or commission, as the collector and custodian of all fees, rents and charges payable and paid to the city for public utilities and for other public services, products or conveniences, provided that any person or persons so designated and appointed shall keep a correct account of all such receipts and expenditures therefrom and shall take the oath of office and give bond as required by this charter; and

11. To charge and collect fees for permits to use public facilities and for the provision of public services and privileges. (1990, c. 542)

§ 2.03. Powers relating to streets and public ways.

The city shall have the power:

1. To establish, lay out, open, extend, widen, narrow, establish or change the grade of, close, construct, pave, curb, gutter, adorn with shade trees, otherwise improve, maintain, repair, clean and light streets, including limited access or express highways, alleys, bridges, viaducts, tunnels, subways and underpasses;

2. To make and improve walkways upon streets and improve and pave alleys within the city;

3. To prevent the obstruction of streets and highways;

4. To regulate the services to be rendered, including routes traversed and rates charged by buses, motor cars, cabs and other vehicles used for the carrying of passengers and/or the transfer of baggage;

5. To permit street car lines to be built in the streets and alleys and determine and designate the route and grade thereof and specify and require the proper construction and maintenance of the streets between the rails and on either side thereof for such distances as such streets may be affected by the construction, operation, repair or maintenance of such street car line, and require the reconstruction of so much of said streets as may be damaged by the removal of such street car lines;

6. To permit or prohibit poles and wires for electric, telephone, telegraph, cable television and other pipes and lines to be laid in the streets and alleys, and prescribe and collect an annual license charge for such privileges, heretofore or hereafter granted, require the owner or lessee of any electric light, telephone, telegraph or other pole or poles or wires now in use or hereafter erected to change the location or move the same, require all telephone, telegraph, cable television and other wires and all wires and cables carrying electricity, now in use or hereafter used, to be placed in conduits underground and prescribe rules and regulations for the construction and use of such conduits;

7. To exercise any power of regulation or control of any railroad operation or railroad property within the city as the same may be permitted by the general laws of the Commonwealth; and

8. To do all such other things, without limitation, to make said streets and highways safe, convenient and attractive. (1990, c. 542)

§ 2.04. Powers relating to public works, utilities and properties.

The city shall have the power to acquire, construct, own, maintain, regulate, operate, hold, improve, manage, sell, encumber, donate or otherwise dispose of any property, real or personal, or any estate or interest therein, and any structure or improvement thereon, within or without the city and within or without the Commonwealth of Virginia for:

1. Public parks, parkways, playing fields and playgrounds including laying out, equipping and improving them with all suitable devices, buildings and other structures, and to landscape the same;

2. Incinerators, dumps, landfills and other facilities for the collection and disposal of offal, ash, garbage, carcasses of dead animals, refuse, demolition waste materials and any and all other manner of tangible things which have a cause of being of no further purpose to the municipality or to any of its citizens or to any other person from whom the city acquires such material, and therefore needs to be disposed of.

The city may permit and regulate the operation of all of the same by private enterprise subject to such permitting requirements and other laws as are applicable in this Commonwealth and to such zoning and other requirements as may be required by ordinance duly passed by the city;

3. Sewers and sewer disposal and sewage treatment services.

(a) The city may join with the City of Bristol, Tennessee, and other political subdivisions within and without Virginia in the construction, maintenance, use and operation of sanitary sewer lines and sewage disposal plants either within the Commonwealth of Virginia or the State of Tennessee; use Beaver Creek and Little Creek and all other creeks flowing within the jurisdiction of the city as part of its storm sewer system, to the extent permitted by law, and to this end council may order the channel of such creeks to be altered, widened, deepened, straightened, improved or the location thereof changed, as it may think proper, and such wall or walls to be constructed along its banks as will tend to prevent overflow. The city may condemn, in a manner provided by law, any land, or interest in land or any riparian rights or property rights necessary for the purpose of so altering, widening, deepening, straightening, improving or changing the location of the channel of such creeks.

(b) The city shall have the power to require the owner, tenant or occupant of each lot or parcel of land which contains a sanitary sewer owned by the city or which abuts upon a street or other public way which contains such sanitary sewer and upon which lot or parcel of land a building exists for residential, commercial, industrial or other human use, to connect such building's sewer with such sanitary sewer and to cease to use any other means for the disposal of sewage, sewage waste or other polluting matters.

(c) The city shall have the power to regulate in any manner required by the laws of the United States, or the Commonwealth of Virginia or as the city may be determined necessary for the health, safety and welfare of the citizens of the City of Bristol, Virginia, and individuals in jurisdictions contiguous thereto, what materials may be placed in the city's sanitary and storm sewer system. The city may promulgate regulations upon property owners placing materials in the sanitary sewer system or from whose property water flows into the storm water system to require said owners to prevent the placing of said materials in either system or to pretreat certain substances prior to their introduction into either the sanitary or storm sewer system;

4. All buildings and other structures necessary or useful in carrying out the powers and duties of the city for parking or storage of vehicles by the public which shall include without limitation parking lots, garages, buildings and other land, structures, equipment facilities necessary to relieve congestion in the use of streets and to reduce hazards incident to such use and to provide for the management, regulation and control of such facilities by special board, commission or agency;

5. An airport, and to join with other political subdivisions within and without the Commonwealth for the purpose of jointly owning, operating and maintaining such property for airport purposes;

6. Stadia, arenas, swimming pools and other sports facilities and to provide for the control, regulation, maintenance and management of the facilities by board or commission or by contract with any person, firm or corporation;

7. Municipal and other buildings, armories, comfort stations, markets and all buildings and structures necessary or appropriate for the use and proper operation of the various departments of the city;

8. Waterworks, gas plants and electric plants, water supply and pipe and transmission lines for water, electricity and gas supplies and any other utility or utilities within and without the city.

(a) The city shall have the power to make all necessary rules and regulations to promote the purity of its water supply, to protect the same from pollution, both within and without the city, to exercise full police power over all lands comprised within the limits of the watershed tributary to such water supply wherever such lands may be located in the Commonwealth.

(b) The city may impose and enforce penalties for the violation of such rules and regulations, to prevent by injunction any pollution or threatened pollution of such water supply by any and all acts likely to impair the purity thereof.

(c) The city may acquire lands, interest in lands, water power properties, reservoirs, pumping stations, filtering plants, purification processes, auxiliary steam plants and other works, property rights and riparian rights or personal property for such use by eminent domain.

(d) The city shall also have the powers to merge such systems as it may have with the City of Bristol, Tennessee, or any entity owned and controlled by the City of Bristol, Tennessee, or any other political subdivision within and without the Commonwealth under joint ownership, control and operation, either incorporated or unincorporated or as any authority, and to join with the City of Bristol, Tennessee, or such other political subdivision in acquiring and developing additional water supplies, electric transmission or production facilities, gas production or transmission facilities and water and sewer transmission, disposal and purification facilities either within or without the Commonwealth.

(e) The city may place the operation, maintenance and control of its individually or jointly operated facility under a board, commission, or entity other than the city council;

9. Rail tracks, spurs, crossings, switchings, terminals, warehouses and terminal facilities of every kind and description necessary or useful in the transportation and storage of goods, wares and merchandise, including the power to perform any services in connection with the receipt, delivery, shipment and transfer in transit, weighing, marking, tagging, ventilating, refrigerating, etc., of wares and merchandise;

10. Lands for rock quarries, gravel pits, sand pits and any other public purpose within or without this Commonwealth.

The city shall have the power to install thereon all necessary machinery and equipment to operate the same for producing materials required for construction, repair and maintenance of public properties, to sell any surplus of such materials for private

purposes and to build and operate a plant or plants for the preparation and mixing of materials for the construction of all public improvements and the maintenance and repair thereof; and

11. A storm water sewer system operated individually, or jointly with the City of Bristol, Tennessee, or any other political subdivision within or without the Commonwealth.

(a) The city may construct, maintain, use and operate such storm water sewer lines, ditches, intake basins, storm water sewer easements and any and all other plants, equipment or property necessary to the successful operation of a storm water sewer system for the City of Bristol, Virginia.

(b) The city shall have the power to require any developer subdividing or developing any real property within the City of Bristol, Virginia, to provide such lines, intake basins, ditches, and other incidents of a storm water sewer system as are necessary to provide for the orderly handling of storm water from the properties so developed or subdivided.

(c) The city shall have the power to require any property owner or occupant of any lot or parcel of land within the City of Bristol, Virginia, to provide for the orderly introduction of storm water falling upon said lot or parcel of land and the improvements thereon into the storm water sewer system provided by the City of Bristol, Virginia, at the expense of the property owner. (1990, c. 542)

§ 2.05. Powers relating to municipal buildings or structures.

The city shall have the power to permit any city public building, structure, public improvement, park or other property to be used by private persons or groups for such private purposes as the city manager or his designee deems proper whenever the same are not needed for municipal purposes, subject to the rules and regulations established by council. (1990, c. 542)

§ 2.06. Power to make regulations for the preservation of safety, health, peace, good order, comfort, convenience, morals and welfare of the city and its inhabitants.

The city shall have the power to adopt ordinances not in conflict with the general laws of the Commonwealth for the preservation of safety, health, peace, good order, comfort, convenience, morals and welfare of its inhabitants including without limitation:

1. To provide for the prevention of vice, drunkenness, immorality, riots, disturbances, disorderly assemblages, the suppression of houses of ill fame and gambling places, the prevention of lewd and disorderly conduct or exhibitions; and the prevention of conduct and of speech dangerous to the public.

The city may join with the City of Bristol, Tennessee, in the doing of all of the above with respect to State Street, or any other street on the state line, and in the regulation and routing of traffic along and over the same; and in the establishing or regulating of motor vehicles and other public service passenger routes, and in fixing and regulating the charges for such passenger carrying services.

2. To enforce all regulations pertaining to the city's real property, water supply and other public improvements. Wherever such properties, supplies and improvements may be situate they shall be under the police jurisdiction of the city, and any member of the police force of the city shall have the power to make arrests for violation of any ordinance, rule or regulation adopted pursuant to this section.

3. To control its streets, alleys and other public properties and incident thereto:

(a) To grant or authorize the issuance of permits under such terms and conditions as the council may impose for the use of streets, alleys and other public places of the city.

(b) To prevent any obstruction of or any encroachment over, under or in any street, alley, sidewalk or other public place.

(c) To provide penalties for maintaining any such obstruction or encroachment.

(d) To remove the same and charge the cost thereof to the owner or owners, occupant or occupants of the property so obstructed or encroaching, and collect the sum charged in any manner provided by law for the collection of delinquent taxes.

(e) To require the owner or owners or the occupant or occupants of the property so obstructing or encroaching to remove the same and pending such removal, charge the owner or owners of the property so obstructing or encroaching compensation for the use of such portion of the street, alley, sidewalk or other public place obstructed or encroached upon the equivalent of what would be the tax upon the lands so occupied if it were owned by the owner or owners of the property so obstructing or encroaching.

(f) To impose penalty for each and every day that such obstruction or encroachment is allowed to continue.

(g) To authorize encroachments upon streets, alleys, sidewalks or other public places, subject to such terms and conditions as the council may prescribe.

(h) To recover possession of any street, alley, sidewalk or other public place or any other property of the city by any appropriate action at law or equity.

4. To regulate the operation of motor vehicles and exercise control over traffic in the streets of the city and provide penalties for the violation of such regulations payable into the city treasury.

5. To regulate use of property and incident thereto:

(a) To compel the abatement and removal of all public nuisances within the city or upon property owned by the city beyond its limit at the expense of the person or persons causing the same or of the owner or occupant of the ground or premises whereon the same may be and collect said expense by suit or other lawful action.

(b) To require all lands, lots, sidewalks, unimproved city right-of-ways and other premises within the city to be kept clean and sanitary and free from stagnant water, weeds, snow, filth, mud and unsightly deposits by the owners and occupants thereof, or in the case of sidewalks and unimproved city right-of-ways by the owner or operator of property contiguous thereto and to make them so at the expense of the owner or occupants thereof (or contiguous owner or occupant), and to collect the expense by suit or motion and to make said expense a lien upon the property collectable as other delinquent taxes.

(c) To regulate or prevent slaughter houses or other noisome or offensive businesses within the city.

(d) To regulate or prevent the keeping of hogs or other animals, poultry or other fowl in the city or the exercise of any dangerous or unwholesome business, trade or employment.

(e) To regulate the transportation of all articles through the streets of the city.

(f) To compel the abatement of smoke and dust and prevent unnecessary noise.

(g) To regulate the locations of stables and the manner in which they will be kept and constructed.

(h) To regulate the location, construction, operation and maintenance of billboards.

(i) To define, prohibit, abate, suppress and prevent all things detrimental to the health, morals, aesthetics, safety, convenience and welfare of the inhabitants of the city.

6. To regulate, to the extent not prohibited by the laws of the Commonwealth, public health, and incident thereto:

(a) To regulate the production, preparation, distribution, sale and possession of milk, other beverages and foods for human consumption and the places in which they are produced, prepared, distributed, sold, served or stored.

(b) To regulate the construction, installation, maintenance and condition of all sewer pipes, connections, toilets, water closets and plumbing fixtures of all kinds.

(c) To regulate the construction and use of septic tanks and dry closets, where sewers are not available.

(d) To regulate the sanitation of swimming pools and lakes.

(e) To regulate by emergency regulation all things required to provide for the quarantine of any person or persons afflicted with a contagious and infectious disease and for the removal of such person to a hospital ward specially designated for contagious or infectious diseases.

(f) To inspect and prescribe reasonable rules and regulations with respect to private hospitals, sanatoria, convalescent homes, clinics and other private institutions, homes and facilities for the care of the sick, children, the aged and the destitute.

(g) To make and enforce all regulations necessary to preserve and promote public health and sanitation and protect the inhabitants of the city from contagious, infectious or other diseases.

7. To provide for the care, support and maintenance of children and of sick, aged, insane or poor persons and paupers.

8. To provide and maintain, either within or without the city, charitable, recreative, curative, corrective, detentive or penal institutions.

9. To extinguish and prevent fires and to compel citizens to render assistance to the fire department in case of need and incident thereto:

(a) To establish, regulate and control a fire department or division.

(b) To regulate the size, height, materials and construction of buildings, fences, walls, retaining walls and other structures hereafter erected in such a manner as the public safety and convenience may require.

(c) To 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 be erected contrary to law.

(d) To establish and designate from time to time fire limits within which limits wooden buildings shall not be constructed, removed, added to, enlarged or repaired and to direct that any or all future buildings within such limits shall be constructed of stone, natural or artificial, concrete, brick, iron or other fireproof material.

(e) To enact stringent and efficient laws for securing the safety of persons from fires in halls and buildings used for public assemblies, entertainments or amusements.

10. To regulate, and if necessary to acquire, maintain and operate, cemeteries, crematoriums, columbariums and like means for the disposal of the dead and to regulate and make burials therein, prescribe the records to be kept by the owners of such

cemeteries, crematoriums, columbariums and other facilities for the disposal of the dead, prohibit all burials except in public burying grounds and to otherwise regulate the burial and disposition of the dead.

11. To acquire by any lawful means, including without limitation the exercise of eminent domain, any property adjoining other property used by the city for any public purpose when such property to be acquired is used and maintained in such manner as to impair the usefulness or efficiency of any such public property; and to likewise acquire property adjacent to any street, the topography of which, from its proximity thereto, impairs the convenient use of such street, or renders impractical, without extraordinary expense, the improvement of the same, and the city may subsequently dispose of property so acquired, limiting the use thereof to protect the usefulness, efficiency or convenience of such public property.

