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HOUSE BILL NO. 331
Offered January 10, 2024
Prefiled January 5, 2024

A *BILL to amend and reenact § 2.01, §§ 2.02, 2.04, 2.05, 3.01, 3.04, 3.04.1, 4.01, 4.03, 4.06, 4.07, 4.09, 4.10, 4.13, 4.15, 4.16, 4.17, 5.01.1, 5.04, 5A.03, 5B.01, 6.01, 6.02, 6.05, 6.10, 6.12, 6.16, 6.19, 6.20, and 13.02, as severally amended, § 17.01, and §§ 17.20, 18.02, and 18.03, as severally amended, of Chapter 116 of the Acts of Assembly of 1948, which provided a charter for the City of Richmond; to amend Chapter 116 of the Acts of Assembly of 1948 by adding a section numbered 2.09; and to repeal §§ 2.06, 6.06, 6.07, 6.08, 6.15:3, 17.12, 7.15, 17.19, 17.21, 17.23, 17.24, 20.10, and 20.11 of Chapter 116 of the Act of Assembly of 1948, relating to city council, mayor, city powers.*

Patron—Jones

Referred to Committee on Counties, Cities and Towns

Be it enacted by the General Assembly of Virginia:

1. That § 2.01, §§ 2.02, 2.04, 2.05, 3.01, 3.04, 3.04.1, 4.01, 4.03, 4.06, 4.07, 4.09, 4.10, 4.13, 4.15, 4.16, 4.17, 5.01.1, 5.04, 5A.03, 5B.01, 6.01, 6.02, 6.05, 6.10, 6.12, 6.16, 6.19, 6.20, and 13.02, as severally amended, § 17.01, and §§ 17.20, 18.02, and 18.03, as severally amended, of Chapter 116 of the Acts of Assembly of 1948 are amended and reenacted and that Chapter 116 of the Acts of Assembly of 1948 is amended by adding a section numbered 2.09 as follows:

§ 2.01. General grant of powers.

The city shall have and may exercise all of the 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. ~~set forth in §§ 15.2-1100 through 15.2-1133 of the Code of Virginia as in force January 1, 2024, and as hereafter amended. Such powers are hereby conferred upon and vested in the city, for the conduct of city government and to promote the general welfare of the city and its residents. In addition thereto, the city shall have and may exercise all other powers that are now or may hereafter be conferred upon or delegated to independent cities under the Constitution or the laws of the Commonwealth, as fully and completely as though such powers were specifically enumerated in this charter, and no enumerations 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.~~

§ 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 the laws of the Commonwealth.~~

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

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

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

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

70 ~~(h) (d) To establish a system of pensions for injured, retired or superannuated city officers and employees,~~
 71 ~~members of the police and fire departments, teachers and other employees of the school board, judges, clerks,~~
 72 ~~deputy clerks, bailiffs and other employees of the municipal courts, and to establish a fund or funds for the~~
 73 ~~payment of such pensions by making appropriations out of the treasury of the city, by levying a special tax~~
 74 ~~for the benefit of such fund or funds, by requiring contributions payable from time to time from such officers~~
 75 ~~or employees, or by any combination of these methods or by any other method not prohibited by law,~~
 76 ~~provided that the total annual payments into such fund or funds shall be sufficient on sound actuarial~~
 77 ~~principles to provide for the pensions to be paid therefrom; and provided further, that the benefits accrued or~~
 78 ~~accruing to any person under such system shall not be subject to execution, levy, attachment, garnishment or~~
 79 ~~any other process whatsoever nor shall any assignment of such benefits be enforceable in any court.~~

80 ~~(i) (e) To provide for the control and management of the fiscal affairs of the city, and prescribe and~~
 81 ~~require the adoption and keeping of such books, records, accounts and systems of accounting by the~~
 82 ~~departments, boards, commissions, courts or other agencies of the city government provided for by this~~
 83 ~~charter or otherwise by law as may be necessary to give full and true accounts of the affairs, resources and~~
 84 ~~revenues of the city and the handling, use and disposal thereof.~~

85 § 2.04. Power to make regulations for the preservation of the safety, health, peace, good order, comfort,
 86 convenience, morals and welfare of the city and its inhabitants.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

181 regulations.

182 ~~(e) To prevent cruelty to and abuse of animals.~~

183 ~~(f) To regulate the sale of goods, wares or merchandise at auction; regulate the conduct of and prescribe~~
 184 ~~the number of pawnshops and dealers in secondhand goods, wares and merchandise; regulate or prohibit the~~
 185 ~~peddling or hawking of any article for sale on the streets of the city; prevent fraud or deceit in the sale of~~
 186 ~~goods, wares and merchandise; require the weighing, measuring, gauging and inspection of goods, wares and~~
 187 ~~merchandise offered for sale; require weights and measures to be sealed and subject to inspection; and~~
 188 ~~provide for the appointment of a sealer and one or more weightmasters who shall perform such duties and~~
 189 ~~functions as may be prescribed by ordinance.~~

190 § 2.05. Miscellaneous powers.

191 The city shall also have power:

192 (a) To establish, maintain and operate public employment bureaus, public markets and public baths.

