

VIRGINIA ACTS OF ASSEMBLY — CHAPTER

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An Act 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.

[H 1107]

Approved

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

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

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

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

75 (g) ~~Said council shall elect a director of finance who shall serve at the pleasure of the council and~~
 76 *who shall superintend the fiscal affairs of the city, and shall manage the same in the manner required by*
 77 *the council.*

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

81 § 5.01. *City manager.*

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

90 § 5.02. *Director of finance; audit.*

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

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

101 § 5.1. The council shall have authority to order, by resolution directed to the ~~corporation circuit~~ *court*
 102 ~~of the city or the judge thereof in vacation~~, the submission to the qualified voters of the city for an
 103 advisory referendum thereon any proposed ordinance or amendment to the city charter. Upon the receipt
 104 of such resolution, the ~~corporation circuit~~ *court* of the city ~~or the judge thereof in vacation~~ shall order
 105 an election to be held thereon not less than thirty nor more than sixty days after the receipt of such
 106 resolution. The election shall be conducted and the result thereof ascertained and determined in the
 107 manner provided by law for the conduct of general elections and by the regular election officials of the
 108 city. If a petition requesting the submission of an amendment to this charter, set forth in such petition,
 109 signed by qualified voters equal in number to ten per centum of the largest number of votes cast in any
 110 general or primary election held in the city during the five years immediately preceding *submission of*
 111 *the petition*, each signature to which has been witnessed by a person whose affidavit to that effect is
 112 attached to the petition, is filed with the clerk of the ~~corporation circuit~~ *court* of the city ~~he~~, *they* shall
 113 forthwith certify that fact to the court ~~or judge thereof in vacation~~. Upon the certification of such
 114 petition, the ~~corporation circuit~~ *court* of the city ~~or the judge thereof in vacation~~, shall order an election
 115 to be held not less than thirty nor more than sixty days after such certification, in which such proposed
 116 amendment shall be submitted to the qualified voters of the city for their approval or disapproval. Such
 117 election shall be conducted and the result thereof ascertained and determined in the manner provided by

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

177 *The council shall fix by ordinance the time for holding their stated meetings, and no business shall*
 178 *be transacted at a special meeting, unless by unanimous consent, except that for which it shall have*

179 *been called, and every call for a special meeting shall specify the object thereof. Three councilors shall*
 180 *constitute a quorum for the transaction of business at any meeting of the council.*

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

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

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

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

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

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

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

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

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

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

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

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

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

260 Ninth. *Stagnant water or offensive substances on property.* If any ground in the said city shall be
 261 subject to be covered by stagnant water, or if the owner or occupant thereon shall permit any offensive
 262 or unwholesome substance to remain or accumulate thereon, the said council may cause such ground to
 263 be filled up, raised, or drained, or may cause such substance to be covered or removed therefrom, and
 264 may collect the expense of so doing from the said owner or occupant by distress or sale, in the same
 265 manner in which taxes levied upon real estate for the benefit of said city are authorized to be collected;
 266 provided, that reasonable notice shall be first given to the said owner or occupant or ~~his~~ *their* agent. In
 267 case of nonresident owners, who have no agent in said city, such notice may be given by publication for
 268 not less than ten days, in any newspaper published in said city, such publication to be at the expense of
 269 said owner, and cost thereof to be collected as a part of the expense hereinbefore provided for.

270 Tenth. *Explosives and flammables; carrying concealed weapons.* To direct the location of all
 271 buildings for storing gunpowder or other explosives or combustible substances; to regulate or prohibit
 272 the sale and use of dynamite, gunpowder, firecrackers, kerosene oil, gasoline, nitroglycerine, camphene,
 273 burning fluid, and all explosives or combustible materials, the exhibition of fireworks, the discharge of
 274 firearms, the use of candles and lights in barns, stables and other buildings, the making of bonfires and
 275 the carrying of concealed weapons.

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

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

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

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

289 Fifteenth. *[Repealed.]*

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

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

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

301 and to regulate the same.

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

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

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

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

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

336 § 19. ~~Budget Fiscal year; budget; levy of taxes.~~

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

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

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

362 A brief synopsis of the budget shall be published in a newspaper or newspapers having general
 363 circulation in the city, and notice shall be given of a public hearing as provided for by the general laws
 364 of the Commonwealth. After the conclusion of the public hearing, the council may insert new items of
 365 expenditures or may increase, decrease, or strike out items of expenditure in the budget.

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

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

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

383 When taxes are assessed against land in the name of a life tenant or other person owning less than
 384 the fee or owning no interest, the land may be sold under the provisions of §§ 58-1014 to 58-1020,
 385 58-1101 to 58-1108, 58-762, Code of Virginia, 1950, as amended, or other laws for the sale of land for
 386 delinquent taxes provided the owner of record or his heirs be made parties to the proceeding for sale
 387 which may be instituted anytime after December fifth of the year in which the taxes are assessed
 388 pursuant to the general laws of the Commonwealth.

389 § 25. Refunding bonds Borrowing.

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

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

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

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

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

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

415 § 29. City sheriff.

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

421 § 36. Granting franchises.

422 The regulation and restrictions for granting any franchise in the city shall be such as are provided by

423 the general ~~law~~ *laws of the Commonwealth.*

424 § 37. Receipt and disbursement of moneys by treasurer.

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

429 § 38. Recovery against treasurer and sureties.

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

435 § 39. Collection of fines.

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

443 § 40. Animals running at large.

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

450 § 42. Encroachments upon streets.

