

CHESAPEAKE, CITY OF

City of First Class.

Consolidation of South Norfolk and Norfolk County into a city, 1962, c. 211.

Name of city voted on effective January 1, 1963.

Incorporation and charter, 1962, c. 211; repealed, 1980, c. 717 (except § 21.06; see 1987, c. 229).

Charter 1980, c. 717.

Amended 1981, c. 126 (§ 3.09)  
1982, c. 131 (§ 6.05)  
1985, c. 61 (§ 3.02)  
1987, c. 76 (§§ 3.01, 3.02, 3.03, 3.04, 3.08)  
1987, c. 229 (relating to § 21.06)  
1988, c. 59 (§ 3.02)  
1988, c. 288 (§§ 2.01, 5.04, 6.05)  
1989, c. 194 (§ 2.03)  
1991, c. 72 (§§ 3.03 [repealed], 3.03:1 [added])  
1993, cc. 256, 277 (§ 6.05)  
1994, cc. 133, 137, 877 (§ 6.05)  
1996, cc. 357, 387 (§ 10.01)  
1997, c. 312 (§ 3.10)  
1998, cc. 561, 626 (§§ 5.08, 5.09)  
1999, cc. 265, 271 (§§ 3.10, 8.01)  
2003, c. 868 (§§ 7.01, 7.02, 7.03)  
2012, cc. 194, 453 (§ 12.03).

CHAPTER 1

INCORPORATION AND BOUNDARIES

§ 1.01. Incorporation.

The inhabitants of the territory comprised within the limits of the city of Chesapeake, as they are or hereafter may be established by law, shall continue to be a body politic and corporate and as such shall have perpetual succession, may sue and be sued, contract and be contracted with and may have a corporate seal which it may alter at its pleasure. (1980, c. 717)

§ 1.02. Boundaries.

The boundaries of the city of Chesapeake shall be the same as those set forth for the consolidated city contained in Chapter 211 of the Acts of Assembly of 1962, until changed as provided by law. (1980, c. 717)

CHAPTER 2

POWERS

§ 2.01. General grant.

The city shall have and may exercise the powers set forth in §§ 15.1-837 through 15.1-907, inclusive, of the Code of Virginia (as in force on the effective date of this charter and as hereafter amended). In addition thereto, the city shall have and may exercise all other powers which are now or may hereafter be conferred upon or delegated to cities of the first class under the Constitution and laws of the Commonwealth and all

other powers pertinent to the conduct of a city government, the exercise of which is not expressly prohibited by the Constitution and laws and which in the opinion of the council are necessary or desirable to promote the general welfare of the city and the safety, health, peace, good order, comfort, convenience and morals of its inhabitants. No enumeration of particular powers in this charter shall be held to be exclusive but shall be held to be in addition to this general grant of powers. The city is authorized and empowered in addition to the other powers granted by this charter and general law, to adopt ordinances paralleling state statutes prohibiting misdemeanors. (1980, c. 717; 1988, c. 288)

§ 2.02. Eminent domain.

The city shall have and may exercise the powers set forth in §§ 33.1-119 through 33.1-129, inclusive, of the Code of Virginia as in force on the effective date of this charter and as hereafter amended, relating to acquiring title and taking possession in eminent domain proceedings. Certificates issued pursuant to such sections may be issued by the city council, signed by the city manager and countersigned by the city treasurer. Such certificates shall have the same effect as certificates issued by the State Highway Commissioner under the aforesaid sections and may be issued in any case in which the city proposes to acquire property of any kind by the exercise of its powers of eminent domain for any lawful public purpose, whether within or without the city, provided that the provisions of such sections shall not be used except for the acquisition of lands or easements necessary for streets, water, sewer or utility pipes or lines or related facilities. (1980, c. 717)

§ 2.03. Special taxes; construction, etc., of bridges, canals, docks, etc.

Without limiting the generality of the foregoing, but in addition thereto, the city shall have the following additional powers:

A. To levy a higher tax in such areas of the city as desire additional or more complete services of government than are desired in the city as a whole, provided that such higher tax rate shall not be levied for school, police or general government services but only for those services which prior to the effective date of this charter were not offered in all the territory within the boundaries of the city and provided further that the proceeds from such higher tax rate shall be so segregated as to enable the same to be expended in the areas in which raised. Such higher tax shall not be levied unless there has been filed with the council a petition of not less than two-thirds of the landowners in such areas requesting such higher taxes.

B. To acquire, construct and maintain or authorize the construction and maintenance of bridges, viaducts, subways or underpasses over or under the Elizabeth River or any other stream, creek or ravine when any portion of such bridge, viaduct, subway or underpass is within the city limits, and to charge or authorize the charging of tolls for their use by the public, and to require compensation for their use by public utility, transmission or transportation companies, except as the right to require such compensation is affected by any contract heretofore or hereafter made with the company concerned.

B1. To acquire, construct, own, maintain and operate or authorize the construction and maintenance of roads within the city limits, and to charge or authorize the charging of tolls for use of such roads by the public, and to require compensation for such use by public utility, transmission or transportation companies, except as the right to require

such compensation is affected by any contract heretofore or hereafter made with the company concerned.