12. To exercise full police powers and establish and maintain a department or division of police; to authorize the appointment and qualification of police officers of the City of Bristol, Tennessee, as police officers in the City of Bristol, Virginia, and to permit and authorize the appointment of law-enforcement officers of the City of Bristol, Virginia, as law-enforcement officers in the City of Bristol, Tennessee.

13. To license and regulate the holding and location of shows, circuses, public exhibitions, carnivals and similar shows or fairs, or prohibit the holding of the same or any of them within the city.

14. To make and enforce such regulations as shall be necessary to prevent peddling, obstructing public ways or buying and selling at a higher price any food item at the same market or fair or one within four miles of the same market or fair.

15. To regulate or prohibit the manufacture, storage, transportation, possession or use of explosive or inflammable substances and the use or exhibition of fireworks and discharge of firearms and to regulate or prohibit the making of fires in the streets, alleys and other public places in the city; to regulate the making of fires on private property.

16. To compel the razing or repair of all unsafe, dangerous or unsanitary public or private buildings, walls or structures which constitute a menace to the health and safety of the occupants thereof or the public. The city shall also have the power to compel the razing or repair of all public or private buildings, walls or structures which impair the beauty, value, usefulness of those properties contiguous to or in the vicinity of said public or private property which would ordinarily be encompassed within the meaning of the word "neighborhood."

17. To regulate or prohibit the running at large and the keeping of animals and fowl and provide for the impounding and confiscation of any such animal or fowl found at large or kept in violation of such regulations, and to prevent cruelty to and abuse of animals.

18. To do all other things whatsoever necessary or expedient to promote or maintain the general welfare, comfort, education, morals, peace, government, health, trade, commerce or industries of the city or its inhabitants; and to join with the City of Bristol, Tennessee, or any other political subdivision within or without Virginia, in any plan, arrangement, contract or joint venture to promote or maintain the general welfare, comfort, education, morals, peace, government, health, trade, commerce or industries of said political subdivisions, or their inhabitants, or to secure additional water for them or their inhabitants, but this grant of power or exercise thereof shall in no event defeat, limit

or abridge the right of the City of Bristol, Virginia, to exercise the power of eminent domain as provided by the general law of the Commonwealth of Virginia and this charter. (1990, c. 542)

§ 2.07. Comprehensive city plan.

The city shall have the power to make and adopt a comprehensive plan for the city, and to that end all plats and replats of subdivisions of any land within the city and/or any streets, alleys, roads and lots or tracts therein shall be submitted to and approved by the council before such plats or replats are filed for record or recorded in the Office of the Clerk of the Circuit Court for the City of Bristol, Virginia, and incident thereto the city shall have the power to zone and rezone property, subject to the laws of this Commonwealth, to effect the long term city plan. (1990, c. 542)

§ 2.08. Public utility franchises.

The city shall have the power to grant franchises for the operation of public utilities within the city. (1990, c. 542)

§ 2.09. Public libraries.

The city shall have the power to establish, organize and administer public libraries, and to operate and appropriate money for the support of the same, separately or jointly with the City of Bristol, Tennessee, or Washington County, Virginia; and to own or lease lands and buildings therefor either in the Cities of Bristol, Virginia, or Bristol, Tennessee, or Washington County, Virginia. (1990, c. 542)

§ 2.10. Boards and commissions of the city.

The city, in addition to a local school board and a local department of social services as mandated by the Constitution of Virginia and the laws of the Commonwealth of Virginia, shall have the power, to the extent not prohibited by the laws of the Commonwealth of Virginia, to have boards or commissions in its discretion to advise and/or oversee and operate any of the public functions of the City of Bristol, Virginia. (1990, c. 542)

§ 2.11. (1990, c. 542; repealed 1999, cc. 139, 170)

§ 2.12. Licenses and permits.

In addition to that power granted to this city by general law to require the issuance of licenses or permits in connection with any activity to be carried on within the city, the city may also require the issuance of a license or permit in connection with any activity it deems should be licensed, establish the amount of fee to be charged to the licensee or permittee, require from the licensee or permittee a bond and an insurance policy of such character and in such an amount and upon such terms as it may determine, and require the obtaining of such license or permit prior to the carrying on of any such activity, unless such license or permit requirement is expressly forbidden by the general laws and the Constitution of this Commonwealth. (1990, c. 542)

§ 2.13. Injunctions against the city.

No injunctions shall be awarded by any court or judge to stay the proceedings of the city or any of its officers, employees or agents in the exercise of any of their powers unless it is manifest that the city, its officers, employees or agents are transcending the authority given the city by this charter and the general laws of the Commonwealth and that the intervention of a court of equity is necessary to prevent injury that cannot be compensated at law by damages. (1990, c. 542)

§ 2.14. Eminent domain.

The city shall have the power to exercise eminent domain as provided for by the Constitution and the general laws of the Commonwealth of Virginia, including all alternative procedures for condemnation provided by statutes made for the same, whether applicable otherwise to municipal corporations or to the Commonwealth or other public entities within the Commonwealth having the power of eminent domain. (1990, c. 542)

CHAPTER 3. ELECTIONS.

§ 3.01. Voting precincts.

The city shall be geographically divided into four voting precincts, the boundaries of which are set forth in the office of the register of deeds for the city as shall have been approved by the U.S. Department of Justice and the appropriate agencies of the Commonwealth of Virginia and a fifth central absentee voter election district situate at City Hall to receive, count and record all absentee ballots within the city for all elections; local, state and federal. City council may by ordinance designate the voting place within each voting district and may from time to time change such voting place by amendment of the ordinance. (1990, c. 542)

§ 3.02. Election of councilmen.

A municipal election shall be held on the first Tuesday in May of every second year after the year 1988. This election shall be known as the regular municipal councilmanic election at which shall be elected by the qualified voters of the city, on a general ticket from the city at large, one member of council for each council member whose term expires on July 1 following the election.

The number of candidates equal to the positions to be filled who receive the highest number of votes at such election shall be declared elected. Councilmen shall serve for a term of four years from July 1 following their election.

Each qualified voter shall be entitled to vote for as many candidates as there are vacancies to be filled and no more. No voter shall in such election cast more than one vote for the same person.

In counting the vote, any ballot found to contain a greater number of names for the office of councilman than the number of vacancies to be filled shall be void, but no ballot shall be void for containing a less number of names than the number of vacancies being filled.

All council members holding office at the time of enactment of this charter shall continue in office for the term of office to which they were elected. (1990, c. 542)

§ 3.03. Vacancies in office of councilman.

Mid-term vacancies in the office of councilman, from whatever cause arising, shall be filled within thirty days for the unexpired portion of the term by majority vote of the remaining members of the council.

If the council fails to fill a vacancy in its membership within thirty days of the occurrence of the vacancy, the vacancy shall be filled by the judge of the Circuit Court for the City of Bristol, Virginia. Upon the expiration of thirty days from the occurrence of a vacancy without appointment by council, the city clerk shall certify that fact to the judge of the circuit court. If the clerk fails to do so for ten days, any citizen may file a petition in the court showing the unfilled vacancy.

Upon appointment to fill a vacancy by the circuit court, the clerk of the court shall transmit to the council a copy of the order of appointment, which shall be entered on the minutes of the next meeting of the council. (1990, c. 542)

§ 3.04. Election of other city officers.

All other officers required by the laws of the Commonwealth to be elected by the qualified voters of the city shall be elected on the first Tuesday following the first Monday in November preceding the expiration of the term of office for such terms as are prescribed by law or as may otherwise be hereafter mandated by the general laws of the Commonwealth. All such elected officers shall be nominated and elected as provided in the general laws of the Commonwealth. Vacancies in said offices shall be filled as provided for by the general laws of the Commonwealth. All such elected officers shall qualify in the manner prescribed by law and shall continue in office until their successors are elected and qualified. (1990, c. 542)

CHAPTER 4.
COUNCIL.

§ 4.01. Council generally; form of government.

There is hereby created a council which shall have the full legislative authority of the city to pass all laws and ordinances relating to its municipal affairs, subject to the Constitution and the general laws of the Commonwealth and to this charter. The existing city manager form of government is hereby retained and continued. (1990, c. 542)

§ 4.02. Composition of council; compensation; appointment of members to office of profit.

The council shall consist of five members elected as provided in Chapter 3. Any person qualified to vote in the city and who has not been found guilty of a criminal charge for which he must have been removed from office shall be eligible to be a member of council. Compensation of members of council shall be fixed by the council in accordance with the procedure prescribed by the general laws of the Commonwealth. The members of the council, subject to approval of the council, may also be allowed their actual extraordinary expenses incurred in representing the city. (1990, c. 542)

§ 4.03. Meetings.

At nine o'clock a.m. on July 1 following a regular municipal election, or if that should be Saturday, Sunday or a legal holiday, then on the first business day following, the council shall hold an inaugural meeting at the usual place for holding the meetings of the council.

At that meeting newly elected councilmen shall be sworn and assume the duties of their office, and then shall make such elections and appointments as are otherwise provided for in this charter.

At nine o'clock a.m. on July 1 in each year when no municipal election has been held, or if such day be Saturday, Sunday or a legal holiday, then the first business day following, the council shall have an organizational meeting for the purpose of making such appointments and transacting such other business as this charter shall provide shall be made or transacted on July 1 of each year.

Council shall thereafter regularly meet at such times as may be prescribed by ordinance, provided that it shall meet not less than once each month.

The mayor, any member of the council, or the city manager may call a special meeting of the council at any time, upon twelve hours written notice stating the purpose

of the meeting served upon each member personally, or left at his usual place of business or residence. The called meeting may be held without written notice, provided all members of the council attend. At such special meeting, no business other than that mentioned in the call shall be considered.

All meetings of the council shall be public as provided for by the Virginia Freedom of Information Act, with executive sessions as permitted therein at the discretion of the majority of council. The council shall keep written minutes of its proceedings but does not have to keep minutes of its executive session. Citizens may have access to the minutes and records of all public meetings at any reasonable time. (1990, c. 542; 1996, cc. 665, 678)

§ 4.04. Rules of the council.

The council shall, subject to the provisions of this charter, adopt its own rules of procedure by ordinance.

A majority of all members of the council elected shall constitute a quorum to do business, but a smaller number may adjourn from time to time, and compel the attendance of absentees by summons or warrant.

All votes by council shall be by oral roll call, and the ayes and nays recorded in the minutes of council. No ordinance, resolution, or motion, except motions to adjourn, fix a time and place of meeting, or other motions of a purely procedural nature, shall be adopted or passed unless it shall have received a second and an affirmative vote of at least three members of council, unless two or more of the members of council shall be disabled to vote pursuant to the provisions of the Virginia Conflict of Interests Act or its successors, as the same may be amended from time to time, in which case an affirmative vote of those members of council not so disabled shall be sufficient to adopt an ordinance, resolution or motion.

No member of the council shall participate in the vote on any ordinance, resolution, motion or vote upon which he is forbidden to vote by the Virginia Conflict of Interests Act or any successor act to the Virginia Conflict of Interests Act. (1990, c. 542)

§ 4.05. Mayor and vice mayor.

At each inaugural and each organizational meeting of council, council shall elect one of its members as chairman, who shall be entitled mayor and one of its members as vice chairman, who shall be entitled vice mayor, each of whom shall serve for a term of one year, or until his successor is elected.

The mayor shall preside over all meetings of the council and shall have the same right to vote and speak therein as other members. He shall be recognized as the head of city government for all ceremonial purposes, the purposes of military law and the service of civil process. In times of public danger, or emergency, he may take command of the police and maintain order and enforce the laws, and for this purpose, may deputize such assistant policemen as may be necessary. The mayor shall have no veto power. He shall authenticate by his signature such instruments as the council, this charter or the laws of the Commonwealth shall require.

The vice mayor shall, in the absence or disability of the mayor, perform the duties of the mayor. If a vacancy shall occur in the office of mayor, the vice mayor shall become mayor for the unexpired portion of the mayor's term. A replacement for the vice mayor may then be elected by a majority vote of the remaining council.

In the absence or disability of both the mayor and vice mayor, the council may, by majority vote of those present, choose one of their number to perform the duties of mayor and one to perform the duties of vice mayor. (1990, c. 542)

§ 4.06. Councilmanic powers.

All power vested in the city shall be exercised by the council, except those to be exercised by the city manager or other as provided for in this charter, including without limitation, the power:

1. To provide for the organization, conduct and operation of all departments, bureaus, divisions, boards, commissions, offices and agencies of the city;
2. To create, alter or abolish departments, bureaus, divisions, boards, commissions, offices and agencies including and in addition to those specifically established by this charter;
3. To create, alter or abolish and to assign and reassign all bureaus, divisions, offices and agencies and departments except where such bureaus, divisions, offices or agencies are mandated by the Constitution or general laws of the Commonwealth;
4. To provide for the number, title, qualifications, powers, duties and compensation of all officers and employees of the city;
5. To provide for the form of oaths and the amount and condition of surety bonds to be required of certain officers and employees of the city;
6. To appoint the members of such boards and commissions as are created by the Constitution and general laws of the Commonwealth, by this charter or by ordinance of council subject to the limitation that no appointee to any such board or commission shall serve more than two full consecutive terms;
7. To consent by affirmative vote of at least three members of council, or in the event two or more members of council are disabled to vote pursuant to the provisions of the Virginia Conflict of Interests Act or its successors, as amended from time to time, then by a majority of those members of council who are not so disabled, to the recommended appointment or removal by the city manager of any director or head of a department. No such director or head of a department will be appointed or removed without said consent, but council shall not participate in the hiring, supervision or firing of any other employee, and the city manager shall continue to have sole responsibility for the supervision of department directors or heads. (1990, c. 542)

§ 4.07. Appointments and removals.

The council in making appointments and removals shall act only by affirmative vote of at least three members. It may remove any person appointed by it for an indefinite term, provided that the person to be removed shall have been served with written notice of the intention of the council to remove him at least ten days prior to the action becoming final. If two or more members of council shall be disabled to vote pursuant to the provisions of the Virginia State and Local Government Conflict of Interests Act (§ 2.1-639.1 et seq.) or its successors, as the same may be amended from time to time, council may act by an affirmative vote of those members of city council not so disabled to vote. No hearing shall be required.

Any member of the council or any member of a board or commission, and any other person appointed by the council for a specified term may be removed during that term by the council but only for malfeasance or neglect of duty. The person to be removed shall be entitled to notice of the intention of the council to remove him,

containing a clear statement of the grounds for such removal, and fixing the time and place, not less than ten days after the service of such notice, at which he shall be given an opportunity to be heard thereon. After the hearing, which shall be public at the option of the person sought to be removed, and at which he may be represented by counsel, the decision of the council shall be final. It shall be the duty of the council, at the request of the person sought to be removed, to subpoena witnesses whose testimony would be pertinent to the matter in hand. Any officer, elective or appointed, including councilmen, or an employee of the city who shall be convicted by a final judgment of any court from which no appeal has been taken, or which has been affirmed by a court of last resort, on a charge involving moral turpitude, whether felony or misdemeanor, shall forfeit his office or employment. Council shall also have the power to otherwise punish its own members and to compel their attendance. (1990, c. 542; 1996, cc. 665, 678)

§ 4.08. Ordinances - when required.

