



Richmond City Council

The Voice of the People

Richmond, Virginia

Richmond City Charter

The Citizen's Constitution of Richmond, Virginia

*As amended through the 2006 Session of the Virginia General Assembly
and prepared by the Richmond Office of the City Attorney.*

OFFICIAL DOCUMENT

Richmond City Council

MISSION

The mission of Richmond City Council is to represent citizens in creating and amending local laws, providing government policy and oversight, and approving the city budget.

VISION

Richmond City Council is committed to creating a vibrant community that is a great place to live, work, learn, play, visit, and raise a family.

Richmond City Charter

The Citizen's Constitution of Richmond, Virginia

As amended through the 2006 Session of the Virginia General Assembly and prepared by the Richmond Office of the City Attorney.

Chapter 1. Incorporation and Boundaries

Sec. 1.01. Incorporation.
Sec. 1.02. Boundaries.

Chapter 2. Powers

Sec. 2.01. General grant of powers.
Sec. 2.02. Financial powers.
Sec. 2.03. Powers relating to public works, utilities and properties.
Sec. 2.03.1. Powers relating to certain highways.
Sec. 2.03.2. Use of municipal buildings or structures for private purposes.
Sec. 2.03.3. Powers relating to public transportation.
Sec. 2.03.4. Riverfront development agreements.
Sec. 2.04. Power to make regulations for the preservation of the safety, health, peace, good order, comfort, convenience, morals and welfare of the City and its inhabitants.
Sec. 2.04.1. Human Rights Commission.
Sec. 2.05. Miscellaneous powers.
Sec. 2.06. Enforcement of regulations.
Sec. 2.07. Licenses and permits.
Sec. 2.08. Injunctions against the City.

Chapter 3. Elections

Sec. 3.01. Election of Councilmen; nomination of candidates.
Sec. 3.01.1. Election of mayor.
Secs. 3.02, 3.03. Reserved.
Sec. 3.04. Vacancies in office of councilman or mayor.
Sec. 3.04.1. Removal of council member or mayor and forfeiture of office.
Sec. 3.05. Election of other City officers.
Sec. 3.06.1. Submission of proposition to voters.

Chapter 4. Council

Sec. 4.01. Composition; compensation; appointment of members to office of profit.
Sec. 4.02. Powers.
Sec. 4.03. President of the Council.
Sec. 4.04. City Clerk.
Sec. 4.05. Induction of members.
Sec. 4.06. Rules of procedure.
Sec. 4.07. Voting.
Sec. 4.08. Ordinances--When required.

Sec. 4.09.	Same--Form; effective date.
Sec. 4.10.	Procedure for passing ordinances.
Sec. 4.11.	Emergency ordinances.

Editor's note—The Charter contained in this part is derived from Chapter 116 of the 1948 Acts of the General Assembly, approved March 5, 1948, as amended through 2005. Amendments are indicated by history notes appearing in parentheses following the amended section. The absence of such a note indicates that the section is derived, unamended, from Acts 1948, ch. 116.

Sec. 4.12.	Reserved.
Sec. 4.13.	Record and publication of ordinances.
Sec. 4.14.	Appointments and removals generally.
Sec. 4.15.	Removal of members of boards and commissions; forfeiture of office or employment for certain convictions.
Sec. 4.16.	Powers of investigation.
Sec. 4.17.	City Attorney.
Sec. 4.18.	City Auditor.

Chapter 5. Mayor and Chief Administrative Officer

Sec. 5.01.	Mayor.
Sec. 5.01.1.	Chief administrative officer.
Sec. 5.02.	Power of appointment and removal.
Sec. 5.03.	Council not to interfere in either appointments, assignment or use of, or removals.
Sec. 5.04.	Temporary transfer of personnel between departments.
Sec. 5.05.	General duties; mayor.
Sec. 5.05.1.	General duties; chief administrative officer.
Sec. 5.06.	Relations with boards, commissions and agencies.
Sec. 5.07.	Acting chief administrative officer.
Sec. 5.08.	Reserved.
Secs. 5.09--5.12.	Reserved.
Secs. 5.13--5.13.2.	Reserved.

Chapter 5A. Administration

Sec. 5A.01.	Creation of departments.
Sec. 5A.02.	Responsibility of department heads.
Sec. 5A.03.	Personnel rules and regulations.

Chapter 5B. Retirement System

Sec. 5B.01.	Retirement system established.
Sec. 5B.02.	Post-retirement supplements.

Chapter 6. Budgets

Sec. 6.01.	Fiscal and tax years.
Sec. 6.02.	Submission.
Sec. 6.03.	Preparation.
Sec. 6.04.	Scope of the budget.
Sec. 6.05.	Balanced budget required.
Sec. 6.06.	The budget message.
Sec. 6.07.	Appropriation and additional tax ordinances.
Sec. 6.08.	Distribution of copies of budget message

Sec. 6.09.	and budgets.
Sec. 6.10.	Public hearings on budget plan.
Sec. 6.11.	Action by Council on budget generally.
Sec. 6.12.	Adoption of budget, appropriation ordinance and ordinances for additional revenue.
Sec. 6.13.	Effective date of budget; certification and availability of copies thereof.
Sec. 6.14.	Utility budgets and related ordinances.
Secs. 6.15--6.15.2.	School budget.
Sec. 6.16.	Reserved.
Secs. 6.17, 6.17.1.	Amendments after adoption.
Sec. 6.18.	Reserved.
Sec. 6.19.	Lapsing of appropriations.
Sec. 6.20.	Capital budget.
Sec. 6.21.	Certification of funds; penalties for violation.
	Reserve fund for permanent public improvements.

Chapter 7A. Reserved.

Chapter 7B. Borrowing

Sec. 7B.01.	General borrowing power of City Council.
Sec. 7B.02.	Limitations on indebtedness.
Sec. 7B.03.	Emergency expenditures.
Sec. 7B.04.	Procedures for adopting ordinances authorizing the issuance of bonds or notes.
Sec. 7B.05.	Optimal referendum on ordinance authorizing the issuance of bonds.
Sec. 7B.06.	Procedures for sale and terms of bonds and notes.

Chapter 8. Financial Administration

Sec. 8.01.	Establishment and composition of Department of Finance.
Sec. 8.02.	Reserved.
Sec. 8.03.	General powers and duties of Director of Finance.
Sec. 8.03.1.	Reserved.
Sec. 8.04.	Reserved.
Sec. 8.05.	Reserved.
Sec. 8.05.1.	Reserved.
Secs. 8.06, 8.07.	Reserved.
Sec. 8.08.	Reserved.
Sec. 8.09.	Reserved.
Sec. 8.10.	Annual audit.

Chapter 9. Reserved

Chapter 10. Reserved

Chapter 11A. Reserved

Chapter 11B. Reserved

Chapter 11C. Reserved

Chapter 12. Reserved

Chapter 13. Department of Public Utilities

Sec. 13.01.	Department of public utilities; created; composition.
Sec. 13.02.	Functions.
Secs. 13.03, 13.04.	Reserved.
Sec. 13.05.	Collection of bills.
Sec. 13.06.	Each utility a separate enterprise.
Sec. 13.06.1.	Payments by utilities for City services.
Sec. 13.06.2.	Investment of utility funds.
Sec. 13.07.	Utility renewal funds.
Sec. 13.07.1.	Transfer of utility retained earnings.
Sec. 13.07.2.	Amendment of the capital budget adopted pursuant to provisions of Section 6.19 of the Charter; increase in appropriation for utility purposes.
Sec. 13.08.	Valuation of utilities.
Sec. 13.09.	Utility rates.
Sec. 13.10.	No sale or lease of utilities except when approved by referendum.
Sec. 13.11.	Implementation of stormwater utility.

Chapter 14. Reserved

Chapter 15. Reserved

Chapter 16. Reserved

Chapter 17. Planning, Zoning and Subdivision Control

Sec. 17.01.	Power of Council to adopt master plan.
Sec. 17.02.	City Planning Commission, generally.
Sec. 17.03.	Reserved.
Sec. 17.04.	Same--Duty to adopt master plan.
Sec. 17.05.	Same--Duties with respect to historical landmarks, works of art, harbors, etc.
Sec. 17.06.	Adoption of master plan by Commission and approval by Council.
Sec. 17.07.	Effects of master plan.
Sec. 17.08.	Reserved.
Sec. 17.09.	Further powers and duties of Planning Commission.
Sec. 17.10.	Zoning powers of Council.
Sec. 17.11.	Uniformity of regulations within a district; special use permits.
Sec. 17.12.	Considerations to be observed in adoption and alteration of zoning regulations.
Sec. 17.13.	Duties of Planning Commission with relation to zoning.
Sec. 17.14.	Adoption and amendment of zoning regulations and restrictions and establishment of district boundaries.
Sec. 17.15.	Effect of protest by twenty percent of the owners of property.
Sec. 17.16.	Board of Zoning Appeals--Composition; appointment, terms, etc., of members.
Secs. 17.17, 17.18.	Reserved.

Sec. 17.19.	Appeals to Board of Zoning Appeals.
Sec. 17.20.	Powers of Board of Zoning Appeals.
Sec. 17.21.	Same--Form and scope of decisions.
Sec. 17.22.	Same--Appeals from Boards.
Sec. 17.23.	Same--Same--Procedure on appeal.
Sec. 17.24.	Same--Same--Powers and duties of the court.
Sec. 17.25.	Proceedings against violators of zoning ordinance.
Sec. 17.26.	Penalties for violation of zoning ordinance.
Secs. 17.27--17.29.	Reserved.
Sec. 17.30.	Reserved.
Secs. 17.31--17.35.	Reserved.
Sec. 17.36.	Dedication of streets used by public for five years.
Sec. 17.37.	Present master plan and comprehensive zoning plan.
Secs. 17.37.1--17.37.4.	Reserved.

Chapter 18. Acquisition of Property for Public Purposes

Sec. 18.01.	Acquisition, ownership and use of property.
Sec. 18.02.	Eminent domain.
Sec. 18.03.	Alternative procedures in condemnation.
Sec. 18.04.	Consideration of enhancement in value.
Sec. 18.05.	Unclaimed funds in condemnation cases.

Chapter 19. Reserved

Chapter 20. Miscellaneous Provisions

Sec. 20.01.	School Board.
Secs. 20.02--20.05.	Reserved.
Sec. 20.06.	Reserved.
Secs. 20.07--20.09.	Reserved.
Sec. 20.10.	Courtrooms for courts of record and office space for constitutional officers.
Sec. 20.11.	Posting of bonds by City unnecessary.
Sec. 20.12.	Code references.
Sec. 20.13.	Severability.
Sec. 20.14.	Meaning of "at the effective date of this Charter."

Chapter 21. Transitional Provisions

Sec. 21.01.	Acts repealed.
Sec. 21.02.	Present ordinances, rules, etc., continued in effect.
Secs. 21.03--21.07.	Reserved.

CHAPTER 1. INCORPORATION AND BOUNDARIES

Sec. 1.01. Incorporation.

The inhabitants of the territory comprised within the limits of the City of Richmond, as the same now are or may hereafter be established by law, shall continue to be a body politic and corporate under the name of the City of Richmond and as such shall have perpetual succession, may sue and be sued, contract and be contracted with and may have a corporate seal which it may alter, renew or amend at its pleasure.

Sec. 1.02. Boundaries.

The boundaries of the City shall be as described in the act of the General Assembly approved March 24, 1926, found in Chapter 318 at page 533 of the Acts of Assembly of 1926 as modified and enlarged by the decree of the Circuit Court of Henrico County entered February 1, 1940, in the annexation proceedings styled City of Richmond versus County of Henrico, which decree was modified, amended and enlarged by decrees of the Supreme Court of Appeals entered June 9, 1941, in accordance with the written opinion of that court in the case styled County of Henrico, Windsor Farms, Incorporated, and others versus City of Richmond, officially reported in volume 177 of the Virginia Reports at page 754, all of which decrees are recorded in the Clerk's Office of the Circuit Court of the City of Richmond, Division I, in Deed Book 430-C at pages 275 and 292, and as modified and enlarged by the decree of the Circuit Court of Chesterfield County entered November 6, 1941, in the annexation proceeding styled City of Richmond versus County of Chesterfield, which decree is recorded in the Clerk's Office of the Circuit Court of the City of Richmond, Division I, in Deed Book 429-C, page 421, and in the Clerk's Office of the Circuit Court of the City of Richmond, Division II, in Deed Book 86-B, page 358, and as modified and enlarged by an Order of Annexation entered by the Circuit Court of Chesterfield County on July 12, 1969, which Order is recorded in the Clerk's Office of the Circuit Court of Chesterfield County in Chancery Order Book 49, page 210.
(Acts 1975, ch. 112, § 1; Acts 1976, ch. 633, § 1; Acts 1998, ch. 711)

CHAPTER 2. POWERS

Sec. 2.01. General grant of powers.

The City shall have and may exercise all powers which are now or may hereafter be conferred upon or delegated to cities under the Constitution and laws of the Commonwealth and all other powers pertinent to the conduct of a city government the exercise of which is not expressly prohibited by the said Constitution and laws and which in the opinion of the Council are necessary or desirable to promote the general welfare of the City and the safety, health, peace, good order, comfort, convenience and morals of its inhabitants, as fully and completely as though such powers were specifically enumerated in this Charter, and no enumeration of particular powers in this Charter shall be held to be exclusive but shall be held to be in addition to this general grant of powers.

Sec. 2.02. Financial powers.

In addition to the powers granted by other sections of this Charter the City shall have power:

(a) To raise annually by taxes and assessments in the City such sums

of money as the Council shall deem necessary to pay the debts and defray the expenses of the City, in such manner as the Council shall deem expedient, provided that such taxes and assessments are not prohibited by the laws of the Commonwealth. In addition to, but not as a limitation upon, this general grant of power the City shall, when not prohibited by the laws of the Commonwealth, have power to levy and collect ad valorem taxes on real estate and tangible personal property and machinery and tools, to levy and collect taxes for admission to or other charge for any public amusement, entertainment, performance, exhibition, sport or athletic event in the City, which taxes may be added to and collected with the price of such admission or other charge; to levy on and collect taxes from purchasers of any public utility service and from subscribers to franchised cable antenna television service used within the City, which taxes may be added to and collected with the bills rendered purchasers of such service; to require licenses, prohibit the conduct of any business or profession without such a license, require taxes to be paid on such licenses in respect of all businesses and professions which cannot, in the opinion of the Council be reached by the ad valorem system; and to require licenses of owners of vehicles of all kinds for the privilege of using the streets, alleys and other public places in the City, require taxes to be paid on such licenses and prohibit the use of streets, alleys, and other public places in the City without such licenses; provided, however, that nothing herein contained shall be construed as permitting the City to levy and collect directly or indirectly a tax on payrolls.

(b) To borrow money for the purposes and in the manner provided by Chapter 7B of this Charter.

(c) To make appropriations, subject to the limitations imposed by this Charter, for the support of the City government, and any other purposes not prohibited by this Charter and by the laws of the Commonwealth.

(d) To appropriate, without being bound by other provisions of this Charter, funds for the purpose of meeting a public emergency threatening the lives, health or property of the inhabitants of the City, provided that any such appropriation shall require at least seven affirmative votes in the Council and that the ordinance making such appropriation shall contain a clear statement of the nature and extent of the emergency.

(e) To accept or refuse gifts, donations, bequests or grants from any source for any purpose related to the powers and duties of the City government.

(f) To provide, or aid in the support of, public libraries and public schools.

(g) To grant financial aid to military units organized in the City in accordance with the laws of the Commonwealth, and to charitable or benevolent institutions and corporations, including those established for scientific, literary or musical purposes or the encouragement of agriculture and the mechanical arts, whose functions further the public purposes of the City.

(h) To establish a system of pensions for injured, retired or superannuated City officers and employees, members of the police and fire departments, teachers and other employees of the School Board, judges, clerks, deputy clerks, bailiffs and other employees of the municipal courts, and to establish a fund or funds for the payment

of such pensions by making appropriations out of the treasury of the City, by levying a special tax for the benefit of such fund or funds, by requiring contributions payable from time to time from such officers or employees, or by any combination of these methods or by any other method not prohibited by law, provided that the total annual payments into such fund or funds shall be sufficient on sound actuarial principles to provide for the pensions to be paid therefrom; and provided further, that the benefits accrued or accruing to any person under such system shall not be subject to execution, levy, attachment, garnishment or any other process whatsoever nor shall any assignment of such benefits be enforceable in any court.

(i) To provide for the control and management of the fiscal affairs of the City, and prescribe and require the adoption and keeping of such books, records, accounts and systems of accounting by the departments, boards, commissions, courts or other agencies of the City government provided for by this Charter or otherwise by law as may be necessary to give full and true accounts of the affairs, resources and revenues of the City and the handling, use and disposal thereof. (Acts 1972, ch. 336, § 1; Acts 1984, ch. 163, § 1; Acts 1990, ch. 401, § 1; Acts 1992, ch. 850, § 1; Acts 1993, ch. 613, § 1; Acts 1998, ch. 711)

Sec. 2.03. Powers relating to public works, utilities and properties.

In addition to the powers granted by other sections of this Charter the City shall have power:

- (a) To lay out, open, extend, widen, narrow, establish or change the grade of, close, construct, pave, curb, gutter, adorn with shade trees, otherwise improve, maintain, repair, clean and light streets, including limited access or express highways, alleys, bridges, viaducts, subways and underpasses, and make and improve walkways upon streets and improve and pave alleys within the City; and the City shall have the same power and authority over any street, alley or other public place ceded or conveyed to the City or dedicated or devoted to public use as over other streets, alleys and other public places.
- (b) To acquire, construct, own, maintain and operate, within and without the City, public parks, parkways, playfields and playgrounds, and to lay out, equip and improve them with all suitable devices, buildings and other structures.
- (c) To collect and dispose of garbage and other refuse and to construct, maintain and operate, within and without the City, incinerators, dumps or other facilities for such purposes.
- (d) To construct, reconstruct, improve, maintain and operate, within and without the City, sewers, drains, culverts and sewage disposal works, and stormwater control facilities.
- (e) To assess the whole or part of the cost of making and improving walkways on then existing streets, improving or paving existing alleys, or constructing sewers, culverts and drains, upon the owners of land abutting thereon or on the street or alley in which such sewer, culvert or drain is laid in the manner provided in section 12.06 of this Charter; provided, that the amount of such assessment shall not exceed the peculiar benefit resulting to the landowner from the improvement; provided further, that in lieu of any such assessment for the construction of a sewer, culvert or drain, the City may assess and collect an annual sewer tax as compensation for the use thereof, and may provide for the commutation thereof upon such terms and conditions

as the Council may provide by ordinance, but such assessment shall not be in excess of the peculiar benefit resulting therefrom to such abutting landowners; and provided further, that the City may acquire by condemnation or otherwise any interest or right of any owner of abutting property in the use of any sewer, culvert or drain, and thereafter charge such landowner for the use of such sewer, culvert or drain. The City may order such improvements to be made and the cost thereof apportioned in pursuance of an agreement between the City and the abutting landowners.

(f) To construct, maintain and equip all buildings and other structures necessary or useful in carrying out the powers and duties of the City. The City may contract as provided by law with a private party or parties to provide the financing, site selection, acquisition, construction, maintenance, and leasing, or any of them, for a jail, juvenile detention facility, or other correctional facility. Nothing herein shall be interpreted to preclude operation of correctional facilities by private parties.

(g) To sell, lease or dispose of, except as otherwise provided in this Charter and in the Constitution and laws of the Commonwealth, land, buildings and other property of the City, real and personal.

(h) To control and regulate the use and management of all property of the City, real and personal.

(i) To acquire, construct and maintain or authorize the construction and maintenance of bridges, viaducts, subways or underpasses over or under the James River or any other stream, creek or ravine when any portion of such bridge, viaduct, subway or underpass is within the City limits, and to charge or authorize the charging of tolls for their use by the public, and to require compensation for their use by public utility, transmission or transportation companies, except as the right to require such compensation is affected by any contract heretofore or hereafter made with the company concerned; provided, that no tolls or compensation shall ever be imposed or collected for the use of "Robert E. Lee Bridge" by any vehicle or pedestrian.

