

NORFOLK, THE CITY OF
City of First Class.

Established in 1682, stated in preamble to Chapter 70, 1882.

Incorporated as a borough in 1736, c. XXIV (Hennings Statutes).

City incorporation and charter, 1845, c. 138.

Charter, 1871, c. 139; repealed 1882, c. 70.

Charter, 1882, c. 70; repealed 1884, c. 33.

Charter, 1884, c. 33; amended and reenacted, 1906, c. 170.

Charter, 1906, c. 170; repealed 1918, c. 34.

Charter, 1918, c. 34.

Note: amendments are numerous. Please see amendment listing at the end of the document.

Whereas the city of Norfolk, a city having a population in excess of sixty-five thousand inhabitants, and less than one hundred thousand inhabitants, has, pursuant to chapter 55 of the acts of assembly of 1916, requested the general assembly of Virginia to grant a special form of government for such city as hereinafter mentioned and set out.

Now therefore to the end that said city of Norfolk may have a special form of government pursuant to the provisions of § 117, of the Constitution of Virginia as amended, be it enacted by the general assembly of Virginia, as follows:

§ 1. The city and its boundaries.--The inhabitants of the territory comprised within the present limits of the city of Norfolk as hereinafter described, or as the same may be hereafter altered and established by law, shall continue to be a body politic and corporate to be known and designated as the city of Norfolk, 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; the present boundaries of the said city being as follows, to-wit:

Beginning at a point on the port warden's line of the Elizabeth river where the northern line of Forty-ninth street (formerly Forty-fifth street) intersects said port warden's line, thence S. 24° 55' W. 4450 feet, more or less, to the coal pier of Norfolk and Western railway at Lamberts Point, thence following the port warden's line southeasterly and passing across the mouths of all tributary creeks to the intersection of said port warden's line with the centre line of Ohio creek, thence northwardly along the centre line of Ohio creek to the centre line of Corprew avenue, thence westwardly along the centre line of Corprew avenue to the eastern line of Park avenue, thence northeastwardly along the eastern side of Park avenue to the northern side of Princess Anne avenue, thence westwardly along the northern side of Princess Anne avenue to the eastern side of the right of way of the Norfolk and Western railway company, thence northwardly and westwardly along the eastern and northern line of said right of way to the centre line of a cove or arm of Tanner's creek, which said cove divides and separates the land of Lindenwood on the west from the land of Washington Heights on the east, thence northwardly following the centre line of said cove as defined by above mentioned properties to the prolongation of the north side of Hayes street (formerly Union street), thence northwestwardly along the prolongation of the north side of Hayes street and of the north side of Hayes street to the intersection of Hayes street and West street to the

head of another cove, thence northwardly and following the centre of the cove, thence continuing northwardly across and to the centre of Tanner's creek, thence following the centre line of Tanner's creek, and a branch thereof to the intersection of said centre line with the centre line of Colley avenue extended northerly, thence southerly along the centre line of Colley avenue to its intersection with the western boundary of "Highland Park," thence southerly along the western boundary of "Highland Park" to its intersection with the northern side of Forty-ninth street (formerly Forty-fifth street), thence westerly along the northern line of Forty-ninth street to the port warden's line of the Elizabeth river to the point of beginning.

Also, beginning at the point in the harbor line on the south side of the eastern branch of the Elizabeth river where the line between B. A. Colonna and the Hardy heirs intersects the same; and thence about south to the forks of the creek, and thence southeasterly following the middle of the southeast fork of said creek, and the southern boundary of said Colonna's property to the western boundary of the Norfolk and Western railroad in such a manner as to exclude the farm of B. A. Colonna from what was formerly the town of Berkley; thence following southerly along the western line of the Norfolk and Western railroad company's right of way to its intersection with the Oberndorfer road; thence continuing along the western side of said road to Liberty street extended; thence along the north side of Liberty street to the western line of Chesterfield street to the centre of Liberty street to the western line of Chesterfield (formerly Fourteenth street) on the Tunis property extended; thence along the western line of said Chesterfield street to the centre of Mill Run creek; thence down the centre of said creek to the southern branch of the Elizabeth river; thence down the southern branch to the Elizabeth river proper, along the said river to the eastern branch and up the eastern branch to the point of beginning.

The courts of said city shall have civil and criminal jurisdiction beyond said boundaries as is now provided or may hereafter be provided by law, and the said courts shall have exclusive jurisdiction over that part of the eastern branch of the Elizabeth river which lies between the portions of said city above described and concurrent jurisdiction with the courts of the county of Norfolk or of the city of Portsmouth over the Elizabeth river and its tributaries lying between the said city of Norfolk and the said county of Norfolk and between said city of Norfolk and the city of Portsmouth, subject in each case only to the maritime and admiralty jurisdiction of the United States. (1918, c. 34)

§ 2. Power of the city. In addition to the powers mentioned in the preceding section, the said city shall have power:

(1) To raise annually by taxes and assessments in said city such sums of money as the council hereinafter provided for shall deem necessary for the purposes of said city, and in such manner as said council shall deem expedient, in accordance with the Constitution and the laws of this State and of the United States; provided, however, that it shall impose no tax on the bonds of this city.

(2) To impose special or local assessments for local improvements and enforce payment thereof, subject, however, to such limitations prescribed by the Constitution of Virginia as may be in force at the time of the imposition of such special or local assessments.

(3) Subject to the provisions of the Constitution of Virginia and of § 86, as amended, of this charter, to contract debts, borrow money and make and issue evidence of indebtedness.

(4) To expend the money of the city for all lawful purposes.

(5) To acquire by purchase, gift, devise, condemnation or otherwise, property, real or personal, or any estate or interest therein within or without the city or State and for any of the purposes of the city; and to hold, improve, sell, lease, mortgage, pledge or otherwise dispose of the same or any part thereof.

(6) To acquire, in any lawful manner, for the purpose of encouraging commerce and manufacture, lands within and without the city not exceeding at any one time 5,000 acres in the aggregate, and from time to time to sell or lease the same or any part thereof for industrial or commercial uses and purposes.

(7) To make and maintain public improvements of all kinds, including municipal and other public buildings, armories, markets and all buildings and structures necessary or appropriate for the use of the departments of fire and police; and to acquire by condemnation or otherwise all lands, riparian and other rights and easements necessary for such improvements, or any of them.

(8) To furnish all local public service; to purchase, hire, construct, own, maintain and operate, or lease local public utilities, to acquire by condemnation or otherwise, within or without the corporate limits, land and property necessary for any such purposes.

(9) To acquire, in any lawful manner, in any county of the State, or without the State, such water, lands and lands under water as the council of said city may deem necessary for the purpose of providing an adequate water supply for said city and of piping or conducting the same; to lay all necessary mains; to erect and maintain all necessary dams, pumping stations and other works in connection therewith; to make reasonable rules and regulations for promoting the purity of its said water supply and for protecting the same from pollution; and for this purpose to exercise full police powers and sanitary patrol over all lands comprised within the limits of the watershed tributary to any such water supply wherever such lands may be located in this State; to impose and enforce adequate penalties for the violation of any such rules and regulations; and to prevent by injunction any pollution or threatened pollution of such water supply and any and all acts likely to impair the purity thereof; and for the purpose of acquiring lands or material for any such use to exercise within the State all powers of eminent domain possessed by railroad corporations under the laws of this State; provided that the lands and lands under water which may be held in this State by said city for such purpose shall not exceed, in the aggregate, 30,000 acres at any one time. For any of the purposes aforesaid, said city may, if the council shall so determine, acquire by condemnation, purchase or otherwise, any estate or interest in such lands or any of them, or any right or easement therein, or may acquire such lands or any of them in fee, reserving to the owner or owners thereof such rights or easements therein as may be prescribed in the ordinance providing for such condemnation or purchase. The said city may sell or supply to persons, firms or industries residing or located outside of the city limits any surplus of water it may have over and above the amount required to supply its own inhabitants.

(10) To establish, impose and enforce water rates and rates and charges for public utilities, or other service, products, or conveniences, operated, rendered or furnished by the city.

(10 1/2) To establish, in the manner hereinafter provided, adjacent to or near the lines of existing streets, on either or both sides thereof, building lines, and to provide that no new buildings shall thereafter be erected upon the property (hereinafter called the interlying property) lying between said building lines and the street lines. Said building lines may be established for the whole or any part of a street (but not for less than one block or the distance between two cross streets), as the council may determine. Before any such lines shall be established, the council shall cause to be published, for at least 10 days in some paper of general circulation in the city, a notice addressed generally, but without naming them, to the owners of the property on which building lines are proposed to be established, stating that it is proposed to establish building lines thereon and naming a day when a hearing will be had in respect thereof. After said hearing the council may proceed to establish such lines, and the ordinance establishing the same shall be recorded by the city clerk and indexed in the name of the street near which said building lines are to be established; and thereafter all persons shall be deemed to be affected with notice of the establishment of such lines, and no permits shall be granted for the construction of any building on the interlying property.

But the ordinance establishing said lines shall become null and void as against any owner of property objecting thereto, unless:

(a) When the interlying property shall be unoccupied by buildings, the city shall, within 60 days after the passage of the ordinance establishing said lines, purchase the same or institute condemnation proceedings for the acquisition thereof; or

(b) When the interlying property is occupied, in whole or in part, by buildings, the city shall, within 60 days after receipt of notice in writing that the said buildings have been removed from said interlying property (it being hereby made the duty of the said owner to give such notice), purchase said interlying property or institute condemnation proceedings for the acquisition thereof, and thereafter complete its acquisition of property in said proceedings.

The rights of the city shall not be prejudiced by any defect in the proceedings instituted under paragraph (a) and (b) hereof, resulting in their dismissal, if within 30 days after said dismissal new proceedings shall be instituted for the same purpose. Nothing herein contained shall be construed as limiting or abridging in any degree the power of eminent domain now possessed by the city under existing law.

(11) To establish, open, widen, extend, grade, improve, construct, maintain, light, sprinkle and clean, public highways, streets, alleys, boulevards and parkways, and to alter or close the same; to establish and maintain parks, playgrounds and other public grounds; to construct, maintain and operate bridges, viaducts, subways, tunnels, sewers and drains and to regulate the use of all such highways, parks, public grounds and works; to plant and maintain shade trees along the streets and upon such public grounds; to prevent the obstructing of such streets and highways, abolish and prevent grade crossings over the same by railroads; regulate the operation and speed of all cars and vehicles using the same, as well as the operation and speed of all engines, cars and trains on railroads within the city; to regulate the services to be rendered and rates to be charged by busses, motor cars, cabs and other vehicles for the carrying of passengers and by vehicles for the transfer of baggage; require all telephone and telegraph wires and all wires and cables carrying electricity to be placed in conduits under ground and prescribe rules and

regulations for the construction and use of such conduits; and to do all other things whatsoever adapted to make said streets and highways safe, convenient and attractive.

(12) To construct and maintain, or aid in constructing and maintaining, public roads, boulevards, parkways and bridges beyond the limits of the city, in order to facilitate public travel to and from said city and its suburbs, and to and from said city and any property owned by said city and situated beyond the corporate limits thereof, and to acquire land necessary for such purpose by condemnation or otherwise.

(13) To establish, construct, maintain and operate public lands, public wharves and docks either within or without the city; to acquire by condemnation or otherwise all lands, riparian and other rights and easements necessary for the purposes aforesaid; to lay and collect reasonable duties or wharfage fees on vessels coming to or using said landings, wharves or docks; to regulate the manner of using other wharves and docks within the city and rates of wharfage to be paid by vessels using the same; to dredge or deepen the harbor or river or any branch or portion thereof; to prescribe and enforce reasonable rules and regulations for the protection and use of its said properties, whether within or without the city; and to impose and enforce adequate penalties for the violation of such rules and regulations.

(14) Subject to the provisions of the Constitution of Virginia and of §§ 100, 104 and 105 of this charter, both inclusive, to grant franchises for public utilities.

(15) To collect and dispose of sewage, offal, ashes, garbage, carcasses of dead animals and other refuse, and to acquire and operate reduction or other plants for the utilization or destruction of such materials, or any of them; or to contract for and regulate the collection and disposal thereof.

(16) To compel the abatement and removal of all nuisances within the city or upon property owned by the city beyond its limits at the expense of the person or persons causing the same, or of the owner or occupant of the ground or premises whereon the same may be; to require all lands, lots and other premises within said city to be kept clean, sanitary and free from weeds, or to make them so at the expense of the owners or occupants thereof; to regulate or prevent slaughter houses or other noisome or offensive business within said city, the keeping of animals, poultry or other fowl therein, or the exercise of any dangerous or unwholesome business, trade or employment therein; to regulate the transportation of all articles through the streets of the city; to compel the abatement of smoke and dust, and prevent unnecessary noise therein; to regulate the location of stables and the manner in which they shall be kept and constructed, and generally to define, prohibit, abate, suppress and prevent all things detrimental to the health, morals, comfort, safety, convenience and welfare of the inhabitants of the city.

(17) To inspect, test, measure and weigh any commodity or article of consumption or use within the city and to establish, regulate, license and inspect weights, meters, measures and scales.

(18) To extinguish and prevent fires and to compel citizens to render assistance to the fire department in case of need, and to establish, regulate and control a fire department or division; to regulate the size, materials and construction of buildings, fences and other structures hereafter erected in such manner as the public safety and convenience may require; to remove, or require to be removed, any building, structure or addition thereto which by reason of dilapidation, defect of structure or other causes may have become dangerous to life or property, or which may be erected contrary to law; to

establish and designate from time to time fire limits, within which limits wooden buildings shall not be constructed, removed, added to or enlarged, and to direct that any or all future buildings within such limits shall be constructed of stone, natural or artificial, concrete, brick, iron or other fireproof material; provided, however, that by a vote of four-fifths of all the members of the council permission may be granted for storage sheds constructed on pile piers or wharves on the waterfront, the sides and roofs of which shall be covered with corrugated iron or other fireproof material.

(19) To provide for the care, support and maintenance of children and of sick, aged, insane or poor persons and paupers.

(20) To organize and administer public schools and libraries subject to the general laws establishing a standard of education for the State.

(21) To provide and maintain, either within or without the city, charitable, recreative, curative, corrective, detentive or penal institutions.

(22) To prevent persons having no visible means of support, paupers and persons who may be dangerous to the peace or safety of the city from coming to said city from without the same; and for this purpose to require any railroad company, the master of any ship or vessel or the owners of any conveyance bringing such person to the city, to take such person back to the place whence he was brought, or enter into bond with satisfactory security that such person shall not become a charge upon said city within one year from the date of his arrival; and also to expel therefrom any such person who has been in said city less than 90 days.

(23) To provide for the preservation of the general health of the inhabitants of said city, make regulations to secure the same, inspect all foods and foodstuffs and prevent the introduction and sale in said city of any article or thing intended for human consumption which is adulterated, impure or otherwise dangerous to health, and to condemn, seize and destroy or otherwise dispose of any such article or thing without liability to the owner thereof; prevent the introduction or spread of contagious or infectious diseases, and prevent and suppress diseases generally; to provide and regulate hospitals within or without the city limits and to enforce the removal of persons afflicted with contagious or infectious diseases to hospitals provided for them; to provide for the organization of a department or bureau of health, to supplement the salary paid by the Commonwealth to the Director of Public Health, to have the powers of a board of health, for said city, with the authority necessary for the prompt and efficient performance of its duties, with power to invest any or all the officials or employees of such department of health with such powers as the police officers of the city have; to establish a quarantine ground within or without the city limits, and such quarantine regulations against infectious and contagious diseases as the said council may see fit, subject to the laws of the State and of the United States; to provide and keep records of vital statistics and compel the return of all births, deaths and other information necessary thereto.

(24) To acquire, by purchase, gift, devise, condemnation or otherwise, lands, either within or without the city, to be used, kept and improved as a place for the interment of the dead, and to make and enforce all necessary rules and regulations for the protection and use thereof, and generally regulate the burial and disposition of the dead.

(25) To exercise full police powers, and establish and maintain a department or division of police.

(26) To do all things whatsoever necessary or expedient for promoting or maintaining the general welfare, comfort, education, morals, peace, government, health, trade, commerce or industries of the city or its inhabitants.

(27) To make and enforce all ordinances, rules and regulations necessary or expedient for the purpose of carrying into effect the powers conferred by this charter or by any general law, and to provide and impose suitable penalties for the violation of such ordinances, rules and regulations, or any of them in a manner consistent with § 2(e), as amended, of this charter. The city may maintain a suit to restrain by injunction the violation of any ordinance, notwithstanding such ordinance may provide punishment for its violation.

The council may, by ordinance, establish certain voluntary design guidelines for new construction or rehabilitation of residential real property in certain designated districts. The guidelines shall be voluntary and may only be applied at the request of the property owner. A fee may be charged for review, which shall not exceed the actual cost of such review process or \$200, whichever is less.

The enumeration of particular powers in this charter shall not be deemed or held to be exclusive, but in addition to the powers enumerated herein, implied thereby, or appropriate to the exercise thereof, the said city shall have and may exercise all other powers which are now or may hereafter be possessed or enjoyed by cities under the Constitution and general laws of this State. (1918, c. 34; 1919, c. 68; 1982, c. 289; 2000, c. 950, 979; 2004, c. 52; 2010, c. 118)

§ 2-a. In addition to the other powers conferred by law, the said city shall have the power to impose, levy and collect, in such manner as its council shall deem expedient, an admission tax on admission to any public amusement, entertainment, performance, exhibition, sport or athletic event in said city and may provide that such tax may be added to and collected with the price of admission or other charge for such amusement, entertainment, performance, exhibition, sport or athletic event. Such tax may be imposed, levied and collected in multiples of one cent. (1946, c. 98)

§ 2-b. In addition to the other powers conferred by law, the said city shall have the power to impose, levy and collect, in such manner as its council may deem expedient, a consumer or subscriber tax upon the amount paid for the use of water, gas, electricity, telephone, and any other public utility service within the city, or upon the amount paid for any one or more of such public utility services, and may provide that such tax shall be added to and collected with bills rendered consumers and subscribers for such services. (1948, c. 34)

§ 2(c). The City shall have power to aid in financing the construction of any bridge constructed within the corporate limits of the City by either the State of Virginia or by any of its agencies or political subdivisions, and in financing the maintenance and operation of such bridge, upon such terms and conditions as may be prescribed by an agreement or agreements made by the City with the State or agency or political subdivision constructing such bridge, provided the bridge is, in the opinion of the Council, necessary or appropriate to serve the City and its inhabitants. (1950, c. 436)

§ 2(d). Public wholesale market.--The city shall have power to acquire, erect, construct, reconstruct, improve, equip, maintain and operate, and lease buildings, structures and other facilities suitable or necessary for a public wholesale market, and to acquire any land or rights in land needed for such purposes. Such buildings, structures or

other facilities may include any building, structure or other facility suitable for use by merchants, dealers, farmers and others engaged in the marketing of perishable farm produce, fruits, vegetables, poultry, eggs, horticultural products, dairy products, meats, sea food, dry groceries or frozen foods, and in the operation of freezing and pre-packaging plants, and in the furnishing of baskets and containers for farm produce and other articles dealt in at said market. The city may make charges for the use of any of the facilities afforded by said market. (1956, c. 295)

§ 2(e). Penalties for violation of ordinances.

The city is empowered to provide and impose punishment for the violation of its ordinances by fine and imprisonment, either or both, up to the maximum penalty provided for Class 1 misdemeanors under the Code of Virginia, as amended. (1956, c. 115; 2000, c. 950, 979)

§ 2(f). City Jail.--In addition to the other powers conferred by law, the said city shall have the power to establish, maintain and operate, within or without the city, a jail for the confinement of prisoners ordered or sentenced to be confined therein. The courts, city sergeant and his deputies, and police justices of the city, shall have the same jurisdiction and powers over any jail that may be established, maintained and operated by the city without its corporate limits as they may now or may hereafter have by law over any jail that may be located within the city. (1956, c. 115)

DISTRICTS.

§ 3. (1918, c. 34; 1940, c. 6; repealed 1992, c. 261)

§ 3.1. (1992, c. 261; repealed 2005, c. 893, 897)

§ 3.2. Wards.

The City of Norfolk shall be divided into five (5) single-member wards numbered one through five, and the city shall also be divided into two single-member superwards numbered six and seven. The boundaries of such wards and superwards shall be established by ordinance of the city council as provided by law. (2005, c. 893, 897)

THE COUNCIL.

§ 4. Creation and powers of council.--There is hereby created a council, which shall have full power and authority, except as herein otherwise provided, to exercise all of the powers conferred upon the city. It shall by ordinance fix the salaries of all officers and employees of the city, except the salaries of its own members, which shall be as provided in this charter; and may, so far as is not inconsistent with the provisions of this charter, define the powers and prescribe the duties of all such officers and employees. (1918, c. 34)

§ 4(a). Council may require certain officers and employees to reside in the city.--Notwithstanding the authority granted the civil service commission by paragraph 5 of § 112 of this charter to establish resident requirements for candidates and eligibles, the council shall have the power to provide by ordinance that the regular, permanent officers and employees of the city in the classified and unclassified services, or any of them, as a condition of holding office or employment, shall reside in the city during their continuance in office or employment, and the council shall have the power to make such

exceptions to and to impose such conditions upon any resident requirement prescribed pursuant hereto as it deems to be in the best interest of the city; provided, however, that if the council adopts an ordinance providing for such a resident requirement as is authorized herein the regular, permanent officers and employees of the city who are in office or employment on the effective date of this act and who also reside outside of the city in homes owned by them shall not be affected by the terms of any such ordinance so long as they continue to reside in their present homes. (1962, c. 459)

COMPOSITION OF COUNCIL.

§ 5. (1918, c. 34; 1940, c. 6; 1950, c. 428; 1972, c. 706; 1992, c. 261; repealed 2005, c. 893, 897)

§ 5.1. Composition of council.

On and after July 1, 2006, the city council shall consist of seven members, each elected from single-member wards as provided in § 3.2, and a mayor elected at-large. Any member of city council shall be subject to recall in accordance with the provisions of this charter.

The council shall be a continuing body and no measure pending before such body shall abate or be discontinued by reason of the expiration of the term of office or removal of the members of said body or any of them. (2005, c. 893, 897)

QUALIFICATION OF MEMBERS; CONDUCT OF CANDIDATES.

§ 6. (1918, c. 34; 1940, c. 6; 1992, c. 261; repealed 2005, c. 893, 897)

§ 6.1. Qualification of members; conduct of candidates.