193 ~~(b) To establish, maintain and operate, within and without the city, public hospitals, sanatoria,~~
 194 ~~convalescent homes, clinics and other public institutions; homes and facilities for the care of the sick, of~~
 195 ~~children, the aged and the destitute.~~

196 ~~(c) To provide care for the poor and have all the powers and duties conferred and imposed on cities by the~~
 197 ~~laws of the Commonwealth relating to public assistance.~~

198 ~~(d) To establish, own, maintain and operate, within and without the city, cemeteries for the interment of~~
 199 ~~the dead, fix the price at which graves and lots therein shall be sold, make contracts for their perpetual care~~
 200 ~~and establish the rates to be charged for the digging of graves, construction of vaults and other services.~~

201 ~~(e) To establish, maintain and operate, within or without the city, a jail for the confinement of prisoners,~~
 202 ~~ordered or sentenced to be confined therein, and a jail farm; and compel able-bodied prisoners confined in the~~
 203 ~~jail to work on such farm, with the approval of the Circuit Court of the City of Richmond. Any lockup~~
 204 ~~physically located within the City of Richmond, whether in the Safety, Health and Welfare Building of the~~
 205 ~~City of Richmond or elsewhere shall be deemed a part of and included within the city jail facility for the~~
 206 ~~purposes of supervision, administration, staffing and all other aspects germane to the operation of the city jail.~~

207 ~~(f) (c) To acquire in the manner provided in Chapter 18 of this charter, areas, properties, lands or any~~
 208 ~~estate or interest therein located within the city's old and historic districts ~~which~~ that, in the opinion of the~~
 209 ~~council, should be acquired, preserved and maintained for use, observation, education, pleasure and welfare~~
 210 ~~of the people, or to preserve the character of the old and historic district in which such property is located;~~
 211 ~~provide for their renovation, preservation, maintenance, management and control as places of old and historic~~
 212 ~~interest by the department of the city government or by a board, commission or agency specially established~~
 213 ~~by ordinance for the purpose; charge or authorize the charging of compensation for the use thereof or~~
 214 ~~admission thereto; lease or sell to a § 501(c)(3) organization, subject to such regulations as may be~~
 215 ~~established by ordinance, any such area, property, lands or estate or interest therein so acquired upon the~~
 216 ~~condition that the old and historic character of the area, property or lands shall be restored and preserved and~~
 217 ~~maintained; or to enter into contracts with any person, firm or corporation for the management, preservation,~~
 218 ~~maintenance or operation of any such area, property, lands or estate or interest therein so acquired as a place~~
 219 ~~of old and historic interest, provided, the city shall not use the right of condemnation under this paragraph~~
 220 ~~unless the historic value of such area, property, lands or estate or interest therein are about to be destroyed,~~
 221 ~~including destruction through lack of maintenance.~~

222 ~~(g) To establish and collect such fees, including a charge for expenses incurred in auditing reports,~~
 223 ~~accounts, and any records of organizations operating bingo games and raffles under the permissive provisions~~
 224 ~~of § 18.2-335 of the Code of Virginia and admitting to record the annual report of such organization, as may~~
 225 ~~be determined by the council to be reasonable for the rendering of special services.~~

226 § 2.09. Powers relating to housing and community development.

227 (a) *In addition to the powers granted by other sections of this charter and any other provision of the*
 228 *general laws of the Commonwealth, the city shall have the power:*

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

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

237 *(b) For purposes of this section, the phrase "low-income or moderate-income persons" shall have the*
 238 *same meaning as the phrase "persons and families of low and moderate income" as that phrase is used in the*
 239 *Virginia Housing Development Authority Act (§ 36-55.24 et seq. of the Code of Virginia) and shall be applied*
 240 *using the income guidelines issued by the Virginia Housing Development Authority for use in its single-family*
 241 *mortgage loan program.*

242 *(c) In addition to being able to exercise the above-mentioned powers with city funds, the city is authorized*

243 *to participate in any state or federal program related thereto and to use state, federal, or private funds in the*
 244 *exercise of such powers.*

245 *(d) The expenditure of any public funds as authorized in this section is hereby declared to be in*
 246 *furtherance of a public purpose.*

247 § 3.01. Election of councilmen; nomination of candidates.

248 A. At the time of the November general election in 2004, and every second year thereafter, there shall be
 249 held a general city election at which shall be elected by the qualified voters of the city one member of council
 250 from each of the nine election districts in the city, the voters residing in each such district to elect one
 251 member for said district for terms of two years from the first day of January following their election.
 252 However, beginning with the elections to be held in 2008, and subject to approval by referendum as called for
 253 by this act, council members shall be elected for a term of four years.

254 B. No primary election shall be held for the nomination of candidates for the office of ~~councilman~~ *council*
 255 *member*, and candidates shall be nominated only by petition.

256 C. Each council member elected in accordance with this section shall reside in the election district from
 257 which such member was elected throughout the member's term on the council.

258 § 3.04. Vacancies in office of ~~councilman~~ *council member* or mayor.

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

264 B. A vacancy in the office of mayor shall be filled by special election conducted according to the rules
 265 herein provided for the general election and held within 60 days, but no sooner than 30 days, from the date of
 266 the vacancy. Any runoff, should one be necessary, shall be held on the first Tuesday after the fifth day
 267 following the date that voting machines used in the special election may be unsealed pursuant to § 24.2-659
 268 of the Code of Virginia or the third Tuesday following the special election, whichever is later. However, if
 269 the date by which either the special election or possible runoff election for the office of mayor must be
 270 conducted should fall within 60 days prior to a primary election or general election, then the special or runoff
 271 election shall be held on the same day as the primary or general election, if allowed by general law, or, if not
 272 allowed by general law, then the special election shall be held on the first Tuesday after the fifth day
 273 following the date that voting machines used in the primary or general election may be unsealed pursuant to §
 274 24.2-659 of the Code of Virginia. Any runoff that may be necessary shall be held on the first Tuesday after
 275 the fifth day following the date that the voting machines used in the special election may be unsealed
 276 pursuant to § 24.2-659 of the Code of Virginia or the third Tuesday following the special election, whichever
 277 is later. The president of the council shall serve as acting mayor until a successor is elected.

