

POQUOSON, CITY OF  
City of Second Class.  
Incorporated as a town by a 1952 Act of Assembly.  
Became a City of Second Class by court order, 1975.

Charter, 1952, c. 238; repealed 1976, c. 634.

Charter, 1976, c. 634.

Amended      1977, c. 44 (Art. III, § 10 [added]; Art. V, § 9; Art. V, § 13  
                         [added]; Art. VII, § 3)  
                         1978, c. 5 (Art. V, § 13)  
                         1981, c. 477 (Art. III, § 5; Art. III, § 11 [added]; Art. VII, § 4  
                         [added])  
                         1989, c. 96 (Art. IV, § 1; Art. IV, § 11; Art. V, § 10)  
                         1996, c. 210 (Art. IV, § 1)  
                         1997, c. 659 (Art. IV, § 1)  
                         2002, cc. 117, 120 (Art. III, § 6; Art. III, § 7)  
                         2003, cc. 84, 88 (Art. IV, § 12).

ARTICLE I. CITY CORPORATE AND CITY LIMITS.

§ 1. Body politic and corporate; corporate boundaries.

The inhabitants of the territory comprised within the limits of the city of Poquoson, as such limits are hereinafter set out or as the same may be hereafter altered and established by law, shall constitute and continue a body, politic and corporate, to be known and designated as the city of Poquoson. (1976, c. 634)

§ 2. Corporate boundaries.

The boundaries of the city shall be as shown on that certain plat entitled "PLAT SHOWING THE AREA AND BOUNDARIES OF THE PROPOSED TOWN OF POQUOSON IN POQUOSON MAGISTERIAL DISTRICT, YORK COUNTY, VIRGINIA," made December, 1951, by J. B. Sinclair, Jr., Civil Engineer, which plat is recorded in the Clerk's Office of the Circuit Court of York County in Plat Book 5 at page 25, and as established by the town of Poquoson, Charter of 1952. (1976, c. 634)

ARTICLE II. POWERS OF THE CITY.

§ 1. General grant.

The city shall have all powers which are now or thereafter may be conferred upon or delegated to cities under the Constitution and laws of the Commonwealth of Virginia, and of the Constitution of the United States of America, as fully and completely as though such powers were specifically enumerated herein; no enumeration of particular power by this charter shall be held to be exclusive; it 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 cities as municipal corporations, and shall have perpetual succession, may sue and be sued, implead and be impleaded, contract and be contracted with, and may have a corporate seal which it may alter, renew, or amend at its pleasure by proper ordinance. (1976, c. 634)

§ 2. Specific grant.

The powers set forth in §§ 15.1-837 through 15.1-907 of Chapter 18 of Title 15.1 of the Code of Virginia, as now exist and hereafter amended, are hereby conferred on and vested in the city of Poquoson. (1976, c. 634)

### ARTICLE III. ADMINISTRATION AND GOVERNMENT.

#### § 1. Vesting of administration and government.

The administration and government of the city of Poquoson shall be vested in a city council and such administrative officers as may herein be provided. (1976, c. 634)

#### § 2. Composition of council of city into precincts; representation of precincts upon council; representatives at large.

The city council shall consist of seven members. For the purpose of electing the city council, the city of Poquoson shall be divided into three precincts to be called the Eastern Precinct; the Central Precinct; and the Western Precinct. The dividing line between such precincts may be established, located, relocated or altered by ordinance of the city council. Each such precinct shall be entitled to two representatives on the city council. One representative shall be elected at large and the representative at large shall be the city mayor. (1976, c. 634)

#### § 3. Who may become candidates for city council.

Any citizen who is a qualified voter and a bona fide resident of the city of Poquoson may become a candidate for the city council from the precinct in which he votes and resides and any citizen who is a qualified voter and a bona fide resident of the city of Poquoson, may become a candidate at large for the city council irrespective of which precinct in which he may vote and reside. (1976, c. 634)