(j) To authorize by ordinance, in accordance with the Constitution and laws of the Commonwealth, the use of the streets for the laying down of street railway tracks and the operation of street railways therein under such conditions and regulations as may be prescribed by such ordinance or by any future ordinance, or to acquire by agreement or condemnation any such street railway and maintain and operate the same.

(k) To acquire, construct, own, maintain and operate, within and without the City, places for the parking or storage of vehicles by the public, which shall include but shall not be limited to parking lots, garages, buildings and other land, structures, equipment and facilities, when in the opinion of the Council they are necessary to relieve congestion in the use of streets and to reduce hazards incident to such use; provide for their management and control by a department of the City government or by a board, commission or agency specially established by ordinance for the purpose; authorize or permit others to use, operate or maintain such places or any portions thereof, pursuant to lease or agreement, upon such terms and conditions as the Council may determine by ordinance; and charge or authorize the charging of compensation for the parking or storage of vehicles or other services at or in such places.

(l) To acquire, construct, own, maintain and operate, within and

without the City, airports and all the appurtenances thereof provide for their management and control by a department of the City government or by a board, commission or agency specially established by ordinance for the purpose; charge or authorize the charging of compensation for the use of any such airport or any of its appurtenances; lease any appurtenance of any such airport or any concession incidental thereto or, in the discretion of the Council, lease any such airport and its appurtenances with the right to all concession thereon to, or enter into a contract for the management and operation of the same with, any person, firm or corporation on such terms and conditions as the Council may determine by ordinance.

(m) To acquire, construct, own, maintain and operate, within and without the City, stadia, arenas, swimming pools and other sport facilities; provide for their management and control by a department of the City government or by a board, commission or agency specially established by ordinance for the purpose; charge or authorize the charging of compensation for the use of or admission to such stadia, arenas, swimming pools and other sport facilities, including charges for any services incidental thereto; and lease, subject to such regulations as may be established by ordinance, any such stadium, arena, swimming pool or other sport facility or any concession incidental thereto, or enter into a contract with any person, firm or corporation for the management and operation of any such stadium, arena, swimming pool or other sport facility, including the right to all concessions incident to the subject of such contract, on such terms and conditions as the Council may determine by ordinance.

(n) To acquire, construct, own, maintain and operate, within and without the City, waterworks, gas plants and electric plants with the pipe and transmission lines incident thereto, to be managed and controlled as provided in Chapter 13 of this Charter, for the purpose of supplying water, gas and electricity within and without the City, and to charge and collect compensation therefor and to provide penalties for the unauthorized use thereof.

(o) To acquire, construct, own, maintain and operate, within and without the City, landings, wharves, docks, canals and the approaches to and appurtenances thereof, tracks, spurs, crossings, switchings, terminals, warehouses and terminal facilities of every kind and description necessary or useful in the transportation and storage of goods, wares and merchandise; perform any and all services in connection with the receipt, delivery, shipment and transfer in transit, weighing, marking, tagging, ventilating, refrigerating, icing, storing and handling of goods, wares and merchandise; prescribe and collect charges from vessels coming into or using any of the landings, wharves and docks, and from persons using any of the facilities above described; provide for the management and control of such facilities or any of them by a department of the City government or by a board, commission or agency specially established by ordinance for the purpose; lease any or all of such facilities or any concessions properly incident thereto to any person, firm or corporation, or contract with any person, firm or corporation for the maintenance and operation of any or all of such facilities on such terms and conditions as the Council may determine by ordinance; apply to the proper authorities of the United States to grant to the City the privilege of establishing, maintaining and operating a foreign trade zone within or without the City; regulate the use of other landings, wharves and docks located on the James River within and without the City; prevent and remove obstructions

from the harbor of the James River and in, upon or near the landings, wharves, docks or canals adjacent thereto, and collect from the person or persons responsible for such obstructions the cost of their removal; close or discontinue the use of any such wharf, landing, dock or canal now owned or hereafter acquired by the City and upon the closing or discontinuance of such use the same shall thereupon be forever discharged from any public use or easement or from any obligation theretofore imposed by reason of such public use or easement by statute or otherwise, provided, that the dock or any part thereof conveyed by the Chesapeake and Ohio Railway Company to the William R. Trigg Company, by deed dated June 1, 1901, in accordance with the provisions of the Act of Assembly approved February 15, 1901, and which dock is now owned by the City may be maintained and operated by the City for such other public purposes as authorized by the City Council, but further provided if said dock shall be closed by the City to such public use and purpose and filled in, the City shall make provision for disposing of the water required by said dock and shall at its own cost and expense maintain the provision so made and the City shall have the right to use or dispose of the land upon which the said landing, wharf, dock or canal may be located, together with all lands or other rights appurtenant thereto, to the same extent as if the said landing, wharf, dock, canal or lands, or right thereto belonging, had never been charged with any public use or easement; improve and keep in good, safe and navigable condition the James River in the corporate limits and within twenty miles thereof, and may hold, lease, sell or otherwise dispose of all lands or interest therein acquired for the improvement of the James River and navigation and for the construction of canals or widening the river; and provide and operate such connections by ferries, bridges, or otherwise, as may be necessary for transportation between the section of land divided by such canals.

(p) To construct, own, maintain, operate and equip a visitors center and incidental parking, playgrounds and facilities. (Acts 1950, ch. 251, § 1; Acts 1987, ch. 230, § 1; Acts 1988, ch. 269, § 1; Acts 1992, ch. 850, § 1; Acts 1994, ch. 215, § 1; Acts 1998, ch. 711)

Sec. 2.03.1. Powers relating to certain highways.

In addition to the powers granted by other sections of this Charter, the City shall have power:

(a) To construct, maintain and operate limited or controlled access or express highways within the City and to fix and revise from time to time and charge and collect tolls for transit over such highways and compensation for other uses that may be made thereof. (Acts 1958, ch. 185, § 1)

Sec. 2.03.2. Use of municipal buildings or structures for private purposes.

In addition to the powers granted by other sections of this Charter, the City shall have the power to permit any building or structure acquired or constructed for any municipal purpose, or any part thereof or any space therein, which is not needed for such purpose, to be used for private purposes upon such terms and conditions as shall be prescribed by the Council until such building or structure or part thereof or space therein is needed for a municipal purpose, when in the opinion of the Council it is deemed proper to do so. (Acts 1964, ch. 120, § 3)

Sec. 2.03.3. Powers relating to public transportation.

In addition to the powers granted by other sections of this Charter, the City shall have the power to acquire, operate, lease, or otherwise provide for the operation of a public transportation system, including, by way of illustration but not limitation, the operation of passenger buses, both within and outside the City of Richmond, including providing for transportation for pupils attending public schools operated by the School Board of the City of Richmond; provided, however, that the operation of any such system outside the City of Richmond shall only be with the consent of the governing body of the political subdivision in which such operation is to occur. (Acts 1973, ch. 348, § 2)

Sec. 2.03.4. Riverfront development agreements.

(a) The City shall have the power, in the area bounded by the James River, 2nd Street, the Downtown Expressway, and 21st Street, and also including Mayo's Island, to enter into binding development agreements with any persons owning legal or equitable interests in real property there.

(b) Such an agreement between a property owner and the City shall be for the purpose of stimulating and facilitating economic growth along the Richmond riverfront, shall not be inconsistent with the master plan, and shall not authorize any use or condition not permitted by the zoning ordinance and other ordinances in effect at the time the agreement is made. It shall be authorized by ordinance. It shall be for a term not to exceed ten years and may be renewed by mutual agreement of the parties. It may provide for uses; the density or intensity of uses; the maximum height, size, setback and/or location of buildings; the number of parking spaces required; the measures required to control stormwater; and other land use matters. It may authorize the property owner to transfer to the City land, public improvements, money, or anything of value to further the purposes of the agreement or other public purposes set forth in the City's master plan, but not as a condition to obtaining any permitted use or zoning. A property owner may agree to accept land use controls that are more restrictive than the zoning applicable to the property, conditioned on the City making public improvements, including parking, which also benefit the property; provided, however, that any agreement of the City to make such improvements shall be subject to the availability and appropriation of funds.

(c) If a property owner who is a party to such an agreement and is not in breach of the agreement dedicates or is required to dedicate real property of substantial value to the City, makes or is required to make substantial cash payments to the City, or makes or is required to make substantial public improvements for the City, then during the term of that agreement neither any amendment to the zoning map for the subject property nor any amendment to the text of the zoning ordinance with respect to the zoning district applicable to the property which eliminates or materially restricts, reduces, or modifies: the density or intensity of uses; the maximum height, size, setback or location of a building; the number of parking spaces required; or the measures required to control stormwater shall be effective with respect to such property unless there has been mistake, fraud, or a change in circumstances substantially affecting the public health, safety or welfare. (Acts 1992, ch. 850, § 1)

Sec. 2.04. Power to make regulations for the preservation of the safety, health, peace, good order, comfort, convenience, morals and welfare of the City and its inhabitants.

In addition to the powers granted by other sections of this Charter, the City shall have power to adopt ordinances, not in conflict with this Charter or prohibited by the general laws of the Commonwealth, for the preservation of the safety, health, peace, good order, comfort, convenience, morals and welfare of its inhabitants, and among such powers, but not in limitation thereof, the City shall have power:

(a) To provide for the prevention of vice, immorality, vagrancy and drunkenness; prevention and quelling [quelling] of riots; disturbances and disorderly assemblages; suppression of houses of ill fame and gambling places; prevention of lewd and disorderly conduct or exhibitions; and prevention of conduct in the streets dangerous to the public.

(b) To regulate the construction, maintenance and repair of buildings and other structures and the plumbing, electrical, heating, elevator, escalator, boiler, unfired pressure vessel, and air conditioning installations therein, for the purpose of preventing fire and other dangers to life and health.

(c) To provide for the protection of the City's property, real and personal, and prevention of the pollution of the City's water supply, and the regulation of use of parks, playgrounds, playfields, recreational facilities, landings, docks, wharves, canals, airports and other public property, whether located within or without the City. For the purpose of enforcing such regulations all City property wherever located shall be under the police jurisdiction of the City. Any member of the police force of the City or employee thereof appointed as a special policeman shall have power to make arrests for violation of any ordinance, rule or regulation adopted pursuant to this section and the District Court, Criminal Division, shall have jurisdiction in all cases arising thereunder within the City and the district court of the county wherein the offense occurs shall have jurisdiction of all cases arising thereunder without the City.

(d) To grant or authorize the issuance of permits under such terms and conditions as the Council may impose for the use of streets, alleys and other public places of the City by railroads, street railways, buses, taxicabs and other vehicles for hire; prescribe the location in, under or over, and grant permits for the use of, streets, alleys and other public places for the maintenance and operation of tracks, poles, wires, cables, pipes, conduits, bridges, subways, vaults, areas and cellars; require tracks, poles, wires, cables, pipes, conduits and bridges to be altered, removed or relocated either permanently or temporarily; charge and collect compensation for the privileges so granted; and prohibit such use of the streets, alleys and other public places of the City, and no such use shall be made of the streets, alleys, or other public places of the City without the consent of the Council.

(e) To prevent any obstruction of or encroachment over, under or in any street, alley, sidewalk or other public place; provide penalties for maintaining any such obstruction or encroachment; remove the same and charge the cost thereof to the owner or owners, occupant or occupants of the property so obstructing or encroaching, and collect the sum charged in any manner provided by law for the collection of taxes; require the owner or owners or the occupant or occupants of the

property so obstructing or encroaching to remove the same; pending such removal charge the owner or owners of the property so obstructing or encroaching compensation for the use of such portion of the street, alley, sidewalk or other public place obstructed or encroached upon the equivalent of what would be the tax upon the land so occupied if it were owned by the owner or owners of the property so obstructing or encroaching, and, if such removal shall not be made within the time ordered, impose penalties for each and every day that such obstruction or encroachment is allowed to continue thereafter; authorize encroachments upon streets, alleys, sidewalks or other public places, subject to such terms and conditions as the Council may prescribe, but such authorization shall not relieve the owner or owners, occupant or occupants of the property encroaching, of any liability for negligence on account of such encroachment; and recover possession of any street, alley, sidewalk or other public place or any other property of the City by suit or action in ejectment.

(f) To prescribe the route and grade of any railroad laid in the City, regulate the operation of locomotives and cars, and exclude such locomotives and cars from the City; provided, no contract between the City and the corporation operating such locomotives or cars is violated by such action.

(g) To regulate the operation of motor vehicles and exercise control over traffic in the streets of the City and provide penalties for the violation of such regulations; provided, that ordinances or administrative regulations adopted by virtue of this subsection shall not be inconsistent with the provisions of the Motor Vehicle Code of Virginia. All fines imposed for the violation of such ordinances and regulations shall be paid into the City treasury.

(h) To regulate, in the interest of public health, the production, preparation, distribution, sale and possession of milk, other beverages and foods for human consumption, and the places in which they are produced, prepared, distributed, sold, served or stored; regulate the construction, installation, maintenance and condition of all water and sewer pipes, connections, toilets, water closets and plumbing fixtures of all kinds; regulate the construction and use of septic tanks and dry closets, where sewers are not available, and the sanitation of swimming pools and lakes; provide for the removal of night soil, and charge and collect compensation for the removal thereof; compel the use of sewers, the connection of abutting premises therewith, and the installation in such premises of suitable sanitary facilities; regulate or prohibit connections to and use of sewers; provide for the quarantine of any person afflicted with a contagious or infectious disease, and for the removal of such person to a hospital or ward specially designated for contagious or infectious diseases; inspect and prescribe reasonable rules and regulations, in the interest of public health, with respect to private hospitals, sanatoria, convalescent homes, clinics and other private institutions, homes and facilities for the care of the sick, of children, the aged and the destitute; and make and enforce all regulations necessary to preserve and promote public health and sanitation and protect the inhabitants of the City from contagious, infectious or other diseases.

(i) To regulate cemeteries and burials therein, prescribe the records to be kept by the owners of such cemeteries, and prohibit all burials except in a public burying ground.

(j) To regulate or prohibit the exercise of any dangerous, offensive or unhealthful business, trade or employment, and the transportation of

any offensive or dangerous substance.

(k) To regulate the light, ventilation, sanitation and use or occupancy of buildings heretofore or hereafter constructed, altered, remodeled or improved, and the sanitation of the premises surrounding the same.

(l) To regulate the emission of smoke or the construction, installation, operation and maintenance of fuel burning equipment, internal combustion engines or any other equipment or source of air pollution.

(m) To compel the removal of weeds from private and public property and snow from sidewalks; the covering or removal of offensive, unwholesome, unsanitary or unhealthy substances allowed to accumulate in or on any place or premises; the filling in to the street level of the portion of any lot adjacent to a street where the difference in level between the lot and the street constitutes a danger to life and limb; the raising or draining of grounds subject to be covered by stagnant water; the razing or repair of all unsafe, dangerous or unsanitary public or private buildings, walls or structures which constitute a menace to the health and safety of the occupants thereof or the public; and to compel the abatement or removal of any and all other nuisances whatsoever including the removal of inoperative or unlicensed motor vehicles or parts thereof from public or private property. If after such reasonable notice as the Council may prescribe by ordinance the owner or owners, occupant or occupants of the property or premises affected by the provisions of this subsection shall fail to abate or obviate the condition or nuisance, the City may do so and charge and collect the cost thereof from the owner or owners, occupant or occupants of the property affected in any manner provided by law for the collection of taxes.

(n) To regulate or prohibit the manufacture, storage, transportation, possession and use of explosive or inflammable substances and the use of exhibition of fireworks and discharge of firearms.

(o) To regulate or prohibit the making of fires in the streets, alleys and other public places in the City and to regulate the making of fires on private property.

(p) To regulate or prohibit the running at large and the keeping of animals and fowl and provide for the impounding and confiscation of any such animal or fowl found at large or kept in violation of such regulations.

(q) To prevent cruelty to and abuse of animals.

(r) To regulate the sale of goods, wares or merchandise at auction; regulate the conduct of and prescribe the number of pawnshops and dealers in secondhand goods, wares and merchandise; regulate or prohibit the peddling or hawking of any article for sale on the streets of the City; prevent fraud or deceit in the sale of goods, wares and merchandise; require the weighing, measuring, gauging and inspection of goods, wares and merchandise offered for sale; require weights and measures to be sealed and subject to inspection; and provide for the appointment of a sealer and one or more weightmasters who shall perform such duties and functions as may be prescribed by ordinance. (Acts 1972, ch. 336, § 1; Acts 1975, ch. 112, § 1)

Sec. 2.04.1. Human Rights Commission.

The City shall have the power to establish a Human Rights Commission consistent with the provisions of § 15.2-965 of the Code of Virginia. (Acts

1972, ch. 333, § 1; Acts 1989, ch. 349, § 1; Acts 1998, ch. 711)

Sec. 2.05. Miscellaneous powers.

The City shall also have power:

- (a) To establish, maintain and operate public employment bureaus, public markets and public baths.
- (b) To establish, maintain and operate, within and without the City, public hospitals, sanatoria, convalescent homes, clinics and other public institutions, homes and facilities for the care of the sick, of children, the aged and the destitute.
- (c) To provide care for the poor and have all the powers and duties conferred and imposed on cities by the laws of the Commonwealth relating to public assistance.
- (d) To establish, own, maintain and operate, within and without the City, cemeteries for the interment of the dead, fix the price at which graves and lots therein shall be sold, make contracts for their perpetual care and establish the rates to be charged for the digging of graves, construction of vaults and other services.
- (e) To establish, maintain and operate, within or without the City, a jail for the confinement of prisoners, ordered or sentenced to be confined therein, and a jail farm; and compel able-bodied prisoners confined in the jail to work on such farm, with the approval of the Circuit Court of the City of Richmond. Any lockup physically located within the City of Richmond, whether in the Safety, Health and Welfare Building of the City of Richmond or elsewhere, shall be deemed a part of and included within the City jail facility for the purposes of supervision, administration, staffing and all other aspects germane to the operation of the City jail.
- (f) To acquire, in the manner provided in Chapter 18 of this Charter, areas, properties, lands or any estate or interest therein, located within the City's old and historic districts which, in the opinion of the Council, should be acquired, preserved and maintained for use, observation, education, pleasure and welfare of the people, or to preserve the character of the old and historic district in which such property is located; provide for their renovation, preservation, maintenance, management and control as places of old and historic interest by the department of the City government or by a board, commission or agency specially established by ordinance for the purpose; charge or authorize the charging of compensation for the use thereof or admission thereto; lease or sell to a 501(c)(3) organization, subject to such regulations as may be established by ordinance, any such area, property, lands or estate or interest therein so acquired upon the condition that the old and historic character of the area, property or lands shall be restored and preserved and maintained; or to enter into contracts with any person, firm or corporation for the management, preservation, maintenance or operation of any such area, property, lands or estate or interest therein so acquired as a place of old and historic interest, provided, the City shall not use the right of condemnation under this paragraph unless the historic value of such area, property, lands or estate or interest therein are about to be destroyed, including destruction through lack of maintenance.
- (g) To establish and collect such fees, including a charge for expenses incurred in auditing reports, accounts and any records of organizations

operating bingo games and raffles under the permissive provisions of section 18.2-335 [now §§ 18.2-340.1--18.2-340.14] of the Code of Virginia and admitting to record the annual report of such organization, as may be determined by the Council to be reasonable for the rendering of special services. (Acts 1950, ch. 416, § 1; Acts 1972, ch. 334, § 1; Acts 1974, ch. 19, § 1; Acts 1978, ch. 78, § 1; Acts 1989, ch. 349, § 1)

Sec. 2.06. Enforcement of regulations.

