

CHARTER

SECTION 1. CITY CONTINUED AS BODY CORPORATE; NAME; GENERAL POWERS, LIABILITY, ETC.

The inhabitants of the City of Winchester, within the boundaries as now established or as hereafter established in the manner provided by law, shall continue to be a body politic and corporate by the name of the City of Winchester for all purposes for which cities and towns are incorporated in this Commonwealth; shall continue to be a body politic in fact and in name, under the style and name of the City of Winchester, and as such shall have, exercise and enjoy all the rights, immunities, powers, and privileges, and be subject to all the duties and obligations incumbent upon and pertaining to said city as a municipal corporation; provided, that:

1. The said City of Winchester shall be and continue liable for all the existing indebtedness, whether funded or floating, outstanding in the name of the City; and
2. The said City of Winchester may sue in its corporate name on all bonds, notes, accounts or contracts payable to the City; and
3. The said City of Winchester shall have perpetual succession; and
4. The said City of Winchester may use a corporate seal; and
5. The said City of Winchester may sue and be sued; and
6. The said City of Winchester may acquire property within or without its boundaries for any municipal purpose, in fee simple or lesser interest or estate, by purchase, gift, devise, lease or condemnation; and

Editor's note—This Charter was amended in year 2011 in accordance with the provisions of Chapter 2 of Title 15.2 of the Code of Virginia 1950 as amended.

The original version of this City Charter was enacted in accordance with Section 1 of Chapter 39, 1932 Acts of the General Assembly (approved February 20, 1932), as amended. Amendments have been worked into their proper places and are indicated by history notes appearing in parentheses () at the end of the amended sections. The absence of such a note indicates that the section is derived, unamended, from Acts 1932, Chapter 39. Any words appearing in brackets [] were added by the editor for clarity.

Sections 2, 3 and 4 of Acts 1932, Chapter 39, read as follows:

"2. Nothing in this charter shall be construed as precluding the City of Winchester from hereafter adopting by the procedure set forth in the present Code of Virginia and any amendments thereto, one of the several plans of government now available for cities of the first class.

"3. If any of the provisions of this charter are hereafter declared to be unconstitutional by any court of competent jurisdiction, it shall not affect any of the other provisions of this charter.

"4. An emergency existing due to the transition of the City of Winchester from a city of the second class to a city of the first class, this charter shall be in effect from the date of its passage."

WINCHESTER CODE

7. The said City of Winchester may sell, lease, hold, manage and control such property as its interest may require; and

8. Except as prohibited by the Constitution of Virginia or restricted by this charter, the City of Winchester shall have all municipal powers, functions, rights, privileges and immunities of any name or nature whatsoever, and it now appearing that the City of Winchester, having a population in excess of 10,000, is, under the laws now existing in the Commonwealth of Virginia, a city of the first class, it shall enjoy all of the rights, privileges and immunities of a city of that class now authorized under the constitution and statutes of the Commonwealth of Virginia or that might hereafter be authorized by any amendment thereto. (Ord. No. 2011-23, 11-8-11) (Acts 2012, Ch. 350)

SECTION 1.01. ASSESSMENT AND COLLECTION OF LICENSES AND TAXES.

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

1. To levy and collect ad valorem taxes on real estate and tangible personal property and machinery and tools, and a capitation tax not exceeding one dollar per annum on each resident of the Commonwealth within the limits of the City;

2. To levy and collect taxes for admission to 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;

3. To levy on and collect taxes from purchasers of any public utility service used within the City, which taxes may be added to and collected with the bills rendered purchasers of such service;

4. 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

5. To require licenses of resident 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 license.

Nothing herein contained shall be construed as permitting the City to levy and collect directly or indirectly a tax on payrolls. (Acts 1954, Ch. 85, §1) (Ord. No. 2011-23, 11-8-11) (Acts 2012, Ch. 350)

SECTION 1.02. ACQUISITION OF PROPERTY FOR PUBLIC PURPOSES.

CHARTER

(a) *Eminent domain.* The City is hereby authorized to acquire within the City 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 therefore, which shall be expressed in the resolution or ordinance directing such acquisition, 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 corporation court of the City of Winchester. The court or the judge thereof, shall appoint five disinterested freeholders any three of whom may act as commissioners as provided by law.

