CHARLOTTESVILLE, CITY OF
City of First Class.

Charter, 1899-1900, c. 1012; repealed, 1946, c. 384.
Charter, 1922, c. 109; c. 411; repealed, 1946, c. 384.
Charter, 1946, c. 384.

Amended 1948, c. 124 (§§ 3, 20, 45-a [added])
1950, c. 413 (§§ 5, 14, 15, 20, 22, 27, 32)
1958, c. 111 (§ 20)
1960, c. 37 (§ 5.1 [added])
1960, c. 230 (§ 14-a [added])
1962, c. 56 (§ 50.1 [added])
1962, c. 332 (§§ 5.1, 14-a, 14-b [added])
1962, c. 463 (§ 5)
1964, c. 137 (§§ 5, 33, 50.1)
1970, c. 93 (§§ 14-a, 27, 50.1, 50.2 [added], 50.3 [added])
1972, c. 184 (§§ 5, 6, 9, 12, 13, 14, 17, 24, 29, 32 [repealed], 33, 43)
1973, c. 22 (§ 33)
1973, c. 359 (§ 14-a)
1974, c. 7 (§ 5)
1978, c. 709 (§ 50.4 [added])
1989, c. 122 (§ 50.5 [added])
1990, c. 28 (§ 50.4)
1990, c. 302 (§ 50.6 [added])
2006, cc. 268, 311 (§ 50.7 [added])
2010, cc. 147, 217 (§ 6).

Editor's note: Chapter 84 of the 1970 Acts of Assembly; charter for the merger of Charlottesville/Albemarle County, provided the consolidation agreement was ratified and approved. Did not pass; therefore, not in effect.

§ 1. A new charter is hereby provided for the City of Charlottesville in the form and manner following: (1946, c. 384)

§ 2. Boundaries--corporate status.

That so much of the land that lies and is contained in the following boundaries: Beginning at a cross on rock on hill 92 feet southeast of center line of traveled way Ridge Street a corner to the present corporation line, thence with it N 32 degrees 30 minutes W at 521 feet old Lynchburg road at 1306 feet 7-1/2 St. S. W. extended in all 3152-4/10 feet to a stake east bank of a small branch and N 40 degrees E 76 feet from center of top of manhole, thence new lines S 35 degrees 38 minutes W 213-7/10 feet to a stake, S 38 degrees 08 minutes W 1119-2/10 feet to a stake, S 73 degrees 55 minutes W 213-7/10 feet to a stake 16 feet N. E. of branch, thence crossing branch S 82 degrees 39 minutes W 185-6/10 feet to a stake N 87 degrees 44 minutes W 334 feet to a stake, S 89 degrees 47 minutes W 200-5/10 feet to a stake S 65 degrees 39 minutes W 162-3/10 feet, S 56 degrees 47 minutes W 197.2 feet S 54 degrees 23 minutes W 343-2/10 feet to a stake, S

44 degrees 58 minutes W 837 feet to a stake 14 feet beyond a branch and 25 feet beyond a large poplar side line, thence S 20 degrees 22 minutes W at 496 feet a small fore and aft pine in all 1009-5/10 feet to a stake, S 17 degrees 38 minutes E 1304 feet to a stake in Martin's lot 180.4 feet beyond an iron in Harris road, thence through Martin's, Misses Harris and Monte Vista S 61 degrees 52 minutes W 1681-2/10 feet to a stake, thence through Monte Vista and Jefferson Park N 43 degrees 08 minutes W at 132-1/10 feet a point which is S 12 W 17-6/10 feet from iron at S. W. corner Harry Gay lot at end of Monte Vista Avenue at 682-2/10 feet old Lynchburg road in all 1559 feet to a stake back of Eton Circle thence N. 23 degrees 19 minutes W 412-7/10 feet to a stake in lot No. 39 (J. M. Clark & Sons) 6-4/10 feet beyond line of lot No. 40 (Johnson), thence N 2 degrees 40 minutes W at 144 feet a stake in line of lot No. 38 (Blume) and 227-8/10 feet from iron on Hill Top road a corner of Clark, and Blume, at 2097 feet a stake in north edge Stribling Avenue 51-7/10 feet West of iron corner to Lovell, at 2507-6/10 feet center Southern R. R. 1097 feet N. E. from mile post 114, at 3311-5/10 feet stake north margin State road No. 29, 128-9/10 feet West of iron at corner Piedmont Street, at 4178 feet old Lynchburg road 126 feet West of iron, thence crossing said road to its northern margin in the same line to a point, thence in an easterly direction along the northern margin of said road to the western boundary of the University of Virginia lands; thence with the dividing line between the lands of the University of Virginia and Homer Richey in a northerly and westerly direction to a point on the line which crosses U. S. 29 and previously described as having a course of N 2 degrees 40 minutes W; thence with said line N 2 degrees 40 minutes W to an iron 51-8/10 feet beyond center of Observatory Road, thence a line N 37 degrees 58 minutes E. to the line of the property of W. C. Chamberlain, thence in an easterly direction with said Chamberlain line to the eastern margin of the Cemetery road, thence with the eastern margin of said Cemetery road in a northwesterly and northeasterly direction to the southern margin of State Road No. 250; thence crossing said road to an iron 30 feet from the center of same, said crossing of the center line of Ivy Road being approximately 772 feet East of the center of the underpass on the Owensville road; thence through Massie and Duke N 60 degrees 34 minutes E 377-6/10 feet to an iron in the center C. & O. R. R. 945 feet east of center bridge over Owensville road and 1801 feet west of center bridge over State Road No. 29; thence N 74 degrees 45 minutes E 1507-4/10 feet to stake N 39 degrees 49 minutes E 255-8/10 feet to a stake, N 1 degree 50 minutes E 241-6/10 feet to a stake, N 24 degrees 51 minutes E 1284 feet to a stake and small sassafras pt. on hill, N 41 degrees 06 minutes E 474-3/10 feet to a stake and small sassafras pt. on hill N 41 degrees 51 minutes E 501-6/10 feet to a stake 26 feet left of Meadow Creek, N 20 degrees 53 minutes E 332 feet to a stake, thence crossing Meadow Creek N 57 degrees 16 minutes E 108-9/10 feet to a stake, N 47 degrees 54 minutes E 205 feet to stake, thence recrossing Meadow Creek N 53 degrees 14 minutes E 350-5/10 feet to nail in center Barracks road 292 feet N & W from center State road No. 29, thence through Siegfried N 31 degrees 54 minutes E 921-5/10 feet to stake, thence S 80 degrees 40 minutes E at 302-4/10 feet center State road No. 29, thence through Virginia Earhart, City of Charlottesville and Meadow Brook Hills, in all 2136 feet to a stake in Meadow Brook Hills, thence N 72 degrees 20 minutes E 499-1/10 feet to an iron in South edge Macadam Hydraulic road (Rugby Road extended), thence with the southern margin of Hydraulic road in an easterly direction to its intersection with the northern margin of Dairy Road projected, thence in an easterly direction with the northern margin of Dairy