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

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

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

466 § 45-a. School board.

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

481 § 46. Water supply and sewerage system.

482 That the corporate authorities of said city be, and they are hereby, authorized and empowered to
483 erect suitable dams and reservoirs, and to lay suitable pipes to supply said city with an adequate supply

484 of water, and to establish and construct a sewerage system for said city; and for such purpose to
 485 acquire, either by purchase or by condemnation, according to the provisions of the general law laws of
 486 the Commonwealth for the condemnation of lands by incorporated cities, such lands and so much thereof
 487 as may be necessary for the aforesaid purposes.

488 § 47. Elections.

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

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

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

505 § 50.1. The powers set forth in §§ 15.1-837 through 15.1-907 of the Code of Virginia as in force on
 506 January 1, 1970, are hereby conferred on and vested in the City of Charlottesville, Virginia. Should the
 507 powers granted by this section conflict with any provision contained in Chapter 384 of the Acts of
 508 Assembly of 1946, approved March 28, 1946, as amended, then the provisions contained in this section
 509 shall control; City of Charlottesville shall have all powers granted to localities by the Constitution of
 510 Virginia and the general laws of the Commonwealth, provided, however, that in no event shall such a
 511 conflict between the general laws of the Commonwealth and this Charter be held to reduce or limit any
 512 powers heretofore possessed by the City of Charlottesville pursuant to Chapter 384 of the Acts of
 513 Assembly of 1946, approved March 28, 1946, as amended.

514 § 50.2. (a) Search warrants. In addition to the means and conditions under which search warrants
 515 may be issued pursuant to provisions of general law, a justice of the peace magistrate, or a judge of any
 516 court having jurisdiction of the trial of cases to whom complaint is made, if satisfied that there is a
 517 reasonable probable cause therefor, shall issue a warrant to search specified places for the following
 518 conditions: violations of ordinances of the City of Charlottesville related to health and safety, of persons
 519 and property including violations of ordinances concerning minimum housing standards, health and
 520 sanitation regulations, and plumbing, building, and fire prevention codes.

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

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

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

540 § 50.3. *Qualifications of members of advisory boards and commission.*

541 General provisions of law notwithstanding, the planning commission and members of boards or
 542 agencies appointed by city council, the mayor, or by the city manager, who serve without pay and who
 543 serve only for the purpose of making studies or recommendations, or advising or consulting with city
 544 council, shall not be prohibited from such service merely because they contract directly or indirectly

545 with the city. Any such member of an advisory board or agency who knows, or may reasonably be
 546 expected to know, that ~~he has~~ *they have* a material financial interest in any transaction in which the
 547 agency of which ~~he is~~ *they are* an officer or employee is or may be in any way concerned, shall
 548 disclose such interest and disqualify ~~himself~~ *themselves* from voting or participating in any official
 549 action thereon in behalf of such agency. If disqualifications in accordance with this section leave less
 550 than the number required by law to act, the remaining member or members shall have authority to act
 551 for the agency by majority vote, unless a unanimous vote of all members is required by law, in which
 552 case authority to act shall require a unanimous vote of remaining members.

553 § 50.4. Terms of Charlottesville Redevelopment and Housing Authority commissioners; authority of
 554 council.

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

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

568 § 50.5. Authority of city council to adopt and enforce a noise ordinance.

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

- 573 1. Band performances or practices, athletic contests or practices and other school-sponsored activities
- 574 on the grounds of public or private schools or the University of Virginia.
- 575 2. Athletic contests and other officially sanctioned activities in city parks.
- 576 3. Activities related to the construction, repair, maintenance, remodeling or demolition, grading or
- 577 other improvement of real property.
- 578 4. Gardening, lawn care, tree maintenance or removal and other landscaping activities.
- 579 5. Church bells or carillons.
- 580 6. Religious or political gatherings and other activities protected by the First Amendment of the
- 581 United States Constitution.
- 582 7. Activities for which the regulation of noise has been preempted by federal law.
- 583 8. Public and private transportation, refuse collection and sanitation services.

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

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

- 592 1. that the sound level meter used to take the decibel level reading was operated in accordance with
- 593 the manufacturer's specifications;
- 594 2. that the city has on file a sworn report which states that the sound level meter has been tested
- 595 within the past twelve months and has been found to be accurate;
- 596 3. the name of the accused;
- 597 4. the location of the noise;
- 598 5. the date and the time the reading was made; and
- 599 6. the decibel level reading.

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

604 § 50.6. Authority of city council to impose civil penalties for wrongful demolition of historic
 605 buildings.

606 A. Notwithstanding the provisions of any state law which authorize civil penalties for the violation of
 607 a local zoning ordinance, city council may adopt an ordinance which establishes a civil penalty for the
 608 demolition, razing or moving of a building or structure without approval by the board of architectural
 609 review or city council, when such building or structure is subject to the city's historic preservation
 610 zoning ordinance. The penalty established by the ordinance shall be imposed on the party deemed by the
 611 court to be responsible for the violation and shall not exceed twice the fair market value of the building
 612 or structure, as determined by the city real estate tax assessment at the time of the demolition.

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

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

623 D. Nothing in this section shall preclude action by the zoning administrator under Virginia Code
 624 ~~§ 15.1-491 (d) or by the governing body under Virginia Code § 15.1-499, pursuant to the general laws~~
 625 *of the Commonwealth* either by separate action or as a part of the petition seeking a civil penalty.

626 § 50.7. Powers relating to housing and community development.

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

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

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

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

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

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

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

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