278 C. The procedures and deadlines for voter registration, applying for an absentee ballot, and casting an
 279 absentee ballot for any runoff election as may be necessary after a special election for mayor shall be as
 280 provided in Chapters 4 (§ 24.2-400 et seq.), 4.1 (§ 24.2-451 et seq.), and 7 (§ 24.2-700 et seq.) of Title 24.2
 281 of the Code of Virginia for general elections.

282 § 3.04.1. Removal of council member or mayor and forfeiture of office.

283 A. In addition to being subject to the procedure set forth in § 24.2-233 of the Code of Virginia, any
 284 member of the council may be removed by the council for malfeasance in office or neglect of duty or for a
 285 failure to comply with the residency requirement set forth in § 3.01. The member shall be entitled to notice
 286 and hearing. It shall be the duty of the council, at the request of the person sought to be removed, to subpoena
 287 witnesses whose testimony would be pertinent to the matter in hand. From the decision of the council an
 288 appeal shall lie to the Circuit Court of the City of Richmond, Division I.

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

293 C. The mayor or any member of council who shall be convicted by a final judgment of any court from
 294 which no appeal has been taken or which has been affirmed by a court of last resort on a charge involving
 295 moral turpitude; or any felony; ~~or any misdemeanor involving possession of marijuana or any controlled~~
 296 ~~substances~~, shall forfeit his/her office.

297 § 4.01. Composition; compensation; appointment of members to office of profit.

298 The council shall consist of nine members elected as provided in Chapter 3. Compensation of members of
 299 council shall be fixed in accordance with ~~and within the limits prescribed in~~ general laws of the
 300 Commonwealth for pay and expenses of councils and mayors of cities of the Commonwealth *for the regular*
 301 *meetings of the council for which such members are engaged in the duties of the council. The council, by*
 302 *resolution, may also grant annually to its members additional compensation for standing committees or other*
 303 *meetings of the council for which such members are engaged in the duties of the council. The council may, by*

304 *resolution, fix annually an additional sum to be paid to the president and the vice-president of the council,*
305 *notwithstanding the maximum salary limits imposed by the general laws of the Commonwealth.* The members
306 of the council, subject to the approval of the council, may also be allowed their reasonable actual expenses
307 incurred in representing the city. No member of the council shall during the term of which he was elected and
308 one year thereafter be appointed to any office of profit under the government of the city.

309 § 4.03. President of the council.

310 ~~At the time of the council's January organizational meeting, the council shall elect from among its~~
311 ~~members a president of the council to preside at council meetings for a one-year term; however, beginning~~
312 ~~January 1, 2007, the~~ *The* president of *the* council shall serve a two-year term. Should a vacancy occur in the
313 office of mayor, the president of the council will become acting mayor until a successor is elected to fill out
314 the remainder of the unexpired term in accordance with § 3.04. An acting mayor shall have the same powers
315 and responsibilities as the elected mayor. In addition, notwithstanding the provisions of § 3.01.1, any acting
316 mayor shall retain his or her city council position, including the right to vote.

317 § 4.06. Rules of procedure.

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

326 *The council's rules of procedure are designed and adopted for the benefit and convenience of the council.*
327 *The purpose of such rules of procedure is to help the council conduct its affairs in a timely and efficient*
328 *manner. The rules of procedure incorporate the general principles of parliamentary procedure found in*
329 *Robert's Rules of Order and applicable laws of the Commonwealth. The rules of procedure do not create*
330 *substantive rights for third parties or participants in proceedings before the council. Further, the council*
331 *reserves the right to suspend or amend the rules of procedure whenever a majority of the council decides to*
332 *do so. The failure of the council to strictly comply with its rules of procedure shall not invalidate any action*
333 *of the council.*

334 § 4.07. Voting.

335 No ordinance, resolution, motion or vote shall be adopted by the council except at a meeting open to the
336 public and, except motions to adjourn, to fix the time and place of adjournment, and other motions of a purely
337 procedural nature, unless it shall have received the affirmative votes of at least five members. All voting
338 except on procedural motions shall be by roll call *or by electronic means* and the ayes and noes shall be
339 recorded in the journal.

340 § 4.09. Ordinances; form.

341 Every ordinance except the annual appropriation ordinances and an ordinance codifying ordinances shall
342 be confined to a single subject ~~which~~ *that* shall be clearly expressed in its title. ~~All ordinances shall be~~
343 ~~introduced in typewritten or printed form or a combination of both.~~ *Ordinances introduced to the council may*
344 *be made available by electronic means, provided that one or more printed copies of each ordinance shall be*
345 *furnished to the City Clerk for public inspection.* All ordinances ~~which~~ *that* repeal or amend existing
346 ordinances shall set forth in full the section or subsection to be repealed or amended and, if it is to be
347 amended, shall indicate matter to be omitted by enclosing the same in brackets, striking through the matter to
348 be omitted, or by both such brackets and striking through and indicating new matter by underscoring. When
349 ~~printed or~~ published prior to enactment, the same indications of omitted and new matter shall be used except
350 that ~~strikeout~~ type may be substituted for brackets and italics for underscoring. The enacting clause of all
351 ordinances shall be: "The City of Richmond hereby ordains." Unless another date is specified therein and
352 except as otherwise provided in this charter an ordinance shall take effect on the tenth day following its
353 passage.

