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**HOUSE BILL NO. 2497**

Offered January 9, 2019

Prefiled January 9, 2019

*A BILL to amend and reenact §§ 2.06, 4.03, as amended, 4.05, 4.07, as amended, 5.01, 5.02, 5.03, as amended, 7.02, as amended, 7.03, 7.04, 7.07, as amended, 7.08, as amended, 7.11, 8.04, as amended, and 15.03 of Chapter 542 of the Acts of Assembly of 1990, which provided a charter for the City of Bristol, and to amend Chapter 542 of the Acts of Assembly of 1990 by adding in Chapter 3 a section numbered 3.05 and by adding a section numbered 8.06:1, relating to city powers, referendums, council meetings, city manager, city departments, planning commission, and utility board.*

Patrons—O'Quinn and Campbell, J.L.; Senator: Carrico

Referred to Committee on Rules

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 2.06, 4.03, as amended, 4.05, 4.07, as amended, 5.01, 5.02, 5.03, as amended, 7.02, as amended, 7.03, 7.04, 7.07, as amended, 7.08, as amended, 7.11, 8.04, as amended, and 15.03 of Chapter 542 of the Acts of Assembly of 1990, which provided a charter for the City of Bristol, are amended and reenacted and that Chapter 542 of the Acts of Assembly of 1990 is amended by adding in Chapter 3 a section numbered 3.05 and by adding a section numbered 8.06:1 as follows:**

§ 2.06. Power to make regulations for the preservation of safety, health, peace, good order, comfort, convenience, morals and welfare of the city and its inhabitants.

The city shall have the power to adopt ordinances not in conflict with the general laws of the Commonwealth for the preservation of safety, health, peace, good order, comfort, convenience, morals and welfare of its inhabitants including without limitation:

1. To provide for the prevention of vice, drunkenness, immorality, riots, disturbances, disorderly assemblages, the suppression of houses of ill fame and *illegal* gambling places, the prevention of lewd and disorderly conduct or exhibitions; and the prevention of conduct and of speech dangerous to the public.

The city may join with the City of Bristol, Tennessee, in the doing of all of the above with respect to State Street, or any other street on the state line, and in the regulation and routing of traffic along and over the same; and in the establishing or regulating of motor vehicles and other public service passenger routes, and in fixing and regulating the charges for such passenger carrying services.

2. To enforce all regulations pertaining to the city's real property, water supply and other public improvements. Wherever such properties, supplies and improvements may be situate they shall be under the police jurisdiction of the city, and any member of the police force of the city shall have the power to make arrests for violation of any ordinance, rule or regulation adopted pursuant to this section.

3. To control its streets, alleys and other public properties and incident thereto:

(a) To grant or authorize the issuance of permits under such terms and conditions as the council may impose for the use of streets, alleys and other public places of the city.

(b) To prevent any obstruction of or any encroachment over, under or in any street, alley, sidewalk or other public place.

(c) To provide penalties for maintaining any such obstruction or encroachment.

(d) To remove the same and charge the cost thereof to the owner or owners, occupant or occupants of the property so obstructed or encroaching, and collect the sum charged in any manner provided by law for the collection of delinquent taxes.

(e) To require the owner or owners or the occupant or occupants of the property so obstructing or encroaching to remove the same and pending such removal, charge the owner or owners of the property so obstructing or encroaching compensation for the use of such portion of the street, alley, sidewalk or other public place obstructed or encroached upon the equivalent of what would be the tax upon the lands so occupied if it were owned by the owner or owners of the property so obstructing or encroaching.

(f) To impose penalty for each and every day that such obstruction or encroachment is allowed to continue.

(g) To authorize encroachments upon streets, alleys, sidewalks or other public places, subject to such terms and conditions as the council may prescribe.

(h) To recover possession of any street, alley, sidewalk or other public place or any other property of the city by any appropriate action at law or equity.

4. To regulate the operation of motor vehicles and exercise control over traffic in the streets of the

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HB2497

59 city and provide penalties for the violation of such regulations payable into the city treasury.

60 5. To regulate use of property and incident thereto:

61 (a) To compel the abatement and removal of all public nuisances within the city or upon property  
62 owned by the city beyond its limit at the expense of the person or persons causing the same or of the  
63 owner or occupant of the ground or premises whereon the same may be and collect said expense by suit  
64 or other lawful action.

65 (b) To require all lands, lots, sidewalks, unimproved city right-of-ways and other premises within the  
66 city to be kept clean and sanitary and free from stagnant water, weeds, snow, filth, mud and unsightly  
67 deposits by the owners and occupants thereof, or in the case of sidewalks and unimproved city  
68 right-of-ways by the owner or operator of property contiguous thereto and to make them so at the  
69 expense of the owner or occupants thereof (or contiguous owner or occupant), and to collect the expense  
70 by suit or motion and to make said expense a lien upon the property collectable as other delinquent  
71 taxes.

72 (c) To regulate or prevent slaughter houses or other noisome or offensive businesses within the city.

73 (d) To regulate or prevent the keeping of hogs or other animals, poultry or other fowl in the city or  
74 the exercise of any dangerous or unwholesome business, trade or employment.

75 (e) To regulate the transportation of all articles through the streets of the city.

76 (f) To compel the abatement of smoke and dust and prevent unnecessary noise.

77 (g) To regulate the locations of stables and the manner in which they will be kept and constructed.

78 (h) To regulate the location, construction, operation and maintenance of billboards.

79 (i) To define, prohibit, abate, suppress and prevent all things detrimental to the health, morals,  
80 aesthetics, safety, convenience and welfare of the inhabitants of the city.

