

Incorporated by an 1874-75 Act of Assembly.

Charter, 1962, c. 259.

2009, cc. 659, 724 (§§ 2-2.1, 2-3.1, 2.1-1, 2.1-2, 3-6, 6-11).

## General Provisions.

§ 1-1. Definitions.

In the construction of this charter, the following rules shall be observed, unless such construction would be inconsistent with the manifest intent of the legislature or the context clearly requires otherwise:

City. The word "city" shall be construed as if the words "of Petersburg" followed it, except where some other city is specifically designated.

Computation of time. Whenever a notice is required to be given, or an act to be done, a certain length of time before any proceeding shall be had, the day on which such notice is given, or such act is done, shall be counted in computing the time, but the day on which such proceeding is to be had shall not be counted.

Gender. A word importing the masculine gender only shall extend and be applied to females and to firms, partnerships and corporations as well as to males.

Number. A word importing the singular number only may extend and be applied to several persons or things as well as to one person or thing; a word importing the plural number only may extend and be applied to one person or thing, as well as to several persons or things.

Person. The word "person" may extend and be applied to associations, firms, partnerships and bodies politic and corporate as well as to individuals.

State. The word "state" shall be construed as if the words "of Virginia" followed it. (1962, c. 259)

§ 1-2. Territorial limits; corporate status.

The territory contained within the limits of the corporation of Petersburg, prescribed by the acts of the General Assembly of Virginia, hereinafter enumerated and by the final decrees or orders of the court establishing such boundaries, hereinafter enumerated, shall be deemed and taken as the City of Petersburg, and the inhabitants of the city for all purposes for which towns and cities are incorporated in this Commonwealth, shall continue to be one body politic, in fact and in name.

The acts of the General Assembly and court orders or decrees hereinbefore mentioned are as follows:

(a) Acts of the General Assembly.

1. Volume 2, Henings Statutes, 1784, page 382.

2. Acts, 1815-1816, Chapter 82.

3. Acts, 1848-1849. Chapter 297.

(b) Court orders or decrees.

1. Order entered on November 23, 1921, in the circuit court of Prince George County, recorded in the office of the hustings court of the City of Petersburg in Deed Book 100, beginning on page 160.

2. Order entered on December 16, 1932, in the circuit court of Dinwiddie County, recorded in the office of the clerk of the hustings court of the City of Petersburg in Deed Book 124, beginning on page 422.

3. Order entered on July 7, 1944, in the circuit court of Prince George County, recorded in the office of the clerk of the hustings court of the City of Petersburg in Deed Book 151, beginning on page 169.

4. Order entered on November 11, 1955, in the circuit court of Prince George County, recorded in the office of the clerk of the hustings court of the City of Petersburg in Deed Book 201, beginning on page 480. (1962, c. 259)

§ 1-3. Government vested in city council, etc.

The administration and government of the city shall be vested in the city council and in such other boards and officers as are hereinafter provided for. (1962, c. 259)

§ 1-4. Penalties for violation of ordinances.

Where, by the provisions of this charter or any amendment thereof, the city council has authority to pass ordinances or regulations on any subject, they may prescribe a penalty not exceeding twelve months imprisonment or fine not exceeding \$1,000 (except where penalty is otherwise provided for in this charter or any amendment) for a violation thereof; provided, however, that should there be a statute of the Commonwealth upon the same subject, then the city council may provide the same penalty for violation of state statute. The city council may also provide that any police officer may detect and arrest any person violating any of such ordinances or regulations and bring him to trial at the next sitting of the general district court or as soon thereafter as may be. (1962, c. 259; 1975, c. 349)

§ 1-5. Publication of ordinances; ordinances as evidence.

All ordinances hereafter passed by the city council for violation of which any penalty is imposed, shall be published once, at least, in a newspaper published in the city to be designated by the city council; provided, however, the council may, in its judgment, direct that only the title of an ordinance, describing clearly and fully its subject in general terms and setting forth the penalty for its violation, be published and such publication shall be sufficient compliance with this section. When the latter method of publication is

used, the publication shall state that complete copies of the ordinance or code so adopted may be obtained by any interested person at the office of the clerk of the city council. A record or entry made by the clerk of the city council, or a copy of such record or entry, duly certified to by him, shall be prima facie evidence of the publications of any such ordinance, or any amendment thereof; and all laws, regulations and ordinances of the city council may be read in evidence in all courts of justice and in all proceedings before any officer, body or board in which it shall be necessary to refer thereto, either from a copy thereof, certified by the clerk of the city council, or from the volume of ordinances printed by the authority of the council. But the provisions of this section as to publication of ordinances shall not apply to ordinances embodied in any general compilation, codification or revision of ordinances, printed by authority of the council and adopted by the council as a code. (1962, c. 259)

§ 1-6. Adoption of ordinances or codes by reference.

