

SUFFOLK, CITY OF

City of First Class.

Includes localities that were originally the Town of Holland, the Town of Whaleyville, and the County/City of Nansemond.

Suffolk incorporation and charter, 1922, c. 64; repealed 1973, c. 367 (effective January 1, 1974).

Holland charter, 1940, c. 430; repealed 1973, c. 31.

Whaleyville charter, 1950, c. 526; repealed 1973, c. 31.

Consolidation of Nansemond County and the Towns of Holland and Whaleyville into the City of Nansemond, Court Order, July 1, 1972.

Nansemond city charter, 1973, c. 31 (effective March 3, 1973, ineffective January 1, 1974).

Charter, 1973, c. 367, consolidating City of Nansemond and City of Suffolk (effective January 1, 1974).

Amended 1974, c. 15 (§ 3.03)

1979, c. 430 (§§ 2.09 [added], 6.05, 16.02)

1982, c. 149 (§§ 6.05, 6.06)

1985, c. 50 (§§ 3.05, 16.02)

1986, c. 219 (§ 3.03)

1987, c. 53 (§§ 2.01, 2.02, 2.05, 2.06, 3.01, 4.02, 5.10 [added], 6.02, 6.05, 7.01, 8.01, 8.03, 8.07 [repealed], 9.01, 9.02, 9.03, 9.04 [repealed], 12.01, 12.02, 12.03, 12.04 [added], 16.02, 16.03 [repealed], 17.01, 17.02, 17.03, 19.01 through 19.14 [repealed], 19A.01 [added], 19A.02 [added], 19A.03 [added], 20.01 [repealed], 21.02, 21.06 [repealed], 21.07 [repealed], 21.08)

1991, c. 394 (§ 9.02)

1991, Special Session II, c. 3 (§§ 3.02, 3.03, 16.02)

1992, c. 251 (§ 16.01)

2007, cc. 208, 772 (§§ 3.03, 3.04, 3.07).

Chapter 1

INCORPORATION AND BOUNDARIES

§ 1.01. INCORPORATION. The inhabitants of the territory comprised within the limits of the cities of Nansemond and Suffolk as they exist at the effective date of this charter shall be a body politic and corporate under the name city of Suffolk and as such shall have perpetual succession, may sue and be sued, contract and be contracted with and may have a corporate seal which it may alter at its pleasure. (1973, c. 367)

§ 1.02. BOUNDARIES. The boundaries of the city of Suffolk shall coincide with the outside boundaries of the city of Nansemond so as to include all of the territory comprising the city of Nansemond and the city of Suffolk as existing immediately preceding the effective date of this charter. (1973, c. 367)

Chapter 2

POWERS

§ 2.01. GENERAL GRANT OF POWERS. The city of Suffolk shall have and may exercise the powers set forth in §§ 15.1-837 through 15.1-907 of the Code of Virginia in force on January 1, 1987, and as thereafter amended. In addition thereto, the city shall have and may exercise all other powers which are now or may hereafter be conferred upon or delegated to cities of the first class under the Constitution and laws of the Commonwealth and all other powers pertinent to the conduct of a city government, the exercise of which is not expressly prohibited by the Constitution and laws and which in the opinion of the council are necessary or desirable to promote the general welfare of the consolidated city and the safety, health, peace, good order, comfort, convenience and morals of its inhabitants. (1973, c. 367; 1987, c. 53)

§ 2.02. TAXING POWERS. To levy a special tax on locally taxable property in any borough, or other special taxing district or combination thereof, which may be different from and in addition to the general tax rate throughout the city, for the provision of additional or more complete services of government than are desired in the city as a whole. (1973, c. 367; 1987, c. 53)

§ 2.03. ADDITIONAL POWERS. To acquire, construct, own, maintain and operate, within the city, landings, wharves, docks, canals and the approaches to and appurtenances thereof, tracks, spurs, crossings, switchings, terminals, warehouses and terminal facilities of every kind and description necessary or useful in the transportation and storage of goods, wares and merchandise; perform any and all services in connection with the receipt, delivery, shipment and transfer in transit, weighing, marking, tagging, ventilating, refrigerating, icing, storing and handling of goods, wares and merchandise; prescribe and collect charges from vessels coming into or using any of the landings, wharves and docks, and from persons using any of the facilities above described; provide for the management and control of such facilities or any of them by a department of the city government or by a board, commission or agency specially established by ordinance for the purpose; lease any or all of such facilities or any concessions properly incident thereto to any person, firm or corporation or contract with any person, firm or corporation for the maintenance and operation of any or all of such facilities on such terms and conditions as the council may determine by ordinance; apply to the proper authorities of the United States to grant to the city the privilege of establishing, maintaining and operating a foreign trade zone within the city; regulate the use of other landings, wharves and docks located on any body of water within the city; prevent and remove obstruction from said bodies of water in, upon or near the landings, wharves, docks or canals adjacent thereto, and collect from the person or persons responsible for such obstructions the cost of their removal; close or discontinue the use of any such wharf, landing, dock or canal now owned or hereafter acquired by the city and upon the closing or discontinuance of such use the same shall thereupon be forever discharged from any public use or easement or from any obligation therefor imposed by reason of such public use or easement by statute or otherwise. (1973, c. 367)

§ 2.04. IMPOSITION OF SPECIAL FEES. To establish and collect such fees as may be determined by the council to be reasonable for the rendering of special services. (1973, c. 367)

§ 2.05. EMINENT DOMAIN--GENERALLY.

(a) The powers of eminent domain set forth in Title 15.1, Title 25 and Title 33.1 of the Code of Virginia, as amended, and all acts amendatory thereof and supplemental thereto, mutatis mutandis, are hereby conferred upon the city of Suffolk.