81 6. To regulate, to the extent not prohibited by the laws of the Commonwealth, public health, and  
82 incident thereto:

83 (a) To regulate the production, preparation, distribution, sale and possession of milk, other beverages  
84 and foods for human consumption and the places in which they are produced, prepared, distributed, sold,  
85 served or stored.

86 (b) To regulate the construction, installation, maintenance and condition of all sewer pipes,  
87 connections, toilets, water closets and plumbing fixtures of all kinds.

88 (c) To regulate the construction and use of septic tanks and dry closets, where sewers are not  
89 available.

90 (d) To regulate the sanitation of swimming pools and lakes.

91 (e) To regulate by emergency regulation all things required to provide for the quarantine of any  
92 person or persons afflicted with a contagious and infectious disease and for the removal of such person  
93 to a hospital ward specially designated for contagious or infectious diseases.

94 (f) To inspect and prescribe reasonable rules and regulations with respect to private hospitals,  
95 sanatoria, convalescent homes, clinics and other private institutions, homes and facilities for the care of  
96 the sick, children, the aged and the destitute.

97 (g) To make and enforce all regulations necessary to preserve and promote public health and  
98 sanitation and protect the inhabitants of the city from contagious, infectious or other diseases.

99 7. To provide for the care, support and maintenance of children and of sick, aged, insane or poor  
100 persons and paupers.

101 8. To provide and maintain, either within or without the city, charitable, recreative, curative,  
102 corrective, detentive or penal institutions.

103 9. To extinguish and prevent fires and to compel citizens to render assistance to the fire department  
104 in case of need and incident thereto:

105 (a) To establish, regulate and control a fire department or division.

106 (b) To regulate the size, height, materials and construction of buildings, fences, walls, retaining walls  
107 and other structures hereafter erected in such a manner as the public safety and convenience may  
108 require.

109 (c) To remove or require to be removed or reconstructed any building, structure or addition thereto  
110 which by reason of dilapidation, defect of structure or other causes may have become dangerous to life  
111 or property, or which may be erected contrary to law.

112 (d) To establish and designate from time to time fire limits within which limits wooden buildings  
113 shall not be constructed, removed, added to, enlarged or repaired and to direct that any or all future  
114 buildings within such limits shall be constructed of stone, natural or artificial, concrete, brick, iron or  
115 other fireproof material.

116 (e) To enact stringent and efficient laws for securing the safety of persons from fires in halls and  
117 buildings used for public assemblies, entertainments or amusements.

118 10. To regulate, and if necessary to acquire, maintain and operate, cemeteries, crematoriums,  
119 columbariums and like means for the disposal of the dead and to regulate and make burials therein,  
120 prescribe the records to be kept by the owners of such cemeteries, crematoriums, columbariums and

other facilities for the disposal of the dead, prohibit all burials except in public burying grounds and to otherwise regulate the burial and disposition of the dead.

11. To acquire by any lawful means, including without limitation the exercise of eminent domain, any property adjoining other property used by the city for any public purpose when such property to be acquired is used and maintained in such manner as to impair the usefulness or efficiency of any such public property; and to likewise acquire property adjacent to any street, the topography of which, from its proximity thereto, impairs the convenient use of such street, or renders impractical, without extraordinary expense, the improvement of the same, and the city may subsequently dispose of property so acquired, limiting the use thereof to protect the usefulness, efficiency or convenience of such public property.

12. To exercise full police powers and establish and maintain a department or division of police; to authorize the appointment and qualification of police officers of the City of Bristol, Tennessee, as police officers in the City of Bristol, Virginia, and to permit and authorize the appointment of law-enforcement officers of the City of Bristol, Virginia, as law-enforcement officers in the City of Bristol, Tennessee.

13. To license and regulate the holding and location of shows, circuses, public exhibitions, carnivals and similar shows or fairs, or prohibit the holding of the same or any of them within the city.

14. To make and enforce such regulations as shall be necessary to prevent peddling, obstructing public ways or buying and selling at a higher price any food item at the same market or fair or one within four miles of the same market or fair.

15. To regulate or prohibit the manufacture, storage, transportation, possession or use of explosive or inflammable substances and the use or exhibition of fireworks and discharge of firearms and to regulate or prohibit the making of fires in the streets, alleys and other public places in the city; to regulate the making of fires on private property.

16. To compel the razing or repair of all unsafe, dangerous or unsanitary public or private buildings, walls or structures which constitute a menace to the health and safety of the occupants thereof or the public. The city shall also have the power to compel the razing or repair of all public or private buildings, walls or structures which impair the beauty, value, usefulness of those properties contiguous to or in the vicinity of said public or private property which would ordinarily be encompassed within the meaning of the word "neighborhood."

17. To regulate or prohibit the running at large and the keeping of animals and fowl and provide for the impounding and confiscation of any such animal or fowl found at large or kept in violation of such regulations, and to prevent cruelty to and abuse of animals.

18. To do all other things whatsoever necessary or expedient to promote or maintain the general welfare, comfort, education, morals, peace, government, health, trade, commerce or industries of the city or its inhabitants; and to join with the City of Bristol, Tennessee, or any other political subdivision within or without Virginia, in any plan, arrangement, contract or joint venture to promote or maintain the general welfare, comfort, education, morals, peace, government, health, trade, commerce or industries of said political subdivisions, or their inhabitants, or to secure additional water for them or their inhabitants, but this grant of power or exercise thereof shall in no event defeat, limit or abridge the right of the City of Bristol, Virginia, to exercise the power of eminent domain as provided by the general law of the Commonwealth of Virginia and this charter.

