

BUENA VISTA, CITY OF
City of Second Class.
Incorporated as a town in 1890.
Incorporated as a city in 1952.

Charter, 1892, c. 225; repealed 1952, c. 325.

Charter, 1952, c. 325.

Amended 1954, c. 361 (§§ 1.3, 2.204, 2.420, 2.427, 3.4, 3.601, 3.604, 3.901, 3.902, 3.923, 3.927 through 3.930, 3.944, 4.14, 4.2, 4.5 [added], 5.1, 5.102 [added], 5.103 [added], 5.2, 5.201 through 5.215 [added], 5.217 through 5.223 [added], 5.3, 5.301 through 5.303 [added], 5.4, 5.5, 5.501 [added], 5.6, 5.7, 5.8 [repealed], 5.9 [repealed], 5.901 through 5.906 [repealed], 8.5, 8.6 [added], 8.7 [added])
1962, c. 164 (§§ 3.3, 3.4, 3.9, 3.902, 3.928, 4.17, 5.201 [repealed])
1972, c. 257 (§§ 3.4, 3.7, 4.5)
1973, c. 82 (§§ 3.4, 6.2, 6.202)
1975, c. 169 (§§ 2.203, 2.208, 2.211, 2.214, 2.311, 2.420, 3.9, 3.906, 3.928 [repealed], 3.942, 4.5, 5.103 [repealed], 5.2 [repealed], 5.202 through 5.215 [repealed], 5.217 through 5.223 [repealed], 5.3 [repealed], 5.301 through 5.303 [repealed], 5.4 [repealed], 5.5 [repealed], 5.501 [repealed], 5.6, 5.7)
1988, cc. 139, 320 (§ 2.214)
1992, cc. 36, 280 (§ 2.214)
1994, c. 91 (§§ 6.1 [repealed], 6.2, 6.201 through 6.203 [repealed], 6.3)
1999, c. 268 (§§ 3.3, 3.4, 3.7).

ARTICLE 1. INCORPORATION

§ 1.1. Incorporation.

The inhabitants of the territory embraced within the present limits of the City of Buena Vista, as hereinafter defined, or as the same hereafter may be altered or established by law, shall constitute and continue a body politic and corporate, to be known and designated as the City of Buena Vista, and as such shall have perpetual succession, may sue and be sued, contract and be contracted with, and may have a corporate seal which it may alter, renew, or amend at its pleasure. (1952, c. 325)

§ 1.2. Form of government.

The municipal government provided by this charter shall be known as the "city manager plan." Pursuant to its provisions and subject only to the limitations imposed by the Constitution and by this charter, all powers of the city shall be vested in an elective council, hereinafter referred to as "the council," which shall enact local legislation, adopt budgets, determine policies, and appoint the city manager, who shall execute the laws and administer the government of the city. (1952, c. 325)

§ 1.3. Boundaries of the City of Buena Vista.

The corporation limits shall remain the same as they now are until changed as provided by law and are described by metes and bounds as follows:

Beginning at a point on the north bank of the Maury River (formerly North River), thence north of center line of what was formerly Richmond & Alleghany Railroad, thence eastward with the same 660 feet to the line of the lands formerly owned by Buena Vista Company and John Dunlop and with their lines to the intersection with the western line of Aspen Ave.; thence with the lines of Aspen Ave. and 41st Street to Juniper Ave.; thence with Juniper Ave. to 36th Street; thence with 36th Street to Woodbine Ave.; thence with Woodbine Ave. to 32nd Street; thence with straight line to the intersection of Birch Ave. and 28th Street; thence with Birch Ave. to Hill Street; thence with Hill Street to Maple Ave.; thence with Maple Ave. to 26th Street; thence with 26th Street to Oak Ave.; thence with Oak Ave. to 25th Street; thence with 25th Street to Hawthorn Ave.; thence with Hawthorn Ave. to 27th Street ; thence with 27th Street to Holly Ave; thence with Holly Ave. to 26th Street; thence with 26th Street to Ash Ave.; thence with Ash Ave. to 24th Street; thence with 24th Street to Hickory Ave.; thence with Hickory Ave. to 20th Street; thence south 37 degrees and 12 minutes west to the northeast corner of Pine Ave. and 11th Street; thence with a straight line to corner of Hazel Ave. and First Street; thence with First Street to the line of the property formerly owned by John E. Laird, thence with the line of the Laird land to the lands known as the Loch Laird Land and Improvement Co. and the extension of the same to the west bank of Maury River (formerly North River) then up said river to a point opposite the point of beginning and then crossing the said river to the point of beginning, all of said lands being in Rockbridge County, Virginia.

When, in the above description, a street or avenue is mentioned as a boundary line the outside line of said street or avenue shall be taken and held to be such boundary line. The streets and avenues referred to are located on the map and plat of the subdivision of the lands of the Buena Vista Company on file and of record in the Office of the Clerk of the Circuit Court of the City of Buena Vista in Deed Book 2 at Page 107 and on the map or plat of the subdivision of the lands of the Loch Laird Land and Improvement Company on file and of record in the Office of the Clerk of the Circuit Court of Rockbridge County in Deed Book 53 at Page 412. (1952, c. 325; 1954, c. 361)

ARTICLE 2. POWERS

§ 2.1. General grant of powers.

The City of Buena Vista shall have and may exercise all powers which are now or may hereafter be conferred upon or delegated to cities under the Constitution and the laws of the Commonwealth and all other powers pertinent to the conduct of a city government the exercise of which is not expressly prohibited by said Constitution and laws and which, in the opinion of the council are necessary or desirable to promote the general welfare of the city and the safety, health, peace, good order, comfort, convenience, and morals of its inhabitants, as fully and completely as though such powers were specifically enumerated in this charter, and no enumeration of particular powers in this charter shall be held to be exclusive but shall be held to be in addition to this general grant of powers. (1952, c. 325)

§ 2.2. Financial powers.

In addition to the powers granted by other sections of this charter the city is empowered: (1952, c. 325)

§ 2.201. To raise annually by levy of taxes and assessments in the city on all property, real and personal, as is now or may be subject to taxation by cities by the laws of this Commonwealth, such sums of money as the council shall deem necessary for the purposes of the city, in the manner as the council shall deem expedient in accordance with the Constitution of this State and of the United States. (1952, c. 325)

§ 2.202. To impose special or local assessments for local improvements and to enforce payment thereof, subject to such limitations prescribed by the Constitution and laws as may be in force at the time of the imposition of such special or local assessments. (1952, c. 325)

§ 2.203. To require by ordinance the owner or person having possession of every motor vehicle kept and every motor vehicle regularly used in the city for business purposes, except passenger buses which have a point of origin and destination without the city, on a date to be designated by the council, to annually register such motor vehicle and to obtain a license to operate the same by making application to the city treasurer, or such other person as may be designated by the council to issue said license, and to require the vehicle owner to pay an annual license fee therefor to be fixed by the council provided that the license shall not exceed the amount charged by the State on the said vehicle. (1952, c. 325; 1975, c. 169)

§ 2.204. To establish, levy, and collect, except when prohibited by general law, a tax or license on any person, firm, or corporation, except motor vehicle carriers liable for and which pay the road tax calculated on gross receipts prescribed by § 58-638 of the Code of Virginia, pursuing or conducting any trade, business, profession, occupation, employment or calling whatsoever within the boundaries of the city, whether a license may be required therefor by the State or not, and may exceed the State license, if any be required, and may provide penalties for nonpayment thereof. (1952, c. 325; 1954, c. 361)

§ 2.205. To establish, levy, and collect taxes for admission to or other charge for any public amusement, entertainment, performance, exhibition, lecture, sport or athletic event in the city, which taxes may be added to and collected with the price of such admission or other charge. (1952, c. 325)

§ 2.206. To establish, levy, and collect taxes upon the amount paid for the use of water, electricity, gas, telephone or other public utility service used within the city, which taxes may be added to and collected with the bills rendered the purchasers of such service. (1952, c. 325)

§ 2.207. To establish, levy, and collect a tax on all subjects of taxation not prohibited to it by, nor exempted in, the Constitution and general laws of Virginia. (1952, c. 325)

§ 2.208. To establish, levy, and enforce the collection of water and sewage rates and charges, and rates and charges for public utilities, products, or conveniences, operated, rented or furnished by the city; and to assess, or cause to be assessed, after reasonable notice to the owner or owners, water and sewage rates and charges directly against the owner or owners of the buildings or against the proper tenant or tenants. In the event such rates and charges are assessed against the owner or owners such rates and charges, together with such penalties and interest not to exceed eight per centum as the council may by ordinance prescribe, shall constitute and be a lien against the real estate and buildings in or on which such service is rendered and may be filed in the clerk's office of the Circuit Court of the City of Buena Vista and collected in the same manner as

delinquent taxes are filed and collected; and in the event such rates and charges shall be assessed against a tenant then the council may by ordinance, require of such tenant a deposit of such reasonable amount as it may by such ordinance prescribe before furnishing such service to such tenant. (1952, c. 325; 1975, c. 169)