#### § 4. Voting for candidates for council; who deemed elected mayor and city councilmen.

All candidates for the city council shall be voted on by all precincts. The candidate at large receiving the highest number of votes shall be mayor of the city. The two candidates from each of the precincts receiving the highest number of votes from the city at large shall be declared elected as city councilmen. (1976, c. 634)

#### § 5. Nomination of candidates for city council.

Candidates for the city council and candidates at large (mayor) shall be nominated as provided by general law, provided that the petition prescribed in § 24.1-168 of the Code of Virginia shall be signed by 125 registered voters from the city of Poquoson at large, regardless of whether such candidate is a candidate for city council or candidate at large (mayor); candidates shall file notice with the proper officials under the general election laws of the Commonwealth as they may be amended from time to time with respect to general elections, and the candidates' names shall be placed on a separate ballot to be voted upon at the municipal election to be held on the first Tuesday in May commencing with the calendar year 1976 and each election year thereafter for city council. Pursuant to Chapter 22, Transition of Town to Cities, § 15.1-990, Code of Virginia, 1950, as amended, the first general election of city officers shall be held on the first Tuesday in May, 1976; a mayor and council shall be elected for the city, whose term of office shall begin on the first day of September, 1976 and shall continue, that of the mayor for four years, that of one-half of the council for two years and the other half of the council for four years. All subsequent terms of office shall commence in compliance with applicable law. (1976, c. 634; 1981, c. 477)

#### § 6. When mayor elected; term of mayor.

The city councilman at large (mayor) shall be elected at the municipal election on the first Tuesday in May, 1976. His term of office shall commence on the first day of September, 1976, and he or his successor shall hold office until June 30, 1980. Commencing with the calendar year 1980, the city councilman at large (mayor) shall be elected at the municipal election on the first Tuesday in May, 1980. His term of office shall commence on the first day of July, 1980, and he or his successor shall be elected each four years thereafter. Commencing with the calendar year 2004, the city councilman at large (mayor) shall be elected at the municipal election held at the time of the November general election. His term of office shall commence on the first day of January 2005, and he or his successor shall be elected each four years thereafter. (1976, c. 634; 2002, cc. 117, 120)

§ 7. Election and term of councilmen from precincts.

The councilmen for the city council from each of the three precincts shall be elected at the municipal election on the first Tuesday in May, 1976. The two candidates from each precinct receiving the highest vote from the city at large shall be declared elected as city councilmen from their respective precincts. The candidate from each precinct receiving the highest number of votes shall take office the first day of September, 1976 and hold office until June 30, 1980. The candidate from each precinct receiving the second highest number of votes shall take office the first day of September, 1976 and hold office until June 30, 1978. However, the part of this section which relates to the term of office shall apply only to the municipal election of 1976, and thereafter, candidates for reelection or their successors shall serve for a term of four years, and the candidate from each precinct receiving the highest number of votes from the city at large shall be declared elected as city councilman from his respective precinct. Commencing with the calendar year 2002, the municipal election shall be held at the time of the November general election. The term of office for the councilmen shall commence on the first day of January following the municipal election. (1976, c. 634; 2002, cc. 117, 120)

§ 8. Filling vacancies in office of councilmen.

Vacancies in the office of councilmen from whatever cause arising, shall be filled until the next ensuing general election for councilmen by a majority vote of the remaining members of the council for such unexpired term, or if the council shall fail to act in sixty days of the occurrence of the vacancy, the appointment shall be made by the Circuit Court of York County or the judge thereof. (1976, c. 634)

§ 9. Validation of acts of council performed after June 1, 1975.

All acts performed by the council of the city of Poquoson or any of its duly qualified officers or officials subsequent to midnight of June 1, 1975, are hereby confirmed and validated. (1976, c. 634)

§ 10. Change of form of government.

