

COLONIAL HEIGHTS, CITY OF

City of First Class.

Established in 1920.

Incorporated as a town in 1926.

City by court order in 1948.

Town charter, 1930, c. 186; repealed 1950, c. 144.

City charter, 1950, c. 144; repealed 1960, c. 213.

Charter, 1960, c. 213.

Amended 1962, c. 467 (§§ 2.3, 4.4, 4.9, 4.10, 5.2, 6.15, 6.16, 6.17, 10.3, 10.6, 10.7 [repealed], 18.2, 18.3, 18.5, 20.27 through 20.30 [added])
1966, c. 232 (§§ 2.2, 4.10, 4.13, 6.1, 6.2, 8.8, 17.11, 17.11-1 [added], 17.36 [added], 20.31 and 20.32 [added])
1968, c. 474 (§§ 3.1, 4.3, 4.4, 4.5, 6.16, 7.4, 7.8, 10.5, 19.4, 20.2, 20.30)
1970, c. 183 (§§ 4.1, 4.3, 7.9, 17.3, 20.2)
1973, c. 500 (§§ 8.11, 10.5, 17.2, 19.11)
1974, c. 9 (§ 10.5)
1979, c. 246 (§§ 4.11, 8.9, 8.11, 17.2, 17.13, 17.26, 20.2)
1980, c. 206 (§§ 6.19, 7.11 [repealed], 8.3, 9.2)
1981, c. 513 (§§ 2.3, 5.7, 8.4, 9.2, 9.4, 10.3)
1983, c. 106 (§ 7.9)
2004, c. 518 (§§ 3.1, 4.3, 4.5, 20.2)
2006, cc. 14, 761 (§§ 4.4, 8.3, 8.11, 10.5)
2009, cc. 126, 438 (§§ 17.7, 17.29, 17.30).

CHAPTER 1

INCORPORATION AND BOUNDARIES

§ 1.1. Incorporation.

The inhabitants of the territory comprised within the limits of the City of Colonial Heights, as the same now are or may hereafter be established by law, shall continue to be a body politic and corporate under the name of the City of Colonial Heights, 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. (1960, c. 213)

§ 1.2. Boundaries.

The corporate limits of the City of Colonial Heights shall be those set forth in Chapter 144 of the Acts of Assembly of 1950 and changed and altered by decrees entered in the Circuit Court of Chesterfield County, Virginia, in the annexation proceedings styled P. W. Covington, and others, versus City of Colonial Heights, and others, and Charles Berberich, and others, versus City of Colonial Heights, and others. (1960, c. 213)

CHAPTER 2

POWERS

§ 2.1. General grant of powers.

The city shall have and may exercise all powers which are now or may hereafter be conferred upon or delegated to cities under the Constitution and 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 the 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. (1960, c. 213)

§ 2.2. Powers enumerated by the General Statutes of Virginia.

The general powers applicable to cities set forth in §§ 15.1-6 through 15.1-37.2 of Chapter 1, Title 15.1 of the Code of Virginia of 1950, and all the powers set forth in §§ 15.1-837 through 15.1-907 of Chapter 18 of Title 15.1 of the Code of Virginia of 1950, as in force on January 1, 1966, are hereby conferred on and vested in the City of Colonial Heights. (1960, c. 213; 1966, c. 232)

§ 2.3. Other powers.

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

(a) To impose special or local assessments for local improvement and force payment thereof, subject, however, to such limitations prescribed by the Constitution and Laws of Virginia, as may be in force at the time of the imposition of such special or local assessments.

(b) To raise annually by taxes and assessments in the city such sums of money as the council shall deem necessary to pay the debts and defray the expenses of the city, in such manner as the council shall deem expedient, provided, that such taxes and assessments are not prohibited by the laws of the Commonwealth. In addition to, but not as a limitation upon, this general grant of power the city shall when not prohibited by the laws of the Commonwealth, have power to levy and collect ad valorem taxes on real estate and tangible personal property and machinery and tools and a capitation tax not exceeding one dollar per annum on each resident of the Commonwealth within the limits of the city; to levy and collect taxes for admission to or other charge for any public amusement, entertainment, performance, exhibition, sport or athletic event in the city, which taxes may be added to and collected with the price of such admission or other charge; unless prohibited by general law to require licenses, prohibit the conduct of any business, profession, vocation or calling without such a license, require taxes to be paid on such licenses in respect of all businesses, professions, vocations and callings which cannot, in the opinion of the council, be reached by the ad valorem system; and to require licenses of owners of vehicles of all kinds for the privilege of using the streets, alleys and other public places in the city, require taxes to be paid on such licenses and prohibit the use of streets, alleys and other public places in the city without such license; provided, however, that nothing herein contained shall be construed as permitting the city to levy and collect directly or indirectly a tax on payrolls.

(c) To appropriate, without being bound by other provisions of this charter, in an amount of not more than five per cent of the receipts of the preceding fiscal year for the purpose of meeting a public emergency threatening the lives, health or property of the

inhabitants of the city, provided that any such appropriation shall require the affirmative votes of a majority of the entire council and that the ordinance making such appropriation shall contain a clear statement of the nature and extent of the emergency.

(d) To control and regulate the use and management of all property of the city, real and personal, and specifically to rent or lease under such regulations as the school board shall deem expedient, school buildings, lands, grounds and equipment to persons or organizations for such health, educational, civic or recreational purposes as the school board shall deem prudent and beneficial to the community.

(e) To acquire, construct and maintain or authorize the construction and maintenance of bridges, viaducts or underpasses over or under any stream, creek or ravine when any portion of such bridge, viaduct or underpass is within the city limits, and to require compensation for their use by public utility, transmission or transportation companies, except as the right to require such compensation is affected by any contract heretofore or hereafter made with the company concerned.

(f) To provide for the prevention of vice, immorality, vagrancy, street begging and drunkenness; prevention and quelling of riots, disturbances and disorderly assemblages; suppression of houses of ill-fame and gambling places; prevention of lewd and disorderly conduct or exhibitions; and prevention of conduct in the streets dangerous to the public; and to expel therefrom persons guilty of such conduct who have not resided therein as much as one year.

(g) To regulate the construction, maintenance and repair of buildings and other structures and the plumbing, electrical, heating, elevator, escalator, boiler, unfired pressure vessel, and air conditioning installations therein, for the purpose of preventing fire and other dangers to life and health.

(h) To establish, construct, maintain, regulate, and operate public employment bureaus, public markets, public improvements of all kinds, including municipal and other buildings, armories, jails, comfort stations, and all buildings and structures necessary or appropriate for the use in proper operation of the various departments of the city and to acquire by condemnation or otherwise, all lands, riparian or other rights and easements necessary for such improvements or any of them; and to make and enforce such regulations as shall be necessary to prevent huckstering, forestalling or regrating.

(i) To establish, open, widen, extend, improve, construct, maintain, light, sprinkle and clean, public highways, streets, alleys, boulevards and parkways, and to alter or close the same; to establish and maintain parks, playgrounds and such public grounds; to construct, maintain and operate bridges, viaducts, subways, tunnels, sewers and drains, and to regulate the use of all such highways, parks, public grounds and works; to plant and maintain shade trees along the streets and upon such public grounds; to prevent the obstruction of such streets and highways, abolish and prevent grade crossings over the same by railroads in the manner prescribed by general law for elimination of grade crossings; to require any railroad company operating a railroad at the place where any highway or street is crossed within the city limits to erect and maintain at such crossing any style of gate deemed proper and keep a man in charge thereof or keep a flagman at such crossing during such hours as the council may require, in accordance with the provisions of §§ 56-406.1 and 56-406.2 and other sections of the Code of Virginia and to regulate the length of time such crossings may be closed due to any operations of the railroads in accordance with §§ 56-412.1 and 56-412.2 of the Code of Virginia; to

regulate the operations, weight of load, and speed of all cars and vehicles using the same, as well as the operation and speed of all engines, cars and trains, or railroads within the city; to regulate the service to be rendered, including route traversed, and rates charged by buses, motor cars, cabs and other vehicles for carrying passengers for hire and by vehicles for the transfer of baggage; to permit railroads and bus lines to be built in the streets and alleys; and to determine and designate the route and grade thereof; and to specify and require the proper construction and maintenance of the streets between the rails and on either side thereof for such distance as such streets may be affected by the construction, operation, repair or maintenance of such railroads, bus lines, and to require the construction of so much of said street as may be damaged by the removal of such railroad or bus line; to permit or prohibit poles and wires for electric, telephone and telegraph purposes, to be erected and gas pipes to be laid in streets and alleys, and to prescribe and collect an annual charge for such privileges, heretofore or hereafter granted; to require the owner or lessee of any electric light, telephone or telegraph pole, or poles or wires now in use or hereafter erected, to change the location or move the same; to open, lay out, and improve new streets across the track or tracks, yard or yards, of any railroad in the city and any such new or existing street or streets may cross any such track or tracks, of any railroads in the city, in the discretion of the council, either at grade, or pass above or below any such existing structure or structures; provided, that after due notice to such railroad company and full opportunity to be heard, and after the council shall have decided whether such crossing shall be made at grade, or pass above or below any such existing structure or structures, the plans and specifications for such crossing, as the council shall have determined upon, shall be submitted to the principal agent of such railroad company in the city, and in the event the city and railroad company cannot, within sixty days thereafter, agree upon such plans and specifications, or cannot agree in regard to the division of the cost of constructing such crossing, then the city shall submit such plans and specifications to the State Corporation Commission, and the State Corporation Commission, after reasonable notice to such railroad company and after hearing such evidence as either party may adduce, shall approve, or revise and approve, the plans for such crossing as the council shall have determined shall be made, or substitute such other plans or character of crossing, whether at grade, overhead or underpass, as the State Corporation Commission may deem proper under all the facts, circumstances and conditions in the case; the said improvements shall be made by the company whose track is to be crossed and the expense thereof shall be borne as provided by the general law, and after such crossing shall have been constructed, it shall be maintained by such railroad company or by the lessee thereof; and to do all other things whatsoever adapted to make said streets and highways safe, convenient and attractive.

(j) To acquire by gift, purchase, exchange, or by the exercise of the power of eminent domain within this Commonwealth, lands, and any interest or estate in lands, rock quarries, gravel pits, sand pits, water and water rights, and the necessary roadways thereto, either within or without the city and acquire and install machinery and equipment, and to build the necessary roads or tramroads thereto; and operate the same for the purpose of producing materials required for the construction, repair and maintenance of streets, highways, sidewalks, waterworks, reservoirs, sewer, electric lights and public buildings in the city; and to acquire by gift, purchase, exchange, or by the exercise of the power of eminent domain within this Commonwealth, lands and

machinery and equipment, and build and operate a plant or plants for the preparation and fixing of materials for the construction of improved streets and other public improvements, and the maintenance and repair thereof; and to build and operate coal tipples and yards in connection therewith.

(k) To collect and dispose of sewerage, offal, ashes, garbage, carcasses of dead animals, and other refuse, and to make reasonable charges therefor; and to acquire and operate reduction or other plants for the utilization or destruction of such materials, or any of them; to contract for and regulate the collection and disposal thereof, and to require and regulate the collection and disposal thereof and to regulate the disposal of commercial and industrial garbage and refuse and to make such additional reasonable charges as are necessary and commensurate with the volume of commercial and industrial garbage and refuse collected or disposed of at such additional charges as are reasonable to dispose of commercial or industrial garbage or refuse in a sanitary and healthful manner.

(l) To regulate or prevent slaughter houses or other noisome or offensive business within said city, the keeping of hogs, dogs, cats, cattle or other animals, poultry or other fowls 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 and dust, and prevent 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, and generally to define, prohibit, abate, suppress and prevent all things detrimental to the health, morals, aesthetics, safety, convenience and welfare of the inhabitants of the city; 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, snow and unsightly deposits.

(m) To provide by ordinance for a system of meat and milk inspection, and appoint meat and milk inspectors, agents, or officers to carry the same into effect, within the corporate limits of the said city; to license, regulate, control and locate slaughter houses within the corporate limits of the city; and for such services of inspection to make reasonable charges; and to provide such reasonable penalties for the violation of such ordinances.

(n) To acquire by purchase, gift, devise, condemnation or otherwise, lands, within, or acquired by purchase, gift, devise or otherwise land without the city, to be used, kept and improved as a place for the interment of the dead, and to make and enforce all necessary rules and regulations for the protection and use thereof; and generally to regulate the burial and disposition of the dead, including the establishment and maintenance of a crematory. Subject to limitations prescribed by the Constitution and the Laws of Virginia, the city may remove at its own expense, abandoned graves or abandoned grave yards to public city-maintained cemeteries.

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

(p) To do all things whatsoever necessary or expedient for promoting or maintaining the general welfare, comfort, education, morals, peace, government, health, trade, commerce or industries, of the city, or its inhabitants.

(q) To contract with the County of Chesterfield or the City of Petersburg regarding the health and welfare of the citizens residing in said city, pending the setting up of a Board of Health and Welfare Department in said city; and also regarding any water, sewer, sewer disposal, garbage disposal or other municipal functions which may be for the best interest of the citizens of said city and said county or the City of Petersburg.

(r) To regulate the speed of vehicles and parking in private parking and general shopping areas, upon the request of and with the consent of the owners thereof.

(s) To extinguish and prevent fires and to compel citizens to render assistance to the fire department in case of need, and to establish, regulate, and control a paid or voluntary fire department or division; to regulate the size, height, materials and constructions of buildings, fences, walls, retaining walls and other structures hereafter erected in such manner as the public safety and convenience 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, damage by fire, or other causes, may have 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, enlarged or repaired, and to direct 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.

(t) To charge and to collect fees for permits to use public facilities and for public service and privileges.

(u) To prevent any person having no visible means of support, paupers, and persons who may be dangerous to the peace or safety of the city, from coming to said city from without the same; and for this purpose to require the owner of any conveyance other than a common carrier bringing such person to the city to take such person back to the place when he was brought, or enter into bond with satisfactory security that such person shall not become a charge upon said city within one year from the date of his arrival; also to expel from the city all persons found therein dangerous to the peace, safety, and welfare of the city.

(v) If any ground in the said city shall be subject to be covered by stagnant water or if the owner or occupant thereof 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, provided, that reasonable notice shall be first given to 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 having general circulation in said city, and in addition notice shall be sent by registered mail to their last known address.

(w) To direct or prevent the location of all buildings for storing gunpowder or other explosive or combustible substances, to regulate or prohibit the sale and use of dynamite, gunpowder, firecrackers, kerosene oil, gasoline, nitroglycerin, 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.

(x) To levy on and collect taxes from purchasers of any public utility service, which taxes may be added to and collected with the bills rendered purchasers of such service.

(y) To raise annually by taxes and assessments in the city such sums of money as the council shall deem necessary for the purposes of the city, and in such manner as the council of the city shall deem expedient, in accordance with the Constitution of this Commonwealth and the United States; provided, however, that it shall impose no tax on the bonds of the city; and the council of the city may make said taxes and assessments payable at such times and in such installments as it may deem proper, and may add thereto a percentage not exceeding that set by general law, if such taxes and assessments, or any installment thereof, be not promptly paid, and may also charge interest on each installment of said taxes and assessments at the rate set by general law until paid. (1960, c. 213; 1962, c. 467; 1981, c. 513)

CHAPTER 3 ELECTIONS

§ 3.1. Election and Composition of Councilmen.

The council shall consist of seven members, who shall be elected by the qualified voters of the city on a general ticket at large, and shall serve for a term of four years from the first day of January next following the date of their election and until their successors shall have been duly elected and qualified, provided, that the members of the council in office at the effective date of this act are hereby continued in office for the terms for which they were elected. At the regular November election in 2004, and at the regular November election in every fourth year thereafter there shall be held a general city election at which shall be elected by the qualified voters of the city at large four members of the council for terms of four years from the first day of January following their election. At the regular November election in 2006, and at the regular November election in every fourth year thereafter there shall be held a general city election at which shall be elected by the qualified voters of the city at large three members of the council for terms of four years from the first day of January following their election. The council shall be a continuing body, and no measure pending before such body shall abate or be discontinued by reason of the expiration of the term of office or removal of the members of said body or any of them. The council may punish its members for misconduct and may compel the attendance of members in such manner and under such penalties as may be prescribed by ordinance. A majority of all the members of the council shall constitute a quorum to do business, but a smaller number may adjourn from time to time.

The terms of the four Council members subject to expire June 30, 2004, shall be extended to December 31, 2004, and the date for the next election of those Council positions subject to election shall be extended to the regular November election date in 2004, and then every regular November election every four years thereafter.

The terms of the three remaining Council members subject to expire June 30, 2006, shall be extended to December 31, 2006, and the date for the next election for those offices shall be the regular November election date in 2006, and then every regular November election every four years thereafter, so as to retain the staggered terms of office. (1960, c. 213; 1968, c. 474; 2004, c. 518)

§ 3.2. Nomination of Candidates for Council.

Candidates for the office of councilmen may be nominated by petition or under general law. There shall be printed on the ballots used in the election of councilmen the names of all candidates who have been so nominated. The requirements for nomination by petition shall be:

(a) Any qualified voter of the city may be nominated by filing not less than sixty days before such election, with the Clerk of the Circuit Court having jurisdiction of the city a petition signed by not less than fifty qualified voters of the city; each signature to such petition shall be witnessed by a person whose affidavit to that effect is attached thereto, together with the notice of candidacy required by the general laws of the Commonwealth relating to elections.

(b) The petition shall state the name and address of the residence of the person whose name is presented thereby as a candidate, and the street address of the residence of the persons signing the same.

The requirements for nomination under general law shall be as therein prescribed. (1960, c. 213)

§ 3.3. Conduct of General Municipal Election.

The ballots used in the election of councilmen shall be without any distinguishing mark or symbol. Each qualified voter shall be entitled to vote for as many persons as there are vacancies to be filled, and no more; and no qualified voter shall cast more than one vote for the same person. In counting the vote any ballot found to have voted for a greater number of names for the office of councilman than the number of vacancies in the council to be filled shall be void, but no ballot shall be void for containing a less number of names than is permitted hereby. The candidates equal in number to the places to be filled, who shall receive the highest number of votes cast in such election, shall be declared elected. The general laws of the Commonwealth relating to the conduct of elections, so far as pertinent, shall apply to the conduct of a general municipal election. (1960, c. 213)

§ 3.4. Vacancies in Office of Councilman.

Vacancies in the office of councilman, from whatever cause arising, shall be filled for the unexpired portion of the term by majority vote of the remaining members of the council. If the council shall fail to fill a vacancy in its membership within ninety days of the occurrence of the vacancy, such vacancy shall be filled by appointment by the judge of the court of record having jurisdiction of the city. (1960, c. 213)

§ 3.5. Election of Other City Officers.

All other city officers required by the laws of the Commonwealth to be elected by the qualified voters of the city shall be elected on the first Tuesday following the first Monday in November preceding the expiration of the terms of office of their respective predecessors, for such terms as are prescribed by law. All such elective officers shall be nominated and elected as provided in the general laws of the Commonwealth. A vacancy in the office of commissioner of revenue, city treasurer, or city sergeant shall be filled by the council by majority vote of all its members for the interim period until a successor is elected at the next general election and takes office, as is provided in the Code of Virginia. The officers so elected or appointed shall qualify in the mode prescribed by law and shall continue in office until their successors are elected and qualified. (1960, c. 213)

CHAPTER 4

COUNCIL

§ 4.1. Composition.

The council shall consist of seven members elected as provided in Chapter 3. They shall receive in full compensation for their services the sum \$100 per month and shall not be entitled to any other allowance of any kind except that the mayor or vice-mayor or members of council, subject to the approval of council, may be allowed actual expenses incurred in representing the city. No member of the council shall during the term for which he was elected and one year thereafter be eligible to hold or be appointed as judge, substitute or associate judge of the municipal court or juvenile and domestic relations court or to any office of profit under the government of the city. (1960, c. 213; 1970, c. 183)

§ 4.2. Powers.

All powers vested in the city shall be exercised by the council except as otherwise provided in this charter. In addition to the foregoing, the council shall have the following powers;

(a) To provide for the organization, conduct and operation of all departments, bureaus, divisions, boards, commissions, offices and agencies of the city.

(b) To create, alter or abolish departments, bureaus, divisions, boards, commissions, offices and agencies other than those specifically established by Chapters 16.6 and 20.2 of this charter.

(c) Upon recommendation of the city manager, to assign and reassign to departments, all bureaus, divisions, offices, agencies, departments and functions thereof except the city school board and constitutional officers.

(d) To provide for the number, titles, qualifications, powers, duties and compensation of all officers and employees of the city, subject to the case of members of the classified service to the provisions of Chapter 9 of this charter.

(e) To provide for the form of oaths and the amount and conditions of surety bonds to be required of certain officers and employees of the city. (1960, c. 213)

§ 4.3. Mayor and vice mayor.

On the second day in January 2005 and on the second day of January of every second year thereafter, or if such day shall fall on Saturday, Sunday or a holiday then on the following day, the newly elected council, having taken the oath of office as hereinafter provided, shall proceed to choose by majority vote of all the members thereof one of their number to be mayor and one to be vice mayor for the ensuing two years. The mayor shall preside over the meetings of the council and shall have the same right to vote and speak therein in all proceedings as other members, but no veto. He shall be recognized as the head of the city government for all ceremonial purposes, the purposes of military law and the service of civil process. The vice mayor shall in the absence or disability of the mayor, perform the duties of mayor, and if a vacancy shall occur in the office of mayor shall become mayor for the unexpired portion of the 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. The mayor, in addition to his salary as a councilman, shall receive an additional salary of \$50 per month. The vice mayor, in addition to his salary as a councilman, shall receive an additional salary of \$25 per month.

The council members chosen to be mayor and vice mayor in July 2002 shall continue as mayor and vice mayor until the council meeting in January 2005. (1960, c. 213; 1968, c. 474; 1970, c. 183; 2004, c. 518)

§ 4.4. City Clerk.