The city council may adopt, by reference, any standard or recommended ordinance or code relating to any matter subject to regulation by the council. It shall not be required that an ordinance or code so adopted to be set forth in full in the adopting ordinance, but reference to the same in the adopting ordinance by name, style or title, in which the purpose thereof is clearly stated, shall be sufficient; provided, that it be stated in such adopting ordinance that copies of the ordinances or code so adopted may be obtained at the office of the clerk of the city council or at any other specified place. Publication of the adopting ordinance shall be sufficient compliance with § 1-5 of this charter and recordation by the clerk of the city council of the adopting ordinance in the book kept by him for the recordation of ordinances shall be sufficient recordation of the ordinance or code adopted by reference; provided, that copies of such ordinance or code shall be kept on file in the office of the clerk of the council. Revisions made by the council in any such standard or recommended ordinance or code shall not affect the validity of the same if adopted in accordance with the provisions of this section. The provisions of this section shall be deemed to be applicable to any standard or recommended ordinance or code heretofore adopted by the council, and the same shall be deemed to be valid if the procedure herein provided shall have been substantially followed. (1962, c. 259)

§ 1-7. (1962, c. 259; 1970, c. 318; repealed 1974, c. 2)

§ 1-7.1. Borrowing money and issuing evidence of indebtedness.

The city council may, in the name of and for the use of the city, borrow money and issue evidence of indebtedness therefor, subject to such limitations as may be imposed by general law, and provided that no ordinance or resolution for such purpose shall be adopted unless presented at two regular meetings no less than fourteen days apart. (1974, c. 2)

Chapter 2.

City Council.

§ 2-1. (1962, c. 259; 1972, c. 25; repealed 1974, c. 2)

§ 2-1.1. Division of city into wards.

The city shall be divided into as many wards as city council may establish. The wards shall be composed of contiguous and compact territory and be so constituted as to give, as nearly as is practicable, representation in proportion to the population of the ward. Whenever it becomes necessary, because the corporate limits of the city have been

extended or contracted, city council shall redistrict the city into wards, change the boundaries of existing wards, or increase or diminish the number of wards. But in no case shall city council redistrict the city into wards or change the boundaries of existing wards except insofar as it may be necessary to maintain wards which meet the test of equitable population distribution, or to change such boundaries for the purpose of attaching newly annexed territory of such existing ward or wards as may be contiguous thereto, oftener than once every five years, except upon a recorded vote of three-fourths of the members elected to council; and in every such case the reason therefor shall be set forth in the ordinance providing for such redistricting. (1974, c. 2; 1979, c. 350; 1981, c. 68)

§ 2-2. (1962, c. 259; repealed 1974, c. 2)

§ 2-2.1. Creation and composition; election of councilmen generally; application of general laws of the state; council as continuing body.

There shall be a council of the city which shall be composed of seven members, one from each ward, who shall have been a resident of the ward he seeks to represent thirty days prior to filing his notice of candidacy. The candidates shall be qualified voters of the city. They shall be elected by the qualified voters of such wards and each shall remain a resident of the ward from which elected during his term of office. The candidate receiving the greatest number of votes in his ward shall be declared elected and shall serve for a term of four years or until his successor has been elected and qualified except as hereafter provided.

On the first Tuesday in May, 1974, there shall be an election in each ward. Candidates in wards one, three, five, and seven, receiving the greatest number of votes each shall serve a four-year term commencing July 1, 1974, and until their successors have been elected and qualified. Thereafter, beginning in May, 1978, elections shall be held in such wards every fourth year on the first Tuesday in May. Candidates in wards two, four and six, receiving the greatest number of votes each shall serve a two-year term, commencing July 1, 1974, and until their successors have been elected and qualified. Thereafter, beginning in May, 1976, elections shall be held in such wards every fourth year on the first Tuesday in May.

Beginning in the year 2008, the election of council members in wards two, four, and six shall be held at the same time as the November general election. Candidates receiving the greatest number of votes from each ward at that time shall each serve a four-year term commencing January 1, 2009, and until their successors have been elected and qualified. Thereafter, elections shall be held in such wards every fourth year on the November general election date. On the November general election date in 2010, there shall be an election in wards one, three, five, and seven. Candidates receiving the greatest number of votes from each ward at that time shall each serve a four-year term commencing January 1, 2011, and until their successors have been elected and qualified. Thereafter, elections shall be held in such wards every fourth year on the November general election date.

The general laws of the Commonwealth relating to the conduct of elections, as far as pertinent, shall apply to the conduct of the general city elections. The council shall be a continuing body and no measures 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. (1974, c. 2; 2009, cc. 659, 724)

§ 2-3. (1962, c. 259; 1972, c. 25; repealed 1974, c. 2)

§ 2-3.1. Nominations of candidates for council.

Candidates for the office of councilman may be nominated by petition or by general law. There shall be printed on the ballots used in the election of a councilman from the designated ward, the names in alphabetical order of all candidates who have been so nominated in that ward.

The requirements to nominate a councilman candidate by petition shall be:

(a) Any qualified voter of the city may be nominated by filing with the clerk of the circuit court having jurisdiction, a petition signed by not less than 125 qualified voters of the ward from which the candidate seeks election; each signature to such petition shall be witnessed by a person whose affidavit to that effect is attached thereto, together with the notice of candidacy required by the general laws of the Commonwealth relating to elections;

(b) The petition shall state the name and address of the residence of the person whose name is presented thereby as a candidate; and

(c) The petition shall be filed according to the following schedule:

1. For a November general election date, the filing deadline shall be 7:00 p.m. on the second Tuesday in June.

2. For a special election held at the same time as a November general election, the filing deadline shall be either (i) at least 74 days before the election, or (ii) if the special election is being held at the second November election after the vacancy occurred, 7:00 p.m. on the second Tuesday in June before that November election.

