

STAUNTON, CITY OF  
City of First Class.  
Named for Rebecca Staunton, wife of Sir William Gooch, Lieutenant Governor of  
Virginia, 1727-1749.  
Laid out in 1748 at site of Augusta County courthouse.  
Established as a town in 1761.  
Incorporated as a town in 1801 and as a city in 1871.

Charter, 1872, c. 273; repealed 1934, c. 239.

Charter, 1934, c. 239.

Amended      1950, c. 249 (§§ 11, 31)  
                  1964, c. 107 (§ 11)  
                  1972, c. 545 (§§ 11, 13, 36 [added], 37 [added])  
                  1976, c. 631 (§§ 4 [repealed], 4.1 [added])  
                  1991, c. 158 (§ 4.1).

## CHAPTER I CITY INCORPORATED

§ 1. The inhabitants of the territory comprised within the present limits of the City of Staunton as hereinafter described or as the same may be hereafter altered and established by law, shall continue to be one body politic in fact and in name under the style and denomination of the City of Staunton, and as such shall have and may exercise all powers which are now or hereafter may be conferred upon or delegated to cities under the Constitution and laws of the Commonwealth of Virginia, as fully and completely as though said powers were specifically enumerated herein, and no enumeration of particular powers by this charter shall be held to be exclusive, and shall have, exercise and enjoy all the rights, immunities, powers and privileges and be subject to all the duties and obligations now appertaining to and incumbent on said City as a municipal corporation, and the said City of Staunton, as such, shall have perpetual succession, may sue and be sued, contract and be contracted with and may have a corporate seal, which it may alter, renew or mend at its pleasure; the present boundaries of the said City being as follows, to-wit: Beginning at a point in the northwest side of the Valley Turnpike between the lands of H. L. Lang and the property known as Mary Baldwin College, thence south thirty degrees forty-five minutes east two thousand feet, to a point at the intersection of Edgewood Road and Coalter Street extended; thence south fifty-six degrees fifteen minutes east one thousand feet, to a point in the north side of Catt's Road at the southwest side of a bridge over a stream; thence south four degrees thirty minutes east sixteen hundred and thirty feet to a point in the east side of the Baltimore and Ohio Railroad tract; thence south twenty-six degrees fifteen minutes west thirty-six feet to a point in the line of the graveyard of the Western State Hospital, so as not to embrace the property known as Basic Furniture Company (this being the modification hereinbefore mentioned) thence south sixty-eight degrees thirty minutes west nineteen hundred and twenty feet, to Pritchard's extreme northeastern corner in the west side of the Greenville Road; thence with Pritchard's line north eighty-eight degrees thirty minutes west fifteen hundred and seventy-five feet, to Pritchard's corner with the land of A. H. H. Stuart's heirs; then south eighty-seven degrees west fifteen hundred and eighty-five feet to the

mouth of a cave just above and south of the Middlebrook Road; thence north thirty-seven degrees twenty-one minutes west thirty-one hundred and fifty feet to a point in the middle of Peck's Lane between Peck's Crossing on the Chesapeake and Ohio Railroad and the bridge over Peyton's Creek; thence north twenty degrees west three thousand feet, to the northeast corner of a brick storehouse on the south side of the Parkersburg Road; thence north fifty degrees forty-five minutes east fifty-three hundred and fifty feet, to a point in the middle of the Spring Hill or Mount Solon Road; thence south eighty-four degrees east thirty hundred and fifty feet, to the point of beginning (the lines as described to this point being the new corporate line); thence, in order to reach the present corporate line south thirty degrees forty-five minutes west nine hundred and twenty feet to a point in the Valley Turnpike; thence south forty-six degrees forty-five minutes west one hundred and twenty-five feet to a corner of the old corporate line on the north side of the Valley Turnpike, where stands or stood an aspen tree; thence (according to the original survey made by A. D. Trotter, surveyor, in the year 1860, as set out in Act of Assembly of that year), south forty-one degrees east two hundred and sixteen poles to a stake; thence south twenty degrees west one hundred and fifty and four-tenths poles to a post in the south side of the Staunton and Richmond Turnpike (or National Cemetery Road); thence south forty degrees west fifty-seven and six-tenths poles to the south corner of the wall of the Western State Hospital; thence south seventy and one-fourth degrees west one hundred and thirty-six and one-fourth poles to a large black oak (now a stump of same in the street); thence north fifty-seven and one-fourth degrees west one hundred and forty-four and one-half poles to a walnut tree; thence north thirty-one and one-half degrees west one hundred and nineteen and seven-tenths poles to a stake on the east side of a road (now Peck's Lane); thence along the said road north sixty-five degrees east twenty-seven and sixteen one-hundredths poles, crossing the Parkersburg Road, to a stake on the north edge of the road; thence north thirty-seven and three-fourths degrees east two hundred and fifty poles to a large white oak on the hill; thence north eighty-seven and three-fourths degrees east eighty-five and two-tenths poles to the beginning point of the old corporate line. (1934, c. 239)

