

023720420

SENATE BILL NO. 496

Offered January 9, 2002

Prefiled January 9, 2002

A BILL to amend and reenact §§ 1.1 and 2, as amended, §§ 2.1, 2.2 and 3, §§ 4 through 10, as amended, § 11, §§ 12 through 18, as amended, § 20, §§ 21 and 21.1, as amended, § 22, § 23, as amended, § 24, § 25.1, as amended, § 25.2, §§ 26, 31, 32 and 33, as amended, §§ 35 and 36, § 37, as amended, §§ 38 and 39, §§ 40, 41, 42 and 44, as amended, § 45, §§ 47, 51 and 52, as amended, §§ 53 and 54, §§ 56 and 57, as amended, § 58, §§ 59, 60 and 62, as amended, §§ 62.1, 63, 65 and 66, § 67, as amended, and § 72 of Chapter 216 of the Acts of Assembly of 1952, which provided a charter for the City of Roanoke; to amend Chapter 216 by adding sections numbered 62.01 and 62.02; and to amend Chapter 216 by repealing sections numbered 27.1, 29, as amended, 48, 49, as amended, and 55, relating to updating, reorganizing and revising the city's charter.

Patron—Edwards

Referred to Committee on Local Government

Be it enacted by the General Assembly of Virginia:

1. That §§ 1.1 and 2, as amended, §§ 2.1, 2.2 and 3, §§ 4 through 10, as amended, § 11, §§ 12 through 18, as amended, § 20, §§ 21 and 21.1, as amended, § 22, § 23, as amended, § 24, § 25.1, as amended, § 25.2, §§ 26, 31, 32 and 33, as amended, §§ 35 and 36, § 37, as amended, §§ 38 and 39, §§ 40, 41, 42 and 44, as amended, § 45, §§ 47, 51 and 52, as amended, §§ 53 and 54, §§ 56 and 57, as amended, § 58, §§ 59, 60 and 62, as amended, §§ 62.1, 63, 65 and 66, § 67, as amended, and § 72 of Chapter 216 of the Acts of Assembly of 1952, which provided a charter for the City of Roanoke, are amended and reenacted and Chapter 216 is amended by adding sections numbered 62.01 and 62.02 as follows:

§ 1.1. The city and its boundaries.

The inhabitants of the territory comprised within the present limits of the city of Roanoke, as hereinafter described, or as the same may be hereafter altered and as provided by law, shall continue to be a body politic and corporate, to be known and designated as the city of Roanoke, and as such shall have and may exercise all powers which are now, or hereafter may be, conferred upon, or delegated to, cities under the Constitution and laws of the Commonwealth of Virginia, as fully and completely as though ~~said~~ *such* powers were specifically enumerated herein, and no enumeration of particular powers by this charter shall be held to be exclusive; and the ~~said~~ city of Roanoke as such shall have perpetual succession, may sue and be sued, contract and be contracted with, and may have a corporate seal which it may alter, renew, or amend at its pleasure.

The present boundaries of the ~~said~~ city shall be as described in Chapter 216, Acts of Assembly, 1952, as enlarged by orders of the Circuit Court of Roanoke County, Virginia, as follows:

(a) Order of Annexation entered September 14, 1964, recorded in Deed Book 984, Page 539, in the Clerk's Office of the Circuit Court of Roanoke County, Virginia, and in Deed Book 1166, Page 161, in the Clerk's Office of the Circuit Court of the City of Roanoke, Virginia, (formerly Hustings Court); and

(b) Order of Annexation entered September 30, 1966, recorded in Deed Book 984, Page 549, in the Clerk's Office of the Circuit Court of Roanoke County, Virginia, and in Deed Book 1207, Page 618, in the Clerk's Office of the Circuit Court of the City of Roanoke, Virginia, (formerly Hustings Court); and

(c) Order of Annexation entered May 16, 1967, recorded in Deed Book 827, Page 492, in the Clerk's Office of the Circuit Court of Roanoke County, Virginia, and in Deed Book 1220, Page 291, in the Clerk's Office of the Circuit Court of the City of Roanoke, Virginia, (formerly Hustings Court); and

(d) Order of Annexation entered May 10, 1975, recorded in Deed Book 1017, Page 516, in the Clerk's Office of the Circuit Court of Roanoke County, Virginia, and in Deed Book 1361, Page 548, in the Clerk's Office of the Circuit Court of the City of Roanoke, Virginia.

§ 2. Powers of the city.

In addition to the powers mentioned in the preceding section, the ~~said~~ city shall have power:

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

~~(2)~~(b) 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.

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SB496

59 (3)(c) Subject to the provisions of the Constitution of Virginia and of §§ 47, 48 and 49 of this
60 charter, to contract debts, borrow money and make and issue evidence of indebtedness.

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

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

66 (6)(f) To acquire, in any lawful manner, for the purpose of encouraging commerce, ~~and~~ manufacture,
67 *and economic development*, lands within and without the city not exceeding at any one time five
68 thousand acres in the aggregate, and from time to time to sell, ~~or~~ lease, *or otherwise dispose of* the
69 same or any part thereof for industrial, ~~or commercial or economic development~~ uses and purposes.

70 (7)(g) To make and maintain public improvements of all kinds, including municipal and other public
71 buildings, armories, markets, comfort stations or rest rooms and all buildings and structures necessary or
72 appropriate for the use of the departments of fire and police; and to establish a market or markets in and
73 for ~~said the~~ city, and to appoint proper officers therefor; to prescribe the time and place for holding the
74 same; to provide suitable buildings and grounds therefor and to make and enforce such rules and
75 regulations as shall be necessary to restrain and prevent huckstering, forestalling and regrading, and for
76 the purpose of regulating and controlling the sale of fresh meats, fresh fish, farm and domestic products
77 in ~~said the~~ city the council shall have authority to continue the sale of such articles or products to the
78 public markets and public squares provided by the city for that purpose, and shall have full power and
79 authority to use such streets, avenues or alleys in the city around the public market and public squares
80 as may be necessary to provide for vehicles from which farm and domestic products are offered for sale,
81 and may by resolution or ordinance designate the streets or other public places on or in which all
82 licensed ~~peddlers~~ *sellers* may sell or offer for sale their goods, wares or merchandise ~~and shall have~~
83 ~~authority to levy and collect a license tax for the sale of fresh meats and fresh fish~~, and may impose a
84 curbage tax for each vehicle containing farm and domestic products brought into ~~said the~~ city and sold
85 or offered for sale on the market, and to acquire by condemnation or otherwise all lands, riparian and
86 other rights and easements necessary for such improvements, or any of them.

87 (7.1)(h) To own, manage and operate a city auditorium, civic center, coliseum, convention hall,
88 stadium, theater, exhibition hall, or combination thereof, or other place of public assembly, and to permit
89 the use of the same by others upon such terms and for such charges as the council may prescribe; and
90 in order to further the best interests of the public and lead to greater use of any such facilities, to do all
91 things necessary and proper to encourage the use thereof by arranging or engaging shows, plays,
92 exhibitions, performances and all other entertainments of whatsoever nature. Such encouragement may,
93 without limitations as to other permissible activities, include the expenditure of city funds to promote
94 such activities and to bring notice to the public of entertainments at such public facilities, engaging
95 persons to bring entertainments thereto from which the city may derive income, and the payment of
96 funds to such persons in advance or out of proceeds derived therefrom in connection therewith; and may
97 include entering into agreements with such other persons guaranteeing minimum sums to be payable to
98 such persons for future performances, provided that at no time shall the aggregate amount of all
99 outstanding guarantees be more than such sum as may be fixed by the council. Notwithstanding any
100 other provisions of this charter, the council may appropriate funds to a special or revolving account in
101 order to engage, advertise and promote any such entertainment and to operate any of the foregoing
102 facilities, and when such fund is created such person or persons as may be designated by ordinance of
103 the council, after providing fidelity bond with corporate surety payable to the city in a penalty not less
104 than the authorized amount of such special or revolving fund, may sign checks against ~~said such~~ fund
105 and expend cash therefrom for any of the foregoing purposes.

106 (8)(i) To furnish all local public service, to purchase, hire, construct, own, lease, maintain and
107 operate local public utilities, *and* to acquire by condemnation or otherwise, within or without the
108 corporate limits, lands and property necessary for any such purpose.

109 (9)(j) To acquire in any lawful manner in any county of the ~~state~~ *State*, or without the ~~state~~ *State*, such
110 water lands, and lands under water as the council ~~of said city~~ may deem necessary for the purpose of
111 providing an adequate water supply for ~~said the~~ city and of piping or conducting the same; to lay all
112 necessary mains; to erect and maintain all necessary dams, pumping stations and other works in
113 connection therewith; to process, filter, or purify such water supply and to add thereto mineral or other
114 substances to make the water more potable or more healthful, or to promote the public welfare; to make
115 reasonable rules and regulations for promoting the purity of its ~~said~~ water supply and for protecting the
116 same from pollution; and for this purpose to exercise full police powers and sanitary patrol over all
117 lands comprised within the limits of the watershed tributary to any such water supply wherever such
118 lands may be located in this ~~state~~ *State*; to impose and enforce adequate penalties for the violation of any
119 such rules and regulations; and to prevent by injunction any pollution or threatened pollution of such
120 water supply and any and all acts likely to impair the purity thereof; and to acquire lands or material for

any such use. For any of the purposes aforesaid ~~said~~ *the* 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)(k)~~ To establish and enforce water rates and rates and charges for public utilities, or other service products, or conveniences, operated, rendered or furnished by the city; ~~to employ necessary competent inspectors to inspect the reservoirs, watersheds, filtering plants, pumps and pumping machinery and all other equipment of and all sources of water supply of every water company furnishing such water for domestic purposes, or use in the homes, of the inhabitants of the city, to compel any such water company, which owns or operates such reservoirs, watersheds, filtering plants, pumps and pumping machinery or other equipment or source or sources of said water supply to pay the reasonable cost of such inspectors; to give reasonable notice to any such water company of any condition disclosed by any such inspection which, in the opinion of said inspector and of a majority of the city council renders, or unless remedied probably will render the said water or water supply of the city or its inhabitants or any part thereof dangerous or unfit to be used for drinking purposes or general domestic purposes and to require any such water company to remedy any such condition within a reasonable time to be stated in said notice; to specify in said notice the particular acts or things which are required to be done by any such water company to remedy or prevent any such condition of said water or water supply; and if said condition be not remedied by said water company and the acts and things specified in said notice to said water company to be done by it, be not done within the time specified in said notice, and if a majority of said city council shall by resolution, at a meeting of the said council, at which said water company has had reasonable notice and opportunity to produce evidence and be heard, declared that an emergency exists requiring the doing of said acts or things, so specified in said notice or any part of them, to remedy or prevent such unfit or improper water or water supply being provided for or furnished to the inhabitants of the city or any of them, then the city council is hereby empowered and it shall be its duty immediately to do the acts or things so specified in said notice to said water company, and in said emergency resolution, and said city council shall have the power and it shall be its duty, either by withholding the water rentals which may thereafter become due from the city to said water company, to reimburse the city for any amount expended in the doing of said acts or things, or to recover said amount from said water company by any appropriate action at law or suit in equity; provided, however, that the maximum amount which the said city may so expend in any calendar half-year period, between January first and June thirtieth, or between July first and December thirty-first, shall not exceed the sum of seven thousand five hundred dollars; and provided, further, that any such water company shall have the right by proper legal proceedings to have determined whether or not any such expenditure which may have been so made by said city was made through abuse of discretion or without probable cause to believe said expenditure a necessary one for the protection of the city's water supply; and if in any such proceeding it shall be finally determined that said expenditure was one not necessary for said purpose, said water company shall recover from the city any water rentals which may have been retained as a reimbursement for said expenditure; and provided, further, that if said expenditure be found not a necessary one the city shall be entitled to receive from said water company by reason of said expenditure only such amount as under a quantum meruit it may be determined the said water company has received actual benefit of and in justice ought to pay value received for. Permitting the growth of algae in an amount which materially affects the purity, taste or smell of such water, so as to render the same unfit for drinking purposes or general domestic use, in the reservoirs or sources of water supply is hereby declared a condition which it is the duty of the city council to prevent or remedy under the powers granted in this subsection. Nothing herein contained shall be construed as in anywise limiting, altering, affecting or impairing the existing duties, jurisdiction or powers of the State Corporation Commission or of the State Board of Health or any other agency of the Commonwealth over water companies in the city of Roanoke or elsewhere, but any existing powers, duties or jurisdiction of the State Corporation Commission, State Board of Health or other agency of the Commonwealth which are hereby conferred or imposed upon the city council, shall be deemed to be concurrent.~~

~~(11)(l)~~ To acquire in the manner provided by the general laws any existing water, gas or electric plant, works or system, or any part thereof.