Beginning with the municipal election in 2006, any person qualified to vote in said city shall be eligible to the office of mayor or for the office of council member for the ward or superward in which such person resides. No person shall serve on council as both mayor and council member from a ward or superward, nor from more than one ward, including superwards. No candidate for the office of council member, including mayor, shall promise any money, office, employment, or other thing of value to secure a nomination or election, or expend in connection with his candidacy any money except as permitted by the general election laws of the state; and any such candidate violating this provision shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding \$500, or imprisonment for a term not exceeding six months, or both, in the discretion of the jury, and shall forfeit his office, if elected; in which event, the person receiving the next highest number of votes from the voters for said office, who has not violated the said provision, shall be entitled to said office. Should there be no such candidate, the council shall fill the office with a person from the vacated ward or superward and, in the case of the office of mayor from the city at-large, in accordance with § 7, until a special election pursuant to general law is held. (2005, c. 893, 897)

VACANCIES.

§ 7. (1918, c. 34; 1940, c. 6; 1950, c. 428; 1956, c. 115; 1982, c. 289; 1983, c. 587; 1992, c. 261; repealed 2005, c. 893, 897)

§ 7.1. Vacancies.

Any vacancy in the council after July 1, 2006, except as otherwise provided in this Charter, shall be filled by the remaining members. Any person elected to fill an unexpired term for ward representative shall be elected only from among the qualified voters in the ward or superward where such vacancy exists. Any vacancy in the office of mayor shall be filled from among the qualified voters of the city at-large. No candidate shall be elected unless he receives at least five votes in his favor. If by reason of resignation, death, or other circumstances, except in the case of vacancies resulting from a recall election, five or more vacancies exist or occur at the same time in said council, then the members of the civil service commission shall at once convene a majority of said commission and, by a majority vote of the members of said commission present, forthwith make such number of appointments from the wards and superwards where such vacancies exist, or from the city at-large in the case of the mayor, as may be necessary to constitute a council of five qualified members, which five members shall at once proceed to fill the remaining vacancies with qualified members. And in any case the council shall fail to fill a vacancy therein for a period of thirty days after the occurrence of the vacancy, such vacancy shall be filled by said commission as provided herein. The city clerk shall act as the clerk of the commission so constituted, and shall cause his certificate of its action to be entered on the record of the council.

If the term of office so filled, either by the council or by said commission, does not expire for two years after the next regular election of council members following such vacancy, and such vacancy occurs more than one hundred twenty days prior to that election, an additional council member shall then be elected at such election only by the qualified voters of the ward or superward where such vacancy exists, or in the case of the mayor from the city at-large and after the date of his qualification, succeed such appointee, and serve the unexpired term. When any vacancy is so required to be filled by election, the council or commission shall, within fifteen days of the occurrence of the vacancy, petition the circuit court to issue a writ of election to fill the vacancy at the next general election of council members. In the event that more than one vacancy is to be filled by election, the same provision shall apply. The foregoing provisions of this section are subject to the further provision that any vacancy resulting from a recall election shall be filled in the manner provided in such case. (2005, c. 893, 897)

§ 8. Compensation of council members.--Each member of the council shall receive such salary as shall be established by state law. (1918, c. 34; 1956, c. 100; 1970, c. 484; 2005, c. 893, 897)

§ 9. Limitations on the powers of the council.--Neither the council, nor any of its members, shall dictate the appointment of any person to office or employment by the city manager, or in any manner interfere with the city manager, or prevent him from exercising his own judgment in the appointment of officers or employees in the administrative service. Except for the purpose of inquiry, the council and its members shall deal with the administrative service solely through the city manager, and neither the council nor any member thereof, shall give orders to any of the subordinates of the city manager either publicly or privately. Any such dictation, prevention, orders or other interferences on the part of a member of the council with the administration of the city,

shall be deemed a misdemeanor, and upon conviction thereof the member so convicted shall be fined not exceeding one hundred dollars and may, in the discretion of the court, be removed from office. (1918, c. 34)

§ 10. (1918, c. 34; 1975, c. 127; 1976, c. 599; 1982, c. 289; repealed 2005, c. 893, 897)

§ 10.1. Officers elected by council; rules.

Effective July 1, 2006, the council shall elect a city manager, a city clerk, a city attorney, a city auditor, and a high constable. The said council shall also appoint the members of such boards and commissions as are hereinafter provided for. All elections by the council shall be viva voce and the vote recorded in the record of the council. The mayor shall serve as chair of the council. The council may determine its own rules of procedure, may punish its members for misconduct, and may compel the attendance of members in such manner and under such penalties as may be prescribed by ordinance. It shall keep a record of its proceedings. A majority of all the members of the council, including the mayor, shall constitute a quorum to do business, but a smaller number may adjourn from time to time.

No member of the council shall be eligible, during the term of office for which he was elected or appointed, to hold any office filled by the council by election or appointment, except that a member of the council may be named a member of such other boards, commissions, and bodies as may be permitted by general law. (2005, c. 893, 897)

§ 11. Elections by council; when held, terms, etc.--The council shall appoint a city manager, a city assessor, a city clerk, a city attorney, a city auditor and a high constable, each of whom shall be appointed for an indefinite period and serve at the will of the council. (1918, c. 34; 1976, c. 599; 1999, c. 479, 525)

§ 11(a). (1952, c. 258; repealed 1976, c. 599)

§ 11(b). The council is authorized to create the position of city architect whose duties shall be to review, advise the council with regard to and recommend approval or disapproval of the plans for the construction or reconditioning of all public buildings to be constructed or reconditioned by the city, and such other duties as the council may prescribe. Such city architect shall be elected by the council for an indefinite period and shall serve at the will of the council, except that he shall not be removed within twelve months from the date he assumes his duties, except for incompetence, malfeasance, misfeasance, or neglect of duty. He shall receive such compensation as may be prescribed by the council, shall be responsible only to the council, shall devote his full time to the duties of his office, shall not be a member of the classified civil service, and shall be a member of the employees' retirement system of the city. (1962, c. 120)

§ 12. Meetings of council.

On the first day of July next following the regular municipal election, or if such day be Saturday or Sunday, then on the following Tuesday, the council shall meet at the usual place for holding meetings of the legislative body of the city, at which time the newly elected council members shall assume the duties of their office. The time for any such meeting shall be set by ordinance adopted by council not less than thirty nor more than forty-five days prior to the election. Thereafter the council shall meet at such times as may be prescribed by ordinance or resolution. It shall hold at least one regular meeting each week, provided that it may, by the affirmative vote of a majority of its members, dispense with any 16 such regular meetings in any calendar year. The mayor, any member of the council, or the city manager, may call special meetings of the council at any time upon at least twelve hours' written notice to each member, served personally or left at his usual place of business or residence; or such meeting may be held at any time without notice, provided all members of the council attend. All meetings of the council shall be public except where closed pursuant to the provisions of general law, and any citizen may have access to the minutes and records thereof at all reasonable times. (1918, c. 34; 1952, c. 239; 1964, c. 24; 1966, c. 188; 1975, c. 127; 1988, c. 519; 1995, c. 164; 1997, c. 535; 2004, c. 52; 2005, c. 893, 897; 2006, c. 152, 727)

§ 13. Penalty for absence.--For each absence of a councilman from a regular meeting of the council, except where such absence is occasioned or required by city business, sickness, or other unavoidable cause, in which case the absence of such councilman may be excused by a two-thirds vote of the council, there shall be deducted from his pay a sum equal to two per centum of his annual salary. Absence from five consecutive regular meetings shall operate to vacate the seat of a member, unless the absence is excused by a council resolution setting forth the reason thereof, and entered upon the record. (1918, c. 34; 1926, c. 289; 1954, c. 72; 1982, c. 289)

LEGISLATIVE PROCEDURE.

§ 14. (1918, c. 34; 1940, c. 6; 1950, c. 428; 1958, c. 115; 1966, c. 51; 1982, c. 289; repealed 2005, c. 893, 897)

§ 14.1. Legislative procedure.

Except in dealing with questions of parliamentary procedure, the council shall act only by ordinance or resolution, which shall be introduced in writing, and all ordinances except ordinances making appropriations, or authorizing the contracting of indebtedness or issuance of bonds or other evidences of debt, shall be confined to one subject, which shall be clearly expressed in the title.

Ordinances making appropriations or authorizing the contracting of indebtedness or the issuance of bonds or other obligations and appropriating the money to be raised thereby shall be confined to those subjects respectively. Nothing herein shall be construed to prevent the council from authorizing in and by the same ordinance the making of any one public improvement and the issue of bonds therefore.

The enacting clause of all ordinances passed by the council shall be, "Be it ordained by the council of the City of Norfolk"; the enacting clause of all ordinances submitted to popular election by the initiative shall be, "Be it ordained by the people of

the City of Norfolk." No ordinance, unless it be an emergency measure, shall be passed until it has been read by its title at two regular meetings not less than one week apart, or the requirements of such reading has been dispensed with by the affirmative vote of five of the members of the council. No ordinance, section, or subsection thereof shall be revised or amended by its title, section number, or subsection number only, but the new ordinance shall contain the entire ordinance, section, or subsection, as revised or amended. The ayes and noes shall be taken upon the passage of all ordinances or resolutions and entered upon the record of the proceedings of the council, and every ordinance or resolution shall require, on final passage, the affirmative vote of at least five of the members. No member shall be excused from voting except on matters involving the consideration of his own official conduct, or where his financial interests are involved.

In authorizing the making of any public improvements, or the acquisition of real estate or any interest therein; or authorizing the contracting of indebtedness or the issuance of bonds or other evidences of indebtedness (except temporary loans in anticipation of taxes or revenues or of the sale of bonds lawfully authorized); or authorizing the sale of any property or rights in property of the City of Norfolk, or granting any public utility franchise, privilege, lease, or right of any kind to use any public property or easement of any description or any renewal, amendment or extension thereof, the council shall act only by ordinance; provided, however, that after any such ordinance shall have taken effect, all subsequent proceedings incidental thereof and providing for the carrying out of the purposes of such ordinance may, except as otherwise provided in this Charter, be taken by resolution of the council. (2005, c. 893, 897)

EMERGENCY MEASURES.

§ 15. Effective date of ordinances and resolutions.--All ordinances and resolutions passed by the Council shall be in effect from and after thirty days from the date of their passage; provided, however, that the Council may, by the affirmative vote of five of its members, pass any ordinance or resolution to take effect at the time indicated therein, but every measure providing for the sale or lease of city property, or making a grant, renewal or extension of a franchise or other special privilege, or regulating the rate to be charged for its service by any public utility, shall be in effect from and after thirty days from the date of its adoption. (1918, c. 34; 1940, c. 6; 1950, c. 428; 1966, c. 50; 1972, c. 706)

§ 16. Record and publication.--Every ordinance or resolution upon its final passage shall be recorded, and shall be authenticated by the signatures of the presiding officer and the city clerk. Every ordinance of a general or permanent nature shall be published by title once within ten days after its final passage in a newspaper or newspapers of general circulation published in the municipality; and where legally permissible, such publication shall be made but once; provided, that the foregoing requirements as to publication shall not apply to ordinances reordained in or by a general compilation or codification of ordinances printed by authority of the council.

A record or entry made by the city clerk or a copy of such record or entry duly certified by him shall be prima facie evidence of the terms of the ordinance and its due publication.

All ordinances and resolutions of the council may be read in evidence in all courts and in all other proceedings in which it may be necessary to refer thereto, either from a copy thereof certified by the city clerk or from the volume of ordinances printed by authority of the council. (1918, c. 34; 1966, c. 74; 1982, c. 289)

§ 17. (1918, c. 34; repealed 2005, c. 893, 897)

§ 17.1 Mayor.

Effective July 1, 2006, the mayor shall preside at meetings of the council, and perform such other duties consistent with his office as may be imposed by the council. He shall be entitled to a vote, but shall possess no veto power. He shall be recognized as the official head of the city for all ceremonial purposes, by the courts for the purpose of serving civil process, and by the governor for military purposes. He may use said title in any case in which the execution of contracts or other legal instruments in writing, or other necessity arising from the general laws of the state, may so require; but this shall not be construed as conferring upon him the administrative or judicial functions, or other powers or functions, of a mayor, under the general laws of the state. In time of public danger or emergency, he may, with the consent of the council, take command of the police and of the home guards hereinafter provided for and maintain order and enforce laws. During his absence or disability his duties shall be performed by another member appointed by the council.

The powers and duties of the mayor shall be such as are conferred upon him by this Charter, together with such others as may be conferred by the council in pursuance of the provisions of this Charter, and no others. (2005, c. 893, 897)

NOMINATIONS AND ELECTIONS.

§ 18. Time of holding municipal elections and conduct of elections.--A municipal election shall be held on the first Tuesday in May of the year 1992, and of every second year thereafter, which shall be known as the regular municipal election for the election of council members. Any matter which, by the terms of this charter, may be submitted to the electors of the city, at any special election, may be submitted at a regular municipal election.

An election to fill each of the ward and superward council seats shall be held at the regular municipal election in 1992. Those candidates elected from wards designated one through five shall serve on city council for a term beginning on the first day of July of the year 1992 and terminating two years hence or upon qualification of their successors. Those candidates elected from superwards designated six and seven shall serve on city council for terms beginning on the first day of July of the year 1992 and terminating four years hence or upon qualification of their successors. Thereafter, elections for council members from wards one through five shall be held every four years beginning on the first Tuesday in May, of the year 1994, and elections for superwards six and seven shall be held every four years beginning on the first Tuesday in May, of the year 1996, with persons so elected to begin their four-year terms on the first day of July following their election. Until July 1, 1992, the city council shall consist of the members of city council serving at the time of adoption of this amendment or their successors as provided in § 7 of this charter.

Beginning in the year 2006, there shall be an election for the office of mayor to be held at the regular municipal election that year. The candidate receiving the most votes from the qualified voters of the city voting at-large for said office shall be elected mayor to serve for a term of four years beginning July 1, 2006, or upon qualification of his or her successor. Thereafter, elections for the office of mayor shall be held every four years beginning on the first Tuesday in May of the year 2010, with persons so elected to begin their four-year terms on the first day of July following their election. (1918, c. 34; 1992, c. 261; 2005, c. 893, 897)

NOMINATION OF CANDIDATES.

§ 19. Notice of Candidacy and Petition.

Candidates for the city council shall be qualified voters of the ward or superward from which they seek election, or in the case of the election of the mayor, qualified voters of the city at-large. Such candidates, subject to the provisions of § 21 of this charter, shall file their notices of candidacy and their petitions in the manner provided by law. No candidate may seek election for more than one seat in an election. A sitting member of council who files his or her candidacy for mayor or for election to a council seat other than reelection to his or her own seat and so appears on the ballot shall be deemed to have resigned his or her seat effective June 30 of the year in which the election is held whether or not he or she is elected to the new seat sought. (1918, c. 34; 1928, c. 316; 1940, c. 6; 1968, c. 117; 1992, c. 261; 2003, c. 206; 2005, c. 893, 897)

ACCEPTANCE.

§ 20. (1918, c. 34; 1928, c. 316; 1940, c. 6; repealed 1968, c. 117)

BALLOTS.

§ 21. --(a) The ballots used in all elections provided for in this charter for the election of councilmen shall be without party marks or designations; provided, that such ballot shall bear a notation or direction substantially as provided by § 5 of this charter.

(b) There shall not be printed on any such ballot the name of any person who has been nominated, elected or designated for the office of councilmen by any primary election conducted or held under the auspices or authority of any political party, faction or combination. (1918, c. 34; 1928, c. 316; 1940, c. 6)

METHOD OF CONDUCTING MUNICIPAL ELECTIONS.

§ 22. The candidate at any regular municipal election who receives the highest number of votes from the ward or superward to which election to city council is sought shall be elected the council member for that ward or superward. Beginning with the municipal election in the year 2006, the candidate for mayor who receives the highest number of votes city-wide shall be elected mayor. Each qualified voter shall be entitled to vote for no more than two council members in any election: one member from the

ward or superward in which the voter is qualified to vote and the mayor. (1918, c. 34; 1940, c. 6; 1992, c. 261; 2005, c. 893, 897)

§ 23. Election of other officers.--There shall be elected by the qualified voters of said city, on the Tuesday after the first Monday in November, 1921, and quadrennially thereafter, the following officers: one attorney for the Commonwealth, one commissioner of the revenue, one city treasurer, and one city sergeant, who shall hold their offices for the term of four years from the first day of January ensuing their election and until their successors are duly elected and qualified, unless sooner removed from office; and there shall be elected by the qualified voters of said city on the Tuesday after the first Monday in November, 1921, and every eight years thereafter, one clerk of the corporation court of the city of Norfolk, and one clerk of the circuit court of said city of Norfolk, whose terms shall begin and end as is now, or may hereafter be prescribed by the general assembly of this State; provided, that if the Constitution of Virginia shall at any time hereafter be so amended as to permit it, the said officers mentioned in this section or any of them may be elected or appointed in such manner as the council may by ordinance prescribe, and the council may in such case abolish any one or more of the said offices, if permitted so to do by the Constitution of the State, and prescribe by whom and in what manner the duties thereof shall be performed. (1918, c. 34)

THE RECALL.

§ 24. Recall procedure.--Any member of city council may be recalled and removed from office only by the qualified voters of the ward or superward from which such member serves, or in the case of the mayor from the qualified voters of the city at-large, and in accordance with the procedure described in this section. A petition for the recall of the council member designated, signed by at least three hundred qualified voters of the council member's ward or superward, or on or after July 1, 2006, at least one thousand qualified voters city-wide in the case of the mayor, and containing a statement in not more than two hundred words of the grounds of the recall, shall be filed with the city clerk, who shall immediately transmit a copy thereof to the city general registrar who shall examine the same, and ascertain and certify to the city clerk whether at least three hundred persons whose names are signed thereto are qualified voters of the said ward or superward or on or after July 1, 2006, one thousand qualified voters city-wide in the case of the mayor. Upon receipt of said certification, the city clerk shall forthwith notify such council member. Such council member may, within five days after such notice, file with such clerk a defensive statement not exceeding two hundred words. The city clerk shall, immediately upon the expiration of said five days, cause sufficient printed or typewritten copies of such petition, without the signatures, to be made, and to each copy 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 shall cause one copy of such petition with a copy of the defensive statement, if any, attached to be conveniently placed in his office, and provide facilities for there signing the same, and shall also cause one copy, with a copy of the defensive statement, if any, attached to be placed in at least two public buildings designated by council and located within the council member's ward or superward, or on or after July 1, 2006, in the case of the mayor, in each superward, and provide facilities for there signing

the same, and for the proper custody thereof. The city clerk shall immediately cause notice to be published in some newspaper of general circulation published in the city, of the places where the said copies may be found, and of the time within which the same may be signed.

The said copies of such petition shall remain on file in the several places designated for a period of thirty days, during which time any one of them may be signed by any qualified voter of the designated council member's ward or superward, or any qualified voter in the city in the case of the mayor, including those who signed the original petition. (1918, c. 34; 1992, c. 261; 2005, c. 893, 897)

§ 25. Notice.--At the expiration of said thirty days, the city clerk shall assemble all of said copies, and shall file the same as one instrument with the clerk of the circuit court of said city, who shall immediately transmit a copy thereof to the city general registrar who shall examine the same, and ascertain and certify to the clerk of the circuit court whether the persons whose names are signed thereto are qualified voters of the said ward or superward, equal in number to fifteen percent of the number of voters in said ward or superward who cast their votes at the last preceding regular municipal election in which such council member was elected, or on or after July 1, 2006, in the case of the mayor, fifteen percent of the number of voters city-wide who cast their votes at the last preceding regular municipal election in which the mayor was elected. If such signatures do amount to fifteen percent, the clerk of the circuit court of said city, shall at once serve notice of that fact upon the council member designated in the petition. (1918, c. 34; 1992, c. 261; 2005, c. 893, 897)

§ 26. Recall election.--If the council member designated in such petition, files with the city clerk, within five days after the last mentioned notice from the clerk of the circuit court of said city, his written resignation, the said city clerk shall at once notify the clerk of the circuit court of said city of that fact, and such resignation shall be irrevocable, and shall be filed and preserved in the offices of the city clerk, and the council shall proceed to fill the vacancy, subject to the provisions of § 7 of this charter. In the absence of notice from the city clerk that such resignation has been filed, as aforesaid, the clerk of the circuit court of said city shall upon the expiration of said period of five days forthwith present to said court, the said copies with his certificate as to the percentage of qualified voters whose names are signed thereto as verified by the city general registrar, and a certificate as to the date of the service of the notice given by him to the council member designated in the petition, as above provided. And thereupon the said court shall forthwith enter an order calling and fixing a date for holding a recall election for the removal of the council member named in said petition, who has not resigned as aforesaid. Any such election shall be held not less than thirty nor more than sixty days after the date of the entering of said order. If any other election is to be held within the said period, the said court, or the judge thereof in vacation, shall direct that the said recall election be held at the same time and in accordance with state law. (1918, c. 34; 1992, c. 261)

BALLOTS AND METHOD OF VOTING.

§ 27. Ballots and method of voting.--The ballots at such recall election shall conform to the following requirements. With respect to each person whose removal is sought, the question shall be submitted:

"Shall (name of person) be removed from the office of council member by recall?"

Immediately following each such question, there shall be printed on the ballots the following:

☐ Yes

☐ No"

In any such election if the majority of the votes cast on the question of the removal of any council member are affirmative, such council member shall be deemed removed from office upon the ascertainment and certification of the results of such election by the city electoral board, and the vacancy caused by such recall shall be filled by the remainder of the council, according to the provisions of § 7 of this charter. (1918, c. 34; 1940, c. 6; 1950, c. 428; 1992, c. 261)

§ 28. Effect of resignations pending proceedings for the recall of all council members.--Should all members of city council be subject to recall proceedings, the civil service commission, as provided in § 7 shall have the power, and it shall be its duty forthwith to fill such vacancy or vacancies which result from resignation of any or all council members. It shall be the duty of such commission to fill such vacancy or vacancies temporarily until successors are elected. The proceedings for the recall of the council members, and the election of their successors, shall continue and have the same effect as though there had been no resignation. (1918, c. 34; 1992, c. 261)

§ 29. Miscellaneous provisions.--No petition to recall any councilman 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. (1918, c. 34)

INITIATIVE.