3. For a special election held at a time other than a general election, the filing deadline shall be (i) at least 30 days before the election, or (ii) within five days of any writ of election or order calling a special election to be held less than 35 days after the issuance of the writ or order. (1974, c. 2; 2009, cc. 659, 724)

§ 2-4. Oath of office.

The members of the city council, before entering upon the discharge of their duties shall be respectively sworn in accordance with the Constitution and laws of this Commonwealth. Such oaths shall be administered by the clerk of the circuit court of the city and a certificate of such oaths being taken, together with the oath subscribed, shall be filed with the clerk of the city council, and shall be preserved by him. (1962, c. 259)

§ 2-5. Power to adopt rules and appoint officers and clerks; discipline of members; journal; open and secret meeting; power to compel attendance of witnesses.

The city council shall have authority to adopt such rules and to appoint such officers and clerks as it may deem proper for the regulation of its proceedings, and for the convenient transaction of business, to compel the attendance of absent members, to expel a member for malfeasance, misfeasance or nonfeasance in office. The city council shall keep a journal of its proceedings, and its meeting shall be open, except when by a recorded vote of a majority of those members present, it shall declare a closed session in accordance with the Virginia Freedom of Information Act. The city council or any of its committees, when authorized by the city council may each, in any investigation before them, respectively, within their respective powers and duties, order the attendance of any person as a witness and the production by any person of all proper books and papers. Any person refusing or failing to attend or to testify, or to produce such books and papers, may be summoned by such investigating body before the municipal judge and upon failure to give a satisfactory excuse, may be fined by him not exceeding twenty dollars,

or imprisoned not exceeding thirty days, such person to have the right of appeal, as in case of misdemeanor, to the circuit court of the city. Such witness may be sworn by the officer presiding at such investigation, and shall be liable to prosecution for perjury for any false testimony given at such investigation.

No member of the council shall be eligible, during the term for which he was elected, or for one year thereafter, for any office, position or employment to be filled by the city council or the city manager or by any other city official or employee. (1962, c. 259; 1974, c. 2)

§ 2-6. Quorum; origination and passage of ordinances; reconsideration or rescission of vote at special meeting; appropriation ordinances and resolutions.

A majority of the members of the city council shall constitute a quorum for the transaction of business. No ordinance or resolution having the effect of an ordinance shall become effective unless passed by a majority of the members of the city council present and voting. No vote shall be reconsidered or rescinded at any special meeting, unless at such special meeting there be present at large a number of members as were present when such vote was taken. No ordinance or resolution appropriating money exceeding the sum of \$100, imposing taxes, or authorizing the borrowing of money, shall be passed, except by a recorded affirmative vote of a majority of all the members elected to the city council. The vote on any such ordinance or resolution shall be taken in the city council by yeas and nays, and shall be entered on the journal, and the affirmative vote of a majority of the members elected to the city council shall be necessary to its passage. (1962, c. 259)

§ 2-7. Councilmen's salaries.

Notwithstanding the provisions of §§ 15-448 to 15-454, both inclusive, of the Code of Virginia, the salaries of all councilmen in the city, including the salary of the mayor, shall be fixed, as provided herein, by a commission of five resident taxpayers, who shall also be qualified citizens of the city, and who shall be appointed by the hustings court of the city, or the judge thereof in vacation, having jurisdiction in the city, and who shall serve without compensation. Such commissioners shall be so appointed upon application of the mayor to the court or the judge thereof, as soon as practical after any general election for members of the council, and the salaries so fixed shall become effective as of the date on which members elected at such general election shall take office, but the salaries so fixed shall be applicable with respect to all members of the council, including the mayor, irrespective of the date of their taking office, it being intended that the salaries of all members of the council (with the exception of that of the mayor in the event his salary shall be fixed at a greater amount than that of other members of the council) shall at all times be equal and uniform. The compensation so fixed shall be effective until the expiration of the terms of members of the council next expiring. If such salaries shall not have been fixed on or prior to the date as of which the same shall become effective, as herein provided, all past-due salaries shall be paid to members of the council at the rate fixed as herein provided.

The commissioners appointed pursuant to this section, shall be notified by the clerk of such court of their appointment, and, upon being so notified, shall, as soon as practicable, meet, and fix such salaries, and make due written report of their action to the clerk of the court. The report so made shall be in the office of the clerk for thirty days, during which time any citizen or taxpayer of the city may file written exceptions to the

same. If no exceptions to the report are made, then at the expiration of such thirty days the clerk shall transmit the report to the city council, which report shall be entered in full on the records of the council and shall have the force and effect of an ordinance duly adopted in the mode prescribed by law.

If any citizen or taxpayer files exceptions to the report within the thirty-day period above provided for, the matter shall be immediately docketed by the clerk for hearing as a privileged case as soon as the court may be able to hear the same, after the lapse of such thirty days from the making of the report. The judge of such court shall have entire control of the matter, and may either reject, modify or confirm the report. Any citizen or taxpayer of the city may make himself a party to the hearing before the court, and may present such evidence as may be pertinent. If the report be rejected by the court, new commissioners shall be appointed immediately, and the same procedure followed as set forth in the first instance.