§ 2.209. To charge and to collect fees for permits to use public facilities and for public services and privileges. The said city shall have the power and right to charge a different rate for any service rendered or convenience furnished to citizens without the corporate limits from the rates charged for similar service to citizens within the corporate limits. (1952, c. 325)

§ 2.210. To accept or refuse gifts, donations, bequests, or grants from any source for any purpose related to the powers and duties of the city government. (1952, c. 325)

§ 2.211. To provide, or aid in the support of, public libraries, public schools, public hospitals, and recreational facilities, and to grant financial aid to charitable or benevolent institutions and organizations whose functions further the public purposes of the city. (1952, c. 325; 1975, c. 169)

§ 2.212. To provide for the 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 as may be necessary to give full and true accounts of the affairs, resources, and revenues of the city and the handling, use and disposal thereof. (1952, c. 325)

§ 2.213. To provide each fiscal year for the assessment and valuation of all property, real and personal, within the corporate limits of the city, for the purpose of local taxation. The authority hereby vested is not to conflict with any State control of local assessments or valuation, but is to be exercised generally for all other purposes of local taxation and revenue. (1952, c. 325)

§ 2.214. To borrow money, contract debts, and make and issue, or cause to be made and issued, as evidence thereof, bonds, notes, or other obligations, within the limitations prescribed by the Constitution, and in accordance with the provisions of the law concerning bond issues by cities, upon the credit of the city, or solely upon the 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 owned or operated by the city. Except, that any bonded indebtedness shall be by referendum and passed by a majority of the qualified voters voting in the referendum and all other indebtedness incurred by the city council shall not exceed fifty percent of the previous years taxes levied against real estate, except in case of fire, flood, epidemic or other disaster or act of God in which life and property are in danger. However, the referendum required by this section for bond issuance shall not apply to bonds issued for the sole purpose of constructing a flood control project, provided such bonds are issued before June 30, 1996. (1952, c. 325; 1975, c. 169; 1988, cc.139, 320; 1992, cc. 36, 280)

§ 2.215. To expend the money of the city for all lawful purposes. (1952, c. 325)

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

In addition to the powers granted by other sections of this charter, the city is empowered: (1952, c. 325)

§ 2.301. To acquire by purchase, gift, devise, condemnation or otherwise property, real or personal, or any estate therein within or without the city for any of the purposes of the city; and to hold, improve, sell, lease, mortgage, pledge, or otherwise,

dispose of the same or any part thereof, including any property now owned by the city. (1952, c. 325)

§ 2.302. To own, operate and maintain waterworks and to acquire in any lawful manner in any county of the State, such water, lands, property rights, riparian rights as the council may deem necessary for the purpose of providing an adequate water supply to the city and of piping and conducting the same; to lay, erect and maintain all necessary mains and service lines, either within or without corporate limits of the city, for the distribution of water to its customers and consumers, both within and without the corporate limits of the city and to charge and collect water rents thereof; to erect and maintain all necessary dams, pumping stations and other works in connection therewith; to make reasonable rules and regulations for promoting the purity of its water supply and for protecting the same from pollution; and for this purpose to exercise full police powers and sanitary control over all land comprised within the limits of the watershed tributary to any such water supply wherever such lands may be located in this State; to enforce adequate penalties for the violation of any such rules and regulations; and to prevent by injunction any pollution or threatened pollution of such water supply and any and all acts likely to impair the purity thereof; and to carry out the powers herein granted, the city may exercise within the State all powers of eminent domain provided by the laws of this State. (1952, c. 325)

§ 2.303. To construct, maintain, regulate and operate public improvements of all kinds, including municipal and other buildings, armories, sewage disposal plants, jails, comfort stations, markets, and all buildings and structures necessary or appropriate for the use and proper operation of the various departments of the city; and to acquire by condemnation or otherwise, all lands, riparian and other rights, and easements necessary for such improvements, or any of them; either within or without the city; and to construct, maintain, or aid therein, roads and bridges to any property owned by the city and situated beyond the corporate limits thereof, and to acquire the land necessary for the aforesaid condemnation or otherwise. (1952, c. 325)

§ 2.304. To survey, establish, enter, open, widen, extend, grade, construct, pave, maintain, light, sprinkle, and clean public streets, highways, alleys, sidewalks, parkways or parks and to relocate, alter or close the same; to regulate the weight of loads to be hauled or carried over and upon the streets insofar as such regulation of weights of loads does not conflict with general State laws relating to load limits to be carried or transported over State highways; to regulate the use of all such highways, parks, streets, alleys, parkways, and public places; to prevent the obstruction, destruction or injury to any of such streets, alleys or highways in conformity with the general State laws in effect from time to time; to require any railroad company operating a railroad at the place where any highway or street is crossed within the limits of the city to construct and maintain adequate crossings and to erect and maintain at such crossing any style of gate or warning signal deemed proper; to regulate the operation and speed of all cars, motorcycles, bicycles or vehicles upon said streets or highways as well as the speed of all engines, cars, or railroad trains within the city; to permit or prohibit towers, poles or wires for electric, telephone, telegraph, radio, or television purposes to be erected or wires or gas or water lines to be laid in the streets or alleys, and to prescribe and collect an annual charge for such privileges hereafter granted; to require the owner or lessee of any electric light, telephone, telegraph, radio or television towers, poles, or wires, or the owner or lessee of

gas, sewer or water mains or lines, now in use or hereafter erected or constructed to change the location or remove the same; to construct, maintain, and operate bridges, viaducts, subways, tunnels, sewers, and drains; to plant, maintain or remove shade trees along the streets and upon public grounds; and to do all other things whatsoever to make said streets and highways safe, convenient, and attractive. (1952, c. 325)

§ 2.305. To establish, maintain, and regulate the use of parks, golf courses, playgrounds, and public grounds and to keep them lighted and in good order; to construct in such parks, playgrounds, and public grounds, as the city may maintain, or upon any city property, stadia, swimming pools, gymnasias, and recreation or amusement buildings, structures, or enclosures of every character, refreshment stands, restaurants, et cetera; to charge admission for use of the same, and to rent out or lease the privileges of constructing or using such stadia, swimming pools, recreation or amusement buildings, structures, or enclosures of every character, refreshment stands, or restaurants, et cetera. (1952, c. 325)

§ 2.306. To establish, construct, and maintain sanitary sewers, sewer lines and systems, and to require the abutting property owners to connect therewith; to establish, construct, maintain and operate sewage disposal plants; to acquire by condemnation or otherwise, within or without the city, all lands, rights of way, riparian and other rights, and easements necessary for the purposes aforesaid; and to charge, assess, and collect reasonable fees, rentals, assessments or costs of service for connection with and using the same. (1952, c. 325)

§ 2.307. To grant franchises for public utilities subject to the provisions of the Constitution and general laws of Virginia and this charter; provided, however, the city shall at any time have the power to contract for, own, operate, manage, sell, encumber or otherwise dispose of, either within or without the city any and all public utilities for the city and to sell the services thereof, existing franchise to the contrary notwithstanding. (1952, c. 325)

§ 2.308. To own, operate and maintain electric light and gas works, either within or without the corporate limits of the city and to supply electricity, and gas whether the same be generated or purchased by said city, to its customers and consumers both without and within the corporate limits of the said city, at such price and upon such terms as it may prescribe, and to that end it may contract and purchase electricity and gas from the owners thereof upon such terms as it may deem expedient. (1952, c. 325)

§ 2.309. To establish, maintain and operate a landing field or airport within or without the city and for such purpose to acquire real estate by gift, lease, purchase or condemnation; to lease such landing field or airport to others to be used for any lawful purposes; to erect and maintain buildings and appurtenances necessary for the use of such landing field or airport and to prescribe and enforce rules and regulations not in conflict with the laws, rules and regulations prescribed by the State of Virginia and the federal governments, for the use and protection of such landing field or airport. (1952, c. 325)

§ 2.310. To give names to or alter the names of streets, and to establish and maintain a system of house numbering. (1952, c. 325)

§ 2.311. To acquire in any lawful manner for the purpose of encouraging commerce, industry, and manufacture, lands within or without the city and from time to time to sell or lease the same or any part thereof for industrial or commercial uses and purposes. (1952, c. 325; 1975, c. 169)

§ 2.312. To acquire, construct, own, maintain and operate, within and without the city, places for parking or storage of vehicles by the public, which shall include but shall not be limited to parking lots, garages, buildings, and other land, structures, equipment and facilities, when in the opinion of the council they are necessary to relieve congestion in the use of streets and to reduce hazards incident to such use; provide for their management and control by a department of the city government or by a board, commission or agency specially established by ordinance for the purpose; authorize or permit others to use, operate or maintain such places or any portions thereof, pursuant to lease or agreement, upon such terms and conditions as the council may determine by ordinance; and charge or authorize the charging of compensation for the parking or storage of vehicles or other services at or in such places. (1952, c. 325)

§ 2.313. To accept, by ordinance, or to refuse the dedication of streets, alleys, easements or other public use or purpose unless the title to the same be acquired in fee simple in accordance with any subdivision regulations adopted under the provisions of Article 7. (1952, c. 325)

§ 2.314. To exercise the power of eminent domain within this State with respect to lands and improvements thereon, for any lawful purpose of the city.