~~(12)(m)~~ 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 *or other vegetation* along the streets

182 and upon such public grounds; to prevent the obstruction of such streets and highways, and abolish and
183 prevent grade crossings over the same by railroads in the manner provided by law; regulate the
184 operation and speed of all cars and vehicles using the same, as well as the operation and speed of all
185 engines, cars and trains on railroads within the city; to provide by ordinance for the removal from such
186 streets, highways, alleys, boulevards, parkways and other public places of vehicles and other objects
187 abandoned thereon or left or placed thereon in violation of law or of an ordinance of the city, and to
188 take charge of, impound and thereafter dispose of by sale or otherwise, such vehicles or other objects;
189 any such sale to be held only after the owner or person lawfully entitled to the possession thereof shall
190 have refused to pay the costs of such removal and keeping or after such vehicle or other object shall
191 have remained unclaimed in the custody of the city for not less than sixty days, and, in either case, after
192 notice of such sale, describing the vehicle or object to be sold, shall have been published for not less
193 than five days in a local daily newspaper of general circulation, and to recover the costs of such
194 removal, keeping and sale; to provide for the condemnation and scrapping or other disposition of
195 abandoned or unclaimed motor vehicles which, by reason of damage or dilapidation, are unsafe and
196 impracticable of repair; to regulate the service to be rendered and rates to be charged by busses,
197 motorcars, cabs and other vehicles for the carrying of passengers and by vehicles for the transfer of
198 baggage; to require all telephone, and telegraph, *telecommunication, cable, television, or similar* wires
199 and all wires and cables carrying electricity to be placed in conduits underground and prescribe rules
200 and regulations for the construction and use of such conduits; and to do all other things whatsoever
201 adapted to make ~~said~~ the streets and highways safe, convenient and attractive.

202 ~~(12.1)~~(n) To acquire, construct, own, maintain and operate, within and without the city, places for the
203 parking or storage of vehicles by the public, which shall include, but shall not be limited to parking lots,
204 garages, buildings and other land, structures, equipment and facilities, any of which may be provided in
205 areas or space above or below public streets, sidewalks, or other public places, when in the opinion of
206 the council they are necessary to relieve congestion in the use of streets and to reduce hazards incident
207 to such use; provide for their management and control by a department of the city government or by a
208 board, commission or agency specially established by ordinance for the purpose or to provide, by lease
209 or franchise granted by the council, for their management and control by others than the city, authorize
210 or permit others to use, operate or maintain such places or any portions thereof, pursuant to lease or
211 agreement, upon such terms and conditions as the council may determine by ordinance; and charge or
212 authorize the charging of compensation for the parking or storage of vehicles or other services at or in
213 such places.

214 ~~(12.2)~~(o) To acquire, in any lawful manner, in fee simple or by easement, land and other property
215 and to construct thereon and own, equip, maintain and operate, within and without the city, airports and
216 all the appurtenances thereof and approach zones and clear zones reasonably necessary therefor,
217 including all facilities deemed necessary for the landing, departure, storage and servicing of aircraft;
218 provide for their management and control by a department of the city government or by a board,
219 commission or agency specially established by ordinance for the purpose; to charge or authorize the
220 charging of compensation for the use of any such airport or any of its appurtenances; lease any
221 appurtenance of any such airport or any concession incidental thereto or, in the discretion of the council,
222 lease any such airport and its appurtenances with the right to all concessions thereon to, or enter into a
223 contract or contracts for the management and operation of the same or any one or more of them with
224 any person, firm or corporation on such terms and conditions as the council may determine by
225 ordinance; and to have and exercise all other power and authority with respect to aviation and airports
226 accorded to cities under general law.

227 ~~(12.3)~~(p) To acquire, construct, own, maintain and operate, within and without the city, stadia,
228 arenas, golf courses, swimming pools and other athletic or recreational facilities; provide for their
229 management and control by a department of the city government or by a board, commission or agency
230 specially established by ordinance for the purpose, charge or authorize the charging of compensation for
231 the use of or admission to any such facility, including charges for any services incidental thereto; to
232 regulate the use of the same; to lease, subject to such regulations as may be established by ordinance,
233 any such aforesaid facility or any concession incidental thereto, or enter into a contract with any person,
234 firm or corporation for the management and operation of any such facility, including the right to all
235 concessions incident to the subject of such contract, on such terms and conditions as the council may
236 determine by ordinance.

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

242 (14)(r) Subject to the provisions of the Constitution of Virginia to grant franchises for public utilities.

243 ~~(15)~~(s) To *regulate*, collect and dispose of sewage, offal, ashes, garbage, carcasses of dead animals

and other *waste and* 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; *and*

(15.) ~~To~~ to compel the abatement of smoke, dust and fly-ash; to regulate and control the installation, alteration and repair of all combustion equipment, and to control and prohibit pollution of the air.

(16.) ~~(t)~~ To compel the abatement and removal of all nuisances within the city, or upon property owned by the city, beyond its limits; to require all lands, lots and other premises within the city to be kept clean, sanitary and free from weeds; to regulate or prevent slaughterhouses or other noisome or offensive business within ~~said~~ *the* city; the keeping of animals, poultry and 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 buildings or lots where animals or fowls are kept and the manner in which such 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.) ~~(u)~~ If any ground in the ~~said~~ city shall be subject to be covered by stagnant water or if the owner or occupant thereof shall permit any offensive or unwholesome substance to remain or accumulate thereon, the ~~said~~ council may cause such ground to be filled up, raised or drained, or may cause such substance to be covered or removed therefrom, provided, that reasonable notice shall be first given to the ~~said~~ owner or occupant or his agent. In case of nonresident owners who have no agent in ~~said~~ *the* city, such notice may be given by publication; in which event two insertions of such notice on separate days, in any newspaper published in ~~said~~ *the* city, at least ten days before the first day any action is to be taken shall be sufficient notice.

(18.) ~~(v)~~ To direct the location of all buildings for storing gunpowder or other explosive or combustible substances, to regulate or prohibit the sale and use of dynamite, gunpowder, firecrackers, kerosene oil, gasoline, nitroglycerine, camphene, burning fluid, and all explosive or combustible materials, the exhibition of fireworks, the discharge of firearms, the use of candles and lights in barns, stables and other buildings, the making of bonfires and the carrying of concealed weapons, and to regulate the movement over its streets of dangerous, explosive, or highly combustible materials.

(19.) ~~(w)~~ To regulate or prohibit the running at large in ~~said~~ *the* city of any or all animals and fowl; to regulate or prohibit the keeping or raising of same within ~~said~~ *the* city, and to subject the same to such levies, regulations and taxes as it may deem proper; to prohibit or regulate the keeping or raising of pigeons or other birds; and to provide for the seizure, impounding, destruction or disposition of any such animal or fowl found running at large or raised or kept in violation of such regulation.

(20.) ~~(x)~~ To restrain and punish drunkards, vagrants, mendicants and street beggars, and to provide for the treatment of drunkards, alcoholics and drug addicts.

(21.) ~~(y)~~ To prevent vice and immorality; to preserve public peace and good order, to prevent and quell riots, disturbances and disorderly assemblages; to suppress houses of ill fame, gambling houses and gambling devices of all kinds, to prevent lewd, indecent or disorderly conduct or exhibitions in the city.

(22.) ~~(z)~~ To inspect, test, measure and weigh any commodity or article for consumption or use, manufactured, stored, processed or offered for sale within the city, and to establish, regulate, license and inspect weights, meters, measures and scales.

(23.) ~~(aa)~~ To extinguish and prevent fires and 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; *and* 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.

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

(25.) ~~(cc)~~ To establish, organize and administer public schools, colleges and libraries subject to the general laws establishing a standard of education for the Commonwealth.

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

(27) To provide for the removal of paupers or dependent persons recently come into the city where permitted by state or federal laws.

305 (28)(ee) To provide for the preservation of the general health of the inhabitants of ~~said~~ the city,
 306 make regulations to secure the same, inspect all food and foodstuffs and prevent the introduction and
 307 sale in ~~said~~ the city of any article or thing intended for human consumption, which is adulterated,
 308 impure or otherwise dangerous to health, and to condemn, seize and destroy or otherwise dispose of any
 309 such article or thing without liability to the owner thereof, to prevent the introduction or spread of
 310 contagious or infectious diseases; and prevent and suppress diseases generally; to provide and regulate
 311 hospitals within or without the city limits, and to enforce the removal of persons afflicted with
 312 contagious or infectious disease to hospitals provided for them; ~~to provide a department of health, to~~
 313 ~~have the powers of a board of health, for said city, with the authority necessary for the prompt and~~
 314 ~~efficient performance of its duties, with power to invest any or all the officials or employees of such~~
 315 ~~department of health with such powers as the police officers of the city have; to establish a quarantine~~
 316 ~~ground within or without the city limits, and such quarantine regulations against infectious and~~
 317 ~~contagious disease as the said council may see fit, subject to the laws of the Commonwealth and the~~
 318 ~~United States; to provide and keep records of vital statistics and compel the return of all births, deaths~~
 319 ~~and other information necessary thereto.~~

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

324 (30)(gg) To exercise full police powers, and establish and maintain a department ~~or division~~ of
 325 police.

326 (31)(hh) To do all things whatsoever necessary or expedient for promoting or maintaining the general
 327 welfare, comfort, education, morals, peace, government, health, *safety*, trade, commerce or industries of
 328 the city or its inhabitants.

329 (31.1)(ii) To enact an ordinance, after a public hearing, to define places of public accommodation
 330 and to prohibit discrimination in such places of public accommodation on the basis of race, creed, color,
 331 national origin or sex.

332 (32)(jj) To make and enforce all ordinances, rules and regulations necessary or expedient for the
 333 purpose of carrying into effect the powers conferred by this charter or by any general law, and to
 334 provide and impose suitable penalties for the violation of such ordinances, rules and regulations, or any
 335 of them, by fine not exceeding two thousand five hundred dollars or confinement not exceeding twelve
 336 months, or both, *or such greater penalty as may otherwise be permitted by law*, the city may maintain a
 337 suit to restrain by injunction the violation of any ordinance notwithstanding such ordinance may provide
 338 punishment for its violation.

339 (kk) The enumeration of particular powers in this charter shall not be deemed or held to be exclusive,
 340 but in addition to the powers enumerated herein implied thereby, or appropriate to the exercise thereof,
 341 the ~~said~~ city shall have and may exercise all other powers which are now or may hereafter be possessed
 342 or enjoyed by cities under the Constitution and all laws of this Commonwealth.

343 § 2.1. Differences in rate of taxation on real estate within areas added to city limits; taxing districts.

344 Pursuant to Article X, Section 1 on the Constitution of Virginia, the council may, from time to time,
 345 provide for differences in the rate of taxation to be imposed upon real estate by the city within all or
 346 parts of areas added to its territorial limits. Such differences in the rate of taxation shall bear a
 347 reasonable relationship to differences between nonrevenue producing governmental services giving land
 348 urban character which are furnished in one or several areas in contrast to the services furnished in other
 349 areas of the city. In so doing, the council may, from time to time, establish such taxing districts as may
 350 be necessary to reasonably differentiate between those areas added to the territorial limits of the city
 351 receiving contrasting services as hereinabove provided, and having once established such taxing districts
 352 the council may, from time to time thereafter alter, amend or abolish ~~the same~~ *taxing districts* as the
 353 character or extent of such services are changed.

354 § 2.2. Transit system.

355 The city shall have the power to:

356 (1)(a) Acquire, own, operate, maintain or otherwise provide for a transit system and transit facilities;

357 (2)(b) Enter into agreements or leases with private companies for the operation of a transit system or
 358 operate such system itself;

359 (3)(c) Make application for and accept loans and grants of money or materials or property at any
 360 time from the United States of America and the Commonwealth of Virginia or any agency or
 361 instrumentality of either; and

362 (4)(d) Enter into contracts with ~~counties, cities and towns adjoining the city~~ *other localities* to
 363 provide or cause to be provided transit facilities and services to such ~~counties, cities and towns~~
 364 *localities*.

365 § 3. Creation and general powers of council.

366 There is hereby created a council, which shall have full power and authority, except as herein

otherwise provided, to exercise all of the powers conferred upon the city, and to pass all laws and ordinances relating to its municipal affairs, subject to the Constitution and general law of the State and of this charter. It shall by ordinance ~~fix the salaries of~~ *establish a system of compensation* for all officers and employees of the city, and may, so far as is not inconsistent with the provision of this charter, define the powers and prescribe the duties of all such officers and employees.

§ 4. Composition of council; terms of members; designation of vice-mayor; vacancies.

The Council as presently composed shall continue and shall consist of seven members, one of which shall be the mayor, all of whom shall be elected at large and shall serve for the respective terms as hereinafter provided. The members of council shall serve for terms of four years, from the first day of July next following the date of their election and until their successors shall have been elected and qualified. The mayor shall serve for a term of four years from the first day of July next following the date of election and until a successor shall have been elected and qualified; provided, however, that on the first Tuesday in May, nineteen hundred seventy-two, and on ~~said~~ *such* day each four years thereafter, three ~~councilmen~~ *council members* and a mayor shall be elected for a term of four years, and on the first Tuesday in May, nineteen hundred seventy-four, and each four years thereafter, three ~~councilmen~~ *council members* shall be elected for a term of four years.

Notwithstanding the foregoing provisions in this section, the terms of the mayor and of the three members of council elected in 1968 shall continue for four years from the first day of September, 1968, and until such time as their successors shall have been elected as hereinabove provided and qualified, and the terms of the mayor and of the three members of the council to be elected as hereinabove provided in 1972 shall be for three years and ten months, to commence on September 1, 1972; and, further, the terms of the three members of council elected in 1970 shall continue for four years from the first day of September, 1970 and until such time as their successors shall have been elected and qualified, and the terms of the three members of council to be elected as hereinabove provided in 1974 shall be for three years and ten months, to commence on September 1, 1974.

The member of council receiving the largest number of votes in each regular councilmanic election shall be the vice-mayor of the city, for a term of two years, to commence on the first day of July next following the date of such election and until ~~his~~ *the vice-mayor's* successor shall have been elected and qualified; provided, however, that in the years 1972 and 1974 such term shall commence on the first day of September next following said regular councilmanic election; and provided, further, that the term of the vice-mayor so elected in the regular councilmanic election held in 1974 shall be for one year and ten months.