Upon the final determination of the matter such order as the court may enter shall be certified to the city council, spread upon its records, and have the force and effect of an ordinance duly adopted as prescribed by law. (1962, c. 259)

§ 2-8. (1962, c. 259; repealed 1974, c. 2)

§ 2-8.1. Vacancies in office of councilmen.

Vacancies in the office of councilmen from whatever cause arising shall be filled in accordance with the provisions of § 2-2.1 aforesaid by majority vote of the remaining members of council, or, if the council shall fail to fill a vacancy in its membership within thirty days of the occurrence of the vacancy, by appointment by the judge of the circuit court of the city or by the senior judge thereof, in the event there be more than one.

When any such vacancy shall occur, the court shall issue a writ of election to fill such vacancy. Such election shall be held at the next ensuing general election. The officer so elected shall hold the office for the unexpired term of his regularly elected predecessor in office. The person so appointed to fill the vacancy shall hold office until the qualified voters shall fill the same by election and the person so elected shall have qualified. In the event the vacancy occurs within 120 prior to the next ensuing general election, the writ of election shall issue for an election to fill the vacancy at the second ensuing general election. (1974, c. 2)

#### Chapter 2.1.

##### School Board.

§ 2.1-1. School board and school districts.

The supervision of schools in the City of Petersburg shall be vested in a school board consisting of seven members elected in accordance with the provisions of § 2.1-2 of this charter. (2000, c. 4; 2009, cc. 659, 724)

§ 2.1-2. Transition from the nine member appointed school board to a seven member elected school board.

At the general election held in May of 2000, the qualified voters of wards two, four, and six shall elect one school board member from each of their respective wards. At the general election held in May of 2002, the qualified voters of wards one, three, five, and seven shall elect one school board member from each of their respective wards.

Beginning in the year 2008, the election of one school board member in wards two, four, and six shall be held at the same time as the November general election. The candidate receiving the greatest number of votes from each ward at that time shall

commence his term on January 1, 2009. Beginning in the year 2010, the election of one school board member in wards one, three, five, and seven shall be held at the same time as the November general election. The candidate receiving the greatest number of votes from each ward at that time shall commence his term on January 1, 2011.

Board members elected at those elections and thereafter shall be elected in the same manner, according to the same schedule, and for the same term that members of council are elected. Council shall make no additional appointments except that council may appoint members to the board to fill vacancies as provided by the general laws of the Commonwealth. (2000, c. 4; 2009, cc. 659, 724)

### Chapter 3.

#### City Officers Generally.

##### § 3-1. Oath of city officers generally.

Every officer of the city required by law or by ordinance of the city council, shall, before he enters upon the duties of his office, take and subscribe the oath prescribed by § 49-1 of the Code of Virginia and such other oaths as may be required by the city council. Such oaths, unless otherwise provided, shall be taken before the clerk of the city council. The clerk of the city council shall qualify and take the oath provided by this section before the mayor. A certificate of the oaths provided for in this section, together with the oaths subscribed, shall be filed with the clerk of the city council, who shall preserve the same. (1962, c. 259)

##### § 3-2. Filling vacancies; how elections to be held.

In the event of the death, resignation or removal of any officer, whose election or appointment is provided for by this charter, the vacancy in such office shall be filled under and by virtue of the terms of this charter. All elections in the city for the officers of the city and members of the council thereof, shall be held only under and by virtue of the Constitution and laws of this Commonwealth, and the terms of charter. (1962, c. 259)

##### § 3-3. Delivery of property, books and papers to successor in office.

If any person, having been an officer of the city, shall not, within ten days after he shall have vacated or been removed from office, and upon notification and request of the clerk of the city council, or of the authority by whom he was appointed, deliver over to his successor in office all the property, books and papers belonging to the city or appertaining to such office, in his possession or under his control, he shall forfeit and pay to the city the sum of \$500, to be sued for and recovered with costs. And all books, records and documents used in any such office by virtue of any provisions of this charter, or of any ordinance or order of the city council, or any superior officer of the city, shall be deemed the property of the city and appertain to such office, and the chief officer thereof shall be responsible therefor. (1962, c. 259)

##### § 3-4. Mayor generally.

At the organizational meeting thereof, the city council shall proceed to choose, by majority vote of all the members thereof, one of their number to be mayor and one to be vice-mayor for the ensuing two years. The mayor shall preside over the meetings of the council and shall have, the same right to vote and speak therein as other members, and shall have 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. The vice-mayor shall in the absence or disability of the mayor perform the duties of mayor, and if a vacancy shall occur in the office of mayor shall become mayor for the unexpired



portion of the term. In the absence or disability of both the mayor and vice-mayor the council shall by majority vote of those present choose one of their number to perform the duties of mayor. (1962, c. 259)

§ 3-5. City manager.

The city council shall employ a person, who may or may not be a resident or qualified voter of the city or of the Commonwealth, to be known as the city manager. The city manager, under the control of the city council, shall have general charge and management of the administrative affairs and work of the city and shall perform such duties as may be required of him by the city council. He shall receive such salary as shall be allowed him by the city council and shall serve at the pleasure of the city council. (1962, c. 259)

§ 3-6. City attorney.