C. To acquire, construct, own, maintain and operate, within and without the city, landings, wharves, docks, canals and the approaches to and appurtenances thereof, tracks, spurs, crossings, switchings, terminals, warehouses and terminal facilities of every kind and description necessary or useful in the transportation and storage of goods, wares and merchandise; perform any and all services in connection with the receipt, delivery, shipment and transfer in transit, weighing, marking, tagging, ventilating, refrigerating, icing, storing and handling of goods, wares and merchandise; prescribe and collect charges from vessels coming into or using any of the facilities above described; provide for the management and control of such facilities or any of them by a department of the city government or by a board, commission or agency specially established by ordinance for the purpose; lease any or all of such facilities or any concessions properly incident thereto to any person, firm or corporation or contract with any person, firm or corporation for the maintenance and operation of any or all of such facilities on such terms and conditions as the council may determine by ordinance; apply to the proper authorities of the United States to grant to the city the privilege of establishing, maintaining and operating a foreign trade zone within the city; regulate the use of other landings, wharves and docks located on the Elizabeth River within the city; prevent and remove obstructions from the harbor of the Elizabeth River and in, upon or near the landings, wharves, docks, or canals adjacent thereto, and collect from the person or persons responsible for such obstructions the cost of their removal; close or discontinue the use of any such wharf, landing, dock or canal now owned or hereafter acquired by the city and upon the closing or discontinuance of such use the same shall thereupon be forever discharged from any public use or easement or from any obligation therefor imposed by reason of such public use or easement by statute or otherwise.

D. To levy and provide for the assessment and collection of license taxes on all public service corporations doing business within the city in such manner as the city council shall deem expedient in accordance with the laws of this State; such authority shall be in addition to other provisions of law permitting the imposition of license taxes on businesses, trades, professions, occupations and callings and upon the persons, firms and corporations engaged therein within the city. (1980, c. 717; 1989, c. 194)

### CHAPTER 3 CITY COUNCIL

#### § 3.01. Composition.

The council shall consist of the mayor and eight members to be elected at the time provided by general law by and from the city at large, without regard to borough residency. (1980, c. 717; 1987, c. 76)

#### § 3.02. Election of mayor and council members.

(a) On and after July 1, 1985, candidates for the offices of mayor and council member under the provisions of this charter shall be nominated only by petition in the manner prescribed by general law. Elections for the offices of mayor and council member after July 1, 1985, shall be nonpartisan. All terms for mayor and council members shall begin on July 1 next following the date of their election.

The mayor and all members of council shall be elected for the terms as provided herein, and each shall serve until a successor shall have qualified.

(b) The mayor shall be elected by the qualified voters of the city beginning with the regular councilmanic election in the year 1988, to serve for a term of four years, and successors shall be elected each four years thereafter.

(c) In addition to the mayor, the council shall consist of eight members, who shall serve for terms of four years. At the regular councilmanic election in 1988, three members shall be elected to council for terms of four years, and at the regular councilmanic election in 1990, five members shall be elected to council for terms of four years.

A candidate may run only for mayor or for one of the council seats being voted upon, and cannot be qualified or appear on the ballot for both positions.

In the event any member of council during his or her term of office shall decide to be a candidate for the office of mayor, he or she may be eligible to do so, but shall tender a resignation as a member of council, such resignation to be effective June 30 of such election year. Such resignation shall state the council member's intention to run for the office of mayor and shall require no formal acceptance by the remaining members of council and shall be final and irrevocable as of the date it is tendered.

The remaining term of any council member or members who resign to run for mayor shall be filled at the next succeeding mayoral election by the candidate or candidates for council receiving the next highest vote to those candidates declared elected to the office of council member pursuant to subsection (c) of this section. Such term shall begin on July 1 next following the date of the election. (1980, c. 717; 1985, c. 61; 1987, c. 76; 1988, c. 59)

§ 3.03. (1980, c. 717; 1987, c. 76; repealed 1991, c. 72)

§ 3.03:1. Filling vacancies.

Whenever a vacancy occurs in the office of a council member, with the exception of vacancies created by resignation to run for the office of mayor, it shall be filled by the majority vote of the remaining members of the city council within thirty days of such vacancy. The appointee shall be a qualified voter of the city and shall hold office until such time that a successor has been elected and qualified to fill the vacancy. The election of a successor shall be held at the next ensuing general election, whether such election be in May or November, whichever is the first to occur; however, if the vacancy occurs within one hundred twenty days of the next ensuing general election, it shall be filled at the second ensuing general election, whether such election be in May or November. The election shall be ordered by the judges of the circuit court at least sixty days prior to the date for which it is called. No election to fill the vacancy shall be ordered if the general election at which it is to be called is scheduled in the year in which the term expires.

When the vacancy is in the office of mayor, the vice-mayor shall assume all of the duties and powers of the mayor until such time that a mayoral successor has been elected and qualified in the manner set forth above for a council member. That portion of any meeting, as defined in the Virginia Freedom of Information Act, during which there is any discussion or deliberation pertaining to an appointment of a council member shall be open to the public. (1991, c. 72)

§ 3.04. Compensation; limitation on other appointments.

