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HOUSE BILL NO. 2491

Offered January 14, 2009

A *BILL to amend and reenact § 2.01, as amended, § 2.02, § 3.01, as amended, § 3.02, §§ 3.03, 3.05, and 3.06, as severally amended, §§ 3.07, 4.02, and 4.03, §§ 5.02 and 5.03, as severally amended, §§ 5.04 and 9.01, § 14.01, as amended, and §§ 15.01, 15.02, 16.01, 17.01, 17.02, 17.03, 18.01, 20.01, 20.02, 21.01, 21.03 through 21.07, 21.13, and 21.14 of Chapter 562 of the Acts of Assembly of 1954, which provided a charter for the City of Galax, and to repeal §§ 6.01 through 6.10, 8.01, 10.01, 13.01, 15.03, and 21.11 of Chapter 562 of the Acts of Assembly of 1954, relating to city powers.*

Patron—Carrico

Referred to Committee on Counties, Cities and Towns

Be it enacted by the General Assembly of Virginia:

1. That § 2.01, as amended, § 2.02, § 3.01, as amended, § 3.02, §§ 3.03, 3.05, and 3.06, as severally amended, §§ 3.07, 4.02, and 4.03, §§ 5.02 and 5.03, as severally amended, §§ 5.04 and 9.01, § 14.01, as amended, and §§ 15.01, 15.02, 16.01, 17.01, 17.02, 17.03, 18.01, 20.01, 20.02, 21.01, 21.03 through 21.07, 21.13, and 21.14 of Chapter 562 of the Acts of Assembly of 1954 are amended and reenacted as follows:

§ 2.01. In addition to the powers mentioned in § 1.01, the said city shall have power:

(1) To raise annually by taxes and assessments in said city on all subjects the taxation of which by cities is not forbidden by general law, such sums of money as the council herein provided for shall deem necessary for the purpose of said city, and in such manner as said council shall deem expedient, in accordance with the Constitution and laws of this Commonwealth and of the United States; ~~provided, however, that said tax for general city purposes shall not exceed the sum of \$4.50 on the \$100.00 of assessed value of real and personal property subject to taxation by the city.~~ In addition to the tax for general city purposes the Council may levy a tax for the operation and maintenance of its schools.

(2) The city council may levy a tax or a license on any person, firm, or corporation conducting any business, employment or profession whatsoever in the city, except when expressly prohibited by general law, whether a license may be required therefor by the Commonwealth or not, and may *not* exceed the state license, if any be required; to levy and collect taxes for admission to or other charges for any public amusement, entertainment, performance, exhibition, sports or athletic event in the city which taxes may be added to and collected with the price of such admission or other charges.

(3) The council may require of owners of motor vehicles, trailers and semitrailers, residing in, or having a place of business in the city in which business the said motor vehicle is used, licenses for the privilege of operating such vehicles in the city, such licenses to be issued and the fees therefor fixed by the council, provided that the license shall not exceed the amount charged by the Commonwealth on the said vehicle.

(4) All goods and chattels wheresoever found, may be distrained and sold for taxes assessed and due thereon, and no deed of trust or mortgage upon goods and chattels shall prevent the same from being distrained and sold for taxes.

(5) There shall be a lien on real estate for the city taxes as assessed thereon from the commencement of the year for which they were assessed. The council may require real estate in the city delinquent for the nonpayment of city taxes to be sold for said taxes, with interest thereon at the maximum rate allowed by state law, and such percent as the council may prescribe for charges. Such real estate may be sold and may be redeemed in the manner provided by law; provided that at any such sale where no person bids the amount chargeable on any such real estate, it shall be lawful for the director of finance to purchase the same for the benefit of the city upon the same terms and conditions prescribed by general law, for the purchase of delinquent real estate by the treasurer for the benefit of a city.

(6) To impose special or local assessments for local improvements and enforce payment thereof, subject, however, to limitations prescribed by the Constitution of Virginia, as may be in force at the time of the imposition of such special or local assessments.

(7) To contract debts, borrow money and make and issue evidence of indebtedness.

(8) To expend the money of the city for all lawful purposes.

(9) To acquire by purchase, gift, devise, condemnation or otherwise, property, real or personal, or any estate or interest therein, within the city and for any of the purposes of the city; and to hold, improve, sell, lease, mortgage, pledge or otherwise dispose of the same or any other part thereof.

(10) To acquire or lease by purchase, gift or devise for municipal purposes or for the purpose of

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59 encouraging commerce and manufacture, lands within and without the city ~~not exceeding at any one~~
60 ~~time 5,000 acres in the aggregate~~, and may from time to time sell or lease the same or any part thereof
61 for all lawful purposes.

