

DANVILLE, CITY OF
City of First Class.

Established, 1793, c. 56 (Hening's Statutes at Large).

Town incorporation and charter, 1830, c. 99; revised 1854, c. 186.

Charter, 1854, c. 186; revised 1865, c.155.

Charter, 1865, c. 155; repealed 1890, c. 262.

City incorporation and charter, 1890, c. 262; repealed 1952, c. 578.

Charter, 1952, c. 578; repealed 1982, c. 657.

Charter, 1982, c. 657.

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| Amended | 1984, c. 113 (§ 9-5) |
| | 1987, cc. 26, 40 (§§ 4-4, 8-11) |
| | 1988, c. 245 (§§ 9-3, 9-4, 9-5, 9-7, 9-8 [repealed], 9-9, 9-10) |
| | 1990, c. 480 (§ 10-13 [added]) |
| | 1991, c. 22 (§ 9-7) |
| | 1997, c. 660 (§ 10-14 [added]) |
| | 2005, cc. 613, 663 (§§ 1-1, 2-4, 6-2, 7-3, 9-3) |
| | 2009, c. 397 (§ 9-7). |

Chapter 1. Incorporation; Boundaries;
General Powers

§ 1-1. Corporate entity; powers generally.--A. The inhabitants of the territory comprised within the limits of the City of Danville, 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 Danville 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.

B. 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 of Virginia and all other powers pertinent to the conduct of a city government, the exercise of which is not inconsistent with such Constitution and laws, 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.

The powers herein granted shall include, without limitation, those available to cities in Chapter 11 (§ 15.2-1100 et seq.) of Title 15.2 of the Code of Virginia, 1950, as from time to time amended. (1982, c. 657; 2005, c. 613, 663)

§ 1-2. Boundaries.--The boundaries of the city shall be as defined in the act of the General Assembly approved April 20, 1903, being Chapter 162, at page 237, of the Acts of Assembly of 1903, and as enlarged by court orders or decrees recorded in the office of the clerk of circuit court of the city as follows:

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| Deed Book | Page |
| 74 | 264 |
| 152 | 345 |
| 217 | 462 |
| 247 | 98 |

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|-----|--------------------|
| 286 | 445 |
| 298 | 391 |
| 307 | 479 |
| 343 | 31 |
| 385 | 17 |
| 396 | 611 |
| 396 | 616 |
| 477 | 65 |
| 503 | 27 |
| 518 | 394 |
| 518 | 400 |
| 518 | 406 |
| 590 | 382 (1982, c. 657) |

§ 1-3. Vesting of administration and government.--The administration and government of the city shall be vested in the council of the City of Danville as hereinafter constituted, and in such other boards and officers as are hereinafter mentioned, or as may be by law or the council otherwise provided. (1982, c. 657)

§ 1-4. Title to streets and other public ways.--The city shall be vested with the fee simple title to the public streets, alleys and public ways within the city. (1982, c. 657)

§ 1-5. Powers relating to public transportation.--The city shall have the power to acquire, operate, lease or otherwise provide for the operation of a public transportation system, including, by way of illustration but not limitation, the operation of passenger buses within, and, as provided by general law and with the concurrence of the governing body of the locality involved, outside the City of Danville, including providing for transportation for pupils attending public schools operated by the school board of the City of Danville. (1982, c. 657)

Chapter 2. The Council

§ 2-1. Composition; election and terms of members.--The governing body of the city shall be the council, which shall consist of nine members, who shall be elected at large. The members of the council in office at the effective date of this charter are hereby continued in office for the terms for which they were elected. On the first Tuesday in May, 1982, there shall be elected by the qualified voters of the City of Danville four councilmen whose terms shall begin July 1, 1982, and expire July 1, 1986. On the first Tuesday in May, 1984, there shall be elected by the qualified voters of the City of Danville five councilmen whose terms shall begin July 1, 1984, and expire July 1, 1988. Each succeeding two years after 1984, on the first Tuesday in May, there shall be elected four or five councilmen, as the case may be, to serve for terms of four years beginning and expiring on July 1, to fill the vacancies caused by the expiration of the terms of office of the councilmen whose terms of office expired that year. (1982, c. 657)

§ 2-2. Candidates for council.--Candidates for the office of councilman shall be nominated as provided by general law. (1982, c. 657)

§ 2-3. Conduct of councilmanic elections.--The general laws of the Commonwealth relating to the conduct of elections shall be applicable to the conduct of a general municipal election. (1982, c. 657)

§ 2-4. Filling of vacancies.--Any vacancy in the council shall be filled, for the unexpired term, by the remaining members. No person shall be deemed to be elected

unless he shall have received at least five votes in his favor. 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 circuit court of the city, and the circuit court shall be subject to the provisions of § 24.2-100 and Article 6 (§ 24.2-225 et seq.) of Chapter 2 of Title 24.2 of the Code of Virginia for the ordering of a special election to fill the vacancy. (1982, c. 657; 2005, c. 613, 663)