The mayor and council members shall receive as compensation for their services such amounts as the council may determine in accordance with general law. No member of the council or mayor shall be appointed to any office of profit under the city

government during the term for which elected and for one year thereafter. (1980, c. 717; 1987, c. 76)

§ 3.05. Powers.

All powers vested in the city shall be exercised by the council, except as otherwise provided in this charter. In addition to the foregoing, the council shall have the following powers:

A. To provide for the organization, conduct and operation of all departments, bureaus, divisions, boards, commissions, offices and agencies of the city.

B. To create, alter or abolish departments, bureaus, divisions, boards, commissions, offices and agencies, except as specifically provided herein to the contrary.

C. To create, alter or abolish and to assign and reassign to departments, all bureaus, divisions, offices and agencies, except as specifically provided herein to the contrary.

D. To provide for the number, titles, qualifications, powers, duties and compensation of all officers and employees of the city.

E. To provide for the form of oaths and the amount and condition of surety bonds to be required of certain officers and employees of the city excluding constitutional officers, their deputies, assistants and employees.

F. To provide for the submission of any proposed ordinance to the qualified voters of the city at an advisory referendum to be initiated and held in the manner provided by law for special elections. (1980, c. 717)

§ 3.06. Procedural powers.

The council shall have power, subject to the provisions of this chapter, to adopt its own rules of procedure, which rules shall be for the convenience of the council only. Such rules shall provide for the time and place of holding regular meetings of the council which shall be not less frequent than once each month. They shall also provide for the calling of special meeting by the mayor or any three members of the council and shall prescribe the methods of giving notice thereof. A majority of the council shall constitute a quorum for the transaction of business. No ordinance, resolution, motion or vote, other than motions to adjourn, to fix the time and place of adjournment and other motions of a purely procedural nature, shall be adopted by the council except at a meeting open to the public. (1980, c. 717)

§ 3.07. Ordinances.

No ordinance, unless it be an emergency measure as herein defined, or the annual appropriation ordinance, shall become effective until thirty days after its final passage. If a petition signed by at least fifteen percent of the number of qualified voters voting in the last preceding presidential election is filed with the city clerk within such thirty days, requesting that such ordinance be repealed or amended as stated in the petition, such ordinance shall not become effective until the steps provided for herein shall have been taken. Such petition shall state the names and addresses of at least five electors who shall constitute a committee to represent the petitioners. If the council shall not have amended or repealed the ordinance as requested within thirty days after the filing of such petition, the city clerk shall upon request of a majority of the committee present such petition to the judge of the circuit court who shall order a referendum for the purpose of submitting the ordinance to the qualified voters of the city in the manner provided by law for special elections. If the ordinance is approved by a majority of the qualified voters voting in such

referendum, it shall become effective upon the certification of the result. Ordinances passed as emergency measures providing for any work 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 referendum, and the certificate of the city manager in any such case shall be conclusive. All other ordinances passed as emergency measures shall be subject to the referendum as other ordinances. No appropriation ordinance shall be subject to the referendum. (1980, c. 717)

§ 3.08. Mayor and vice-mayor.

At its first regular meeting of the term, the council shall choose by majority vote of all the members thereof, one of its members to be vice-mayor for a term of two years. The mayor shall preside over the meetings of council, shall act as head of the city government for ceremonial purposes, and shall have such other rights and duties as the council may prescribe, in addition to all the rights and privileges of council members of the city. The vice-mayor shall perform the duties of mayor in the absence or disability of the mayor. (1980, c. 717; 1987, c. 76)

§ 3.09. City clerk.

The council shall appoint a city clerk to serve at the pleasure of the council who shall be clerk of the council and custodian of the corporate seal of the city and shall have such further duties as the council may prescribe.

The city clerk may appoint and remove such deputy clerks and other employees deemed necessary for the efficient operation of the clerk's office. (1980, c. 717; 1981, c. 126)

§ 3.10. Advisory referenda.

Upon the filing with the Clerk of the Circuit Court of the City of Chesapeake of a petition signed by a number of qualified voters in Chesapeake equaling twenty-five percent of the number of voters voting in Chesapeake at the last presidential election, as certified by the city registrar, the circuit court of the city, by order of record, shall call for an advisory referendum taking the sense of the voters on the question proposed in the petition at the next succeeding general election. The proposed question shall pertain to the affairs of city government. The question shall not pertain to taxation or the incurrence of debt. The referendum shall be initiated and conducted in accordance with the provisions of §§ 24.2-684 and 24.2-684.1 of the Code of Virginia, 1950, as amended, except that the petition shall be circulated, completed and filed within four months of the date the clerk of the circuit court certifies receipt and acceptance of the unsigned petition copy, and shall further be circulated, completed and filed at least eighty days prior to the next succeeding general election. Failure to submit the required number of valid signatures within these time periods shall invalidate the petition in its entirety.

Following certification of the election results by the electoral board to the chief judge, the court shall enter an order proclaiming the results of such election and a duly certified copy of such order shall be transmitted to the governing body. (1997, c. 312; 1999, cc. 265, 271)

CHAPTER 4  
CITY MANAGER

§ 4.01. Appointment; qualifications.