§ 2. Unless otherwise specifically provided, the persons holding any of the offices provided for in this charter, which offices have existed under the charter heretofore in force, shall continue to hold the same under their previous election or appointment until the term of such office as herein provided shall expire, dating the commencement of such term from the time fixed in said former charter. (1934, c. 239)

## CHAPTER II GOVERNMENT AND ADMINISTRATION

§ 3. The government and administration of the City shall be vested in one body, to be called the council of the City of Staunton, and in one administrative officer, to be styled city manager, and in such other departments, boards and other officers as are hereinafter provided for, or as are permitted or required by law to be appointed by the council, as the council may deem expedient. (1934, c. 239)

§ 4. (1934, c. 239; repealed 1976, c. 631)

§ 4.1. The council shall consist of five members until the election to be held in May, 1978 and thereafter the council shall consist of seven members, who shall be elected at large from qualified voters of the City and they shall serve for a term of four

years from the first day of July next following the date of their election and until their successors shall have been duly elected and qualified subject to the following provisions:

1. At the election held on May 4, 1976, four of the five members to be elected to council shall be elected for a term of three years ten months to commence on September 1, 1976, and to end on June 30, 1980, and the remaining member of council elected at said election shall serve a term of two years beginning on September 1, 1976, and ending August 30, 1978. The said three-year ten-month terms shall be for the four candidates for membership on council receiving the four highest number of votes and the two-year term shall be for the candidate for membership on council receiving the fifth highest number of votes.

2. At the councilmanic election held in May of 1978 there shall be elected three members of council who shall serve for a term of three years ten months from the first day of September, 1978, through June 30, 1982.

3. Thereafter all members of council shall be elected to serve four-year terms.

4. All members of council shall serve, even though their terms have expired, until their successors shall have been duly elected and qualified.

5. If any member of council becomes mentally or physically incapacitated so as to render him incapable of performing his duties as a council member and to render him incapable of attending regular council meetings for a period of at least four months, then council may, upon request of the incapacitated council member or by unanimous vote of the remaining members of council, elect to name a temporary replacement to serve on council until such time as the incapacitated council member is able to resume his duties, or until the expiration of the incapacitated member's term, whichever occurs first. The replacement council member shall be chosen by a majority vote of council and shall have the same voting privileges as an elected member of council.

6. The membership of the council may be decreased from seven to five or increased from seven to nine if a majority of the qualified voters of the City shall so determine at an election held on the question as next herein provided. Upon the presentation to the circuit court of the City, or to the judge thereof in vacation, of a petition signed by all the members of the then existing council, or by at least 500 qualified voters of the City, asking that the membership of the council be decreased from seven to five or increased from seven to nine, and calling for an election on the question, the said court, or judge thereof in vacation, shall, by an order entered of record, direct an election to be held on the day fixed in the order, submitting to the qualified voters of the City the question of whether or not the membership of the council shall be decreased from seven to five or increased from seven to nine, according to the number requested in the petition. If two petitions are presented to the said court or judge thereof in vacation, one asking for a decrease in council as provided herein and the other asking for an increase in council as provided herein, then the court or judge thereof in vacation may order both questions to be submitted to the qualified voters of the City at the same election. Such election shall be held and conducted by the regular election officers of the City in the manner prescribed by law for holding other elections, and the result thereof shall be certified by the electoral board to said court, or to the judge thereof in vacation. Upon receipt whereof, the court or judge, shall enter an order setting forth such result and declaring the effect thereof. If a majority of the votes cast be in favor of decreasing the membership of the council to five, then at the next regular election for members of

council when the number of seats on council subject to being filled for full terms would be four, the number to be elected at that election and thereafter on that election cycle shall be two. If a majority of the votes cast be in favor of increasing the membership of the council from seven to nine then the additional number shall be elected at the next regular election of members of council in the City of Staunton when three seats on council are subject to election for full regular terms.