The council shall be a continuing body, and no measure pending before such body shall abate or be discontinued by reason of the expiration of the term of office or removal of the members of ~~said~~ *council*, or any of them. No person may be a candidate for the office of mayor and for the office of ~~councilman~~ *council member* in the same election.

Vacancies in the council or vacancy in the office of mayor shall be filled within thirty days, and until the day upon which the terms of office of ~~councilmen~~ *council members* elected in the next following regular councilmanic election shall commence, by a majority vote of the remaining members of council, and if as much as two years of any such unexpired term of a member of council or of the mayor remains at the time of such next regular councilmanic election, a ~~councilman~~ *council member* or a mayor, as the case by be, shall be elected at ~~said~~ *such* election for the remaining portion of such unexpired term.

§ 5. Qualification of members of council; conduct of candidates.

Any person qualified to vote in ~~said~~ *the* city shall be eligible to the office of ~~councilman~~ *council member* or mayor therein. No candidate for the office of councilman or mayor shall promise any money, office, employment or other thing of value, to secure a nomination or election, or accept in connection with his candidacy any money except as permitted by the general laws of the State; and any such candidate violating this provision shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding five hundred dollars, or imprisonment for a term not exceeding six months, or both, in the discretion of the court or jury, and shall forfeit his office, if elected; in which event, the person receiving the next highest number of votes, who has not violated ~~the said~~ *these* provisions shall be entitled to ~~said~~ *such* office.

§ 6. Compensation of the mayor, vice-mayor and of council members.

The salary of the mayor, vice-mayor and each council member shall be such as is from time to time fixed by ~~an~~ ordinance of city council within the limits established by general law. Such salaries shall be payable no less frequently than monthly.

§ 7. Limitation of the powers of the council.

Neither the mayor, the council, nor any of its members, shall dictate, urge or suggest the appointment of any person to office or employment by the city manager, or in any manner interfere with the city manager, or prevent ~~him~~ *the city manager* from exercising his *or her* own judgment in the

428 appointment of officers or employees in the administrative service; provided, however, that the city
429 manager's appointments of ~~directors of directorates~~ *deputy or assistant city managers*, but not of
430 department heads, shall be subject to confirmation by a majority of the members of the council. Except
431 for the purpose of inquiry, the mayor, the council and its members shall deal with the administrative
432 service solely through the city manager, and neither the mayor, the council, nor any member thereof,
433 shall give orders to any of the subordinates of the city manager either publicly or privately.

434 § 8. Officers elective by council; rules; journal of council proceedings; quorum of council.

435 The council shall elect a city manager, a city clerk, a director of finance, a municipal auditor, and a
436 city attorney, none of whom need be a resident of the city at the time of their election ~~or during their~~
437 ~~tenure in such office but who shall take up residence within the city within three months of their~~
438 ~~election if not already a resident.~~ Unless herein otherwise specifically provided, the council shall also
439 appoint the members of such boards and commissions as are hereafter provided for. All elections by the
440 council shall be viva voce and the vote recorded in the journal of the council. The council may
441 determine its own rules of procedure; may punish its members for misconduct and may compel the
442 attendance of members in such manner and under such penalties as may be prescribed by ordinance. It
443 shall keep a journal or its proceedings. A majority of all of the members of the council shall constitute a
444 quorum to do business, but a smaller number may adjourn from time to time.

445 Upon a vacancy occurring in any such office the council shall elect a person to fill the unexpired
446 portion of any term created by such vacancy; or, in the council's discretion, it may elect a person as an
447 acting city manager, city clerk, director of finance, municipal auditor, or city attorney to hold such
448 office for such lesser term and for such compensation as the council shall then determine; and any
449 person so elected shall have, during the term for which he was elected, all of the authority and shall be
450 charged with all of the duties and responsibilities of the office for which he was elected.

451 § 9. Elections by council, when held, terms, et cetera.

452 During the month of September, 1974 and during the month of September of every second year
453 thereafter, the council shall elect a city clerk, a director of finance, a municipal auditor, and a city
454 attorney, each of whom shall serve for a term of two years from the first day of October next following
455 the date of ~~his~~ *their* election and until ~~his~~ *their* successor shall have been elected and qualified. ~~Prior to~~
456 ~~the first day of September, 1974, the council may elect a director of finance and a municipal auditor~~
457 ~~whose terms shall expire on the last day of September 1974, or at such time thereafter as their~~
458 ~~successors shall have been elected and qualified.~~

459 ~~No officer elected by the council pursuant to §§ 8, 9 or 21.1 of this charter shall be more than~~
460 ~~sixty-five years of age at the time of such election; and any such officer attaining the age of sixty-five~~
461 ~~years during any term of office for which he was elected shall be deemed to have vacated such office~~
462 ~~upon his sixty-fifth birthday.~~

463 § 10. Meetings of council generally.

464 At two o'clock post meridian on the first Monday of July next following each regular municipal
465 election, or if such day be a city holiday, then on the day following, the council shall meet at the usual
466 place for holding meetings of the legislative body of the city, at which time the newly elected
467 ~~councilmen~~ *council members* shall assume the duties of their offices. Thereafter the council shall meet at
468 such times as may be prescribed by ordinance or resolution, provided, that it shall hold at least two
469 regular meetings each calendar month, and it shall so order and schedule meetings as to promptly and
470 orderly attend to the business and legislative affairs of the city. The mayor, any member of the council,
471 or the city manager, may call special meetings of the council at any time upon at least twelve hours
472 written notice to the mayor and each member, served personally or left at his usual place of business or
473 residence; or such meeting may be held at any time without notice, on call of the mayor or the city
474 manager provided at least five members of the council attend such meeting. All meetings of the council
475 shall be public, ~~except where the public interest may require executive sessions;~~ and any citizen may
476 have access to the minutes and records thereof at all reasonable times, ~~except where the public interest~~
477 ~~may require closed meetings.~~

478 § 11. Penalty of absence from council meetings.

479 Absence from five consecutive regular meetings shall operate to vacate the seat of a member *of the*
480 *council*, unless the absence is caused by ~~his~~ *the member* being incapacitated by sickness or is excused
481 by the council by a resolution setting forth the reason thereof and entered upon the journal.

482 § 12. Legislative procedure generally.

483 Except in dealing with questions of parliamentary procedure the council shall act only by ordinance
484 or resolution, and all ordinances except ordinances making appropriations, or authorizing the contracting
485 of indebtedness or issuance of bonds or other evidence of debt, shall be confined to one subject, which
486 shall be clearly expressed in the title. Ordinances making appropriations or authorizing the contracting of
487 indebtedness or the issuance of bonds or other obligations and appropriating the money to be raised
488 thereby shall be confined to those subjects respectively.

489 The enacting clause of all ordinances passed by the council shall be, "be it ordained by the council

of the city of Roanoke." No ordinance, unless it be an emergency measure, shall be passed until it has been read by title at two regular meetings or the requirement of such reading has been dispensed with by the affirmative vote of five-sevenths of the members of the council. Any ordinance introduced and adopted on its first reading at one meeting of the council may be amended and adopted as amended at the next such meeting or subsequent meeting provided that the amendment does not materially change the purpose and character of the proposed ordinance. No ordinance or section thereof shall be revised or amended by its title or section number only, but the new ordinance shall contain the entire ordinance, or section or subsection as revised or amended. The ayes and nays shall be taken upon the passage of all ordinances or resolutions and entered upon the journal of the proceeding of the council and every ordinance or resolution shall require, on final passage, the affirmative vote of a majority of the members. No member shall be excused from voting except on matters involving the consideration of his own official conduct, or where his financial or personal interests are involved.

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

§ 13. Effective date of ordinances and resolutions; emergency measures.

All ordinances passed by the council shall be in effect ~~from and after ten days from the date of~~ upon their passage, except that council may, by the affirmative vote of five-sevenths of its members, pass emergency measures to take effect at the time indicated therein. An emergency measure is an ordinance or resolution immediately necessary, in the discretion of council, for the preservation of the public peace, property, health or safety, or providing for the usual daily operation of the municipal government of or a municipal department, in which measure the emergency shall be set forth and defined in a preamble thereto, or in which measure there is contained a statement of such immediate necessity. Ordinances appropriating money for any such emergency may be passed as emergency measures, but no measure providing for the sale or lease of city property, or making a grant, renewal or extension of a franchise or other special privilege, or regulating the rate to be charged for its service by any public utility, shall be so passed. All resolutions of the council shall be effective upon passage.

§ 14. Record, authentication and numbering of ordinances and resolutions; admission of ordinances and resolutions in evidence.

Every ordinance or resolution upon its final passage shall be recorded in a book kept for the purpose, and shall be authenticated by the signature of the presiding officer and the city clerk. Lack of authentication of any such ordinance or resolution by signature of the presiding officer and the city clerk as provided in the first sentence of this section shall not, of itself, affect the validity of any such measure heretofore or hereinafter duly adopted by the council. The city clerk shall assign every ordinance and resolution adopted by the council a permanent serial number.

A record of entry made by the city clerk or a copy of such record or entry duly certified by ~~him~~ the city clerk shall be prima facie evidence of the terms of the ordinance or any amendment thereof and its due publication, or its receipt in quantity as a printed code of ordinances.

All ordinances and resolutions of the council may be read in evidence in all courts and in all other proceedings in which it may be necessary to refer thereto, either from a copy thereof certified by the clerk or from the volume or code of ordinances printed by authority of the council.

§ 15. General powers and duties of the mayor.

The mayor shall preside at meetings of the council, and perform such duties as are imposed upon ~~him~~ the mayor by this charter and such other duties consistent with ~~his~~ the mayor's office as may be imposed by the council. ~~He~~ The mayor shall be entitled to a vote, but shall possess no veto power. ~~He~~ The mayor shall be recognized as the official head of the city for all ceremonial purposes, by the courts for the purpose of serving civil process, and by the governor for military purposes. ~~He may,~~ as mayor, The mayor may execute all requisite contracts or other legal instruments in writing for and on behalf of the city and as such mayor perform all other functions or requirements arising from federal or State state law, procedure, rules or regulations but these authorizations shall not be construed as conferring upon ~~him~~ the mayor the administrative or judicial functions, ~~or other powers or functions,~~ of a mayor, under the general laws of the State. In time of public dangers or emergency, ~~he~~ the mayor may, with the consent of the council, take command of the police and maintain order and enforce the laws, and for this purpose may deputize such special ~~police~~ police as may be necessary. During his

551 *the mayor's* absence or disability ~~his~~ *the mayor's* duties shall be performed by the vice-mayor of the
552 city.

553 The powers and the duties of the mayor shall be such as are conferred upon ~~him~~ *the mayor* by this
554 charter, together with such others as may be conferred by the council in pursuance of the provisions of
555 this charter, and no others.

556 § 16. Time of holding municipal elections.

557 A municipal election shall be held on the first Tuesday in May in nineteen hundred seventy-two, and
558 every second year thereafter which shall be known as the regular election for the election of
559 ~~councilmen~~ *council members*.

560 § 17. Method of conducting municipal elections.

561 The candidates at any regular municipal election for the election of ~~councilmen~~ *council members*,
562 equal in number to the places to be filled, who shall receive the highest number of votes at such
563 election, shall be declared elected to the council, and the candidate receiving the highest number of
564 votes for the office of mayor shall be declared elected mayor.

565 In any such election each ~~elector~~ *voter* shall be entitled to vote for as many persons as there are
566 vacancies to be filled, and no more; and no ~~elector~~ *voter* shall in such elections cast more than one vote
567 for the same person.

568 § 18. Election and terms for Commonwealth's attorney, commissioner of revenue, city treasurer, city
569 sheriff and circuit court clerk.

570 The attorney for the Commonwealth, commissioner of revenue, city treasurer and city sheriff elected
571 at the general election held in November of 1973, shall hold office until their respective terms expire;
572 thereafter, there shall be elected by the qualified voters of said city, on the Tuesday after the first
573 Monday in November, 1977 and quadrennially thereafter, the following officers: one attorney for the
574 Commonwealth, one commissioner of revenue, one city treasurer, and one city sheriff, who shall hold
575 their offices for the term of four years from the first day of January ensuing their election and until their
576 successors are duly elected and qualified. ~~The clerk of the Hustings Court of the City of Roanoke~~
577 ~~elected at the general election held in November of 1969, shall hereafter be and be known as the clerk~~
578 ~~of the Circuit Court of the City of Roanoke, and he shall hold office until the term prescribed for such~~
579 ~~clerks by the General Assembly of Virginia shall expire; thereafter, there~~ *There* shall be elected by the
580 qualified voters of ~~said~~ *the* city on the Tuesday after the first Monday in November, 1979, and every
581 eight years thereafter, one clerk of the Circuit Court of the City of Roanoke, who shall be clerk of all
582 courts of record in this city, whose term shall begin and end as is now, or may hereafter be prescribed
583 by the General Assembly of Virginia.

584 § 20. The city manager; appointment, qualifications.

585 The city manager shall be the administrative head of the municipal government. ~~He~~ *The city*
586 *manager* shall be chosen by the council without regard to his *or her* political beliefs and solely upon the
587 basis of ~~his~~ executive and administrative qualifications. The choice shall not be limited to inhabitants of
588 the city or State. ~~He~~ *The city manager* shall be appointed for an indefinite period and shall hold office
589 during the pleasure of the council. ~~He~~ *The city manager* shall receive such compensation as shall be
590 provided by the council by ordinance. ~~He~~ *and* shall be bonded as the council may deem necessary.
591 During the ~~absence~~, disqualification or disability of the city manager the council may designate some
592 properly qualified person to perform the duties of the office.