§ 30. Petition.--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 qualified voters equal in number to ten per cent of the number of electors who cast their votes at the last preceding regular municipal election for the election of councilmen. 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 qualified voters, who shall be officially regarded as filing the petition, and who shall constitute a committee of the petitioners for the purpose hereinafter stated. (1918, c. 34)

§ 31. Time of filing.--All papers comprising the petition shall be assembled and filed with the city clerk, as one instrument, within one hundred and twenty days, from the date of the first signature thereon, and when so filed the clerk shall submit the same to the council at its next regular meeting, and provision shall be made for public hearings upon the proposed ordinance. (1918, c. 34)

§ 32. The council shall at once proceed to consider such petition and shall take final action thereon within thirty 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: Said committee shall present to the clerk of the corporation court of said city a petition for such election, addressed to said court and signed by qualified voters equal in number to twenty-five per cent of the number of electors who cast their votes at the last preceding regular municipal election for the election of councilmen, but in no case signed by less than four thousand qualified voters of the city. Said petition shall contain the proposed ordinance in full in the form in which it is proposed to submit the same to the electors. The said petition and all copies thereof shall be filed with the clerk of said court as one instrument. Within ten days after the filing thereof the said clerk shall ascertain and certify thereon whether the required number of qualified voters have signed the same. If it be found that the required number of qualified voters have signed the said petition, then the said petition, with the certificate of the said clerk thereon, shall be presented by said committee to the corporation court of said city, or to the judge thereof in vacation, and thereupon the said court, or the judge thereof in vacation, 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 said city. Any such election shall be held not less than thirty nor more than sixty days after the date of the entering of said order. If any other election is to be held within the said period said court or the judge thereof shall direct that such proposed ordinance shall be submitted to a vote of the electors at such election. At least ten days before any such election the clerk of the said court shall cause such proposed ordinance to be published once in one or more newspapers of general circulation published in said city. (1918, c. 34; 1956, c. 339)

§ 33. The ballots used when voting upon any such proposed ordinance shall state the title of the ordinance to be voted on, and the ballots and method of voting shall conform to the provisions of § 24-141 of the Code of Virginia.

If a majority of the electors voting on such proposed ordinance shall vote in favor thereof, it shall, upon the ascertainment and certification of the results of such election by the commissioners of election, become an ordinance of the city. (1918, c. 34; 1956, c. 339)

§ 34. Ordinances adopted by the electors: How amended or repealed.--No ordinance adopted by the vote of the electors, as herein provided, shall be repealed or amended, except by vote of the electors; but the corporation court of said city, or the judge thereof in vacation, may, on request of the council, by resolution, order an ordinance to repeal or amend any ordinance so adopted, to be submitted to the electors at any regular election, or at any special municipal election called for some other purpose, provided that the clerk of said court shall cause notice of the proposed submission of such ordinance repealing or amending an ordinance, to be published once in one or more newspapers of said city not more than sixty days nor less than thirty days prior to said election. If an amendment is so proposed such notice shall contain the proposed amendment in full, and such submission shall be in the same manner and the vote shall have the same effect as in the case of an ordinance submitted to election by popular petition. (1918, c. 34)

REFERENDUM.

§ 35. Petition for referendum.--If at any time within a thirty-day period following the adoption of an ordinance a petition, signed by qualified voters equal in number to twenty-five per cent of the number of electors who cast their votes at the last preceding regular municipal election for the election of councilmen, but in no case signed by less than four thousand qualified voters of the city, be filed with the city clerk, 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 step shall have elapsed without action. Such petition shall state therein the names and addresses of at least five electors, who shall constitute a committee to represent the petitioners, who shall be officially regarded as filing the petition, and shall constitute a committee of the petitioners for the purposes hereinafter stated. Referendum petitions need not contain the text of the ordinance or ordinances, the amendment or repeal of which is sought, but shall contain the proposed amendment, if an amendment is demanded. (1918, c. 34; 1956, c. 339; 1972, c. 706)

§ 36. Proceedings thereunder.--The city clerk shall present the said petition to the council at its next regular meeting, and thereupon the council shall proceed to reconsider the ordinance. If, within thirty days after the filing of such petition, the ordinance be not repealed or amended as requested in such petition, the city clerk shall, if so requested by a writing signed by a majority of the said committee and presented to the said city clerk within twenty days after the expiration of said period of thirty days, present to the clerk of the corporation court of said city, the said petition and all copies thereof as one instrument together with a copy of the ordinance the repeal of which is sought. Within ten days after the filing of said petition, the clerk of said court shall ascertain and certify whether the required number of qualified voters have signed the same. If it be found that the required number of qualified voters have signed the said petition, then within five days after the expiration of said ten days the said petition, with the certificate of the clerk thereon, shall be presented by the said committee to the corporation court of said city, or to the judge thereof in vacation, and thereupon the said court or the judge thereof in vacation shall forthwith enter an order calling and fixing a date for holding an election for the purpose of submitting the said ordinance to the electors of said city. Thereupon the said ordinance shall ipso facto be further suspended from going into effect until such election shall have been held and shall then be deemed repealed unless approved by a majority of those voting thereon. Any such election shall be held not less than thirty nor more than sixty days after the date of the entering of such order. If any other election is to be held within the said period, said court or the judge thereof in vacation shall direct that the said ordinance shall be submitted to the vote of the electors at such election. At least ten days before any such election the clerk of said court shall cause the said ordinance to be published once in one or more newspapers of general circulation published in said city. (1918, c. 34)

§ 37. Ballots and method of voting.--The ballots used when voting upon such ordinance shall conform in all respects to the ballots required for an initiative election under § 33 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 by the commissioners of election, go into effect as an ordinance of the city. (1918, c. 34)

§ 38. Ordinances submitted by popular petition.--Ordinances submitted to the council by initiative petition and passed by the council without change, or passed in an amended form, and not required to be submitted to the vote of the electors by the committee of the petitioners, shall be subject to the referendum in the same manner as other ordinances. (1918, c. 34)

§ 39. Conflict of ordinances.--If two or more ordinances adopted or approved at the same election conflict in respect of any of their provisions, such ordinances shall go into effect in respect of such of their provisions as are not in conflict, and the one receiving the highest affirmative vote shall prevail insofar as their provisions conflict. (1918, c. 34)

§ 40. Measures not subject to referendum.--Ordinances passed providing for any work, improvement or repairs certified by the city manager to be immediately necessary to protect public property or health from imminent danger, or to protect the city from imminent loss or liability shall not be subject to the referendum. The certificate of the city manager in any such case shall be conclusive. All other ordinances passed unless exempted by law, shall be subject to the referendum in like manner as other ordinances, except that they shall go into effect at the time indicated in such ordinances. If, when submitted to a vote of the electors, an ordinance be not approved by a majority of the voters voting thereon, it shall be considered repealed as regards any further action thereunder; but such measure so repealed shall be deemed sufficient authority for payment in accordance with the ordinance of any expenses incurred previous to the ascertainment and certification by the commissioners of election of the result of the referendum vote thereon. (1918, c. 34; 1972, c. 706)

§ 41. Preliminary action.--In case a petition be filed requesting that a measure passed by the council providing for the expenditure of money, for a bond issue or a public improvement be submitted to a vote of the electors, all steps preliminary to such actual expenditure, actual issue of bonds or actual signing of a contract for such improvements may be taken prior to the election. (1918, c. 34)

GENERAL PROVISIONS RELATING TO ELECTIONS AND TO THE INITIATIVE, REFERENDUM AND RECALL.

§ 42. Elections.--All elections for the election of councilmen, and all initiative, referendum and recall elections, shall be conducted, and the result canvassed and certified by the regular election officials provided by the general election laws of the State, and, except as otherwise provided in this charter, all such elections shall be governed by the said general election laws. (1918, c. 34)

§ 42.1. Advisory referendum for election of mayor.

Notwithstanding any other provision of law, general or special, to the contrary, the council shall have the sole and exclusive power to authorize the holding of an advisory referendum on the question of whether the mayor shall be popularly elected. The council shall authorize by ordinance the holding of such advisory referendum at the

general election to be held in November 2000, and shall determine the circumstances of said advisory referendum; however, no such referendum shall conflict with any election or voting laws of the United States or the Commonwealth of Virginia. (2000, c. 950, 979)

§ 43. Petitions.--All petitions for the nomination of councilmen and all petitions in connection with the initiative, referendum or recall 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 place opposite his name the date of his signature, and his place of residence by street and number. The signatures of 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 on the date indicated. 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 qualified voters, but the names of such persons shall not be counted. As used in this charter the terms "elector," "qualified elector" and "qualified voter" are synonymous. (1918, c. 34)

§ 44. Presumptions.--All signatures to any petition mentioned in the preceding section hereof shall be accepted and treated as prima facie genuine. For the purpose of certifying the number of qualified voters whose names are signed to any such petition the clerk of the corporation court of said city shall presume that any person whose name appears thereon is a qualified voter if such person (a) is exempt from the payment of poll taxes as a prerequisite to voting, or (b) appears from the treasurer's list of persons who have paid their poll taxes to have complied with the law as to payment of poll taxes so as to be a qualified voter on the date of his signature under the provisions and within the meaning of § 45 hereof, assuming him to be duly registered. All such petitions substantially complying with the requirements of this charter and certified by said clerk to bear the required number of signatures of qualified voters shall be accepted and treated as prima facie sufficient. The burden of proving the insufficiency of any such petition in any respect shall be upon the person alleging the same. (1918, c. 34)

§ 45. Qualification of persons signing certain petitions.--The question whether any person is a qualified voter for the purpose of signing any nominating petition or any petition in connection with the initiative, referendum or recall shall be determined as follows: If any petition be signed on or before the second Tuesday in June in any year the person signing the same shall be deemed a qualified voter for that purpose within the meaning hereof, if qualified to vote on said second Tuesday in June. If such petition be signed after the second Tuesday in June in any year, the person signing the same shall be deemed a qualified voter for that purpose within the meaning hereof, if qualified to vote on the first Tuesday after the first Monday in November of said year. (1918, c. 34)

§ 46. Duty of city attorney.--Before any ordinance or amendment proposed by popular petition shall be submitted to the council, it shall be first 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. (1918, c. 34)

§ 47. 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 or recall 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 paragraph (a) of this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than one hundred dollars nor more than five hundred dollars and imprisoned not less than thirty days nor more than six months.

Any person violating any of the provisions of paragraph (b) of this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than ten dollars nor more than two hundred dollars.

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. (1918, c. 34)

§ 48. Compensation of clerk of the corporation court.--For his services in connection with any proceedings under the foregoing sections relating to the initiative, referendum and recall, the clerk of the corporation 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. (1918, c. 34)

THE CITY MANAGER.

§ 49. Appointment, qualification, etc.--The city manager shall be the administrative head of the municipal government. He shall be chosen by the council without regard to his political beliefs, and solely upon the basis of his executive and administrative qualifications. The choice shall not be limited to inhabitants of the city or State, unless otherwise required by the Constitution of the State. The city manager shall receive such compensation as shall be provided by the council by ordinance. He shall be appointed in the manner and for the term prescribed in § 11 of this charter. During the absence or disability of the city manager the council shall designate some properly qualified person to perform his duties. (1918, c. 34; 1999, c. 479, 525)

§ 50. Powers and duties of the city manager.--The city manager shall be responsible to the council for the efficient administration of all affairs of the city. He shall have power, and it shall be his duty:

(a) To see that all laws and ordinances are enforced.

(b) Except as otherwise provided in this charter, to appoint all heads or directors of departments, and all subordinate officers and employees of the city in both the classified and unclassified service with the power to discipline and remove any officer or

employee so appointed; and in the classified service all appointments and removals to be subject to the civil service provisions of this charter.

(c) To exercise supervision and control over all departments and divisions created herein, or that may be hereafter created by the council.

(d) To attend all regular meetings of the council, with the right to take part in the discussion, but having no vote. He shall be entitled to notice of all special meetings.

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

(f) To see that all terms and conditions imposed in favor of the city, or its inhabitants, in any public utility franchise are faithfully kept and performed; upon knowledge of any violation thereof, to call the same to the attention of the city attorney whose duty it shall be forthwith to take such steps as are necessary to protect and enforce the same.

(g) To make and execute all contracts on behalf of the city except as may be otherwise provided in this charter or by ordinances passed in pursuance thereof.

(h) To act as budget commissioner, and as such to prepare and submit to the council the annual budget, after receiving estimates made by the heads or directors of the departments or of any board or commission not within a department.

(i) To keep the council at all times fully advised as to the financial condition and needs of the city.

(j) To perform all such other duties as may be prescribed by this charter, or be required of him by ordinance or resolution of the council. (1918, c. 34)

§ 51. Investigations.--The council, the city manager, and any officer, board or commission authorized by them, or either of them, shall have power to make investigations as to city affairs, and for that purpose to subpoena witnesses, administer oaths, and compel the production of books and papers. The civil service commission shall have power to make investigations relating to the civil service, with the like power to subpoena witnesses, administer oaths and compel the production of books and papers.

Any person refusing or failing to attend, or to testify, or to produce such books and papers, may by summons issued by such board or officer be summoned before the police justice of said city by the board or official making such investigation, and upon failure to give satisfactory explanation of such failure or refusal, may be fined by the police justice not exceeding one hundred dollars or imprisoned not exceeding thirty days, such person to have the right to appeal to the corporation court of the city. Any person who shall give false testimony under oath at any such investigation shall be liable to prosecution for perjury. (1918, c. 34)

ADMINISTRATIVE DEPARTMENTS.

§ 52. Creation of departments.--The following administrative departments are hereby created:

- (a) Department of Law;
- (b) Department of Public Works;
- (c) Department of Public Welfare;
- (d) Department of Public Safety;
- (e) Department of Finance.

The council may, by ordinance adopted by the affirmative vote of at least five of its members, create new departments or subdivisions thereof, combine or abolish existing departments, and distribute the functions thereof, or establish temporary departments for special work.

At the head of each department there shall be a director; provided, that until the council shall otherwise provide by ordinance adopted by the affirmative vote of at least five of its members, the city manager shall be the director of the department of public safety, and of the department of finance.

The director of each department shall be chosen on the basis of his general executive and administrative ability and experience, and of his education, training and experience in the class of work which he is to administer.

The director of each department, except the department of law, shall be appointed by the city manager, and may be removed by him at any time.

The directors of the several departments shall be immediately responsible to the city manager for the administration of their respective departments, and their advice, in writing, may be required by him on all matters affecting their departments. They shall prepare departmental estimates, which shall be open to public inspection, and they shall make all other reports and recommendations concerning their departments at stated intervals, or when required by the city manager, under such rules and regulations as he may prescribe. (1918, c. 34; 1950, c. 428)

DEPARTMENT OF LAW.

§ 53. The city attorney.--The city attorney shall be the head of the department of law. He shall at the time of his appointment have practiced law in the State of Virginia for at least five years and in the city of Norfolk for at least two years. He shall be the legal adviser of and attorney and counsel for the city and for all officers and departments thereof in matters relating to their official duties. He shall prosecute all suits, actions and proceedings for and on behalf of the city, and defend all suits, actions and proceedings against the same, and shall prepare all contracts, bonds and other instruments in writing, in which the city is interested or concerned, and shall endorse on each his approval of the form and correctness thereof, provided that in the case of bonds to be issued by the city, it shall be sufficient if he certify to the council his approval thereof as to form in a separate writing, to be filed and preserved with the records of the council. He shall be the prosecuting attorney for the prosecution of the violation of city ordinances.

He shall have such number of assistants as the council by ordinance may provide, such assistants to be nominated by him and confirmed by the council.

The council, the city manager, the director of any department or any officer, board or commission not included within a department may require the opinion of the city attorney upon any question of law involving their respective powers and duties.

The city attorney shall apply in the name of the city to a court of competent jurisdiction for such injunction or injunctions as may be necessary to restrain and prevent the misapplication of the funds of the city, or the invasion or abuse of its corporate powers, or the usurpation of authority by any city official, or the execution or performance of any contract made in behalf of the city in contravention of law, or which was procured by fraud or corruption.

When an obligation or contract made on behalf of the city granting a right or easement or creating a public duty is being evaded or violated, the city attorney shall institute and prosecute such suit or suits as may be necessary to enforce the forfeiture thereof, or the specific performance thereof, as the nature of the case may require.

In case any officer, board or commission shall fail to perform any duty required by law, the city attorney shall apply to a court of competent jurisdiction for a writ of mandamus to compel the performance of such duty. Whenever the city shall purchase or otherwise acquire real estate or any interest therein, unless other provision is made by the council, the city attorney shall examine and certify the title thereto before the purchase price thereof shall be paid. The said city attorney shall perform such other duties as may be required of him by ordinance or resolution of the council. (1918, c. 34)

DEPARTMENT OF PUBLIC WORKS.

§ 54. General powers and duties.--The head of the department of public works shall be known as the director of public works. He shall be by profession an engineer who has had experience in municipal engineering. Subject to the supervision and control of the city manager in all matters, he shall manage and have charge of the construction, improvement, repair, maintenance and use of streets, sidewalks, alleys, lanes, bridges, viaducts and other public highways; of sewers, drains, ditches, culverts, canals and streams and water courses, of the municipal water supply, and all works, lands, water, lands under water, dams, pumping stations, ways, mains, pipes and other works connected therewith; of all public landings, public wharves and docks; of all public buildings, boulevards, squares and other public places and grounds belonging to the city or dedicated to public use, of the establishment, development and maintenance of parks, playgrounds and cemeteries, but not the management and supervision of such parks, playgrounds and cemeteries; and shall manage all sewage disposal and reduction plants and all other public utilities owned or operated by the city. He shall have charge of the enforcement of all the obligations of privately owned or privately operated public utilities enforceable by the city. He shall have charge of the making and preservation of all surveys, maps, plans, drawings and estimates for any public work, and shall also have charge of the cleaning, sprinkling and lighting of the streets and public places, the collecting and disposal of waste, and the preservation of contracts, papers, plans, tools, appliances and equipment belonging to the city, and pertaining to said department.

The director of public works shall perform such other duties relating to his department as may be required of him by the city manager.

The council may by ordinance provide for the establishment and organization within the said department, and subject to the supervision of the director thereof, of a division of surveying and of such other divisions or bureaus as the council may see fit, and may distribute the functions and duties of said department among such divisions or bureaus as it may deem expedient. The head of the division of surveying shall be by education a civil engineer. All of his acts in the matter of surveys shall be as valid and effectual as are the acts of a county surveyor done within his county. The fees for such services as may be required of him in the capacity of surveyor shall be collected in advance by him and turned into the city treasury. He shall give bond in such penalty as the council may by ordinance provide. (1918, c. 34)

§ 55. (1918, c. 34; repealed 1976, c. 599)

§ 56. (1918, c. 34; repealed 1976, c. 599)

§ 57. Laying out of streets and rights therein.--Whenever any street, alley or lane shall have been opened to and used as such by the public for the period of five years the same shall thereby become a street, alley, or lane for all purposes, and the city shall have the same authority and jurisdiction over and right and interest therein as it has by law over the streets, alleys, and lanes laid out by it. And any street or alley reserved in the division or subdivision into lots of any portion of the territory within the corporate limits of the city by a plat or plan of record shall be deemed and held to be dedicated to the public use, and the council shall have authority, upon the petition of any person interested therein, to open such street or alley, or any portion of the same. No agreement between or release of interest by the person owning the lands immediately contiguous to any such alley or street, whether the same has been opened and used by the public or not, shall avail or operate to abolish said alley or street, so as to divest the interest of the public therein, or the authority of the council over the same. No property within the corporate limits of said city shall be laid out by the owner thereof with streets or alleys thereon except upon a plan to be approved by the director of public works. Notwithstanding anything in this section contained, the said city shall not be liable for any accident which may occur upon any street, alley, boulevard or way, whether heretofore or hereafter laid out, until the said street, boulevard, alley or way shall have been accepted by the council. (1918, c. 34)

DEPARTMENT OF PUBLIC WELFARE.

§ 58. General powers and duties.--The head of the Department of Public Welfare shall be known as the Director of Public Welfare.

Subject to the supervision and control of the City Manager in all matters, he shall administer the affairs of his department, which shall include the management and supervision of all charitable, correctional and reformatory institutions and agencies belonging to the City; the use of all recreative facilities of the City, including parks and playgrounds other than school playgrounds; the management and supervision of cemeteries; the maintenance and preservation of shade trees and shrubbery; the inspection and supervision of all public amusements and entertainments, and of the places where the same are held; the enforcement of all laws, ordinances and regulations relative to the preservation and promotion of the public health; the prevention and restriction of all disease, including the enforcement in time of threatened epidemic, of such quarantine and isolation regulations as are appropriate to the emergency; the prevention, abatement and suppression of nuisances; the sanitary inspection and supervision of the production, transportation, storage and sale of food and foodstuffs; the inspecting, testing, measuring and weighing of any commodity or article of consumption or use within the City, as well as the inspection of weights, measures and meters used for the purpose aforesaid. The said department shall keep a complete and accurate system of vital statistics.

The Council shall provide for the establishment and organization within the said department and subject to the supervision of the director thereof, of the following divisions and bureaus:

(a) Bureau of Public Health, which shall be charged with the conservation of the public health, with the supervision, management and control of all hospitals, municipal clinics and dispensaries, of all detention or isolation stations for contagious diseases; with the sanitary supervision of the City water supply and the sanitary policing and patrol of the territory constituting the watershed thereof; the sanitary inspection of all plumbing, buildings, grounds and premises, including public buildings and public school buildings; the physical inspection of the pupils of public schools, and the administration to such pupils of such medical and surgical supervision and attention as the Council may by ordinance provide; the sanitary inspection and supervision of the production, transportation, storage, and sale of all foods and foodstuffs and of all articles and things intended for human consumption; and the keeping of a complete record of vital statistics.

The Superintendent of the Bureau of Public Health shall be the Health Officer of the City.

He shall be a physician, a graduate of a medical college which is now, or was at the time of his graduation, recognized by the Virginia State Board of Medical Examiners, and shall have had training in the administration of public health duties.

The appointment of such officer shall not be limited to the inhabitants of the City or State, unless otherwise required by the Constitution of the State. He shall give his entire time to the duties of his position; and shall have such assistants as the Council may by ordinance provide; provided, however, that the provisions of paragraph (a) shall be suspended during any period when the City has established a District Health Department and has contracted with the State of Virginia, or any department, board or agency thereof, for the operation thereof; and during any such contract period, the City Manager may appoint the person operating the District Health Department for the State as the Director of Public Health, and Health Officer, of the City and when so appointed, such person is empowered and directed to enforce all local laws and ordinances of the City relating to public health and to carry out all duties and responsibilities imposed upon the Director of Public Health, and Health Officer, of the City by State statute or local ordinances.

