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## HOUSE BILL NO. 1107

Offered January 8, 2020

Prefiled January 7, 2020

A BILL to amend and reenact §§ 1, 5, as amended, 5.1, as amended, 6, as amended, 7, 8, 9, as amended, 12, as amended, 14, as amended, 17, as amended, 19, 20, as amended, 25, 28, 29, as amended, 36 through 40, 42, 43, as amended, 45-a through 48, 50.1, as amended, 50.2, 50.3, 50.4, as amended, 50.5, 50.6, 50.7, and 51 of Chapter 384 of the Acts of Assembly of 1946, to amend Chapter 384 of the Acts of Assembly of 1946 by adding sections numbered 5.01 and 5.02, and to repeal §§ 2, 10, 11, and 13, as amended, 14-b, 15, as amended, 18, 24, as amended, 26, 27, as amended, 31, 33, as amended, 35, and 45 of Chapter 384 of the Acts of Assembly of 1946, which provided a charter for the City of Charlottesville, relating to city organization; council.

Patron—Hudson

Referred to Committee on Counties, Cities and Towns

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

1. That §§ 1, 5, as amended, 5.1, as amended, 6, as amended, 7, 8, 9, as amended, 12, as amended, 14, as amended, 17, as amended, 19, 20, as amended, 25, 28, 29, as amended, 36 through 40, 42, 43, as amended, 45-a through 48, 50.1, as amended, 50.2, 50.3, 50.4, as amended, 50.5, 50.6, 50.7, and 51 of Chapter 384 of the Acts of Assembly of 1946 are amended and reenacted and that Chapter 384 of the Acts of Assembly of 1946 is amended by adding sections numbered 5.01 and 5.02 as follows:

§ 1. A new charter is hereby provided for the City of Charlottesville in the form and manner following: Body politic and corporate name.

The inhabitants of the territory comprised within the present limits of the City of Charlottesville as hereinafter described, or as the same may be hereafter altered and established as provided by law, shall continue to be one body politic and corporate in fact and its name shall be the City of Charlottesville. The City of Charlottesville shall have and may exercise all the powers which are now or hereafter may be conferred upon or delegated to cities under the Constitution and the general law of the Commonwealth of Virginia as fully and completely as though said powers were specifically enumerated herein, and no enumeration of particular powers by this Charter shall be held to be exclusive. Additionally, the City of Charlottesville shall have, exercise, and enjoy all the rights, immunities, powers, and privileges and be subject to all the duties and obligations pertaining to and incumbent upon the City of Charlottesville as a municipal corporation, and the said City of Charlottesville, as such, shall have perpetual succession, may sue and be sued, may contract and be contracted with, and may have a corporate seal which it may alter, renew, or amend at its pleasure.

The present boundaries of the City of Charlottesville shall be as described in Chapter 384 of the Acts of the Assembly of 1946, as enlarged by subsequent orders of the Circuit Courts of Albemarle County and the City of Charlottesville or as otherwise provided by law.

§ 5. Elective officers; qualifications and terms of certain officers; form of government; corporate powers vested in city council.

(a) The municipal authorities of the said city shall consist of a council of five members, one of whom shall be mayor, as hereinafter set forth, unless and until this form be changed in manner prescribed by law, a clerk of the ~~corporation~~ circuit court, a ~~Commonwealth's~~ an attorney for the Commonwealth, a treasurer, a sheriff, and a commissioner of revenue, who shall be elected by the qualified voters of the City of Charlottesville at elections held at the intervals and on the day prescribed for such elections by the laws of the State. All persons who are qualified voters of the City of Charlottesville shall be eligible to any of the said offices. The terms of offices of all of said officers shall begin and continue for such length of time as is prescribed by law; ~~provided, that any of said officers shall be eligible to one or more offices to which he may be elected or appointed by the council.~~ All the corporate powers of said city shall be exercised by said council, or under its authority, except as otherwise provided herein.

(b) The form of government for said city shall be the city manager plan as follows: All corporate powers, and legislative and executive authority vested in the City of Charlottesville by law shall be and are hereby vested in a council of five members to be elected at large from the qualified voters of the city, except as hereinafter provided.

(c) Each of said ~~councilmen~~ councilors shall receive an annual salary from the city for their services to be set by the council; ~~not to exceed thirty-six hundred dollars each (except the president of said~~

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59 council, who shall be mayor, and shall receive a salary not to exceed forty-eight hundred dollars) from  
60 the city for their services in accordance with the general laws of the Commonwealth.

61 (d) In accordance with the general laws of the Commonwealth, the election of ~~councilmen~~ councilors  
62 shall be held in ~~May~~ November of 1972, 2021 and biennially thereafter. At the election in ~~May~~  
63 November of 1972 2021 there shall be elected ~~three~~ two members of council and at the election in ~~May~~  
64 November of 1974 2023, there shall be elected ~~two~~ three members of council to fill vacancies occurring  
65 on the first of ~~July~~ January in the respective years following the year in which they are elected. The  
66 term of office of the ~~councilmen~~ shall be Councilors shall serve terms of four years. The members of  
67 the council on the effective date of this charter amendment are hereby confirmed in office until the first  
68 thirty-first day of ~~July~~ December in the final year of the term of office for which they were elected.

69 (e) It shall be the duty of the said ~~The~~ council of five members to shall elect a city manager, at the  
70 salary to be fixed by ~~them~~ the council, who shall serve at the pleasure of the council.

71 (f) Subject to general control by the council as provided in subsection (b) hereof, the city manager  
72 shall have full executive and administrative authority and shall have the right to employ and discharge  
73 all employees under his control. All departments of city government, including the fire department and  
74 police department, shall be under the general supervision of the city manager. The city manager shall  
75 give a bond for the faithful performance of his duties in such sum as the council may require. Subject to  
76 the general power of the council as provided in subsection (b) hereof and except as the council may by  
77 ordinance otherwise provide, the city manager shall have the powers vested in city managers by  
78 §§ 15.1-926 and 15.1-927 of the Code of Virginia and general laws amendatory thereof.

