

## HARRISONBURG, CITY OF

City of First Class.

Established in 1780; incorporated as a town by an 1848-49 Act of Assembly.

Became a city by court order 1916.

Charter, 1849, c. 291; repealed 1952, c. 712.

Amended 1870, c. 205; almost entirely a new charter.

Charter, 1952, c. 712.

Amended 1956 Extra Session, c. 41 (§§ 47, 52)

1958, c. 497 (§ 13.1 [added])

1972, c. 270 (§§ 9, 12)

1979, c. 164 (§§ 4, 42)

2002, c. 369 (§ 56).

### CHAPTER I

#### INCORPORATION AND POWERS; BOUNDARIES; FORM OF GOVERNMENT

##### § 1. Incorporation and Powers.

The inhabitants of the territory comprised within the present corporate limits of the City of Harrisonburg, as hereinafter described or as the same may hereafter be altered and established by law, shall continue to be a body politic and corporate in fact and in name under the style and denomination of City of Harrisonburg, and as such shall have and may exercise all powers which are now or hereafter may be conferred upon or delegated to cities of its class under the Constitution and laws of the Commonwealth of Virginia, as fully and completely as though said powers were specifically enumerated herein, and no enumeration of particular powers by this charter shall be held to be exclusive, and shall have, exercise and enjoy all the rights, immunities, powers and privileges and be subject to all the duties and obligations now appertaining to and incumbent on it as a municipal corporation, and the City of Harrisonburg, as such, shall have perpetual succession, may sue and be sued, contract and be contracted with and have a corporate seal which it may alter, renew or amend at its pleasure. (1952, c. 712)

##### § 2. Boundaries.

The boundaries of the city, as presently constituted, are as follows: Beginning at a concrete monument near the northeast side of the Port Republic Road 250 feet west of the west line of Crawford Avenue; thence through the land of H. D. Newman N. 50° 56' E. 5,718.2 feet crossing the Chesapeake Western Railway to a concrete monument in the property line of the Keckley Farm 450 feet east of the east line of Monticello Avenue; thence N. 61° 11' E. 3,794.6 feet crossing Reservoir Street, East View Street, Hawkins Street and East Market Street to a concrete monument in the property line of Liskey and Blose; thence N. 13° 05' W. 3,776.4 feet crossing Old Furnace Road and small reservoir to a concrete monument in the property line of Moore and Joseph; thence N. 56° 39' W. 3,011.9 feet crossing North Main Street to a concrete monument in front of the Suter house; thence N. 46° 38' W. 897.6 feet to a point near the intersection of Suter Street and the Kratzer Road; thence S. 25° 50' W. 1,373.4 feet near the east side of the Kratzer Road crossing the Southern Railway to a concrete monument at the intersection of North Liberty Street and the Edom Road; thence S. 75° 35' W. 3,405 feet crossing Jackson

Street, Collicello Street, 5th Street, Virginia Avenue, Lee Avenue, Stuart Street, Grant Street and the Mt. Clinton Pike to a concrete monument in the property of Mrs. Annie Burke Good west of the airport; thence S. 19° 50' W. 4,388.1 feet crossing West Market Street to a concrete monument 150 feet west of the west line of E Street; thence parallel to E. Street S. 59° 03' W. 4,948.7 feet crossing Ohio Avenue, New York Avenue, Maryland Avenue, Sunrise Avenue, Ridge Road, Neyland Drive and Circle Drive to an iron pin in a rock pile in the property of L. V. Sharpes; thence S. 37° 00' E. 2,051.7 feet to a concrete monument on the west side of South High Street; thence S. 67° 22' E. 363.2 feet crossing South High Street and along the south line of H. E. Bowman to an iron pin on the northwest right-of-way line of the Chesapeake Western Railway; thence with the railway, parallel to and 25 feet from the center line, N. 59° 02' E. 2,541.9 feet along the northwest right-of-way line of the Chesapeake Western Railway to an iron pin; thence following a 4° 46' curve 463.76 feet to an iron pin on the northwest right-of-way line of the Chesapeake Western Railway; thence N. 81° 09' E. 78.7 feet to an iron pin on the northwest right-of-way line of the Chesapeake Western Railway in the old city limit line; thence S. 38° 06' E. 1,045.5 feet crossing Black's Run to a point on the west right-of-way line of the Chesapeake Western Railway (old Baltimore & Ohio); thence S. 26° 09' W. 2,255.4 feet to a point on the west right-of-way line of the Chesapeake Western Railway near the south bank of Black's Run; thence S. 44° 45' E. 765 feet crossing South Main Street to a point near the south bank of Black's Run along the property line of Mrs. J. Claude Miller; thence S. 30° 45' E. 1,038 feet along the property line of Mrs. J. Claude Miller to a point in said line; thence S. 47° 45' E. 216.2 feet to a point in the line of land formerly owned by B. T. Hoover on the west line of Butler Street; thence N. 47° 16' E. 1,748 feet along the west line of Butler Street crossing the Port Republic Road to a point in H. D. Newman's field; and thence N. 31° 03' W. 1,088.4 feet along the Port Republic Road to the Beginning; containing 1,759.9 acres or 2.75 square miles. (1952, c. 712)