Provided, however, that the provisions of § 25-233 of the Code of Virginia 1950, shall apply as to any property owned by a corporation possessing the power of eminent domain that may be sought to be taken by condemnation under the provisions of this act. (1952, c. 325)

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

In addition to the powers granted by other sections of this charter, the city shall have power to pass and enforce by-laws, rules, regulations, and ordinances, not in conflict with this charter or prohibited by the general laws of the Commonwealth for the preservation of the safety, health, peace, good order, comfort, convenience, morals, and welfare of its inhabitants, and among such powers, but not in limitation thereof, the city is empowered: (1952, c. 325)

§ 2.401. To collect and dispose of sewage, offal, ashes, garbage, carcasses of dead animals and other refuse, and to make reasonable charges therefor; to acquire and operate reduction or any other plants for the utilization or destruction of such materials; to contract for or regulate the collection and disposal thereof. (1952, c. 325)

§ 2.402. To inspect, test, measure and weigh any commodity or commodities, or articles of consumption for use within the city; and to establish, regulate, license and inspect weights, meters, measures and scales. (1952, c. 325)

§ 2.403. To license and regulate the holding and location of shows, circuses, public exhibitions, carnivals, and other similar shows or fairs, or prohibit the holding of the same, or any of them, within the city. (1952, c. 325)

§ 2.404. To compel the abatement and removal of all nuisances within the city or upon property owned by the city beyond its limits 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 to collect said expense by suit or motion or by distress and sale; to require all lands, lots and other premises within the city, to be kept clean and sanitary and free from stagnant water, weeds, filth and unsightly deposits, or to make them so at the expense of the owners or occupants thereof; and to collect said expenses by suit or

motion or by distress and sale; to pass and enforce any ordinance that may be necessary to the public safety for the control of dogs; to regulate, or prevent slaughter houses or other noisome or offensive business within the city, the keeping of hogs, or other animals, poultry or other fowl therein, or the exercise of any dangerous or unwholesome business, trade or employment therein; to regulate the transportation of all articles through the streets of the city; to compel the abatement of smoke, dust, vapor, odor, stench, industrial waste, residue, refuse or radioactive substance; and prevent radio interference and unnecessary noise; to regulate the location of stables and the manner in which they shall be kept and constructed; to regulate the location, construction, operation, and maintenance of billboards, signs, advertising, and generally to define, prohibit, abate, suppress and prevent all things detrimental to the health, morals, aesthetic sensibilities, safety, convenience and welfare of the inhabitants of the city; and to require all owners or occupants of property having sidewalks in front thereof to keep the same clean and sanitary, and free from all weeds, filth, unsightly deposits, ice and snow. (1952, c. 325)

§ 2.405. To extinguish and prevent fires, and to establish, regulate and control a fire department or division; to regulate the size, height, materials and construction of buildings, fences, walls, retaining walls and other structures hereafter erected in such manner as the public safety and conveniences may require; 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; after September 1952 to establish and designate from time to time fire limits, within which limits wooden buildings shall not be constructed, 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 materials; and may enact stringent and efficient laws for securing the safety of persons from fires in halls and buildings used for public assemblies, entertainments or amusements. (1952, c. 325)

§ 2.406. To direct the location of all buildings for storing explosives or combustible substances; to regulate the sale and use of gun powder, nitroglycerine, liquid petroleum, kerosene oil or other like materials, to regulate the discharge of firearms, and the making of bonfires in the streets and yards; to prohibit the sale and use of fireworks. (1952, c. 325)

§ 2.407. To provide for regular and safe construction of houses in the city for the future; and to provide building, plumbing and electrical codes for the city, and setback lines on the streets and alleys. (1952, c. 325)

§ 2.408. To provide for the preservation of the general health of the inhabitants of the city, make regulations to secure the same, inspect all foodstuffs, and prevent the introduction and sale in the city of any article or thing intended for human consumption, which is adulterated, impure or otherwise dangerous to health, and to condemn, seize and destroy or otherwise dispose of any such article or thing without liability to the owner thereof; to prevent the introduction or spread of contagious or infectious diseases, and prevent and suppress disease generally; to provide and regulate hospitals within or without the city limits, and if necessary to the suppression of disease, to enforce the removal of persons afflicted with contagious or infectious diseases to hospitals provided for them; to construct and maintain or to aid in the construction and maintenance of a hospital or hospitals for the use of the people of the city. (1952, c. 325)

§ 2.409. To provide and maintain, either within or without the city, charitable, recreative, curative, corrective, detentive or penal institutions. (1952, c. 325)

§ 2.410. To prevent fowls and animals being kept in or running at large in the city, or any thickly populated portion thereof, and to subject the same to such taxes, regulations and penalties as the council may think proper. (1952, c. 325)

§ 2.411. To prevent the riding or driving of horses or other animals at an improper speed, to prevent the flying of kites, throwing of stones, or engaging in any sort of employment in the public streets which is dangerous or annoying to property owners or passersby, and to prohibit and punish the abuse of animals. (1952, c. 325)

§ 2.412. To control, regulate, limit and restrict insofar as not prohibited by general law, the operation of motor vehicles carrying passengers for hire upon the streets or alleys of the city; to regulate the use of automobiles and other automotive vehicles upon the streets; to regulate the routes in and through the city to be used by motor vehicle carriers operating in and through the city and prescribe different routes for different carriers; to prohibit the use of certain streets by motor trucks; and generally to prescribe such regulations respecting motor traffic therein as may be necessary for the general welfare. (1952, c. 325)

§ 2.413. To exercise full police powers and establish and maintain a department or division of police. (1952, c. 325)

§ 2.414. To restrain and punish drunkards, vagrants and street beggars, to prevent and quell riots, disturbances and disorderly assemblages; to suppress houses of ill-fame and gambling houses; to prevent and punish lewd, indecent and disorderly exhibitions in the city; to expel therefrom persons guilty of such conduct who have not resided therein as much as one year. (1952, c. 325)

§ 2.415. To prohibit and punish for mischievous, wanton or malicious damage to school and public property, as well as private property. (1952, c. 325)

§ 2.416. To offer and pay rewards for the apprehension and conviction of criminals. (1952, c. 325)

§ 2.417. To prohibit begging, soliciting, or the peddling or hawking of any article for sale on the streets of the city. (1952, c. 325)

§ 2.418. To punish for contempt of court, releasing or attempting to release a prisoner, or interfering in any manner with an officer in the exercise of his official duties. (1952, c. 325)

§ 2.419. To make and enforce ordinances to regulate, control, license and tax the manufacture, bottling, sale, distribution, handling, advertising, possession, dispensing, drinking and use of alcohol, and all liquids, beverages and articles containing alcohol obtained by distillation, fermentation or otherwise; provided, however, that no such ordinance shall be in conflict with any of the provisions of the Alcoholic Beverage Control Act or the general laws of this Commonwealth with respect to such alcoholic beverages, liquids, and articles. (1952, c. 325)

§ 2.420. To provide for the protection of the city's property, real and personal, the prevention of the pollution of the city's water supply, and the regulation of the use of parks, playgrounds, playfields, recreational facilities, cemeteries, airports and other public property, whether located within or without the city, provided, however, the City of Buena Vista shall have the power and authority to condemn such land situate in Rockbridge County, Virginia, as may be necessary for the reasonable and orderly

expansion of the cemetery presently owned by the said municipality and being more particularly described and designated as the Green Hill Cemetery, and further provided that the Board of Supervisors, or other governing body of Rockbridge County, Virginia, shall be made parties to any such condemnation proceedings. For the purpose of enforcing such regulations all city property wheresoever located shall be under the police jurisdiction of the city. Any member of the police force of the city or employee thereof appointed as a special policeman shall have power to make arrests for violations of any ordinance, rule or regulation adopted pursuant to this section and the General District Court of the City of Buena Vista shall have exclusive original jurisdiction in all cases arising thereunder within the city or within one mile of the corporate limits of the city as provided by general law. (1952, c. 325; 1954, c. 361; 1975, c. 169)