79 (g) Said council shall elect a director of finance who shall serve at the pleasure of the council and  
80 who shall superintend the fiscal affairs of the city, and shall manage the same in the manner required by  
81 the council.

82 In all other respects the said council shall have and be vested with the same authority heretofore  
83 exercised by the council, and in all other respects their duties and liabilities shall be regulated by the  
84 existing general laws of the Commonwealth, not in conflict therewith.

85 § 5.01. City manager.

86 Subject to general control by the council as provided in § 4 (b) hereof, the city manager shall have  
87 full executive and administrative authority and shall have the right to employ and discharge all  
88 employees under his control. All departments of city government, including the fire department and  
89 police department, shall be under the general supervision of the city manager. The city manager shall  
90 give a bond for the faithful performance of his duties in such sum as the council may require. Subject to  
91 the general power of the council as provided in § 5 (b) hereof and except as the council may by  
92 ordinance otherwise provide, the city manager shall have the powers vested in city managers in  
93 accordance with the general laws of the Commonwealth.

94 § 5.02. Director of finance; audit.

95 The council shall appoint a director of finance, who shall serve at the pleasure of the council. The  
96 director of finance shall have general management and control of the fiscal affairs of the city, including  
97 the city's accounting, purchasing, collection, risk management, debt management, financial reporting,  
98 and real estate assessment functions. The city manager shall provide supervision of the director of  
99 finance.

100 The director of finance shall contract with a certified public accountant to conduct an audit of the  
101 city's and each constitutional officer's accounts and records by June 30 of each year in accordance with  
102 standards established by the Commonwealth's Auditor of Public Accounts. The certified public  
103 accountant shall provide a detailed written report of the city's audit to the council by December 1 of  
104 each year. A copy of the audit shall be available for inspection by the public.

105 § 5.1. The council shall have authority to order, by resolution directed to the ~~corporation~~ circuit court  
106 of the city ~~or the judge thereof in vacation~~, the submission to the qualified voters of the city for an  
107 advisory referendum thereon any proposed ordinance or amendment to the city charter. Upon the receipt  
108 of such resolution, the ~~corporation~~ circuit court of the city ~~or the judge thereof in vacation~~ shall order  
109 an election to be held thereon not less than thirty nor more than sixty days after the receipt of such  
110 resolution. The election shall be conducted and the result thereof ascertained and determined in the  
111 manner provided by law for the conduct of general elections and by the regular election officials of the  
112 city. If a petition requesting the submission of an amendment to this charter, set forth in such petition,  
113 signed by qualified voters equal in number to ten per centum of the largest number of votes cast in any  
114 general or primary election held in the city during the five years immediately preceding ~~submission of~~  
115 the petition, each signature to which has been witnessed by a person whose affidavit to that effect is  
116 attached to the petition, is filed with the clerk of the ~~corporation~~ circuit court of the city ~~he~~, they shall  
117 forthwith certify that fact to the court ~~or judge thereof in vacation~~. Upon the certification of such  
118 petition, the ~~corporation~~ circuit court of the city ~~or the judge thereof in vacation~~, shall order an election  
119 to be held not less than thirty nor more than sixty days after such certification, in which such proposed  
120 amendment shall be submitted to the qualified voters of the city for their approval or disapproval. Such

election shall be conducted and the result thereof ascertained and determined in the manner provided by law for the conduct of general elections and by the regular election officials of the city. If a majority of those voting thereon at such election approve the proposed amendment such result shall be communicated by the clerk of the ~~corporation~~ circuit court of the city to the two houses of the General Assembly and to the representatives of the city therein with the same effect as if the council had adopted a resolution requesting the General Assembly to adopt the amendment.

Nothing contained in this section shall be construed as affecting the provisions of § 14-a of this charter.

§ 6. ~~Officers and clerks elected by council.~~ Clerk of council; minutes; ordinance book.

*The council shall elect a clerk of council to serve at the pleasure of the council. The clerk of the council shall attend the meetings of the council, shall keep a record of its proceedings, and shall have custody of the seal of the city.*

*At each regular meeting of the council, the minutes of the last regular meeting and all intervening called meetings shall be presented by the clerk of council, and thereupon be corrected, if erroneous, and signed by the mayor. The clerk shall record the minutes in the council's journal of proceedings.*

*The council shall also require to be kept by its clerk a separate book, termed the General Ordinance Book, in which shall be recorded all ordinances and resolutions of a general and permanent character, properly indexed and open to public inspection. Other documents or papers in the possession of the clerk of the council that may affect the interest of the city shall not be exhibited nor copies thereof furnished, except as may be required by the general laws of the Commonwealth.*

There may be elected by the council ~~such~~ additional officers and clerks as ~~said~~ the council deems proper and necessary, who shall serve at the pleasure of council, and any one or more of said offices may be held and exercised by the same person. It may be competent for the council, in order to secure the services of a suitable person, to elect non-residents, but such officer, other than the clerk of the council, shall reside in the city during ~~his~~ the officer's tenure of office.

§ 7. Oaths of office and qualification of officers; failure to qualify.

The ~~councilmen~~ councilors, and other officers elected by the people shall each, before entering upon the duties of their offices, take the oaths prescribed for all other officers by the general laws of Virginia the Commonwealth, and qualify before the ~~corporation~~ circuit court of said city, ~~or the judge thereof in vacation~~, and in the cases of the mayor and ~~councilmen~~ councilors a certificate of such oaths having been taken, shall be filed by them, respectively, with the clerk of the council, who shall enter the same upon the journal thereof; but if any or either of said officers shall fail to qualify, as aforesaid, for ten days after the commencement of the term for which ~~he, or they, were said officer was~~ elected, or shall neglect for a like space of time to give such bond as may be required of ~~him, his said officer or said officer's office or their offices~~ shall be deemed vacant.

§ 8. Vacancy in office of mayor or ~~councilmen~~ councilor; vacation of office.

