

BLACKSBURG, TOWN OF
County of Montgomery.

Incorporation and charter, 1871, c. 167.

Charter, 1912, c. 156 (amends and reenacts 1871 charter); repealed, 1942, c. 473.

Charter, 1942, c. 473; repealed, 1950, c. 372.

Charter, 1950, c. 372; repealed, 1964, c. 127.

Charter, 1964, c. 127; repealed 1975, c. 619.

Charter, 1975, c. 619.

Amended 1981, c. 79 (§§ 3.15, 6.04, 6.11, 6.13)
 1982, c. 58 (§ 3.15)
 2000, c. 222 (§ 1.02)
 2003, cc. 56, 76 (§ 3.04)
 2009, cc. 147, 658 (§§ 3.04, 3.06, 3.07, 3.10, 3.15).

ARTICLE I

Incorporation and Boundaries

§ 1.01. Incorporation.--The inhabitants of the territory comprised within the limits of the town of Blacksburg, as the same are now or may hereafter be established by law, shall constitute and continue to be a body politic and corporate under the name of the town of Blacksburg, and as such shall have perpetual succession, may sue and be sued, implead and be impleaded, contract and be contracted with, and may have a corporate seal which it may alter at its pleasure. (1975, c. 619)

§ 1.02. Boundaries.

The present boundaries of the town are as recorded in the Clerk's office of the Circuit Court of Montgomery County, Chancery Order Book 25, page 320; Chancery Book 34, page 380; Common Law Order Book 57, page 259 (effective midnight July 1, 1998); or as the same may be hereafter altered as provided by law. (1975, c. 619; 2000, c. 222)

ARTICLE II

Powers

§ 2.01. General Grant of Powers.--The town of Blacksburg shall have and may exercise all powers which are now or may hereafter be conferred upon or delegated to cities and towns under the Constitution and general laws of the Commonwealth of Virginia. It is intended that the town shall possess all powers which, under the Constitution, it would be competent for this charter to enumerate specifically, and no enumeration of particular powers shall be held to be exclusive, but in addition to this general grant. (1975, c. 619)

§ 2.02. Construction.--The powers which are now or may hereafter be conferred upon or delegated to the town under the Constitution and general laws of the Commonwealth and this charter shall be construed liberally when such powers are exercised by the town. (1975, c. 619)

§ 2.03. Adoption of Certain Sections of the Code of Virginia.--The powers set forth in Chapter 18 of Title 15.1 of the Code of Virginia as in force on January 1, 1975, and any acts amendatory thereof or supplemental thereto, are hereby conferred on and vested in the town of Blacksburg. (1975, c. 619)

§ 2.04. Eminent Domain.--The town of Blacksburg is hereby empowered to acquire by condemnation, gift, lease, purchase or bequest, property, real or personal, or any interest or estate therein, either within or without its corporate limits, for any of its proper purposes, and may sell, lease, manage, and control such property as its interests require, and in such manner as the council deems expedient. Such power without its corporate limits shall be limited to acquisition for water and sewer pipes, or lines or related facilities.

The powers of eminent domain set forth in Title 15.1, Title 25, Chapter 1.1, and Title 33.1, Chapter 1 of the Code of Virginia as in force on January 1, 1975, as amended, and all acts amendatory thereof and supplemental thereto, are hereby conferred upon the town of Blacksburg except that the powers of eminent domain specified in Chapter 1 Title 33.1 of such code shall be limited to acquisition for streets and for water and sewage facilities. Certificates issued pursuant to § 33.1-119 et seq., of the Code of Virginia, as amended, and acts amendatory thereof and supplemental thereto, may be issued by the town council, signed by the mayor and countersigned by the town manager. Such certificate shall have the same effect as certificates issued by the State Highway Commissioner, under the aforesaid laws, and may be issued in any case in which the town proposes to acquire property of any kind by the exercise of its powers of eminent domain for any lawful public purpose, whether within or without the town; provided, that the provisions of § 33.1-119 et seq. of the Code of Virginia, as amended, shall not be used except for the acquisition of lands or easements necessary for streets, water, sewer or utility pipes or lines or related facilities. (1975, c. 619)

