HAMPTON, CITY OF.

City of the First Class.
The County of Elizabeth City, City of Hampton and Town of Phoebus,
consolidated into the City of Hampton, effective July 1, 1952,
pursuant to Chapter 583, 1950 Acts of Assembly.

Elizabeth City County, original shire, formed in 1634.
Hampton, town incorporation and charter, 1887, c. 382.
Phoebus incorporation and charter, 1900, c. 96.
Hampton city charter, 1920, c. 230.
Consolidated charter, 1952, Extra Session, c. 9; repealed 1979, c. 167.
Charter, 1979, c. 167.

Amended 1981, c. 366 (§ 3A-1 through 3A-20 [added])
1981, c. 617 (§§ 3.01, 3.01:1, 3.02, 3.06, 3.08)
1989, c. 125 (§§ 6.10, 7.02)
1990, c. 26 (§ 2.04 [repealed])
1996, c. 311 (§ 3.08)
2007, c. 240, 244, 275 (§§ 5.01, 6.06).

CHAPTER 1.
INCORPORATION & BOUNDARIES.

§ 1.01. Incorporation.

The inhabitants of the territory comprised within the limits of the former city of Hampton and the county of Elizabeth City, including the former town of Phoebus, as the same now are or may hereafter be established by law, are hereby declared to be a body politic and corporate under the name of the city of Hampton 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, renew, or amend at its pleasure. (1979, c. 167)

§ 1.02. Boundaries.

The boundaries of the city of Hampton as herein provided shall coincide and be coextensive with the boundaries of the former city of Hampton and Elizabeth City County, including the boundaries of the former town of Phoebus, as they existed immediately preceding incorporation, namely midnight June 30, 1952, including any property owned by the United States of America within said area. There shall also be included in the boundaries of the city all wharves, docks, and other structures of every description that have been or may hereafter be erected along the waterfront of the city, and any contiguous territory heretofore or hereafter ceded to the Commonwealth of Virginia by any government or agency thereof. (1979, c. 167)

CHAPTER 2.
POWERS.

§ 2.01. General grant of powers.

The city shall have and may exercise all powers which are now or may hereafter be conferred upon or delegated to cities 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 said Constitution and laws and which in the opinion of the council are necessary or desirable to promote the general welfare of

the city and the safety, health, peace, good order, comfort, convenience, and morals of its inhabitants, as fully and completely as though such powers were specifically enumerated in this charter, and no enumeration of particular powers in this charter shall be held to be exclusive but shall be held to be in addition to this general grant of powers.

A. The city shall have the power and authority for making and improving the walkways upon then existing streets, and improving and paving then existing alleys, and for either the construction, or for the use of sewers, the council shall have the power to impose a tax or assessment upon the land abutting such improvements, or abutting the street along, or within which such improvements are constructed. But such assessment shall not be in excess of the peculiar benefits resulting to the land from such improvements.

B. The method of establishing such assessment, including provision for the determination of the amount thereof, notice, hearing, judicial review, and creation and enforcement of the lien thereof, may be determined by ordinance.

C. The city is hereby authorized and empowered in addition to the other powers granted by this charter, to adopt ordinances paralleling State statutes prohibiting misdemeanors and may provide for forfeiture proceedings which may be instituted in the name of the said city and the procedure shall be mutatis mutandis, the same as is prescribed for forfeiture proceedings by the Commonwealth.

D. The city is hereby authorized to acquire by condemnation proceedings land, buildings, structures, and personal property or any interest, right, easement, or estate therein of any person or corporation whenever, in the opinion of the council, a public necessity exists therefor, which shall be expressed in the ordinance directing such acquisition. The city shall have the same powers as to condemnation as are provided in Title 25 of the Code of Virginia. As to property desired for streets, water, sewer or utility pipes or lines or related facilities, the city shall have the same powers as to condemnation as are provided in Article 7 of Chapter 1 of Title 33.1. In case of any property owned by a corporation bearing the powers of eminent domain, the provisions of § 25-233 of the Code of Virginia hall be complied with.

E. The powers set forth in §§ 15.1-841 through 15.1-907, both inclusive, of Chapter 18 of Title 15.1 of the Code of Virginia are hereby conferred on and vested in the city of Hampton, except that § 15.1-896 shall not be applicable to the powers herein granted. (1979, c. 167)

§ 2.02. Financial powers.

In addition to the powers granted by other sections of this charter, the city shall have the power:

A. To raise annually by taxes and assessments in the city such sums of money as the council shall deem necessary to pay the debts and defray the expenses of the city, in such manner as the council shall deem expedient; provided that such taxes and assessments are not prohibited by the laws of the Commonwealth. In addition to, but not as a limitation upon, this general grant of power, insofar as not prohibited by general law, the city shall have power to levy and collect ad valorem taxes on real estate and tangible personal property and machinery and tools; to levy and collect taxes for admission to or other charge for any public amusement, entertainment, performance, exhibition, sport, or athletic event in the city, which taxes may be added to and collected with the price of such admission or other charge; to levy on and collect taxes upon the purchase of meals

at restaurants, which taxes may be added to and collected with the price of such meals; to levy on and collect taxes from purchasers of any public utility service, which taxes may be added to and collected with the bills rendered purchasers of such service; to establish, classify, impose, and enforce sewerage rates, garbage collection rates, and water rates, or other services, products, or conveniences, operated, rendered, or furnished by the city; to require licenses for the conduct of any business or profession and to require licenses of owners of vehicles of all kinds for the privilege of using the streets, alleys, and other public places in the city, require taxes to be paid on such licenses and prohibit the use of streets, alleys, and other public places in the city without such license, and to require licenses of operators of trailer camps or sites in said city.

B. To make appropriations, subject to the limitation imposed by this charter, for the support and operation of the city government and any other purposes authorized by this charter and not prohibited by the laws of the Commonwealth. (1979, c. 167)

§ 2.03. Construction of powers.

The powers which are now or may hereafter be conferred upon or delegated to the city under the Constitution and laws of the Commonwealth and this charter shall be liberally construed when such powers are exercised by the city and in case of doubt as to the existence of a power such doubt shall be resolved in favor of the city. (1979, c. 167)

§ 2.04. (1979, c. 167; repealed 1990, c. 26)

§ 2.05. Vacation of streets, alleys, and easements by agreement of abutting landowners.

Notwithstanding any other provisions of law to the contrary, and in addition to any other methods provided by law, any street, alley, or easement, or part thereof, shown on a plat of subdivision or other plat, heretofore or hereafter recorded, may be vacated by all owners of properties abutting such street, alley, or easement, or part thereof, to be vacated, by instrument in writing signed by all owners of properties abutting such street, alley, or easement, or part thereof, to be vacated, approved by the city council, acknowledged in the manner of a deed, and filed for record in the clerk's office of the circuit court. In the case of an alley separating lots or parcels of land within any block bounded by one or more streets, it shall be presumed that only property owners within such block and whose properties abut the alley have any rights or privileges therein. In the case of a street, it shall be presumed that only property owners within the area of land shown on such plat and reasonably needing to use such street as a means of ingress and egress to and from their properties have any rights or privileges therein. As used in this section, the word "street" shall include any road, avenue, drive, or parkway; and the word "owners" shall include lien creditors; and as used in this section, the word "easement" shall include drainage easements, sewer easements, and other easements of a public nature, not constituting a street, alley, or passageway. (1979, c. 167)

§ 2.06. Land development and site plan.