There shall be no change in the form of government of the city of Poquoson, Virginia, as provided for in Chapter 19 of Title 15.1, of the Code of Virginia, as now exists and hereafter amended, without submission to the qualified voters of the city for approval or rejection by a majority vote of the qualified voters voting in an election on the question of such change of form of government. (1977, c. 44)

§ 11. Transfer of residence by councilman from precinct within which he resides.

In the event a councilman, who has been elected from the precinct in which he votes and resides, moves his residence to another precinct within the city of Poquoson,

such councilman shall continue to serve in office as councilman until his term expires. In the event a councilman moves his residence from the city of Poquoson, his office shall become vacant. (1981, c. 477)

#### ARTICLE IV. POWERS OF THE COUNCIL.

##### § 1. Generally.

All powers of the city and the determination of all matters of policy shall be vested in the council. Except as otherwise provided in this charter, the council shall:

- A. Appoint the city manager, the city clerk, and the city attorney.
- B. Adopt a city budget.
- C. Inquire into the conduct of any office, department, or agency of the city and make investigations as to municipal affairs.
- D. Appoint the trustees of the city school division and fill any vacancies thereon.
- E. Appoint the members of the Planning Commission, the Board of Zoning Appeals, and the Recreation Commission, and fill any vacancies thereon.
- F. Provide, if it so desires, for the creation of a housing authority.
- G. Adopt and modify the official map of the city.
- H. Pass all ordinances relating to its municipal affairs, subject to the Constitution and general laws of the Commonwealth and of this charter and may from time to time amend, reamend, or repeal any or all of its ordinances for the proper regulation, management, and government of the city and impose fines and penalties for the violation or nonobservance thereof.
- I. Compel the attendance of its members and expel its members for improper behavior and by vote of four-sevenths of the whole council, expel a member.
- J. Fix salaries and wages of all officers and employees of the city, unless otherwise provided by this charter or by the general laws of the Commonwealth.
- K. Require and secure such bonds for any of the city employees as it may deem necessary.
- L. Keep a journal of its proceedings, which shall be open to public inspection.
- M. Appoint a Board of Architectural Review and designate Architectural Control Districts within commercial, industrial or research/development zoning districts in order to protect and promote the general welfare and to prevent deterioration of the appearance of the city which would tend to create hazards to public health, safety and morals and destroy economic opportunity for the development of business and industry within the city. Such Architectural Control Districts may also be created to include any lot, parcel or area of land which is used for other than single family, detached residences or which is the subject of an application for a use permit or building permit involving any such other use, without regard to its zoning classification. No structure shall be erected, reconstructed, altered or restored within such Architectural Control Districts until approved by the Board of Architectural Review.

The Board of Architectural Review shall consist of five members appointed by majority vote of the city council for terms not to exceed three years. At least one member of the board shall be an architect registered in Virginia, and at least one shall be a member of the Virginia State Bar. All members of the board shall be residents of the city of Poquoson except one architect member who may or may not be a resident of the city of Poquoson. In the event that the one architect member is not a resident of the city of Poquoson, that appointment shall be for a period of one year. The city council shall

prepare and publish appropriate standards, rules, regulations and procedures for the operation of the board and to carry out the purposes and objectives herein set forth; however, the city council shall not adopt as part of any such standards a specific architectural style; it shall provide for appeals to the city council from any final decision of the board, which appeal shall stay the board's decision pending the outcome of the appeal before the city council. The city council, on appeal, shall apply the same standards as those established for the board and may affirm, reverse, or modify the decision of the board, in whole or in part. Parties aggrieved by the decision of the city council shall have the right to appeal to the Circuit Court for York County and the City of Poquoson for review by filing a petition within thirty days after the final decision is rendered by the city council. The filing of the said petition shall stay the city council's decision pending the outcome of the appeal to the court. The court may reverse or modify the decision of the city council, in whole or in part, if it finds upon review that the decision of the city council is contrary to law or that its decision is arbitrary and constitutes an abuse of discretion.