Whenever, from any cause, a vacancy shall occur in the office of mayor, ~~it shall be filled by the council and a shall elect one of its members as mayor for the remainder of the term.~~ A vacancy in the office of ~~councilmen~~ councilor shall be filled by that body at its next regular meeting from the qualified electors of said city, and the officer thus elected shall hold his office for the term for which his predecessor was elected, unless sooner vacated by death, resignation, removal, or from other causes in accordance with the general laws of the Commonwealth. An entry of said election shall be made in the ~~record book~~ journal of proceedings and the General Ordinance Book.

If the mayor of said city or a ~~councilman~~ a councilor shall remove from the city limits, such removal shall operate to vacate ~~his~~ such mayor's or councilor's office.

§ 9. Council—President Mayor and ~~vice-president~~ vice-mayor.

At its first meeting in ~~July, 1972,~~ January 2022 and biennially thereafter, the council shall elect one of its members to act as ~~president~~ mayor, who shall preside at its meetings and continue in office two years. ~~Or if~~ If a vacancy ~~occur~~ occurs in the office of mayor before the end of ~~his~~ their term, such vacancy shall be filled as provided in § 8.

At the same time the council shall elect one of its members to be a ~~vice-president~~ vice-mayor, who shall preside at such meetings in the absence of the ~~president~~ mayor, and who, when the ~~president~~ mayor shall be absent or unable to perform the duties of ~~his~~ their office, by reason of sickness, or other cause, shall perform any and all duties required of, or entrusted to, the ~~president~~ mayor. The ~~president~~ mayor, or the ~~vice-president~~ vice-mayor, when authorized, as above stated, to act, shall have power at any time to call a meeting.

*The mayor, or vice-mayor when performing the duties of the mayor, shall be entitled to a vote on all questions as any other councilor, but in no case shall they be entitled to a second vote on any question.*

§ 12. Same—Authority generally; meetings; journal of proceedings; general ordinance book; inspection of documents and papers Council meetings and rules.

*The council shall fix by ordinance the time for holding their stated meetings, and no business shall*

182 *be transacted at a special meeting, unless by unanimous consent, except that for which it shall have*  
183 *been called, and every call for a special meeting shall specify the object thereof. Three councilors shall*  
184 *constitute a quorum for the transaction of business at any meeting of the council.*

185 The council shall have authority to adopt such rules and to appoint such officers and clerks as it may  
186 deem proper for the regulation of its proceedings, and for the convenient transaction of business, to  
187 compel the attendance of absent members, to punish its members for disorderly behavior, and by vote of  
188 two-thirds of all the members elected to it, expel a member for malfeasance or misfeasance in office.  
189 The council shall keep a journal of its proceedings, and its meetings shall be open, except when it votes  
190 to hold an executive or closed session pursuant to *the general law*. ~~The council shall also require to be~~  
191 ~~kept by its clerk a separate book, termed "the general ordinance book," in which shall be recorded all~~  
192 ~~ordinances and resolutions of a general and permanent character, properly indexed and opened to the~~  
193 ~~public inspection. Other documents or papers in the possession of the clerk of the council which may~~  
194 ~~affect the interest of the city shall not, be exhibited nor copies thereof furnished, except as may be~~  
195 ~~required by law~~ *laws of the Commonwealth.*

196 § 14. ~~Same—~~ *Powers Council powers enumerated.*

197 The council of the city, except as hereinbefore provided, shall have the power within said city to  
198 control and manage the fiscal and municipal affairs of the city and all property, real and personal,  
199 belonging to said city; they shall have power to provide a revenue for the city, and appropriate the same  
200 to its expenses, also to provide the annual assessments of taxable persons and property in the city, and it  
201 may make such ordinances, orders, and by-laws relating to the foregoing powers of this section as it  
202 shall deem proper and necessary. ~~They~~ *The council shall likewise also* have power to make such  
203 ordinances, by-laws, orders and regulations as it may deem desirable to carry out the following powers  
204 which are hereby vested in them:

205 First. *Streets and Sidewalks — Generally.* To close, extend, widen, narrow, lay out, grade, improve  
206 and otherwise alter streets and public alleys in the said city, and have them properly lighted and kept in  
207 good order, and it may make or construct sewers or ducts through the streets or public grounds of the  
208 city, and through any place, or places whatsoever, when it may be deemed expedient by the said  
209 council. The ownership of any land included in any street that is closed shall be in accord with *the*  
210 ~~general law~~ *laws of the Commonwealth.* ~~The said council~~ *Council* may have over any street or alley in  
211 the city, which has been, or may be ceded to the city, like authority as over streets or alleys, and may  
212 prevent or remove any structure, obstruction or encroachment over, or under, or in a street or alley, or  
213 any sidewalk thereof.

214 Second. *Obstructions; cleaning sidewalks.* To prevent the cumbering of the streets, avenues, walks,  
215 public squares, lanes, alleys, or bridges in any manner whatsoever; to compel the occupant or owner of  
216 buildings or grounds to remove snow, dirt or rubbish from the sidewalks in front thereof.

217 Third. *Fires and fire prevention.* To extinguish and prevent fires, prevent property from being stolen,  
218 and to compel citizens to render assistance to the fire department in case of need, and to establish,  
219 regulate and control a fire department for said city; to regulate the size of materials, and construction of  
220 buildings hereafter erected, in such manner as the public safety and convenience may require; to remove,  
221 or require to be removed, any building, structure, or addition thereto which, by reason of dilapidation,  
222 defect of structure, or other causes, may have, or shall, become dangerous to life or property, or which  
223 may be erected contrary to law; to establish and designate from time to time fire limits, within which  
224 limits wooden buildings shall not be constructed, removed, added to or enlarged, and to direct that all  
225 future buildings within such limits shall be constructed of stone, natural or artificial, concrete, brick or  
226 iron.

227 Fourth. *Breadth of tires on vehicles.* To regulate and prescribe the breadth of tires upon the wheels  
228 of wagons, carts, and vehicles of every kind and description used upon the streets of said city.