The council shall appoint a city manager who shall be the executive and chief administrative officer of the city government. The city manager shall be chosen solely on the basis of executive and administrative qualifications and shall serve at the pleasure of the council. (1980, c. 717)

§ 4.02. Powers and duties.

The city manager shall have the power and the duty:

A. To appoint all officers and employees of the city and to remove such officers and employees, except as such powers to appoint and remove may be delegated to subordinates and except as otherwise provided in this charter.

B. To perform such other duties and to exercise such other powers as may be imposed or conferred by the council. (1980, c. 717)

§ 4.03. Council not to direct appointments or removals.

Neither the council nor any of its members shall direct the appointment or removal of any person from any office or employment by the city manager or by the manager's subordinates. (1980, c. 717)

## CHAPTER 5 BUDGET

§ 5.01. Fiscal year.

The fiscal year of the city shall begin on the first day of July and shall end on the last day of June of each calendar year. Such fiscal year shall also constitute the budget and accounting year. (1980, c. 717)

§ 5.02. Submission of operating budget.

The city manager shall submit to the council an operating budget and a budget message at least ninety days prior to the beginning of each fiscal year. (1980, c. 717)

§ 5.03. Operating budget message.

The manager's message shall explain the budget in fiscal terms. It shall contain the recommendations of the city manager concerning the fiscal policy of the city for the ensuing fiscal year, describe the important features of the budget, indicate any mayor changes from the current year in financial policies, expenditures, and revenues together with the reasons for such changes, and include such other material as the manager deems desirable. (1980, c. 717)

§ 5.04. Operating budget preparation.

The budget shall provide a financial plan for the ensuing fiscal year, and shall be in such form as the manager deems advisable or the council may require. A minimum of six percent of the total general fund revenue shall be reserved upon the adoption of the city's annual operating budget and shall be restricted for emergency use and cash flow needs which occur throughout the year. In organizing the budget, the manager shall utilize the most feasible combination of expenditures classification by fund, organization unit, program, purpose or activity and object. It shall be prepared in accordance with generally accepted principles of municipal accounting and budgeting procedures and techniques. It shall be the duty of the head of each department, the judges of the courts not of record or commission, including the school board, and each other office or agency supported in whole or in part by the city, to file at such time as the city manager may prescribe estimates of revenue and expenditures for that department, court, board, commission, office or agency for the ensuing fiscal year. The city manager shall hold such hearings as deemed advisable and shall review the estimates and other data pertinent

to the preparation of the budget and make such revisions in such estimates as deemed proper, subject to the laws of the Commonwealth relating to the obligatory expenditures for any purpose, except that in the case of the school board may recommend a revision only in its total estimated resources and requirements. In no event shall the requirements recommended by the city manager in the budget exceed the resources estimated, taking into account the estimated cash surplus or deficit at the end of the current fiscal year, unless the city manager shall recommend an increase in the rate of ad valorem taxes on real estate and tangible personal property or other new or increased fees, charges, or taxes or licenses within the power of the city to levy and collect in the ensuing year, the revenue from which, estimated on the average experience with the same or similar taxes during the three tax years last past will make up the difference. If estimated resources exceed estimated requirements, the city manager may recommend revisions in the tax and license ordinances of the city in order to bring the budget into balance.

At the same time that the city manager submits the operating budget, the city manager shall introduce and recommend to the council an appropriation ordinance which shall be based on the budget. The city manager shall also introduce at the same time any ordinances levying a new tax or altering the rate on any existing tax necessary to balance the budget as provided in this section. (1980, c. 717; 1988, c. 288)

§ 5.05. Council action on the operating budget.

A. Notice and hearing. The council shall publish in one or more newspapers of general circulation in the city the general summary of the proposed budget and a noticed stating:

1. The times and places where copies of the message and budget are available for inspection by the public; and
2. The time and place, not less than twenty-one days after such publication, for a public hearing on the budget.

B. Amendment before adoption. After the public hearing, the council may adopt the budget with or without amendment. In amending the budget, it may add or increase programs or amounts, except requirements required by law or for debt service, and except further that in the case of the school board, the council may only revise the total estimated resources or requirements. In no case shall the council increase the authorized requirements to an amount greater than the total of estimated resources.

C. Adoption. The council shall adopt the budget by the vote of at least a majority of all members of the council not later than forty-seven days prior to the end of the current fiscal year. Should the council take no action prior to such day, the budget shall be deemed to have been finally adopted as submitted by the city manager. In no event shall the council adopt a budget in which the estimated total of requirements exceeds resources, unless at the same time it adopts measures to provide additional resources estimated to be sufficient to make up the difference. Adoption of the budget shall include adoption of an ordinance appropriating the amounts specified therein from the funds indicated and an ordinance levying the property tax therein proposed. (1980, c. 717)

§ 5.06. Amendments after adoption of operating budget.

A. Supplemental appropriations. If during the fiscal year the manager certifies that there are funds available in excess of those estimated in the budget, the council by ordinance may make supplemental appropriations for the year up to the amount of such excess.