The purpose of the Board of Architectural Review shall be to assure that all buildings, structures and landscaping erected in the designated Architectural Control Districts conform to accepted architectural standards for permanent buildings, as contrasted with engineering standards designed to satisfy safety requirements only, and exhibit external characteristics as to material, texture, color, lighting, dimensions, line and mass of demonstrated architectural and aesthetic durability; and to prevent the erection in such district of buildings the external characteristics of which are designed to serve as advertisements or commercial displays or buildings which in terms of human sensibilities or otherwise constitute a reasonably foreseeable detriment to the community.

N. Request, by a resolution duly adopted by an affirmative vote of five members of city council, that the Circuit Court for York County and the City of Poquoson order a referendum election to be held on any question or group of questions as may be stated in the resolution. Such resolution shall state whether the results of the referendum shall be final and binding on the council or be for advisory purposes only. The referendum election shall be conducted and the results ascertained in accordance with general law, but there shall be no right of appeal from or recount of the results of an advisory referendum. (1976, c. 634; 1989, c. 96; 1996, c. 210; 1997, c. 659)

§ 2. Provisions particularly applicable to the mayor.

The mayor of the city shall be the member nominated and elected at large. He shall preside over the meetings of the council, have the right to speak therein as other members and shall have a vote but not a veto. (1976, c. 634)

§ 3. Election and duties of vice-mayor.

The council shall elect by majority vote a vice-mayor from one of its members and the vice-mayor shall in the absence or disability of the mayor perform all of the duties of that office. (1976, c. 634)

§ 4. Compensation of council members.

The salaries of the mayor and councilmen shall be as established by ordinance from time to time. (1976, c. 634)

§ 5. Rules of procedure.

The council is empowered, 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 one each month. They shall also provide for the calling of special meetings by the mayor, or any four members of the council, and shall prescribe the method of giving notice thereof, provided that the notice of each special meeting shall contain a statement of the specific item or items of business to be transacted and no other business shall be transacted at such meeting except by the unanimous consent of all the members of the council. A majority of the council shall constitute a quorum for the transaction of business. (1976, c. 634)

§ 6. Ordinances and regulations; how council to act; title and subject.

Except in dealing with questions of parliamentary procedure the council shall act only by ordinance or resolution, and all ordinances except ordinances making appropriations, or authorizing the contracting of indebtedness or issuance of bonds or other evidences of debt, shall be confined to one subject, which shall be clearly expressed in the title. Ordinances making appropriations or other obligations and appropriating the money to be raised thereby shall be confined to those subjects respectively. (1976, c. 634)

§ 7. Same - enacting clause, reading and amendment of ordinances; taking, etc., ayes and nays; vote required for passage.

The enacting clause of all ordinances passed by the council shall be "Be it ordained by the council of the city of Poquoson". No ordinance, unless it be an emergency measure, shall be passed until it has been read at two regular meetings or one regular and one special meeting, or two special meetings, not less than seven days apart in any case, unless the requirement of such reading has been dispensed with by the affirmative vote of five of the members of the council. No ordinance or section thereof shall be revised or amended by its title or section number only, but a new ordinance shall contain the entire ordinance, or section as reused or amended. The ayes and nays shall be taken upon the passage of all ordinances or resolutions and entered upon the journal of the proceedings of the council and every ordinance or resolution shall require, on final passage, the affirmative vote of at least four of the members. This amendment shall be effective September 1, 1976. (1976, c. 634)

§ 8. Same - effective date; emergency measures.

All ordinances and resolutions passed by the council shall be in effect from and after thirty days from the date of their passage, except that the council may, by the affirmative vote of four-sevenths of its members present, pass emergency measures to take effect at the time indicated therein. Ordinances appropriating money for any emergency may be passed as emergency measures, but no measure providing for the sale or lease of city property, or making a grant, renewal, or extension of a franchise or other special privilege, or regulating the rate to be charged for its service by any public utility, shall be passed as an emergency measure. This amendment shall be effective September 1, 1976. (1976, c. 634)

§ 9. Same - recordation and authentication.