229 Fifth. *Preservation of health; hospitals; births and deaths.* To provide for the preservation of the  
230 general health of the inhabitants of said city, make regulations to secure the same, prevent the  
231 introduction of spreading of contagious or infectious diseases, and prevent and suppress diseases  
232 generally; to provide and regulate hospitals within or without the city limits, and to enforce the removal  
233 of persons afflicted with contagious or infectious diseases to hospitals provided for them; to provide for  
234 the appointment and organization of a board of health or other board to have the powers of a board of  
235 health for said city, with the authority necessary for the prompt and efficient performance of its duties,  
236 with power to invest any or all the officials or employees of such department of health with such  
237 powers as the officers of the city have; to regulate the burial, cremation, or disposition of the dead; to  
238 compel the return of births and deaths to be made to its health department, and the return of all burial  
239 permits to such department.

240 Sixth. *Cemeteries.* To acquire by purchase, condemnation, or otherwise, either within or without the  
241 city, lands to be appropriated, improved and kept in order as places for the interment of the dead, and  
242 may charge for the use of the grounds in said places of interment, and may regulate the same; to  
243 prevent the burial of the dead in the city, except in public burying grounds; to regulate burials in said

grounds; to require the keeping and return of bills of mortality by the keepers (or owners) of all cemeteries, and shall have power within the city to acquire by purchase, condemnation, or otherwise, such lands, and in such quantity as it may deem proper or necessary for the purpose of burying the dead; provided, however, that no part of such cemeteries, when established or enlarged, shall be within one hundred feet of any residence without the consent of the owner of the legal and equitable title of such residence, and provided further that the provisions of ~~Chapter one hundred and seventy-six of the Code of Virginia~~ *the general laws of the Commonwealth*, as now existing or hereafter amended, for condemnation of land thereunder so far as applicable shall apply to condemnation proceedings by the city hereunder.

The title to any land acquired by condemnation hereunder shall vest in the City of Charlottesville.

Seventh. *Quarantine*. To establish a quarantine ground within or without the city limits, and such quarantine regulations against infectious and contagious diseases as the said council may see fit, subject to the laws of the State, and of the United States.

Eighth. *Nuisances, etc.* To require and compel the abatement and removal of all nuisances within the said city, or upon any property owned by said city, without its limits, at the expense of the person or persons causing the same, or the occupant or owner of the ground whereon the same may be; to prevent and regulate slaughter houses, and soap and candle factories within said city, or the exercise of any dangerous, offensive or unhealthy business, trade or employment therein; to regulate the transportation of all articles through the streets of the city; to compel the abatement of smoke and dust; to regulate the location of stables, and the manner in which they shall be constructed and kept.

Ninth. *Stagnant water or offensive substances on property*. If any ground in the said city shall be subject to be covered by stagnant water, or if the owner or occupant thereon shall permit any offensive or unwholesome substance to remain or 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, and may collect the expense of so doing from the said owner or occupant by distress or sale, in the same manner in which taxes levied upon real estate for the benefit of said city are authorized to be collected; provided, that reasonable notice shall be first given to the said owner or occupant or ~~his~~ *their* 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, such publication to be at the expense of said owner, and cost thereof to be collected as a part of the expense hereinbefore provided for.

Tenth. *Explosives and flammables; carrying concealed weapons*. To direct 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 lights in barns, stables and other buildings, the making of bonfires and the carrying of concealed weapons.

Eleventh. *Animals and fowl generally*. To prevent the running at large in said city of all animals and fowls, and to regulate and prohibit the keeping or raising of the same within said city, and to subject the same to such confiscation, levies, regulations and taxes as it may deem proper.

Twelfth. *Use of streets; abuse of animals*. Insofar as not prohibited by ~~the general law~~ *the laws of the Commonwealth*, to prevent the riding or driving of animals at improper speed, to regulate the speed and manner of use upon the streets of said city of all animals or vehicles; to prevent the flying of kites, throwing of stones, or the engaging in any employment or sport in the streets or public alleys, dangerous or annoying to the public, and to prohibit and punish the abuse of animals.

Thirteenth. ~~To restrain and punish drunkards, vagrants, mendicants and street beggars.~~ *[Repealed.]*

Fourteenth. *Offenses generally*. To prevent vice and immorality; to preserve public peace and good order, to prevent and quell riots, disturbances and disorderly assemblages; to suppress houses of ill-fame, and gaming houses; to prevent lewd, indecent or disorderly conduct or exhibitions in the city, and to expel from said city persons guilty of such conduct.

Fifteenth. *[Repealed.]*

Sixteenth. *Ordinances necessary for general welfare; effect on other powers*. And the said council shall also have power to make such other and additional ordinances as it may deem necessary for the general welfare of said city; and nothing herein contained shall be construed to deprive said city of any of the powers conferred upon it, either by general or special laws of the State of Virginia, except insofar as the same may be inconsistent with the provision of this charter.

Seventeenth. *Official bonds*. Said council shall have power to require and take from such officers and employees, as they may see fit, bonds with security and in such penalty as they may prescribe, which bonds shall be made payable to the city by its corporate name, and conditioned for the faithful discharge of their duties; such bonds shall be filed with the clerk of the council.

Eighteenth. *Gas works, water works, and electric light works*. Said council shall have power to erect, or authorize or prohibit the erection of gas works, waterworks, or electric light works in or near the city,

and to regulate the same.

Nineteenth. *Pollution of water.* To prohibit the pollution of water which may be provided for the use of the city.

Twentieth. *Additional and incidental powers; jurisdiction beyond corporate limits.* To pass all by-laws, rules and ordinances, not repugnant to the Constitution and laws of the State, which they may deem necessary for the good order and government of the city, the management of its property, the conduct of its affairs, the peace, comfort, convenience, order, morals, health, and protection of its citizens or their property, including authority to keep a city police force; and to do such other things, and pass such other laws as may be necessary or proper to carry into full effect any power, authority, capacity, or jurisdiction, which is, or shall be granted to, or vested in said city, or officers thereof, or which may be necessarily incident to a municipal corporation; and to enable the authorities of said city more effectually to enforce the provisions of this section, and any other powers conferred upon them by this charter, their jurisdiction, civil and criminal, is hereby declared to extend one mile beyond the corporate limits of said city.