(b) Bureau of Markets, which shall be charged with the supervision, management and control of all public markets; and with the collection of all market fees, and the proper accounting for the same.

(c) Bureau of Recreations and Charities, which shall be charged with the supervision and control of all charitable, correctional and reformatory institutions belonging to the City, and of all recreational facilities of the City, including parks and playgrounds, other than school playgrounds; with the management and supervision of cemeteries and also with the inspection and supervision of all public amusements and entertainments and of the places where the same are held.

The Director of Public Welfare shall endeavor to correlate all private and public charities within said City, and so far as is practicable to avoid duplication of effort.

The Council shall make no appropriation of public funds towards the maintenance and support of any private charity except upon conditions that the City shall have representation upon the board of directors, board of managers or other governing body of such private charity, and that a detailed financial report, showing all receipts and disbursements by such private charity, shall be made to the Director of Public Welfare at least once in each year. But nothing herein shall be construed to prevent the City from

contracting with any private hospital or similar institution for the care of indigent sick or injured persons, or for other services.

The Director of Public Welfare, or such other person within said department as he may designate, shall represent the City on the board of directors, board of managers or other governing body of any charity to which public funds shall have been contributed upon the conditions aforesaid.

(d) Bureau of Standards, which shall be charged with the inspection and testing of all weights, scales, meters, and measures for the weighing or measuring of any article or commodity of consumption or use within the City, including the inspection and testing of the quality and sufficiency of electric current and gas and meters used in measuring the same.

The Council may by ordinance add to the functions and duties of the said several divisions or bureaus; or rearrange and group the said functions as said Council may deem expedient. (1918, c. 34; 1944, c. 309; 1966, c. 52)

DEPARTMENT OF PUBLIC SAFETY.

§ 59. General powers and duties.--The head of the department of public safety shall be known as the director of public safety.

Subject to the supervision and control of the city manager in all matters, he shall be the executive head of the divisions of police and fire. He shall also be the chief administrative authority in all matters pertaining to the erection, maintenance, repair, occupancy and inspection of buildings under such regulations as may be ordained by the council. (1918, c. 34)

§ 60. Division of Police.--The police force shall be composed of a chief of police and of such officers, patrolmen and other employees as the city manager may determine. The chief of police shall have the immediate direction and control of the said force, subject, however, to the supervision of the director of public safety, and to such rules, regulations and orders as the said director may prescribe, and through the chief of police the director of public safety shall promulgate all orders, rules and regulations for the government of the whole force. In case of the disability of the chief of police to perform his duties by reason of sickness, absence from the city or other cause, the director of public safety shall designate an officer of the police force to act as chief of police during such disability, and the officer so designated shall serve without additional compensation. The members of the police force other than the chief shall be selected from the list of eligibles prepared by the civil service commission, and in accordance with such rules as the said commission may prescribe, provided that in case of riot or emergency the director of public safety may appoint additional patrolmen and officers for temporary service, who need not be in the classified service. Each member of the police force, both rank and file, shall have issued to him a warrant of appointment signed by the director of public safety, in which the date of his appointment shall be stated, and such warrant shall be his commission. Each member of the said force shall, before entering upon the duties of his office, take and subscribe an oath that he will faithfully without fear or favor, perform the duties of his office, and such oath shall be filed and preserved with the records of said department. And in addition the several officers of the said force shall, if

so required by the council, give bond in such penalty and with such security as the council may by ordinance prescribe.

No person except as otherwise provided by general law or by this charter shall act as special police, special detective or other special police officer for any purpose whatsoever except upon written authority from the director of public safety. Such authority, when conferred, shall be exercised only under the direction and control of the chief of police and for a specified time.

The officers and privates constituting the police force of said city shall be, and they are, hereby invested with all of the power and authority which pertains to the office of constable at common law in taking cognizance of and in enforcing the criminal laws of the State and the ordinances and regulations of said city, and it shall be the duty of each such officer and private to use his best endeavors to prevent the commission within the said city of offenses against the laws of said State, and against the ordinances and regulations of said city; to observe and enforce all such laws, ordinances and regulations; to detect and arrest offenders against the same; to preserve the good order of said city, and to secure the inhabitants thereof from violence, and the property therein from injury. Such policemen shall have no power or authority in civil matters, but shall execute any criminal warrant or warrant of arrest that may be placed in his hands by any justice of the city, and shall make due return thereof. Such policemen shall not receive any fee or other compensation for any services rendered in the performance of his duty, other than the salary paid him by the city, nor shall he receive a fee as a witness in any case arising under the criminal laws of the said State, or under the ordinances or regulations of the said city.

The director of public safety shall prescribe the uniforms and badges for the members of the police force, and direct the manner in which the members of said force shall be armed. Any person other than a member of said force who shall wear such uniform or badge as may be prescribed as aforesaid, may be subjected to such fine or imprisonment, or both, as may be prescribed by the council by ordinance. (1918, c. 34; 1950, c. 93)

§ 61. Home guards.--For the further preservation of the public safety the city shall have power in time of war or insurrection, to establish, equip and maintain a body of citizens to be known as the home guards, the members of which when called into service as hereinafter provided shall have all the powers and authority and all the immunities of constables at common law. In case of war or insurrection the council shall appoint a committee of five citizens, to be known as the city defense commission, whose duty it shall be to organize the home guards above provided for into such companies and battalions as the said committee may deem best, and to adopt and promulgate all necessary rules and regulations for their government. The council shall have authority to make such appropriation or appropriations as may be necessary to arm, equip, uniform and maintain the said home guards. It shall be the duty of the members of the home guards to act in defense of the property and lives of the citizens of Norfolk, and to aid the police in maintaining and preserving good order when in time of war or insurrection they may be called into active service by the director of public safety. They shall not be required to act beyond the limits of the jurisdiction of the city of Norfolk, except when called upon to protect any public property belonging to the said city which may be located beyond its boundaries. The city defense commission shall remain in office until

the exigency that necessitated its creation has passed or until dissolved by the council, and the home guards organized by said commission shall disband at that time and turn over to the city all arms, accoutrements and equipment which may have been supplied them at public expense. The members of said commission and of said home guards shall serve without compensation. (1918, c. 34)

§ 62. Division of fire.--The fire force shall be composed of a chief and of such other officers, firemen and employees as the city manager may determine. The fire chief shall have immediate direction and control of the said force, subject, however, to the supervision of the director of public safety, and to such rules and regulations and orders as the said director may prescribe, and through the fire chief the director of public safety shall promulgate all orders, rules and regulations for the government of the whole force.

The members of the fire force other than the chief shall be appointed from the list of eligibles prepared by the civil service commission and in accordance with such rules and regulations as may be prescribed by the said commission; provided, however, that in case of riot, conflagration or emergency, the director of public safety may appoint additional firemen and officers for temporary service who need not be in the classified service.

The chief of the fire department and his assistants are authorized to exercise the powers of police officers while going to, attending or returning from any fire or alarm of fire. The fire chief and each of his assistants shall have issued to him a warrant of appointment signed by the director of public safety, in which the date of his appointment shall be stated, and such warrant shall be his commission. The director of public safety shall prescribe the uniform and badges for the members of the fire force.

Whenever any building in said city shall be on fire it shall be lawful for the chief of the fire department to order and direct such building or any other building which he may deem hazardous and likely to communicate fire to other buildings, or any part of such buildings, to be pulled down or destroyed; and no action shall be maintained against said chief or any person acting under his authority or against the city therefor. But any person interested in the property so destroyed may within one year thereafter apply in writing to the council to assess and pay the damages he has sustained. The council may thereupon pay to the claimant such sum as may be agreed upon between him and the council. If no agreement be effected, such claimant may give to the city attorney of said city ten days' written notice of his intention to apply to the corporation court of said city for the appointment of commissioners to ascertain and assess his said damage. Upon its appearing that such notice has been given, the corporation court of said city shall appoint five disinterested freeholders, residents of said city, any three or more of whom may act, for the purpose of ascertaining and assessing the amount of such damages. Thereupon the said commissioners shall proceed to ascertain and assess the amount of such damages in the same manner as is now or may hereafter be provided by law in the case of taking private property for public use, and the procedure upon the filing of the report of said commissioners shall conform as nearly as may be to the procedure under the statutes of Virginia relating to eminent domain. (1918, c. 34)

§ 63. Supervision in divisions of fire and police.--The chief of police and the fire chief, with the approval of the director of public safety, except as hereinafter provided, shall have the right and power to reprimand, or to suspend, for a given number of days or indefinitely, any of the sworn officers and sworn employees in their respective divisions

who may be under their management and control, for incompetence, neglect of duty, immorality, drunkenness, failure to obey orders given by proper authority, or for any other just and reasonable cause. If any such officer or employee be suspended for more than ten days or be suspended indefinitely, the chief of the division concerned shall forthwith certify in writing the fact, together with the cause for such suspension, to the trial board hereinafter provided for, and a copy of such certificate of suspension, and the cause therefor, shall be promptly served on such officer or employee, which service may be by an officer of his division or in the manner prescribed by law for the service of civil process.

Any such officer or employee so suspended may, within ten days after he shall have been so served with such certificate of suspension and the cause therefor, file with said trial board a written request for a hearing upon the accusations so made against him, whereupon said trial board shall, after not less than five days' written notice to such officer or employee, and to the chief of the division by whom he has been suspended, hold and conduct a hearing, which shall be open to the public, upon such accusations, at a time and place to be specified in such notice, and may render judgment thereon. Such judgment, in the event said accusations or any of them are, in the opinion of said trial board, sustained, may be a reprimand, extra duty without extra compensation, suspension for a fixed time, reduction in rank, or dismissal, as to said trial board may seem proper, which judgment shall be final.

Whenever the judgment of the said trial board is that the accusations were not sustained, it may order the reinstatement of such officer or employee in the office or position from which he was suspended. Such order of reinstatement may, in the discretion of said trial board, be retroactive and provide that such officer or employee shall be entitled to compensation for all or part of the time he was so suspended.

In the event any such officer or employee who is suspended for more than ten days or suspended indefinitely shall not file with said trial board a written demand for a hearing as hereinabove provided, the suspension of such officer or employee shall become final, and if the suspension be for an indefinite period, such officer or employee may be discharged by the city manager without a hearing.

The trial board above referred to shall be known as the Norfolk Police-Fire Trial Board, and the members thereof shall be appointed by the council. It shall consist of not less than three nor more than five members, in the discretion of the council, who shall be qualified voters residing in the city, none of whom shall be in any way connected with any other city office. The first appointment of the members of the said trial board shall be for a term of one year commencing July 1, 1950, and all subsequent appointments shall be for consecutive terms of one year. Any member may be appointed for a consecutive term or terms, and any vacancy shall be filled by appointment by the council for the remainder of the unexpired term. The judgment of a majority of the members appointed on said trial board shall control. The members shall receive such compensation as may be provided by council. Each member shall, before entering upon the duties of his office, take and subscribe the oaths provided by § 133 of this Charter for city officers.

The council shall designate one member of said trial board as chairman thereof. The chairman shall have the power to subpoena witnesses, administer oaths and compel the production of any books and papers in connection with any hearing held hereunder by

said trial board. Any person refusing or failing to appear and testify or to produce such books and papers, or who shall testify falsely under oath at any hearing held by said trial board, may be proceeded against in the same manner and shall be subject to the same penalties as provided by § 51 of this Charter relating to investigations as to city affairs.

The council shall also designate one member of said trial board as vice-chairman thereof to act in the absence, disability or inability to act of the chairman, and when so acting, the said vice-chairman shall have all the powers herein conferred upon the chairman.

Any such officer or employee against whom accusations are so filed shall have the right to be represented by counsel at any hearing before said trial board. All notices required to be given the trial board may be given to the chairman thereof, or in his absence, to the vice-chairman. (1918, c. 34; 1936, c. 283; 1950, c. 430; 1970, c. 484; 1977, c. 42; 1978, c. 80)

§ 64. Suspension and Dismissal of the Chief of Police and Fire Chief.--The city manager shall have the power to suspend or dismiss the chief of police and the fire chief at any time, and his action in every such case shall be final; provided that in the event the chief of police or the fire chief was appointed to such position from the membership of his respective division, he shall, at the time of any such suspension or dismissal, or at any time prior thereto, at his request, be restored to the rank he held in the classified service in such division at the time of his appointment as such chief, without being required to take any examination, subject, however, to the provisions of § 63 of this Charter. (1918, c. 34; 1952, c. 21)

DEPARTMENT OF FINANCE.

§ 65. General powers and duties.

The head of the department of finance shall be known as the director of finance. The director shall have direct supervision over the department of finance and over the administration of the financial affairs of the city, including the keeping of accounts and financial records, special assessments and other revenues, and the custody and disbursements of city funds and monies, and shall perform such other duties as the council may by ordinance provide.

The director shall devise and promulgate accounting procedures that are adequate to record in detail all transactions affecting the acquisition, custody and disposition of values, including case receipts and disbursements. The director shall cause a monthly statement to be presented to the council at a regular meeting in each month showing the aggregate receipts and expenditures of each department of the city for the preceding month, and such statement shall be published by the council in such manner as to afford full publicity thereto.

At the end of each fiscal year, the director of finance shall cause to be printed an annual report giving a classified statement of all receipts and expenditures, assets and liabilities of the city, a detailed comparison of the revenues and expenditures for such year with those of the preceding year, a summary of the proceedings of the council, and a summary of the operations of the administrative departments for the preceding twelve months. The said report shall contain a certificate by the certified public accountant mentioned in § 99 of this charter, to the effect that the financial statement contained

herein is a true and accurate statement of the financial condition of the city as shown by the books of account of the several departments thereof. A copy of this report shall be furnished to any citizen who may apply therefor at the office of the city clerk. (1918, c. 34; 2000, c. 950, 979)

§ 66. The city auditor.

The city auditor shall be appointed in the manner and for the term prescribed in § 11, as amended, of this charter. The city auditor shall be experienced in municipal auditing. The city auditor shall perform such auditing and other duties as prescribed by this charter or as required by ordinance. (1918, c. 34; 2000, c. 950, 979)

§ 66(a). Deputies of the city auditor.--The city auditor may, by and with the consent of the council, appoint one or more deputies and such number of assistants as may be provided by ordinance. Any of the official duties of the city auditor may be performed by any of his deputies. (1952, c. 239)

§ 67. The annual budget.--At least sixty days before the end of each fiscal year, the city manager shall prepare and submit to the council an annual budget for the ensuing fiscal year, based upon detailed estimates furnished by the several departments and other divisions of the city government according to a classification as nearly uniform as possible. The budget shall present the following information:

(a) An itemized statement of the appropriations recommended, with comparative statements in parallel columns showing estimates of the expenditures for the current year and the actual expenditures for the next preceding year.

(b) An itemized statement of the taxes required and of the estimated revenues of the city from all other sources for the ensuing fiscal year, with comparative statements in parallel columns of the taxes and other revenues for the current and next preceding year, and of the increases or decreases estimated or proposed.

(c) Such other information as may be required by the council.

(d) When putting a fiscal year from July first through June thirtieth into effect, the comparative statements required by the provisions of subsections (a) and (b) above shall not strictly apply for the fiscal years 1968-1969 and 1969-1970 but the city manager shall show in the budget such comparative figures as shall best carry out the intent of subsections (a) and (b) above.

Copies of such budget shall be printed and available for distribution after its submission to the council; and a public hearing shall be given thereon by the council before final action. (1918, c. 34; 1956, c. 115; 1968, c. 174)

§ 68. The annual appropriation.--At least thirty days before the end of each fiscal year the council shall pass an annual appropriation ordinance which shall be based on the budget submitted by the city manager; and shall levy such taxes for the ensuing fiscal year, if not theretofore levied, as may be necessary, together with other revenues of the city, including taxes theretofore levied, to meet the appropriations made and all sums required by law to be raised for account of the city debt, together with such addition, not exceeding five per cent of the total appropriations, as may be necessary to meet any abatements from and deficiencies in the actual collection and receipt of the estimated taxes and other revenues of the city. The total amount of appropriations shall not exceed the estimated revenues of the city.

In levying taxes the council may provide that any tax so levied shall continue from year to year unless otherwise changed by the council. (1918, c. 34; 1952, c. 18)

§ 69. Fiscal year.--From and after January 1, 1920, and until otherwise provided by the council by ordinance, the fiscal year for said city shall begin on the first day of January and end with the thirty-first day of December of each year. Not later than June first, 1919, a budget shall be prepared and an appropriation ordinance adopted, covering the period from July first, 1919. to January first, 1920. License for the privilege of doing business in the year, 1919, from and after May first of said year, shall cover the period from May first to and including December thirty-first of said year; and the taxes thereon shall be apportioned accordingly. Thereafter the budget shall be prepared annually as above provided. From and after January first, 1920, and until otherwise provided by the council by ordinance, city license taxes for doing business shall be payable during the month of January of each year, and city taxes on real estate shall be payable during the month of July of each year, and city taxes on personal property shall be payable during the month of November of each year. (1918, c. 34)

§ 69-a. Should the council of said city change the fiscal year thereof to begin on the first day of July and end on the thirtieth day of June of the succeeding year, for the purpose of putting such new fiscal year into effect, it is hereby authorized and empowered to provide for and adopt a budget, and appropriation ordinance to cover, for a six months' or for an eighteen months' period; and said council is further authorized and empowered to levy and impose taxes on real estate, tangible personal property and machinery and tools, on a calendar year basis, and in levying and imposing any such taxes on a calendar year basis the ordinance levying and imposing the same may be adopted at any time before the beginning of the calendar year for which the same are levied and imposed. The tax year for all other taxes shall be fixed by the council by ordinance. (1948, c. 353)

§ 70. Unencumbered balances.

At the close of each fiscal year, or upon the completion at any time within the year of any project for which a specific appropriation has been made, the unencumbered balance of each appropriation, with the exception of those projects funded by sources with spending requirements and limitations specified by the grantor, shall revert to the respective fund from which it was appropriated and shall be subject to further appropriation. No money shall be drawn from the treasury of the city nor shall any obligation for the expenditure of money be incurred except pursuant to the appropriations made by the council. (1918, c. 34; 1978, c. 80; 2000, c. 950, 979)

§ 71. Payment of claims.

Payments by the City shall be made only upon vouchers certified in such manner as the council, by ordinance, may prescribe, and by means of warrants on the city treasurer, issued by the director of finance and countersigned by the city treasurer. During such time as the city manager shall act as director of finance such warrants shall be issued by the assistant director of finance or the city controller and countersigned by the city treasurer. The director of finance, or, if the city manager be acting as director of finance, then the assistant director of finance or city controller shall examine all payrolls, bills and other claims and demands against the city; and shall issue no warrant for payment unless he finds that the claim is in proper form, correctly computed and duly certified; that it is justly and legally due and payable; that an appropriation has been made therefor which has not been exhausted, or that the payment has been otherwise legally authorized; and that there is money in the city treasury to make payment. The

city manager, or the assistant director of finance or city controller, as appropriate pursuant to this section, may require any claimant to make oath to the validity of a claim; may investigate any claim, and for such purposes may examine any witnesses under oath; and if such claim be found fraudulent, erroneous or otherwise invalid, shall not issue a warrant therefor. (1918, c. 34; 1926, c. 289; 1958, c. 115; 2000, c. 950, 979)

§ 72. Certification of funds.

No contract, agreement or other obligation involving the expenditure of money shall be entered into nor shall any ordinance, resolution or order for the expenditure of money be passed by the Council or be authorized by any officer of the city, unless the director of finance shall first certify to the Council or to the proper officer, as the case may be, that the money required for such contract, agreement, obligation or expenditure is in the city treasury to the credit of the fund from which it is to be drawn, and not appropriated for any other purpose, which certificate shall be filed and preserved. During such time as the city manager shall act as director of finance the aforesaid certification shall be made by the assistant director of finance or the city controller. The sum so certified shall not thereafter be considered unencumbered, until the city is discharged from the contract, agreement or obligation. (1918, c. 34; 1972, c. 706; 2000, c. 950, 979)

§ 73. Money in fund.--All moneys actually in the treasury to the credit of the fund from which they are to be drawn and all moneys applicable to the payment of the obligation or appropriation involved that are anticipated to come into the treasury before the maturity of such contract, agreement or obligation from taxes, assessments, license fees, or from sales of property or of services, products, or by-products of any city undertaking or federal or state grants, and moneys to be derived from lawfully authorized bonds, for the purpose of such certificate shall be deemed in the treasury to the credit of the appropriate fund and subject to such certification. (1918, c. 34; 1956, c. 115)

§ 74. City treasurer generally.--The city treasurer shall be elected at the time, in the manner and for the term provided in § 23 of this charter. He shall give bond in such sum not less than one hundred thousand dollars, as the council may prescribe, with surety to be approved by the council, conditioned for the faithful discharge of his official duties in relation to the revenue of the city, and of such other official duties as may be imposed upon him by this charter and the ordinances of the city. Subject to the supervision of the city manager, he shall collect and receive all city taxes, levies, assessments, license taxes, rents, water rents, fees and all other revenues or moneys accruing to the city, and for that purpose shall be vested with any and all powers which are now or may hereafter be vested in such city treasurer as collector of State taxes. He shall be the custodian of all public money of the city, and of all other money coming into his hands as city treasurer. The city treasurer shall keep and preserve such moneys in such banks or trust companies as may be determined by ordinance or by the provisions of any law applicable thereto. When city moneys have been deposited in such banks or trust companies as designated by ordinance, the city treasurer shall not be liable for any loss sustained as to funds of the city so deposited. It shall be the duty of said city treasurer to conduct all of the proceedings and render all services necessary to perfect the sale and transfer of real estate in said city where the same shall be sold or advertised for sale for the nonpayment of any taxes or assessments imposed by the council. He shall perform such other duties, have such powers and be liable to such penalties as are now or may hereafter be prescribed by law or ordinance. (1918, c. 34; 1950, c. 107; 1958, c. 115; 1974, c. 11; 1976, c. 599)

§ 74(a). Supplementing salary of city treasurer.--The city may supplement the salary of the city treasurer for additional services not required by state law, provided, however, that such supplementary salary shall be paid wholly by the city. (1956, c. 115)

§ 75. Commissioner of the revenue generally.--The commissioner of the revenue shall be elected at the time, in the manner and for the term provided in § 23 of this charter. He shall give bond in such sum not less than ten thousand dollars, as the council may by ordinance prescribe, with surety to be approved by the council, conditioned for the faithful performance of all of his duties under this charter, and under any ordinance of the city. He shall, subject to the supervision of the city manager, perform such duties not inconsistent with the laws of the State in relation to the assessment of property and licenses as may be required by the council for the purpose of levying city taxes and licenses. He shall have power to administer such oaths as may be required by the council in the assessment of license taxes or other taxes for the city. He shall make such reports in regard to the assessment of both property and licenses, or either, as may be required by the council or by the city manager. The council may by ordinance require that all tax bills shall be made out by the commissioner of the revenue and delivered in such manner as said ordinance may prescribe. For all such services the said commissioner of the revenue shall receive such compensation as the council may from time to time prescribe by ordinance. (1918, c. 34; 1976, c. 599)

§ 75(a). Supplementing salary of commissioner of the revenue.--The city may supplement the salary of the commissioner of the revenue for additional services not required by state law, provided, however, that such supplementary salary shall be paid wholly by the city. (1956, c. 115)

§ 76. Vacancies in the office of city treasurer or commissioner of the revenue.--In case of a vacancy in the office of the city treasurer or commissioner of the revenue the council shall elect a qualified person to fill the office in which such vacancy occurs for the unexpired term; provided that if the term of office so filled does not expire for two years or more after the next regular municipal election for the election of councilmen following such vacancy, and such vacancy occurs in time to permit it, a city treasurer or commissioner of the revenue, as the case may be, shall then be elected and shall from and after the date of his qualification succeed such appointee and serve the unexpired term. (1918, c. 34)

§ 77. City purchasing agent.