§ 2-5. Inaugural or organizational meeting; mayor and vice mayor generally.--A. An inaugural or organizational meeting of the council shall take place in the council chamber in the municipal building at twelve o'clock noon on the first day of July of each even-numbered year, or if such day shall fall on Saturday or Sunday, then on the following Monday. The meeting shall be called to order by the city clerk, who shall administer the oath of office to the newly elected members of the council. In the absence or inability of the city clerk, the meeting may be called to order and the oath administered by the city attorney. The first business of the council shall be the election of a mayor and vice mayor pursuant to subsection B below. Until this business has been completed, the council shall not adjourn for a period longer than forty-eight hours.

B. At the inaugural or organizational meeting provided for in subsection A above, the council shall choose, by majority vote of all members thereof, one of its members to be mayor and one to be vice mayor for the ensuing two years. The mayor shall act as president of the council, shall preside at meetings of the council and shall perform such other duties consistent with his office as may be imposed by the council. He shall be entitled to vote and speak as other members, but shall possess no veto power. 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. He may use the title of mayor in any case in which the execution of contracts or other legal instruments in writing, or other necessity arising from the general laws of the State, may so require, but this shall not be construed as conferring upon him the administrative functions or other powers or functions of a mayor under the general laws of the State.

C. 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 members shall, by majority vote of those present, choose one of their number to perform the duties of mayor. (1982, c. 657)

§ 2-6. Members not to hold other city office.--No member of the council shall, during the tenure of his office and one year thereafter, be appointed to any office of profit under the government of the city. (1982, c. 657)

§ 2-7. Misconduct of members; compelling attendance of members.--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. (1982, c. 657)

§ 2-8. To be continuing body.--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. (1982, c. 657)

§ 2-9. Exercise of city powers.--The council shall have full power and authority, except as in this charter otherwise provided, to exercise all of the powers conferred upon the city. (1982, c. 657)

§ 2-10. Quorum.--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. (1982, c. 657)

§ 2-11. Rules of procedure.--The council shall have power, 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 not be less frequently than once in each month. They shall also provide for the calling of special meetings by the mayor, or any three 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 unanimous consent of all members of the council present. (1982, c. 657)

§ 2-12. Rescinding or reconsidering vote at special meeting.--No vote shall be rescinded or reconsidered at any special meeting of the council, unless at such special meeting there be then present as many members as were present when such vote was taken. (1982, c. 657)

§ 2-13. Authority to make and enforce ordinances, rules and regulations.--The council may make and enforce all ordinances, rules and regulations necessary or expedient for the purpose of carrying into effect the powers conferred by this charter or by any general law and may provide and impose suitable penalties for the violation of such ordinances, rules and regulations, or any of them, within the limits prescribed by general law. The city may maintain a suit to restrain, by injunction, the violation of any ordinance, notwithstanding such ordinance may provide punishment for its violation. (1982, c. 657)

§ 2-14. Adoption of ordinances, resolutions, etc., generally; effective date of ordinances and resolution.--A. No ordinance, resolution, motion or vote shall be adopted by the council, except at a meeting open to the public and, except motions to adjourn, to fix the time and place of adjournment, and other motions of a purely procedural nature, unless it shall have received the affirmative votes of at least five members.

B. An ordinance or resolution may be introduced by any member or committee of the council 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 the unanimous consent of all members of the council present. Except as otherwise provided in this charter or by the general laws or Constitution of the Commonwealth of Virginia, all ordinances and resolutions may be voted and passed at the meeting in which they are introduced, and shall become effective upon passage unless otherwise provided by the council. (1982, c. 657)

§ 2-15. Certain acts to be by ordinance.--In addition to such acts of the council which are required by the Constitution and general laws of the Commonwealth of Virginia 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 or agency, fixing the compensation of any officer or employee of the city, making any 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. (1982, c. 657)

§ 2-16. Certain ordinances not to be passed until ten days after introduction.--No ordinance imposing taxes or appropriating money in excess of \$1,000 shall be passed until after ten days from the introduction thereof; and no ordinance authorizing the issuance of bonds or notes shall be finally adopted unless it shall have been introduced in the council at least ten days before its final adoption. (1982, c. 657)

§ 2-17. Recordation and authentication of ordinances and resolutions.--Every ordinance or resolution, upon its final passage, shall be recorded in a book kept for that purpose and shall be authenticated by the signatures of the mayor and the city clerk. (1982, c. 657)

§ 2-18. Authority to create, abolish, etc., administrative departments.--The council may, by ordinance adopted by an affirmative vote of two-thirds of all of its members, create administrative departments of the city government or subdivisions thereof, combine or abolish existing departments, and distribute the functions thereof, or establish temporary departments for special work. (1982, c. 657)