The city council shall appoint a suitable and proper person, who shall be the attorney for the city. The city attorney shall receive such salary as shall be allowed him by the city council and shall serve at the pleasure of the city council. (1962, c. 259; 2009, cc. 659, 724)

§ 3-7. (1962, c. 259; 1970, c. 137; repealed 1987, c. 51)

§ 3-8. (1962, c. 259; repealed 1987, c. 51)

§ 3-9. (1962, c. 259; repealed 1975, c. 349)

§ 3-10. Election of high constable; term; bond; deputies; compensation.

There shall be elected by the qualified voters of the city on the Tuesday after the first Monday in November, 1965, and every four years thereafter, one high constable, for the term of four years beginning on the first day of January succeeding his election. He shall continue in office until his successor is elected and qualified, unless sooner removed from office. He shall take the oath of office prescribed by law, and give bond before the judge of the hustings court, in term time or vacation, or before the clerk of such court in his office, with sureties to be approved by such judge or clerk, in the penalty of not less than five thousand dollars, payable to the Commonwealth of Virginia, and conditioned for the faithful performance of his duties. When he qualifies and gives bond before the judge, the judge shall certify the fact, and the bond and certificate shall be returned to the clerk of such court, and the certificate shall be entered by such clerk in the order book of such court on the law side thereof, and such bond shall be recorded by the clerk. When he qualifies and gives bond before such clerk, such clerk shall enter the fact of such qualification in such order book, and record the bond, and file the same in his office. The high constable shall perform such duties, and have such powers, and be subject to such penalties as are now or may hereafter be prescribed by law in reference to constables in the various counties of the State. He may, with the approval of the judge of the hustings court of the city, appoint one or more deputies, to attend to and execute the duties of his office, but the sureties on the bond of the high constable shall be equally liable for the acts of such deputy, or deputies, as those of the principal. The high constable shall receive no compensation out of the city treasury, and no other constable shall be elected in the city.

It having been determined that the need for the office of high constable no longer exists and that such duties performed by the office may, by law, be performed by the city sheriff, this section is hereby repealed, effective from and after the removal from office

for whatever cause of the present high constable, or December 31, 1977, whichever date shall occur first. (1962, c. 259; 1975, c. 349)

§ 3-11. Duties of commissioner of the revenue.

The commissioner of the revenue shall keep his office in such place as may be designated and prescribed by the council, and shall keep therein such books, schedules and records, and in such manner as the council may direct and prescribe, which books, records and other papers shall be subject to the inspection and examination of the mayor, members of the council, or of any committee of the city council. (1962, c. 259)

§ 3-12. Clerk of court to deliver to commissioner lists of recorded deeds, wills and decrees.

To aid the commissioner of the revenue in his duties, the clerk of the circuit and hustings court of the city shall deliver to him such lists of recorded deeds, wills, and decrees of court as may be necessary to enable him to make transfer of real estate in the city. (1962, c. 259)

§ 3-13. Powers and duties of treasurer.

The city treasurer shall be the custodian of all moneys belonging to the city, shall deposit the same in such bank or banks as the council shall prescribe, shall keep his office in some place designated by the city council, shall keep his books and accounts in such manner as the city council may require, which books and accounts shall always be open to the inspection of the mayor, and any member or committee of the city council. He shall pay no money except upon the order of the city council, or upon an order of a committee of the city council, lawfully drawn in pursuance of the ordinances of the city. He shall report to the city council at the end of each fiscal year, and oftener, if required, a full and detailed account of all receipts and expenditures during that year and the state of the treasury. He shall keep as a separate fund any special assessment, and the same shall only be used for the purpose for which it was raised. He shall keep all city moneys separate and distinct from his own moneys, and he is prohibited from using either directly or indirectly the corporation money in his custody and keeping, for his own use and benefit or that of any other person or persons whomsoever and any violation of this provision shall subject him to immediate removal from office. (1962, c. 259)

§ 3-14. Collector of city taxes generally.

There may be appointed by the city council, in its discretion, a collector of city taxes who shall serve at the pleasure of the city council. He shall perform such duties and have such powers as are prescribed by the city council or by state law. If city council does not appoint a collector of city taxes, duties and powers prescribed to the collector of city taxes shall be administered by the treasurer and as provided for by state law. (1962, c. 259; 1976, c. 482)

§ 3-15. Deputies of collector of taxes.

The collector of city taxes may appoint one or more deputies, as may be provided by the city council, but the sureties in the bond of such officer shall be equally liable for the acts of the deputies as for those of the principal. (1962, c. 259)

§ 3-16. Powers and duties of collector of city taxes and collector of delinquent taxes.

The collector of city taxes shall collect all taxes and assessments which may be levied by the city, and perform such other duties as may be herein prescribed or ordained by the council. The collector of city taxes shall keep his office at such place as shall be

designated by the city council, and shall keep in such office such books, vouchers and accounts as the city council may direct and prescribe, all of which shall be subject to the inspection and examination of the mayor, members of the council, and of any committee of the council. He shall make report in writing, under oath, to the city treasurer weekly, or oftener, if required, as to the amount of all moneys collected by him, and shall pay the same into the city treasury weekly. At the end of each fiscal year he shall submit to the council a statement of all moneys collected by him during the year, and the particular assessment or account upon which collected, also a statement showing the amount uncollected. (1962, c. 259)

§ 3-17. Failure of collectors to pay over money; commingling or misuse of funds.