#### *§ 3.05. Referendums.*

*No referendum, other than those authorized by the Code of Virginia, shall be placed on the ballot unless specifically authorized by resolution by a four-fifths vote of city council.*

*Whenever any question is to be submitted to the voters of the city, the referendum shall in every case be held pursuant to a court order as provided in this section. The court order calling a referendum shall state the question to appear on the ballot in plain English as that term is defined in § 24.2-687 of the Code of Virginia. The order shall be entered and the election held within a reasonable period of time subsequent to the receipt of the request for the referendum if the request is found to be in proper order. The court order shall set the date for the referendum within 45 days of the passage of the resolution. A copy of the court order calling a referendum shall be sent immediately to the State Board of Elections by the clerk of the court in which the order was issued.*

*The ballot shall be prepared by the appropriate general registrar and distributed to the appropriate precincts. On the day fixed for the referendum, the regular election officers shall open the polls and take the sense of the qualified voters of the city on the question so submitted. The ballots for use at any such election shall be printed to state the question as follows:*

*"(Here state briefly the question submitted)*

*[ ] Yes*

*[ ] No"*

*The ballots shall be printed, marked, and counted and returns made and canvassed as in other elections. The results shall be certified by the secretary of the appropriate electoral board to the State*

182 *Board of Elections, to the court ordering the election, and to such other authority as may be proper to*  
183 *accomplish the purpose of the election.*

184 § 4.03. Meetings.

185 At nine o'clock a.m. on July 1 following a regular municipal election, or if that should be Saturday,  
186 Sunday or a legal holiday, then on the first business day following, the council shall hold an inaugural  
187 meeting at the usual place for holding the meetings of the council.

188 At that meeting newly elected councilmen shall be sworn and assume the duties of their office, and  
189 then shall make such elections and appointments as are otherwise provided for in this charter.

190 At nine o'clock a.m. on July 1 in each year when no municipal election has been held, or if such day  
191 be Saturday, Sunday or a legal holiday, then the first business day following, the council shall have an  
192 organizational meeting for the purpose of making such appointments and transacting such other business  
193 as this charter shall provide shall be made or transacted on July 1 of each year.

194 Each July 1, at the inaugural or organizational meeting, council shall make such appointments of its  
195 own members to such boards, authorities, committees or commissions that require a representative from  
196 the members of the council. Additionally at the inaugural or organizational meeting, or as soon as  
197 possible thereafter, council shall also make such citizen appointments to the planning commission, board  
198 of zoning appeals, economic development committee, social services board, board of building code  
199 appeals, BVU Authority, Industrial Development Authority and any other boards to which the council  
200 makes appointments of members whose terms have expired as of midnight on the 30th day of June.  
201 Nothing herein is meant to preclude the filling of any vacancies on such boards, authorities, committees  
202 or commissions prior to July 1, if such opening exists prior to midnight on June 30th. The length of  
203 terms of all appointees to the BVU Authority are governed by the BVU Authority Act and not the  
204 Charter.

205 Council shall thereafter regularly meet at such times as may be prescribed by ordinance, provided  
206 that it shall meet not less than once each month.

207 The mayor, any member of the council, or the city manager may call a special meeting of the  
208 council at any time, upon twelve hours written notice stating the purpose of the meeting served upon  
209 each member personally; ~~or left at his usual place of business or residence by electronic service at their~~  
210 ~~city-provided electronic mail address.~~ The called meeting may be held without written notice, provided  
211 all members of the council attend. At such special meeting, no business other than that mentioned in the  
212 call shall be considered.

213 All meetings of the council shall be public as provided for by the Virginia Freedom of Information  
214 Act, with executive sessions as permitted therein at the discretion of the majority of council. The council  
215 shall keep written minutes of its proceedings but does not have to keep minutes of its executive session.  
216 Citizens may have access to the minutes and records of all public meetings at any reasonable time.

217 § 4.05. Mayor and vice mayor.

218 At each inaugural and each organizational meeting of council, council shall elect one of its members  
219 as chairman, who shall be entitled mayor and one of its members as vice chairman, who shall be  
220 entitled vice mayor, each of whom shall serve for a term of one year, or until his successor is elected.

221 The mayor shall preside over all meetings of the council and shall have the same right to vote and  
222 speak therein as other members. He shall be recognized as the head of city government for all  
223 ceremonial purposes, the purposes of military law and the service of civil process. ~~In times of public~~  
224 ~~danger, or emergency, he may take command of the police and maintain order and enforce the laws, and~~  
225 ~~for this purpose, may deputize such assistant policemen as may be necessary.~~ The mayor shall have no  
226 veto power. He shall authenticate by his signature such instruments as the council, this charter or the  
227 laws of the Commonwealth shall require.

228 The vice mayor shall, in the absence or disability of the mayor, perform the duties of the mayor. If a  
229 vacancy shall occur in the office of mayor, the vice mayor shall become mayor for the unexpired  
230 portion of the mayor's term. A replacement for the vice mayor may then be elected by a majority vote  
231 of the remaining council.

232 In the absence or disability of both the mayor and vice mayor, the council may, by majority vote of  
233 those present, choose one of their number to perform the duties of mayor and one to perform the duties  
234 of vice mayor.

235 § 4.07. Appointments and removals.

236 The council in making appointments and removals shall act only by affirmative vote of at least three  
237 members. It may remove any person appointed by it for an indefinite term, provided that the person to  
238 be removed shall have been served with written notice of the intention of the council to remove him at  
239 least ten days prior to the action becoming final. If two or more members of council shall be disabled to  
240 vote pursuant to the provisions of the Virginia State and Local Government Conflict of Interests Act  
241 (§ 2.1-639.1 et seq) or its successors, as the same may be amended from time to time, council may act  
242 by an affirmative vote of those members of city council not so disabled to vote. No hearing shall be  
243 required.