The city council shall appoint a city clerk who shall be the clerk of the council, shall keep the journal of its proceedings and shall record all ordinances, resolutions, and minutes, in separate books provided by council for the purpose. He shall be the custodian of the corporate seal of the city and shall be the officer authorized to use and authenticate it. All records in his office shall be public records and open to inspection at any time during regular business hours. He shall receive compensation to be fixed by the council. He shall appoint and remove, subject to the provisions of Chapter 9 of this charter, an assistant city clerk who shall be authorized to act as city clerk in the absence or disability of the city clerk, and all deputies and other employees in his office, and shall have such other powers and duties as may be prescribed by this charter or by ordinance. He shall upon final passage, transmit to the proper departments or officials, copies of all ordinances or resolutions that may affect or relate to them or their respective departments. The city clerk shall within ten days after the results of the regular city election of councilmen have been declared, send a written notice by mail to each councilman who has been declared elected, which notice shall specify the office to which such person has been elected, the term of the office, procedures and requirements of qualification, and he shall require such councilman to appear and qualify as provided by law. The city clerk shall also send a notice by mail to any person elected or appointed by city council within ten days after such election or appointment, which notice shall specify the office to which such person has been elected or appointed, the term of office, procedures and requirements of qualification and he shall require such person to appear and qualify as provided by law. (1960, c. 213; 1962, c. 467; 1968, c. 474; 2006, cc. 14, 761)

§ 4.5. Organization; first meeting of a newly elected council; judge of qualification and election of members.

The first meeting of a newly elected council shall take place in the council chamber in the city hall at 7:30 P.M. on the second day of January following their election, or if such day shall fall on Saturday, Sunday or a holiday, then on the following day. It shall be called to order by the city clerk who shall administer the oath of office to the duly elected members. In the absence of the city clerk the meeting may be called to order and the oath administered by any judicial officer having jurisdiction in the city. The council shall be the judge of the election and qualifications of its members, but the decision of the council in this matter shall be subject to review by the judge of the court of record having jurisdiction in the City of Colonial Heights. The first business of the council shall be the election of a mayor and vice mayor and the adoption of rules of procedure. Until this business has been completed the council shall not adjourn for a period longer than 48 hours. (1960, c. 213; 1968, c. 474; 2004, c. 518)

§ 4.6. Rules of Procedure.

The council shall have power, by resolution and subject to the provisions of this 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 be not less frequently than once each month. They shall also provide for calling of special meetings by the mayor, the city manager or any two 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 meeting except by the unanimous consent of all the members of the council. (1960, c. 213)

§ 4.7. Voting and Meetings.

No ordinance, resolution, motion or vote shall be adopted by the council except at a meeting open to the public. All voting except on procedural motions shall be by roll call and the ayes and noes shall be recorded in the journal. No member of the council shall participate in the vote on any ordinance, resolution, motion or vote in which he, or any person, firm or corporation for which he is attorney, officer, director, employee, or agent, has a financial interest other than as a minority stockholder of a corporation or as a citizen of the city. All meetings of the council, except as hereinafter provided, shall be public and any citizens may have access to the minutes and records thereof at all reasonable times. Notwithstanding any other provisions of this section a majority of the members of the council may by a recorded vote declare that the public welfare demands an executive session. (1960, c. 213)

§ 4.8. Ordinances, When Required.

In addition to such acts of the council which are required by the Constitution or general laws of the Commonwealth or by this charter to be by ordinance, every act of the council creating, altering or abolishing any department, or creating, altering, assigning or abolishing any bureau, division, office, agency or employment, fixing the compensation of any officer or employee of the city, making an appropriation, authorizing the borrowing of money, levying a tax, establishing any rule or regulation for the violation of which a fine or penalty is imposed, or placing any burden upon or limiting the use of private property, shall be by ordinance. (1960, c. 213)

§ 4.9. Form of Ordinances.

Every ordinance except the annual appropriation ordinance and any ordinance codifying ordinances shall be confined to one subject. All ordinances shall be introduced in typewritten or printed form or a combination of both. The enacting clause of all ordinances passed by the council shall substantially be "BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLONIAL HEIGHTS" or "THE CITY OF COLONIAL HEIGHTS HEREBY ORDAINS." (1960, c. 213; 1962, c. 467)

§ 4.10. Procedure for Passing Ordinances.

An ordinance may be introduced by any member or committee of the council or by the city manager at any regular meeting of the council or at any special meeting when the subject thereof has been included in the notice for such special meeting or been approved by a majority vote of all elected members of the council. No ordinance, or resolution having the effect of an ordinance, or resolution suspending an ordinance, unless it be an emergency measure, shall be passed until it has been read by title at two meeting not less than six days apart counting the day of introduction and the date of adoption as a part thereof, one of which shall be a regular meeting and the other of which may be either an adjourned or called meeting. Any ordinance or resolution read at one such meeting may be amended and passed as amended at the next such meeting, provided that the amendment does not materially change the ordinance. No ordinance or section thereof shall be revised or amended by its title or section number only, but the new ordinance shall contain the entire ordinance, or section or subsection as revised or

amended. The ayes and noes shall be taken and recorded upon the passage of all ordinances or resolutions and entered upon the journal of the proceedings of the council. Except as otherwise provided in this charter an affirmative vote of a majority of the members elected to the council shall be necessary to adopt any ordinance or resolution. Unless another date is specified therein and except as otherwise provided by this charter, an ordinance shall take effect on the tenth day following its passage. All ordinances and resolutions having the effect of an ordinance shall be authenticated by the signature of the presiding officer and the city clerk. Every ordinance of a general or permanent nature shall be published in full once within ten days after its final passage by posting a copy thereof at the front door of the municipal building and at one other public place in the city or when ordered by the council by publication in a newspaper published or circulated in the city for such time as the council may direct; provided, that the foregoing requirements as to publication shall not apply to ordinances reordained in or by a general compilation or codification of ordinances printed by authority of the council. A record or entry made by the city clerk, or a copy of such record or entry when certified by him shall be prima facie evidence of the terms of the ordinance and its due publication. All ordinances and resolutions of the council may be read as evidence in all courts and in all other proceedings in which it may be necessary to refer thereto, either from the original record thereof, from a copy thereof certified by the city clerk, or from any volume of ordinances printed by authority of the council. (1960, c. 213; 1962, c. 467; 1966, c. 232)

§ 4.11. Emergency Ordinances.

An emergency ordinance, which is an ordinance for the immediate preservation of the public peace, property, health or safety or providing for the daily operation of a municipal department, may be read one time and passed with or without amendment at any regular or special meeting at which the ordinance was introduced. An emergency ordinance so read and passed must contain a specific statement of the emergency claimed, and affirmative votes of not less than two-thirds of the entire membership of council shall be necessary for its adoption. All emergency measures shall take effect at the time indicated therein and shall be effective for no longer than sixty days. (1960, c. 213; 1979, c. 246)

§ 4.12. Submission of Propositions to the Qualified Voters of the City.

The council shall have authority, by resolution, to submit to the qualified voters of the city for an advisory referendum thereon, any proposed ordinance or amendment to the city charter, not less than thirty nor more than sixty days after the passage of such resolution. The election shall be conducted and the result thereof ascertained and determined in the manner provided by § 24-141 of the Code of Virginia. 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 percent of the largest number of votes cast in any general or primary election held in the city during the five years immediately preceding and verified as hereinafter provided, is filed with the city clerk he shall forthwith certify that fact to the council. The signatures to such petition shall be witnessed by a person whose affidavit to that effect is attached thereto. Upon the certification of such petition the council 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 results 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 city clerk 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. (1960, c. 213)

§ 4.13. Record and Publication of Ordinances.

Every ordinance after passage shall be given a serial number and shall be kept in a safe place by the clerk in his office in the municipal building. Within one year after the first day in January, 1966, there shall be prepared under the direction of the city attorney, who is hereby authorized to employ such assistance as he deems necessary for the purpose, a codification or revision of all ordinances in force. Such codification shall be passed by the council as a single ordinance and without prior publication. Upon its passage, it shall be published in bound or loose-leaf form. This codification, to be known and cited officially as the city code, shall be furnished to city officers and shall be sold to the public at a price to be fixed by the council. A similar codification shall be prepared, passed, without prior publication, and distributed, as above provided, at least every five years. It shall be the duty of the city clerk to cause all ordinances adopted to be printed or reproduced as promptly as possible after their adoption in substantially the same style and format as the codification or revision of ordinances and sold at such prices as the council may establish. (1960, c. 213; 1966, c. 232)

§ 4.14. Appointments.

The council in making appointments shall act only by the affirmative votes of a majority of the members elected to the council. (1960, c. 213)

§ 4.15. Removal of Councilmen and Members of Boards and Commissions Appointed by the Council for Specified Terms.

Any member of the council or any member of a board or commission appointed by the council for a specified term may be removed for cause in accordance with the general law. (1960, c. 213)

§ 4.16. Power of Investigation.

The council shall have power to investigate any or all of the departments, boards, commissions, offices and agencies of the city government, including the school board, and any officer or employee of the city. The council, or any of its committees, when authorized by the council, the city manager, the heads of all departments, all boards and commissions appointed by the council, collector of city taxes, license inspector, and auditor of municipal accounts, in any investigation or hearing held by them, within their respective powers and duties, may order the attendance of any person as a witness and the production by any person of all relevant books and papers. Any person refusing or failing to obey such order may be summoned by the municipal court judge to appear before him and upon failure to give a satisfactory excuse to said judge may be fined not exceeding the sum of \$100 or imprisoned not exceeding thirty days or both. Witnesses may be sworn by the officer presiding at such investigation and shall be liable to prosecution for perjury for any false testimony given at such investigation. (1960, c. 213)

CHAPTER 5

CITY MANAGER

§ 5.1. Appointment and Qualifications.

There shall be a city manager who shall be the executive officer of the city and shall be responsible to the council for the proper administration of the city government. He shall be appointed by the council for an indefinite term and may be removed by the council at any time by a majority vote of all its members. At least sixty days before such removal shall become effective the council shall advise the manager in writing of the reason for his removal. The council may suspend the manager from duty (with pay) during the sixty day period. The manager shall receive such compensation as shall be fixed by the council, by resolution, and shall devote his entire time to the business of the city. He shall be chosen solely on the basis of his executive administrative qualifications, with special reference to his actual experience in or knowledge of accepted practice in respect to the duties of his office. At the time of his appointment, he need not be a resident of the city or the Commonwealth, but during his tenure of office he shall reside within the city. (1960, c. 213)

§ 5.2. Power of Appointment and Removal.

The city manager shall appoint for an indefinite term and remove, subject to the provisions of Chapter 9 of this charter and except as otherwise provided in this charter, the heads of all departments and all other officers and employees of the city, except the school board and constitutional officers, provided that where the council is given power by this charter to establish a board or commission for any purpose, the council may provide for the appointment of the members of such board or commission by the city manager or by the council, and for the appointment by such board or commission of its employees, and may specify which, if any, of such employees shall not be included in the classified service. The city manager shall have power to remove any officer or employee appointed by him or his subordinates, provided that the officer or employee shall have been served with a written notice of the intention of the city manager to remove him, containing a clear statement of the grounds for such removal and of the time and place, not less than ten days after the service of such notice, at which he shall be given an opportunity to be heard. After such hearing, which shall be public at the option of such officer or employee, the action of the city manager shall be final. Pending final action, the city manager may suspend from duty for not more than sixty days any such officer or employee. (1960, c. 213; 1962, c. 467)

§ 5.3. Council Not to Interfere in Appointment or Removals.

Neither the council nor any of its members shall direct the appointment of any person to or his removal from any office or employment by the city manager or by any of his subordinates except as specifically provided in this charter. Except for the purpose of inquiry, the council and its members shall deal with the administrative services solely through the city manager, and neither the council nor any member thereof shall give orders either publicly or privately to any subordinate of the city manager. (1960, c. 213)

§ 5.4. Temporary Transfer of Personnel Between Departments.

The city manager shall have power, whenever the interests of the city require, irrespective of any other provisions of this charter, to assign employees of any department, bureau, office or agency, the head of which is appointed by the city manager, to the temporary performance of duties in another department, bureau, office or agency. (1960, c. 213)

§ 5.5. Duties.

It shall be the duty of the city manager to: (a) attend all meetings of the council with the right to speak but not to vote; (b) keep the council advised of the financial condition and the future needs of the city and of all matters pertaining to its proper administration, and make such recommendations as may seem to him desirable; (c) prepare and submit the annual budget to the council as provided in Chapter 6 of this charter and be responsible for its administration after its adoption; (d) prepare in suitable form for publication and submit to the council not later than sixty days after the end of each fiscal year of the city a concise, comprehensive report of the financial transactions and administrative activities of the city government during the preceding fiscal year and cause to be printed such number of copies thereof as the council shall direct; (e) present adequate financial and activity reports at each regular meeting of the council; and (f) perform such other duties as may be prescribed by this charter or required of him in accordance therewith by the council or which may be required of the chief executive officer of a city by the general laws of the Commonwealth other than the duties conferred on the mayor by this charter. (1960, c. 213)

§ 5.6. Relations with Boards, Commissions and Agencies.

The city manager shall have the right to attend and participate in the proceedings of, but not to vote in, the meetings of all boards, commissions or agencies created by this charter or by ordinance, except the school board, the personnel board, the board of zoning appeals, and any other board or commission the council may designate. (1960, c. 213)

§ 5.7. Acting City Manager.

The council shall designate by ordinance one or more department heads to act, in succession, as city manager in case of the absence, incapacity, death or resignation of the city manager, until his return to duty or the appointment of his successor. (1960, c. 213; 1981, c. 513)

CHAPTER 6 BUDGETS

§ 6.1. Fiscal and Tax Years.

The fiscal year of the City of Colonial Heights shall begin on the first day of July and shall end on the thirtieth day of June of the succeeding year. Unless and until otherwise provided by council by ordinance, the tax year for taxes levied on real estate, tangible personal property, machinery and tools shall begin on the first day of January and end on the thirty-first day of December following, and the tax year for all other taxes shall be fixed by the council by ordinance. Unless and until otherwise provided by council by ordinance, the rates of all taxes and levies, except on new sources of tax revenue, shall be fixed before the beginning of the tax year. The council shall have the power and may by ordinance provide for the tax year for taxes levied on real estate, or tangible personal property, or machinery and tools, or all other taxes to begin on the first day of July and end on the thirtieth day of June of the succeeding year. The council shall also have the power to fix the rates or levies on real estate, or tangible personal property, or machinery and tools, or all other taxes at the time of adoption of the general fund budget. (1960, c. 213; 1966, c. 232)

§ 6.2. Budget and Levy for the Fiscal Year 1966-1967.

a. Upon the passage of this act, the City Manager shall prepare and submit to the council, for its information, a general fund budget for the ensuing fiscal year beginning

July 1, 1966, and ending June 30, 1967, based upon detailed estimates furnished by the several departments and other divisions of the city government.

b. A brief synopsis of the general fund budget for the fiscal year beginning July 1, 1966, and ending June 30, 1967, shall be published in a newspaper having a general circulation within the city and notice given of a public hearing at least seven days prior to the date set for hearing, at which any citizen of the city shall have the right to attend and state his views thereon.

c. Upon the passage of this act and after due notice has been given as provided in § 6.2 b, council shall adopt a general fund budget for the fiscal year beginning July 1, 1966, and ending June 30, 1967, and council shall at the time of the adoption of said budget lay its levy, if any, at such rates fixed by council at the time of such levy and adoption of said budget, on all real estate, tangible personal property, machinery and tools, and all other sources of tax revenue subject to taxation for city purposes. Upon final adoption, the general fund budget shall be in effect for the fiscal year beginning July 1, 1966, and ending June 30, 1967. (1960, c. 213; 1966, c. 232)

§ 6.3. Submission of Budgets.

The city manager, at least sixty (60) days prior to the beginning of each budget year, shall submit to the council a general budget. As used in this charter, the term "budget year" shall mean the fiscal year for which any particular budget is adopted and in which it is administered. (1960, c. 213)

§ 6.4. Preparation of Budgets.

It shall be the duty of the head of each department, each board or commission and each other office or agency supported in whole or in part by the city, including the commissioner of revenue, city attorney, commonwealth attorney, and the city sergeant, to file with the city manager or with the director of finance designated by him, at such time as the city manager may prescribe, estimates of revenue and expenditure for that department, board, commission, office or agency for the ensuing fiscal year. Such estimates shall be submitted on the forms furnished by the director of finance and it shall be the duty of the head of each such department, judge, board, commission, office or agency to supply all the information which the city manager may require to be submitted thereon. The director of finance shall assemble and compile these estimates and supply such additional information relating to the financial transaction of the city as may be necessary or valuable to the city manager in the preparation of the budgets. The city manager shall hold such hearings as he may deem advisable and with the assistance of the director of finance shall review the estimates and other data pertinent to the preparation of the budgets and make such revisions in such estimates as he may deem proper, subject to the laws of the Commonwealth relating to obligatory expenditures for any purpose. The school board shall furnish a copy of its budget to the city manager. (1960, c. 213)

§ 6.5. Scope of the General Budget.

In respect to the public schools there shall be included only the total amount to be appropriated by the city for their support. The general fund budget shall be prepared in accordance with accepted principles of municipal accounting and budgetary procedures and techniques and shall contain:

(a) An estimate of such portion of the general fund cash surplus, if any, at the end of the current fiscal year as it is proposed to use for meeting expenditures in the general budget.

(b) An estimate of the receipts from current ad valorem taxes on real estate and personal property during the ensuing fiscal year.

(c) An estimate of receipts from all other sources of revenue.

(d) A statement to be furnished by the director of finance of the debt service requirements for the ensuing year.

(e) An estimate of the city's cash deficit, if any, at the end of the current fiscal year and of any other obligations required by this charter to be budgeted for the ensuing fiscal year.

(f) An estimate of expenditures for all other purposes to be met in the ensuing fiscal year.

All the estimates shall be in detail, showing receipts by sources and expenditures by operating units, functions, character and object, so arranged as to show receipts and expenditures as estimated for the current fiscal year and actual receipts and expenditures for the last preceding fiscal year in comparison with estimated receipts and recommended expenditures for the ensuing year. At the head of the budget there shall appear a summary of the budget, which need not be itemized further than by principal sources of anticipated revenue, stating separately the amount to be raised by property tax, and by departments and kinds of expenditures, in such a manner as to present a simple and clear summary of the detailed estimates of the budget. (1960, c. 213)

§ 6.6. A Balanced Budget.

In no event shall the expenditures recommended by the city manager in the general budget exceed the receipts estimated, taking into account the estimated cash surplus or deficit at the end of the current fiscal year, as provided in the preceding section, unless property assessments have been raised or unless the city manager shall recommend an increase in the rate of ad valorem taxes on real estate and tangible personal property or other new or increased taxes or licenses within the power of the city to levy and collect in the ensuing fiscal year the receipts from which, estimated on the basis of the average experience with the same or similar taxes during the three tax years last past, will make up the difference. If estimated receipts exceed estimated expenditures the city manager may recommend revisions in the tax and license ordinances of the city, in order to bring the general fund budget into balance. (1960, c. 213)

§ 6.7. Budget Message.

The budget message submitted by the city manager to the council shall be explanatory of the budget, shall contain an outline of the proposed financial policies of the city for the budget year and shall describe in connection therewith the important features of the budget plan. It shall set forth the reasons for salient changes from the previous year in cost and revenue items and shall explain any major changes in financial policy. As a part of the budget message, with relation to the proposed expenditures for down payments and other proposed expenditures for capital projects stated in the budget, the city manager shall include a statement of pending capital projects and proposed new capital projects, relating the respective amounts proposed to be raised therefor by appropriations in the budget and the respective amounts, if any, proposed to be raised therefor by the issuance of bonds during the budget year. (1960, c. 213)

§ 6.8. Appropriation and Additional Tax Ordinances.

At the same time that he submits the general fund budget the city manager shall present to the council a general appropriation ordinance. The appropriation ordinance shall be based on the general fund budget but need not be itemized further than by departments and the major operating units thereof, and by courts, bureaus, boards, commissions, offices and agencies submitting separate budget estimates, and by the principal object of expenditures. At the same time the city manager shall also present any ordinance or ordinances altering the tax rate on real estate and personal property or levying a new tax or altering the rate of any other tax necessary to balance the general fund budget as hereinbefore provided. The hearing on the budget plan as a whole, as provided in this chapter shall constitute the hearing on all ordinances referred to in this subsection. (1960, c. 213)

§ 6.9. Budget a Public Record.

The budget and budget message and all supporting schedules shall be a public record in the office of the city manager open to public inspection after the budget has been submitted to the council and made public by it; provided, however, that no department or agency, head or judge or board or commission, manager, or director of finance shall divulge details of the proposed budget or make public statements regarding budget estimates until the budget has been submitted to the council and made public by it. The city manager on authorization from the council shall cause sufficient copies of the budget and budget message to be prepared for distribution to interested persons. (1960, c. 213)

§ 6.10. Publication of Notice of Public Hearing.

At the meeting of the council at which the budget and budget messages are submitted, the council shall determine the place and time of the public hearing on the budget, which time shall be at least thirty days prior to the beginning of each budget year, and shall cause to be published a notice of the place and time, not less than seven days prior to the date of the public hearing. (1960, c. 213)

§ 6.11. Public Hearing on Budget.

At the time and place so advertised, or at any time and place to which such public hearing shall from time to time be adjourned, the council shall hold a public hearing on the budget as submitted, at which all interested persons shall be given an opportunity to be heard, for or against the estimates or any item thereof. (1960, c. 213)

§ 6.12. Action by the Council on the General Budget.

After the conclusion of the public hearing on the general budget the council may insert new items of expenditures or may increase, decrease or strike out items of expenditure in the general fund budget, except that no item of expenditure for debt service as required by law shall be reduced or stricken out. The council shall in no event adopt a general budget in which the total of expenditures exceeds the receipts, estimated as hereinbefore provided, unless at the same time it adopts measures for providing additional revenue in the ensuing fiscal year, estimated as hereinbefore provided, sufficient to make up the difference. (1960, c. 213)

§ 6.13. Adoption of Budget.

The budget shall be adopted by the votes of at least a majority of all the members of the council. The budget shall be finally adopted not later than the last day of the last month of the fiscal year. Should the council take no final action on or prior to such day,

the budget, as submitted, shall be deemed to have been finally adopted by the council. (1960, c. 213)

§ 6.14. Effective Date of General Fund Budget; Certification; Copies Made Available.

Upon final adoption, the general fund budget shall be in effect for the ensuing fiscal year. A copy of such budget as finally adopted shall be certified by the city manager and city clerk and filed in the office of the director of finance. The general fund budget so certified shall be printed, mimeographed or otherwise reproduced and sufficient copies thereof shall be made available for the use of all departments, courts, boards, commissions, offices and agencies and for the use of interested persons and organizations. (1960, c. 213)

§ 6.15. Transfer of Appropriations.

At the request of the city manager, the council may during the fiscal year, by resolution, order the transfer of any unencumbered balance, or portion thereof, in any general fund appropriation from one department, board, commission, office or agency to another. (1960, c. 213; 1962, c. 467)

§ 6.16. School Budget.