Road to its intersection with the eastern margin of Hill Top road, thence in a southerly direction with the eastern margin of Hill Top Road, to a concrete monument on said road at a point which is S 15 degrees 33 minutes from a stake located 10 feet southeast of a large poplar south of Dairy Road to its intersection with the eastern margin of Hill Top road, of Gentry Woods, thence through Rugby Hills and E. K. O'Brien tracts S 35 degrees 28 minutes East to the western line of the McIntire Municipal Park, thence in a northeasterly, southeasterly and southerly direction with the northwesterly, northerly and easterly lines of the McIntire Municipal Park to a concrete monument of Schenk's Branch, thence S 81 degrees 31 minutes E crossing an iron in Park Street, Extended, 67-8/10 feet southwest from the southwest corner of a capstone on the north rock column of the Wilder most northerly entrance, and continuing thence by the same course through the lands of Wilder to a stake in Smith's land 230-6/10 feet northwest of the iron corner at the present corporation line at the end of Locust Avenue, thence S 8 degrees 20 minutes S 230-6/10 feet to iron at end of Locust Avenue corner present corporation line in all 3126-5/10 feet to point on outside edge of 5-foot cement walk and 1-6/10 feet from its N. W. corner at S. W. corner bridge over the Rivanna River, thence through Albemarle Golf Course S 13 degrees 01 minute W 310-8/10 feet to stake near west bank Rivanna River, thence S 38 degrees 24 minutes W 289-3/10 feet to stake, S 21 degrees 29 minutes W 386-1/10 feet to a stake, S 1 degree 34 minutes W 314 feet to stake, S 4 degrees 36 minutes W 394-7/10 feet to a stake, S 19 degrees 39 minutes W 355-4/10 feet to a stake, S 22 degrees 02 minutes W 257-4/10 feet to a stake, and S 7 degrees 30 minutes E 136-5/10 feet to a stake, thence leaving river S 25 degrees 41 minutes W at 1496 feet center concrete Woolen Mills Road, thence through N. F. Leake & c. at 2587-6/10 feet iron center C. & O. R. R. 1119-5/10 feet east of Richmond and Clifton Forge Division sign, thence through Horace Ferron, & c. at 2758-7/10 feet an iron in all 3059-3/10 feet to iron in north bank Carlton Road, thence in a southeasterly direction to a point on Franklin Street, which point is 150 feet E. of the eastern margin of Nassau Street, thence a line in a southwesterly direction 150 feet east of and parallel to the eastern margin of Nassau Street, thence continuing said line in a westerly direction 150 feet south of and parallel to the southern margin of Nassau Street to its intersection with the Eastern margin of Monticello Road, thence in a southerly direction with the eastern margin of Monticello Road to a monument opposite the southern margin of the old Quarry Road, thence in a westerly direction with the southern margin of said old Quarry Road, to a concrete monument between Rockland and Palatine Avenues, thence a line N 59 degrees 5 minutes W. to an iron in the east bank of the old Scottsville Road or 6th Street, S. E., thence with present corporate line N 78 degrees 50 minutes W 2342 feet to the beginning, shall be and is hereby, made the City of Charlottesville; and the inhabitants of the City of Charlottesville for all purposes for which towns and cities are incorporated in this Commonwealth, shall continue to be one body, politic in fact and in name, under the style and denomination of the City of Charlottesville, and as such shall have all the rights, immunities, powers, and privileges, and be subject to all the duties and obligations now incumbent and pertaining to said city as a municipal corporation; and by that name may sue and be sued, and be subject to all the provisions of the Code of Virginia, except so far as may be herein otherwise provided. (1946, c. 384)

§ 3. Same--University of Virginia excluded.

The grounds, walks, driveways and all the land which on January 1, 1939, belonged to "Rector and Visitors of the University of Virginia" a corporation, although embraced within the boundaries of the City of Charlottesville as described in § 2, shall nevertheless be deemed to be excluded therefrom and shall be, remain and continue in all respects and for all purposes a part of the county of Albemarle; provided that this exception shall not apply to any of the lands now used and embraced within the streets and roads known as West Main Street, Fry's Spring Road, the old Lynchburg Road, Rugby Road, State Highway No. 250, State Highway No. 29, nor any sidewalks on such roads, nor to any portion of the right of way of the Chesapeake and Ohio Railroad, and all of said streets, roads and rights of way within the boundary lines set out in § 2 hereof shall be in and a part of the City of Charlottesville. (1946, c. 384; 1948, c. 124)

§ 4. Wards.

The said city shall be divided into wards as now constituted, but the number of wards may be hereafter increased or diminished and the boundaries thereof changed by the city council as authorized by law. (1946, c. 384)

§ 5. (a) The municipal authorities of the said city shall consist of a council of five members, one of whom shall be mayor, as hereinafter set forth, unless and until this form be changed in manner prescribed by law, a clerk of the corporation court, a Commonwealth's attorney, a treasurer, a sheriff and a commissioner of revenue, who shall be elected by the qualified voters of the City of Charlottesville at elections held at the intervals and on the day prescribed for such elections by the laws of the State. All persons who are qualified voters of the City of Charlottesville shall be eligible to any of the said offices. The terms of offices of all of said officers shall begin and continue for such length of time as is prescribed by law; provided, that any of said officers shall be eligible to one or more offices to which he may be elected or appointed by the council. All the corporate powers of said city shall be exercised by said council, or under its authority, except as otherwise provided herein.

(b) The form of government for said city shall be the city manager plan as follows: All corporate powers, legislative and executive authority vested in the City of Charlottesville by law shall be and are hereby vested in a council of five members to be elected at large from the qualified voters of the city, except as hereinafter provided.

(c) Each of said councilmen shall receive an annual salary to be set by the council, not to exceed thirty-six hundred dollars each (except the president of said council, who shall be mayor, and shall receive a salary not to exceed forty-eight hundred dollars) from the city for their services.

(d) In accordance with the general laws of the Commonwealth, the election of councilmen shall be held in May of 1972, and biennially thereafter. At the election in May of 1972 there shall be elected three members of council and at the election in May of 1974, there shall be elected two members of council to fill vacancies occurring on the first of July in the respective years in which they are elected. The term of office of the councilmen shall be four years. The members of the council on the effective date of this charter amendment are hereby confirmed in office until the first day of July in the final year of the term of office for which they were elected.

(e) It shall be the duty of the said council of five members to elect a city manager, at the salary to be fixed by them, who shall serve at the pleasure of the council.

(f) Subject to general control by the council as provided in subsection (b) hereof, the city manager shall have full executive and administrative authority and shall have the right to employ and discharge all employees under his control. All departments of city government, including the fire department and police department, shall be under the general supervision of the city manager. The city manager shall give a bond for the faithful performance of his duties in such sum as the council may require. Subject to the general power of the council as provided in subsection (b) hereof and except as the council may by ordinance otherwise provide, the city manager shall have the powers vested in city managers by §§ 15.1-926 and 15.1-927 of the Code of Virginia and general laws amendatory thereof.

(g) Said council shall elect a director of finance who shall serve at the pleasure of the council and who shall superintend the fiscal affairs of the city, and shall manage the same in the manner required by the council.