The collector of taxes is prohibited from keeping the moneys of the city in his hands beyond the time prescribed for the payment of the same into the city treasury; he shall keep all city moneys separate and distinct from his own moneys, and he is prohibited from using either directly, or indirectly, the city's moneys in his custody and keeping for his own use and benefit, or for the use and benefit of any other person or persons whomsoever; and violation of this provision shall subject him to immediate removal from office. (1962, c. 259)

§ 3-18. (1962, c. 259; repealed 1975, c. 349)

§ 3-19. Authority to appoint police officer to issue certain civil warrants; qualification and bond.

The city council is hereby authorized to appoint one or more officers or members of the police department of the city who, upon such appointment and qualification, as hereinafter provided, shall have the power and authority to issue civil warrants for the collection of city taxes and other claims of the city. Such civil warrants shall be directed to the city sheriff of the city and shall be served by him and returnable to the general district court of the city as other civil warrants. No fee shall be charged by such police officers for the issuance of such warrants.

Any officer or member of the police department, appointed pursuant to this section, shall, before entering upon his duties, qualify before the clerk of the city council and shall give bond with surety in the amount set by city council and approved by the city attorney, conditioned upon the faithful performance of his duties prescribed by this section. The premium on such bond shall be paid by the city. (1962, c. 259; 1975, c. 349)

#### Chapter 4.

##### Powers Generally.

§ 4-1. Adoption of state law provisions.

The powers set forth in §§ 15.1-837 to 15.1-915, both inclusive, of the Code of Virginia, as amended, are hereby conferred upon the city. (1962, c. 259; 1975, c. 349)

§ 4-2. Regulation of railroads.

The city council shall have power to determine and designate the route and grade of any railroad to be laid in the city; to regulate the running of steam, diesel or other locomotive engines within the limits of the city; provided, no contract or legislative authority be thereby impaired or violated. (1962, c. 259)

§ 4-3. Authority to supply city water outside corporate limits.

Notwithstanding any other provisions of this charter, the council shall have power, under such terms and conditions as it may prescribe, to furnish and supply city water to natural persons and corporations for use on property situated not only within the

corporate limits of the city but within an area ten miles outside of the corporate limits of the city; provided, that the rates for water used and supplied outside the corporate limits shall not be less than those charged water users within the corporate limits of the city. (1962, c. 259)

§ 4-4. Restraint and punishment of drunkards, vagrants, etc.

The city shall have the power to restrain and punish drunkards, vagrants, mendicants and street beggars. (1962, c. 259)

§ 4-5. Authority to prevent vice, immorality, disorderly conduct, etc.

The city shall have the power to prevent vice and immorality, to preserve public peace and good order, to prevent and quell riots, disturbances and disorderly assemblages, to suppress houses of ill-fame and gaming houses, to prevent lewd and disorderly conduct or exhibitions in the city, and to expel therefrom persons guilty of such conduct who shall not have resided therein as much as one year. (1962, c. 259)

§ 4-6. Authority relative to wharves, docks, etc.

The city shall have the power to establish, construct and keep in order, alter or remove landings, wharves and docks on land belonging to or which may hereafter belong to the city, and to lay and collect a reasonable duty on vessels coming to and using the same; to prevent and remove all obstructions in and upon such landings, wharves and docks; to preserve peace and good order upon the same and upon all other wharves and landings in the city. They may also appoint port wardens for the port of the city, prescribe their duties, and fix their fees or compensation; provided, that no salary or compensation shall be paid such port wardens out of the city treasury. (1962, c. 259)

§ 4-7. Power of city to acquire land or interests therein for exchange with public utility company.

Whenever any public utility company owns any land or any easement, right of way or other interest in land which the city deems necessary and intends to acquire for any public purpose, which land, easement, right of way or other interest in land owned by the public utility company is devoted to a public use, the city may acquire by gift, purchase or by the exercise of the power of eminent domain additional or a like easement, right of way or interest in land adjacent to or approximately adjacent to such land needed and proposed to be acquired by the city and may then convey the same to the public utility company for use by it in lieu of the land, easement, right of way or other interest in land theretofore owned by it but needed by the city. The condemnation of such land, easement, rights of way or other interest in land to be conveyed to any public utility company shall be governed by the same procedure prescribed by this charter and may be carried out at the same time if against the same property owner and if against the same landowner or in the same proceedings in which land is condemned for the city. The city may, with respect to highways, streets and the extension and construction of sewer and water systems, under the same procedure and conditions prescribed by this chapter, with prospective property needed by the city, enter upon and take possession of such property to be conveyed to any public utility company prior to the acquisition of title thereto in condemnation proceedings and proceed with the relocation of the installations of the public utility company in order that the purposes of the city necessitating such action may be carried out without delay. Nothing in this section shall be construed to authorize the city to exercise the power of eminent domain, except subject to the provisions of § 25-

233 of the Code of Virginia, when the interest sought is held by another corporation having the power of eminent domain. (1962, c. 259)

§ 4-8. Power of city to operate on-street and off-street parking facilities.

The city shall have the power to acquire, construct, finance, own, maintain and operate automobile parking facilities, including parking lots, buildings, ramps, curblin parking, meters and all facilities deemed necessary or incidental to the regulation, control and parking of motor vehicles. The city shall have the power to operate such facilities separately or as a combined undertaking, to use the revenues from any of such facilities to finance any other of such facilities and to make such rules and regulations and to enter into such covenants and agreements as it may deem necessary or desirable in connection with acquiring, constructing, financing, owning, maintaining and operating such facilities; provided that no such rule, regulation, covenant or agreement shall surrender the city's rights of control of its streets and the regulation of traffic thereon. (1973, c. 102)

§ 4-9. Power of city to establish a commission on community relations affairs.