§ 2-19. Authority with respect to rates and charges for utility and other services furnished by city.--A. The council shall have the power to establish, impose and enforce water, gas, electric and sewerage rates and rates and charges for public utilities or other services, products or conveniences operated, rendered or furnished by the city and to assess or cause to be assessed, water, gas, electric and sewerage rates and charges against the proper tenant or tenants of such persons, firms or corporations as may be legally liable therefor. The council may, by ordinance, require a deposit of such reasonable amount as it may prescribe before furnishing any of such services to any person, firm or corporation. The city may refuse to restore any such services to any person, firm or corporation, after the same have been disconnected for any reason, unless and until such person, firm or corporation has fully paid to the city any unpaid amount or amounts owing to the city by such person, firm or corporation for past utility services.

B. The provisions of this section shall apply to utility or other services rendered outside the boundaries of the city, as well as to those rendered within the city. (1982, c. 657)

§ 2-20. Protection of city property; prevention of pollution of water supply; regulation of use of parks, etc.--A. The council may provide for the protection of the city's property, real and personal, the prevention of pollution of the city's water supply and the regulation of the use of parks, playgrounds, playfields, recreational facilities, airports and other public properties, whether located within or without the city. For the purpose of enforcing such regulations all city property, wherever located and for whatever purpose it may be used, shall be under the police jurisdiction of the city.

B. For the protection of the water supply of the city the council may protect from pollution, by proper penalties, the water in the Dan River, by prohibiting the throwing of filth or offensive matter therein for a distance of three miles above the limits of the city, and may punish any offender by fine or imprisonment, or both, and may enjoin any person from causing such pollution. (1982, c. 657)

§ 2-21. Regulation of taxicabs and other public vehicles.--The council shall have the power to regulate the services to be rendered and the rates to be charged by taxicabs and other public vehicles used for hauling passengers for hire, including the number of such vehicles, and to regulate the use of the streets by public buses and to designate what streets may be used by such buses. (1982, c. 657)

Chapter 3. City Manager

§ 3-1. Appointment; term; qualifications.--The council shall appoint a city manager for an indefinite term. The manager shall be chosen solely on the basis of his executive and 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 of Virginia, but during his tenure of office, he shall reside within the city. (1982, c. 657)

§ 3-2. Acting manager.--The city manager may, with prior approval of the council, designate some properly qualified person to perform the manager's duties during his absence or disability. (1982, c. 657)

§ 3-3. General powers and duties.--A. The city manager shall be the chief executive officer of the city and shall be responsible to the council for the proper administration of the city government.

B. The city manager shall be responsible to the council for the efficient administration of all affairs of the city. He shall have power and it shall be his duty:

1. To see that all laws and ordinances are enforced.
2. To exercise supervision and control over all administrative departments and divisions of the city, except as otherwise provided by this charter or ordinance of the council.
3. To attend all regular meetings of the council, with the right to take part in the discussion, but having no vote. He shall be entitled to notice of all special meetings.
4. To recommend to the council, for adoption, such measures as he may deem necessary or expedient.
5. To make and execute all contracts on behalf of the city, except as may be otherwise provided in this charter or by ordinances passed in pursuance thereof.
6. To prepare and submit to the council the annual budget, after receiving estimates made by the heads or directors of the departments or of any board or commission not within a department.
7. To keep the council fully advised, at all times, as to the present and future physical needs of the city.
8. To perform such other duties as may be prescribed by this charter or be required of him by ordinance or resolution of the council. (1982, c. 657)

§ 3-4. Attendance, etc., at board or commission meetings.--The city manager shall have the right to attend and participate in the proceedings of, but not vote in, the meetings of all boards and commissions created by this charter or by ordinance. (1982, c. 657)

§ 3-5. Appointment and removal of officers and employees.--The city manager shall appoint for an indefinite term, except as otherwise provided in this charter, the heads of all departments and all other officers and employees of the city. The city manager shall have power to remove any officer or employee appointed by him. All department heads appointed by the city manager shall obtain the approval of the city manager for assistants, division heads and supervisory employees appointed by them. (1982, c. 657)

§ 3-6. Interference by council.--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 for the purpose of enquiry, 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, publicly or privately, to any subordinate of the city manager. Nothing herein contained, however, shall be construed as prohibiting any councilman from discussing with the city manager any appointment or removal. (1982, c. 657)

Chapter 4. City Clerk

§ 4-1. Appointment; term; general powers and duties.--The council shall appoint a city clerk for an indefinite term. He shall be the clerk of the council, shall keep the journal of its proceedings and shall record all ordinances in a book kept for that purpose. He shall be the custodian of the corporate seal of the city and shall be the officer authorized to use and authenticate such seal. He shall have such other powers and duties as may be prescribed by this charter or by ordinance. (1982, c. 657)