The city purchasing agent shall, under the supervision of the director of finance, and until the council shall otherwise provide by ordinance, purchase all goods and services for the city, and sell all personal property of the city that may have been condemned as useless by the director of a department of the city, except the purchase of such goods and services and the sale of such personal property for which the council may make other provisions.

He may require from the director of each department, at such times as contracts for goods and services are to be let, a requisition for the quantity and kind of goods and services to be paid for from the appropriations of the department. Upon certification that funds are available in the proper appropriations, such goods and services shall be purchased and shall be paid for from funds in the proper department for that purpose. He shall not purchase any goods and services for any department unless there be to the credit of such department an available appropriation balance sufficient to pay for such goods

and services. However, this procedure shall not prevent him from purchasing goods and services for cash on account of storehouse stock for future use by the various departments under such regulations as the director of finance may prescribe.

Before making any purchase or sale, he shall give opportunity for competition under such rules and regulations as may be established by the director of finance.

He shall perform such other duties in connection with the purchase of goods and services and the sale of personal property of the city as may be from time to time prescribed by the council. (1918, c. 34; 1956, c. 115; 2000, c. 950, 979)

§ 78. Emergency purchases.

In cases of emergency, purchases may be made without competition, if a sufficient appropriation has theretofore been made against which such purchases may lawfully be charged. In such cases a copy of the order issued shall be filed with the city purchasing agent, together with a certificate by the head of the department, stating the facts constituting the emergency. (1918, c. 34; 2000, c. 950, 979)

§ 79. Contingent fund.--Provision shall be made in the annual budget and in the annual appropriation ordinance for a reasonable contingent fund under the exclusive control of the city manager to be expended for use in the administration of the city's affairs in emergency situations as certified to by the city manager and under such rules of procedure therefor as the council shall prescribe. The city manager shall at least once in each quarter report to the council in writing all such emergency payments, together with a statement of the facts constituting the emergency in each case. (1918, c. 34; 1976, c. 599)

§ 80. Public improvements.--Any public work or improvement costing more than fifteen thousand dollars, except as provided in the next succeeding section, shall be executed by written contract. All contracts for more than fifteen thousand dollars shall be awarded to the lowest responsible bidder after public advertisement and competition, as may be prescribed by ordinance. No contract may be split or divided to avoid the requirement of competition. But the city manager shall have the power to reject any and all bids and all advertisements shall contain a reservation of this right. (1918, c. 34; 1958, c. 115; 1972, c. 706; 1978, c. 80)

§ 81. Improvements by direct labor. Emergency work.--After bids shall have been advertised for and received for making any public improvement or doing any public work, or if no bids are received, the council may authorize the making of such improvement or doing of such work by the direct employment of the necessary labor and purchase of the necessary materials and supplies on the basis of detailed estimates submitted by the department authorized to execute such work or improvement; provided the probable cost of such work or improvements as shown by such estimate is less than the bid of the lowest responsible bidder for the same work or improvement; and provided further, that the city manager shall certify to the council that in his opinion the cost of making such improvement or doing such work will not exceed the said estimate. Separate accounts shall be kept of all work and improvements so done or made.

In an emergency requiring immediate action the city manager may cause any such improvement to be made or other public work to be done by direct employment of the necessary labor and purchase of the necessary material and supplies without previously advertising for or receiving bids therefor. Every such case shall be reported by him in writing to the council at its next regular meeting with a statement of the facts constituting

such emergency. Separate accounts shall be kept of all such work; provided that nothing in this or the next preceding section shall prevent the said city from doing maintenance and repair work by direct labor and from maintaining a reasonable force of men for that purpose. (1918, c. 34; 1974, c. 11)

§ 82. Alteration or modification of contracts.

When it becomes necessary in the performance of any work under contract to make amendments or modifications to such contract, such amendments or modifications shall be made only upon the order of the city manager, unless otherwise provided by council by ordinance. No such order shall be effective until the price to be paid for the work and material, or both, and the credits, if any, to be allowed the city, under the amended or modified contract, shall have been agreed upon in writing and signed by the contractor and by the city manager, or by the person designated by the council by ordinance. (1918, c. 34; 1970, c. 484; 2000, c. 950, 979)

§ 83. Contracts for public advertising.--All public advertising or publications necessary under this charter shall be in a daily newspaper of general circulation published in the city, and shall be done by contract; or in a journal published by the city as may be determined by ordinance; provided that the publication of notice of the sale of lands for delinquent taxes and assessments thereon under § 90 of this charter shall only be in a newspaper of general circulation published in said city. If such contract shall be with the publisher of a newspaper it shall be entered into only after opportunity has been given for competition under such rules and regulations as the council may provide and for a term not exceeding one year. (1918, c. 34)

§ 84. (1918, c. 34; repealed 1976, c. 599)

§ 85. (1918, c. 34; 1950, c. 436; 1972, c. 706; repealed 1983, c. 587)

§ 86. Bond issues-generally.--(1) The council may in the name and for the use of the city contract debts and make and issue or cause to be made and issued as evidence thereof, bonds, notes or other obligations, upon the credit of the city or solely upon the credit of specific property owned by the city, or personal property including investments and other securities deposited in a separate account and held for, and pledged to, the payment of principal of and interest on such bonds, notes or other obligations, or solely upon the credit of income derived from property used in connection with any public utility owned and operated by the city, such bonds and notes or other obligations to be either coupon or registered bonds, or coupon bonds with the privilege to the holder of having same registered as to principal or as to both principal and interest. Such bonds may be made subject to redemption prior to maturity, with or without premium, and subject to such notice as may be provided in the ordinance authorizing such bonds or in a resolution adopted in connection with the sale of such bonds. But except as provided in clause (4) of this section no debt shall hereafter be contracted for a longer period than that of the probable life of the work or object for which the debt is to be contracted, to be determined by the director of public works and by him certified as hereinafter provided. In determining the probable life or probable average life of works or objects as hereinafter provided, the director of public works shall not deem the life of the following classes of work or objects to exceed the following periods, namely: roadways of streets having, at the time the debt is contracted, railroad or street railway tracks thereon, fifteen years; roadways of all other streets, twenty years; school houses, thirty years; other public buildings, forty years; iron bridges, thirty years; concrete bridges, forty years;

parks or other real estate, fifty years; and all other works or objects not hereinabove specified, thirty years. In the event that a debt shall be authorized for purposes falling within two or more of the above-named classes, it shall be the duty of the director of public works to determine and certify as hereinafter provided the probable average life of the works or objects for which said debt is contracted, taking into consideration the nature of said works or objects and the portion of said debt applicable to said works or objects, respectively. The words "probable life," as herein used, shall be construed to mean the length of time that will probably elapse before any particular improvement (assuming it to be kept in reasonable current repair) will reasonably require replacement.

(2) No bond, note, or other obligation of the city shall hereafter be issued except as hereinafter provided in the case of temporary loans, unless and until there is filed with the city clerk a certificate from the director of public works in substantially the following form:

"I hereby certify that the probable life (or 'the probable average life') of the work or object (or 'the works or objects') for which the debt authorized by the ordinance entitled (naming it) is contracted is as great as the longest period fixed for the maturity of any obligation issued or to be issued under the same ordinance"; and the said certificate shall be conclusive.

(3) The maximum periods hereinabove fixed for the contracting of debts for the several purposes hereinabove set forth may be changed at any time by the General Assembly, or under its authority, as to any bonds to be issued after said change is made, and such change shall not be deemed to constitute an impairment of the obligation of the contract of the city as to any bonds theretofore issued.

(4) Notwithstanding any other provisions of this section the city may issue, without the certification of the director of public works above-mentioned, bonds, notes or other obligations for the purpose of refunding any obligations of the city at any time, whether or not prior to the maturity or earliest redemption date of the obligations to be refunded and including interest on the obligations to be refunded; but no such refunding bonds, notes or obligations shall be issued for a period which exceeds twenty-five years.

(5) Bonds issued by the city may be either serial bonds or term bonds. Serial bonds shall be payable in annual installments, the first of which shall be payable at any time within two years of the date of the bonds, and the last of which shall be payable within the period of probable life of the work or object for which the debt evidenced by said bonds was created, ascertained and certified as hereinabove provided. Such installments may be in amounts determined by the council either in the ordinance authorizing such bonds or in a resolution adopted in connection with the sale of such bonds. Unless otherwise provided by ordinance for bonds issued for the purposes of refunding of outstanding bonds of the city, no installment shall be greater than double the amount of the smallest. If term bonds are issued which mature prior to the first principal repayment date of an issue of serial bonds, the first annual installment of such serial bonds may be more than two years after the date of such bonds. Term bonds must be payable within the period of the probable life of the work or object for which the debt evidenced by said bonds was created, ascertained and certified as hereinabove provided; and the council, either in the ordinance authorizing such bonds or in a resolution adopted in connection with the sale of the bonds, shall establish a sinking fund into which deposits shall be made for the payment of the principal of such bonds, in such amounts

and in such times as may be determined by the council so that such bonds will be fully retired either by redemption or by payment at maturity by the maturity date thereof.

(6) [Repealed.]

(7) All bonds issued after April 1, 1916, shall be paid at their respective maturities, and, except in the case of obligations of said city issued after April 1, 1916, and prior to the enactment of this Charter, which mature not more than three years from the date thereof, no refunding bonds shall be issued for the payment thereof; provided, however, that if for any reason there shall not at the time of the maturity of any such bonds be sufficient funds of said city available for the payment thereof, it shall be lawful for the city to borrow money and issue negotiable notes to the amount required to pay such maturing bonds, which bonds shall be paid out of taxes to be levied and collected within the three years next succeeding the year in which such notes were issued. The payment out of the proceeds of the sale of any bonds of temporary loans made in anticipation of the sale of such bonds shall not be deemed a refunding of such temporary loans within the meaning of this clause. If the council shall fail to make provision for the payment of any sinking fund installment required as to any bonds lawfully issued under this section, or of any installment of serial bonds lawfully issued under this section, and such default shall continue for sixty days, then, and in either of said events, the city treasurer shall, without further direction from the council, and notwithstanding any contrary direction from the council, pay such sinking fund or serial bond installments from moneys then in his hands, if sufficient; and, if not, then from the first moneys that shall come into his hands thereafter.

(8) Pending the issuance or sale of any bonds, notes or other obligations by this section authorized, or in anticipation of the receipt of taxes and revenues of the current fiscal year, or of either of the two fiscal years immediately preceding the current fiscal year, it shall be lawful for the city to borrow money temporarily and issue notes or other evidences of indebtedness therefor, and from time to time to renew such temporary loans to be ultimately repaid from the proceeds of said bonds, notes or other obligations, or from the city taxes and revenues, as the case may be; provided that such temporary loans, including all renewals thereof, if made pending the issuance or sale of bonds, notes or other obligations, issued under clause (5) five hereof, shall not be made for a period greater than five (5) years, nor shall they exceed in the aggregate at any one time the amount of such bonds, notes or other obligations remaining unissued and unsold; and temporary loans made in anticipation of the receipt of taxes and revenues of any fiscal year including all renewals thereof, shall not be made for a period greater than the period ending two years after the expiration of such fiscal year and shall not exceed in the aggregate at any one time the uncollected portion of the taxes and revenues in anticipation of which such notes or other evidences of indebtedness are issued. All such temporary loans shall be evidenced by instruments upon the face of which there shall be plainly written "temporary loans." No such loan made pending the issuance or sale of bonds, notes, or other obligations under the provisions of clause (5) five hereof shall be valid unless the said bonds, notes or other obligations shall have been first legally authorized. The provisions of clauses (1) to (5) inclusive, of this section, shall not apply to said temporary loans.

(9) The credit of the city shall not, directly or indirectly, under any device or pretense whatsoever, be granted to or in aid of any person, association or corporation.

The council shall not issue any bonds, notes or other obligations of the city, or increase the indebtedness thereof, to an amount greater than ten percent of the assessed valuation of the real estate in the city subject to taxation as shown by the last preceding assessment for taxation; provided, however, that in determining the limitation of the power of the city to incur indebtedness there shall not be included the classes of indebtedness mentioned in numbered subdivisions (1), (2), (3) and (4) of subsection (a) of § 10, Article VII of the Constitution of Virginia.

(10) Bonds of the city, the principal and interest on which are payable exclusively from the revenues and receipts of a water system or other specific undertaking or undertakings from which the city may derive a revenue, or secured solely or together with such revenues, by contributions of other units of government, may be issued pursuant to the provisions of this Charter and any general law of the State of Virginia as the council may deem applicable with regard to the funds and revenues pledged, covenants by the city with regard to fees and charges and other matters required for the protection of bondholders, remedies of bondholders and appointment of a trustee as well as the right of such trustee to the appointment of a receiver. The provision of clause (5) of this section shall not apply to such bonds and the ordinance authorizing such bonds shall not be subject to a vote of the qualified voters. Such bonds shall not be a debt of the city and the city shall not be liable thereon except to the extent set forth in the ordinance pursuant to which the bonds are authorized and in no event shall such bonds be payable out of any funds other than those referred to in such ordinance. The bonds shall not constitute an indebtedness within the meaning of any debt limitation or restriction.

(10-a) Bonds pledging the full faith and credit of the city authorized by an ordinance enacted in accordance with Article VII of the Constitution of Virginia and approved by the affirmative vote of the qualified voters of the city voting upon the question of their issuance, for a supply of water or other specific undertaking from which the city may derive a revenue, may be issued without being included in determining the limitation on indebtedness set forth in clause (9) of this section and in Article VII, § 10 of the Constitution of Virginia, but from and after a period to be determined by the council not exceeding five years from the date of such election, whenever and for so long as such undertaking fails to produce sufficient revenue to pay for the cost of operation and administration (including interest on bonds issued therefor), the cost of insurance against loss by injury to persons or property, and an annual amount to be placed into a sinking fund sufficient to pay the bonds at or before maturity, all outstanding bonds issued on account of such undertaking shall be included in determining the limitation on indebtedness set forth in clause (9) of this section and in Article VII, § 10 of the Constitution of Virginia.

(11) Every ordinance authorizing the issuance of bonds shall specify the purpose or purposes for which they are to be issued, the aggregate amount of the bonds, the term for which they shall be issued, and the rate or maximum rate of interest to be paid thereon. Any such ordinance may be amended by ordinance at any time before the bonds to be affected by such amendment have been sold. All other matters relating to such bonds may be determined by resolution, within the limitations prescribed by such ordinance or by this act.

(12) All bonds shall be under the seal of the city and shall be signed by the city treasurer or one of his deputies and by such other officer or officers of the city as may be

designated in the ordinance authorizing the bonds. If such ordinance shall so determine, the officer or officers signing the bonds, other than the city treasurer or his deputy, may sign the bonds by their facsimile signatures, in lieu of manual signatures; but the signature of the city treasurer or his deputy on such bonds shall be in his own proper handwriting, provided that the treasurer may cause the bonds to be executed by a facsimile of his signature if a fiscal agent, transfer agent or registered agent is appointed with authority to manually authenticate each bond. Coupons attached to a bond shall be authenticated by the facsimile signature of the city treasurer. (1918, c. 34; 1932, c. 93; 1950, c. 436; 1964, c. 23; 1972, c. 706; 1983, c. 587; 1988, c. 519)

§ 86(a). Notwithstanding anything contained in this charter or in any other law, any serial bonds issued by said city prior to the first day of January, 1952, in accordance with subdivision 6 of § 86 of this charter, may, in the discretion of the council, be made payable in annual installments, the first of which shall be payable in the fiscal year 1953 and the last of which shall be payable within the period of the probable life, ascertained and certified as provided in said § 86, of the work or object for which the debt evidenced by said bonds is created. (1942, c. 99)

§ 86(b). Bond ordinances may specify one or more classes of objects or purposes.--Any ordinance authorizing the issuance of bonds adopted pursuant to § 86 may specify one or more single specific objects or purposes as the purposes for which the bonds are to be issued and the maximum principal amount of bonds to be issued for each such specific object or purpose or may specify one or more classes of objects or purposes, each to be described in brief and general terms sufficient for reasonable identification, and the maximum principal amount of bonds to be issued for each such class of objects or purposes. Bonds authorized for a single specific object or purpose shall not be issued until an ordinance authorizing the carrying out of such object or purpose has been adopted and taken effect. Bonds authorized for a class of objects or purposes may be issued either before or after ordinances authorizing the carrying out of such objects or purposes have been adopted and taken effect, but none of the moneys raised by the issuance of the bonds issued for such class of objects or purposes shall be applied to the financing of an object or purpose included in such class of objects or purposes until an ordinance authorizing the carrying out of such object or purpose has been adopted and taken effect, and the aggregate amount of the moneys so applied shall not exceed the amount appropriated to said object or purpose and directed to be expended from the moneys raised by the issuance of the bonds authorized for such class of objects or purposes, either by said ordinance or by a resolution adopted by the council. (1956, c. 124)

§ 86(c). Facsimile seal may be used on bonds.--Notwithstanding anything contained in this charter bonds issued pursuant thereto need not be under the seal of the city provided they bear a facsimile of such seal. (1956, c. 124)

§ 87. Special assessments.--All local or special assessments shall be made and collected by the director of finance under such regulations as the council may by ordinance prescribe.

Provision shall be made by ordinance for the method of levying and apportioning such special assessments, for the publication of plans, for serving notice upon the owners of property affected, and for giving to such owners an opportunity to be heard before final action on the assessment.

Any person affected by such special or local assessment may appeal from the decision of the director of finance as to any such assessment against him to the corporation court of said city. (1918, c. 34)

§ 87(a). (1950, c. 488; 1972, c. 706; repealed 1976, c. 599)

§ 88. Levy for taxes.--All goods and chattels of any person against whom taxes for the city are assessed may be distrained and sold for said taxes when due and unpaid in the same manner and to the same extent that goods and chattels may be distrained and sold for State taxes.

A tenant by whom payment is made or from whom payment is obtained, by distress or otherwise, of taxes or levies due the city, by a person under whom he holds, shall have credit for the same against such person out of the rents he may owe him, except when the tenant is bound to pay such taxes and levies by an express contract with such person. And where taxes or levies are paid to the city by any fiduciary on any estate in his hands or for which he may be liable, such taxes and levies shall be refunded out of the said estate. (1918, c. 34)

§ 88(a). Assessment and equalization of assessments of real estate.--The council of said city shall have the right and power, in lieu of any other method prescribed by law, to provide for the annual assessment and reassessment of real estate for taxation, and to that end may appoint in the manner and for the term prescribed in § 11 of this charter a single assessor to assess such real estate for taxation, may prescribe the duties and term of office of said assessor, may require that he shall give his entire time to the duties of his office, may remove him for cause, may fix his compensation, which shall be payable out of the local treasury, and may likewise provide for such technical and clerical assistance as may be necessary or advisable and for the payment of any other expenses that may be properly incident thereto. Such person so appointed shall be the city assessor and shall have such number of assistants as the council by ordinance may provide, such assistants to be nominated by him and confirmed by the council. Said annual assessments or reassessments shall be completed by said assessor by the thirty-first day of March of the year in which they are made.

All such real estate shall be assessed at its fair market value and the 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.

Notwithstanding any of the provisions of §§ 58-895 and 58-899 to 58-901, inclusive, of the Code of Virginia, the circuit court of said city or the judge thereof in vacation shall, annually, appoint for the city a board of review of real estate assessments, to be composed of three members, who shall be freeholders of said city. The terms of such members shall commence on their appointment and shall expire on the thirtieth day of November of the year in which they are appointed unless such terms are extended. Such court or the judge thereof in vacation may extend the terms of the members of the said board of review and shall fill any vacancy therein for the unexpired term. The members of the said board shall receive per diem compensation for the time actually engaged in the duties of the board, to be fixed by the council of said city, and to be paid out of the treasury of said city, provided, however, that the council of said city may limit the per diem compensation to such number of days as, in its judgment, is sufficient for the completion of the work of the board.

Such board of review shall have and may exercise the power to revise, correct and amend any assessments of real estate made by said assessor in the year in which they serve, and to that end shall have all the powers conferred upon boards of equalization by §§ 58-903 and 58-912, inclusive, of the Code of Virginia. Notwithstanding any provision of said sections, however, the board of review may adopt any regulations providing for the oral presentation, without formal petitions or other pleadings of requests for review, and looking to the further facilitation and simplification of proceedings before the board.

Any person of said city aggrieved by any assessment made by said assessor or board of review may apply for relief in the manner provided by §§ 58-1145 to 58-1151, inclusive, of the Code of Virginia.