The city shall have the power to establish a commission on community relations affairs consisting of twelve citizens to be appointed by the council. Of the twelve members of this commission, four shall be appointed to serve for a term of one year, four for a term of two years, and four for a term of three years. Thereafter appointments shall be for terms of three years, such members shall be eligible for reappointment for one additional term. The commission shall elect a chairman and vice-chairman and may elect an executive committee and such other officers as may be required for performing its duties and responsibilities. The commission on community relations affairs shall promote mutual understanding and respect among all social, racial, cultural, ethnic and minority groups in the city and seek solutions to problems concerning citizens of the city with the objective of providing an environment in which each citizen shall have equal opportunity to grow to his or her maximum potential.

The powers granted the council and any of its committees by § 2-5 of this charter shall not apply to the commission on community relations affairs commission on community relations affairs (CCRA).

Council may appoint an executive director of the commission on community relations affairs (CCRA) for an indefinite term, and may provide funds for the salaries and expenses of the executive director's office. (1976, c. 482)

§ 4-10. Police and fire cadet program; homesteading program.

The city shall have the power to establish police and fire cadet programs and a homesteading program for its employees and employees of the school board. Section 15.2-1505 of the Code of Virginia, which prohibits residency requirements for certain employees, shall not apply to employees participating in these programs. (2000, c. 4)

Chapter 5.

Toll Bridges.

§ 5-1. Certain provisions continued in effect.

The provisions of Chapter 529 of the Acts of the General Assembly, 1952, are hereby continued in effect. (1962, c. 259)\*

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*\*Editor's note: Chapter 529 of the 1952 Acts of Assembly, as amended, was repealed without reference to this charter. See 1997 Acts of Assembly, c. 242.*

Chapter 6.  
Taxation.  
Article 1. In General.

§ 6-1. Amusement tax.

In addition to the other powers conferred by law, the city shall have the power to impose, levy and collect, in such manner as its council shall deem expedient, an admission tax on admissions to any place of amusement, entertainment, performance, exhibition, sport or athletic event held in the city and may provide that such tax may be added to and collected with the price of admission or other charge for such amusement, entertainment, performance, exhibition, sport or athletic event. (1962, c. 259)

§ 6-2. Consumer tax for use of public utilities; additional annual taxes.

In addition to other powers conferred by law, the city council shall have the power to levy, impose and collect, in such manner as it may deem expedient, a consumer or subscriber tax upon the amount paid for the use within the city of water, electricity, gas, telephone, and any other public utility service, or upon the amount paid for any one or more of such public utility services used within the city, and the council may provide that such tax shall be added to, and collected with, bills rendered consumers for such services.

Any such tax heretofore levied, imposed or collected by any ordinance of the city and which became effective on or after December 1, 1947, and all acts done in pursuance of such ordinance or any amendment thereof, be, and they are hereby, ratified and confirmed.

In addition to the other powers conferred by law, the council is hereby empowered to raise annually by taxes and assessments sums of money as the council shall deem necessary for the purposes of the city, in such manner, on such subjects and transactions, and from such sources as council deems expedient, in accordance with the Constitution and laws of the Commonwealth and the United States. (1962, c. 259)

§ 6-3. Officers for collection of taxes.

The city council may vest in the collector of city taxes and of any other assessments which the city council is authorized to make, any and all powers which are now or which may hereafter be vested in any collector of state taxes, may prescribe the mode of proceedings of the collector of city taxes and assessments aforesaid and the mode of proceeding against such officer for the failure to perform his duties. (1962, c. 259)

§ 6-4. Payment of taxes by tenant or fiduciary.

Any payment of taxes made by a tenant, unless under an express contract contained in his lease, shall be a credit against the person to whom he owes the rent; and where any tax is paid by a fiduciary on the interest or profit of moneys of an estate invested under an order of court or otherwise, the tax shall be refunded out of such estate. (1962, c. 259)

Article 2. Assessment and Reassessment  
of Real Estate.

§ 6-5. Authority of council; establishment of city real estate assessment office; election and duties of assessor.

The city council may, in its discretion, in lieu of the means and methods now prescribed by law, provide by ordinance for the annual assessment and reassessment and

equalization of assessments of real estate for local taxation, and to that end may establish in the city a city real estate assessment office and elect as assessor or assessors one or more persons whose duty it shall be to assess and reassess for taxation the real estate within the city, to equalize such assessments, and to discharge such other duties in connection therewith as the city council shall prescribe. (1962, c. 259)

§ 6-6. Manner of making assessments; authority and duties of assessor; assessments to be made annually; effect of assessments.

The assessor or assessors, elected as provided in the preceding section, shall make such assessments and reassessments on the same basis as real estate is required to be assessed under the provisions of Title 58 of the Code of Virginia, as amended, shall have the same authority as the assessors appointed under the provisions of that title, and shall be charged with duties similar to those thereby imposed upon such assessors, except that such assessments and reassessments so made shall have the same effect as if they had been made by assessors appointed under the provisions of such title. (1962, c. 259; 1975, c. 349)

§ 6-7. Term and compensation of assessors; council to provide for vacancies, clerical and other assistance; payment of salary, expenses and other costs.