In order to provide for the orderly and proper development of land within the city of Hampton and to protect the public safety, health, and welfare, the city council shall have the power to adopt by ordinance regulations and restrictions relative to the development of land, except detached dwellings located on a single lot and designed for or intended to be occupied by one family. Such regulations and restrictions may prescribe standards and requirements which provide for, but shall not be limited to, the following: Access for fire, police, emergency, and service vehicles; width, grade,

elevation, location, alignment, and arrangement of streets and sidewalks with relation to existing streets and sidewalks, planned streets and sidewalks, and the master plan; easements for public utilities; facilities for off-street parking; laying out, construction, and improving streets, alleys, and sidewalks; access to adjacent land and to existing or proposed streets; water mains for servicing fire hydrants; disposition of storm water; disposition of sewage and waste; control of flooding through site elevation or otherwise; control of slippage, shifting, erosion, accretion and subsidence of soil; dedication of public streets, alleys, sidewalks, curbs, gutters, sewers, drains, and other public improvements; protection to other land, structures, person, and property; guarantee of payment by the development of all costs or a proportionate share of costs for public streets, alleys, sidewalks, curbs, gutters, sewers, and drains; the submission and approval of site plans and plats prior to development of land; and procedures, enforcement, and penalties for violation of any such ordinance or ordinances. The procedures may include but shall not be limited to authorizing the director of public works or other designated officer to consider the site plans and plats in light of the regulations and restrictions applicable hereto and approve or disapprove site plans and plats in accordance therewith and may include the requirement of dedication of necessary public streets and easements in accordance with the master plan for said city. The provisions of this section shall in nowise repeal, amend, impair, or affect any other power, right, or privilege conferred by this charter or any other provisions of general law. (1979, c. 167)

§ 2.07. Construction and operation of sports and recreational facilities.

The city shall have the power to acquire land for, construct and operate auditoriums, coliseums, convention centers, arenas, stadiums, parks, zoos and museums, and other sports and recreational facilities as the council shall deem appropriate. The city council shall have the power to provide by ordinance for the establishment of a department within the city government to manage and operate such facilities, which said department may have a department head but shall be under the supervision of the city manager. The council shall have the power to provide by ordinance for the control and regulation of such facilities and to delegate to such department or department head as may be established the powers and duties of maintaining, leasing, operating, and managing such facilities. (1979, c. 167)

CHAPTER 3.
CITY COUNCIL.

§ 3.01. Composition; election and terms.

The council shall consist of seven members, a mayor and six councilmen, who shall be elected at large from the qualified voters of the city. There shall be a general municipal election on the first Tuesday in May of each even-numbered year. In May of 1986 there shall be elected three councilmen, and in May of 1988 there shall be elected three councilmen and thereafter their respective successors shall be elected every four years. In the May, 1984 municipal election and every four years thereafter there shall be elected at large from the voters of the city a mayor. The members shall take office on July one of the year in which their election takes place and shall qualify in the manner prescribed by general law, and remain in office until their successors have qualified.

Provided, however, that in the municipal election held in May, 1982, there shall be elected two councilmen to serve four-year terms and a mayor to serve a two-year term and in the municipal election held in May, 1984, there shall be elected four councilmen

with the councilman receiving the smallest vote among the four elected serving a two-year term and the remaining three councilmen serving four-year terms; in such year a mayor shall be elected as hereinabove provided.

The council shall be a continuing body, and no measure pending before it shall abate or be discontinued by reason of the expiration of the term of office or the removal of the members of the body or any of them. (1979, c. 167; 1981, c. 617)

§ 3.01:1. Nomination of candidates for mayor and council.

Candidates for the office of mayor and council shall be qualified voters of the city and shall file their notice of candidacy and be nominated only by petition in the manner prescribed by general law. (1979, c. 167; 1981, c. 617)

§ 3.02. Vacancies in office of mayor and councilmen.

Vacancies in the office of mayor and councilmen from whatever cause arising shall be filled by a majority vote of the remaining members of the council, or if the council shall fail to act within sixty days of the occurrence of the vacancy, by appointment of a majority of the judges of the circuit court of the city of Hampton, Virginia. The person so appointed to fill the vacancy shall hold office until the qualified voters shall fill the same by election and the person so elected shall have qualified. Such election shall be held and conducted in accordance with the general laws of the Commonwealth relating to the filling of vacancies in the office of mayor and city councilmen. (1979, c. 167; 1981, c. 617)

§ 3.03. Compensation of councilmen.

Councilmen shall receive the sum of four hundred dollars per month as compensation for their services. The mayor shall receive five hundred dollars per month. Provided, however, that after July 1, 1980, the mayor shall receive seven hundred and fifty dollars per month.

No member of the council shall during the term for which he was elected or for one year thereafter be appointed to any office of profit under the government of the city. However, this provision shall not apply to persons whose term of office on council has expired and who have been appointed to boards, committees, commissions, or authorities appointed by the council, nor to boards, committees, commissions, or authorities appointed by council where there is statutory authority for a member of council to serve thereon during his term of office. (1979, c. 167)

§ 3.04. Rules of procedure.

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 frequently than once in each month. They shall also provide for the calling of special meetings by the mayor, the city manager, or any three members of the council, and shall prescribe the method of giving notice thereof, provided that the notice of each special meeting shall contain a statement of the specific item or items of business to be transacted and no other business shall be transacted at such meeting except by unanimous consent of all the members of the council. A majority of the members of the council shall constitute a quorum for the transaction of business. (1979, c. 167)

§ 3.05. Voting.

No ordinance, resolution, motion, or vote shall be adopted by the council except at a meeting open to the public and, except motions to adjourn, to fix the time and place

of adjournment, and other motions of a purely procedural nature, unless it shall have received the affirmative vote of at least four members. All voting except on procedural motions shall be by roll call and the ayes and noes shall be recorded in the journal. (1979, c. 167)

§ 3.06. Meeting of council, mayor and vice-mayor.

At the first meeting of the council immediately following the taking of office of councilmen after a general councilmanic election, the council shall select by majority vote of all the members thereof one of their number to be vice-mayor for a two-year term. The first meeting of a newly elected council shall take place in such meeting place as the council shall select at 12:00 noon on the first day of July following their election, or if such day shall fall on Sunday, then on the following Monday. The clerk of the circuit court shall administer the oath of office to the duly elected officers. In the absence of the clerk the oath may be administered by any deputy clerk designated by the clerk.

The mayor shall preside over the meetings of council and shall have the same right to vote and speak therein as other members. 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, in the absence or disability of the mayor, shall 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. (1979, c. 167; 1981, c. 617)

§ 3.07. Clerk to the council.

The council shall appoint a clerk to the council for an indefinite term. He shall keep the journal of the council's proceedings and shall record all ordinances in a book kept for that purpose and shall record same in the clerk's office of the circuit court of the city of Hampton. He shall be the custodian of the corporate seal of the city and shall be the officer authorized to use and authenticate it. He shall receive such compensation as clerk to the council as may be determined by the council. (1979, c. 167)

§ 3.08. Powers of city council.