593 § 21. Powers and duties of city manager.

594 The city manager shall be responsible to the council for the efficient administration of all offices of
595 the city. ~~He~~ *The city manager* shall have *the* power; and ~~it shall be his~~ *the* duty:

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

597 (b) Subject to the limitations contained in § 7 of this charter and except as otherwise provided in this
598 charter, the city manager or his *or her* designees shall appoint such city officers and employees as the
599 council shall determine are necessary for the proper administration of the affairs of the city, and the city
600 manager or his *or her* designees shall have the power to discipline and remove any such officer and
601 employee.

602 (c) To attend all meetings of the council, with the right to take part in the discussion, but having no
603 vote.

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

606 (e) To make reports to the council from time to time upon the affairs of the city and to keep the
607 council fully advised of the city's financial condition and its future financial needs.

608 (f) ~~[Repealed.]~~

609 (f) *To be responsible for the day-to-day operation of the city, and to execute such documents as may*
610 *be necessary to accomplish the same.*

611 (f1)(g) To appoint in writing a city officer reporting to the city manager as acting city manager for a
612 time period not to exceed thirty days when the city manager will be absent from the city.

(f2)(h) To acquire on behalf of the city easements, licenses, permits, privileges or other rights of any kind to use property for nominal consideration.

(g)(i) To perform such other duties as are prescribed by this charter or as may be prescribed by the council.

§ 21.1. Deputy and assistant city managers.

The city manager may appoint ~~an~~ *a deputy and one or more* assistant city ~~manager~~ *managers* subject to confirmation by a majority of the members of council. The *deputy and* assistant city ~~manager~~ *managers* shall hold office at the pleasure of the city manager making the appointment. ~~He~~ *They* shall be responsible to the city manager for the administration of all city affairs placed in ~~his~~ *their* charge by the city manager or under this charter. During the absence, ~~disqualification or disability~~ of the city manager, ~~he~~ *the deputy or an assistant city manager* shall perform the duties of that office unless the city manager has designated in writing some other city officer to serve as acting city manager.

§ 22. Investigations.

The council, the city manager, and any other officer, board or commission authorized by them, or either of them, shall have power to make investigations as to city affairs, and for that purpose to subpoena witnesses, administer oaths, and compel the production of books and papers.

Any person refusing or failing to attend, or to testify or to produce such books and papers, may by summons issued by such board or officer be summoned before the ~~Municipal Court~~ *general district court* of the city by the board or official making such investigation, and upon failure to give satisfactory explanation of such failure or refusal, may be fined by a ~~municipal~~ judge not exceeding one hundred dollars or imprisoned not exceeding thirty days, such person to have the right to appeal to the ~~Hustings Court~~ *circuit court* of the city. Any person who shall give false testimony under oath at any such investigation shall be liable to prosecution for perjury.

§ 23. Creation of departments and department heads; deputies and assistants.

The council may by ordinance provide for administrative departments, and when such departments are created may define the functions which such departments are to administer, may provide for the appointment of heads for such departments and define their duties and responsibilities; ~~and, further, the council may provide for the city manager's administration of the various departments under directorates, the heads of which shall be known as directors. In addition, the~~ *The* council may by ordinance provide for the appointment of one or more assistants or deputies in the offices of the city attorney, the director of finance, the municipal auditor and the city clerk and may define their duties and responsibilities. Such assistants or deputies, when acting in such official capacity, shall possess all of the power and authority and shall be subject to all of the duties and responsibilities given to or imposed upon their respective superiors under this charter.

§ 24. City clerk.

The city clerk shall be elected at the time, in the manner, and for the term provided by § 9 of this charter. ~~He~~ *The city clerk* may by and with the consent of the council appoint one deputy and such number of assistants as may be provided for by ordinance. ~~He~~ *The city clerk* shall be the clerk of the council; shall keep a record of its proceedings, and either ~~he~~ *or his* ~~the city clerk or the deputy city clerk~~ shall attend all meetings thereof. ~~He~~ *The city clerk* shall keep all books and papers, which by the provisions of this charter or by direction of the council, are required to be kept by or filed with ~~him~~ *the city clerk*. ~~He~~ *The city clerk* shall be the keeper of the city seal, and shall affix and attest the same when so directed by the council. ~~He~~ *The city clerk* shall transmit copies of all ordinances or resolutions to such officers and persons as are affected thereby. ~~He~~ *The city clerk* shall give information to persons presenting communications or petitions to the council of the final action of the council thereon. ~~He~~ *The city clerk* shall, except as otherwise expressly provided in this chapter, publish or cause to be published, all reports, ordinances, and other documents required by this charter to be published, and also such other reports as the council may by ordinance or resolution direct. ~~He~~ *The city clerk* shall perform such other duties as are required by this charter, and in general shall perform such acts and duties as the council shall by ordinance or resolution require of ~~him~~ *the city clerk*. Any of the duties of ~~said~~ *the* city clerk may be performed by ~~his~~ *the* deputy city clerk. The city clerk and ~~his~~ deputy city clerk shall receive such compensation and give such bond as the council may by ordinance provide.

§ 25.1. Director of finance.

The director of finance shall be elected by the council at the time, in the manner, and for the term provided by § 9 of this charter; ~~provided, however, that the term of the first director of finance elected hereunder, if elected prior to the first day of September 1974, shall expire on the last day of September 1974, or at such time thereafter as his successor shall have been elected and qualified.~~

(a) The director of finance shall have charge and shall maintain control of the keeping of all accounts and financial records of the city of ~~Roanoke~~, in accordance with generally accepted principles of accounting, wherein shall be stated, among other things, the appropriations for the year for each distinct object and branch of expenditures, and also the receipts from each and every source of revenue,

774 so far as it can be ascertained. All such accounts and financial records shall be public records, and shall
775 be subject to the examination of the city manager and members of the city council, or other person or
776 persons required by order of the city manager or ordinance of the council to make such examination.

777 (b) The director of finance shall be charged with and shall exercise a general fiscal supervision over
778 all the officers, departments, offices, agencies and employees of the city charged in any manner with the
779 assessment, receipt, collection or disbursement of the city revenues, and with the collection and return of
780 such revenues into the city treasury; and ~~he the director~~ shall prescribe such system and regulation as is
781 necessary for the proper reporting and accounting for all city ~~revenue~~ revenues and receipts.

782 (c) The director of finance shall have the power to and shall examine and audit all accounts, claims
783 and demands for or against the city; and, unless otherwise provided by law or by this charter, no money
784 shall be drawn from the treasury or be paid by the city to any person unless the balance due and
785 payable by the city be first settled and adjusted by the ~~said~~ director of finance.

786 (d) The director of finance shall draw a ~~warrant~~ check on the treasury for such money as is
787 determined by ~~him the director~~ to be due and payable to any person, stating the particular fund or
788 appropriation to which the same is chargeable and the person to whom payable; and no money shall be
789 drawn from the treasury except on the ~~warrant~~ check of the director of finance as aforesaid,
790 countersigned by the city manager. The director of finance is forbidden to issue ~~his warrant~~ a check for
791 the payment of any money in excess of the appropriation on account of which such money is drawn.

792 (e) It shall be the duty of the director of finance to charge all officers in receipt of revenues or
793 moneys of the city with the whole amount, from time to time, of such receipts. ~~He~~ The director shall
794 also require of all officers in receipt of city moneys that they submit reports thereof, with vouchers and
795 receipts of payment therefor into the city treasury, daily, weekly or monthly, or at such times as may be
796 otherwise provided by ordinance of the council; and if any such officer shall neglect to make adjustment
797 of his accounts, when required, ~~as aforesaid~~, and to pay over such moneys as received, it shall then be
798 the duty of ~~said the~~ director of finance to issue notice in writing, directed to such officer and ~~his such~~
799 officer's surety or sureties, requiring him or them within ten days to make settlement of his ~~said or their~~
800 accounts with the director of finance, and to pay over the balance of moneys found to be due and in his
801 or their hands belonging to ~~said the~~ city, according to the books of ~~said the~~ director of finance; and in
802 case of the refusal or neglect of such officer to adjust his ~~said~~ accounts or to pay over such balance into
803 the treasury of the city, as required, it shall be the duty of the director of finance to make report of the
804 delinquency of such officer to the council, the city manager, the municipal auditor and the city attorney.
805 For good cause appearing, the city attorney shall at once take action to have such officer suspended
806 from office, and shall proceed forthwith to institute the necessary proceedings for the removal of such
807 officer from office, and shall institute suit in the name of the city against such officer and his surety or
808 sureties to recover the balance of moneys so found by the director of finance to be due ~~and in his hands~~
809 belonging to ~~said the~~ city.

810 (f) The director of finance shall prepare an annual statement, promptly after the end of each fiscal
811 year, giving full and detailed statement of all the receipts and expenditures during the year, which
812 statement ~~he the director~~ shall forthwith file with the city manager and ~~he~~ shall lay the same before the
813 next meeting of the council. When required by the council, such annual statement shall be certified by
814 independent certified public accountants.

815 (g) It shall be the duty of the director of finance, each and every month, to prepare a monthly
816 statement, giving a full and detailed account of all moneys received, from what sources and on what
817 account received, and of all moneys ordered to be paid or drawn by ~~warrant~~ check by ~~him the director~~,
818 and on what account the same have been paid; and ~~he the director~~ shall deliver ~~said such~~ statement to
819 the city manager, and shall lay the same before the council at its next meeting.

820 (h) No contract, agreement or other obligation involving the expenditure of money shall be entered
821 into nor shall any ordinance of the council or order of any officer of the city authorizing the city's
822 obligation for expenditure of money be effective until and unless the director of finance shall have
823 certified in writing that the money required for such contract, agreement, obligation or expenditure is in
824 the city treasury to the credit of the fund from which it is to be drawn, and not appropriated for any
825 other purpose, which certification may be endorsed on or recited in such ordinance, endorsed upon the
826 contract, agreement or other instrument creating such obligation or upon such order, or may be
827 contained in separate certification filed and preserved in the office of the city clerk; provided, however,
828 that requirement of such certification shall not be applicable to the city's execution or issuance of bonds
829 or notes under §§ 47, 48 and 49 of this charter. The sum so certified shall not thereafter be considered
830 unencumbered, until the city is discharged from the contract, agreement or obligation.

831 (i) For the purpose of the certification required in subsection (h); ~~supra of this section~~, all moneys
832 actually in the treasury to the credit of the fund from which they are to be drawn and all moneys
833 applicable to the payment of the obligation or appropriation involved that are anticipated to come into
834 the treasury before the maturity of such contract, agreement or obligation from taxes, assessments,
835 license fees or from sales of property or of services, products, or by-products of any city undertaking

and all moneys to be derived from lawfully authorized bonds or from other sources, shall be deemed in the treasury to the credit of the appropriate fund and subject to such certification.

(j) Unless otherwise provided in this charter, the director of finance shall have all of the duties, responsibilities, powers and authority heretofore imposed upon or lodged in the city auditor by this charter or by the ordinances and resolutions of the council heretofore or hereafter adopted prior to the council's election of a director of finance.

(k) The director of finance shall have the power and the authority to use any and all collection methods available to the treasurers of the counties and cities under general law to collect delinquent real estate taxes, provided the responsibility for such collection has been transferred to the director of finance by ordinance adopted by city council.

§ 25.2. Municipal auditor.

The municipal auditor shall be elected by the council at the time, in the manner and for the term provided by § 9 of this Charter; ~~provided, however, that the term of the municipal auditor first elected hereunder, if elected prior to the first day of September, 1974, shall expire on the last day of September, 1974, or at such time thereafter as his successor shall have been elected and qualified.~~

(a) The municipal auditor shall have such qualifications as the council shall from time to time establish.

(b) It shall be ~~his~~ *the duty of the municipal auditor:*

(1) ~~to~~ To examine and audit all accounts, books and records of the city that reflect transactions involving financial activities of the city, including those for which the city has a responsibility as an agent, custodian or trustee, ~~said~~ *such* audit to be made in a timely manner or as prescribed by ordinance.

~~(e)(2) It shall be his duty to~~ To work closely with the Director of Finance in promulgation of systems and procedures employed in the accounting for revenue received and expenditures made by the city.

~~(d)(3) When so directed by the council, it shall be his duty to~~ see to implementation of and to supervise all systems recommended to be established by independent public accountants making audits for city functions.

~~(e)(4) It shall be his duty to~~ To report to the Council within sixty days after the close of the fiscal year a summary of the activities of ~~his~~ *the auditor's* office during the preceding fiscal year; ~~It shall be his duty and~~ to report to the council in writing within sixty days after the completion of an examination of any department, agency or activity of the city, a summary of all findings resulting from ~~his~~ *the auditor's* examination. A copy of each audit report shall be submitted to the council, the city manager and to the department, agency or office audited.

~~(f)(5) It shall be his duty to~~ To report immediately in writing to the city manager and to the council any unauthorized, illegal or irregular act or practice ~~he discovers~~ *discovered* affecting or involving public funds or the financial affairs of the city.

~~(g)(c) In the performance of his aforesaid~~ *the auditor's* duties, ~~he~~ *the auditor* shall have access at any and all times to all books, records and accounts of each department, office, officer, employee or agency of the city subject to examination or audit by ~~him~~ *the auditor*.

~~(h)(d) Subject to the provisions of § 9 of this charter, he~~ *the auditor* shall have power to appoint such assistants and employees as the council shall authorize and appropriate funds to provide for.