In addition to acts required by the Constitution or general laws of the Commonwealth to be by ordinance, every act of the council creating, altering or abolishing any department; creating, altering, assigning or abolishing any bureau, division, office, agency or employment; fixing the compensation or employment policies for any officer or employee of the city; making an appropriation; authorizing the borrowing of money; levying a tax; establishing any rule or regulation for the violation of which a fine or penalty is imposed; or placing any burden upon or limiting the use of private property shall be by ordinance. The council may otherwise act by resolution or motion, second and vote, as it deems proper. (1990, c. 542)

§ 4.09. Ordinances - form and procedure.

Every ordinance, except an ordinance making appropriations or authorizing the contracting of an indebtedness, shall be confined to one subject. Each proposed ordinance or resolution shall be introduced in written or printed form and the enacting clause of all ordinances passed by the council shall substantially be "Be it ordained by the council of the City of Bristol, Virginia."

No ordinance or resolution having the effect of an ordinance, or resolution permitting the violation of an ordinance, unless it be an emergency measure, shall be passed until it has been read at two meetings not less than one week apart, one of which shall be a regular meeting of council. The requirement of a first reading of an ordinance which is determined to be overly lengthy by the city manager or the city council may be by caption only, as long as sufficient copies are made available for members of the public that wish to examine the ordinance and time is provided to them to do so prior to action by city council. The requirement of a second reading may be confined to the reading of the title only, called "by caption only." Any ordinance or resolution read at one meeting may be amended and passed as amended and read at the next meeting at which it is considered, provided the amendment does not materially change the ordinance. Adoption of an ordinance can be at the same meeting as that at which the second reading takes place, at a later meeting, or at the meeting at which it is first read in the case of an emergency ordinance as hereinafter set out.

No adopted ordinance shall be amended unless such section or sections as are intended to be amended shall be repealed and reenacted as amended.

No ordinance adopted by the council shall take effect until thirty days from the date of its adoption, unless council shall specify an effective date more than thirty days

from the date of adoption or unless council, by affirmative vote of three of its members, shall pass the ordinance as an emergency measure to take effect less than thirty days after passage as specified in the ordinance.

An emergency measure is an ordinance for the immediate preservation of the public peace, property, health or safety or for providing for the operation of a municipal department. The specific emergency and the effective date of the ordinance shall be expressly stated in the ordinance.

A copy of every ordinance and written minutes of every act of council having the effect of an ordinance shall be kept in the office of the city clerk open to inspection at reasonable times by the public. A record or entry made by the city clerk or a copy of such record or entry duly certified by him shall be prima facie evidence of the terms of the ordinance and its due publication. All ordinances and resolutions of the council may be read into evidence in all courts and in all other proceedings in which it may be necessary to refer thereto, either from the original record thereof, from a copy thereof certified by the city clerk, or from any volume of ordinances printed by authority of the council. The adopted ordinances of the city shall be published annually with a suitable index, and copies shall be kept by the city in all of its libraries. Copies shall be made available to the public at a reasonable cost. (1990, c. 542; 1996, cc. 665, 678)

§ 4.10. Resolutions and motions.

A statement of the official position of the council shall be by written resolution, which shall require only one reading prior to adoption. The requirement for a reading at the meeting shall be waived, and the resolution may be adopted after reading by caption only if, in the opinion of the city manager or city council, the resolution is overly lengthy and provided that sufficient copies of the resolution are made available to the public at the meeting, with time to examine the same before adoption. It may be adopted at the same meeting at which it is read.

All other acts of the council not required to be by ordinance or written resolution may be by oral motion, second and vote in accordance with this charter, the motion, second and vote all being at the same meeting, unless tabled by council to a subsequent meeting. (1990, c. 542; 1996, cc. 665, 678)

CHAPTER 5. CITY MANAGER.

§ 5.01. Appointments and qualifications.

There shall be a city manager who shall be the administrative and executive head of the city and shall be responsible to the council for the proper administration of the city government. He shall be chosen by the council solely on the basis of his executive and administrative qualifications. The choice shall not be limited to inhabitants of the city or the Commonwealth of Virginia. He shall be appointed by council for a term of one year, unless sooner removed by council as herein provided. The city manager's term shall commence immediately upon election by council at a meeting to be held on July 1 of each year, or if such day be on Saturday, Sunday or a legal holiday, on the first business day following. Such term shall end on June 30 of the succeeding calendar year. Vacancies during the term may be filled by the council for the remainder of the term. During the absence or disability of the city manager, the council may, by general ordinance, or specific act, designate some properly qualified person to perform the duties

of the office as acting city manager in the absence of an assistant city manager. (1990, c. 542)

§ 5.02. Power of appointment and removal.

The city manager shall appoint such city officers and employees as the council shall determine are necessary for the proper administration of the city and shall supervise such employees. The employees may be removed by the city manager, except those employees in the clerical, legal and judicial departments and other attendants of the council. The council shall consent to the appointment or removal of all directors or heads of departments as hereinbefore provided before such appointment or removal shall become effective. (1990, c. 542)

§ 5.03. General powers and duties.

The city manager shall have the power and it shall be his duty:

1. To see to the enforcement of all laws and ordinances of the city.
2. To exercise supervision and control over all departments, now or hereafter created by council, except the legal, clerical, judicial departments and any other office or department directly attendant upon council.
3. To exercise supervision and control over all public improvements, works and undertakings, except as otherwise expressly provided in this charter.
4. To attend all public city council meetings with the right to speak, but not to vote.
5. To recommend for adoption such measures as are necessary for the health and safety of the city's citizens and the orderly and expedient operation of the city.
6. To prepare and submit the annual budget to council and be responsible for its administration after adoption by council.
7. To keep council regularly advised of the financial condition and future needs of the city.
8. To make all authorized contracts in behalf of the city.
9. To perform such other duties as may be prescribed by this charter or required of him by the general law of the Commonwealth or by ordinance, resolution or direction of the council.
10. To have prepared and submit to city council by its first meeting in December an audited report of the previous fiscal year's financial transactions and its financial condition as of the last day of the previous fiscal year. (1990, c. 542; 1996, cc. 665, 678)

§ 5.04. Powers and duties with respect to the budget.

A. The city manager shall direct the department directors to prepare departmental estimates and other data necessary or useful to the city manager in the preparation of the budget. The city manager shall examine from time to time the departments, divisions, boards, commissions, offices and agencies of the city, in relation to their organization, personnel and other requirements; ascertain the manner in which their respective budgets are carried out and their functions performed; call the attention of the directors thereof to any improvements or economies which might be made in their administrative practices; and cooperate with the directors thereof in the preparation of their budget estimates for each ensuing year.

B. Not later than the second Tuesday in May, the city manager shall have prepared and submit to the council an annual budget estimate for the ensuing fiscal year,

based upon detailed estimates furnished by the several departments and other divisions of the city government. (1990, c. 542; 1996, cc. 665, 678)

§ 5.05. Powers and duties with respect to general services.

The city manager shall have the general management and control of all departments, divisions, commissions, agencies and boards of the city, except as otherwise provided herein or by the general law of the Commonwealth. He shall have the power to make rules and regulations consistent with this charter and ordinances of the city for the conduct of the functions of the various departments and agencies of the city.

The city manager shall have the power and the obligation, subject to provisions of this charter and other provisions of law and such rules and regulations consistent therewith as may be established by city council directly or through supervision of appropriate department heads to acquire, purchase, receive, inspect, store, maintain, repair, build, dispose of, dismantle, and in all other ways deal with all of the property of the city, including all public improvement projects. (1990, c. 542)

§ 5.06. Purchasing division.

There shall be a purchasing division consisting of the city manager, his purchasing assistant and such other employees as may be provided for by city council who shall purchase or lease for the use of the city and all of its departments, divisions, boards, commissions, offices, agencies, circuit court, district courts, city jail and jail farm, which are hereinafter referred to as "using agencies," all supplies, materials, equipment and contractual services, including insurance and surety bonds and who shall approve all vouchers or purchase orders for payment of the same. The purchasing division shall also make all sales of personal property that may be declared surplus and of no further use to the city by the proper official or officials. All purchases and sales shall conform to such regulations as the council may, from time to time, prescribe and shall, where applicable, conform to the Virginia Procurement Act or its successors, and the Small Purchases Procedure adopted by the council. The purchasing division may delegate to a department director the acquisition of small purchases in accordance with the Small Purchases Procedure of the city. (1990, c. 542)

§ 5.07. Council manager.

Except for the purpose of inquiry, the council and its individual members shall deal with the administrative services solely through the city manager. Neither the council nor any member thereof shall give orders to any of the subordinates of the city manager, either publicly or privately. Any such orders or other interferences on the part of the council or any of its members with subordinates or appointees of the city manager, instead of dealing or communicating directly with the city manager, is prohibited. Neither shall council nor any of its members direct the appointment or removal of any person from any office or employment by the city manager or any of his subordinates. (1990, c. 542)

§ 5.08. Relations with boards, commissions and agencies.

The city manager shall have the right to attend and participate in the proceedings of, but not to vote in, the public meetings of all boards, commissions or agencies created by this charter or by ordinance. Nothing herein shall prevent council from appointing the city manager as a voting member of any board, commission or agency for which he otherwise would be eligible for membership. (1990, c. 542)

§ 5.09. Acting city manager and acting department head.

Council, by ordinance, may provide for a position of assistant city manager with such duties as council may from time to time assign to such position. The assistant city manager, in the absence or disability of the city manager, will carry out his duties and serve automatically as acting city manager.

The city manager shall designate, after consultation with each department director, an employee in each department, division or agency, the head of which is appointed by him, to act as director of the department or head of the division or agency in case of the absence or incapacity of the director or head of the division or agency to carry out his duties, until such director or division or agency head returns to duty or his successor is appointed. (1990, c. 542)

§ 5.10. (1990, c. 542; repealed 1999, cc. 139, 170)

§ 5.11. (1990, c. 542; repealed 2007, cc. 607, 682)

§ 5.12. Division of emergency services.

There shall be a division of emergency services, which shall have the responsibility to develop a planned response to extraordinary emergency situations and to include the city in a mutually supportive statewide emergency management system.

This division shall develop emergency operations programs to cover the assignment of duties and responsibilities to agency heads or organizations which are either part of or will serve in support of local government in a time of emergency. The division shall develop a peace-time disaster plan to cover all natural and manmade disasters, not including nuclear war and other hazards not addressed in separately published plans. The division shall develop a nuclear civil protection plan for developing an operational capability during crisis buildup period prior to an actual or threatened nuclear attack. The division shall develop a hazardous material instant response plan for emergency service personnel in the event of a hazardous material incident.

The division shall consist of a director who shall be the city manager for the City of Bristol, Virginia, and such coordinators as shall be required who shall be responsible for preparing, overseeing and implementing the emergency operations plan. (1990, c. 542)

CHAPTER 6. OFFICERS OF THE CITY COUNCIL.

§ 6.01. Officers of the city council generally.

Other than the city manager, council shall, at the inaugural or organizational meeting each year, appoint a city clerk and a city attorney for a term of one year. (1990, c. 542)

§ 6.02. City clerk.

The city clerk shall be the clerk of the council, shall attend all meetings thereof and shall keep a permanent record of its proceedings. He shall keep all papers, documents and records pertaining to the City of Bristol, Virginia, the custody of which is not otherwise provided for. He shall be custodian of the city seal and shall affix it to all documents and instruments requiring the seal and shall attest the same. He shall give to the proper department or officials ample notice of the expiration or termination of any franchises, contracts or agreements.

He shall upon final passage transmit to the proper departments or officials copies of all ordinances or resolutions of the council relating in any way to such department or

to the duties of such officials. He shall also compile and annually submit to the publisher all changes to the City Code for publication of the same.

He shall perform such other duties as are required by this charter or may be directed by the council.

Until otherwise provided by ordinance, the duties of comptroller shall be performed by the city clerk. As to the duties of comptroller, this position shall be subject to the supervision of the city manager, but the city manager will have no power of supervision over the duties of city clerk, who shall answer directly to the council. (1990, c. 542)

§ 6.03. City attorney.

The head of the department of law shall be the city attorney. He shall be an attorney-at-law, licensed to practice under the laws of the Commonwealth. City council may also appoint assistant city attorneys, who shall be attorneys at law, licensed to practice under the laws of the Commonwealth.

The city attorney shall, with the mayor and city manager, have charge, management and entire control of all the law business of the city. Pursuant to such, the city attorney shall:

1. Be the legal adviser to the council, the city manager and of all departments, boards, commissions and agencies of the city, excluding the school board and the Bristol Virginia Utility Board, in all matters affecting the interests of the city and shall upon request furnish a written opinion on any question of law involving the city's operation or position;
 2. At the request of the city manager or any member of the council, prepare ordinances for introduction, and at the request of the council or any member thereof, shall examine any ordinance after introduction and render his opinion as to the form and legality thereof;
 3. Draw or approve all bonds, deeds, releases, contracts or other instruments to which the city is a party or in which it has an interest;
 4. Have the management and control of all the law business of the city and the departments, boards and commissions and agencies thereof or in which the city has an interest, and represent the city as counsel in any civil case in which it is interested, in criminal cases in which the constitutionality or validity of any ordinance is brought in issue, and upon request of the mayor or city manager shall prosecute the violation of any ordinance of the city, the violation of which is a misdemeanor;
 5. Institute and prosecute all legal proceedings as shall be necessary or proper to protect the interest of the city;
 6. Attend in person or assign one of his assistants to attend all regular meeting of the council and all special called meetings of the council that he is requested to attend; and
 7. Perform such other duties and powers as may be assigned to him by council.
- (1990, c. 542)

CHAPTER 7. DEPARTMENTS OF THE CITY.

§ 7.01. City departments.

The duties and functions of the City of Bristol, Virginia, as established by this charter, state law and ordinance and direction of the city council, subject to the

supervision by the city manager directly or through supervision of various department heads shall be, to the extent not delegated to boards and commissions as hereinafter set out in this charter, performed by the following departments. (1990, c. 542)

§ 7.02. Comptroller department.

A. Generally. - There shall be a comptroller's department headed by a department head known as the comptroller, who shall be in charge of the accounting and finances of the city. The comptroller shall function as budget director, which position shall require skill in public administration and the accepted practices and municipal budgetary procedure and shall compile, in cooperation with the various department heads, the departmental estimates and other data necessary or useful to the city manager in the preparation of the annual budget.