62 (11) To make and maintain public improvements of all kinds, including municipal and other public
63 buildings, airports, armories, markets, municipal off-street parking stations, swimming pools, libraries,
64 hospitals, comfort stations or rest rooms and all buildings and structures necessary or appropriate for the
65 use of the departments of fire and police; and to establish a market or markets in and for said city for
66 the sale of food-stuffs, to appoint proper officers therefor; to prescribe the time and place for holding
67 the same; to provide suitable buildings and grounds therefor and to make and enforce such rules and
68 regulations as shall be necessary to restrain and prevent huckstering, forestalling and regrating, and for
69 the purpose of regulating and controlling the sale of fresh meats, seafood, farm and domestic products
70 and all perishable goods in said city; by such methods, the council shall also have authority to confine
71 the sale of such articles or products by hucksters, peddlers, or other similar tradesmen to the public
72 markets and public squares provided by the city for that purpose, and shall have full authority to
73 regulate the same.

74 (12) To furnish all local public services, to purchase, hire, construct, own, lease, maintain and
75 operate local public utilities, to acquire by condemnation or otherwise within or without the corporate
76 limits, lands and property necessary for any such purposes.

77 (13) To own, operate and maintain electric light and/or gas works, either within or without the
78 corporate limits of the said city for the generating of electricity and/or the supplying of gas for
79 illuminating power and other purposes, and to supply the same whether said gas and/or electricity be
80 generated or purchased by said city, to its customers and consumers both at such price and upon such
81 terms as it may prescribe, and to that end it may contract with owners of land and water power for the
82 use thereof, or may have the same condemned, and to purchase such electricity and/or gas from the
83 owners thereof, and to furnish the same to its customers and consumers, both within and without the
84 corporate limits of the said city at such price and on such terms as it may prescribe.

85 (14) To establish, impose and enforce water, light and sewerage rates and rates and charges for
86 public utilities, or other service, products or conveniences, operated, rendered or furnished by the city;
87 and to assess, or cause to be assessed, water, light and sewerage rates and charges against the proper
88 tenant or tenants or such persons, firms, or corporations as may be legally liable therefor; and the
89 council may by ordinance require a deposit of such reasonable amount as it may by such ordinance
90 prescribe, before furnishing any of said services to any person, firm or corporation, but nothing herein
91 shall be construed as conferring upon said council authority to regulate rates and charges of public
92 utilities which are subject to the jurisdiction of the State Corporation Commission.

93 (15) Subject to the provisions of the Constitution of Virginia to grant franchises for public utilities.

94 (16) To acquire in the manner provided by the general laws any existing water, gas or electric plant,
95 works or system, or any part thereof. Any public utility owned or operated by the City of Galax,
96 whether it be water, gas, electric plant or otherwise shall not be sold until the same shall have been first
97 submitted to the qualified voters of the city at a general or special election and shall have been
98 approved by two-thirds of such voters voting on the question of such sale, which two-thirds shall
99 include the majority of qualified registered voters owning real estate in said city and voting in such
100 election ~~on such sale~~ *approved as required by law*.

101 (17) To establish, open, widen, extend, grade, improve, construct, maintain, light, sprinkle and clean,
102 public highways, streets, alleys, boulevards and parkways, and to alter, or close the same; to establish
103 and maintain public parks, playgrounds and other public grounds; to construct, maintain and operate
104 public bridges, viaducts, subways, tunnels, sewers and drains, and to regulate the use of all such
105 highways, parks, public grounds and works; to plant and maintain shade trees along the streets and upon
106 such public grounds; to prevent the obstruction of such streets, drains and highways; to regulate the
107 operation and speed of all locomotives, cars, and vehicles using the streets or railroads within the city;
108 to regulate the services to be rendered and rates to be charged by public buses, motor cars, taxicabs and
109 other public vehicles used for hauling passengers and baggage for hire, except when prohibited by the
110 State Corporation Commission of Virginia, or the Interstate Commerce Commission; to require any
111 telephone and telegraph wires and cables carrying electricity, *data or television* to be placed in conduits
112 under ground and to prescribe rules and regulations for the construction and use of such conduits; and to
113 do all other lawful things whatsoever adapted to make said streets and highways safe, convenient and
114 attractive.

115 (18) To construct and maintain, or aid in constructing and maintaining, public roads, boulevards,
116 parkways and bridges beyond the limits of the city, in order to facilitate public travel to and from said
117 city and any property owned by said city and situated beyond the corporate limits thereof, and to
118 acquire land necessary for such purposes by condemnation or otherwise.

119 (19) To collect and dispose of sewage, offal, ashes, garbage, carcasses of dead animals and other
120 refuse, and to acquire and operate plants for the utilization or destruction of such materials, or any of

them; or to contract for and regulate the collection and disposal thereof.

(20) To compel the abatement and removal of all public 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 slaughter houses or other noisome or offensive business within said city, the keeping of animals, poultry or other fowls therein, or the exercise of any dangerous or unwholesome business, trade or employment therein; to regulate the transportation of all articles or materials through the streets of the city; to compel the abatement of smoke, odors and dust; to prevent unnecessary noise therein; to regulate the location of stables and the manner in which they shall be kept and constructed, and generally to define, prohibit, abate, suppress and prevent all things detrimental to the health, morals, comfort, safety, convenience and welfare of the inhabitants of the city.