All powers of the city of Hampton as a body politic and corporate shall be vested in the council except as otherwise provided in this charter. The council shall be the policy-determining body of the city and shall be vested with all the rights and powers conferred on councils in cities of the first class, not inconsistent with this charter. In addition to the foregoing, the council shall have the following powers:

A. To have full power to inquire into the official conduct of any office or officer under its control, and to investigate the accounts, receipts, disbursements, and expenses of any city officer; for these purposes it may subpoena witnesses, administer oaths, and require the production of books, papers, and other evidence; and in case any witness fails or refuses to obey any such lawful order of the council, he shall be deemed guilty of a Class 1 misdemeanor.

B. To provide for the performance of all the governmental functions of the city and to that end to provide for and set up all departments and agencies of government that shall be necessary. Whenever it is not designated in this charter what officer or employee of the city shall exercise any power or perform any duty conferred upon or required of the city, or any officer thereof, by general law, then any such power shall be exercised or duly performed by that officer or employee of the city so designated by ordinance or resolution of the council. Any activity which is not assigned by the provisions of this

charter to specific departments or agencies of the city government shall, upon recommendation of the city manager, be assigned by the council to the appropriate department or agency. Notwithstanding any other provisions of this charter, the council may, upon recommendation of the city manager, create, abolish, reassign, transfer, or combine any city functions, activities, or departments by ordinance.

C. After the close of each fiscal year the council shall cause to be made an independent audit of the accounts, books, records, and financial transactions of the city by the auditor of public accounts of the Commonwealth or by a firm of independent certified public accountants to be selected by the council. The report of such audit shall be filed within such time as the council shall specify and one copy thereof shall be always available for public inspection in the office of the clerk to the council during regular business hours.

D. Either the council or the city manager may at any time order an examination or audit of the accounts of any officer or department of the city government. Upon the retirement, death, resignation, removal, or expiration of the term of the city manager, director of finance, commissioner of revenue, or city treasurer, the director shall cause an audit and investigation of the accounts of such officer to be made and shall report the results thereof to the city manager and the council. If as a result of any such audit, an officer be found indebted to the city, the council shall proceed forthwith to collect such indebtedness.

E. The council shall by ordinance define and establish a classification plan and fix a schedule of compensation for all city officers and employees other than the constitutional officers, which shall provide uniform compensation for like services.

F. To prescribe the amount and condition of surety bonds to be required of such officers and employees of the city as the council may prescribe.

G. The council may request by resolution that the circuit court for the city order a referendum held on any question set forth in such resolution. The results of the vote on the referendum shall be binding on council and shall be final on the question. The referendum shall be held and the result ascertained in accordance with applicable general law. The council may instead request that a referendum be nonbinding on the council and for advisory purposes only. There shall be no recount of the results of an advisory referendum. (1979, c. 167; 1981, c. 617; 1996, c. 311)

§ 3.09. Redevelopment and Housing Authority.

Notwithstanding any provision of law to the contrary, there shall be seven commissioners of the Hampton Redevelopment and Housing Authority.

Commissioners shall hold their offices at the pleasure of the council for a term not to exceed four years; provided, however, the council may at any time, and from time to time, adopt an ordinance terminating the term of all the commissioners and designating itself the commissioners of the authority. In that event, notwithstanding the provisions of § 3.11 to the contrary, a council member shall receive no compensation for serving as a commissioner nor shall he continue to serve as a commissioner after he ceases to be a member of council.

The council may at any time repeal such ordinance designating itself the commissioners and appoint residents of the city to serve as the commissioners.

The establishment and organization of the Hampton Redevelopment and Housing Authority heretofore established under the provisions of this charter, together with all

proceedings, acts, and things heretofore undertaken are hereby validated, ratified, and confirmed. (1979, c. 167)

§ 3.10. Compensation of members of any authority.

Notwithstanding any provision of law to the contrary, the council of the city may authorize the compensation of each member of any authority, board, agency, or commission, including the housing authority or planning commission, created by the council of the city of Hampton and existing in the city to be compensated in an amount not to exceed one hundred fifty dollars per month and such amount shall be deemed to be a part of the operating expense of such authority, board, agency, or commission. (1979, c. 167)

§ 3.11. Appointment of civil service employees of federal government to boards, commissions, and authorities.

Notwithstanding any other provision of law to the contrary, civil service employees of the federal government, residing within the city, may be appointed to, and serve on, all boards, commissions, and authorities appointed by the city council. (1979, c. 167)

§ 3.12. Limitation of terms on certain appointments.

No person, except a member of council, officer, or employee of the city, who is to be appointed to a term exceeding one year by the city council shall be eligible to serve more than two complete terms in succession and the portion of an unexpired term occurring by reason of a vacancy. (1979, c. 167)

CHAPTER 3A.
RECALL, INITIATIVE AND REFERENDUM.
RECALL.

§ 3A-1. Procedure.

Any member of the council may be recalled and removed from office by the electors by the following procedure: A petition for the recall for the member or members designated, signed by electors equal in number to at least ten percent of the number of electors who cast their vote at the last preceding regular councilmanic election and containing a statement of factual reasons of not more than two hundred words of the grounds of the recall, shall be filed with the clerk to the council. Within fifteen days of the date such petition was filed the clerk shall have the general registrar of the city certify that the petition has the number of signatures of electors required to meet the above mentioned percentage. If the petition contains the required number of signatures, the clerk shall forthwith notify the member or members sought to be removed, and such member or members may, within ten days after such notice, file with the clerk a defensive statement of not more than two hundred words. The clerk shall, immediately upon the expiration of ten days, cause sufficient printed or typewritten copies of such petition, without the signatures, to be made, and to each of them he shall attach a printed or typewritten copy of such defensive statement or statements, if any such shall have been furnished him within the time provided. He shall preserve the original petition and any defensive statements in his office. He shall cause a copy of such petition with a copy of any defensive statement to be placed in the office of the general registrar of the city, who shall provide facilities for signing the petition and for the proper custody thereof. The clerk shall immediately cause notice to be published in some newspaper of general

circulation in the city, of the place where the copies may be found, and of the time in which the same may be signed.

The petition shall remain on file in the place designated for a period of thirty days, during which time it may be signed by electors of the city, including those who signed the original petition.

At the expiration of said period of thirty days, the clerk shall assemble all of the copies, and shall file the same as one instrument with the clerk of the circuit court of the city, who shall examine the same and ascertain and certify thereon whether the persons whose names are signed thereto are electors of the city, equal in number of twenty-five percent of the number of electors who cast their vote at the last preceding regular councilmanic election; provided, however, the clerk of circuit court shall have the general registrar to certify which names on the petition are electors before certifying any petition himself. The general registrar and the clerk of the circuit court shall make their certifications within fifteen days of the date of filing. If such signatures do amount to such percentage, the clerk of the circuit court of the city shall at once serve notice of that fact upon the member or the members designated in the petition. (1981, c. 366)

§ 3A-2. Recall election.