B. General powers and duties of comptroller. - The comptroller shall have general management and control, subject to the direction and control of the city manager, of the administration of the financial affairs of the city and to that end shall have authority and be required to:

1. Keep books of account of the receipts from all sources and expenditures of all departments, courts, boards, commissions, offices and agencies of the city and prescribe the form of receipts, vouchers, bills or claims to be used and accounts to be kept by all departments, courts, boards, commissions, offices and agencies of the city. The comptroller in so doing shall consult with the retained public auditor for the city so that his books of account and other items mentioned herein produce the requisite information for auditing purposes;

2. Maintain suitable records to keep an accurate account with the city treasurer, making entries therein, where practical, on the same date which they occur, and said records shall be kept so that an examination of them will show the condition of the treasury;

3. Cooperate with the city manager and budget director in compiling estimates for the current expense and capital budgets;

4. Require daily, or at such intervals as he may deem expedient, report of receipts and a remission of the same from each department, court, board, commission, office and agency, and shall on the proper in-paying warrant remit the same to the treasurer;

5. Examine all contracts, purchase orders and other documents which create financial obligations against the city to determine that money has been appropriated and allotted therefor and that an unexpended and unencumbered balance is available and such appropriation and allotment to meet the same;

6. Audit before payment for legality and correctness all accounts, claims and demands against the city and no money shall be drawn from any bank account of the city except by warrant or check signed by the city manager and treasurer, based upon a voucher prepared by him;

7. Submit to the city manager for presentation to the council, not later than the 15th day of each month, a statement concerning the financial transactions of the city prepared in accordance with accepted principles in municipal accounting and budgetary procedure and showing:

- (a) The amount of each appropriation with transfers to and from the same, the allotment thereof to the end of the preceding month, encumbrances and expenditures charged against such appropriation during the preceding month, the total of such charges

for the fiscal year to the end of the preceding month and the unencumbered balance remaining in such appropriation; and

(b) The revenue estimated to be received from each source, the actual receipts from each source for the preceding month, the total receipts from each source for the fiscal year to the end of the preceding month, and the balance remaining to be collected;

8. Furnish the head of each department, court, board, commission, office or agency of the city a copy of such portion of the statement relating to such department, court, board, commission, office or agency;

9. Prepare and submit to the city manager at the end of each fiscal year, for the preceding year, a complete financial statement and report of the financial transactions of the city;

10. Protect the interest of the city by withholding the payment of any claim or demand by any person, firm or corporation against the city until any indebtedness or other liability due from such person, firm or corporation shall first have been settled and adjusted; and

11. Perform such other duties as may be required of him by this charter, by the city manager or by the city council.

C. Annual audit. - The council shall cause to be made annually an independent financial audit of all accounts, books, records and financial transactions of the city by the auditor of public accounts of the Commonwealth or by a firm of independent certified public accountants to be selected by council. The audit shall be of sufficient scope to express an opinion as to whether the books and records and the financial statements prepared therefrom as contained in the annual financial report of the city present fairly the fiscal affairs of the city in accordance with generally accepted accounting principles of municipal accounting and applicable government laws. The report of such audit shall be always available for public inspection in the office of the city clerk and in the office of the city manager during regular business hours. The comptroller shall cooperate with and provide the necessary information to the auditor for the purpose of producing the annual audit.

D. Other audits of accounts. - Upon the death, resignation, removal or expiration of the term of any officer of the city, the comptroller, under the supervision of the city manager, shall audit the accounts of such officer and report the result of the audit to the council. The comptroller shall also audit the accounts of any office or department of the city upon the request of the council, under the supervision of the city manager. Any such audit, at the direction of the council, may be made by an independent certified public accountant rather than by the comptroller if they so direct.

E. Commissioner of revenue. - There shall be elected, pursuant to Chapter 3 of this charter and the general law of the Commonwealth, a commissioner of revenue as provided for in the Constitution of the Commonwealth of Virginia who shall perform such duties as are not inconsistent with the laws of the Commonwealth in relation to the assessment of property and license taxes as may be required by the council for the purpose of levying city property and license taxes. He shall perform such other duties within the City of Bristol, Virginia, as are prescribed for him by the general law of the Commonwealth of Virginia and as may be prescribed for him by this charter or by the city council for the City of Bristol, Virginia, and are not inconsistent with his office. The

commissioner of revenue shall have the power to administer oaths in the performance of his official duties.

F. City treasurer. - There shall be elected, pursuant to Chapter 3 of this charter and the general law of the Commonwealth, a city treasurer, as provided for in the Constitution of Virginia who shall, except as otherwise provided in this charter, be the custodian of all funds of the city and the city's comptroller's bond, and pursuant thereto shall:

1. Deposit all funds coming into the treasurer's hands to the account of the city, in such separate accounts as may be provided for by council, in such banks as may be designated for that purpose by the council. However, the city manager may authorize any department or agency of the city to maintain a petty cash fund not to exceed \$300. Such fund authorized shall be reimbursed by the treasurer only upon presentation of vouchers approved by the comptroller;

2. Receive all moneys belonging to and received by the city and keep a correct account of all such receipts;

3. Be subject to the supervision of the council, perform such other duties not inconsistent with the office as council may from time to time direct, and have such powers and duties as are now or may hereafter be prescribed by the general law of the Commonwealth or ordinance of this city;

4. Make all such reports to the comptroller with respect to receipts and expenditures in the city treasury as may be required by the comptroller to properly keep the financial records of the city up to date;

5. Pay out no money from the city treasury except as may have been approved by the city manager and the comptroller on forms prescribed by the comptroller, all in accordance with the provisions of this charter;

6. Present annually to council the treasurer's account with the State Auditor;

7. Receive no money or permit the payment of the same into the treasury, except upon the presentation of a proper form authorizing such payment and receipt, which form shall show the source and amount of such money and shall be signed by the comptroller or his designee. No license, permit or other authorization for which the party receiving same is required to pay money to the city shall be valid unless and until the treasurer receipts the same giving the amount and date of such receipt; and

8. Report a list of real and personal properties delinquent as of June 30, 1989, for taxes to the city manager and to city council no later than July 1 of each year. (1990, c. 542; 1996, c. 665, 678; 2007, c. 607, 682)

§ 7.03. Personnel department.

A. Generally. - There shall be a personnel department which shall consist of the personnel director, and such employees as may be provided for by the council. Until the city council for the City of Bristol, Virginia, shall, by written resolution, direct that the office of personnel director shall be otherwise filled, the city manager shall serve as personnel director.

B. Powers and duties of the personnel director. - The personnel director shall have the following powers and duties:

1. To formulate and propose a comprehensive personnel policy to the city council for adoption, and as the need may arise, to propose to the council amendments, additions and deletions to the comprehensive personnel policy, and to oversee and enforce the uniform application of the personnel policy to all the employees of the city. Nothing in

this charter, nor in any policy manual promulgated pursuant to this charter, nor in any ordinance or act of the council of the City of Bristol, Virginia, shall be construed to create any contractual relationship between the City of Bristol, Virginia, and any of its employees or agents. The comprehensive personnel policy adopted pursuant to this provision shall not be a contract with the employees of the city and so may be amended from time to time as the needs of the city may require, no rights being vested in any city employee by virtue of this section or any policy adopted pursuant thereto.

2. To, with the cooperation of each department head, formulate and promulgate standard operating procedures in addition to a comprehensive personnel policy that may be needed and applicable to the individual departments and the employees thereof as such requirements may exist and submit to the council for adoption and from time to time for amendment.

3. To oversee and aid each department head in the formulation and promulgation of competitive examinations for all original appointments to department jobs and for promotions within each department to provide for the hiring and promotion of the best qualified personnel available to the city.

4. To oversee the maintenance by each department of a list of eligible employees based upon examination and other hiring criteria for each department and to promulgate regulations to assure that such lists are kept current, that all vacancies are well publicized and that the best possible employees of the City of Bristol, Virginia, be hired for each such vacancy.

5. To formulate and recommend to the council for adoption such additions, deletions, and amendments of the current city pay plan covering all employees of the city as may from time to time be advisable.

6. To direct and enforce the maintenance by all departments, boards, commissions, offices and agencies of the city of such personnel records of employees of such departments, boards, etc., as the personnel director shall prescribe.

7. To establish a temporary employment list for filling positions which are temporarily vacant.

8. To oversee and advise the department heads in the promulgation of a systematic program of in-service training for all employees qualifying them for advancement in the service of the city.

9. To oversee and enforce the operation of an employee grievance procedure in accordance with the laws of the Commonwealth.

10. To investigate any and all matters relating to conditions of employment in the service of the city and to make at least annually a report of his findings to the council.

11. Such other powers and duties as may be assigned him from time to time by council. (1990, c. 542)

§ 7.04. Police department.

A. Generally. - The police department shall consist of the chief of police and such other officers and employees at such ranks and grades as may be established by the council. The police department shall be responsible for the preservation of public peace, prevention of crime, apprehension of criminals, protection of the rights of persons and property and enforcement of the laws of the Commonwealth, the ordinances of the city and all rules and regulations made in accordance therewith. The chief of police and the other members of the police department of the city shall have all the powers and duties of

police officers as provided by the general laws of the Commonwealth and more particularly, each police officer is invested with all the power and authority which formerly belonged to the office of the constable at common law in taking cognizance of, and in enforcing the criminal laws of the Commonwealth and ordinances and regulations of the city. Each of such policemen shall use his best endeavors to prevent the commission within the city of offenses against the laws of the Commonwealth and against the ordinances and regulations of the city; shall observe and enforce all such laws, ordinances and regulations; shall detect and arrest offenders against the same; shall preserve the good order of the city; and shall secure the inhabitants thereof from violence and the property therein from injury. Such policemen shall have no power or authority in civil matters, except that they may execute and serve a temporary detention pursuant to § 37.1-67.1 of the Code of Virginia and he shall in all other cases comply with the orders of any court of proper jurisdiction and execute such warrants or summons as may be placed in said police officer's hands by any clerk of the court, magistrate or trial judge of the city and shall make due return thereof. The criminal investigations of the department shall be under the ultimate authority of the attorney for the Commonwealth, who shall be the chief law-enforcement officer of the city.

B. Powers and duties of the chief of police. - The head of the police department shall be the police chief. Under the supervision of the city manager, he shall be in direct command of the police department. He shall assign all members of the department to their respective posts, shifts, details and duties. He shall, with the approval of the city manager, make rules and regulations in conformity with this charter and the ordinances of the city concerning the operation of the department, the conduct of the officers and employees thereof, their uniforms, arms and other equipment, their training and the penalties to be imposed for infractions of such rules and regulations. The police chief shall be responsible for the efficiency, discipline and good conduct of the department. Orders of the city manager shall be transmitted in all cases through the police chief or in his absence from the city or incapacity, through an officer of the department designated as acting chief by the city manager. Disobedience to the lawful commands of the police chief or a violation of the rules and regulations made by him, shall be grounds for removal or other disciplinary action as provided in such rules and regulations.

C. Division of animal control. - Within the police department, there shall be a division of animal control which shall consist of a city animal warden, appointed pursuant to § 3.1-796.104 of the Code of Virginia, by the city manager, who shall be supervised by the police chief. The animal warden shall serve at the will and pleasure of the city manager and shall not be considered a department head. The city animal warden shall be paid and otherwise compensated as the city council shall from time to time prescribe. The animal warden shall have such powers and duties and responsibilities as are set out in Chapter 27.3 (§ 3.1-796.66 et seq.) of Title 3.1 of the Code of Virginia and all other acts and ordinances enacted by the Commonwealth or the city for the control and protection of animals. The city manager shall have the power to appoint one or more deputy animal wardens to assist the city animal warden as the council shall provide. (1990, c. 542)

§ 7.05. Fire department.

A. Generally. - The fire department shall consist of the fire chief and such other officers and employees of such ranks and grades as may be established by council. The

fire department shall be responsible for the protection from fire, of life and property within the city.

The fire department shall also operate and be responsible for the operation of the hazardous material response team which shall implement the hazardous materials response plan developed by the city in accordance with general laws of the Commonwealth and local laws and regulations.

B. Powers and duties of the fire chief. - The head of the fire department shall be the fire chief. Under the supervision of the city manager, he shall be in direct command of the fire department. He shall assign all members of the department to their respective posts, shifts, details and duties. He shall, with the approval of the city manager, make rules and regulations in conformity with this charter and the ordinances of the city concerning the operation of the department, the conduct of officers and employees thereof, their uniforms, equipment and training and the penalties to be imposed for infractions of such rules and regulations. The fire chief shall be responsible for the efficiency, discipline and good conduct of the department. Orders of the city manager relating to the fire department shall be transmitted in all cases to the fire chief or in his absence from the city or incapacity, through an officer of the department designated as acting chief by the city manager. Disobedience of the lawful commands of the fire chief or violation of the rules and regulations made by him with the approval of the director of the Personnel Department shall be grounds for removal or other disciplinary action as provided in such rules and regulations.

C. Fire prevention. - Fire prevention shall be the duty of the fire chief to secure the enforcement of all laws and ordinances relating to fire prevention and fire safety and to issue from time to time regulations having the force of law for the purpose of implementing such laws and ordinances. The penalty for violation of such rules and regulations shall be as provided for by ordinance. The fire chief may assign this duty to a fire inspector. (1990, c. 542; 1999, cc. 139, 170; 2007, cc. 607, 682)

§ 7.06. Public works department.

A. Department generally. - There shall be a public works department which shall consist of a public works director and such other officers and employees as may be provided for by council. The department shall be divided into three divisions, a street and maintenance division, an engineering division and a solid waste division. Each division or subdivision shall be headed by a division or subdivision superintendent or manager. The public works director may serve as superintendent or manager of the street and maintenance division or the engineering division, but not both.

B. Functions of the street and maintenance division. - The street and maintenance division shall be responsible for:

1. The construction of any capital improvement project by employees of the public works department when ordered, as hereinafter provided by this charter, by council or by the city manager;
2. The maintenance and cleaning, including snow removal, of streets, alleys, other public places, bridges, viaducts, subways and underpasses;
3. The maintenance of storm sewers, drains and culverts;
4. The determination, in accordance with such applicable ordinances of the conditions under which street surfaces may be cut by the Bristol, Virginia utility board or any person, firm or corporation, for the purpose of laying, relocating, removing,

reconnecting or repairing of pipes or conduits therein, and the time within and the manner in which such work shall be completed and such cuts filled and the street surface restored;

5. The maintenance, heating, lighting and janitorial service for all city-owned buildings, except those under the jurisdiction of the school board and the Bristol, Virginia utility board, and except when otherwise provided by this charter, law, ordinance or the directions of the city manager;

6. The physical maintenance, construction, improvement and acquisition of physical data for all traffic engineering in the city, all of such work to be done at the direction of the city engineer; and

7. Such other duties and powers as may be assigned to the division generally by council, or specifically by the city manager or the public works director.

The city manager shall have the power to assign personnel from other departments to accomplish any function set forth herein.

C. Functions of the engineering division. - The engineering division shall be responsible for:

1. The making of such surveys, reports, maps, drawings, plans, specifications and estimates as may be requested from time to time by the council, the city manager or the head of any department, or any board, commission or agency of the city; provided that the city manager may, with the approval of the council, employ consulting engineers or architects in connection with the design of any building, work or improvement;

2. The custody of all maps and plans of the city or any part thereof and all such maps or plans hereafter made and not expressly required by law or ordinance to be filed in some other place, and any map or plan of the city or any part thereof made in accordance with any law or ordinance in the custody of the engineering division or a copy thereof attested by the city engineer shall be evidence in the courts of the Commonwealth of the facts shown therein;

3. The preparation of an engineering plan for all public improvements undertaken by the employees of the city or by contract let in accordance with said plans, unless the services of a consulting engineer or architect have been used for that purpose;

4. The review and certification of all maps and plans required by the zoning code, the subdivision ordinance or any other ordinance or law of the city or law of the Commonwealth which requires the preparation of a plan and its approval by an appropriate official of the City of Bristol, Virginia;

5. To determine the installation and proper timing and maintenance of traffic control devices, conduct engineering analyses of traffic accidents and to devise remedial measures, to conduct engineering investigation of traffic conditions and to cooperate with other city officials in the development of ways and means to improve traffic conditions and to carry out the additional powers and duties imposed by Chapter 14 of the City Code and the laws and other ordinances of the city pertaining to traffic control and regulation;

6. Enforcement and maintenance of sediment and erosion control ordinances;

7. Supervision of the execution and performance of all contracts for capital improvement projects by the city. No payment shall be made by the city upon any such contract without the certificate of the street and maintenance division that the work or that portion thereof for which such payment is to be made has been satisfactorily performed in accordance with the terms of the contract. When plans and specifications

for any capital improvement project have been prepared under the authority of the school board or the Bristol, Virginia, utility board by some person or agency other than the engineering division, the contract may be supervised and the certificate above-required shall be issued by a person or agency to be designated by the school board or the director of the Bristol, Virginia, utility board, as the case may be; and

8. Such other duties and powers as may be assigned to the division generally by council or specifically by the city manager or by the public works director.