(21) 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 to 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 city, such notice may be given by publication for not less than ten days in any newspaper published in said city or having general circulation therein.

(22) To direct or prevent the location of all buildings for storing gunpowder or other explosives or combustible substances, to regulate or prohibit the sale and use of dynamite, gunpowder, firecrackers, kerosene oil, gasoline, nitroglycerine, camphene, burning fluid, and all explosives or combustible materials, the exhibition of fireworks, the discharge of firearms, the use of candles, and light in barns, stables and other buildings and the making of bonfires.

(23) To prevent the running at large in said city of all animals and fowls, and to regulate the keeping or raising of same within said city, and to subject the same to such levies, regulations and taxes as it may deem proper.

(24) To inspect, test, measure and weigh any commodity or article offered for human consumption or use within the city.

(25) ~~To provide for the care, support and maintenance of children and of sick, blind, aged, insane, or poor persons and paupers.~~ *To have all duties, powers and authority as provided by the applicable provisions of the Code of Virginia for political subdivisions of the Commonwealth of Virginia, unless otherwise restricted or limited.*

(26) To establish, organize and administer public schools subject to the general laws establishing a standard of education for the Commonwealth .

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

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

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

(30) To exercise full police powers and establish and maintain a department or division of police.

(31) To create, regulate and maintain a fire department for the city and to prescribe the duties of said department and its officers.

(32) For the purpose of guarding against the calamities of fires, the city council may, from time to time, designate such portions and parts of the city as it deems proper within which inflammable buildings may not be erected. It may prohibit the erection of wooden buildings or buildings of

182 inflammable material in any portion of the city without its permission, and may provide for the removal
183 of such buildings or additions which shall be erected contrary to such prohibitions at the expense of the
184 builder or owner thereof; or if any building in process of erection or already built appears clearly to be
185 unsafe, the council may cause such building to be taken down, after reasonable notice to the owner; and
186 the council may, by proper ordinance, divide the city into zones; specify the kind and character of
187 buildings which may be erected in the different zones; provide for the disposition of garbage and waste;
188 provide precautionary measures against danger from fires; provide for the removal of buildings or
189 structures of any kind, erected in violation of ordinances, at the expense of the builder or owner; and
190 may do all other things lawful to be done, looking to the health and safety of the inhabitants of the city.

191 (33) The city council shall not take or use any private property for streets or other public purposes
192 without making the owner thereof just compensation for the same; but in cases where the council cannot
193 by agreement obtain title to the ground for such purposes the council may exercise the power of
194 eminent domain, as provided by law.

195 (34) In every case where a street in said city has been, or shall be, encroached upon by any fence,
196 building or otherwise, the council may require the owner to remove the same, and if such removal be
197 not made within the time prescribed by the council, it may impose such penalty as it deems proper for
198 each and every day it is allowed to continue thereafter, and may cause the encroachment to be removed,
199 and collect from the owner all reasonable charges therefor, with costs by the same process that council
200 is hereinafter empowered to collect taxes.

201 Except, in case where there is a bona fide dispute as to the true boundary line or the location of the
202 true street line (and if such passage over such street is not seriously impeded) the same shall be first
203 established and determined by an adjudication of a court of competent jurisdiction in a proceeding
204 instituted by the said city or the property owner for that purpose before the said city shall take any steps
205 to remove the said obstruction or encroachment, or to impose any penalty therefor. No encroachment
206 upon any street, however long continued, shall constitute any adverse possession to or confer any rights
207 upon the persons claiming thereunder as against the said city.

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

214 (36) To do all things whatsoever necessary or expedient for promoting or maintaining the general
215 welfare, comfort, education, morals, peace, government, health, trade, commerce or industries of the city
216 or its inhabitants.

217 (37) To establish a system of pensions for injured, retired or superannuated city officers and
218 employees, members of the police and fire departments, teachers and other employees of the school
219 board, and to establish a fund or funds for the payment of such pensions by making appropriations out
220 of the treasury of the city, by levying a special tax for the benefit of such fund or funds, by requiring
221 contributions payable from time to time from such officers or employees, or by any combination of
222 these methods, or by any other method not prohibited by law, provided that the total annual payments
223 into such fund or funds shall be sufficient on sound actuarial principles to provide for the pensions to be
224 paid therefrom, and provided further that the benefits accrued or accruing to any person under such
225 system shall not be subject to execution, levy, attachment, garnishment or any other process whatsoever,
226 nor shall any assignment of such benefits be enforceable in any court.

227 (38) To acquire, lease, construct, own, maintain and operate places for the parking or storage of
228 vehicles by the public, when in the opinion of the council they are necessary to relieve congestion in the
229 use of streets and to reduce hazards incident to such use, provide for their management and control;
230 authorize or permit others to use, operate or maintain such places, pursuant to lease or agreement, upon
231 such terms and conditions as the council may determine by ordinance; and charge or authorize the
232 charging of compensation for the parking or storage of vehicles or other services at such places.