Every ordinance or resolution upon its final passage shall be recorded in a book kept for the purpose, and shall be authenticated by the signature of the presiding officer and the city clerk. (1976, c. 634)

§ 10. Duty of members to vote.

Every member, when present, when a question is put, shall vote unless excused by the council. But no member who has any personal or financial interest in the result of any ordinance or resolution before the council shall vote thereon. (1976, c. 634)

§ 11. When certain officers appointed; provisions particularly applicable to city manager.

At the first meeting in July, following each councilmanic election, or as soon thereafter as practicable the council shall appoint the officers provided for in this section and §§ 12 and 13. The council shall appoint a city manager, who shall be the administrative and executive head of the municipal government. He shall be chosen by the council without regard to political beliefs and solely upon the basis of his executive and administrative qualifications. At the time of his appointment he need not be a resident of the city or the Commonwealth but during his tenure of office shall reside within the city. He shall be appointed for an indefinite period and shall hold office during the pleasure of the council. He shall receive such compensation as shall be provided by the council by ordinance or resolution. He may be bonded as the council may deem necessary. During the absence or disability of the city manager or in case of a vacancy, the council may designate some properly qualified person to perform the duties of the office during such absence, disability, or vacancy. No councilman shall receive such appointment during the term for which he shall have been elected, nor within one year after the expiration of his term. Neither the council nor any of the members shall direct or request the appointment, as hereinafter provided, of any person to office by the city manager or by any of his subordinates. Except for the purpose of inquiry, the council and its members shall deal with the administrative service solely through the city manager and neither the council nor any member thereof shall give orders to any subordinate of the city manager, either publicly or privately. The city manager shall have the authority and it shall be his duty:

A. To see that all ordinances and resolutions of the council are faithfully enforced and to that end shall have the authority to delegate to a named employee or official of the city, the authority to sue for, enjoin, restrain, prosecute or take any other such lawful action as may be necessary to see that the ordinances and resolutions of the council are enforced.

B. To appoint such officers and employees as are necessary for the proper administration of the city with the power to promote, remove or discipline employees as indicated by a personnel policy approved by council, but he shall introduce each appointee having supervisory or administrative authority to the council at the next council meeting following any such appointment.

C. To attend all meetings of the council, with the right to take part in the discussion, but having no vote.

D. To recommend to the council for adoption such measures as he may deem necessary or expedient.

E. To make reports to the council from time to time upon the affairs of the city and to keep the council fully advised of the city's financial condition and its future financial condition and its future financial needs.

F. To prepare and submit to the council a tentative budget for the next fiscal year as provided by general law and by this charter.

G. To make all contracts on behalf of the city pursuant to a resolution or an ordinance of the council and to supervise the purchasing activities of the city.

H. To supervise and control all encumbrances, expenditures and disbursements to insure that budget appropriations are not exceeded. (1976, c. 634; 1989, c. 96)

§ 12. Provisions particularly applicable to city clerk.

The council shall appoint a city clerk, who may also be the city manager for an indefinite term. The city clerk shall receive compensation as provided by the council. The city clerk, with the consent of the council, may appoint one deputy and such number of assistants as may be provided for by ordinance. The city clerk shall be the clerk of the council, shall keep a record of its proceedings, and either the city clerk or deputy city clerk shall attend all meetings thereof. The city clerk shall have the following duties:

A. To be the custodian of the corporate seal.

B. To give notice of council meetings.

C. To keep a journal of council proceedings.

D. To authenticate by his signature and record in full in a book kept for the purpose all ordinances and resolutions.

E. To prepare all statements for monies owed the city for supplies or services rendered.

F. To administer the oath of office to the mayor, councilmen, other officers appointed or elected to positions in the city and to those employees who are required by law to take the oath upon assumption of duties.

G. To perform such other duties as may be prescribed or requested by the council. (1976, c. 634; 2003, cc. 84, 88)

§ 13. Provisions particularly applicable to city attorney.