D. Solid waste division. - The solid waste division shall be divided into two subdivisions, collection and disposal, and shall be responsible for all aspects of solid waste management. The collection subdivision shall be responsible for the collection and transport of solid waste within and from the City of Bristol, Virginia, and such other areas as from time to time the council may designate. The disposal subdivision may operate solid waste disposal facilities which may include landfills, incinerators, transfer stations, material recovery facilities and other solid waste facilities, subject to the general laws of the Commonwealth of Virginia and the ordinances and regulations of the City of Bristol, Virginia. In addition, the solid waste division shall perform such duties and have such powers as may be assigned to it generally by city council or specifically by the city manager or by the public works director.

E. Public works director. - The head of the public works department shall be the public works director. An engineering degree shall not be required but shall be considered preferable.

F. Powers and duties of the public works director. - The director of public works shall have the management and control of the department. He shall appoint and remove all the officers and employees of the department, with the approval of the city manager, and shall have the power to make rules and regulations consistent with this charter and the ordinances of the city for the conduct of its business.

G. Grading and alignment of streets. - The council may grade or change the grade and align or change the alignment of any street, alley or public place within the city. If the work be of such nature as may cause damage to the abutting land owners, it shall be the duty of the public works director to ascertain what damages, if any, will accrue to the owners of the property likely to be so affected. It shall be the duty of the city manager, having received such ascertainment from the public works director, to give such notice and hearings and make such reports and to proceed in such manner as may be required by state law.

H. Public improvements. - Whenever any capital improvement project is to be undertaken by the city or any department, board, commission or agency thereof, except the school board and the Bristol, Virginia utility board, it shall be the duty of the public works director to cause plans, specifications and estimates of cost of such capital improvement project to be made. The school board and the Bristol, Virginia utility board may utilize the services of the public works department in preparing plans, specifications and estimates of cost for capital improvement projects relating to their respective functions with consent of the city manager or the city council. In the discretion of the city manager, any capital improvement project may be undertaken by employees of the public works department or may be constructed by contract with an independent contractor.

(1990, c. 542; 1996, cc. 665, 678)

§ 7.07. Building code department.

A. Building Code Division Generally. - There shall be a building code division which shall consist of the building code official and such other officers and employees as may be provided for by city council and the environs control official. The building code division shall be part of the department of planning and supervised by the planning director. The building code official may be removed from office for cause after full opportunity to be heard on specific and relevant charges in a hearing before city council. The city manager is authorized to designate an employee as deputy who shall exercise all the powers of the building code official during the temporary absence or disability of the building code official.

B. Restriction of employees. - Neither any building code official nor any employee connected with the building code division, except members of the board of survey or the board of appeals, shall be engaged in or directly or indirectly connected with the furnishing of labor, materials or appliances for the construction, alteration or maintenance of a building or the preparation of plans or the specifications thereof built or to be built within the city, unless that person is the owner of the building. No officer and employee may engage in any work which conflicts with the official duties or interests of the building code division.

C. Personal liability. - The building code official, and any officer or employee of the building code division, shall not, while acting for the jurisdiction, thereby be rendered liable personally for any damage accruing to persons or properties as a result of any act required or permitted in the discharge of their official duties, nor shall the building code official or any subordinate of the building code official be liable for costs in any action, suit or proceeding that is instituted pursuant to the provisions of the building and maintenance codes. They shall be free from liability for acts performed under any of the provisions of or by reason of any act or omission in the performance of their official duties in connection with the provisions of the Uniform Statewide Building Code. This limitation of liability shall extend to the environs control division's enforcement of the Uniform Statewide Building Maintenance Code.

D. Functions. - The building code division shall:

1. Enforce all the provisions of the Uniform Statewide Building Code and act on any question relative to the mode or manner of construction and the materials to be used in the erection, addition to, alteration, repair, removal, demolition, installation of service equipment and the location, use, occupancy and maintenance of all buildings and structures situate in the City of Bristol, Virginia;

2. Receive applications and issue permits for the erection and alteration of buildings and structures, including passing on whether a requested building permit may be issued in compliance with the zoning ordinances of the city, inspect the premises for which such permits have been issued and enforce compliance with the provisions of the Uniform Statewide Building Code;

3. Issue all necessary notices or orders to remove illegal or unsafe conditions and structures, require the necessary safeguards during construction, require adequate exit facilities in existing buildings and structures and insure compliance with all the code requirements for the health, safety and general welfare of the public;

4. Make all the required inspections, or accept reports of inspection by approved agencies on individuals in writing and certified by a responsible officer of such approved agency or by the responsible individual, and engage such expert opinion as deemed

necessary to report upon unusual technical issues that arise, if such engagement is approved by council;

5. Adopt and promulgate rules and regulations to interpret and implement the provisions of the Uniform Statewide Building Code, to secure the intent thereof and designate requirements applicable because of local climatic or other conditions, but such rules shall not have the effect of waiving structural or fire performance requirements specifically provided by the Uniform Statewide Building Code or violating accepted engineering practices involving public safety;

6. Keep official records of applications received, permits and certificates issued, fees collected, reports of inspections, and notices and orders issued so long as the building to which they pertain remains in existence;

7. Report in writing annually to the city manager a statement of operations as may be prescribed by the city manager;

8. Perform such other duties as from time to time may be required of the building code official by the Uniform Statewide Building Code and the city manager;

9. Enforce all local ordinances pertaining to buildings, unsafe structures, the abatement of nuisances created by unsafe structures and such other local ordinances as may from time to time be adopted and passed relative to buildings or structures situate in the city by the council, to the extent that such are not superseded and repealed by an act of the General Assembly; and

10. Perform such other duties as may from time to time be assigned to the building code division by city council.

E. Environs control. - The position of environs control official, whose duties shall be to enforce state law and local ordinances pertaining to garbage, trash, weeds, junk, and litter and the Statewide Uniform Building Maintenance Code within the City of Bristol, Virginia, shall be an employee of the building code division and shall be under the supervision of the building code official. The environs control official shall meet the requirements imposed for the position by state law. (1990, c. 542; 2007, cc. 607, 682)

§ 7.08. Planning department.

A. Planning director. - The department of planning shall consist of a planning director and such other officers and employees of the department as provided for by city council and the building code official and the employees of the building code division.

B. Department functions. - The department of planning shall have the responsibility for:

1. Administration of all programs funded by federal, state or other monies as such be assigned to the department of planning by city council for administration;

2. Administration of the zoning ordinance and the subdivision ordinance and as such, the planning director shall serve as staff for the board of zoning appeals, the planning commission and city council on zoning matters that are before each of such entities. Nevertheless, it shall remain the duty of the building code official to determine the proper zoning of all proposed developments for purpose of issuance of requisite building permits, site plan permits and other required permits;

3. Development of the comprehensive city plan and the amendments thereto for approval by city council;

4. Transportation planning of road improvements on major thoroughfares;

5. Serving as staff to the metropolitan planning organization board created by Bristol, Virginia; Bristol, Tennessee; Sullivan County, Tennessee and Washington County, Virginia;
6. Serving as staff to the joint Bristol, Tennessee/Virginia Planning Commission;
7. Supervise the operations and performance of the building code division; and
8. Such other duties as may from time to time be assigned to the planning department by the council or the city manager. (1990, c. 542; 2007, cc. 607, 682)

§ 7.09. Parks and recreation department.

A. Generally. - There shall be a parks and recreation department which shall consist of a parks and recreation director and such other employees and officers as may be approved by city council.

B. Function of the parks and recreation department. - The Department of Parks and Recreation shall provide for the leisure and recreation opportunities and facilities for the residents and guests of Bristol, Virginia. It is charged with the full responsibility for the conduct and supervision of recreation programs and park facilities of the city. The department shall have the power to supervise and perform maintenance and light construction in all city parks and recreation areas. Additionally, the department shall perform such other duties as from time to time may be assigned to the department by the council or the city manager.

C. Parks and recreational needs assessment. - The department shall prepare and submit to the council for the City of Bristol, Virginia, an assessment of the recreational needs in terms of both facilities and programs. The assessment shall be made annually and submitted to council on or before March 1, of each year, commencing the year after adoption of this charter.

The needs assessment shall consist of a statement of the recreational facilities and programs needs of the city, a recommendation of any change in recreational programs or facilities required to meet the parks and recreational needs of the City of Bristol, Virginia, and a general estimate of the cost of each program or facility change. (1990, c. 542)

§ 7.10. Youth services department.

A. Generally. - There shall be a youth services department consisting of a youth services director and such other officers and employees of the department as may be authorized by city council. The department, under the supervision of the city manager, shall serve as staff for the Bristol, Virginia youth services citizens' board and city council on youth-related matters.

B. Youth services citizens board. - There shall be a Bristol, Virginia, youth services citizens board consisting of 14 members, or as required by general law or local ordinance, all of whom shall be residents of the City of Bristol, Virginia. Four of the members shall be under 18 years of age; two of the members shall be from agencies or groups concerned with youth services; two of the members shall be from professions, including law, medicine or education, having an interest and concern with the problems of young persons; two of the members shall be members of the business community. Two members of the board will be parents and the remainder of the members of the board may be chosen by the council from the general residents of the city. The term of office shall be for three years and no member shall be appointed to more than two successive terms. The board may adopt its own bylaws for internal operation, subject to approval by city council.

C. Function. - The purpose of the youth services department and youth services citizens board is to establish goals and priorities for city-wide youth services, to assist in coordination and planning for comprehensive youth services within the public and private sector, to serve in advisory capacity to the council with respect to youth services and programs, to establish goals and objectives for services to youth in the City of Bristol, Virginia, and to perform such other duties and obligations as may from time to time be delegated to them by state law and the city council for the City of Bristol, Virginia. (1990, c. 542; 2003, cc. 539, 546)

§ 7.11. Transit department.

A. Generally. - The transit department shall consist of the transit director and such other officers and employees of the department as the council shall approve.

B. Function. - The transit department shall provide public bus service to the City of Bristol, Virginia, to the extent such provision is funded by city council. The transit department shall operate the school bus system for the school board of the City of Bristol, Virginia, unless the Bristol, Virginia, school board shall take over the operation, management and maintenance of its own school bus system. The transit department shall operate the city mechanical garage and therein provide service to all city vehicles and to any other city equipment for which the garage is equipped with men and materials to perform maintenance thereon. The city transit garage shall also provide maintenance service to the Bristol, Virginia, sheriff's office vehicles and equipment. (1990, c. 542)

CHAPTER 8.

BOARDS.

§ 8.01. Boards generally.

In addition to the specific boards set forth herein, city council shall, by ordinance duly adopted, have the power to create, amend and abolish any and all boards it deems necessary for the proper function of the local government for the City of Bristol, Virginia, and in addition to by ordinance join, fund and appoint members to any regional, state or federal board for which it is eligible for membership and for which membership in said board or commission will further the public purposes of the City of Bristol, Virginia. (1990, c. 542)

§ 8.02. Boards - appointments, compensation.

The terms of office and the number of consecutive terms of office permitted to any individual appointee for all board appointments made by city council shall be as set forth in this charter, except for appointments to boards and commissions not created by this charter or by the council for the City of Bristol, Virginia, but which are participated in by the city. With respect to all such state, regional and federal boards participated in by the city and not created by this charter or ordinance of the City of Bristol, Virginia, the city may participate in the operation of such boards by appointment thereto and the term of office for each such appointee shall be for such length as is specified by the general laws, regulations and by-laws of such agency or board. No individual appointee to such board shall be appointed for more than two consecutive terms unless such restriction is in conflict with the general laws of the Commonwealth of Virginia, or the federal laws by which the board or commission was created or the by-laws of the board or commission.

No member of any board, including without limitation, the Bristol, Virginia, utility board or any other board to which members are appointed by the city council for the City of Bristol, Virginia, shall receive any compensation for services on said board,

said service to be of a purely volunteer nature. However, members of such boards may be reimbursed actual expenses incurred in service on such boards excluding expenses incident to the attendance at regular meetings of the board. (1990, c. 542; 1996, cc. 665, 678)

§ 8.03. Bristol, Virginia, school board.

The school board shall have all powers and duties relative to the operation, management and control of the public schools of the city provided by the general laws of the Commonwealth and in addition thereto shall perform such duties not inconsistent with their office and make such reports and keep such accounts of receipts and disbursements as the council may require.

The City of Bristol, Virginia, has by referendum provided for the popular election of school boards in accordance with Title 22.1 of the Code of Virginia; therefore, this charter does not make any provision with respect to the election, vacancy in office or other matters pertaining to how the board is constituted or shall operate except as herein provided.

The school board shall prepare its budget estimate and deal with its budget in accordance with Chapter 10 of this charter.

The title to all real estate acquired for public school purposes shall be taken and held in the name of the City of Bristol, Virginia; except that the council, in order to enable the city school board to borrow money from the literary fund of the Commonwealth, may by resolution authorize and direct the title in fee simple to such real estate on which the school building is sought to be erected, altered or enlarged as prescribed in application for such loan to be conveyed by the city to the city school board. (1990, c. 542; 1996, cc. 665, 678)

§ 8.04. City planning commission.

There shall be a city planning commission consisting of seven members, one of whom shall be a member of the city council selected by the council for a term coincident with his term on the council, one of whom shall be selected by the council for an indefinite term and the remaining members shall be citizens appointed by council for three-year terms. All citizens of the City of Bristol, Virginia, owning real property shall be eligible for appointment to the planning commission, and all appointees shall take the oath of office before entering into their duties. Each appointee, other than the councilmanic and employee appointees, shall be eligible for only two consecutive terms.

The planning commission's duties shall be to:

1. Exercise general supervision of and make regulations for the administration of its affairs;
2. Prescribe rules pertaining to its investigations and hearings;
3. Supervise its physical affairs and responsibilities, under rules and regulations as prescribed by the governing body;
4. Keep a complete record of its proceedings and be responsible for the custody and preservation of its papers and documents;
5. Make recommendations and an annual report to the governing body concerning the operation of the commission and the status of planning within its jurisdiction;
6. Prepare, publish and distribute reports, ordinances and other material relating to its activities;

7. Prepare and submit an annual budget estimate in the manner prescribed by the city council;

8. Review, amend and recommend a comprehensive city plan to city council as provided for by state law and this charter and amendments thereto as needed;

9. Exercise such authority and perform such duties relative to zoning, subdivisions and other matters related to development within the City of Bristol, Virginia, as are provided for in the respective ordinances provided for the same by city council; and

10. Perform such other duties as council may from time to time assign to the planning commission.

The planning commission shall be staffed by the director of the department of planning and employees of that department until and unless the council shall by ordinance provide for a separate staff for the planning commission. The planning commission may, with the approval of the city manager, call upon the heads of other departments for staff functions as the need may arise. (1990, c. 542; 1996, cc. 665, 678)

§ 8.05. Board of zoning appeals.

There shall be a board of zoning appeals consisting of seven residents of the City of Bristol, Virginia, appointed by the circuit court of the city for a term of five years each. No appointee shall be appointed for more than two successive terms. Nothing in the adoption of this charter shall affect the term of any current member of the board of zoning appeals and each shall serve out the remainder of his present term. The secretary of the board shall notify the court at least thirty days in advance of the expiration of any term of office and shall also notify the court promptly if any vacancy occurs. Appointments to fill vacancies shall be only for the unexpired portion of the term. Members of the board shall hold no other public office in the municipality except that one may be a member of the local planning commission. A member whose term expires shall continue to serve until his successor is appointed and qualifies.