B. Reduction of appropriations. If at any time during the fiscal year it appears probable to the manager that the resources available will be insufficient to meet the amount appropriated, the city manager shall report to the council without delay, indicating the estimated amount of the shortfall, any remedial action taken by the city manager and recommendations as to any other steps to be taken. The council shall then take such further action as it deems necessary to prevent or minimize any shortfall and for the purpose it may by ordinance reduce one or more appropriations. (1980, c. 717)

§ 5.07. Lapse of appropriations.

Every appropriation, except an appropriation for a project in the capital improvement program, shall lapse at the close of the fiscal year to the extent that it has not been expended or encumbered. An appropriation for a project in the capital improvement program shall continue in force until the purpose for which it was made has been accomplished or abandoned; the purpose of any such appropriation shall be deemed abandoned if three years pass without any disbursement from or encumbrance of the appropriation. (1980, c. 717)

§ 5.08. Capital improvement program.

A. Submission to council. The manager shall prepare and submit to the council a five-year capital improvement program at least ninety days prior to the beginning of each fiscal year.

B. Contents. The capital improvement program shall include:

1. A general summary of its contents;
2. A list of all capital improvements which are proposed to be undertaken during the five fiscal years next ensuing, with appropriate supporting information as to the necessity for such improvements;
3. Cost estimates, method of financing, and recommended time schedules for each such improvement; and
4. The estimated annual cost of operating and maintaining the facilities to be constructed or acquired.

The above information shall be revised and extended each year with regard to capital projects still pending. (1980, c. 717; 1998, cc. 561, 626)

§ 5.09. Council action on capital improvement program.

A. Notice and hearing. The council shall publish in one or more newspapers of general circulation in the city the general summary of the capital improvement program and a notice stating:

1. The times and places where copies of the capital improvement programs are available for inspection by the public; and
2. The time and place, not less than fourteen days after such publication, for a public hearing on the capital improvement program.

B. Adoption. The council shall adopt a capital improvement program with or without amendment after the public hearing not later than forty-seven days prior to the end of the current fiscal year. Should the council take no action prior to such day, the program shall be deemed to have been finally adopted as submitted by the city manager. The capital improvement program, after adoption, shall be deemed a plan only, with the right being reserved to the council to change the same at any time. (1980, c. 717; 1998, cc. 561, 626)

## CHAPTER 6

## BORROWING

### § 6.01. Power.

The council may, in the name of and for the use of the city, incur indebtedness by issuing its negotiable bonds or notes for the purposes, in the manner and to the extent provided in this chapter. (1980, c. 717)

### § 6.02. Purposes for which bonds or notes may be issued.

Bonds, and notes in anticipation of bonds when the issuance of bonds has been authorized as hereinafter provided, may be issued for any purpose for which cities are authorized to issue bonds by the Constitution or general law. Notes may be issued, when authorized by the council, at any time during the current fiscal year for the purpose of meeting appropriations made for such fiscal year, in anticipation of the collection of the taxes and revenues of such fiscal year, and within the amount of such appropriations. (1980, c. 717)

### § 6.03. Limitations on indebtedness.

In the issuance of bonds and notes, the city shall be subject to the limitations as to amounts contained in Article VII, Section 10 (a) of the Constitution. (1980, c. 717)

### § 6.04. Form of bonds and notes.

Bonds and notes of the city shall be issued in the manner provided by general law. (1980, c. 717)

### § 6.05. Authority for issuance of bonds.

No bonds or notes of the city shall be issued until their issuance shall have been authorized by a majority of the qualified voters of the city voting on the question at an election held for the purpose in the manner provided by general law, except as follows:

A. The council may authorize the issuance of refunding bonds or notes by an ordinance adopted by the affirmative vote of a majority of all members of the council.

B. The council may authorize the issuance of bonds and other obligations of a type excluded from the computation of indebtedness of cities under Section 10 (a) of Article VII of the Constitution of Virginia by complying with the conditions for exclusion set forth therein.

C. The school board, with the approval of the council, may issue on behalf of the city bonds or notes to the State Literary Fund.

D. The council may authorize the issuance of notes in anticipation of the issuance of bonds or notes to the State Literary Fund if the project to be financed with such bonds or notes is on the priority list of the Board of Education for loans to be made from the State Literary Fund. The council may authorize the issuance of notes in anticipation of the receipt of grants and reimbursements due the city from the federal and state governments.

E. The council may authorize the issuance of school bonds to the Virginia Public School Authority for capital projects for school purposes by an ordinance adopted by the affirmative vote of two-thirds of all members of the council.

F. The council may authorize the issuance of bonds or notes in any calendar year in such amounts as (i) shall not increase the total indebtedness of the city, as determined in the manner set forth in Section 10 (a) of Article VII of the Constitution of Virginia, by more than the sum of four million five hundred thousand dollars and the amount of all bonds and notes, however authorized, retired in the prior calendar year and (ii) shall not exceed eight percent of the assessed valuation of real estate in the city subject to taxation,

as shown by the last preceding assessment for taxes. Such bonds or notes shall be authorized by an ordinance adopted by the affirmative vote of two-thirds of all members of the council. For the purpose of this subsection, the issuance of bonds or notes that were authorized at an election or that were authorized pursuant to subsection A, B, C, D, or E hereof shall not affect the calculation of the amount of bonds or notes that may be authorized in any calendar year.