#### § 3. Form of Government.

The government and administration of the city shall be vested in one body, to be called the Council, and in one administrative officer, to be styled City Manager, and in such other departments, boards and other officers as are hereinafter provided for, or as are permitted or required. (1952, c. 712)

### CHAPTER II THE COUNCIL

#### § 4. Composition; Election and Term of Members.

The council shall consist of five (5) members, who shall be elected at large and who shall hold office for a term of four (4) years from the first day of July next following the date of their election, and until their successors have been duly elected and qualified. Provided that at the first municipal election under this charter, which shall be held on the first Tuesday in May, nineteen hundred eighty, three councilmen shall be elected to hold office for three years ten months each, and at the next municipal election, to be held on the first Tuesday in May, nineteen hundred eighty-two, two councilmen shall be elected who shall hold office for three years ten months each. Those persons elected in nineteen hundred eighty and nineteen hundred eighty-two shall take office the first day of September of the year in which they are elected. Thereafter members of council shall serve staggered four-year terms taking office the first day of July. A municipal election

for the election of councilmen shall be held on the first Tuesday in May every second year thereafter. (1952, c. 712; 1979, c. 164)

§ 5. Qualifications.

Any person qualified to vote in the city shall be eligible for the office of council, but shall hold no other office elected by the people during his term of office. In the event a councilman be convicted of felony, he shall thereby immediately forfeit his office, which vacancy on the council shall be filled as hereinafter provided. (1952, c. 712)

§ 6. Vacancies in Council.

All vacancies occurring from any cause in the council shall be filled by appointment by the council, by majority vote of all those elected to the council. If the council shall fail to act within thirty days of the occurrence of the vacancy, then the vacancy shall be filled by the Circuit Court of Rockingham County or the judge thereof in vacation. Any councilman thus elected shall hold office for the term for which his predecessor was elected, unless sooner vacated by death, resignation, removal or other cause. Should any councilman remove his residence from the city during the term for which he was elected, such removal shall operate to vacate his seat on the council. (1952, c. 712)

§ 7. Presiding Officer; Mayor; Vice-Mayor; Their Powers and Duties.

The council shall elect one of its members to preside over its meetings, who shall be ex officio mayor of the city for a term of two (2) years, and any vacancy in the office shall be filled by election by the council for the unexpired term. The mayor shall have the same powers and duties as other members of the council, with a vote, but no veto. He shall be the official and ceremonial head of the city, but shall have no jurisdiction or authority to hear, try or determine any judicial matters. The council shall also elect one of its members as vice-mayor, who shall act as mayor during the absence or disability of the mayor. (1952, c. 712)

§ 8. Quorum.

A majority of the members of the council shall constitute a quorum for the transaction of business. (1952, c. 712)

§ 9. Compensation.

Councilmen shall receive as compensation for their services such amounts as the council may determine, not to exceed two hundred dollars per month for councilmen and two hundred fifty dollars per month for the mayor. (1952, c. 712; 1972, c. 270)

§ 10. Powers.