§ 4-2. Compensation; fees to be paid into treasury.--The city clerk shall receive such compensation as is fixed by the council and all fees received by the clerk shall be paid into the city treasury. (1982, c. 657)

§ 4-3. Holding other city office.--The city clerk may hold any other office or position in the city government to which he may be appointed by the council or the city manager. (1982, c. 657)

§ 4-4. Deputies and other employees.--The city clerk may appoint and remove, subject to approval of the council, one or more deputies who may discharge any of the official duties of their principal during his continuance in office, unless it be some duty the performance of which is expressly forbidden by law, and who shall be authorized to act as city clerk in the absence or disability of the city clerk; and the city clerk shall appoint and remove all other employees in his office. (1982, c. 657; 1987, c. 26, 40)

§ 4-5. Inspection of clerk's records.--All records in the city clerk's office shall be public records and open to inspection at any time during regular business hours. (1982, c. 657)

Chapter 5. City Attorney

§ 5-1. Appointment; term; qualifications.--The council shall appoint a city attorney for an indefinite term. He shall be an attorney at law licensed to practice under the laws of the Commonwealth of Virginia and shall have actively practiced his profession therein for at least five years. (1982, c. 657)

§ 5-2. General powers and duties.--The city attorney shall:

1. Be the legal advisor of the council, the city manager and departments, boards and agencies of the city in all matters affecting the interests of the city, and shall upon request, furnish a written opinion on any question of law involving their respective official powers and duties.

2. At the request of the city manager or a member of the council, prepare ordinances for introduction and, at the request of the council or any member thereof, examine ordinances after introduction and render his opinion as to the form and legality thereof.

3. Draw or approve as to form deeds, leases, contracts, bonds or other instruments to which the city is a party or in which it has an interest.

4. Have the management and control of all law business of the city and the departments thereof or in which the city has an interest, and represent the city as counsel in any civil cases in which it is interested, and in criminal cases in which the constitutionality or validity of a city ordinance is brought into issue.

5. Institute and prosecute all legal proceedings that he shall deem necessary to protect the interests of the city.

6. Attend the regular meetings of the council, unless excused for good cause by the mayor, in which case he may assign one of his assistants to attend such meetings, if he has an assistant.

7. Have such other powers and duties as may be assigned to him by ordinance. (1982, c. 657)

§ 5-3. Authority as to assistants and other employees.--The city attorney may appoint and remove, with the consent of the council, such assistant city attorneys and other employees as shall be authorized by the council. He may authorize the assistant city attorneys, or any of them, or special counsel to perform any of the duties imposed upon the city attorney in this charter. (1982, c. 657)

Chapter 6. School Board

§ 6-1. Body corporate; powers and duties; application of charter to board.--The school board members of the city shall be a body corporate under the name and style of the school board of the City of Danville. Except as provided in this charter, the school board shall have all the powers, perform all the duties and be subject to all of the limitations now provided or which may hereafter be provided by the laws of the Commonwealth of Virginia in regard to school boards of cities. 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. (1982, c. 657)

§ 6-2. Composition; appointment and terms of members; filling of vacancies.--The school board shall consist of seven members, who shall be qualified voters of the city. The members in office at the effective date of this charter are hereby continued in office for the terms for which they were appointed. Each member shall be elected at-large and pursuant to the provisions of § 22.1-57.3 of the Code of Virginia, 1950, as amended.

Any vacancy occurring in the school board shall be filled pursuant to the provisions of § 24.2-228 of the Code of Virginia, 1950, as amended. (1982, c. 657; 2005, c. 613, 663)

§ 6-3. Oath of members.--Each school board member, before entering upon the duties of his office, shall take and subscribe, before some officer authorized to administer oaths, the oath prescribed for state officers and file the oath in the office of the city clerk. (1982, c. 657)

Chapter 7. Board of Zoning Appeals

§ 7-1. Composition; appointment, terms and removal of members; filling of vacancies.--The members of the board of zoning appeals as now constituted shall remain in office for the remainder of their terms and until their successors are appointed as provided by general law. The board of zoning appeals shall consist of seven members appointed as provided by general law. (1982, c. 657)

§ 7-2. Chairman; secretary and other employees.--The board of zoning appeals shall elect one of its members as chairman. The chairman shall preside at all meetings of the board and, in his absence, a 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 and as approved by the city manager. (1982, c. 657)

§ 7-3. General powers and duties; application of general laws.--The board of zoning appeals shall have such powers and duties as are prescribed for such boards by the general laws of the Commonwealth of Virginia, particularly Article 7 (§ 15.2-2280 et seq.) of Chapter 22 of Title 15.2 of the Code of Virginia, 1950, as amended, and shall be subject to the provisions of such laws. (1982, c. 657; 2005, c. 613, 663)

§ 7-4. Meetings; minutes and records.--The meetings of the board of zoning appeals 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. (1982, c. 657)

