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HOUSE BILL NO. 419

House Amendments in [] — February 5, 2002

A BILL to amend and reenact § 2.1 of Chapter 912 of the Acts of Assembly of 1993, which provided a charter for the City of Manassas Park, relating to [~~building occupancy limitations~~ city powers] .

Patron Prior to Engrossment—Delegate Parrish

Referred to Committee on Counties, Cities and Towns

Be it enacted by the General Assembly of Virginia:**1. That § 2.1 of Chapter 912 of the Acts of Assembly of 1993 is amended and reenacted as follows:****§ 2.1. General grant of powers.**

Except as may be otherwise provided in this charter, all powers of the City and the administration and government of the City shall be vested in the Mayor and City Council, as defined in §§ 3.4 and 3.6, as the Governing Body, as defined below, of the City of Manassas Park, and in such boards and officers as are hereafter mentioned, or as may be by law otherwise provided. The powers set forth in the Code of Virginia, and all other powers which are now or may hereafter be conferred upon or delegated to cities under the Constitution and laws of the Commonwealth, are hereby conferred on and vested in the City of Manassas Park, Virginia.

The enumeration of certain powers in this charter shall not be construed to impair or diminish any of the rights, powers or authority conferred upon cities or their officers by the general laws of the Commonwealth.

The Governing Body shall have, subject to the provisions of this charter, the control and management of the fiscal and municipal affairs of the City and make such ordinances and bylaws relating to the same as it shall deem proper and necessary to carry out the following powers, which are hereby vested in it:

A. Eminent domain.

The powers of eminent domain as set forth in the Code of Virginia, as amended, are hereby conferred upon the City of Manassas Park with respect to lands and improvements thereon, machinery and equipment for any lawful purpose of the City, including but not limited to, mutatis mutandis, the rights, privileges and obligations set forth in the Code of Virginia, as amended, applicable to the Commonwealth Transportation Commissioner and the Department of Transportation, as set forth in Title 33.1, Chapter 1, Title 45 15.2 and Title 25, Chapter 1.1, of the 1950 Code of Virginia with respect to all lawful purposes for which the City is permitted to exercise the power of eminent domain.

B. Financial powers.

In addition to the powers granted elsewhere in this charter, the City shall have the power:

1. To raise by taxes and assessments, as permitted by general law, in the City, such sums of money as the Governing Body may deem necessary to pay the debts and defray the expenses of the City. In the event the fees, rents or charges payable for the use and services of any public utility or public service supplied by the City of Manassas Park for or in connection with any real property shall not be paid when due, interest may be charged on such unpaid balance at the legal rate of interest. Such fees, rents or charges and the interest due thereon shall constitute a lien against such property, ranking on a parity with liens for unpaid town, city or county taxes, and shall also be recoverable by the City in an action at law or a suit in equity. In addition to, but not as a limitation upon, this general grant of power, the City shall have power to levy and collect ad valorem taxes on real estate and tangible personal property and machinery and tools; to levy and collect taxes for admission to or other charge for public amusement, entertainment, performance, exhibition, sport or athletic event in the City, which taxes may be added to and collected with the price of such admission or other charge; to levy and collect taxes on hotel and motel rooms; to levy and collect privilege taxes, and local general retail sales and use taxes as provided by law; ~~and capitation taxes~~; unless prohibited by general law, to require licenses, prohibit the conduct of any business, profession, vocation or calling without such a license, require taxes to be paid on such licenses in respect to all businesses, professions vocations and callings which cannot, in the opinion of the Governing Body, be reached by the ad valorem system; and to require licenses of all owners of vehicles or trailers of all kinds for the privilege of using the streets, and other public places of the City, require taxes to be paid on such licenses and prohibit the use of streets, alleys and other public places in the City without such license, said City to have the power to require as a condition precedent to the issuance of motor vehicle licenses the exhibiting by the motor vehicle license applicant of adequate proof of the payment of all personal property taxes then due and payable to the City of Manassas Park.

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59 2. To impose, levy and collect, in such manner and in an amount permitted by the Code of Virginia,
60 a consumer or subscriber tax upon the amount paid for use of water, gas, electricity, telephone, and any
61 other public utility services, and may provide that such tax shall be added to and collected with bills
62 rendered consumers and subscribers for such services.

63 C. Grants.

64 The City of Manassas Park shall have the power to receive and accept from any federal, state or
65 private agency, grants of any kind for or in aid of the construction of any project, the procuring or
66 reserving of park land, open spaces, or any recreational facility and to do all such things or make any
67 covenants or agreements which may be necessary or required in order to obtain and use such grants.
68 The City may receive and accept aid or contributions from any source or money, property, labor or
69 other things of value, to be held, used and applied only for the purpose for which such grants and
70 contributions may be made.