(b) In any case in which a petition for condemnation is filed by or on behalf of the city, a true copy of the ordinance or resolution duly adopted by the council, declaring the necessity for any taking or damaging of any property within the city, for the purposes of the city, shall be filed with the petition and shall constitute sufficient evidence of the necessity of the exercise of the powers of eminent domain by the city. (1973, c. 367; 1987, c. 53)

§ 2.06. EMINENT DOMAIN--CERTIFICATES.

(a) Certificates issued pursuant to §§ 33.1-121 to 33.1-132, inclusive, of the Code of Virginia, as amended, and all acts amendatory thereof and supplemental thereto, may be issued by the city, signed by the city manager. Such certificate shall have the same effect as certificates issued by the Commonwealth Transportation Commissioner, under the aforesaid laws, and may be issued in any case in which the city proposes to acquire property of any kind by the exercise of its powers of eminent domain for any lawful purpose, whether within or without the city.

(b) In addition to the powers conferred by the aforesaid laws, such certificates may be amended or cancelled by the court having jurisdiction of the proceedings, upon petition or motion of the city, at any time after the filing thereof, provided that the court shall have jurisdiction to make such order for the payment of costs and damages, if any, or the refund of any excessive sums theretofore paid pursuant to such certificate as shall, upon due notice and hearing, appear just. The court shall have jurisdiction to require refunding bonds, for good cause shown by the city or any other person or party in interest, prior to authorizing any distribution of funds pursuant to any certificate issued or deposit made by the city. (1973, c. 367; 1987, c. 53)

§ 2.07. EMINENT DOMAIN--ALTERNATE METHOD.

(a) In addition to the other powers conferred by law, the city may, in exercising the right of eminent domain, make use of the procedure prescribed by the general law or may elect to proceed as hereinafter provided. Upon the adoption of an ordinance or resolution directing acquisition of any property, the city may file a petition for condemnation in the clerk's office of a court having jurisdiction.

(b) Upon the filing of the petition and the funds provided for the purpose having been duly deposited to the credit of the court, if the court is of the opinion that the property or interest or estate therein to be acquired is for the purpose of the city as provided by law, it may order that the interest or estate of the owner of such property shall terminate and the title to such property or the interest or estate to be taken in such property shall be vested absolutely in the city and such owner shall have such interest or estate in the funds so deposited as he had in the property taken or damaged and all liens by deed of trust, judgment or otherwise upon said property or estate shall be transferred to such funds and the city shall have the right to enter upon and take possession of such property for its uses and purposes and to construct its works or improvements. The clerk of the court in which such proceedings are instituted shall make and certify a copy of the order and deliver or transmit the same to the clerk of the court in which deeds are admitted to record, who shall record the same in his deed book and index it in the name of the record title owner of such property and in the name of the city.

(c) All other proceedings under this section shall be had in accordance with the provisions of the Virginia General Condemnation Act insofar as they are then applicable and not inconsistent with the provisions of this section; provided, however, that the provisions of § 25-233 of the Code of Virginia, as now or hereafter in effect, shall apply to any property belonging to any corporation possessing the power of eminent domain that may be taken hereunder. (1973, c. 367)

§ 2.08. ADDITIONAL POWERS. To exercise all powers possessed by the city of Nansemond and the city of Suffolk immediately preceding the effective date of this charter, consistent with general law and not inconsistent with this charter. (1973, c. 367)

§ 2.09. ESTABLISHMENT OF SPECIAL DISTRICTS. A special service district of the central business area of the Suffolk Borough shall be created by order of the circuit court of the city of Suffolk upon the petition of fifty percent of the property owners of the proposed district, which order shall prescribe the metes and bounds of the district. Upon the filing of such petition, the court shall fix a date for a hearing on the question of the proposed service district which hearing shall embrace a consideration of whether the property embraced within the proposed district will be benefited by the establishment thereof. Notice of such hearing shall be given by publication once a week for three consecutive weeks in some newspaper of general circulation within the city, and the hearing shall not be held sooner than ten days after completion of such publication. Any person interested may answer the petition and make defense thereto. If upon such hearing the court is of opinion that any property embraced within the limits of such proposed district will not be benefited by the establishment thereof, then such property shall not be embraced therein. Upon the petition of the city council and of not less than fifty percent of the property owners of the territory proposed to be added, after notice and hearing as provided above, any service district may be extended and enlarged by order of the circuit court of the city which order shall prescribe the metes and bounds of the territory so added.

After the entry of such order creating the special service district in the Suffolk Borough, the city council shall have the following powers and duties with respect to the service district:

A. To construct, maintain and operate such facilities and equipment as may be necessary or desirable to provide additional governmental services and/or facilities, including but not limited to water supply, sewerage, garbage removal and disposal, heat, light, public transportation service, fire-fighting equipment and fire protection, power and gas systems, police protection, parking facilities, promotion of the central business area, and sidewalks and/or pedestrian malls for the use and benefit of the public in such service district,

B. To acquire by gift, condemnation, purchase, lease or otherwise, and to maintain and operate any such facilities and equipment as may be necessary and desirable to provide such additional governmental services in such district, and to acquire by gift, condemnation, purchase, lease or otherwise, rights, title, interest, or easements therefor in and to real estate in such district,

C. To contract with any person, firm or corporation or municipality to provide such additional governmental services or facilities in such district and to construct, establish, maintain and operate any such facilities and equipment as may be necessary and desirable in connection therewith,

D. To require owners or tenants of any property in the district to connect with any such system or systems, and to contract with the owners or tenants for such connections. The owners or tenants shall have the right of appeal to the circuit court within ten days from action by the city council,

E. To levy and collect an annual tax upon any property subject to local taxation in such service district to pay, either in whole or in part, the expenses and charges for providing such additional governmental services or facilities in such district and for constructing, maintaining and operating such facilities and equipment as may be necessary and desirable in connection therewith; provided, however, that such annual tax shall not be levied for, or used to pay for schools or general government services, but only for such additional services of government as are not then being offered throughout the entire city, and, provided further, that the proceeds from such annual tax shall be so segregated as to enable the same to be expended in the district in which raised,