Twenty-first. To create a floating debt not exceeding two hundred thousand dollars when, by a vote of the total membership of the council, the council has passed a resolution declaring it expedient to do so, and when the creating of the floating debt thereby provided for is for the purpose of installing, or extending, one or more public utilities, which constitute an asset, or assets, at least equal in value to the amount expended thereon, which utility, or utilities, shall materially add to the service rendered by the city to its taxpayers and other citizens; and it shall be the duty of the council to provide in the next bond issue for the bonding of the floating debt thus created, and failure to do this shall suspend this clause. *[Repealed.]*

§ 17. Enactment of ordinances, etc.; punishment for violation; enjoining violation; use of county jail; appeal to ~~corporation~~ circuit court.

To carry into effect the powers herein enumerated, and all other powers conferred upon said city and its council by the laws of Virginia, said council shall have power to make and pass all proper and needful orders, by-laws, and ordinances not contrary to the Constitution and laws of said State, and to prescribe reasonable fines and penalties, including imprisonment in the city jail, which fines, penalties or imprisonment shall be imposed, recovered and enforced by ~~and under the civil and police justice (judge of the municipal court)~~ *the courts of the Commonwealth.* The city may maintain a suit to restrain by injunction, the violation of any ordinance, notwithstanding such ordinance may provide punishment for its violation. ~~In all cases where a fine or imprisonment is imposed by the civil and police justice (judge of the municipal court), or by the council, the party or parties so fined or imprisoned shall have the right of appeal to the corporation court of said city.~~ All fines imposed for the violation of the city charter, by-laws, or ordinances, shall be paid into the city treasury.

§ 19. *Budget Fiscal year; budget; levy of taxes.*

At least thirty days prior to the time when the annual tax levy or any part thereof is made, the council shall cause to be prepared a budget containing a complete itemized and classified plan of all proposed expenditures and all estimated revenues and borrowing for the ensuing appropriation year. Opposite each item of the proposed expenditures the budget shall show in separate parallel columns, the amount appropriated for the preceding appropriation year; the amount expended during that year, the amount appropriated for the current appropriation year and the increases and decreases in the proposed expenditures for the ensuing year as compared to the appropriation for the current year. This budget shall be accompanied by an itemized and complete financial balance sheet at the close of the last preceding appropriation year.

A brief synopsis of the budget shall be published in a newspaper published in the City of Charlottesville and notice given of at least one public hearing at least fifteen days prior to the date set for the hearing, at which any citizen of the said City of Charlottesville shall have the right to attend and state his views thereon. After such hearing is had, the council shall by appropriate order adopt and enter on the minutes thereof a synopsis of a budget covering all expenditures for the next appropriation year hereinbefore required. The said council shall order a city levy of so much money as in its discretion shall be sufficient to meet all just demands against the city *The city's fiscal year shall begin on July 1 of every year and conclude on June 30 of the following year.*

*The city manager shall prepare and submit to the council a budget. The budget shall serve as a financial plan for the city, and the city manager in the budget message shall describe the important features of the budget, indicate any major changes from the current financial and expenditure policies, and include such other material as the city manager deems desirable or as the council may from time to time require. The budget shall show all estimated income, indicating the property tax levy, and all proposed expenditures, including debt service and capital program, and shall be in a form the manager deems desirable or the council may require. The total of proposed general fund expenditures shall not exceed the total of estimated general fund income.*

*A brief synopsis of the budget shall be published in a newspaper or newspapers having general*

circulation in the city, and notice shall be given of a public hearing as provided for by the general laws of the Commonwealth. After the conclusion of the public hearing, the council may insert new items of expenditures or may increase, decrease, or strike out items of expenditure in the budget.

Prior to the end of each fiscal year, the council shall pass an appropriation ordinance, which shall be based on the budget submitted by the city manager, and shall levy such taxes for the ensuing fiscal year as may be necessary to meet the appropriations made and all sums required by law to be raised for account of the city debt. The total amount of appropriations shall not exceed the estimated revenues of the city.

§ 20. In order to execute its powers and duties and to meet the wants and purposes of the city, the council is hereby vested with power and authority to levy taxes upon persons, property, real and personal, privileges, businesses, trades, professions and callings and upon such other subjects of taxation and in such amounts as the council shall deem necessary and proper to provide such sums of money as they shall deem expedient without limitation as to subject, except such as may be expressly provided by general laws or Constitutional provision and without limitation as to rate except such as may be provided by the Constitution of this State.

Taxes assessed against real estate subject to taxes shall be a lien on the property and the name of the person listed as owner shall be for convenience in collection of taxes. The lien for taxes shall not be limited to the interest of the person assessed but shall be on the entire fee simple estate. There shall be no lien when for any year the same property is assessed to more than one person and all taxes assessed against the property in one of the names have been paid for that year.

When taxes are assessed against land in the name of a life tenant or other person owning less than the fee or owning no interest, the land may be sold under the provisions of §§ 58-1014 to 58-1020, 58-1101 to 58-1108, 58-762, Code of Virginia, 1950, as amended, or other laws for the sale of land for delinquent taxes provided the owner of record or his heirs be made parties to the proceeding for sale which may be instituted anytime after December fifth of the year in which the taxes are assessed pursuant to the general laws of the Commonwealth.

§ 25. Refunding bonds Borrowing.

The council of said City of Charlottesville is hereby authorized to make and issue the registered or coupon bonds of said corporation, payable not exceeding forty years after their date, bearing interest at not more than five per centum per annum, payable semi-annually; said bonds to be used exclusively in paying off and discharging the principal and interest of the present bonded debt of the corporation of Charlottesville. The said council shall not be authorized to dispose of such bonds at less than par value, except by a recorded affirmative vote of all the members elected to the council. Said registered and coupon bonds shall be regularly numbered, signed by the mayor, clerk and treasurer of the city, and recorded in a book kept for that purpose. The council may, in the name and for the use of the city, incur indebtedness by issuing its negotiable bonds or notes.