ARTICLE III

The Council

§ 3.01. Definitions.--As used in this charter, the term "officer" refers to council members and persons appointed by and responsible to the council, such as the town clerk, the town manager, and the town attorney; "officials" refers to administrative department heads; all other persons employed by the town are designated "employees." (1975, c. 619)

§ 3.02. Powers and Duties of the Council.--The government of the Town of Blacksburg shall be vested in the council which shall have the power to enact and enforce ordinances to carry into effect all powers granted by this charter and by law. The council shall be responsible for the determination of all matters of policy for the town of Blacksburg and for ensuring the implementation thereof by the town administration. (1975, c. 619)

§ 3.03. Composition and Qualifications.--The council shall be composed of seven council members, one of whom shall be the mayor, to be elected from the town at large. The council members shall be qualified voters of the town. (1975, c. 619)

§ 3.04. Election and Term of Office.

The council shall be elected in the manner provided by Virginia election laws, except insofar as they are amended by this section. Three council members shall be elected on the November 2011 general election date and every four years thereafter. A mayor and three other council members shall be elected on the November 2009 general election date and every four years thereafter.

The term of office for all council members shall begin on the first day of January next following their election, and each shall serve for a term of four years or until his or

her successor shall have been elected and qualified. The council members may succeed themselves as often as the voters may choose.

Candidates for council shall be nominated only by petition in the manner prescribed by general law. Candidates for town council shall not be identified on the ballot by political affiliation. (1975, c. 619; 2003, cc. 56, 76; 2009, cc. 147, 658)

§ 3.05. Voters of the Town.--The voters of the town of Blacksburg shall be the actual residents of the town who are qualified to vote for members of the General Assembly. (1975, c. 619)

§ 3.06. Compensation; Expenses.--The council may determine the annual salary of its members by ordinance or resolution in accordance with the requirement of state law. Council members shall receive their actual and necessary expenses incurred in the performance of their duties of office. (1975, c. 619; 2009, cc. 147, 658)

§ 3.07. Mayor and Vice-Mayor.--The mayor as a member of the council shall have the same powers and duties as other members of the council, with a vote, but no veto. In addition, he shall preside at meetings of the council, shall be recognized as head of the town government for all ceremonial purposes, for purposes of military law, and for the service of civil processes, but shall have no administrative duties.

At the first meeting of the council in January next following the date of each November council election, the council shall elect from its members a vice-mayor who shall serve for a term of two years. The vice-mayor shall act as mayor during the absence or disability of the mayor, and, if a vacancy occurs, shall become mayor until the next regular council member election. At that election a mayor shall be elected to fill the unexpired term. (1975, c. 619; 2009, cc. 147, 658)

§ 3.08. Absence or Disability of Mayor and Vice-Mayor.--If both the mayor and vice-mayor are absent or unable to act, the council shall, by a majority vote of the members present, elect from its members a person to serve as acting mayor until either the mayor or vice-mayor is present and able to act. The person so elected shall possess the powers and discharge the duties of the mayor during such period of time. Whenever it is necessary to elect an acting mayor pursuant to this section, in the absence of both the mayor and vice-mayor, the town clerk or acting town clerk shall call the meeting of the council to order and shall preside until an acting mayor is elected. This shall not be construed to vest in the clerk any of the powers and duties of the mayor, except as expressly stated in this section. (1975, c. 619)

§ 3.09. Prohibitions.--(a) Holding other Office. Except as otherwise authorized by law, a member of council shall not be eligible during his tenure of office as such member, or for one year thereafter, to any compensated town employment. If appointed by the council to a board or commission, he may be compensated as a member.

(b) Appointments and Removals. Neither the council nor any of its members shall in any manner dictate the appointment or removal of any town administrative officials or employees whom the manager or any of his subordinates are empowered to appoint, but the council may express its views and fully and freely discuss with the manager anything pertaining to appointment and removal of such officials and employees.

(c) Interference with Administration. Except for the purpose of discussions, informal reviews, inquiries and/or official investigations, the council or its members shall communicate with town officials and employees who are subject to the direction and supervision of the manager solely through the manager, and neither the council nor its

members shall give orders to any such official or employee, either publicly or privately. (1975, c. 619)

§ 3.10. Vacancies; Forfeiture of Office; Suspension and Removal; Filling of Vacancies.--(a) Vacancies. The office of a council member shall become vacant upon his death, resignation, removal from office in any manner authorized by law or this charter or forfeiture of his office.