It shall be the duty of the school board to file its budget estimates with the city manager at the same time as other departments and in the form prescribed by the city manager. The action of the city manager and council on the school budget shall relate to its total only and the school board shall have authority to expend in its discretion the sum appropriated for its use, provided that if it receives an appropriation greater or less than its original request, it shall forthwith revise its estimates of expenditure and adopt appropriations in accordance therewith. The school board shall before the beginning of the fiscal year file with the city manager its budget as finally revised and its appropriations based on said revised budget, which need not be itemized further than by operating units and principal objects of expenditure. They shall have power to order during the course of the fiscal year transfers from one item of appropriation to another, notice of which shall be immediately transmitted to the city manager. The school board, notwithstanding the provisions contained in § 6.9 of this charter, may hold a public hearing on the school board budget at any time after the school board has filed its budget estimates with the city manager and prior to the adoption of the general fund budget of the city by council. (1960, c. 213; 1962, c. 467; 1968, c. 474)

§ 6.17. Additional Appropriations.

An appropriation in addition to those contained in the general appropriation ordinance, except for the purpose of meeting a public emergency as provided for elsewhere in this charter, may be made by the council, by a majority affirmative vote of the entire council, only if there is available in the general fund a sum unencumbered and unappropriated sufficient to meet such appropriation. (1960, c. 213; 1962, c. 467)

§ 6.18. Appropriations to Lapse.

Any portion of an annual appropriation remaining unexpended and unencumbered at the close of the fiscal year shall lapse, except that any balance remaining in the funds of the school board at the end of the fiscal year shall remain to the credit of that board and an estimate of any such balance shall be included in the school budget of the ensuing year as an estimated receipt. (1960, c. 213)

§ 6.19. Certification of Funds.

No payment shall be made and no obligation incurred by or on behalf of the city except in accordance with an appropriation duly made; provided that the council shall have the power to authorize and direct and making of expenditures and contracts for the expenditure of funds not appropriated in any budget for the then current fiscal year. No payment shall be made from or obligation incurred against any allotment or appropriation, except those of the School Board, unless the director of finance shall first certify that there is a sufficient unexpended and unencumbered balance in such allotment or appropriation to meet the same; provided that nothing herein shall be taken to prevent the advance authorization of expenditures for small purchases as provided in this charter. Every payment made in violation of the provisions of this charter shall be deemed illegal and every official who shall knowingly authorize or make such payment or knowingly take part therein and every person who shall knowingly receive such payment or any part thereof shall be jointly and severally liable to the city for the full amount so paid or received. If any officer, member of a board or commission, or employee of the city shall knowingly incur any obligation or shall authorize or make any expenditure in violation of the provisions of this charter or knowingly take part therein, such action shall be cause for his removal. (1960, c. 213; 1980, c. 206)

§ 6.20. Reserve for Permanent Public Improvements.

The council may, by ordinance, establish a reserve fund for permanent public improvements and may appropriate thereto any portion of the general fund cash surplus not otherwise appropriated at the close of any fiscal year. It may likewise assign to the said fund a specified portion of the ad valorem tax on real estate and tangible property not to exceed ten cents on \$100 of the assessed valuation thereof or the whole or part of the proceeds of any other tax. Appropriations from the said fund shall be made only to finance permanent public improvements. (1960, c. 213)

CHAPTER 7
BORROWING

§ 7.1. Borrowing Power.

The council may, in the name and for the use of the city, incur indebtedness by issuing its negotiable bonds or notes for the purposes, in the manner provided in this chapter, and to the extent provided in this chapter and under the general law. (1960, c. 213)

§ 7.2. Purposes for Which Bonds or Notes May be Issued.

(a) To finance capital projects. Bonds, and notes in anticipation of bonds when the issue of bonds has been authorized as hereinafter provided, may be issued for the purpose of financing the whole or any part of the costs of any capital improvement project which is hereby defined to include any public improvement or utility which the city is authorized to undertake, including the acquisition of any property, real or personal, incident thereto, the construction or reconstruction in whole or in part of any building, plant, structure or facility necessary or useful in carrying out the powers of the city, and the equipment or reequipment of the same.

(b) To anticipate the collection of revenue. Notes may be issued when authorized by the council, at any time during the fiscal year in anticipation of the receipt of taxes and revenue of the current fiscal year.

(c) To finance increased operating expenses. Notes to be repaid within four years of the date of issuance may be issued when authorized by the council for the purpose of

meeting increased operating expenses, including debt service, provided, however, that no notes shall be issued pursuant to the authority of this section after January 1, 1965.

(d) To provide for emergency expenditures. Notes may be issued to finance an appropriation for the purpose of meeting a public emergency, as provided in subsection (c) of § 2.3 of this charter, when authorized by the ordinance making such appropriation. Notes so issued shall be authenticated by the signature of the city manager and city treasurer and shall mature not later than twelve months after the date of issue. Bonds may be issued, when authorized as hereinafter provided, for the purpose of funding such notes or other obligations incurred in accordance with such appropriation.

(e) To refund outstanding bonds. Bonds may be issued, when authorized as hereinafter provided, for the purpose of refunding bonds, provided that the director of finance shall certify in writing that such refunding is necessary to prevent default on the interest or principal of the city's outstanding bonds. (1960, c. 213)

§ 7.3. Limitation on Indebtedness.

In the issuance of bonds and notes, the city shall be subject to the limitations as to amount contained in § 127 of the Constitution of the Commonwealth. (1960, c. 213)

§ 7.4. Notes in Anticipation of Bonds and Revenue.

Whenever an issue of bonds for any capital improvement project has been authorized as hereinafter provided, the director of finance, when authorized by ordinance, shall have power to issue notes of the city in anticipation of such bonds, for the purpose of defraying the whole or any part of the cost of such project. Such notes in anticipation of bonds shall be authenticated by the signature of the director of finance and shall mature not later than five years after the date of issue. They shall be paid at maturity from the proceeds of the sale of the bonds in anticipation of which they have been issued; provided, however, the city may in its discretion, retire any such loans by means of current revenues, special assessments, or other funds, in lieu of retiring them by means of bonds. Notes in anticipation of revenues shall be authorized by the council by ordinance. They shall be authenticated by the signature of the director of finance and shall mature not later than twelve months after the date of issue. If not paid at maturity, the amount of such unpaid notes shall be included as an appropriation in the general fund budget for the ensuing fiscal year. (1960, c. 213; 1968, c. 474)

§ 7.5. Form and Term of Bonds.

All bonds shall be in serial form payable, as consecutively numbered, in annual installments, the first of which shall be payable not more than five years from the date of issue of such bonds. Bonds shall be authenticated by the seal of the city attested by the facsimile signature of the city clerk and by the signatures of the city manager and director of finance or by the city manager and city treasurer, if the city manager and the director of finance are the same person. All bonds shall be made payable within the probable life of the improvement or undertaking on account of which they are to be issued or, if the bonds are to be issued for several improvements or undertakings, within the average probable life of such improvements or undertakings. In the case of a bond issue for several improvements, or undertakings having different probable periods of usefulness, the council shall determine the average of said periods, taking into consideration the amount of bonds to be issued on account of each purpose, and the period so determined shall be the average period of usefulness. The determination of the council as to the probable life of any such improvement or undertaking shall be conclusive. The probable

life of no public improvement shall be considered over thirty years, except that the possible life of public buildings other than schoolhouses, may be forty years; concrete bridges, forty years; and parks or other real estate, fifty years. (1960, c. 213)

§ 7.6. Restrictions on Loans and Credits.

The credit of the city shall not directly, or indirectly, under any device or pretense whatsoever, be granted to or in aid of any person, association or corporation. (1960, c. 213)

§ 7.7. Issuance of Bonds; How Authorized.

The procedure for the passage of an ordinance authorizing the issuance of bonds shall be the same as for the passage of any other ordinance, except that such ordinance must be adopted by the recorded affirmative vote of a majority of the entire council. Upon the adoption of an ordinance authorizing the issuance of bonds and a resolution fixing the form and details thereof which may be finally adopted at the meeting at which it is introduced, which may be a regular or special meeting, by a majority of the members of the entire council, and which need not be published or posted, a certified copy of the same shall be filed with the corporation or circuit court having jurisdiction over the city, or to the judge thereof in vacation. A notice setting forth (1) in brief and general terms the purpose or purposes for which the bonds are to be issued, and (2) the amount of such bonds and, if bonds are to be issued for more than one purpose, the amount for each purpose, except that with respect to bonds for school purposes the amount of each separate purpose is not required, shall be published once in a newspaper having a general circulation in the city within ten days after such filing. For a period of thirty days after the date of the filing with the corporation or circuit court having jurisdiction over the city of a certified copy of the resolution of the governing body of the city authorizing the issuance of bonds and fixing the form and details thereof any person in interest shall have the right to contest the validity of such bonds or the taxes to be levied for the payment of the principal of and the interest on such bonds or the rates, rents, fees and other charges for the services and facilities furnished by or for the use of or in connection with the project or the pledge of the revenues or receipts of the project or any provisions which may be recited in such resolution or in any trust agreement securing the bonds, or any amendment thereof, or any matter therein contained or provided for or done or to be done pursuant thereto. If such contest shall not have been begun within the thirty days' period, the authority to issue the bonds, the validity of the taxes necessary to pay the principal of and the interest on the bonds, and the validity of any other provision contained in such resolution or any such trust agreement and all proceedings in connection with the authorization and the issuance of the bonds shall be conclusively presumed to have been legally taken and no court shall have authority to inquire into such matters and no such contest shall thereafter be instituted. (1960, c. 213)

§ 7.8. Procedure for Sale of Bonds and Notes.

All bonds issued under this charter may be sold either at public or private sale. All bonds sold at public sale shall be sold upon sealed proposals after at least ten days' notice published at least once in a publication carrying municipal bond notices and devoted primarily to financial news or to the subject of state and municipal bonds, published in the city of New York, New York, and at least ten days' notice published at least once in a daily newspaper of general circulation or published in the City of Colonial Heights. The terms of the sale of bonds shall be approved by the council by resolution. Notes in

anticipation of bonds, in anticipation of revenue, or to provide for emergency expenditures, when authorized by the council, may be sold by the director of finance, with the approval of the city manager, at private sale without prior public offering.

In the event bonds issued under this charter are sold at public sale the council may waive all technicalities existing in sealed proposals and accept the low bid or the council may reject all bids and negotiate the sale of such bonds to the low bidder. (1960, c. 213; 1968, c. 474)

§ 7.9. Contents of the Bond Ordinance.

An ordinance authorizing the issuance of bonds shall include a statement of the purpose or purposes of the issue, and if the purpose is to finance one or more capital improvement projects, it shall describe each of them sufficiently for purposes of identification, and shall estimate the cost of the project or projects and the portion thereof to be defrayed from sources, specifying them, other than the proposed bond issue. The bond ordinance shall also include the amount of the proposed issue, a statement showing the proposed issue to be within the limitation of indebtedness as provided in § 7.3, the length of time for which they are to run, the maximum rate of interest to be paid thereon, not to exceed such maximum interest rate as may be set by general law, the probable life of the purpose or the average probable life of the purposes to be financed, as determined by council, and a declaration that principal of and interest on the proposed issue are to be paid from ad valorem taxes on real estate and tangible personal property and that the full faith and credit of the city are pledged to such payment, and the procedure for the sale of the proposed issue. All other matters relating to the authorization, issuance or sale of the bonds or notes may be provided by resolution. Any such ordinance may be amended by ordinance at any time before the bonds to be affected by such amendment have been sold. The council is authorized and empowered to sell all bonds issued under this charter for such prices or rate of interest as it may determine to be in the best interests of the city, not to exceed such maximum interest rate as may be set by general law. All other matters relating to such bonds may be determined by resolution within the limitations prescribed by such ordinance or by this charter. (1960, c. 213; 1970, c. 183; 1983, c. 106)

§ 7.10. Payment of Bonds and Notes.

The power and obligation of the city to pay any and all bonds and notes hereafter issued by it pursuant to this charter, except revenue bonds, as provided in § 7.12, shall be unlimited, and the city shall levy ad valorem taxes upon all taxable property within the city for the payment of such bonds or notes and interest thereon, without limitation of rate or amount. The faith and credit of the city are hereby pledged for the payment of the principal of and the interest on all bonds and notes of the city hereafter issued pursuant to this chapter, except revenue bonds, as provided in § 7.12, whether or not such pledge be stated in the bonds or notes or in the bond ordinance authorizing their issuance. (1960, c. 213)

§ 7.11. (1960, c. 213; repealed 1980, c. 206)

§ 7.12. Revenue Bonds.

In addition to the authority to issue bonds otherwise provided in this chapter, and in addition to the authority of § 127 (b) of the Constitution of Virginia, the council may, in the manner provided for the issuance of other bonds and subject to the limitations of this chapter, except that the faith and credit of the city need not be pledged to their payment and except as hereinafter provided, authorize the issuance of revenue bonds to

be secured by mortgage upon the property of the city devoted to the use of a revenue-producing utility, project or enterprise and the interest and principal of which may be paid exclusively from the revenues of such utility, project or enterprise; provided that such issue need not be limited to a term of thirty years. (1960, c. 213)

§ 7.13. Applicability of General Law.

If there shall be omitted from this charter any provision essential to the valid authorization, sale, execution and issuance of any of the bonds of the city, the provisions of the general law, with reference to similar bonds, shall supply said omission. (1960, c. 213)

CHAPTER 8 FINANCIAL ADMINISTRATION

§ 8.1. Department of Finance.

The city council may by ordinance create a department of finance which shall include the functions of accounting and control, budgeting, purchasing, the collection of taxes, special assessments and other revenues, and such other functions as may be provided by ordinance or by orders of the director of finance consistent therewith. (1960, c. 213)

§ 8.2. Director of Finance--Appointment.

The head of the department of finance shall be known as the director of finance, and council may by ordinance provide that the director of finance shall be the City Treasurer, or City Manager, or it may establish a director of finance separate from the City Treasurer or City Manager as the case may be. Until otherwise provided by ordinance the Director of Finance shall be the City Treasurer. When the city council shall by ordinance establish a director of finance separate from the city treasurer or city manager he shall be appointed by the city manager. In making such appointment, the city manager shall give consideration to the applicant's qualifications in municipal finance and financial control. (1960, c. 213)

§ 8.3. Director of Finance--Powers and Duties.

The director of finance shall have general management and control of the functions of the department. He shall appoint and remove, subject to the provisions of Chapter 9 of this charter, all officers and employees of the department, excepting constitutional officers, and shall have power to make rules and regulations consistent with this charter and the ordinances of the city for the conduct of its business. He shall have charge, subject to the direction and control of the city manager, of the administration of the financial affairs of the city, except those of the school board, unless specified in this chapter, and to that end shall have authority and be required to:

(a) Compile the departmental estimates and other data necessary or useful to the city manager in the preparation of the current expense and capital budgets.

(b) Supervise and control all encumbrances, expenditures and disbursements to insure that budget appropriations are not exceeded.

(c) Maintain a general accounting system for the city government and each of its departments, boards, commissions, offices and agencies, in conformity with the best recognized practices in governmental accounting; and encumber each item of appropriation and the allotments thereof with the amount of each purchase order, payroll or contract which he has approved, including each advance authorization as provided in subsection (f) of § 8.3.

(d) Prescribe the form of receipts, vouchers, bills or claims to be used, and of accounts to be kept by all departments, boards, commissions, offices and agencies of the city, provided that in so doing he shall consult with any officer appointed by the council for the purpose.

(e) Require daily, or at such other intervals as he may deem expedient, a report of receipts from each of such departments, boards, commissions, offices and agencies, and prescribe the times at and the manner in which moneys received by them shall be paid to the office of the director of finance or deposited in a city bank account under the control of the city treasurer.

(f) Examine all contracts, purchase orders and other documents, except bonds and notes authorized as provided in Chapter 7, which create financial obligations against the city and approve the same only upon ascertaining that money has been appropriated and allotted therefor and that an unexpended and unencumbered balance is available in such appropriation and allotment to meet the same, provided that the director of finance may give advance authorization for expenditures in conformance with a procurement policy approved by the council and consistent with the laws of the Commonwealth.

(g) Audit before payment, for legality and correctness, all accounts, claims and demands against the city, and no money shall be drawn from any bank account of the city or school board except by warrant or check, signed, if from an account of the city, by the director of finance, based upon a voucher duly approved by him as above provided.

(h) Supervise and be responsible for provision of tax maps, property descriptions and such other information as may be necessary or convenient for the scientific assessment of property for taxation within the city.

(i) Have custody of all investments and invested funds of the city or in its possession in a fiduciary capacity, unless otherwise provided by this charter or by law, ordinance or the terms of any trust, and the safekeeping of all bonds and notes of the city and the receipt and delivery of city bonds and notes for transfer, registration and exchange.

(j) Submit to the city manager for presentation to the council not later than the tenth day of each month, a statement concerning the financial transactions of the city and each utility respectively, prepared in accordance with accepted principles of municipal accounting and budgetary procedure, and showing: (1) the amount of each appropriation with transfers to and from the same, the allotments thereof to the end of the preceding month, the encumbrances and expenditures charged against such appropriation and the allotments thereof during the preceding month, the total of such charges for the fiscal year to the end of the preceding month, and the unencumbered balance remaining in such appropriation and the allotments thereof; (2) the revenue estimated to be received from each source, the actual receipts from each source for the preceding month, the total receipts from each source for the fiscal year to the end of the preceding month, and the balance remaining to be collected.

(k) Furnish to the head of each department, court, board, commission, office and agency of the city a copy of that portion of the statement relating to such department, court, board, commission, office or agency.

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

(m) Protect the interests of the city by withholding the payment of any claim or demand by any person, firm or corporation against the city until any indebtedness or other liability due from such person, firm or corporation shall first have been settled and adjusted. (1960, c. 213; 1980, c. 206; 2006, cc. 14, 761)

§ 8.4. City Treasurer.

The city treasurer shall collect and receive all moneys due the city for taxes whether current or delinquent, assessments or fees or charges of every kind except that the council may by ordinance provide for the collection of charges for the use of water, refuse, and sanitary sewers, by some officer or agency and except as otherwise provided by this charter or the general laws of the Commonwealth as the same may relate to the city. In so doing, he shall have power to employ any procedure that is now or may hereafter be prescribed by law for the collection of State taxes or local taxes. There shall be a lien, which shall have precedence over any other lien or encumbrance thereon, on all real estate and on each and every interest therein, for the city taxes assessed thereon, from the commencement of the year for which they are assessed, including penalties and interest on such taxes, which may be enforced by the city treasurer on behalf of the city in any manner provided by law. All goods and chattels wheresoever found may be distrained and sold for taxes, interest and penalties assessed and due thereon and for taxes, interest and penalties assessed against the owner thereof, and no deed of trust or mortgage upon goods or chattels shall prevent the same from being distrained and sold for taxes or levies assessed against the grantor in such deed while such goods and chattels remain in the grantor's possession; nor shall any such deed prevent the goods and chattels conveyed from being distrained and sold for taxes or levies assessed thereon, no matter in whose possession they may be found. He shall have power to enforce the provisions of this charter and the ordinances of the city with regard to licenses and license taxes, to check any or all of records of the commissioner of revenue and to examine and audit the books of all persons, firms and corporations whom he has reasonable cause to believe to be liable to pay a license. He shall have custody of all funds belonging to the city and the school board and deposit all funds coming into his hands to the account of the city or the school board, as the case may be, in such banks as may be designated for the purpose by the council and the school board, respectively, subject to the laws of the Commonwealth applicable to the city and school board relative to the deposit of public funds. He shall perform such other duties, including validating of school board warrants or checks, have such powers and be liable to such penalties as are now or may hereafter be prescribed by law or ordinance. (1960, c. 213; 1981, c. 513)

§ 8.5. Commissioner of Revenue.

The commissioner of revenue shall perform such duties not inconsistent with the laws of the Commonwealth in relation to the assessment of property and licenses as may be required by the council for the purpose of levying city taxes and licenses. He shall have power to administer such oaths as may be required by the council in the assessment of license taxes or other taxes for the city. He shall make such reports in regard to the assessment of both property and licenses, or either, as may be required by the council or by the director of finance. The council may by ordinance require that all tax bills shall be made out by the commissioner of revenue and delivered in such manner as said ordinance may prescribe. (1960, c. 213)

§ 8.6. Sale of Property for Taxes.

The council may require real estate in the city, delinquent for the nonpayment of taxes, to be sold for said taxes, as provided in the Code of Virginia, except that if at any such sale no bid shall be made for any such real estate, or such bid shall not be equal to the tax or assessment, with interest, charges and expenses, then such real estate shall be struck off to the city. As soon as practicable thereafter, the city treasurer shall prepare a statement of sales made to the city, in which the real estate so sold shall be described, and the aggregate amount of tax or assessment with interest, charges and expenses specified.

(a) The owner of any real estate so struck off to the city, his heirs or assigns, or any person having the right to charge such real estate for a debt, or any person having interest in such real estate by way of reversion, remainder or otherwise, may redeem the real estate within three years from the sale thereof, by payment to the city of the amount for which it was sold, with such additional sums as would have accrued for taxes thereon if it had not been purchased for the city, with interest on the purchase money and taxes at the rate of six percent per annum from the time that they may have been so paid.

(b) In case that any real estate, struck off to the city as hereinbefore provided, shall not be redeemed within the time specified, the city treasurer may, at the direction of the council, within sixty days after the expiration of three years from the sale, cause to be recorded in the Clerk's Office of the Circuit Court having jurisdiction of the city a certificate of sale with his oath that the same has not been redeemed, and thereupon the city, or its assignee, shall acquire an absolute title in fee in chancery proceedings to such real estate, and every interest therein, subject to be defeated only by proof that the taxes for which said real estate was sold were not properly chargeable thereon, or that the taxes properly chargeable thereon had been paid at the time of the execution of such certificate. The said certificate shall be recorded in the said Clerk's Office in a record book known as "deed book, recording conveyances to city lands sold for delinquent taxes," for recording which certificate the clerk shall be entitled to a fee of ten cents, payable out of the city treasury. The council may impose penalties upon its officers for their failure to comply with the requirements of this section. The said certificate, or the record thereof, or a certified copy thereof, shall, in all courts and other places, be evidence of the facts therein stated; provided, however, that the failure to obtain or record such certificate shall not invalidate the lien of the city for all taxes assessed against such real estate, but the city may, at any time, elect to enforce its lien for taxes in a court of equity and real estate. When real estate is sold at a tax sale, it shall be continued upon the land books in the name of the former owner or owners until there is a transfer of title of record and taxes and levies shall be annually extended thereon the same as if such tax sale had not taken place.