354 § 4.10. Procedure for passing ordinances.

355 An ordinance may be introduced by any member or committee of the council or by the mayor at any
356 regular meeting of the council or at any special meeting. Upon introduction a time, not less than seven days
357 after such introduction, and place shall be set at which the council or a committee thereof will hold a public
358 hearing on such ordinance, provided that the council may reject any ordinance on first reading without a
359 hearing thereon by vote of six members. The hearing may be held separately or in connection with a regular
360 or special meeting of the council and may be adjourned from time to time. It shall be the duty of the city clerk
361 to cause to be printed in a newspaper published or in general circulation in the city, not later than the fifth day
362 before the public hearing on the proposed ordinance, a notice containing the time and place of the hearing and
363 the title of the proposed ordinance. It shall also be his/her duty, not later than the fifth day before the public
364 hearing, to cause its full text to be printed or otherwise reproduced, as the council may by resolution direct, in

365 sufficient numbers to supply copies to those who individually request them, or, if the council shall so order,
 366 to cause the same to be printed as a paid advertisement in a newspaper published or in general circulation in
 367 the city. It shall further be his/her duty to place a copy of the ordinance, *printed or in electronic format*, in a
 368 file provided each member of the council for this purpose. A proposed ordinance, unless it is an emergency
 369 ordinance, shall be finally passed at a meeting of the council following the introduction of the ordinance and
 370 after the conclusion of the public hearing thereon. If an ordinance, other than an emergency ordinance, is
 371 amended as to its substance, it shall not be passed until it shall be reprinted, reproduced or published as
 372 amended, and a hearing shall be set and advertised and all proceedings had as in the case of a newly
 373 introduced ordinance.

374 § 4.13. Record and publication of ordinances.

375 Every ordinance after passage shall be given a serial number and shall be retained by the clerk in a
 376 permanent file kept for that purpose and the clerk shall maintain a permanent card or similar index. Within
 377 one year after the first Tuesday in September 1948 there shall be prepared under the direction of the city
 378 attorney, who is hereby authorized to employ such assistance as he/she deems necessary for the purpose, a
 379 codification of all ordinances in force. Such codification shall be passed by the council as a single ordinance
 380 and without prior publication. Upon its passage it shall be published in bound or loose-leaf form, *or by*
 381 *electronic means*. This codification, to be known and cited officially as the city code, shall be furnished to
 382 city officers and shall be sold to the public at a price to be fixed by the council. A similar codification shall be
 383 prepared, passed, published and distributed, as above provided, at least every five years. It shall be the duty of
 384 the city clerk to cause all ordinances adopted to be printed as promptly as possible after their adoption in
 385 substantially the same style and format as the codification of ordinances and sold at such prices as the council
 386 may establish.

387 § 4.15. Removal of members of boards and commissions; forfeiture of office or employment for certain
 388 convictions.

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

394 B. Any officer, appointee of the council or employee of the city who shall be convicted by a final
 395 judgment of any court from which no appeal has been taken or ~~which that~~ has been affirmed by a court of last
 396 resort on a charge involving moral turpitude ~~or any felony or any misdemeanor involving possession of~~
 397 ~~marijuana or any controlled substances~~ shall forfeit his/her office or employment.

398 § 4.16. Powers of investigation.

399 (a) The council, or any committee of members of the council when authorized by the council, shall have
 400 power to make such investigations relating to the municipal affairs of the city as it may deem necessary, and
 401 shall have power to investigate any or all departments, boards, commissions, offices and agencies of the city
 402 government and any officer or employee of the city, concerning the performance of their duties and functions
 403 and use of property of the city. *The council shall have all investigative powers conferred upon governing*
 404 *bodies by the general laws of the Commonwealth, in addition to those enumerated in this charter.*

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

410 (c) The council, or any committee of members of the council when authorized by the council, the mayor,
 411 the chief administrative officer, the heads of departments, boards and commissions whose members are
 412 appointed by the council, the city auditor, and the inspector general, in an investigation held by any of them,
 413 may order the attendance of any person as a witness and the production by any person of all relevant books
 414 and papers. Any person, having been ordered to attend, or to produce such books and papers, who refuses or
 415 fails to obey such order, or who having attended, refuses or fails to answer any question relevant or pertinent
 416 to the matter under investigation shall be deemed guilty of a misdemeanor, and upon conviction shall be
 417 punished by a fine not exceeding \$100 or imprisonment in jail not exceeding 30 days, either or both. Every
 418 such person shall have the right of appeal to the Circuit Court of the City of Richmond, Division I. The
 419 investigating authority shall cause every person who violates the provisions of this section to be summoned
 420 before the general district court criminal division for trial. Witnesses shall be sworn by the person presiding
 421 at such investigation, and they shall be liable to prosecution or suit for damages for perjury for any false
 422 testimony given at such investigation.

423 § 4.17. City attorney.