In all other respects the said council shall have and be vested with the same authority heretofore exercised by the council, and in all other respects their duties and liabilities shall be regulated by the existing laws, not in conflict therewith. (1946, c. 384; 1950, c. 413; 1962, c. 463; 1964, c. 137; 1972, c. 184; 1974, c. 7)

§ 5.1. The council shall have authority to order, by resolution directed to the corporation court of the city or the judge thereof in vacation, the submission to the qualified voters of the city for an advisory referendum thereon any proposed ordinance or amendment to the city charter. Upon the receipt of such resolution the corporation court of the city or the judge thereof in vacation shall order an election to be held thereon not less than thirty nor more than sixty days after the receipt of such resolution. The election shall be conducted and the result thereof ascertained and determined in the manner provided by law for the conduct of general elections and by the regular election officials of the city. If a petition requesting the submission of an amendment to this charter, set forth in such petition, signed by qualified voters equal in number to ten per centum of the largest number of votes cast in any general or primary election held in the city during the five years immediately preceding, each signature to which has been witnessed by a person whose affidavit to that effect is attached to the petition, is filed with the clerk of the corporation court of the city he shall forthwith certify that fact to the court or judge thereof in vacation. Upon the certification of such petition the corporation court of the city or the judge thereof in vacation, shall order an election to be held not less than thirty nor more than sixty days after such certification, in which such proposed amendment shall be submitted to the qualified voters of the city for their approval or disapproval. Such election shall be conducted and the result thereof ascertained and determined in the manner provided by law for the conduct of general elections and by the regular election officials of the city. If a majority of those voting thereon at such election approve the proposed amendment such result shall be communicated by the clerk of the corporation court of the city to the two houses of the General Assembly and to the representatives of the city therein with the same effect as if the council had adopted a resolution requesting the General Assembly to adopt the amendment.

Nothing contained in this section shall be construed as affecting the provisions of § 14-a of this charter. (1960, c. 327; 1962, c. 332)

§ 6. Officers and clerks elected by council.

There may be elected by the council such officers and clerks as said council deems proper and necessary, who shall serve at the pleasure of council, and any one or more of said offices may be held and exercised by the same person. It may be competent for the council, in order to secure the services of a suitable person, to elect non-residents, but such officer, other than the clerk of the council, shall reside in the city during his tenure of office. (1946, c. 384; 1972, c. 184; 2010, cc. 147, 217)

§ 7. Oaths of office and qualification of officers; failure to qualify.

The councilmen, and other officers elected by the people shall each, before entering upon the duties of their offices, take the oaths prescribed for all other officers by laws of Virginia, and qualify before the corporation court of said city, or the judge thereof in vacation, and in the cases of the mayor and councilmen a certificate of such oaths having been taken, shall be filed by them, respectively, with the clerk of the council, who shall enter the same upon the journal thereof; but if any or either of said officers shall fail to qualify, as aforesaid, for ten days after the commencement of the term for which he, or they, were elected, or shall neglect for a like space of time to give such bond as may be required of him, his office or their offices shall be deemed vacant. (1946, c. 384)

§ 8. Vacancy in office of mayor or councilmen.

Whenever, from any cause, a vacancy shall occur in the office of mayor, it shall be filled by the council and a vacancy in the office of councilmen shall be filled by that body at its next regular meeting from the qualified electors of said city, and the officer thus elected shall hold his office for the term for which his predecessor was elected, unless sooner vacated by death, resignation, removal, or from other causes. An entry of said election shall be made in the record book. If the mayor of said city or a councilman shall remove from the city limits, such removal shall operate to vacate his office. (1946, c. 384)

§ 9. Council--President and vice-president.

At its first meeting in July, 1972, and biennially thereafter, the council shall elect one of its members to act as president, who shall preside at its meetings and continue in office two years. Or if a vacancy occur in the office before the end of his term, such vacancy shall be filled as provided in § 8.

At the same time the council shall elect one of its members to be a vice-president, who shall preside at such meetings in the absence of the president, and who, when the president shall be absent or unable to perform the duties of his office, by reason of sickness, or other cause, shall perform any and all duties required of, or entrusted to, the president. The president, or the vice-president, when authorized, as above stated, to act, shall have power at any time to call a meeting. (1946, c. 384; 1972, c. 184)

§ 10. Same--Quorum.

Three councilmen shall constitute a quorum for the transaction of business at any meeting of that body. (1946, c. 384)

§ 11. Same--President and vice-president entitled to vote.

The president, or vice-president, as the case may be, shall be entitled to a vote on all questions as any other member, but in no case shall he be entitled to a second vote on any question, though it be necessary to break a tie--that is to say, his office shall not entitle him to a vote. (1946, c. 384)

§ 12. Same--Authority generally; meetings; journal of proceedings; general ordinance book; inspection of documents and papers.

The council shall have authority to adopt such rules and to appoint such officers and clerks as it may deem proper for the regulation of its proceedings, and for the convenient transaction of business, to compel the attendance of absent members, to punish its members for disorderly behavior, and by vote of two-thirds of all the members elected to it, expel a member for malfeasance or misfeasance in office. The council shall keep a journal of its proceedings, and its meetings shall be open, except when it votes to hold an executive or closed session pursuant to general law. The council shall also require to be kept by its clerk a separate book, termed "the general ordinance book," in which shall be recorded all ordinances and resolutions of a general and permanent character, properly indexed and opened to the public inspection. Other documents or papers in the possession of the clerk of the council which may affect the interest of the city shall not, be exhibited nor copies thereof furnished, except as may be required by law. (1946, c. 384; 1972, c. 184)

§ 13. Same--Minutes.

At each regular meeting of the council the proceedings of the last regular meeting and all intervening called meetings, shall be presented, and thereupon be corrected, if erroneous, and signed by the person presiding for the time being.

Upon the call of any member the ayes and noes shall be recorded in the journal. (1946, c. 384; 1972, c. 184)

§ 14. Same--Powers enumerated.

The council of the city, except as hereinbefore provided, shall have the power within said city to control and manage the fiscal and municipal affairs of the city and all property, real and personal, belonging to said city; they shall have power to provide a revenue for the city, and appropriate the same to its expenses, also to provide the annual assessments of taxable persons and property in the city, and it may make such ordinances, orders, and by-laws relating to the foregoing powers of this section as it shall deem proper and necessary. They shall likewise have power to make such ordinances, by-laws, orders and regulations as it may deem desirable to carry out the following powers which are hereby vested in them:

First. To close, extend, widen, narrow, lay out, grade, improve and otherwise alter streets and public alleys in the said city, and have them properly lighted and kept in good order, and it may make or construct sewers or ducts through the streets or public grounds of the city, and through any place, or places whatsoever, when it may be deemed expedient by the said council. The ownership of any land included in any street that is closed shall be in accord with general law. The said council may have over any street or alley in the city, which has been, or may be ceded to the city, like authority as over streets or alleys, and may prevent or remove any structure, obstruction or encroachment over, or under, or in a street or alley, or any sidewalk thereof.

Second. To prevent the cumbering of the streets, avenues, walks, public squares, lanes, alleys, or bridges in any manner whatsoever; to compel the occupant or owner of buildings or grounds to remove snow, dirt or rubbish from the sidewalks in front thereof.

Third. To extinguish and prevent fires, prevent property from being stolen, and to compel citizens to render assistance to the fire department in case of need, and to establish, regulate and control a fire department for said city; to regulate the size of

materials, and construction of buildings hereafter erected, in such manner as the public safety and convenience may require; to remove, or require to be removed, any building, structure, or addition thereto which, by reason of dilapidation, defect of structure, or other causes, may have, or shall, become dangerous to life or property, or which may be erected contrary to law; to establish and designate from time to time fire limits, within which limits wooden buildings shall not be constructed, removed, added to or enlarged, and to direct that all future buildings within such limits shall be constructed of stone, natural or artificial, concrete, brick or iron.

Fourth. To regulate and prescribe the breadth of tires upon the wheels of wagons, carts, and vehicles of every kind and description used upon the streets of said city.