Any election under this section shall be in accordance with the provisions and procedures established by state law.

Persons holding the office of a member of council as of the date of this act shall continue to hold the same under their previous election or appointment until the term of such office shall expire. (1976, c. 631; 1991, c. 158)

§ 5. The council shall elect one of its members to preside over its meetings, who shall be entitled president, and who shall be ex-officio mayor of the City, and shall also elect another member to be vice-president of the council, to act in the place of the president in his absence or incapacity. The president and vice-president of the council shall be elected for a term of two years, and any vacancy in the offices shall be filled by the election by the council for the unexpired term. The mayor shall have the same powers and duties as other members of the council with a vote, but no veto, and shall be the official head of the City. With the exception of those officers required by the Constitution of the Commonwealth to be elected by popular vote, the members of the council shall be the only elective city officials. (1934, c. 239)

§ 6. The council shall meet at such times as may be prescribed by ordinance or resolution, provided, however, that it shall hold at least one regular meeting each month. No business shall have transacted at a special meeting except that for which it shall have been called, unless all members of the council attend such special meeting or give their written consent thereto. For lack of quorum, any regular meeting may be postponed to such time as the council may determine. (1934, c. 239)

§ 7. The president or any other two members of the council may call special meetings of the council at any time upon at least twelve hours' written notice to each member served personally or left at his usual place of business or residence, but special meetings may be held at any time without notice, provided all members of the council attend said meeting or waive notice thereof. (1934, c. 239)

§ 8. No ordinance or resolution appropriating money exceeding the sum of \$1,000, imposing taxes, authorizing the borrowing of money, shall be passed by the council on the same day on which it is introduced, nor shall any such ordinance or resolution be valid unless at least three days intervene between its introduction and date of passage. No ordinance or resolution appropriating money exceeding the sum of \$100, imposing taxes or authorizing the borrowing of money shall be passed except by recorded affirmative vote of a majority of all members elected to the council. (1934, c. 239)

§ 9. Upon the announcement by the president of the adoption of resolutions or ordinances having for their object the increase of the indebtedness of the City, or the expenditure of its revenues, except for the payment of its salaried officers and employees, any two councilmen may give notice of a motion to reconsider, which motion shall delay the question until said reconsideration shall be finally acted on at the next regular meeting of the council. (1934, c. 239)

§ 10. The council shall elect a city clerk, who shall also be clerk of the council, and a city attorney, and may elect a constable and a city collector, each of whom shall serve for such term as may be provided by the council, and until his successor has been elected and qualified. They shall perform such duties and receive such compensation as shall be prescribed by the council. (1934, c. 239)

§ 11. The council shall have all the general powers vested in it by the Constitution and laws of the Commonwealth, and it shall have power to enact ordinances providing for the exercise within its jurisdiction of all police powers which the Commonwealth itself may exercise under the Constitution, except such as may be specifically denied by Act of the General Assembly; and shall further have power:

First. To control and manage the fiscal and municipal affairs of the City, and all property, real and personal, belonging to the City, and make such ordinances, order and bylaws, relating to the same as it may deem proper and necessary.

Second. To acquire by purchase, gift, devise, condemnation, or otherwise, property, real and personal, or any estate or interest therein, within or without the City or Commonwealth and for any of the purposes of the City as provided by law; and to hold, improve, sell, lease, mortgage or pledge the same or any part thereof, including any property now owned by the City; to issue purchase money obligations without a vote of the people provided such obligations shall not be general obligations of the City of Staunton, but shall be secured solely by the property purchased; and such obligations as may be from time to time issued for the purchase of property shall clearly show that such obligations are not general obligations of the City, but are secured only as herein provided, provided that nothing herein contained is contrary to or inconsistent with the Constitution of Virginia.

Third. To establish markets in the City and regulate the same.