233 (39) ~~{Repealed.}~~

234 (40) ~~{Repealed.}~~

235 (41) To make and enforce all ordinances, rules and regulations necessary or expedient for the
236 purpose of carrying into effect the powers conferred by this charter or by any general law, and to
237 provide and impose suitable penalties for the violation of such ordinances, rules and regulations, or any
238 of them, by fine ~~not exceeding \$2,500 or confinement~~ *imprisonment not exceeding twelve months*, or
239 both, provided that such penalties shall not exceed any penalties established by the Commonwealth for
240 similar offenses. The city may maintain a suit notwithstanding such ordinance may provide punishment
241 for its violation. Upon conviction for violation of any ordinance, the court trying the case may require
242 bond of the person so convicted with proper security ~~in the penalty of not more than \$2,500 as provided~~
243 *by law* conditioned to keep the peace and be of good behavior and ~~especially for the period of not more~~

than one year not to violate the ordinance for the breach of which he or she has been convicted. From any fine and confinement imposed an appeal shall lie as in cases of misdemeanor. The enumeration of particular powers in this charter shall not be deemed or held to be exclusive, but in addition to the powers enumerated herein or implied thereby, or appropriate to the exercise thereof, the said city shall have and may exercise all other powers which are now or may hereafter be possessed or enjoyed by cities under the Constitution and general laws of this Commonwealth not inconsistent with this charter.

§ 2.02. In the exercise of the power of eminent domain conferred by the preceding section, the city shall have and may exercise all the powers conferred upon the State Highway Commissioner by Article 5 of Chapter 4 of Title 33 of the Code of Virginia; provided, that the certificate provided for by § 33-74 of the Code of Virginia shall be issued by the city manager and countersigned by the director of finance of the city; and, provided further that the applicable provisions of § 25-233 of the Code of Virginia shall apply to any property owned by a corporation possessing the power of eminent domain that may be sought to be taken by condemnation under the provisions of this section.

§ 3.01. Composition of Council; Vacancies.

The mayor and councilmen in office at the time of the transition of the Town of Galax to a city, and as now constituted, shall continue in office as mayor and councilmen of the city, with the same powers and duties, until their present terms of office to which they were elected expire. On and after September 1, 1954, the council shall consist of seven members. All councilmen shall be residents of the city and qualified to vote, and shall be elected at large, and each shall serve for a term of four years. On the first Tuesday in May, 1974, and on said day each four years thereafter, four councilmen shall be elected, each of whom shall serve for a term of four years, from the July 1 next following the date of their election until their successor shall have been elected and qualified. On the first Tuesday in May, 1976, and on said day each four years thereafter, three councilmen shall be elected, each of whom shall serve for a term of four years from the July 1 next following the date of their election until their successor shall have been elected and qualified.

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 body, or any of them. Vacancies in the council shall be filled within thirty days, for the unexpired term, by a majority vote of the remaining members as provided by law.

§ 3.02. Organization; Rules of the Council.

(1) The council shall meet at such times as it may prescribe by ordinance or resolution, except that it shall regularly meet not less than once each month. The mayor, and any member of the council, or any two members of the council, or the city manager and any councilman, may call special meetings of the council, at any time after at least twelve hours' upon written notice, with the purpose of said meeting stated therein, to each member served personally or left at his usual place of business or residence as provided by law; or such meeting may be held at any time without notice, provided all members of the council attend and vote unanimously on all matters acted upon. No business other than that mentioned in the call shall be considered at such meetings.

(2) The council may appoint all such other boards and commissions as may be deemed proper, and prescribe the powers and duties thereof. The council may determine its own rules of procedure, may punish its own members for misconduct in office and may compel attendance of members. It shall keep a journal of its proceedings. A majority of all members of the Council shall constitute a quorum to do business, but no resolution or ordinance shall be adopted except by affirmative vote of a majority of all members elected to the council, but a smaller number may adjourn from time to time and compel the attendance of absentees. All elections votes by the council shall be viva voce and the vote recorded in the journal of the council with the name of the member voting and how he voted. No vote or question decided at a regular meeting shall be reconsidered at a special meeting unless all members are present and four of them concur.

§ 3.03. Compensation of Council.

The Compensation to be paid to each council member shall be fixed by a majority vote of all members elected to the council subject to the procedures and limitations as provided by law.

§ 3.05. Mayor.