F. To authorize the city manager to employ and fix the compensation of any technical, clerical or other force and help from time to time which may be necessary or desirable to provide such additional governmental services in such district or for the construction, operation or maintenance of any such facilities and equipment as may be necessary or desirable in connection therewith, and

G. To negotiate and contract with any person, firm, corporation, or municipality with regard to the connections of any such system or systems with any other system or systems now in operation or hereafter established, and with regard to any other matter necessary and proper for the construction or operation and maintenance of any such system within the district. (1979, c. 430)

Chapter 3 CITY COUNCIL

§ 3.01. COMPOSITION. The council of the consolidated city shall consist of seven members, as established in §§ 3.02 and 3.03 of this charter. (1973, c. 367; 1987, c. 53)

§ 3.02. BOROUGHES. The consolidated city shall be divided into seven boroughs, named and generally described as follows:

(1) Suffolk Borough, the present Suffolk Borough of the city of Suffolk as existing immediately preceding consolidation with such areas added or deleted in order to make its population approximately one-seventh of the population of the consolidated city.

(2) Chuckatuck Borough, the present Chuckatuck Borough of the city of Suffolk as existing immediately preceding consolidation with such areas added or deleted in order to make its population approximately one-seventh of the population of the consolidated city.

(3) Cypress Borough, the present Cypress Borough of the city of Suffolk as existing immediately preceding consolidation with such areas added or deleted in order to make its population approximately one-seventh of the population of the consolidated city.

(4) Holy Neck Borough, the present Holy Neck Borough of the city of Suffolk as existing immediately preceding consolidation with such areas added or deleted in order to make its population approximately one-seventh of the population of the consolidated city.

(5) Sleepy Hole Borough, the present Sleepy Hole Borough of the city of Suffolk as existing immediately preceding consolidation with such areas added or deleted in order

to make its population approximately one-seventh of the population of the consolidated city.

(6) Whaleyville Borough, the present Whaleyville Borough of the city of Suffolk as existing immediately preceding consolidation with such areas added or deleted in order to make its population approximately one-seventh of the population of the consolidated city.

(7) Nansemond Borough, the new borough created by the city council on May 15, 1991, with a population approximately one-seventh of the population of the consolidated city. (1973, c. 367; 1991, Special Session II, c. 3)

§ 3.03. ELECTION OF COUNCIL MEMBERS.--On and after January 1, 2009, the council of the city shall consist of eight members, one to be elected from and by the duly qualified voters of each of the seven boroughs, and a mayor, elected at large.

All council members shall be elected for terms of four years with the Nansemond, Whaleyville and Sleepy Hole Boroughs electing council members on the Tuesday after the first Monday in November 2008, or as soon thereafter as such elections may be held, and the Suffolk, Holy Neck, Chuckatuck and Cypress Boroughs electing council members on the Tuesday after the first Monday in November 2010. All council members elected prior to the Tuesday after the first Monday in November 2008, shall serve out their complete four-year terms. The terms of the three council members scheduled to expire on or the day before July 1, 2008, shall be extended to December 31, 2008, and the terms of the four council members scheduled to expire on or the day before July 1, 2010, shall be extended to December 31, 2010. On and after the effective date of this act, candidates for the office of council member under the provisions of this charter shall be nominated only by petition in the manner prescribed by general law. Elections for the office of council member shall be nonpartisan. (1973, c. 367; 1974, c. 15; 1986, c. 219; 1991, Special Session II, c. 3; 2007, cc. 208, 772)

§ 3.04. FILLING VACANCIES. Except for vacancies in the office of mayor, vacancies in the office of council member, from whatever cause arising, shall be filled within sixty days for the unexpired portion of the term by majority vote of the remaining members of the council, provided that vacancy in the office of council member elected by and from a borough shall be filled by a resident of the same borough.

A vacancy in the office of mayor shall be filled by special election conducted as provided by general law. (1973, c. 367; 2007, c. 208, 772)

§ 3.05. COMPENSATION. Councilmen shall receive as compensation for their services such amounts as the council may determine, as authorized by the general laws of the Commonwealth of Virginia. No member of the council shall be appointed to any office of profit under the city government during the term for which elected and for one year thereafter. (1973, c. 367; 1985, c. 50)

§ 3.06. PROCEDURAL POWERS. The council shall have power, subject to the provisions of this charter, to adopt its own rules of procedure. Such rules shall provide for the time and place of holding regular meetings of the council which shall be not less frequent than twice each month. They shall also provide for the calling of special meetings by the mayor or any two members of the council and shall prescribe the methods of giving notice thereof. A majority of the council shall constitute a quorum for the transaction of business. No ordinance, resolution, motion or vote, other than motions to adjourn, to fix the time and place of adjournment and other motions of a purely

procedural nature, shall be adopted by the council except at a meeting open to the public. (1973, c. 367)

§ 3.07. MAYOR. On the Tuesday after the first Monday in November 2008, and every four years thereafter, an election shall be held to elect the mayor. All persons seeking to have their names appear on the ballot as candidates for mayor must comply with the provisions of Chapter 5 (§ 24.2-500 et seq.) of Title 24.2 of the Code of Virginia, and must file with their declaration of candidacy a petition containing a minimum of 500 signatures of qualified voters of the city, to include at least 50 qualified voters from each of the seven boroughs.

In the election, the person receiving the most votes citywide shall be elected mayor. The term of the mayor shall be four years. Anyone serving as a member of city council may be a candidate for mayor, but no one may simultaneously hold the office of mayor and any other elected position. In the event any member of council during his or her term of office shall decide to be a candidate for the office of mayor, he or she shall be eligible to do so, but shall tender a resignation as a member of council, such resignation to be effective upon the beginning of the term of the elected mayor. Such resignation shall state the council member's intention to run for the office of mayor, shall require no formal acceptance by the remaining members of council, and shall be final and irrevocable as of the date it is tendered.