Fourth. To erect in or near the City limits suitable workhouses, jails, houses of correction or reformation, and houses for the reception and maintenance of the poor and destitute. It shall appoint necessary officers and other persons proper to be connected with any institution or house which it may establish, and regulate pauperism within the limits of the City, and the council, through such agencies as it may appoint for the direction and management of the poor of the City, shall exercise the powers and perform the duties vested by law in overseers of the poor.

Fifth. To erect and keep in order all necessary public buildings; to establish and regulate public squares; airports, playgrounds and parks in or near the City, and to acquire by purchase, condemnation, or otherwise, the land it may deem necessary for such uses, and to construct in such public squares, playgrounds, or parks, as it may maintain, or upon any City property, stadiums, swimming pools, and recreation or amusement buildings, structures, or inclosures of every character, refreshment stands and restaurants; to charge for admissions, and to rent out or lease the privileges of construction or using such swimming pools, recreation or amusement buildings, structures or inclosures of every character, refreshment stands or restaurants.

Sixth. To acquire, establish, maintain and enlarge water works within or without said City; to contract with the owners of land, water and riparian rights, for the use or purchase thereof, for an estate or interest in lands or any right or easement therein, or to have the same condemned for the location or enlargement of said works, or the pipe, pipe lines, and fixtures thereof, and to acquire by purchase or condemnation such quantity of

the watershed land adjacent to the intake or source of supply, as in the judgment of the said council may be necessary to insure a sufficient supply of water for the said City, and to protect the same from pollution; and to prevent by injunction any pollution or threatened pollution of such water supply, and any and all acts likely to impair the purity thereof; to acquire by purchase or condemnation from lower riparian owners the right to divert streams into the present or any future reservoir; and to protect said water supply, works, pipes, reservoirs and fixtures, whether within or without the City, against injury and pollution, by appropriate ordinances and penalties, to be enforced as are other ordinances of said City. The said City may sell or supply to persons, firms or industries residing or located outside of the City limits any surplus of water it may have over and above the amount required to supply its own inhabitants.

Seventh. To establish or acquire by purchase and to maintain and operate within and without the corporate limits suitable works for gas and the generation of electricity for illumination or other purposes, and to supply the same to consumers, in or near the City, at such price and on such terms as it may prescribe, and to that end may contract with owners of land and water power for the use thereof, or may have the same condemned.

Eighth. To establish, or acquire by purchase, such other public utilities, abattoirs, and other enterprises, either within or without the City, as may in its judgment be in the public interest, and to that end may contract with owners of land, with or without buildings, for the use or purchase thereof, or may have the same condemned.

Ninth. To establish, open, widen, extend, grade, improve, construct, maintain, light, and clean public highways, streets, alleys and sidewalks, boulevards and parkways, and to alter or close the same; make or construct sewers or public ducts through the same or wherever else they may deem expedient; build bridges in or culverts under said streets or alleys, prevent or remove obstructions or encroachments over, under, or in the same; plant shade trees along the same, and prevent the cumbering of streets, alleys, walks, public squares, lanes or bridges in any manner whatsoever.

Tenth. To acquire and own land suitable for stone quarries, or the quarry rights in such lands; to take stone therefrom and to manufacture the same into crushed stone for city uses.

Eleventh. To grant aid to military companies and to contribute to the support of a band maintained within the City, to grant aid to literary, educational or benevolent organizations or institutions, and to a public library, provided such action is not prohibited by the Constitution of the Commonwealth and that such organizations or institutions be located in the City.

Twelfth. To secure the inhabitants from contagious, infectious or other dangerous diseases; to establish a quarantine ground; to provide, regulate and maintain hospitals; to compel the removal of patients to said hospitals; to appoint and organize a board of health and a department of public welfare; to define their duties and grant to them the necessary authority effectually to discharge them, including the authority to coordinate their duties and efforts with appropriate agencies and departments of the Commonwealth of Virginia and other of its political subdivisions.

Thirteenth. To compel the abatement and removal of all nuisances within the City at the expense of the person or persons causing the same, or of the owner or occupant of the ground or premises whereon the same may be; to require all lands, lots and other

premises within the City to be kept clean, sanitary and free from weeds or stagnant water, or to make them so at the expense of the owners or occupants thereof; to regulate or prevent slaughter houses or other noisome or offensive business within the said City, the keeping of animals, poultry or other fowl therein, or the exercise of any dangerous or unwholesome business, trade or employment therein; to compel the abatement of smoke and dust; to prevent unnecessary noise therein; to regulate the location of stables, garages and gasoline filling stations, and the manner in which they shall be kept and constructed; and generally to define, prohibit, abate, suppress and prevent all things detrimental to the health, morals, safety, comfort, convenience and welfare of the inhabitants of the City.