At its first regular meeting in July, 1974, and at its first regular meeting in July of every second year thereafter, or if such day shall fall on Sunday or a legal holiday then on the next following business day, the council shall proceed to choose by majority vote of all the members thereof one of their number to be mayor and one to be vice-mayor for the ensuing two years. The mayor shall preside over the meetings of the council and shall have the same right to vote and speak therein as other members, but shall have no veto power. He shall be recognized as the head of the city government for all ceremonial purposes, the purposes of military law and the service of civil process. The vice-mayor shall, in the absence or disability of the mayor, perform the duties of mayor, and if a vacancy shall occur in the office of mayor the vice-mayor shall become mayor

305 for the unexpired portion of the term. In the absence or disability of both the mayor and vice-mayor,
306 the council shall, by majority vote of those present, choose one of their number to perform the duties of
307 mayor. In addition to his salary as councilman, the mayor ~~may~~ *shall* be paid a further compensation,
308 such additional compensation not to exceed the sum of \$250.00 per annum *subject to the procedures and*
309 *limitations as provided by law.*

310 § 3.06. City Clerk.

311 The council shall elect at its first regular meeting in July, 1974, or as soon thereafter as is reasonably
312 convenient, and every four years thereafter, a city clerk, whose term shall begin August 1, following his
313 election *who shall serve at the pleasure of council.* He shall be the clerk of the council, shall keep the
314 journal of its proceedings and shall record all ordinances in a book kept for the purpose. He shall be
315 the custodian of the corporate seal of the city and shall be the officer authorized to use and authenticate
316 it. *The said clerk, or his assistant, shall be the registrar of voters of the city.— He may be clerk of the*
317 *civil and police court, unless otherwise provided by the council.—* All records in his office shall be public
318 records and open to inspection at any time during regular business hours. He shall receive compensation
319 to be fixed by the council. The said clerk is authorized to appoint such assistants as the council may
320 authorize who shall be authorized to act as city clerk in the absence or disability of the city clerk.

321 § 3.07. Ordinances and Resolutions.

322 Except in dealing with questions of parliamentary procedure, the council shall act only by ordinance
323 or resolution, and all ordinances, except ordinances making appropriations, or authorizing the contracting
324 of indebtedness or issuance of bonds or other evidence of debt, shall be confined to one subject, which
325 shall be clearly expressed in the title. Ordinances making appropriations or other obligations and
326 appropriating the money to be raised thereby shall be confined to those subjects respectively. The
327 enacting clause of all ordinances passed by the council shall be: "Be it ordained by the council of the
328 City of Galax." No ordinance, unless it be an emergency measure, shall be passed until it has been read
329 at two regular meetings not less than seven days apart, *unless the requirement of such reading has been*
330 *dispensed with by the affirmative vote of four of the members of the council.— No ordinance or section*
331 *thereof shall be revised or amended by its title or section only, but the new ordinances shall contain the*
332 *entire ordinance or section as revised or amended.— a public hearing has been held to consider such*
333 *ordinance and notice of intent to adopt such ordinance has been advertised at least once, no less than*
334 *seven days prior to the public hearing thereon. Emergency ordinances may be adopted without public*
335 *hearing but shall be effective for 60 days unless subsequently adopted after advertisement and public*
336 *hearing.* The ayes and nays shall be taken upon the passage of all ordinances or resolutions and entered
337 upon the journal of the proceedings of the council and every ordinance or resolution shall require, on
338 final passage, the affirmative vote of at least four of its members. *All ordinances and resolutions passed*
339 *by the council shall be in effect from and after thirty days from the date of their passage, except that the*
340 *council may, by the affirmative vote of two-thirds of its members present, pass emergency measures to*
341 *take effect at the time indicated therein.—* Ordinances appropriating money for any emergency may be
342 passed as emergency measures, but no measure providing for the sale or lease of city property, or
343 making a grant, renewal, or extension of a franchise or other special privilege or regulating the rate to
344 be charged for its services by any public utility, shall be so passed as an emergency measure. Every
345 ordinance or resolution upon its final passage shall be recorded in a book kept for the purpose, and shall
346 be authenticated by the signature of the presiding officer and the clerk of the council. Every member,
347 when present, when a question is put, shall vote unless excused by the council. But no member who
348 has any personal or financial interest in the result of any ordinance or resolution before the council shall
349 vote thereon. All ordinances and resolutions of the council may be read in evidence in all courts and in
350 all other proceedings in which it may be necessary to refer thereto, either from a copy thereof certified
351 by the clerk or from the volume of ordinances printed by authority of the council. The council may, at
352 any time, have a codification or revision of all ordinances in force at the time, which codification can be
353 passed by the council as a single ordinance and without prior publication, which codification shall be
354 known and cited officially as the city code.

355 § 4.02. Responsible to Council; Appointment and Removal of Employees.