Any member of the council or any member of a board or commission, and any other person appointed by the council for a specified term may be removed during that term by the council but only for malfeasance or neglect of duty. The person to be removed shall be entitled to notice of the intention of the council to remove him, containing a clear statement of the grounds for such removal, and fixing the time and place, not less than ten days after the service of such notice, at which he shall be given an opportunity to be heard thereon. *The notice provided and all associated evidence shall be made public immediately after serving said notice to the person.* After the hearing, which shall be public at the option of the person sought to be removed, and at which he may be represented by counsel, the decision of the council shall be final. It shall be the duty of the council, at the request of the person sought to be removed, to subpoena witnesses whose testimony would be pertinent to the matter in hand. Any officer, elective or appointed, including councilmen, or an employee of the city who shall be convicted by a final judgment of any court from which no appeal has been taken, or which has been affirmed by a court of last resort, on a charge involving moral turpitude, whether felony or misdemeanor, shall forfeit his office or employment. Council shall also have the power to otherwise punish its own members and to compel their attendance.

#### § 5.01. Appointments and qualifications.

There shall be a city manager who shall be the administrative ~~and executive~~ head *and chief executive officer* of the city and shall be responsible to the council for the proper administration of the city government. He shall be chosen by the council solely on the basis of his executive and administrative qualifications. The choice shall not be limited to inhabitants of the city or the Commonwealth of Virginia. He shall be appointed by council for a term of one year, unless sooner removed by council as herein provided. The city manager's term shall commence immediately upon election by council at a meeting to be held on July 1 of each year, or if such day be on Saturday, Sunday or a legal holiday, on the first business day following. Such term shall end on June 30 of the succeeding calendar year. Vacancies during the term may be filled by the council for the remainder of the term. During the absence or disability of the city manager, the council may, by general ordinance, or specific act, designate some properly qualified person to perform the duties of the office as acting city manager in the absence of an assistant city manager.

#### § 5.02. Power of appointment and removal.

The city manager shall appoint such city officers and employees as the council shall determine are necessary for the proper administration of the city and shall supervise such employees. ~~The~~ *All* employees, *including those in the police department and fire department*, may be removed by the city manager, except those employees in the clerical, legal and judicial departments and other attendants of the council. The council shall consent to the appointment or removal of all directors or heads of departments as hereinbefore provided before such appointment or removal shall become effective.

#### § 5.03. General powers and duties.

The city manager shall have the power and it shall be his duty:

1. To see to the enforcement of all laws and ordinances of the city.
2. To exercise supervision and control over all departments, now or hereafter created by council, except the legal, clerical, judicial departments and any other office or department directly attendant upon council.
3. To exercise supervision and control over all public improvements, works and undertakings, except as otherwise expressly provided in this charter.
4. To attend all public city council meetings with the right to speak, but not to vote.
5. To recommend for adoption such measures as are necessary for the health and safety of the city's citizens and the orderly and expedient operation of the city.
6. To prepare and submit the annual budget to council and be responsible for its administration after adoption by council.
7. To keep council regularly advised of the financial condition and future needs of the city.
8. To make all authorized contracts in behalf of the city.
9. To perform such other duties as may be prescribed by this charter or required of him by the general law of the Commonwealth or by ordinance, resolution or direction of the council.
10. To have prepared and submit to city council by its first meeting in December an audited report of the previous fiscal year's financial transactions and its financial condition as of the last day of the previous fiscal year.
11. *To serve as the local Director of Emergency Management in accordance with the Commonwealth of Virginia Emergency Services and Disaster Law of 2000, § 44-146.13 et seq.*

#### § 7.02. Finance department.

A. Generally. There shall be a finance department headed by a department head known as the chief financial officer, who shall be in charge of the accounting and finances of the city. The chief financial officer shall function as budget director, which position shall require skill in public administration and

305 the accepted practices and municipal budgetary procedure and shall compile, in cooperation with the  
306 various department heads, the departmental estimates and other data necessary or useful to the city  
307 manager in the preparation of the annual budget.

308 B. General powers and duties of chief financial officer. The chief financial officer shall have general  
309 management and control, subject to the direction and control of the city manager, of the administration  
310 of the financial affairs of the city and to that end shall have authority and be required to:

311 1. Keep books of account of the receipts from all sources and expenditures of all departments, courts,  
312 boards, commissions, offices and agencies of the city and prescribe the form of receipts, vouchers, bills  
313 or claims to be used and accounts to be kept by all departments, courts, boards, commissions, offices  
314 and agencies of the city. The chief financial officer in so doing shall consult with the retained public  
315 auditor for the city so that his books of account and other items mentioned herein produce the requisite  
316 information for auditing purposes;

317 2. Maintain suitable records to keep an accurate account with the city treasurer, making entries  
318 therein, where practical, on the same date which they occur, and said records shall be kept so that an  
319 examination of them will show the condition of the treasury;

320 3. Cooperate with the city manager in compiling estimates for the current expense and capital  
321 budgets;

322 4. Require daily, or at such intervals as he may deem expedient, report of receipts and a remission of  
323 the same from each department, court, board, commission, office and agency, and shall on the proper  
324 in-paying warrant remit the same to the treasurer;

325 5. Examine all contracts, purchase orders and other documents which create financial obligations  
326 against the city to determine that money has been appropriated and allotted therefor and that an  
327 unexpended and unencumbered balance is available and such appropriation and allotment to meet the  
328 same;