Bonds, and notes in anticipation of bonds when the issuance of bonds has been authorized as hereinafter provided, may be issued for any purpose for which cities are authorized to issue bonds by the Constitution of Virginia or general laws of the Commonwealth.

Notes in anticipation of collection of revenue may be issued, when authorized by council, at any time during the fiscal year, provided the notes shall mature not later than twelve (12) months after date of issue, and in an amount not in excess of the revenues anticipated.

Bonds and notes of the city shall be issued in the manner provided by the general laws of the Commonwealth. In the issuance of bonds and notes, the city shall be subject to the limitations as to amounts that are contained in Article VII, Section 10 of the Constitution of Virginia.

§ 28. Sale of public utilities; approval by voters.

The rights of the city in its gas, water and electric works and sewer plant, now owned, or hereafter acquired, shall not be sold even after such action of the council as is prescribed by § 3016 of the Code of Virginia of 1919, until and except such sale shall have been approved by a majority of the qualified voters of the city, voting on the question at a special election ordered by the council and subject in other respects to the provisions of § 24 of this charter applicable to a special election as provided by the general laws of the Commonwealth.

§ 29. City sheriff.

The city sheriff shall attend the terms of the corporation circuit court of said the city and shall act as the officer thereof; the said sheriff may appoint one or more deputies, who may be removed from office by the sheriff, and may discharge any of the duties of the office of sheriff, but the sheriff and his their sureties shall be liable therefor. The city sheriff shall also have all power and authority and perform all duties imposed by general law upon sheriffs and constables of cities.

§ 36. Granting franchises.

The regulation and restrictions for granting any franchise in the city shall be such as are provided by the general law laws of the Commonwealth.

§ 37. Receipt and disbursement of moneys by treasurer.

All moneys belonging to said city shall be paid over to the treasurer, and no money shall be ~~by him~~ paid out ~~by them~~ except as the same shall have been appropriated and ordered to be paid by the council, and the said treasurer shall also pay the same upon warrants approved in such manner as may be prescribed by ordinance of the council.

§ 38. Recovery against treasurer and sureties.

If the said treasurer shall fail to account for and pay over all of the moneys that shall come into ~~his~~ ~~their~~ hands when ~~thereto~~ required by the council, it shall be lawful for the council, in the corporate name of the city, by motion before any court of record having jurisdiction in the City of Charlottesville, to recover from the treasurer and ~~his~~ ~~their~~ sureties, or their personal representatives, any sum that may be due from said treasurer to said city on ten days' notice.

§ 39. Collection of fines.

All fines imposed for any violation of any city ordinance or State law shall be collected by the clerk of the ~~civil and police justice~~ district court; and if said clerk shall fail to collect, account for, and pay over all the fines in ~~his~~ ~~their~~ hands for collection, it shall be lawful for the council to recover the same, so far as the same are accruing to the city, by motion, in the corporate name of the city, before the ~~corporation circuit~~ court of said city, against the said clerk, ~~his~~ ~~their~~ sureties on ~~his~~ ~~their~~ said bond, or any or either of them, ~~his~~ ~~the clerk~~ or ~~their~~ ~~the sureties'~~ executors or administrators, on giving ten days' notice of the same.

§ 40. Animals running at large.

The council shall have power to make such ordinances, by-laws, orders and regulations as they may deem necessary to prevent dogs, hogs and other animals from running at large in the limits of the city, and may subject the owners thereof to such fines, regulations and taxes as the council may deem proper, and may sell said animals at public auction to enforce the payment of said fines and taxes; and may order such dogs, as to which there is default, to be ~~killed by a policeman or constable~~ *ethanized as provided for by the general laws of the Commonwealth.*

§ 42. Encroachments upon streets.

In every case where a street in ~~said~~ *the* city has been or shall be encroached upon by any fence, building, or otherwise, the city council may require the owner or owners, if known, and if unknown the occupant or occupants of the premises so encroaching to remove the same. If such removal shall not be made within the time ordered by the city council, it may impose a penalty of five dollars for each and every day that it is allowed to continue thereafter, and may cause the encroachment to be removed, and collect from the owner all reasonable charges therefor, with cost, for which there shall be lien on the premises so encroaching, which lien may be enforced in a court of equity having jurisdiction of the subject. No encroachment upon any street, however long continued, shall constitute an adverse possession thereto, or confer any right upon the person claiming thereunder as against said city.

§ 43. Filing claim for damages condition precedent to action against city.

No action shall be maintained against the said city for damages for a injury to any person or property alleged to have been sustained by reason of the negligence of the city, or any officer, agent or employee thereof, unless a written statement of the claimant, ~~his~~ ~~their~~ agent or attorney, of the nature of the claim and of the time and place at which the injury is alleged to have occurred or been received shall have been filed, as provided by ~~the general law~~ *laws of the Commonwealth.*

§ 45-a. School board.

The City of Charlottesville shall constitute a single school district. The school board of the city shall consist of seven members ~~to be appointed by the council and there shall be at least one member from each ward of the city. The council shall appoint three members of the board to serve for a term of three years, two members to serve for a term of two years, and two members to serve for a term for one year from July 1, 1948, and all subsequent appointments shall be for a term of three years. Vacancies occurring otherwise than by expiration of the term of office shall be filled by the council for the unexpired term. No member shall be eligible to serve more than three successive full three year terms. In accordance with the general laws of the Commonwealth, three of the school board members shall be elected in November 2021 and four members shall be elected in November 2023 to fill vacancies occurring on the first of January in the years following the year in which they are elected. School board members shall serve terms of four years. The members of the school board on the effective date of this Charter are hereby confirmed in office until the thirty-first day of December in the final year of the term of office for which they were elected. The board shall have all powers and perform all duties granted to and imposed upon school boards of cities by the general law~~ *laws of the Commonwealth.*

§ 46. Water supply and sewerage system.