At its first meeting following the taking of office of council member after a councilmanic election, the council shall choose by majority vote of all the members thereof one of their number to be vice-mayor for the ensuing term of 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. He 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. In the absence or disability of both the mayor and the vice-mayor, the council shall by majority vote of those present choose one of their number to perform the duties of mayor. (1973, c. 367; 2007, cc. 208, 772)

§ 3.08. CLERK. The initial council shall appoint a city clerk who shall serve until July 1, 1974. Thereafter the council shall appoint a city clerk for a four-year term. He shall be clerk of the council and custodian of the corporate seal of the city, and shall be the officer authorized to use and authenticate it. All records in his office shall be public records and open to inspection at any time during regular business hours. He shall receive compensation, to be fixed by the council. All receipts by him shall be paid into the city treasury. He shall keep all papers, documents and records pertaining to the consolidated city, the custody of which is not otherwise provided for. He shall perform such other duties as are required by this charter or by the council by ordinance or resolution. (1973, c. 367)

Chapter 4 CITY MANAGER

§ 4.01. APPOINTMENT AND QUALIFICATIONS. The council shall appoint a city manager who shall be administrative head of the city government. He shall be chosen solely on the basis of his executive and administrative qualifications and shall serve at the pleasure of the council. (1973, c. 367)

§ 4.02. POWERS AND DUTIES. The city manager shall have the power and it shall be his duty:

(a) To appoint all officers and employees of the city and to remove such officers and employees, except as he may delegate such powers to appoint and remove to his subordinates and except as otherwise provided in this charter.

(b) To perform such other duties and to exercise such other powers as may be imposed or conferred upon him by the council.

(c) To perform such other duties and to exercise such other powers as are vested in city managers by Title 15.2 of the Code of Virginia and amendments thereto and as may be assigned by the council. (1973, c. 367; 1987, c. 53)

§ 4.03. COUNCIL NOT TO INTERFERE IN APPOINTMENTS OR REMOVALS. Neither the council nor any of its members shall direct the appointment of any person to or his removal from any office or employment by the city manager or by his subordinates. (1973, c. 367)

Chapter 5 BUDGET

§ 5.01. FISCAL YEAR. The fiscal year of the city shall begin on the first day of July and shall end on the last day of June of each calendar year. Such fiscal year shall also constitute the budget and accounting year. (1973, c. 367)

§ 5.02. SUBMISSION OF BUDGET. The city manager shall submit to the council a budget and a budget message at least sixty days prior to the beginning of each budget year. (1973, c. 367)

§ 5.03. PREPARATION OF BUDGET. It shall be the duty of the head of each department, the judges of the courts not of record, each board or commission, including the school board, and each other office or agency supported in whole or in part by the city, to file at such time as the city manager may prescribe estimates of revenue and expenditure for that department, court, board, commission, office or agency for the ensuing fiscal year. The city manager shall hold such hearings as he may deem advisable and shall review the estimates and other data pertinent to the preparation of the budget and make such revisions in such estimates as he may deem proper, subject to the laws of the Commonwealth relating to obligatory expenditures for any purpose, except that in the case of the school board he may recommend a revision only in its total estimated expenditure. The budget shall be prepared in accordance with accepted principles of municipal accounting and budgetary procedures and techniques. (1973, c. 367)

§ 5.04. BALANCED BUDGET. In no event shall the expenditures recommended by the city manager in the budget exceed the receipts estimated, taking into account the estimated cash surplus or deficit at the end of the current fiscal year, unless the city manager shall recommend an increase in the rate of ad valorem taxes on real estate and tangible personal property or other new or increased taxes or licenses within the power of the city to levy and collect in the ensuing fiscal year, the receipts from which estimated on the basis of the average experience with the same or similar taxes during the three tax years last past will make up the difference. If estimated receipts exceed estimated expenditures, the city manager may recommend revisions in the tax and license ordinances of the city in order to bring the budget into balance. (1973, c. 367)

§ 5.05. BUDGET MESSAGE. The budget message shall contain the recommendations of the city manager concerning the fiscal policy of the city, a

description of the important features of the budget and an explanation of all significant changes in the budget as to estimated receipts and recommended expenditures as compared with the current and last preceding fiscal years. (1973, c. 367)

§ 5.06. APPROPRIATION AND ADDITIONAL TAX ORDINANCES. At the same time that he submits the budget, the city manager shall introduce and recommend to the council an appropriation ordinance which shall be based on the budget. He shall also introduce at the same time any ordinances levying a new tax or altering the rate on any existing tax necessary to balance the budget as provided in § 5.04 of this charter. In levying taxes, the council may provide that any tax so levied shall continue from year to year unless otherwise changed by the council. (1973, c. 367)

§ 5.07. PUBLIC HEARING. The council shall hold a public hearing on the budget as submitted, at which all interested persons shall be given an opportunity to be heard. The council shall cause to be published a notice of the time and place of the hearing not less than seven days prior to the date of the hearing. One copy of the budget and budget message shall always be available for public inspection in the office of the city clerk during regular business hours. (1973, c. 367)

§ 5.08. ADOPTION OF BUDGET. After the public hearing, the council may make such changes in the budget as it may determine, except that no item of expenditure for debt service shall be reduced or omitted. The budget shall be adopted by the vote of at least a majority of all members of the council not later than the end of the current fiscal year. Should the council take no action prior to such day, the budget shall be deemed to have been finally adopted as submitted. In no event shall the council adopt a budget in which the estimated total of expenditures exceeds receipts, unless at the same time it adopts measures to provide additional revenue estimated to be sufficient to make up the difference. (1973, c. 367)