All powers of the city and the determination of all matters of policy are vested in the council. Without limitation of the foregoing, the council shall have all the powers conferred by the Constitution and general laws, and, in addition, the particular powers conferred in the following several numbered but untitled sections of this charter. (1952, c. 712)

§ 11. The council is empowered to control and manage the fiscal and municipal affairs of the city, and all property, real and personal, belonging to the city, and, in the name and for the use of the city, to contract debts, borrow money, and cause to be issued therefor notes, bonds or other evidences of debt in the manner prescribed by law and subject to all the restrictions and limitations imposed by the Constitution and general laws of the State of Virginia, and to expend the money of the city for all lawful purposes,

and to make such ordinances, orders and by-laws relating to any of the foregoing as it may deem proper and necessary. (1952, c. 712)

§ 12. The council is empowered to raise annually by taxes and assessments on all subjects of taxation in said city as to which there is no restraint or prohibition by the Constitution or general law, such sums of money as it shall deem necessary to pay the debts and defray the expenses of the city, and in such manner as it shall deem expedient. (1952, c. 712; 1972, c. 270)

§ 13. The council is empowered to acquire by purchase, gift, devise, condemnation or otherwise, property, real or personal, or any estate or interest therein, within or without the City, and for any of the purposes of the city, and to hold, own, use, improve, sell, lease, mortgage, pledge or otherwise dispose of the same or any part thereof. (1952, c. 712)

§ 13.1. In the exercise of the power of eminent domain conferred by § 13 the city may proceed under the provisions of Title 25 of the Code of Virginia, or other general law, subject to the provisions of § 25-233 of the Code of Virginia, by the method provided for the State Highway Commissioner under Article 5 of Chapter 1 of Title 33 of the Code; provided that as to the acquisition of property lying outside the corporate limits of the city, such power shall be exercised only in connection with parks, electric lines and systems, water supplies, water systems, water works, sewerage systems, sewage disposal plants, and facilities related thereto. (1958, c. 497)

§ 14. The council is empowered to erect and maintain all necessary public buildings, establish and regulate public squares, playgrounds, parks, airports and municipal off-street parking lots in or near the city, and to acquire by purchase, condemnation, or otherwise, the land it may deem necessary for such uses, and to construct in such public squares, playgrounds and parks as it may maintain, or upon any city property, stadiums, swimming pools, recreation and amusement buildings, refreshment stands and restaurants, comfort stations and rest rooms, and structures or inclosures of any character, and to charge for admission to such of them as it may deem proper, and to rent out or lease the privilege of constructing or using such stadiums, swimming pools, recreation and amusement buildings, refreshment stands and restaurants, or other structures or inclosures. (1952, c. 712)

§ 15. The council is empowered to establish, enlarge, maintain and operate, within or without the corporate limits of the city, suitable systems of waterworks, electricworks, gasworks, sewerworks, a sewerage disposal system and such other local public services and utilities as may in its judgment be in the public interest, and to supply such services to consumers in or near the city at such prices and upon such terms as it may prescribe, and to contract or agree with the owners of land for the use or purchase thereof, or cause land to be condemned, within or without the city, for the location, extension or enlargement of any of said works, or pipes or wires connected therewith, or any of the appurtenances or fixtures thereof, and to protect said land, works, pipes, wires, fixtures and appurtenances from injury by enacting ordinances prescribing adequate penalties therefor, whether within or without the limits of the city. (1952, c. 712)

§ 16. The council is empowered to exercise care, supervision and control of streets, squares and commons, and to establish, open, close, vacate, abandon, extend, widen, narrow, lay out, pave, grade, improve and otherwise alter the streets in the city, cause them to be properly lighted and kept in good order, make or construct sewers or

public ducts through the same where deemed expedient, build bridges in or culverts under the streets or alleys of the city, prevent or remove obstructions or encroachments over, under or in the same, plant or permit shade trees to be planted along the same, and to prevent the cumbering of streets, alleys, walks, lanes and bridges of the city in any manner whatever, and to have full and complete control of the same. (1952, c. 712)

§ 17. The council is empowered to determine and designate the route and grade of any railroad to be laid in the city, and to restrain and regulate the speed of locomotives, engines and cars upon the railroads within the city, and to wholly exclude the same where the welfare of the city may demand, provided no contract be violated thereby. (1952, c. 712)