356 The city manager shall be responsible to the council for the proper administration of all affairs of the
357 city placed in his charge, and to that end, except as otherwise provided herein, he shall have the power
358 to appoint, discipline and remove all officers and employees in the administrative service of the city,
359 other than elective officials, but the manager may authorize the head of a department or office
360 responsible to him to appoint and remove subordinates in such department or office, but he shall report
361 each appointment of any officer having supervisory or administrative authority to the council for
362 confirmation at the next meeting thereof following any such appointment. *The chief of police so*
363 *appointed by the city manager and confirmed by the council shall have the power to discipline his*
364 *subordinates, and with the approval of the city manager, to discharge any subordinate for just cause.*
365 *—*Appointments made by, or under the authority of, the city manager shall be on the basis of executive
366 and administrative ability and of the training and experience of such appointees in the work which they

are to perform. Officers and employees appointed by the city manager, or under his authorization, may be removed by him, or by the officer by whom appointed, at any time. The decision of the city manager, or other officer, in any such case, removing an officer or employee of the city shall be final, subject to review by the council.

§ 4.03. Powers and Duties.

It shall be the duty of the city manager to act as ~~chief conservator of the peace within the city;~~ to supervise the administration of the affairs of the city; to see that the ordinances of the city and the laws of the State are enforced; to make such recommendations to the council concerning the affairs of the city as may seem to him desirable; to keep the council advised of the financial conditions and future needs of the city; to prepare and submit to the council the annual budget estimate; to prepare and submit to the council such reports as may be required by that body; ~~to serve as the chief personnel officer of the city;~~ and to perform such other duties as may be prescribed by this charter or required of him by the council.

§ 5.02. Number and Qualification.

The school board shall consist of five ~~trustees~~ members who shall be qualified voters of the city and not members of the city council.

§ 5.03. Appointment and terms of trustees.

At its first meeting after this charter as amended becomes effective, the council shall elect in addition to the three trustees now serving, two additional trustees, one for a term expiring December 31, 1969, and the other for a term expiring December 31, 1970. ~~At its first regular meeting in September, 1968, the council shall appoint one trustee for a term of three years and at its first regular meeting in September, 1969, the council shall appoint two trustees for a term of three years and at its first regular meeting in September, 1970, the council shall appoint two trustees for a term of three years.~~ *The members of the Galax City School Board in office at the time of the adoption of this act shall remain in office.* Each vacancy occurring thereafter shall be filled by appointment for a term of three years. The term of each ~~trustee member~~ appointed shall begin ~~January~~ July 1 following his ~~election~~ appointment. ~~Provided, however, the term of each trustee appointed after December 31, 1976, shall begin July 1 following his appointment by council at the first regular meeting in March of the same year.~~

§ 5.04. Compensation.

The compensation to be paid to each ~~trustee member~~ shall be fixed by a majority vote of the council; ~~provided however that the annual compensation to be paid to any trustee shall not exceed the sum of \$150.00 for his services as such, subject to any limitations imposed by general law.~~

§ 9.01. Appointment; Regulations.

The police force shall be composed of a chief of police and of such officers, patrolmen and other employees as the council may determine. The chief of police shall have the immediate direction and control of the said force, subject, however, to the supervision of the city manager and to such rules, regulations and orders as the said city manager may prescribe. The chief of police shall issue all orders, rules and regulations for the government of the whole force. In case of the disability of the chief of police to perform his duties by reason of sickness, absence from the city or other cause, the city manager shall designate some member of the police force to act as chief of police during such disability, and the officer so designated shall serve without additional compensation. ~~The members of the police force shall be appointed by and may be removed by the city manager.~~ Each member of the said force shall, before entering upon the duties of his office, take and subscribe an oath that he will faithfully, without fear or favor, perform the duties of this office, and such oath shall be filed with the clerk of the city and preserved with the records of his office.

§ 14.01. Appointment and Qualification.

The council shall elect, at its first meeting in December, 1954, or as soon thereafter as convenient, a city attorney for a term expiring December 31, 1956, and every two years thereafter, a city attorney, whose term shall begin January 1, following his election ~~who shall serve solely at the pleasure of the council.~~ He shall at the time of his election have practiced law in the State of Virginia for at least three years. He shall be the legal advisor of and attorney and counsel for the city and the school board of the city and for all officers, and departments thereof, in matters relating to their official duties. He shall prosecute all suits, actions and proceedings for and on behalf of the city and the school board of the city, and defend all suits, actions and proceedings against the same, and shall prepare all contracts, bonds and other instruments in writing, in which the city or the school board of the city are is interested or concerned, and shall endorse on each his approval of the form and correctness thereof, provided that in the case of bonds to be issued by the city it shall be sufficient if he certify to the council his approval thereof as to form in a separate writing, to be filed and preserved with the records of the council. The said city attorney shall perform such other duties as may be required of him by general law, ordinance or resolution of the council.

Treasurer and Commissioner of Revenue

§ 15.01. Election; Vacancies.

At the general election to be held on the first Tuesday following the first Monday in November in the year 1957, and on the said date every four years thereafter, there shall be elected by the qualified voters of the city a commissioner of revenue and a city treasurer. Such officers officer is to be nominated as provided in the general laws of the Commonwealth. In case of a vacancy in the office of commissioner of revenue or city treasurer the council, by a majority vote, shall select a qualified person, who must be an elector of the city, to fill the office in which such vacancy occurs for the unexpired term, such vacancy shall be filled as provided by law.