71 D. Debts, bonds, notes, etc.

72 Governing Body may, in the name and for the use of the City, contract debts and make and issue, or
73 cause to be made and issued, as evidence thereof, bonds, notes or other obligations, upon the credit of
74 the City or solely upon the credit of specific property owned by the City or solely upon the credit of
75 income derived from property used in connection with any public utility owned and operated by the City
76 subject to the provisions of the Code of Virginia and the Constitution of Virginia.

77 1. Pending the issuance and sale of any bonds, notes or other obligations by this charter authorized,
78 or in anticipation of the receipt of taxes and revenues of the current fiscal year, it shall be lawful for the
79 City to borrow money temporarily and to issue notes or other evidences of indebtedness therefor, and
80 from time to time to renew such temporary loans or use current funds, to be ultimately repaid from the
81 proceeds of the said bonds, notes or other obligations or from city taxes and revenues, as the case may
82 be, subject to the provisions of the Code of Virginia and the Constitution of Virginia.

83 2. The credit of the City shall not, directly or indirectly, under any device or pretense whatsoever, be
84 granted to or in aid of any person, firm, association or corporation.

85 3. Every ordinance authorizing the issuance of bonds shall specify the purpose or purposes for which
86 they are to be issued, the aggregate amount of the bonds, the terms for which they shall be issued, and
87 the maximum rates of interest to be paid thereon. Any such ordinance may be amended by ordinance at
88 any time before the bonds to be affected by such amendment have been sold; however, if there is
89 omitted from this charter any provision essential to the valid authorization, sale, execution and issuance
90 of any bonds of the City, the provisions of general law with reference to similar bonds shall supply said
91 omission.

92 4. Any bonds issued by the City under this charter shall be signed by the Mayor and attested by the
93 City Clerk, as defined below, under the Seal of the City, and shall be made payable in the office of the
94 City Treasurer, as defined below, or such other place in or out of the Commonwealth as the Council
95 may provide in the ordinance authorizing the issuance of the particular bonds. Such bonds shall be
96 advertised by the Mayor and sold by the City Treasurer, or by the City Manager, as defined below, as
97 may be provided in such ordinance, under the supervision of the Mayor, City Manager and City Clerk,
98 and the sale reported to and approved by the Governing Body, and the proceeds from said sale shall be
99 paid to the City Treasurer.

100 5. So long as there exists any unpaid bonded indebtedness, the Governing Body shall set aside, or
101 cause to be set aside, a sufficient portion of the revenues of the City during each fiscal year for the
102 sinking fund requirement for that year and none of the funds so set aside shall be appropriated or used
103 for any purpose other than the retirement of outstanding bonds and the payment of the interest on same.

104 E. Public improvements.

105 With the exception of electric utilities, the Governing Body shall have the power to construct,
106 maintain, regulate and operate public improvements of all kinds, including municipal and other buildings
107 and structures necessary or appropriate for the use and proper operation of the various departments of
108 the City and the performance of its duties and functions.

109 F. Waterworks and sewers.

110 The Governing Body shall have the power to establish, maintain, and operate waterworks and sewer
111 systems within and without the City; to purchase water therefor; to contract and agree with the owners
112 of any land, springs, wells or water supplies for the use of or purchase thereof; or have same
113 condemned according to law, for the location, extension, or enlargement of the said waterworks, or
114 sewer system, either or both, the pipes connected therewith, and the fixtures or appurtenances thereof;
115 and to protect from injury by ordinance, prescribing adequate penalties, the said waterworks, water
116 supply, sewer systems, pipes, fixtures, and land, or anything connected therewith, whether within or
117 without the limits of the City.

118 G. Streets, sidewalks and alleyways generally.

119 The Governing Body shall have the power to open, extend, widen or narrow, close, lay out, graduate,
120 curb, and pave, and otherwise improve streets, sidewalks, and public alleys in the City, and have them

kept in good order and properly lighted. In order to properly light the streets of the City, the Governing Body may erect and operate such number of lamps and fixtures thereto belonging as it may deem necessary. It may build bridges in and culverts under streets, and may prevent or remove any structure, obstruction, or encroachment over, or under, or in any street, sidewalk, or alley in the City, and may permit shade trees to be planted along streets. No person shall occupy with his works, or any appurtenances thereof, the streets, sidewalks, or alleyways of the City without the consent of the Governing Body, duly entered upon its records.