(c) When land sold for delinquent taxes or struck off to the city is redeemed by persons under disability at the time of sale, in addition to the payments otherwise required for redemption, the person or persons so redeeming the land shall pay to the purchaser, his heirs or assigns, the appraised value of any improvement that may have been made thereon after three years from the date of the sale for delinquent taxes. (1960, c. 213)

§ 8.7. Correction of Assessments and Exoneration of Taxes.

(a) The officer or board responsible for making any assessment of taxes or levies, or the director of finance, may require the production of the books and records of any taxpayer containing information concerning the tax liability of such taxpayer for the

purpose of verifying or amending or correcting the assessment of city taxes for any tax year of the three tax years last past or for the then current tax year. The council may provide by ordinance for the issuance of a summons requiring the production of the taxpayer's books and records and for the imposition of fines and penalties for the failure to obey such summons.

(b) If the officer or board responsible for making any assessment or the director of finance ascertain that any taxpayer has not been assessed with taxes of any kind for any tax year of the three tax years last past or for the then current tax year, or that said taxpayer has been assessed with taxes of any kind at less than the law required for or during any one or more for such years, or that the said taxes for any cause have not been realized, it shall be the duty of the officer or board responsible for making the assessment or the director of finance, upon his or its own examination and audit, to assess the taxpayer with the taxes at the rate or rates prescribed for said year or years and in cases where the error has been due to the failure of the taxpayer to file a proper return, or in cases of omitted taxes upon lands, and excluding cases where the erroneous assessment has been due to the mistake of the assessing officer, to include in such assessment penalties and interest as may be prescribed by the council, not to exceed, however, a penalty of five percent of the tax and interest upon said tax and penalty at the rate of six percent per annum from the time when such tax would have borne a penalty for nonpayment had it been regularly assessed and remained unpaid, and the council may provide for the imposition of additional interest not to exceed interest upon the entire assessment at the rate of six percent per annum from the date of assessment, if such assessment be not paid within thirty days after its date.

(c) If in the regular course of the audit of such taxpayer's records the officer or board responsible for making any assessment and the director of finance ascertain that the amount of license taxes assessed against the taxpayer for any one or more of said years is in excess of the amount of license taxes which should have been assessed against said taxpayer upon a correct computation thereof, then the director of finance, with the approval of the city attorney, may refund out of the city treasury the excess of such taxes erroneously assessed if said excess be paid or exonerate the taxpayer from the payment of said excess if the excess be not paid. If the officer or board responsible for making the assessment, or the director of finance, ascertain that there be additional liability for one or more years and also an excessive assessment for one or more years, then the excess of one assessment may be credited against the deficiency of the other assessment and the taxpayer be assessed with the net deficiency or be refunded the next excess if paid or exonerated from the payment of the net excess if unpaid, by order of the director of finance, with the approval of the city attorney.

(d) Any person, firm or corporation assessed with any local tax or levy and who is aggrieved thereby may, at any time within one year from the thirty-first day of December of the year in which such assessment is made apply to the officer or board making such assessment for a correction of said assessment. Notice of such application shall also be given to the director of finance and the city attorney, and if the officer or board making such assessment, with the approval of both the director of finance and the city attorney, be satisfied that such person, firm or corporation has been erroneously assessed with any such tax or levy, then the director of finance, with the approval of the city attorney, may order the officer or board making such assessment to correct the assessment and it shall

be the duty of said officer or board to make such correction in accordance with the orders of the director of finance, with the approval of the city attorney. The director of finance, with the approval of the city attorney, shall have the power to order that the taxpayer be exonerated from the payment of so much as is erroneously charged if unpaid, and if said assessment be paid, then the director of finance, with the approval of the city attorney, shall have the power to order the refund of the excess of said assessment out of the treasury of the city. But where it is shown to the satisfaction of the officer or board making such assessment, with the approval of both the director of finance and the city attorney, that there has been a double assessment in any case, one of which assessments is proper and the other erroneous, and that a proper single tax has been paid thereon, the director of finance, with the approval of the city attorney, may order that such erroneous assessment be corrected whether the erroneous tax has been paid or not, and even though the application be not made within the one year as hereinbefore required. The remedy granted by this section shall be in addition to the right of any taxpayer to apply within the time prescribed by law to the proper court as provided by law for the correction of erroneous assessments of the taxes described in this section, and application may be made to the proper court irrespective of whether such applicant has or has not theretofore made application to the officer or board making such assessment for the correction of any such assessment. The approval or withholding of approval by the city attorney in the matters provided for in §§ 8.7 (c) and 8.7 (d) shall relate only to the legality of the proposed action. (1960, c. 213)

§ 8.8. Annual Assessment and Equalization of Assessments.

The council may, in lieu of the methods prescribed by general law, provide by ordinance for the annual or quadrennial assessment and reassessment and equalization of assessments of real estate for local taxation and to that end may appoint one or more persons as assessors to assess or reassess for taxation the real estate within the city and to prescribe their duties and terms of office. Such assessors shall make assessments and reassessments on the same basis as real estate is required to be assessed under the provisions of general law and shall have the same authority as the assessors appointed under the provisions of general law and shall be charged with duties similar to those thereby imposed upon such assessors, except that such assessments or reassessments shall be made annually and the assessments and reassessments so made shall have the same effect as if they had been made by assessors appointed under the provisions of general law. And the council may authorize the commissioner of revenue to act as the assessor provided herein, and provided further that application for relief from assessments may be made to the circuit court of appropriate jurisdiction. (1960, c. 213; 1966, c. 232)

§ 8.9. City Purchasing Agent; Appointment; Qualifications; Powers and Duties Generally.

The city council shall, by resolution, designate the city manager or director of finance as city purchasing agent, or it may, at its discretion, appoint any other qualified person as city purchasing agent. In selecting the city purchasing agent, consideration shall be given to the applicant's experience in private business purchasing, or governmental purchasing, or comparable kind of institutional purchasing, and property control and accountability. He shall, pursuant to the provisions of this charter and to such rules and regulations consistent therewith as may be established by the council, purchase for the use of the city and all its departments, bureaus, boards, commissions, offices, and

agencies, hereinafter in this chapter referred to as "using agencies," including at its option the city school board, but not excluding any other bureau, agency or official of said city, which purchases anything on behalf of said city, all supplies, materials, equipment, medicines and drugs, legal and scientific books and periodicals, and printing of legal briefs; manuscripts, maps, charts, sheet music, phonograph records, books, pamphlets and periodicals, when ordered by a city public library; such perishable articles and other articles as may be designated in the rules and regulations established by ordinance; and such supplies, materials, equipment and contractual services as may be required by any using agency in an emergency as defined in the said rules and regulations. The services of the purchasing agent shall be available to the school board whenever it wishes to make use thereof. (1960, c. 213; 1979, c. 246)

§ 8.10. Further Powers and Duties of Purchasing Agent.

The purchasing agent, for the purpose of giving effect to the provisions of the preceding section, shall have the following powers and duties:

(a) To establish, with the approval of the city manager, and after consultation with the heads of the using agencies concerned, and enforce standard specifications for all supplies, materials and equipment required by the city government except as to the purchases exempted above.

(b) To prescribe the time of making requisitions for such supplies, materials, and equipment and the future period which said requisitions are to cover.

(c) To inspect or cause to be inspected, all deliveries of such supplies, materials and equipment, and to cause tests to be made, when necessary, in order to determine their quality, quantity and conformance with specifications.

(d) To supervise and control such central storerooms, workshops, garages and repair shops as the council may provide by ordinance to serve the several using agencies or any of them.

(e) To transfer to or between using agencies, sell or trade-in supplies, materials and equipment determined by him, with the approval of the city manager and after consultation with the head of the using agency concerned, to be surplus, obsolete or unused.

(f) To maintain an adequate system of accounting for all property received and all property issued by the bureau of purchasing, in accordance with accepted principles of accounting for property and inventory control, and to maintain such inventory of all movable property belonging to the city, as may be required by the council.

(g) To perform such duties with regard to the letting of contracts for public works or improvements as are provided in Chapter 12 of this charter and to have such other powers and duties as may be provided by ordinance. (1960, c. 213)

§ 8.11. Purchasing.

All purchases shall be in conformance with a procurement policy approved by the council and consistent with the laws of the Commonwealth. (1960, c. 213; 1973, c. 500; 1979, c. 246; 2006, cc. 14, 761)

§ 8.12. Accounting Control of Purchasing.

All purchases made and contracts executed by the purchasing agent shall be pursuant to a written requisition, in such form as may be prescribed by the director of finance, from the head of the using agency whose appropriation is to be charged, or from the head of a bureau or other operating unit to whom such authority has been delegated in

writing, filed with the purchasing agent, except as provided in subsection (f) of § 8.3 of this charter, by the head of the using agency. No purchase order made or contract entered into by the purchasing agent shall be valid unless there be endorsed thereon the certificate of the director of finance that there is an unexpended and unencumbered balance in the appropriation and allotment applicable thereto. Nothing herein, however, shall be taken to prevent the purchasing agent from making purchases from a store's revolving fund which the council is hereby authorized to establish, or from making sales from the stores to the several using agencies based on their requisitions, provided the director of finance certified that there is an unexpended and unencumbered balance in the appropriation to be charged. (1960, c. 213)

CHAPTER 9 PERSONNEL

§ 9.1. Merit Basis of Appointments.

Appointments and other personnel actions shall be made according to merit and fitness. The council shall have all necessary powers to carry out this purpose, including, if the council so determines, the establishment and operation of a competitive examination or selection system. The council may vest the following powers in the city manager, who may delegate them to any officer or department of the city government, as he may decide:

(a) To administer recruitment and selection to fill positions in the city government, except the following:

(1) Officers elected by the people and persons appointed to fill vacancies in elective offices; (2) members of boards and commissions; (3) officers appointed by the council; (4) the municipal judge, the juvenile and domestic relations judge and the justices of the peace provided for in this charter; (5) employees of the school board; (6) assistant city attorneys, special counsel and technical advisors employed by the city attorney;

(b) To administer any system of competitive examination or selection which may be established by the council;

(c) To prepare and recommend to the council a classification plan;

(d) To prepare and recommend to the council a pay plan covering all employees in the city government, including school board employees, if the board so requests;

(e) To direct and enforce the maintenance by all departments, boards, commissions, offices and agencies of the city, of such personnel records and service rating of city employees (except employees of the school board) as he shall prescribe;

(f) To maintain a roster of all persons in the employ of the city (except employees of the school board) which shall specify as to each such person such information as (1) the class title of the position held, (2) the salary or pay, (3) any changes in class title, salary or pay, and (4) such other data as may be deemed useful or significant;

(g) To certify all payrolls, except those of the school board, and to make no payment for personal services to any person unless the payroll voucher bears the certificate of the city manager that the persons named therein have been appointed and employed in accordance with the provisions of this chapter;

(h) To provide a systematic program of in-service training for city employees (other than employees of the school board) to improve their performance and their potentialities for service to the city;

(i) To investigate the operation and effect of the personnel provisions of this charter and the rules adopted thereunder and report annually his findings and recommendations to the council;

(j) To recommend to the council and to effectuate such rules and regulations as may be necessary for the purpose of carrying out the provisions of this charter and to perform such other powers and duties as may be assigned to him by ordinance. (1960, c. 213)

§ 9.2. Unclassified Service.

The service of the city shall be divided into the unclassified and classified services. The unclassified service shall consist of: (a) officers elected by the people and persons appointed to fill vacancies in elective offices; (b) the members of boards and commissions, all officers appointed by the council and, any of their deputies, appointees, assistants or employees designated by council as in the unclassified service and persons appointed by officers elected by the people; (c) the justices of the peace, municipal judge and the juvenile and domestic relations judge provided for in this charter; (d) the assistant city manager, if there be one; (e) employees of the school board, provided that any class of such employees may be transferred to the classified service on the request of the school board; (f) assistant city attorneys, special counsel and technical advisors employed by the city attorney; (g) licensed physicians and dentists employed by the city in their professional capacities; (h) persons temporarily employed in a professional or scientific capacity or to conduct a special inquiry, investigation, examination or installation, if the council or the manager certifies that such employment is temporary and that the work should not be performed by employees in the classified service; (i) per diem employees. (1960, c. 213; 1980, c. 206; 1981, c. 513)

§ 9.3. Classified Service.

The classified service shall comprise all positions, including those in the police and fire departments not specifically included by the preceding section in the unclassified service. (1960, c. 213)

§ 9.4. Appointment and Removal.

All original appointments to positions in the classified service shall be for a probationary period. The probationary period shall be six months, but at any time prior to the conclusion of the probationary period of any employee, his services may be terminated by the officer having the power of appointment to the position, if, in the opinion of such officer, the employee does not possess the qualifications to perform satisfactorily the duties of the position. Upon the conclusion of the probationary period, no employee shall be suspended for more than sixty days, reduced in rank or pay, or removed, except after notice in writing of the grounds of the proposed action. Such notice shall be from the officer who has the power of appointment to the position. The decision of the city manager (or for positions not under his appointing power, the decision of the appointing officer) shall in all cases be final. (1960, c. 213; 1981, c. 513)

§ 9.5. Tenure.

An employee who has been continued in employment after the conclusion of the probationary period may not, so long as he continues in the employ of the city, be required to serve a new probationary period upon appointment or transfer to a position not involving different skills. (1960, c. 213)

§ 9.6. Rules.

Within six months after this charter becomes effective, the city manager shall prepare and recommend to the council such rules as he may consider necessary to carry out the provisions of this chapter with respect to persons in the classified service. The council shall cause to be published at least once in a newspaper of general circulation in the city, a notice of the time and place of a public hearing to be held on such proposed rules, to take place not less than five days after the publication of such notice. Thereafter, the council shall reject or adopt the rules recommended by the city manager with such modifications as it may deem advisable. Amendments to the rules may be adopted from time to time after public hearing as above provided, but no change in the rules shall be set for hearing which has not been recommended by the city manager unless the same shall have first been referred to him for his opinion at least ten days prior to such hearing. The rules and amendments thereof so adopted shall have, to the extent that they are consistent with the terms of this charter, the force of law. Among other things, they shall provide for the administration of the classification plan and pay plan; hours of work, vacations, sick leaves and other leaves of absence; overtime pay; the order and manner in which layoffs shall be effected; procedure on appeals from orders of suspension or removal or other disciplinary action; and such other matters as may be necessary to provide adequate and systematic handling of the personnel affairs of the city. (1960, c. 213)

§ 9.7. Classification Plan.

The city manager first appointed shall, within seven months after his appointment, prepare, after consultation with all officers having the power of appointment, and submit to the council a plan of classification and grading for all positions in the classified service according to similarity of authority, duties and responsibilities. The council shall hold a public hearing thereon, at least ten days' notice of which shall be given by publication in a newspaper of general circulation in the city, and within thirty days after the submission of the plan by the city manager, it shall reject or adopt the same with or without modifications. Changes in the classification plan may thereafter be recommended from time to time by the city manager and shall take effect when approved by the council. When the specifications of any job are changed or a new position created the city manager shall recommend the necessary changes in the classification plan. After the adoption of the classification plan the class title set forth therein shall be used to designate such positions in all official records, documents, vouchers and communications, and no person shall be appointed to or employed in a position in the classified service under any class title which has not been recommended by the city manager and approved by the council as appropriate to the duties to be performed. Employees affected by the allocation or reallocation of a position to a class or by any changes in the classification plan shall be afforded an opportunity to be heard thereon by the city manager after filing a request for such hearing. After such hearing, the decision of the city manager shall be final. (1960, c. 213)

§ 9.8. Pay Plan.

There shall be a pay plan consisting of a salary range for each class of position in the classification plan, which shall provide for regular increments within such range to be earned by length of service upon certification of satisfactory service by the supervisor. Each such range shall be determined with due regard to the salary ranges for other classes and to the relative difficulty and responsibility of characteristic duties of positions in the class, the minimum qualifications required, the prevailing rate paid for similar

employment outside the city service, and any other factors that may properly be considered to have a bearing upon the fairness or adequacy of the range. The city manager shall prepare within thirty days after the adoption of the classification plan by the council a pay plan as described above which shall be transmitted to the council, with his recommendations. The council shall have power to adopt the same by ordinance with or without modifications. When so adopted by the council the pay plan shall remain in effect until amended by the council. When a pay plan has been adopted, the council shall not increase or decrease the salaries of individual members of the classified service but shall act in fixing the salaries of members of the classified service only by amendment of the pay plan. (1960, c. 213)

§ 9.9. Status of Present Employees.

All persons holding positions in the service of the city at the effective date which are included by this chapter in the classified service, shall immediately become members of the classified service, upon certification by the city manager with the approval of the council. Nothing in this section, however, shall be deemed to limit the power of the council by ordinance to abolish any position, or positions, or to establish a classification plan affecting any position in the classified service, or to adopt a pay plan altering the compensation thereof. (1960, c. 213)

CHAPTER 10 DEPARTMENT OF LAW

§ 10.1. Department of Law.

There shall be a department of law which shall consist of the city attorney and such assistant city attorneys and other employees as may be provided by ordinance. (1960, c. 213)

§ 10.2. Qualifications and Appointment.

The head of the department of law shall be the city attorney. He shall be an attorney at law licensed to practice under the laws of the Commonwealth. He shall be chosen in the manner provided in § 10.5. (1960, c. 213)

§ 10.3. City Attorney. Powers and Duties.

The city attorney shall (a) be the legal advisor of (1) the council, (2) the city manager, (3) the city school board, and (4) all departments, boards, commissions, and agencies of the city, in all matters affecting the interests of the city, and shall, upon written request, furnish a written opinion of any question of law involving their respective official powers and duties; (b) at the request of the city manager or any member of the council, prepare ordinances for introduction and at the request of the council or any member thereof shall examine any ordinance after introduction and render his opinion as to the form and legality thereof; (c) draw or approve all bonds, deeds, leases, contracts or other instruments to which the city or city school board is a part or in which it has an interest; (d) have the management and control of all the law business of the city and of the city school board and the departments, boards, commissions and agencies thereof, or in which the city has an interest, and represent the city and the city school board as counsel in any civil case in which it is interested and in criminal cases in which the constitutionality or validity of any ordinance is brought in issue; (e) with the approval of the council or of the city school board, as the case may be, institute and prosecute all legal proceedings he shall deem necessary or proper to protect the interests of the city or the city school board; (f) attend in person or assign one of his assistants to

attend all meetings of the council and any regular meeting of the city school board when requested by the Superintendent of Schools; (g) appoint and remove such assistant city attorneys and other employees as shall be authorized by the council, subject to the provisions of Chapter 9 of this charter as to employees in the classified service, and authorize the assistant city attorneys or any of them or special counsel to perform any of the duties imposed upon him in this charter; and (h) have such other powers and duties as may be assigned to him by ordinance. The city attorney may, with the concurrence of the Commonwealth's Attorney, prosecute misdemeanor violations of city ordinances not prosecuted by the Commonwealth's Attorney pursuant to § 21.7 of this charter. The approval or withholding of approval by the city attorney in the matters provided for in §§ 8.7 (c) and 8.7 (d) shall relate only to the legality of the proposed action. (1960, c. 213; 1962, c. 467; 1981, c. 513)

§ 10.4. Restrictions on Actions for Damages Against City.

No action shall be maintained against the city for injury to any person or property or for wrongful death alleged to have been sustained by reason of the negligence of the city or of any city officer, employee or agent thereof, unless a written statement by the claimant, his agent, attorney or representative, of the nature of the claim and of the time and place at which the injury is alleged to have occurred or been received shall have been filed with the city attorney within sixty days after such cause of action shall have accrued, except that when the claimant is an infant or non compos mentis, or the injured person dies within such sixty days, such statement may be filed within one hundred and twenty days. Neither the city attorney nor any other officer, employee or agent of the city shall have authority to waive the foregoing conditions precedent or any of them. (1960, c. 213)

§ 10.5. Qualifications and Appointment.

The city council shall appoint a city attorney who shall be an attorney at law licensed to practice under the laws of the Commonwealth. In addition to the other powers conferred upon the city by general law, the city council shall have the power to appoint a city attorney who shall not be required to reside in or be a resident of the city at the time of his appointment or during the term of his office for which he was appointed. (1960, c. 213; 1968, c. 474; 1973, c. 500; 1974, c. 9; 2006, cc. 14, 761)

§ 10.6. Salary of City Attorney.

The salary or compensation of the city attorney shall be as determined by resolution or ordinance adopted by the council. (1960, c. 213; 1962, c. 467)

§ 10.7. (1960, c. 213; repealed 1962, c. 467)

CHAPTER 11
PUBLIC SAFETY

§ 11.1. Functions.

The functions of public safety shall be performed by the police department and such other bureaus, divisions and units as may be provided by ordinance or by orders of the city manager consistent therewith.

The City of Colonial Heights may enter into contractual relationships with neighboring political subdivision for the support and utilization of a joint fire department which shall be responsible for the protection from fire of life and property within the city, and may, at any time, establish a city fire department for such purpose. (1960, c. 213)

§ 11.2. Police Department.

The police department shall consist of the chief of police and such other officers and employees of such ranks and grades as may be established by ordinance. The police department shall be responsible for the preservation of the public peace, prevention of crime, apprehension of criminals, protection of the rights of persons and property, and enforcement of the laws of the Commonwealth, the ordinances of the city and all rules and regulations made in accordance therewith. The chief of police and the other members of the police force of the city shall have all the powers and duties of police officers as provided by the general laws of the Commonwealth. (1960, c. 213)

§ 11.3. Chief of Police.

The head of the police department shall be the chief of police and shall be appointed by the city manager. Under the general supervision of the city manager, he shall be in direct command of the police department. He shall appoint all members of the department and assign all members of the department to their respective posts, shifts, details and duties. He shall with the approval of the city manager, make rules and regulations in conformity with this charter and the ordinances of the city concerning the operation of the department, the conduct of the officers and employees thereof, their uniforms, arms and other equipment, their training and the penalties to be imposed for infractions of such rules and regulations. The chief of police shall be responsible for the efficiency, discipline and good conduct of the department. Orders of the city manager, relating to the police department shall be transmitted in all cases through the chief of police or in his absence from the city or incapacity through an officer of the department designated as acting chief by the city manager. Disobedience to the lawful commands of the chief of police or violation of the rules and regulations made by him with the approval of the city manager shall be ground for removal or other disciplinary action as provided in such rules and regulations, subject to the provisions of Chapter 9 of this charter. (1960, c. 213)

§ 11.4. Special Police.