Chapter 8. Finance and Taxation Generally

§ 8-1. Fiscal year.--The fiscal year of the city shall begin on the first day of July and shall end on the thirtieth day of June. (1982, c. 657)

§ 8-2. City treasurer.--The city treasurer shall give such bond as may be required by the council. He shall be the custodian of all public money of the city and of all other money coming into his hands as city treasurer. He shall keep and preserve such money in such banks, savings and loan associations or trust companies as may be selected by him, subject to the right of the council to require that such money on deposit be secured by such banks, savings and loan associations or trust companies by the pledge of appropriate collateral. He shall perform such other duties, have such powers and be liable to such penalties as are now or may hereafter be prescribed by law or ordinance. He shall 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, ordinances or the terms of any trust. He shall be responsible for 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. (1982, c. 657)

§ 8-3. Commissioner of the revenue.--The commissioner of the revenue shall give bond in such sum as the council may, by ordinance, prescribe. He shall perform such duties, not inconsistent with the laws of the Commonwealth of Virginia, in relation to the assessment of property and the assessment of licenses as may be required by the council. 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 the city manager. He shall perform such other duties as may be required by ordinance. (1982, c. 657)

§ 8-4. Assessor of real estate for taxation.--There shall be a city assessor of real estate for taxation. Such assessor shall be appointed by the city manager for an indefinite term and shall give such bond as may be required by the council. Such assessor shall have the same powers and duties, with regard to the assessment of real estate, as are prescribed by the Constitution of the Commonwealth of Virginia and general laws of the Commonwealth for commissioners of the revenue or other assessors. (1982, c. 657)

§ 8-5. Office or division of central collections.--A. There shall be an office or division of central collections, assigned to such department of the city government as is prescribed by the council, which shall collect, for the city, all charges for water, gas, electricity and other services rendered or furnished by the city and all taxes, assessments and other sums due or owing to the city, except as otherwise provided by this charter or ordinance of the council.

B. The office or division of central collections shall have all powers which are now or may be hereafter vested by general laws in county and city treasurers to enforce collection by levy, distress or any other legal proceedings provided for by general laws or by city ordinances. (1982, c. 657)

§ 8-6. Preparation and submission to council of annual budget.--No later than April 1 of each fiscal year, the city manager shall prepare and submit to the council, for its consideration, an annual budget for the ensuing fiscal year, based upon detailed estimates furnished by the several departments and other divisions of the city government according to a classification as nearly uniform as possible. The budget shall present such other information as may be prescribed by ordinance. No later than April 30 of each fiscal year, the city manager, after collaboration with the council, shall have the budget completed and ready for introduction at a regular or special meeting of the council. (1982, c. 657)

§ 8-7. Publication of synopsis of, and hearing on, budget; budget changes after hearing.--A brief synopsis of the budget shall be published in a newspaper or newspapers having general circulation in the city, and notice given of a public hearing. After the conclusion of the public hearing, the council may insert new items of expenditures or may increase, decrease or strike out items of expenditure in the budget, except that no item of expenditure for debt service or required to be included by this charter or other provisions of law shall be reduced or stricken out. (1982, c. 657)

§ 8-8. Annual appropriation ordinance and tax levy.--Prior to the end of each fiscal year, the council shall pass an appropriation ordinance, which shall be based on the budget submitted by the city manager, and shall levy such taxes for the ensuing fiscal year as may be necessary to meet the appropriations made and all sums required by law to be raised for account of the city debt. The total amount of appropriations shall not exceed the estimated revenues of the city. (1982, c. 657)

§ 8-9. Tax, appropriations, etc., ordinances require two-thirds vote.--No ordinance imposing taxes, authorizing the borrowing of money or appropriating money exceeding the sum of \$10,000 shall be adopted by the council, unless it shall have received the affirmative votes of two-thirds of all the members of the council. (1982, c. 657)

§ 8-10. Exemption from taxation of city-owned property outside city.--Land, buildings, fixtures and any property, real or personal, owned by the city and situate outside the city, and used by the city for the purpose of carrying out any of its powers and duties, shall be exempt from taxation by the authorities of any county, city or town in which the same may be located. (1982, c. 657)

§ 8-11. Investment or deposit of idle funds.--The provisions of § 8-2 notwithstanding, any officer of the city authorized by the council so to do may invest or deposit any idle funds of the city, including the proceeds of any bond issue pending the use of same for the purposes designated in the ordinance pursuant to which they were issued, in any securities, investments or revenue-producing deposits that are legal under the laws of the Commonwealth. (1982, c. 657; 1987, c. 26, 40)

§ 8-12. Financial aid to military units, charitable institutions, etc.--The council shall have authority to grant financial aid to military units organized in the city in accordance with the laws of the Commonwealth and to charitable or benevolent institutions and corporations, including those established for scientific, literary or musical purposes or the encouragement of agricultural or mechanical arts, whose functions further

the public purposes of the city. No appropriation for any of the purposes herein mentioned shall be made unless two-thirds of all the members elected to the council shall vote therefor. (1982, c. 657)