424 The city attorney shall be the chief legal advisor of the council, the mayor, the chief administrative officer
 425 and all departments, boards, commissions and agencies of the city in all matters affecting the interests of the

426 city. The city attorney shall perform particular duties and functions as assigned by the council. The city
 427 attorney shall be appointed by the council, shall serve at its pleasure, and shall devote full time and attention
 428 to the representation of the city and the protection of its legal interests. The city attorney shall have the power
 429 to appoint and remove assistants or any other employees as shall be authorized by the council and to
 430 authorize any assistant or special counsel to perform any of the duties imposed upon ~~him~~ *the city attorney* in
 431 this charter or under general law. The city attorney may represent personally or through one of ~~his~~ *the city*
 432 *attorney's* assistants any number of city officials, departments, commissions, boards, or agencies that are
 433 parties to the same transaction or that are parties in the same civil or administrative proceeding and may
 434 represent multiple interests within the same department, commission, board, or agency. In matters where the
 435 city attorney determines that ~~he~~ *the city attorney* is unable to render legal services to the mayor, chief
 436 administrative officer, or city departments or agencies under the supervision of the chief administrative
 437 officer due to a conflict of interests, the mayor, after receiving notice of such conflict, may employ special
 438 counsel to render such legal services as may be necessary for such matter.

439 § 5.01.1. Chief administrative officer.

440 The mayor shall appoint a chief administrative officer, subject to the advice and consent of a majority of
 441 the members of city council, who shall be chosen solely on the basis of his/her executive and administrative
 442 qualifications, with special reference to his/her actual experience in or knowledge of accepted practice with
 443 respect to the duties of his/her office. At the time of his/her appointment, the chief administrative officer need
 444 not be a resident of the city or the Commonwealth but he/she shall reside within the city during his/her tenure
 445 in office. The chief administrative officer shall *be the head of the administrative departments and* serve at the
 446 pleasure of the mayor. The mayor shall set the salary of the chief administrative officer subject to the
 447 approval of a majority of the members of city council.

448 § 5.04. ~~Temporary transfer~~ *Transfer of personnel between departments.*

449 The chief administrative officer shall have power, whenever the interests of the city require, irrespective
 450 of any other provisions of this charter, to assign employees of any department, bureau, office or agency, the
 451 head of which is appointed by the chief administrative officer, to the ~~temporary~~ performance of duties in
 452 another department, bureau, office or agency.

453 § 5A.03. Personnel rules and regulations.

454 The council, upon receiving any recommendations submitted to it by the ~~mayor~~ *chief administrative*
 455 *officer*, shall establish a personnel system for the city administrative officials and employees. Such system
 456 shall be based on merit and professional ability and shall not discriminate on the basis of race, national origin,
 457 religion, sex, age, disabilities, political affiliation, ~~or~~ marital status, *color, pregnancy, childbirth or related*
 458 *medical conditions, including lactation, sexual orientation, gender identity, or military status.* The personnel
 459 system shall consist of rules and regulations ~~which~~ *that* provide for the general administration of personnel
 460 matters, a classification plan for employees, a uniform pay plan and a procedure for resolving grievances of
 461 employees as provided by general law for either local government or state government employees.

462 § 5B.01. Retirement system established.

463 The retirement system for the city employees hitherto established by ordinance shall continue in force and
 464 effect subject to the right of the council to amend or repeal the same as set forth in such ordinance. From and
 465 after July 1, 1978, the Board of Trustees of the Richmond Retirement System shall consist of seven members
 466 for terms of three years. Any vacancy shall be filled for the unexpired portion of the term. The mayor shall
 467 appoint two members; the council shall appoint five members, at least two of whom shall be ~~members of the~~
 468 ~~classified service~~ *employees of the city.* Such members of the Board of Trustees of the Richmond Retirement
 469 System shall have the responsibility of the supervision of the administration of the retirement plan *benefits*,
 470 the determination of eligibility for the receipt of retirement benefits, the award of retirement benefits as
 471 authorized by ordinance of the City of Richmond, and such other duties as have heretofore been exercised by
 472 the Board of Trustees of the Richmond Retirement System other than fiduciary responsibilities concerning
 473 the management, control and investment of the financial resources of the Richmond Retirement System. The
 474 council of the City of Richmond may appoint and employ a corporation, vested with fiduciary powers under
 475 either the laws of the United States or the Commonwealth of Virginia, to be responsible for the investment of
 476 the funds of the Richmond Retirement System, which funds shall include any securities ~~which~~ *that* may now
 477 or hereafter be part of the assets of such Richmond Retirement System. The director of finance shall be the
 478 disbursing officer for the payment of benefits awarded by the trustees of the Richmond Retirement System
 479 and as such shall perform such duties as may be required of the director of finance by ordinance but shall
 480 receive no additional compensation on account of such duties. ~~To administer the retirement plan, the council~~
 481 ~~may provide for an executive director to be appointed, supervised, and removed by the Board of Trustees of~~
 482 ~~the Richmond Retirement System and for employees to be appointed, supervised, and removed by the~~
 483 ~~executive director.~~

484 § 6.01. Fiscal and tax years.

485 The fiscal year of the city shall begin on July 1 and shall end on June 30 of the succeeding year. The tax
 486 year for taxes levied on ~~real estate~~, tangible personal property and machinery and tools shall begin on January

487 1 and end on December 31 following, and the tax year for all other taxes shall be fixed by the council by
 488 ordinance. The rate of taxes levied on real estate shall be fixed as authorized in § 58.1-3321 of the Code of
 489 Virginia. The rates of all other taxes and levies, except on new sources of tax revenues, shall be fixed before
 490 the beginning of the tax year.