§ 5.09. ADDITIONAL APPROPRIATIONS. Appropriations in addition to those contained in the general appropriation ordinance may be made by the council only if there is available in the general fund an unencumbered and unappropriated sum sufficient to meet such appropriations. (1973, c. 367)

§ 5.10. LAPSE OF APPROPRIATIONS. All appropriations shall lapse at the end of the budget year to the extent that they shall not have been expended or lawfully obligated or encumbered. (1987, c. 53)

Chapter 6 BORROWING

§ 6.01. BORROWING POWER. The council may, in the name of and for the use of the city, incur indebtedness by issuing its negotiable bonds or notes for the purposes, in the manner and to the extent provided in this chapter. (1973, c. 367)

§ 6.02. PURPOSES FOR WHICH BONDS OR NOTES MAY BE ISSUED.
Bonds or notes of the city may be issued for the following purposes:

(a) To finance capital projects. Bonds, and notes in anticipation of bonds when the issue of bonds has been authorized as hereinafter provided, may be issued for the purpose of financing the whole or any part of the cost of any capital improvement project.

(b) To anticipate the collection of taxes and revenues. Notes may be issued, when authorized by the council, at any time during the fiscal year in anticipation of the collection of taxes and revenues of such year.

(c) To refund outstanding bonds or notes. Bonds or notes may be issued for the purpose of refunding existing bonds or notes, provided that the director of finance shall certify in writing that such refunding is necessary to prevent default on the interest or principal of the city's outstanding bonds or notes, to secure a lower rate of interest or to relieve the city from covenants which have become burdensome. (1973, c. 367; 1987, c. 53)

§ 6.03. LIMITATIONS ON INDEBTEDNESS. In the issuance of bonds and notes the city shall be subject to the limitations as to amount contained in the Constitution of Virginia. (1973, c. 367)

§ 6.04. FORM OF BONDS. Bonds and notes of the city shall be issued in the manner provided by general law. (1973, c. 367)

§ 6.05. AUTHORITY FOR ISSUANCE OF BONDS. The council may, by a recorded affirmative vote of five-sevenths of all members elected thereto, from time to time borrow money and issue and sell bonds or notes of the city for the needs, uses and purposes of the city, or for the purchase and acquisition of land or other property for public school purposes or for school buildings and the equipment thereof, or for any other purpose or purposes now or hereafter authorized by general law, provided that on and after January 1, 1980, no bonds or notes of the city shall be issued which together with existing indebtedness of the city, as determined in the manner set forth in Section 10(a) of Article VII of the Constitution of Virginia, exceeds seven percent of the assessed valuation of the real estate in the city subject to taxation, as shown by the last preceding assessment of taxes, until their issuance shall have been authorized by a majority of the qualified voters of the city voting on the question at an election held for the purpose in the manner provided by general law.

The council may, in its discretion, issue revenue bonds and notes made payable from the revenues and receipts of revenue producing undertakings, and the council may commit the full faith and credit of the city thereto; whether any such bonds or notes shall be subject to the debt limitation set forth in the first paragraph of this section shall be determined in the manner set forth in Section 10(a) of Article VII of the Constitution of Virginia.

All bonds or notes issued under this chapter shall be authorized by ordinance of the council and shall bear the date or dates and mature at the time or times that the ordinance provides, except that no bond or note shall mature more than fifty years from the date of issue. The bonds or notes may be in the denominations, be executed in the manner, be payable in the medium of payment, be payable at the place or places and at the time or times, and be subject to redemption or repurchase and contain such other provisions as may be determined by the council before their issuance. The bonds or notes may bear interest payable at such time or times and at such rate or rates as determined by the council or as determined in such manner as the council may provide, including the determination by agents designated by the council under guidelines established by it. The ordinance authorizing the issuance of bonds or notes may provide for such sources of payment, sinking funds and security for the payment of the bonds or the notes as the council may determine. Bonds or notes may be sold by the council at public or private sale at the prices that the council determines and approves. (1973, c. 367; 1979, c. 430; 1982, c. 149; 1987, c. 53)

§ 6.06. PAYMENT OF BONDS AND NOTES. The power and obligation of the city to pay any and all bonds and notes issued pursuant to this chapter, except revenue bonds made payable solely from revenues and receipts of revenue producing undertakings, shall be unlimited and the city shall levy ad valorem taxes upon all taxable property within the city for the payment of such bonds or notes and the interest thereon, without limitation as to rate or amount. The full faith and credit of the consolidated city are hereby pledged for the payment of the principal of and interest on all bonds and notes of the consolidated city hereafter issued pursuant to this chapter, except revenue bonds made payable solely from revenues and receipts of revenue producing undertakings, whether or not such pledge be stated in the bonds or notes or in the bond ordinance authorizing their issuance. (1973, c. 367; 1982, c. 149)

Chapter 7

ADMINISTRATIVE DEPARTMENTS

§ 7.01. CREATION OF DEPARTMENTS. The council may create new departments or subdivisions thereof, combine or abolish departments and distribute the functions thereof or establish departments for special work. (1973, c. 367; 1987, c. 53)

§ 7.02. DEPARTMENT HEADS. There shall be a director at the head of each department, and the same person may be the director of several departments. The director of each department, except the departments of law and education, shall be appointed by the city manager and may be removed by him at any time provided, however, that the council may designate the city manager or assistant city manager to be director of one or more departments. The director of each department shall be chosen on the basis of his general executive and administrative ability and experience and his education, training and experience in the class of work which he is to administer. (1973, c. 367)

§ 7.03. RESPONSIBLE TO CITY MANAGER. The directors of each department, except the departments of law and education, shall be immediately responsible to the city manager or assistant city manager for the administration of their respective departments, and their advice may be required by him on all matters affecting their departments. They shall make reports and recommendations concerning their departments to the city manager under such rules and regulations as he may prescribe. (1973, c. 367)

