

VIRGINIA ACTS OF ASSEMBLY -- 2000 SESSION

CHAPTER 979

An Act to amend and reenact §§ 2 and 2(e) as amended, §§ 65 and 66, §§ 70, 71, 72 and 77 as amended, § 78, and §§ 82, 129, 143(a) and 144(c) as amended of Chapter 34 of the Acts of Assembly of 1918, which provided a charter for the City of Norfolk, to amend Chapter 34 by adding a section numbered 42.1, and to repeal § 144(q) as amended of such chapter, relating to city powers, penalties, election of the mayor, city officers, finances, purchasing, the high constable, pension funds and the airport authority.

[S 67]

Approved April 9, 2000

Be it enacted by the General Assembly of Virginia:

1. That §§ 2 and 2(e) as amended, §§ 65 and 66, §§ 70, 71, 72 and 77 as amended, § 78, and §§ 82, 129, 143(a) and 144(c) as amended of Chapter 34 of the Acts of Assembly of 1918 are amended and reenacted and that Chapter 34 is amended by adding a section numbered 42.1 as follows:

§ 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 five thousand 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, thirty thousand 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 ten 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 sixty 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 sixty 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 thirty 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 to 106, 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 ninety 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 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; by fine not exceeding five hundred dollars or imprisonment not exceeding six months, or both

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 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.

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

~~Notwithstanding the penalties provided by subsection (27) of §—2 of this charter, The city is empowered to provide and impose penalties punishment for the violation of its ordinances, rules and regulations, or any of them, by a fine and imprisonment not exceeding one thousand dollars or imprisonment in jail not exceeding twelve months, either or both, up to the maximum penalty provided for Class 1 misdemeanors under the Code of Virginia, as amended.~~

In addition to the above penalties, all money, gambling paraphernalia, office equipment, and all other personal property of any kind or character, used in any gaming case, or in connection with the promotion, operation or conduct of any lottery, or attempted lottery, in violation of any ordinance of the city, shall be forfeited to the city of Norfolk and may be seized by any officer and held to await proceedings for condemnation. The procedure for the condemnation of said property so forfeited shall be in a manner provided under existing state law or by such procedure as may be determined by the council of the city of Norfolk, not in conflict with the Constitution and laws of this State.

§ 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.

§ 65. General powers and duties.

The head of the department of finance shall be known as the director of finance. ~~He~~ *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, the collection of taxes, 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 cash 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.

§ 66. The city auditor.

The city auditor shall be elected at the time, in the manner and for the term prescribed in §—11 of this charter. He shall be an experienced accountant, preferably one who has had experience in municipal accounting. He shall install and have supervision over the accounts of all departments and offices of the city. Such accounts shall show in detail the financial transactions of all departments. So far as is practicable, the books of financial account for all departments shall be kept in the office of the department of finance. Accounting procedure shall be devised and maintained for the city, adequate to record in detail all transactions affecting the acquisition, custody and disposition of values, including cash receipts and disbursements. The director of finance 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 council shall cause to be printed an annual report in pamphlet form 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 therein is a true and accurate statement of the financial condition of said 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.

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.

§ 70. Unencumbered balances.

At the close of each fiscal year, or upon the completion ~~or abandonment~~ at any time within the year of any ~~work, improvement or other object project~~ for which a specific appropriation has been made, the unencumbered balance of each appropriation, with the exception of those ~~works, improvements or other objects projects~~ funded by federal, State, or other organizational grants *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.

§ 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 ~~city auditor~~ *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 ~~city auditor~~ *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 ~~city auditor~~, *as the case may be, 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.

§ 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 ~~city auditor~~ *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.

§ 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 ~~supplies 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 ~~supplies 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 ~~supplies goods and services~~ are to be let, a requisition for the quantity and kind of ~~supplies goods and services~~ to be paid for from the appropriations of the department. Upon certification that funds are available in the proper appropriations, such ~~supplies 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 ~~supplies goods and services~~ for any department unless there be to the credit of such department an available appropriation balance sufficient to pay for such ~~supplies goods and services~~. However, this procedure shall not prevent him from purchasing ~~supplies 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 ~~supplies goods and services~~ and the sale of personal property of the city as may be from time to time prescribed by the council.

§ 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. ~~A copy of this certificate shall also be attached to and filed with the voucher covering payment for the supplies.~~

§ 82. Alteration or modification of contracts.

When it becomes necessary in the ~~prosecution performance~~ of any work ~~or improvement~~ under contract to make ~~alterations~~ *amendments* or modifications ~~of to~~ such contract, such ~~alterations~~ *amendments* or modifications shall be made only ~~on~~ *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 ~~altered~~ *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.

§ 129. High constable.

The high constable for said city shall be elected at the time, ~~and~~ in the manner ~~and for the term~~ provided in § 11, *as amended*, of this charter. He shall qualify in the ~~corporation circuit~~ court of the City of Norfolk and shall give bond with surety to be approved by said court in the penalty of ~~five 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 ~~emanating from or returnable before the civil justice of the city or emanating from any justice of the peace of the city or as may otherwise 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 ~~sergeant of 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 ~~sergeant of 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 ~~civil justice~~ *general district court* of the city by the ~~city sergeant~~ *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.