(b) Forfeiture of Office. A council member shall forfeit his office if he (1) lacks at any time during his term of office any qualification for the office prescribed by this charter or by law, (2) violates any express prohibition of this charter, (3) is convicted of a crime involving moral turpitude, or (4) fails to attend three consecutive regular meetings of the council without being excused by the council.

(c) Suspension and Removal. The council shall suspend or remove elected town officers for misconduct in office or neglect of duty, to be specified in the order of suspension or removal; but no removal shall be made without reasonable notice to the officer complained of and an opportunity afforded him to be heard in his defense. Removal shall require a unanimous vote of the remaining members of the council.

(d) Filling of Vacancies. (1) A vacancy on the council shall be filled within sixty days, for the unexpired term, by a majority vote of the remaining members, if the vacancy occurs two years or less before the date of expiration of such term.

(2) If the vacancy occurs more than two years before the expiration of the term, the vacancy shall be filled by a majority vote of the remaining members of council only until the next council member election, at which election the voters of the town shall elect a person to serve as council member for the remaining two years of the term. Any such election shall be subject to the requirements of § 24.2-226 of the Code of Virginia. When such an election is conducted, the candidates receiving the highest number of votes will be entitled to full terms and the candidate receiving the next highest number shall be entitled to the unexpired term caused by the vacancy.

Notwithstanding the requirement in § 3.15 (c) hereof that a quorum of the council consists of four members, if at any time the membership of the council is reduced to less than four, the remaining members shall call for a special election to fill the vacancies for the unexpired terms. (1975, c. 619; 2009, cc. 147, 658)

§ 3.11. Judge of Forfeiture.--A council member charged with conduct constituting grounds for forfeiture of his office shall be entitled to a public hearing on demand, and notice of such hearing shall be published in one or more newspapers with general circulation in the town at least two weeks in advance of the hearing. After such hearing council by a unanimous vote of the other members may declare the office of a council member forfeited and vacant. (1975, c. 619)

§ 3.12. Town Clerk.--The council shall appoint a town clerk who shall serve at the pleasure of the council. The clerk shall give notice of council meetings to its members and the public, keep the journal of its proceedings, keep all papers, documents and records pertaining to the town, keep and attest the official town seal, and perform such other duties as are assigned to him by this charter or by the council. (1975, c. 619)

§ 3.13. Independent Audit.--The council shall provide for an independent annual audit of all town accounts and may provide for such more frequent audits as it deems necessary. Such audits shall be made by a certified public accountant or firm of such accountants who have no personal interest, direct or indirect, in the fiscal affairs of the

town government or any of its officers. The council may, without requiring competitive bids, designate such accountant or firm annually. If the State makes such an audit, the council may accept it as satisfying the requirements of this section. (1975, c. 619)

§ 3.14. Procedure.--(a) Meetings. The council shall meet regularly at least once in every month at such times and places as the council may prescribe by ordinance. Special meetings may be held on the call of the mayor or of any two members upon no less than twenty-four hours' notice to each member, except in case of extreme emergency when the time limit may be waived. No business shall be transacted by the council in such special meeting which has not been stated in the notice unless all members of the council are present and give their unanimous consent to the consideration of such business, and such business is an emergency or of an unusual nature.

No vote shall be reconsidered or rescinded at any special meeting unless at such special meeting there are present as large a number of members as were present when such vote was taken.

(b) Rules and Journal. The Council shall determine its own rules and order of business and shall provide for keeping a journal of its proceedings. This journal shall be a public record.

(c) Voting and Quorum. Voting, except on procedural motions, shall be by roll call and the ayes and nays shall be recorded in the journal. Four members of the council shall constitute a quorum, but a smaller number may adjourn from time to time. No action of the council, except as otherwise provided in the preceding sentence, in § 3.10(c) and § 3.11, shall be valid or binding unless adopted by the affirmative vote of four or more members of the council.