The term of the assessor or assessors provided for in this article, may be fixed by the city council, but he or they shall serve at the will of the council, and any vacancy or vacancies, however occurring, shall be filled by the city council. The city council shall likewise fix the compensation of any such assessor or assessors, provide such clerical or other assistance as may be necessary, and provide for the payment of such salaries and other expenses as may be properly incident to the work involved, and all such salaries, expenses and other costs incurred in connection with such assessment or reassessment shall be paid out of the treasury of the city. (1962, c. 259)

§ 6-8. Assessors to assume certain duties and powers of the commissioner of revenue; certain duties of the commissioner of the revenue not affected; extension of annual taxes.

All duties imposed and all powers conferred by law on the commissioner of the revenue of the city with respect to the assessment of real estate for taxation shall, upon the adoption of an ordinance by the city under the provisions of this article, be transferred to the assessor or assessors elected by the council of the city pursuant to the provisions of this charter, except that such commissioner of the revenue shall not be relieved of his duties with respect to the preparation of the land books for use in the city and the delivery and filing of copies thereof as required by the provisions of Title 58 of the Code of Virginia, but such land books shall be prepared by the commissioner of the revenue in accordance with the assessments or reassessments made and certified to him by the assessor or assessors elected under the provisions of this article, and taxes for each year shall be extended on the basis of such assessments or reassessments or on the basis of the last previous assessment of the property involved if no change in such assessment shall have been made. (1962, c. 259)

§ 6-9. Manner of obtaining relief from assessments.

Any person assessed with taxes or levies on real estate under the provisions of this charter may apply for relief therefrom in the manner provided by the applicable provisions of Chapter 22 of Title 58 of the Code of Virginia. (1962, c. 259)

§ 6-10. Assessors to assume powers of board of equalization.

The assessor or assessors elected pursuant to this article shall have the powers conferred on boards of equalization by Chapter 19 of Title 58 of the Code of Virginia, as amended or hereafter amended. (1962, c. 259)

§ 6-11. Board of equalization.

The city council, if in its judgment necessity therefor exists, may at any time during any year, by resolution, request the judge of the circuit court, either in term time or vacation, to appoint a board of equalization consisting of five members, all of whom shall be freeholders of the city. The judge of the circuit court, upon receiving such request from the city council, shall forthwith appoint such board of equalization, which shall continue in existence for such term not exceeding one year as the city council may prescribe. The compensation of the members of such board shall be fixed by the city council and paid out of the city treasury. The board shall sit at and for such time or times as may be necessary for the discharge of its duties; provided, that the period during which such sittings shall be held shall not exceed thirty days, unless otherwise provided by the city council. The provisions of Article 14 (§ 58.1-3370 et seq.) of Chapter 32 of Title 58.1 of the Code of Virginia, as amended, or hereafter amended, insofar as the same may be applicable, shall apply to the board of equalization appointed pursuant to the provisions of this section except as otherwise provided herein. (1962, c. 259; 2009, cc. 659, 724)

§ 6-12. When powers of assessors to be in effect.

The powers conferred upon the assessor or assessors by § 6-11 of the charter shall continue in effect except during such time as a board of equalization created under the provisions hereof shall be in existence. (1962, c. 259)

§ 6-13. Article not to affect assessments made by state.

This article shall not apply to any assessment of real estate assessable under the law by the State Corporation Commission. (1962, c. 259)

Chapter 7.

Continuation Provisions; Applicability to 1962 Elections; Severability; Repealing Provisions; Effective Date.

§ 7-1. Ratification and continuation of ordinances.

All ordinances and resolutions heretofore made and adopted by the city, not in conflict with this charter, are hereby ratified and confirmed and shall be and remain in full force and effect until altered, amended or repealed by the council of the city. (1962, c. 259)

§ 7-2. Continuation of present offices, etc.

All officers and employees heretofore elected or appointed shall remain in office and continue in their employment and be vested with the powers and duties heretofore imposed upon them by the council or by operation of law or hereafter imposed upon them under the provisions of this act until their successors are duly elected or appointed as provided by law or until action is taken by the city as set forth in § 15-77.9, Code of Virginia, as in force on January 1, 1962. (1962, c. 259)

§ 7-3. Application to 1962 councilmanic elections.

This act shall not be construed to apply to the qualification and election of candidates to fill vacancies on the city council occurring in the year 1962 and such candidates shall qualify and be elected as now provided by law. (1962, c. 259)

§ 7-4. Severability.



If any clause, sentence, paragraph, or part of this act shall for any reason be adjudged by a court of competent jurisdiction to be valid, such judgment shall not affect, impair or invalidate the remainder of the act, but shall be confined in its operation to the part of the act directly involved in the controversy in which the judgment shall have been rendered. (1962, c. 259)

§ 7-5. Repealing provisions.

The provisions of Chapter 163, page 143 et seq., Acts of Assembly of Virginia, 1874-75, approved March 11, 1875, and all acts amendatory thereof, are hereby repealed. (1962, c. 259)

§ 7-6. Effective date.

2. This act shall be in force and effect from and after March 1, 1962. (1962, c. 259)