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HOUSE BILL NO. 1779

Offered January 12, 2005

Prefiled January 4, 2005

A BILL to amend and reenact §§ 1-1, 2-4, 2-20, 6-2, and 7-3, and § 9-3, as amended, of Chapter 657 of the Acts of Assembly of 1982, which provided a charter for the City of Danville, relating to school board elections, the Dan River and updating Virginia Code references.

Patron—Marshall, D.W.

Referred to Committee on Counties, Cities and Towns

Be it enacted by the General Assembly of Virginia:

1. That §§ 1-1, 2-4, 2-20, 6-2, and 7-3, and § 9-3, as amended, of Chapter 657 of the Acts of Assembly of 1982 are amended and reenacted as follows:

§ 1-1. Corporate entity; powers generally.—A. The inhabitants of the territory comprised within the limits of the City of Danville, as the same now are or may hereafter be established by law, shall continue to be a body politic and corporate under the name of the City of Danville and as such shall have perpetual succession, may sue and be sued, contract and be contracted with and may have a corporate seal which it may alter, renew or amend at its pleasure.

B. The city shall have and may exercise all powers which are now or may hereafter be conferred upon or delegated to cities under the Constitution and laws of the Commonwealth of Virginia and all other powers pertinent to the conduct of a city government, the exercise of which is not inconsistent with such Constitution and laws, as fully and completely as though such powers were specifically enumerated in this charter, and no enumeration of particular powers in this charter shall be held to be exclusive, but shall be held to be in addition to this general grant of powers.

The powers herein granted shall include, without limitation, those available to cities in Chapter 48 11 (§ 15.2-1100 *et seq.*) of Title 15.2 of the Code of Virginia, 1950, as from time to time amended.

§ 2-4. Filling of vacancies.—Any vacancy in the council shall be filled, for the unexpired term, by the remaining members. No person shall be deemed to be elected unless he shall have received at least five votes in his favor. If the council shall fail to fill a vacancy in its membership within ninety days of the occurrence of the vacancy, such vacancy shall be filled by appointment by the circuit court of the city, and the circuit court shall be subject to the provisions of § 24.1-76 24.2-100 and Article 6 (§ 24.2-225 *et seq.*) of Chapter 2 of Title 24.2 of the Code of Virginia for the ordering of a special election to fill the vacancy.

§ 2-20. Protection of city property; prevention of pollution of water supply; regulation of use of parks, etc.—A. The council may provide for the protection of the city's property, real and personal, the prevention of pollution of the city's water supply and the regulation of the use of parks, playgrounds, playfields, recreational facilities, airports and other public properties, whether located within or without the city. For the purpose of enforcing such regulations all city property, wherever located and for whatever purpose it may be used, shall be under the police jurisdiction of the city.

B. For the protection of the water supply of the city the council may protect from pollution, by proper penalties, the water in the Dan River *and its tributaries*, by prohibiting the throwing of filth or offensive matter therein for a distance of three miles above the limits of the city, and may punish any offender by fine or imprisonment, or both, and may enjoin any person from causing such pollution.

§ 6-2. Composition; appointment and terms of members; filling of vacancies.—A. The school board shall consist of seven members, who shall be qualified voters of the city. The members in office at the effective date of this charter are hereby continued in office for the terms for which they were appointed. Each member shall be appointed as herein provided from the city at large by the council of the city for the term of three years from the first day of July next following the date of appointment elected at-large and pursuant to the provisions of § 22.1-57.3 of the Code of Virginia, 1950, as amended.

B. On or before June 12, 1983, and on or before June 12 of every third year thereafter, the council shall elect three members; on or before June 12, 1984, and on or before June 12 of every third year thereafter, the council shall elect two members; and on or before June 12, 1985, and on or before June 12 of every third year thereafter, the council shall elect two members.

C. Any vacancy occurring in the school board shall be filled by the council for the unexpired term pursuant to the provisions of § 24.2-228 of the Code of Virginia, 1950, as amended.

§ 7-3. General powers and duties; application of general laws.—The board of zoning appeals shall have such powers and duties as are prescribed for such boards by the general laws of the Commonwealth of Virginia, particularly Article 8 7 (§ 15.2-2280 *et seq.*) of Chapter 11 22 of Title 15.2

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59 15.2 of the Code of Virginia, 1950, as amended, and shall be subject to the provisions of such laws.

60 § 9-3. Purposes for which bonds or notes may be issued.—A. Bonds or notes may be issued to
61 finance capital expenditures, or for the purposes of financing the payment of any sum or compensation
62 which the city may be required to pay by order of any court heretofore or hereafter made in annexation
63 proceedings pursuant to Chapter ~~25~~ 32 (§ 15.2-3200 *et seq.*) of Title ~~15.1~~ 15.2 of the Code of Virginia,
64 1950, as amended, or the payment or funding or refunding of any indebtedness or bonds or other
65 obligations assumed by the city in such annexation, or the payment of other costs and expenditures in
66 connection with such annexation. Notes may be issued in anticipation of the issuance of bonds for any
67 purposes for which bonds may be issued when the bonds have been authorized as hereinafter provided.

68 B. Notes may be issued, when authorized by the council, at any time during the fiscal year, in
69 anticipation of the collection of revenue of such year.