G. Authorized bonds or other obligations which could have been issued without an election on the last day of the calendar year in which they were authorized may be issued in a subsequent calendar year without affecting the annual limitation for such subsequent year.

For the purpose of this section, the terms "bonds," "notes," "other obligations" and "indebtedness" shall not include contractual obligations of the city other than bonds and notes. (1980, c. 717; 1982, c. 131; 1988, c. 288; 1993, cc. 256, 277; 1994, cc. 133, 137, 877)

#### § 6.06. Payment of bonds and notes.

The power and obligations of the city to pay any and all bonds and notes issued pursuant to this chapter, except revenue bonds made payable solely from revenue-producing properties, shall be unlimited and the city shall levy ad valorem taxes upon all taxable property within the city for the payment of such bonds or notes and the interest thereon, without limitation as to rate or amount. The full faith and credit of the city are hereby pledged for the payment of the principal of and interest on all bonds and notes of the former city of South Norfolk and of former Norfolk County, and any sanitary districts therein, issued and outstanding on January 1, 1963, and of the city thereafter issued pursuant to this chapter, except revenue bonds made payable solely from revenue-producing properties, whether or not such pledge be stated in the bonds or notes or in the bond ordinance authorizing their issuance. (1980, c. 717)

### CHAPTER 7

### ADMINISTRATION

#### § 7.01. Creation of administrative departments.

There are hereby created the departments of human resources, law, education, finance and planning. The council may create such other departments, combine or abolish departments and distribute the functions thereof as it may determine from time to time; provided, however, that the council shall not have the power to abolish, transfer or combine the functions of the departments of human resources, law, education, finance and planning. (1980, c. 717; 2003, c. 868)

#### § 7.02. Department heads.

There shall be a director who shall administer each department. The director of each department except the departments of law, education and audit services shall be appointed by the manager. With the consent of the council, the manager may serve as the head of one or more departments, or he may appoint one person to head two or more of them.

The director of audit services shall be recommended for appointment by the manager, subject to ratification by a majority vote of the council. The director of audit services shall be subject to removal from office by a majority vote of the council. (1980, c. 717; 2003, c. 868)

#### § 7.03. Responsible to city manager.

The director of each department, except the departments of law, education and audit services, shall be immediately responsible to the city manager. They shall make reports and recommendations concerning their departments to the city manager under such rules and regulations as may be prescribed. (1980, c. 717; 2003, c. 868)

## CHAPTER 8

### DEPARTMENT OF HUMAN RESOURCES

§ 8.01. Composition and functions.

A. Merit principle. All appointments and promotions of directors of departments and other employees shall be made solely on the basis of merit and fitness as demonstrated by examination or other job related criteria for determining potential for job performance. The city is committed to the principle of equal employment opportunity in all aspects of employment practices including but not limited to recruitment, hiring, training, promotions, transfers and terminations, regardless of race, creed, color, sex, national origin or handicap.

B. Director of human resources. There shall be a director of human resources appointed by the manager as provided in § 7.02 who shall administer the personnel system of the city under the direction of the city manager.

C. Functions. The department of human resources shall be responsible to the manager for the formulation and administration of the personnel policies of the city. (1980, c. 717; 1999, cc. 265, 271)

## CHAPTER 9

### DEPARTMENT OF LAW

§ 9.01. Composition and functions.

A. Composition. The department of law shall consist of the city attorney and such deputy city attorneys and assistant city attorneys and other employees as may be provided by the council.

B. City attorney. The head of the department of law shall be the city attorney, who shall be an attorney at law licensed to practice law in the Commonwealth, shall be appointed by the council, and shall serve at the pleasure of the council.

C. Powers and duties. The city attorney shall:

1. Be the chief legal advisor of the council, the city manager, and of all departments (excluding the department of education), boards, commissions and agencies of the city in all matters affecting the interests of the city and shall, upon request, furnish a written opinion on any question of law involving their respective official powers and duties;

2. At the request of the city manager or any member of the council, prepare ordinances for introduction, and at the request of the council or any member thereof shall examine any ordinance after introduction and render an opinion as to the form and legality thereof;

3. Draw or approve all bonds, deeds, leases, contracts, or other instruments to which the city is a party or in which it has an interest;

4. Have the management and control of all the law business of the city and the departments, boards, commissions, and agencies thereof or in which the city has an interest, and represent the city as counsel in any civil case in which it is interested;

5. Institute and defend all legal proceedings as deemed necessary or proper to protect the interests of the city;

6. Attend in person or assign one of the assistants to attend all meetings of council;
7. Appoint and remove such deputy and assistant city attorneys and other employees;
8. Authorize the deputy or assistant city attorneys or any of them or special counsel to perform any of the duties imposed upon the city attorney; and
9. Have such other powers and duties as may be assigned by the council. (1980, c. 717)

## CHAPTER 10 DEPARTMENT OF EDUCATION

### § 10.01. Composition and functions.

A. Composition. The department of education shall consist of the city school board, the superintendent of schools, and the employees thereof. The city school board and the superintendent of schools shall exercise all the powers conferred and perform all the duties imposed upon them by general law.