The Municipal Judge in time of grave public emergency, may appoint and equip a sufficient number of special policemen to preserve the peace, safety and good order of the community. The Municipal Judge shall also appoint such employees of the city to be special policemen who while in the performance of their official duties shall have the powers and duties of policemen. The Municipal Judge may in his discretion, upon the application of any individual, firm or corporation showing the necessity therefor, appoint one or more special policemen, to be paid by the applicant, who shall have the powers and duties of policemen while in or on the premises of such applicant or in the actual performance of the duties for which employed. Special policemen shall be subject to the rules and regulations of the police department and their appointment shall be revocable at any time by the Municipal Judge. (1960, c. 213)

§ 11.5. Fees.

The regular members of the police force and the special police shall receive all fees and allowances prescribed by law arising out of the exercise of their powers and duties, which shall be collected by the chief of police and paid into the city treasury, except that witness fees allowed for attendance upon the courts of record may be paid to and retained by such members as individuals. (1960, c. 213)

§ 11.6. Civil Defense Traffic Police.

The City Manager when advised of any large gathering of people requiring additional traffic control police and with the consent of the local coordinator of Civil Defense may appoint and equip a sufficient number of regular civil defense police to act as special policemen to regulate traffic and to preserve the peace, safety and good order of the community. Civil Defense Traffic Police shall be subject to the rules and regulations of the police department and shall have official status as city policemen only while such gathering is coming together, assembled or departing therefrom. (1960, c. 213)

§ 11.7. Fire Department.

The city council by ordinance may establish a paid or voluntary fire department and provide for its composition and all orders, rules and regulations for the government of the department. (1960, c. 213)

CHAPTER 12

DEPARTMENT OF PUBLIC WORKS

§ 12.1. Department of Public Works.

Unless otherwise provided by the council pursuant to §§ 4.2 (a), 4.2 (b) and 4.2 (c) of this charter, there shall be a department of public works which shall consist of the director of public works, who shall be, or be appointed by, the city manager, and such other officers and employees organized into such bureaus, divisions and other units as provided by this chapter or as may be provided by ordinance or by the orders of the director consistent therewith. (1960, c. 213)

§ 12.2. Functions.

The department of public works shall be responsible for: (a) the making of such surveys, reports, maps, drawings, plans, specifications and estimates as may be requested from time to time by the council, the city manager or the head of any department, or any board, commission or agency of the city, provided that the city manager may, with the approval of the council, employ consulting engineers or architects in connection with the design of any building, work or improvement; (b) the custody of all maps or plans of the city or any part thereof which were filed at the effective date of this charter in the office of the director of public works and all such maps or plans hereafter made and not expressly required by law or ordinance to be filed in some other place, and any map or plan of the city or any part thereof made in accordance with any law or ordinance and in the custody of the department of public works, or a copy thereof attested by the director of public works, shall be evidenced in the courts of the Commonwealth of the facts shown thereon; (c) the supervision of the execution and performance of all contracts for capital improvement projects as defined in subsection (a) of § 7.2 of this charter, and no payment shall be made by the city upon any such contract without the certificate of the director of public works that the work or the portion thereof for which such payment is to be made has been satisfactorily performed in accordance with the terms of such contract, provided that when the plans and specifications for any capital improvement project have been prepared under the authority of the school board or department of public utilities by some person or agency other than the department of public works, the contract may be supervised and the certificate above required shall be issued by a person or agency to be designated by the school board or the director of public utilities, as the case may be; (d) the construction of any capital improvement project by employees of the department of public works when ordered, as hereinafter provided in this chapter, by the council or the

city manager; (e) the maintenance and cleaning of streets, alleys, other public places, bridges, viaducts, subways and underpasses; (f) the maintenance of storm water sewers, drains and culverts, the collection of garbage and other refuse and the maintenance and operation of facilities for the disposal of the same, subject to the authority of the director of public health in matters affecting the public health; (g) the maintenance, heating, lighting and janitorial service for all city-owned buildings except those under the jurisdiction of the school board and the department of public utilities, and except when otherwise provided by this charter, law, ordinance or the directions of the city manager; (h) the determination, in accordance with such ordinances on the subject as the council may adopt, of the conditions under which street surfaces may be cut by the department of public utilities or any person, firm or corporation, for the purpose of laying, relocating, removing, connecting or repairing pipes or conduits therein, and the time within and the manner in which such work shall be completed and such cuts filled and the street surface restored; (i) the inspection of buildings, and electrical wiring and plumbing installations, and the issuing of permits for such construction, maintenance, repair and installations to secure compliance with existing codes or as may be provided by ordinance; (j) requiring every merchant, retailer, trader, and dealer in merchandise, or property of any description, which is sold by measure or weight, to cause their weights to be sealed by a city sealer, and to be subject to his inspection; and (k) such other powers and duties as may be assigned to the department by ordinance. (1960, c. 213)

§ 12.3. Director of Public Works. Qualifications.

The head of the department of public works shall be the director of public works. In making the appointment of such director, consideration shall be given to the applicant's experience in public works problems and public works administration. (1960, c. 213)

§ 12.4. Director of Public Works. Powers and Duties.

The director of public works shall have general management and control of the several bureaus, divisions and other units of the department. He shall appoint and remove, subject to the provisions of Chapter 9 of this charter, all the officers and employees of the department and shall have power to make rules and regulations consistent with this charter and the ordinances of the city for the conduct of its business. (1960, c. 213)

§ 12.5. Grading of Streets.

Whenever the council shall have determined to grade or change the grade of any street, alley or public place within the city, if the work be of such a nature as may cause damage to the abutting landowners it shall be the duty of the director of public works to ascertain what damages, if any, will accrue to the owners of the property likely to be so affected. It shall further be the duty of the director of public works, such ascertainment having been made, to give such notice and hearings and to make such reports and proceed in such manner as is required by §§ 15-767, 15-768, 15-769 and 15-770 of the Code of Virginia. The amount finally ascertained, in the manner provided in the said sections, to be due to any property owner shall have the effect of a judgment in favor of the property owner and against the city as of the date of such final ascertainment. (1960, c. 213)

§ 12.6. Assessment of the Cost of Certain Improvements upon Abutting Landowners.

Before the council shall order the assessment of the whole or any portion of the cost of any improvement, as provided in subsection (a) of § 2.3 of this charter, it shall give notice to the abutting landowners as required by §§ 15-669 through 15-671, and § 15-674 of the Code of Virginia, and all further proceedings in relation to such assessment shall be governed by the provisions of §§ 15-669, 15-670, 15-671, 15-672, 15-673, 15-674, 15-675, 15-676 of the Code of Virginia relating to notice, hearings, appeals and other procedural matters; provided that it shall be the duty of the director of public works to ascertain the cost of such improvement and that any duties which under said sections may be performed by an officer of the city, shall be performed by the director of public works. (1960, c. 213)

§ 12.7. Contracts for Capital Improvement Projects.

Whenever any capital improvement project is to be undertaken by the city or any department, board, commission or agency thereof, including the school board, the department of public works shall cause plans, specifications and estimates of cost of such capital improvement project to be made. The school board and department of public utilities may utilize the services of the department of public works in preparing plans, specifications and estimates of cost for capital improvement projects relating to their respective functions but they may, in the discretion of the school board or director of public utilities, as the case may be, cause such plans and specifications to be prepared by their own employees or by architects and engineers engaged for the purpose. In the case of any capital improvement project, except one relating to school buildings and grounds, if the estimate of cost is \$10,000 or less it may, in the discretion of the city manager, be constructed either by contract or by the employees of the department of public works or the department of public utilities, as the case may be. If the estimate of cost is more than \$10,000, such capital improvement project shall, except as hereinafter provided, be constructed by contract. No contract for any capital improvement project estimated to cost more than \$1000 shall be let except upon sealed bids based on the plans and specifications prepared by the department of public utilities, which bids shall be advertised for, received, opened and tabulated by the purchasing agent in the manner and subject to the conditions prescribed by ordinance. The contract shall be awarded by the purchasing agent to the lowest responsible bidder, provided that the city manager, when the estimated cost of the capital improvement project is \$10,000 or less, and the council in all cases, may authorize the rejection of all bids, instruct the purchasing agent to readvertise for bids with or without modification of the plans and specifications for such capital improvement project or order the same to be constructed by the department of public works or the department of public utilities, as the case may be. A record of all bids, showing the names of the bidders and the amounts of the bids and indicating in each case the successful bidder, together with the originals of all sealed bids and other documents pertaining to the award of contracts, shall be preserved by the purchasing agent for six years in a file which shall be open to public inspection during regular business hours. No capital improvement project which is essentially a unit shall be divided for the purpose of evading the intent of this section. (1960, c. 213)

§ 12.8. School Board Contracts for Capital Improvement Projects.

The school board may make use of the contract procedure provided by § 12.7 and if it does so, the authority to reject all bids and order the purchasing agent to readvertise for bids shall be vested in the school board, provided that the execution of any capital

improvement project relating to school buildings or grounds shall not be undertaken by the department of public works except upon the request of the school board and with the approval of the city manager. The school board may, in its discretion, adopt its own procedure for the letting of contracts for capital improvement projects, provided that no such project involving an estimated cost of more than \$10,000 shall be let except on sealed bids. No contract or bid of the city school board for capital improvements shall be let out for bid or entered into until the same shall have been first forwarded to the director of public works for approval or disapproval as to contents and to the City Attorney for approval or disapproval as to form. The director of public works and the City Attorney shall return the same to the school board within 15 days endorsed approved or disapproved and in the event the same is disapproved, the director of public works or the City Attorney, as the case may be, shall state in writing his reasons for disapproval. In the event that the director of public works or the City Attorney fail to return the contract or bid within the said 15 days, approval of the contract or bid shall be deemed approved by said official. (1960, c. 213)

§ 12.9. Inspection Functions.

The director of public works shall supervise and be responsible for: (a) receiving all applications for permits under the existing building, electrical, and plumbing codes of the city or as may be provided by ordinance, as well as applications for any work sought to be done by private parties in the streets of the city or upon public property, and shall issue or refuse such permits according to the regulations of the existing code or as may be provided by ordinance, and inspecting all such construction, maintenance, repair, and installations to insure compliance with all of the requirements of the aforementioned code and the approved plans and permits; (b) the inspection by the city sealer of all weights, measures and weighing or measuring devices used in the city, and all weights, scales and measures used in commerce which may be found, or can be made to agree with the standard as provided by existing code or as may be provided by ordinance, shall be sealed by the city sealer, and all which do not or cannot be made to agree therewith shall be defaced and destroyed by the city sealer. (1960, c. 213)

CHAPTER 13

DEPARTMENT OF PUBLIC UTILITIES

§ 13.1. Department of Public Utilities.

Unless otherwise provided by the council pursuant to §§ 4.2 (a), 4.2 (b) and 4.2 (c) of this charter, there shall be a department of public utilities which shall consist of the director of public utilities, who shall be, or be appointed by, the city manager, and such other officers and employees organized into such bureaus, divisions and other units as may be provided by ordinance or by the orders of the director consistent therewith. (1960, c. 213)

§ 13.2. Functions.

The department of public utilities shall be responsible for: (a) the operation of the water and sanitary sewer utilities of the city; (b) the collection of all charges for the services of such utilities; (c) such other powers and duties as may be assigned to the department by ordinance. (1960, c. 213)

§ 13.3. Director of Public Utilities. Qualifications.

The head of the department of public utilities shall be the director of public utilities. He shall be a person trained and skilled in public utility problems and shall have

had at least five years' experience in public utility operation or administration. (1960, c. 213)

§ 13.4. Director of Public Utilities—Powers and Duties.

The director of public utilities shall have general management and control of the several bureaus, divisions and other units of the department. He shall appoint and remove, subject to the provisions of Chapter 9 of this charter, all officers and employees of the department and shall have power to make rules and regulations consistent with this charter and the ordinances of the city for the conduct of its business. (1960, c. 213)

§ 13.5. Bureau of Billing and Collection.

There shall be a bureau of billing and collection in the department of public utilities, which shall be responsible for the collection of all charges for the use of water, sanitary sewers and other services incident thereto. The collection of unpaid bills may be enforced in the manner now or hereafter prescribed by law or ordinance. (1960, c. 213)

§ 13.6. Each Utility a Separate Enterprise.

The city council by ordinance, may provide that the water and sanitary sewer utilities shall be conducted as a separate enterprise and may further provide for the billing and collection of each utility, for separate budgets for each utility and for separate accounting of each utility. (1960, c. 213)

§ 13.7. Changes in Rates.

The rates to be charged for the respective services of the water and sanitary sewage utilities shall be fixed from time to time by the council on the recommendation of the director of public utilities and the city manager. (1960, c. 213)

§ 13.8. May Utilize Department of Public Works.

The functions of construction, maintenance, repair and installation pertinent to the operation of the water and sanitary sewer utilities, including sewage disposal plants may be performed, at the option of council, by the department of public works and the director of public works shall charge all costs incident thereto to the department of public utilities. (1960, c. 213)

CHAPTER 14 DEPARTMENT OF PUBLIC HEALTH

§ 14.1. Department of Public Health.

Unless otherwise provided by the council pursuant to §§ 4.2 (a), 4.2 (b), and 4.2 (c) of this charter, there shall be a department of public health which shall consist of the director of public health and such other officers and employees organized into such bureaus, divisions and other units as may be provided by ordinance or by the orders of the director consistent therewith. (1960, c. 213)

§ 14.2. Functions.

The department of public health shall be responsible for: (a) enforcing all laws and ordinances and all lawful rules and regulations of the department as hereinafter provided, relating to the preservation and promotion of public health and sanitation; (b) the protection of the inhabitants of the city from contagious, infectious and other diseases; (c) the abatement of nuisances detrimental to public health; (d) the operation of city hospitals, sanatoria and laboratories and the furnishing of medical aid and care to the indigent; (d) the conducting of clinics, nursing and educational services for the preservation and promotion of public health; (f) the collection of morbidity and vital

statistics; and (g) such other powers and duties as may be assigned to the department by ordinance. (1960, c. 213)

§ 14.3. Director of Public Health--Qualifications.

The head of the department of public health shall be the director of public health. He shall be a person trained and skilled in public health problems and shall have had at least five years' experience in public health work. (1960, c. 213)

§ 14.4. Director of Public Health--Powers and Duties.

The director of public health shall have general management and control of the several bureaus, divisions and other units of the department. He shall appoint and remove, subject to the provisions of Chapter 9 of this charter, all officers and employees of the department, provided that all regular officers and employees of the department who are included in the unclassified service by reason of their professional status as physicians or dentists shall be disciplined or removed only in the manner prescribed for the discipline or removal of members of the classified service and shall be subject to the provisions of §§ 9.7, 9.8 and 9.10 of this charter. (1960, c. 213)

§ 14.5. Director of Public Health--Further Powers and Duties.

The director of public health shall further have all the powers and duties with respect to the preservation of the public health which now are or may hereafter be conferred or imposed on municipal boards of health and health officers by the laws of the Commonwealth, as well as all the powers and duties conferred or imposed on him by this charter and the ordinances of the city. He shall have the power, with the approval of the board of health, to make rules and regulations for the preservation of the public health, not inconsistent with the laws of the Commonwealth and the ordinances of the city, which shall have the force of law. The penalties for the violation of any such rules and regulations shall be fixed by ordinance. (1960, c. 213)

§ 14.6. Contractual Relationships.

The City of Colonial Heights may enter into contractual relationship with the Commonwealth and neighboring political subdivisions for the support and utilization of a joint board of health to effectuate any, or all of the functions of the department of health. (1960, c. 213)

CHAPTER 15

DEPARTMENT OF PUBLIC WELFARE

§ 15.1. Department of Public Welfare.

Unless otherwise provided by the council pursuant to §§ 4.2 (a), 4.2 (b) and 4.2 (c) of this charter, there shall be a department of public welfare which shall consist of the director of public welfare and such officers and employees organized in such bureaus, divisions and other units as may be provided by ordinance or the orders of the director consistent therewith. (1960, c. 213)

§ 15.2. Functions.

The department of public welfare shall be responsible for: (a) the duties imposed by the laws of the Commonwealth relating to public assistance and relief of the poor; (b) the operation of a city home; and (c) such other powers and duties as may be assigned to the department by law or ordinance. (1960, c. 213)

§ 15.3. Director of Public Welfare--Qualifications.

The head of the department of public welfare shall be the director of public welfare. He shall be a person trained and experienced in welfare administration. (1960, c. 213)

§ 15.4. Director of Public Welfare--Powers and Duties.

The director shall have, subject to the laws of the Commonwealth relating to public assistance, general management and control of the several bureaus, divisions and other units of the department, including the appointment and removal, subject to the provisions of Chapter 9 of this charter, of all officers and employees of the department and the making of rules and regulations, consistent with this charter and the ordinances of the city, for the conduct of its business. (1960, c. 213)

§ 15.5. Contractual Relationships.

The City of Colonial Heights, at the option of the council, may enter into contractual relationships with neighboring political subdivisions for the administration of public aid and assistance, and the care, maintenance and support of the aged, indigent, and infirm. (1960, c. 213)

CHAPTER 16 DEPARTMENT OF RECREATION AND PARKS

§ 16.1. Department of Recreation and Parks.

Unless otherwise provided by the council pursuant to §§ 4.2 (a), 4.2 (b) and 4.2 (c) of this charter, there shall be a department of recreation and parks which shall consist of the director of recreation and parks and such other officers and employees organized into such bureaus, divisions and other units as may be provided by ordinance or by the orders of the director consistent therewith. (1960, c. 213)

§ 16.2. Functions.

The department of recreation and parks shall be responsible for: (a) organizing and conducting recreation programs for all age groups in various parts of the city; (b) operating and maintaining all public parks, grounds, playfields and playgrounds of the city both within and without its boundaries, except those under the jurisdiction of the school board; (c) operating and maintaining all city cemeteries; (d) operating and maintaining nurseries for flowers, vines, shrubs and trees for use in the public parks, grounds, streets and ways of the city; (e) planting and care of all flowers, vines, shrubs and trees in the public parks, grounds, streets and ways of the city; (f) operating and maintaining all buildings, museums, gardens, monuments, lakes, swimming pools, rest rooms, restaurants, refreshment stands and other facilities and establishments situated in the public parks and grounds under the jurisdiction of the department; (g) promoting, sponsoring and managing public concerts, entertainments and other recreational activities; and (h) such other powers and duties as may be assigned to the department by ordinance. The department of recreation and parks shall be permitted to utilize grounds and buildings under the jurisdiction of the school board at such hours and on such days as they are not in use for other educational purposes, subject to such reasonable rules and regulations as the school board may establish, and provided that the department of recreation and parks shall be responsible for any damage or extra expense arising from its use of the school grounds and buildings. When authorized by the council and upon such terms and conditions as it may provide, the department of recreation may lease concessions and other facilities in the public parks and grounds under its jurisdiction, fix and collect charges for the use of its facilities and services, fix and collect charges for

admission to concerts, entertainments and other recreational activities sponsored by it and sell or exchange the surplus products of the city nurseries. The repair and maintenance of all buildings, drives and walks in parks and grounds under the jurisdiction of the department may, when so directed by the city manager, be performed by the department of public works. (1960, c. 213)

§ 16.3. Director of Recreation and Parks. Qualifications.

The head of the department of recreation and parks shall be the director of recreation and parks. He shall be a person trained and experienced in recreational activities, with experience in the administration of public recreation or parks. (1960, c. 213)

§ 16.4. Director of Recreation and Parks. Powers and Duties.

The director of recreation and parks shall have general management and control of the several bureaus, divisions and other units of the department. He shall appoint and remove, subject to the provisions of Chapter 9 of this charter, all officers and employees of the department, and he shall have the power to make rules and regulations consistent with this charter and the ordinances of the city for the conduct of its business. (1960, c. 213)

§ 16.5. Rules and Regulations.

The council shall have power to adopt by ordinance all needful rules and regulations relating to the use of public grounds, parks, playfields, playgrounds and cemeteries, whether within or without the city, and for the preservation of order, safety and decency therein. For the purpose of enforcing such rules and regulations, all such public grounds, parks, playfields, playgrounds and cemeteries shall be under the police jurisdiction of the city. Any member of the police force of the city, or park employee appointed as a special policeman shall have power to make arrests for violations of any such rule or regulations. (1960, c. 213)

§ 16.6. Advisory Board of Recreation and Parks.

There shall be an advisory board of recreation and parks consisting of five members, of whom one shall be a member of the school board, appointed by the school board, and one a member of the city planning commission, appointed by the city planning commission, for terms of two years from the first day in September, 1960, and every two years thereafter, but in no case shall a member so appointed continue to be a member of the advisory board of recreation and parks after the expiration of his term as a member of the school board or the city planning commission, as the case may be; and of whom three shall be appointed by the council for terms of three years, provided that the members in office at the effective date of this charter are hereby continued in office for the terms they were appointed, and new appointments shall be made annually from the first day in September in such a manner that one or more, but less than three, of the appointments expire annually. Vacancies shall be filled by the Authority making the appointment, for the unexpired portion of the term. The advisory board of recreation and parks shall choose annually one of its own number to be chairman for a term of one year and until his successor is chosen and qualified. An employee of the department of recreation and parks shall be assigned by the director of recreation and parks to act as secretary of the board. It shall hold such regular meetings as it may determine. Special meetings may be held at any time on the call of the director of recreation and parks. The advisory board of recreation and parks shall advise with the director of recreation and parks on all matters

submitted by him for their consideration. The members of the advisory board of recreation and parks shall serve without compensation. (1960, c. 213)

CHAPTER 17

PLANNING, ZONING AND SUBDIVISION CONTROL

§ 17.1. Planning Powers.

In addition to the powers granted under prevailing State laws and elsewhere in this charter, the council is authorized and empowered to make and adopt planning ordinances and approve a comprehensive master plan for the orderly development of the city to promote health, safety, morals, comfort, prosperity, and general welfare. The master plan may include but shall not be limited to the following:

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

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

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

(d) A general plan for the control and routing of railways, streetcar lines, bus lines and all other vehicular traffic.

(e) A comprehensive zoning plan for the zoning of all or any part of the area within the city.

(f) The general location, character and extent of use and development of land in areas beyond the corporate limits of the city which may be considered for annexation. (1960, c. 213)

§ 17.2. City Planning Commission; Established; Composition; Terms of Members; Vacancies; Compensation.