If the member or members, or any of them, designated in such petition, file with the clerk to the council, within five days after the last mentioned notice from the clerk of the circuit court of the city, his or their written resignation or resignations, the clerk to the council shall at once notify the clerk of the circuit court of the city of that fact, and such resignation or resignations shall be irrevocable, and shall be filed and preserved in the offices of the clerk to the council, and the council shall proceed to fill the vacancy or vacancies, subject to the provisions of § 3.02 of this charter. In the absence of notice from the clerk to the council that such resignation or resignations have been filed, as aforesaid, the clerk of the circuit court of the city shall, upon the expiration of said period of five days, forthwith present to the court the copies with his certificate as to the percentage of electors whose names are signed thereto, and a certificate as to the date of the service of the notice given by him to the member or members designated in the petition, as above provided. And thereupon the court shall forthwith enter an order calling and fixing a date for holding a recall election for the removal of the member or members named in the petition, who have not resigned as aforesaid. Any such election shall be held in accordance with the provisions of § 24.1-165 of the Code of Virginia. (1981, c. 366)

§ 3A-3. Ballots and effect of voting.

The ballots of such recall election shall provide, with respect to each person whose removal is sought, the following question: "Shall (name of person) be removed from the office of councilman by recall?"

In all other respects the election shall be held in accordance with general law.

In any election if the majority of the votes cast on the question of the removal of any member are affirmative, such member shall be deemed removed from office upon the ascertainment and certification of the results of such election as in other special elections, and the vacancy or vacancies caused by such recall shall be filled by the remainder of the council, according to the provisions of § 3.02 of this charter. (1981, c. 366)

§ 3A-4. Effect of resignations pending proceedings for the recall of the whole council.

No proceedings for the recall of all of the members of the council at the same election shall be defeated in whole or in part by the resignation of any of them or all of them, but in any such case upon the resignation of any of them, the remaining members of council or if all members of council resign, then the judges of the circuit court, as provided for in § 3.02 of this charter, shall have the power, and it shall be their duty forthwith, to fill such vacancy or vacancies temporarily until successors are elected, and the proceedings for the recall and the election of successors shall continue and have the same effect as though there had been no resignation. (1981, c. 366)

§ 3A-5. Miscellaneous provisions.

No petition to recall any member shall be filed within one year after he assumes the duties of his office.

The method of removal herein provided shall not be deemed or held exclusive, but is in addition to such other methods as are now or may hereafter be provided by general law. (1981, c. 366)

INITIATIVE.

§ 3A-6. Procedure.

Any proposed ordinance or ordinances, including ordinances for the repeal or amendment of an existing ordinance, may be submitted to the council by petition signed by electors equal in number to ten percent of the number of electors who cast their votes at the last preceding regular councilmanic election. Such petition shall contain the proposed ordinance in full, and shall have appended thereto or written thereon the names and addresses of at least five electors, who shall be officially regarded as filing the petition, and who shall constitute a committee of petitioners for the purposes hereinafter stated. An affidavit signed by the committee of petitioners shall be attached to the petition stating the date the petition was first circulated.

All papers comprising the petition shall be assembled and filed with the clerk of the council, as one instrument, within one hundred twenty days from the date stated in the affidavit that the petition was first circulated. Within fifteen days of the date the petition is filed, the clerk shall have the general registrar of the city certify that the petition has the number of signatures of electors required to meet the above mentioned percentage. After the general registrar has certified that the number of signatures of electors meets the required percentage, the clerk shall submit the petition to the council at its next regular meeting, and provisions shall be made for public hearings upon the proposed ordinance. (1981, c. 366)

§ 3A-7. Petition for election.

The council shall at once proceed to consider such petition and shall take final action thereon within sixty days from the date of the submission thereof. If the council rejects the proposed ordinance, or passes it in a form different from that set forth in the petition, or fails to act finally upon it within the time stated, the committee of the petitioners may require that it be submitted to a vote of the electors in its original form, or that it be submitted to a vote of the electors with any proposed change, addition or amendment, by the following procedure: The committee shall present to the clerk of the circuit court of the city a petition for such election, addressed to the court and signed by electors equal in number to twenty-five percent of the number of electors who cast their votes at the last preceding regular councilmanic election, but in no case signed by less than four thousand electors of the city. The petition shall contain the proposed ordinance

in full in the form in which it is to be submitted to the electors. The petition and all copies thereof shall be filed with the clerk as one instrument. Within fifteen days after the filing thereof the clerk shall examine the same and ascertain and certify thereon whether the persons whose names are signed thereto are electors of the city, equal in number to twenty-five percent of the number of electors who cast their votes at the last preceding regular councilmanic election; provided, however, the clerk of the circuit court shall have the general registrar certify which names on a petition are electors before certifying any petition himself. The general registrar and the clerk of the circuit court shall make their certifications within fifteen days of the date of filing. If it be found that the required number of electors have signed the petition, then the petition, with the certificate of the clerk thereon, shall be presented by the committee to the circuit court of the city, and thereupon the court shall forthwith enter an order calling and fixing a date for holding an election for the purpose of submitting the proposed ordinance to the electors of the city. Any such election shall be in accordance with § 24.1-165 of the Code of Virginia. At least ten days before any such election, the clerk of the court shall cause such proposed ordinance to be published once in one or more newspapers of general circulation in the city. (1981, c. 366)

§ 3A-8. Ballots and effect of voting.

The ballots at such election shall conform to § 24.1-165 of the Code of Virginia. With respect to each ordinance whose adoption, amendment, or repeal is sought, the following question shall be submitted: "Shall the ordinance entitled (title of ordinance) be (either adopted, amended, or repealed, as appropriate)?"

If a majority of the electors voting on such proposed ordinance shall vote in favor thereof, the proposed ordinance, upon the ascertainment and certification of the results of such election as in other special elections, shall become an ordinance of the city. (1981, c. 366)

§ 3A-9. Ordinances adopted by the electors; how amended or repealed.

No ordinance adopted by the vote of electors, as herein provided, shall be repealed or amended, except by vote of the electors; but the circuit court of the city may, on request of the council, by resolution, order that a proposed ordinance repealing or amending any ordinance so adopted be submitted to the electors at any election, or any special municipal election called for some other purpose, provided that the clerk of the court shall cause notice of the proposed submission of such proposed ordinance repealing or amending such ordinance, to be published once in one or more newspapers of the city not less than ten days prior to the election. If an amendment is proposed, the notice shall contain the proposed amendment in full, and the ballot shall be in the same form and the vote shall have the same effect as in the case of an ordinance submitted to election by popular petition. The ballots and effect of voting shall be as provided in § 3A-8 of this charter. (1981, c. 366)

REFERENDUM.

§ 3A-10. Petition for referendum.

If at any time within a thirty-day period following the adoption of an ordinance, a petition, signed by electors equal in number to twenty-five percent of the number of electors who cast their votes at the last preceding regular councilmanic election, but in no case signed by less than four thousand electors of the city, be filed with the clerk to the council, requesting that any such ordinance be repealed, or amended, as stated in the

petition, such ordinance shall not become operative until the steps indicated herein shall have been taken or the time allowed for taking such steps shall have elapsed without action. Such petition shall state therein the names and addresses of at least five electors, who shall be officially regarded as filing the petition, and who shall constitute a committee of petitioners for the purposes hereinafter stated. Referendum petitions shall contain the text of the ordinance or ordinances, the amendment or repeal of which is sought, and shall contain the proposed amendment, if an amendment is demanded. (1981, c. 366)

§ 3A-11. Procedures.