This section shall not apply to the assessment of any real estate assessable under the law by the State Corporation Commission. (1950, c. 488; 1983, c. 587; 1999, c. 479, 525)

§ 88(b). Annual assessment, reassessment and equalization of real estate taxes.--Notwithstanding the August thirty-first date prescribed by § 88(a) of the charter, in the event the council, pursuant to State law, provides that the assessment of real property whenever made, except that of public service corporations which is assessed by the State Corporation Commission, shall become effective for city tax purposes on the first day of July of each year then the annual assessment or reassessment of such property shall be completed by the assessor by the last day of February of the fiscal year in which they are made. (1968, c. 219)

§ 89. Lien for taxes, etc.--There shall be a lien on all real estate and on each and every interest therein for the city taxes assessed thereon, from the commencement of the year for which they were assessed, and also for all local assessments which may be made thereon according to law. There shall also be a lien on any land or premises for the amount of expense incurred by said city in abating any nuisance thereon or cutting or removing weeds therefrom, after notice to the owner thereof by publication or otherwise as may be provided by ordinance; provided, however, that the lien for the amount of any such local assessment or for the expense of abating any nuisance or cutting or removing weeds from any premises shall not be good against a purchaser of such land or premises for value without notice except and until from the time that the same shall be docketed in a book or books kept for that purpose in the office of the city treasurer and indexed in the name of the person or persons owning such estate or land at the time the said lien accrued. The council may require such real estate in the city delinquent for the non-payment of taxes, or assessments on expenses incurred as above provided, to be sold for said taxes or assessments or expenses, with interest thereon at the rate of six per centum per annum, and such percentage as may be prescribed for charges. (1918, c. 34)

§ 90. (1918, c. 34; 1968, c. 473; repealed 1976, c. 599)

§ 91. (1918, c. 34; repealed 1976, c. 599)

§ 92. (1918, c. 34; repealed 1976, c. 599)

§ 93. (1918, c. 34; repealed 1976, c. 599)

§ 94. (1918, c. 34; repealed 1976, c. 599)

§ 95. (1918, c. 34; repealed 1976, c. 599)

§ 96. (1918, c. 34; repealed 1976, c. 599)

§ 97. (1918, c. 34; repealed 1976, c. 599)

§ 98. Sales for local assessments, etc.--The council may by ordinance provide the method of making sale of any lands, lots or premises for non-payment of the amount of any local or special assessments thereon, or for the non-payment of any expense incurred by the city in abating any nuisance thereon, or cutting or removing weeds therefrom as provided in § 89 hereof. (1918, c. 34)

§ 99. Audit of official accounts.--Upon the death, resignation, removal, or expiration of the term of any fiscal officer of the city, other than the director of finance, the director of finance shall make an audit and investigation of the accounts of such officer, and shall report the result thereof to the city manager and to the council. As soon as practicable after the close of each fiscal year an annual audit shall be made of all of the accounts of all city officers, and upon the death, resignation, removal or expiration of the term of the director of finance, an audit shall be made of his accounts. Such annual audits and the audit of the accounts of the director of finance shall be made by certified public accountants selected by the council, who have no personal interest, direct or indirect, in any of the officers or employees of said city, or in the financial affairs of said city; provided that no such certified public accountant who is otherwise qualified shall be disqualified to make such audits by reason of his being a resident of said city and taxpayer therein. The council may at any time provide for the examination or audit of the accounts of any officer or department of the city government. (1918, c. 34)

PUBLIC PROPERTY AND FRANCHISES.

§ 100. Sale of public property.-- The rights of the city of Norfolk in and to its water-front, wharf property, public landings, wharves, docks, streets, avenues, parks, bridges and other public places and its gas, water, electric and other works shall not be sold except by an ordinance passed by a recorded affirmative vote of three-fourths of all the members elected to the council and under such other restrictions as may be imposed by law. (1918, c. 34; 2006, 152, 727)

§ 101. (1918, c. 34; repealed 1976, c. 599)

§ 102. (1918, c. 34; repealed 1976, c. 599)

§ 103. (1918, c. 34; repealed 1976, c. 599)

§ 104. Transfer of franchise.--No public utility franchise shall be transferable except with the approval of the council expressed by ordinance, and copies of all transfers and mortgages or other documents affecting the title or use of any such public utility shall be filed with the city manager within ten days after the execution and delivery thereof. (1918, c. 34)

§ 105. Rights reserved to the city.--All grants, renewals, extensions or amendments of public utility franchises, whether so provided in the ordinance or not, shall be subject to the right of the city:

(1) To repeal the same by ordinance at any time for misuse or non-use or for failure to begin construction within the time prescribed, or otherwise to comply with the terms prescribed.

(2) To require proper and adequate extensions of plant and services and the maintenance of the plant and fixtures at the highest practical standard of efficiency.

(3) To establish reasonable rates and standards of service and quality of products and prevent unjust discrimination in service or rates.

(4) To prescribe the form of accounts and at any time to examine and audit the accounts and other records of any such utility; and to require annual and other reports by each such public utility; provided that if forms of account shall have been prescribed by the State Corporation Commission of Virginia for public utilities throughout the State, the forms so prescribed shall be controlling so far as they go, but the council may prescribe more detailed forms for the utilities within its jurisdiction.

(5) To impose such other regulations as may be conducive to the safety, welfare and convenience of the public. (1918, c. 34)

§ 106. (1918, c. 34; repealed 1976, c. 599)

PUBLIC SCHOOLS.

§ 107. (1918, c. 34; repealed 1976, c. 599)

§ 108. (1918, c. 34; repealed 1976, c. 599)

§ 109. Powers and duties of the school board.--The school trustees of said city shall be a body corporate under the name and style of the school board of the city of Norfolk, and shall have all of the powers, perform all of the duties and be subject to all the limitations now provided or which may hereafter be provided by law in regard to school boards of cities, except that all real estate, with the buildings and improvements

thereon purchased with money appropriated by the council or received from any other source for the purpose of public education, shall be the property of the said city of Norfolk, unless such money so received from any other source be received on other conditions. The said school board shall on the first days of the months of January and July in each year transmit to the council and to the director of finance a detailed statement of all money received by said board or placed to its credit and all moneys disbursed by said board during the preceding six months, whether such moneys shall have been appropriated by the council or received from any other source for the purpose of public education. Separate accounts shall be kept by the said board of the moneys appropriated by the council, and moneys received from other sources, and every such statement shall show the balance of each class of funds on hand or under control of said board as of the date thereof.

The said school board shall on or before the first day of October of each year prepare and submit to the city manager for his information in making up the annual budget a detailed estimate of the amount of money required for the conduct of the public schools of the city for the ensuing fiscal year, with an estimate of the amount of all funds which will probably be received by said board for the purpose of public education from sources other than appropriations by the council. (1918, c. 34)

CIVIL SERVICE COMMISSION.

§ 110. Creation of civil service commission.--Prior to the first day of December, 1918, the council shall elect three qualified voters to constitute the civil service commission of said city, who shall be elected for terms of two, four and six years, respectively, from the first day of January, 1919, and until their respective successors shall have been elected and qualified; and prior to the first day of December of every second year thereafter, the council shall elect a qualified voter as a member of the said commission, who shall serve for a term of six years from the first day of January next following the date of his election, and until his successor shall have been elected and qualified.

The commission shall elect one of its members president; and two commissioners shall constitute a quorum for the transaction of business at any meeting thereof. It shall appoint as secretary to the commission a man who by education and experience is qualified to conduct the ordinary examinations required by § 113 hereof, and to act as secretary of the efficiency bureau hereafter provided for. Each commission, before entering upon the duties of his office, shall take the oaths prescribed by the Constitution of this State. Any vacancies in the commission shall be filled by election by the council for the remainder of the unexpired term. (1918, c. 34)

§ 111. Classification.--The civil service commission shall classify all the offices and places of employment in the city with reference to the examinations hereinafter provided for, except those offices and places mentioned in § 114 of this charter. The offices and places so classified by the commission shall constitute the classified civil service of the city, and no appointment to any such offices and places shall be made except according to the rules hereinafter mentioned. (1918, c. 34)

§ 112. Rules.--The civil service commission shall prescribe, amend and enforce rules for the classified service, which shall have the force and effect of law, shall keep

minutes of its proceedings and records of its examinations, and shall make investigations concerning the enforcement and effect of said rules. It shall make an annual report to the council.

Rules shall provide:

(1) For the classification of all positions in the classified service.

(2) For open, competitive examinations to test the relative fitness of the applicants for such positions.

(3) For public advertisement of all examinations at least ten days in advance in at least one newspaper of general circulation, published in the city of Norfolk.

(4) For the creation of eligible lists, upon which shall be entered the names of successful candidates in the order of their standing in examination. Selections for positions to be filled in the classified service shall be made from the five standing highest on said list. Such lists shall remain in force not longer than two years.

(5) For the rejection of candidates or eligibles who fail to comply with the reasonable requirements of the commission in regard to age, residence, sex, physical condition, or who have been guilty of crimes or of infamous or disgraceful conduct, or who have attempted any deception or fraud in connection with an examination.

(6) For the furnishing of the eligible list to the city manager or other appointing power.

(7) For a period of probation not to exceed twelve months in the case of members of the divisions of fire and police, and not to exceed six months in the case of other officers and employees in the classified service, before appointment or promotion is made complete, during which periods a probationer may be discharged or reduced at the will of the city manager. After such period of probation, no officer or employee in the classified service shall be reduced in rank, removed or discharged except for cause and upon written charges, and after an opportunity to be heard in his own defense. Such charges shall be investigated and disposed of by the city manager, whose decision shall be final.

(8) For noncompetitive examinations for menial positions in the city institutions, when competition is found to be impracticable.

(8a) For appointment to positions in the classified service, without competitive examination, of persons previously employed by the city manager pursuant to § 114.1 of this charter, upon such conditions and after such determinations of fitness and eligibility as the commission may prescribe, and after service of the period of probation provided for in (7) above.

(9) [Repealed.]

(10) For transfer from one position to a similar position in the same class and grade, and for reinstatement within one year of persons who, without fault or delinquency, are dismissed from the service or reduced.

(11) For promotion, based on competitive examination and records of efficiency, character, conduct and seniority. Lists shall be made and promotions made therefrom in the same manner as prescribed for original appointment. An advancement in rank or increase in salary beyond the limit fixed for the grade by the rules shall constitute promotion. Whenever practicable, vacancies shall be filled by promotion.

(12) For the appointment of unskilled laborers and such skilled laborers as the commission may determine and after such tests of fitness as the commission may prescribe. (1918, c. 34; 1956, c. 115; 1976, c. 599)

§ 113. Examinations.--All applicants for offices or places in the classified service, except as otherwise provided in this charter, shall be subjected to examination, which shall be public, competitive and free to all persons eligible under the law, with specified limitations as to residence, age, health, habits and moral character. Such examinations shall be practical in their character, and shall relate to those matters which will fairly test the relative capacity of the persons examined to discharge the duties of the positions to which they seek to be appointed, and shall include tests of physical qualifications and health, and, when appropriate, of manual skill. No questions in any examination shall relate to political or religious opinions or affiliations. The commission shall control all examinations, and may, whenever an examination is to take place, unless the same is to be conducted by the secretary, designate a suitable number of persons, either in or not in the official service of the city, to be examiners, and it shall be the duty of such examiners, and, if in the official service, it shall be a part of their official duty, without extra compensation, to conduct such examinations as the commission may direct, and to make return or report thereof to said commission, and the commission may at any time substitute any other person, whether or not in such service, in the place of any one so selected; and the members of the commission may themselves at any time act as examiners, and without appointing examiners. (1918, c. 34)

§ 114. Officers exempted from classified service.-- Officers who are elected by the people or who are elected or confirmed by the council, pursuant to this charter, members of the school board, the teachers in the public schools and all other persons employed by said school board, heads of the administrative departments of the city, assistant city managers, employees who report directly to and whose positions require the personal trust and confidence of the city manager, employees, regardless of their positions, hired and permanently assigned to work for and under the supervision of the constitutional officers of the city or of the circuit court judges of the city, assistant heads of administrative departments except for the departments of fire and police, and heads or chiefs of bureaus and divisions within said departments, members of the law department and civil service examiners, shall not be included in such classified service; provided, however, that the council may by ordinance provide that the health officer of said city and such of his trained medical assistants as may be required to give full time to the duties of their positions shall be included in the classified service. (1918, c. 34; 1977, c. 42; 1982, c. 289; 2004, c. 52; 2008, c. 337)

§ 114.1. Employees exempt from classified or unclassified service; power of the council to authorize employment of, and to make rules and regulations for certain employees.--Notwithstanding the provisions of §§ 110, 111, 112, 113, 114, 116, 117, 118 or § 119 of this charter, the council is hereby empowered to authorize or ratify by ordinance the employment of persons by the city manager for temporary service not to continue longer than six months, for substitute service not to continue longer than twelve months, for trainee service not to continue longer than twenty-four months, for service on specific projects or programs, and for part-time service, which persons shall not be members of the classified or unclassified service unless specifically so provided by council, and to adopt rules and regulations governing the employment, establishment and

definition of positions, status, discipline, leave, transfer, limitations on length of employment, dismissal, compensation, and other rights and benefits of such persons. In no event shall successive employments for any of the foregoing categories of service, the employment of any person for a greater period than that specified for the type of service for which he is employed, the employment of any person in more than one of such categories of service, or the transfer of any person from one category to another for the purpose of continuing or lengthening his term of employment be allowed. (1976, c. 599; 1978, c. 80; 1988, c. 519)

§ 115. (1918, c. 34; repealed 1954, c. 72)

§ 116. Suspension of competition.--In case of a vacancy in a position requiring peculiar and exceptional qualifications of a scientific, professional or expert character, upon satisfactory evidence that competition is impracticable and that the position can best be filled by the selection of some designated person of recognized attainments, the civil service commission may, after public hearing and by the affirmative vote of all three commissioners, suspend competition, and recommend to the appointing power the appointment of the person so selected, but no such suspension shall be general in its application to such position, and all such cases of suspension shall be reported, together with the reason therefor, in the annual report of the commission. (1918, c. 34)

§ 117. Application to incumbents.--All persons in the city service who, at the time this charter takes effect, hold positions in the classified service as established pursuant to the provisions hereof shall be deemed to be on probation for six months from that date in accordance with paragraph (7) of § 112 hereof. If retained at the completion of the period of probation, they shall hold their positions until discharged, reduced, promoted or transferred in accordance with the provisions of this charter. (1918, c. 34)

§ 118. List of classified employees.--The civil service commission shall maintain a list of all persons in the classified service, showing in connection with each name the position held, the date and character of every appointment and of every subsequent change in status. The head of each administrative department shall promptly transmit to the commission all information required for the establishment and maintenance of said list. (1918, c. 34)

§ 119. Salaries to be paid only after certification.--Neither the city treasurer nor any other disbursing officer shall pay any salary or compensation for service to any person holding or performing the duties of a position in the classified service unless the persons paid shall have been appointed or employed and are performing service in accordance with the provisions of this charter relating to civil service and of the rules established thereunder.

It shall be the duty of the civil service commission to furnish the treasurer and all other disbursing officers a list of all persons in the classified service, together with the changes from time to time.

Any tax-payer of the city may maintain an action in the name of the city in any civil court of record to recover in its behalf any sums paid contrary to the provisions of this section from the person or persons making such payment or to enjoin the payment of any sums of money in violation hereof. (1918, c. 34)

§ 120. Political or religious discrimination prohibited.--No person in the classified service, or seeking admission thereto, shall be appointed, promoted, reduced or

removed, or in any way favored or discriminated against because of his political or religious opinions or affiliations. (1918, c. 34)

§ 121. Soliciting political assessments, subscriptions or contributions prohibited.--No officer or employee of the city shall, directly or indirectly, solicit or receive, or be in any manner concerned in soliciting or receiving, any assessment, subscription or contribution for any political party or political purpose whatever, or for a testimonial for any official. No person shall, orally or by letter, solicit, or be in any manner concerned in soliciting any assessment, subscription or contribution for any political party or purpose whatever from any person holding a position in the classified service. (1918, c. 34)

§ 122. Political activity prohibited.--No person holding a position in the classified service shall take any part in political management or in political campaigns other than to cast his vote and to express privately his opinion. (1918, c. 34)

§ 123. Penalties for violation of provisions of §§ 120, 121 and 122.--Any person wilfully violating any of the provisions of §§ 120, 121 and 122 hereof shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than ten dollars, nor more than one hundred dollars. (1918, c. 34)

§ 124. Appropriations for expense of civil service commission.--The council shall appropriate each year a sum of money sufficient to defray the expenses of the civil service commission, and the city manager shall include the same in the annual budget. (1918, c. 34)

§ 125. Annual report to be made to the council.--Within thirty days after the first day of January, 1920, and within thirty days after the first day of January of each succeeding year, the civil service commission shall make a report to the council showing its own action, the rules in force, the practical effects thereof, and any suggestions it may have for the improvement of the classified service. The council may require a report from said commission at any other time. (1918, c. 34)

OTHER CITY OFFICIALS.

§ 126. The city clerk.--The city clerk shall be elected at the time, in the manner, and for the term provided by § 11 of this charter. He may by and with the consent of the council appoint one or more deputies and such number of assistants as may be provided for by ordinance. He shall be the clerk of the council; shall keep a record of its proceedings and either he or one of his deputies shall attend all meetings thereof. He shall keep all records which by the provisions of this charter or by direction of the council are required to be kept by or filed with him. He shall be the keeper of the city seal and shall affix and attest the same when so directed by the council. He shall transmit to the city auditor and the city treasurer copies of all ordinances or resolutions appropriating money or authorizing the payment of money or the issue of bonds or notes, and shall likewise transmit to the city manager copies of all ordinances and resolutions relating to the administrative departments of the city. He shall give information to persons presenting communications or petitions to the council of the final action of the council thereon. He shall, except as otherwise expressly provided in this charter, publish or cause to be published, all reports, ordinances, and other documents required by this charter to be published, and also such other reports as the council may by ordinance or resolution direct. He shall perform such other duties as are required by this charter, and

in general shall perform such acts and duties as the council shall by ordinance or resolution require of him. Any of the duties of said city clerk may be performed by any of his deputies. The city clerk and his deputy or deputies shall receive such compensation and give such bond as the council may by ordinance provide. (1918, c. 34; 1950, c. 78; 1982, c. 289)

§ 127. (1918, c. 34; 1952, c. 258; repealed 1976, c. 599)

§ 128. (1918, c. 34; repealed 1976, c. 599)

§ 129. High constable.

The high constable for said city shall be elected at the time and in the manner provided in § 11, as amended, of this charter. He shall qualify in the circuit court of the City of Norfolk and shall give bond with surety to be approved by said court in the penalty of fifty thousand dollars, payable to the Commonwealth of Virginia, and conditioned for the faithful performance of his duties, said bond to be filed in the office of the clerk of said court. He shall execute all civil processes, warrants, summonses and notices as may lawfully be directed to him, including those issued outside the city, and shall have the same powers, duties and authority with respect to the execution of such civil processes, warrants, summonses and notices as are now or may hereafter be prescribed by law for the city sheriff. He shall further have such other powers, duties and authority as may otherwise be prescribed by law or by the council by ordinance. He shall charge and collect for services rendered by him and his deputies the fees and sums now or hereafter prescribed by law for the city sheriff for like services. The authority hereby conferred shall in no way limit or prevent the execution or service of any such civil process, warrant, notice or summons returnable before the general district court of the city by the sheriff, or by any other lawful means. Said high constable may, with the approval of the council, appoint one or more deputies to execute the duties of his office; but the surety on the bond of said high constable shall be equally liable for the acts of the said deputy or deputies as for those of the principal. The council shall have power to remove the high constable or any of his deputies for cause and appoint others in their places. He shall keep a full, accurate and detailed account of all such fees and sums and shall pay over to the city treasurer on the first day of each month all fees and sums collected and received during the preceding month, accompanied by an itemized statement of such fees and sums verified by his oath. For his services he shall receive such compensation as the council may by ordinance provide, and the council shall make provision by ordinance for the necessary and reasonable expense of conducting his office, including compensation to his deputy or deputies, which compensation shall be fixed by the council. (1918, c. 34; 1952, c. 239; 2000, c. 950, 979)

MISCELLANEOUS PROVISIONS.

§ 130. Courts, fees, etc.--Wherever power is conferred upon said city by this charter to make rules and regulations, and impose and enforce penalties for the protection of any property owned by said city, but situated beyond the corporate limits thereof, the circuit court of the county or city in which such property is located shall have exclusive jurisdiction of all offenses committed in such county or city against ordinances of said city prescribing such rules, and regulations, and imposing such penalties; and jurisdiction

of injunction suits for the protection of any such property shall be as is now, or may hereafter be, provided by general law.