Fifth. To provide for the preservation of the general health of the inhabitants of said city, make regulations to secure the same, prevent the introduction of spreading of contagious or infectious diseases, and prevent and suppress diseases generally; to provide and regulate hospitals within or without the city limits, and to enforce the removal of persons afflicted with contagious or infectious diseases to hospitals provided for them; to provide for the appointment and organization of a board of health or other board to have the powers of a board of health for said city, with the authority necessary for the prompt and efficient performance of its duties, with power to invest any or all the officials or employees of such department of health with such powers as the officers of the city have; to regulate the burial, cremation, or disposition of the dead; to compel the return of births and deaths to be made to its health department, and the return of all burial permits to such department.

Sixth. To acquire by purchase, condemnation, or otherwise, either within or without the city, lands to be appropriated, improved and kept in order as places for the interment of the dead, and may charge for the use of the grounds in said places of interment, and may regulate the same; to prevent the burial of the dead in the city, except in public burying grounds; to regulate burials in said grounds; to require the keeping and return of bills of mortality by the keepers (or owners) of all cemeteries, and shall have power within the city to acquire by purchase, condemnation, or otherwise, such lands, and in such quantity as it may deem proper or necessary for the purpose of burying the dead; provided, however, that no part of such cemeteries, when established or enlarged, shall be within one hundred feet of any residence without the consent of the owner of the legal and equitable title of such residence, and provided further that the provisions of Chapter one hundred and seventy-six of the Code of Virginia, as now existing or hereafter amended, for condemnation of land thereunder so far as applicable shall apply to condemnation proceedings by the city hereunder.

The title to any land acquired by condemnation hereunder shall vest in the City of Charlottesville.

Seventh. To establish a quarantine ground within or without the city limits, and such quarantine regulations against infectious and contagious diseases as the said council may see fit, subject to the laws of the State, and of the United States.

Eighth. To require and compel the abatement and removal of all nuisances within the said city, or upon any property owned by said city, without its limits, at the expense of the person or persons causing the same, or the occupant or owner of the ground whereon the same may be; to prevent and regulate slaughter houses, and soap and candle factories within said city, or the exercise of any dangerous, offensive or unhealthy

business, trade or employment therein; to regulate the transportation of all articles through the streets of the city; to compel the abatement of smoke and dust; to regulate the location of stables, and the manner in which they shall be constructed and kept.

Ninth. If any ground in the said city shall be subject to be covered by stagnant water, or if the owner or occupant thereon shall permit any offensive or unwholesome substance to remain or accumulate thereon, the said council may cause such ground to be filled up, raised, or drained, or may cause such substance to be covered or removed therefrom, and may collect the expense of so doing from the said owner or occupant by distress or sale, in the same manner in which taxes levied upon real estate for the benefit of said city are authorized to be collected; provided, that reasonable notice shall be first given to the said owner or occupant or his agent. In case of nonresident owners, who have no agent in said city, such notice may be given by publication for not less than ten days, in any newspaper published in said city, such publication to be at the expense of said owner, and cost thereof to be collected as a part of the expense hereinbefore provided for.

Tenth. To direct the location of all buildings for storing gunpowder or other explosives or combustible substances; to regulate or prohibit the sale and use of dynamite, gunpowder, firecrackers, kerosene oil, gasoline, nitroglycerine, camphene, burning fluid, and all explosives or combustible materials, the exhibition of fireworks, the discharge of firearms, the use of candles and lights in barns, stables and other buildings, the making of bonfires and the carrying of concealed weapons.

Eleventh. To prevent the running at large in said city of all animals and fowls, and to regulate and prohibit the keeping or raising of the same within said city, and to subject the same to such confiscation, levies, regulations and taxes as it may deem proper.

Twelfth. Insofar as not prohibited by general law, to prevent the riding or driving of animals at improper speed, to regulate the speed and manner of use upon the streets of said city of all animals or vehicles; to prevent the flying of kites, throwing of stones, or the engaging in any employment or sport in the streets or public alleys, dangerous or annoying to the public, and to prohibit and punish the abuse of animals.

Thirteenth. To restrain and punish drunkards, vagrants, mendicants and street beggars.

Fourteenth. To prevent vice and immorality; to preserve public peace and good order, to prevent and quell riots, disturbances and disorderly assemblages; to suppress houses of ill-fame, and gaming houses; to prevent lewd, indecent or disorderly conduct or exhibitions in the city, and to expel from said city persons guilty of such conduct.

Fifteenth. Repealed.

Sixteenth. And the said council shall also have power to make such other and additional ordinances as it may deem necessary for the general welfare of said city; and nothing herein contained shall be construed to deprive said city of any of the powers conferred upon it, either by general or special laws of the State of Virginia, except insofar as the same may be inconsistent with the provision of this charter.

Seventeenth. Said council shall have power to require and take from such officers and employees, as they may see fit, bonds with security and in such penalty as they may prescribe, which bonds shall be made payable to the city by its corporate name, and conditioned for the faithful discharge of their duties; such bonds shall be filed with the clerk of the council.

Eighteenth. Said council shall have power to erect, or authorize or prohibit the erection of gas works, waterworks, or electric light works in or near the city, and to regulate the same.

Nineteenth. To prohibit the pollution of water which may be provided for the use of the city.

Twentieth. To pass all by-laws, rules and ordinances, not repugnant to the Constitution and laws of the State, which they may deem necessary for the good order and government of the city, the management of its property, the conduct of its affairs, the peace, comfort, convenience, order, morals, health, and protection of its citizens or their property, including authority to keep a city police force; and to do such other things, and pass such other laws as may be necessary or proper to carry into full effect any power, authority, capacity, or jurisdiction, which is, or shall be granted to, or vested in said city, or officers thereof, or which may be necessarily incident to a municipal corporation; and to enable the authorities of said city more effectually to enforce the provisions of this section, and any other powers conferred upon them by this charter, their jurisdiction, civil and criminal, is hereby declared to extend one mile beyond the corporate limits of said city.

Twenty-first. To create a floating debt not exceeding two hundred thousand dollars when, by a vote of the total membership of the council, the council has passed a resolution declaring it expedient to do so, and when the creating of the floating debt thereby provided for is for the purpose of installing, or extending, one or more public utilities, which constitute an asset, or assets, at least equal in value to the amount expended thereon, which utility, or utilities, shall materially add to the service rendered by the city to its taxpayers and other citizens; and it shall be the duty of the council to provide in the next bond issue for the bonding of the floating debt thus created, and failure to do this shall suspend this clause. (1946, c. 384; 1950, c. 413; 1972, c. 184)

§ 14-a. Before the Charlottesville Redevelopment and Housing Authority undertakes any public housing project within the city, it shall obtain the approval of the council on each construction site, as hereinafter set forth. The application for approval shall have a plat, certified by a registered surveyor or engineer, or a plat prepared from the current city land book showing city parcel numbers of the land concerned and attested by the City Assessor, attached to and made a part of such application. The plat shall identify the proposed site and show the proposed development of the site.

The council shall advertise for at least two weeks in a newspaper published in the city that the authority has applied for the approval of the council under this section and shall give notice therein of the time and place for a hearing on such request, which hearing shall be at least thirty days from the date of the first advertisement. The council may approve such application following such hearing. (1960, c. 230; 1962 c. 332; 1970, c. 93; 1973, c. 359)

§ 14-b. After the effective date hereof it shall be unlawful to introduce fluorine, or sodium fluoride, or any compound or combination thereof into the city's public water system unless the voters of the city approve the same in a referendum called and held under § 24-141 of the Code, as amended; such referendum to be initiated by a petition seeking introduction of such chemicals filed with the council as hereinafter set forth. The petition shall be signed by qualified voters equal in number to ten per centum of the largest number of votes cast in any general or primary election held in the city during the

five years immediately preceding, each signature to which has been witnessed by a person whose affidavit to that affect is attached to the petition. If a majority of the voters voting in the election approve, fluorine, sodium fluoride, or a compound thereof may be added to such water supply; but, if a majority so voting, vote against them then neither fluorine, sodium fluoride, nor any compound thereof shall be added to such water supply system. If a referendum is held hereunder another referendum thereon shall not be held until the expiration of two years. (1962 c. 332)

§ 15. Same--Borrowing in anticipation of taxes; evidences of debt; interest.