§ 2.421. To prescribe the location in, under or over, and grant permits for the use of, streets, alleys, and other public places for the maintenance and operation of tracks, poles, wires, cables, pipes, conduits, bridges, subways, vaults, sewers, areas and cellars; to require tracks, poles, wires, cables, pipes, conduits and bridges to be altered, removed or relocated whether permanently or temporarily; charge and collect compensation for the privileges so granted and prohibit such use of the streets, alleys and other public places of the city without the consent of the council. (1952, c. 325)

§ 2.422. To prevent any obstruction of or encroachment over, under or in any street, alley, sidewalk or other public place; provide penalties for maintaining any such obstruction or encroachment, remove the same and charge the cost thereof to the owner or owners, occupant or occupants of the property so obstructing or encroaching, and collect the sum charged in any manner provided by law for the collection of taxes; to require the owner or owners or the occupant or occupants of the property so obstructing or encroaching to remove the same; authorize encroachments upon streets, alleys, sidewalks or other public places, subject to such terms and conditions as the council may prescribe, and recover possession of any street, alley, sidewalk or other public place or any other property of the city by suit or action. (1952, c. 325)

§ 2.423. To regulate, in the interest of public health, the production, preparation, distribution, and sale of milk, other beverages and foods for human consumption, and the places in which they are produced, prepared, distributed, sold, served or stored; regulate the construction, installation, maintenance and condition of all water and sewer pipes, connections, toilets, water closets and plumbing fixtures of all kinds; regulate the construction and use of septic tanks and dry closets, and the sanitation of swimming pools; compel the use of sewers, the connection of abutting premises therewith, and the installation in such premises of suitable sanitary facilities; regulate or prohibit connections to and use of sewers; to prevent the connecting of roof drains and storm sewers to the sanitary sewer system; to regulate or prohibit the use of garbage disposal units connected to the sanitary sewer system; and 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. (1952, c. 325)

§ 2.424. To regulate the light, ventilation, sanitation and use and occupancy of buildings heretofore or hereafter constructed, altered, remodeled or improved, and the sanitation of the premises surrounding the same. (1952, c. 325)

§ 2.425. To enjoin and restrain the violation of any city ordinance or ordinances, although a penalty is provided for conviction of such violation. (1952, c. 325)

§ 2.426. To prescribe penalties for the violation of any city ordinance, rule, or regulation, not exceeding five hundred dollars or twelve months' imprisonment in jail, or both, but not exceeding any penalty established by the Commonwealth for a similar offense. (1952, c. 325)

§ 2.427. To make and adopt a comprehensive plan for the city, and to that end all plats and replats hereafter made subdividing any land within the city or within two miles thereof, into streets, alleys, roads, and lots or tracts shall be submitted to and approved by the council or such official or board, including the Planning Commission, as the council designates in any regulations controlling the orderly subdivision of land it may adopt before such plats or replats are filed for record or recorded in the office of the clerk of the Circuit Court of the City of Buena Vista. (1952, c. 325; 1954, c. 361)

§ 2.428. To do all things whatsoever necessary or expedient and lawful to be done for promoting or maintaining the general welfare, comfort, education, morals, peace, government, health, trade, commerce, or industries of the city, or its inhabitants. (1952, c. 325)

ARTICLE 3. ADMINISTRATION AND GOVERNMENT

§ 3.1. The administration and government of the City of Buena Vista shall be vested in the common council and in such other officers and boards as are hereinafter provided for or may be appointed by the common council or prescribed by State laws for cities of this class. There shall be two wards, as there now exists, until such time as it may be changed in the manner prescribed by law. (1952, c. 325)

§ 3.2. All contracts and obligations of the City of Buena Vista heretofore made by the present council and government while in office, not inconsistent with this charter and the general laws and Constitution of this State, shall be and are hereby declared to be valid and legal obligations of the City of Buena Vista. (1952, c. 325)

§ 3.3. The council of the City of Buena Vista shall consist of a body of seven members, including the mayor, elected at large, all of whom shall be residents of the City of Buena Vista and the State of Virginia for one year and are qualified to vote in the City of Buena Vista. (1952, c. 325; 1962, c. 164; 1999, c. 268)

§ 3.4. The council shall be elected in the manner prescribed by law, as follows:

At the regular municipal election to be held on the first Tuesday in May, 1972, three councilmen shall be elected, each for a term of four years beginning on the first day of July next following their election.

At the regular municipal election to be held on the first Tuesday in May, 1974, and every four years thereafter, four councilmen shall be elected each for a term of four years beginning on the first day of July next following their election. Each councilman elected as hereinabove provided shall serve for the term stated or until his successor shall have been elected and qualified. Those three councilmen elected during the regular municipal election in 1968, or their successors, shall complete their term of office as of June 30, 1972. The council shall be a continuing body, and no measure pending before such body shall abate or be discontinued by reason of expiration of the term of office or removal of any of its members. If membership of the council shall for any reason be reduced to three or less members, the clerk of the council shall notify the Circuit Court of the City of Buena Vista which shall order a special election to be held within thirty days, and all vacancies shall be filled for the unexpired terms at such election.

Notwithstanding the above provisions, beginning with the regular municipal election to be held in May 2000, the council shall be elected as follows:

In the year 2000, there shall be elected two council members for terms of four years and a mayor for a term of two years.

In the year 2002, there shall be elected three council members for terms of four years, one council member for a term of two years, and a mayor for a term of two years. The candidate for council receiving the fourth highest number of votes shall serve the two-year term.

Thereafter, all council members shall be elected for terms of four years, except for the mayor, who shall be elected for a term of two years. (1952, c. 325; 1954, c. 361; 1962, c. 164; 1972, c. 257; 1973, c. 82; 1999, c. 268)

§ 3.5. All other vacancies shall be filled within thirty days, for the unexpired term, by majority vote of the remaining members, provided that if the term of office to be filled does not expire for two years or more after the next regular election for councilman following such vacancy and such vacancy occurs in time to permit it, then the council shall fill such vacancy only for the period remaining until such election and a qualified person shall then be elected by the qualified voters and shall from and after the date of his election and qualification succeed such appointee and serve the unexpired term. The number of candidates equal to the number of vacancies to be filled for full terms receiving the highest number of votes shall be entitled to such full terms and the candidate receiving the next highest of votes shall be entitled to the unexpired term caused by such vacancy. (1952, c. 325)

§ 3.51. Any member of the council who shall have been convicted of a felony while in office shall thereby forfeit his office. (1952, c. 325)

§ 3.6. All powers of the city and the determination of all matters of policy shall be vested in the council. Except as otherwise provided in this charter, the council is empowered to : (1952, c. 325)

§ 3.601. Appoint and remove the city manager, the clerk of the council, the city attorney, justices of the peace, medical examiner, and officers of the volunteer fire department. (1952, c. 325; 1954, c. 361)

§ 3.602. Adopt the budget of the city. (1952, c. 325)

§ 3.603. Inquire into the conduct of any office, department or agency of the city, make investigations as to municipal affairs and shall have the power to subpoena witnesses and require the production of records. (1952, c. 325)

§ 3.604. Appoint the members of The School Board of the City of Buena Vista and fill any vacancies thereon. Appoint the members of the Planning Commission, the Board of Zoning Appeals, and the Recreation Commission, and fill any vacancies thereon. (1952, c. 325; 1954, c. 361)

§ 3.605. Create a housing authority. (1952, c. 325)

§ 3.606. Adopt and modify the official map of the city. (1952, c. 325)

§ 3.607. Enact and adopt all laws and ordinances relating to its municipal affairs, subject to the Constitution and general laws of the Commonwealth and of this charter and may from time to time amend, reamend or repeal any or all of its ordinances for the proper regulation, management and government of the city and impose fines and penalties for the violation or nonobservance thereof. (1952, c. 325)

§ 3.608. To compel the attendance of its members, and to punish its members for disorderly behavior and by vote of two-thirds of the whole council, expel a member for good cause. (1952, c. 325)

§ 3.609. To be the judge of the election and qualifications and returns of its members and for such purpose shall have the power to subpoena witnesses and require the production of records. (1952, c. 325)

§ 3.610. To require and secure such bonds for any of the city employees as it may deem necessary. (1952, c. 325)

§ 3.611. To keep a journal of its proceedings, which journal shall be open to public inspection. (1952, c. 325)

§ 3.612. To fix the salaries and wages of all officers and employees of the city as herein specifically provided. (1952, c. 325)

§ 3.7. At the regular municipal election to be held on the first Tuesday in May 2000, the same time members of council are to be elected, and at each regular municipal election thereafter, there shall be elected a mayor. The mayor shall preside over meetings of the council, have the same right to vote therein as other members and have a vote but no veto. He shall be recognized as the head of the city government for all ceremonial purposes, the purpose of military law, and the service of civil process.