The clerk to the council shall present the petition to the council at its next regular meeting, and thereupon the council shall consider the ordinance. If, within sixty days after filing of such petition, the ordinance is not repealed or amended as requested in such petition, the clerk to the council shall, if so requested by a writing signed by a majority of the committee and presented to the clerk to the council within twenty days after the expiration of sixty days, present to the clerk of the circuit court of the city, the petition and all copies thereof as one instrument together with a copy of the ordinance the repeal or amendment of which is sought. The clerk of the circuit court of the city shall examine the petition and ascertain and certify thereon whether the persons whose names are signed thereto are electors of the city, equal in number to twenty-five percent of the number of electors who cast their votes at the last preceding regular councilmanic election; provided, however, the clerk of the circuit court shall have the general registrar to certify which names on a petition are electors before certifying any petition himself. The general registrar and the clerk of the circuit court shall make their certifications within fifteen days of the date of filing. If such signatures do amount to such percentage, the committee shall present the petition to the circuit court of the city, and thereupon the said court shall forthwith enter an order calling and fixing a date for holding an election for the purpose of submitting the ordinance to the electors of the city. Thereupon the ordinance shall ipso facto be further suspended from going into effect until such election shall have been held and shall then be deemed repealed or amended upon the approval by a majority of those voting thereon. Any such election shall be held in accordance with § 24.1-165 of the Code of Virginia. At least ten days before any such election the clerk of the court shall cause the ordinance to be published once in one or more newspapers of general circulation in the city.

The ballots used when voting upon such ordinance shall conform in all respects to the ballots required for an initiative election under § 3A-8 hereof, and the method of voting in any such election shall be as prescribed in said section.

If in any such election the ordinance so referred or submitted be approved by a majority of the electors voting thereon, the said ordinance shall, upon the ascertainment and certification of the results of such election as in other special elections, go into effect as an ordinance of the city. (1981, c. 366)

§ 3A-12. Conflict of ordinances.

If two or more ordinances adopted or approved at the same election conflict in respect to any of their provisions, such ordinances shall go into effect in respect to such of their provisions as are not in conflict, and the one receiving the highest affirmative vote shall prevail insofar as their provisions conflict. (1981, c. 366)

§ 3A-13. Measures not subject to referendum.

Ordinances passed providing for any work, improvement or repair certified by the city manager to be immediately necessary to protect public safety, public property, health or morals from imminent danger or protect the city from imminent loss or liability, shall not be subject to referendum. The certificate of the city manager in any such case shall be conclusive. Any ordinance adopted to authorize revenue levies shall not be subject to referendum. All other ordinances unless exempted by law shall be subject to referendum. (1981, c. 366)

GENERAL PROVISIONS RELATING TO
INITIATIVE, REFERENDUM AND RECALL.

§ 3A-14. Elections.

All municipal elections shall be conducted and the results canvassed and certified by the regular election officials provided by the general election laws of the State; and, except as otherwise provided by this charter, all such elections shall be governed by the general election laws. (1981, c. 366)

§ 3A-15. Petitions.

All petitions referred to in this charter shall be signed in ink or indelible pencil by the elector in person and not by agent or attorney. Each person signing any such petition shall print opposite his signature his full name and his place of residence by street and number. The signatures to any such petition need not all be appended to one paper, but to each such paper (except in the case of copies of recall petitions, which may not be circulated) there shall be attached an affidavit by the circulator thereof stating that each signature appended thereto is the genuine signature of the person whose name it purports to be and that it was made in the presence of the affiant. All copies of any such petition shall be treated as originals. No such petition shall be deemed invalid by reason of the fact that it is signed by one or more persons who are not electors, but the names of such persons shall not be counted. As used in this charter the terms "elector," "qualified elector," "registered voter," and "qualified voter" are synonymous. (1981, c. 366)

§ 3A-16. Presumptions.

All signatures to any petition referred to in this charter shall be accepted and treated as prima facie genuine. For the purpose of certifying the number of electors whose names are signed to any such petition the clerk of the circuit court of the city shall presume that any person whose name appears thereon is an elector if such person be an elector within the meaning of § 3A-13 hereof. All such petitions substantially complying with the requirements of this charter and certified by the clerk of the circuit court to bear the required number of signatures of electors shall be accepted and treated as prima facie sufficient. (1981, c. 366)

§ 3A-17. Qualifications of persons signing certain petitions.

Any person shall be deemed to be an elector for the purpose of signing any petition referred to in this charter if the name of such person is on the registration books maintained by the general registrar of the city on the date such petition is filed with the appropriate official. (1981, c. 366)

§ 3A-18. Duty of city attorney.

Before any ordinance or amendment proposed by popular petition shall be submitted to the council, it shall first be approved as to form, by the city attorney, whose duty it shall be to draft such proposed ordinance or amendment in proper legal language, and to render such other service to persons desiring to propose such ordinances or

amendments as shall be necessary to make the same proper for consideration by the council. (1981, c. 366)

§ 3A-19. Offenses.

No person shall:

A. Falsely impersonate another in the signing of any nominating petition or petition for the initiative, referendum or recall, or forge any name thereto or deface, destroy, or remove from any of the places designated in this charter, any copy of a petition for recall with intent to interfere with or defeat such recall;

B. Sign any nominating petition or petition for initiative, referendum with knowledge that he is not a qualified voter of the city; or purposely write his name or residence falsely in the signing of any such petition; sign or intentionally permit to be signed any petition for recall at any other place than one of the places hereinbefore designated for the signing of such petitions; employ or pay another or accept employment on the basis of the number of signatures subscribed thereto, for circulating any petition permitted by this charter to be circulated.

Any person violating any of the provisions of this section shall be deemed guilty of a Class 1 misdemeanor.

The foregoing provisions shall not be deemed or held to be exclusive of, but in addition to, all laws of the State prescribing penalties for the same offenses, or for other offenses relating to the same matter. (1981, c. 366)

§ 3A-20. Compensation of clerk of the circuit court.

For his services in connection with any proceedings under the foregoing sections relating to the initiative, referendum and recall, the clerk of the circuit court of said city shall be paid by the city such reasonable fees as are now or may hereafter be provided by law for similar services in other cases. (1981, c. 366)

CHAPTER 4.
CITY MANAGER.

§ 4.01. Appointment, tenure, compensation, and residence.

The council shall appoint a city manager, who need not be a resident of the city at the time of his appointment, and fix his compensation. He shall be the chief administrative and executive officer of the city and shall devote his full time to the work of the city. No member of the council shall, during the time for which he has been elected, or for one year thereafter, be chosen city manager, nor shall the managerial powers be given to a person who at the same time is filling an elective office.

The city manager shall not be appointed for a definite tenure, but shall be removable at the pleasure of the council. The council may suspend him from office, provided that the period of suspension shall be limited to thirty days. The action of the council in suspending or removing the city manager shall not be subject to review.

In case of the absence or disability of the city manager, the council may designate some qualified person to perform the duties of the office. (1979, c. 167)

§ 4.02. Powers and duties.

The city manager shall be responsible to the council for the proper administration of all the affairs of the city which the council has authority to control. As the administrative and executive head of the city government, he shall be responsible to the council for guarding adequately all expenditures; securing proper accounting for all funds; looking after the physical property of the city; exercising general supervision of all

city departments, institutions and agencies; and coordinating the various activities of the city and unifying the management of its affairs. To accomplish these purposes he shall have the following specific powers and duties:

A. The city manager shall appoint heads of departments and all officers and employees in the administrative service of the city, except as otherwise provided in this charter, and shall appoint subordinates in such departments and agencies. All appointments shall be on the basis of ability, training and experience of the appointees which fit them for the work they are to perform. All appointments shall be without definite term. Any officer or employee of the city appointed by the city manager, or upon his authorization, may be laid off, suspended or removed from office or employment either by the manager or by the officer by whom he was appointed.