§ 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 ~~his that~~ office, the commissioner of the revenue and the employees in ~~his that~~ office, the city ~~sergeant~~ *sheriff* and the employees in ~~his 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 ~~his that~~ office, ~~the civil justice of the city, the judge of the juvenile and domestic relations court of the city,~~ 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 ~~aet~~ *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.

§ 144(c). Powers and duties.

Such Authority shall have the following powers:

- (a) To adopt and use a corporate seal, and to alter the same at its pleasure.
- (b) To acquire, hold and dispose of such personal property as may be necessary for its purposes.
- (c) 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.

(d) 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.

(e) ~~To acquire, purchase, construct, lease, operate, maintain and undertake, when and as authorized by the council of the city of Norfolk, by formal ordinance, any wholesale market facility for merchants, dealers and farmers engaged in the marketing of perishable farm produce, fruits, vegetables, poultry, eggs, horticultural products, dairy products, meats, sea food, dry groceries, frozen foods and in the operation of freezing and prepackaging plants and in the furnishing of baskets and containers for farm produce and other articles handled at said market, to make charges for the use thereof with such facility being classed as a public utility within the meaning of this act.~~

(f) 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.

(g) 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) (c), *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.

(h) 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.

(i) To make capital improvements on any airport and air navigational facility, any port terminal facility described in § 144(c) (d), *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.

(j) To foster and stimulate the commerce of the Port of Norfolk 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.

(k) 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.

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

(m) 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.

(n) 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.

(o) 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.

(o1) To exercise full law-enforcement powers with regard to all property owned, operated, managed, leased or maintained by the Authority and to appoint and employ policemen to enforce within the area under the control of the Authority the laws of the Commonwealth and the ordinances of the Cities of Norfolk or Virginia Beach, whichever may be applicable. Such policemen shall have the powers vested in police officers under §§ 15.2-1704 and 52-8 of the Code of Virginia which sections shall apply, *mutatis mutandis*, to police appointed hereunder.

Such policemen 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 ~~Library Fund~~ *general fund* of the City of Norfolk or the City of Virginia Beach, depending on which city shall have jurisdiction of the offense committed.

(o2) 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 Port and Industrial 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.

(o3) To establish, acquire, purchase, construct, reconstruct, lease, operate and maintain any one or more buildings or structures or additions, extensions and improvements thereto, suitable for health care, medical care or residential or care facilities for the elderly or aged, including, without limitation, general hospitals, chronic disease, maternity, mental, tuberculosis and other specialized hospitals; nursing or convalescent facilities; public health center facilities; housing or quarters for local public health departments; facilities for intensive care and self-care; clinics and out-patient facilities; clinical, pathological and other laboratories; hospital research facilities, laundries; residences and training facilities for nurses, interns, physicians and other staff members, food preparation and food service facilities; administration buildings, central service and other administrative facilities; communication, computer and other electronic facilities; fire-fighting facilities, pharmaceutical and recreational facilities; storage space, X-ray laser, radio-therapy and other apparatus and equipment; dispensaries, utilities, vehicular parking lots and garages; office facilities for hospital staff members and physicians; and such other health, hospital and paramedical facilities customarily under the jurisdiction of or provided by hospitals, health care centers or facilities for the residence or care of the elderly or aged, or any combination of the foregoing, with all necessary convenient or related interests in land, machinery apparatus, appliances, equipment, furnishings, appurtenances, site preparation, landscaping and physical amenities, either alone or together with such construction or reconstruction, and to lease or sell any such facilities to any municipality or other public agency of the Commonwealth of Virginia or of the United States or to any individual, corporation or association on such terms and subject to such conditions as the Authority may determine. The Authority may provide in any lease or agreement of sale made hereunder for the lessee or purchaser to use, operate, manage and control such facilities and to exercise designated powers in connection therewith in the same manner as the Authority itself might do, including, without limitation, an option to renew the lease or to purchase the facilities, with or without consideration, upon payment of all of the indebtedness of the Authority with respect to such facilities and the termination of the lease term. Any municipality or other public agency of the Commonwealth of Virginia is hereby authorized to enter into such a lease or agreement of sale with the Authority; provided that the power granted by this paragraph shall not be exercised by the Authority unless and until approved by the council by ordinance.

(o4) To establish, acquire, purchase, construct, reconstruct, lease, operate and maintain any one or more buildings or structures or additions, extensions and improvements thereto, to be used primarily for office facilities for a chamber of commerce which has as its principal mission the accomplishment of the purposes set forth in paragraph (g) of this section, together with all necessary, convenient or related interest in land, machinery, apparatus, appliances, equipment, furnishings, appurtenances, site preparation, landscaping and physical amenities, either above or together with such construction or reconstruction, and to lease or sell any such facilities to any municipality or other public agency of the Commonwealth of Virginia or of the United States or to any individual corporation or association on such terms and subject to such conditions as the authority may determine. The authority may provide in any lease or agreement of sale made hereunder for the lessee or purchaser to use, operate, manage and control such facilities and to exercise designated powers in connection therewith in the same manner as the authority itself might do, including, without limitation, an option to renew the lease or to purchase the facilities, with or without consideration, upon payment of all of the indebtedness of the authority

~~with respect to such facilities and the termination of the lease term.~~

(p) 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 subdivisions (h), (i), (j), and (k) 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 subdivisions (f) and (g) 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.

2. That § 144(q) of Chapter 34 of the Acts of Assembly of 1918 is repealed.