Chapter 8

FINANCIAL ADMINISTRATION

§ 8.01. DEPARTMENT OF FINANCE. The department of finance shall consist of a director of finance and such other officers and employees organized into such bureaus, divisions and other units as may be provided by the council or by the director consistent therewith. (1973, c. 367; 1987, c. 53)

§ 8.02. DIRECTOR OF FINANCE. The head of the department of finance shall be the director of finance who shall be a person skilled in municipal accounting and financial control. He shall have charge of the financial affairs of the city, including such powers and duties as may be assigned by the council not inconsistent with the Constitution and general laws of the Commonwealth. (1973, c. 367)

§ 8.03. CITY TREASURER. The city treasurer shall collect and receive all city taxes and other revenues or moneys accruing to the city, except such as the council may by ordinance make it the duty of some other person to collect, and he shall have such powers and duties as are provided by general law. He shall perform such other duties as

may be assigned by the director of finance or the council not inconsistent with the laws of the Commonwealth. (1973, c. 367; 1987, c. 53)

§ 8.04. CITY COLLECTOR. The council may direct the city manager to appoint a city collector who shall have such powers and duties as the council may provide. (1973, c. 367)

§ 8.05. COMMISSIONER OF REVENUE. The commissioner of revenue shall perform all duties required by statute and perform such duties not inconsistent with the laws of the Commonwealth in relation to the assessment of property and licenses as may be assigned by the director of finance or the council. (1973, c. 367)

§ 8.06. ANNUAL ASSESSMENT OF REAL ESTATE. The council may, in lieu of the methods prescribed by general 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 appoint one or more assessors within the city and prescribe their duties and terms of office. Such assessors shall make assessments and reassessments on the same basis as real estate is required to be assessed under the provisions of general law and as of the first day of January of each year, shall have the same authority as the assessors appointed under the provisions of general law, and shall be charged with duties similar to those thereby imposed upon such assessors, except that such assessments or reassessments shall be made annually and the assessments and reassessments so made shall have the same effect as if they had been made by assessors appointed under the provisions of general law. The council shall appoint a board of equalization of real estate assessments to be composed of three members who shall be freeholders of the city. The initial terms of the members of the board shall be for one, two and three years with subsequent appointments for terms of three years. Such board of equalization shall have and may exercise the powers to revise, correct and amend any assessment of real estate and to that end shall have all powers conferred upon boards of equalization by general law. The provisions of general law notwithstanding, however, the board of equalization may adopt any regulations providing for the oral presentation, with formal petitions or other pleadings or requests for review, and looking to the further facilitation and simplification of proceedings before the board. This section shall not apply to assessments of any real estate assessable by the State Corporation Commission. (1973, c. 367)

§ 8.07. (1973, c. 367; repealed, 1987, c. 53)

§ 8.08. ANNUAL AUDIT. The council shall cause to be made an independent audit of the city's finances at the end of each fiscal year by the auditor of public accounts of the Commonwealth or by a firm of independent certified public accountants to be selected by the council. One copy of the report of such audit shall be always available for public inspection in the office of the city clerk during regular business hours. (1973, c. 367)

Chapter 9

DEPARTMENT OF LAW

§ 9.01. DEPARTMENT OF LAW. The department of law shall consist of the city attorney and such deputy and assistant city attorneys and other employees as may be provided by the council. (1973, c. 367; 1987, c. 53)

§ 9.02. CITY ATTORNEY. The head of the department of law shall be the city attorney. The city attorney shall be an attorney at law licensed to practice law in the

Commonwealth. The council shall appoint a city attorney who shall serve at the pleasure of council. (1973, c. 367; 1987, c. 53; 1991, c. 394)

§ 9.03. POWERS AND DUTIES. The city attorney shall be the chief legal advisor of the council, the city manager and all departments, boards, commissions and agencies of the city in all matters affecting the interests of the city. The department of law shall represent the city in all civil proceedings, and shall institute and defend all legal proceedings which it shall deem necessary and proper to protect the interests of the city. The department of law may prosecute any violations of the city code. The department of law shall have such other powers and duties as may be assigned by the council. (1973, c. 367; 1987, c. 53)

§ 9.04. (1973, c. 367; repealed, 1987, c. 53)

Chapter 10

DEPARTMENT OF POLICE

§ 10.01. DEPARTMENT OF POLICE. The department of police shall consist of a chief of police and such other officers and employees as may be provided by the council. The police department shall be responsible for preservation of the public peace, protection of the rights of persons and property and enforcement of laws of the Commonwealth and ordinances of the city. (1973, c. 367)

§ 10.02. POWERS. The chief of police and the other members of the police force shall have all the powers and duties of police officers as provided by general law. (1973, c. 367)

Chapter 11

DEPARTMENT OF FIRE PROTECTION

§ 11.01. DEPARTMENT OF FIRE PROTECTION. The department of fire protection shall consist of the fire chief and such other officers and employees as may be provided by the council. The department of fire protection shall be responsible for the coordination of the efforts of the fire fighting units in the city for the protection from fire of life and property within the city. (1973, c. 367)

Chapter 12

DEPARTMENT OF PUBLIC UTILITIES

§ 12.01. DEPARTMENT OF PUBLIC UTILITIES. The department of public utilities shall consist of the director of public utilities and such other officers and employees organized into such bureaus, divisions and other units as may be provided by the council or by the orders of the director consistent therewith. (1973, c. 367; 1987, c. 53)

§ 12.02. FUNCTIONS. The department of public utilities shall be responsible for the waterworks system and sewers and sewage disposal, and such other powers and duties as may be assigned by the council. (1973, c. 367; 1987, c. 53)

§ 12.03. DIRECTOR OF PUBLIC UTILITIES. The head of the department of public utilities shall be the director of public utilities. He shall have general management and control of the several bureaus, divisions and other units of the department. (1973, c. 367; 1987, c. 53)