Fourteenth. To direct the location of all buildings for storing explosives or combustible substances; to regulate the sale and use of gunpowder, nitroglycerine, dynamite, fireworks, kerosene, oil, gasoline or other combustible material; to regulate the exhibition of fireworks, the discharge of firearms and the making of bonfires in the streets and yards.

Fifteenth. To prescribe traffic regulations upon the streets, alleys, and parkways of the City, not in conflict with general law, and shall have full authority by ordinance to require all public conveyances, cabs, buses, and trucks, operated by motor or other power, within the City, or in and out of the City, to provide terminals at such points as shall meet with the approval of the council, and to provide all reasonable regulations governing the same, to regulate the operation and speed of engines and cars upon the railroads within the City; to prevent any sort of employment or sports in the public streets which is dangerous or annoying to passersby, and to prohibit and punish the abuse of animals.

Sixteenth. To restrain and punish vagrants and mendicants; 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 and gambling devices of all kinds; to prevent lewd, indecent and disorderly conduct or exhibitions in the City, and to expel therefrom persons guilty of such conduct who have resided therein less than one year.

Seventeenth. To remove, or require to be removed, any building, walls, structure, or addition thereto which, by reason of dilapidation, defect or structure, or other causes, may have become dangerous to life or property, or which may be erected contrary to law.

Eighteenth. To provide for the regular and safe construction of houses in the City for the future, and to provide a complete building code for the City, and to provide setback lines on the streets beyond which no building may be constructed.

Nineteenth. To designate and prescribe from time to time the parts of the City within which no buildings of wood shall be erected, and to regulate the construction of buildings in the City so as to protect it against danger from fire; and to enact an ordinance dividing the City into zones under the provisions of state law; and to provide for a City planning commission and define its powers.

Twentieth. To provide any penalty for the violation of any City ordinance, not exceeding one thousand dollars, or twelve months' imprisonment in the City or Augusta County jail, or both.

Twenty-first. To pass all bylaws, rules and ordinances not repugnant to the Constitution and laws of the Commonwealth which it may deem necessary for the good order and government of the City, the management of its property, the conduct of its

fiscal and municipal affairs, the peace, comfort, convenience, order, morals, health and protection of its citizens or their property, and do such other things and pass such other laws as may be necessary or proper to carry into full effect any power, authority, capacity, or jurisdiction, which is or shall be granted to or vested in said City, or in the council, court, or officers thereof, or which may be necessarily incident to a municipal corporation.

Twenty-second. To provide for the due publication in the newspapers or otherwise of its ordinances and resolutions.

Twenty-third. No ordinance hereafter passed or amended by the council for the violation of which any penalty is imposed shall take effect until the same shall have been published for five days consecutively in one of the daily newspapers of said City to be designated by the said council, or posted in at least two public places in the City; a certificate of such posting shall be filed by the Sergeant in the City Clerk's office, provided, however, that this requirement as to publication shall not apply to any ordinance re-ordained or restated in or by a compilation or codification of said ordinances provided the ordinance adopting such codification or restatement shall have been duly published as aforesaid.

Twenty-fourth. For the execution of its powers and duties the council may raise annually, by taxes and assessments in said City, such sums of money as it shall deem necessary to defray the expenses of the same, and in such manner as it shall deem expedient, in accordance with the laws of this Commonwealth and of the United States, and may by curative ordinance, ratify and confirm regular assessments and levies of taxes heretofore or hereafter made, and the acts of all ministerial officers in connection therewith, and any such ordinance heretofore passed is hereby ratified and confirmed.

Twenty-fifth. The council may provide, by ordinance, for the collection of City taxes or levies on property at such times and with such penalties for nonpayment in time as may be fixed by ordinance.

Twenty-sixth. The council may levy a tax or a license on any person, firm, or corporation conducting any business or profession whatsoever in the City, except when prohibited by general law, whether a license may be required therefor by the Commonwealth or not, and may exceed the state license, if any be required.