~~(i)(e) The municipal auditor shall devote his full time and effort to post-audit examinations and reporting and shall receive only such compensation as may be fixed for the position by ordinance of the council. He~~ *The auditor* shall not serve in any capacity on any administrative board, commission, district, or agency of the city, county, or the ~~State Commonwealth~~, nor shall ~~he~~ *the auditor* have a material direct or indirect financial or other economic or personal interest in the transactions of any officer, department, board, commission, district, or other organization for which ~~he~~ *the auditor* is responsible to audit or cause to be audited. ~~He~~ *The auditor* shall not be directly responsible for the collection or any money belonging to the Commonwealth of Virginia, the city of Roanoke, or other political subdivisions of the State or the city, nor shall ~~he~~ *the auditor* be directly responsible for the handling or custody of state or local public funds. Neither ~~he~~ *the auditor* nor any member of ~~his~~ *the auditor's* staff shall engage in or be associated with any partisan political activity or hold any other public office.

~~He~~ *The Auditor* shall neither conduct nor supervise an audit or post-audit of any office, department, program or activity of the city of Roanoke for which ~~he~~ *the auditor* was responsible or in which ~~he~~ *the auditor* may have participated or been employed during any preceding two years. The council shall provide otherwise for any necessary audit or post-audit of any such office, department, program and activity falling within the proscription of this provision.

The council shall assign to ~~him~~ *the auditor* no administrative or other duties, except such as may be incidental to the objectives and functions of post-auditing or such as do not act to impair the independence of ~~his~~ *the auditor's* audits.

797 § 26. City attorney.

798 The city attorney shall be elected at the time, in the manner, and for the term provided by § 9 of this
799 charter. ~~He~~ *The city attorney* shall be the legal advisor of and attorney and counsel for the city and the
800 school board of the city and for all officers, and departments thereof, in matters relating to their official
801 duties. ~~He~~ *The city attorney* shall prosecute all suits, actions and proceedings for and on behalf of the
802 city and the school board of the city, and defend all suits, actions and proceedings against the same, and
803 shall prepare all contracts, bonds and other instruments in writing, in which the city or the school board
804 of the city are interested or concerned, and shall endorse on each his *or her* approval of the form and
805 correctness thereof, provided that in the case of bonds to be issued by the city, it shall be sufficient if
806 ~~he the city attorney~~ *certify certifies* to the council his *or her* approval thereof as to form in a separate
807 writing, to be filed and preserved with the records of the council.

808 The council, the city manager, or any officer, board or commission may require the opinion of the
809 city attorney upon any question of law involving their respective powers and duties.

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

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

819 In case any officer, board or commission shall fail to perform any duty required by law, the city
820 attorney shall apply to a court of competent jurisdiction for a writ of mandamus to compel the
821 performance of such duty.

822 Whenever the city or school board shall purchase or otherwise acquire real estate or any interest
823 therein, unless other provision is made by the council, the city attorney shall conduct such title
824 examination as he *or she* deems appropriate before the purchase price thereof shall be paid. The ~~said~~
825 city attorney shall perform such other duties as may be required of him *or her* by ordinance or
826 resolution of the council.

827 § 31. Police department.

828 The police department shall be composed of a ~~superintendent or~~ chief of police and such officers,
829 patrolmen and other employees as the council may determine. The ~~superintendent or~~ chief of police shall
830 have the immediate direction and control of the ~~said~~ department, subject, however, to the supervision of
831 the city manager and to such rules, regulations and orders as the ~~said~~ city manager may prescribe. The
832 ~~superintendent or~~ chief of police shall issue all orders, rules and regulations for the government of the
833 whole department. ~~In case of the disability of the superintendent or chief of police to perform his duties~~
834 ~~by reason of sickness, absence from the city or other cause, the city manager shall designate some~~
835 ~~member of the police department to act as superintendent or chief of police during such disability, and~~
836 ~~the officer so designated, shall serve without additional compensation.~~ The members of the police
837 department shall be appointed and may be removed by the city manager or ~~his~~ *the city manager's*
838 designee. The council may by ordinance prescribe rules and regulations governing the residence or
839 nonresidence of any or all members of the police department. ~~Each member of the police department,~~
840 ~~both rank and file, shall have issued to him a warrant of appointment signed by the city manager, in~~
841 ~~which the date of his appointment shall be stated, and such warrant shall be his commission.~~ Each
842 member of the ~~said~~ department shall, before entering upon the duties of his office, take and subscribe an
843 oath before the city clerk that he *or she* will faithfully without fear or favor perform the duties of his *or*
844 *her* office, and such oath shall be filed with the city clerk and preserved with the records of ~~his~~ *the*
845 *clerk's* office. And in addition, the ~~several~~ officers of the ~~said~~ department shall, if so required by the
846 council, give bond in such penalty and with such security as the council may by ordinance prescribe.

847 No person except as otherwise provided by general law or by this charter shall act as special police,
848 special detective or other special police officer for any purpose whatsoever except upon written authority
849 from the city manager. Such authority, when conferred, shall be exercised only under the direction and
850 control of the ~~superintendent or~~ chief of police and for a specified time; provided, however, that the
851 council may from time to time designate the maximum number of such special police, special detective
852 or other special police officers.

853 The officers and ~~privates~~ constituting the police department of ~~said~~ *the* city shall be, and they are,
854 hereby invested with all of the power and authority which pertains to the office of constable at common
855 law in taking cognizance of and in enforcing criminal laws of the state and the ordinances and
856 regulations of ~~said~~ *the* city, and it shall be the duty of each such officer and ~~private~~ to use his *or her*
857 best endeavors to prevent the commission within the ~~said~~ city of offenses against the laws of ~~said~~ *the*
858 State, and against the ordinances and regulations of ~~said~~ *the* city; to observe and enforce all such laws,

ordinances and regulations; to detect and arrest offenders against the same; to preserve the good order of said the city, and to secure the inhabitants thereof from violence and the property therein from injury. Except as provided by general law, Such policeman such officers shall have no power or authority in civil matters, but shall execute any criminal warrant or warrant of arrest that may be placed in his their hands by any judge or municipal judge of the city, and shall make due return thereof.

The manager chief of police shall prescribe the uniforms and badges for the members of the police department, and direct the manner in which the members of said the department shall be armed. Any person other than a member of said department who shall wear such uniform or badge as may be prescribed as aforesaid, may be subjected to such fine or imprisonment, or both, as may be prescribed by the council by ordinance.

§ 32. Fire Department.

The fire department shall be composed of a chief and such other officers, firefighters and employees as the council may determine. The fire chief shall have immediate direction and control of the said department, subject, however, to the supervision of the city manager, and to such rules and regulations and orders as the said city manager may prescribe. The city manager shall issue all orders, rules and regulations for the government of the whole department.

The members of the fire department shall be appointed and removed by the city manager or his or her designee. In case of riot, conflagration or emergency, the city manager or his or her designee may appoint additional firefighters and officers for temporary service.

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

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

The council may establish, within the fire department, a rescue squad, emergency squad or first-aid crew to aid the injured and ill an emergency medical service.

§ 33. The annual budget.

The city manager, at least sixty days prior to the beginning of each fiscal year, shall submit to the council a budget for the ensuing fiscal year. It shall be the duty of the head of each department, the judge of each court, each board or commission, including the school board, and each other office or agency supported in whole or in part by the city, including the commissioner of the revenue, the city treasurer, the sheriff, the attorney for the Commonwealth and clerk of courts to file with the director of finance by March 15 of each year estimates of revenue and expenditure for that department, court, board, commission, office or agency for the ensuing fiscal year. Such estimates shall be submitted on forms furnished by the director of finance and it shall be the duty of the head of each such department, judge, board, commission, office or agency to supply all the information required to be submitted thereon. The director of finance shall assemble and compile all such estimates and supply such additional information relating to the financial transactions of the city as may be necessary and present them to the city manager for the timely preparation of the budget. The city manager, with the assistance of the director of finance, shall review the estimates and other data pertinent to the preparation of the budget and make such revisions in such estimates as he the city manager may deem proper subject to the laws of the Commonwealth relating to obligatory expenditures for any purpose, except that in the case of the school board budget he the city manager may recommend a revision in category totals only.

The budget submitted to the council shall contain the following:

920 (a) An itemized statement of the appropriations recommended with comparative statements showing
921 appropriations made for the current and next preceding year.

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

925 (c) A fund statement showing a condition of the various appropriations, the amount of appropriations
926 remaining unencumbered, and the amount of revenues remaining unappropriated.

927 (d) ~~Explanatory text relative to the conditions, reasons, et cetera, connected with~~ *An explanation of*
928 the estimates for the ensuing year; also a work program showing the undertakings to be begun and those
929 to be completed during the next year and each of several years in advance.

930 (e) A statement of the financial condition of the city.

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

932 (g) Such other information as the city manager deems appropriate or advisable.

933 In no event shall the expenditures recommended by the city manager in the budget exceed the
934 receipts estimated, unless the city manager shall recommend new or increased revenues within the power
935 of the city to levy and collect in the ensuing fiscal year.

936 The city manager shall submit to the council with the budget a budget message which shall
937 incorporate the most current statement of the financial condition of the city, shall be ~~explanatory of~~
938 ~~explain~~ the budget and shall describe ~~the its~~ important features of ~~the budget plan~~. It shall set forth the
939 reasons for salient changes from the previous year in cost and revenue items. As a part of the budget
940 message, with relation to the proposed expenditures for capital projects included in the budget, the city
941 manager shall include a statement of pending capital projects and proposed new capital projects, relating
942 the respective amounts proposed to be raised therefor by appropriations in the budget and the respective
943 amounts, if any, proposed to be raised therefor by the issuance of bonds during the budget year.

944 § 35. Fiscal year; determination of when licenses and taxes payable.

945 The council may determine when the fiscal year of the city shall begin and end, and may change the
946 same from time to time. The council may also determine when city licenses and taxes ~~shall be~~ *are*
947 payable.

948 § 36. Unencumbered balances; money not to be withdrawn or obligations incurred except pursuant to
949 appropriations .

950 At the close of each fiscal year, or upon the completion or abandonment at any time within the year
951 of any work, improvement, or other object for which a specific appropriation has been made, the
952 unencumbered balance of each appropriation shall revert to the respective fund from which it was
953 appropriated and shall be subject to further appropriation. No money shall be drawn from the treasury of
954 the city nor shall any obligation for the expenditure of money be incurred except pursuant to the
955 appropriations made by the council.

956 § 37. City treasurer.

957 The city treasurer shall be elected at the time, in the manner and for the term provided in § 18 of
958 this charter. ~~He~~ *The treasurer* shall give bond in such sum as the council may prescribe with surety to
959 be approved by the council, conditioned for the faithful discharge of ~~his the treasurer's~~ official duties in
960 relation to the revenue of the city, and of such other official duties as may be imposed upon ~~him the~~
961 *treasurer* by this charter and the ordinances of the city. ~~He~~ *The treasurer* shall collect and receive all
962 city taxes, levies, assessments, license taxes, rents, school funds, fees and all other revenues or moneys
963 accruing to the city, except such as council shall by ordinance make it the duty of some other officer or
964 persons to collect, and for that purpose shall be vested with any and all powers which are now or may
965 hereafter be vested in such city treasurer as collector of ~~State~~ *state* taxes. ~~He~~ *The treasurer* shall be the
966 custodian of all public money of the city, and all other money coming into his hands as city treasurer.
967 The city treasurer shall keep and preserve such moneys in such banks or trust companies as may be
968 determined by ordinance or by the provisions of any law applicable thereto, and may permit securities
969 pledged by the depositories of city funds to be held in custody by the Federal Reserve Bank of
970 Richmond, Virginia, in accordance with any operating circular or circulars of such bank. ~~He~~ *The*
971 *treasurer* shall perform such other duties, have such powers and be liable to such penalties as are now
972 or may hereafter be prescribed by law or ordinance. For such services the city treasurer shall receive
973 such compensation as the council may from time to time prescribe by ordinance in conformity with
974 general law.

975 § 38. Commissioner of revenue.

976 The commissioner of the revenue shall be elected at the time, in the manner and for the term
977 provided in § 18 of this charter. ~~He~~ *The commissioner* shall give bond in such sum as the council may
978 by ordinance prescribe, with surety to be approved by the council, conditioned for the faithful
979 performance of all ~~his the commissioner's~~ duties under this charter, and under any ordinance of the city.
980 ~~He~~ *The commissioner* shall perform such duties not inconsistent with the laws of the State in relation to
981 the assessment of property and licenses as may be required by the council for the purpose of levying

city taxes and licenses. ~~He~~ *The commissioner* shall have power to administer such oaths as may be required by the council in the assessment of license taxes or other taxes for the city. ~~He~~ *The commissioner* shall make such reports in regard to the assessment of both property and licenses, or either, as may be required by the council. The council may by ordinance require that all tax bills shall be made out by the commissioner of the revenue and delivered in such manner as ~~said~~ *the* ordinance may prescribe. For all such services the ~~said~~ commissioner of the revenue shall receive such compensation as the council may from time to time prescribe by ordinance in conformity with general law.

§ 39. Vacancies in the office of city treasurer or commissioner of revenue.

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

§ 40. Contracts for public improvements; purchases.

Any purchase, public work, or improvement, costing more than ~~thirty thousand dollars~~ *\$50,000*, except as provided in the next succeeding section, shall be executed by contract. All contracts for more than ~~thirty thousand dollars~~ *\$50,000* shall be awarded after public advertisement and competition, as may be prescribed by general law. The city council shall have the power to reject any and all bids, and all advertisements shall contain a reservation of this right.

§ 41. Improvement by direct labor, emergency work.