The council may also borrow money in anticipation of the collection of the taxes and revenues in the city, in any amount or amounts not exceeding two hundred thousand dollars at any one time. The council may issue negotiable notes or other evidences of debt for all money borrowed under this section. Such notes or other evidences of debt may be renewed from time to time, but all such notes or other evidences of debt shall mature within twelve months. No money shall be borrowed under this section at a rate of interest exceeding six per cent per annum, and it shall be the duty of the council to provide in the next bond issue for the bonding of the floating debt thus created. (1946, c. 384; 1950, c. 413)

§ 16. Special assessment for local improvements.

Local assessments upon abutting landowners for making and improving the sidewalks upon the streets and improving and paving the alleys, and for either the construction or for the use of sewers, may be imposed not in excess of the peculiar benefits resulting therefrom to such abutting landowner. And the same shall be regulated as prescribed by the general laws. (1946, c. 384)

§ 17. Enactment of ordinances, etc.; punishment for violation; enjoining violation; use of county jail; appeal to corporation court.

To carry into effect the powers herein enumerated, and all other powers conferred upon said city and its council by the laws of Virginia, said council shall have power to make and pass all proper and needful orders, by-laws, and ordinances not contrary to the Constitution and laws of said State, and to prescribe reasonable fines and penalties, including imprisonment in the city jail, which fines, penalties or imprisonment shall be imposed, recovered and enforced by and under the civil and police justice (judge of the municipal court). The city may maintain a suit to restrain by injunction, the violation of any ordinance, notwithstanding such ordinance may provide punishment for its violation. In all cases where a fine or imprisonment is imposed by the civil and police justice (judge of the municipal court), or by the council, the party or parties so fined or imprisoned shall have the right of appeal to the corporation court of said city. All fines imposed for the violation of the city charter, by-laws, or ordinances, shall be paid into the city treasury. (1946, c. 384; 1972, c. 184)

§ 18. Conservators of the peace.

Each councilman, and the civil and police justice of said city, for the time being, are declared to be, and are hereby, constituted conservators of the peace within said city, and within one mile from the corporate limits thereof, and shall have all the powers and authority, in civil, as well as in criminal cases, as justices of the peace. And the chief of police and the policemen of the city shall also be conservators of the peace within the limits aforesaid, and all proper arrests may be made and warrants of arrest executed by such chief of police and policemen. (1946, c. 384)

§ 19. Budget; levy of taxes.

At least thirty days prior to the time when the annual tax levy or any part thereof is made, the council shall cause to be prepared a budget containing a complete itemized and classified plan of all proposed expenditures and all estimated revenues and borrowing for the ensuing appropriation year. Opposite each item of the proposed expenditures the budget shall show in separate parallel columns, the amount appropriated for the preceding appropriation year; the amount expended during that year, the amount appropriated for the current appropriation year and the increases and decreases in the proposed expenditures for the ensuing year as compared to the appropriation for the current year. This budget shall be accompanied by an itemized and complete financial balance sheet at the close of the last preceding appropriation year.

A brief synopsis of the budget shall be published in a newspaper published in the City of Charlottesville and notice given of at least one public hearing at least fifteen days prior to the date set for the hearing, at which any citizen of the said City of Charlottesville shall have the right to attend and state his views thereon. After such hearing is had, the council shall by appropriate order adopt and enter on the minutes thereof a synopsis of a budget covering all expenditures for the next appropriation year hereinbefore required. The said council shall order a city levy of so much money as in its discretion shall be sufficient to meet all just demands against the city. (1946, c. 384)

§ 20. In order to execute its powers and duties and to meet the wants and purposes of the city, the council is hereby vested with power and authority to levy taxes upon persons, property, real and personal, privileges, businesses, trades, professions and callings and upon such other subjects of taxation and in such amounts as the council shall deem necessary and proper to provide such sums of money as they shall deem expedient without limitation as to subject, except such as may be expressly provided by general laws or Constitutional provision and without limitation as to rate except such as may be provided by the Constitution of this State.

Taxes assessed against real estate subject to taxes shall be a lien on the property and the name of the person listed as owner shall be for convenience in collection of taxes. The lien for taxes shall not be limited to the interest of the person assessed but shall be on the entire fee simple estate. There shall be no lien when for any year the same property is assessed to more than one person and all taxes assessed against the property in one of the names have been paid for that year.

When taxes are assessed against land in the name of a life tenant or other person owning less than the fee or owning no interest, the land may be sold under the provisions of §§ 58-1014 to 58-1020, 58-1101 to 58-1108, 58-762, Code of Virginia, 1950, as amended, or other laws for the sale of land for delinquent taxes provided the owner of record or his heirs be made parties to the proceeding for sale which may be instituted anytime after December fifth of the year in which the taxes are assessed. (1946, c. 384; 1948, c. 124; 1950, c. 413; 1958, c. 111)

§ 21. Appropriations for advertising city.

The council may each year make appropriation out of the city revenues of an amount not exceeding three cents on each one hundred dollars of the assessed value of the property in the city assessed for taxation for use in purposes which will, in the judgment of the council, advertise the city. (1946, c. 384)

§ 22. Licenses and license taxes; regulation of vehicles for hire.

License taxes may be imposed by ordinance on businesses, trades, professions and callings and upon the persons, firms, associations and corporations, engaged therein and the agent thereof without limitation as to subject or rate except such as may be provided by the Constitution of this State and the Constitution of the United States.

License taxes not inconsistent with general law may be imposed upon vehicles using the streets of the city, and the council may prescribe a schedule of charges for vehicles using said streets for hire. (1946, c. 384; 1950, c. 413)

§ 23. Collection of revenue; custodian of city funds.

The revenue from these and other sources shall be collected, paid over, and accounted for at such times and to such persons as the council shall order, and pursuant to such ordinance as now exists or may hereafter be passed by the council. The city treasurer shall be the custodian of all the funds of the city. (1946, c. 384)

§ 24. Reports of treasurer; publishing.

At the end of each fiscal year and at such additional times as the council may direct, the council shall require the director of finance of the said corporation to make out a report of the receipts and expenditures, together with a balance sheet of said city for the preceding period, which report shall state on what account the expenditures were made, and from what source or sources the receipts were derived, which report when approved by the council, or in such manner as the council may direct, shall be published in one or more newspapers of the city within sixty days after the close of the period for which the report is presented. (1946, c. 384; 1972, c. 184)

§ 25. Refunding bonds.

The council of said City of Charlottesville is hereby authorized to make and issue the registered or coupon bonds of said corporation, payable not exceeding forty years after their date, bearing interest at not more than five per centum per annum, payable semi-annually; said bonds to be used exclusively in paying off and discharging the principal and interest of the present bonded debt of the corporation of Charlottesville. The said council shall not be authorized to dispose of such bonds at less than par value, except by a recorded affirmative vote of all the members elected to the council. Said registered and coupon bonds shall be regularly numbered, signed by the mayor, clerk and treasurer of the city, and recorded in a book kept for that purpose. (1946, c. 384)

§ 26. Sinking fund.