There shall be a city planning commission which shall consist of seven members appointed by the council. One member shall be a member of the council who shall be appointed for a term coincident with his term in the council; one member shall be a member of the board of zoning appeals appointed for a term coincident with his term on such board; five citizen members shall be qualified voters of the city who hold no office of profit under the city government, appointed for terms of four years; provided that the citizen members of the city planning commission previously appointed by the mayor and in office at the effective date of this charter shall continue to serve as members of the commission for the terms for which they were appointed, and provided further, that of the citizen members first appointed thereafter by the council, two shall be appointed for two years and two for four years from the first of January following their appointment. Vacancies shall be filled for the unexpired portion of the term. Members of the city planning commission shall serve as such without compensation. In addition to the seven members appointed by the council, the city manager, or his designee, shall be a

nonvoting member of the city planning commission. (1960, c. 213; 1973, c. 500; 1979, c. 246)

§ 17.3. Organization and Expenditures.

The commission shall elect a chairman and vice-chairman from among the citizen members appointed by the council, for a term of one year, who shall be eligible for reelection, and appoint a secretary. The commission shall hold at least one regular meeting in each month, shall adopt rules for the transaction of its business, and shall keep a record of its resolutions, transactions, findings and determinations, which record shall be a public record. The commission shall appoint such employees as it may deem necessary for its work and may contract with city planners, engineers, architects and other consultants for services it may require. All expenditures, exclusive of gifts to the commission, shall not exceed the sums appropriated by the council therefor. A majority of the members shall constitute a quorum and no action of the commission shall be valid unless authorized by a majority vote of all members, but a smaller number may adjourn from time to time. (1960, c. 213; 1970, c. 183)

§ 17.4. Duty to Adopt Master Plan.

It shall be the duty of the commission to make and adopt a master plan which, with accompanying maps, plats, charts and descriptive matter, shall show the commission's recommendations for the development of the territory covered by the plan. In the preparation of such plan, the commission shall make careful and comprehensive surveys and studies of existing conditions and future growth. The plan shall be made with the general purpose of guiding and accomplishing a coordinated, adjusted and harmonious development of the city and its environs which will, in accordance with existing and future needs, best promote health, safety, morals, comfort, prosperity and general welfare, as well as efficiency and economy in the process of development. (1960, c. 213)

§ 17.5. Control of Monuments and Other Works of Art.

It shall be the further duty and function of the commission to make recommendations to the city council to provide for the preservation of historical landmarks; and to control the design and location of statuary and other works of art which are or may become the property of the city, and the removal, relocation and alteration of any such work; and to consider and suggest the design, of bridges, viaducts, airports, stadia, arenas, swimming pools, street fixtures and other public structures and appurtenances. (1960, c. 213)

§ 17.6. Adoption of Master Plan by Commission.

The commission may adopt the plan as a whole by a single resolution or may, by successive resolutions, adopt successive parts of the plan, said parts corresponding to major geographical sections or geographical or topographical divisions of the area to be covered by the master plan or with functional subdivision of the subject matter of the plan, and may adopt any amendment or extension thereof or addition thereto. Before the adoption of the plan or any such part, amendment, extension or addition, the commission shall hold at least one public hearing thereon, at least fifteen days' notice of the time and place of which shall be given by one publication in a newspaper of general circulation in the city. The adoption of the plan or of any such part, amendment, extension or addition shall be by resolution of the commission carried by the affirmative vote of not less than a majority of the entire membership of the commission. The resolution shall refer expressly

to the maps and descriptive matter and other matter intended by the commission to form the whole or part of the plan adopted, which resolution shall be signed by the chairman of the commission and attested by its secretary. An attested copy of the resolution, accompanied by a copy of so much of the plan in whole or in part as was adopted thereby, shall be certified to the council and upon approval by it to the clerk of the circuit court of the city who shall file the same. (1960, c. 213)

§ 17.7. Effect of Adoption of Master Plan.

(a) Whenever the commission shall have adopted a master plan for the city or one or more parts thereof, geographical, topographical or functional, and the master plan or such part or parts thereof shall have been approved by the council, and it has been certified and filed, as provided in the preceding section, then and thereafter no street, square, park or other public way, ground, open space, public building or structure, shall be constructed or authorized in the city or in the planned section or division thereof until and unless the general location, character and extent thereof has been submitted to and approved by the commission; and no public utility, whether publicly or privately owned, shall be constructed or authorized in the city or in the planned section or division thereof until and unless its general location, but not its character and extent, has been submitted to and approved by the commission, but such submission and approval shall not be necessary in the case of pipes or conduits in any existing street or proposed street, square, park or other public way, ground or open space, the location of which has been approved by the commission; and no ordinance giving effect to or amending the comprehensive zoning plan as provided in § 17.10 shall be adopted until it has been submitted to and approved by the commission. In case of disapproval in any of the instances enumerated above, the commission shall communicate its reason to the council which shall have the power to overrule such action by a recorded vote of not less than two-thirds of its entire membership. The failure of the commission to act within sixty days from the date of the official submission to it shall be deemed approval.

(b) However, the widening, extension, narrowing, enlargement, vacation or change in the use of streets and other public ways, grounds and places within the city, as well as the acquisition by the city of any improved or unimproved land within or without the city for public purposes, or the sale of any improved or unimproved land then held by the city, shall not be referred to or considered by the commission unless the council specifically makes such a referral to the commission and asks for its recommendation. If the council does make such a referral to the commission, the council subsequently shall act on the commission's recommendation by a majority vote of its members, or an affirmative vote of three-fourths of all members if required by the Constitution of this Commonwealth.

(c) The pavement, repavement, reconstruction, improvement, drainage or other work in or upon any existing street or other existing public way shall not be submitted to the commission or otherwise considered by it. (1960, c. 213; 2009, cc. 126, 438)

§ 17.8. Capital Budget.

It shall be the duty of the commission to prepare and revise annually a program of capital improvement projects for the ensuing five years, and it shall submit the same annually to the city manager, at such time as he shall direct, together with its recommendations, and estimates of cost of such projects and the means of financing them, to be undertaken in the ensuing fiscal year and in the next four years, as the basis of

the capital budget to be submitted to the council by the city manager. In the preparation of its capital budget recommendations, the commission shall consult with the city manager, the heads of departments and interested citizens and organizations, and shall hold such public hearings as it shall deem necessary. (1960, c. 213)

§ 17.9. Further Planning Powers and Duties of the commission.

The commission shall have power to promote public interest in and understanding of the plan, and to that end may publish and distribute copies of the plan or any report relating thereto, and may employ such other means of publicity and education as it may determine. The commission shall consult and advise with public officials and agencies, public utility companies, civic, educational, professional or other organizations, and with citizens, with relation to the protection or carrying out of the plan. All public officials shall, upon request, furnish to the commission within a reasonable time, such available information as it may require for its work. The commission, its members, officers and employees in the performance of their duties, may enter upon any land in the city and make examinations and surveys, and place and maintain necessary monuments and markers thereon. In general, the commission shall have such powers as may be necessary to enable it to fulfill its function, promote planning and carry out the purposes of this charter. The commission shall make an annual report to the council concerning its activities. (1960, c. 213)

§ 17.10. Zoning Powers.

In addition to the powers granted elsewhere in this charter, the council shall have the power to adopt by ordinance, a comprehensive zoning plan designed to lessen congestion in streets; secure safety from fire, panic and other danger; promote health, sanitation and general welfare; provide adequate light and air; prevent the overcrowding of land; avoid undue concentration of population; facilitate public and private transportation and the supplying of public utility services and sewage disposal, and facilitate public and private transportation and the supplying of public utility services and sewage disposal, and facilitate provisions for schools, parks, playgrounds and other public improvements and requirements. The comprehensive zoning plan shall include the division of the city into districts with such boundaries as the council deems necessary to carry out the purposes of this chapter, and shall provide for the regulation and restriction of the use of land, buildings, and structures in the respective districts and may include, but shall not be limited to, the following:

- (a) It may permit specified uses of land, buildings and structures in the districts and prohibit all other uses.
- (b) It may regulate the heights, area, bulk, size, design and appearance of buildings and structures and the appropriateness of their use in the districts.
- (c) It may establish setback building lines and prescribe the area of land that may be used as front, rear and side yards and courts and open spaces.
- (d) It may restrict the portion of the area of lots that may be occupied by buildings and structures.
- (e) It may prescribe the area of lots and the space in buildings that may be occupied by families.
- (f) It may require that spaces and facilities deemed adequate by the council shall be provided on lots for parking of vehicles in conjunction with permitted uses of land and

that spaces and facilities deemed adequate by the council shall be provided on lots for off-street loading or unloading of vehicles.

(g) It may permit the designed use and development of land not less than ten acres in extent in a manner varying in certain respects from the regulations and restrictions prescribed for the district or districts in which such land is situated, provided that such designed use shall be approved by the city planning commission and the council, and adopted as a part of the master plan of the city.

(h) It may provide that land, buildings and structures and the uses thereof which do not conform to the regulations and restrictions prescribed for the district in which they are situated may be continued so long as the then existing or more restricted use continues and so long as the buildings or structures are maintained in their then structural condition; and may require that such buildings or structures and the use thereof shall conform to the regulations and restrictions prescribed for the district or districts in which they are situated whenever they are enlarged, extended, reconstructed or structurally altered; and may require that such buildings or structures and the use thereof shall conform to the regulations and restrictions prescribed for the district or districts in which they are situated, in any event, within a reasonable period of time to be specified in the ordinance. (1960, c. 213)

§ 17.11. Considerations to be Observed in Adoption of Regulations.

The regulations and restrictions shall be enacted with reasonable consideration, among other things of the character of each district and its peculiar suitability for particular uses, and with a view of conserving the value of land, buildings and structures and encouraging the most appropriate use thereof throughout the city. Upon the enactment of the ordinance dividing the city into districts and regulating and restricting the use of land, buildings and structures therein in accordance with a comprehensive zoning plan; no land, building or structure shall be changed from one district to another district unless the change is in accord with the interest and purposes of this section and will not be contrary to the comprehensive zoning plan and the enumerated factors upon which it is based and the regulations and restrictions applicable to the districts involved in the change. (1960, c. 213; 1966, c. 232)

§ 17.11-1. Uniformity of Regulations within a District—Special Use Permits.

(a) The regulations and restrictions shall be uniform and shall apply equally to all land, buildings, and structures and to the use and to each class or kind thereof throughout each district but the regulations and restrictions applicable in one district may differ from those provided for other districts.

(b) The council shall have the power to authorize by ordinance adopted by not less than five affirmative votes the use of land, buildings and structures in a district that does not conform to the regulations and restrictions prescribed for that district and to authorize the issuance of special use permits therefor, whenever it is made to appear that such special use will not be detrimental to the safety, health, morals and general welfare of the community involved, will not tend to create congestion in streets, roads, alleys and other public ways and places in the area involved, will not create hazards from fire, panic or other dangers, will not tend to overcrowding of land and cause an undue concentration of population, will not adversely affect or interfere with public or private schools, parks, playgrounds, water supplies, sewage disposal, transportation or other public requirements, conveniences and improvements, and will not interfere with adequate light

and air. No such ordinance shall be adopted until (1) the ordinance has been referred to the city planning commission for investigation of the circumstances and conditions upon which the council is empowered to authorize such use and until the commission has reported to the council the results of such investigation and its recommendations with respect thereto, and (2) until after a public hearing in relation to such ordinance is held by the council at which the persons in interest and all other persons shall have an opportunity to be heard. At least fifteen days notice of the time and place of such hearing shall be given by publication thereof in a daily newspaper of general circulation published in the city. The council shall have the power to require such other notice as it may deem expedient. The city planning commission may recommend and the council may impose such conditions upon the use of the land, buildings and structures as will, in its opinion, protect the community and area involved and the public from adverse effects and detriments that may result therefrom. (1966, c. 232)

§ 17.12. Duties of the City Planning Commission with Relation to Zoning.

It shall be the duty of the city planning commission to prepare and submit to the council a comprehensive zoning plan as referred to in § 17.10 and from time to time prepare and submit such changes in or revisions of the said plan as changing conditions may make necessary. (1960, c. 213)

§ 17.13. Adoption and Amendment of Zoning Regulations and Restrictions; Determination of District Boundaries, Etc.

Subject to the other provisions of this chapter, the council shall have power by ordinance to adopt the regulations and restrictions hereinbefore described and determine the boundaries of the districts in which they shall apply, provide for their enforcement, and from time to time, amend, supplement or repeal the same. The council shall also have authority to provide for the collection of fees to cover at least the costs involved in the consideration of any request for amendment, supplement or repeal of any such regulations, restriction or determination of boundaries, to be paid to the city clerk by the applicant upon filing such request. No such ordinance or amendment shall be adopted until: (a) the ordinance or amendment has been referred to the city planning commission and approved by it, or disapproved by it, subject to overrule by the council, as provided in § 17.7; and (b) until after a public hearing in relation thereto shall be held by the council at which the parties in interest and other persons shall have an opportunity to be heard. At least fifteen days' notice of the time and place of such hearing shall be given by publication thereof in a newspaper of general circulation in the city. (1960, c. 213; 1979, c. 246)

§ 17.14. Effect of Protest by Twenty Per Cent of the Owners of Property.

If a protest is filed with the city clerk against such amendment, supplement or repeal, signed and acknowledged before a person authorized to administer oaths, by the owners of twenty percent or more of the total area of the lots included in such proposed change or of the total area of the lots outside of the proposed change, any point in which is within one hundred and fifty feet of the boundary of such area, the council shall not adopt the ordinance making such amendment, supplement or repeal, except by the votes of two-thirds of the entire council. (1960, c. 213)

§ 17.15. Board of Zoning Appeals. Composition.

There shall be a board of zoning appeals which shall consist of five regular members and one alternate. They shall be qualified voters of the city, shall hold no office

of profit under the city government and shall be appointed by the council for terms of four years; provided that the members of the board of zoning appeals in office at the effective date of this charter shall continue to hold office until the first day of January following the expiration of the terms for which they were appointed, and the first alternate member shall be appointed to serve until the said date; and provided, further, that the council shall appoint two regular and one alternate member to serve for two years, and three regular members to serve for four years from said date. Thereafter, their successors shall be appointed for full terms of four years. Vacancies shall be filled by the council for the unexpired portion of the term. A regular or alternate member may be removed by the council for neglect of duty or malfeasance in office, upon written charges and after public hearing. Members of the board of zoning appeals shall serve without compensation. (1960, c. 213)

§ 17.16. Board of Zoning Appeals. Organization.

The board shall elect a chairman and a vice-chairman from among its regular members for a term of one year who shall be eligible for re-election. The chairman shall preside at all meetings of the board and, in his absence, the vice-chairman or other member designated by the board shall act as chairman and shall preside. The board shall appoint a secretary and such other employees as may be needed for the conduct of the work of the board. The alternate member may take the place of any regular member who is absent or disqualified, in hearing and determining any matter before the board. (1960, c. 213)

§ 17.17. Board of Zoning Appeals. Procedure.

The meetings of the board shall be held at the call of the chairman and at such other times as the board may determine. The board shall keep minutes of its proceedings showing the vote of each member on each question or, if absent, or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be filed in the office of the board and shall be a public record. (1960, c. 213)

§ 17.18. Appeals to Board of Zoning Appeals.

Appeals to the board may be taken by any person aggrieved, or by any officer, department, board, commission or agency of the city affected, by any decision of the administrative officer designated by the council to administer and enforce the ordinance dividing the city districts and regulating and restricting the use of land, buildings and structures therein. Appeals shall be taken within such reasonable time as shall be prescribed by the board by general rule, by filing with the said administrative officer and with the board a notice of appeal specifying the grounds thereof. The administrative officer shall forthwith transmit to the board all the papers constituting the record upon which the action appealed from was taken. An appeal stays all proceedings in furtherance of the action appealed from unless the administrative officer from whose decision the appeal is taken certifies to the board that by reason of the facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the board or by a court of record on application and on notice to the administrative officer and on due cause shown.

The board shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to the parties in interest and decide the issue within a

reasonable time. At the hearing, any party may appeal in person, by agent, or by attorney, and shall be given an opportunity to be heard. The board may prescribe a fee to be paid whenever an appeal is taken which shall be paid into the city treasury. (1960, c. 213)

§ 17.19. Powers of Board of Zoning Appeals.

The board shall have the following powers and it shall be its duty:

(a) To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination by the administrative officer in the administration and enforcement of the provisions of the ordinance.

(b) To grant variations in the regulations when a property owner can show that his property was acquired in good faith and where by reason of the exceptional narrowness, shallowness or shape of a specific piece of property at the time of the effective date of the ordinance or where by reason of the exceptional topographical conditions or other extraordinary or exceptional situation, the strict application of the terms of the ordinance actually prohibit or unreasonable restrict the use of the property, or where the board is satisfied, upon the evidence heard by it, the granting of such variation will alleviate a clearly demonstrable hardship approaching confiscation, as distinguished from a special privilege or convenience sought by the owner; provided, however, that all variations granted shall be in harmony with the intended spirit and purpose of this chapter and the ordinance.

(c) To permit, when reasonably necessary in the public interest, the use of land, or the construction or use of buildings or structures, in any district in which they are prohibited by the ordinance, by any agency of the city, county or state or the United States, provided such construction or use shall adequately safeguard the health, safety and welfare of the occupants of the adjoining and surrounding property, shall not unreasonably impair an adequate supply of light and air to adjacent property, shall not increase congestion in streets and shall not increase public danger from fire or otherwise affect public safety.

(d) To permit such other exceptions or grant variances from the strict application of the terms of the zoning regulations under the principles, standards, rules, conditions, and safeguards set forth in the zoning ordinance, provided they are determined to be consistent with the general purpose and intent of such ordinance. (1960, c. 213)

§ 17.20. Form and Scope of Decisions by Board of Zoning Appeals.

In exercising the powers conferred upon it, the board may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from, and may make such order, requirement, decision or determination as should be made and to that end shall have all the powers of the administrative officer charged by the ordinance with enforcement. The concurring affirmative vote of three members of the board shall be necessary to reverse any order, requirement, decision or determination of the administrative officer or to decide in favor of the applicant in any matter of which it has jurisdiction. The board shall act by formal resolution which shall set forth the reason for its decision and the vote of each member participating therein, all of which shall be spread upon its records and shall be open to public inspection. The board may, upon the affirmative vote of three members, reconsider any decision made and, upon such reconsideration, render a decision by formal resolution. Every decision of the board shall be based upon a finding of fact based on sworn testimony, which finding of fact shall be reduced to writing and preserved among its records. (1960, c. 213)

§ 17.21. Appeals from Board of Zoning Appeals.

Any person, firm or corporation, jointly or severally aggrieved, or in fact affected by any decision of the board of zoning appeals, or any officer, department, board or agency of the city government charged with the enforcement of any order, requirement or decision of said board, may appeal from such decision by filing a petition in the court of appropriate jurisdiction, verified by affidavit, setting forth the alleged illegality of the action of the board and the grounds thereof. The petition shall be filed within thirty days from the date of the decision of the board. No appeal from the decision of the board shall be allowed in any case involving the same petitioner, principles, property and conditions, previously passed upon by such court. (1960, c. 213)

§ 17.22. Procedure on Appeal.

Upon filing of the petition, the court may cause a writ of certiorari to issue directed to the board, ordering it to produce within the time prescribed by the court, not less than ten days, the record of its action and documents considered by it in making the decision appealed from, which writ shall be served upon any member of the board. The issuance of the writ shall not stay proceedings upon the decision appealed from, but the court may, on application, notice to the board and due cause shown, issue a restraining order. The board shall not be required to produce the original record and documents, but it shall be sufficient to produce certified or sworn copies thereof or of such portions thereof as may be required by the writ. With the record and documents, the board may concisely set forth in writing such other facts as may be pertinent and material to show the grounds of the decision appealed from, verified by affidavit. (1960, c. 213)

§ 17.23. Powers and Duties of the Court.

The court shall review the record, documents and other matters produced by the board pursuant to the issuance of the writ and may reverse or modify the decision reviewed, in whole or in part, when it is satisfied that the decision of the board is contrary to law or that its decision is arbitrary and constitutes an abuse of discretion. (1960, c. 213)

§ 17.24. Proceedings against Violators of Zoning Ordinance.

Whenever any building or structure is erected, constructed, reconstructed, altered, repaired or converted, or whenever any land, building or structure is used in violation of any ordinance adopted in accordance with § 17.13, the city may institute and prosecute appropriate action or proceedings to prevent such unlawful act and to restrain, correct or abate such violation or to prevent any unlawful act, conduct or use of such property. (1960, c. 213)

§ 17.25. Penalties for Violation of Zoning Ordinance.

The council may, in such ordinance, provide that fines and jail sentences, either or both, shall be imposed for violations of the ordinance by owners of land, buildings or structures, their agents having possession or control of such property, lessees, tenants, architects, builders, contractors or any other persons, firms or corporations or who maintain any land, building or structure in which such violations exist, which penalties shall not exceed those prescribed in Title 16.1 Chapters 6 and 7 of the Code of Virginia in force on November 1, 1959. (1960, c. 213)

§ 17.26. Powers Relative to Land Subdivision Generally; Contents of Subdivision Regulations.

In order to provide for the orderly subdivision of land within the city, there is hereby conferred upon the city the power to adopt regulations and restrictions relative to the subdivision of land in the manner hereinafter provided. Such regulations and restrictions may prescribe standards and requirements for the subdivision of land which may include, but shall not be limited to, the following: the location, size and layout of lots so as to prevent congestion of population, to provide for light and air, and to prevent the hazard of inundation, the width, grade, location, alignment and arrangement of streets and sidewalks with relation to other existing streets, planned streets and the master plan; access for fire-fighting apparatus; adequate open spaces; adequate and convenient facilities for vehicular parking; easements for public utilities; reservation or dedication of suitable sites for schools, parks and playgrounds; planting of shade trees and shrubs; naming and designation of streets and other public places; laying out, construction and improving streets, alleys and sidewalks, the installation of public utilities and other physical improvements therein and the conditions under which the cost thereof shall be borne by the developer; and provisions for the guarantee of payment by the developer for the required improvements; procedure for making such special exceptions as may be provided by ordinance to such regulations and restrictions; requirements for preparing and recording plats of subdivisions including their size, scale, contents and other matters; and for the erection of monuments of specified type for making and establishing property and street, alley, sidewalk and other lines. (1960, c. 213; 1979, c. 246)

§ 17.27. Hearing on Subdivision Ordinance.