B. School board. The school board shall be composed of nine members who shall be elected at-large for terms of four years in the manner prescribed by general law. Vacancies shall be filled in the same manner in which general law provides for the filling of vacancies of city council members pursuant to §§ 24.2-226 and 24.2-228 of the Code of Virginia with the interim appointment to be made by a majority vote of the remaining members of the board.

C. School superintendent. The school board shall appoint a school superintendent who shall be chosen on the basis of general executive and administrative ability, education, training and experience in the field of education in the manner provided by general law. (1980, c. 717; 1996, cc. 357, 387)

## CHAPTER 11 FINANCIAL ADMINISTRATION

### § 11.01. Department of finance.

The department of finance shall consist of a director of finance, a comptroller or accounting officer, the city treasurer and the commissioner of revenue and their respective officers, insofar as inclusion of these officers is not inconsistent with the Constitution and general laws of the Commonwealth, and such other officers and employees organized into such bureaus, divisions and other units as may be provided by the council or by the orders of the director consistent therewith. (1980, c. 717)

### § 11.02. Director of finance.

The head of the department of finance shall be the director of finance who shall be a person skilled in municipal accounting and financial control and shall have charge of the financial affairs of the city, including such powers and duties as may be assigned by the council not inconsistent with the Constitution and general laws of the Commonwealth. (1980, c. 717)

### § 11.03. City treasurer.

The city treasurer shall collect and receive all city taxes and other revenues or monies accruing to the city, except such as the council may by ordinance make it the duty of some other person to collect, which shall not be in conflict with the general laws of the Commonwealth and shall have such powers and duties as may be assigned by the director

of finance or the council not inconsistent with the laws of the Commonwealth. (1980, c. 717)

§ 11.04. Commissioner of revenue.

The commissioner of revenue shall perform such duties not inconsistent with the laws of the Commonwealth in relation to the assignment or property and licenses as may be assigned by the director of finance or the council. (1980, c. 717)

§ 11.05. Annual assessment of real estate.

The council may, in lieu of the methods prescribed by general law, provide by ordinance for the annual assessment and reassessment and equalization of assessments of real estate for local taxation and to that end may appoint one or more persons as assessors to assess or reassess for taxation the real estate within the city and to prescribe their duties and terms of office. Such assessors shall make assessments and reassessments on the basis as real estate is required to be assessed under the provisions of general law and as of the first day of January of each year, shall have the same authority as the assessors appointed under the provisions of general law, and shall be charged with duties similar to those thereby imposed upon such assessors, except that such assessments or reassessments shall be made annually and the assessments and reassessments so made shall have the same effect as if they had been made by assessors appointed under the provisions of general law. The circuit court shall before the first day of September in each year annually appoint a board of equalization of real estate assessments, to be composed of not less than three nor more than five members who shall be freeholders of the city. The terms of such members shall commence on the date of their appointment and shall expire on the thirty-first day of August of the year next following their appointment unless such terms are extended by the court. The court may extend the terms of the members of the board and shall fill any vacancy therein for the unexpired term. The assessor or assessors may be required to attend meetings of the board. Such board of equalization shall have and may exercise the powers to revise, correct, and amend any assessment of real estate and to that end shall have all powers conferred upon boards of equalization by general law. The provisions of general law, notwithstanding, however, the board of equalization may adopt any regulations providing for the oral presentation, with formal petitions or other pleadings or requests for review, and looking to the further facilitation and simplification of proceedings before the board. This section shall not apply to assessments of any real estate assessable by the State Corporation Commission. (1980, c. 717)

§ 11.06. Annual audit.

The council shall cause to be made an independent audit of the city's finances at the end of each fiscal year by the Auditor of Public Accounts of the Commonwealth or by a firm of independent certified public accountants to be selected by the council. One copy of the report of such audit shall be always available for public inspection in the office of the city clerk during regular business hours. (1980, c. 717)

CHAPTER 12  
CITY PLANNING

§ 12.01. Planning department and director.

There shall be a planning department headed by a director who shall be appointed by the manager as provided in § 7.02. The planning director shall have the following responsibilities:

- A. The preparation of a comprehensive plan and its continued review and revision;
- B. To advise the city manager on the implementation of the comprehensive plan and other matters affecting the physical development of the city;
- C. To prepare such other reports, studies and evaluations as required by the city manager; and
- D. To advise the city planning commission in the exercise of its responsibilities and in connection therewith to provide necessary staff assistance. (1980, c. 717)

§ 12.02. City planning commission.

There shall be a city planning commission consisting of not less than five nor more than fifteen members appointed by the council for terms of four years from among the qualified voters of the city. No person shall be appointed to the planning commission for more than two consecutive four-year terms. Members of the commission shall hold no other city office. The commission shall make recommendations to the city manager and the city council on all matters affecting the physical development of the city, shall be consulted on the comprehensive plan as provided in § 12.05 and shall exercise all other responsibilities as may be provided by general law. (1980, c. 717)

§ 12.03. Board of zoning appeals; composition; appointment of members.