The council may appoint an attorney for the city for an indefinite term, who shall be an attorney-at-law licensed to practice law in Virginia. He shall receive such compensation and fees as shall be provided by the council by ordinance or resolution. He shall have the following powers and duties:

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

B. To prepare, at the request of the city manager or any member of the council ordinances for introduction and, at the request of the council or any member thereof, shall examine any ordinance after introduction and render his opinion as to the form and legality thereof.

C. To draw or approve all bonds, deeds, leases, contracts or other instruments to which the city is a party or in which it has an interest.

D. To represent the city as counsel in any civil case in which it is interested and in any criminal case when so requested by the city council. (1976, c. 634)

ARTICLE V. FINANCIAL ADMINISTRATION.

§ 1. Fiscal year.

The fiscal year of the city shall begin on the first day of July and end on the thirtieth day of June of the succeeding year. (1976, c. 634)

§ 2. Submission of budgets.



Between the first and thirtieth day of April, the city manager shall submit to the council separate current expense budgets for the general operation of the city government, hereinafter referred to as the general fund budget, and for each utility operated by the city and capital budget. (1976, c. 634)

§ 3. Contents of budgets.

The general fund and/or utility budgets shall contain:

A. An itemized statement of the appropriations recommended with comparative statements in parallel columns showing appropriations made for the current and next preceding year.

B. An itemized statement of the taxes and/or utility service charges required and of the estimated revenues of the city and/or utilities from all other sources for the ensuing year, with comparative statements in parallel columns of the taxes and other sources of revenue for the current and next preceding year and of the increases or decreases estimated or proposed.

C. A statement of the financial condition of the city and/or utilities.

D. A budget message relative to the condition, reasons, etc., connected with the estimates for the ensuing year together with a work program showing the undertakings to be begun and those to be completed during the next year.

E. Such other information as may be requested by council. (1976, c. 634)

§ 4. Introduction, etc., of appropriation ordinances.

At the same time as in § 2 of this article that the city manager shall submit a general fund and/or utility budget he shall introduce appropriation ordinances listing the appropriation for each department, utility, branch, board or commission which ordinances shall also fix the tax rate on real and personal property; on bank stock for the ensuing fiscal year; and service charges on utilities. Said budgets shall act as the supporting schedules for the appropriation ordinances. (1976, c. 634)

§ 5. Hearing on budget plan.

A public hearing on the budget plan as a whole shall be held by the council within thirty days after its submission to the council but not until a resume of the proposed budgets and notice of such hearing shall have been published at least one time in a newspaper of general circulation within the city at least ten days prior to such hearing. After the conclusion of the public hearing the council may insert new items of expenditure or may increase, decrease, or strike out any item of expenditure in the budgets except that for debt service. (1976, c. 634)

§ 6. Approval of budgets and adoption of appropriation ordinances.

Within forty days, but in no event later than the thirty-first day of May, the council shall approve, upon the affirmative vote of a majority of the membership of the council, a general fund and/or utility budget and adopt appropriation ordinances. If for any reason the council fails to approve the budgets on or before such date, then the budgets as submitted by the city manager shall be the budgets for the ensuing year and the appropriation ordinances recommended by the city manager shall have the same force and effect as if the same had been adopted by the council. (1976, c. 634)

§ 7. Additional appropriations.

The council may, after referring to the city manager for a recommendation, make additional appropriations during the fiscal year upon the affirmative vote of five-sevenths

of the membership of the council. This amendment shall be effective September 1, 1976. (1976, c. 634)

§ 8. Lapse of unexpended and unencumbered appropriations.

Any portion of an annual appropriation, except for capital expenditures, remaining unexpended and unencumbered at the close of the fiscal year, shall lapse. (1976, c. 634)

§ 9. Capital budget.