Chapter 9. City Indebtedness

§ 9-1. General authority of council to incur.--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 and to the extent provided in this chapter. (1982, c. 657)

§ 9-2. Constitutional limitations.--In the issuance of bonds and notes, the city shall be subject to the limitations as to amount contained in Section 10 (a) of Article VII of the Constitution of the Commonwealth of Virginia. (1982, c. 657)

§ 9-3. Purposes for which bonds or notes may be issued.--A. Bonds or notes may be issued to finance capital expenditures, or for the purposes of financing the payment of any sum or compensation which the city may be required to pay by order of any court heretofore or hereafter made in annexation proceedings pursuant to Chapter 32 (§ 15.2-3200 et seq.) of Title 15.2 of the Code of Virginia, 1950, as amended, or the payment or funding or refunding of any indebtedness or bonds or other obligations assumed by the city in such annexation, or the payment of other costs and expenditures in connection with such annexation. Notes may be issued in anticipation of the issuance of bonds for any purposes for which bonds may be issued when the bonds have been authorized as hereinafter provided.

B. Notes may be issued, when authorized by the council, at any time during the fiscal year, in anticipation of the collection of revenue of such year. (1982, c. 657; 1988, c. 245; 2005, c. 613, 663)

§ 9-4. Notes in anticipation of bonds or revenue.--A. Whenever an issue of bonds has been authorized by the council, an officer designated by the council, when authorized by ordinance, shall have the 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 such officer and shall be paid not later than sixty months after the date of issue out of the proceeds of the sale of the bonds in anticipation of which they have been issued, but such notes may be renewed, reissued, refunded or renegotiated from time to time within the said period of sixty months from the date of original issue. Any notes heretofore issued and outstanding in anticipation of bonds which have not yet been issued may be renewed, reissued, refunded or renegotiated from time to time by the council by ordinance, provided such notes shall be paid not later than sixty months after the date of original issue out of the proceeds of the sale of the bonds in anticipation of which they have been issued.

B. Notes in anticipation of revenue shall be authorized by the council by ordinance. They shall be authenticated by the signature of the officer designated by the council, shall not exceed, in the aggregate, \$500,000 issued and outstanding at any one time, and shall mature for payment not later than twenty-four months after the date of issue. If not paid at maturity, the amount of such unpaid revenue anticipation notes shall be included as an appropriation in the budget for the ensuing year. Such notes may be disposed of by public or private negotiations. (1982, c. 657; 1988, c. 245)

§ 9-5. General requirements as to bonds.--A. All bonds may be issued in coupon or registered form, or both, and shall be in such denominations as the council may determine. Principal of all bonds shall be payable in annual installments, the first of

which shall be payable not more than two years from the date of issue of such bonds. Bonds shall bear the manual or facsimile signatures of the mayor and the city treasurer and the city's seal shall be affixed to the bonds or a facsimile thereof shall be printed thereon and attested by the manual or facsimile signature of the city clerk; however, if all of such signatures are facsimiles the bonds shall be authenticated by the manual signature of an authorized representative of a bank or other approved agent. Interest coupons, if any, attached to the bonds shall be transferable by delivery and shall bear the facsimile signature of the city treasurer.

In case any officer whose manual or facsimile signature shall appear on any bonds or coupons shall cease to be such officer before the delivery of such bonds, such signature shall nevertheless be valid and sufficient for all purposes the same as if he had remained in office until such delivery, and any bond may bear the manual or facsimile signature of such persons as at the actual time of the execution of such bond shall be the proper officers to sign such bond although at the date of such bond such persons may not have been such officers.

B. All bonds issued to finance capital expenditures shall be made payable within the probable period of usefulness 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 period of usefulness 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 period of usefulness of any such improvement or undertaking shall be conclusive. The probable period of usefulness of any improvement or undertaking shall not be deemed to be more than thirty years; however, the probable period of usefulness of real property acquired by the city may be deemed to be as long as forty years. Such probable period of usefulness or average probable period of usefulness shall be computed from the date of the bonds of such series or issue. (1982, c. 657; 1984, c. 113; 1988, c. 245)

§ 9-6. Bond election generally.--Except as otherwise provided in this chapter, no bonds of the city shall be issued until the question of their issuance shall have first been submitted to the qualified voters of the city at a general or special election and shall have been approved by a majority of such voters voting on the question of their issuance. The question or proposition submitting to the voters as aforesaid shall state in general terms the purpose or purposes of the proposed bond issue and the actual or maximum amount of the bond issue. All other details of the bond issue shall be left to be determined by the council of the city. No question as to the validity of such an election, or as to the determination of the result thereof, shall be raised in any court except in an action or proceeding commenced within ten days after the determination of the result of such election. (1982, c. 657)

§ 9-7. When bond election not required.--A. The council may, without submitting the question of their issuance to the qualified voters of the city, in the name and for the use and benefit of the city, issue, negotiate and sell bonds in any amount or amounts not exceeding six million dollars in any one fiscal year for any capital expenditure other than for capital expenditures relating to the city's water, sewer, gas and/or electric systems.