An affirmative recorded vote of five of the members is required for the adoption of any ordinance or resolution having for its object the levying of taxes or contracting a debt. (1975, c. 619)

§ 3.15. Ordinances.--(a) Action Requiring an Ordinance. In addition to other acts required by law or by specific provision of this charter to be done by ordinance, those acts of the town council shall be by ordinance which:

(1) Adopt or amend an administrative code or establish, alter or abolish any town department, office or agency;

(2) Provide for a fine or other penalty or establish a rule or regulation for violation of which a fine or other penalty is imposed;

(3) Levy taxes, except as otherwise provided in Article VI with respect to the property tax levied by adoption of the budget;

(4) Grant, renew or extend a franchise;

(5) Regulate the rate charged for its services by the town; provided, however, that the council may by resolution authorize the rates or fees charged by the Department of Parks and Recreation for use of its facilities or participation in its programs and authorize the rates and fees charged by other departments of the town for sale of maps, reports or other publications or making of copies of printed or recorded matter;

(6) Authorize the borrowing of money;

(7) Convey or lease or authorize the conveyance or lease of any lands of the town.

Acts other than those referred to in the preceding sentence may be done either by ordinance or by resolution if not in conflict with law.

(b) Form. Every proposed ordinance shall be introduced in writing and in the form required for adoption. No ordinance shall contain more than one subject which shall be clearly expressed in its title. The enacting clause shall be "Be it ordained by the Council of the Town of Blacksburg"

(c) Procedure. An ordinance may be introduced by any member at any regular or special meeting of the council. Upon introduction of any ordinance, the town clerk shall distribute a copy to each council member and to the manager, shall file a reasonable number of copies in the office of the town clerk and such other public places as the council may designate, and shall publish the ordinance together with a notice setting out the time and place for a public hearing thereon and for its consideration by the council. The public hearing shall follow the publication by at least twelve days, may be held separately or in connection with a regular or special council meeting and may be adjourned from time to time; all persons interested shall have an opportunity to be heard. After the hearing the council may adopt the ordinance with or without amendment or reject it but, if it is amended so as to materially change the purpose and character of the proposed ordinance, the council may not adopt it until the ordinance or its amended sections have been subjected to all the procedures hereinbefore required for a newly introduced ordinance.

To pass an ordinance, the council shall vote on the proposed ordinance two times; on first and second reading. If at any stage in this procedure the proposed ordinance fails to receive the affirmative vote of a majority of the members of the council, the ordinance shall be declared defeated and removed from the calendar of ordinances. Any ordinance which is not passed at the same meeting at which the public hearing is held may not be passed at a subsequent meeting unless the agenda for the meeting indicates that the ordinance will be removed from the calendar of ordinances for consideration at that meeting.

(d) Effective Date. Except as otherwise provided in this charter, every adopted ordinance shall become effective from its passage or at any later date specified therein.

(e) "Publish" Defined. As used in this section, the term "publish" means to print in one or more newspapers of general circulation in the town: (1) the ordinance or a brief summary thereof, and (2) the places where copies of it have been filed and the times when they are available for public inspection.

(f) Penalties. The town council may prescribe either civil or criminal penalties for violations of ordinances. Any civil penalty shall be paid into the general fund of the town. No civil penalty prescribed for an ordinance violation shall be inconsistent with the penalty established for a violation of a substantially similar state law. No such civil penalty shall exceed \$1,000 for any individual violation. (1975, c. 619; 1981, c. 79; 1982, c. 58; 2009, cc. 147, 658)

§ 3.16. Emergency Ordinances.--To meet a public emergency affecting life, health, property or the public peace, the council may adopt one or more emergency ordinances, but such ordinances may not levy taxes, grant, renew or extend a franchise, or authorize the borrowing of money except as provided in subsection 6.09 (b). An emergency ordinance shall be introduced in the form and manner prescribed for ordinances generally, except that it shall be plainly designated as an emergency ordinance and shall contain, after the enacting clause, a declaration stating that an emergency exists and describing it in clear and specific terms. An emergency ordinance may be adopted

with or without amendment or rejected at the meeting at which it is introduced. After its adoption the ordinance shall be published and printed as prescribed for other adopted ordinances. It shall become effective upon adoption or at such later time as it may specify. Every emergency ordinance except one made pursuant to subsection 6.09 (b) shall automatically stand repealed as of the ninety-first day following the date on which it was adopted, but this shall not prevent reenactment of the ordinance in the manner specified in this section if the emergency still exists. An emergency ordinance may also be repealed by adoption of a repealing ordinance in the same manner specified in this section for adoption of emergency ordinances. (1975, c. 619)