Twenty-seventh. The council may provide by ordinance for the levy of an admission tax on persons paying an admission charge or persons admitted free, when an admission charge is paid by others, to places of amusement or entertainment, for the amount of such tax, for the collection thereof and for penalties for the failure to pay to such tax so levied. For the purpose of this subsection, admission charge and place of amusement or entertainment shall mean:

(a) Admission charge. The charge made for admission to any entertainment, exclusive of any federal tax thereon, including a charge made for season tickets whether obtained by contribution or subscription, a cover charge or a charge made for the use of seats or tables, reserved or otherwise, and similar accommodations, in the City.

(b) Place of Amusement or Entertainment. Any place in the City wherein or whereat any of the following are located, conducted, performed, exhibited or operated and for which an admission charge is made: a circus, a carnival, a menagerie, a moving picture show, a fair, a show or an exhibition of any kind, a dance; a baseball, basketball or football game; a wrestling match or a boxing match or a sport of any kind; a



swimming contest or exhibition; a swimming pool; a concert; a theatrical, vaudeville, dramatic, operatic or musical performance or a performance similar thereto; a lecture, talk, literary reading or performance similar thereto; an attraction such as a merry-go-round, ferris wheel, roller coaster, leap-the-dips or the like; an automobile race, a midget auto race, or a horse race; a horse show; an ice skating or roller skating rink or arena; or any other public amusement, performance or exhibition. The foregoing enumeration of specific amusements and entertainments shall not be deemed to exclude other amusements and entertainments otherwise within the meaning of those words.

Twenty-eighth. In addition to the other powers conferred by law, the City shall have power to impose, levy and collect, in such manner as its council shall 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. (1934, c. 239; 1950, c. 249; 1964, c. 107; 1972, c. 545)

### CHAPTER III

#### WARDS AND VACANCIES IN OFFICE

§ 12. The said City shall be divided into as many wards as the council may determine in such manner as to include as nearly as may be consistent with the well defined limits of said wards, an equal number of votes in each ward. (1934, c. 239)

§ 13. In case of a vacancy in the office of city treasurer, commissioner of the revenue, or justices of the peace, the council shall, subject to approval by the judge of the circuit court of the City, elect a qualified person to fill the office in which such vacancy occurs until the next general election which may be held in the City when the vacancy may be filled by election for the unexpired term, and in case of a vacancy in the office of Commonwealth's attorney, clerk of the circuit court, or sheriff, the judge of the circuit court shall appoint a qualified person to fill the office in which such vacancy occurs until the next general election which may be held in the City when the vacancy may be filled by election for the unexpired term. (1934, c. 239; 1972, c. 545)

### CHAPTER IV

#### ADMINISTRATIVE SERVICE

§ 14. The city council shall elect a city manager, who shall be the administrative head of the municipal government. He shall be chosen by the council without regard to his political belief and solely upon the basis of his executive and administrative qualifications. The choice shall not be limited to the inhabitants of the City or Commonwealth unless otherwise required by the Constitution of the Commonwealth. The city manager shall receive such compensation as shall be fixed by the council by ordinance or resolution. He shall be appointed for an indefinite period and serve at the will of the council. During the absence or disability of the city manager, the council shall designate some properly qualified person to perform his duties. (1934, c. 239)

§ 15. The city manager shall be responsible to the council for the efficient administration of all affairs of the City, and he shall be vested with such administrative and executive powers of the municipal government as are provided in sections two thousand nine hundred and forty-three, two thousand nine hundred and forty-four, and two thousand nine hundred and forty-five, under the city manager plan of the Code of

Virginia, and acts amendatory thereto, except that all appointments made by the city manager shall be subject to the approval of the council. (1934, c. 239)

§ 16. No person elected to the council, whether he qualify or not, shall during the term for which he was elected or twelve months after the expiration of that time be elected by the council or appointed by the city manager to any position of trust or office of trust or profit of the City. (1934, c. 239)