B. The city manager may, with the consent of the council, act as the director or head of one or more departments of the city, provided he is otherwise eligible to head such department or departments, and, in the case of those officers whose appointments must be approved, his appointment is likewise approved.

C. With the approval of the council the city manager shall, subject to the limitations of § 3.08 E, fix the compensation of all officers and employees whom he or a subordinate may appoint or employ.

D. The city manager shall enforce all resolutions and orders of the council and see that all laws of the State required to be enforced through the council or other city officers subject to the control of the council are faithfully executed.

E. He shall attend all meetings of the council and have the right to take part in all discussions, to present his views on all matters coming before the council, and to recommend such action as he may deem expedient. He shall have no vote.

F. He shall submit to the council each year a proposed annual budget, with his recommendations and execute the budget as finally adopted.

G. He shall make regular monthly reports to the council in regard to matters of administration and keep the council fully advised as to the financial condition of the city.

H. He shall examine regularly the books and papers of every officer and department of the city and report to the council the condition in which he finds them. He may order an audit of any officer at any time.

I. All fines and forfeitures, fees and costs, imposed, assessed or taxed by the courts of the said city, for violation of the city ordinances, may be collected by such members of the police department or other persons as may be designated by the city manager with the approval of the council to collect same, who shall furnish bond with surety as fixed and approved by the council.

J. The city manager shall perform such other duties as may be imposed upon him by the council. (1979, c. 167)

§ 4.03. Absence.

To perform the duties of the city manager in the event of his temporary absence, disability, death, or resignation, the council may, by resolution, appoint an officer of the city or any person other than a member of council to perform the duties of manager until said manager returns to duty or his successor is duly appointed. (1979, c. 167)

CHAPTER 5.
CITY ATTORNEY.

§ 5.01. Establishment of legal department; qualifications; composition; terms; powers and duties, etc.

There shall be a legal department which shall be headed by the city attorney, who shall be an attorney at law licensed to practice under the laws of the Commonwealth of Virginia. He shall be appointed by the council and shall serve at its pleasure. The legal department shall consist of the city attorney and such other employees as may be provided by ordinance.

The city attorney shall be the chief legal advisor of the council, the city manager and of all departments, boards, commissions and agencies of the city, including the school board, in all matters affecting the interests of the city. He shall represent the city in all legal proceedings including the prosecution of violations of city ordinances. He shall make such investigation into any affairs of the city as the city manager or council shall direct. It shall be his duty to perform all services incident to his position as may be required by the laws of the Commonwealth, this charter, or by ordinance. He shall have general management and control of the department. (1979, c. 167; 2007, c. 244, 275)

CHAPTER 6.

FINANCIAL ADMINISTRATION.

§ 6.01. Department of finance.

There shall be a department of finance which shall be under the supervision of a director of finance, appointed by the city manager, and which shall include the city treasurer and the city commissioner of the revenue and their respective offices, insofar as said inclusion is not inconsistent with the Constitution and general laws of this Commonwealth. (1979, c. 167)

§ 6.02. Director of finance; appointment and qualifications.

The director of finance shall be appointed by and under the supervision of the city manager. He shall be selected on the basis of his knowledge and experience in financial management and municipal accounting. (1979, c. 167)

§ 6.03. General duties of director.

The director of finance shall be the chief financial manager for the city and is responsible, unless otherwise provided by ordinance, to the city manager for the development and administration of an integrated citywide financial management system encompassing all aspects of the city's annual and long range financial operations. (1979, c. 167)

§ 6.04. Expenditures and accounts.

No money shall be drawn from the treasury of the city, nor shall any obligation for the expenditure of money be incurred, unless authorized under the provisions of §§ 6.11 or 6.12 of this charter. Payments by the city shall be made only in such a manner as the council may by ordinance prescribe. (1979, c. 167)

§ 6.05. Director; bond.

The director of finance shall provide a bond with such surety and in such a manner as the city council may require. (1979, c. 167)

§ 6.06. Real estate assessment department; office of assessor of real estate; board of review of real estate assessments; real estate assessment and reassessment generally.

The city council may, in lieu of the method now prescribed by law, provide by ordinance for the annual assessment and reassessment and equalization of assessments of real estate for local taxation. To that end there may be established a city real estate assessment department to be known as the "office of the assessor of real estate" and the city manager shall appoint the head of such department and such department shall assess all such real estate for taxation and equalize such assessments. The budget for the city real estate assessment department shall be as provided by the city council.

All duties imposed and all powers conferred by law on the commissioner of the revenue with respect to the assessment of real estate, including but not limited to the preparation of the land book, shall be transferred to the assessment department established as herein provided. In the preparation of the tax bills, the assessment department and the city treasurer, respectively, may avail themselves of the services of the data processing department of the city.

All real estate shall be assessed at its fair market value as of January one of each year, and taxes for each year on such real estate shall be extended on the basis of the last assessment made prior to such year, subject to such changes as may have been lawfully made.

There shall be established a board of review of real estate assessments composed of five members to which review or appeal of real estate assessments may be made as a matter of right. The members of such board of review shall be appointed by the city council for terms of four years, provided that the council may appoint or reappoint members for lesser terms in order that the term of one member of the board shall expire each year. All members of such board shall be residents of the city. Such members shall receive such compensation for their services as shall be provided by ordinance and the members of such board shall be removable by the council, after fifteen days' written notice to any such member and a hearing, if demanded, by such member, for malfeasance, misfeasance or nonfeasance in office. All vacancies shall be filled by the council for the unexpired term. The board of review shall have and may exercise the power to revise, correct and amend any and all assessments of real estate made by the

assessment department. Such board shall have all the powers conferred upon boards of equalization by §§ 58-903 to 58-912, both inclusive, of the Code of Virginia. Notwithstanding any such provision of law, the board of review may adopt rules and regulations of procedure pertaining to requests for review or appeal. The board shall elect one of its members as chairman and a secretary, who need not be a member of the board, and may employ necessary clerical or other personnel, subject to appropriation made by the city council in accordance with this charter. All such proceedings shall be in public session and no decision shall be made unless and until such board shall have heard a report on such assessment from the real estate assessment department. Any person, including the city real estate assessment department, aggrieved by any assessment made by the board of review may apply for relief to the courts in the manner provided by §§ 58-1145 to 58-1151, both inclusive, of the Code of Virginia.

Nothing contained herein shall be construed as authorizing the assessment of property required to be assessed by the State Corporation Commission by the Constitution of Virginia. The members of the present board shall continue to serve their appointed terms. (1979, c. 167; 2007, c. 240)

§ 6.07. Disposition of moneys.

All moneys received or collected for the use of the city from any source shall be paid over, held and disbursed as the council may order or resolve, and in such depository or depositories as may be prescribed by the council, either by ordinance or resolution. Such depository or depositories may be required to furnish such security, and under such conditions, as the council may prescribe, not inconsistent with general laws of the Commonwealth. Council may prescribe an investment policy and cash management plan including the use of such techniques as repurchase agreements as they deem necessary and not inconsistent with general laws of the Commonwealth. (1979, c. 167)

§ 6.08. Fiscal year.