§ 3.17. Codes of Technical Regulations.--The council may adopt any standard code of technical regulations, such as building, electrical and sanitary codes, by reference thereto in an adopting ordinance, if such codes are not in conflict with State law. The procedure and requirements governing such an adopting ordinance shall be as prescribed for ordinances generally. (1975, c. 619)

§ 3.18. Authentication and Recording; Codification; Printing.--(a) Authentication and Recording. Every ordinance or resolution upon its final passage shall be recorded by the town clerk in a properly indexed book designated for the purpose and shall be authenticated by the signature of the presiding officer and the town clerk.

(b) Codification. Within three years after adoption of this charter and at least every ten years thereafter, the council shall provide for the preparation of a general codification of all town ordinances and resolutions having the force and effect of law. The general codification shall be adopted by the council by ordinance and shall be published promptly in loose-leaf form, together with this charter and any amendments thereto, pertinent provisions of the Constitution and other laws of the Commonwealth of Virginia, and such codes of technical regulations and other rules and regulations as the council may specify. The compilation shall be known and cited officially as the Blacksburg Town Code. Copies of the Code shall be furnished to town officers and officials, placed in libraries and public offices for free public reference and made available for purchase by the public at a reasonable price fixed by the council.

(c) Printing of Ordinances and Resolutions. The council shall cause each ordinance and resolution having the force and effect of law and each amendment to this charter to be printed or otherwise reproduced promptly following its adoption, and the printed ordinances, resolutions and charter amendments shall be distributed or sold to the public at reasonable prices to be fixed by the council. Following publication of the first Blacksburg Town Code and at all times thereafter, the ordinances, resolutions and charter amendments shall be printed in substantially the same style as the code currently in effect and shall be suitable in form for integration therein. The council shall make such further arrangements as it deems desirable with respect to reproduction and distribution of any current changes in or additions to the provisions of the Constitution and other laws of the Commonwealth of Virginia, or the codes of technical regulations and other rules and regulations included in the town code. (1975, c. 619)

§ 3.19. Town Attorney.--An attorney shall be appointed by and serve at the pleasure of the council. He shall be qualified to practice law in the Commonwealth of Virginia. He shall serve as chief legal advisor to the council, and may also serve as legal advisor to the town administration. (1975, c. 619)

§ 3.20. Committees, Boards and Commissions.--(a) Creation and Appointment. The council may create committees, boards and commissions to be composed of such numbers of citizens as the council may deem expedient as authorized by law. The council shall appoint the members, prescribe the compensation, if any, and the powers and duties of such committees, boards and commissions consistent with the general law.

(b) Removal. All members of committees, boards and commissions appointed by the town council may be removed by the council unless otherwise provided by general law. (1975, c. 619)

ARTICLE IV The Town Manager

§ 4.01. Appointment; Qualifications; Compensation.--A town manager shall be appointed by and serve at the pleasure of the council which shall fix his compensation. The manager shall be appointed solely on the basis of his executive and administrative qualifications. He need not be a resident of the town or the Commonwealth at the time of his appointment but may reside outside the town while in office only with the approval of the council. (1975, c. 619)

§ 4.02. Powers and Duties of the Town Manager.--The town manager shall be the chief administrative officer of the town. He shall be responsible to the council for the administration of all town affairs placed in his charge by or under this charter. He shall have the following powers and duties:

(1) He shall appoint and, when he deems it necessary for the good of the service, suspend or remove all town employees and appointive administrative officials provided for by or under this charter, except as otherwise provided by law, this charter or personnel rules adopted pursuant to this charter. He may authorize any administrative official who is subject to his direction and supervision to exercise these powers with respect to subordinates in that official's department, office or agency.

(2) He shall direct and supervise the administration of all departments, offices and agencies of the town, except as otherwise provided by this charter or by law.

(3) He shall attend all council meetings and shall have the right to take part in discussion but may not vote.