To provide for the payment of the bonded debt of the city there shall be set apart annually by the council from the revenues of the city such sum as will be sufficient to meet each issue of bonds, either heretofore or hereafter issued, as the same shall become due, except that for any issue of bonds a definite amount of which is payable annually and known as serial bonds, no sum shall be so provided; but for such serial bonds the council shall make in their annual budget definite provision for their payment. The funds thus set apart shall be paid in two equal installments on the first day of January and the first day of July in each year, to the sinking fund commissioners hereafter designated, and shall, together with the accretions thereto arising from interest on investments et cetera, be known as the sinking fund, and be held sacred for the payment of the debt of the city as it shall become due; and if no part of said debt be due or payable, said fund shall be invested in the bonds or certificates of debt of said city, or of this State, or the United States, or of some state of this Union, or any other securities which under the laws of the State of Virginia are designated and approved for the investment of fiduciary funds; said

fund shall, in the hands of the treasurer, as to all questions of investments, purchase or sale within the limitations of this section, be subject to the orders and management of the mayor, chairman of the finance committee of the council, director of finance and treasurer, who together shall compose the sinking fund commission. (1946, c. 384)

§ 27. Loans and bonds; debt limitation; bond elections.

The council of said city may negotiate any loan or loans for the purpose of improving the streets, lighting the same, buying necessary real estate, erecting public buildings, supplying the city with water, sewerage, and for other purposes; and shall have authority to issue registered and coupon bonds, as well as serial, registered and coupon bonds, for the said loan or loans, payable not more than forty years after the date of said bonds, and said bonds shall bear interest, payable semiannually; provided, that the council shall not negotiate such loan or loans, and issue bonds therefor, for sums which when added to the debt of the city then existing, shall cause the total indebtedness of the city to be greater than eighteen per centum of the assessed valuation of the real estate of the city subject to taxation, as shown by the last preceding assessment for taxes; provided, however, that in determining the limitation of the power of the city to incur indebtedness, there shall not be included the classes of indebtedness mentioned in subsections (a) and (b) of section one hundred and twenty-seven of the Constitution of the State. Whenever the question of the issuance of any bonds of said city is required by the Constitution of Virginia or by the action of the council of said city to be approved by the affirmative vote of a majority of the qualified voters of the city who vote upon the question of their issuance, such majority shall also include a majority of the votes cast by those taxpayers of the city at such election who pay a tax on real or personal property assessed at five hundred dollars or more. Such election shall be held and conducted in accordance with the law of Virginia regarding elections by the people. (1946, c. 384; 1950, c. 413; 1970, c. 93)

§ 28. Sale of public utilities; approval by voters.

The rights of the city in its gas, water and electric works and sewer plant, now owned, or hereafter acquired, shall not be sold even after such action of the council as is prescribed by § 3016 of the Code of Virginia of 1919, until and except such sale shall have been approved by a majority of the qualified voters of the city, voting on the question at a special election ordered by the council and subject in other respects to the provisions of §24 of this charter applicable to a special election. (1946, c. 384)

§ 29. City sheriff.

The city sheriff shall attend the terms of the corporation court of said city and shall act as the officer thereof; the said sheriff may appoint one or more deputies, who may be removed from office by the sheriff, and may discharge any of the duties of the office of sheriff, but the sheriff and his sureties shall be liable therefor. The city sheriff shall also have all power and authority and perform all duties imposed by general law upon sheriffs and constables of cities. (1946, c. 384; 1972, c. 184)

§ 30. Authority of officers appointed by council.

The officers of said city elected or appointed, by the council shall, during the time they are in office have all the power and authority of like officers in the State under its general laws, unless the same be abridged or restricted by the council. (1946, c. 384)

§ 31. Prohibition of immoral shows, etc.

The mayor or the council may prohibit any theatrical or other performance, show or exhibition within said city or a mile of its corporate limits, which may be deemed injurious to morals or good order. (1946, c. 384)

§ 32. (1946, c. 384; 1950, c. 413; repealed, 1972, c. 184)

§ 33. The judge of the municipal court of said city, and substitute judge of said court, shall each be appointed for a term of four years by the judge of the Corporation Court of the City of Charlottesville, except that the term commencing on January 1, 1974, shall expire June 30, 1974. Said judges shall have such jurisdiction as is provided by general law; they shall receive no fees for services as judge or substitute judge, but all such fees shall be turned into the city treasury. The judge shall also have jurisdiction of and try violations of the city ordinances, and inflict such punishment as may be prescribed for a violation of the same. The judge shall have authority to issue his warrant for the arrest of any person or persons violating any of the ordinances, acts or resolutions of said city; it shall be his duty especially to see that peace and good order are preserved, and persons and property are protected in the city; he shall have power to issue executions for all fines and costs imposed by him or he may require the immediate payment thereof. The judge shall hold his court daily, except Saturday and Sunday, at the place prescribed by the council. If from any cause the judge of said court shall be unable to act, the substitute judge shall discharge the duties prescribed herein during such inability. The judge and substitute judge shall receive a salary for their services, to be fixed and paid by the council.

All papers connected with any civil action or proceeding in the municipal court of this city, except those in actions or proceedings (1) in which no service of process is had, (2) which are removed or appealed, and (3) in which the papers are required by law to be sooner returned to the clerk's office of a court of record, shall be properly indexed, filed and preserved in the municipal court of the city.

The power of appointment, in the judge of the Corporation Court of the City of Charlottesville, shall become effective January 1, 1966, at the expiration of the term of the present incumbent. (1946, c. 384; 1964, c. 137; 1972, c. 184; 1973, c. 22)

§ 34. Salaries fixed by council.

The salaries of all officers who receive stated compensation for their services from the city shall be fixed by the council. (1946, c. 384)

§ 35. Stated and special meetings of council.

The council shall fix by ordinance the time for holding their stated meetings and no business shall be transacted at a special meeting, unless by unanimous consent, except that for which it shall have been called, and every call for a special meeting shall specify the object thereof. (1946, c. 384)

§ 36. Granting franchises.

The regulation and restrictions for granting any franchise in the city shall be such as are provided by the general law. (1946, c. 384)

§ 37. Receipt and disbursement of moneys by treasurer.

All moneys belonging to said city shall be paid over to the treasurer, and no money shall be by him paid out except as the same shall have been appropriated and ordered to be paid by the council, and the said treasurer shall also pay the same upon warrants approved in such manner as may be prescribed by ordinance of the council. (1946, c. 384)

§ 38. Recovery against treasurer and sureties.

If the said treasurer shall fail to account for and pay over all of the moneys that shall come into his hands when thereto required by the council, it shall be lawful for the council, in the corporate name of the city, by motion before any court of record having jurisdiction in the City of Charlottesville, to recover from the treasurer and his sureties, or their personal representatives, any sum that may be due from said treasurer to said city on ten days' notice. (1946, c. 384)

§ 39. Collection of fines.

All fines imposed for any violation of any city ordinance or State law shall be collected by the clerk of the civil and police justice court; and if said clerk shall fail to collect, account for, and pay over all the fines in his hands for collection, it shall be lawful for the council to recover the same, so far as the same are accruing to the city, by motion, in the corporate name of the city, before the corporation court of said city, against the said clerk, his sureties on his said bond, or any or either of them, his or their executors or administrators, on giving ten days' notice of the same. (1946, c. 384)

§ 40. Animals running at large.