After bids shall have been advertised for and received for making any public improvement or doing any public work, the council may authorize the making of such improvement or doing such work by the direct employment of the necessary labor and purchase of the necessary materials and supplies on the basis of detailed estimates submitted by the city manager; provided the probable cost of such work of improvements as shown by such estimate is less than the bid of the lowest responsible bidder for the same work improvement; and provided, further, that the city manager shall certify to the council that in his opinion the cost of making such improvement or doing such work will not exceed ~~the said~~ *such* estimate. Separate accounts shall be kept of all work and improvements so done or made.

In an emergency requiring immediate action, the city manager may make any purchase or cause any such improvements to be made or other public work to be done by direct employment of the necessary labor and purchase of the necessary material and supplies without previously advertising for or receiving bids therefor. Every such case shall be reported by ~~him~~ *the city manager* in writing to the council at its next regular meeting with a statement of the facts constituting such emergency. Separate accounts shall be kept of all such work; provided that nothing in this or the next preceding section shall prevent the ~~said~~ city from doing maintenance and repair work by direct labor and from maintaining a reasonable workforce of ~~men~~ for that purpose.

§ 42. Alterations or modifications of contracts.

When it becomes necessary in the prosecution of any work or improvement under contract to make alterations or modifications of such contract, such alterations or modifications shall be made on order of the city council. However, when the amount involved in the proposed alterations or modifications does not exceed ~~twenty-five thousand dollars~~, *twenty-five percent of the amount of the contract or \$50,000, whichever is greater*, such alterations or modifications may be made on the order of the city manager *if the funds necessary therefor have been appropriated*. 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 or modified contract, shall have been agreed upon in writing and signed by the contractor and by the city manager.

§ 44. Actions against the city for damages.

No action shall be maintained against the city for injury to any person or property or for wrongful death alleged to have been sustained by reason of the negligence of the city or of any officer, agent or employee thereof, unless a written statement by the claimant, his agent, attorney or representative, of the nature of the claim and of the time and place at which the injury is alleged to have occurred or been received, shall have been filed with the city attorney, ~~or president of council, or with~~ the mayor, or city manager, within six months after such cause of action shall have accrued, except if the complainant during such six-month period is able to establish by clear and convincing evidence that due to the injury sustained for which a claim is asserted that he was physically or mentally unable to give such notice within the six-month period, then the time for giving notice shall be tolled until the claimant sufficiently recovers from ~~said~~ *such* injury so as to be able to give such notice.

§ 45. Laying out of streets.

1043 No property within the corporate limits of the city of Roanoke or within three miles of said such
1044 limits (or five miles as provided by Article 2, Chapter 23, of Title 15 of the Code of Virginia, 1950,
1045 except as to any lands within the overlapping boundaries under the jurisdiction of any incorporated town
1046 as defined by said Article), as now or hereafter established, shall be laid out with streets, alleys or
1047 public easements or ways thereon, except in accordance with such rules, regulations and provisions
1048 which may have been or hereafter be established, from time to time, by ordinance of the city council.
1049 To provide for the proper and orderly development of the city and its environs the council shall have
1050 the power, by ordinance, to make and enforce rules, regulations and provisions for the laying out of
1051 such streets, alleys, public ways or easements and shall have power to require, by the recordation of
1052 plats or otherwise, that the title to land so laid out shall thereby vest in the said city or in such county
1053 as the land may be situate.

1054 Notwithstanding anything in this section contained, the city shall not be liable for any accidents or
1055 injuries which may occur or be sustained upon any street, alley, boulevard or way, heretofore or
1056 hereafter laid out, until and unless the said street, alley, boulevard or way shall have been accepted by
1057 the city, and the approval of any plan or plat shall not be taken as an acceptance by said the city of any
1058 street, alley, boulevard, way or public place shown on such plan or plat.

1059 § 47. Bond issues; borrowing in anticipation of issuance of bonds.

1060 (a) The council may, in the name and for the use of the city, cause to be issued bonds for any one
1061 or more of the following purposes, namely: To provide for parks and other recreational purposes, water
1062 supply, water works, electric lights or other lighting system, suitable equipment against fire, or for
1063 erecting or improving bridges, viaducts, school buildings, jails, city halls, fire houses, libraries,
1064 museums, and other public buildings, incinerators, auditoriums, armories, airports and equipment and
1065 furnishings for same; to provide for hospitals and clinics, a local bus transportation system to operate on
1066 regular schedules; grading, paving, repaving, curbing, or otherwise improving any one or more of the
1067 streets or alleys, or widening existing ones; or to provide for locating, instituting and maintaining
1068 sewers, drains and culverts; or for any other permanent public improvement; to provide for the
1069 acquisition of automobiles, trucks and other automotive and movable equipment or a revolving fund of
1070 not more than five hundred thousand dollars (\$500,000.00) for the establishment of a pool of
1071 automobiles, trucks and other automotive and movable equipment; provided, that the council shall first
1072 establish by ordinance such conditions under which the respective departments, courts, bureaus, boards,
1073 commissions, offices and agencies of the city shall have the use of such equipment as will recoup the
1074 said fund within the estimated life of each class and type of such equipment; provided that no . No such
1075 bonds shall be issued under this charter except by an ordinance or a resolution adopted by a recorded
1076 affirmative vote of a majority of all members of the council; no such bonds to provide for the
1077 acquisition of a supply of water to said city and its inhabitants; or for other specific undertaking, from
1078 which the city may derive a revenue, as provided in the Constitution of Virginia and Chapter 358 of the
1079 Acts of Assembly of 1918, as amended by Chapter 217 of the Acts of Assembly of 1930, shall be
1080 issued except by ordinance adopted by a majority of all members of council; but such bonds shall not
1081 be irredeemable for a period greater than thirty-five years elected to council. Any bonds issued under
1082 this charter may be dated, may mature at such time or times not exceeding forty years from their date
1083 or dates, may be subject to redemption or repurchase at such price or prices and under such terms and
1084 conditions and may contain such other provisions, all as determined before their issuance by the council
1085 or in such manner as the council shall provide. Any such bonds may bear interest payable at such time
1086 or times and at such rate or rates as determined by the council or in such manner as the council may
1087 provide, including the determination by reference to indices or formulas or by agents designated by the
1088 council under guidelines established by it. The council may fix the denomination or denominations of the
1089 bonds and the place or places of payment. Any such bonds may be issued in registered or book entry
1090 form, or in any combination of such forms, as the council may determine. The council may sell any
1091 bonds authorized under the provisions of this charter in such manner, either at public or private sale,
1092 and for such price as the council may determine. All proceeds received by the city from the sale of
1093 bonds issued under this charter shall be deposited and invested in accordance with the provisions of the
1094 Public Finance Act of 1991, as from time to time amended.

1095 (b) The council, in its discretion, may require that an ordinance adopted by the council authorizing
1096 the issuance of general obligation bonds, as defined by the Public Finance Act of 1991, as may from
1097 time to time be amended, be approved by the affirmative vote of the majority of the qualified voters of
1098 the city voting on the question at an election for such purpose to be called, held and conducted in
1099 accordance with an ordinance or a resolution adopted by the council providing for such election and for
1100 giving due publicity to the same and also providing by whom and how the ballots shall be prepared and
1101 return canvassed and the result certified.

1102 (c) In no case shall the city issue any bonds or other interest-bearing obligations which, including
1103 existing indebtedness, shall at any time exceed ten percent of the assessed valuation of the real estate in
1104 the city subject to taxation, as shown by the last preceding assessment for taxes. In determining the

limitation for the city there shall not be included the classes of indebtedness described in paragraphs (1), (2), (3) and (4) of subsection (a) of Section 10 of Article VII of the Constitution of Virginia.

The said council shall not endorse the bonds of any company whatsoever or make the city liable therefor.

(d) The said council shall determine the form and the manner of execution of the bonds, including any interest coupons to be attached thereto. Any bonds issued under the provisions of this charter and any interest coupons attached thereto, if so authorized by the said council, may bear or be executed with the facsimile signature of any official authorized to sign or to execute such bonds or coupons. In case . If any law shall provide for the sealing of such bonds with the official or corporate seal of the city or of the said council or any official thereof, a facsimile of such seal may be imprinted on the bonds if so authorized by said council, and it shall not be necessary in such case to impress such seal physically upon such bonds.

In case any officer whose signature or a facsimile of whose signature shall appear on any bonds or coupons shall cease to be such officer before the delivery of such bonds, such signature or such facsimile shall nevertheless be valid and sufficient for all purposes the same as if he such officer had remained in office until such delivery, and any. Any such bond may bear the facsimile signature of, or may be signed by, such persons as any person who at the actual time of the execution of such bonds shall be the proper officers officer to sign such bond although at the date of such bond such persons person may not have been such officers officer. When all signatures on bonds are facsimiles, the bonds must be authenticated by an agent appointed by the council or in such manner as the council may provide.

When all signatures on bonds are facsimiles, the bonds must be authenticated by an approved agent of the said council.

The said bonds shall be sold by resolution of the council and the proceeds used under its direction. Every bond issued by the council shall state on its face for what purpose or purposes it is issued, and the proceeds shall be applied exclusively to the purpose or purposes for which such bonds are issued.

(e) In anticipation of the issuance of bonds under the provisions of this section or under the provisions of the Public Finance Act of 1991, as from time to time amended, and of the receipt of the proceeds of sale of such bonds, the council may, in the name and for the use of the city, by an ordinance or a resolution adopted by the council, cause to be borrowed money for the purpose for which such bonds have been authorized and within the maximum authorized amount of the bond issue. The Negotiable notes shall be issued for all moneys borrowed in anticipation of the issuance of bonds under this section or of the Public Finance Act of 1991, as from time to time amended. The ordinance or resolution authorizing any such borrowing shall specify the maximum rate of interest to be paid by the city on such loan notes, and each such loan notes shall mature and be paid within five years from the date of its original issue their original issuance. Any such notes may be extended or refinanced from time to time, provided that no note issued upon any such extension or refinancing shall mature later than five years from the date of the original issuance of such notes. The city may, in its discretion, retire any such loans by means of current revenues, special assessments, or other funds, in lieu of retiring them by means of bonds, and may, thereafter, provide for the issuance of the maximum amount of bonds that has been authorized without reduction by the amount of such loans retired in such manner. Negotiable notes shall be issued for all moneys borrowed in anticipation of the issuance of bonds under this section or of the Public Finance Act of 1991, as amended, and such notes may be renewed from time to time, but all such notes shall mature within the time limited by this section. The issuance of such notes and other details thereof shall be governed by provisions of the ordinance or the resolution or ordinance of the council authorizing such borrowing, not inconsistent with the provisions contained in this paragraph section.

(f) Notwithstanding any other provision of law, the council is authorized and required to levy and collect annually, at the same time and in the same manner as other taxes of the city are assessed, levied and collected, a tax upon all taxable property within the city, over and above all other taxes, authorized or limited by law and without limitation as to rate or amount, sufficient to pay when due the principal of and premium, if any, and interest on any general obligation bonds or notes of the city issued under the provisions of this charter to the extent other funds of the city are not lawfully available and appropriated for such purpose.

(g) All such bonds shall be deemed to be negotiable instruments under the laws of the Commonwealth and are made securities in which public officers and bodies of the Commonwealth, counties, cities and towns and municipal subdivisions of the Commonwealth, insurance companies and associations, savings banks, savings institutions, savings and loan associations, trust companies, beneficial and benevolent associations, administrators, guardians, executors, trustees and other fiduciaries in the Commonwealth may properly and legally invest funds under their control.

§ 51. Lien of taxes.

1166 There shall be a prior lien on all real estate and on each and every interest therein for the city taxes
1167 as assessed thereon, from the commencement of the year for which they were assessed, and also for all
1168 local assessments which may be made thereon according to law. There shall also be a lien on any land
1169 or premises for the amount of expense incurred by ~~said~~ the city in abating any nuisance thereon or
1170 cutting or removing weeds therefrom, after notice to the owner thereof by publication or otherwise as
1171 may be provided by ordinance; provided, however, that the lien for the amount of any such local
1172 assessment or for the expense of abating any nuisance or cutting or removing weeds from any premises
1173 shall not be good against a purchaser of land or premises for value without notice except and until from
1174 the time that the same shall be recorded in records or books kept for that purpose in the office of the
1175 city clerk and recorded and indexed in the office of the clerk of the circuit court in the name of the
1176 person or persons owning such estate or land at the time the ~~said~~ lien accrued. The council may require
1177 such real estate in the city delinquent for the non-payment of taxes, or assessments or expenses incurred
1178 as above provided, to be sold for ~~said~~ taxes or assessments or expenses, with interest thereon at the
1179 maximum rate authorized by general law of the Commonwealth, and such percentage as may be
1180 prescribed for charges; and the council may regulate the terms on which the real estate so delinquent
1181 may be sold or redeemed.

1182 § 52. Distraint and sale of goods and chattels for unpaid taxes; payment of taxes by tenants or
1183 fiduciaries.

1184 All goods and chattels of any person against whom taxes for the city are assessed may be distrained
1185 and sold for ~~said~~ taxes when due and unpaid in the same manner and to the same extent that goods and
1186 chattels may be distrained and sold for ~~State~~ state taxes.

1187 A tenant by whom payment is made or from whom payment is obtained, by distress or otherwise, of
1188 taxes or levies due the city, by a person under whom he holds, shall have credit for the same against
1189 such person out of the rents he may owe him, except when the tenant is bound to pay such taxes and
1190 levies by an express contract with such persons. And where taxes or levies are paid to the city by any
1191 fiduciary on any estate in his hands or for which he may be liable, such taxes and levies shall be
1192 refunded out of the ~~said~~ estate.