(4) He shall see that all laws, provisions of this charter and acts of the council, subject to enforcement by him or by officials subject to his direction and supervision, are faithfully executed.

(5) He shall prepare and submit the annual budget and capital program to the council, and shall be responsible for the execution of the budget.

(6) He shall submit to the council and make available to the public a complete report on the finances and administrative activities of the town as of the end of each fiscal year.

(7) He shall make such other reports as the council may require concerning the operations of town departments, offices and agencies subject to his direction and supervision.

(8) He shall keep the council fully advised as to the financial condition and future needs of the town and make such recommendations to the council concerning the affairs of the town as he deems desirable.

(9) He shall ensure that adequate and accurate personnel records are maintained on all employees of the town.

(10) He shall provide a system for handling complaints from citizens.

(11) He shall perform such other duties as are specified in this charter or may be required by the council. (1975, c. 619)

§ 4.03. Acting Town Manager.--By letter filed with the town clerk within thirty days after assuming duties, the manager shall designate, subject to approval of the council, a qualified town administrative official to exercise the powers and perform the duties of manager during his absence, disability or suspension. During such absence, disability or suspension, the council may revoke such designation at any time or appoint another official of the town to serve until the manager shall resume his duties. (1975, c. 619)

§ 4.04. Removal.--The council may remove the manager from office in accordance with the following procedures:

(1) The council shall adopt by affirmative vote of a majority of all its members a preliminary resolution which must state the reasons for removal and may suspend the manager from duty for a period not to exceed forty-five days. A copy of the resolution shall be delivered promptly to the manager.

(2) Within five days after a copy of the resolution is delivered to the manager, he may file with the council a written request for a public hearing. This hearing shall be held at a council meeting not earlier than fifteen days nor later than thirty days after the request is filed. The manager may file with the council a written reply not later than five days before the hearing.

(3) The council may adopt a final resolution of removal, which may be made effective immediately, by affirmative vote of a majority of all its members at any time after five days from the date when a copy of the preliminary resolution was delivered to the manager, if he has not requested a public hearing, or at any time after the public hearing if he has requested one.

The manager shall continue to receive his salary until the effective date of a final resolution of removal. (1975, c. 619)

ARTICLE V

Administrative Departments

§ 5.01. Creation of Departments.--The council may establish all departments, offices and agencies it determines are necessary for the proper administration of the town with such powers and duties and subject to those regulations it deems proper, consistent with the provisions of this charter and the Constitution and general laws of the Commonwealth.

Administrative departments shall include but shall not be limited to departments concerned with public safety, finance, public works, planning, and parks and recreation. (1975, c. 619)

§ 5.02. Direction by Manager.--All departments, offices and agencies except as otherwise provided by this charter or by general law shall be under the direction of the town manager and shall be administered by an official appointed by and subject to the direction and supervision of the manager. (1975, c. 619)

ARTICLE VI

Financial Procedures

§ 6.01. Fiscal Year.--The fiscal year of the town shall begin on the first day of July and end on the last day of June. (1975, c. 619)

§ 6.02. Submission of Budget and Budget Message.--On or before the fifteenth day of April of each year, the manager shall submit to the council a budget for the ensuing fiscal year and an accompanying message. (1975, c. 619)

§ 6.03. Budget Message.--The manager's message shall explain the budget both in fiscal terms and in terms of the work programs. It shall outline the proposed financial policies of the town for the ensuing fiscal year, describe the important features of the budget, indicate any major changes from the current year in financial policies, expenditures, and revenues together with the reasons for such changes, summarize the town's debt position and include such other material as the manager deems desirable. (1975, c. 619)

§ 6.04. Budget.--The budget shall provide a complete financial plan of all town funds and activities for the ensuing fiscal year and, except as required by law or this charter, shall be in such form as the manager deems desirable or the council may require. In organizing the budget the manager shall utilize the most feasible combination of expenditure classification by fund, organization unit, program, purpose or activity, and object. It shall begin with a clear general summary of its contents; shall show in detail all estimated income, indicating the proposed property tax levy, and all proposed expenditures, including debt service, for the ensuing fiscal year; and shall be so arranged as to show comparative figures for actual income and expenditures of the preceding fiscal year. It shall indicate in separate sections:

(1) Proposed expenditures for current operations during the ensuing fiscal year, detailed by offices, departments and agencies in terms of their respective work programs, and the method of financing such expenditures;

(2) Proposed capital expenditures during the ensuing fiscal year, detailed by offices, departments and agencies when practicable, and the proposed method of financing each such capital expenditure; and

(3) Anticipated net income or net loss for the ensuing fiscal year of each utility owned or operated by the town and the proposed method of its disposition; subsidiary budgets for each such utility giving detailed income and expenditure information shall be attached as appendices to the budget.