491 § 6.02. Submission.

492 ~~On a day to be fixed by the council, but in no case earlier than the second Monday of February or later~~
 493 ~~than the seventh day of April in each year, the mayor shall submit to the council: (a) separate current expense~~
 494 ~~budgets for the general operation of the city government, for the public schools and for each utility as defined~~
 495 ~~in Chapter 13 of this charter; (b) a budget message; and (c) a capital budget. (a) By no later than May 1 of~~
 496 ~~each fiscal year and in the form as may be requested by the council, the mayor shall prepare and submit to~~
 497 ~~the council an annual budget for the ensuing fiscal year, based upon detailed estimates furnished by the~~
 498 ~~several departments and other divisions of the city government according to a classification determined~~
 499 ~~appropriate by the mayor and as nearly uniform as possible. The annual budget shall include the following:~~

500 (1) ~~An itemized statement of recommended appropriations, with comparative statements in parallel~~
 501 ~~columns showing estimates of the expenditures for the current fiscal year and the actual expenditures for the~~
 502 ~~next preceding fiscal year.~~

503 (2) ~~An itemized statement of the taxes to be levied and of the estimated revenues of the city from all other~~
 504 ~~sources for the ensuing fiscal year, with comparative statements in parallel columns of the taxes and other~~
 505 ~~revenues for the current and next preceding fiscal years, and of the increases or decreases estimated or~~
 506 ~~proposed.~~

507 (3) ~~A capital budget.~~

508 (4) ~~Such other information as may be required by the council.~~

509 (b) ~~The mayor shall make copies of the budget required by subsection (a) of this section available for~~
 510 ~~distribution in electronic format after its submission to the council and on the city's website. A public hearing~~
 511 ~~on the budget shall be held by the council before final action thereon.~~

512 § 6.05. Balanced budget required.

513 For any fund, the total of proposed expenditures shall not exceed the total of the estimated ~~income~~
 514 ~~revenues plus the carried-forward fund balance.~~

515 § 6.10. Action by council on budget generally.

516 After the conclusion of the public hearing, the council may insert new items of expenditure or may
 517 increase, decrease or strike out items of expenditure in the budget, except that no item of expenditure for debt
 518 service or required to be included by this charter or other provision of law shall be reduced or stricken out.
 519 The council shall not alter the estimates of ~~receipts revenue~~ contained in the said budget except to correct
 520 omissions or mathematical errors, and it shall not cause the total of expenditures as recommended by the
 521 mayor to be increased without a public hearing on such increase, which shall be held not less than five days
 522 after notice thereof has been printed in a newspaper published or in general circulation in the city. The
 523 council shall in no event adopt a budget in which the total of expenditures exceeds the ~~receipts revenue~~,
 524 estimated as provided in § 6.04, unless at the same time it adopts measures for providing additional revenue
 525 in the ensuing fiscal year sufficient to make up this difference.

526 § 6.12. Effective date of budget; certification and availability of copies thereof.

527 Upon final adoption, the budget shall be in effect for the ensuing fiscal year. A copy of such budget as
 528 finally adopted shall be certified by the city clerk. Copies of the budget, ~~capital program and appropriation~~
 529 ~~and revenue ordinances shall be public records and shall be made available to the public at suitable places in~~
 530 ~~the city for distribution in electronic format after its submission to the council and on the city's website.~~

531 § 6.16. Amendments after adoption.

532 (a) At any time within the fiscal year, upon the recommendation of the mayor and certification of the
 533 director of finance that there remain sufficient funds not theretofore allotted for a specific purpose, the
 534 council may, by not less than six affirmative votes, allot all or part of the funds appropriated to an account
 535 designated "Reserve for Contingencies" as authorized in § 15.2-2505 of the Code of Virginia for a designated
 536 program or project and authorize expenditure of the funds so allotted.

537 (b) If at any time during the fiscal year the mayor certifies that there are available for appropriation
 538 revenues in excess of those estimated in the budget, the city council may by not less than six affirmative
 539 votes, and only upon the recommendation of the mayor, make supplemental appropriations for the year up to
 540 the amount of such excess.

541 (c) If at any time during the fiscal year it appears probable to the mayor that the revenue or fund balances
 542 available will be insufficient to finance the expenditures for which appropriations have been authorized, the
 543 mayor shall report to the city council without delay, indicating the estimated amount of the deficit, any
 544 remedial action taken by the mayor and recommendations as to any other steps to be taken. The council shall
 545 then take such further action as it deems necessary to prevent or reduce any deficit, and for that purpose it
 546 may by ordinance reduce one or more appropriations.

547 (d) ~~At any time during the fiscal year, at the request of the mayor, the city council may by ordinance~~

548 adopted by not less than six affirmative votes transfer part of or all of the unencumbered appropriation
 549 balance from one department or major organizational unit to the appropriation for other departments or major
 550 organizational units.

551 (e) No appropriation for debt service may be reduced or transferred, and no appropriation may be reduced
 552 below any amount required by law to be appropriated or by more than the amount of the unencumbered
 553 balance thereof. The supplemental and emergency appropriations and reduction or transfer of appropriations
 554 authorized by this section may be made effective immediately upon adoption.

555 § 6.19. Capital budget.