The council shall have power to make such ordinances, by-laws, orders and regulations as they may deem necessary to prevent dogs, hogs and other animals from running at large in the limits of the city, and may subject the owners thereof to such fines, regulations and taxes as the council may deem proper, and may sell said animals at public auction to enforce the payment of said fines and taxes; and may order such dogs, as to which there is default, to be killed by a policeman or constable. (1946, c. 384)

§ 41. Taking or damaging private property.

The city shall not take or damage any private property for streets, or other public purposes, without making to the owner, or owners, thereof just compensation for the same. But in all cases where the city council cannot by agreement obtain title to the ground necessary for such purposes, it shall be lawful for it to apply to the circuit court of the county in which the land shall be situated, or to the proper court of the city having jurisdiction of such matters, if the subject lie within the city, to condemn the same. (1946, c. 384)

§ 42. Encroachments upon streets.

In every case where a street in said city has been or shall be encroached upon by any fence, building or otherwise, the city council may require the owner or owners, if known, and if unknown the occupant or occupants of the premises so encroaching to remove the same. If such removal shall not be made within the time ordered by the city council, it may impose a penalty of five dollars for each and every day that it is allowed to continue thereafter, and may cause the encroachment to be removed, and collect from the owner all reasonable charges therefor, with cost, for which there shall be lien on the premises so encroaching, which lien may be enforced in a court of equity having jurisdiction of the subject. No encroachment upon any street, however long continued, shall constitute an adverse possession thereto, or confer any right upon the person claiming thereunder as against said city. (1946, c. 384)

§ 43. Filing claim for damages condition precedent to action against city.

No action shall be maintained against the said city for damages for a injury to any person or property alleged to have been sustained by reason of the negligence of the city, or any officer, agent or employee thereof, unless a written statement of the claimant, his

agent or attorney, of the nature of the claim and of the time and place at which the injury is alleged to have occurred or been received shall have been filed, as provided by general law. (1946, c. 384; 1972, c. 184)

§ 44. Continuance of rights, etc., of city; ordinances, etc.

All rights, privileges and properties of the City of Charlottesville heretofore acquired and possessed, owned and enjoyed by any act now in force, not in conflict with this act, shall continue undiminished and remain vested in said city under this act; and all laws, ordinances and resolutions of the corporation of Charlottesville now in force, and not inconsistent with this act, shall be and continue in full force and effect in the City of Charlottesville, until regularly repealed. (1946, c. 384)

§ 45. Corporation court.

The corporation court of the City of Charlottesville shall remain as it now exists and be held by the city judge at such times as are, or may be, designated by law, and the jurisdiction of said court shall be such as is now prescribed; provided, of course, that the power to abolish said court in accordance with the Constitution of the State is in no way hereby affected. And the City of Charlottesville shall remain a part and parcel of the same legislative and senatorial district to which it now belongs. (1946, c. 384)

§ 45-a. School Board.

The City of Charlottesville shall constitute a single school district. The school board of the city shall consist of seven members to be appointed by the council and there shall be at least one member from each ward of the city. The council shall appoint three members of the board to serve for a term of three years, two members to serve for a term of two years, and two members to serve for a term for one year from July 1, 1948, and all subsequent appointments shall be for a term of three years. Vacancies occurring otherwise than by expiration of the term of office shall be filled by the council for the unexpired term. No member shall be eligible to serve more than three successive full three year terms. The board shall have all powers and perform all duties granted to and imposed upon school boards of cities by general law. (1948, c. 124)

§ 46. Water supply and sewerage system.

That the corporate authorities of said city be, and they are hereby, authorized and empowered to erect suitable dams and reservoirs, and to lay suitable pipes to supply said city with an adequate supply of water, and to establish and construct a sewerage system for said city; and for such purpose to acquire, either by purchase or by condemnation, according to the provisions of the general law for the condemnation of lands by incorporated cities, such lands and so much thereof as may be necessary for the aforesaid purposes. (1946, c. 384)

§ 47. Elections.

All elections under this charter shall conform to the general law of the State in regard to elections by the people. (1946, c. 384)

§ 48. County property within city limits; arbitration; school property in Charlottesville school district; Miller Manual Labor School.

The property now belonging to the county of Albemarle within the limits of the City of Charlottesville shall be within and subject to the joint jurisdiction of the county and city authorities and officers, and shall not be subject to taxation by the authorities of either county or city; and if the county and city aforesaid cannot agree upon the terms of joint occupancy and use of such property in regard to which settlements may not have

already been effected, the right of said city to such joint occupancy and use being hereby recognized, then the board of arbitration herein provided for shall determine the terms of such joint occupancy and use, and said board of arbitration shall determine what rights, if any, the city aforesaid has in all other county property; but this is subject to the recognition of the right of the city, as well as the county (through the district school board or otherwise) in the school property in Charlottesville school district; and nothing herein contained shall affect the rights of the inhabitants of said city to participate in the benefits of the Miller Manual Labor School in the Samuel Miller district in said county. (1946, c. 384)

§ 49. Board of arbitrators; duties; awards.

A board of arbitrators composed of three members, one to be selected by the board of supervisors of Albemarle County, one by the council of Charlottesville, and they to choose a third is hereby established, whose duty it shall be to adjust and decide the matters hereinbefore submitted to them, and all such other questions as may arise between said city and county, growing out of the extension of corporation limits, and the establishment of a city government. The awards of said arbitrators shall be entered upon the records as the judgments of the city court or the county circuit court, as the arbitrators may designate. (1946, c. 384)

§ 50. Same person may hold county and city office.

And it is further provided that the same person shall be eligible to and, if elected, may hold a county office and a city office, if the said offices be of the same nature, at the same time; provided, such officer lives within the city limits; and any person otherwise qualified, who is a resident of the City of Charlottesville shall be eligible to election or appointment to any county office of Albemarle County. (1946, c. 384)

§ 50.1. The powers set forth in §§ 15.1-837 through 15.1-907 of the Code of Virginia as in force on January 1, 1970, are hereby conferred on and vested in the City of Charlottesville, Virginia. Should the powers granted by this section conflict with any provision contained in Chapter 384 of the Acts of Assembly of 1946, approved March 28, 1946, as amended, then the provisions contained in this section shall control, provided, however, that in no event shall such a conflict be held to reduce or limit any powers heretofore possessed by the City of Charlottesville pursuant to Chapter 384 of the Acts of Assembly of 1946, approved March 28, 1946, as amended. (1962, c. 56; 1964, c. 137; 1970, c. 93)

§ 50.2. (a) Search warrants.--In addition to the means and conditions under which search warrants may be issued pursuant to provisions of general law, a justice of the peace, or a judge of any court having jurisdiction of the trial of cases to whom complaint is made, if satisfied that there is a reasonable cause therefor, shall issue a warrant to search specified places for the following conditions: violations of ordinances of the City of Charlottesville related to health and safety, of persons and property including violations of ordinances concerning minimum housing standards, health and sanitation regulations, and plumbing, building, and fire prevention codes.

A search warrant issued pursuant to the authority granted in this charter section shall be directed to persons charged with the responsibility of enforcing State statutes and local ordinances relating to health and safety of persons and property and shall command such person to search the place or places described therein for violations of State statutes and local ordinances relating to health and safety of persons and property.

(b) Affidavit preliminary to issuance of search warrants. No search warrant shall be issued until there is filed with the officer authorized to issue the same an affidavit of some person reasonably describing the area, house, place, vehicle or baggage to be searched, the things or conditions to be searched for thereunder, alleging briefly material facts, constituting the probable cause for the issuance of such warrant and alleging substantially the offense or group of potential offenses in relation to which such search is to be made. Facts which may be pertinent are (1) department or board experience showing the need of periodic area inspections, (2) the pattern of the last inspections made, and (3) department or board judgment that an inspection is now needed, particularly in light of the time elapsed since the last inspection.