On the first day of July 2000, and on the first day of July every second year thereafter, the council shall choose by a majority vote of all its members thereof one of the number to be vice-mayor for the ensuing two years. The vice-mayor shall in the absence or disability of the mayor perform the duties of mayor. In the event of a vacancy in the office of mayor, the vice-mayor shall become mayor for the unexpired term. In the absence or disability of both the mayor and vice-mayor, the council shall, by majority vote of those present, choose one of their number to perform the duties of mayor. (1952, c. 325; 1972, c. 257; 1999, c. 268)

§ 3.8. The salaries of the mayor and councilmen shall be fixed by a commission to be appointed by the judge of the Circuit Court of the City of Buena Vista, after September 1956, notwithstanding the fact that at the special election held on the 5th day of December 1950, a majority of the qualified voters of the City of Buena Vista voting therein, voted that the councilmen shall serve without compensation. (1952, c. 325)

§ 3.9. The council is empowered, subject to the provisions of the charter, to adopt its own rules of procedure. Such rules shall provide for the time and place of holding regular meetings of the council which shall not be less frequently than once each month. They shall also provide for the calling of special meetings by the mayor or by any four members of the council and shall prescribe the method of giving notice thereof, provided that the notice of each special meeting shall contain a statement of the specific item or items of business to be transacted and no other business shall be transacted at such meetings except by the unanimous consent of all the members of the council. The meetings of the council shall be open to the public, except when the Virginia Freedom of Information Act would otherwise permit. A majority of the council shall constitute a quorum for the transaction of business. (1952, c. 325; 1962, c. 164; 1975, c. 169)

§ 3.901. Except in dealing with questions of parliamentary procedure, the council shall act only by ordinance or resolution, and all ordinances, except ordinances making appropriations, or authorizing the contracting of indebtedness or issuance of bonds or other evidence of debt, shall be confined to one subject. Ordinances making

appropriations or other obligations and appropriating the money to be raised thereby shall be confined to those subjects respectively. (1952, c. 325; 1954, c. 361)

§ 3.902. The enacting clause of all ordinances passed by the council shall be: "Be it ordained by the council of the City of Buena Vista." No ordinance, unless it be an emergency measure, shall be passed until it has been read at two regular meetings not less than seven days apart, unless the requirement of such reading has been dispensed with by the affirmative vote of five of the members of the council. No ordinance or section thereof shall be revised or amended by its title or section only, but the new ordinance shall contain the entire ordinance, or section as revised or amended. The ayes and nays shall be taken upon the passage of all ordinances or resolutions and entered upon the journal of the proceedings of the council and every ordinance or resolution shall require, on final passage, the affirmative vote of at least four of its members. (1952, c. 325; 1954, c. 361; 1962, c. 164)

§ 3.903. All ordinances and resolutions passed by the council shall be in effect from and after thirty days from the date of their passage, except that the council may, by the affirmative vote of two-thirds of its members present, pass emergency measures to take effect at the time indicated therein. Ordinances appropriating money for any emergency may be passed as emergency measures, but no measure providing for the sale or lease of city property, or making a grant, renewal, or extension of a franchise or other special privilege or regulating the rate to be charged for its services by any public utility, shall be so passed as an emergency measure. (1952, c. 325)

§ 3.904. Every ordinance or resolution upon its final passage shall be recorded in a book kept for the purpose, and shall be authenticated by the signature of the presiding officer and the clerk of the council. (1952, c. 325)

§ 3.905. Every member, when present, when a question is put, shall vote unless excused by the council. But no member who has any personal or financial interest in the result of any ordinance or resolution before the council shall vote thereon. (1952, c. 325)

§ 3.906. At the first meeting in July following each councilmanic election, or as soon thereafter as practicable the council shall appoint: (1952, c. 325; 1975, c. 169)

§ 3.907. A city manager who shall be the administrative and executive head of the municipal government. He shall be chosen by the council without regard to political beliefs and solely upon the basis of his executive and administrative qualifications. At the time of his appointment he need not be a resident of the city or the Commonwealth but during his tenure of office shall reside within the city. He shall be appointed and hold office during the pleasure of the council. He shall receive such compensation as shall be provided by the council by ordinance or resolution. He may be bonded as the council may deem necessary. During the absence or disability of the city manager or in case of a vacancy, the council may designate some properly qualified person to perform the duties of the office during such absence, disability, or vacancy. No councilman shall receive such appointment during the term for which he shall have been elected, nor within one year after the expiration of his term. Neither the council nor any of the members shall direct or request the appointment as hereinafter provided, of any person to office by the city manager or by any of his subordinates. Except for the purpose of inquiry, the council and its members shall deal with the administrative service solely through the city manager and neither the council nor any member thereof shall give orders to any

subordinates of the city manager, either publicly or privately. The city manager shall have the authority and it shall be his duty: (1952, c. 325)

§ 3.908. To see that all laws, ordinances, resolutions, and by-laws of the council are faithfully enforced. (1952, c. 325)

§ 3.909. To appoint such officers and employees, as the council shall determine and authorize as are necessary for the proper administration of the affairs of the city with the power to discipline and remove any such officer or employee, but he shall report each appointment of any officer having supervisory or administrative authority to the council for confirmation at the next meeting thereof following any such appointment. The chief of police so appointed by the city manager and confirmed by the council shall have the power to discipline his subordinates and with the approval of the city manager to discharge any subordinate for just cause. (1952, c. 325)

§ 3.910. To attend all meetings of the council, with the right to take part in the discussion, but having no vote. (1952, c. 325)

§ 3.911. To recommend to the council for adoption such measures as he may deem necessary or expedient. (1952, c. 325)

§ 3.912. To make reports to the council from time to time upon the affairs of the city and to keep the council fully advised of the city's financial condition and its future financial needs. (1952, c. 325)

§ 3.913. To prepare and submit to the council a tentative budget for the next fiscal year as provided by the general law and by this charter. (1952, c. 325)

§ 3.914. To make all contracts on behalf of the city pursuant to a resolution or an ordinance of the council and to act as city purchasing agent. (1952, c. 325)

§ 3.915. To supervise and control all encumbrances, expenditures and disbursements and to insure that budget appropriations are not exceeded. (1952, c. 325)

§ 3.916. To protect the interests of the city by causing to be withheld 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 have first been settled and adjusted. (1952, c. 325)

§ 3.917. To perform such other duties as may be prescribed or requested by council. (1952, c. 325)

§ 3.918. The council shall also appoint a clerk of the council, for an indefinite term. The clerk so appointed shall receive such compensation as shall be provided by the council by ordinances or resolution. The clerk shall have the following duties: (1952, c. 325)

§ 3.919. To be the custodian of the corporate seal. (1952, c. 325)

§ 3.920. To give notice of council meetings. (1952, c. 325)

§ 3.921. To keep a journal of council proceedings. (1952, c. 325)

§ 3.922. To authenticate by signature and record in full in a book kept for that purpose all ordinances and resolutions. (1952, c. 325)

§ 3.923. The council of the City of Buena Vista shall appoint a city attorney for an indefinite term and such officer shall be a duly qualified and practicing attorney at law. Provided, however, such officer shall receive such compensation as shall be determined and fixed by the council of the said city, and further provided, such officer shall be vested with the following authority and powers and shall perform the following duties: (1952, c. 325; 1954, c. 361)

§ 3.924. To be the legal advisor of the council, the city manager and of all departments, boards, commissions and agencies of the city, including the school board, in all matters affecting the interests of the city and shall upon request furnish a written opinion on any question of law involving their respective official powers and duties. (1952, c. 325)

§ 3.925. To prepare, at the request of the city manager or any member of council, 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. (1952, c. 325)

§ 3.926. To draw or approve all bonds, deeds, leases, contracts or other instruments to which the city is a party or in which it has an interest. (1952, c. 325)

§ 3.927. To represent the city as counsel in any civil case, or in any criminal case arising under and by virtue of the ordinances of the city, when the city attorney shall be of the opinion that such representation is necessary and proper and is in the public interest. (1952, c. 325; 1954, c. 361)