329 6. Audit before payment for legality and correctness all accounts, claims and demands against the  
330 city and no money shall be drawn from any bank account of the city except by warrant or check signed  
331 by the city manager and treasurer, based upon a voucher prepared by him;

332 7. Submit to the city manager for presentation to the council, not later than the 25th day of each  
333 month, a statement concerning the financial transactions of the city prepared in accordance with accepted  
334 principles in municipal accounting and budgetary procedure and showing:

335 (a) The amount of each appropriation with transfers to and from the same, the allotment thereof to  
336 the end of the preceding month, encumbrances and expenditures charged against such appropriation  
337 during the preceding month, the total of such charges for the fiscal year to the end of the preceding  
338 month and the unencumbered balance remaining in such appropriation; and

339 (b) The revenue estimated to be received from each source, the actual receipts from each source for  
340 the preceding month, the total receipts from each source for the fiscal year to the end of the preceding  
341 month, and the balance remaining to be collected;

342 8. Furnish the head of each department, court, board, commission, office or agency of the city a  
343 copy of such portion of the statement relating to such department, court, board, commission, office or  
344 agency;

345 9. Prepare and submit to the city manager at the end of each fiscal year, for the preceding year, a  
346 complete financial statement and report of the financial transactions of the city;

347 10. Protect the interest of the city by withholding the payment of any claim or demand by any  
348 person, firm or corporation against the city until any indebtedness or other liability due from such  
349 person, firm or corporation shall first have been settled and adjusted; and

350 11. *Develop and maintain financial policies, subject to the approval of city council. These policies*  
351 *shall include, but are not limited to, the following:*

352 (a) *Debt as a percentage of assessed value;*

353 (b) *Debt as a percentage of operating expenditures;*

354 (c) *Balanced budget;*

355 (d) *Capital improvement program; and*

356 (e) *Fund balance.*

357 *Compliance with financial policies developed and maintained under this subdivision shall be*  
358 *incorporated into the annual budget document so that city council is able to benchmark the city's*  
359 *progress.*

360 12. Perform such other duties as may be required of him by this charter, by the city manager or by  
361 the city council.

362 C. Annual audit. The council shall cause to be made annually an independent financial audit of all  
363 accounts, books, records and financial transactions of the city by the auditor of public accounts of the  
364 Commonwealth or by a firm of independent certified public accountants to be selected by council. The  
365 audit shall be of sufficient scope to express an opinion as to whether the books and records and the  
366 financial statements prepared therefrom as contained in the annual financial report of the city present

fairly the fiscal affairs of the city in accordance with generally accepted accounting principles of municipal accounting and applicable government laws. The report of such audit shall be always available for public inspection in the office of the city clerk and in the office of the city manager during regular business hours and shall be posted on the city's website for public viewing. The chief financial officer shall cooperate with and provide the necessary information to the auditor for the purpose of producing the annual audit.

D. Other audits of accounts. Upon the death, resignation, removal or expiration of the term of any officer of the city, the chief financial officer, under the supervision of the city manager, shall audit the accounts of such officer and report the result of the audit to the council. The chief financial officer shall also audit the accounts of any office or department of the city upon the request of the council, under the supervision of the city manager. Any such audit, at the direction of the council, may be made by an independent certified public accountant rather than by the chief financial officer if they so direct.

E. Commissioner of revenue. There shall be elected, pursuant to Chapter 3 of this charter and the general law of the Commonwealth, a commissioner of revenue as provided for in the Constitution of the Commonwealth of Virginia who shall perform such duties as are not inconsistent with the laws of the Commonwealth in relation to the assessment of property and license taxes as may be required by the council for the purpose of levying city property and license taxes. He shall perform such other duties within the City of Bristol, Virginia, as are prescribed for him by the general law of the Commonwealth of Virginia and as may be prescribed for him by this charter or by the city council for the City of Bristol, Virginia, and are not inconsistent with his office. The commissioner of revenue shall have the power to administer oaths in the performance of his official duties.

F. City treasurer. There shall be elected, pursuant to Chapter 3 of this charter and the general law of the Commonwealth, a city treasurer, as provided for in the Constitution of Virginia who shall, except as otherwise provided in this charter, be the custodian of all funds of the city and the city's chief financial officer's bond, and pursuant thereto shall:

1. Deposit all funds coming into the treasurer's hands to the account of the city, in such separate accounts as may be provided for by council, in such banks as may be designated for that purpose by the council. However, the city manager may authorize any department or agency of the city to maintain a petty cash fund ~~not to exceed \$300~~ *in an amount approved by the chief financial officer*. Such fund authorized shall be reimbursed by the treasurer only upon presentation of vouchers approved by the chief financial officer;

2. Receive all moneys belonging to and received by the city and keep a correct account of all such receipts;

3. Be subject to the supervision of the council, perform such other duties not inconsistent with the office as council may from time to time direct, and have such powers and duties as are now or may hereafter be prescribed by the general law of the Commonwealth or ordinance of this city;

4. Make all such reports to the chief financial officer with respect to receipts and expenditures in the city treasury as may be required by the chief financial officer to properly keep the financial records of the city up to date;

5. Pay out no money from the city treasury except as may have been approved by the city manager and the chief financial officer on forms prescribed by the chief financial officer, all in accordance with the provisions of this charter;

6. Present annually to council the treasurer's account with the State Auditor;

7. Receive no money or permit the payment of the same into the treasury, except upon the presentation of a proper form authorizing such payment and receipt, which form shall show the source and amount of such money and shall be signed by the chief financial officer or his designee. No license, permit or other authorization for which the party receiving same is required to pay money to the city shall be valid unless and until the treasurer receipts the same giving the amount and date of such receipt; and

8. Report a list of delinquent real and personal property taxes for the next preceding year to the city manager and to city council no later than July 1 of each year.

