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HOUSE BILL NO. 316

Offered January 10, 2018

Prefiled January 4, 2018

A BILL to amend and reenact § 10.1, § 16, as amended, and § 62 of Chapter 34 of the Acts of Assembly of 1918, which provided a charter for the City of Norfolk, relating to appointment of officers, record of ordinances, and division of fire.

Patrons—Jones, J.C. and Lindsey

Referred to Committee on Counties, Cities and Towns

Be it enacted by the General Assembly of Virginia:

1. That § 10.1, § 16, as amended, and § 62 of Chapter 34 of the Acts of Assembly of 1918 are amended and reenacted as follows:

§ 10.1. Officers ~~elected~~ *appointed* by council; rules.

Effective July 1, 2006, the council shall ~~elect~~ *appoint* a city manager, a city clerk, a city attorney, a city auditor, and a high constable. The said council shall also appoint the members of such boards and commissions as are hereinafter provided for. All ~~elections~~ *appointments* by the council shall be ~~viva voce and the vote~~ recorded in the record of the council. The mayor shall serve as chair of the council. The council may determine its own rules of procedure, may punish its members for misconduct, and may compel the attendance of members in such manner and under such penalties as may be prescribed by ordinance. It shall keep a record of its proceedings. A majority of all the members of the council, including the mayor, shall constitute a quorum to do business, but a smaller number may adjourn from time to time.

No member of the council shall be eligible, during the term of office for which he was elected or appointed, to hold any office filled by the council by election or appointment, except that a member of the council may be named a member of such other boards, commissions, and bodies as may be permitted by general law.

§ 16. Record ~~and publication~~ *of ordinances and resolutions*.

Every ordinance or resolution upon its final passage shall be recorded~~,~~ and shall be authenticated by the signatures of the presiding officer and the city clerk. ~~Every ordinance of a general or permanent nature shall be published by title once within ten days after its final passage in a newspaper or newspapers of general circulation published in the municipality; and where legally permissible, such publication shall be made but once; provided, that the foregoing requirements as to publication shall not apply to ordinances reordained in or by a general compilation or codification of ordinances printed by authority of the council.~~

A record or entry made by the city clerk or a copy of such record or entry duly certified by him shall be prima facie evidence of the terms of the ordinance ~~and its due publication~~.

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 city clerk or from the volume of ordinances printed by authority of the council.

§ 62. Division of fire.

The fire force shall be composed of a chief and of such other officers, firemen and employees as the city manager may determine. The fire chief shall have immediate direction and control of the said force, subject, however, to the supervision of the director of public safety, and to such rules and regulations and orders as the said director may prescribe, and through the fire chief the director of public safety shall promulgate all orders, rules and regulations for the government of the whole force.

The members of the fire force other than the chief shall be appointed from the list of eligibles prepared by the civil service commission and in accordance with such rules and regulations as may be prescribed by the said commission; provided, however, that in case of riot, conflagration or emergency, the director of public safety may appoint additional firemen and officers for temporary service who need not be in the classified service.

The chief of the fire department and his 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 director of public safety, in which the date of his appointment shall be stated, and such warrant shall be his commission. The director of public safety shall prescribe the uniform and badges for the members of the fire force.

~~Whenever any building in said 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 may deem hazardous and~~

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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 chief or any person acting under his 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 corporation court of said city for the appointment of commissioners to ascertain and assess his said damage. Upon its appearing that such notice has been given, the corporation 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.