§ 15.02. Duties of Commissioner of Revenue.

The commissioner of revenue shall perform such duties not inconsistent with the laws of the Commonwealth in relation to the assessment of property and licenses as may be required by the council for the purpose of levying city taxes and licenses. He shall have power to administer such oaths as may be required by the council in the assessment of licenses taxes and other taxes for the city. He shall make such reports in regard to the assessment of both property and licenses, or either, as may be required by the council or by the director of finance. He shall perform such other duties as may be required of him by the council and by general law.

§ 16.01. Appointment and Term.

The council shall elect at its first meeting after this charter goes into effect confirm a director of finance for a term expiring December 31, 1957, and at its first regular meeting in September, 1957, or as soon thereafter as is reasonably convenient, and every four years thereafter, a director of finance for a term of four years, whose term shall begin January 1, following his election. He shall give bond in such sum as the council may prescribe, with surety to be approved by the council, conditioned upon the faithful discharge of his duties in relation to the revenue of the city, and such other official duties as may be imposed upon him by the charter and ordinances of the city. It shall be the duty of the director of finance to collect and receive all moneys due the city for taxes whether current or delinquent, assessment fees or charges of every kind, except as otherwise provided by this charter or the general laws of the Commonwealth as the same may relate to a city. In so doing he shall have power to employ any procedure that is now or may hereafter be prescribed by law for the collection of state or local taxes. He shall receive all money belonging to the city which is his duty to collect from persons, firms and corporations owing the same to the city, or which it is the duty of other officers to collect and pay over to him, and pay the same out as the ordinances of the city and State law prescribe; to keep such moneys safe and account therefor and pay all drafts and orders made in conformity with the city ordinances and State laws.

The funds of the city shall be deposited by him in such bank or banks as the council may direct. He shall keep books showing accurately the state of his accounts and he is hereby expressly prohibited from using directly or indirectly the money of the city in his custody and any violation of this provision shall subject him to immediate removal from office. The books and accounts of the director of finance and all papers relating to accounts and transactions of the city, shall be at all times, during business hours, subject to the inspection of the city manager, the city council, the mayor and such persons as the council may appoint to examine the same and all such books and accounts, together with any balance or moneys on hand shall be transferred by the director of finance to his successor or be delivered up as the council may require. He shall render an account to the city manager and the council each month showing the state of the financial condition of the city up to the end of the previous month and the balance of money on hand, and he shall furnish such other information as the city manager or council may direct. All taxes, levies or other sums of money received by him belonging to the city shall be credited to the City of Galax. He shall perform such other duties as may be required of him by the council, and shall receive such compensation as the council may direct.

The director of finance shall have and possess all the power and authority conferred upon city treasurers by the laws of the Commonwealth in relation to the collection of levies, taxes or other debts due cities.

§ 17.01. Authority to adopt Establishment of City Plan.

The city council shall have authority to continue in force the city comprehensive plan theretofore adopted by the Town City of Galax showing the streets, highways, and parks heretofore laid out, adopted, and established. Such city plan shall be final with respect to the location, length, and width of such streets and highways, and the location and dimensions of such parks. Such city plan is hereby declared to be established for the promotion of the health, safety, and general welfare of the city.

§ 17.02. Powers et cetera City Planning Commission.

The city planning commissioners shall continue in office for the remainder of their terms and until their successors are appointed by the council. The city planning commission shall continue to exercise such duties, powers, and functions as it now has under the existing ordinances, or as may be delegated to or required of said commission by the council by proper ordinances and resolutions. The city

planning commission shall be constituted, perform the duties and functions, and otherwise be controlled by Chapter 88 of the 1934 Acts of the General Assembly *the applicable provisions of the Code of Virginia* and amendments thereto, except insofar as said chapter and amendments thereto are in conflict with this charter or the express ordinances of the city now in force or hereafter enacted.

§ 17.03. Further Powers.

The council may at any time, after a public hearing, amend the city plan, by widening, relocating, or closing existing streets and highways, and by altering any existing park or by laying out new streets and highways and establishing new parks. Before amending the city plan, the council shall refer the proposed amendment to the city planning commission for a report thereon, and shall not act on such amendment until a report has been received from said commission, unless a period of thirty (30) days has elapsed after the date of reference to the commission. Any amendment of the city plan, upon its adoption by the council, shall be final unless changed as herein provided as to the location, length, and width of any street and highway, and the location and dimensions of any park. Any widening, relocating, closing, or laying out of streets and highways proposed under the provisions of law other than those contained in this article shall be deemed an amendment of the city plan, and shall be subject in all respects to the provisions of this chapter. *comply with the applicable provisions of the Code of Virginia, 1950, as amended.* The city planning commission shall have such other authority and powers as may now or hereafter be granted by the council of the City of Galax or to municipal planning commissions by the general law.