§ 7.03. Personnel department.

A. Generally. There shall be a personnel department which shall consist of the personnel director, and such employees as may be provided for by the council. Until the city council for the City of Bristol, Virginia, shall, by written resolution, direct that the office of personnel director shall be otherwise filled, the city manager shall serve as personnel director.

B. Powers and duties of the personnel director. The personnel director shall have the following powers and duties:

1. To formulate and propose a comprehensive personnel policy to the city council for adoption, and as the need may arise, to propose to the council amendments, additions and deletions to the comprehensive personnel policy, and to oversee and enforce the uniform application of the personnel

428 policy to all the employees of the city. Nothing in this charter, nor in any policy manual promulgated  
429 pursuant to this charter, nor in any ordinance or act of the council of the City of Bristol, Virginia, shall  
430 be construed to create any contractual relationship between the City of Bristol, Virginia, and any of its  
431 employees or agents. The comprehensive personnel policy adopted pursuant to this provision shall not  
432 be a contract with the employees of the city and so may be amended from time to time as the needs of  
433 the city may require, no rights being vested in any city employee by virtue of this section or any policy  
434 adopted pursuant thereto.

435 2. To, with the cooperation of each department head, formulate and promulgate standard operating  
436 procedures in addition to a comprehensive personnel policy that may be needed and applicable to the  
437 individual departments and the employees thereof as such requirements may exist and submit to the  
438 council for adoption and from time to time for amendment.

439 3. To oversee and aid each department head in the formulation and promulgation of competitive  
440 examinations for all original appointments to department jobs and for promotions within each  
441 department to provide for the hiring and promotion of the best qualified personnel available to the city.

442 4. To oversee the maintenance by each department of a list of eligible employees based upon  
443 examination and other hiring criteria for each department and to promulgate regulations to assure that  
444 such lists are kept current, that all vacancies are well publicized and that the best possible employees of  
445 the City of Bristol, Virginia, be hired for each such vacancy.

446 5. To formulate and recommend to the council for adoption such additions, deletions, and  
447 amendments of the current city pay plan covering all employees of the city as may from time to time be  
448 advisable.

449 6. To direct and enforce the maintenance by all departments, boards, commissions, offices and  
450 agencies of the city of such personnel records of employees of such departments, boards, etc., as the  
451 personnel director shall prescribe.

452 7. To establish a temporary employment list for filling positions which are temporarily vacant.

453 8. To oversee and advise the department heads in the promulgation of a systematic program of  
454 in-service training for all employees qualifying them for advancement in the service of the city.

455 9. To oversee and enforce the operation of an employee grievance procedure in accordance with the  
456 laws of the Commonwealth.

457 10. To investigate any and all matters relating to conditions of employment in the service of the city  
458 and to make at least annually a report of his findings to the council.

459 11. *To oversee and advise department heads in all cases of adverse employment decisions before any*  
460 *disciplinary actions are taken.*

461 12. Such other powers and duties as may be assigned him from time to time by council.

462 § 7.04. Police department.

463 A. Generally. The police department shall consist of the chief of police and such other officers and  
464 employees at such ranks and grades as may be established by the council. The police department shall  
465 be responsible for the preservation of public peace, prevention of crime, apprehension of criminals,  
466 protection of the rights of persons and property and enforcement of the laws of the Commonwealth, the  
467 ordinances of the city and all rules and regulations made in accordance therewith. The chief of police  
468 and the other members of the police department of the city shall have all the powers and duties of  
469 police officers as provided by the general laws of the Commonwealth and more particularly, each police  
470 officer is invested with all the power and authority which formerly belonged to the office of the  
471 constable at common law in taking cognizance of, and in enforcing the criminal laws of the  
472 Commonwealth and ordinances and regulations of the city. Each of such policemen shall use his best  
473 endeavors to prevent the commission within the city of offenses against the laws of the Commonwealth  
474 and against the ordinances and regulations of the city; shall observe and enforce all such laws,  
475 ordinances and regulations; shall detect and arrest offenders against the same; shall preserve the good  
476 order of the city; and shall secure the inhabitants thereof from violence and the property therein from  
477 injury. Such policemen shall have no power or authority in civil matters, except that they may execute  
478 and serve a temporary detention pursuant to § 37.1-67.1 of the Code of Virginia and he shall in all other  
479 cases comply with the orders of any court of proper jurisdiction and execute such warrants or summons  
480 as may be placed in said police officer's hands by any clerk of the court, magistrate or trial judge of the  
481 city and shall make due return thereof. The criminal investigations of the department shall be under the  
482 ultimate authority of the attorney for the Commonwealth, who shall be the chief law-enforcement officer  
483 of the city.

484 B. Powers and duties of the chief of police. The head of the police department shall be the police  
485 chief. Under the supervision of the city manager, he shall be in direct command of the police  
486 department. He shall assign all members of the department to their respective posts, shifts, details and  
487 duties. He shall, with the approval of the city manager, make rules and regulations in conformity with  
488 this charter and the ordinances of the city concerning the operation of the department, the conduct of the  
489 officers and employees thereof, their uniforms, arms and other equipment, their training and the



penalties to be imposed for infractions of such rules and regulations. Upon notice of a complaint about an officer's conduct, the complaint shall be communicated to the chief of police and immediately to the city manager in writing. The city manager will then direct the chief of police to investigate the matter and report the findings and recommend disposition to the city manager and city attorney within a reasonable period of time. The city manager will either concur with or overrule the chief of police recommendation, and the decision of the city manager will be final pending any other administrative remedy the officer may have pursuant to the general laws of the Commonwealth or the City of Bristol. The police chief shall be responsible for the efficiency, discipline and good conduct of the department. Orders of the city manager shall be transmitted in all cases through the police chief or in his absence from the city or incapacity, through an officer of the department designated as acting chief by the city manager. Disobedience to the lawful commands of the police chief or a violation of the rules and regulations made by him, shall be grounds for removal or other disciplinary action as provided in such rules and regulations.