Such affidavit shall be certified by the clerk of the corporation court of the City of Charlottesville and shall by said clerk be preserved as a record and shall at all times be subject to inspection by the public. For the purposes of this section, probable cause shall be satisfied upon the showing of the reasonableness of a need to conduct periodic area-wide inspections with respect to health and safety of persons and property. (1970, c. 93)

§ 50.3. General provisions of law notwithstanding, the planning commission and members of boards or agencies appointed by city council, the mayor, or by the city manager, who serve without pay and who serve only for the purpose of making studies or recommendations, or advising or consulting with city council, shall not be prohibited from such service merely because they contract directly or indirectly with the city. Any such member of an advisory board or agency who knows, or may reasonably be expected to know, that he has a material financial interest in any transaction in which the agency of which he is an officer or employee is or may be in any way concerned, shall disclose such interest and disqualify himself from voting or participating in any official action thereon in behalf of such agency. If disqualifications in accordance with this section leave less than the number required by law to act, the remaining member or members shall have authority to act for the agency by majority vote, unless a unanimous vote of all members is required by law in which case authority to act shall require a unanimous vote of remaining members. (1970, c. 93)

§ 50.4. Terms of Charlottesville Redevelopment and Housing Authority Commissioners; authority of Council.

Notwithstanding any provision of law to the contrary, the terms of all the commissioners of the Charlottesville Redevelopment and Housing Authority shall terminate on June 30, 1978; and thereafter there shall be not less than five nor more than seven members of the Board of Commissioners.

Commissioners shall hold their offices at the pleasure of council for terms not to exceed four years; provided, that the city council may at any time, and from time to time, adopt an ordinance terminating the terms of all the commissioners and designating one or more council members as commissioners of the Charlottesville Redevelopment and Housing Authority. The remaining members of the Board, if any, shall be appointed by council from the public at large. The Board shall possess all powers and duties granted to or imposed upon redevelopment and housing authorities by general law; provided that notwithstanding any other provision of law to the contrary, a city council member shall receive no compensation for serving as a commissioner of such Authority, nor shall he continue to serve as a commissioner after he ceases to be a member of city council. (1978, c. 709; 1990, c. 28)

§ 50.5. Authority of city council to adopt and enforce a noise ordinance.

A. The city council by ordinance may prohibit or regulate loud, disturbing or excessive noises originating within its jurisdiction. Such ordinance may prescribe the decibel levels, degrees or types of sound which are unacceptable within the city limits, but the ordinance must exempt from its prohibitions during the daytime (6:00 a.m. to 10:00 p.m.) the following:

1. Band performances or practices, athletic contests or practices and other school-sponsored activities on the grounds of public or private schools or the University of Virginia.

2. Athletic contests and other officially sanctioned activities in city parks.

3. Activities related to the construction, repair, maintenance, remodeling or demolition, grading or other improvement of real property.

4. Gardening, lawn care, tree maintenance or removal and other landscaping activities.

5. Church bells or carillons.

6. Religious or political gatherings and other activities protected by the First Amendment of the United States Constitution.

7. Activities for which the regulation of noise has been preempted by federal law.

8. Public and private transportation, refuse collection and sanitation services.

B. The decibel level of any such noise may be measured by the use of a sound level meter which measures sound pressure levels. Such measurements shall be accepted as prima facie evidence of the level of noise at issue in any court or legal proceeding. The accuracy of the sound level meter may be tested by a calibrator. In any court or legal proceedings in which the accuracy of the calibrator is in issue, the court shall receive as evidence a sworn report of the results of any test of the calibrator for accuracy. Such report shall be considered by the court or jury in determining guilt or innocence.

C. Any individual operating a sound level meter pursuant to the provisions of this section and the local noise ordinance shall issue a certificate which will indicate:

1. that the sound level meter used to take the decibel level reading was operated in accordance with the manufacturer's specifications;

2. that the city has on file a sworn report which states that the sound level meter has been tested within the past twelve months and has been found to be accurate;

3. the name of the accused;

4. the location of the noise;

5. the date and the time the reading was made; and

6. the decibel level reading.

The certificate, as provided for in this section, when duly attested by the operator taking the decibel level reading, shall be admissible in any court in any criminal or civil proceeding as evidence of the facts therein stated and of the decibel level reading. A copy of such certificate shall be delivered to the accused upon his or his attorney's request. (1989, c. 122)

§ 50.6. Authority of city council to impose civil penalties for wrongful demolition of historic buildings.

A. Notwithstanding the provisions of any state law which authorize civil penalties for the violation of a local zoning ordinance, city council may adopt an ordinance which establishes a civil penalty for the demolition, razing or moving of a building or structure

without approval by the board of architectural review or city council, when such building or structure is subject to the city's historic preservation zoning ordinance. The penalty established by the ordinance shall be imposed on the party deemed by the court to be responsible for the violation and shall not exceed twice the fair market value of the building or structure, as determined by the city real estate tax assessment at the time of the demolition.

B. An action seeking the imposition of such a penalty shall be instituted by petition filed by the city in circuit court, which shall be tried in the same manner as any action at law. It shall be the burden of the city to show the liability of the violator by a preponderance of the evidence. An admission of liability or finding of liability shall not be a criminal conviction for any purpose. The filing of any action pursuant to this section shall preclude a criminal prosecution for the same offense, except where the demolition, razing or moving has resulted in personal injury.

C. The defendant may, within twenty-one days after the filing of the petition, file an answer and without admitting liability, agree to restore the building or structure as it existed prior to demolition. If the restoration is completed within the time agreed upon by the parties, or as established by the court, the petition shall be dismissed from the court's docket.

D. Nothing in this section shall preclude action by the zoning administrator under Virginia Code § 15.1-491 (d) or by the governing body under Virginia Code § 15.1-499, either by separate action or as a part of the petition seeking a civil penalty. (1990, c. 302)

§ 50.7. Powers relating to housing and community development.

In addition to the powers granted by other sections of this charter and any other provision of law, the city shall have the power:

(a) To make grants and loans of funds to low- or moderate-income persons to aid in the purchase of any land, building, dwelling, or dwelling unit in the city; and to offer real estate tax deferral to low- or moderate-income persons who own any land, building, dwelling, or dwelling unit within the city. The city shall offer private lending institutions the opportunity to participate in local loan programs established pursuant to this subsection; and

(b) To make grants of funds to owners of dwellings or dwelling units in the city for the purpose of subsidizing, in part, the rental payments due and owing to any such owner by a low- or moderate-income person.

For purposes of this section, the phrase "low- or moderate-income persons" shall have the same meaning as the phrase "persons and families of low and moderate income" as that phrase is used in the Virginia Housing Development Authority Act, and shall be applied using the income guidelines issued by the Virginia Housing Development Authority for use in its single family mortgage loan program.

In addition to being able to exercise the above-mentioned powers with city funds, the city is authorized to participate in any state or federal program related thereto and to use state, federal, or private funds in the exercise of such powers.

The expenditure of any public funds as authorized in this section is hereby declared to be in furtherance of a public purpose. (2006, cc. 268, 311)

§ 51. If any clause, sentence, paragraph, section or part of this act be held invalid by a court of last resort of this State in proper case such invalidity shall not affect or

invalidate any other clause, sentence, paragraph or part of this act but shall be confined exclusively to the portion so held invalid. (1946, c. 384)