§ 18.01. ~~Authority of Council.~~ *Power to Pass Zoning Ordinance.*

For the purpose stated in Article 1 of Chapter 24 of Title 15 of the Code of Virginia, the city council is hereby empowered to pass zoning ordinances in conformity with the said act, as amended, subject, however, to the following modifications thereto.

(1) The zoning ordinances and set back lines as they now exist shall continue to be in full force and operation until amended or repealed by the city council.

(2) The board of zoning appeals as now constituted shall continue in office for the remainder of their terms and until their successors are appointed by the council. The board of zoning appeals shall consist of five (5) members appointed by the city council for a term of three (3) years, and insofar as not inconsistent with this charter and the existing ordinances now in effect or hereinafter enacted, the powers, duties, authority and procedure of ~~Article 1 of Chapter 24 of Title 15~~ *the applicable provisions* of the Code of Virginia shall govern. The board of zoning appeals shall elect a secretary who shall keep a written record of proceedings at its meetings. All official orders, decisions and permits issued by the board shall be in writing and a copy thereof shall be delivered to the clerk's office of the city within ten (10) days after such order, decision, or permit is arrived at or issued.

CHAPTER 20

Department of ~~Public Welfare~~ *Social Services*

§ 20.01. *Composition.*

There shall be a department of ~~public welfare social services~~ *which that* shall consist of a ~~superintendent of public welfare director~~ and such employees as may be provided by ~~ordinance~~ *law*.

§ 20.02. *Powers and Duties.*

The department of ~~public welfare social services~~ shall be responsible for the duties imposed by the laws of the Commonwealth relating to public assistance and relief of the poor, and shall perform such other powers and duties as may be assigned to the department by law or ordinance.

§ 21.01. *Vacancies in Offices.*

Vacancies in any offices provided for in this charter shall be filled by the authority and in the manner provided ~~herein for the original appointment or election of such officers, except as otherwise provided by this charter~~ *by law.* *All officers in office as of the date of this act shall remain in office until their current terms shall expire.*

§ 21.03. *Officers to Administer Oaths.*

The ~~mayor~~, commissioner of the revenue, clerk of council, ~~city treasurer~~, city manager, and finance officer shall have power to administer oaths and to take and sign affidavits in the discharge of their respective official duties.

§ 21.04. *Investigations.*

The council, the city manager, and any officer, board or commission authorized by them, or either of them, shall have power to make investigation as to city affairs, and for the 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 civil and police justice of the said 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 the civil and police justice not exceeding \$100.00 or imprisonment not exceeding thirty (30) days, and such person shall have the right to appeal to the circuit court having jurisdiction over the

551 city. Any person who shall give false testimony under oath at any such investigation shall be liable to
552 prosecution for perjury.

553 § 21.05. Action Against the City for Damages.

554 No action shall be maintained against the city for injury to any person or property or for wrongful
555 death alleged to have been sustained by reason of the negligence of the city or of any officer, agent or
556 employee thereof, unless a written statement by the claimant, his agent, attorney or representative, of the
557 nature of the claim and of the time and place at which the injury is alleged to have occurred to been
558 received, shall have been filed with the city attorney or president of council, or with the mayor, or city
559 manager, within sixty60 days after such cause of action shall have accrued, except that when the
560 claimant is an infant or non compos mentis, or the injured party dies within such sixty60 days, such
561 statement may be filed within 120 days.

562 § 21.06. Officers Not to be Interested in Contracts.

563 NoThe provisions of the Virginia Conflict of Interest Act shall apply to all officer officers or
564 employeeemployees of the city shall be interested in any contract entered into by the city with any
565 person, firm or corporation, but this prohibition shall not apply to nonsalaried officers or nonsalaried
566 members of boards and commissions in respect of contracts other than those in the making of which
567 they have a part.

568 § 21.07. Contractual Relationships.

569 The City of Galax may, at the option of the council, enter into contractual relationships with the
570 Commonwealth and/or its departments, bureaus, boards and agencies, neighboring political subdivisions,
571 and private agencies for the performance of any part of, or all of the functions, or purposes of the city,
572 on such terms and for such periods as the council may determine to be in the public interest, where
573 such contractual relations are not specifically prohibited by the Constitution and general laws of the
574 Commonwealth. The applicable provisions of the Virginia Public Procurement Act (§ 2.2-4300 et seq.)
575 of the Code of Virginia shall apply to all contractual relationships.

576 § 21.13. Citation of Act.

577 This act may for all purposes be referred to or cited as the Galax Charter of 1954.

578 § 21.14. Resolutions and Ordinances to Remain in Force.

579 All resolutions and ordinances in force in the Town City of Galax at the time of its transition into a
580 city, not in conflict with this charter, shall be and remain in force until altered or repealed by the
581 council of the city.

582 2. That §§ 6.01 through 6.10, 8.01, 10.01, 13.01, 15.03, and 21.11 of Chapter 562 of the Acts of
583 Assembly of 1954 are repealed.