§ 18. The council is empowered to establish a market or markets in the city and to regulate the same, and to enforce such regulations in regard to the keeping and sale of fresh meat, vegetables, eggs, fruits and green groceries, and the trade of hucksters and junk dealers, as may be deemed advisable. (1952, c. 712)

§ 19. The council is empowered to remove, or require to be removed, or condemn, any building, wall, structure or addition thereto which, by reason of defect in structure, dilapidation, or other cause, may have become dangerous to life or property, or which may have been or may be erected contrary to law. (1952, c. 712)

§ 20. The council is empowered to provide for the regular and safe construction of houses and buildings in the city for the future, and to provide setback lines on the streets of the city beyond which no building may be constructed. (1952, c. 712)

§ 21. The council is empowered to designate and prescribe from time to time the parts of the city within which no buildings of wood shall be erected, and to regulate the construction of buildings in the city so as to protect it against danger from fire, and to enact an ordinance dividing the city into zones under the provisions of the general law, and to provide a complete building code for the city, and to provide for a city planning commission and define its powers. (1952, c. 712)

§ 22. The council is empowered to prescribe traffic regulations for the streets and alleys of the city, not in conflict with general law, and to require all public conveyances, cabs, busses and trucks operated by motor or other power, within the city or in and out of the city, to provide terminals at such points as shall meet with the approval of the council, and to provide all reasonable regulations governing the same, and to prevent any sort of employment or sports in the public streets or any other use thereof which is or may be dangerous or annoying to passers-by, and to prohibit and punish cruelty to or abuse of animals. (1952, c. 712)

§ 23. The council is empowered to compel the abatement and removal of all nuisances within the city, or upon property owned by the city beyond its limits, at the expense of the person or persons causing the same, or of the owner or occupant of the ground or premises whereon the same may be; to require all lands, lots and other premises within the city to be kept clean, sanitary and free from weeds, brush and stagnant water, or to make them so at the expense of the owners or occupants thereof; to regulate or prevent slaughter-houses or other noisome or offensive business within the city; to regulate or prevent the keeping of animals, poultry or other fowl therein; to prevent animals and fowls from running at large in the city, and to subject the same to such taxes, regulations and confiscations as it may deem proper; to regulate the transportation of all articles through the streets of the city; to compel the abatement of

smoke and dust; to prevent unnecessary noise; to regulate the location of stables and the manner in which they shall be kept; to provide means for and to regulate the cleaning of all dry closets and to assess against the owner or occupant of the premises on which the same is located a reasonable charge therefor, which shall be collectible as any city tax; and generally to define, prohibit, abate, suppress and prevent all things detrimental to the health, morals, safety, comfort, convenience and welfare of the inhabitants of the city. (1952, c. 712)

§ 24. The council is empowered to require every merchant, retailer, trader or dealer in merchandise or property of any description which is sold by measure or weight to cause their weights and measures to be sealed by the city sealer and to be subject to his inspection, and it may cause to be inspected and tested any commodity or article offered for human consumption or use within the city. (1952, c. 712)

§ 25. The council is empowered to secure the inhabitants of the city from contagious, infectious or other dangerous diseases; to establish quarantine ground; to provide and maintain hospitals; to compel the removal of patients to same; to appoint and organize a board of health or a department of public welfare; to define its duties, and grant to it the necessary authority to effectually discharge them. (1952, c. 712)

§ 26. The council is empowered to restrain and punish drunkards, vagrants and beggars; to prevent vice and immorality, obscenity and profanity; to preserve peace and good order; to prevent and quell riots, disturbances and disorderly assemblages; to suppress houses of ill-fame and gambling houses and devices; to prevent and punish lewd, indecent and disorderly conduct or exhibitions in the city, and to expel therefrom persons guilty of such conduct who have not resided therein for as much as one year. (1952, c. 712)

§ 27. The council is empowered to regulate and control auction sales, theatrical performances or other public shows or exhibitions, the business of hawkers, peddlers, persons selling goods by sample, persons operating pool rooms, bowling alleys, dance halls, shooting galleries and skating rinks for profit, and all other similar businesses, occupations and employments, and as to such businesses, occupations and employments, or any of a like nature, may grant or refuse license as it may deem proper. (1952, c. 712)