That the corporate authorities of said city be, and they are hereby, authorized and empowered to erect suitable dams and reservoirs, and to lay suitable pipes to supply said city with an adequate supply of water, and to establish and construct a sewerage system for said city; and for such purpose to acquire, either by purchase or by condemnation, according to the provisions of the general ~~law~~ *laws of*



the Commonwealth for the condemnation of lands by incorporated cities, such lands and so much thereof as may be necessary for the aforesaid purposes.

§ 47. Elections.

All elections under this charter shall conform to the general law of the State laws of the Commonwealth in regard to elections by the people.

§ 48. County property within city limits; arbitration; school property in Charlottesville school district; Miller Manual Labor School.

The property now belonging to the county of Albemarle within the limits of the City of Charlottesville shall be within and subject to the joint jurisdiction of the county and city authorities and officers, and shall not be subject to taxation by the authorities of either county or city; and if the county and city aforesaid cannot agree upon the terms of joint occupancy and use of such property in regard to which settlements may not have already been effected, the right of said city to such joint occupancy and use being hereby recognized, then the board of arbitration herein provided for shall determine the terms of such joint occupancy and use, and said board of arbitration shall determine what rights, if any, the city aforesaid has in all other county property; but this is subject to the recognition of the right of the city, as well as the county (through the district school board or otherwise) in the school property in Charlottesville school district; and nothing herein contained shall affect the rights of the inhabitants of said city to participate in the benefits of the Miller Manual Labor School in the Samuel Miller district in said county.

§ 50.1. The powers set forth in §§ 15.1-837 through 15.1-907 of the Code of Virginia as in force on January 1, 1970, are hereby conferred on and vested in the City of Charlottesville, Virginia. Should the powers granted by this section conflict with any provision contained in Chapter 384 of the Acts of Assembly of 1946, approved March 28, 1946, as amended, then the provisions contained in this section shall control. City of Charlottesville shall have all powers granted to localities by the Constitution of Virginia and the general laws of the Commonwealth, provided, however, that in no event shall such a conflict between the general laws of the Commonwealth and this Charter be held to reduce or limit any powers heretofore possessed by the City of Charlottesville pursuant to Chapter 384 of the Acts of Assembly of 1946, approved March 28, 1946, as amended.

§ 50.2. (a) Search warrants. In addition to the means and conditions under which search warrants may be issued pursuant to provisions of general law, a justice of the peace magistrate, or a judge of any court having jurisdiction of the trial of cases to whom complaint is made, if satisfied that there is a reasonable probable cause therefor, shall issue a warrant to search specified places for the following conditions: violations of ordinances of the City of Charlottesville related to health and safety, of persons and property including violations of ordinances concerning minimum housing standards, health and sanitation regulations, and plumbing, building, and fire prevention codes.

A search warrant issued pursuant to the authority granted in this charter section shall be directed to persons charged with the responsibility of enforcing State statutes and local ordinances relating to health and safety of persons and property and shall command such person to search the place or places described therein for violations of State statutes and local ordinances relating to health and safety of persons and property.

(b) Affidavit preliminary to issuance of search warrants. No search warrant shall be issued until there is filed with the officer authorized to issue the same an affidavit of some person reasonably describing the area, house, place, vehicle or baggage to be searched, the things or conditions to be searched for thereunder, alleging briefly material facts, constituting the probable cause for the issuance of such warrant and alleging substantially the offense or group of potential offenses in relation to which such search is to be made. Facts which may be pertinent are (1) department or board experience showing the need of periodic area inspections, (2) the pattern of the last inspections made, and (3) department or board judgment that an inspection is now needed, particularly in light of the time elapsed since the last inspection.

Such affidavit shall be certified by the clerk of the corporation circuit court of the City of Charlottesville and shall by said clerk be preserved as a record and shall at all times be subject to inspection by the public. For the purposes of this section, probable cause shall be satisfied upon the showing of the reasonableness of a need to conduct periodic area-wide inspections with respect to health and safety of persons and property.

§ 50.3. Qualifications of members of advisory boards and commission.

General provisions of law notwithstanding, the planning commission and members of boards or agencies appointed by city council, the mayor, or by the city manager, who serve without pay and who serve only for the purpose of making studies or recommendations, or advising or consulting with city council, shall not be prohibited from such service merely because they contract directly or indirectly with the city. Any such member of an advisory board or agency who knows, or may reasonably be expected to know, that he has they have a material financial interest in any transaction in which the

551 agency of which ~~he is~~ *they are* an officer or employee is or may be in any way concerned, shall  
552 disclose such interest and disqualify ~~himself~~ *themselves* from voting or participating in any official  
553 action thereon in behalf of such agency. If disqualifications in accordance with this section leave less  
554 than the number required by law to act, the remaining member or members shall have authority to act  
555 for the agency by majority vote, unless a unanimous vote of all members is required by law, in which  
556 case authority to act shall require a unanimous vote of remaining members.

557 § 50.4. Terms of Charlottesville Redevelopment and Housing Authority commissioners; authority of  
558 council.

559 ~~Notwithstanding any provision of law to the contrary, the terms of all the commissioners of the~~  
560 ~~Charlottesville Redevelopment and Housing Authority shall terminate on June 30, 1978; and thereafter~~  
561 ~~there~~ *There* shall be not less than five nor more than seven members of the *Charlottesville*  
562 *Redevelopment and Housing Authority* Board of Commissioners.

563 Commissioners shall hold their offices at the pleasure of council for terms not to exceed four years;  
564 provided, that the city council may at any time, and from time to time, adopt an ordinance terminating  
565 the terms of all the commissioners and designating one or more council members as commissioners of  
566 the Charlottesville Redevelopment and Housing Authority. The remaining members of the Board, if any,  
567 shall be appointed by council from the public at large. The Board shall possess all powers and duties  
568 granted to or imposed upon redevelopment and housing authorities by ~~the general law~~ *laws of the*  
569 *Commonwealth*; provided that notwithstanding any other provision of law to the contrary, a city council  
570 member shall receive no compensation for serving as a commissioner of such Authority, nor shall ~~he~~  
571 *they* continue to serve as a commissioner after ~~he ceases~~ *they cease* to be a member of city council.