The fiscal year of the city government 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. (1979, c. 167)

§ 6.09. Tentative budget.

The city manager shall, on or before April fifteen of each year, prepare and submit to the council a budget. The budget shall serve as a financial plan for the city, and the city manager in the budget message shall describe the important features of the budget, indicate any major changes from the current financial and expenditure policies, and include such other material as the city manager deems desirable or as the council may from time to time require. The budget shall show all estimated income, indicating the property tax levy, and all proposed expenditures, including debt service and capital program, and shall be in a form as the manager deems desirable or the council may require. The total of proposed general fund expenditures shall not exceed the total of estimated general fund income. (1979, c. 167)

§ 6.10. Public hearing; notice; publication.

A brief synopsis of the tentative operating and capital budgets shall be published in a newspaper having a general circulation in the city, and notice given of one or more public hearings, at least ten days prior to the date set for hearing, at which a citizen or property owner of the city shall have the right to attend and state his views thereon. Such

hearing may be adjourned from time to time until completed. (1979, c. 167; 1989, c. 125)

§ 6.11. Approval and adoption of budget.

Following such public hearing, and before the annual tax levy is made, the council shall approve its final budget for the next ensuing fiscal year by means of an annual appropriation ordinance.

The budget shall be adopted by the votes of at least a majority of all members of the council. The budget shall be formally adopted not later than the first day of the last month of the fiscal year. Should the council take no final action on or prior to such day, the budget, as submitted, shall be deemed to have been finally adopted by the council. (1979, c. 167)

§ 6.12. Additional appropriations.

A. Supplemental appropriations. If available from surplus from previous year's operations or from planned fund balance in the current budget as adopted, the council by resolution may make supplemental appropriations for the year not to exceed the amount of such balance. Supplemental appropriations may also be made by council by resolution not to exceed the unanticipated revenue from the Commonwealth or federal sources where council has previously or currently approved the city's participation in such programs.

B. Emergency appropriations. To meet a public emergency affecting the life, health, property, or the public peace, the council may make emergency appropriations. Such appropriations may be made by emergency ordinance. To the extent that there are no available unappropriated revenues to meet such appropriations, the council may by such emergency ordinance authorize the issuance of emergency notes which may be renewed from time to time, but the emergency notes and renewals of any fiscal year shall be paid no later than the last day of the fiscal year next succeeding that in which the emergency appropriation was made. Such appropriations shall not exceed limits established by the Constitution of Virginia.

C. Reduction of appropriations. If at any time during the fiscal year it appears possible to the city manager that the revenues available will be insufficient to the amount appropriated, he shall report to the council without delay, indicating the estimated amount of deficit, any remedial action taken by him, and his recommendation as to any other steps to be taken. The council shall then by resolution take such further action as it deems necessary to prevent any deficit.

D. Transfer of appropriations. At any time during the fiscal year the city manager may transfer part or all of any unencumbered appropriation balance within a department, office or agency, and such transfers shall be reported to the council at least quarterly. Upon recommendation by the city manager, the council may be resolution transfer part or all of any unencumbered appropriation from one department, office or agency to another. (1979, c. 167)

§ 6.13. Borrowing powers.

The council may, in the name 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 for in the following paragraphs of this chapter. (1979, c. 167)

§ 6.14. Purpose for which bonds or notes may be issued.

Bonds, and notes in anticipation of bonds when the issuance of bonds has been authorized as hereinafter provided, may be issued for any purpose for which cities of the first class are authorized to issue bonds by the Constitution or general laws of this State. All bonds shall be in serial form payable, as consecutively numbered, in annual installments, the first of which shall be payable not more than one year from the date of issue of such bonds.

Notes in anticipation of collection of revenue may be issued, when authorized by the council, at any time during the fiscal year, provided that said notes shall mature not later than twelve months after date of issue, and in amount not in excess of the revenues anticipated. (1979, c. 167)

§ 6.15. Manner of issuing bonds and notes.

Bonds and notes of the city shall be issued in the manner provided by general law. (1979, c. 167)

§ 6.16. Limitation of indebtedness.

In the issuance of bonds and notes, the city shall be subject to the limitations as to amount which are contained in Article VII, Section 10 of the Constitution of Virginia. (1979, c. 167)

§ 6.17. Collection of taxes; book of delinquent taxes.

The city collector of taxes shall have any or all the powers which are now or which may be hereafter vested in any office of the State charged with the collection of State taxes and may collect the same in the same manner in which the State taxes are collected by any officer of this State. No deed of trust or mortgage upon goods and chattels shall prevent the same from being distrained or sold for taxes assessed thereon, no matter in whose possession such goods and chattels may be found. A tenant from whom payment of taxes on his landlord's property shall be obtained by distress or otherwise shall have credit for the same against such person on account of his rent, unless by contract the tenant is to pay such taxes. The council may require a list of all real estate in the city of Hampton delinquent for the nonpayment of taxes thereon for the preceding year to be recorded in a book of delinquent taxes to be kept in the office of the director of finance. (1979. c. 167)

§ 6.18. Tax penalties; collection of taxes from party about to remove from city.

The council may impose penalties for the nonpayment of city taxes and levies and for the failure to make any return required by law for the assessment of taxes, and may cause such penalty to be added to the amount of taxes and levies due from taxpayers, as it may by ordinance or resolution from time to time prescribe; and, after such penalty has been added the city collector shall have the power of distress, garnishment or action and any other power now possessed or that may hereafter be given to any person charged with the collection of state taxes after the penalty for the nonpayment of State taxes has been added.

Should it come to the knowledge of the city collector of taxes that any person, firm, or corporation owing taxes or levies to the city is moving or contemplating moving therefrom prior to the time said penalty must be added by the council, he shall have the right to collect taxes by distress, garnishment, suit, or action or otherwise at any time after such bills for taxes have come into his hands. (1979, c. 167)

CHAPTER 7.
DEPARTMENT OF EDUCATION.

§ 7.01. School board and superintendent of schools.

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.

The school board of the city of Hampton shall be composed of seven members, who shall be chosen by the council to serve a term of four years. Any vacancy occurring by reason of death, resignation or removal on the school board shall be filled by the council for the unexpired term. A member whose term has expired shall continue to serve until his successor has been appointed. No members shall serve more than two four-year terms in succession and such unexpired portion of a four-year term occurring by reason of a vacancy. Those members appointed prior to the adoption of this charter shall continue to serve for the term they were originally appointed.

The division superintendent of schools shall be appointed and serve for a term of office as prescribed by general law. (1979, c. 167)

§ 7.02. Compensation of school board members.

The school board shall pay each of its members an annual salary in accordance with § 22.1-32 of the Code of Virginia, 1950, as amended. (1979, c. 167; 1989, c. 125)

CHAPTER 8.
DEPARTMENT OF PUBLIC HEALTH.

§ 8.01. Department of public health.

There shall be a department of public health which shall consist of the director of public health, to be appointed by the city manager and such other officers and employees organized into such bureaus, divisions, and other units as may be provided by ordinance or by the orders of the director consistent therewith. (1979, c. 167)

§ 8.02. 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 functions as may be assigned to the department. (1979, c. 167)

§ 8.03. 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 now are or may hereafter be conferred or imposed on municipal boards of health and health officers by the laws of the Commonwealth, as well as the powers and duties conferred or imposed on him by this charter and the ordinances of the city. (1979, c. 167)

§ 8.04. Board of health.