The total of proposed expenditures shall not exceed the total of estimated available funds. (1975, c. 619; 1981, c. 79)

§ 6.05. Capital Program.--(a) Submission to Council. The manager shall prepare and submit to the council a five-year capital program at least three months prior to the final date for submission of the budget.

(b) Contents. The capital program shall include;

(1) A clear general summary of its contents;

(2) A list of all capital improvements which are proposed to be undertaken during the five fiscal years next ensuing, with appropriate supporting information as to the necessity for such improvements;

(3) Cost estimates, method of financing and recommended time schedules for each such improvement; and

(4) The estimated annual cost of operating and maintaining the facilities to be constructed or acquired.

The above information may be revised and extended each year with regard to capital improvements still pending or in process of construction or acquisition. (1975, c. 619)

§ 6.06. Council Action on Budget.

(a) Notice and Hearing. The council shall publish in one or more local newspapers the general summary of the budget and a notice stating:

(1) The times and places where copies of the message and budget are available for inspection by the public, and

(2) The time and place, not less than two weeks after such publication, for a public hearing on the budget.

(b) Amendment Before Adoption. After the public hearing, the council may adopt the budget with or without amendment. In amending the budget, it may add or increase programs or amounts and may delete or decrease any programs or amounts, except expenditures required by law or for debt service or for estimated cash deficit, provided that no amendment to the budget shall increase the authorized expenditures to an amount greater than the total of estimated available funds.

(c) Adoption. The council shall adopt the budget before the first day of the fiscal year for which adopted. Adoption of the budget shall constitute appropriations of the amounts specified therein as expenditures from the funds indicated and shall constitute a levy of the property tax therein proposed. (1975, c. 619)

§ 6.07. Council Action on Capital Program.--(a) Notice and hearing. The council shall publish in one or more local newspapers the general summary of the capital program and a notice stating:

(1) The times and places where copies of the capital program are available for inspection by the public, and

(2) The time and place, not less than two weeks after such publication, for a public hearing on the capital program.

(b) Adoption. The council by resolution shall adopt the capital program with or without amendment after the public hearing and on or before the fifteenth day of April of the current fiscal year. (1975, c. 619)

§ 6.08. Public Records.--Copies of the budget and the capital program as adopted shall be public records and shall be made available to the public at suitable places in the town. (1975, c. 619)

§ 6.09. Amendments After Adoption.--(a) Supplemental appropriations. If during the fiscal year the manager certifies that there are available for appropriation funds in excess of those estimated in the budget, the council by ordinance may make supplemental appropriations for the year up to the amount of the excess.

(b) Emergency appropriations. To meet a public emergency affecting life, health, property or the public peace, the council may make emergency appropriations. Such appropriations may be made by emergency ordinance in accordance with the provisions of § 3.16. To the extent that there are no available unappropriated funds to meet such appropriations, the council may by such emergency ordinance authorize the issuance of emergency notes, which may be renewed from time to time, all as may be authorized by the Constitution and general law but the emergency notes and renewals of any fiscal year shall be paid not later than the last day of the fiscal year next succeeding that in which the emergency appropriation was made.

(c) Reduction of Appropriations. If at any time during the fiscal year it appears probable to the manager that the funds available will be insufficient to meet the amount appropriated, he shall report to the council without delay, indicating the estimated amount of the deficit, any remedial action taken by him and his recommendations as to any other steps to be taken. The council shall then take such further action as it deems necessary to prevent or minimize any deficit and for that purpose it may by ordinance reduce one or more appropriations.