The procedures and functions of the board of zoning appeals shall be in accordance with state law and the ordinances of the City of Bristol, Virginia as the same may be from time to time amended.

The board of zoning appeals shall have the following powers and duties:

1. To hear and decide appeals from any order, requirement, decision or determination made by an administrative officer in the administration or enforcement of the zoning ordinances of the City of Bristol, Virginia;

2. To authorize upon appeal or original application in specific cases such variances as are permitted by state law from the terms of the city zoning ordinance. Such variances shall not be contrary to the public interest. A variance may be granted when, owing to special conditions, literal enforcement of the provisions will result in unnecessary hardship; provided that the spirit of the ordinance shall be observed and substantial justice done and as the provisions of § 15.1-495 of the Code of Virginia or its successors, may provide;

3. To hear and decide applications for interpretation of the district map where there is any uncertainty as to the location of a district boundary, in accordance with § 15.1-495(d) of the Code of Virginia or its successor; and

4. To hear and decide applications for such special exceptions as may be authorized by the zoning ordinance in accordance with state and local law.

No provision of this section shall be construed to grant the board of zoning appeals any power to rezone property. (1990, c. 542)

§ 8.06. Bristol Virginia Utilities Board.

There shall be a Bristol Virginia Utilities Board consisting of seven members, six of whom shall be residents of the City of Bristol, Virginia. Two of the members of the board shall be members of the city council selected by the council and four shall be non-council-member citizens of the City of Bristol, Virginia, appointed by the council. The term of office for the council members shall coincide with their terms on council with no other limitation on the number of terms they may serve. The terms of office of the citizen members shall be for three years. No citizen member shall be appointed to more than two successive terms of office. In addition to the six resident members above, there may be a seventh member of the Bristol Virginia Utilities Board appointed for a term of one year at the discretion of the city council, who shall be appointed from among the members of the Board of Supervisors for Washington County, Virginia. That member's role shall be to represent the interests of those citizens of Washington County, Virginia, who purchase electricity from Bristol Virginia Utilities. Therefore, that county member shall have the right to vote only on matters before the Board affecting the operation of the electrical system. Unless invited by a majority of the other members to do so, that member will not be entitled to attend closed meetings (as defined by § 2.2-3711 of the Code of Virginia of 1950, as amended) that are closed for the purpose of discussing matters unrelated to the electrical system.

The members of the Bristol Virginia Utilities Board may be allowed their expenses while engaged in the business of the board in accordance with this charter. Such expense and allowance shall constitute a cost of operation and maintenance of such utility systems and shall be prorated equally among each of the systems it manages.

The Bristol Virginia Utilities Board shall have the power and duty to manage a division of the city to be known as Bristol, Virginia Utilities, or "BVU." BVU shall operate the electric, public lighting, water and sewerage, telecommunications, Internet and other communications and information systems and services of the City directly or it may subcontract such functions. BVU shall construct, maintain and operate all facilities necessary thereto, shall sell and distribute to the public electric power, light, water and sewer services, telecommunications, Internet and communication, information and other services as authorized, and shall collect the rates and charges provided for such services, except electric power, by city council. With respect to any service managed and controlled by the Bristol Virginia Utilities Board, the council may, by contract or otherwise, delegate or abrogate its rate-making power.

The Board may appoint a president of BVU and may provide for such other employees and officers as to it may be deemed expedient and proper, and the board shall have sole control and management of such employees and the operations of utilities for which it is responsible, except for rate-making powers which, except for electric power, are reserved to city council, notwithstanding the provisions of §§ 5.03, 5.05, 7.01, 7.03 and 7.04, and any other sections of this charter. (1990, c. 542; 2000, cc. 949, 976; 2003, cc. 539, 546; 2007, cc. 607, 682; 2008, cc. 99, 323)

§ 8.07. Economic development committee.

There shall be a Bristol, Virginia economic development committee consisting of seven members, two of whom shall be members of the city council, two of whom shall be

appointed from the members of the Bristol, Virginia, utility board, and three of whom shall be at-large members appointed from among the residents of the City of Bristol, Virginia, by city council. The city manager, city attorney, utilities board general manager and utility board attorney shall be ex officio members of the committee with a voice but no vote.

The term of office of the two councilmanic members of the board shall be coincident with their terms of office; the terms of the two utility board members shall be coincident with their terms of office and the other three members shall serve a term of three years. The three members shall not be eligible for appointment to more than two successive terms. The adoption of this charter shall not affect the terms of any current member of the Bristol, Virginia, economic development committee, and each shall serve out his term as heretofore provided.

The Bristol, Virginia, economic development committee shall develop and encourage development of industrial sites within and without the City of Bristol, Virginia, develop a close working relationship with the Virginia Department of Industrial Development and with the Tri-city Area Industrial Commission, directly pursue the location of business and industry within and without the City of Bristol, Virginia, and encourage and facilitate the expansion of existing businesses within the city.

The committee shall have all the powers necessary to effect the purpose as set forth herein, including, but not limited to, the establishment of objectives and the policies to achieve such purpose, the selection and employment of an executive director and such other employees and staff as from time to time may be approved by city council and to provide general guidance and oversight of the activities of the Bristol, Virginia utility board and the City of Bristol, Virginia city council in the area of economic development. (1990, c. 542)

§ 8.08. Bristol, Virginia, board of social services.

A. There shall be a Bristol, Virginia, board of social services consisting of five members appointed by city council. Four members shall be appointed by council from residents of the City of Bristol, Virginia, for terms of four years, such terms to be staggered. One member will be a member of city council whose term shall be coincident with his term in office. Adoption of this charter shall not affect the term of any present member of the board, each member serving out the remainder of his term. Thereafter, as each term expires, city council shall adjust the size of the board and the length of the terms by automatically changing the length of term and by not filling such vacancies as are required to meet the requisite number of members. No member shall be eligible for appointment to more than two successive terms in office.

B. Members shall be reimbursed their actual expenses incurred in accordance with the provisions of this charter.

C. The board shall, subject to the rules and regulations of the state board, administer the provisions of the Code of Virginia pertaining to social services. The board may receive and disburse funds derived from public grant or private sources in the form of gifts, contributions, requests or legacies for the purpose of aiding needy persons within the city. The board shall furnish to the Commissioner of the State Department of Social Services and to city council any required reports relating to the administration of § 63.1-1 et seq. of the Code of Virginia or its successors. The board shall submit annually to the council through the city manager a budget containing an estimate and supporting data

setting forth the amount of money needed to carry out the duties of the board and forward a copy of the same to the Commissioner of the Department of Social Services. The board shall provide either directly or through the purchase of services subject to the supervision of the Commissioner of the Department of Social Services and in accordance with the rules prescribed by the State Board, any and all child welfare services described in Title 63.1 of the Code of Virginia or its successors, when such services are not available through other agencies serving residents of the city. The board shall provide, subject to the supervision of the Commissioner and in accordance with the rules provided by the state board, for the delivery of homemaker, companion or chore services which will allow individuals to attain or retain self-care. The board shall provide services for persons who by reason of advanced age, impaired health or physical disability cannot unaided take care of themselves or their affairs and have no relative or other person able, available or willing to provide guidance, supervision or other needed care and for persons sixty years of age and older who are abused, neglected or exploited. The board shall make a prompt and thorough investigation and determine whether any person is in need of protective services and what services are needed upon the receipt of a report to that effect. The board shall have the right to accept for placement in suitable family homes, child caring institutions, or residential facilities, group homes or independent living arrangements subject to the supervision of the Commissioner in accordance with the rules prescribed by the state board, such persons under eighteen years of age as may be entrusted to it by parent, guardian or committed by any court of competent jurisdiction. The board shall perform such other duties with the requisite inherent powers for accomplishment of their performance as may be from time to time authorized by state law and to perform such other duties as from time to time may be required by the council which are not in conflict with state law or applicable regulations of the state board or Commissioner of the Department of Social Services. (1990, c. 542)

§ 8.09. Board of building code appeals.

A. There is hereby established a board of building code appeals consisting of five members appointed by city council from the residents of the City of Bristol, Virginia, for terms of five years. No member shall be eligible for appointment for more than two successive terms. The adoption of this charter shall not affect the terms of any present member of the board. They shall continue in office until the expiration of their current terms. City council shall also appoint two alternate members who shall be called by the board chairman to hear appeals during the absence or disqualification of a member of the board. City council shall appoint only persons who are licensed professional engineers or architects and builders or superintendents of building construction with at least ten years' experience, five of which years shall have been in responsible charge of work as members or alternates to the board of appeals. No two members shall be from the same profession or occupation and at least one professional engineer shall be a structural or civil engineer with architectural engineering experience.

B. The board of building code appeals shall hear all appeals from the decision of the building code official and the environs control officer refusing to grant a modification to the provisions of the Uniform Statewide Building Code and the provisions of the Uniform Statewide Building Maintenance Code covering the manner of construction or materials to be used in the erection, alteration or repair of a building or structure and to hear appeals from any decision of the fire prevention code official claiming that the true

intent of the fire prevention code or rules legally adopted thereunder have been incorrectly interpreted by such official. (1990, c. 542)

CHAPTER 9.

OTHER CONSTITUTIONAL OFFICERS.

§ 9.01. Generally.

In addition to the treasurer and commissioner of revenue as set forth in the section on the comptroller's office, there shall be the positions of attorney for the Commonwealth, sheriff and clerk of the circuit court as provided for by the Constitution of the Commonwealth of Virginia. (1990, c. 542)

§ 9.02. Attorney for the Commonwealth.

An attorney for the Commonwealth shall be elected as provided for in this charter and the general law of the Commonwealth, charged with the duty of prosecuting cases for the Commonwealth and such other duties as he may from time to time be assigned by the general law of the Commonwealth and by agreement with city council for the City of Bristol, Virginia. He shall be considered the chief law-enforcement officer of the city for the purposes of all investigations, charges, and prosecutions, and all investigations, charges and prosecutions will be in accordance with his direction, if any he should give. (1990, c. 542)

§ 9.03. Sheriff.

A sheriff shall be elected for the City of Bristol, Virginia, as set forth in the Constitution of Virginia, this charter and the general laws of the Commonwealth of Virginia. His duties shall be, without limitation by enumeration, as follows:

1. Attend the terms of the circuit court of the city and act as the officer thereof and receive such compensation as the court may allow;
2. Be the keeper of the jail and officer thereof, of the city;
3. Be the officer responsible for serving legal process, both civil and criminal, within the city;
4. Be the officer responsible for the transporting of prisoners, juveniles, mental patients, fugitives, and any other individuals which the courts may direct;
5. Be the officer responsible for implementing and coordinating work programs including, but not limited to, work release, community service, and jail farm; and
6. Be vested with full powers of a sheriff or constable at common law, authorized and empowered to make arrests and conduct investigations for all violations of the laws of the Commonwealth and of the city, and shall perform such other duties as may be prescribed by the general laws of the Commonwealth or by the council.

For any and all duties imposed upon him by the courts, the Commonwealth of Virginia and the city council, he shall receive such amounts of compensation for the performance thereof as the council and Compensation Board may determine.

The sheriff may appoint a deputy or deputies who may be removed from office by the sheriff, without notice to the deputy. During the continuance in office of such sheriff, his deputy or deputies may discharge any of the duties of the Office of Sheriff, but the sheriff and his surety shall be liable therefor. (1990, c. 542)

§ 9.04. Clerk of the circuit court.

A. The clerk of the circuit court for the City of Bristol, Virginia, shall be elected as provided for in the Constitution of Virginia, in this charter and the general law of the Commonwealth.

B. The clerk shall, at the end of each fiscal year or more often if required by city council, furnish a statement of taxes on deeds and all other local taxes, levies and assessments collected or collectable by the clerk. All sums collected by the clerk or on account of the city shall be paid over to the city treasurer in the manner and at the time or times provided by the council.

C. The clerk shall furnish all lists, statements and reports that the council may require of the clerk or that are provided for by this charter.

D. For all allowances made against the city by the courts, or by the laws of the Commonwealth, for any account, claim or warrant for jurors or witnesses, attendance, the clerk shall issue as soon as allowed by the court, and called for by the party or his agent, to whom the allowance is made, an order on a suitable form for that purpose retaining a property stub for all orders so issued upon the city auditor. The order shall direct the city auditor to issue a voucher on the city treasurer for the sum so allowed, shall state for what the allowance is made and any other matter required by the court or city council. No such order shall be issued in any other name than in the name of the party to whom the allowance is made by the court.

E. To aid the commissioner of revenue in his duties, the clerk shall deliver to him such lists as are mentioned in the Code of Virginia, so far as the same may relate to lands in the city and perform such other duties as may be required by state law.

F. The clerk shall execute such bonds as the judge of the circuit court may fix and in a penalty prescribed by him and with such surety as the judge may require.

G. If the clerk fails or refuses to perform any of the duties required of him by this charter, the court or city council, the clerk shall be fined by the circuit court judge not less than \$5.00, nor more than \$100.00 for each offense and the clerk and all sureties on his official bond shall be liable for all damage which may accrue to the city or any other person by reason of such failure or refusal. (1990, c. 542)

CHAPTER 10. BUDGETS.

§ 10.01. Fiscal and tax year.

The fiscal year of the city shall begin on July 1 and shall end on June 30 of the succeeding year. The tax year for taxes levied on real estate, tangible personal property and machinery and tools shall begin on January 1 and end on December 31 following, and the tax year for all other taxes shall be as fixed by the council by ordinance. In accordance with the general law of the Commonwealth, the city council may change the tax year for any of the above enumerated taxes by ordinance duly adopted. (1990, c. 542)

§ 10.02. Preparation.

It shall be the duty of the head of each department, the judges of the various courts, each board or commission, including the school board, and each other office or agency supported in whole or in part by appropriations of the city, including the constitutional officers, to file with the budget director, at such time as the city manager may prescribe, detailed estimates of revenue and expenditure for that department, court, board, commission, office or agency for the ensuing fiscal year. The budget director shall assemble and compile these estimates and in cooperation with the comptroller supply such additional information relating to the financial transactions of the city as may be necessary or valuable to the city manager in the preparation of the budgets. The city manager shall hold such hearings as he may deem advisable and with the assistance of

the budget director shall review the budgets, make such revisions in such estimates as he may deem proper after consultation with each department head, constitutional officer, and other such officers, and, subject to the laws of the Commonwealth relating to obligatory expenditures for any purpose, prepare a total budget estimate for presentation to the council. (1990, c. 542)

§ 10.03. Scope of the annual budget.

Not later than the second Tuesday in March, the city manager shall submit to the council an initial budget estimate for the ensuing fiscal year, according to a classification as nearly uniform as possible. The budget shall present the following information:

1. An itemized statement of the appropriations recommended by the city manager for current operating expenses for each department and each division thereof for the ensuing fiscal year, with comparative statements and parallel columns of the appropriations and expenditures for the current and next proceeding fiscal year and the increases or decreases in the appropriation recommended. Expenditures for the current fiscal year shall include an estimate of expenditures necessary to complete such year;

2. An itemized statement of the appropriations recommended by the city manager for capital improvement projects for the ensuing fiscal year for each department and each division thereof, with the comparative statements and parallel columns of the appropriations and expenditures for the current and next proceeding fiscal year and the increases or decreases in the appropriations recommended;

3. The annual budget and annual appropriation ordinance shall include a line-item for a reasonable contingency fund for use in any of the affairs of the city under the control of the city manager;

4. An itemized statement of the taxes required and the estimated revenues of the city from all other sources for the ensuing fiscal year, with comparative statements in parallel columns of the taxes and other revenues for the current and next proceeding fiscal year and the increases and decreases estimated or proposed;

5. A statement of the financial condition of the city and for such other information as may be required by the council or that the city manager may be deemed advisable to submit; and

6. Copies of such budget estimate shall be printed and be available for distribution not later than two weeks after its submission to the council and a public hearing shall be given thereon by the council before final action. (1990, c. 542)

§ 10.04. Appropriations and additional tax ordinances.