The council shall not adopt or amend any ordinance establishing such regulations and restrictions until notice of intention so to do has been published once a week for two successive weeks in a newspaper of general circulation in the city. The notice shall specify the time, not less than ten days after final publication, and the place at which persons affected may appear before the council and present their views. (1960, c. 213)

§ 17.28. Adoption of Regulations and Restrictions Applicable Only within the City Limits.

After hearing, as above provided, the council may adopt by ordinance any such regulations and restrictions applicable within the limits of the city which, when recorded in the office of the clerk of the circuit court of the county, shall be in full force and effect. (1960, c. 213)

§ 17.29. Appeals of preliminary subdivision plat approvals.

Consistent with applicable regulations and restrictions, the planning commission shall approve or disapprove all submitted preliminary subdivision plats. If a city council member believes that the planning commission has approved a preliminary subdivision plat in violation of a city ordinance, or arbitrarily or capriciously, he may, within 20 days of the commission's approval, appeal the commission's decision to the city council by filing a written appeal with the city manager. The city manager or his designee shall give the subdivider notice of the appeal. The council, within a reasonable period of time, shall hold a hearing on the matter and affirm, modify or reverse the commission's decision. If the subdivider is aggrieved by the council's decision on the preliminary subdivision plat, he may appeal to the circuit court, subject to the same state code provisions that would apply if he was appealing a planning commission decision to the circuit court. (1960, c. 213; 2009, cc. 126, 438)

§ 17.30. Approval of final plat prerequisite to recordation; recordation prerequisite to sale of lots.

From and after the date on which such regulations and restrictions become effective in the city, no final plat of any subdivision to which such regulations and restrictions are applicable shall be received or recorded by the clerk of any court unless the plat has been approved as provided by applicable law. No owner of land in the city in which such regulations and restrictions are applicable, who has subdivided the same into two or more lots, shall sell or offer for sale any such lot by reference to or exhibition of or by the use of a plat of such subdivision or otherwise before the final plat of such subdivision has been approved as provided by applicable law and has been recorded in the office of the clerk of the court or courts in which a deed conveying such lot would be required to be recorded. (1960, c. 213; 2009, cc. 126, 438)

§ 17.31. Penalty for Transfer of Lots in Unapproved Subdivisions.

Whoever being the owner or agent of the owner of any land in a subdivision subject to such regulations and restrictions, the plat of which has not been approved and recorded as above provided, shall transfer, sell or offer for sale or agree to sell any lot in such subdivision by reference to or exhibition of an unapproved and unrecorded plat or otherwise, shall forfeit and pay a penalty of \$100 for each lot or similar parcel of land transferred or agreed or negotiated to be sold; and the description of such lot or parcel by metes and bounds in the instrument of transfer of other document used in the process of selling or transferring shall not exempt the transaction from such penalty or from the remedies herein provided. The city may enjoin such transfer or sale or agreement by proceedings for injunction brought in a court having jurisdiction of the land to which the injunction applies. The city in which any lot transferred, sold or offered for sale in violation of this chapter is situated, may recover the penalty provided therefor in a civil action brought in a court in whose jurisdiction such lot is situated, for the benefit of the city. In the absence of intent to evade the provisions of this section, the penalty may be waived in the case of an attempted transfer by will. (1960, c. 213)

§ 17.32. Transfer of Portion for Public Use.

The recordation of the plat shall operate to transfer in fee simple to the city such portion thereof as is on the plat set apart for streets, alleys, easements or other public use or purpose and to create a public right of passage over or uses of the same. The owner or owners of the land subdivided may construct, reconstruct, operate and maintain with the consent of the city where the land lies, sewer, gas and water pipes or electric lines along or under the streets, alleys, easements or other land devoted to public use further than is reasonably necessary to construct, reconstruct, repair, operate and maintain such works. (1960, c. 213)

§ 17.33. Vacation of Plats.

Any plat or part thereof recorded may be vacated, with the consent of the council by the owners thereof at any time before the sale of any lot therein, by a written instrument declaring the plat to be vacated, which shall be duly executed, acknowledged and recorded in the clerk's office wherein the plat to be vacated is recorded. The execution and recordation of the instrument shall operate to destroy the force and effect of the recording of the plat and to divest all public rights in and to reinvest the owners with the title to the streets, alleys, easements and other land devoted to public use laid out or described in the plat. In cases where lots have been sold, the plat or part thereof or any

unaccepted or abandoned street, or street recommended by the Planning Commission for vacation may be vacated according to the procedure provided in §§ 15-766, 15-766.1, 15-766.2 and 15-766.3 of the Code of Virginia as amended, for the alteration and vacation of streets and alleys. The clerk in whose office any plat so vacated has been recorded shall write in plain, legible letters across the plat or part thereof vacated the word "vacated," and also make a reference on the plat to the volume and page thereof in which the instrument of vacation is recorded. (1960, c. 213)

§ 17.34. Use of Street for Twenty Years--Dedication.

Whenever any piece, parcel or strip of land shall have been opened to and used by the public as a street, alley, lane or other public place or part thereof for the period of twenty years, the same shall thereby become a street, alley, lane, public place or part thereof for all purposes, and city shall have the same authority and jurisdiction over and right and interest therein that it has by law over the streets, alleys, lanes and public places laid out by it, and thereafter no action shall be brought to recover such piece, parcel or strip of land so opened to and used by the public as aforesaid. Any street, alley, lane or other public place reserved in the division or subdivision into lots within the corporate limits of the city by a plat or plan of record shall be deemed and held to be dedicated to the public use and the council shall have authority, upon the petition of any person or corporation interested therein, to open such street, alley, lane or other public place or any portion of the same. No agreement between, or release of interest by, persons or corporations owning the lands immediately contiguous to any such street, alley, lane or other public place, whether the same has been opened or used by the public or not, shall avail or operate to abolish such street, alley, lane or other public place or to divest the interest of the public therein or the authority of the council over the same. (1960, c. 213)

§ 17.35. Present Master Plan, Comprehensive Zoning Plan and Subdivision Ordinance.

The master plan, the comprehensive zoning plan, and subdivision ordinance as heretofore adopted, approved and filed, with all amendments, additions and extensions thereto, in force and effect at the effective date of this charter are hereby validated and confirmed as if the same had been prepared, adopted, approved and filed in accordance with the provisions of this chapter. Every amendment or addition thereto or extension thereof and every other master plan, comprehensive zoning ordinance, or subdivision ordinance henceforth adopted shall be in accordance with the provisions of this chapter. Where existing ordinances are at variance with the provisions of this chapter, they shall be deemed to be amended in accordance with the provisions of this chapter. (1960, c. 213)

§ 17.36. Vacation of Streets, Alleys, and Easements by Agreement of Abutting Land Owners.

Notwithstanding any other provisions of law to the contrary, and in addition to any other methods provided by law, any street, alley or easement, or part thereof, shown on a plat of subdivision or other plat, heretofore or hereafter recorded, may be vacated by all owners of properties abutting such street, alley, or easement, or part thereof, to be vacated, by instrument in writing signed by all owners of properties abutting such street, alley, or easement, or part thereof, to be vacated, approved by the city council, acknowledged in the manner of a deed and filed for record in the Clerk's Office of the Circuit Court. In the case of an alley separating lots or parcels of land within any block

bounded by one or more streets, it shall be presumed that only property owners within such block and whose properties abut the alley have any rights or privileges therein. In the case of a street, it shall be presumed that only property owners reasonably needing to use such street as a means of ingress and egress to and from their properties have any rights or privileges therein. As used in this section, the word "street" shall include any road, avenue, drive or parkway; and the word "owners" shall include lien creditors; and as used in this section, the word "easement" shall include drainage easements, sewer easements and other easements of a public nature, not constituting a street, alley or passageway. (1966, c. 232)

CHAPTER 18

ACQUISITION OF PROPERTY FOR PUBLIC PURPOSES

§ 18.1. Acquisition, Ownership and Use of Property.

The city shall have, for the purpose of carrying out any of the powers and duties, power to acquire by gift, bequest, purchase or lease, and to own and make use of, within and without the city, lands, buildings, other structures and personal property, including any interest, right, easement or estate therein, and in acquiring such property to exercise, within and without the city, the right of eminent domain as hereinafter provided in this chapter. This power shall be in addition to the powers granted to the school board in § 20.2. (1960, c. 213)

§ 18.2. Eminent Domain.

The city is hereby authorized to acquire by condemnation proceedings lands, buildings, structures and personal property or any interest, right, easement or estate therein, of any person or corporation, whenever in the opinion of the council a public necessity exists therefor, which shall be expressed in the resolution or ordinance directing such acquisition, or whether or not such lands, buildings, structures or personal property or interest, right, easement or estate has already been devoted to a public use, and whenever the city cannot agree on terms of purchase or settlement with the owners of the subject of such acquisition because of incapacity of such owner, or because of the inability to agree on the compensation to be paid or other terms of settlement or purchase, or because the owner or some one of the owners is a nonresident of the Commonwealth and cannot with reasonable diligence be found in the Commonwealth or is unknown. Provided, however, when any such property is owned by a corporation authorized to exercise the power of eminent domain, such proceedings will be governed by § 25-233 of the Code of Virginia.

Such proceedings may be instituted in the Circuit Court of the City of Colonial Heights if the subject to be acquired is located within the city, or, if it is not located within the city, in the circuit court of the county in which it is located. If the subject is situated partly within the city and partly within any county the circuit court of such county shall have concurrent jurisdiction in such condemnation proceedings with the Circuit Court of the City of Colonial Heights. The judge or the court exercising such concurrent jurisdiction shall appoint five disinterested freeholders any or all of whom reside either in the county or city, any three of whom may act as commissioners, as provided by law. (1960, c. 213; 1962, c. 467)

§ 18.3. Alternative Procedures in Condemnation.

The city may, in exercising the right of eminent domain conferred by the preceding section, make use of the procedure prescribed by the general law as modified

by said section or may elect to proceed as hereinafter provided. In the latter event the resolution or ordinance directing acquisition of any property, as set forth in the preceding section, shall provide therein in a lump sum the total funds necessary to compensate the owner or owners thereof for such property to be acquired or damaged. Upon the adoption of such resolution or ordinance the city may file a petition in the clerk's office of a court enumerated in the preceding section, having jurisdiction of the subject, which shall be signed by the city manager or the city attorney and set forth the interest or estate or estate to be taken in the property and the uses and purposes for which the property or the interest or estate therein is wanted, or when property is not to be taken but is likely to be damaged, the necessity for the work or improvement which will cause or is likely to cause such damage. There shall also be filed with the petition a plat of a survey of the property with a profile, if pertinent to the question of damage to remaining property of the owner or owners, showing cuts and fills, trestles and bridges, if any, and a description of the property which, or an interest or estate in which, is sought to be taken or likely to be damaged and a memorandum showing names and residences of the owners and tenants of the property, if known, and showing also the quantity of property which, or an interest or estate in which, is sought to be taken or which will be or is likely to be damaged. There shall be filed also with said petition a notice directed to the owners and tenants of the property, if known, copies of which shall be served on such owners and tenants of the freehold of such property, if known. If the owner or tenant of the freehold be unknown or a nonresident of the Commonwealth or cannot with reasonable diligence be found in the Commonwealth, or if the residence of the owner or tenant be unknown, he may be proceeded against by order of publication which order, however, need not be published more than once a week for two successive weeks and shall be posted at a main entrance to the courthouse. The publication shall in all other respects conform to §§ 8-71, 8-72 and 8-76 of the Code of Virginia, of 1950, as amended.

Upon the filing of said petition and the deposit of the funds provided by the council for the purpose in a bank to the credit of the court in such proceedings and the filing of a certificate of deposit therefor the interest or estate of the owner of such property shall terminate and the title to such property or the interest or estate to be taken in such property shall be vested absolutely in the city and such owner shall have such interest or estate in the funds so deposited as he had in the property taken or damaged and all liens by deed of trust, judgment or otherwise upon said property or estate shall be transferred to such funds and the city shall have the right to enter upon and take possession of such property for its uses and purposes and to construct its works or improvements. The clerk of the court in which such proceeding is instituted shall make and certify a copy of the petition, exhibits filed therewith, and orders, and deliver or transmit the same to the clerk of the court in which deeds are admitted to record, who shall record the same in his deed book and index them in the name of the person or persons who had the property before and in the name of the city for which he shall receive the same fees prescribed for recording a deed, which shall be paid by the city. From the funds so paid into court or to the clerk thereof, the court shall, at the request of the owner, pay any indebtedness of the owner which is a lien upon such property and is evidenced by a deed of trust or other instrument duly recorded; provided, that not in excess of ninety per centum of the money paid into court or to the clerk may be so used, and provided further, that if the award of the court in condemnation proceedings be less

than the amount so paid, the city may recover the excess from any person to whom the same has been paid. The balance of such money shall be held by the court for disposition in accordance with the order of the court in the condemnation proceedings.

If the city and the owner of property so taken or damaged agree upon compensation therefor, upon filing such agreement in writing in the clerk's office of such court the court or judge thereof in vacation shall make such distribution of such funds as to it may seem right, having due regard to the interest of all persons therein whether such interest be vested, contingent or otherwise, and to enable the court or judge to make a proper distribution of such money it may in its discretion direct inquiries to be taken by a special commissioner in order to ascertain what persons are entitled to such funds and in what proportions and may direct what notice shall be given of the making of such inquiries by such special commissioner.

If the city and owner cannot agree upon the compensation for the property taken or damaged, if any, upon the filing of a memorandum in the clerk's office of said court to that effect, signed by either the city or the owner, the court shall appoint commissioners provided for in § 25-12 of the Code of Virginia or as provided for in § 18.2 of this chapter, and all proceedings thereafter shall be had as provided in §§ 25-12 through 25-38 of the Code of Virginia insofar as they are then applicable and are not inconsistent with the provisions of this and the preceding sections, and the court shall order the deposit in the bank to the credit of the court of such additional funds as appear to be necessary to cover the award of the commissioners or shall order the return to the city of such funds deposited that are not necessary to compensate such owners for property taken or damaged. The commissioners so appointed shall not consider improvements placed upon the property by the city subsequent to the bringing of any proceeding for the condemnation of such property, whether the same shall have been dismissed or not nor the value thereof nor the enhancement of the value of said property by said improvements in making their award. (1960, c. 213; 1962, c. 467)

§ 18.4. Enhancement in Value When Considered.

In all cases under the provisions of §§ 18.2 and 18.3, the enhancement, if any, in value of the remaining property of the owner by reason of the construction or improvement contemplated or made by the city, shall be offset against the damage, if any, resulting to such remaining property of such owner by reason of such construction or improvement, provided such enhancement in value shall not be offset against the value of the property taken, and provided further, that if such enhancement in value shall exceed the damage, there shall be no recovery over against the owner for such excess. (1960, c. 213)

§ 18.5. Disposition of Remaining Money in Condemnation Proceedings.

Whenever any money shall have remained for five years in the custody or under the control of any of the courts enumerated in § 18.2 in any condemnation proceeding instituted therein by the city, without any claim having been asserted thereto such court shall, where the amount is \$100 or more, cause a publication to be made once a week for two successive weeks in a newspaper of general circulation published in the city, setting forth the amount of such money, the source from which it was derived and the proceeding in which it is held, and requiring all persons having any claim to said money to appear before said court within such time after the completion of the publication as the court may prescribe, and establish their claim. If the sum be less than \$100, the court shall

direct the same to be paid into the treasury of the city, and proper receipt for the payment taken and filed among the records of the proceeding. If no person shall appear and show title in himself the court shall order the money, after deducting therefrom the costs of such publication if such publication is made, and any other proper charges, to be paid into the treasury of the city and a proper receipt for the payment to be taken and filed among the records of the proceeding. The director of finance shall, in a book provided for the purpose, keep an account of all money thus paid into the city treasury, showing the amount thereof, when, by whom, and under what order it was paid, and the name of the court and, as far as practicable, a description of the suit or proceeding in which the order was made and, as far as known, the names of the parties entitled to said funds. Money thus paid into the treasury of the city shall be paid out on the order of the court having jurisdiction of the proceeding, to any person entitled thereto who had not asserted a claim therefor in the proceeding in which it was held, upon satisfactory proof that he is entitled to such money. If such claim be established the net amount thereof, after deducting costs and other proper charges, shall be paid to the claimant out of the treasury of the city on the warrant of the director of finance. No claim to such money shall be asserted after ten years from the time when such court obtained control thereof, provided, however, if the person having such claim was an infant, insane, or imprisoned at the time the claim might have been presented or asserted by such person, claim to such money may be asserted within five years after the removal of such disability. (1960, c. 213; 1962, c. 467)

CHAPTER 19

COURTS NOT OF RECORD

(a) Municipal Court.

§ 19.1. Court and Judge.

There shall be a Municipal Court in the City of Colonial Heights as provided in Title 16.1, Chapter 3 of the Code of Virginia of 1950 in force on November 1, 1959. The Judge of the Municipal Court of said City shall be appointed by the Judge of the Circuit Court having jurisdiction of said City for a term of 4 years beginning January 1, 1961, as set forth in Title 16.1 of the Code of Virginia. The Civil and Criminal Jurisdiction of said Court shall be as set forth in Title 16.1, Chapters 6 and 7 of the Code of Virginia in force on November 1, 1959. (1960, c. 213)

§ 19.2. Oath and Bond.

Such Municipal Judge, before entering upon the performance of his duties, shall take the oath prescribed by law and shall enter into bond in the penalty of \$2000 payable to the City of Colonial Heights, Virginia, and conditioned as the law directs, with corporate surety deemed sufficient by the Judge of said circuit court, which bond shall be filed with the clerk of the court and preserved in his office. (1960, c. 213)

§ 19.3. Compensation.

Such Municipal Judge shall receive such monthly salary as the council may determine, which salary is to be paid in the same manner as the salaries of other officials are paid, and he shall receive no other compensation for his services as municipal judge. (1960, c. 213)

§ 19.4. Collection of Costs and Fees.

(1) The said Municipal Judge, Juvenile and Domestic Relations Judge or clerks of courts not of record, or justices of the peace, as the case may be, shall cause to be collected such costs and fees required by law to be paid to him in civil and criminal

matters; the amount of such costs and fees shall be as provided in Title 14 of the Code of Virginia and by general law, which fees and arrest and attendance fees shall be collected and paid into the city treasury and all fines collected shall be accounted for according to general law and city ordinances and paid into the treasury of the said city or to the Commonwealth, whichever may be entitled thereto.

(2) Notwithstanding the provisions of § 19.11 and notwithstanding any other provision of this charter to the contrary, a justice of the peace shall charge and collect for services rendered by him in all city criminal matters where a fee is not collected from the defendant, or other person for him, a fee of one dollar for issuing a warrant of arrest, a search warrant, or a warrant for the violation of a city ordinance and the Clerk of the Circuit Court of the City of Colonial Heights shall receive a fee of twenty-five cents for filing and indexing such warrants in all city criminal matters where a fee is not collected from the defendant, or other person for him. The fees provided for in this subsection shall be paid out of the city treasury in such manner, at such times, and upon such conditions as provided by ordinance adopted by city council. (1960, c. 213; 1968, c. 474)

§ 19.5. Docket Books.

The said municipal judge shall keep a civil docket book and a criminal docket book, in which shall be entered all cases tried and prosecuted before him and all civil processes issued by him, except summonses for witnesses, the proceedings had therein and the disposition of same, which docket books shall be furnished by the council. All papers connected with any proceedings, before such judge, except such as may be removed on appeal, distress warrants, and such as in criminal matters may be required by law to be returned or lodged in the office of the Clerk of the Circuit Court having jurisdiction of the city, shall be properly indexed, filed and preserved. The council shall provide for such judge, the necessary and proper books, forms, files and office equipment, which shall be and remain the property of the city, and shall be turned over by such judge to his successor in office. The books and papers in such office shall be examined and audited at any time the council may see fit by such person or persons as the council may designate. (1960, c. 213)

§ 19.6. Record of Fees, Fines, Forfeitures and Costs.

He shall keep a regular account of all fees, fines, forfeitures and costs imposed or arising in the administration of his office in both civil and criminal matters, which he shall report to the auditor, at such intervals and in such form as the council may require. The said municipal judge or the clerk of the police court, if such officer is appointed, or such other person as the council may designate for that purpose, shall collect all fines, forfeitures and costs imposed in said court and report to the auditor monthly such as have accrued to the city, and pay the same to the city treasurer not later than the fifth day of the next succeeding month in which collected, and shall segregate and transmit to the State Treasurer all fines and forfeitures accruing to the Commonwealth. (1960, c. 213)

§ 19.7. Location of Court; Absence of Judge.

The municipal judge shall hold his court at such place and time as may be prescribed by the council, and if for any cause he is unable to act, the substitute municipal judge shall discharge the duties of the municipal judge prescribed herein during such inability. (1960, c. 213)

§ 19.8. Vacancies.

Any vacancy occurring in the office of the municipal judge or substitute municipal judge from any cause, shall be filled by appointment of the Judge of the Circuit Court having jurisdiction over the City of Colonial Heights. (1960, c. 213)

§ 19.9. Substitute Municipal Judge.

Substitute and Assistant judges may be appointed by the Judge of the Circuit Court and may only represent clients in the courts of said city as allowed and permitted by the Judge of the circuit court having jurisdiction over said city by appropriate order entered. He shall possess the qualifications for the municipal judge, and shall act for said municipal judge, when, from any cause, said municipal judge is unable to perform the duties of his office. When acting for said municipal judge, he shall be subject to all the provisions of law regarding the municipal judge and shall possess all the jurisdiction and exercise all the power and authority and receive the same salary as is prescribed by the municipal judge, prorated on a per diem basis; and either of said justices while serving as municipal judge may perform acts, with reference to the proceedings of the other in any matter, in the same manner and with the same force and effect as if they were his own. He shall take the oath prescribed by law and enter into bond in the sum of \$1000, with corporate surety conditioned as provided by law. (1960, c. 213)

§ 19.10. Clerk of Municipal Court and Juvenile and Domestic Relations Court.

The Judge of the Circuit Court having jurisdiction over the City of Colonial Heights shall upon the recommendation of the respective judge of the court not of record appoint a Clerk for courts not of record who shall be both the Clerk of the Municipal Court and the Clerk of the Juvenile and Domestic Relations Court. The salary of the Clerk shall be as provided by the council. The clerk shall give bond as the judge of the circuit court having jurisdiction over the City of Colonial Heights may require, and qualify by taking the oath before either the Judge of the Circuit Court or the Clerk of the Circuit Court. The clerk of the courts not of record shall serve at the pleasure of the Judge of the Circuit Court. (1960, c. 213)

§ 19.11. Justices of the Peace.