In all civil actions filed by said city in the general district courts, the said city shall be exempt from the payment of fees required by the general law. (1918, c. 34; 1992, c. 261)

§ 131. Jurisdiction of offenses.--The corporation court of said city shall have exclusive jurisdiction of offenses under §§ 6, 9, 47, 123. and 132 of this charter. Prosecutions under said sections may be begun by presentment, indictment or information. (1918, c. 34)

§ 132. Records.--All records used by any city officer in his office or pertaining to his duties shall be deemed the property of said city, and the chief officer in charge of such office shall be responsible therefor. Any such officer or person made by this section responsible for the keeping of such records shall, within ten days after the end of his term of office, or within ten days after the date of his resignation or removal from office, as the case may be, deliver to the city clerk all such records. Any such officer or person failing to deliver such records as required by this section, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than one hundred dollars nor more than five hundred dollars, or imprisoned not exceeding six months, or both, in the discretion of the jury. (1918, c. 34; 1982, c. 289)

§ 133. Qualification of members of the council and other officials.--The members of the council before entering upon the duties of their respective offices shall each take the oaths prescribed the laws of this State for state officers. Such oaths may be administered by any judge of a court of record commissioned to hold such court within said city, or by any justice of the peace within said city, and the certificate thereof shall be filed with the city clerk and entered upon the record of the council. Every other person elected or appointed to any office under this charter or under any ordinance of the council, except clerks and laborers, shall before entering upon the duties of his office take and subscribe said oaths together with such other oaths as may be required by ordinance, before any such court or justice of the peace of said city, and the certificate of the same shall be filed in the office of said city clerk. The clerk of the corporation court of said city shall notify all persons elected by the people under this charter of their election, and the city clerk shall notify all persons elected by the council of their election. If any person elected to any office in the said city shall for ten days after receiving notice of election fail to take such oaths and give such bonds, with security, as may be required by law or ordinance, he shall be considered as having declined said office and the same shall be deemed vacant, and such vacancy shall be filled according to the provisions of this charter. (1918, c. 34; 1982, c. 289)

§ 134. Bonds of officers.--Except in the case of officers whose bonds are specially provided for by this charter, the council in fixing the salary of any officer, clerk or employee of the city, shall determine whether such officer, clerk or employee shall give bond and the amount or penalty thereof. All officers required by this charter to give bond, and all officers, clerks and employees of whom bond is required by the council, shall, before entering upon their respective duties, give bond with surety to be approved by the council, conditioned for the faithful performance of the duties of their respective offices, which bond, unless otherwise specially provided by this charter, shall be payable to the said city, and in such penalty as the council may by ordinance prescribe. The

council shall accept as surety on any such official bond only a good, solvent surety or fidelity company authorized to do business in this State. The council may provide that the premium on any such bond shall be paid by the city. The sureties on the bond of any such officer shall be equally liable for the acts of any deputy or deputies of such officer as for those of such officer himself. Unless otherwise specially provided in this charter, all such bonds shall be filed with and preserved by the city clerk. The parties to bonds taken in pursuance of this section shall be subject to the same proceedings on said bonds for enforcing the conditions and terms thereof by motion or otherwise before the corporation court or circuit court of said city, as are now or may hereafter be provided by law in the case of collectors of the county levy and the sureties on their bonds for enforcing payment of the county levies. (1918, c. 34)

§ 135. (1918, c. 34; repealed 1976, c. 599)

§ 136. General laws to apply.--All general laws of the State applicable to municipal corporations now in existence or hereafter enacted and which are not in conflict with the provisions of this charter or with ordinances or resolutions hereafter enacted by the council pursuant to authority conferred by this charter shall be applicable to the said city; provided, however, that nothing contained in this charter shall be construed as limiting the power of the council to enact any ordinance or resolution not in conflict with the Constitution of the State or with the express provisions of this charter. (1918, c. 34)

§ 136(a). Procedure upon exercise of right of eminent domain.--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. In the latter event the ordinance directing acquisition of any property shall provide therein in a lump sum the total funds necessary to compensate the owners thereof for the property to be acquired or damaged. Upon the adoption of such ordinance the city may file a petition in the clerk's office of a court having jurisdiction, which shall be signed by the city manager and set forth the interest or estate to be taken in the property and the uses and purposes for which the property or the interest or estate therein is wanted; or when property is not to be taken but is likely to be damaged, the necessity for the work or improvement which will cause or is likely to cause such damage. There shall also be filed with the petition a plat of a survey of the property with a profile showing cuts and fills, trestles and bridges, if any, and a description of the property which, or an interest of estate in which, is sought to be taken or likely to be damaged and a memorandum showing names and residences of the owners and tenants of the property, if known, and showing also the quantity of property which, or an interest or estate in which, is sought to be taken or which will be or is likely to be damaged. There shall be filed also with the petition a notice thereof directed to the owners and tenants of the property, if known, copies of which shall be served on such owners as well as on the tenants of such property, if known. If any such person be unknown or a nonresident of the State or cannot with reasonable diligence be found in the State, or if his residence be unknown, he may be proceeded against by order of publication published once a week for two successive weeks in a daily newspaper published in the City of Norfolk, and shall be posted at a main entrance to the courthouse.

Upon the filing of the petition and the funds provided by the council for the purpose having been duly deposited to the credit of court, if the court is of the opinion

that the property or interest or estate therein to be acquired is for the uses and purposes of the city as provided by law, it shall order that the interest or estate of the owner of such property shall terminate and the title of 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 proceeding is 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, for which he shall receive the fees prescribed for recording a deed, which shall be paid by the city.

If the city and the owner of property so taken or damaged agree upon compensation therefor, upon filing such agreement in writing in the clerk's office of such court the court or judge thereof in vacation shall make such distribution of such funds as to it may seem right, having due regard to the interest of all persons therein whether such interest be vested, contingent or otherwise, and to enable the court or judge to make a proper distribution of such money it may in its discretion direct inquiries to be taken by a special commissioner in order to ascertain what persons are entitled to such funds and in what proportions and may direct what notice shall be given of the making such inquiries by such special commissioner.

If the city and the owner cannot agree upon the compensation for the property taken or damaged, if any, upon the filing of a memorandum in the clerk's office of said court to that effect, signed by either the city or the owner, the court shall appoint commissioners provided for in § 25-46.20 of the Code of Virginia, and shall in the order appointing such commissioners designate the day and hour for them to meet, and all proceedings thereafter shall be had as provided in §§ 25-46.20 through 25-46.34 of the Code of Virginia insofar as they are then applicable and not inconsistent with the provisions of this section, and the court shall order the deposit in bank to the credit of the court such additional funds as appear to be necessary to cover the award of the commissioners or shall order the return to the city of such funds deposited that are not necessary to compensate such owners for property taken or damaged. The commissioners so appointed shall not consider improvements placed upon the property by the city subsequent to its taking nor the value thereof nor the enhancement of the value of the property by such improvements in making their award. 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.

Provided, however, that nothing herein contained shall give the said city the authority to acquire by condemnation property belonging to another city or county. (1948, c. 233; 1964, c. 62)

§ 137. Existing ordinances.--All ordinances and resolutions in force at the time of the taking effect of this charter not inconsistent with its provisions shall continue in force until amended or repealed. (1918, c. 34)

§ 138. Continuance of present officers.--Upon the taking effect of this charter on the first day of September, 1918, all members of the present council of said city, members of the board of control, and the mayor, shall go out of office and their respective offices shall be abolished. The judges of the several courts of said city, the clerks of such courts, the attorney for the Commonwealth, the commissioner of the revenue, the city treasurer and the city sergeant then in office shall continue in office to the end of the respective terms for which they were elected and until their respective successors shall have been elected and qualified. All other persons holding office in said city on the first day of September, 1918, shall continue in office and in the performance of their duties until provision shall have been made in accordance with the provisions of this charter for the performance or discontinuance of the duties of any such office. When such provision shall have been made the term of any such officer shall expire and the office shall be ipso facto abolished. In case of dispute, the council may by resolution declare when the functions and duties of any such office or position have been provided for, and the said office or position abolished, and its decision thereon shall be final. The powers which are conferred and the duties which are imposed upon any officer, board, commission or department of the city under the laws of the State shall, if such office, board, commission or department is abolished by this charter, be thereafter exercised and discharged by the officer, board, commission or department upon whom are imposed corresponding functions, duties and powers under the provisions of this charter. (1918, c. 34)

§ 139. Continuance of contracts.--All contracts entered into by the city or for its benefit prior to the taking effect of this charter shall continue in full force and effect. All public works begun prior to the taking effect of this charter shall be continued and completed hereunder. Public improvements for which legislative steps shall have been taken under laws in force at the time this charter takes effect may be carried to completion in accordance with the provisions of such laws. (1918, c. 34)

§ 140. Hours of labor.--The council shall have power to provide by ordinance that on any public work carried on by the municipality, whether done by contract or otherwise, not to exceed eight hours a day shall constitute a day's work; but such ordinance shall not prevent persons who may be employed for one week or longer from making up lost time by working longer than eight hours in any one day; provided they are not required to work more than forty-eight hours in any one week, nor shall such ordinance apply in cases of emergency. (1918, c. 34)

§ 141. Power to appoint boards or commissions of citizens.--The council may, at the request of the city manager, appoint boards or commissions, to be composed of such number of citizens regardless of sex as the council may deem expedient to act in an advisory capacity in conjunction with any one or more of the departments created or authorized hereby. The members of all such commissions shall serve without compensation. (1918, c. 34)

§ 142. Removal of members of boards and commissions.--The members of all boards and commissions, whose members are by this charter elected or appointed by the council, may be removed by the council at any time for malfeasance or misfeasance or for failure or neglect to perform any of the duties of their respective offices or positions. (1918, c. 34)

§ 143. Working prisoners.--Subject to the general laws of the State regulating the working of those convicted of offenses against the State, the council shall have the power to provide by ordinance for the employment or the working, either within or without the city limits, or within or without any city prison or jail, of all persons sentenced to confinement in said prison or jail for the violation of the laws of the State of Virginia or the ordinances of the city of Norfolk. (1918, c. 34)

§ 143(a). Pension funds--Generally.

In addition to the other powers conferred by law, the council of said city shall have the right and power to establish and maintain, in such manner and to such extent and in such combination thereof as said council may deem desirable, a system or systems of pensions and retirement allowances for, and death benefits for the designated beneficiaries of, the officers and employees of said city, including policemen and firemen and such other officers and employees whose entire compensation is paid directly by said city, but not to include officials elected by the people or the General Assembly, except that the council of said city may, in its discretion, include therein members of the city council, the city treasurer and the employees in that office, the commissioner of the revenue and the employees in that office, the city sheriff and the employees in that office, the clerks of the courts of record of the city and the employees in their respective offices, the commonwealth's attorney of the city and the employees in that office, the employees in the welfare department of the city, and any person who becomes a State employee by virtue of an agreement between the city and the State, or any department, board or agency thereof, affiliating the city's department of public health with the State Health Department, provided such person was a city employee and a member of the employees' retirement system of the city on the effective date of any such agreement and does not elect, in writing, and within sixty days after the effective date of any such agreement, to become a member of the State's retirement system, or any of them, and to that end, shall have authority to establish a fund or funds for the payment of such pensions, retirement allowances and death benefits by making appropriations out of the treasury of said city, by requiring contributions from time to time from those participating in any such system, or by any other mode not prohibited by law, or by any combination of said methods, to make rules and regulations for the management, investment and administration of such fund or funds, and the payment of such pensions, retirement allowances and death benefits, and to do all such other things that may be deemed necessary or advisable to carry into effect the provisions of any such system or systems.

The pensions accruing and to accrue to any such officer or employee or to the beneficiary thereof, under any such system, and the accumulated contributions, securities, moneys and assets of any such fund, are hereby exempted from State, county and municipal taxation to the extent permitted by other law, and shall not be subject to execution, attachment or garnishment, or any other process whatsoever, and shall be unassignable except as provided by a regulation of such system.

The council shall have the continuing right and power to amend at any time any ordinance adopted pursuant to the provisions hereof, which right and power is expressly reserved to them, but no such amendment shall be adopted which will reduce the then accrued benefits of such officers and employees and beneficiaries covered by any such system or systems below to the extent they may be then covered by accumulative

reserves in any such fund or funds, which shall constitute a trust fund or funds for the payment of such benefits.

The inclusion in the system of pensions, retirement allowances and death benefits heretofore established by the city or any of the officers or employees embraced within the provisions of this section as above amended, but not embraced within the provisions thereof prior to the above amendment, by an ordinance effective January 1, 1954, are hereby authorized, ratified and confirmed, and said ordinance shall have the same force and effect as if this section had become effective on January 1, 1954.

In addition to the foregoing powers the council is hereby authorized to make the necessary appropriation for the supplemental payments to retired city employees or to other persons retired under a city pension system. Such payments are in addition to their regular retirement benefits. The amount, manner, and terms and conditions of payment shall be as the council may prescribe. In so doing, the council may create or designate classes of the foregoing persons and may distinguish with respect to the amount of payment or otherwise between such classes. No person or class of persons receiving such supplemental payment shall have any vested interest in the same beyond the fiscal year in which the appropriation for such payment is made. (1950, c. 488; 1954, c. 72; 1966, c. 160; 1970, c. 484; 2000, c. 950, 979)

§ 144. (1918, c. 34; repealed 1976, c. 599)

PORT AUTHORITY (1948, c. 463)

§ 144(a). There is hereby created in the City of Norfolk a political subdivision of the Commonwealth, with such public and corporate powers as are hereinafter set forth, to be known as the "Norfolk Airport Authority." Such authority may sue and be sued, plead and be impleaded, and shall have the power and authority to contract and be contracted with and to exercise and discharge all the powers and duties imposed and conferred upon it, as hereinafter provided. (1948, c. 463; 1960, c. 408; 1988, c. 519; 2007, c. 193)

§ 144(b). How Governed. (1) Such authority shall be governed by a board of not less than seven nor more than nine commissioners, one-third of whom may be from areas outside of the City of Norfolk, who shall be known as commissioners, and who shall be appointed by the Council of the City of Norfolk, and who shall be residents of the City of Norfolk at the time of their appointment and during the term of their office except as herein provided. All of the powers and duties conferred upon such authority shall be exercised through said board of commissioners.

(2) All members shall be appointed for terms of four years. Any vacancy shall be filled by appointment by the Council for the unexpired term. Each commissioner shall continue, however, to hold office until his successor has been appointed and qualified. Each commissioner, before entering upon the duties of his office, shall take and subscribe the oath provided by the Norfolk Charter of 1918 for city officers, and a certificate of the same shall be filed with the city clerk.

(3) Immediately after their appointment such commissioners shall enter upon the performance of their duties. Said commissioners shall annually elect one of its members as chairman and another as vice-chairman, and shall also elect annually a secretary and a treasurer, each of whom may or may not be one of the said commissioners. The positions of secretary and treasurer may be held by the same person. A majority of the

commissioners shall constitute a quorum for the transaction of business. The board of commissioners shall make rules and regulations for its own government and procedure and shall hold such special meetings as it may deem necessary.

(4) The commissioners shall receive no salaries but shall be entitled to reimbursement for necessary traveling and other expenses incurred while engaged in the performance of their duties.

(5) Any of said commissioners may be removed from office by the Council of the City of Norfolk for malfeasance, misfeasance, incompetence or gross neglect of official duty, but a commissioner may be removed only after he shall have been given a copy of the charges against him at least ten days prior to the hearing thereon before the Council and had an opportunity to be heard in person and by counsel. In event of the removal of any commissioner a record of the proceedings, together with the charges and findings thereon, shall be filed in the office of the city clerk. (1948, c. 463; 1980, c. 36, 42; 1988, c. 519; 2007, c. 193)

§ 144(c). Powers and duties.

Such Authority shall have the following powers:

(1) To adopt and use a corporate seal, and to alter the same at its pleasure.

(2) To acquire, hold and dispose of such personal property as may be necessary for its purposes.

(3) To acquire by purchase, lease, gift, devise, condemnation or otherwise, property, real and personal, or such riparian and other rights, easements, or estate or interest therein as may be necessary for its purposes, and to hold, improve, sell, lease, mortgage, pledge or otherwise dispose of the same or any portion thereof or interest therein, whenever it shall become expedient to do so; provided, however, that the Authority shall have the power of condemnation only within the corporate limits of the City of Norfolk, unless agreed to by the governing body or bodies of the locality or localities so affected and provided further, that the Authority may exercise its power of condemnation only in furtherance of one or more of its public purposes and any property so acquired may be improved, sold, leased, mortgaged, pledged or otherwise disposed of only after a determination by the Authority that such improvement, sale, lease, mortgage, pledge or disposition will be consistent with and in furtherance of such public purposes or after a determination by the Authority that such property is no longer needed for such public purposes.

(4) To acquire, lease, construct or maintain and operate, landings, wharves, docks and piers, commodity elevators, 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, to perform any and all services at said facilities in connection with the receipt, delivery, shipment and transfer in transit, weighing, marking, tagging, ventilating, fumigating, refrigerating, icing, storing and handling of goods, wares and merchandise, to prescribe and collect charges from vessels coming into or using any landings, wharves, docks, piers, and commodity elevators operated and maintained by said Authority and from persons using any of the other facilities of the Authority, and to lease any and all of such facilities or any concessions properly incident thereto to any person, firm or corporation for the maintenance and operation of any and all of such facilities on such terms and conditions as it may deem proper.

(5) To acquire, purchase, construct, lease, operate, maintain and undertake any bus, railroad or airline terminal facility and to make charges for the use thereof.

Before the powers set forth in this paragraph are exercised by the Authority prior approval of the council shall be first obtained.

(6) For the purpose of encouraging and promoting industry and manufacturing; the development of trade by inducing manufacturing, industrial, governmental, educational, commercial and retail enterprises to locate in or remain in the City of Norfolk; the using of the natural resources and advantages of the City of Norfolk and the Commonwealth; the development and increase of the commerce of the City of Norfolk and the Commonwealth; the promotion of the safety, welfare, education, convenience and prosperity of the inhabitants of the City of Norfolk and the Commonwealth; and to carry out all other purposes of the Authority, the Authority shall have the power: 1) to acquire by purchase, exchange, gift, lease or otherwise (including condemnation subject to the limitations set forth in § 144(c)(3), as amended), and to improve, maintain, equip and furnish one or more facilities including all real and personal properties and any interest or estate therein which the Authority may deem necessary to accomplish said purposes and regardless of whether or not any of such facilities shall then be in existence; 2) to lease to others any or all of its facilities and to charge and collect rent therefor and to terminate any such lease upon the failure of lessee to comply with any of the obligations thereof, and to include in any such lease, if desired, a provision that the lessee thereof shall have options to renew such lease or to purchase any or all of the leased facilities, or that upon payment of all of the indebtedness of the Authority it may lease or convey any or all of its facilities to the lessee thereof, with or without consideration; 3) to sell, exchange, donate, and convey any or all of its properties whenever its Board of Commissioners shall find any such action to be in furtherance of the purposes for which the Authority was established; and, 4) as security for the payment of the principal of and interest on any bonds, notes, or other evidences of debt so issued and any agreements made in connection therewith, to mortgage and pledge any or all of its facilities or any part or parts thereof, whether then owned or thereafter acquired, and to pledge the revenues therefrom or from any part thereof.

The term "facility" or "facilities" used in this section and in other sections enumerating the powers of the Authority shall mean any or all industrial, manufacturing, commercial, retail, governmental, education or other facilities described herein and located within or without or partially within or without the City of Norfolk now existing or hereafter acquired or constructed by the Authority pursuant to its powers, together with any or all buildings, improvements, additions, extensions, replacements, appurtenances, lands, rights, interests and estates in land including interest and estates in land acquired by mortgage, deed of trust or otherwise, water rights, franchises, machinery, equipment, furnishings, landscaping, utilities, approaches, roadways and other facilities necessary or desirable in connection therewith or incidental thereto, acquired or constructed by the Authority. This section shall be liberally construed.

(7) To establish, construct, acquire, purchase, lease, maintain and operate any airport and air navigational facilities now or hereafter owned by the Authority or the City of Norfolk with the same powers and authority thereover that said city may have or as provided by law, subject, however, to the provisions of § 144(d), as amended, with

respect to the operation and maintenance of any airport and air navigational facility now or hereafter owned by the City of Norfolk.

(8) To make capital improvements on any airport and air navigational facility, any port terminal facility described in § 144(c)(4), as amended, and on any other facility and public utility now or hereafter owned or leased by the City of Norfolk and transferred to said Authority to operate and maintain, or title to which is transferred to said Authority, with the same powers to issue its bonds therefor as it has for its other purposes, subject, however, to the approval of the council of the City of Norfolk.

(9) To foster and stimulate the commerce of the Port of Virginia and the shipment of freight through such port and to investigate and handle matters pertaining to all transportation rate structures affecting the commerce of the port.

(10) To establish, acquire, lease, maintain and operate, within the corporate limits of the city, a public transportation system, when and as authorized by the council of the City of Norfolk.

To extend the operation and maintenance of such transportation system in territory adjoining the city of Norfolk when and as authorized so to do by the governing body of the political subdivision in which extended and as otherwise provided by law.

(11) To establish, acquire, lease, maintain and operate such other public utilities and facilities as may be required of said Authority by the council of the City of Norfolk and as may be otherwise authorized by law.

(12) To establish, acquire, lease, maintain and operate places for the parking or storage of vehicles by the public; to operate and maintain such places; to authorize or permit others to use, operate or maintain such places upon such terms and conditions as it may prescribe; to charge or authorize the charging of compensation for the parking or storage of vehicles at or in such places; and to accept from others donations of money or other property, or the right to use such property, to aid, in whole or in part, in the acquisition, maintenance and operation of such places. Before the powers set forth in this paragraph are exercised by the Authority prior approval of the council shall be first obtained.

(13) To fix and charge tolls, fees and other charges for the use of, or for services rendered by, any of the facilities it is authorized to establish, construct, acquire, lease, maintain and operate.

(14) To appoint and employ such officers, agents and employees as may be necessary to carry out the purposes of said Authority, to fix their compensation and to prescribe their duties.

(i) To exercise full law-enforcement powers upon all property owned, operated, managed, leased or maintained by the Authority and to establish and maintain a police department; and to appoint and employ police officers to enforce the laws of the Commonwealth and the ordinances of the Cities of Norfolk and Virginia Beach, whichever may be applicable. The Authority, its police force and its police officers shall have all the powers vested in localities, police forces, and its police officers under Chapter 17 of Title 15.2, Chapter 11 of Title 16.1, Title 18.2, Title 19.2 and Title 46.2 of the Code of Virginia as those titles may be amended from time to time. The police department and police officers shall have jurisdiction to enforce the applicable laws (aa) upon all property owned, operated, managed, leased or maintained by the Authority; (bb)

upon the following areas in the City of Norfolk through concurrent jurisdiction with the police officers of the city:

1. All of Departures Boulevard.
2. All of Arrivals Boulevard.
3. All of Terminal Road.
4. All of Motel Lane.
5. All of Entrance Road.
6. All of Exit Road.
7. All of International Road.
8. Norview Avenue, from its intersection and Azalea Garden Road, east to Arrivals Boulevard, including the Norview Avenue bridge.
9. Robin Hood Road, from its intersection with Military Highway, east to International Road.
10. Miller Store Road, from its intersection with Robin Hood Road, west to Gurley Street.
11. All of Gurley Street, Purdy Court, Dorothy Court, and Emma Court.
12. Miller Store Road, from its intersection with Robin Hood Road, east to Burton Station Road.
13. All property between the streets listed above and the Airport perimeter; and (cc) upon the following areas in the City of Virginia Beach through concurrent jurisdiction with the police officers of the city: within one mile of the Airport.

A local governing body may petition the appropriate circuit court to reduce or eliminate the concurrent jurisdiction granted in this section.

Such police officers appointed by the Authority may issue summons to appear, or arrest on view or on information without warrant as permitted by law, within the jurisdiction of this Commonwealth, and conduct before the courts of competent jurisdiction of the Cities of Norfolk or Virginia Beach, any person violating, within or upon the airport or other property under the control of the Authority, any law of this Commonwealth or any ordinance of the City of Norfolk or the City of Virginia Beach.

For the purposes of enforcing such laws and ordinances the court or courts having jurisdiction for the trial of criminal offenses in the Cities of Norfolk or Virginia Beach wherein the offense was committed shall have jurisdiction to try a person charged with violating any such law, whether statute or ordinance, and any fine imposed for violation

of an ordinance shall be paid into the general fund of the City of Norfolk or the City of Virginia Beach, depending on which city shall have jurisdiction of the offense committed.