## CHAPTER V

### DEPARTMENT OF FINANCE

§ 17. City treasurer.--The city treasurer shall give bond in such sums as the council may prescribe, with surety to be approved by the council, conditioned for the faithful discharge of his official duties in relation to the revenue of the City and of such other official duties as may be imposed upon him by this charter and the ordinances of the City. He shall perform such duties, have such powers and be liable to such penalties as are now or may hereafter be prescribed by the laws of the Commonwealth or the ordinances of the City made in pursuance thereof, and for all services performed for the City, the treasurer shall receive such compensation as the council may from time to time prescribe by ordinance, subject to approval by the State Fee Commission, and in the event said commission and the council shall not be able to agree on the amount of such compensation, the matter shall be submitted to the judge of the corporation court of the city for final determination. (1934, c. 239)

§ 18. Commissioner of the revenue.--The commissioner of the revenue shall give bond in such sum as the council may by ordinance prescribe, with surety to be approved by the council, conditioned for the faithful performance of all of his duties under this charter and under any ordinance of the City. He shall perform such duties, have such powers, and be liable to such penalties as may be prescribed by the laws of the Commonwealth or the ordinances of the City made in pursuance thereof; and for all services performed for the City the said commissioner of the revenue shall receive such compensation as the council may from time to time prescribe by ordinance, subject to approval by the State Fee Commission, and in the event said commission and the council shall not be able to agree on the amount of such compensation, the matter shall be submitted to the judge of the corporation court of the City for final determination. (1934, c. 239)

§ 19. The treasurer and commissioner of revenue may each appoint one or more deputies provided the number of such appointments and the expenses of such offices shall be subject to approval of the council and State Fee Commission; provided that if the council and the commission fail to agree, the matter shall be submitted to the judge of the corporation court of the City for final determination, but the sureties of said officers, respectively, shall be equally liable for the acts of said deputies as for those of their principals. (1934, c. 239)

§ 20. The treasurer, city collector, or their deputies shall have any or all of the powers which are now or may be hereafter vested in any officer of the Commonwealth charged with the collection of state taxes, and may collect the same in the same manner in which state taxes are collected by any officer of the Commonwealth. (1934, c. 239)

§ 21. All moneys received or collected for the use of the City shall be paid over, held and disbursed as the council may order or prescribe. (1934, c. 239)

§ 22. There shall be a lien on real estate for the taxes as assessed thereon from the commencement of the year from which they were assessed, and there shall also be a lien on the real estate on which local assessments for improvements may be made for the amount of such assessments from the time the same is levied by the council. (1934, c. 239)

§ 23. The council may, in the name and for the use of the City, contract debts, and cause to be issued therefor notes or bonds, in the manner prescribed by law and subject to all the restrictions imposed upon cities by the Constitution and general laws of the Commonwealth. (1934, c. 239)

§ 24. Debt commission.--There shall be a city debt commission appointed by the council, to serve without compensation, one of the members of which shall be the city treasurer, under such regulations as may be established by ordinance, and in conformity with any law of the Commonwealth applicable to the City and providing for or fixing the duties of a city debt or sinking fund commission. It shall be the duty of the debt commission to have charge of the administration of any fund for the payment of the principal and interest of any bonds of the City, and to perform such other duties regarding the debt of the City as may be required by ordinance. (1934, c. 239)

§ 25. There shall be set aside annually from the revenues of the City a sinking fund equal to not less than one per centum on the aggregate outstanding debt of the City in addition to the annual interest agreed to be paid thereon, and whenever hereafter there shall be contracted by the council any debt not payable in one year, there shall annually be paid from the revenues of the City into the sinking fund, for the payment of said bonds, an amount sufficient to pay said bonds at or before maturity, which annual payment shall in no case be less than one per centum of the par or face value of said bonds in addition to the annual interest to be paid thereon. Such sinking fund shall be applied to the debt or debts for the discharge of which it was created, and until so applied shall be invested, with its accumulations of interest, in bonds of the United States, or of the Commonwealth of Virginia or of the City of Staunton, or of any city or county in the Commonwealth of Virginia. (1934, c. 239)

§ 26. The council shall not appropriate any part of the sinking fund or its accruing interest otherwise than as mentioned in the preceding section, except in time of war, insurrection or invasion, and then only by a vote of two-thirds of all the members elected to such council. (1934, c. 239)

§ 27. No debt shall be created by the council for a longer period than four months unless the ordinance creating the same shall have been introduced at some meeting of the council at least thirty days before the same is passed; but an amendment to such an ordinance need not lie over for an additional thirty days. (1934, c. 239)

