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HOUSE BILL NO. 470

Offered January 8, 2014

Prefiled January 6, 2014

A BILL to amend and reenact § 6 and § 18, as amended, of Chapter 721 of the Acts of Assembly of 1976, which provided a charter for the City of Manassas, and to amend Chapter 721 of the Acts of Assembly of 1976 by adding a section numbered 6-a, relating to city council and school board.

Patron—Miller

Referred to Committee on Counties, Cities and Towns

Be it enacted by the General Assembly of Virginia:

1. That § 6 and § 18, as amended, of Chapter 721 of the Acts of Assembly of 1976 are amended and reenacted and that Chapter 721 of the Acts of Assembly of 1976 is amended by adding a section numbered 6-a as follows:

§ 6. Election, terms, and salary of mayor and councilmen.

Those councilmen and mayor in office on the effective date of this charter shall continue in office until the first day of ~~July~~ *January* following termination of their respective terms and until their respective successors shall have been duly elected and qualified.

On the ~~first~~ Tuesday after the first Monday in ~~May, 1976~~ *November 2014*, and every two years thereafter, there shall be elected by the qualified voters of the city three councilmen, who shall be electors of the city, who shall hold office for terms of four years each, beginning on the first day of ~~July~~ *January*, following the date of their election and thereafter until their respective successors shall have been duly elected and qualified.

On the ~~first~~ Tuesday after the first Monday in ~~May, 1976~~ *November 2016*, and every four years thereafter, there shall be elected by the qualified voters of the city of Manassas, a mayor, who shall be one of the electors of the city, and whose term of office shall begin on the first day of ~~July~~ *January* following the date of his election and continue for four years *and* thereafter, until his duly elected successor shall have qualified.

The remaining members of council shall fill any vacancy that may occur in the membership of the council for any unexpired term by appointment of an elector of the city of Manassas in accordance with applicable law.

Each member of the council may receive a salary to be fixed by the council, payable at such times and in such manner as the council may direct.

The mayor may receive a salary to be fixed by the council, payable in such manner and at such times as the council may direct.

§ 6-a. School Board.

The members of the School Board of the City of Manassas at the time of this charter amendment shall remain in office until the first day of January following termination of their respective terms and until their respective successors shall have been duly elected and qualified. The School Board shall be composed of seven members elected by the voters of the City of Manassas for staggered four-year terms as provided in this section and in accordance with general law.

On the Tuesday after the first Monday in November 2014, and every four years thereafter, there shall be elected by the qualified voters of the city three School Board members, who shall be electors of the city, who shall hold office for terms of four years each, beginning on the first day of January following the date of their election and qualification, and thereafter until their respective successors shall have been duly elected and qualified.

On the Tuesday after the first Monday in November 2016, and every four years thereafter, there shall be elected by the qualified voters of the city four School Board members, who shall be electors of the city, who shall hold office for terms of four years each, beginning on the first day of January following the date of their election and qualification, and thereafter until their respective successors shall have been duly elected and qualified.

The remaining members of the School Board shall fill any vacancy that may occur in the membership of the School Board in accordance with applicable law.

§ 18. General powers.

The council of the city shall have, subject to the provisions of this charter, the control and management of the fiscal and municipal affairs of the city and of all property, real and personal, belonging to the city and may make such ordinances and bylaws relating to the same as it shall deem proper. The council shall in addition to other powers given by general law, have power to make such

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59 ordinances, orders, bylaws and regulations as it may deem proper and necessary to carry out the
60 following powers, which are hereby vested in it:

61 A. Public market. To establish a public market in and for the city, provide for the appointment of
62 proper officers therefor, prescribe the time and places for holding the market, provide suitable grounds
63 and buildings therefor, and enforce such regulations as shall be necessary and proper to prevent
64 huckstering, forestalling, or regrating.

65 B. Public improvements. To construct, maintain, regulate and operate public improvements of all
66 kinds, including municipal and other buildings, armories, jails and all buildings and structures necessary
67 or appropriate for the use and proper operation of the various departments of the city and the
68 performance of its duties and functions.

69 C. Establishing, etc., electric generating equipment, etc. To establish, maintain and operate electric
70 generating equipment and distribution system within and without the city; to purchase electric energy for
71 the use of the city and for distribution and resale, including resale of its surplus electricity without the
72 city; to acquire land or rights-of-way by gift, purchase or condemnation for the location, extension or
73 enlargement of an electric generating and/or distribution system; to acquire by gift, purchase or
74 condemnation riparian rights for hydroelectric generation and to protect by ordinance, prescribing
75 adequate penalties, the said electric generating equipment and/or distribution system and their
76 appurtenances whether within or without the limits of the city.