At the same time that he submits an annual budget estimate the city manager shall introduce in the council an appropriation ordinance. The appropriation ordinance shall be based on and shall incorporate by reference the annual budget adopted by city council. At the same time, the city manager shall also introduce any ordinance or ordinances altering the tax rate on real estate and tangible personal property or levying a new tax or altering the rate of any other tax necessary to balance the budget. Council will hold at least one public hearing on the appropriation ordinance and any tax ordinances prior to adoption of the same. (1990, c. 542)

§10.05. Action by council on general fund budget generally.

After the public hearing, the council may insert new items of expenditure and revenue and may increase, decrease or strike out items of expenditure and revenue in the annual budget. Prior to the end of each fiscal year the council shall pass the annual

appropriation ordinance based upon the budget submitted by the city manager, as amended by city council, and shall levy such taxes for the ensuing fiscal year as may be necessary to meet the appropriations. Council shall adopt all such tax ordinances as have been submitted by the city manager and agreed upon by the city council for the purpose of funding the appropriations for the budget for the ensuing year together with all sums required to service city debt. (1990, c. 542)

§ 10.06. Additional appropriations.

Subject to the limitations contained hereinafter, appropriations in addition to those contained in the appropriation ordinance may be made by the council by a four-fifths vote during the fiscal year if the comptroller certifies in writing that there is available in the general fund a sum unencumbered and unappropriated sufficient to meet such appropriation. At any time during the fiscal year when reimbursements or payments from the Commonwealth of Virginia and the United States of America for specified purposes exceed budget estimates of anticipated revenue for such purposes, such excess reimbursement or payments may be included in the general fund unencumbered and unappropriated balances and may be appropriated for such specified purposes, whether such grants be termed categorical or general. (1990, c. 542)

§ 10.07. Disposition of unencumbered balances; incurring liabilities.

At the close of each fiscal year, or upon the completion or abandonment at any time within the year of any work, improvement or other object for which a specific appropriation has been made, the unexpended balance of such appropriation shall revert to the general fund from which it was appropriated and shall be subject to further appropriations, except that funds obligated to any ongoing project, capitol or operating, which has not been completed or if completed has not been billed to the city and paid, shall remain appropriated to the purpose for which it was appropriated until expended. This does not prohibit the council from authorizing transfers between department budgets as may be necessary to adjust expenditures. No city liability shall be incurred by an officer or employee of the city except in accordance with the provisions of the appropriations made by council or under continuing contracts and loans authorized under provisions of this charter. (1990, c. 542)

§ 10.08. Disbursements.

Payments by the city shall be made only upon vouchers and by means of warrants on the city treasury, issued by the city manager and counter-signed by the city treasurer. The city manager shall examine all payrolls, bills and other claims and demands against the city and shall authorize no payments unless he finds that the claim is in proper form and correctly computed; that it is justly and legally due and payable; and that an appropriation has been made therefore which has not been exhausted, or that the payment has been otherwise legally authorized and that there is money in the city treasury to make payment. He may require any claimant to make oath as to the validity of a claim. He may investigate any claim and for such purpose may examine witnesses under oath and if he finds that it is fraudulent, erroneous or otherwise invalid, shall not issue a warrant therefor. (1990, c. 542)

§ 10.09. Effective date of annual budget; certification and availability of copies thereof.

Upon final adoption, the annual budget shall be in effect for the ensuing fiscal year. A copy of the budget as finally adopted shall be certified by the city manager and

city clerk and filed in the office of the comptroller. The annual budget so certified shall be printed, mimeographed or otherwise reproduced and sufficient copies thereof shall be made available for the use of all departments, courts, boards, commissions, offices and agencies and for the use of interested persons and organizations. (1990, c. 542)

§ 10.10. School budget.

It will be the duty of the school board to submit its line-item budget estimates to the city manager no later than May 1 of each year. The estimate shall set forth a detailed line-item estimate of the amount required for the conduct of the public schools for the ensuing fiscal year and an estimate of the amounts which are expected to be received for public education other than from appropriations by the council. It shall contain a detailed estimate of all surplus funds expected to be left over at the end of the current fiscal year. If an appropriation from council is less than the board's original request, it shall amend estimates of expenditures accordingly. Before the beginning of the fiscal year, the school board shall file with the comptroller its budget as finally revised. It shall have the power to order during the course of the fiscal year transfers from one item of appropriation to another, notice of which will be immediately transmitted to the comptroller. (1990, c. 542; 2007, cc. 607, 682)

CHAPTER 11.
TAXATION.

§ 11.01. Taxation generally.

A. Taxation power. - The council shall have all the powers of taxation granted by the general law of the Commonwealth including without limitation current §§ 58.1-3000 et seq. and such other sections of the law as give to the city the power of taxation, as the same may be replaced or amended from time to time. Additionally, there is retained from the current charter an express power to fix annual levies on property subject to taxation in the city without any limits as to the rate thereof, any provisions of the general law of the Commonwealth to the contrary notwithstanding. Council shall not fix such levy on property partially segregated to the Commonwealth for purposes of state taxation at a higher rate than is or may be permitted by the general laws relating thereto.

B. Recording tax. - The council may tax deeds and all other papers placed upon the records in the office of the clerk of the circuit court, any sums not exceeding like taxes levied by the Commonwealth.

C. Annual levy. - City council may levy an annual tax upon all persons in the city and upon any property therein subject to local taxation and not expressly segregated to the Commonwealth for purposes of state taxation only. Council may tax such other subjects as may be at the time assessed for state taxes against persons residing therein. Additionally, the city may levy a tax on intangible personal property assessed to residents therein and segregated by laws of the Commonwealth for purpose of taxation, at any rate not exceeding the maximum rate provided by law.

D. Sale of delinquent realty. - Council may require real estate or any interest therein in the city delinquent for the nonpayment of taxes to be sold for such taxes with interest thereon and such per centum as they may prescribe for expenses of collection as they deem proper, and they may regulate the terms on which real estate so delinquent may be sold. All city taxes shall be due and payable as provided by council in a proper ordinance.

E. Duty of city treasurer as to delinquent realty. - The city treasurer shall make a report to the comptroller by July 1 of each year as to all real estate in the city delinquent for nonpayment of real estate taxes assessed thereon for the next preceding year and the comptroller shall check the same and transmit it to the city manager. The city treasurer shall also provide a copy of the list transmitted to the comptroller to city council on July 1 of each year.

F. Duty of commissioner of revenue upon ascertaining property, etc., has not been properly assessed. - If the commissioner of revenue ascertains that any person or any real or personal property or income or salary has not been assessed for city taxation for any year for which it should have been taxed or that the same has been assessed at less than the law required for any year or the taxes thereon for any cause have not realized, it shall be the duty of the commissioner to list the same and assess city taxes thereon at the rate prescribed for that year adding thereto interest at the rate set by state law. Where the same was not assessed through no fault of the person charged with the taxes, no interest or penalty shall be charged.

G. Applicability. - All the provisions of this section shall be applicable to the assessment and collection of all local taxes.

H. Distress of goods and chattels, payment by tenants or fiduciaries. - All goods and chattels of any person against whom taxes for the city are assessed may be distrained and sold for such taxes when due and unpaid in the same manner and to the same extent that goods and chattels may be distrained and sold for state taxes. The tenant who pays or from whom payment is obtained, by distress or otherwise, of taxes or levies due the city by person under whom he holds shall have credit for the same against the rents he may owe, except when the tenant is bound to pay such taxes or levies by an express contract with such person. Where taxes or levies are paid to the city by any fiduciary on any estate in lands, such taxes and levies shall be reimbursed to him out of the same estate. (1990, c. 542)

§ 11.02. License taxes.

A. License tax. - Council for the City of Bristol, Virginia, may impose a license tax on any endeavor, occupation, person, business or entity permitted and authorized to be licensed and taxed by the general law of the Commonwealth of Virginia. Council may also require a license and impose a tax therefor on any activity not expressly prohibited to be taxed or licensed by the general law or the Constitution of the Commonwealth of Virginia.

B. Fine or penalty for failure to obtain license. - Council may impose by ordinance whatever fine or penalty it deems to be appropriate not in excess of a \$1,000 fine or one year in jail, either or both, for carrying on any activity, occupation, or similar endeavor, which is permitted to be licensed hereunder and for which no license is obtained by any person or entity prior to entering into said occupation, activity, or similar endeavor.

C. Fees for issuance of transfer of license. - City council may, subject to state law, set a fee to be charged for the issuance or transfer of any license permitted to be issued or imposed and actually required by city council pursuant to an ordinance duly adopted hereunder. (1990, c. 542)

§ 11.03. Special assessments.

A. Generally. - All local or special assessments shall be made and assessed by council as council may by ordinance prescribe. Provision shall be made by ordinance for the method of levying and apportioning such special assessments and for the publication and giving to such owners an opportunity to be heard before the final action. Any person affected by such special or local assessment may appeal the decision of council as to any such assessment against him to the circuit court of the city.

B. Sale for nonpayment of assessment or of expense of abating nuisance or removing weeds. - The council may by ordinance provide the method of making sale of any lands, lots or premises for nonpayment of the amount of any local or special assessments thereon, or for the nonpayment of any expense incurred by the city in abating nuisances, cutting and removing weeds, removing junk and debris, or any other expense incurred by the city relative to real property within the city limits of the City of Bristol, Virginia for which said expense may be made a lien on the real property as delinquent taxes are a lien. (1990, c. 542)

CHAPTER 12. BORROWING.

§ 12.01. General power of council.

The city council may in the name of and for the use of the city, incur indebtedness by issuing its negotiable bonds, notes or other obligations upon the credit of the city or solely upon credit of specific property owned by the city or solely upon the credit of income derived from property used in connection with any public utility or project owned and/or operated by the city. (1990, c. 542)

§ 12.02. Debt limits.

The city's total indebtedness shall not exceed the limitations placed upon municipal indebtedness by the Constitution and the general laws of the Commonwealth of Virginia. City council shall not increase the total indebtedness of the city to the point which would render its bonds, notes and obligations non-tax deductible pursuant to any provisions of the Internal Revenue Code except by ordinance adopted by four-fifths vote. (1990, c. 542)

§ 12.03. Limitations on term of bonds or notes.

No bond, note or obligation of the city shall be issued for a longer period than the probable life of the work or object for which the debt is to be contracted, as certified to city council by the public works director if the bond, note or obligation is issued for such a public improvement. No bond, note or obligation issued for refunding of a previous issue shall be for a greater period than thirty years. (1990, c. 542)

§ 12.04. Purposes for which bonds or notes may be issued.

A. The city may issue its bonds, notes or obligations to finance capital projects, including without limitation, public improvements or utilities; for revolving funds for the provision of consumable personal property such as automobiles, trucks, and similar items; to anticipate the collection of revenue; to provide for emergency expenditures; to refund outstanding bonds; to defray the cost in extension of the boundaries of the city; to purchase machinery or equipment on an installment basis; and for any other legitimate municipal purpose for which the city requires or council in its best judgment believes it is proper to expend funds, subject to the limitations of the Constitution and the general laws of the Commonwealth and this charter.

B. The credit of the city shall not directly or indirectly, under any device or pretense, be granted to or in aid of any person, association, corporation or any other entity. Nothing contained herein shall prevent the city from issuing bonds through its industrial development authority or otherwise as may be permitted by the general law of the Commonwealth of Virginia and the federal law applicable to such bond issues for whatever proper purpose may be advanced in such a specific program.

C. The council is expressly authorized to execute and issue such certificates, notes, bonds or obligations in the name of the city for the purpose of erecting any public school building, jail or other public building, deemed necessary for the public use and benefit. (1990, c. 542)

§ 12.05. Borrowing in anticipation of revenue; use of proceeds of sale of bonds.

Pending the issuance and sale of any bonds, notes or other obligations by this section authorized, or in anticipation of the receipt of taxes and revenues of the current fiscal year, it shall be lawful for the city to borrow money temporarily and to issue notes and other evidences of indebtedness therefor, and from time to time to renew such temporary loans, or to use current funds to be ultimately repaid from the proceeds of said bonds, notes or other obligations or from city taxes and revenues as the case may be. (1990, c. 542)

§ 12.06. Procedure for passing ordinances authorizing bond issues.

The procedure for the passage of an ordinance authorizing the issuance of bonds shall be in keeping with the general law and the Constitution of the Commonwealth of Virginia and shall address, to the extent permitted by state law, all requisite procedural formalities and protocols for making the bonds of the city tax exempt and as attractive to potential investors as they can be made. The bond ordinance will always state the purpose for which it is being issued, the aggregate amount of all bonds that are going to be issued, the term, single or serial, for which they are to be issued and the maximum rate of interest that is to be paid thereon. All other matters relating to the authorization, issuance or sale of bonds or notes may be provided for by council or resolution, so long as such procedure meets all requisite state and federal law requirements. (1990, c. 542)

§ 12.07. Full faith and credit and revenue bonds.

The provisions of this charter shall be equally applicable to both full faith and credit bonds and to revenue bonds. Council is hereby authorized to adopt by ordinance any different procedure or purpose from that set forth in this charter provided such change is required or permitted by state law and necessary to make the bonds or other evidences of indebtedness of this city subject to the most advantageous federal tax treatment possible under the then current Internal Revenue Codes. Prior to making any such change, council shall obtain a legal opinion from qualified bond counsel that such procedure or purpose change is required by state law or permissible thereunder and requisite to secure advantageous tax treatment under the Internal Revenue Code then in effect. (1990, c. 542)

§ 12.08. Execution, attestation, etc. of bonds.

Any bonds issued by the city under this charter shall be signed by the mayor and attested by the city clerk and shall be made payable at the office of the city treasurer or other place in or out of the Commonwealth as the council may provide, unless otherwise required by state law. In the event the procedure for execution, attestation and payment of

such bonds required by the general law of the Commonwealth of Virginia shall be applicable. (1990, c. 542)

§ 12.09. Sinking funds.

A. There may be set apart annually from the revenues of the city a sinking fund equal to one percent on the aggregate outstanding debt of the city which by its terms is not payable within one year. Council may in its discretion annually or from time to time set aside such additional sinking funds as it may be deemed proper.

B. Such sinking fund shall be used exclusively in the payment or purchase and redemption of the outstanding bonds for the city. When such sinking funds are not required or may not within a reasonable time be required for the payment of any bonds for the city or cannot be used to advantage in the purchase and redemption of any bonds of the city, the same shall be securely invested in any legal investment for a municipality corporation to make. The sinking funds may be used in the payment or purchase and the redemption of serial bonds as well as term bonds.

C. Sinking fund commission. - City council may constitute a sinking fund commission for the city or it may appoint a sinking fund commission composed of three freeholders who are residents of the city. Council may by ordinance delegate to such appointed sinking fund commission its powers and duties relating to such sinking fund. The bond of the sinking fund commission shall be fixed.