When by the provisions of this Charter or the Constitution and general laws of the Commonwealth the City is authorized to pass ordinances on any subject, the Council may provide suitable penalties for the violation of any such ordinances, including ordinances effective outside the City as provided in this Charter. No such penalty shall exceed the maximum fine permitted under state law for a violation of a Class 1 misdemeanor or confinement for twelve months or both. Upon conviction for violation of any ordinance, the court trying the case may require bond of the person so convicted with proper security in the penalty of not more than two thousand dollars, conditioned to keep the peace and be of good behavior and especially for the period of not more than one year not to violate the ordinance for the breach of which he/she has been convicted. From any fine or confinement imposed, an appeal shall lie as in cases of misdemeanor. Whenever any fine or penalty shall be imposed but not paid, the court trying the case may, unless an appeal be forthwith taken, issue a writ of fieri facias for the collection of the amount due, returnable within sixty days from its issuance. The City is hereby expressly authorized and empowered to institute and maintain a suit or suits to restrain by injunction the violation of any ordinance legally adopted by it, notwithstanding such ordinance may provide penalties for its violation. (Acts 1991, ch. 396, § 1; Acts 1998, ch. 711)

Sec. 2.07. Licenses and permits.

Whenever in the judgment of the Council it is advisable in the exercise of any of the powers of the City or in the enforcement of any ordinance or regulation, it may provide for the issuance of licenses or permits in connection therewith, establish the amount of the fee to be charged the licensee or permittee and require from the licensee or permittee a bond and an insurance policy of such character and in such amount and upon such terms as it may determine.

Sec. 2.08. Injunctions against the City.

No injunction shall be awarded by any court or judge to stay the proceedings of the City or any of its officers, employees or agents in the exercise of any of their powers unless it be manifest that the City, its officers, employees or agents are transcending the authority given the City by this Charter and the general laws of the Commonwealth, and also that the intervention of a court of equity is necessary to prevent injury that cannot be compensated by damage.

CHAPTER 3. ELECTIONS

Sec. 3.01. Election of councilmen; nomination of candidates.

A. At the time of the November general election in 2004, and every second year thereafter, there shall be held a general city election at which shall be elected by the qualified voters of the city one member of council from each of the nine election districts in the city, the voters

residing in each such district to elect one member for said district for terms of two years from the first day of January following their election. However, beginning with the elections to be held in 2008, and subject to approval by referendum as called for by this act, council members shall be elected for a term of four years.

B. No primary election shall be held for the nomination of candidates for the office of councilman, and candidates shall be nominated only by petition. (Acts 1971, ch. 84, § 1; Acts 1977, ch. 513, § 1; Acts 2004, ch. 514, § 1; Acts 2004, ch. 877, § 1; Acts 2004, ch. 898, § 1)

Editor's note—Pursuant to Code of Virginia, § 24.2-222.1 and Ordinance No. 2001-208-202, adopted June 25, 2001, the city council changed the election of council members to the first Tuesday in November beginning with November 2002 and every second year thereafter.

Editor's note—In a referendum held on November 2, 2004 as required by Acts 2004, ch. 514, § 2, the voters of the City approved the election of members of city council to four-year terms beginning with the election to be held on November 4, 2008.

Sec. 3.01.1. Election of mayor.

On the first Tuesday after the first Monday in November 2004, and every four years thereafter, a general election shall be held to elect the mayor. All persons seeking to have their names appear on the ballot as candidates for mayor must comply with the provisions of Chapter 5 (§ 24.2-500 et seq.) of Title 24.2 of the Code of Virginia and must file with their declaration of candidacy a petition containing a minimum of 500 signatures of qualified voters of the city, to include at least 50 qualified voters from each of the nine election districts. However, these filing requirements shall only apply to the initial, general election and not to any runoff election that may subsequently become necessary.

In the general election, the person receiving the most votes in each of at least five of the nine city council districts shall be elected mayor. Should no one be elected, then the two persons receiving the highest total of votes city wide shall be considered nominated for a runoff election. The runoff election shall be held on the sixth Tuesday after the November general election between the two nominees. The date of any such runoff election shall, as soon as possible, be posted at the courthouse and published at least once in a newspaper of general circulation in the city. In any such runoff election, write-in votes shall not be counted, and the person receiving the most votes in each of at least five of the nine city council districts shall be elected mayor. In the event the two candidates in a runoff election shall each win an equal number of council districts, the candidate receiving the most votes city wide shall be elected mayor. An elected term shall run four years. Anyone eligible to serve on city council may serve as mayor, except no one may be elected mayor for three consecutive full terms, and no one may simultaneously hold the office of mayor and any other elected position. (Acts of 2004, ch. 877, § 1; Acts of 2004, ch. 898, § 1)

Secs. 3.02, 3.03. Reserved.

Editor's note—Acts 1998, ch. 711 repealed §§ 3.02 and 3.03, which pertained to nomination of candidates for council and conduct of general municipal election, and which derived from Acts 1975, ch. 112, § 1; Acts 1976, ch. 633, § 1; and Acts 1977, ch. 513, § 1.

Sec. 3.04. Vacancies in office of councilman or mayor.

A. Vacancies in the office of councilman, from whatever cause arising, shall be filled in accordance with general law applicable to interim appointments and special elections, provided that, any provision in the general law to the contrary notwithstanding, a special election may be called to fill any such vacancy if the vacancy occurs more than one year prior to the expiration of the full term of the office to be filled.

B. A vacancy in the office of mayor shall be filled by special election conducted according to the rules herein provided for the general election and held within 60 days, but no sooner than 30 days, from the date of the vacancy. Any runoff, should one be necessary, shall be held on the first Tuesday after the fifth day following the date that voting machines used in the special election may be unsealed pursuant to § 24.2-659 of the Code of Virginia or the third Tuesday following the special election, whichever is later. However, if the date by which either the special election or possible runoff election for the office of mayor must be conducted should fall within 60 days prior to a primary election or general election, then the special or runoff election shall be held on the same day as the primary or general election, if allowed by general law, or, if not allowed by general law, then the special election shall be held on the first Tuesday after the fifth day following the date that voting machines used in the primary or general election may be unsealed pursuant to § 24.2-659 of the Code of Virginia. Any runoff that may be necessary shall be held on the first Tuesday after the fifth day following the date that the voting machines used in the special election may be unsealed pursuant to § 24.2-659 of the Code of Virginia or the third Tuesday following the special election, whichever is later. The vice mayor shall serve as acting mayor until a successor is elected. (Acts 1975, ch. 112, § 1; Acts 1998, ch. 711; Acts of 2004, ch. 877, § 1; Acts of 2004, ch. 898, § 1)

Sec. 3.04.1. Removal of council member or mayor and forfeiture of office.

A. In addition to being subject to the procedure set forth in § 24.2-233 of the Code of Virginia, any member of the council may be removed by the council, but only for malfeasance in office or neglect of duty. He/she shall be entitled to notice and hearing. It shall be the duty of the council, at the request of the person sought to be removed, to subpoena witnesses whose testimony would be pertinent to the matter in hand. From the decision of the council an appeal shall lie to the Circuit Court of the City of Richmond, Division 1.

B. The mayor may be removed following the procedure set forth in § 24.2-233 of the Code of Virginia applicable to constitutional officers; provided, however, that the petition must be signed by a number of registered voters in each council district equal to at least 10 percent of the total number of votes cast in the last general election for mayor in each respective council district.

C. The mayor or any member of council who shall be convicted by a final judgment of any court from which no appeal has been taken or which has been affirmed by a court of last resort on a charge involving moral turpitude, or any felony, or any misdemeanor involving possession of marijuana or any controlled substances, shall forfeit his/her office. (Acts of 2004, ch. 877, § 1; Acts of 2004, ch. 898, § 1)

Sec. 3.05. Election of other City officers.

All other City officers required by the laws of the Commonwealth to

be elected by the qualified voters of the City shall be nominated and elected at the time, for the terms and in the manner prescribed by the general laws of the Commonwealth. Vacancies in elective offices referred to in this section shall be filled in accordance with general law. The officers so elected or appointed shall qualify in the mode prescribed by law and shall continue in office until their successors are elected and qualified. (Acts 1950, ch. 251, § 1; Acts 1975, ch. 112, § 1; Acts 1976, ch. 633, § 1; Acts 1978, ch. 78, § 1; Acts 1982, ch. 658, § 1; Acts 1998, ch. 711)

Sec. 3.06.1. Submission of proposition to voters.

The Council shall have authority to order, by resolution directed to the Circuit Court of the City of Richmond, the submission to the qualified voters of the City for an advisory referendum thereon, any proposed ordinance or amendment to the City Charter. Upon the receipt of such resolution, the Circuit Court of the City of Richmond shall order an election to be held in accordance with the applicable provisions of Article 5 (§ 24.2-681 et seq.) of Chapter 6 of Title 24.2 of the Code of Virginia. Following certification of the election results by the Electoral Board to the Circuit Court, the court shall enter an order proclaiming the results of the election, and a duly certified copy of the order shall be transmitted to the Council, which may take such further action as it may deem advisable and in the best interests of the City.

If a petition requesting the submission of an amendment to this Charter, set forth in such petition, signed by qualified voters equal in number to ten percent or more of the largest number of votes cast in any general or primary election held in the City during the five years immediately preceding, is filed with the Clerk of the Circuit Court of the City of Richmond, he/she shall forthwith certify that fact to the Court. The process and requirements for voter petitions established under state law shall be applicable to voter petitions provided for under this section, except to the extent of any conflict with requirements set forth in this Charter. Upon the certification of such petition, the Circuit Court of the City of Richmond shall determine that the proposed Charter amendment pertains only to the structure or administration of the City government. When such determination has been made, the court shall order an election to be held in accordance with the applicable provisions of Article 5 (§ 24.2-681 et seq.) of Chapter 6 of Title 24.2 of the Code of Virginia, in which such proposed amendment shall be submitted to the qualified voters of the City for their approval or disapproval. If a majority of those voting thereon at such election approve the proposed amendment, such result shall be communicated by the Clerk of the Circuit Court of the City of Richmond to the representatives of the City in the General Assembly with the same effect as if the Council had adopted a resolution requesting the General Assembly to adopt the amendment. (Acts 1998, ch. 711)

CHAPTER 4. COUNCIL

Sec. 4.01. Composition; compensation; appointment of members to office of profit.

The Council shall consist of nine members elected as provided in Chapter 3. Compensation of members of Council shall be fixed in accordance with and within the limits prescribed in general laws of the Commonwealth for pay and expenses of councils and mayors of cities of the Commonwealth. The members of the Council, subject

to the approval of the Council, may also be allowed their reasonable actual expenses incurred in representing the City. No member of the Council shall during the term of which he/she was elected and one year thereafter be appointed to any office of profit under the government of the City. (Acts 1964, ch. 120, § 2; Acts 1968, ch. 644, § 1; Acts 1974, ch. 19, § 1; Acts 1975, ch. 112, § 1; Acts 1982, ch. 658, § 1; Acts 1992, ch. 850, § 1; Acts 1998, ch. 711)

Sec. 4.02. Powers.

All powers vested in the City shall be exercised by the Council except as otherwise provided in this Charter. In addition to the foregoing, the Council shall have the following powers:

- (a) To provide for the organization, conduct and operation of all departments, bureaus, divisions, boards, commissions, offices and agencies of the City.
- (b) To create, alter or abolish departments, bureaus, divisions, boards, commissions, offices and agencies other than those specifically established by this Charter.
- (c) To create, alter or abolish and to assign and reassign to departments, all bureaus, divisions, offices and agencies except where such bureaus, divisions, offices or agencies are specifically assigned by this Charter.
- (d) To provide for the titles, qualifications, powers, duties and compensation of all officers and employees of the City, subject in the case of members of the classified service to the provisions of § 5A.03 of this Charter.
- (e) To provide for the form of oaths and the amount and condition of surety bonds to be required of certain officers and employees of the City. (Acts 1998, ch. 711)

Sec. 4.03. President of the council.

At the time of the council's January organizational meeting, the council shall elect from among its members a president of the council to preside at council meetings for a one-year term; however, beginning January 1, 2007, the president of the council shall serve a two-year term. Should a vacancy occur in the office of mayor, the vice mayor will become acting mayor until a successor is elected to fill out the remainder of the unexpired term in accordance with § 3.04. An acting mayor shall have the same powers and responsibilities as the elected mayor. In addition, notwithstanding the provisions of § 3.01.1, any acting mayor shall retain his or her city council position, including the right to vote. (Acts 1998, ch. 711; Acts 2004, ch. 877, § 1; Acts of 2004, ch. 898, § 1; Acts 2005, ch. 844, § 1)

Sec. 4.04. City Clerk.

The Council shall appoint a City Clerk for an indefinite term. He/She shall be the Clerk of the Council, shall keep the journal of its proceedings and shall file the original draft of all ordinances and shall maintain an index of all such ordinances. He/She shall be the custodian of the corporate seal of the City and shall be the officer authorized to use and authenticate it. All records in his/her office shall be public records and open to inspection at any time during regular business hours. He/She shall receive compensation to be fixed by the Council and

all fees received by him/her shall be paid into the City treasury. He/She shall appoint and remove a deputy City Clerk, who shall be authorized to act as acting City Clerk in the absence or disability of the City Clerk, and all deputies and other employees in his/her office, and shall have such other powers and duties as may be prescribed by this Charter or by ordinance. (Acts 1977, ch. 513, § 1; Acts 1998, ch. 711; Acts 2005, ch. 844, § 1)

Sec. 4.05. Induction of members.

The first meeting of a newly elected council shall take place in the council chamber in the city hall as provided for by general law. It shall be called to order by the city clerk who shall administer the oaths of office to the newly elected council members and, when applicable, also to the newly elected mayor. In the absence of the city clerk, the meeting may be called to order and the oaths administered by any judicial officer having jurisdiction in the city. The council shall be the judge of the election and qualifications of its members and of the mayor, but the decisions of the council in these matters shall be subject to review by the Circuit Court of the City of Richmond. The first business of the council shall be the election of a president of the council and the adoption of rules of procedure. Until this business has been completed, the council shall not adjourn for a period longer than 48 hours. (Acts 1998, ch. 711; Acts 2004, ch. 877, § 1; Acts 2004, ch. 898, § 1; Acts 2005, ch. 844, § 1)

Sec. 4.06. Rules of procedure.

The council shall have power, subject to the provisions of this charter, to adopt its own rules of procedure. Such rules shall provide for the time and place of holding regular meetings of the council which shall be not less frequently than once in each month; however, the council shall not be required to hold a regular meeting in the month of August. They shall also provide for the calling of special meetings by the mayor or any three members of the council, and shall prescribe the method of giving notice thereof, provided that the notice of each special meeting shall contain a statement of the specific item or items of business to be transacted and no other business shall be transacted at such meeting except by the unanimous consent of all the members of the council. (Acts 1987, ch. 230, § 1; Acts 2004, ch. 877, § 1; Acts 2004, ch. 898, § 1)

Sec. 4.07. Voting.

No ordinance, resolution, motion or vote shall be adopted by the Council except at a meeting open to the public and, except motions to adjourn, to fix the time and place of adjournment, and other motions of a purely procedural nature, unless it shall have received the affirmative votes of at least five members. All voting except on procedural motions shall be by roll call and the ayes and noes shall be recorded in the journal. (Acts 1992, ch. 850, § 1)

Editor's note—The State and Local Government Conflict of Interests Act, Code of Virginia, § 2.2-3100 et seq., supersedes all Charter provisions on the subject of conflicts of interests.

Sec. 4.08. Ordinances—When required.

In addition to such acts of the Council which are required by the Constitution or general laws of the Commonwealth or by this Charter to be by ordinance, every act of the Council creating, altering or abolishing any department or creating, altering, assigning or abolishing any

bureau, division, office, agency or employment, fixing the compensation of any officer or employee of the City, making an appropriation, authorizing the borrowing of money, levying a tax, establishing any rule or regulation for the violation of which a fine or penalty is imposed, or placing any burden upon or limiting the use of private property pursuant to Chapter 17 of this Charter, shall be by ordinance.

Sec. 4.09. Same—Form; effective date.

Every ordinance except the annual appropriation ordinances and an ordinance codifying ordinances shall be confined to a single subject which shall be clearly expressed in its title. All ordinances shall be introduced in typewritten or printed form or a combination of both. All ordinances which repeal or amend existing ordinances shall set forth in full the section or subsection to be repealed or amended and, if it is to be amended, shall indicate matter to be omitted by enclosing the same in brackets, striking through the matter to be omitted, or by both such brackets and striking through and indicating new matter by underscoring. When printed or published prior to enactment the same indications of omitted and new matter shall be used except that strikeout type may be substituted for brackets and italics for underscoring. The enacting clause of all ordinances shall be: "The City of Richmond hereby ordains." Unless another date is specified therein and except as otherwise provided in this Charter an ordinance shall take effect on the tenth day following its passage. (Acts 1982, ch. 658, § 1)

Sec. 4.10. Procedure for passing ordinances.

An ordinance may be introduced by any member or committee of the council or by the mayor at any regular meeting of the council or at any special meeting. Upon introduction a time, not less than seven days after such introduction, and place shall be set at which the council or a committee thereof will hold a public hearing on such ordinance, provided that the council may reject any ordinance on first reading without a hearing thereon by vote of six members. The hearing may be held separately or in connection with a regular or special meeting of the council and may be adjourned from time to time. It shall be the duty of the city clerk to cause to be printed in a newspaper published or in general circulation in the city, not later than the fifth day before the public hearing on the proposed ordinance, a notice containing the time and place of the hearing and the title of the proposed ordinance. It shall also be his/her duty, not later than the fifth day before the public hearing, to cause its full text to be printed or otherwise reproduced, as the council may by resolution direct, in sufficient numbers to supply copies to those who individually request them, or, if the council shall so order, to cause the same to be printed as a paid advertisement in a newspaper published or in general circulation in the city. It shall further be his/her duty to place a copy of the ordinance in a file provided each member of the council for this purpose. A proposed ordinance, unless it is an emergency ordinance, shall be finally passed at a meeting of the council following the introduction of the ordinance and after the conclusion of the public hearing thereon. If an ordinance, other than an emergency ordinance, is amended as to its substance, it shall not be passed until it shall be reprinted, reproduced or published as amended, and a hearing shall be set and advertised and all proceedings had as in the case of a newly introduced ordinance. (Acts 1964, ch. 120, § 1; Acts 1998, ch. 711; Acts 2004, ch. 877, § 1; Acts 2004, ch. 898, § 1; Acts 2006, ch. 650, § 1; Acts 2006, ch. 712, § 1)

Sec. 4.11. Emergency ordinances.

An emergency ordinance for the immediate preservation of the public peace, health and safety may be read a second time and passed with or without amendment at any regular or special meeting subsequent to the meeting at which the ordinance was introduced, provided that prior to its passage the full text of the original ordinance has been printed in a newspaper published or in general circulation in the City. An emergency ordinance must contain a specific statement of the emergency claimed and six affirmative votes shall be necessary for its adoption. (Acts 1998, ch. 711)

Sec. 4.12. Reserved.

Editor's note—Acts of 1998, ch. 711 repealed provisions formerly set out as § 4.12, which pertained to submission of propositions to voters and which derived from Acts 1975, ch. 112, § 1; Acts 1976, ch. 633, § 1; and Acts 1995, ch. 165, § 1.

Sec. 4.13. Record and publication of ordinances.

Every ordinance after passage shall be given a serial number and shall be retained by the Clerk in a permanent file kept for that purpose and the Clerk shall maintain a permanent card or similar index. Within one year after the first Tuesday in September, 1948, there shall be prepared under the direction of the City Attorney, who is hereby authorized to employ such assistance as he/she deems necessary for the purpose, a codification of all ordinances in force. Such codification shall be passed by the Council as a single ordinance and without prior publication. Upon its passage it shall be published in bound or loose-leaf form. This codification, to be known and cited officially as the City Code, shall be furnished to City officers and shall be sold to the public at a price to be fixed by the Council. A similar codification shall be prepared, passed, published and distributed, as above provided, at least every five years. It shall be the duty of the City Clerk to cause all ordinances adopted to be printed as promptly as possible after their adoption in substantially the same style and format as the codification of ordinances and sold at such prices as the Council may establish. (Acts 1977, ch. 513, § 1) **State Law References:** Codification, Code of Virginia, § 15.2-1433.