77 D. Waterworks and sewers. To establish, maintain, and operate waterworks and sewer systems within
78 and without the city; to purchase water therefor; to contract and agree with the owners of any land,
79 springs or water supplies for the use of or purchase thereof, or have same condemned according to law,
80 for the location, extension, or enlargement of the said waterworks, or sewer system, either or both, the
81 pipes connected therewith, and the fixtures or appurtenances thereof; and to protect from injury by
82 ordinance, prescribing adequate penalties, the said waterworks, water supply, sewer systems, pipes,
83 fixtures, and land, or anything connected therewith, whether within or without the limits of the city.

84 E. Streets, sidewalks and alleys generally. To open, extend, widen or narrow, close, plan, grade, curb,
85 and pave, and otherwise improve streets, sidewalks, and public alleys in the city, and have them kept in
86 good order and properly lighted; in order to properly light the streets of the city, the council may erect
87 and operate such number of lamps and fixtures thereto belonging as it may deem necessary; it may
88 build bridges in and culverts under streets, and may prevent or remove any structure, obstruction, or
89 encroachment over, or under, or in any street, sidewalk, or alley in the city, and may permit shade trees
90 to be planted along streets; but no person shall occupy with his works, or any appurtenances thereof, the
91 streets, sidewalks, or alleys of the city, without the consent of the council, duly entered upon its records.

92 F. Cumbering streets, sidewalks, etc. To prevent the cumbering of streets, sidewalks, alleys, lanes, or
93 bridges in the city in any manner whatever.

94 G. Route and grade of public utilities. To determine and designate the route and grade of any public
95 utility laid out in the city.

96 H. Airports and landing fields. To establish, maintain and operate a landing field or airport located
97 within or without the city, and for such purposes to have the right to acquire real estate by gift, lease,
98 purchase or condemnation; to lease such landing field or airport to others to be used for any lawful
99 purpose; to erect and maintain buildings and appurtenances necessary for the use of such landing field
100 or airport and to prescribe and enforce rules and regulations, not in conflict with laws, rules and
101 regulations prescribed by the Commonwealth of Virginia and the federal government, for the use and
102 protection of such landing field or airport.

103 I. Board of health and department of public welfare. To appoint and organize a board of health and a
104 department of public welfare for the city, with the necessary authority for the prompt and efficient
105 performance of their duties, including the authority to coordinate their duties and efforts with appropriate
106 agencies and departments of the Commonwealth and other of its political subdivisions.

107 J. Nuisances; unsafe or unsanitary structures; dangerous and unhealthy businesses; transportation of
108 explosives, garbage, etc.; speed of trains. To require and compel the abatement and removal of all
109 nuisances within the city, at the expense of the person or persons, causing the same, or the owner or
110 owners of the ground whereon the same shall be; to require all lands, lots and other premises within the
111 city to be kept clean, sightly, sanitary and free from weeds or to make them so at the expense of the
112 owners or occupants thereof; to make such rules, regulations, orders or ordinances as will protect its
113 citizens from unsafe and unsanitary structures or walls, and to that end it shall have the power to cause
114 to be condemned and taken down any such structure or wall, but no such condemnation shall be made
115 or such structure or wall taken down until the owner thereof, or in the case of an infant or insane
116 person, his guardian or committee, be duly summoned before a board or a committee of council or the
117 full council as charged by the ordinances with such duty, and allow reasonable opportunity to show
118 cause against such action; to regulate soap factories and candle factories within the city, and the exercise
119 of any dangerous, offensive or unhealthy business, trade or employment therein; and to regulate the
120 transportation of coal, explosives, garbage and other articles through the streets of the city, and to

restrain and regulate the speed of locomotive engines and cars upon the railroads within the city.

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

L. Establishing fire zones; adoption of building, etc., codes; fire prevention; discharge of fireworks and firearms. To establish fire zones and regulate the character of buildings which may be erected or restored within same; to regulate and direct the storage of explosives in combustible substances and liquids; to prohibit the discharge of fireworks and firearms within the city; the building of bonfires within the city and the use of candles or lights in barns, stables, warehouses, etc.

M. Water, gas, electricity and sewage rates; requiring deposit, etc. To establish, impose and enforce water, gas, electricity and sewage rates and rates for charges for public utilities or other service, products or conveniences, operated, rendered or furnished by the city, and to assess, or cause to be assessed, water, gas, electricity and sewage rates and charges against the proper tenant or tenants or such persons, firms or corporations as may be legally liable therefor; and the council may by such ordinance require a deposit of such reasonable amount as it may by such ordinance prescribe, before furnishing any of such services to any person, firm or corporation.

Such fees, rents, charges and interest due thereon shall constitute a lien, which shall rank on a parity with liens for unpaid city taxes, against the property, which lien may be indexed and filed among the judgment records of the circuit court of Prince William County, the cost of such filing to be included in the total amount of such lien. Such fees, rents, charges and interest due thereon may also be recovered by the city by an action at law or a suit in equity; provided, however, this paragraph shall not become operative unless and until the provisions of this paragraph have been duly adopted by an ordinance enacted pursuant to the city charter.