556 At the same time he/she submits the current expense budgets, the mayor shall submit to the council a
 557 program which he/she shall previously have submitted to the city planning commission of proposed capital
 558 improvement projects for the ensuing fiscal year and for the four fiscal years thereafter, with his/her
 559 recommendations as to the means of financing the improvements proposed for the ensuing fiscal year. The
 560 council shall have power to accept with or without amendments or reject the proposed program and proposed
 561 means of financing for the ensuing fiscal year; and may from time to time during the fiscal year amend by
 562 ordinance adopted by at least six affirmative votes the program previously adopted by it or the means of
 563 financing the whole or any part thereof or both, provided that the amendment shall have been recommended
 564 by the mayor and shall have been submitted to the city planning commission for review and such additional
 565 funds as may be required to finance the cost of the improvements are available. The council shall adopt a
 566 capital budget prior to the beginning of the fiscal year in which the budget is to take effect. No appropriation
 567 provided for a capital improvement purpose defined in the capital budget shall lapse until the purpose for
 568 which the appropriation was made shall have been accomplished or abandoned, provided the council shall
 569 have the power to transfer at any time any appropriation or any unencumbered part thereof from one purpose
 570 to another on the recommendation of the mayor. The ~~mayor~~ *chief administrative officer or the designee*
 571 *thereof* may transfer the balance remaining to the credit of any completed project to an incompleting project
 572 for the purpose of completing such project, provided the projects have been approved in the adoption of a
 573 capital budget or budgets. If no such transfers are made, the balances remaining to the credit of completed or
 574 abandoned purposes and projects shall be available for appropriation and allocation in a subsequent capital
 575 budget or budgets. Any project shall be deemed to have been abandoned if three fiscal years elapse without
 576 any expenditure from or encumbrance of the funds provided therefor. The council shall have the power at any
 577 time to abandon or to reduce the scope of any project in a capital budget to the extent that funds appropriated
 578 therefor are unexpended and unencumbered.

579 § 6.20. Certification of funds, penalties for violation.

580 Except as otherwise provided in § 13.06 of this charter, no payment shall be made and no obligation
 581 incurred by or on behalf of the city or the school board except in accordance with an appropriation duly made
 582 and no payment shall be made from or obligation incurred against any allotment or appropriation unless the
 583 director of finance or his designee shall first certify that there is a sufficient unexpended and unencumbered
 584 balance in such allotment or appropriation to meet the same. Every expenditure or obligation authorized or
 585 incurred in violation of the provisions of this charter shall be void. Every payment made in violation of the
 586 provisions of this charter shall be deemed illegal and every official who shall knowingly authorize or make
 587 such payment or knowingly take part therein and every person who shall knowingly receive such payment or
 588 any part thereof shall be jointly and severally liable to the city for the full amount so paid or received. If any
 589 officer, member of a board or commission, or employee of the city or of the school board, shall knowingly
 590 incur any obligation or shall authorize or make any expenditure in violation of the provisions of this charter
 591 or knowingly take part therein such action may be cause for his/her removal. Nothing in this section
 592 contained, however, shall prevent the making of contracts of lease or for services providing for the payment
 593 of funds at a time beyond the fiscal year in which such contracts are made, provided the nature of such
 594 transactions will reasonably require, in the opinion of the council, the making of such contracts.

595 *No contract, agreement, or other obligation involving the expenditure of money shall be entered into nor*
 596 *shall any ordinance, resolution, or order for the expenditure of money be passed by the council or be*
 597 *authorized by any officer of the city, unless the director of finance shall first certify to the council or to the*
 598 *proper officer, as the case may be, that the money required for such contract, agreement, obligation or*
 599 *expenditure is in the city treasury to the credit of the fund from which it is to be drawn, and not appropriated*
 600 *for any other purpose, which certificate shall be filed and preserved. The sum so certified shall not thereafter*
 601 *be considered unencumbered, until the city is discharged from the contract, agreement or obligation.*

602 § 13.02. Functions.

603 The department of public utilities shall be responsible for: (a) the operation of the water, wastewater,
 604 stormwater, gas, and electric utilities of the city; ~~including street lighting~~; (b) the collection of all charges for
 605 the services of such utilities; and (c) such other powers and duties as may be assigned to the department by
 606 ordinance.

607 § 17.01. Power to adopt master plan.

608 In addition to the powers granted elsewhere in this charter the council shall have the power to adopt by

609 ordinance a master plan for the physical development of the city to promote health, safety, morals, comfort,
610 prosperity and general welfare. The master plan may include but shall not be limited to the following:

611 (a) The general location, character and extent of all streets, highways, super-highways, freeways, avenues,
612 boulevards, roads, lanes, alleys, walks, walkways, parks, parkways, squares, playfields, playgrounds,
613 recreational facilities, stadia, arenas, swimming pools, waterways, harbors, water fronts, landings, wharves,
614 docks, terminals, canals, airports and other public places or ways, and the removal, relocation, widening,
615 narrowing, vacating, abandonment, change of use or extension thereof.

616 (b) The general location, character and extent of all public buildings, schools and other public property
617 and of utilities whether publicly or privately owned, off-street parking facilities, and the removal, relocation,
618 vacating, abandonment, change of use, alteration or extension thereof.

619 (c) The general location, character and extent of slum clearance, housing and neighborhood rehabilitation
620 projects, including the demolition, repair or vacation of substandard, unsafe or unsanitary buildings.

621 (d) A general plan for the control and routing of railways, street car lines, bus lines and all other vehicular
622 traffic.

623 (e) The general location, character and extent of areas beyond the corporate limits of the city to be
624 annexed thereto.