There shall be a board of zoning appeals which shall consist of seven members appointed for three-year terms by the judges of the circuit court. (1980, c. 717; 2012, cc. 194, 453)

§ 12.04. Same; powers.

The board of zoning appeals shall have all powers granted to boards of zoning appeals by general law. (1980, c. 717)

§ 12.05. Comprehensive plan.

A. Content. The council shall adopt, and may from time to time modify, a comprehensive plan written in accordance with Title 15.1, Chapter 11 of the Code of Virginia, as amended, setting forth in graphic and textual form policies to govern the future physical development of the city.

B. Adoption. Upon receipt from the planning commission of a proposed comprehensive plan or proposed modification of the existing plan, the council shall hold a public hearing on the proposed comprehensive plan or modification thereof and shall thereafter adopt it by resolution with or without amendment.

C. Effect. The comprehensive plan shall serve as a guide to all future council action concerning land use and development regulations, urban renewal programs and expenditures for capital improvements. (1980, c. 717)

CHAPTER 13

ADMINISTRATION OF JUSTICE

§ 13.01. High Constable.

The council may appoint a high constable who shall serve at the pleasure of council. The high constable shall be the ministerial officer of the courts of the city not of record and shall have other such duties as the council may prescribe.

For services provided, the high constable shall receive such compensation as the council may by ordinance provide, and the council shall make provision by ordinances for the necessary and reasonable expense of conducting the office, including

compensation to any deputy or deputies, which compensation shall be fixed by the council. (1980, c. 717)

#### CHAPTER 14 MISCELLANEOUS PROVISIONS

##### § 14.01. Assets and liabilities of former city and county.

On January 1, 1963, all property, real and personal, of the former city of South Norfolk and former Norfolk County, including sanitary districts therein, shall be vested in and owned by the city of Chesapeake, and any and all debts due the city and the county, including sanitary districts therein, shall become due to the city of Chesapeake. The city shall assume the payment of all the then outstanding indebtedness, bonded or otherwise, including interest thereon, and all of the then existing contracts and any other obligations of the city and the county, including sanitary districts therein, in the same manner and to the same extent as if they were originally issued, made, entered into or arose directly by or with the city of Chesapeake. (1980, c. 717)

##### § 14.02. Election of constitutional officers.

The office of the clerk of the circuit court, attorney for the Commonwealth, commissioner of revenue, city treasurer, and city sheriff shall be elected and filled in accordance with the provisions of the Constitution and general laws of the Commonwealth. (1980, c. 717)

##### § 14.03. Powers and duties of constitutional officers.

The clerk of the circuit court, attorney for the Commonwealth, commissioner of revenue, city treasurer, and city sheriff shall have such powers and perform such duties as are provided by the Constitution of the Commonwealth, and except as otherwise provided in this charter, as are provided by the provisions of general law for cities of first class. (1980, c. 717)

##### § 14.04. Appointments by courts.

All appointments required for this charter or by general law to be made by the circuit court or the judge or judges thereof shall be made by all judges of the circuit court. (1980, c. 717)

##### § 14.05. Saving clause.

In the event that any portion, section or provision of this charter shall be declared illegal, invalid or unconstitutional by final judgment of any court of competent jurisdiction, such judgment shall not invalidate any other portion, section or provision hereof, but all parts of this charter not expressly held to be invalid shall remain in full force and effect. (1980, c. 717)

##### § 21.06. HOUSING AUTHORITIES.

(a) All of the ownership, rights, title, interest, powers and obligations of the city of South Norfolk, Norfolk County and the city of Chesapeake relative to or in any manner connected with the South Norfolk Redevelopment and Housing Authority, the South Norfolk Redevelopment and Housing Authority of Chesapeake, the Norfolk County Housing Authority and the Norfolk County Redevelopment and Housing Authority of Chesapeake, shall be vested in, enure to and be assumed by the city of Chesapeake.

(b) The Norfolk County Housing Authority, also known as the Norfolk County Redevelopment and Housing Authority of Chesapeake, is hereby abolished effective June 30, 1972. The assets and liabilities shall be conveyed to and assumed by the city of Chesapeake.

(c) The South Norfolk Redevelopment and Housing Authority, also known as the South Norfolk Redevelopment and Housing Authority of Chesapeake, effective June 30, 1972, shall be known as the Chesapeake Redevelopment and Housing Authority. The Authority shall be composed of seven commissioners. The five commissioners presently serving shall continue in office until the expiration of the terms for which they were appointed, and successors shall be appointed as their respective terms expire. The two additional commissioners shall be appointed for terms of four years commencing July 1, 1972. The terms of office for all commissioners shall be four years, and they shall continue in office until their successors have been appointed by the City Council and qualified. The Council shall have the authority to fill vacancies for the unexpired portion of the terms. The Chesapeake Redevelopment and Housing Authority shall have and may exercise the powers set forth in Title 36 of the Code of Virginia, as amended. (1962, c. 211; 1972, c. 455; 1987, c. 229 [verifying, ratifying, and confirming certain provisions of c. 455, 1972, relating to the Chesapeake Redevelopment and Housing Authority])