§ 28. The council is empowered to direct the location of all buildings for the storing of explosives or combustible substances; to regulate the sale and use of gunpowder, nitroglycerine, dynamite, fireworks, kerosene, oil, gasoline or other combustible material; to regulate the exhibition of fireworks, the discharge of firearms and the making of bonfires in the streets and yards of the city. (1952, c. 712)

§ 29. The council is empowered to adopt all by-laws, rules and ordinances not repugnant to the Constitution and laws of the State of Virginia which it may deem necessary for the good order and government of the city, the management of its property, the conduct of its affairs, the peace, comfort, convenience, order, morals, health and protection of its citizens or their property, and do such other things and pass such other laws as may be necessary or proper to carry into full effect any power, authority, capacity, or jurisdiction which is or shall be granted to or vested in said city, or in the council, court or officers thereof, or which may be necessarily incident to a municipal corporation. (1952, c. 712)

§ 30. The council is empowered to grant aid to military companies and to contribute to the support of a band or bands maintained within the city, to associations for

the advancement of agriculture or the mechanic arts, to scientific, literary, educational or benevolent organizations or institutions and to public libraries, provided such action is not prohibited by the Constitution of the State, and that all such societies, organizations or institutions be located in or near the city, and provided further that no appropriation for such purpose shall be made, nor shall aid be otherwise granted through exemption from charge for use of water or light facilities, or otherwise, unless two-thirds of all the members elected to the council vote therefor. (1952, c. 712)

§ 31. The council is empowered to change the boundaries of wards and increase the number thereof. (1952, c. 712)

§ 32. The council is empowered to give names to or alter the names of streets. (1952, c. 712)

§ 33. The council is empowered to provide any penalty for the violation of any city ordinance, not exceeding a fine of one thousand dollars or one year's confinement in the city or Rockingham County jail, or both such fine and imprisonment. (1952, c. 712)

§ 34. The council is empowered to provide for the due publication in the newspapers or otherwise of its ordinances and resolutions. (1952, c. 712)

§ 35. The council is empowered to compel persons sentenced to confinement in jail for petit larceny or other misdemeanor or other violations of the city ordinances to work on the public streets, parks or other public works of the city, there to perform such labor as the overseer or officer having charge of such department may direct. (1952, c. 712)

§ 36. The council is empowered to provide, by ordinance, for the collection of city taxes or levies on property at such times and with such penalties for nonpayment on time as may be fixed by ordinance. (1952, c. 712)

§ 37. Appointment of City Manager.

The council, by a majority vote of its members at its first meeting held on or after the first day of September, nineteen hundred fifty-two (1952), or as soon thereafter as practicable, shall appoint a city manager, who shall be the chief administrative and executive officer of the city and have powers and perform the duties in this charter provided. No member of the council shall, during the time for which he is elected, nor within one year after the expiration of his term, receive such appointment. (1952, c. 712)

§ 38. Term of City Manager; Salary; Removal.

The city manager shall hold office during the pleasure of the council, or for a term of three (3) years unless sooner removed by the council by a majority vote of its members upon proven charges preferred for malfeasance or misfeasance, neglect of duty or incompetency. The council may reappoint the city manager for a term not exceeding six (6) years, subject to the same conditions.

The city manager shall receive such compensation as shall be fixed by the council by ordinance.

Before the city manager may be removed he shall, if he so demand, be furnished a written statement of the reasons alleged for his removal and given the right to be heard publicly thereon at a meeting of the council prior to the final vote on the question of his removal, but pending and during such hearing the council may suspend him from office. The action of the council in suspending or removing the city manager shall be final, it being the intention of this charter to vest all authority and fix all responsibility for such suspension or removal in the council. (1952, c. 712)

§ 39. Council Not to Interfere in Appointments or Removals.

Neither the council nor any of its members shall direct or request the appointment of any person to or his removal from office by the city manager or by any of his subordinates, or in any manner take part in the appointment or removal of officers and employees in the administrative service of the city. Except for the purpose of inquiry, the council and its members shall deal with the administrative service solely through the city manager and neither the council nor any member thereof shall give orders to any subordinates of the city manager, either publicly or privately. Any councilman violating the provisions of this section, or voting for a resolution or ordinance in violation of this section, shall be guilty of a misdemeanor and upon conviction thereof shall cease to be a councilman. (1952, c. 712)

§ 40. Creating, Abolishing or Changing Departments or Offices; Change of Duties.