D. Serial bonds. - The city may issue bonds hereafter called serial bonds payable in annual installments, the first of which shall be payable at any time the council may prescribe in the ordinance authorizing the issuance of such bonds and the last of which shall be payable within the period of the probable life of the work or object for which the debt evidenced by such bond was created. (1990, c. 542)

CHAPTER 13.

LAND USE - PLANNING, ZONING AND SUBDIVISION CONTROL.

§ 13.01. Comprehensive city plan.

The city council shall, upon recommendation of the planning commission, adopt by ordinance a comprehensive city plan for the physical development of the city to promote health, safety, morals, comfort, prosperity and general welfare. The plan may include without limitation the following:

1. The general location, character and extent of all streets, highways, superhighways, freeways, avenues, boulevards, roads, lanes, alleys, walks, walkways, parks, parkways, squares, playfields, playgrounds, recreational facilities, stadia, arenas, swimming pools, waterways, landings, terminals, airports and other public places or ways and the removal, relocation, widening, narrowing, vacating, abandonment, change or use or extension thereof;

2. The general location, character and extent of all public buildings, schools and other public property and of utilities for the public or the privately owned, off-street parking facilities and the removal, relocation, vacating, abandonment, change of use, alteration, or extension thereof;

3. The general location, character and extent of slum clearance, housing and neighborhood rehabilitation projects, including the demolition, repair or vacation of substandard, unsafe or unsanitary buildings;

4. A general plan for the control and routing of railways, bus lines and all other vehicular traffic;

5. The general location, character and extent of areas beyond the corporate limits of the city to be annexed thereto. The plan, with accompanying maps, plats, charts and descriptive matter, shall show the council's intention for the development of the territory covered by the plan. In the preparation of such plan, the council and its staff shall make careful and comprehensive surveys and studies of the existing conditions and future growth. The plan shall be made with the general purpose of guiding and accomplishing a coordinated, adjusted and harmonious development of the city and its environs which will in accordance with existing or future needs best promote health, safety, morals, comfort, prosperity and general welfare as well as efficiency and economy in the process of development. It shall be the further duty and function of the plan to preserve historical landmarks and to control the design and location of statuary and other works of art which are or may become the property of the city and the removal, relocation and alteration of any such work. (1990, c. 542)

§ 13.02. Recommendation of comprehensive plan by planning commission and adoption by council.

The planning commission may recommend the comprehensive plan to city council as a whole by a single resolution or may by successive resolutions adopt successive parts of the plan, said parts corresponding to major geographical sections or topographical divisions of the city or functional subdivisions of the subject matter of the plan and may recommend any amendment or extension thereof or addition thereto. Before the adoption of the plan or any such part, amendment, extension or addition, the planning commission shall hold at least one joint public hearing with city council upon at least fifteen days notice of the time and place duly published in a newspaper of general circulation in the city. The adoption of the plan or any part thereof, or an amendment, extension or addition shall be by ordinance of the council. Upon approval of the plan by council by the adoption of an appropriate ordinance referring specifically to the maps and descriptive matter and other matter intended by the planning commission to form the whole or part of the plan to be adopted, a copy of the plan in whole or in part and each amendment, alteration, extension or addition thereto thereafter adopted, together with the ordinances adopted by council shall be certified to the clerk of the circuit court who shall file the same in his office and shall index the same in the deed index book in the name of the city and under the title, "Comprehensive Plan of the City of Bristol, Virginia." (1990, c. 542)

§ 13.03. Effects of the comprehensive plan.

Whenever the council shall have adopted a comprehensive plan for the city and any amendment or extension of the plan or part thereof or addition thereto and it has been certified and filed as provided in § 13.02, then and thereafter no street, square, park or other public way, ground, open space, public building or structure shall be constructed or authorized in the city or in the planned section of the division thereof until and unless the general location, character and extent thereof has been submitted to and approved by the planning commission. No public utility, whether publicly or privately owned, shall be constructed or authorized in the city or in the planned section or division thereof until and unless this general location but not its character and extent has been submitted to and approved by the commission. Any refusal of approval by the planning commission where required can be overturned by a majority vote of the city council upon direct appeal to it from commission action. (1990, c. 542)

§ 13.04. Zoning.

The city council for the City of Bristol, Virginia, shall adopt and maintain a zoning ordinance in keeping with the general law on zoning in the Commonwealth of Virginia and the comprehensive city plan adopted, as both shall be amended from time to time. (1990, c. 542)

§ 13.05. Subdivision.

City council shall adopt a land subdivision and development ordinance in conformity with state law on land subdivision and development and the comprehensive city plan adopted by city council pursuant to this charter, as the general law of the Commonwealth of Virginia on land subdivision and development and the plan may be from time to time amended. (1990, c. 542)

§ 13.06. Injunctive relief.

In addition to any other penalties imposed by ordinance pursuant to the general laws of the Commonwealth of Virginia for violation of any zoning ordinance or subdivision ordinance adopted by city council pursuant to this charter and the general laws of the Commonwealth, the city may maintain an action in circuit court for the City of Bristol, Virginia, for injunctive relief to cause the cessation of any violation and to remove any improvement or work done in violation of said ordinances, and the circuit court for the City of Bristol, Virginia, shall have jurisdiction and power to order such cessations and removals. (1990, c. 542)

CHAPTER 14.

PUBLIC PROPERTY AND FRANCHISES.

§ 14.01. Sale of public property.

The rights of the City of Bristol in and to its real estate, public improvements and utilities, including but not limited to streets, parks, bridges, gas, water, electric and other works, shall not be sold except by ordinance duly adopted by affirmative vote of four-fifths of all the members elected to council. Any sale made pursuant to this power shall be made subject to the limitations imposed by the Constitution and the general laws of the Commonwealth of Virginia. The city shall sell the property by whatever means in its discretion will most benefit the citizens of the city. The ordinance shall also require publication of notice of the sale for two successive weeks in a newspaper of general circulation in the city and posting of notice at the front door of the courthouse for the same period of time. Any sale made by the city for the purpose of economic development within the city may be made without the restrictions hereinabove set forth if an ordinance to that effect is unanimously adopted by council. When, in any development of a plan for all or any part of the city in the laying out of streets and subdividing of lands pursuant thereto, the best interests of the city will be promoted by exchanging and conveying any property owned by the city for other property or rights-of-way or other valuable considerations, such property owned by the city may be exchanged and conveyed pursuant to ordinance without advertisement or competitive methods as otherwise required by provisions of this section. A sale of property pursuant to this section shall be deemed both a contract and a transaction for purposes of Virginia's conflict of interest statutes. (1990, c. 542; 2000, cc. 949, 976)

§ 14.02. Limitations of grant of franchises, leases, etc.

No franchise, lease or right of any kind to use any public property or easement of any description in a manner not permitted to the general public shall be granted for longer

than forty years, except that an easement for air rights together with easements for columns for support may be granted for a period not exceeding sixty years. (1990, c. 542)

§ 14.03. Procedure to grant franchise.

Before granting any franchise or privilege for a term in excess of five years, except for a trunk railway, the city shall after due advertisement receive bids therefor publicly, in such manner as provided by general law and shall act as required by the general law of the Commonwealth of Virginia as the same may be from time to time amended. (1990, c. 542)

§ 14.04. Right of city to purchase or take over plant, etc. at termination of franchise.

Any grant or franchise may provide that upon the termination of the grant, the plant as well as the property, if any, of the grantee in the streets, avenues and other public places shall thereupon without competition to grantee or upon payment of a fair evaluation thereof, be and become the property of the city or town. The grantee shall not be entitled to any payment for the value of the franchise itself. Any such plant or property acquired by the city may be sold or leased, or maintained, controlled and operated by the city. Every grant shall specify the mode of determining any valuation therein provided for and shall make adequate provision by way of forfeiture of the grant or otherwise to secure efficiency of public service at reasonable rates and the maintenance of the property in good order throughout the term of the grant. (1990, c. 542)

§ 14.05. Transfer of franchises.

No public utility franchise shall be transferable except with the approval of the city council expressed by ordinance and copies of all authorized transfers and mortgages or other documents affecting the title or use of any public utilities shall be filed with the city clerk within ten days after the execution and delivery thereof. (1990, c. 542)

§ 14.06. Reservation of rights to the city.

All grants, renewals, extensions or amendments of public utility franchises whether so provided in an ordinance or not shall be subject to the right of the city:

1. To repeal the same by ordinance at any time for misuse or nonuse or for failure to begin construction within the time prescribed or otherwise to comply with the terms prescribed;

2. To require proper and adequate extension of plants and services and maintenance of the plant and fixtures at the highest practical standard of efficiency;

3. To establish reasonable rates and standards of services and quality of products and prevent unjust discrimination in service of rates;

4. To prescribe the form of accounts and at any time to examine and audit the accounts and other records of such utility; and to require annual and other reports by such public utility; provided that if forms of accounts shall have been prescribed by the State Corporation Commission of Virginia for public utilities throughout the Commonwealth, the form so prescribed shall be controlling as far as they go, but the council may prescribe more detailed forms for the utilities within its jurisdiction;

5. To impose such other regulations as may be conducive to the safety, welfare and convenience of the public. (1990, c. 542)

§ 14.07. Extension of public utilities.

All extensions of public utilities within the city limits shall become a part of the aggregated property of such public utility, shall be operated as such and shall be subject

to all obligations and reserved rights contained in this charter and in any original grant hereafter made. The right to use and maintain such extension shall terminate with the original grant. (1990, c. 542)

§ 14.08. Eminent domain.

The city shall have for the purpose of carrying out its powers and duties all rights of eminent domain as may be granted to it by the general laws of the Commonwealth of Virginia and by other provisions of this charter to condemn property within and without the jurisdiction of the city for the public purposes of its operation as a municipality. (1990, c. 542)

CHAPTER 15.
MISCELLANEOUS PROVISIONS.

§ 15.01. Officer salaries.

Officers provided for in this charter, including mayor and council members, without limitation, shall receive such salaries, compensation, fees and emulences as may be provided by the general laws of the Commonwealth and prescribed by the council, except as otherwise herein prohibited. Such salaries as are set by council, including its own, shall be done by ordinance and in accordance with the provisions of the general laws of the Commonwealth of Virginia. (1990, c. 542)

§ 15.02. Oaths of office, official bonds, power of certain officers to administer oaths.

Except as otherwise provided by general law or by this charter, all officers elected or appointed under the provisions of this charter shall take the oath of office and execute such bonds as may be required by general law, by this charter, or by ordinance of the city council, before the clerk of the circuit court of the City of Bristol and file the same with the city clerk before entering upon the discharge of their duties. If the requirements of this section have not been complied with by any officer within thirty days after the term of office shall have begun or after his appointment to fill a vacancy, then such office shall be considered vacant. The commissioner of revenue, city clerk, city comptroller and city manager shall have power to administer oaths and take and sign affidavits in the discharge of their respective official duties. (1990, c. 542)

§ 15.03. Investigation into city affairs.

The council, the city manager, and any officer, board or commission authorized by them or either of them, shall have power to make investigation as to city affairs. For that purpose, the council, city manager or any such officer, board or commission shall have the power to subpoena witnesses, administer oaths and compel the production of books and papers. Any person refusing or failing to attend or to testify or to produce such books and papers may be summonsed by such board or officer before the judge of the General District Court for the City of Bristol, Virginia, by the board or official making such investigation, and upon failure to give satisfactory explanation of such failure or refusal, may be found guilty by the judge of the general district court of a Class 2 misdemeanor and fined or jailed accordingly. Such persons shall have the right to appeal to the circuit court of the city any conviction pursuant hereto. Any person who shall give false testimony under oath at any such investigation shall be liable to prosecution for perjury. (1990, c. 542)

§ 15.04. Permits to be construed as revocable licenses and not as grants.

Every permit given or authorized by the council or city manager to violate the ordinances of the city establishing fire limits or providing for the character of materials which may be used in the construction of buildings within such fire limits and every permit authorized in violation of the ordinances of the city relating to obstructions in, over and under or encroachments on the streets, alleys, parks and other public grounds and property of the city and every permit authorized in violation of any ordinance of the city shall be deemed to be a license which is revocable and not a franchise or grant, such license therefor being revocable at the will of council without the need for just cause shown. (1990, c. 542)

§ 15.05. Notice of claim of city liability.

No action shall be maintained against the City of Bristol, Virginia, for injury to any person or property or for wrongful death alleged to have been sustained by reason of the negligence of the city or any officer, agent or employee thereof unless a written statement by the claimant, his agent, attorney or representative of the nature of the claim and of the time and place at which the injury is alleged to have occurred or been received shall have been filed with the city attorney or with the mayor or city manager within six months after such cause of action shall have accrued. (1990, c. 542)

§ 15.06. Exemption from Washington County taxes.

All property owned directly or indirectly by the City of Bristol located in Washington County, Virginia, or in any other county in the Commonwealth of Virginia, used wholly and exclusively for city purposes, or being held pending determination of a use to be made of the property, shall be exempt from taxation in and by such county or counties or by any district therein. Any property acquired for and in connection with the developmental water supply for the city and which is used or shall be used for the purpose of a home of any one employed by the city to protect and care for such water supply and any property acquired and retained for the protection of such water supply, shall be deemed to be used wholly and exclusively for city purposes. (1990, c. 542)

§ 15.07. Failure of officers to perform duty.

If any officer of the City of Bristol, whether he be elected by vote of the people or by the council, or appointed by the council, by the judge of the circuit court or the city manager, shall intentionally refuse to perform any material duty required of him by this charter or by ordinance or resolution of the city council, he shall by reason thereof forfeit his office and shall be liable for all damages which may accrue to the city or any other person by reason of his failure or refusal to perform his duty. (1990, c. 542)

§ 15.08. Reserved.

§ 15.09. Settlement of controversies between appointed officers and elected officers.

In the event that the city manager or other officer elected by the council, in the administration of their respective duties, shall disagree or have any controversy with any of the officers of the city elected by the voters, such matter in dispute or controversy shall be submitted to the city council for the City of Bristol, Virginia, for review and the decision of the city council with respect thereto shall be final. (1990, c. 542)

§ 15.10. Severability.

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 this act, 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. (1990, c. 542)

§ 15.11. How cited.

This charter for all purposes may be referred to as the Bristol, Virginia Charter of 1989. (1990, c. 542)

§ 15.12. Construction.

Wherever herein the singular shall appear, the plural shall be included and vice versa; and wherever herein the feminine, masculine or neuter shall appear, whether by pronoun or otherwise, such language shall be intended to include the feminine, masculine or neuter and to not be considered gender specific. (1990, c. 542)

CHAPTER 16.

TRANSITIONAL PROVISIONS.

§ 16.01. Present officers to hold over, contracts, etc. to continue.

The present mayor, councilmen and all other officers of the City of Bristol shall continue to hold office, and to perform the duties of their respective offices for the city for the terms for which they were elected or appointed and until their successors are elected or appointed to replace them and such replacements are qualified, as herein or elsewhere provided by law; and all liabilities, actions, claims, contracts and prosecutions heretofore existing under the Charter of the City of Bristol shall remain and continue as if this charter had not been passed. (1990, c. 542)

§ 16.02. Ordinances to continue in force.

All ordinances now in force in the City of Bristol not inconsistent with this charter shall be and remain in force until altered, amended, or repealed by the council of the city. (1990, c. 542)

§ 16.03. Repealer.

All acts and parts of acts in conflict with this charter are hereby repealed insofar as they affect the provisions of this charter and former charters and amendments thereto for the City of Bristol are hereby repealed. (1990, c. 542)

§ 16.04. When effective.

This charter shall be effective upon enactment by the General Assembly of the Commonwealth of Virginia. (1990, c. 542)