Sec. 4.14. Appointments and removals generally.

The council in making appointments and removals shall act only by affirmative votes of at least five members. It may remove any person appointed by it for an indefinite term, for any lawful reason or no reason. The decision of the council shall be final. (Acts 1998, ch. 711; Acts 2004, ch. 514, § 1; Acts 2004, ch. 877, § 1; Acts 2004, ch. 898, § 1)

Sec. 4.15. Removal of members of boards and commissions; forfeiture of office or employment for certain convictions.

A. Any member of a board or commission appointed by the council for a specified term may be removed by the council but only for malfeasance in office or neglect of duty. He/she shall be entitled to notice and hearing. It shall be the duty of the council, at the request of the person sought to be removed, to subpoena witnesses whose testimony would be pertinent to the matter in hand. From the decision of the council an appeal shall lie to the Circuit Court of the City of Richmond, Division I.

B. Any officer, appointee of the council or employee of the city who shall be convicted by a final judgment of any court from which no appeal has been taken or which has been affirmed by a court of last resort on

a charge involving moral turpitude or any felony or any misdemeanor involving possession of marijuana or any controlled substances shall forfeit his/her office or employment. (Acts 1975, ch. 112, § 1; Acts 1976, ch. 633, § 1; Acts 1990, ch. 401, § 1; Acts 1998, ch. 711; Acts 2004, ch. 877, § 1; Acts 2004, ch. 898, § 1)

Sec. 4.16. Powers of investigation.

(a) The council, or any committee of members of the council when authorized by the council, shall have power to make such investigations relating to the municipal affairs of the city as it may deem necessary, and shall have power to investigate any or all departments, boards, commissions, offices and agencies of the city government and any officer or employee of the city, concerning the performance of their duties and functions and use of property of the city.

(b) The mayor, the chief administrative officer, the heads of all departments, all boards and commissions whose members are appointed by the council, and the city auditor shall have power to make such investigations in connection with the performance of their duties and functions as they may deem necessary, and shall have power to investigate any officer or employee appointed by them or pursuant to their authority concerning the performance of duty and use of property of the city.

(c) The council, or any committee of members of the council when authorized by the council, the mayor, chief administrative officer, the heads of departments, and boards and commissions whose members are appointed by the council and the city auditor, in an investigation held by any of them, may order the attendance of any person as a witness and the production by any person of all relevant books and papers. Any person, having been ordered to attend, or to produce such books and papers, who refuses or fails to obey such order, or who having attended, refuses or fails to answer any question relevant or pertinent to the matter under investigation shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine not exceeding \$100 or imprisonment in jail not exceeding 30 days, either or both. Every such person shall have the right of appeal to the Circuit Court of the City of Richmond, Division I. The investigating authority shall cause every person who violates the provisions of this section to be summoned before the general district court criminal division for trial. Witnesses shall be sworn by the person presiding at such investigation, and they shall be liable to prosecution or suit for damages for perjury for any false testimony given at such investigation. (Acts 1964, ch. 120, § 1; Acts 1974, ch. 19, § 1; Acts 1989, ch. 349, § 1; Acts 1998, ch. 711; Acts 2004, ch. 877, § 1; Acts 2004, ch. 898, § 1; Acts 2006, ch. 650, § 1; Acts 2006, ch. 712, § 1)

Sec. 4.17. City Attorney.

The city attorney shall be the chief legal advisor of the council, the mayor, the chief administrative officer and all departments, boards, commissions and agencies of the city in all matters affecting the interests of the city. The city attorney shall perform particular duties and functions as assigned by the council. The city attorney shall be appointed by the council, shall serve at its pleasure, and shall devote full time and attention to the representation of the city and the protection of its legal interests. The city attorney shall have the power to appoint and remove assistants or any other employees as

shall be authorized by the council and to authorize any assistant or special counsel to perform any of the duties imposed upon him/her in this charter or under general law. The city attorney may represent personally or through one of his assistants any number of city officials, departments, commissions, boards, or agencies that are parties to the same transaction or that are parties in the same civil or administrative proceeding and may represent multiple interests within the same department, commission, board, or agency. In matters where the city attorney determines that he is unable to render legal services to the mayor, chief administrative officer, or city departments or agencies under the supervision of the chief administrative officer due to a conflict of interests, the mayor, after receiving notice of such conflict, may employ special counsel to render such legal services as may be necessary for such matter. (Acts 1998, ch. 711; Acts 2004, ch. 877, § 1; Acts 2004, ch. 898, § 1; Acts 2006, ch. 650, § 1; Acts 2006, ch. 712, § 1)

Sec. 4.18. City Auditor.

There shall be a City Auditor who shall be appointed by the Council for an indefinite term. He/She shall have been certified as a certified public accountant by the Virginia State Board of Accountancy or by the examining board of any other state which extends to and is extended reciprocity by the Commonwealth of Virginia, and shall be qualified by training and experience for the duties of his/her office. In performing his/her duties, he/she shall have access at any and all times to all books, records and accounts of each department and agency subject to examination and audit by him/her. (Acts 1998, ch. 711)

CHAPTER 5. MAYOR AND CHIEF ADMINISTRATIVE OFFICER

Sec. 5.01. Mayor.

The mayor shall be the chief executive officer of the city and shall be responsible for the proper administration of city government. The mayor shall be recognized as the head of government for all ceremonial purposes, military law and the service of civil process. The office of mayor shall be a full-time position with salary and expenses set by the council. (Acts 1998, ch. 711; Acts 2004, ch. 877, § 1; Acts 2004, ch. 898, § 1)

Sec. 5.01.1. Chief administrative officer.

The mayor shall appoint a chief administrative officer, subject to the advice and consent of a majority of the members of city council, who shall be chosen solely on the basis of his/her executive and administrative qualifications, with special reference to his/her actual experience in or knowledge of accepted practice with respect to the duties of his/her office. At the time of his/her appointment, the chief administrative officer need not be a resident of the city or the Commonwealth but he/she shall reside within the city during his/her tenure in office. The chief administrative officer shall serve at the pleasure of the mayor. The mayor shall set the salary of the chief administrative officer subject to the approval of a majority of the members of city council. (Acts of 2004, ch. 877, § 1; Acts of 2004, ch. 898, § 1)

Sec. 5.02. Power of appointment and removal.

The chief administrative officer shall appoint for an indefinite term qualified officers and employees to head all the administrative departments of the city, and shall appoint, dismiss and discipline, in accordance with the city's personnel regulations, all officers and

employees in such departments, except as otherwise specifically provided by law or this charter. Department heads who are appointed by the chief administrative officer shall serve at the pleasure of the chief administrative officer.

The chief administrative officer shall designate some other officer or employee to perform the duties of any office or position of the administrative service under his/her control which is vacant or which lacks administration due to the absence or disability of the incumbent. (Acts 1998, ch. 711; Acts of 2004, ch. 877, § 1; Acts of 2004, ch. 898, § 1)

Sec. 5.03. Involvement of mayor and council in appointment and removals.

The mayor may participate in the hiring and removal of heads of city departments. The mayor and members of council may (i) communicate publicly or privately their approval or disapproval of the performance of any particular city employee, (ii) recommend persons to the chief administrative officer for consideration for hiring or promotion, or (iii) request of the chief administrative officer that he remove or take other disciplinary action against any particular city employee, as they may see fit. Ultimate responsibility for hiring, removal and other personnel decisions, and for the directing of city personnel, shall reside in the chief administrative officer, unless expressly provided otherwise in this charter. Except for the purpose of inquiry, the mayor, council and its members shall deal with the administrative services solely through the chief administrative officer, and neither the mayor, council nor any member thereof shall give orders either publicly or privately to any subordinate of the chief administrative officer. (Acts 1998, ch. 711; Acts 2004, ch. 514, § 1; Acts 2004, ch. 877, § 1; Acts 2004, ch. 898, § 1; Acts 2005, ch. 844, § 1)

Sec. 5.04. Temporary transfer of personnel between departments.

The chief administrative officer shall have power, whenever the interests of the city require, irrespective of any other provisions of this charter, to assign employees of any department, bureau, office or agency, the head of which is appointed by the chief administrative officer, to the temporary performance of duties in another department, bureau, office or agency. (Acts 2004, ch. 877, § 1; Acts 2004, ch. 898, § 1)

Sec. 5.05. General duties; mayor.

It shall be the duty of the mayor to:

- (a) Attend, or appoint a designee empowered to answer questions and make recommendations on behalf of the mayor to attend, all meetings of the council with the right to speak but not to vote; the mayor or his designee shall have the right to attend a closed meeting pursuant to § 2.2-3711 of the Code of Virginia, unless the council determines that the subject matter of the closed meeting includes the office of the mayor and that inclusion of the mayor or his designee shall be detrimental to the purpose of the council's deliberations;
- (b) Keep the council advised of the financial condition and the future needs of the city and of all matters pertaining to its proper administration, and make such recommendations as may seem to him/her desirable;
- (c) Oversee preparation of and submit the annual budget to the council

as provided in Chapter 6 of this charter;

(d) Perform such other duties as may be prescribed by this charter or which may be required of the chief executive officer of a city by the general laws of the Commonwealth, or by ordinances adopted by the council, provided that the mayor shall have the power to veto any city ordinance imposing such duties on him, the chief administrative officer or any department head appointed by the chief administrative officer, by written notice of veto delivered to the city clerk within 14 calendar days of council's actions, subject to override thereafter by the council with a vote of six or more of the currently filled seats on council at any regular or special meeting held within 14 calendar days of the clerk's receipt of the notice of veto; however, the appointment of members of a redevelopment and housing authority in the city shall be made by the council; and

(e) Issue such regulations as may be necessary in order to implement his/her duties and powers. (Acts 1950, ch. 251, § 1; Acts 1984, ch. 163, § 1; Acts 1989, ch. 349, § 1; Acts 1990, ch. 401, § 1; Acts 1998, ch. 711; Acts 2004, ch. 877, § 1; Acts 2004, ch. 898, § 1; Acts 2005, ch. 844, § 1; Acts 2006, ch. 650, § 1; Acts 2006, ch. 712, § 1)

Sec. 5.05.1. General duties; chief administrative officer.

It shall be the duty of the chief administrative officer, acting under the general direction of the mayor, to:

(a) Prepare the annual budget for submission to the council by the mayor;

(b) Prepare in suitable form for publication and submit to the council a concise report of the financial transactions and administrative activities of the city government during the fiscal year ending preceding thirtieth day of June and cause to be printed such number of copies thereof as the council shall direct;

(c) Present adequate financial and activity reports as requested by the council;

(d) Fulfill the city's responsibilities for maintaining cemeteries as provided for in § 2.05(d) of the charter and § 15.2-1121 of the Code of Virginia;

(e) Attend, or be represented at, all meetings of the council in order to answer questions and make recommendations on behalf of the mayor, provided that prior to any such meetings, council has given the mayor at least 72 hours of advance notice of the matters on which it seeks information or a recommendation; and

(f) Perform such other duties as may be prescribed by this charter, by city ordinance, or required of him/her in accordance therewith by the mayor other than the duties conferred on the mayor by this charter.

(Acts 2004, ch. 877, § 1; Acts 2004, ch. 898, § 1; Acts 2006, ch. 650, § 1; Acts 2006, ch. 712, § 1)

Sec. 5.06. Relations with boards, commissions and agencies.

The mayor, or the mayor's designee, shall have the right to attend and participate in the proceedings of, but not to vote in, the meetings of all boards, commissions or agencies created by this charter or by ordinance, except the school board and the board of zoning appeals. (Acts 2004, ch. 877, § 1; Acts 2004, ch. 898, § 1; Acts 2005, ch. 844, § 1)

Sec. 5.07. Acting chief administrative officer.

The mayor shall, with the advice and consent of a majority of the members of council, designate the head of a department, bureau or other officer appointed by the chief administrative officer, to act as chief administrative officer in case of the absence, incapacity, death or resignation of the chief administrative officer, until his/her return to duty or the appointment of his/her successor. An acting chief administrative officer shall serve at the pleasure of the mayor. (Acts 1960, ch. 7, § 1; Acts 1962, ch. 65, § 1; Acts 1998, ch. 711; Acts 2004, ch. 877, § 1; Acts 2004, ch. 898, § 1)

Sec. 5.08. Reserved.

Editor's note—Acts 1998, ch. 711 repealed § 5.08, which pertained to the budget bureau generally and which derived from Acts 1968, ch. 644, § 1.

Secs. 5.09–5.12. Reserved.

Editor's note—Sections 5.09–5.12 were repealed by Acts 1956, ch. 130, § 2.

Secs. 5.13–5.13.2. Reserved.

Editor's note—Sections 5.13–5.13.2 were repealed by Acts 1998, ch. 711. Said provisions derived from Acts 1954, ch. 64, § 1; Acts 1956, ch. 130, § 1; Acts 1972, ch. 335, § 1; Acts 1972, ch. 811, § 1; and Acts 1987, ch. 230, § 1, and pertained to the power of the council to assign budget bureau to department of finance and to transfer function of maintaining sewers, drains and culverts and maintaining and operating sewage disposal plant to department of public utilities; the power of council to assign to department and director of public works certain bureaus and duties; and the power of council to establish a bureau of inspection and environmental control and department of social services.

CHAPTER 5A. ADMINISTRATION*

*** Editor's note**—Acts 1998, ch. 711 amended the City Charter by deleting provisions formerly set out as chapter 5, pertaining to the department of general services and derived from:

<i>Acts</i>	<i>Chapter</i>	<i>Section</i>	<i>Acts</i>	<i>Chapter</i>	<i>Section</i>
1956	130	1	1975	112	1
1958	185	2	1978	78	1
1964	120	2	1981	199	1
1968	644	1	1982	658	1
1974	19	1	1985	22	1

In addition, Acts 1998, ch. 711 added new provisions set out as chapters 5A and 5B.

Sec. 5A.01. Creation of departments.

The city council may establish administrative departments, bureaus, divisions, or offices, or may alter, combine or abolish existing administrative departments, bureaus, divisions or offices; however, neither the council, the mayor nor the chief administrative officer shall have the power to alter the purpose of, combine, transfer or abolish any department created by this charter. (Acts 1998, ch. 711; Acts 2004, ch. 877, § 1; Acts 2004, ch. 898, § 1)

Sec. 5A.02. Responsibility of department heads.

There shall be a director appointed by the chief administrative officer as the head of each administrative department. Such directors shall be chosen on the basis of their executive and administrative ability, experience and education, and shall serve at the pleasure of the chief administrative officer. (Acts 1998, ch. 711; Acts 2004, ch. 877, § 1; Acts 2004, ch. 898, § 1)

Sec. 5A.03. Personnel rules and regulations.

The council, upon receiving any recommendations submitted to it by the mayor, shall establish a personnel system for the city administrative officials and employees. Such system shall be based on merit and professional ability and shall not discriminate on the basis of race, national origin, religion, sex, age, disabilities, political affiliation, or marital status. The personnel system shall consist of rules and regulations which provide for the general administration of personnel matters, a classification plan for employees, a uniform pay plan and a procedure for resolving grievances of employees as provided by general law for either local government or state government employees. (Acts 1998, ch. 711; Acts 2004, ch. 877, § 1; Acts 2004, ch. 898, § 1)

CHAPTER 5B. RETIREMENT SYSTEM

Sec. 5B.01. Retirement system established.

The retirement system for the city employees hitherto established by ordinance shall continue in force and effect subject to the right of the council to amend or repeal the same as set forth in such ordinance. From and after July 1, 1978, the Board of Trustees of the Richmond Retirement System shall consist of seven members for terms of three years. Any vacancy shall be filled for the unexpired portion of the term. The mayor shall appoint two members; the council shall appoint five members, at least two of whom shall be members of the classified service. Such members of the Board of Trustees of the Richmond Retirement System shall have the responsibility of the supervision of the administration of the retirement plan, the determination of eligibility for the receipt of retirement benefits, the award of retirement benefits as authorized by ordinance of the City of Richmond, and such other duties as have heretofore been exercised by the Board of Trustees of the Richmond Retirement System other than fiduciary responsibilities concerning the management, control and investment of the financial resources of the Richmond Retirement System. The council of the City of Richmond may appoint and employ a corporation, vested with fiduciary powers under either the laws of the United States or the Commonwealth of Virginia, to be responsible for the investment of the funds of the Richmond Retirement System, which funds shall include any securities which may now or here-after be part of the assets of such Richmond Retirement System. The director of finance shall be the disbursing officer for the payment of benefits awarded by the trustees of the Richmond Retirement System and as such shall perform such duties as may be required of him/her by ordinance but shall receive no additional compensation on account of such duties. (Acts 1998, ch. 711; Acts 2005, ch. 844, § 1)

Sec. 5B.02. Post-retirement supplements.

(a) In addition to the allowance authorized to be paid under Section 51.1-801 of the Code of Virginia, the Council may, by ordinance, provide

for post-retirement supplements, payable in accordance with the provisions of this section, to the recipients of such allowances. Such supplements shall be subject to the same conditions of payment as are such allowances.

(b) The amounts of the post-retirement supplements provided for hereunder shall be determined as percentages of the allowances authorized to be supplemented hereby. Such percentages may be determined by reference to the increase, if any, in the United States Average Consumer Price Index for all items, as published by the Bureau of Labor Statistics of the United States Department of Labor, from its monthly average for the calendar year in which the allowance initially commenced as a result of the death or retirement of a member of a system of retirement authorized by Section 5B.01 to its monthly average for the calendar year immediately prior to the calendar year as of which the amount of the post-retirement supplement is determined. Such supplement may be either the percentage computed from the actual increase in such index or some percentage of such actual increase.

(c) Amounts of post-retirement supplements shall be determined initially by the ordinance adopting the same, and thereafter as may be provided by ordinance.

(d) Any ordinance adopted hereunder may be retroactive to the extent that the Council has heretofore appropriated funds for post-retirement supplements, which appropriation has been otherwise unexpended. (Acts 1998, ch. 711)

CHAPTER 6. BUDGETS

Sec. 6.01. Fiscal and tax years.

The fiscal year of the City shall begin on July 1 and shall end on June 30 of the succeeding year. The tax year for taxes levied on real estate, tangible personal property and machinery and tools shall begin on January 1 and end on December 31 following, and the tax year for all other taxes shall be fixed by the Council by ordinance. The rate of taxes levied on real estate shall be fixed as authorized in Section 58.1-3321 of the Code of Virginia. The rates of all other taxes and levies, except on new sources of tax revenues, shall be fixed before the beginning of the tax year. (Acts 1958, ch. 185, § 2; Acts 1962, ch. 165, § 1; Acts 1982, ch. 658, § 1; Acts 1993, ch. 613, § 1)

Sec. 6.02. Submission.

On a day to be fixed by the council, but in no case earlier than the second Monday of February or later than the seventh day of April in each year, the mayor shall submit to the council: (a) separate current expense budgets for the general operation of the city government, for the public schools and for each utility as defined in Chapter 13 of this charter; (b) a budget message; and (c) a capital budget. (Acts 1958, ch. 185, § 2; Acts 1998, ch. 711; Acts 2004, ch. 877, § 1; Acts 2004, ch. 898, § 1; Acts 2006, ch. 650, § 1; Acts 2006, ch. 712, § 1)

Sec. 6.03. Preparation.

It shall be the duty of the head of each department, the judges of the municipal courts, each board or commission, including the school board, and each other office or agency supported in whole or in part

by the city, including the attorney for the Commonwealth, to provide, at such time as the mayor may prescribe, estimates of revenue and expenditure for that department, court, board, commission, office or agency for the ensuing fiscal year. Such estimates shall be submitted in a form as determined by the mayor, and it shall be the duty of the head of each such department, judge, board, commission, office or agency to supply all of the information which the mayor may require to be submitted thereon. The mayor shall hold such hearings as he/she may deem advisable and shall review the estimates and other data pertinent to the preparation of the budgets and make such revisions in such estimates as he/she may deem proper, subject to the laws of the Commonwealth relating to obligatory expenditures for any purpose, except that in the case of the school board, he/she may recommend a revision only as permitted by § 22.1-94 of the Code of Virginia or any other provision of general law not in conflict with this charter. (Acts 1989, ch. 349, § 1; Acts 1998, ch. 711; Acts 2004, ch. 877, § 1; Acts 2004, ch. 898, § 1; Acts 2006, ch. 650, § 1; Acts 2006, ch. 712, § 1)

Sec. 6.04. Scope of the budget.