1193 § 53. License taxes.

1194 (a) License taxes may be imposed by ordinance on businesses, trades, professions, and callings and
1195 upon the persons, firms, associations and corporations engaged therein and the agent thereof, except in
1196 cases where taxation by the localities shall be prohibited by the general law of the State, and nothing
1197 herein shall be construed to repeal, or amend any general law of the State with respect to taxation.

1198 (b) The council may require every person, firm or corporation using or operating a cart, ~~wagon, dray,~~
1199 ~~buggy, motoreycle, automobile, or motor truck, or other vehicle,~~ on the streets of the city to secure a
1200 license and to pay a tax therefor, whether such vehicle is used or operated for compensation or not.

1201 (c) The council may subject any person, firm or corporation who or which without having obtained a
1202 license therefor, shall follow any business, occupation, vocation, trade, pursuit, calling, or shall do any
1203 other act for which a license is required by this section, to such fine or penalty as it is authorized to
1204 impose for any violation of its laws.

1205 (d) The council may, in its discretion, determine whether or not the commissioner of the revenue
1206 shall receive fees for issuing and transferring city licenses, and it may fix the amount of such fees and
1207 change the same from time to time; provided, however, that no such fees shall be payable out of the
1208 city treasury, but shall be paid by the person obtaining the license or transfer, and such license or
1209 transfer may be withheld by the commissioner of the revenue until such fees are paid.

1210 (e) Council may provide by ordinance for revoking any license for failure to comply with conditions
1211 upon which same is granted.

1212 § 54. School board members.

1213 The city of ~~Roanoke~~ shall not be subdivided into school districts, but for the purpose of the election
1214 and qualification of school ~~trustees~~ *board members of the School Board of the City of Roanoke* shall be
1215 considered as one district. Seven (7) members shall be elected *by council as prescribed by ordinance,*
1216 *and they* and shall serve the city at large.

1217 *The members of the school board now in office shall continue until the end of the terms for which*
1218 *they were elected.*

1219 § 56. Powers and duties of the school board.

1220 The school ~~trustees of said~~ *board members of the city school board* shall be a body corporate under
1221 the name and style of the School Board of the city of Roanoke, and shall have all of the powers,
1222 perform all of the duties and be subject to all of the limitations now provided, or which may hereafter
1223 be provided by law in regard to school boards of cities and except that all real estate with the buildings
1224 and improvements thereon heretofore or hereafter purchased with money received from the sale of bonds
1225 of this city, appropriated by the council or received from any other source for the purpose of public
1226 education, shall be the property of the ~~said~~ city of Roanoke, unless such money so received from any
1227 other source be received on other conditions. The school board shall transmit to the council and to the

city director of finance a detailed statement of all moneys received by ~~said the~~ board or placed to its credit. Separate accounts shall be kept by the ~~said~~ board of moneys appropriated by the council, and moneys received from other sources, and every such statement shall show the balance of each class of funds on hand or under control of ~~said the~~ board as of the date thereof.

The school board shall on or before March 15 each fiscal year prepare and submit to the council or its designee for its information in making up its proposed annual budget a detailed estimate, in such form as ~~said the~~ council or its designee shall require, of the amount of money required for the conduct of the public schools of the city for the ensuing fiscal year, with an estimate of the amount of all funds which will probably be received by ~~said the~~ board for the purpose of public education from sources other than appropriations by the council.

The council may, at its discretion, by ordinance provide for an audit of the affairs and records of the school board by the municipal auditor or by any other competent person or firm selected by the council.

§ 57. Extraterritorial jurisdiction of the city and general district court.

All courts of record of ~~said city~~ as now constituted and established by law shall be continued with the same jurisdiction as heretofore.

The city shall have and may exercise all police power granted by general law or this charter with respect to city-owned land and property lying beyond the corporate limits of the city.

The general district court of the city shall have jurisdiction of all offenses committed within one mile from the corporate limits of the city against its ordinances prescribing rules and regulations, and penalties for violation of such rules and regulations, relating to city-owned land and property beyond its corporate limits. Beyond ~~said such one~~ one-mile limit, the general district court having criminal jurisdiction in the municipal corporation wherein the offense was committed, or the general district court of the county wherein such offense was committed shall have jurisdiction of offenses against the aforesaid ordinances of the city committed more than one mile from its corporate limits; and appeals may be taken in such cases to the court of record having jurisdiction in ~~said other~~ other municipality, or county. All fines and costs assessed upon conviction in ~~said such~~ other jurisdictions shall be paid into the treasury of the county or municipality wherein the offense was committed and tried.

§ 58. Ownership and custody of books, records, et cetera.

All books, records and documents used by any city officer, or employee, attorney for the commonwealth, commissioner of the revenue, clerk of court, or treasurer for this city, in his office or pertaining to his duties shall be deemed the property of ~~said the~~ city, and the chief officer in charge of such office shall be responsible therefor. Any such officer or person made by this section responsible for the keeping of such books, records and documents shall, within ten days after the end of his term of office, or within ten days after the date of his resignation or removal from office, as the case may be, deliver to his successor or the city clerk, as may be proper, all such records and documents. Any such officer or person failing to deliver such books, records or documents, as required by this section, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than one hundred dollars nor more than five hundred dollars, or imprisoned not exceeding six months, or both, in the discretion of the court or jury before whom the case is tried.

§ 59. Qualification of members of the council and other officials.

The members of the council before entering upon the duties of their respective offices shall each take the oaths prescribed by the laws of this State for ~~State state~~ officers. Such oaths may be administered by any judge of a court of record within ~~said the~~ city, and the certificate thereof shall be filed with the city clerk and entered upon the journal of the council. Every other person elected or appointed to any office under this charter or under any ordinance of the council; ~~except clerks and laborers~~, shall before entering upon the duties of his office take and subscribe ~~said~~ oaths together with such other oaths as may be required by ordinance, before any person authorized to administer an oath, and the certificate of the same shall be filed in the office of ~~said the~~ city clerk. The clerk of the circuit court of ~~said the~~ city shall notify all persons elected by the people under this charter of their election, and the city clerk shall notify all persons elected by the council of their election. If any person elected to any office in the ~~said city~~ shall after receiving notice of election fail to take such oaths and give such bonds, with surety, as may be required by law or ordinance, he shall be considered as having declined ~~said such~~ office, and the same shall be deemed vacant, and such vacancy shall be filled according to the provisions of this charter.

§ 60. Bonds of officers and employees.

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

1289 otherwise specially provided by this charter, shall be payable to the said city, and in such penalty as the
1290 council may by ordinance prescribe. The council shall accept as surety on any such official bond only a
1291 good solvent surety or fidelity company authorized to do business in this State. The council may provide
1292 that the premium on any such bond shall be paid by the city. The sureties on the bond of any such
1293 officer shall be equally liable for the acts of any deputy or deputies of such officer as for those of such
1294 officer himself. Unless otherwise specially provided in this charter, all such bonds shall be filed with
1295 and preserved by the city clerk. The parties to bonds taken in pursuance of this section shall be subject
1296 to the same proceedings on ~~said such~~ bonds for enforcing the conditions and terms thereof by motion or
1297 otherwise before the circuit court of ~~said the~~ city, as are now or may hereafter be provided by law in
1298 the case of collectors of the county levy and the sureties on their bonds for enforcing payment of the
1299 county levies.

1300 § 62. Zoning.

1301 (4)(a) For the promotion of health, safety, morals, comfort, prosperity, or general welfare of the
1302 general public, the council ~~of the City of Roanoke~~ may, by ordinance, divide the area of the city into
1303 one or more districts of such shape and area as may be deemed best suited to carry out the purposes of
1304 this act, and in such district or districts may establish, set back building lines, regulate and restrict the
1305 location, erection, construction, reconstruction, alteration, repair or use of buildings and other structures,
1306 their height, area and bulk, and percentage of lot to be occupied by buildings or other structures, the
1307 size of yards, courts and other open spaces, and the trade, industry, residence and other specific uses of
1308 the premises in such district or districts. Any ordinance enacted under the authority of this act may
1309 exempt from the operation thereof any building or structure used or to be used by a public service
1310 corporation (not otherwise exempted) as to which proof shall be presented to the ~~board of zoning~~
1311 ~~appeals city~~ that the exemption of such building or structure is reasonably necessary for the convenience
1312 or welfare of the public.

1313 (2)(b) All such regulations shall be uniform for each class or kind of buildings throughout each
1314 district, but the regulations in one district may differ from those in other districts.

1315 (3)(c) Such regulations shall be made in accordance with a comprehensive plan, and designed to
1316 lessen congestion in the streets, to secure safety from fire, panic and other dangers, to promote health
1317 and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid
1318 undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage,
1319 schools, parks, and other public requirements. Such regulations shall be made with reasonable
1320 consideration among other things, to the character of the district and its peculiar suitability for particular
1321 uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of
1322 land throughout the city.

1323 (4)(d) The council ~~of the City of Roanoke~~ shall provide for the manner in which such regulations
1324 and restrictions and the boundaries of such districts shall be determined, established and enforced, and
1325 from time to time amended, supplemented or changed. However, no such regulation, restriction or
1326 boundary shall become effective until after a public hearing in relation thereto, *conducted in conformity*
1327 *with state law*, at which parties in interest and citizens shall have an opportunity to be heard. ~~At least~~
1328 ~~fifteen days notice of the time and place of such hearing shall be published in a paper of general~~
1329 ~~circulation in said city, or in a city official bulletin as provided in § 43 of this charter.~~

1330 (5)(e) Such regulation, restrictions, and boundaries may from time to time be amended,
1331 supplemented, changed, modified, or repealed. ~~In case, however, of a protest against such change signed~~
1332 ~~by the owners of twenty percent or more either of the area of the lots included in each proposed change,~~
1333 ~~or of those immediately adjacent in the rear thereof, or of those directly opposite thereto, such~~
1334 ~~amendment shall not become effective except by the favorable vote of five-sevenths of all the members~~
1335 ~~of the council. The provisions of the previous section relative to public hearings and official notice shall~~
1336 ~~apply equally to all changes or amendments.~~

1337 (5.1)(f) In order to facilitate the creation of a convenient, attractive and harmonious community, the
1338 council ~~of the City of Roanoke~~ may, after recommendation from the planning commission and public
1339 notice and hearing pursuant to ~~§ 15.1-431~~ *state law*, establish design overlay districts to encourage
1340 compatible development in areas of the city identified on an adopted comprehensive plan as having
1341 historic value or unique architectural value and located within an area designated on an adopted plan for
1342 conservation, rehabilitation or redevelopment. In such areas, city council shall adopt specific standards as
1343 to new construction or rehabilitation within view from public streets and provide for a design review
1344 process. City council may establish a fee applicable to such design review process which shall not
1345 exceed the actual cost of such review process or \$200.00, whichever is less.

1346 (6)(g) The council ~~of the City of Roanoke~~ shall appoint a commission to be known as the planning
1347 commission to recommend the boundaries of the various original districts and appropriate regulations to
1348 be enforced therein. ~~Such commission shall make a preliminary report or reports and hold public~~
1349 ~~hearings thereon before submitting its final report, and the council of the City of Roanoke shall take~~
1350 ~~such action on said preliminary report or reports, and also on the final report of the commission, as it~~

shall deem necessary.

(7) The council of the City of Roanoke may appoint a board of zoning appeals, and in the regulations and restrictions adopted pursuant to the authority of this act may provide that the said board of zoning appeals may, in appropriate cases and subject to appropriate conditions and safeguards, vary the application of the terms of the ordinance in harmony with its general purpose and intent and in accordance with general or specific rules therein contained.

(8) The board of zoning appeals shall consist of five members, each to be appointed for a term of three years and removable for cause by the appointing authority, upon written charges and after public hearing. The preceding sentence notwithstanding, at the expiration of the terms of the members serving on the board of zoning appeals as of January 1, 1991, two members shall be appointed for terms of three years each, two members shall be appointed for terms of two years each, and one member shall be appointed for a term of one year. Thereafter, all members shall be appointed for terms of three years each. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant.

(9) The board shall adopt rules in accordance with the provisions of any ordinance adopted pursuant to this act. Meetings of the board shall be held at the call of the chairman and such other times as the board may determine. Such chairman, or in his absence, the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of the board shall be open to the public. The board shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the board, and shall be a public record.

(10) Appeals to the board of zoning appeals may be taken by any person aggrieved or by any officer, department, board or bureau of the city affected by any decision of the administrative officer. Such appeal shall be taken within a reasonable time as provided by the rules of the board by filing with the officer from whom the appeal is taken and with the board of zoning appeals a notice of appeal specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the board all papers constituting the record upon which the action appealed from was taken.

(11) An appeal stays all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the board of zoning appeals after the notice of appeal shall have been filed with him that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. In such case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the board of zoning appeals or by a court of record on application, and notice to the officer from whom the appeal is taken and on due cause shown.

(12) The board of zoning appeals shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing any party may appear in person or by agent or by attorney.

(13) The board of zoning appeals shall have the following powers:

(a) To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by administrative officials in the enforcement of this act or of any ordinance adopted pursuant thereto.

(b) To hear and decide special exceptions to the terms of the ordinance upon which such board is required to pass under such ordinance.

(c) To authorize upon appeal in specific cases such variance from the terms of the ordinance as will not be contrary to the public interest where owing to special conditions a literal enforcement of the provisions of the ordinance will result in unnecessary hardship, and so that the spirit of the ordinance shall be observed and substantial justice done.