§ 3.928. (1952, c. 325; 1954, c. 361; 1962, c. 164; repealed 1975, c. 169)

§ 3.929. The council of the City of Buena Vista shall during the month of April, 1954, and during the same month each year thereafter, appoint the fire department officers as provided in § 27-13, Code of Virginia. (1952, c. 325; 1954, c. 361)

§ 3.930. There shall be elected by the qualified voters of said city on Tuesday after the first Monday in November, 1953 and every four years thereafter, the following officers: a city treasurer, a commissioner of the revenue, an attorney for the Commonwealth, and a city sergeant for said city who shall hold their offices for four years from the first day of January following their election. The foregoing officers shall serve until their successors are duly elected and qualified unless sooner removed from office and there shall be elected as prescribed by the General Assembly of this State one clerk of the Circuit Court of the City of Buena Vista who shall hold office for eight years. All of said elections shall be conducted under the general laws of the Commonwealth of Virginia and when two or more persons are running for the same office the one receiving the highest number of votes shall be declared elected. The council may at its discretion combine in one person an elective and an appointive office, where the duties of such office do not conflict. (1952, c. 325; 1954, c. 361)

§ 3.931. The councilmen and all elective officers before entering upon the duties of their respective offices shall be sworn according to the laws of the Commonwealth of Virginia by anyone authorized to administer oaths under the laws of this State. If any person elected or appointed to any office in said city shall neglect to take the oath of office required of him for sixty days after receiving notice of his election or appointment or neglect to give bond as required of him, he shall be considered as having declined such office and the same may be declared vacant and the vacancy filled as provided in this act. (1952, c. 325)

§ 3.932. The city treasurer shall be elected every four years in the manner and the time hereinbefore mentioned. He shall give bond in such sum as the council may prescribe with surety to be approved by the council, conditioned upon the faithful discharge of his official duties in relation to the revenue of the city, and of such other official duties as may be imposed on him by the charter and the ordinances of the city. The city treasurer shall be responsible for the collection of taxes, licenses and levies due

to the city, as well as water taxes or rents. He shall have authority to appoint and remove his deputy or clerk when he deems it necessary. Delinquent taxes and levies shall be transferred from his office into the hands of a special collector when in the discretion of the council it shall be proper to do so. He shall receive all money belonging to the city which it is his duty to collect from persons, firms and corporations owing the same to the city, or which it is the duty of other officers to collect and pay over to him, and pay the same out as the ordinances of the city and State law prescribe; to keep such monies safe and account therefor and pay all drafts and orders made in conformity with the city ordinances and State laws. (1952, c. 325)

§ 3.933. The funds of the city shall be deposited by the treasurer in such bank or banks as the council may direct. He shall keep books showing accurately the state of his accounts and the money and he is hereby expressly prohibited from using directly or indirectly the money of the city or State in his custody and any violation of this provision shall subject him to immediate removal from office. (1952, c. 325)

§ 3.934. The books and accounts of the city treasurer and all papers relating to accounts and transactions of the city, shall be at all times, during business hours, subject to the inspection of the city manager, the city councilmen, the mayor and such persons as the council may appoint to examine the same and all such books and accounts, together with any balance or moneys on hand shall be transferred by the treasurer to his successor or be delivered up as the council may require. (1952, c. 325)

§ 3.935. The city treasurer shall render an account to the city manager and the council each month showing the state of the financial condition of the city up to the end of the previous month and the balance of money on hand, and he shall furnish such other information as the city manager or council may direct. (1952, c. 325)

§ 3.936. The city treasurer shall render an annual account to the city manager and the council at the first meeting of each new fiscal year and account for all money taken in and money paid out during the previous fiscal year. (1952, c. 325)

§ 3.937. All taxes, levies or other sums of money received by the treasurer belonging to the city shall be credited by the treasurer on his books to the City of Buena Vista. (1952, c. 325)

§ 3.938. All money received on special assessments shall be held by the treasurer in a special fund, to be applied to the payment to the account for which the assessment was made and said moneys shall be used for no other purpose. (1952, c. 325)

§ 3.939. The treasurer shall perform such other duties as may be required of him by the council not inconsistent with State laws. (1952, c. 325)

§ 3.940. The treasurer shall receive for his services the compensation allowed by the ordinances of the city and the Compensation Board of the State of Virginia. (1952, c. 325)

§ 3.941. The commissioner of the revenue shall be elected for four years at the time and in the manner hereinbefore provided. He shall give bond of such type and amount as the council may prescribe, conditioned for the faithful performance of all his duties under this charter, the ordinances of the City of Buena Vista and the laws of the Commonwealth of Virginia. The commissioner of revenue shall perform all duties in relation to the assessment of property for the purpose of levying taxes that may be ordered by the city council and such other duties as the council may prescribe or direct. He shall keep his office in the courthouse building and shall keep therein such books,

schedules, and records and other papers which shall be subject to inspection and examination by the city manager, members of the city council or any committee thereof. He shall receive for his services the compensation allowed by the Compensation Board of the State of Virginia and the ordinances of the City of Buena Vista. He shall assess all real estate and personal property in accordance with the laws of the Commonwealth of Virginia and the ordinances of the City of Buena Vista. (1952, c. 325)

§ 3.942. The city sheriff shall be elected for four years at the time and in the manner hereinbefore provided. Before entering upon his duties he shall give bond as may be prescribed by the laws of the Commonwealth of Virginia and the ordinances of the City of Buena Vista, conditioned for the faithful discharge of his duties as such officer. The city sheriff shall attend the terms of the circuit court of said city and shall act as an officer of the said court and shall have the authority and powers and jurisdiction which is granted to sheriffs of other cities of the class of Buena Vista by the general laws of the Commonwealth of Virginia and the ordinances of the City of Buena Vista and he shall perform such duties as may be prescribed by the State laws and the ordinances of the City of Buena Vista. The city sheriff is to be conservator of the peace and in criminal matters or offenses shall have jurisdiction for one mile beyond the city limits of Buena Vista in enforcing the criminal laws of the Commonwealth of Virginia. (1952, c. 325; 1975, c. 169)

§ 3.943. The attorney for the Commonwealth shall be elected for four years at the time and in the manner hereinbefore provided, and shall hold office until his successor be elected and qualified. He shall represent the Commonwealth in the courts of the said city in all Commonwealth cases where he is required by law to act. He shall receive such compensation as prescribed by the Compensation Board of the State of Virginia and the ordinances of the City of Buena Vista. (1952, c. 325)

§ 3.944. The clerk of the Circuit Court of the City of Buena Vista shall be elected for eight years as prescribed by the laws of this State and shall have the same powers and duties as provided by the laws of the Commonwealth of Virginia in respect to clerks of the circuit courts of the several cities of this class and shall receive such fees as are provided by law for such clerks and in addition, such compensation as the council may provide. (1952, c. 325; 1954, c. 361)

ARTICLE 4. FINANCIAL ADMINISTRATION

§ 4.1. Budgets and appropriations. (1952, c. 325)

§ 4.11. The fiscal year of the city shall begin on the first day of July and end on the thirtieth day of June of the succeeding year. (1952, c. 325)

§ 4.12. Between the first and thirtieth day of April, the city manager shall submit to the council separate current expense budgets for the general operation of the city government, hereinafter referred to as the general fund budget, and for each utility operated by the city and a capital budget. (1952, c. 325)

§ 4.13. The general fund and/or utility budgets shall contain: (1952, c. 325)

§ 4.131. An itemized statement of the appropriations recommended with comparative statements in parallel columns showing appropriations made for the current and next preceding year. (1952, c. 325)

§ 4.132. An itemized statement of the taxes and/or utility service charges required and of the estimated revenues of the city and/or utilities from all other sources for the ensuing year, with comparative statements in parallel columns of the taxes and other

sources of revenue for the current and next proceeding year and of the increases or decreases estimated or proposed. (1952, c. 325)

§ 4.133. A statement of the financial condition of the city and/or utilities. (1952, c. 325)

§ 4.134. A budget message relative to the condition, reasons, etc., connected with the estimates for the ensuing year together with a work program showing the undertakings to be begun and those to be completed during the next year. (1952, c. 325)

§ 4.135. Such other information as may be requested by council. (1952, c. 325)

§ 4.14. At the same time that the city manager shall submit a general fund and/or utility budget he shall introduce appropriation ordinances listing the appropriation for each department, utility, branch, board or commission, and such budget, or budgets, shall act as the supporting schedules for the appropriation ordinances. (1952, c. 325; 1954, c. 361)