The council may, by ordinance, abolish or change any existing office, department, board, commission or agency, except the school board and the sinking fund commission, and except such elective offices as are prescribed by this charter or by the general law, and may create any new office, department, board, commission or agency it may deem necessary, and may assign additional functions and duties to or reduce the functions and duties of any such office, department, board, commission or agency. (1952, c. 712)

§ 41. City Clerk.

The council shall appoint a clerk, who shall have the title of City Clerk, and serve for such term and for such compensation as may be provided by the council, and until the effective date of the appointment of his successor. He shall be the clerk of the council and keep the journal of its proceedings, authenticate by his signature and record in full in a book kept for the purpose all ordinances and resolutions adopted or enacted by it, and perform all such other duties and functions as shall be required by the council or by this charter. (1952, c. 712)

§ 42. Induction of Members; Meetings.

At ten o'clock, ante meridian, on the first day of July following a regular municipal election, or on the following day if such day be on a Sunday or legal holiday, the council shall meet at the council chamber, at which time the newly elected councilmen, after having first taken the oaths prescribed by law, shall assume the duties of their office. Thereafter, the council shall meet regularly at such times as may be prescribed by its rules, but not less frequently than once each month. Special meetings of the council may be called and held at such time and in such manner as may be prescribed by its rules. All meetings of the council shall be open to the public except as may otherwise be provided by general law. (1952, c. 712; 1979, c. 164)

§ 43. Council to be Judge of Qualifications of its Members.

The council shall be the judge of the election and qualifications of its members, and for such purpose shall have power to subpoena witnesses and require the production of records, but the decision of the council in any such case shall be subject to review by courts of competent jurisdiction. (1952, c. 712)

§ 44. Rules of Procedure: Journal.

The council shall determine its own rules and order of business. It shall keep a journal of its proceedings, which journal shall be kept open to public inspection. (1952, c. 712)



§ 45. Independent Annual Audit.

Prior to the end of each fiscal year the council shall designate either the State Auditor or such representative or representatives of his office as he may assign for the purpose, or one or more certified public accountants, who, as of the end of the fiscal year, shall make an independent audit of accounts and other evidences of financial transactions of the city government and submit a report to the council and to the city manager. Such accountant or accountants shall have no personal interest, direct or indirect, in the fiscal affairs of the city government or of any of its offices or officers; provided that being a resident or taxpayer of the city shall not be deemed to create a personal interest hereunder. (1952, c. 712)

CHAPTER III  
THE CITY MANAGER

§ 46. Qualifications.

The city manager shall be chosen by the city council solely on the basis of his executive and administrative qualifications, with special reference to his actual experience in or his knowledge of accepted practices in respect to the duties of his office. At the time of his appointment, he need not be a resident of the city or State, but during his tenure of office, he shall reside within the city. (1952, c. 712)

§ 47. Powers and Duties.<sup>1</sup>

The city manager shall be the chief executive officer and administrative head of the city government. He shall be responsible to the council for the proper administration of all affairs of the city.

The city manager is empowered to and shall:

(1) See that all laws and ordinances are enforced.

(2) Except as otherwise provided in this charter, exercise supervision and control over all departments and divisions created herein, or which may be hereafter created by the council, and have general supervision over all public improvements, works and undertakings.

(3) Attend all regular meetings of the council, with the right to take part in the discussion but having no vote.

(4) Recommend to the council for adoption such measures as he may deem necessary or expedient.

(5) Prepare the annual budget and submit it to the council, and, after its adoption, be responsible for its proper administration.

(6) Keep the council at all times fully advised as to the financial condition and future needs of the city, and make recommendations with respect thereto.

(7) Except as otherwise provided in this charter, make and execute all such contracts on behalf of the city as may be authorized by this charter, or in accordance with the provisions of the appropriations made by the council, or under continuing contracts or loans authorized under the provisions of this charter, or pursuant to resolution or ordinance of the council.