N. Franchises. Subject to the provisions of the Constitution of Virginia and of this charter, to grant franchises under terms and conditions to be fixed by the council.

O. Diversions of streams. To divert the channels of creeks and flowing streams and for that purpose to acquire property by condemnation all in accordance with general law.

P. Contract debts, borrow money and issue bonds. Subject to the provisions of the Constitution of Virginia and of this charter to contract debts, borrow money and make and issue bonds and other evidence of indebtedness.

Q. Eminent domain. To exercise the power of eminent domain within this Commonwealth with respect to lands and improvements thereon, machinery and equipment for any lawful purpose of the city.

The city shall also have mutatis mutandis, the rights, privileges and obligations set forth in §§ 33.1-119 through 33.1-129 of the Code of Virginia, as amended, applicable to the Commonwealth Transportation Commissioner and the Department of Transportation, with respect to all lawful purposes for which the city is permitted to exercise the power of eminent domain, as made and provided in §§ 15.1-897, 15.1-898, 15.1-899 and 15.1-900 of Chapter 18 of Title 15.1 of the Code of Virginia, as in force on January 1, 1976.

R. Slaughterhouses. To provide by ordinance for the licensing, regulation, control and location of slaughterhouses within the corporate limits of the city; and for such services to make reasonable charges therefor; and to provide reasonable penalties for the violation of such ordinances.

S. Passage of ordinances, etc., to promote general welfare, etc. To do all things whatsoever necessary or expedient, and to pass all ordinances, resolutions and bylaws for promoting or maintaining the security, general welfare, comfort, education, morals, peace, government, health, trade, commerce and industries of the city, or its inhabitants, not in conflict with the Constitution and general laws of the Commonwealth, or the Constitution of the United States.

T. Public utilities generally. The council shall have full control and regulation over the public utilities now owned or that may hereafter be acquired by the city, and to this end it shall have full authority to employ from time to time such employees as it deems necessary to properly maintain, conduct and operate the same; and it shall have full authority to incur indebtedness; unless otherwise prohibited by law, whenever the said council may deem it necessary for the proper conduct, management and

182 maintenance of the public utilities now owned by the city, or such as may hereafter be acquired by it.

183 U. Requiring connection with sewers. The council shall likewise have authority, by ordinance duly
184 enacted, to compel all owners of real estate within the corporate limits of the city to connect with such
185 sewerage pipes or connection as may hereafter be installed or constructed by the city, whenever public
186 health may render necessary such connection, upon such reasonable terms as may be prescribed by
187 council, together with all other authority necessary to a proper maintenance and operation of an effective
188 sewerage system.

189 V. Special election required for sale of public utilities. The council shall have no authority to sell its
190 public utilities, without first submitting the question of such sale at a special election to be called for
191 that purpose only, to the qualified voters of the city of Manassas, which election shall be conducted as
192 now provided by general law governing special elections. The Circuit Court of Prince William County,
193 or the judge thereof in vacation, shall order such special election upon the petition of twenty-five
194 percent of the qualified voters of the city of Manassas or upon a resolution passed by a majority of the
195 council of the city. For a period of not less than four weeks prior to such special election the substantial
196 terms of any proposed sale shall be published over the signature of the city clerk, once a week for four
197 successive weeks in some newspaper published within the city of Manassas. The qualifications of voters
198 in said special election shall be determined by existing statutes governing other special elections.

199 W. Schools. To establish, operate, and maintain a public school system as a separate school division
200 in accordance with the provisions of the Code of Virginia applicable thereto.

201 ~~X. School board. The school board of the city of Manassas shall be composed of seven members,~~
202 ~~who shall be chosen by the council from qualified voters and residents of the city of Manassas to serve~~
203 ~~a term of three years. Any vacancy on the school board occurring by reason of death, resignation or~~
204 ~~removal shall be filled by the council for the unexpired term. A member whose term has expired shall~~
205 ~~continue to serve until his successor has been appointed and qualified. Those members appointed prior~~
206 ~~to the adoption of this charter amendment shall continue to serve for the term to which they were~~
207 ~~originally appointed. The two additional members appointed to the board pursuant to this charter~~
208 ~~amendment shall serve initial terms of one and two years as designated in their appointment by council.~~

209 ~~YX. Residential rental unit inspections. Upon an affirmative finding of the need to protect the public~~
210 ~~health, welfare and safety of its citizens, to provide by ordinance for the issuance of certificates of~~
211 ~~compliance with current building regulations for existing residential buildings located in conservation~~
212 ~~and rehabilitation districts designated by the local governing body after inspections of such buildings~~
213 ~~upon a termination of the tenancies or when such rental property is sold.~~