(14) In exercising the above-mentioned powers such board may, in conformity with the provisions of this act, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken.

(15) The concurring vote of three members of the board shall be necessary to reverse any order, requirement, decision or determination of any such administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass under any such ordinance or to effect any variation in such ordinance.

(16) Any person or persons, jointly or severally, aggrieved by any decision of the board of zoning appeals, or any officer, department, board or bureau of the municipality, may present to a court of record of the City of Roanoke a petition, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality. Such petition shall be presented to the court within thirty days after the filing of the decision in the office of the board.

(17) Upon the presentation of such petition, the court may allow a writ of certiorari directed to the board of zoning appeals to review such decision of the board of zoning appeals and shall prescribe therein the time within which a return thereto must be made and served upon the relator's attorney,

which shall not be less than ten days and may be extended by the court. The allowance of the writ shall not stay proceedings upon the decision appealed from, but the court may, on application, on notice to the board and on due cause shown, grant a restraining order.

(18) The board of zoning appeals shall not be required to return the original papers acted upon by it, but it shall be sufficient to return certified or sworn copies thereof or of such portions thereof as may be called for by such writ. The return shall concisely set forth such other facts as may be pertinent and material to show the grounds of the decision appealed from and shall be verified.

(19) If, upon the hearing, it shall appear to the court that testimony is necessary for the proper disposition of the matter, it may take evidence or appoint a commissioner to take such evidence as it may direct and report the same to the court with his findings of fact and conclusions of law, which shall constitute a part of the proceeding upon which the determination of the court shall be made. The court may reverse or affirm, wholly or partly, or may modify the decision brought up for review.

(20) Costs shall not be allowed against the board, unless it shall appear to the court that it acted with gross negligence or in bad faith or with malice in making the decision appealed from.

(21) All issues in any proceeding under this section shall have preference over all other civil actions and proceedings, except where otherwise provided by general law.

(22)(h) In case any building or structure is erected, constructed, reconstructed, altered, repaired, or converted; or any building, structure or land is used in violation of this act or of any ordinance or other regulation made under authority conferred hereby, the proper authorities of the city, in addition to other remedies, may institute any appropriate action or proceeding to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, to restrain, correct or abate such violation, to prevent the occupancy of said such building, structure or land, or to prevent any illegal act, conduct, business or use in or about such premises.

(23)(i) Said Such regulations shall be enforced by the division of building inspection which is empowered to cause any building, structure, place or premises to be inspected and examined and to order in writing the remedying of any condition found to exist therein or thereat in violation of any provision of the regulations made under authority of this or the preceding paragraph. The owner or general agent of the building or premises where a violation of any provision of said such regulations has been committed or shall exist, or the lessee or tenant of an entire building or entire premises where such violation has been committed or shall exist, or the owner, general agent, lessee or tenant of any part of the building or premises in which such violation has been committed or shall exist, or the general agent, architect, builder, contractor or any other person who commits, takes part or assists in any such violation or who maintains any building or premises in which any such violations shall exist shall be guilty of a misdemeanor, punishable by a fine of not less than \$10.00 nor more than \$1000.00 as permitted by state law. In any case of the existence of a violation of any provision of said such regulations the owner, lessee, tenant or agent shall be subject to a civil penalty of \$50.00 as permitted by state law. Any such person who having been served with an order to remove any such violation, shall fail to comply with said order within ten days after such service or shall continue to violate any provisions of the said regulations in the respect named in such order shall also be subject to a civil penalty of \$250.00.

(24) The council of the City of Roanoke shall appoint an Architectural Review Board. Such Board may be authorized to delegate to an agent its authority to issue any certificate of appropriateness. The agent, pursuant to such delegation, shall act only upon an application completed pursuant to the applicable city ordinance, and shall apply the same guidelines and review standards applicable to the Board. Any person aggrieved by any decision of the agent made pursuant to this delegation may appeal to the Board within a reasonable time as provided by city ordinance by filing with the Board a notice of appeal specifying the grounds thereof. A decision of the Board may be appealed to the city council and thereafter to the circuit court pursuant to §15.1-503.2 of the Code of Virginia.

§ 62.01. Board of Zoning Appeals.

(a) The council may appoint a board of zoning appeals, and in the regulations and restrictions adopted pursuant to the authority of this act may provide that the board of zoning appeals may, in appropriate cases and subject to appropriate conditions and safeguards, vary the application of the terms of the ordinance in harmony with its general purpose and intent and in accordance with general or specific rules therein contained.

(b) The board of zoning appeals shall consist of seven members, each to be appointed for a term of three years and removable for cause by the council, upon written charges and after public hearing. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant.

(c) The board shall adopt rules in accordance with the provisions of any ordinance adopted pursuant to this act. Meetings of the board shall be held at the call of the chairman and such other times as the board may determine. Such chairman, or in his absence, the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of the board shall be open to the public. The board shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official

actions, all of which shall be immediately filed in the office of the board, and shall be a public record.

(d) Appeals to the board of zoning appeals may be taken by any person aggrieved or by any officer, department, board or bureau of the city affected by any decision of the administrative officer. Such appeal shall be taken in the manner provided by state law by filing with the officer from whom the appeal is taken and with the board of zoning appeals a notice of appeal specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the board all papers constituting the record upon which the action appealed from was taken.

(e) An appeal shall stay all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the board of zoning appeals after the notice of appeal shall have been filed that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. In such case proceedings shall not be stayed otherwise than by a restraining order, which may be granted by the board of zoning appeals or by a court of record on application therefor, following notice to the officer from whom the appeal is taken and on due cause shown.

(f) The board of zoning appeals shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing any party may appear in person or by agent or by attorney.

(g) The board of zoning appeals shall have the following powers:

(1) To hear and decide appeals from any order, requirement, decision, or determination made by an administrative official in the administrative enforcement of this charter or of any ordinance adopted pursuant thereto.

(2) To hear and decide special exceptions to the terms of the ordinance upon which such board is required to pass under such ordinance.

(3) To authorize upon appeal in specific cases such variance from the terms of the ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of the ordinance will result in unnecessary hardship, provided that the spirit of the ordinance shall be observed and substantial justice done.

(h) In exercising the above-mentioned powers such board may, in conformity with the provisions of this act, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken.

(i) The concurring vote of four members of the board shall be necessary to reverse any order, requirement, decision or determination of any such administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass under any such ordinance or to effect any variation in such ordinance.

(j) Any person or persons, jointly or severally, aggrieved by any decision of the board of zoning appeals, or any officer, department, board or bureau of the municipality, may present to a court of record of the city a petition, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality. Such petition shall be presented to the court within thirty days after the filing of the decision in the office of the board.

(k) Upon the presentation of such petition, the court may allow a writ of certiorari directed to the board of zoning appeals to review such decision of the board of zoning appeals and shall prescribe therein the time within which a return thereto must be made and served upon the relator's attorney, which shall not be less than ten days and may be extended by the court. The allowance of the writ shall not stay proceedings upon the decision appealed from, but the court may, on application, on notice to the board and on due cause shown, grant a restraining order.

(l) The board of zoning appeals shall not be required to return the original papers acted upon by it, but it shall be sufficient to return certified or sworn copies thereof or of such portions thereof as may be called for by such writ. The return shall concisely set forth such other facts as may be pertinent and material to show the grounds of the decision appealed from and shall be verified.

(m) If, upon the hearing, it shall appear to the court that testimony is necessary for the proper disposition of the matter, it may take evidence or appoint a commissioner to take such evidence as it may direct and report the same to the court with his findings of fact and conclusions of law, which shall constitute a part of the proceeding upon which the determination of the court shall be made. The court may reverse or affirm, wholly or partly, or may modify the decision brought up for review.

(n) Costs shall not be allowed against the board, unless it shall appear to the court that it acted with gross negligence or in bad faith or with malice in making the decision appealed from.

(o) All issues in any proceeding under this section shall have preference over all other civil actions and proceedings, except where otherwise provided by general law.

§ 62.02. Architectural Review Board.

The council shall appoint an Architectural Review Board. Such board may be authorized to delegate

1535 to an agent its authority to issue any certificate of appropriateness. The agent, pursuant to such
1536 delegation, shall act only upon an application completed pursuant to the applicable city ordinance, and
1537 shall apply the same guidelines and review standards applicable to the board. Any person aggrieved by
1538 any decision of the agent made pursuant to this delegation may appeal to the board within a reasonable
1539 time as provided by city ordinance by filing with the board a notice of appeal specifying the grounds
1540 thereof. A decision of the board may be appealed to the city council and thereafter to the circuit court
1541 pursuant to the provisions of the Code of Virginia.

1542 § 62.1. Authority of city council to impose civil penalties for wrongful demolition of historic
1543 buildings.

1544 1-(a) Notwithstanding the provisions of any state law which authorizes civil penalties for the
1545 violation of a local zoning ordinance, the city council of the City of Roanoke may adopt an ordinance
1546 which establishes a civil penalty for the demolition, razing or moving of a building or structure without
1547 obtaining any required demolition permit and certificate of appropriateness when such building or
1548 structure is located within any historic zoning district of the city. The penalty established by the
1549 ordinance shall be imposed on the party deemed by the court to be responsible for the violation and
1550 shall not exceed twice the fair market value of the building or structure, as determined by the city real
1551 estate tax assessment at the time of the demolition.

1552 2-(b) An action seeking the imposition of such a penalty shall be instituted by petition filed by the
1553 city in circuit court, which shall be tried in the same manner as any action at law. It shall be the burden
1554 of the city to show the liability of the violator by a preponderance of the evidence. An admission of
1555 liability or finding of liability shall not be a criminal conviction for any purpose. The filing of any
1556 action pursuant to this section shall preclude a criminal prosecution for the same offense, except where
1557 the demolition, razing or moving has resulted in personal injury.

1558 3-(c) The defendant, within twenty-one days after the filing of the petition, may file an answer and,
1559 without admitting liability, agree to restore the building or structure as it existed prior to demolition. If
1560 the restoration is completed within the time agreed upon by the parties, or as established by the court,
1561 the petition shall be dismissed from the court's docket.

1562 4-(d) Nothing in this section shall preclude any other action by the zoning administrator under
1563 § 15.1-491 (d) of the Code of Virginia or by the city, under § 15.1-499 of the Code of Virginia, as
1564 authorized by law, either by separate action or as a part of the petition seeking a civil penalty.

1565 § 63. Power to appoint boards or commissions of citizens.

1566 The council may provide for the appointment of boards or commissions, to be composed of such
1567 number of citizens as the council may deem expedient to act in an advisory capacity in conjunction with
1568 any one or more of the officers of the city. The members of all such commissions shall serve without
1569 compensation, unless otherwise provided by law.

1570 § 65. Pensions, relief and retirement funds.

1571 The council shall maintain and preserve the systems for the pension, relief and/or retirement of
1572 employees of the city existent on the effective date of this charter and none of the privileges and
1573 benefits provided for or available to the members of such systems shall be curtailed or lessened;
1574 provided, however, that the council shall, from time to time, by ordinance, make such reasonable
1575 changes in said such systems as will keep them actuarially sound and may, likewise, increase the
1576 privileges and benefits provided for or available thereunder to the members thereof; and provided,
1577 further, that the council may, at any time, limit the operation of such systems to those employees who
1578 are members thereof on the effective date of such limitation.

1579 The council of said the city shall continue to have authority to establish and maintain a fund or
1580 funds for the pension, relief and/or retirement of persons in the service of the city; to receive gifts,
1581 devises and bequests of money or property for the benefit of such fund or funds; to make contributions
1582 of public moneys thereto on such terms and conditions as it may see fit; and to make rules and
1583 regulations for the management, investment and administration of such fund or funds not inconsistent
1584 with this charter.

1585 In addition, the council shall have authority, by ordinance, to provide for the participation of the city
1586 and its employees, the employees of the school board and the employees of any board or commission
1587 established by the council, in any welfare, relief, retirement, or security program established by the
1588 Congress of the United States or by the General Assembly of Virginia.

1589 The council may, in its discretion, provide for participation in any pension or retirement fund by any
1590 deputies or employees of the commissioner of the revenue, treasurer, Commonwealth's attorney, the
1591 clerk of courts or city sergeant, whose salaries are paid in whole or in part by the city, and allow them
1592 to participate in any such welfare, relief, retirement or security program.

1593 § 66. General laws to apply.

1594 All general laws of the State applicable to municipal corporations now in existence or hereafter
1595 enacted and which are not in conflict with the provisions of this charter or with ordinances or
1596 resolutions hereafter enacted by the council pursuant to authority conferred by this charter shall be

applicable to the ~~said~~ city; provided, however, that nothing contained in this charter shall be construed as limiting the power of the council to enact any ordinance or resolution not in conflict with the Constitution of the State or with the express provisions of this charter.

§ 67. Attorney for Commonwealth to prosecute violations of ordinances.

The ~~said~~ attorney for the Commonwealth shall prosecute the violations of all city ordinances, both in the general district court and upon appeal, and shall notify the city attorney in all such prosecutions in which the validity of a city ordinance is attacked.

§ 72. Partial invalidity.

If any clause, sentence, paragraph, or part of this ~~Act~~ *charter* shall for any reason be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of ~~said Act~~ *the charter*, but shall be confined in its operations to the clause, sentence, paragraph, or part thereof directly involved in the controversy in which such judgment shall have been rendered.

2. That § 27.1, § 29, as amended, § 48, § 49, as amended, and § 55 of Chapter 216 of the Acts of Assembly of 1952 are repealed.