1. Removal of street encroachments.

In every case where a street in the City has been, or shall be encroached upon by a fence, building or otherwise, the Governing Body may require the owner to remove the same, and if such removal be not made within the time prescribed, it may impose such penalty as it may prescribe by ordinance for each and every day it is allowed to continue thereafter, and may cause the encroachment to be removed, and collect from the owner all reasonable charges therefor, with costs, by the same process that it is hereinafter empowered to collect taxes. Except, in any case where there is a bona fide dispute as to the true boundary line or the location of the true street line, and if passage over such street is not seriously impeded, the same shall first be established and determined by an adjudication of a court of competent jurisdiction in a proceeding instituted by either the City or the property owner for that purpose before the City shall take any steps to remove the said obstruction or encroachment, or to impose a penalty therefor. No encroachment upon any street, however long continued, shall constitute any adverse possession to or confer any rights upon persons claiming thereunder as against the City.

2. Dedication of streets.

Dedication of any street, alley or lane in the City may be made by plat or deed. Any street or alley reserved in the division or subdivision into lots, of any portion of the territory within the corporate limits of the City, by a plan or plot of record, shall be deemed and held to be dedicated to public use, unless it appears by said record that the street or alley so reserved is designated for private use. The Governing Body shall have the right to elect, by resolution entered on its minutes whether it will, or will not accept the dedication of any street or alley.

H. Encumbering streets, sidewalks, etc.

The Governing Body shall have the power to prevent the encumbering of streets, sidewalks, alleyways, lanes, or bridges throughout the City in any manner whatever.

I. Route and grade of public utilities.

The Governing Body shall have the power to determine and designate the route and grade of any public utility laid out in the City, which power may be delegated to the appropriate officer of the City.

J. Nuisances, unsafe or unsanitary structures, dangerous and unhealthy businesses, transportation of explosives, garbage, etc., and speed of trains; dangerous buildings.

1. The Governing Body shall have the power to require and compel the abatement and removal of all nuisances within the City, at the expense of the person or persons causing the same, or the owner or owners of the ground whereon the same shall be; to require all lands, lots, and other premises within the City to be kept clean, sightly, sanitary and free from weeds or to make them so at the expense of the owners or occupants thereof; to make such rules, regulations, orders or ordinances as will protect its citizens from unsafe and unsanitary structures or walls, and to that end it shall have the power to cause to be condemned and taken down any such structure or wall, but no such condemnation shall be made or such structure or wall taken down until the owner thereof, or in the case of an infant or person declared incompetent pursuant to the Code of Virginia, his guardian or committee, is duly summoned before a board or a committee of the Governing Body or the full Governing Body as charged by the ordinances with such duty, and allowed reasonable opportunity to show cause against such action; to regulate the exercise of any dangerous, offensive or unhealthy business, trade or employment within the City; to regulate the transportation of coal, explosives, garbage and other articles through the streets of the City; to restrain and regulate the speed of locomotive engines and cars upon the railroads within the City.

2. The Governing Body may by resolution, duly adopted and recorded, order the repair, wrecking or removal of any building or structure which has been complained of by the City Manager or other authorized agent as a menace to adjoining property or to persons using a public thoroughfare or a public place adjacent to such building or structure; and condemnation shall be made only after such building or structure has been inspected and found unsafe by a committee composed of the City Manager or other authorized agent and two reputable builders appointed by the Governing Body. If the owner of such menace fails or refuses to repair, wreck or remove the same within thirty days from the date of written notice from the City Clerk, transmitting such resolution of condemnation, the Governing Body may then order the City Manager or other authorized agent to repair, wreck or remove such building or structure, and the cost of such repair, wrecking or removal by the City Manager or other authorized agent shall be a charge against the property on which such menace is located; such costs shall be collectible by due

182 process of law.

183 K. Accumulations of stagnant water, unwholesome substances, etc., on private grounds; removal;
184 collection of expenses, etc.

185 If any ground in the City shall be subject to be covered with stagnant water, or if the owner or
186 owners, occupier or occupiers thereof shall permit any offensive or unwholesome substance to remain or
187 accumulate thereon, the Governing Body may cause such grounds to be filled, raised, or drained, or may
188 cause such substance to be covered or to be removed therefrom, and may collect the expense of so
189 doing from the owner or owners, occupier or occupiers, or any of them, except in cases where such
190 nuisance is caused by the action of the city authorities or their agents, or by natural causes beyond the
191 control of the owner or occupant, in which case the City shall pay the expense of abating the same, by
192 distress and sale in the same manner in which taxes levied upon real estate for the benefit of the City
193 are authorized to be collected; provided that reasonable notice and opportunity to be heard shall be first
194 given to such owners or their agents. In the case of nonresident owners who have no agent in the City,
195 such notice shall be given by publication at least once a week for not less than two consecutive weeks
196 in any newspaper having general circulation in the City.

