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HOUSE BILL NO. 42

Offered January 10, 1996

A BILL to amend and reenact § 18, as amended, of Chapter 721 of the Acts of Assembly of 1976, which provided a charter for the City of Manassas, relating to powers of council.

Patrons—Parrish; Senator: Colgan

Referred to Committee on Counties, Cities and Towns

Be it enacted by the General Assembly of Virginia:

1. That § 18, as amended, of Chapter 721 of the Acts of Assembly of 1976 is amended and reenacted as follows:

§ 18. Powers.

The Council of the city shall have, subject to the provisions of this charter, the control and management of the fiscal and municipal affairs of the city and of all property, real and personal, belonging to the city and may make such ordinances and bylaws relating to the same as it shall deem proper. The council shall in addition to other powers given by general law, have power to make such ordinances, orders, bylaws and regulations as it may deem proper and necessary to carry out the following powers, which are hereby vested in it:

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

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

C. Establishing, etc., *broadband data communication and* electric generating equipment, etc. To establish, maintain ~~and~~, operate *and offer for sale broadband communication services and* electric generating equipment and distribution system within and without the city; to purchase electric energy for the use of the city and for distribution and resale, including resale of its surplus electricity without the city; to acquire land or rights-of-way by gift, purchase or condemnation for the location, extension or enlargement of ~~an~~ *a broadband data communication and* electric generating and/or distribution system; to acquire by gift, purchase or condemnation riparian rights for hydroelectric generation and to protect by ordinance, prescribing adequate penalties, the said *broadband data communication and* electric generating equipment and/or distribution system and their appurtenances whether within or without the limits of the city.

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

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

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

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

H. Airports and landing fields. To establish, maintain and operate a landing field or airport located within or without the city, and for such purposes to have the right to acquire real estate by gift, lease, purchase or condemnation; to lease such landing field or airport to others to be used for any lawful

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60 purpose; to erect and maintain buildings and appurtenances necessary for the use of such landing field
61 or airport and to prescribe and enforce rules and regulations, not in conflict with laws, rules and
62 regulations prescribed by the Commonwealth of Virginia and the federal government, for the use and
63 protection of such landing field or airport.

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

68 J. Nuisances; unsafe or unsanitary structures; dangerous and unhealthy businesses; transportation of
69 explosives, garbage, etc.; speed of trains. To require and compel the abatement and removal of all
70 nuisances within the city, at the expense of the person or persons, causing the same, or the owner or
71 owners of the ground whereon the same shall be; to require all lands, lots and other premises within the
72 city to be kept clean, sightly, sanitary and free from weeds or to make them so at the expense of the
73 owners or occupants thereof; to make such rules, regulations, orders or ordinances as will protect its
74 citizens from unsafe and unsanitary structures or walls, and to that end it shall have the power to cause
75 to be condemned and taken down any such structure or wall, but no such condemnation shall be made
76 or such structure or wall taken down until the owner thereof, or in the case of an infant or insane
77 person, his guardian or committee, be duly summoned before a Board or a Committee of Council or the
78 full Council as charged by the ordinances with such duty, and allow reasonable opportunity to show
79 cause against such action; to regulate soap factories and candle factories within the city, and the exercise
80 of any dangerous, offensive or unhealthy business, trade or employment therein; and to regulate the
81 transportation of coal, explosives, garbage and other articles through the streets of the city, and to
82 restrain and regulate the speed of locomotive engines and cars upon the railroads within the city.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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