572 § 50.5. Authority of city council to adopt and enforce a noise ordinance.

573 A. The city council by ordinance may prohibit or regulate loud, disturbing or excessive noises  
574 originating within its jurisdiction. Such ordinance may prescribe the decibel levels, degrees or types of  
575 sound which are unacceptable within the city limits, but the ordinance must exempt from its prohibitions  
576 during the daytime (6:00 a.m. to 10:00 p.m.) the following:

577 1. Band performances or practices, athletic contests or practices and other school-sponsored activities  
578 on the grounds of public or private schools or the University of Virginia.  
579 2. Athletic contests and other officially sanctioned activities in city parks.  
580 3. Activities related to the construction, repair, maintenance, remodeling or demolition, grading or  
581 other improvement of real property.

582 4. Gardening, lawn care, tree maintenance or removal and other landscaping activities.

583 5. Church bells or carillons.

584 6. Religious or political gatherings and other activities protected by the First Amendment of the  
585 United States Constitution.

586 7. Activities for which the regulation of noise has been preempted by federal law.

587 8. Public and private transportation, refuse collection and sanitation services.

588 B. The decibel level of any such noise may be measured by the use of a sound level meter which  
589 measures sound pressure levels. Such measurements shall be accepted as prima facie evidence of the  
590 level of noise at issue in any court or legal proceeding. The accuracy of the sound level meter may be  
591 tested by a calibrator. In any court or legal proceedings in which the accuracy of the calibrator is in  
592 issue, the court shall receive as evidence a sworn report of the results of any test of the calibrator for  
593 accuracy. Such report shall be considered by the court or jury in determining guilt or innocence.

594 C. Any individual operating a sound level meter pursuant to the provisions of this section and the  
595 local noise ordinance shall issue a certificate which will indicate:

596 1. that the sound level meter used to take the decibel level reading was operated in accordance with  
597 the manufacturer's specifications;

598 2. that the city has on file a sworn report which states that the sound level meter has been tested  
599 within the past twelve months and has been found to be accurate;

600 3. the name of the accused;

601 4. the location of the noise;

602 5. the date and the time the reading was made; and

603 6. the decibel level reading.

604 The certificate, as provided for in this section, when duly attested by the operator taking the decibel  
605 level reading, shall be admissible in any court in any criminal or civil proceeding as evidence of the  
606 facts therein stated and of the decibel level reading. A copy of such certificate shall be delivered to the  
607 accused upon ~~his or his attorney's~~ *the request of the accused or the accused's attorney*.

608 § 50.6. Authority of city council to impose civil penalties for wrongful demolition of historic  
609 buildings.

610 A. Notwithstanding the provisions of any state law which authorize civil penalties for the violation of  
611 a local zoning ordinance, city council may adopt an ordinance which establishes a civil penalty for the  
612 demolition, razing or moving of a building or structure without approval by the board of architectural

review or city council, when such building or structure is subject to the city's historic preservation zoning ordinance. The penalty established by the ordinance shall be imposed on the party deemed by the court to be responsible for the violation and shall not exceed twice the fair market value of the building or structure, as determined by the city real estate tax assessment at the time of the demolition.

B. An action seeking the imposition of such a penalty shall be instituted by petition filed by the city in circuit court, which shall be tried in the same manner as any action at law. It shall be the burden of the city to show the liability of the violator by a preponderance of the evidence. An admission of liability or finding of liability shall not be a criminal conviction for any purpose. The filing of any action pursuant to this section shall preclude a criminal prosecution for the same offense, except where the demolition, razing or moving has resulted in personal injury.

C. The defendant may, within twenty-one days after the filing of the petition, file an answer and without admitting liability, agree to restore the building or structure as it existed prior to demolition. If the restoration is completed within the time agreed upon by the parties, or as established by the court, the petition shall be dismissed from the court's docket.

D. Nothing in this section shall preclude action by the zoning administrator ~~under Virginia Code § 15.1-491 (d) or by the governing body under Virginia Code § 15.1-499, pursuant to the general laws of the Commonwealth~~ either by separate action or as a part of the petition seeking a civil penalty.

§ 50.7. Powers relating to housing and community development.

In addition to the powers granted by other sections of this charter and any other provision of ~~law~~ *the general laws of the Commonwealth*, the city shall have the power:

(a) To make grants and loans of funds to low- or moderate-income persons to aid in the purchase of any land, building, dwelling, or dwelling unit in the city; and to offer real estate tax deferral to low- or moderate-income persons who own any land, building, dwelling, or dwelling unit within the city. The city shall offer private lending institutions the opportunity to participate in local loan programs established pursuant to this subsection; and

(b) To make grants of funds to owners of dwellings or dwelling units in the city for the purpose of subsidizing, in part, the rental payments due and owing to any such owner by a low- or moderate-income person.

For purposes of this section, the phrase "low- or moderate-income persons" shall have the same meaning as the phrase "persons and families of low and moderate income" as that phrase is used in the Virginia Housing Development Authority Act, and shall be applied using the income guidelines issued by the Virginia Housing Development Authority for use in its single family mortgage loan program.

In addition to being able to exercise the above-mentioned powers with city funds, the city is authorized to participate in any state or federal program related thereto and to use state, federal, or private funds in the exercise of such powers.

The expenditure of any public funds as authorized in this section is hereby declared to be in furtherance of a public purpose.

§ 51. *Severability. If any clause, sentence, paragraph, section or part portion of this act be held Charter is declared unconstitutional, invalid, or illegal by a court of last resort of this State in proper case such invalidity shall not affect or invalidate any other clause, sentence, paragraph or part of this act Charter but shall be confined exclusively to the portion so held invalid. All portions of this Charter not expressly held to be unconstitutional, invalid, or illegal shall remain in full force and effect.*

**2. That §§ 2, 10, 11, 13, as amended, 14-b, 15, as amended, 18, 24, as amended, 26, 27, as amended, 31, 33, as amended, 35, and 45 of Chapter 384 of the Acts of Assembly of 1946 are repealed.**