197 L. Establishing fire zones; adoption of building codes, etc.; fire prevention; discharge of fireworks
198 and firearms.

199 The Governing Body shall have the power to establish fire zones and regulate the character of
200 buildings which may be erected or restored within same; to regulate and direct the storage of explosives
201 and combustible substances and liquids; to prohibit the discharge of fireworks and firearms within the
202 City, the building of bonfires within the City and the use of candles or lights in barns, stables,
203 warehouses, etc.

204 M. Franchises.

205 Subject to the provisions of the Code of Virginia, the Constitution of Virginia and the provisions of
206 this charter, the Governing Body shall have the power to grant franchises under terms and conditions to
207 be fixed by the Governing Body.

208 N. Diversion of streams.

209 The Governing Body shall have the power to divert the channels of creeks and flowing streams and
210 for that purpose to acquire property by condemnation pursuant to the Code of Virginia and this charter.

211 O. Passage of ordinances, etc., to promote general welfare, etc.

212 The Governing Body shall have the power to do all things whatsoever necessary or expedient, and to
213 pass all ordinances, resolutions and bylaws for promoting or maintaining the security, general welfare,
214 comfort, education, morals, peace, government, health, trade, commerce and industries of the City, or its
215 inhabitants, not in conflict with the Code of Virginia and the Constitution of Virginia or the Constitution
216 of the United States.

217 P. Public utilities generally.

218 The Governing Body shall have full control and regulation over the public utilities now owned or
219 that may hereafter be acquired by the City, and to this end it shall have full authority to employ from
220 time to time such employees as it deems necessary to properly maintain, conduct and operate the same.
221 The Governing Body shall have full authority to incur indebtedness, unless otherwise prohibited by law,
222 whenever the Governing Body may deem it necessary for the proper conduct, management and
223 maintenance of the public utilities now owned by the City, or such as may hereafter be acquired by it.

224 Q. Requiring connection with sewers.

225 The Governing Body shall likewise have authority, by ordinance duly enacted, to compel all owners
226 of real estate within the corporate limits of the City to connect with such sewerage pipes or connection
227 as may hereafter be installed or constructed by the City, whenever public health may render necessary
228 such connection, upon such reasonable terms as may be prescribed by the Governing Body, together
229 with all other authority necessary to proper maintenance and operation of an effective sewerage system.

230 R. Special election required for sale of public utilities.

231 The Governing Body shall have no authority to sell its public utilities, without first submitting the
232 question of such sale at a special election to be called for that purpose only, to the qualified voters of
233 the City of Manassas Park, which election shall be conducted as now provided by general law governing
234 special elections. The Circuit Court of Prince William County shall order such special election upon the
235 petition of twenty-five percent of the qualified voters of the City of Manassas Park or upon a resolution
236 passed by a majority of the Governing Body of the City. For a period of not less than four weeks prior
237 to such special election, the substantial terms of any proposed sale shall be published over the signature
238 of the City Clerk, once a week for four successive weeks in some newspaper having general circulation
239 in the City of Manassas Park. The qualifications of voters in said special election shall be determined by
240 existing statutes governing special elections.

241 S. Penalty for ordinance violations.

242 Where, by provision of this charter, or by general law, the Governing Body has the authority to pass
243 ordinances on any subject that it may prescribe a penalty, the penalty for a violation of such ordinances

244 shall not exceed the penalty authorized by general law; however, such penalty shall not exceed the
245 penalty authorized in general law for a like offense. Such penalties may be pursued through all avenues
246 available under general law and recovered with the costs in the name of the City of Manassas Park.

247 [*T. Building occupancy limitations.—The governing body may adopt an ordinance that provides that*
248 *the occupancy limitations of the maintenance provisions of the Uniform Statewide Building Code shall*
249 *apply to dwelling units within the City, except that such ordinance may require that habitable spaces*
250 *such as kitchens, living rooms, dining rooms and family rooms shall not be occupied for sleeping*
251 *purposes and such areas shall not be used in the calculation of such occupancy limitations. The*
252 *provisions of an ordinance adopted pursuant to this subsection may be enforced by injunction,*
253 *abatement, or any other available equitable or legal remedy. Nothing in this subsection shall be*
254 *construed to confer additional regulatory authority over group homes subject to the provisions of*
255 *§15.2-2291 of the Code of Virginia, as amended.]*

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