B. The council may, without submitting the question of their issuance to the qualified voters of the city, in the name and for the use and benefit of the city, issue, negotiate and sell bonds in any amount or amounts necessary to pay any sum or compensation which the city may be required to pay by the order of any court heretofore or hereafter made in annexation proceedings pursuant to the general laws of the Commonwealth of Virginia, to pay or fund or refund any indebtedness or bonds or other obligations assumed by the city in any such annexation, or the payment of other costs and expenditures in connection with any such annexation.

C. The council may, without submitting the question of their issuance to the qualified voters of the city, in the name and for the use and benefit of the city, issue, negotiate and sell notes in anticipation of the collection of revenue as provided for in this chapter.

D. The council may, without submitting the question of their issuance to the qualified voters of the city, in the name and for the use and benefit of the city, issue, negotiate and sell bonds, to the payment of which the council shall pledge the full faith and credit of the city and/or the revenues derived from any specified undertakings, in any amount or amounts not exceeding ten million dollars in any one fiscal year for capital expenditures relating to the city's water, sewer, gas and/or electric systems or other specific undertaking or undertakings from which the city may derive a revenue.

E. Notwithstanding anything in this section to the contrary, the council may, without submitting the question of their issuance to the qualified voters of the city, in the name and for the use and benefit of the city, issue, negotiate and sell bonds, to the payment of which the council shall pledge the full faith and credit of the city and/or the revenues derived from any specified undertakings, in any amount or amounts not exceeding twenty-five million dollars in any one fiscal year for capital expenditures relating to the city's water treatment, wastewater treatment, stormwater treatment, solid waste disposal or recycling facilities and any extraordinary maintenance improvements or expansions of transmission and distribution infrastructure for the electric or gas systems.

F. For purposes of determining the amount of bonds that may be issued pursuant to this section, refunding bonds shall not be included. For the purposes of this section, the terms "bonds" and "notes" shall not include contractual obligations of the city other than bonds and notes. Anything in this charter to the contrary notwithstanding, authorized bonds and notes which could have been issued without an election on the last day of the fiscal year in which they were authorized may be issued in the subsequent fiscal year without affecting the annual limitations imposed by this section for such subsequent year. (1982, c. 657; 1988, c. 245; 1991, c. 22; 2009, c. 397)

§ 9-8 (1982, c. 657; repealed 1988, c. 245)

§ 9-8 (formerly § 9-9). Payment of bonds and notes.--Except as provided in § 9-7 of this chapter, the power and obligation of the city to pay any and all bonds and notes hereafter issued by it pursuant to this chapter 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 and interest on all bonds and notes of the city hereafter issued pursuant to this chapter, except as provided in § 9-7, whether or not such pledge be stated in the bonds or notes or in the ordinance authorizing their issuance. (1982, c. 657; 1988, c. 245)

§ 9-9 (formerly § 9-10). Previously authorized bonds.--The authority to issue any bonds, the issuance of which was legally authorized prior to the effective date of this charter, shall not lapse or terminate or be otherwise affected by reason of any of the provisions contained in this chapter and such bonds may be sold or issued in accordance with the ordinance authorizing the issuance and with the provisions of law in force prior to the effective date of this charter, or in accordance with the provisions of this charter. (1982, c. 657; 1988, c. 245)

Chapter 10. Miscellaneous Provisions

§ 10-1. Notice to persons elected or appointed to office.--The clerk of the circuit court of the city shall notify all persons elected by the people under this charter of their election and the city clerk shall notify all persons elected or appointed by the council of their election or appointment. (1982, c. 657)

§ 10-2. Oath of officers.--Every person elected by the people or appointed by the council to any city office shall, before entering upon the duties of his office, take and subscribe to the oath prescribed by the laws of the Commonwealth of Virginia for state officers. Such oath may be administered by any person competent to administer oaths under the laws of the Commonwealth of Virginia, or by the city clerk, and a certificate of such oath having been taken shall be filed with the city clerk, unless otherwise provided by law, and the city clerk shall keep the same on file in his office. (1982, c. 657)

§ 10-3. Bond of officers and employees.--The council may, by ordinance, require any officer or employee of the city to give bond and fix the amount of the penalty thereof, unless otherwise fixed by this charter. In all cases where a bond is required of any officer, such bond shall be with corporate surety and conditioned for the faithful discharge by himself, his deputies, assistants or other subordinates, of the duties imposed on him by this charter and all ordinances passed in pursuance thereof. Unless the council shall adopt an ordinance to the contrary, the premium on any such bond shall be paid by the city. (1982, c. 657)