(8) Except as otherwise provided in this charter, appoint, supervise and control all heads or directors of departments and all subordinate officers and employees of the city, with power to discipline or remove any officer or employee so appointed by him. Such

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<sup>1</sup> This catchline was included with the 1952 charter, but not the 1956 amendment.

appointments and removals shall be reported by the city manager to the council at its next regular meeting.

(9) See that all terms and conditions imposed in favor of the city or its inhabitants in any public utility franchise or in any contract are faithfully kept and performed; and upon knowledge of any violation thereof call the same to the attention of the council and city attorney.

(10) Perform all such other duties as may be prescribed by law or be required of him by this charter, or by the council. (1952, c. 712; 1956 Ex Sess, c. 41)

§ 48. Bond.

The city manager shall be bonded in such amount as the council may determine. (1952, c. 712)

§ 49. Absence of City Manager.

To perform his duties during his temporary absence or disability, the city manager may designate, by letter filed with the city clerk, a qualified administrative officer of the city. In the event of the failure of the city manager to make such designation, the council may, by resolution, appoint an officer of the city to perform the duties of the manager until he shall return or his disability shall cease, and the mayor may make such designation pending action by the council. (1952, c. 712)

#### CHAPTER IV

#### CITY OFFICERS: BOARDS AND COMMISSIONS

§ 50. Elective Officers; Their Duties, Terms and Compensation.

In addition to the five (5) councilmen, one of whom shall serve as ex officio mayor, as hereinbefore in this charter provided, and those officers who under the general law are elected jointly by the voters of Rockingham County and the City of Harrisonburg, the elective municipal officers of the City of Harrisonburg shall consist of a Justice of the Peace from each ward of the city; a City Sergeant; a Commissioner of the Revenue; a City Treasurer; and such additional officers as may hereafter be provided for by law; all of whose duties, terms and compensation shall be as prescribed by the laws of the State of Virginia and the ordinances of the city made in pursuance thereof.

The present Justices of the Peace, City Sergeant, Commissioner of the Revenue and City Treasurer shall continue to hold office until the expiration of the terms for which they were elected. Upon completion of their present terms of office, elections to fill the same shall be held at the times, in the manner and for the terms provided by law. In the case of any vacancy in office of the elective offices of the city, other than the members of the city council, the same shall be filled as provided by general law.

Said Justices of the Peace shall have the same power and authority to issue summons and warrants for violations of the ordinances of the city, returnable to the trial officer of the city, and to take recognizances therefor or thereon and issue subpoenas for witnesses and other criminal process with respect thereto, likewise returnable to said trial officer, as they have to perform said acts with relation to violations of state law made returnable by them to state courts.

Nothing contained herein shall be construed or taken to change the existing law whereby the Commonwealth's Attorney, the Clerk of the Circuit Court and the Sheriff, together with members of the General Assembly, are jointly elected by the voters of Rockingham County and the City of Harrisonburg, to serve both said county and city, and

all applicable laws with respect thereto are hereby continued in full force and effect. (1952, c. 712)

§ 51. Appointive Officers; Their Terms, Duties and Compensation.

In addition to the city manager and city clerk, as hereinbefore in this charter provided for, those officers to be appointed or elected by the council, unless and until changed by ordinance, shall consist of a city auditor, who may be one and the same person as the city clerk, and who may be known and designated as Clerk-Auditor; a city attorney; a collector of delinquent taxes; a sealer of weights and measures, who may be one and the same person as the collector of delinquent taxes; a trial officer to be known as Police Justice; a substitute trial officer to be known as Substitute Police Justice, and such additional officers as may hereafter be provided for by the council; each of whom shall serve for such term as may be provided by the council, and until the effective dates of the respective appointments of their successors, and each of whom shall perform such duties and receive such compensation as shall be prescribed by the council.

The present clerk-auditor, city attorney, collector of delinquent taxes and sealer of weights and measures, police justice and substitute police justice shall continue in office until the expiration of the terms for which they were respectively elected or appointed. Upon completion of their present terms of office, their successors shall be appointed or elected by the city council in accordance with the terms of this charter and the applicable city ordinance then in effect. (1952, c. 712)

§ 52. Boards, Commissions, etc.<sup>2</sup>

All boards and commissions, including the School Board, the Sinking Fund Commission, the Planning Commission, the Recreation Commission and any and all other boards and commissions which may now or hereafter be established shall be appointed by the council unless otherwise required by general law. Their duties shall be as provided by law and by such ordinances as may now or hereafter be adopted by the council. Unless otherwise required by general law, their terms shall likewise be as determined by the council and all vacancies shall be filled by the council.