§ 4.15. A public hearing on the budget plan as a whole shall be held by the council within thirty days after its submission to the council but not until a resume of the proposed budgets and notice of such hearing shall have been published at least one time in a newspaper of general circulation within the city at least ten days prior to such hearing. After the conclusion of the public hearing the council may insert new items of expenditure or may increase, decrease, or strike out any item of expenditure in the budgets except that for debt service. (1952, c. 325)

§ 4.16. Within forty days, but in no event later than the thirty-first day of May, the council shall approve, upon the affirmative vote of a majority of the membership of the council, a general fund and/or utility budget and adopt appropriation ordinances. If for any reason the council fails to approve the budgets on or before such date, then the budgets as submitted by the city manager shall be the budgets for the ensuing year and the appropriation ordinances recommended by the city manager shall have the same force and effect as if the same had been adopted by the council. (1952, c. 325)

§ 4.17. The council may, after referring to the city manager for a recommendation, make additional appropriations during the fiscal year upon the affirmative vote of four members of the council. (1952, c. 325; 1962, c. 164)

§ 4.18. Any portion of an annual appropriation, except for capital expenditures, remaining unexpended and unencumbered at the close of the fiscal year, shall lapse. (1952, c. 325)

§ 4.19. The capital budget shall contain a program previously acted upon by the city planning commission, as provided in § 7.101 of this charter, of proposed capital improvement projects, for the ensuing fiscal year and for the four fiscal years thereafter, with his recommendations as to the means of financing the improvements proposed for the ensuing fiscal year. The council shall have power to accept with or without amendments or reject the proposed program and proposed means of financing for the ensuing fiscal year but, except in the case of emergency as provided in Article 3 of this charter, the council shall not authorize any capital improvement project or make any appropriation therefor unless the appropriation for such project is included in the capital budget as adopted by it. The council shall take final action on the capital budget not later than the twenty-eighth day after the date prescribed for the adoption of the general fund budget. No appropriation for a capital improvement project contained in the capital budget shall lapse until the purpose for which the appropriation was made shall have been

accomplished or abandoned, provided that any project shall be deemed to have been abandoned if three fiscal years elapse without any expenditure from or encumbrance of the appropriation therefor. Any such lapsed appropriation shall be applied to the payment of any indebtedness incurred in financing the project concerned and the next capital budget. Nothing herein contained shall be construed to limit the power of the city council to originate or initiate capital improvements. (1952, c. 325)

§ 4.2. Bids and purchases.

At least two bids shall be secured on all purchases involving more than two hundred dollars except, when the council orders a different procedure; when only one bid can be secured; and in cases of emergency. The fact that bids are received does not make it mandatory that the low bid be accepted in all cases. The council must approve purchase before placing order if low bid is not accepted. (1952, c. 325; 1954, c. 361)

§ 4.3. Independent audit.

Prior to the end of each fiscal year the council shall designate qualified certified public accountants or the Auditor of Public Accounts of the Commonwealth of Virginia, who, as of the end of the fiscal year, shall make an independent audit of accounts and other evidence of financial transactions of the city government and shall mail a copy of their report to each member of the city council and to the city manager. The auditors shall postaudit the books and documents kept by the treasurer and any separate or subordinate accounts kept by any other office, department or agency of the city government. (1952, c. 325)

§ 4.4. Liens.

A lien shall exist on all real estate and personal property within the corporate limits for taxes, levies, and assessments in favor of the city, together with all penalties and interest at the rate of six per centum due thereon from the end of the year for which the same were assessed and the procedure for collecting said taxes, for selling real estate for city taxes and for the redemption of real estate sold for city taxes shall be the same as provided in the general law for the State to the same extent as if the provisions of said general law were herein set out at length. The said city and its treasurer shall have the benefit of other and additional remedies for the collection of city taxes which are now or hereafter may be granted or permitted under the general law. All goods and chattels wheresoever found may be distrained and sold for taxes and licenses assessed and due thereon; and no deed of trust or mortgage upon goods and chattels or real estate shall prevent the same from being distrained and sold for taxes and licenses assessed against the grantor in such deed while such goods and chattels remain in the grantor's possession. (1952, c. 325)

§ 4.5. Tax rate or levy.

The council of the City of Buena Vista shall, prior to the thirty-first day of December of each year, or at its option prior to the first day of July if a fiscal year of July one to June thirty be adopted, adopt and fix the rate of taxation or levy on all personal property situate within the said city which is classified as machinery, tools, motor vehicles, or mobile trailers, and shall likewise prior to said date adopt and fix the rate of taxation or levy on all public service corporation property situate within the said city, and upon the value of the shares of stock of all banks situate within the said city, as provided by general law for the calendar year commencing on the first day of January of the year next succeeding.

The council for the City of Buena Vista shall, prior to the thirtieth day of June of each year, adopt and fix for the ensuing fiscal year the rate of taxation or levy on all real property situate within the said city, as provided by general law for the fiscal year commencing on the first day of July of the next succeeding year. (1954, c. 361; 1972, c. 257; 1975, c. 169)

ARTICLE 5. ADMINISTRATION OF JUSTICE

§ 5.1. The Circuit Court of the City of Buena Vista as presently created and established by the general laws of the Commonwealth of Virginia shall be continued and the said circuit court shall have the jurisdiction, authority and powers now or hereafter conferred upon and vested in the circuit courts of the several counties and cities, and the corporation courts of the several cities, by the general laws of the said Commonwealth. (1952, c. 325; 1954, c. 361)

§ 5.102. Compensation: The City of Buena Vista shall pay such annual salary unto the Judge of the Circuit Court of the City of Buena Vista as shall be fixed by the council of the said city and the same shall be paid in addition to the pro rata portion or share of the regular salary of such judge allocated unto the said city by the general laws of the Commonwealth of Virginia. Provided, however, the foregoing annual salary shall not be reduced or diminished during the term of office of the said judge. (1954, c. 361)

§ 5.103. (1954, c. 361; repealed 1975, c. 169)

§ 5.2. (1952, c. 325; 1954, c. 361; repealed 1975, c. 169)

§ 5.201. (1954, c. 361; repealed 1962, c. 164)

§ 5.202. (1954, c. 361; repealed 1975, c. 169)

§ 5.203. (1954, c. 361; repealed 1975, c. 169)

§ 5.204. (1954, c. 361; repealed 1975, c. 169)

§ 5.205. (1954, c. 361; repealed 1975, c. 169)

§ 5.206. (1954, c. 361; repealed 1975, c. 169)

§ 5.207. (1954, c. 361; repealed 1975, c. 169)

§ 5.208. (1954, c. 361; repealed 1975, c. 169)

§ 5.209. (1954, c. 361; repealed 1975, c. 169)

§ 5.210. (1954, c. 361; repealed 1975, c. 169)

§ 5.211. (1954, c. 361; repealed 1975, c. 169)

§ 5.212. (1954, c. 361; repealed 1975, c. 169)

§ 5.213. (1954, c. 361; repealed 1975, c. 169)

§ 5.214. (1954, c. 361; repealed 1975, c. 169)

§ 5.215. (1954, c. 361; repealed 1975, c. 169)

§ 5.216. There was no section with this number.

§ 5.217. (1954, c. 361; repealed 1975, c. 169)

§ 5.218. (1954, c. 361; repealed 1975, c. 169)

§ 5.219. (1954, c. 361; repealed 1975, c. 169)

§ 5.220. (1954, c. 361; repealed 1975, c. 169)

§ 5.221. (1954, c. 361; repealed 1975, c. 169)

§ 5.222. (1954, c. 361; repealed 1975, c. 169)

§ 5.223. (1954, c. 361; repealed 1975, c. 169)

§ 5.3. (1952, c. 325; 1954, c. 361; repealed 1975, c. 169)

§ 5.301. (1954, c. 361; repealed 1975, c. 169)

§ 5.302. (1954, c. 361; repealed 1975, c. 169)

§ 5.303. (1954, c. 361; repealed 1975, c. 169)
 § 5.4. (1952, c. 325; 1954, c. 361; repealed 1975, c. 169)
 § 5.5. (1952, c. 325; 1954, c. 361; repealed 1975, c. 169)
 § 5.501. (1954, c. 361; repealed 1975, c. 169)
 § 5.6. (1952, c. 325; 1954, c. 361; repealed 1975, c. 169)
 § 5.7. (1952, c. 325; 1954, c. 361; repealed 1975, c. 169)
 § 5.8. (1952, c. 325; repealed 1954, c. 361)
 § 5.9. (1952, c. 325; repealed 1954, c. 361)
 § 5.901. (1952, c. 325; repealed 1954, c. 361)
 § 5.902. (1952, c. 325; repealed 1954, c. 361)
 § 5.903. (1952, c. 325; repealed 1954, c. 361)
 § 5.904. (1952, c. 325; repealed 1954, c. 361)
 § 5.905. (1952, c. 325; repealed 1954, c. 361)
 § 5.906. (1952, c. 325; repealed 1954, c. 361)
 ARTICLE 5A. POLICE DEPARTMENT (1954, c. 361)
 § 5.907. Police force.