In respect to each utility there shall be included in the budget estimates only the net amounts estimated to be received from or to be appropriated to such utility in the budget as provided in § 6.13. The budget shall be prepared in accordance with accepted principles of municipal accounting and budgetary procedures and techniques.

The budget shall provide a complete financial plan of all city funds and activities for the ensuing fiscal year and, except as required by law or this charter, shall be in such form as the mayor deems desirable or the city council may require. The budget shall begin with a clear general summary of its contents; shall show in detail all estimated income, indicating the proposed property tax levy, and all proposed expenditures, including debt service, for the ensuing fiscal year; and shall be so arranged as to show comparative figures for actual and estimated income and expenditures of the current fiscal year and actual income and expenditures of the preceding fiscal year. (Acts 1986, ch. 119, § 1; Acts 1989, ch. 349, § 1; Acts 1998, ch. 711; Acts 2004, ch. 877, § 1; Acts 2004, ch. 898, § 1)

Sec. 6.05. Balanced budget required.

For any fund, the total of proposed expenditures shall not exceed the total of estimated income plus carried forward fund balance. (Acts 1989, ch. 349, § 1; Acts 1998, ch. 711)

Sec. 6.06. The budget message.

The budget message shall contain the recommendations of the mayor concerning the fiscal policy of the city, a description of the important features of the budget plan, an explanation of all salient changes in each budget submitted, as to estimated receipts and recommended expenditures as compared with the current fiscal year and the last preceding fiscal year, and a summary of the proposed budgets showing comparisons similar to those required by § 6.04 above. (Acts 2004, ch. 877, § 1; Acts 2004, ch. 898, § 1; Acts 2006, ch. 650, § 1; Acts 2006, ch. 712, § 1)

Sec. 6.07. Appropriation and additional tax ordinances.

At the same time that he/she submits the budget, the mayor shall

introduce in the council any appropriation ordinance required. The appropriation ordinance shall be based on the budget but need not be itemized further than by departments unless required by the council. At the same time, the mayor shall also introduce any ordinance or ordinances altering the tax rate on real estate and tangible personal property or levying a new tax or altering the rate of any other tax necessary to balance the budget as hereinbefore provided. The hearing on the budget plan as a whole, as provided in § 6.09, shall constitute the hearing on all ordinances referred to in this section, and the appropriation ordinances for each utility. (Acts 1998, ch. 711; Acts 2004, ch. 877, § 1; Acts 2004, ch. 898, § 1; Acts 2006, ch. 650, § 1; Acts 2006, ch. 712, § 1)

Sec. 6.08. Distribution of copies of budget message and budgets.

The mayor shall cause the budget message to be printed, mimeographed or otherwise reproduced for general distribution at the time of its submission to the council and sufficient copies of the general fund, school and utility budgets to be made to supply copies to each member of the council and each newspaper published or in general circulation in the city and two copies to be deposited in the office of the city clerk where they shall be open to public inspection during regular business hours. (Acts 1998, ch. 711; Acts 2004, ch. 877, § 1; Acts 2004, ch. 898, § 1)

Sec. 6.09. Public hearings on budget plan.

A public hearing on the budget plan as a whole shall be held by the Council within the time and after the notice provided for hearings on ordinances by Section 4.10 of this Charter, except that the notice of such hearing shall be printed in a newspaper published or in general circulation in the City. (Acts 1993, ch. 613, § 1; Acts 1998, ch. 711)

Sec. 6.10. Action by Council on budget generally.

After the conclusion of the public hearing, the Council may insert new items of expenditure or may increase, decrease or strike out items of expenditure in the budget, except that no item of expenditure for debt service or required to be included by this Charter or other provision of law shall be reduced or stricken out. The Council shall not alter the estimates of receipts contained in the said budget except to correct omissions or mathematical errors, and it shall not cause the total of expenditures as recommended by the mayor to be increased without a public hearing on such increase, which shall be held not less than five days after notice thereof has been printed in a newspaper published or in general circulation in the City. The Council shall in no event adopt a budget in which the total of expenditures exceeds the receipts, estimated as provided in Section 6.04, unless at the same time it adopts measures for providing additional revenue in the ensuing fiscal year sufficient to make up this difference. (Acts 1982, ch. 658, § 1; Acts 1998, ch. 711; Acts 2006, ch. 650, § 1; Acts 2006, ch. 712, § 1)

Sec. 6.11. Adoption of budget, appropriation ordinance and ordinances for additional revenue; mayor's veto.

Not later than the thirty-first day of May in each year the council shall adopt the budget, the appropriation ordinances and such ordinances

pro-viding for additional revenue as may be necessary to put the budget in balance. If for any reason the council fails to adopt the budget on or before such day, the budget as submitted by the mayor shall be the budget for the ensuing year and the appropriation ordinance and the ordinances pro-viding additional revenue, if any, as recommended by the mayor shall have full force and effect to the same extent as if the same had been adopted by the council, notwithstanding anything to the contrary in this charter.

The mayor shall have the power to veto any particular item or items of any city budget ordinance, by written notice of veto delivered to the city clerk within 14 calendar days of council's action. Council may thereafter override the mayor's veto with a vote of six or more of the currently filled seats on council at any regular or special meeting held within 14 calendar days of the city clerk's receipt of the notice of veto. Vetoes of any one or more items shall not affect other items not vetoed. (Acts 1958, ch. 185, § 2; Acts 1998, ch. 711; Acts 2004, ch. 877, § 1; Acts 2004, ch. 898, § 1; Acts 2005, ch. 844, § 1; Acts 2006, ch. 650, § 1; Acts 2006, ch. 712, § 1)

Sec. 6.12. Effective date of budget; certification and availability of copies thereof.

Upon final adoption, the budget shall be in effect for the ensuing fiscal year. A copy of such budget as finally adopted shall be certified by the City Clerk. Copies of the budget, capital program and appropriation and revenue ordinances shall be public records and shall be made available to the public at suitable places in the City. (Acts 1998, ch. 711; Acts 2006, ch. 650, § 1; Acts 2006, ch. 712, § 1)

Sec. 6.13. Utility budgets and related ordinances.

Separate budget estimates for each of the utilities as defined in Chapter 13 of this charter shall be submitted to the mayor at the same time as the budgets of other departments and in the form prescribed by the mayor, subject, however, to the provisions of Chapter 13 which shall also control the action of the mayor and council thereon. The mayor shall submit with the budget of each utility an ordinance making appropriations for the operation of such utility during the ensuing fiscal year. He/she shall also at the same time submit any ordinance changing the rates to be charged by the utility, used in estimating receipts. The council shall have the same powers and be subject to the same limitations with regard to the adoption of such utility budgets and accompanying appropriation and rate ordinances, subject to the provisions of the said Chapter 13, as are conferred or imposed on it by § 6.10 with regard to the budget and its accompanying appropriation and revenue ordinances. If for any reason the council fails to adopt the utility budgets or any of them before the expiration of the time set for the adoption of the budget, such budget or budgets and the accompanying appropriation ordinance or ordinances and the ordinances changing rates, if any, shall have full force and effect to the same extent as if the same had been adopted by the council, notwithstanding anything to the contrary in this charter. (Acts 1954, ch. 64, § 1; Acts 1998, ch. 711; Acts of 2004, ch. 877, § 1; Acts of 2004, ch. 898, § 1; Acts 2006, ch. 650, § 1; Acts 2006, ch. 712, § 1)

Sec. 6.14. School budget.

It shall be the duty of the school board to submit its budget estimates

to the mayor at the same time as other departments and in the form prescribed by the mayor. The mayor and council may take any action on the school budget permitted by § 22.1-94 of the Code of Virginia or any other provision of general law not in conflict with this charter. The school board shall before the beginning of the fiscal year file with the director of finance its budget as finally revised and its appropriations based thereon. It shall have power to order during the course of the fiscal year transfers from one item of appropriation to another, notice of which shall be immediately transmitted to the director of finance. The director of finance shall have the same authority to require expenditures to be made by school officers in accordance with the school budget as he/she is given by this charter to require expenditures by other city officers to be made in accordance with the general fund or utility budgets. (Acts 1998, ch. 711; Acts 2004, ch. 877, § 1; Acts 2004, ch. 898, § 1; Acts 2005, ch. 844, § 1)

Secs. 6.15–6.15.2. Reserved.

Editor's note—Acts 1998, ch. 711, repealed §§ 6.15–6.15.2, which pertained to work programs and allotments, coliseum renewal fund, and Richmond Centre renewal fund, and which derived from Acts 1983, ch. 164, § 1; Acts 1985, ch. 22, § 1; and Acts 1987, ch. 230, § 1.

Sec. 6.16. Amendments after adoption.

- (a) At any time within the fiscal year, upon the recommendation of the mayor and certification of the director of finance that there remain sufficient funds not theretofore allotted for a specific purpose, the council may, by not less than six affirmative votes, allot all or part of the funds appropriated to an account designated "Reserve for Contingencies" as authorized in § 15.2-2505 of the Code of Virginia for a designated program or project and authorize expenditure of the funds so allotted.
- (b) If at any time during the fiscal year the mayor certifies that there are available for appropriation revenues in excess of those estimated in the budget, the city council may by not less than six affirmative votes, and only upon the recommendation of the mayor, make supplemental appropriations for the year up to the amount of such excess.
- (c) If at any time during the fiscal year it appears probable to the mayor that the revenue or fund balances available will be insufficient to finance the expenditures for which appropriations have been authorized, the mayor shall report to the city council without delay, indicating the estimated amount of the deficit, any remedial action taken by the mayor and recommendations as to any other steps to be taken. The council shall then take such further action as it deems necessary to prevent or reduce any deficit, and for that purpose it may by ordinance reduce one or more appropriations.
- (d) At any time during the fiscal year, at the request of the mayor, the city council may by ordinance adopted by not less than six affirmative votes transfer part of or all of the unencumbered appropriation balance from one department or major organizational unit to the appropriation for other departments or major organizational units.
- (e) No appropriation for debt service may be reduced or transferred, and no appropriation may be reduced below any amount required by law to be appropriated or by more than the amount of the unencumbered balance thereof. The supplemental and emergency appropriations and reduction or transfer of appropriations authorized

by this section may be made effective immediately upon adoption. (Acts 1982, ch. 658, § 1; Acts 1985, ch. 22, § 1; Acts 1998, ch. 711; Acts 2004, ch. 877, § 1; Acts 2004, ch. 898, § 1)

Secs. 6.17, 6.17.1. Reserved.

Editor's note—Acts 1998, ch. 711 repealed §§ 6.17 and 6.17.1, which pertained to additional appropriations and participation in state and federal grants, and which derived from the following:

Sec. 6.18. Lapsing of appropriations.

Every appropriation, except an appropriation designated for special revenue or for a capital expenditure, shall lapse at the close of the fiscal year to the extent that it has not been expended or encumbered. Appropriations designated special revenue (funding provided beyond 12 months or extends beyond the end of the city's fiscal year) shall not lapse at the close of the fiscal year but shall remain in force for the life of the multiyear project, until expended, revised, or repealed. The purpose of any such multiyear appropriation should be restricted based on grant award instructions.

An appropriation for a capital expenditure shall continue in force until expended, revised or repealed; the purpose of any such appropriation shall be deemed abandoned if three years pass without any disbursement from or encumbrance of the appropriation. (Acts 1998, ch. 711; Acts 2004, ch. 514, § 1)

Sec. 6.19. Capital budget.

At the same time he/she submits the current expense budgets, the mayor shall submit to the council a program which he/she shall previously have submitted to the city planning commission of proposed capital improvement projects for the ensuing fiscal year and for the four fiscal years thereafter, with his/her recommendations as to the means of financing the improvements proposed for the ensuing fiscal year. The council shall have power to accept with or without amendments or reject the proposed program and proposed means of financing for the ensuing fiscal year; and may from time to time during the fiscal year amend by ordinance adopted by at least six affirmative votes the program previously adopted by it or the means of financing the whole or any part thereof or both, provided that the amendment shall have been recommended by the mayor and shall have been submitted to the city planning commission for review and such additional funds as may be required to finance the cost of the improvements are available. The council shall adopt a capital budget prior to the beginning of the fiscal year in which the budget is to take effect. No appropriation provided for a capital improvement purpose defined in the capital budget shall lapse until the purpose for which the appropriation was made shall have been accomplished or abandoned, provided the council shall have the power to transfer at any time any appropriation or any unencumbered part thereof from one purpose to another on the recommendation of the mayor. The mayor may transfer the balance remaining to the credit of any completed project to an incompleting project for the purpose of completing such project, provided the projects have been approved in the adoption of a capital budget or budgets. If no such transfers are made, the balances remaining to the credit of completed or abandoned purposes and projects shall be available for appropriation and allocation in a subsequent capital budget or budgets. Any project shall be deemed to have been abandoned if three fiscal years elapse without

any expenditure from or encumbrance of the funds provided therefor. The council shall have the power at any time to abandon or to reduce the scope of any project in a capital budget to the extent that funds appropriated therefor are unexpended and unencumbered. (Acts 1950, ch. 251, § 1; Acts 1954, ch. 64, § 1; Acts 1964, ch. 120, § 2; Acts 1973, ch. 348, § 1; Acts 1977, ch. 513, § 1; Acts 1998, ch. 711; Acts 2004, ch. 877, § 1; Acts 2004, ch. 898, § 1)

Sec. 6.20. Certification of funds; penalties for violation.

Except as otherwise provided in § 13.06 of this charter, no payment shall be made and no obligation incurred by or on behalf of the city or the school board except in accordance with an appropriation duly made and no payment shall be made from or obligation incurred against any allotment or appropriation unless the director of finance or his designee shall first certify that there is a sufficient unexpended and unencumbered balance in such allotment or appropriation to meet the same. Every expenditure or obligation authorized or incurred in violation of the provisions of this charter shall be void. Every payment made in violation of the provisions of this charter shall be deemed illegal and every official who shall knowingly authorize or make such payment or knowingly take part therein and every person who shall knowingly receive such payment or any part thereof shall be jointly and severally liable to the city for the full amount so paid or received. If any officer, member of a board or commission, or employee of the city or of the school board, shall knowingly incur any obligation or shall authorize or make any expenditure in violation of the provisions of this charter or knowingly take part therein such action may be cause for his/her removal. Nothing in this section contained, however, shall prevent the making of contracts of lease or for services providing for the payment of funds at a time beyond the fiscal year in which such contracts are made, provided the nature of such transactions will reasonably require, in the opinion of the council, the making of such contracts. (Acts 1950, ch. 251, § 1; Acts 1954, ch. 64, § 1; Acts 1991, ch. 396, § 1; Acts 1998, ch. 711; Acts 2004, ch. 514, § 1)

Sec. 6.21. Reserve fund for permanent public improvements.

The Council may by ordinance establish a reserve fund for permanent public improvements and may appropriate thereto any portion of the general fund cash surplus not otherwise appropriated at the close of any fiscal year. It may likewise assign to the said fund a specified portion of the ad valorem tax on real estate and tangible personal property or other source of revenue. Appropriations from the said fund shall be made only to finance improvements included in the capital budget. (Acts 1954, ch. 64, § 1; Acts 1998, ch. 711)

CHAPTER 7A. RESERVED*

Editor's note—Chapter 711 of the Acts of 1998 amended the Charter of the city by repealing chapter 7A, which pertained to borrowing by the city and which derived from Acts 1992, ch. 850, § 1.

CHAPTER 7B. BORROWING

Sec. 7B.01. General borrowing power of City Council.

The Council may, in the name of and for the use of the City, incur indebtedness by issuing its bonds, notes or other obligations for the purposes, in the manner and to the extent provided by the general law

of the Commonwealth of Virginia, as supplemented by the provisions of this chapter. Bonds, notes or other obligations authorized in compliance with the provisions of the Charter as in effect at the time of such authorization may be issued whether or not such authorization complied with provisions of general law in effect at the time of their authorization. (Acts 1998, ch. 711)

Sec. 7B.02. Limitations on indebtedness.

In the issuance of bonds, notes and other obligations the City shall be subject to the limitations as to amount contained in Article VII, Section 10, of the Constitution of Virginia. (Acts 1998, ch. 711)

Sec. 7B.03. Emergency expenditures.

The City may authorize by ordinance the issuance of bonds, notes or other obligations to provide for emergency expenditures. Bonds, notes or other obligations may be issued to finance an appropriation to meet a public emergency, as provided in Section 2.02(d) of this Charter, when authorized by the ordinance making such appropriation. (Acts 1998, ch. 711)

Sec. 7B.04. Procedures for adopting ordinances authorizing the issuance of bonds or notes.

(a) The procedure for the adoption of an ordinance authorizing the issuance of bonds shall be the same as for the adoption of any other ordinance, except that six affirmative votes shall be necessary for its adoption. No such ordinance shall take effect until the thirty-first day after publication of notice of its adoption as hereinafter provided.

(b) Within ten days after the adoption of an ordinance authorizing the issuance of bonds, the City Clerk shall cause notice of the adoption of such ordinance to be printed in a newspaper published or in general circulation in the City. Such notice shall include a statement that the thirty-day period of limitation within which to file a petition for referendum on the ordinance authorizing the issuance of bonds shall have commenced as of the date of such publication.

(c) The procedure for the adoption of an ordinance authorizing the issuance of notes shall be the same as for the adopted [adoption] of any other ordinance, except that no such ordinance shall be passed as an emergency ordinance and that six affirmative votes shall be necessary for its adoption. An ordinance authorizing the issuance of notes shall not be subject to the requirement of publication of notice of adoption as hereinabove provided, nor shall such ordinance be subject to the provisions of Section 7B.05 of this Charter concerning petition for referendum. Such ordinance shall be effective immediately unless otherwise provided by the City Council in such ordinance. (Acts 1998, ch. 711)

Sec. 7B.05. Optional referendum on ordinance authorizing the issuance of bonds.

If, within thirty days after publication of notice of adoption as required by Section 7B.04(a) of this Charter, a petition, signed and verified as hereinafter provided and requesting the submission to the qualified voters of the City of an ordinance authorizing the issuance of bonds, shall be filed with the Clerk of the Circuit Court of the City of Richmond, such ordinance shall be so submitted at an election called for such purpose. The provisions of Section 3.06.1 of this Charter as to the qualifications of the persons who sign the petition, the number of signatures to be required, the verification thereof, the filing of the petition and the request

for the election shall apply equally to the petition and election provided for in this section. The election shall be ordered, conducted, and the results ascertained and certified in accordance with general law. If a majority of those voting thereon at such election shall fail to approve the ordinance, such ordinance shall be void. If a majority of those voting thereon at such election shall approve the ordinance, such ordinance shall be effective immediately. (Acts 1998, ch. 711)

Sec. 7B.06. Procedures for sale and terms of bonds and notes.

All bonds and notes shall be sold in such manner, either at public or private sale, for such price and upon such terms, including without limitation amounts, principal maturities, sinking fund requirements, maturity dates, interest rates and redemption features, as the council may determine by ordinance or resolution, or as the director of finance, with the approval of the chief administrative officer, may determine, when authorized to do so by ordinance or resolution. Furthermore, interest rates may be determined by reference to indices or formulas or agents designated by the council under guidelines established by it, or, when authorized to do so by ordinance or resolution, such determination and designation may be made by the director of finance, with the approval of the chief administrative officer. (Acts 1998, ch. 711; Acts 2005, ch. 844, § 1)

CHAPTER 8. FINANCIAL ADMINISTRATION

Sec. 8.01. Establishment and composition of Department of Finance.