(d) Transfer of Appropriations. At any time during the fiscal year the manager may transfer part or all of any unencumbered appropriation balance among programs within a department, office or agency and, upon written request by the manager, the council may by ordinance or resolution transfer part or all of any unencumbered appropriation balance from one department, office or agency to another. (1975, c. 619)

§ 6.10. Lapse of Appropriations.--Every appropriation, except an appropriation for a capital expenditure, shall lapse at the close of the fiscal year to the extent that it has not been expended or encumbered. An appropriation for a capital expenditure shall continue in force until the purpose for which it was made has been accomplished or abandoned; the purpose of any such appropriation shall be deemed abandoned if five years pass without any disbursement from or encumbrance of the appropriation. (1975, c. 619)

§ 6.11. Temporary Loans.--The council may negotiate and secure short term loans for the purpose of paying current expenses or debts of the town. Such loans shall be evidenced by bonds or notes bearing interest, payable in not more than one year from the date of issue. The aggregate of such short term bonds and notes outstanding at any one time shall not exceed an amount equal to fifteen percent of the previous year's revenues. (1975, c. 619; 1981, c. 79)

§ 6.12. Municipal Assessment.--The assessment of real and personal property in the town for the purpose of municipal taxation may be set by the town council in such manner as the council may provide in accordance with the Constitution and the general laws of the Commonwealth. (1975, c. 619)

§ 6.13. Assessments for Local Improvements.--The council may impose special assessments for local improvements and force payment thereof, subject to such limitations prescribed by the laws of the Commonwealth as may be in force at the time of the imposition of such special assessments.

The council may provide that the persons, firms, and corporations against whom the special assessments have been made may pay such assessments in equal installments over a period not exceeding ten years, together with interest on the unpaid balances as allowed by the Constitution and the general laws of the Commonwealth. (1975, c. 619; 1981, c. 79)

ARTICLE VII

General Provisions

§ 7.01. Charter Amendment.--Amendments to this charter may be made only in accordance with the procedure specified in the general laws of the Commonwealth of Virginia. (1975, c. 619)

§ 7.02. Severability.--If any provision of this charter is held invalid, the other provisions of the charter shall not be affected thereby. If the application of the charter or

any of its provisions to any person or circumstance is held invalid, the application of the charter and its provisions to other persons shall not be affected thereby. (1975, c. 619)

§ 7.03. Oaths of Office and Official Bonds.--All elected or appointed officers and officials of the town shall take the oath of office and execute such bonds as may be required by general law, by this charter, or by ordinance or resolution of the town council and file duplicate certificates with the town clerk and the clerk of the circuit court of Montgomery County before entering upon the discharge of their duties. If the requirements of this section have not been complied with by any officer or official 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 unless general law otherwise provides in which event general law shall prevail. (1975, c. 619)

§ 7.04. Books, Records, et cetera.--All books, records and documents used by any elected or appointed town officer, official or employee in his office or pertaining to his duties shall be deemed to be the property of the town. Any person designated by this charter, the general laws of the Commonwealth or the Blacksburg Town Code as responsible for the keeping of such books, records and documents shall, within ten days after the end of his term of office, or within ten days after the date of his resignation or removal from office, deliver to the town clerk all such books, records, and documents and town property. Any person failing to deliver such books, records and documents and property shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined no less than one hundred dollars and not more than five hundred dollars, or imprisoned not exceeding six months, or both, at the direction of the court or jury before whom the case is tried. (1975, c. 619)

§ 7.05. Town Sergeant.--There shall not be a town sergeant in the town of Blacksburg. (1975, c. 619)

ARTICLE VIII

Transitional Provisions

§ 8.01. Ordinances--All ordinances, resolutions, orders and regulations of the town of Blacksburg not inconsistent with this charter shall remain in full force and effect until amended or repealed by the town council. Ordinances, resolutions, orders and regulations which are in force when this charter becomes effective and which are inconsistent with this charter are repealed. (1975, c. 619)

§ 8.02. Continuity of Terms of Officers.--The officers of the town of Blacksburg who were in office immediately prior to the effective date of this charter shall remain in office until the expiration of their several terms, or until their successors have been duly elected and qualified. (1975, c. 619)

§ 8.03. Citation of Act.--This act may for all purposes be referred to or cited as the charter for the town of Blacksburg, Virginia, of 1975. (1975, c. 619)