#### CHAPTER VI

#### PUBLIC HIGHWAYS, ET CETERA

§ 28. The City shall not take, damage, or use any private property for streets or any other public purposes without making just compensation for the same, but where the City cannot obtain the title to ground necessary for its purpose, it may proceed to condemn the same in the mode prescribed by law. (1934, c. 239)

§ 29. No order shall be made and no injunction shall be granted by any judge or court of this Commonwealth to stay the proceedings of the City in the exercise of any power herein granted it over its streets, unless it be manifest that it is exceeding its

powers and that the interposition of the court is necessary to prevent injury which cannot be adequately compensated in damages. (1934, c. 239)

§ 30. In every case where a street in said City has been or shall be encroached upon by any fence, building or otherwise, the council may require the owner, if known, or if unknown, the occupant of the premises encroaching, to remove the same, and if such removal, be not made within the time prescribed by the council, they may impose a penalty of five dollars for each and every day it is allowed to continue thereafter, and may cause the encroachment to be removed and collect from the owner all reasonable charge therefor, with costs, by the same process that they are hereinbefore empowered to collect taxes. No encroachment upon any street, however long continued, shall constitute an adverse possession to or confer any rights upon the person claiming thereunder as against the said City. (1934, c. 239)

§ 31. Whenever any street, alley or lane in said City shall have been opened to and used as such by the public for the period of five years, the council may declare the same a street, lane or alley for public purposes, and the council shall have the same authority and jurisdiction over and rights and interest therein, as they have by law over the streets, alleys and lanes laid out by them, and any street or alley reserved in the division or subdivision into lots of any portion of the territory within the corporate limits of said City by a plot or plan of record, shall be deemed and held to be dedicated to public use, unless it appears by said record that the said street or alley so reserved is designed for private use; but upon a petition of a majority of the persons interested therein, the Council shall have the power to open the same for the use of the public. (1934, c. 239; 1950, c. 249)

§ 32. City planning commission.--The council may appoint a city planning commission of five citizens, chosen because of their interest in and knowledge of city planning, whose powers and duties shall be prescribed by the council by ordinance, who shall serve without compensation. (1934, c. 239)

§ 33. No action shall be maintained against the said City for damages for any injury to any person or property alleged to have been sustained by reason of the negligence of the City or of any officer, agent, or employee thereof, unless a written statement, verified by the oath of the claimant, his agent or attorney, or the personal representative of any decedent, whose death is the result of the alleged negligence of the City, its officers, agents, or employees, of the nature of the claim and the time and place at which the injury is alleged to have occurred to have been received, shall have been filed with the city attorney of said City within sixty days after such cause or action shall have occurred. And no officers, agents or employees of the City shall have authority to waive such conditions precedent or any of them. (1934, c. 239)

§ 34. All acts and parts of acts inconsistent with this act and former charters and amendments thereof for the City of Staunton are hereby repealed; and all acts and parts of acts in any way concerning the City of Staunton and the rights of the people thereof, or any of them, not inconsistent with this act, shall be in full force, to all intents and purposes, as if this act had never been passed. (1934, c. 239)

§ 35. All ordinances now in force in said City, not inconsistent with this act, the laws of this Commonwealth and of the United States, shall be and remain in force until altered, amended or repealed by said council. (1934, c. 239)

## CHAPTER VII

§ 36. There shall be a municipal court for the City which shall be known as the Municipal Court of Staunton. The jurisdiction of such court in civil matters shall be as provided by general law for courts not of record. The jurisdiction of such court in criminal matters shall be as provided by general law for municipal courts not of record. (1972, c. 545)

§ 37. The council shall appoint a municipal judge for a term of four years, and may appoint one or more substitute judges, a clerk of the Municipal Court and such assistant or deputy clerks as council deem expedient. The appointment of the municipal judge and any substitute judges shall be subject to the approval of the judge of the Circuit Court of the City of Staunton. The term of the first municipal judge appointed hereunder shall commence January 1, 1974.

Tenure of clerks and deputy clerks shall be established by ordinance or resolution of council. Qualifications, oaths and bonds of such clerks and deputy clerks shall be as provided by general law. (1972, c. 545)