There shall be a Department of Finance for the administration of the financial affairs of the City, including exercise of the powers conferred and duties imposed by law upon commissioners of the revenue, collectors of taxes, license inspectors, city treasurers, and similar officers. (Acts 1982, ch. 658, § 1; Acts 1989, ch. 349, § 1; Acts 1998, ch. 711)

Sec. 8.02. Reserved.

Editor's note—Section 8.02 of the Charter, providing that the director of finance be finance department head and setting out his/her qualifications, was repealed by Acts 1998, ch. 711.

Sec. 8.03. General powers and duties of Director of Finance.

The director of finance, under the supervision of the chief administrative officer, shall have charge of the administration of the financial affairs of the city and to that end he/she shall have authority and shall be responsible for the department of finance in order to discharge the following functions:

(a) Manage the city's finances in a professionally accountable and responsible manner.

(b) Provide for regular reporting of the city's financial condition in conformance with generally accepted accounting principles.

(c) Receive, deposit in legal depositories, maintain custody of and disburse all funds of the city or in the possession of the city, and prudently invest such funds as they are available for investment. The director shall not be liable for any loss sustained of funds so deposited.

(d) Protect the interests of the city by withholding the payment of any claim or demand by any person, firm or corporation against the city

until any indebtedness or other liability due from such person, firm or corporation shall first have been settled and adjusted.

(e) Administer all debt of the city to include its issue, registration, transfer and retirement or redemption.

(f) Enforce the provisions of this charter and the ordinances of the city with regard to any financial matters of the city.
(Acts 1950, ch. 251, § 1; Acts 1975, ch. 112, § 1; Acts 1982, ch. 658, § 1; Acts 1988, ch. 269, § 1; Acts 1989, ch. 349, § 1; Acts 1990, ch. 401, § 1; Acts 1998, ch. 711; Acts 2004, ch. 877, § 1; Acts 2004, ch. 898, § 1)

Sec. 8.03.1. Reserved.

Editor's note—Section 2 of Acts 1989, ch. 349, repealed former § 8.03.1, transfer of duties of commissioner of revenue to Director of Finance, which derived from Acts 1978, ch. 78, § 1.

Sec. 8.04. Reserved.

Editor's note—Section 2 of Acts 1989, ch. 349, repealed former § 8.04 which pertained to the bureau of accounting and control and derived from Acts 1948, ch. 116, as amended through 1982.

Sec. 8.05. Reserved.

Editor's note—Section 8.05, pertaining to the division of collection, tax liens and collection of delinquent taxes, was repealed by Acts 1988, ch. 269, § 2. The repealed provisions derived from Acts 1976, ch. 633, § 1, and Acts 1982, ch. 658, § 1.

Sec. 8.05.1. Reserved.

Editor's note—Section 8.05.1, relating to the consolidation of functions of the bureau of collection and the office of collector of taxes and derived from Acts 1966, ch. 243, was repealed by Acts 1982, ch. 658, § 2.

Secs. 8.06, 8.07. Reserved.

Editor's note—Acts 1998, ch. 711 repealed §§ 8.06 and 8.07, which pertained to the sale of property for taxes and the correction of assessments and exonerations of taxes, and which derived from Acts 1974, ch. 19, § 1; Acts 1976, ch. 633, § 1; and Acts 1986, ch. 119, § 1.

Sec. 8.08. Reserved.

Editor's note—Section 2 of Acts 1989, ch. 349, repealed former § 8.08, which pertained to the division of license inspection and derived from Acts 1982, ch. 658, § 1.

Sec. 8.09. Reserved.

Editor's note—Acts 1998, ch. 711 repealed § 8.09, which pertained to the city auditor and derived from Acts 1954, ch. 64, § 1; Acts 1973, ch. 348, § 1; Acts 1974, ch. 19, § 1; Acts 1982, ch. 658, § 1.

Sec. 8.10. Annual audit.

The Council shall cause to be made annually an independent financial audit of all accounts, books, records and financial transactions of the City by the auditor of public accounts of the Commonwealth or by a firm of independent certified public accountants to be selected by the Council. The audit shall be of sufficient scope to express an opinion as to whether the books and records and the financial statements prepared therefrom as contained in the annual financial report of the City present fairly the fiscal affairs of the City in accordance with generally accepted accounting principles of municipal accounting and applicable governing laws. The report of such audit shall be filed within such time as the Council

shall specify and one copy thereof shall be always available for public inspection in the office of the City Clerk during regular business hours. (Acts 1977, ch. 513, § 1; Acts 1982, ch. 658, § 1; Acts 1998, ch. 711)

CHAPTER 9. RESERVED*

Editor's note—Acts 1998, ch. 711 repealed chapter 9, which pertained to the department of personnel and derived from the following:

<i>Acts</i>	<i>Chapter</i>	<i>Section</i>	<i>Acts</i>	<i>Chapter</i>	<i>Section</i>
1950	251	1	1981	199	1
1952	182	1	1982	658	1
1958	185	2	1983	164	1
1968	644	1	1984	163	1
1970	226	1	1985	22	1
1971	130	1	1986	119	1
1972	336	1	1987	230	1
1974	19	1	1989	349	
1975	112	1	1990	401	1
1977	513	1	1993	613	1
1978	78	1			

CHAPTER 10. RESERVED

Editor's note—Acts 1998, ch. 711 repealed chapter 10, which pertained to the department of law and derived from Acts 1948, ch. 116; and Acts 1964, ch. 120, § 1.

CHAPTER 11A. RESERVED

Editor's note—Acts 1998, ch. 711 repealed chapter 11A, which pertained to the department of police and derived from Acts 1992, ch. 850.

CHAPTER 11B. RESERVED

Editor's note—Acts of 1998, ch. 711 repealed chapter 11B, which pertained to the department of fire and emergency services and derived from Acts 1992, ch. 850.

CHAPTER 11C. RESERVED

Editor's note—Acts of 1998, ch. 711 repealed chapter 11C, which pertained to traffic control and derived from Acts 1992, ch. 850

CHAPTER 12. RESERVED*

Editor's note—Acts 1998, ch. 711 repealed chapter 12, which pertained to the department of public works and derived from the following:

<i>Acts</i>	<i>Chapter</i>	<i>Section</i>	<i>Acts</i>	<i>Chapter</i>	<i>Section</i>
1948	11	--	1972	336	1
1950	251	1	1974	19	1
1954	64	1	1975	112	1
1956	130	1	1981	199	1
1958	185	2	1985	22	1
1964	120	2	1994	215	1
1970	226	1			

CHAPTER 13. DEPARTMENT OF PUBLIC UTILITIES

Sec. 13.01. Department of public utilities; created; composition.

There shall be a Department of Public Utilities which shall consist of the Director of Public Utilities and such other officers and employees organized into such bureaus, divisions and other units as may be provided by ordinance or by the orders of the director consistent

therewith. The Director shall have power to make rules and regulations consistent with this Charter and the ordinances of the City for the conduct of its business. (Acts 1998, ch. 711)

Sec. 13.02. Functions.

The Department of Public Utilities shall be responsible for:

- (a) The operation of the water, wastewater, stormwater, gas and electric utilities of the City, including street lighting;
- (b) The collection of all charges for the services of such utilities; and
- (c) Such other powers and duties as may be assigned to the department by ordinance. (Acts 1982, ch. 658, § 1; Acts 1994, ch. 215, § 1)

Secs. 13.03, 13.04. Reserved.

Editor's note—Sections 13.03 and 13.04, pertaining to the qualifications, powers and duties of the director of public works, and derived from Acts 1948, ch. 116 and Acts 1988, ch. 269, § 1, were repealed by Acts 1998, ch. 711.

Sec. 13.05. Collection of bills.

The collection of unpaid bills may be enforced in the manner now or hereafter prescribed by law or ordinance, and water service may be disconnected for nonpayment of landfill refuse fees. (Acts 1982, ch. 658, § 1; Acts 1988, ch. 269, § 1; Acts 1993, ch. 613, § 1; Acts 1998, ch. 711)

Sec. 13.06. Each utility a separate enterprise.

The water, wastewater, stormwater, gas and electric utilities shall each be conducted as a separate enterprise, provided that nothing herein shall prevent the transfer of employees from one utility to another or the division of the time of any officer or employee between two or more of such utilities. To facilitate accurate analysis of the financial results of the operation of each utility:

- (a) The customer service division shall, as directed by ordinance, bill for and collect on behalf of each utility not only the charges due from domestic, commercial and industrial users of its services but similar charges against the City and each department, board, commission, office and agency thereof, including the School Board and each other utility. The rates to be charged for street lighting and for electric current furnished to the City and its departments, boards, commissions, offices and agencies, as well as any political subdivision, shall be fixed by the Director of Public Utilities to generate such revenue as shall enable the utility to make a reasonable return on investment and meet retirement schedules and other debt service requirements in accordance with the provisions of any bond ordinance pursuant to which bonds have been issued to finance capital improvements of such utility and to comply with the terms and conditions of any documents securing any such bonds.
- (b) Separate budgets shall be prepared for each utility annually at the time and in the manner prescribed in Chapter 6 of this Charter, which shall include estimates of revenue and expense for the ensuing fiscal year. After the budget of a utility has been adopted, should it appear that substantial sales of the unit product of the utility can be made in excess of the sales of the unit product contemplated by the budget which were not reasonably foreseen at the time the estimates of revenue and expense were made, additional expenditures may be

authorized by the Chief administrative officer from the funds of the utility in an amount not exceeding the estimated cost of producing or purchasing additional units of the product of the utility to be sold upon the justification of such expenditure by and recommendation of the Director of Public Utilities. The Chief administrative officer shall report to the Council as soon as practicable any such additional expenditures authorized by him/her and shall also report any such additional expenditures to the Director of Finance, who shall adjust the appropriation accounts accordingly. The expenditure of any other funds of any utility shall be authorized only when an additional appropriation thereof is made in accordance with Section 6.16 of this Charter. The budget estimates of each department of the City shall include items for gas, water, wastewater, stormwater, and electric current to be used by them. An item for street lighting shall be included in the general fund budget and shall be disbursed by the Director of Finance on the basis of bills rendered by the customer service division.

(c) The accounting system of each utility shall conform to generally accepted principles of public utility accounting and shall be kept on an accrual basis. Expenditures shall be authorized and made in accordance with appropriations made by the Council and in accordance with the provisions of Chapters 6, 8 and 13 of this Charter. The records of revenues of each utility shall be kept so that the services rendered to each class of customer according to the rate schedules adopted by the Council for each utility can be obtained. After the close of each fiscal year there shall be submitted to the Chief administrative officer and the Council a report as to the operation of each utility containing at least the following financial statements: (1) a comparative balance sheet showing the financial condition of the utility as of the beginning and close of the fiscal year and an analysis of the surplus account showing the factors of change in the account as reflected by the comparative balance sheet; and (2) a comparative profit and loss statement of the last two fiscal years; and a comparative detailed analysis of operating expense for the last two fiscal years according to functional grouping. The expense of operating each utility shall include: (1) taxes, if any, lawfully accruing during the fiscal year; and (2) except for the stormwater utility, taxes not actually accruing but which would have accrued had the utility not been municipally owned, and such taxes shall be paid annually into the general fund. For the purposes of this chapter all indebtedness of the City incurred on account of each utility shall be considered as the indebtedness of such utility. (Acts 1954, ch. 64, § 1; Acts 1982, ch. 658, § 1; Acts 1988, ch. 269, § 1; Acts 1993, ch. 613, § 1; Acts 1994, ch. 215, § 1; Acts 1998, ch. 711; Acts 2006, ch. 650, § 1; Acts 2006, ch. 712, § 1)

Sec. 13.06.1. Payments by utilities for City services.

The amount charged to and to be paid for any City services provided to a City utility by any other department or agency of the City shall be computed upon and limited to the actual cost incurred by such City department or agency in providing such service. (Acts 1989, ch. 349, § 1)

Sec. 13.06.2. Investment of utility funds.

The cash of any utility may be invested for the utility with other City funds, provided, however, that the investment earnings from such cash be credited to the utility. The excess cash not required as working capital for any such utility, for renewal fund transfer, or for other legal

obligations of a utility may be utilized for capital projects in accordance with industry standards as determined by and directed by the Director of Public Utilities.
(Acts 1989, ch. 349, § 1)

Sec. 13.07. Utility renewal funds.

A renewal fund for each utility shall be established to be known as the "water utility renewal fund", the "wastewater utility renewal fund", the "stormwater utility renewal fund", the "gas utility renewal fund" and the "electric utility renewal fund", respectively. Simultaneously with the introduction of budgets for each City-owned and -operated utility there shall be introduced renewal fund budgets for each of the utilities utilizing operating cash of the respective utilities for appropriations to finance such budgets. Funds received from the federal and state governments, representing grants in aid of construction, shall be deposited into the respective utility renewal funds. Appropriations may be made by the Council from the renewal fund of any utility, on the recommendation of the mayor, only for renewing, rebuilding or extending the plant and distribution system of such utility. (Acts 1954, ch. 64, § 1; Acts 1973, ch. 348, § 1; Acts 1989, ch. 349, § 1; Acts 1994, ch. 215, § 1; Acts 2006, ch. 650, § 1; Acts 2006, ch. 712, § 1)

Sec. 13.07.1. Transfer of utility retained earnings.

Transfers of retained earnings of any utility of the City shall be made only after retention of sufficient funds to meet all bond covenant requirements, working capital requirements, and other legal requirements, and any such transfer shall be limited to thirty percent of any year's net income of such utility with such transfer to be made in the second succeeding fiscal year and provided further that in no case shall cash transfers be made to the general fund if a utility does not have a minimum of forty-five days working capital requirements. (Acts 1954, ch. 64, § 1; Acts 1960, ch. 7, § 1; Acts 1973, ch. 348, § 1; Acts 1989, ch. 349, § 1)

Sec. 13.07.2. Amendment of the capital budget adopted pursuant to provisions of Section 6.19 of the Charter; increase in appropriation for utility purposes.

The capital budget ordinance for a fiscal year adopted by the City Council pursuant to Section 6.19 of the Charter may be amended to allow for an increase in a public utility capital budget within the fiscal year if such additional appropriation is a result of and warranted by a demand for new services, changes in conditions, including emergencies and acts of God occurring after the capital budget goes into effect, necessity for complying with regulatory requirements, or the capital budget needs could not have been reasonably anticipated and estimated at the time of adoption of the capital budget. (Acts 1989, ch. 349, § 1)

Sec. 13.08. Valuation of utilities.

At such times as it shall determine, the Council shall cause to be made a valuation of each of the utilities, in accordance with accepted valuation principles, by a competent firm of engineers to be selected by the Council on the recommendation of the chief administrative officer, showing in the case of the water utility the proportion of its valuation properly allocable to fire protection. (Acts 1994, ch. 215, § 1; Acts 1998, ch. 711; Acts 2006, ch. 650, § 1; Acts 2006, ch. 712, § 1)

Sec. 13.09. Utility rates.

The rates to be charged for the respective services of the water, wastewater, stormwater, and gas utilities and for the sale of any excess of electric current beyond the needs of the City and its departments, boards, commissions and agencies, as well as any political subdivisions, shall be fixed from time to time by the Council on the recommendation of the Director of Public Utilities and the mayor. If for any fiscal year any utility other than the stormwater utility shall operate at a net loss as shown by its annual statement of profit and loss, it shall be the duty of the Director of Public Utilities and the mayor to recommend and the Council to adopt for that utility a schedule of rates which in its judgment will produce revenue at least equal to expense. (Acts 1954, ch. 64, § 1; Acts 1982, ch. 658, § 1; Acts 2006, ch. 650, § 1; Acts 2006, ch. 712, § 1)

Sec. 13.10. No sale or lease of utilities except when approved by referendum.

There shall be no sale or lease of the water, wastewater, gas or electric utilities unless the proposal for such sale or lease shall first be submitted to the qualified voters of the City at a general election and be approved by a majority of all votes cast at such election. (Acts 1998, ch. 711)

Sec. 13.11. Implementation of stormwater utility.

The stormwater utility shall be implemented by ordinance, and shall be effective as of the effective date of that ordinance. Notwithstanding other provisions of this charter, the stormwater utility program may be administered by either the Department of Public Works or the Department of Public Utilities. Stormwater utility charges shall be assessed to all property owners and shall be based upon their contributions to stormwater runoff. Procedures and guidelines may be established to provide full or partial credits for effective stormwater management mitigation or remediation actions undertaken for nonresidential properties. Federal and state government agencies shall receive a full waiver of stormwater utility charges when the agency owns and provides for maintenance of storm drainage and stormwater control facilities. If stormwater utility charges are not paid when due, interest thereon shall at that time accrue at the rate determined by council, not to exceed any maximum allowed by law. The city may collect charges and interest by action at law or suit in equity, and such unpaid charges and interest shall constitute a lien against the property, of equal stature with liens for unpaid real estate taxes. (Acts 1994, ch. 215, § 1; Acts 2004, ch. 514, § 1)

CHAPTER 14. RESERVED*

***Editor's note**—Acts 1998, ch. 711 repealed chapter 14, which pertained to the department of public health and derived from:

<i>Acts</i>	<i>Chapter</i>	<i>Section</i>	<i>Acts</i>	<i>Chapter</i>	<i>Section</i>
1948	116	--	1984	163	1
1958	185	2	1991	396	1
1966	109	--			

CHAPTER 15. RESERVED

Editor's note—Acts 1998, ch. 711 repealed chapter 15, which pertained to the department of social services and derived from Acts 1958, ch. 185, § 2; and Acts 1985, ch. 22, § 1.

CHAPTER 16. RESERVED

Editor's note—Acts 1998, ch. 711 repealed chapter 16, which pertained to the department of parks and recreation and derived from Acts 1948, ch. 116; Acts 1985, ch. 185, § 2; and Acts 1986, ch. 119, § 1.

CHAPTER 17. PLANNING, ZONING AND SUBDIVISION CONTROL*

Sec. 17.01. Power of Council to adopt master plan.

In addition to the powers granted elsewhere in this Charter the Council shall have the power to adopt by ordinance a master plan for the physical development of the City to promote health, safety, morals, comfort, prosperity and general welfare. The master plan may include but shall not be limited to the following:

- (a) The general location, character and extent of all streets, highways, superhighways, freeways, avenues, boulevards, roads, lanes, alleys, walks, walkways, parks, parkways, squares, playfields, playgrounds, recreational facilities, stadia, arenas, swimming pools, waterways, harbors, water fronts, landings, wharves, docks, terminals, canals, airports and other public places or ways, and the removal, relocation, widening, narrowing, vacating, abandonment, change or use or extension thereof.
- (b) The general location, character and extent of all public buildings, schools and other public property and of utilities whether publicly or privately owned, off-street parking facilities, and the removal, relocation, vacating, abandonment, change of use, alteration or extension thereof.
- (c) The general location, character and extent of slum clearance, housing and neighborhood rehabilitation projects, including the demolition, repair or vacation of substandard, unsafe or unsanitary buildings.
- (d) A general plan for the control and routing of railways, streetcar lines, bus lines and all other vehicular traffic.
- (e) The general location, character and extent of areas beyond the corporate limits of the City to be annexed thereto.

***State Law References:** Planning, subdivision of land and zoning, Code of Virginia, § 15.2-2200 et seq

Sec. 17.02. City Planning Commission, generally.

There shall be a city planning commission which shall consist of nine members. One member shall be a member of the council who shall be appointed by the council for a term coincident with his/her term in the council; one member shall be a member of the board of zoning appeals appointed by the board of zoning appeals for a term coincident with his/her term on such board; one member shall be the chief administrative officer or an officer or employee of the city designated from time to time by him/her; six citizen members shall be qualified voters of the city who hold no office of profit under the city government, appointed for terms of three years, one of whom shall be appointed by the mayor, five of whom shall be appointed by the council. Vacancies shall be filled by the authority making the appointment, for the unexpired portion of the term. Members of the city planning commission, other than the member of council appointed to the commission and the chief administrative officer, or such officer or employee of the city as the chief administrative

officer may designate to serve on the commission, shall be entitled to receive such compensation as may be fixed from time to time by ordinance adopted by the council. (Acts 1968, ch. 644, § 1; Acts 1976, ch. 633, § 1; Acts 1985, ch. 22, § 1; Acts 1998, ch. 711; Acts 2004, ch. 877, § 1; Acts 2004, ch. 898, § 1; Acts 2005, ch. 844, § 1)

Sec. 17.03. Reserved.