(ii) To make and enforce all rules, resolutions, and regulations necessary or expedient for the purpose of carrying into effect the powers conferred by this charter or by any general law concerning all property owned, operated, leased, managed or maintained by the Norfolk Airport Authority, and to provide suitable penalties for the violation of such rules, resolutions, and regulations, or any of them, by fine not exceeding one thousand dollars or confinement in jail not exceeding twelve months, either or both.

(15) To do all other acts and things which may be reasonably necessary and convenient to carry out the purposes and powers given herein.

The powers conferred upon the Authority by this section except the powers conferred by clauses 7, 8, 9 and 10 of this section shall be exercised solely within the corporate limits of the City of Norfolk; provided further that rentals and charges for any and all facilities constructed and/or operated pursuant to clauses 5 and 6 shall, as near as possible, be at commercial rates for like facilities or services, and include a sum equivalent to real estate taxes at current rates on such property.

Whenever in this act approval of the council of the City of Norfolk is required to enable the Authority to exercise any power herein granted it, such approval shall be only by a formal ordinance. (1948, c. 463; 1954, c. 564; 1956, c. 391; 1958, c. 131; 1960, c. 408; 1964, c. 287; 1968, c. 196; 1970, c. 484; 1972, c. 760; 1976, c. 599; 1978, c. 186; 2000, c. 950, 979; 2007, c. 193)

§ 144(d). Transfer of City's Facilities.--The council of the city of Norfolk is hereby authorized and empowered to transfer to said Authority the operation and maintenance of such of the above or other facilities as are now or may be hereafter owned by the city of Norfolk, on such terms and conditions as said council may prescribe. Nothing herein contained shall be construed as authorizing such Authority to maintain and operate such facilities now or hereafter owned by the city of Norfolk unless and until the operation thereof has been transferred by said council.

The council of the city of Norfolk is also hereby authorized and empowered to transfer the operation and maintenance and all rights, title and interest of the city of Norfolk to the above facilities as are now or may be hereafter owned by the city of Norfolk to said Authority or to any other authority or body politic authorized by law to maintain, operate or own such facilities, on such terms and conditions as said council may prescribe, reserving to the City a reversionary interest in such facilities if the council so determines.

The council of the city of Norfolk is further authorized and empowered to acquire by gift, purchase, lease, condemnation or otherwise, from time to time, whether before or after it transfers all right, title and interest of such facility or facilities to said Authority or such other authority or body politic, additional lands or interest in lands necessary or desirable for the operation of said facility or facilities. If the council so determines, it may transfer all right, title and interest of such additional lands or interest in lands to said Authority or such other authority or body politic on such terms and conditions as said council may prescribe, reserving to the city a reversionary interest in such additional lands or interest in lands if the council so determines. The right of the city to acquire such additional lands or interest in lands shall be the same as it had prior to the transfer of

the right, title and interest of such facility to said Authority or such other authority or body politic. (1948, c. 463; 1968, c. 196; 1970, c. 484; 2007, c. 193)

§ 144(e). Contributions by City.--The city of Norfolk is authorized and empowered to make such appropriations, to provide such funds, and to make such loans and charge interest thereon to said Authority for the operation of the said Authority and for said Authority to operate and maintain, including the making of capital improvements thereon, any public utility or facility it has the power to acquire, lease, maintain and operate either directly or by transfer by the city of Norfolk to the said Authority and for the general operation of said Authority in carrying out its functions and powers, as its council may deem proper. (1948, c. 463; 1968, c. 196; 2007, c. 193)

§ 144(f). Bonds--Power to Issue.--The Authority shall have the power to borrow money on either a short-term or a long-term basis and to issue from time to time its notes, bonds and other evidences of debt payable on such terms, conditions and provisions as in its discretion may be advisable, for any of its corporate purposes, including the payment or retirement of bonds, notes or other evidences of debt previously issued by it. The cost of carrying out its corporate purposes shall include discount on bonds, cost of issuance of bonds, engineering and inspection costs and legal expenses, costs of financial, professional and other estimates, advice, administrative, operating and other expenses of the Authority prior to and during acquisition or construction including the payment of interest on bonds during the period of construction and for not exceeding one year thereafter and also such provision or reserves for working capital, operating, maintenance or replacement expenses or for payment or security of principal of and interest on bonds during and after such acquisition or construction as the Commissioners of the Authority may determine, and also reimbursements to the city of Norfolk or to any other person or corporation on account of any moneys theretofore expended for the purpose of the Authority. The Authority may issue such types of bonds as it may determine, including (without limiting the generality of the foregoing) bonds payable, both as to principal and interest: (1) from its revenues generally; (2) exclusively from the income and revenues of a particular "facility"; which term shall mean a particular building or structure or particular buildings or structures including all equipment, appurtenances and accessories necessary or appropriate for the operation of such facility; or (3) exclusively from the income and revenues of certain designated facilities whether or not they are financed in whole or in part from the proceeds of such bonds. Any such bonds may be additionally secured by a pledge of any grant or contributions from the federal government, Commonwealth of Virginia, or city of Norfolk, or a pledge of any income or revenues of the Authority, or a mortgage, deed of trust, or other lien of any particular facility or facilities or other property of the Authority.

Except as to provisions of subsection (6) of § 144(c), the power to issue bonds shall not be exercised prior to July 1, 1950.

Whenever in this or other sections relating to the power of the Authority to issue its bond or bonds, the term "bond" or "bonds" is used, it shall be construed to mean and embrace its bonds, notes or other evidences of debt or any other obligations of said Authority. (1948, c. 463; 1968, c. 196; 1970, c. 484; 2007, c. 193)

§ 144(g). Bonds: Liability.--Neither the commissioners of the authority nor any person executing the bonds shall be liable personally on the bonds by reason of the issuance thereof. The bonds and other obligations of the authority (and such bonds and

obligations shall so state on their face) shall not be a debt of the Commonwealth or any political subdivision thereof and neither the Commonwealth nor any political subdivision thereof nor the city of Norfolk shall be liable thereon, nor in any event shall such bonds or obligations be payable out of any funds or properties other than those of the Authority. The bonds shall not constitute indebtedness within the meaning of any debt limitation or restriction. Bonds of the authority are declared to be issued for an essential public and governmental purpose and to be public instrumentalities. (1948, c. 463; 2007, c. 193)

§ 144(h). Bonds--Provisions.--(1) Bonds of the Authority shall be authorized by resolutions adopted by the Board of Commissioners and may be issued in one or more series and shall bear such date or dates, mature at such time or times, bear interest at such rate or rates, may be sold at such price, be in such denomination or denominations, be in such form, either coupon or registered, carry such conversion or registration privileges, have such rank or priority, be executed in such manner, be payable in such medium of payment, at such place or places, and be subject to such terms of redemption (with or without premium) as such resolution or its trust indenture or mortgage may provide. The bonds may be sold at public or private sale.

(2) Issuance by the Authority of one or more series of bonds for one or more purposes shall not preclude issuing other bonds in connection with the same facility or any other facility, as may be authorized by the provisions of the bond resolution, trust indenture or mortgage. Any bonds of the Authority at any time outstanding may from time to time be refunded by the Authority by the issuance of its refunding bonds in such amount as the Board of Commissioners may deem necessary.

(3) If the proceeds derived from a particular bond issue due to error of estimates or otherwise, shall be less than the cost of the Authority facilities for which such bonds were issued, additional bonds may in like manner be issued to provide the amount of such deficit, and unless otherwise provided in the proceedings authorizing the issuance of the bonds of such issue or in the trust indenture securing the same, shall be deemed to be of the same issue and shall be entitled to payment from the same fund without preference or priority of the bonds of the first issue. If the proceeds of the bonds of any issue shall exceed such costs, the surplus may be deposited to the credit of the sinking fund for such bonds or may be applied to the payment of the cost of any additions, improvements or enlargements of the Authority facilities for which such bonds shall have been issued.

(4) Prior to the preparation of definitive bonds, the Authority may, under like restriction, issue interim receipts or temporary bonds, with or without coupons, exchangeable for definitive bonds when such bonds shall have been executed and are available for delivery. Bonds may be issued under the provisions of this section without obtaining the consent of any department, division, commission, board, bureau or agency of the Commonwealth, and without any other proceedings or the happening of any other conditions or things other than those proceedings, conditions or things which are specifically required by this section, provided, however, that nothing contained in this section shall be construed as affecting the powers or duties now conferred by law upon the State Corporation Commission.

(5) The bonds issued pursuant to this section shall be and are hereby declared to be legal and authorized investments for banks, savings banks, trust companies, building and loan associations, insurance companies, fiduciaries, trustees, guardians and for all public funds of the Commonwealth of Virginia or other political corporations or

subdivisions of the Commonwealth. Such bonds shall be eligible to secure the deposit of any and all public funds of cities, towns, counties, school districts or other political corporations or subdivisions of the Commonwealth of Virginia, and such bonds shall be lawful and sufficient security for said deposits to the extent of their value when accompanied by all unmatured coupons appertaining thereto. (1948, c. 463; 1970, c. 484; 2007, c. 193)

§ 144(i). Bonds: Validity.--In case any of the commissioners or officers of the Authority whose signatures appear on any bonds or coupons shall cease to be such commissioners or officers before the delivery of such bonds, such signatures shall, nevertheless, be valid and sufficient for all purposes, the same as if such commissioners or officers had remained in office until such delivery. Any provision of any law to the contrary notwithstanding, any bonds issued pursuant to this act shall be fully negotiable within the meaning and for all the purposes of § 8.3A-303 of the Code of Virginia. (1948, c. 463; 2007, c. 193)

§ 144(j). In order to secure the payment of such bonds or other obligations the Authority shall have power by provision or provisions included in any resolution authorizing such bonds or in any indenture made to secure their payment:

(1) To pledge all or any part of its gross or net rents, fees or revenues to which its right then exists or may thereafter come into existence.

(2) To mortgage all or any part of its real or personal property, then owned or thereafter acquired.

(3) To covenant against pledging all or any part of its rents, fees and revenues, or against mortgaging all or any part of its real or personal property, to which its right or title then exists or may thereafter come into existence or against permitting or suffering any lien on such revenues or property; to covenant with respect to limitations on its right to sell, lease or otherwise dispose of any facility or any part thereof; and to covenant as to what other, or additional debts or obligations may be incurred by it.

(4) To covenant as to the bonds to be issued and as to the issuance of such bonds in escrow or otherwise, and to the use and disposition of the proceeds thereof; to provide for the replacement of lost, destroyed or mutilated bonds; to covenant against extending the time for the payment of its bonds or interest thereon; and to redeem the bonds, and to covenant for their redemption and to provide the terms and conditions thereof.

(5) To covenant as to the rents and fees to be charged in the operation of a facility or facilities, the amount to be raised each year or other period of time by rents, fees and other revenues, and as to the use and disposition to be made thereof; to create or to authorize the creation of special funds for moneys held for construction or operating costs, debt service, reserves, or other purposes, and to covenant, as to the use and disposition of the moneys held in such funds.

(6) To prescribe the procedure, if any, by which the terms of any contract with bondholders may be amended or abrogated, the amount of bonds the holders of which must consent thereto and the manner in which such consent may be given.

(7) To covenant as to the use of any or all of its real or personal property; and to covenant as to the maintenance of its real and personal property, the replacement thereof, the insurance to be carried thereon and the use and disposition of insurance moneys.

(8) To covenant as to the rights, liabilities, powers and duties arising upon the breach by it of any covenant, condition, or obligation; and to covenant and prescribe as to

events of default and terms and conditions upon which any or all of its bonds or obligations shall become or may be declared due before maturity, and as to the terms and conditions upon which such declaration and its consequences may be waived.

(9) To vest in a trustee or trustees or the holders of bonds or any proportion of them the right to enforce the payment of the bonds or any covenant securing or relating to the bonds; to vest in a trustee or trustees the right, in the event of a default by said Authority, to take possession and use, operate and manage any facility or any part thereof, and to collect the rents and revenues arising therefrom and to dispose of such moneys in accordance with the agreement of the Authority with said trustee; or to appoint a receiver of any facility or part thereof to carry out such right, to provide for the powers and duties of a trustee or trustees or the holders of bonds or any proportion of them who may enforce any covenant or rights securing or relating to the bonds.

(10) To exercise all or any part or combination of the powers herein granted; to make covenants other than and in addition to the covenants herein expressly authorized, of like or different character; to make such covenants and to do any and all such acts and things as may be necessary or convenient or desirable in order to secure its bonds, or in the absolute discretion of said Authority, as will tend to make the bonds more marketable notwithstanding that such covenants, acts or things may not be enumerated herein. (1948, c. 463; 1960, c. 408; 1970, c. 484; 1978, c. 186; 2007, c. 193)

§ 144(k). Rights of Obligees.--An obligee of authority shall have the right in addition to all other rights which may be conferred on such obligee, subject only to any contractual restrictions binding upon such obligee;

(1) By mandamus, suit, action or proceeding at law or in equity to compel the authority and the commissioners, officers, agents or employees thereof to perform each and every term, provision and covenant contained in any contract of the Authority with or for the benefit of such obligee, and to require the carrying out of any or all such covenants and agreements of the Authority and the fulfilment of all duties imposed upon the authority by this chapter.

(2) By suit, action or proceedings in equity, to enjoin any acts or things which may be unlawful, or the violation of any of the rights of such obligee of the authority. (1948, c. 463; 2007, c. 193)

§ 144(l). Revenues.--The authority established under § 144(a) shall fix and revise from time to time the rents, fees and other charges to be paid by persons for the use of the various facilities of the Authority and for any other service furnished or provided by the Authority. Such rents, fees and charges shall be fixed so as to provide at least sufficient funds to pay the cost of maintaining, repairing and operating such facilities and the principal and interest of any bonds issued by the Authority or other debts contracted as the same shall become due and payable. A reserve may be accumulated and maintained out of the revenues of such Authority for extraordinary repairs and expenses and for such other purposes as may be provided in any resolution authorizing a bond issue or in any trust indenture securing such bonds. Subject to such provisions and restrictions as may be set forth in the resolution or in the trust indenture authorizing or securing any of the bonds or other obligations issued hereunder, such Authority shall have exclusive control of the revenues derived from any facility or facilities operated and controlled by it and the right to use such revenues in the exercise of its powers and duties set forth in this section. No individual, firm, association or corporation shall receive any profit or

dividend from the revenues, earnings or other funds or assets of such Authority other than for debts contracted, for services rendered, for materials and supplies furnished and for other value actually received by the Authority. (1948, c. 463; 2007, c. 193)

§ 144(m). Aid from Federal Government.--In addition to the other powers conferred by this act, such Authority shall have the power to borrow money and to accept contributions, grants, and other financial assistance from the federal government and other agencies and agency or instrumentality thereof for or in aid of the construction and equipment of its facilities or the retirement or refunding of its bonds. To these ends such authority shall have the power to comply with such conditions and to execute such mortgages, trust indentures and agreements as may be necessary, convenient or desirable and not in conflict with any provision of the Norfolk Charter of 1918. (1948, c. 463; 2007, c. 193)

§ 144(n). Nothing contained in any of the foregoing §§ 144(a) to 144(m), inclusive, shall be deemed to authorize the authority to occupy or use any land, streets, buildings, structures or other property of any kind, owned or used by the city of Norfolk, or any public improvement or facility maintained by the City for the use of its inhabitants, without first obtaining the consent of the council of the City. (1948, c. 463; 2007, c. 193)

§ 144(o). The powers granted and the duties imposed in any of the foregoing §§ 144(a) to 144(m), inclusive, shall be construed to be independent and severable. If any one or more sections, subsections, sentences, or parts of any of §§ 144(a) to 144(m), inclusive, shall for any reason be questioned in any court and shall be adjudged unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remaining provisions thereof, but shall be confirmed in its operation to the specific provisions so held unconstitutional or invalid. (1948, c. 463; 2007, c. 193)

§ 144(p). The powers conferred by any of §§ 144(a) to 144(m), inclusive, shall be in addition to and not in substitution for any powers conferred on the city of Norfolk or its Council by any other laws. (1948, c. 463; 2007, c. 193)

§ 144(q). (1960 c. 408; repealed 2000, c. 950, 979)

§ 145. Partial invalidity.--If any clause, sentence, paragraph or part of this act shall for any reason be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of said act, but shall be confined in its operations to the clause, sentence, paragraph, or part thereof directly involved in the controversy in which such judgment shall have been rendered. (1918, c. 34)

§ 146. Citation of act.--This act may for all purposes be referred to or cited as the Norfolk charter of 1918. (1918, c. 34)

§ 147. When charter takes effect.--It being necessary to hold a municipal election in said city for the election of councilmen on the second Tuesday in June, 1918, an emergency is hereby declared to exist, and by reason thereof this charter shall, for the purpose of nominating and electing councilmen and authorizing the council to employ a city manager as provided herein, be in effect from and after the date of its passage. For all other purposes said charter shall take effect on the first day of September, 1918, from and after which date the existing charter of said city, approved March 14, 1906, and the several acts amendatory thereof approved respectively March 12, 1908, March 14, 1908, March 7, 1912, March 13, 1912, March 13, 1914, March 17, 1914, March 24, 1914,

March 25, 1914, March 25, 1914, February 5, 1915, March 4, 1916, March 11, 1916, March 16, 1916, March 17, 1916, March 20, 1916, March 20, 1916, and March 20, 1916, and all other acts and parts of acts inconsistent with this charter so far as they relate to the city of Norfolk shall be repealed. (1918, c. 34)

CHARTER DATE AND AMENDMENTS

Amended

1919, c. 68 (§ 2)
1926, c. 289 (§§ 13, 71)
1928, c. 316 (§§ 19, 20, 21)
1932, c. 93 (§ 86)
1936, c. 283 (§ 63)
1940, c. 6 (§§ 3, 5, 6, 7, 14, 15, 19, 20, 21, 22, 27)
1942, c. 99 (§ 86(a) [added])
1944, c. 309 (§ 58)
1946, c. 98 (§ 2-a [added])
1948, c. 34 (§ 2-b [added])
1948, c. 233 (§ 136(a) [added])
1948, c. 353 (§ 69-a [added])
1948, c. 463 (§§ 144(a) through 144(p) [added])
1950, c. 78 (§ 126)
1950, c. 93 (§ 60)
1950, c. 107 (§ 74)
1950, c. 428 (§§ 5, 7, 14, 15, 27, 52)
1950, c. 430 (§ 63)
1950, c. 436 (§§ 2(c) [added], 85, 86)
1950, c. 488 (§§ 87(a) [added], 88(a) [added], 143(a) [added])
1952, c. 18 (§ 68)
1952, c. 21 (§ 64)
1952, c. 239 (§§ 12, 66(a) [added], 129)
1952, c. 258 (§§ 11(a) [added], 127)
1954, c. 72 (§§ 13, 115 [repealed], 143(a))
1954, c. 564 (§ 144(c))
1956, c. 100 (§ 8)
1956, c. 115 (§§ 2(e) and 2(f) [added], 7, 67, 73, 74(a) and 75(a) [added], 77, 112)
1956, c. 124 (86(b) and 86(c) [added])
1956, c. 295 (§ 2(d) [added])
1956, c. 339 (§§ 32, 33, 35)
1956, c. 391 (§ 144(c))
1958, c. 115 (§§ 14, 71, 74, 80)
1958, c. 131 (§ 144(c))
1960, c. 408 (§§ 144(a), 144(c), 144(j), 144(q) [added])
1962, c. 120 (§ 11(b) [added])

City of Norfolk Charter Amendments (cont.)

1962, c. 459 (§ 4(a) [added])
1964, c. 23 (§ 86)
1964, c. 24 (§ 12)
1964, c. 62 (§ 136(a))
1964, c. 287 (§ 144(c))
1966, c. 50 (§ 15)
1966, c. 51 (§ 14)
1966, c. 52 (§ 58)
1966, c. 74 (§ 16)
1966, c. 160 (§ 143(a))
1966, c. 188 (§ 12)
1968, c. 117 (§§ 19, 20 [repealed])
1968, c. 174 (§ 67)
1968, c. 196 (§§ 144(c) through 144(f))
1968, c. 219 (§ 88(b) [added])
1968, c. 473 (§ 90)
1970, c. 484 (§§ 8, 63, 82, 143(a), 144(c), 144(d), 144(f),
144(h), 144(j))
1972, c. 706 (§§ 5, 15, 35, 40, 72, 80, 85, 86, 87(a))
1972, c. 760 (§§ 144(c))
1974, c. 11 (§§ 74, 81)
1975, c. 127 (§§ 10, 12)
1976, c. 599 (§§ 10, 11, 11(a) [repealed], 55 and 56 [repealed],
74, 75, 79, 84 [repealed], 87(a) [repealed], 90 through 97
[repealed], 101 through 103 [repealed], 106 through 108
[repealed], 112, 114.1 [added], 127 and 128 [repealed],
135 [repealed], 144 [repealed], 144(c))
1977, c. 42 (§§ 63, 114)
1978, c. 80 (§§ 63, 70, 80, 114.1)
1978, c. 186 (§§ 144(c), 144(j))
1980, c. 36, 42 (§ 144(b))
1982, c. 289 (§§ 2, 7, 10, 13, 14, 16, 114, 126, 132, 133)
1983, c. 587 (§§ 7, 85 [repealed], 86, 88(a))
1988, c. 519 (§§ 12, 86, 114.1, 144(a), 144(b))
1992, c. 261 (§§ 3 [repealed], 3.1 [added], 5, 6, 7, 18, 19, 22,
24 through 28, 130)
1995, c. 164 (§ 12)
1997, c. 535 (§ 12)
1999, c. 479, 525 (§§ 11, 49, 88(a))
2000, c. 950, 979 (§§ 2, 2(e), 42.1 [added], 65, 66, 70, 71, 72,
77, 78, 82, 129, 143(a), 144(c), 144(q) [repealed])
2003, c. 206 (§ 19)

City of Norfolk Charter Amendments (cont.)

2004, c. 52 (§§ 2, 12, 114)

2005, c. 893, 897 (§§ 3.1 [repealed], 3.2 [added], 5 [repealed],
5.1 [added], 6 [repealed], 6.1 [added], 7 [repealed], 7.1
[added], 8, 10 [repealed], 10.1 [added], 12, 14 [repealed],
14.1 [added], 17 [repealed], 17.1 [added], 18, 19, 22, 24,
25)

2006, c. 152, 727 (§§ 12, 100)

2007, c. 193 (§§ 144(a) through 144(p))

2008, c. 337 (§ 114)

2010, c. 118 (§ 2).