The police force shall be composed of a superintendent or chief of police and of such officers, patrolmen and other employees as the council may determine. The superintendent or chief of police shall have the immediate direction and control of the said force, subject, however, to the supervision of the city manager and to such rules, regulations and orders as the said city manager may prescribe. The superintendent or chief of police shall issue all orders, rules and regulations for the government of the whole force. In case of the disability of the superintendent or chief of police to perform his duties by reason of sickness, absence from the city or other cause, the city manager shall designate some member of the police force to act as superintendent or chief of police during such disability, and the officer so designated shall serve without additional compensation. The members of the police force shall be appointed and may be removed by the city manager. Each member of the said force, both rank and file shall have issued to him a warrant of appointment signed by the city manager, in which the date of his appointment shall be stated, and such warrant shall be his commission. Each member of the said force shall, before entering upon the duties of his office, take and subscribe an oath before the clerk of the circuit court that he will faithfully without fear or favor perform the duties of this office, and such oath shall be filed with the clerk of said court and preserved with the records of his office. And in addition, the several officers of the said force shall, if so required by the council, give bond in such penalty and with such security as the council may by ordinance prescribe. (1952, c. 325)

§ 5.908. No person except as otherwise provided by general law or by this charter shall act as special police, special detective or other special police officer for any purpose whatsoever, except upon written authority from the city manager; such authority when conferred, shall be exercised only under the direction and control of the superintendent or chief of police and for a specified time, provided, however, that the council may from time to time designate the maximum number of such special police, special detectives or other special police officers. (1952, c. 325)

§ 5.909. The officers and privates constituting the police force of said city shall be, and they are, hereby vested with all of the power and authority which pertains to the office of constable at common law in taking cognizance of and in enforcing criminal laws

of the State and the ordinances and regulations of said city and it shall be the duty of each such officer and private to use his best endeavors to prevent the commission within the said city of offenses against the laws of said State, and against the ordinances and regulations of said city; to observe and enforce all such laws, ordinances and regulations; to detect and arrest offenders against the same; to preserve the good order of said city and to secure the inhabitants thereof from violence and the property therein from injury. Such policemen shall have no power or authority in civil matters, but shall execute any criminal warrant or warrant of arrest and summons in criminal cases that may be placed in his hands, by any justice of the city and shall make due return thereof. (1952, c. 325)

§ 5.910. The city manager shall prescribe the uniforms and badges for the members of the police force, and direct the manner in which a member of said force shall be armed. Any person other than a member of said force who shall wear such uniform or badge as may be prescribed as aforesaid, may be subjected to such fine or imprisonment, or both, as may be prescribed by the council by ordinance. (1952, c. 325)

ARTICLE 6. SCHOOLS

§ 6.1. (1952, c. 325; repealed 1994, c. 91)

§ 6.2. Members of school board: Election or appointment of school board members, terms of members and expiration of present terms.

The school board shall consist of seven members who shall be elected from the city at large.

In compliance with a November 2, 1992, referendum, members of the school board shall be elected or appointed in the manner as hereinafter set forth.

The terms of the five members of the present school board which are now scheduled to expire on June 30, 1994, and June 30, 1995, shall all expire on June 30, 1994. The remaining two members of the present school board whose terms expire on June 30, 1996, shall remain in office until June 30, 1996. The other five members whose terms will expire on June 30, 1994, shall be replaced in a manner as hereinafter set forth.

The present term of the at-large member expires on June 30, 1994. At that time the city council shall appoint an at-large member to serve on the school board for a term expiring on June 30, 1996.

At the regular municipal election to be held on the first Tuesday in May 1994, and every four years thereafter, four school board members shall be elected for a term of four years beginning on the first day of July next following their election.

At the regular municipal election to be held on the first Tuesday in May 1996, and every four years thereafter, three school board members shall be elected for a term of four years beginning on the first day of July next following their election. (1952, c. 325; 1973, c. 82; 1994, c. 91)

§ 6.201. (1952, c. 325; repealed 1994, c. 91)

§ 6.202. (1952, c. 325; 1973, c. 82; repealed 1994, c. 91)

§ 6.203. (1952, c. 325; repealed 1994, c. 91)

§ 6.3. General Provisions.

The establishment, maintenance, and operation of a system of free public schools within the City of Buena Vista shall be under the control of the school board, appointed by the city council or elected in accordance with the provisions of this charter, the Constitution of Virginia, the laws of the Commonwealth, and the regulations of the state board of education; and said board shall have all the rights, privileges, powers, and duties

granted or empowered by the said provisions, Constitution, laws, and regulations; and nothing in this charter shall negate any rights, privileges, powers, or duties granted or empowered to the school board by said provisions, Constitution, laws, and regulations; and neither shall the school board have any such rights, privileges, powers, and duties not provided by said provisions, Constitution, laws and regulations. (1952, c. 325; 1994, c. 91)

ARTICLE 7. PLANNING--ZONING--SUBDIVISION CONTROL

§ 7.1. The city council, in addition to any other powers, shall have and may exercise all other powers which now or may hereafter apply to cities under the Constitution and general laws of this State as pertains to the following: (1952, c. 325)

§ 7.101. The power to adopt, administer, and enforce by ordinance a master plan for the comprehensive long-range development of the city, provided however that any such master plan so adopted shall first have been subjected to a thorough study of not less than one year by a planning commission or board appointed for that specific purpose; and, provided further that such master plan after adoption shall not be later altered except by referendum following at least one year of study by a planning commission or board appointed by the city council for that specific purpose. (1952, c. 325)

§ 7.102. The power to adopt, administer and enforce, by ordinance, a comprehensive zoning plan for the control of location, type, use, height, area, bulk, and arrangement of all structures, buildings, improvements to land and premises, and to provide for a zoning board of appeals. (1952, c. 325)

§ 7.103. The power to adopt, administer and enforce, by ordinance, a comprehensive plan for the regulation of all subdivisions of land within the city, or outside the city when served by the city with utilities including any of the following:

Water, sewage lines, fire protection or safety protection. (1952, c. 325)

§ 7.104. The power to adopt, administer and enforce, by ordinance, any building code, and/or electrical, plumbing, heating, ventilating, fire safety or other code for the safety, uniformity, appearance, convenience, and construction, alteration, or repair of any building, or structure used by the public or for private use within the city unless otherwise provided for in this charter. (1952, c. 325)

ARTICLE 8. GENERAL PROVISIONS

§ 8.1. Officers to hold over until their successors are appointed and qualified.

Whenever under the provisions of this charter any officer of the city or member of any board or commission is elected or appointed for a fixed term, except the mayor and vice-mayor, such officer or member shall continue to hold office until his successor is appointed and qualified. (1952, c. 325)

§ 8.2. Present ordinances and rules and regulations continued in effect.

All ordinances of the city and all rules, regulations, contracts and orders legally made by any department, board, commission or officer of the city, in force at the effective date of this charter, insofar as they or any portion thereof are not inconsistent herewith, shall remain in force until amended or repealed in accordance with the provisions of this charter. (1952, c. 325)

§ 8.3. General powers.

The City of Buena Vista and all the officers thereof elected or appointed in accordance with the provisions of this act shall be clothed with all the powers and subject

to all the provisions of general law not in express conflict with the provisions of this act. (1952, c. 325)

§ 8.4. Constitutionality.

If any clause, sentence, paragraph, section or part of this act shall, for any reason, be adjudged by any court of competent jurisdiction to be unconstitutional or invalid, said judgment shall not affect, impair or invalidate the remainder of said act, but shall be confined in its operations to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which said judgment shall have been rendered. (1952, c. 325)

§ 8.5. Citation of act.

This act and all amendments thereto may for all purposes be referred to or cited as the City of Buena Vista Charter of 1952. (1952, c. 325; 1954, c. 361)

§ 8.6. The reference herein to any section of the Code of Virginia shall be construed to mean such section as it existed January 1, 1952, provided that this shall not apply as to any section referred to in any subsequent amendment of this charter when any such section of the Code of Virginia is referred to as amended, in which event such section shall be construed to mean such Code section as it exists on January 1 of the year in which the reference is made. (1954, c. 361)

§ 8.7. Reference to charter sections:

All references to a specific section or subsection of the City of Buena Vista Charter of 1952, herein contained shall be construed to refer to such specific section or subsection as the same may be now or hereafter amended. (1954, c. 361)