Editor's note—Acts 1998, ch. 711 repealed § 17.03, which pertained to the election and terms of office of the city planning commission, its meetings, rules, records, etc., and derived from Acts 1958, ch. 185, § 2; Acts 1968, ch. 644, § 1; Acts 1972, ch. 336, § 1; Acts 1993, ch. 613, § 1.

Sec. 17.04. Same—Duty to adopt master plan.

It shall be the duty of the Commission to make and adopt a master plan which with accompanying maps, plats, charts and descriptive matter shall show the Commission's recommendations for the development of the territory covered by the plan. In the preparation of such plan the Commission shall make careful and comprehensive surveys and studies of existing conditions and future growth. The plan shall be made with the general purpose of guiding and accomplishing a coordinated, adjusted and harmonious development of the City and its environs which will in accordance with existing and future needs best promote health, safety, morals, comfort, prosperity and general welfare, as well as efficiency and economy in the process of development.

Sec. 17.05. Same—Duties with respect to historical landmarks, works of art, harbors, etc.

It shall be the further duty and function of the Commission to preserve historical landmarks and to control the design and location of statuary and other works of art which are or may become the property of the City, and the removal, relocation and alteration of any such work; and to consider and suggest the design of harbors, bridges, viaducts, airports, stadia, arenas, swimming pools, street fixtures and other public structures and appurtenances.

Sec. 17.06. Adoption of master plan by Commission and approval by Council.

The Commission may adopt the master plan as a whole by a single resolution or may by successive resolutions adopt successive parts of the plan, said parts corresponding to major geographical sections or geographical or topographical divisions of the City or with functional subdivisions of the subject matter of the plan, and may adopt any amendment or extension thereof or addition thereto. Before the adoption of the plan or any such part, amendment, extension, or addition, the Commission shall hold at least one public hearing thereon. Notice of the time and place of such hearing shall be given in accordance with general law. The adoption of the plan or of any such part, amendment, extension or addition shall be by resolution of the Commission carried by the affirmative vote of not less than a majority of the entire membership of the Commission. The resolution shall refer expressly to the maps and descriptive matter and other matter intended by the Commission to form the whole or part of the plan adopted, which resolution shall be signed by the chairman of the Commission and attested by its secretary. An attested copy of the resolution, accompanied by a copy of so much of the plan in whole or in part as was adopted thereby, and each amendment, alteration, extension

or addition thereto adopted thereby shall be certified to the Council, and at least one public hearing shall be held thereon in accordance with general law. Neither the master plan nor any part, amendment, extension or addition thereto shall become effective until the action of the Commission with respect thereto set out in the resolution shall have been approved by the Council by ordinance or resolution. Upon the approval of the action of the Commission by the Council, an attested copy of the resolution adopted by the Commission accompanied by a copy of so much of the plan in whole or in part as was adopted thereby, and each amendment, alteration, extension or addition thereto thereby adopted, together with the ordinance or resolution adopted by the Council shall be certified to the Clerk of the Circuit Court, Division I and Division II, of the City, who shall file the same in his/her respective offices, and shall index the same in the deed index book in the name of the City and under the title: Master Plan of the City. (Acts 1958, ch. 185, § 2; Acts 1975, ch. 112, § 1; Acts 1998, ch. 711) **State Law References:** Comprehensive plan, Code of Virginia, § 15.2-2223.

Sec. 17.07. Effects of master plan.

Whenever the Commission shall have adopted a master plan for the City or one or more parts thereof, geographical, topographical or functional, and the master plan or such part or parts thereof and any amendment or extension of the plan or part thereof or addition thereto shall have been approved by the Council and it has been certified and filed as provided in the preceding section, then and thereafter no street, square, park or other public way, ground, open space, public building or structure, shall be constructed or authorized in the City or in the planned section or division thereof until and unless the general location, character and extent thereof has been submitted to and approved by the Commission; and no public utility, whether publicly or privately owned, shall be constructed or authorized in the City or in the planned section or division thereof until and unless its general location but not its character and extent, has been submitted to and approved by the Commission, but such submission and approval shall not be necessary in the case of pipes or conduits in any existing street or proposed street, square, park or other public way, ground or open space, the location of which has been approved by the Commission; and no ordinance giving effect to or amending the comprehensive zoning plan as provided in Section 17.10 shall be adopted until it has been submitted to and approved by the Commission. In case of disapproval in any of the instances enumerated above the Commission shall communicate its reason to the Council which shall have the power to overrule such action by a recorded vote of not less than two-thirds of its entire membership. The failure of the Commission to act within sixty days from the date of the official submission to it shall be deemed approval. The widening, extension, narrowing, enlargement, vacation or change in the use of streets and other public ways, grounds and places within the City as well as the acquisition by the City of any land within or without the City for public purposes or the sale of any land then held by the City shall be subject to similar approval and in case the same is disapproved such disapproval may be similarly overruled. The foregoing provisions of this section shall not be deemed to apply to the pavement, repavement, reconstruction, improvement, drainage or other work in or upon any existing street or other existing public way. (Acts 1958, ch. 185, § 2) **State Law References:** Comprehensive plan, Code of Virginia, § 15.2-2223.

Sec. 17.08. Reserved.

Editor's note—Section 17.08, pertaining to planning commission action on capital budget, derived from Acts 1972, ch. 336, § 1, was repealed by Acts 1998, ch. 711.

Sec. 17.09. Further powers and duties of Planning Commission.

The Commission shall have power to promote public interest in and understanding of the plan and to that end may publish and distribute copies of the plan or any report relating thereto, and may employ such other means of publicity and education as it may determine. The Commission shall consult and advise with public officials and agencies, public utility companies, civic, educational, professional or other organizations, and with citizens, with relation to the protection or carrying out of the plan. All public officials shall upon request furnish to the Commission within a reasonable time such available information as it may require for its work. The Commission, its members, officers and employees in the performance of their duties may enter upon any land in the City and make examinations and surveys and place and maintain necessary monuments and markers thereon. In general the Commission shall have such powers as may be necessary to enable it to fulfill its function, promote planning and carry out the purposes of this Charter. The Commission shall make an annual report to the Council concerning its activities. **State Law References:** Comprehensive plan, Code of Virginia, § 15.2-2223.

Sec. 17.10. Zoning powers of Council.

In addition to the powers granted elsewhere in this Charter the Council shall have the power to adopt by ordinance a comprehensive zoning plan designed to lessen congestion in streets, secure safety from fire, panic and other danger, promote health, sanitation and general welfare, provide adequate light and air, prevent the overcrowding of land, avoid undue concentration of population, facilitate public and private transportation and the supplying of public utility services and sewage disposal, and facilitate provision for schools, parks, playgrounds, and other improvements and requirements. The comprehensive zoning plan shall include the division of the City into districts with such boundaries as the Council deems necessary to carry out the purposes of this Charter and shall provide for the regulation and restriction of the use of land, buildings and structures in the respective districts and may include but shall not be limited to the following:

- (a) It may permit specified uses of land, buildings and structures in the districts and prohibit all other uses.
- (b) It may restrict the height, area and bulk of buildings and structures in the districts.
- (c) It may establish setback building lines and prescribe the area of land that may be used as front, rear and side yards and courts and open spaces.
- (d) It may restrict the portion of the area of lots that may be occupied by buildings and structures.
- (e) It may prescribe the area of lots and the space in buildings that may be occupied by families.
- (f) It may require that spaces and facilities deemed adequate by the Council shall be provided on lots for parking of vehicles in conjunction with permitted uses of land and that spaces and facilities deemed

adequate by the Council shall be provided on lots for off-street loading or unloading of vehicles.

(g) It may permit the use and development of land not less than ten acres in extent in a manner that does not conform in all respects with the regulations and restrictions prescribed for the district or districts in which such land is situated; provided, that such use shall be approved by the City Planning Commission and the Council.

(h) It may provide that land, buildings and structures and the uses thereof which do not conform to the regulations and restrictions prescribed for the district in which they are situated may be continued so long as the then existing or more restricted use continues and so long as the buildings or structures are maintained in their then structural condition; and may require that such buildings or structures and the use thereof shall conform to the regulations and restrictions prescribed for the district or districts in which they are situated whenever they are enlarged, extended, reconstructed or structurally altered; and may require that such buildings or structures and the use thereof shall conform to the regulations and restrictions prescribed for the district or districts in which they are situated, in any event within a reasonable period of time to be specified in the ordinance.

Sec. 17.11. Uniformity of regulations within a district; special use permits.

(a) The regulations and restrictions shall be uniform and shall apply equally to all land, buildings, and structures and to the use and to each class or kind thereof throughout each district; however, the regulations and restrictions applicable in one district may differ from those provided for other districts.

(a1) The Council may, by ordinance adopted after holding one or more public hearings concerning same, establish design overlay districts, providing for such design overlay districts, a design review process applicable to exterior changes within view from public rights-of-way in order to protect developed areas of the City which are characterized by uniqueness of established neighborhood character, architectural coherence and harmony, or vulnerability to deterioration, and Council may assess a reasonable fee, not exceeding the actual cost of the review process, for a determination if proposed new construction, alterations, rehabilitation, or demolition conforms to general guidelines for a particular design overlay district established by the Planning Commission and Urban Design Committee after holding a public hearing.

(b) The Council shall have the power to authorize by ordinance adopted by not less than six affirmative votes the use of land, buildings, and structures in a district that does not conform to the regulations and restrictions prescribed for that district and to authorize the issuance of special use permits therefor, whenever it is made to appear that such special use will not be detrimental to the safety, health, morals and general welfare of the community involved, will not tend to create congestion in streets, roads, alleys and other public ways and places in the area involved, will not create hazards from fire, panic or other dangers, will not tend to overcrowding of land and cause an undue concentration of population, will not adversely affect or interfere with public or private schools, parks, playgrounds, water supplies, sewage disposal, transportation or other public requirements, conveniences and improvements, and will not interfere with adequate light and

air. No such special use permit shall be adopted until (1) the City Planning Commission has conducted a public hearing to investigate the circumstances and conditions upon which the Council is empowered to authorize such use and until the commission has reported to the Council the results of such public hearing and investigation and its recommendations with respect thereto, and (2) the Council has conducted a public hearing on an ordinance to authorize such special use permit at which the person in interest and all other persons shall have an opportunity to be heard. Notice of the time and place of such public hearings shall be given in accordance with general law. The Council shall have the power to require greater notice as it may deem expedient. The City Planning Commission may recommend and the Council may impose such conditions upon the use of the land, buildings and structures as will, in its opinion, protect the community and area involved and the public from adverse effects and detriments that may result therefrom.

(Acts 1960, ch. 7, § 1; Acts 1968, ch. 644, § 1; Acts 1987, ch. 230, § 1; Acts 1998, ch. 711)

Sec. 17.12. Considerations to be observed in adoption and alteration of zoning regulations.

The regulations and restrictions shall be enacted with reasonable consideration, among other things, of the character of each district and its peculiar suitability for particular uses and with a view of conserving the value of land, buildings and structures and encouraging the most appropriate use thereof throughout the City. Upon the enactment of the ordinance dividing the City into districts and regulating and restricting the use of land, buildings and structures therein in accordance with a comprehensive zoning plan no land, building or structure shall be changed from one district to another unless the change is in accord with the interest and purpose of this section and will not be contrary to the comprehensive zoning plan and the enumerated factors upon which it is based and the regulations and restrictions applicable to the districts involved in the change. (Acts 1950, ch. 251, § 1; Acts 1960, ch. 7, § 1)

Sec. 17.13. Duties of Planning Commission with relation to zoning.

It shall be the duty of the City Planning Commission to prepare and submit to the Council a comprehensive zoning plan as referred to in Section 17.10 and from time to time prepare and submit such changes in or revisions of the said plan as changing conditions may make necessary.

Sec. 17.14. Adoption and amendment of zoning regulations and restrictions and establishment of district boundaries.

Subject to the other provisions of this chapter and general law, the Council shall have power by ordinance to adopt the regulations and restrictions hereinbefore described and establish the boundaries of the districts in which they shall apply, provide for their enforcement, and from time to time amend, supplement or repeal the same. The Council shall also have authority to provide for the collection of fees to cover costs involved in the consideration of any request for amendment, supplement or repeal of any such regulation, restriction or establishment of boundaries, to be paid to the Department of Planning and Community Development by the applicant upon filing such request. No such regulation, restriction or establishment of boundaries shall be adopted until:

(a) The City Planning Commission has conducted a public hearing

to investigate the circumstances and conditions upon which the Council is empowered to authorize such regulation, restriction or establishment of boundaries, and until the Commission has reported to the Council the results of such public hearing and investigation and its recommendations with respect thereto; and

(b) The Council has conducted a public hearing on an ordinance to authorize such regulation, restriction or establishment of boundaries at which the person in interest and other persons shall have an opportunity to be heard.

Notice of the time and place of such public hearings shall be given in accordance with general law.

The procedures set forth in this section shall also apply to the adoption, amendment and repeal of historic district boundaries. All historic districts previously adopted by City Council, except for the Church Hill North district adopted by Ordinance No. 90-197-194 and repealed by Ordinance No. 90-242-314, shall remain in full force and effect, shall be deemed to have been in continuous existence, and shall not henceforth be declared invalid by reason of a failure to follow the procedures set forth herein applicable to zoning districts. (Acts 1984, ch. 163, § 1; Acts 1992, ch. 850, § 1; Acts 1998, ch. 711)

Sec. 17.15. Effect of protest by twenty percent of the owners of property.

If a protest is filed with the City Clerk against such amendment, supplement or repeal, signed and acknowledged before a person authorized to administer oaths, by the owners of twenty percent or more of the total area of the lots included in such proposed change or of the total area of the lots outside of the proposed change any point in which is within one hundred and fifty feet of the boundary of such area, the Council shall not adopt the ordinance making such amendment, supplement or repeal, by less than seven affirmative votes.

Sec. 17.16. Board of Zoning Appeals—Composition; appointment, terms, etc., of members.

(a) There shall be a Board of Zoning Appeals which shall consist of five regular members and two alternates. They shall be qualified voters of the City, shall hold no office of profit under the City government and shall be appointed by the chief judge of the Circuit Court of the City of Richmond for terms of four years. Vacancies shall be filled by the chief judge of such court for the unexpired portion of the term. A regular or alternate member may be removed by the chief judge of the said court for neglect of duty or malfeasance in office, upon written charges and after public hearing. Members of the Board of Appeals shall serve without compensation.

(b) The city may by ordinance create a separate division of the Board which shall be empowered only to hear appeals concerning interpretations of sections of the zoning ordinance dealing expressly with preservation of the Chesapeake Bay. This division shall consist of five regular members and two alternates appointed as provided in paragraph (a) of this section and subject to the same conditions of office. This division shall have only the powers set forth in Section 17.20(a). In all other respects, it shall be governed by those sections of this Charter and of law which are generally applicable to the Board of Zoning Appeals.

(Acts 1960, ch. 7, § 1; Acts 1975, ch. 112, § 1; Acts 1992, ch. 850, § 1)

Secs. 17.17, 17.18. Reserved.

Editor's note—Acts 1998, ch. 711 repealed §§ 17.17 and 17.18, which pertained to the organization and meetings, etc., of the board of zoning appeals, and which derived from Acts 1948, ch. 116 and Acts 1960, ch. 7, § 1.

Sec. 17.19. Appeals to Board of Zoning Appeals.

Appeals to the Board may be taken by any person aggrieved, or by any officer, department, board, commission or agency of the City affected, by any decision of the administrative officer designated by the Council to administer and enforce the ordinance dividing the City into districts and regulating and restricting the use of land, buildings and structures therein. Appeals shall be taken within such reasonable time as shall be prescribed by the Board by general rule, by filing with the said administrative officer and with the Board a notice of appeal specifying the grounds thereof. The administrative officer shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken. An appeal stays all proceedings in furtherance of the action appealed from unless the administrative officer from whose decision the appeal is taken certifies to the Board that by reason of the facts stated in the certificate a stay would in his/her opinion cause imminent peril to life or property. In such case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board or by a court of record on application and on notice to the administrative officer and on due cause shown.

The Board shall fix a reasonable time for the hearing of the appeal, give public notice thereof as well as due notice to the parties in interest and decide the issue within a reasonable time. At the hearing any party may appear in person, by agent or by attorney and shall be given an opportunity to be heard. The Board may prescribe a fee to be paid whenever an appeal is taken which shall be paid into the City treasury.

Sec. 17.20. Powers of Board of Zoning Appeals.

The Board shall have the following powers and it shall be its duty:

- (a) To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination by the administrative officer in the administration and enforcement of the provisions of the ordinance.
- (b) To grant variations in the regulations when a property owner can show that his property was acquired in good faith and where by reason of the exceptional narrowness, shallowness or shape of a specific piece of property at the time of the effective date of the ordinance or where by reason of the exceptional topographical conditions or other extraordinary or exceptional situation the strict application of the terms of the ordinance actually prohibit or unreasonably restrict the use of the property, or where the Board is satisfied, upon the evidence heard by it, the granting of such variations will alleviate a clearly demonstrable hardship approaching confiscation as distinguished from a special privilege or convenience sought by the owner, provided, however, that all variations granted shall be in harmony with the intended spirit and purpose of this chapter and the ordinance.
- (c) To permit, when reasonably necessary in the public interest, the use of land, or the construction or use of buildings or structures, in

any district in which they are prohibited by the ordinance, by any agency of the City, county or state or the United States, provided such construction or use shall adequately safeguard the health, safety and welfare of the occupants of the adjoining and surrounding property, shall not unreasonably impair an adequate supply of light and air to adjacent property, shall not increase congestion in streets and shall not increase public danger from fire or otherwise affect public safety.

(d) To permit the following exceptions to the district regulations and restrictions, provided such exceptions shall by their design, construction and operation adequately safeguard the health, safety and welfare of the occupants of the adjoining and surrounding property, shall not unreasonably impair an adequate supply of light and air to adjacent property, shall not increase congestion in streets and shall not increase public danger from fire or otherwise unreasonably affect public safety and shall not diminish or impair the established property values in surrounding areas:

(1) Use of land or erection or use of a building or structure by a public service corporation for public utility purposes exclusively which the board finds to be reasonably necessary for the public convenience and welfare.

(2) Use of land or construction or use of buildings and structures in any district in which they are prohibited by the ordinance, for cemetery purposes, airports or landing fields, greenhouses and nurseries and the extraction of raw materials from land, such as rock, gravel, sand and similar products.

(3) Use of land in dwelling districts immediately adjoining or separated from business, commercial or industrial districts by alleys, or widths to be specified in the ordinance, for parking of vehicles of customers of business, commercial or industrial establishments, provided such use shall not extend more than the distance specified in the ordinance from the business, commercial or industrial district.

(4) Use of buildings for dwelling purposes in districts specified in the ordinance for use for other purposes, where it can be shown that conditions in the specified districts are not detrimental to the health, safety, or welfare of the inhabitants of such buildings and on condition that the buildings will be removed within a time specified in the ordinance.

(5) Reconstruction of buildings or structures that do not conform to the comprehensive zoning plan and regulations and restrictions prescribed for the district in which they are located, which have been damaged by explosion, fire, act of God or the public enemy, to the extent of more than sixty percent of their assessed taxable value, when the Board finds some compelling public necessity for a continuance of the use and such continuance is not primarily to continue a monopoly, provided that nothing herein shall relieve the owner of any such building or structure from obtaining the approval of such reconstruction by the Council or any department or officer of the City when such approval is required by any law or ordinance.