The council may provide by ordinance for the creation and appointment of a public utilities commission to manage one or more of the city owned public utilities, and grant full power and authority to such commission to operate such utility or utilities, to select and employ a superintendent and other employees, to manage, maintain and expand such systems, to fix rates for services, to collect and disburse revenues therefrom, and to perform such other functions as the council may deem appropriate. (1952, c. 712; 1956 Ex Sess, c. 41)

§ 53. Deputies.

The city treasurer and commissioner of the revenue may each appoint one or more deputies, provided that the number of said appointments and the expenses of such offices shall be subject to the approval of the council and of the State Compensation Board, as by law provided. (1952, c. 712)

§ 54. Other Officers and Employees.

The officers of the city whose election or appointment is not otherwise provided for herein or under the general law shall be appointed by the city manager under the powers granted him by this act. (1952, c. 712)

§ 55. Bonds.

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<sup>2</sup> This catchline was included with the 1952 charter, but not the 1956 amendment.

The council shall designate such officers and employees of the city as shall give bond, with surety to be approved by the council, conditioned upon the faithful performance of all their duties under this charter, the general law and any ordinance of the city, and the several penalties of such bonds shall be such as are now or may hereafter be prescribed by the laws of this state and the ordinances of the city made in pursuance thereof; provided that the city treasurer and commissioner of the revenue, and their sureties, shall be as liable for the acts of their deputies as for themselves. (1952, c. 712)

## CHAPTER V ORDINANCES

§ 56. Council may act by ordinance, resolution or motion.

The council may act either by ordinance, resolution or motion. (1952, c. 712; 2002, c. 369)

§ 57. Enactments.

No ordinance or resolution appropriating money exceeding the sum of one thousand dollars, imposing taxes, or authorizing the borrowing of money, shall be passed by the council on the same day on which it is introduced, nor shall any such ordinance or resolution be valid unless at least three days intervene between its introduction and date of passage.

No ordinance or resolution appropriating money exceeding the sum of one hundred dollars, imposing taxes or authorizing the borrowing of money, shall be passed except by the recorded affirmative vote of a majority of all members elected to the council.

No ordinance shall be passed or resolution adopted having for its object the appropriation or borrowing of money except by the concurrence of at least a majority of the members of the council; and upon the demand of any member, on the passage of any ordinance or resolution, the ayes and nays shall be taken and entered on the record. (1952, c. 712)

§ 58. Record.

Every ordinance or resolution having the effect of an ordinance when passed shall be recorded by the clerk of council in a book kept for that purpose, and shall be authenticated by the signature of the presiding officer and the said clerk. (1952, c. 712)

## CHAPTER VI BUDGET

§ 59. Fiscal Year.

The fiscal year of the city government shall begin on the first day of July and end on the last day of June of each calendar year unless and until such time as the council, by ordinance, may otherwise determine. (1952, c. 712)

§ 60. Submission of Budget.

The city manager, at least sixty days before the end of each fiscal year, shall prepare and submit to the council a balanced budget for the ensuing fiscal year, based upon detailed estimates furnished by the several officers of the city government and containing such data and information as may be directed by the council, by ordinance or otherwise. (1952, c. 712)

§ 61. Adoption of Budget; Appropriation Ordinance; Tax Levy.

At least thirty days before the end of each fiscal year, the council shall adopt a budget for the ensuing fiscal year and pass an annual appropriation ordinance based on

the budget so adopted and levy such tax for the ensuing fiscal year as in its discretion shall be necessary and sufficient to meet all just demands against the city, subject, however, to any provisions and limitations hereinbefore in this charter or by law imposed. (1952, c. 712)

CHAPTER VII  
EXISTING ORDINANCES CONTINUED

§ 62. Existing Ordinances Continued.

All ordinances now in force in the city, not inconsistent with this act, the laws of this State and of the United States, shall be and remain in force until altered, amended or repealed by the council. (1952, c. 712)