The council may select two qualified citizens of the city, who together with the director of public health shall constitute the board of health. The board of health shall advise and cooperate with the department of health and shall have power to adopt necessary rules and regulations, not in conflict with law, concerning the department. The

provisions of general law relating to the establishment of local boards of health shall not apply to the city of Hampton. (1979, c. 167)

§ 8.05. Contractual services.

The council may, in its discretion, effectuate the powers, duties, and functions assigned to the department of public health in this chapter through contractual agreements with the State Department of Health and neighboring cities and counties. (1979, c. 167)

CHAPTER 9.
DEPARTMENT OF PUBLIC SAFETY.

§ 9.01. Supervision and composition.

There shall be a department of public safety which shall be under the supervision of the city manager and shall consist of the division of fire and division of police. (1979, c. 167)

§ 9.02. Divisions of police and fire.

The department of public safety shall consist of the division of fire and the division of police and such other functions and activities as may be assigned to it by the city council.

The division of police shall consist of such police officers as may be appointed and shall be under the supervision of a chief of police to be appointed by the city manager. The chief of police and police officers shall have the powers and duties of police officers as provided by the general laws of the Commonwealth, and by ordinances of the city council. They shall receive such compensation as may be prescribed by the city council in accordance with the provisions of this charter.

The division of fire shall consist of such persons as may be appointed and shall be under the supervision of a fire chief to be appointed by the city manager. The fire chief and persons appointed shall have the powers and perform such duties as may be provided by the general laws of the Commonwealth, ordinances of the city, or prescribed by the city manager and shall receive such compensation as may be prescribed by the city council in accordance with the provisions of this charter. (1979, c. 167)

CHAPTER 10.
DEPARTMENT OF PUBLIC WORKS.

§ 10.01. Department of public works.

There shall be a department of public works which shall consist of the director of public works to be appointed by the city manager and such other officers and employees organized into such bureaus, divisions, and other units as may be provided by ordinance or by the orders of the director consistent therewith. (1979, c. 167)

§ 10.02. Functions.

The department of public works shall be responsible for the construction of all public buildings, streets, roads, bridges, drains, sewers, garbage and refuse collection, and disposal, and all other public works and construction; the custody of such equipment and supplies as the council may require; and such other powers and duties as may be assigned to the department. (1979, c. 167)

§ 10.03. Director of public works.

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. (1979, c. 167)

CHAPTER 11.
DEPARTMENT OF SOCIAL SERVICES.

§ 11.01. Director of social services.

There shall be a department of social services which shall consist of the director of social services appointed by the city manager and such other officers and employees as may be assigned to this department in accordance with the provisions of this charter. He shall have charge of the social service functions of the city and such other functions and activities as may be assigned to him in accordance with the provisions of this charter. The director of social services shall, subject to the provisions of this charter, act as the local board of social services in accordance with the provisions of general law relating to the administration of social services and/or public welfare in cities of the first class.

However, the council may by ordinance establish a local board of social services to consist of not less than three nor more than five citizens of the city which shall, except as otherwise provided in this charter, have the same powers and functions as local social service and/or public welfare boards in cities of the first class, or which may be created to serve in a purely advisory capacity to the director of social services. (1979, c. 167)

CHAPTER 12.
DEPARTMENT OF RECORDS.

§ 12.01. Clerk of circuit court.

The department of records shall be under the supervision and control of the clerk of the circuit court for the city of Hampton. The clerk shall, subject to the provisions of this charter, exercise all the powers conferred and perform all the duties imposed upon such officers by general law and be subject to the obligations and penalties imposed by general law. (1979, c. 167)

CHAPTER 13.
CITY SHERIFF.

§ 13.01. Sheriff's duties and responsibilities.

Notwithstanding any provision of law to the contrary, the sheriff shall, in addition to other duties and responsibilities imposed on him by general law, be responsible for the operation of the city jail, lockup facilities, receiving unit and court holding facilities. (1979, c. 167)

CHAPTER 14.
PROVISIONS FOR TRANSITION.

§ 14.01. Assets and liabilities.

The city of Hampton shall become and be liable for the bonded indebtedness and current debts and obligations of the former city of Hampton, the former county of Elizabeth City and the former town of Phoebus, and of any sanitary or other districts of the said former city and former county and of the said former town, and shall become liable for the obligations and other liabilities of said former city and former county and former districts and of said former town, both in law and equity, arising out of any act of said former city, former county, or former districts or said former town for which said

former city, former county, former districts or former town would have been liable, and city of Hampton shall faithfully observe, keep and perform every such liability, and the city of Hampton may sue in its corporate name on all bonds, notes, accounts, or contracts payable to the said city, the former city of Hampton or said former districts, or the former county of Elizabeth City or the former town of Phoebus. The title to all the property, all rights and privileges and things of value and other assets of the former city of Hampton and said former county and the said former districts and said former town, and their rights and privileges under any contract, including any and all moneys belonging to the former city of Hampton or former county of Elizabeth City, or former districts or former town, and their books, records, papers, and other things of value, shall vest in and become the property of the city of Hampton. In the same manner and to the same extent as provided above, all property, rights, and privileges, things of value, and other assets, and all bonded and other debts, obligations, and other liabilities of the school board of the former city of Hampton, the former county of Elizabeth City and the former town of Phoebus, at the time of incorporation are hereby vested in the school board of the city of Hampton. (1979, c. 167)

§ 14.02. Validation of certain acts.

All acts performed by the council of the city of Hampton or any of its duly qualified officers or officials, including notaries of public heretofore qualified in the former city of Hampton or county of Elizabeth City subsequent to midnight June 30, 1952 are hereby confirmed validated. (1979, c. 167)

§ 14.03. Peninsula Airport Commission.

All the rights, powers, liabilities, and benefits of the former city of Hampton, the former county of Elizabeth City, including the former town of Phoebus, resulting from agreement or arising by law in the Peninsula Airport Commission shall inure to the city of Hampton, and the representatives of the former city of Hampton and the former county of Elizabeth City, including the former town of Phoebus, on the Peninsula Airport Commission at the time of consolidation shall continue as a representative of the city of Hampton, as if the city of Hampton had originally been a party to the creation of the Peninsula Airport Commission. (1979, c. 167)

§ 14.04. Transition of assets.

The city of Hampton shall succeed to all of the rights and privileges of the former city, county and town with respect to the laws under which its interests in any water supply system and any sewerage and sewage disposal system or systems have been and are being installed, and to all of the rights and privileges granted by the Commonwealth of Virginia or by the United States to the former city of Hampton and/or county of Elizabeth City and/or town of Phoebus. All of the former city, county, and town levies and taxes, both current and delinquent, and all school and other funds held by the State to the credit of the former city of Hampton, former county of Elizabeth City, and the former town of Phoebus shall be turned over to the city of Hampton. The tax levy, service charges and assessments made for the current or ensuing year or years by the former city, county, and town shall stand as the levy and assessment of the city of Hampton. All contracts entered into by the former city, county, and town for materials or supplies or construction work in force on the date of incorporation are hereby declared to be the contracts of the city. (1979, c. 167)

§ 14.05. 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 said charter not expressly held to be invalid shall remain in full force and effect. (1979, c. 167)