625 (f) *For purposes of this chapter, the term "master plan" means "comprehensive plan" as that term is used*
626 *in Chapter 22 (§ 15.2-2200 et seq.) of Title 15.2 of the Code of Virginia.*

627 § 17.20. Powers of board of zoning appeals.

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

629 (a) ~~To hear and decide appeals where it is alleged there is error in any order, requirement, decision or~~
630 ~~determination by the administrative officer in the administration and enforcement of the provisions of the~~
631 ~~ordinance.~~

632 (b) ~~To grant variations in the regulations when a property owner can show that his/her property was~~
633 ~~acquired in good faith and where by reason of the exceptional narrowness, shallowness or shape of a specific~~
634 ~~piece of property at the time of the effective date of the ordinance or where by reason of the exceptional~~
635 ~~topographical conditions or other extraordinary or exceptional situation the strict application of the terms of~~
636 ~~the ordinance actually prohibit or unreasonably restrict the use of the property, or where the board is satisfied,~~
637 ~~upon the evidence heard by it, the granting of such variations will alleviate a clearly demonstrable hardship~~
638 ~~approaching confiscation as distinguished from a special privilege or convenience sought by the owner,~~
639 ~~provided, however, that all variations granted shall be in harmony with the intended spirit and purpose of this~~
640 ~~chapter and the ordinance.~~

641 (e) To permit, when reasonably necessary in the public interest, the use of land, or the construction or use
642 of buildings or structures, in any district in which they are prohibited by the ordinance, by any agency of the
643 city, county or Commonwealth or the United States, provided such construction or use shall adequately
644 safeguard the health, safety and welfare of the occupants of the adjoining and surrounding property, shall not
645 unreasonably impair an adequate supply of light and air to adjacent property, shall not increase congestion in
646 streets and shall not increase public danger from fire or otherwise affect public safety.

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

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

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

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

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

667 (5) Reconstruction of buildings or structures that do not conform to the comprehensive zoning plan and
668 regulations and restrictions prescribed for the district in which they are located, ~~which~~ that have been
669 damaged by explosion, fire, act of God or the public enemy, to the extent of more than ~~sixty per cent~~ 60

670 percent of their assessed taxable value, when the board finds some compelling public necessity for a
 671 continuance of the use and such continuance is not primarily to continue a monopoly, provided that nothing
 672 herein shall relieve the owner of any such building or structure from obtaining the approval of such
 673 reconstruction by the council or any department or officer of the city when such approval is required by any
 674 law or ordinance.

675 (e) (c) To modify the interpretation and application of the provisions of the ordinance where the street
 676 layout actually on the ground varies from the street layout as shown on the map fixing the districts and their
 677 boundaries adopted with and as a part of the ordinance.

678 § 18.02. Eminent domain.

679 The city is hereby authorized to acquire by condemnation proceedings lands, buildings, structures and
 680 personal property or any interest, right, easement or estate therein, of any person or corporation, whenever in
 681 the opinion of the council a public necessity exists therefor, which shall be expressed in the resolution or
 682 ordinance directing such acquisition, whether or not any corporation owning the same be authorized to
 683 exercise the power of eminent domain or whether or not such lands, buildings, structures or personal property
 684 or interest, right, easement or estate has already been devoted to a public use, and whenever the city cannot
 685 agree on terms of purchase or settlement with the owners of the subject of such acquisition because of
 686 incapacity of such owner, or because of the inability to agree on the compensation to be paid or other terms of
 687 settlement or purchase, or because the owner or some one of the owners is a nonresident of the
 688 Commonwealth and cannot with reasonable diligence be found in the Commonwealth or is unknown.

689 Such proceedings may be instituted in the Circuit Court of the City of Richmond, Divisions I or II, if the
 690 subject to be acquired is located within the city, or, if it is not located within the city, in the circuit court of
 691 the county in which it is located. If the subject is situated partly within the city and partly within any county
 692 the circuit court of such county shall have concurrent jurisdiction in such condemnation proceedings with the
 693 circuit court of the city. The judge or the court exercising such concurrent jurisdiction shall appoint five
 694 disinterested freeholders any or all of whom reside either in the county or city, any three of whom may act as
 695 commissioners, as provided by law.

696 In the exercise of its eminent domain authority, the city shall have all of the applicable powers and shall
 697 follow all of the applicable procedures and requirements set forth in § 1-219.1 and Chapter 19 (§ 15.2-1901
 698 et seq.) of Title 15.2 of the Code of Virginia and Title 25.1 (§ 25.1-100 et seq. of the Code of Virginia), which
 699 eminent domain powers are hereby conferred on and vested in the city. In addition thereto, the city shall have
 700 and may exercise all other eminent domain powers that are now or may hereafter be conferred upon or
 701 delegated to cities of the first class under the Constitution or laws of the Commonwealth, as fully and
 702 completely as though such powers were specifically enumerated in this charter and no enumerations of
 703 powers in this charter shall be held to be exclusive but shall be held to be in addition to this general grant of
 704 powers.

705 § 18.03. Alternative procedures in condemnation.

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

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

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

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

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

758 2. That §§ 2.06, 6.06, 6.07, 6.08, 6.15:3, 17.12, 7.15, 17.19, 17.21, 17.23, 17.24, 20.10, and 20.11 of
 759 Chapter 116 of the Acts of Assembly of 1948 are repealed.

INTRODUCED

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