(e) To modify the interpretation and application of the provisions of the ordinance where the street layout actually on the ground varies from the street layout as shown on the map fixing the districts and their boundaries adopted with and as a part of the ordinance. (Acts 1954, ch. 64, § 1; Acts 1962, ch. 65, § 1; Acts 1981, ch. 199, § 1; Acts 1998, ch. 711)

Sec. 17.21. Same--Form and scope of decisions.

In exercising the powers conferred upon it the Board may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from, and may make such order, requirement, decision or determination as should be made, and to that end shall have all the powers of the administrative officer charged by the ordinance with enforcement. The concurring affirmative vote of three members of the Board shall be necessary to reverse any order, requirement, decision or determination of the administrative officer or to decide in favor of the applicant in any matter of which it has jurisdiction. The Board shall act by formal resolution which shall set forth the reason for its decision and the vote of each member participating therein which shall be spread upon its records and shall be open to public inspection. The Board may, upon the affirmative vote of three members, reconsider any decision made and, upon such consideration, render a decision by formal resolution. Every decision of the Board shall be based upon a finding of fact based on sworn testimony which finding of fact shall be reduced to writing and preserved among its records.

Sec. 17.22. Same--Appeals from Boards.

Any person, firm or corporation, jointly or severally aggrieved or in fact affected by any decision of the Board of Zoning Appeals, or any officer, department, board or agency of the City government charged with the enforcement of any order, requirement or decision of said Board, may appeal from such decision by filing a petition in the Circuit Court of the City of Richmond, Division I, verified by affidavit, setting forth the alleged illegality of the action of the Board and the grounds thereof. The petition shall be filed within thirty days from the date of the decision of the Board. No appeal from the decision of the Board shall be allowed in any case involving the same petitioner, principles, property and conditions previously passed upon by such court. (Acts 1954, ch. 73, § 1; Acts 1975, ch. 112, § 1; Acts 1976, ch. 633, § 1)

Sec. 17.23. Same--Same--Procedure on appeal.

Upon filing of the petition the court may cause a writ of certiorari to issue directed to the Board, ordering it to produce within the time prescribed by the court, not less than ten days, the record of its action and documents considered by it in making the decision appealed from, which writ shall be served upon any member of the Board. The issuance of the writ shall not stay proceedings upon the decision appealed from but the court may, on application, notice to the Board and due cause shown, issue a restraining order. The Board shall not be required to produce the original record and documents but it shall be sufficient to produce certified or sworn copies thereof or of such portions thereof as may be required by the writ. With the record and documents the Board may concisely set forth in writing such other facts as may be pertinent and material to show the grounds of the decision appealed from, verified by affidavit.

Sec. 17.24. Same--Same--Powers and duties of the court.

The court shall review the record, documents and other matters produced by the Board pursuant to the issuance of the writ and may reverse or modify the decision reviewed, in whole or in part, when it is satisfied that the decision of the board is contrary to law or that its

decision is arbitrary and constitutes an abuse of discretion. Unless it is made to appear that the decision is contrary to law or is arbitrary and constitutes an abuse of discretion the court shall affirm the decision. If the court finds that the testimony of witnesses is necessary for a proper disposition of the matter it may hear evidence.

Sec. 17.25. Proceedings against violators of zoning ordinance.

Whenever any building or structure is erected, constructed, reconstructed, altered, repaired or converted, or whenever any land, building or structure is used in violation of any ordinance adopted in accordance with Section 17.14, the City may institute and prosecute appropriate action or proceedings to prevent such unlawful act and to restrain, correct or abate such violation or to prevent any unlawful act, conduct or use of such property.

Sec. 17.26. Penalties for violation of zoning ordinance.

The Council may in such ordinance provide that fines and jail sentences, either or both, shall be imposed for violations of the ordinance by owners of land, buildings or structures, their agents having possession or control of such property, lessees, tenants, architects, builders, contractors or any other persons, firm or corporations who take part in or assist in any such violations or who maintain any land, building or structure in which such violations exist, which penalties shall not exceed those prescribed in Section 2.06 of this Charter. **State Law References:** Penalty for violation, Code of Virginia, § 15.2-2209.

Secs. 17.27–17.29. Reserved.

Editor’s note—Sections 17.27–17.29 were repealed by Acts 1998, ch. 711. Said sections derived from Acts 1948, ch. 116; Acts 1975, ch. 112, § 1; Acts 1982, ch. 658, § 1; Acts 1994, ch. 215, § 1 and pertained to subdivision regulations generally, hearings on subdivision ordinances, and adoption and recordation of subdivision regulations and restrictions applicable within the city limits.

Sec. 17.30. Reserved.

Editor’s note—Section 3 of Acts 1994, ch. 215 repealed § 17.30 which pertained to adoption of subdivision regulations applicable beyond City limits and derived from Acts 1948, ch. 116.

Secs. 17.31–17.35. Reserved.

Editor’s note—Acts 1998, ch. 711 repealed provisions formerly set out as §§ 17.31–17.35. These provisions derived from:

<i>Acts</i>	<i>Chapter</i>	<i>Section</i>	<i>Acts</i>	<i>Chapter</i>	<i>Section</i>
1975	112	1	1982	658	1
1976	633	1	1994	215	1
1981	199	1			

Sec. 17.36. Dedication of streets used by public for five years.

Whenever any piece, parcel or strip of land shall have been opened to and used by the public as a street, alley, lane or other public place or part thereof for the period of five years, the same shall thereby become a street, alley, lane, public place or part thereof for all purposes and the

City shall have the same authority and jurisdiction over and right and interest therein that it has by law over the streets, alleys, lanes and public places laid out by it and thereafter no action shall be brought to recover such piece, parcel or strip of land so opened to and used by the public as aforesaid. Any street, alley, lane or other public place reserved in the division or subdivision into lots by a plat or plan of record shall be deemed and held to be dedicated to the public use and the Council shall have authority upon the petition of any person or corporation interested therein to open such street, alley, lane or other public place or any portion of the same. No agreement between, or release of interest by, persons or corporations owning the lands immediately contiguous to any such street, alley, lane or other public place, whether the same has been opened or used by the public or not, shall avail or operate to abolish such street, alley, lane or other public place or to divest the interest of the public therein or the authority of the Council over the same. (Acts 1994, ch. 215, § 1)

Sec. 17.37. Present master plan and comprehensive zoning plan.

The master plan and the comprehensive zoning plan as heretofore adopted, approved and filed, with all amendments, additions and extensions thereto, in force and effect at the effective date of this Charter, are hereby validated and confirmed as if the same had been prepared, adopted, approved and filed in accordance with the provisions of this chapter. Every amendment or addition thereto or extension thereof and every other master plan or comprehensive zoning ordinance henceforth adopted shall be in accordance with the provisions of this chapter. Where existing ordinances are at variance with the provisions of this chapter they shall be deemed to be amended in accordance with the provisions of this chapter.

Secs. 17.37.1–17.37.4. Reserved.

Editor’s note—Acts 1998, ch. 711 repealed §§ 17.37.1–17.37.4, which pertained to the department of planning and community development and which derived from Acts 1968, ch. 644, § 1; and Acts 1987, ch. 230, § 1.

CHAPTER 18. ACQUISITION OF PROPERTY FOR PUBLIC PURPOSES

Sec. 18.01. Acquisition, ownership and use of property.

The City shall have, for the purpose of carrying out any of its powers and duties, power to acquire by gift, bequest, purchase or lease, and to own and make use of, within and without the City, lands, buildings, other structures and personal property, including any interest, right, easement or estate therein, and in acquiring such property to exercise, within and without the City, the right of eminent domain as hereinafter provided in this chapter.

Sec. 18.02. Eminent domain.

The City is hereby authorized to acquire by condemnation proceedings lands, buildings, structures and personal property or any interest, right, easement or estate therein, of any person or corporation, whenever in the opinion of the Council a public necessity exists therefor, which shall be expressed in the resolution or ordinance directing such acquisition, whether or not any corporation owning the same be authorized to exercise the power of eminent domain or whether or not such lands, buildings, structures or personal property or interest, right, easement or estate has already been devoted to a public use, and whenever the

City cannot agree on terms of purchase or settlement with the owners of the subject of such acquisition because of incapacity of such owner, or because of the inability to agree on the compensation to be paid or other terms of settlement or purchase, or because the owner or some one of the owners is a nonresident of the State and cannot with reasonable diligence be found in the State or is unknown.

Such proceedings may be instituted in the Circuit Court of the City of Richmond, Divisions I or II, if the subject to be acquired is located within the City, or, if it is not located within the City, in the circuit court of the county in which it is located. If the subject is situated partly within the City and partly within any county the circuit court of such county shall have concurrent jurisdiction in such condemnation proceedings with the Circuit Court of the City. The judge or the court exercising such concurrent jurisdiction shall appoint five disinterested freeholders any or all of whom reside either in the county or City, any three of whom may act as commissioners, as provided by law. (Acts 1975, ch. 112, § 1)

Sec. 18.03. Alternative procedures in condemnation.

The city may, in exercising the right of eminent domain conferred by the preceding section, make use of the procedure prescribed by the general law as modified by said section or may elect to proceed as hereinafter provided. In the latter event the resolution or ordinance directing acquisition of any property, as set forth in the preceding section, shall provide therein in a lump sum the total funds necessary to compensate the owners thereof for such property to be acquired or damaged. Upon the adoption of such resolution or ordinance the city may file a petition in the clerk's office of a court enumerated in the preceding section, having jurisdiction of the subject, which shall be signed by the chief administrative officer and set forth the interest or estate to be taken in the property and the uses and purposes for which the property or the interest or estate therein is wanted, or when property is not to be taken but is likely to be damaged, the necessity for the work or improvement which will cause or is likely to cause such damage. There shall also be filed with the petition a plat of a survey of the property with a profile showing cuts and fills, trestles and bridges, if any, and a description of the property which, or an interest or estate in which, is sought to be taken or likely to be damaged and a memorandum showing names and residences of the owners of the property, if known, and showing also the quantity of property which, or an interest or estate in which, is sought to be taken or which will be or is likely to be damaged. There shall be filed also with said petition a notice directed to the owners of the property, if known, copies of which shall be served on such owners or tenants of the freehold of such property, if known. If the owner or tenant of the freehold be unknown or a nonresident of the Commonwealth or cannot with reasonable diligence be found in the Commonwealth, or if the residence of the owner or tenant be unknown, he/she may be proceeded against by order of publication which order, however, need not be published more than once a week for two successive weeks and shall be posted at a main entrance to the courthouse. The publication shall in all other respects conform to §§ 8.01-316, 8.01-317 and 8.01-319 of the Code of Virginia.

Upon the filing of said petition and the deposit of the funds provided by the council for the purpose in a bank to the credit of the court in such proceedings and the filing of a certificate of deposit therefor the title or estate of the owner of such property shall terminate and the interest to

such property or the interest or estate to be taken in such property shall be vested absolutely in the city and such owner shall have such interest or estate in the funds so deposited as he/she had in the property taken or damaged and all liens by deed of trust, judgment or otherwise upon said property or estate shall be transferred to such funds and the city shall have the right to enter upon and take possession of such property for its uses and purposes and to construct its works or improvements. The clerk of the court in which such proceeding is instituted shall make and certify a copy of the petition, exhibits filed therewith, and orders, and deliver or transmit the same to the clerk of the court in which deeds are admitted to record, who shall record the same in his/her deed book and index them in the name of the person or persons who had the property before and in the name of the city, for which he/she shall receive the same fees prescribed for recording a deed, which shall be paid by the city.

If the city and the owner of property so taken or damaged agree upon compensation therefor, upon filing such agreement in writing in the clerk's office of such court, the court shall make such distribution of such funds as to it may seem right, having due regard to the interest of all persons therein whether such interest be vested, contingent or otherwise, and to enable the court or judge to make a proper distribution of such money it may in its discretion direct inquiries to be taken by a special commissioner in order to ascertain what persons are entitled to such funds and in what proportions and may direct what notice shall be given to the making of such inquiries by such special commissioner.

If the city and the owner cannot agree upon the compensation for the property taken or damaged, if any, upon the filing of a memorandum in the clerk's office of said court to that effect, signed by either the city or the owner, the court shall appoint commissioners provided for in §§ 25.1-220 and 25.1-226 through 25.1-230 of the Code of Virginia or as provided for in § 18.02, and all proceedings thereafter shall be had as provided in Chapter 2 (§ 25.1 200 et seq.) of Title 25.1 of the Code of Virginia insofar as they are then applicable and are not inconsistent with the provisions of this and the preceding section, and the court shall order the deposit in bank to the credit of the court of such additional funds as appear to be necessary to cover the award of the commissioners or shall order the return to the city of such funds deposited that are not necessary to compensate such owners for property taken or damaged. The commissioners so appointed shall not consider improvements placed upon the property by the city subsequent to its taking nor the value thereof nor the enhancement of the value of said property by said improvements in making their award. (Acts 1968, ch. 644, § 1; Acts 1998, ch. 711; Acts 2004, ch. 877, § 1; Acts 2004, ch. 898, § 1)

Sec. 18.04. Consideration of enhancement in value.

In all cases under the provisions of Sections 18.02 and 18.03, the enhancement, if any, in value of the remaining property of the owner by reason of the construction or improvement contemplated or made by the City, shall be offset against the damage, if any, resulting to such remaining property of such owner by reason of such construction or improvement; provided, such enhancement in value shall not be offset against the value of the property taken, and provided further, that if such enhancement in value shall exceed the damage there shall be no recovery over against the owner for such excess.

Sec. 18.05. Unclaimed funds in condemnation cases.

Whenever any money shall have remained for five years in the custody or under the control of any of the courts enumerated in Section 18.02, in any condemnation proceeding instituted therein by the City, without any claim having been asserted thereto such court shall direct the same to be paid into the treasury of the City, and a proper receipt for the payment taken and filed among the records of the proceeding. The Director of Finance shall, in a book provided for the purpose, keep an account of all money thus paid into the City treasury, showing the amount thereof, when, by whom, and under what order it was paid, and the name of the court and, as far as practicable, a description of the suit or proceeding in which the order was made and, as far as known, the names of the parties entitled to said funds. Money thus paid into the treasury of the City shall be paid out on the order of the court having jurisdiction of the proceeding, to any person entitled thereto who had not asserted a claim therefor in the proceeding in which it was held, upon satisfactory proof that he/she is entitled to such money. If such claim is established the net amount thereof, after deducting costs and other proper charges, shall be paid to the claimant out of the treasury of the City on the warrant of the Director of Finance. No claim to such money shall be asserted after ten years from the time when such court obtained control thereof; provided, however, if the person having such claim was an infant, insane, or imprisoned at the time the claim might have been presented or asserted by such person, claim to such money may be asserted within five years after the removal of such disability. (Acts 1970, ch. 226, § 1; Acts 1998, ch. 711)

CHAPTER 19. RESERVED*

Editor's note—Chapter 19 was entitled "Municipal Courts" and consisted of Sections 19.01 through 19.22, all of which have been repealed as follows:

- (1) §§ 19.01--19.12 by Acts 1975, ch. 112, § 1.
- (2) § 19.13 by Acts 1970, ch. 226.
- (3) §§ 19.13.1--19.22 by Acts 1975, ch. 112, § 1.

CHAPTER 20. MISCELLANEOUS PROVISIONS

Sec. 20.01. School Board.

The School Board shall consist of nine trustees. One trustee shall be elected from each of the nine Council districts and shall be a qualified voter of that district.

The time of election and terms of members of the School Board shall be the same as the time of election and terms of the members of the Council.

Trustees shall take office July 1 following their election.

Except as provided in this Charter the School Board shall have all the powers and duties relating to the management and control of the public schools of the City provided by the general laws of the Commonwealth. None of the provisions of this Charter shall be interpreted to refer to or include the School Board unless the intention so to do is expressly stated or is clearly apparent from the context.

(Acts 1973, ch. 348, § 1; Acts 1976, ch. 633, § 1; Acts 1994, ch. 215, § 1; Acts 1995, ch. 165, § 1)

Editor's note—Pursuant to Code of Virginia, § 24.2-222.1 and Ordinance No.

2001-208-202, adopted June 25, 2001, the city council changed the election of council members to the first Tuesday in November beginning with November 2002 and every second year thereafter. **State Law References:** School board, Va. Const. art. VIII, § 7; Code of Virginia, § 22.1-28 et seq.

Secs. 20.02--20.05. Reserved.

Editor's note—Acts 1998, ch. 711 repealed §§ 20.02--20.05, which pertained to the Richmond Public Library Board, the transfer of books and papers, surety bonds, and rules and regulations to be filed, and which derived from Acts 1968, ch. 116; Acts 1978, ch. 78, § 1; Acts 1993, ch. 613, § 1; Acts 1995, ch. 165, § 1.

Sec. 20.06. Reserved.

Editor's note—Section 2 of Acts 1992, ch. 850, repealed former § 20.06, conflicts of interest, which derived from Acts 1948, ch. 116, and Acts 1950, ch. 251, § 1.

Secs. 20.07--20.09. Reserved.

Editor's note—Acts 1998, ch. 711 repealed §§ 20.07--20.09, which pertained to reprinting of Charter after amendment, officers to hold over until successors are appointed and qualified, and the ministerial officer for the Circuit Court, Division II, and which derived from Acts 1948, ch. 116, and Acts 1975, ch. 112, § 1.

Sec. 20.10. Courtrooms for courts of record and office space for constitutional officers.

It shall be the duty of the City to provide suitable courtrooms for the courts of record of the City and suitable offices for the City Treasurer and Attorney for the Commonwealth. (Acts 1978, ch. 78, § 1; Acts 1981, ch. 199, § 1; Acts 1998, ch. 711)

Sec. 20.11. Posting of bonds by City unnecessary.

Whenever the general law requires the posting of a bond, with or without surety, as a condition precedent to the exercise of any right, the City, without giving such bond, may exercise such right, provided all other conditions precedent are complied with, and no officer shall fail or refuse to act because the City has not filed or executed the bond that might otherwise be required, and the City shall be bound to the same extent that it would have been bound had the bond been given. This exemption from the requirement of posting a bond shall also apply in cases involving a City employee and to whom liability coverage has been granted by the City. (Acts 1993, ch. 613, § 1; Acts 1998, ch. 711)

Sec. 20.12. Code references.

All references in this Charter to the Code of Virginia are to such code as amended to May 1, 1947.

Editor's note—The references are now translated to the Code of Virginia, as amended through 1993.

Sec. 20.13. Severability.

If any provisions of this Charter or the applicability thereof to any person or circumstance is held invalid, the remainder of this Charter and the applicability thereof and of such provisions to other persons or circumstances shall not be affected thereby.

Sec. 20.14. Meaning of "at the effective date of this Charter."

As used in this Charter, the term "at the effective date of this Charter" shall be interpreted to refer to a period immediately preceding the

taking effect thereof.

Notes

CHAPTER 21. TRANSITIONAL PROVISIONS

Sec. 21.01. Acts repealed.

There are hereby repealed: The act of the General Assembly of Virginia, approved March 24, 1926, entitled "An Act to Provide a New Charter for the City of Richmond," constituting Chapter 318 of the Acts of the Assembly of 1926, and all acts amendatory thereof; Section 5931 of the Code of Virginia; Chapter 90 of the Acts of the Assembly of 1926; and all other acts and parts of acts in conflict with this Charter.

Editor's note—Section 5931 of the 1919 Code of Virginia was omitted from the 1950 Code of Virginia.

Sec. 21.02. Present ordinances, rules, etc., continued in effect.

All ordinances of the City and all rules, regulations and orders legally made by any department, board, commission or officer of the City, in force at the effective date of this Charter, insofar as they or any portion thereof are not inconsistent therewith, shall remain in force until amended or repealed in accordance with the provisions of this Charter.

Secs. 21.03–21.07. Reserved.

Editor's note—Sections 21.03--21.07 were repealed by Acts 1974, ch. 19.

Notes

Notes

Notes

Published by the:



Richmond City Council
The Voice of the People

Richmond, Virginia

Public Information Office