§ 12.04. FINANCING. The department of public utilities shall be self-sustaining in regards to its operating expenses. The general funds of the city may be used, singularly or in conjunction with any other revenue sources available to the city, to fund the cost of

the capital improvements of the department of public utilities, and to include the debt services on bonds or notes, or both, issued to finance the same. (1987, c. 53)

Chapter 13

DEPARTMENT OF PUBLIC HEALTH

§ 13.01. DEPARTMENT OF PUBLIC HEALTH. The department of public health shall consist of the director of public health and such other officers and employees organized into such bureaus, divisions and other units as may be provided by the council or by the orders of the director consistent therewith. (1973, c. 367)

§ 13.02. FUNCTIONS. The department of public health shall be responsible for the exercise of all health functions imposed on municipalities by general law and such other powers and duties as may be assigned by the council. (1973, c. 367)

§ 13.03. DIRECTOR OF PUBLIC HEALTH. The head of the department of public health shall be the director of public health. He shall have general management and control of the several bureaus, divisions and other units of the department. He shall have all the powers and duties with respect to the preservation of the public health which are conferred or imposed on municipal boards of health and health officers by the laws of the Commonwealth. (1973, c. 367)

Chapter 14

DEPARTMENT OF SOCIAL SERVICES

§ 14.01. DEPARTMENT OF SOCIAL SERVICES. The department of social services shall consist of the director of social services and such officers and employees organized in such bureaus, divisions and other units as may be provided by the council or by the orders of the director consistent therewith. (1973, c. 367)

§ 14.02. FUNCTIONS. The department of social services shall be responsible for the duties imposed by the laws of the Commonwealth of Virginia relating to public assistance and relief of the poor and such other powers and duties as may be assigned by the council. (1973, c. 367)

§ 14.03. DIRECTOR OF SOCIAL SERVICES. The head of the department of social services shall be the director of social services. He shall have general management and control of the several bureaus, divisions and other units of the department. (1973, c. 367)

Chapter 15

DEPARTMENT OF FARM AND HOME DEMONSTRATION

§ 15.01. DEPARTMENT OF FARM AND HOME DEMONSTRATION. The department of farm and home demonstration shall consist of an agricultural agent, a home demonstration agent and such other officers and employees organized into such bureaus, divisions and other units as may be provided by the council or by the orders of the director consistent therewith. (1973, c. 367)

§ 15.02. FUNCTIONS. The department of farm and home demonstration shall exercise all powers which are conferred upon counties relating to county farm and home demonstration work and shall have such other powers and duties as may be assigned by the council. (1973, c. 367)

§15.03. DIRECTOR OF FARM AND HOME DEMONSTRATION. The director of the department of farm and home demonstration shall be the agricultural agent. He shall be selected from a list of eligibles submitted by the Virginia Polytechnic Institute

and State University. He shall have general management and control of the several bureaus, divisions and other units of the department. (1973, c. 367)

Chapter 16

DEPARTMENT OF EDUCATION

§ 16.01. DEPARTMENT OF EDUCATION. The department of education shall consist of the city school board, the division superintendent of schools and the officers and employees thereof. Except as otherwise provided in this charter, the city school board and the division superintendent of schools shall exercise all the powers conferred and perform all the duties imposed upon them by general law.

Accounting for the department of education shall be consolidated with the accounting for the city and be performed by the department of finance of the city. (1973, c. 367; 1992, c. 251)

§ 16.02. SCHOOL BOARD. On July 1, 1992, and thereafter, the school board shall consist of one member each from the Chuckatuck, Cypress, Holy Neck, Sleepy Hole, Whaleyville, Suffolk and Nansemond Boroughs. The two members of the school board from the Suffolk Borough serving on the board prior to July 1, 1992, shall serve out their terms, and thereafter all members of the school board shall be appointed by council for terms of three years, as required under the procedure established by the general laws of the Commonwealth of Virginia. Vacancies shall be filled by the council for any unexpired term. School board members may be compensated as authorized by the general laws of the Commonwealth of Virginia. (1973, c. 367; 1979, c. 430; 1985, c. 50; 1987, c. 53; 1991, Special Session II, c. 3)

§ 16.03. (1973, c. 367; repealed, 1987, c. 53)

Chapter 17

DEPARTMENT OF PARKS, RECREATION AND COMMUNITY AFFAIRS

§ 17.01. DEPARTMENT OF PARKS, RECREATION AND COMMUNITY AFFAIRS. The department of parks, recreation and community affairs shall consist of the director of parks, recreation and community affairs and such other officers and employees organized into such bureaus, divisions and other units as may be provided by the council or by the orders of the director consistent therewith. (1973, c. 367; 1987, c. 53)

§ 17.02. FUNCTIONS. The department of parks, recreation and community affairs shall be responsible for operating and maintaining public parks, playgrounds and recreations facilities and organizing and conducting recreation programs and shall have such other powers and duties as may be assigned by the council or the city manager. (1973, c. 367; 1987, c. 53)

§ 17.03. DIRECTOR OF PARKS, RECREATION AND COMMUNITY AFFAIRS. The head of the department of parks, recreation and community affairs shall be the director of parks, recreation and community affairs. He shall have general management and control of the several bureaus, divisions and other units of the department. (1973, c. 367; 1987, c. 53)

Chapter 18

CITY PLANNING

§ 18.01. PLANNING COMMISSION. There shall be a city planning commission which shall consist of not less than five nor more than fifteen members, and shall be appointed and organized as provided by general law. (1973, c. 367)

§ 18.02. FUNCTIONS OF PLANNING COMMISSION. The planning commission shall be responsible for making recommendations to the council on all phases of city planning, including a master plan, zoning and subdivision control. It shall have the powers and duties provided by general law and such other powers and duties as may be assigned by the council. (1973, c. 367)