§ 10-4. Effect of failure to take oath of office or give required bond.--If any person elected or appointed to any office in the city shall neglect to take the required oath of office for thirty days after receiving notice of his election or appointment or shall neglect or refuse for a like time to give such bond or other security as may be required by the council, his office shall be deemed vacant, and another election or appointment shall be made. (1982, c. 657)

§ 10-5. Officers and members of boards and commissions to serve until successors appointed and qualified.--Whenever, under the provisions of this charter, any officer of the city or member of any board or commission is elected or appointed for a fixed term, such officer or member shall continue to hold office until his successor is appointed and qualified. (1982, c. 657)

§ 10-6. Terms of officers and members of boards and commissions in office on effective date of charter.--All officers of the city and members of boards or commissions elected or appointed for a specified term commencing before the effective date of this charter and whose terms have not expired upon the effective date of this charter shall continue to hold the same until the term of such office shall expire, unless such office is not provided for in this charter. (1982, c. 657)

§ 10-7. Duty of Commonwealth's attorney to prosecute ordinance violations.--In addition to such duties as are imposed by the general laws of the Commonwealth of

Virginia, the attorney for the Commonwealth shall prosecute all violations of city criminal ordinances, both in the general district court and upon appeal. (1982, c. 657)

§ 10-8. Arrests for and jurisdiction of violations of ordinances, rules and regulations.--Any member of the police force of the city or employee thereof appointed as a special policeman shall have power to make arrest for violation of any ordinance, rule or regulation adopted pursuant to this charter, and the general district court of the city shall have jurisdiction in all cases arising thereunder within the city, and the general district court of the county wherein the offense occurs shall have jurisdiction of all cases arising thereunder without the city. (1982, c. 657)

§ 10-9. Investigations as to city affairs.--The council and the city manager, or either of them, shall have power to make investigations as to city affairs and, for that purpose, the council or the city manager, when authorized by the council, shall have power to subpoena witnesses, administer oaths and compel the production of books and papers. The council or the city manager shall have the authority to apply to the judge of the general district court of the city for a subpoena or subpoena duces tecum against any person refusing to appear and testify or refusing to produce books, papers or records, as ordered by the council or the city manager, and the judge of such court shall, upon good cause shown, cause the subpoena to be issued. Any person failing to comply with any such subpoena shall be subject to punishment for contempt by the court issuing the subpoena. (1982, c. 657)

§ 10-10. Continuation of existing contracts and obligations.--All contracts and obligations of the City of Danville heretofore made by the present council and government while in office, not inconsistent with this charter and the general laws and Constitution of the Commonwealth of Virginia, shall be and are hereby declared to be valid and legal obligations of the City of Danville. (1982, c. 657)

§ 10-11. Continuation of existing ordinances, resolutions etc.--All ordinances and resolutions of the city and all rules, regulations and orders legally made by any department, board or officer of the city, in force at the effective date of this charter, in so far as they or any portion thereof are not inconsistent therewith, shall remain in force until amended or repealed by the council of the city. (1982, c. 657)

§ 10-12. Severability of charter provisions.--In the event that any portion, section or provision of this charter shall be declared illegal, invalid or unconstitutional by final judgment of any court of competent jurisdiction, such judgment shall not invalidate any other portion, section or provision hereof, and all parts of the charter not expressly affected by such judgment shall remain in full force and effect. (1982, c. 657)

§ 10-13. Special liens.--There shall be a lien on any land for the expense incurred by the city in abating any condition thereon or related thereto which has lawfully been declared a nuisance after reasonable notice to the owner as shall be provided by ordinance. Such a lien shall be good against any purchaser of the land for value whenever the lien shall be recorded in the office of the city clerk and recorded and indexed in the office of the clerk of the circuit court in the name of the person owning the land at the time of the accrual of the lien. The Council may, in its discretion, authorize the sale of property subject to such a lien.

Any such lien at any time after recordation, may be enforced by foreclosure in the same manner provided by law for liens of judgment. There may be joined in the same bill of complaint one or more separate pieces, tracts, parcels, or lots of land, whether in the

same or different ownership; provided, however, the court, on its own motion or in the motion of any party in furtherance of convenience or to avoid prejudice, may order a severance and separate trial of any claim or claims or of any issue or issues. (1990, c. 480)

§ 10-14. Appointments to the Board of the Danville Redevelopment and Housing Authority.

Council shall appoint, as otherwise provided by law, the persons who are to serve as commissioners of the Danville Redevelopment and Housing Authority. However, notwithstanding any provision to the contrary in § 2-6 of this charter, council is expressly authorized to appoint one member of council to serve as one of the commissioners of the Danville Redevelopment and Housing Authority. (1997, c. 660)