C. Division of animal control. Within the police department, there shall be a division of animal control which shall consist of a city animal warden, appointed pursuant to § 3.1-796.104 of the Code of Virginia, by the city manager, who shall be supervised by the police chief. The animal warden shall serve at the will and pleasure of the city manager and shall not be considered a department head. The city animal warden shall be paid and otherwise compensated as the city council shall from time to time prescribe. The animal warden shall have such powers and duties and responsibilities as are set out in Chapter 27.3 (§ 3.1-796.66 et seq) of Title 3.1 of the Code of Virginia and all other acts and ordinances enacted by the Commonwealth or the city for the control and protection of animals. The city manager shall have the power to appoint one or more deputy animal wardens to assist the city animal warden as the council shall provide.

§ 7.07. Building code ~~department~~ division.

A. Building Code Division ~~Generally~~ code division generally. There shall be a building code division which shall consist of the building code official and such other officers and employees as may be provided for by city council and the environs control official. The building code division The building code official and residential inspector shall be part of the community development department of planning and supervised by the planning community development director. The building code official may be removed from office for cause after full opportunity to be heard on specific and relevant charges in a hearing before city council. The city manager is authorized to designate an employee as deputy who shall exercise all the powers of the building code official during the temporary absence or disability of the building code official.

B. Restriction of employees. Neither any building code official nor any employee connected with the building code division, except members of the board of survey or the board of appeals, shall be engaged in or directly or indirectly connected with the furnishing of labor, materials or appliances for the construction, alteration or maintenance of a building or the preparation of plans or the specifications thereof built or to be built within the city, unless that person is the owner of the building. No officer and employee may engage in any work which conflicts with the official duties or interests of the building code division.

C. Personal liability. The building code official division, and any officer or employee of the building code division, shall not, while acting for the jurisdiction, thereby be rendered liable personally for any damage accruing to persons or properties as a result of any act required or permitted in the discharge of their official duties, nor shall any employee of the building code official or any subordinate of the building code official division be liable for costs in any action, suit or proceeding that is instituted pursuant to the provisions of the building and maintenance codes. They shall be free from liability for acts performed under any of the provisions of or by reason of any act or omission in the performance of their official duties in connection with the provisions of the Uniform Statewide Building Code. This limitation of liability shall extend to the environs control division's enforcement of the Uniform Statewide Building Maintenance Code.

D. Functions. The building code division shall:

1. Enforce all the provisions of the Uniform Statewide Building Code and act on any question relative to the mode or manner of construction and the materials to be used in the erection, addition to, alteration, repair, removal, demolition, installation of service equipment and the location, use, occupancy and maintenance of all buildings and structures situate in the City of Bristol, Virginia;

2. Receive applications and issue permits for the erection and alteration of buildings and structures, including passing on whether a requested building permit may be issued in compliance with the zoning ordinances of the city, inspect the premises for which such permits have been issued and enforce compliance with the provisions of the Uniform Statewide Building Code;

3. Issue all necessary notices or orders to remove illegal or unsafe conditions and structures, require the necessary safeguards during construction, require adequate exit facilities in existing buildings and

structures and insure compliance with all the code requirements for the health, safety and general welfare of the public;

4. Make all the required inspections, or accept reports of inspection by approved agencies on individuals in writing and certified by a responsible officer of such approved agency or by the responsible individual, and engage such expert opinion as deemed necessary to report upon unusual technical issues that arise, if such engagement is approved by ~~council~~ *the community development director*;

5. Adopt and promulgate rules and regulations to interpret and implement the provisions of the Uniform Statewide Building Code, to secure the intent thereof and designate requirements applicable because of local climatic or other conditions, but such rules shall not have the effect of waiving structural or fire performance requirements specifically provided by the Uniform Statewide Building Code or violating accepted engineering practices involving public safety;

6. Keep official records of applications received, permits and certificates issued, fees collected, reports of inspections, and notices and orders issued so long as the building to which they pertain remains in existence;

7. Report in writing annually to the ~~city manager~~ *community development director* a statement of operations as may be prescribed by the ~~city manager~~ *community development director*;

8. Perform such other duties as from time to time may be required of the building code official by the Uniform Statewide Building Code and the ~~city manager~~ *community development director*;

9. Enforce all local ordinances pertaining to buildings, unsafe structures, the abatement of nuisances created by unsafe structures and such other local ordinances as may from time to time be adopted and passed relative to buildings or structures situate in the city by the council, to the extent that such are not superseded and repealed by an act of the General Assembly; and

10. Perform such other duties as may from time to time be assigned to the building code division by ~~city council~~ *the city manager or community development director*.

~~E. Environs control. The position of environs control official, whose duties shall be to enforce state law and local ordinances pertaining to garbage, trash, weeds, junk, and litter and the Statewide Uniform Building Maintenance Code within the City of Bristol, Virginia, shall be an employee of the building code division and shall be under the supervision of the building code official. The environs control official shall meet the requirements imposed for the position by state law.~~

§ 7.08. ~~Planning department~~ *Community development department*.