The capital budget shall contain a program previously acted upon by the City Planning Commission for proposed capital improvement projects for the ensuing fiscal year and for the four fiscal years thereafter with the city manager's recommendations as to the means of financing the improvements proposed for the ensuing fiscal year. The council shall have power to accept with or without amendments or reject the proposed program and proposed means of financing for the ensuing fiscal year but, except in the case of emergency as provided in Article IV of this charter, the council shall not authorize any capital improvement project or make any appropriation therefor unless the appropriation for such project is included in the capital budget as adopted by it. The council shall take final action on the capital budget not later than the twenty-eighth day after the date prescribed for the adoption of the general fund budget. No appropriation for a capital improvement project contained in the capital budget shall lapse until the purpose for which the appropriation was made shall have been accomplished or abandoned, provided that any project shall be deemed to have been abandoned after three fiscal years elapse without any expenditure from or encumbrance of the appropriation therefor. Any such lapsed appropriation shall be applied to the payment of any indebtedness incurred in financing the project concerned and the next capital budget. Nothing herein contained shall be construed to limit the power of the city council to originate or initiate capital improvements. (1976, c. 634; 1977, c. 44)

§ 10. Bids and purchases.

The city council may, consistent with general law, adopt purchasing and financial manuals and establish other regulations and policies governing the manner in which the city administration may acquire goods and services. (1976, c. 634; 1989, c. 96)

§ 11. Independent audits.

Prior to the end of each fiscal year the council shall designate qualified public accountants or the auditor of public accounts of the Commonwealth of Virginia, who, as of the end of the fiscal year, shall make an independent audit of accounts and other evidence of financial transactions of the city government and shall mail a copy of their report to each member of the city council, city attorney and to the city manager. The auditors shall postaudit the books and documents kept by the treasurer and any separate or subordinate accounts kept by any other office, department or agency of the city government. (1976, c. 634)

§ 12. Liens on real estate for taxes, etc.; procedure for collection of taxes on real estate; additional remedies for collection of taxes; distraint, etc., of goods and chattels for taxes and licenses.

A lien shall exist on all real estate within the corporate limits for taxes, levies, and assessments in favor of the city, together with all penalties, not to exceed ten per centum and interest not to exceed eight per centum per annum, due thereon from the commencement of the year for which the same were assessed and the procedure for

collecting said taxes, for selling real estate for city taxes and for the redemption of real estate sold for city taxes shall be the same as provided in the general law for the Commonwealth to the same extent as if the provisions of said general law were herein set out at length. The city and its treasurer shall have the benefit of all other and additional remedies for the collection of city taxes which are now or hereafter may be granted or permitted under the general law. All goods and chattels wheresoever found may be distrained and sold for taxes and licenses assessed and due thereon; and no deed of trust or mortgage upon goods and chattels shall prevent the same from being distrained and sold for taxes and licenses assessed against the grantor in such deed while such goods and chattels remain in the grantor's possession. (1976, c. 634)

§ 13. Limitation on the issuance of bonds or other interest-bearing obligations.

There shall not be issued any bonds or other interest-bearing obligations by the city of Poquoson, Virginia, which exceed for any one issuance, one and one-half per centum of the assessed valuation of the real estate in the city subject to taxation, as shown by the last preceding assessment for taxes, without submission to the qualified voters of the city for approval or rejection by a majority vote of the qualified voters voting in an election on the question of contracting such debt. Such approval shall be a prerequisite to contracting such debt.

Certificates of indebtedness, revenue bonds, or other obligations issued in anticipation of the collection of the revenues of such city for the then current year, provided that such certificates, bonds, or other obligations mature within one year from the date of their issue, are exempt from the aforesaid limitation or requirement for submission to the qualified voters of the city. (1977, c. 44; 1978, c. 5)

ARTICLE VI. SCHOOLS.

§ 1. Creation of separate division.