There shall be one Justice of the Peace, as provided in Title 39, Chapter 1, of the Code of Virginia of 1950, as in force on November 1, 1959, for every 2,000 inhabitants as shown by the last federal census or other census provided for by law. The justices of the peace shall be elected for office by the people for the term of four years and until his successor is elected and qualified unless sooner removed from office. Election for the office of Justice of the Peace shall be held on the 1st Tuesday in November, 1960 following the first Monday and every 4 years thereafter. The term of office shall commence on January 1st, following election. Vacancies in office shall be filled by appointment of the Judge of the Circuit Court having jurisdiction over the city. Justices of the Peace shall take the oath prescribed by law and give bond in the penalty of one thousand dollars, conditioned according to law to be approved by the said Judge with corporate surety. He shall be a resident of the city during his term of office. Nomination for the office of Justice of the Peace shall be the same as in Chapter 3, § 3.2.

He shall have authority to issue summonses in criminal cases and criminal warrants, returnable before, and to be heard and determined by the municipal judge or the substitute municipal judge and to bail persons charged with misdemeanors or violations of the city ordinances. His compensation shall be as determined by general law, and the same fees shall be collected by the said justice of the peace as are allowed by this charter

to the municipal judge for issuing summonses in criminal cases, criminal warrants, search warrants, and admitting persons to bail in misdemeanor cases and for violations of the city ordinances.

Such fees shall not be taxed against, chargeable to or paid for by the said city except such fees that are allowed for issuing criminal warrants when requested by members of the police department of said city and such fees are not taxed against, or chargeable to, any person. The said justice of the peace shall be a conservator of the peace within the corporate limits of the City of Colonial Heights, but shall have no other authority, powers or jurisdiction except those provided for in this charter.

Justices of the peace in office at the effective date of this charter are hereby continued in office for the terms for which they are elected, or until January 1st, 1961, at which time all existing terms shall expire. (1960, c. 213; 1973, c. 500)

(b) Juvenile and Domestic Relations Court.

§ 19.12. Court and Jurisdiction.

There shall be a Juvenile and Domestic Relations Court in the City of Colonial Heights as provided in Title 16.1 Chapter 8 of the Code of Virginia of 1950 in force on November 1, 1959. The judge of the Juvenile and Domestic Relations Court of said city shall be appointed by the judge of the circuit court having jurisdiction of said city for a term of four (4) years beginning January 1, 1961. The judge of the Juvenile and Domestic Relations Court shall not practice before any court not of record in the City of Colonial Heights. (1960, c. 213)

CHAPTER 20 MISCELLANEOUS PROVISIONS

§ 20.1. School District.

At such time as the City of Colonial Heights shall be proclaimed a city of the first class, the City of Colonial Heights shall constitute a separate school district effective on the 1st day of July following such proclamation. (1960, c. 213)

§ 20.2. School Board.

The school board shall consist of five members and shall be elected as provided by general law.

Except as provided in this charter the school board shall have all the powers and duties relating to the management and control of the public schools of the city provided by the general laws of the Commonwealth, including right of eminent domain within and without the city. None of the provisions of this charter shall be interpreted to refer to or include the school board unless the intention so to do is expressly stated or is clearly apparent from the context.

The salary of school board members shall be as determined by ordinance adopted by the city council.

In addition to the authority conferred upon the city by Chapter 7, the school board may borrow from the Literary Fund of Virginia or from such other sources as may be made available to it by general law.

The school board shall meet annually in January, at which time the board shall fix the time for holding regular meetings for the ensuing year, elect one of its members chairman and on recommendation of the division superintendent, elect or appoint a competent person as clerk of the school board, and shall fix his compensation. The

chairman and clerk shall be selected annually. (1960, c. 213; 1968, c. 474; 1970, c. 183; 1979, c. 246; 2004, c. 518)

§ 20.3. Transfer of Books and Papers.

If any person, having been an officer of the city, shall have vacated or been removed from office, and shall fail or refuse to deliver over to his successor in office, all the property, books and papers belonging to the city or appertaining to such office, in his possession or under his control, he shall forfeit and pay to the city the sum of \$500, to be sued for and recovered with costs. All books, records and documents used in any office, by virtue of any provision of this charter or of any ordinance or order of the council or any superior officer of the city, shall be deemed the property of the city and appertain to said office, and the chief officer thereof shall be responsible therefor. (1960, c. 213)

§ 20.4. Surety Bonds Required.

All officers elected or appointed under the provisions of this charter shall, unless otherwise provided by general law or by this charter, execute such bonds with such corporate surety as may be required by the general law, or by this charter, and file the same with the City Clerk before entering upon the discharge of their duties. The city shall pay the premium on such bonds. (1960, c. 213)

§ 20.5. Rules and Regulations to be Filed.

All departments, boards, commissions, officers and agencies of the city, authorized to make rules and regulations by this or any previous charter of the city or by the general laws of the Commonwealth, shall immediately after the first day of September, 1960, file with the city clerk, copies of all such rules and regulations previously issued by them and in force on such day, and shall thereafter file with said city clerk, copies of all rules and regulations and amendments thereof subsequently issued by them upon their issuance. It shall be the duty of the city clerk to keep in his office for public inspection a well-indexed file of the rules and regulations so filed. (1960, c. 213)

§ 20.6. Officers Must Not Be Interested in Contracts.

No officer or employee of the city shall be interested in any contract entered into by the city with any person, firm or corporation, but this prohibition shall not apply to nonsalaried officers or nonsalaried members of boards and commissions in respect of contracts other than those in the making of which they have a part. (1960, c. 213)

§ 20.7. Contractual Relationships.

The City of Colonial Heights may, at the option of the council, enter into contractual relationships with the Commonwealth and/or its departments, bureaus, boards and agencies, neighboring political subdivisions, and private agencies for the performance of any part of, or all of the functions, or purposes of the city, on such terms and for such periods as the council may determine to be in the public interest, where such contractual relations are not specifically prohibited by the Constitution and general laws of the Commonwealth. (1960, c. 213)

§ 20.8. Reprinting of Charter after Amendment.

Within a reasonable time after the conclusion of any session of the General Assembly and the effective date of any amendment or amendments to this charter adopted at such session, the amendment or amendments shall be printed in such number of copies as the council shall order. (1960, c. 213)

§ 20.9. Officers to Hold Over Until Their Successors Are Appointed and Qualified.

Whenever under the provisions of this charter, any officer of the city, judge or member of any board or commission is elected or appointed for a fixed term, except the mayor and vice-mayor, such officer, judge or member shall continue to hold office until his successor is appointed and qualified. (1960, c. 213)

§ 20.10. Courtroom for Municipal Judge and Office Space for Constitutional Officers.

It shall be the duty of the city to provide a suitable courtroom for the municipal judge of the city and suitable offices for the commissioner of revenue, city treasurer, city sergeant, commonwealth attorney and city attorney. (1960, c. 213)

§ 20.11. Posting of Bonds Unnecessary.

Whenever the general law required the posting of a bond, with or without surety, as a condition precedent to the exercise of any right, the city, without giving such bond, may exercise such right, provided all other conditions precedent be complied with, and no officer shall fail or refuse to act because the city has not filed or executed the bond that might otherwise be required, and the city shall be bound to the same extent that it would have been bound had the bond been given. (1960, c. 213)

§ 20.12. Code References.

All references in this charter to the Code of Virginia are to the Code of 1950. (1960, c. 213)

§ 20.13. Definitions.

(a) As used in this charter, the term "at the effective date of this charter" shall be interpreted to refer to a period immediately preceding the taking effect thereof.

(b) As used in this charter in reference to voting by the council, the term "elected members of the council" shall include those members, if any, elected by the council.

(c) Wherever in this charter any department, bureau, division, office, agency or officer is empowered or directed to take any action or perform any duty or function, such action may be taken or duty or function performed by the appropriate department, bureau, division, agency or officer to whom the duty or function is transferred by or pursuant to action of the council under §§ 4.2 (a), 4.2 (b), and 4.2 (c) or upon whom it is conferred by § 21.5.

(d) The term "board" or "boards," as used in this charter shall not include the school board unless the school board is specifically named. The term "member of the school board" shall have the same meaning as the term "school trustee," as used in the provisions of the Code of Virginia which refer to the school boards of cities and towns.

(e) As used in this charter, the term "print" shall include any method of reproducing or making multiple copies. (1960, c. 213)

§ 20.14. United State Government Employees.

No person, otherwise eligible, shall be disqualified, by reason of his accepting or holding an office, post, trust or emolument under the Government of the United States, from serving as an officer or employee of the city, or as a member, officer, or employee of any board or commission, including the school board. (1960, c. 213)

§ 20.15. Oath of office and qualification.

Except as otherwise provided by general law or by this charter, all officers elected or appointed under the provisions of this charter shall take oath of office and execute such bond as may be required by general law, by this charter, or by ordinance or resolution of the council, and file the same with the City Clerk, before entering upon the

discharge of their duties, and if the requirements of this section have not been complied with by an officer within thirty days after the term of office shall have begun or after his appointment to fill a vacancy, then such office shall be considered vacant. (1960, c. 213)

§ 20.16. Officers to administer oaths.

The Commissioner of the Revenue, City Clerk and City Treasurer, shall have power to administer oaths and to take and sign affidavits in the discharge of their respective official duties. (1960, c. 213)

§ 20.17. Bond.

All officers elected or appointed under the provisions of this charter, shall, unless otherwise provided by general law or by this charter, execute such bonds, with such approved corporate security, as may be required by general law, by this charter, or by ordinance or resolution of the council, and file the same with the City Clerk before entering upon the discharge of their duties. The city shall pay the premiums on such bonds. (1960, c. 213)

§ 20.18. Place of holding Elections.

All elections shall be held at such place or places within the city as the council by ordinance may prescribe. (1960, c. 213)

§ 20.19. Working Prisoners.

Subject to the general laws of the Commonwealth regulating the working of those convicted of offenses against the city, the council shall have the power to provide by ordinance for the employment or the working, either within or without the city limits, or within or without any city prison or jail, of all persons sentenced to confinement in the prison or jail for the violation of the ordinances of the City of Colonial Heights. (1960, c. 213)

§ 20.20. Penalty for Officers failing to perform duties.

If any officer of the City of Colonial Heights, whether he be elected by vote of the people or by the council, or appointed by the council or the City Manager, who shall fail or refuse to perform any of the duties required of him by this charter by ordinance or resolution of the city council, shall be fined not less than five dollars nor more than \$100 for each offense, and he and his sureties on his official bonds shall be liable for all damages which may accrue to the city or any other person by reason of such failure or refusal. (1960, c. 213)

§ 20.21. Powers of policemen.

For the purpose of enabling the city to execute its duties and powers, each member of the police force and each policeman is hereby made and constituted a conservator of the peace and endowed with all the power of a constable in criminal cases and all other powers which under the laws of the Commonwealth of Virginia and of the city may be necessary to enable him to discharge the duties of his office. (1960, c. 213)

§ 20.22. Partial invalidity.

If any clause, sentence, paragraph, or part of this act, shall for any reason, be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of said act, but shall be confined in its operations to the clause, sentence, paragraph, or part thereof directly involved in the controversy in which said judgment shall have been rendered. (1960, c. 213)

§ 20.23. General laws to apply.

The enumeration of particular powers and authority in this charter shall not be deemed or held to be exclusive, but in addition to the powers enumerated herein, implied hereby, or appropriate to the exercise thereof, the city shall have and may exercise all other powers which are now or may hereafter be possessed or enjoyed by cities under the Constitution and general laws of this Commonwealth. (1960, c. 213)

§ 20.24. Board of Assessors.

There shall be a Board of Assessors consisting of three qualified voters of the City who shall assess all real property in the City, as the council may by ordinance provide. The members of the Board of Assessors shall serve at the pleasure of the council. The duties and salary of the Board of Assessors shall be as the council shall provide by ordinance not inconsistent with the general laws of the Commonwealth, and other provisions of this charter. (1960, c. 213)

§ 20.25. Allowances and Expenses of Officers and Employees Representing City.

The city council by resolution may provide for allowances and expenses of officers and employees representing the city. (1960, c. 213)

§ 20.26. Notwithstanding the provisions of § 21.8 of this Chapter, upon the passage of this Act and until September 1, 1960, the powers and the duties of the Mayor and the City Council, in addition to such powers and duties set forth in this Charter, shall be as outlined in the charter granted the city under the Acts of the General Assembly of 1950 and the same are incorporated herein by reference. (1960, c. 213)

§ 20.27. Validation of Transition Procedure and Certain Acts.

The City of Colonial Heights, as shown by a legal census provided by law, contains 10,000 inhabitants or more, and is hereby declared to be a city of the first class as heretofore proclaimed. All acts, orders, and procedures heretofore done or entered pursuant to the applicable provisions of § 21.7 of the Colonial Heights Charter of 1960 relating to the legal enumeration of the city as provided by law, constituting the County of Chesterfield and the City of Colonial Heights as the thirty-seventh judicial circuit, the establishment of a circuit court in said city, and the appointment and election of constitutional officers are hereby ratified, affirmed, and validated. (1962, c. 467)

§ 20.28. Administration of Justice.

The County of Chesterfield and the City of Colonial Heights shall constitute the thirty-seventh circuit.

There shall be for the City of Colonial Heights a circuit court as presently established which shall continue to be called the Circuit Court of the City of Colonial Heights. The regular terms of the Circuit Court of the City of Colonial Heights shall be held on the third Monday in the months of February, June, and October of each year at a time to be fixed by the judge of said circuit court and for as many days as are necessary.

The Circuit Court of the City of Colonial Heights is hereby vested with all the powers and duties and jurisdiction as provided for circuit courts by general law.

The judge of the thirty-seventh judicial circuit shall be the judge of the Circuit Court of the City of Colonial Heights and said court and the judge thereof shall possess the same jurisdiction and powers and shall perform the same duties which are vested, or may be conferred, or which are imposed upon other circuit courts and the judges thereof by any law or statute of this Commonwealth relating to circuit courts. (1962, c. 467)

§ 20.29. Closing of Clerk's Office of the Circuit Court of the City on Certain Days.

The clerk's office of the Circuit Court of the City of Colonial Heights, when authorized by the judge of the circuit court for said city, may be closed on all days which are made legal holidays under the provisions of § 2-19 of the Code of Virginia of 1950, as amended; may be closed on Saturday, when authorized by the judge of said court and by resolution of the city council; and may be closed on any day which is established as a general holiday for the employees of the city, when authorized by resolution duly adopted by the city council and approved by the judge of the circuit court for said city and filed in the office of such clerk. The powers and authority in this section contained shall not be deemed or held to be exclusive, but shall be in addition to the powers and authority now contained or set forth in the city charter. (1962, c. 467)

§ 20.30. City Sergeant.

There shall be one city sergeant who shall attend the terms of the Circuit Court of the City of Colonial Heights and shall act as an officer of the said court, and shall perform such other duties as may be prescribed by general law for cities of the first class, and shall receive such compensation allowed by general law to city sergeants. He shall perform such other duties as may be prescribed and ordained by the city council. The city sergeant, with approval of the judge of the circuit court of said city, may appoint a part-time deputy.

The city sergeant's bond shall be as determined by general law.

The city council may in its discretion allow additional compensation or salary to the city sergeant.

The City Sergeant of the City of Colonial Heights shall also be known as the Sheriff of the City of Colonial Heights and in addition to his powers and duties as city sergeant he shall exercise the same powers, perform the same duties, and be subject to the same penalties that a sheriff of a county exercises, performs and is entitled or subject to in a county, provided he shall be entitled to no additional compensation, fees, or allowances as Sheriff of the City of Colonial Heights and shall not be required to post any additional bond unless the senior judge of the Circuit Court of the City of Colonial Heights shall by order require him to post an additional bond. (1962, c. 467; 1968, c. 474)

§ 20.31. Appointment of Bail Commissioner.

The circuit court of the city, or the judge thereof in vacation, may appoint one of the commissioners in chancery of the court bail commissioner of the city. Such court or judge may appoint a justice of the peace to serve as a bail commissioner for the city. The fees of the bail commissioner for admitting a person to bail and the powers and duties of such bail commissioner shall be as provided under the provisions of the general law. (1966, c. 232)

§ 20.32. Terms of Circuit Court.

The regular terms of the circuit court for the City of Colonial Heights shall begin on the third Monday in the months of February, June and October, provided that the senior judge of the circuit may provide for such other terms as the business of the court may require. In the event the senior judge of the circuit court provides for terms of court other than the regular terms of court provided for herein then a notice of all terms, when so fixed, shall be posted on the front of the courthouse of the city. (1966, c. 232)

CHAPTER 21 TRANSITIONAL PROVISIONS

§ 21.1. Present Ordinances and Rules and Regulations Continued in Effect.

All ordinances of the city and all rules, regulations 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 therewith, shall remain in force until amended or repealed in accordance with the provisions of this charter. (1960, c. 213)

§ 21.2. Validation and Ratification of Bonds, Taxes and Contracts.

All bonds issued and sold, all contracts and obligations heretofore made by the council and government of the town and city, not inconsistent with the Constitution and the law of the Commonwealth, all taxes assessed and levied when the city was a town, and when the city was in transition from the status of a town to that of a city of the second class and when the city was a city of the second class, from March 10, 1950, to the effective date of this charter, are hereby validated, ratified and confirmed; and all proceedings authorizing the issuance of bonds, notes or other obligations of the City of Colonial Heights heretofore had are hereby validated, ratified and confirmed and shall not lapse or terminate or be otherwise affected by reason of any of the provisions contained in this charter, and such bonds, notes or other obligations may be authorized, sold or issued in accordance with the provisions of law in force prior to the effective date of this charter, or in accordance with the provisions of this charter. (1960, c. 213)

§ 21.3. Present Mayor to Continue in Office Until the First Day of September, 1960.

The mayor in office on the date of the passage of this charter, or his successor, shall remain in office until the First day of September, 1960, at which time his term of office, irrespective of the term for which he was originally elected, shall terminate. (1960, c. 213)

§ 21.4. Continuance of Internal Organization of Departments.

Except where this charter otherwise provides, the several bureaus, divisions and other administrative units of the departments of police, fire, public works, public health, public welfare and public utilities shall remain in the department in which they were located at the effective date of this charter until otherwise provided by ordinance, and present incumbents of positions shall continue to serve until the council provides otherwise in accordance with this charter. (1960, c. 213)

§ 21.5. Acting City Manager.

Immediately upon passage of this charter, the city council shall consider the appointment of a temporary or acting city manager, whose powers and duties as contained in this charter shall not become effective until September 1, 1960, and may take such other action and prepare and adopt such ordinances as may be necessary or expedient to effectuate the transition from the present form of government to that established by this charter. (1960, c. 213)

§ 21.6. Severance Clause.

If any clause, sentence, paragraph or part of this act shall, for any reason, be adjudged by any court of competent jurisdiction to be invalid, such judgment, order or decree shall not affect, impair, or invalidate the remainder of said act, but shall be confined in its operation to the clause, paragraph or part thereof directly involved in the controversy in which said judgment, order or decree shall have been rendered. (1960, c. 213)

§ 21.7. Transition Procedure.

Should the federal census of 1960 or other census provided by law, disclose that the City of Colonial Heights has a population in excess of 10,000 inhabitants, then the judge of the thirty-seventh circuit shall enter an order in the Circuit Court of Chesterfield County setting out such fact. A certified copy of such order shall be transmitted by the Clerk of said Court to the Secretary of the Commonwealth, who shall file and preserve the same in the records of his office and shall report to the governor at once the fact that said city has a population in excess of 10,000, as disclosed by such census. The Governor upon receiving such report, shall at once make proclamation of such fact, and that said city is a city of the First Class, a copy of which proclamation shall be certified to the Clerk of said Court who shall endorse thereon the date when received and record the same in the common law order book of said court.

After such proclamation has been recorded in the manner hereinbefore provided, the County of Chesterfield and the City of Colonial Heights shall constitute the Thirty-Seventh Circuit. There shall be held three terms of the city Circuit Court in each year as follows: On the third Monday in February, June and October. The first term of Court shall commence at the next succeeding regular term of court following the recordation of said proclamation.

Transition of the City of Colonial Heights to a first class city shall in no wise affect the existing form of City government as provided in this charter nor the terms of existing offices or the composition of the single chamber of council as herein provided.

The Clerk's Office of the Circuit Court for said city may when authorized by the Judge of the Circuit Court for said City be closed on all days which are made legal holidays under the provisions of § 2-19 of the Code of Virginia of 1950, as amended; be closed on Saturday at twelve o'clock, noon, and be closed on Saturday between June 1st and September 15th.

As soon as the proclamation of a first class city shall have been recorded in the manner hereinbefore provided, the judge of the 37th Judicial circuit shall pass an order entered in term time or vacation, appointing a Circuit Court Clerk, a City Sergeant and a Commonwealth's Attorney for said city whose terms of office shall extend until the next regular general election, for respective offices of Circuit Court Clerk, City Sergeant or Commonwealth's Attorney, as the case may be. The Clerk of Circuit Court, City Sergeant and Commonwealth's Attorney shall assume their respective duties and take the oath of office prior to the first day of the next succeeding term of Court, as provided for in this section. The Commonwealth's Attorney in addition to duties prescribed by law, shall prosecute violations of city ordinances and when requested by the City Attorney and not inconsistent with the duties incumbent upon Commonwealth Attorneys of this Commonwealth assist the City Attorney in the defense of any action at law or in equity brought against the City. Prior to the assumption of his duties for his appointive or elective term of office and each fiscal year thereafter, the Council of the City may set the amount of compensation to be paid by the City to the Commonwealth's Attorney for the performance of the duties set forth in this charter, which compensation shall be in addition to the salary provided by the State Compensation Board. The Commonwealth Attorney in the absence of the City Attorney, may at the request of the City Attorney and of the Council, be appointed acting City Attorney. (1960, c. 213)

§ 21.8. Repeal of Chapter 144 of the Acts of Assembly of 1950.

Chapter 144 of the Acts of Assembly of 1950 entitled "An Act to provide a new charter for the City of Colonial Heights, Chesterfield County, Virginia . . .," approved March 10, 1950, and all acts amendatory thereof are hereby repealed. (1960, c. 213)

§ 21.9. Citation of Act.

This act may for all purposes be referred to cited as the Colonial Heights Charter of 1960. (1960, c. 213)