A. ~~Planning~~ *Community development* director. The ~~community development~~ department of ~~planning~~ shall consist of a ~~planning community development~~ director and such other officers and employees of the department as provided for by city council and the building code official and the employees of the building code division.

B. Department functions. The ~~community development~~ department of ~~planning~~ shall have the responsibility for:

1. Administration of all programs funded by federal, state or other monies as such be assigned to the ~~community development~~ department of ~~planning~~ by city council for administration;

2. Administration of the zoning ordinance and the subdivision ordinance and as such, the ~~planning community development~~ director shall ~~serve as provide~~ staff for the board of zoning appeals, the planning commission and city council on zoning matters that are before each of such entities. Nevertheless, it shall remain the duty of the building code official ~~to determine division, with the assistance of the zoning administrator, to insure~~ the proper zoning of all proposed developments for purpose of issuance of requisite building permits, site plan permits and other required permits;

3. Development of the comprehensive city plan and the amendments thereto for approval by city council;

4. ~~Transportation planning of road improvements on major thoroughfares;~~

5. ~~Serving as staff to the metropolitan planning organization board created by Bristol, Virginia; Bristol, Tennessee; Sullivan County, Tennessee and Washington County, Virginia;~~

64. ~~Serving as staff to the joint Bristol, Tennessee/Virginia Planning Commission;~~

5. ~~Enforcing state law and local ordinances pertaining to garbage, trash, weeds, junk and litter, and the Statewide Uniform Building Maintenance Code within the City of Bristol, Virginia;~~

76. Supervise the operations and performance of the building code ~~division~~ officer, city planner, community development block grant coordinator, code compliance officer, residential inspector, community development administrative assistant; and

87. Such other duties as may from time to time be assigned to the ~~planning community development~~ department by ~~the city council~~ or the city manager.

§ 7.11. Transit department.

A. Generally. The transit department shall consist of the ~~transit director~~ *transportation planner* and such other officers and employees of the department as the council shall approve.

B. Function. The transit department shall provide public bus service to the City of Bristol, Virginia,

to the extent such provision is funded by city council. The transit department shall operate the school bus system for the school board of the City of Bristol, Virginia, unless the Bristol, Virginia, school board shall take over the operation, management and maintenance of its own school bus system. The transit department shall operate the city mechanical garage and therein provide service to all city vehicles and to any other city equipment for which the garage is equipped with men and materials to perform maintenance thereon. The city transit garage shall also provide maintenance service to the Bristol, Virginia, sheriff's office vehicles and equipment.

*C. Duties of the transportation planner:*

1. Administration and management of the transit system;
2. Coordination with state and federal transit agencies;
3. Transportation planning of road improvements on major thoroughfares;
4. Serve as staff to the metropolitan planning organization board created by Bristol, Virginia; Bristol, Tennessee; Sullivan County, Tennessee; and Washington County, Virginia;
5. Coordination of special events on city property and rights of way; and
6. Such other duties as may from time to time be assigned by city council or the city manager.

*§ 8.04. City planning commission.*

There shall be a city planning commission consisting of seven members, one of whom shall be a member of the city council selected by the council for a term coincident with his term on the council; one of whom shall be selected by the council for an indefinite term and the remaining members shall be citizens appointed by city council for three-year four-year terms, to be staggered beginning July 1, 2019. All citizens of the City of Bristol, Virginia, owning real property shall be eligible for appointment to the planning commission, and all appointees shall take the oath of office before entering into their duties. Each appointee, other than the councilmanic and employee appointees, shall be eligible for only two consecutive terms.

The planning commission's duties shall be to:

1. Exercise general supervision of and make regulations for the administration of its affairs;
2. Prescribe rules pertaining to its investigations and hearings;
3. Supervise its physical affairs and responsibilities, under rules and regulations as prescribed by the governing body;
4. Keep a complete record of its proceedings and be responsible for the custody and preservation of its papers and documents;
5. Make recommendations and an annual report to the governing body concerning the operation of the commission and the status of planning within its jurisdiction;
6. Prepare, publish and distribute reports, ordinances and other material relating to its activities;
7. Prepare and submit an annual budget estimate in the manner prescribed by the city council;
8. Review, amend and recommend a comprehensive city plan to city council as provided for by state law and this charter and amendments thereto as needed;
9. Exercise such authority and perform such duties relative to zoning, subdivisions and other matters related to development within the City of Bristol, Virginia, as are provided for in the respective ordinances provided for the same by city council; and
10. Perform such other duties as council may from time to time assign to the planning commission.

The planning commission shall be staffed by the director of the department of planning and employees of that department until and unless the council shall by ordinance provide for a separate staff for the planning commission. The planning commission may, with the approval of the city manager, call upon the heads of other departments for staff functions as the need may arise.

*§ 8.06:1. Bristol Virginia Utilities Authority.*

*The Bristol Virginia Utilities Authority shall be organized and have the powers as set out in the BVU Authority Act, Chapter 72 (§ 15.2-7200 et seq.) of the Code of Virginia.*

*§ 15.03. Investigation into city affairs.*

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. For that purpose, the council, city manager or any such officer, board or commission shall have the power to subpoena witnesses, administer oaths and compel the production of books and papers evidence. Any person refusing or failing to attend or to testify or to produce such books and papers may be summonsed by such board or officer before the judge of the General District Court for the City of Bristol, Virginia, by the board or official making such investigation, and upon failure to give satisfactory explanation of such failure or refusal, may be found guilty by the judge of the general district court of a Class 2 misdemeanor and fined or jailed accordingly. Such persons shall have the right to appeal to the circuit court of the city any conviction pursuant hereto. Any person who shall give false testimony under oath at any such investigation shall be liable to prosecution for perjury.