§ 18.03. BOARD OF ZONING APPEALS. There shall be a board of zoning appeals appointed as provided by general law. (1973, c. 367)

§ 18.04. POWERS OF THE BOARD OF ZONING APPEALS. The board of zoning appeals shall have all powers granted to boards of zoning appeals by general law. (1973, c. 367)

Chapter 19

ADMINISTRATION OF JUSTICE

§ 19.01. (1973, c. 367; repealed, 1987, c. 53)

§ 19.02. (1973, c. 367; repealed, 1987, c. 53)

§ 19.03. (1973, c. 367; repealed, 1987, c. 53)

§ 19.04. (1973, c. 367; repealed, 1987, c. 53)

§ 19.05. (1973, c. 367; repealed, 1987, c. 53)

§ 19.06. (1973, c. 367; repealed, 1987, c. 53)

§ 19.07. (1973, c. 367; repealed, 1987, c. 53)

§ 19.08. (1973, c. 367; repealed, 1987, c. 53)

§ 19.09. (1973, c. 367; repealed, 1987, c. 53)

§ 19.10. (1973, c. 367; repealed, 1987, c. 53)

§ 19.11. (1973, c. 367; repealed, 1987, c. 53)

§ 19.12. (1973, c. 367; repealed, 1987, c. 53)

§ 19.13. (1973, c. 367; repealed, 1987, c. 53)

§ 19.14. (1973, c. 367; repealed, 1987, c. 53)

Chapter 19A

DEPARTMENT OF PUBLIC WORKS

§ 19A.01. COMPOSITION. The department of public works shall consist of the director of public works and such other officers and employees organized into such bureaus, divisions and other units as may be provided by the council or by the orders of the director consistent therewith. (1987, c. 53)

§ 19A.02. FUNCTIONS. The department of public works shall be responsible for the construction and maintenance of all public buildings, streets, roads, bridges and drains, for garbage and refuse collection and disposal, and for all other public works, and for the care of all public buildings, and shall have such other powers and duties as may be assigned by the council or city manager. (1987, c. 53)

§ 19A.03. DIRECTOR. The head of the department of public works shall be the director of public works. He shall have general management and control of the several bureaus, divisions and other units of the department. (1987, c. 53)

Chapter 20

INDUSTRIAL DEVELOPMENT AUTHORITY

§ 20.01. (1973, c. 367; repealed, 1987, c. 53)

§ 20.02. POWERS, ETC. The Industrial Development Authority of the city of Suffolk shall have all powers, authority and obligations as are provided by state law and such other duties assigned by the city council not inconsistent therewith. (1973, c. 367)

Chapter 21

MISCELLANEOUS AND TRANSITION PROVISIONS

§ 21.01. ASSETS AND LIABILITIES. Upon the effective date of this charter, all property, real and personal, belonging to the cities of Nansemond and Suffolk shall be vested in and owned by the consolidated city of Suffolk, and any and all debts due the cities of Nansemond and Suffolk shall become due to the consolidated city of Suffolk. The consolidated city of Suffolk shall assume the payment of all the then outstanding indebtedness, bonded or otherwise, including interest thereon, and all of the then existing contracts and any other obligation of the cities of Nansemond and Suffolk, in the same manner and to the same extent as if they were originally issued, made, entered into or arose directly by or with the consolidated city of Suffolk. (1973, c. 367)

§ 21.02. ELECTION OF CONSTITUTIONAL OFFICERS. The offices of the clerk of the circuit court, attorney for the Commonwealth, commissioner of revenue, city treasurer and city sheriff shall be elective and shall be filled in accordance with the provisions of the Constitution and, except as otherwise provided in this charter, in accordance with general law. (1973, c. 367; 1987, c. 53)

§ 21.03. POWERS AND DUTIES OF CONSTITUTIONAL OFFICERS. The clerk of the court of record, attorney for the Commonwealth, commissioner of revenue, city treasurer and sheriff shall have such powers and perform such duties as are provided by the Constitution of the Commonwealth, and, except as otherwise provided in this charter, as are provided by the provisions of general law for cities of the first class. (1973, c. 367)

§ 21.04. APPOINTMENT BY COURTS. All appointments required by this charter or by general laws to be made by a court, judge or judges shall be made by the senior judge of the court of record. (1973, c. 367)

§ 21.05. ORDINANCES CONTINUED IN EFFECT. All ordinances, rules, regulations and orders legally made by the city of Nansemond and the city of Suffolk in force immediately preceding the effective date of this charter, insofar as they or any portion thereof are not inconsistent herewith or with the consolidation agreement between the city of Nansemond and the city of Suffolk, shall remain in full force and effect within the same area to which they were applicable immediately preceding the effective date of this charter until amended or repealed in accordance with the provisions of this charter or general law. (1973, c. 367)

§ 21.06. (1973, c. 367; repealed, 1987, c. 53)

§ 21.07. (1973, c. 367; repealed, 1987, c. 53)

§ 21.08. HOUSING AUTHORITY. All of the ownership, rights, title, interest, powers and obligations of the city of Suffolk relative to or in any manner connected with the Suffolk Redevelopment and Housing Authority shall be vested in, enure to and be assumed by the consolidated city. (1973, c. 367; 1987, c. 53)

§ 21.09. ADVISORY BOARDS AND COMMISSIONS. The council of the consolidated city shall have full authority to establish such advisory boards and commissions as it may deem necessary for the purpose of advising the council and city manager. (1973, c. 367)

§ 21.10. GENDER. A word importing the masculine gender only may extend and be applied to females and to corporations as well as males. (1973, c. 367)

§ 21.11. SAVING CLAUSE. In the event that any portion, section or provision of this charter shall be declared illegal, invalid or unconstitutional by final judgment of any court of competent jurisdiction, such judgment shall not invalidate any other portion, section or provision hereof, but all parts of this charter not expressly held to be invalid shall remain in full force and effect. (1973, c. 367)