The territory embraced within the corporate limits of the city of Poquoson as hereinabove described or as may be extended or contracted in the future, shall constitute a separate division for school purposes and government. Such division shall be known as the First Corporate School, Division, city of Poquoson, Virginia, and shall be a separate and distinct unit within itself, insofar as the Constitution of Virginia permits. (1976, c. 634)

§ 2. Appointment of trustees; compensation.

The school division shall have a board of seven trustees, to be appointed by the city council from the residents and qualified voters of the city. If an appointee or a member shall cease to be a resident of the city, his office shall be deemed vacant. The council shall appoint two trustees from each voting precinct and one trustee at large from the city. No later than the last day of June of 1976 the council shall appoint two additional trustees. Trustees shall serve for a term of three years and no school trustee may succeed himself for more than two terms commencing with the appointments made the last day of June, 1976. Vacancies for whatever cause existing shall be filled by the council for the unexpired portion of the term. The trustees shall be entitled to receive such compensation as shall be fixed by council. (1976, c. 634)

§ 3. Persons disqualified to serve.

No trustee can be a member of the city council. (1976, c. 634)

ARTICLE VII. ADMINISTRATION OF JUSTICE.

§ 1. Jurisdiction in criminal matters involving a violation of any ordinance or resolution of the city of Poquoson, Virginia, which violation occurs within the corporate limits of this city, is vested in the York County General District Court, York County Juvenile and Domestic Relations District Court and the Circuit Court for the County of York, Virginia, pursuant to the applicable provisions of the Code of Virginia, 1950, as amended. (1976, c. 634)

§ 2. Jurisdiction in civil matters arising within the corporate limits of the city of Poquoson, Virginia, is vested in the York County General District Court and the Circuit Court for the County of York, Virginia, pursuant to the applicable provision of the Code of Virginia, 1950, as amended. (1976, c. 634)

§ 3. All fines and costs collected for violations of all ordinances of the city shall be paid to the city treasurer for the use and benefit of the city. In the event anything in this charter conflicts with the applicable provisions of the Code of Virginia, 1950, as amended, relating to jurisdiction, the establishment, and procedures of the York County Circuit Court and General District Courts for York County, Virginia, the applicable provisions of the Code of Virginia, 1950, as now exist and hereafter amended, shall govern. (1976, c. 634; 1977, c. 44)

§ 4. Enforcement.

In addition to, but not in limitation of, all other remedies under law, and to the extent permitted by general law, any violation or attempted violation of the ordinances of the city of Poquoson, or of any regulation adopted thereunder, may be restrained, corrected or abated, as the case may be, by injunctive or other appropriate proceeding. (1981, c. 477)

## ARTICLE VIII. GENERAL PROVISIONS.

§ 1. Officers to hold over until successors appointed and qualified.

Whenever under the provisions of this chapter any officer of the city or member of any board or commission is elected or appointed for a fixed term, except the mayor and vice-mayor, such officer or member shall continue to hold office until his successor is appointed and qualified. (1976, c. 634)

§ 2. Continuation in effect of city ordinances, etc.

All ordinances of the city of Poquoson, and all rules, regulations and orders legally made by any duly constituted authority empowered to pass such ordinances, and make such rules and regulations, insofar as they or any portion thereof are not inconsistent herewith, shall remain in force until amended or repealed in accordance with the provisions of this charter. (1976, c. 634)

§ 3. Application of general law to city and city officers.

The city of Poquoson and all the officers thereof elected or appointed in accordance with the provisions of this charter shall be clothed with all the powers and subject to all the provisions of general law not in express conflict with the provisions of this charter. (1976, c. 634)

§ 4. Citation of charter.

This charter may for all purposes be referred to or cited as the city of Poquoson, Charter of 1976. (1976, c. 634)

§ 5. Severability clause.

If any clause, sentence, paragraph, section or part of this charter shall, for any reason, be adjudged by any court of competent jurisdiction to be unconstitutional or

invalid, said judgment shall not affect, impair or invalidate the remainder of this charter, but shall be confined in its operations to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which the judgment shall have been rendered. (1976, c. 634).