Editor's note--The corporation court is now the circuit court.

(b) *Alternative Procedures in Condemnation.* The City may, in exercising the right of eminent domain conferred by subsection (a) make use of the procedure prescribed by the general law of the Commonwealth as modified by subsection (a) 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 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 city manager 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 tenants of the freehold be unknown or a nonresident of the State or cannot with reasonable diligence be found in the State, or if the residence of the owner or tenant be unknown, he 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

WINCHESTER CODE

a main entrance to the courthouse. The publication shall in all other respects conform to §§8-71, 8-72 and 8-76 (now 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 or the credit of the court in such proceedings and the filing of a certificate of deposit therefore, the interest or estate of the owner of such property shall terminate and the title 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 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 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 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 therefore, upon filing such agreement in writing in the clerk's office of such court the court or judge thereof in vacation 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 §25-12 (now 25-46.20) of the Code of Virginia or as provided for in subsection (a) hereof, and all proceedings thereafter shall be had as provided in §§25-12 through 25-38 (now 25-46.20, *et seq.*) or §§33-59 through 33-67 (now 33.1-98 - 33.1-113) 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

CHARTER

enhancement of the value of said property by said improvements in making their award.

(c) *Enhancement in value when considered.* In all cases under the provisions of subsection (b) hereof, 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.

(d) *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 subsection (a) hereof, in any condemnation proceeding instituted therein by the City, without any claim having been asserted thereto such court shall act in accordance with §§8-746 and 8-747 (now 8.01-602 and 8.01-603) of the Code of Virginia. (Acts 1954, Ch. 85, §1)

SECTION 1.03. POLICE AND WELFARE POWERS.

The City shall have power to exercise full police powers and to enact any ordinances and regulations to preserve and further the public peace, order, health, morality, safety, security and welfare of its inhabitants, provided such ordinances and regulations are not inconsistent with this charter or prohibited by the general laws of the Commonwealth. (Acts 1954, Ch. 85, §1)

SECTION 2. ENUMERATED POWERS NOT EXCLUSIVE; MANNER OF EXERCISING POWERS.

The enumeration of particular powers by this charter shall not be held or deemed to be exclusive, but, in addition to the powers enumerated therein, employed thereby, or appropriated to the exercise thereof, it is intended that the City of Winchester shall have, and may exercise, all powers which, under the Constitution of Virginia, it would be competent for this charter specifically to enumerate. All powers of the city, whether express or implied, shall be exercised in the manner prescribed by this charter, or, if not prescribed therein, then in the manner provided by ordinances or resolutions of the council.

WINCHESTER CODE

SECTION 3. ADMINISTRATION OF THE CITY; OFFICERS ENUMERATED.

The administration and government of said city shall be vested in a mayor and a board called the Common Council of Winchester, and such other boards and offices as are now, or hereafter may be provided for. Council may appoint: (1) a City Manager to whom shall be delegated the responsibility for administration of the City's affairs including management, appointment, and supervision of officers, directors, and department heads; (2) a City Attorney who shall be responsible for handling all legal matters on behalf of the City of Winchester; (3) a City Clerk who shall be responsible for creating and maintaining all official records of acts of Council; and (4) such other offices as prescribed by this Charter, general ordinances of the City of Winchester, and other applicable law. In addition to the foregoing, the offices of said corporation shall include a mayor, eight councilmen, and such other offices as are now provided by general ordinances of the City of Winchester and as hereafter may be provided for and elected by the Common Council.

(Ord. No. 2011-23, 11-8-11) (Acts 2012, Ch. 350)

SECTION 3.01. OFFICE OF VICE-MAYOR.

The common council may by ordinance create the office of vice-mayor who shall act in all official matters of the city in the absence of the mayor. The vice-mayor shall be a member of the common council and shall be elected by the common council for a term of one year. In the absence of the mayor the vice-mayor shall have, possess and exercise the same rights and powers and be subject to the same duties and limitations as are provided by law for the office of mayor; provided, however, that, in the event the office of mayor becomes vacant, the vice-mayor shall only act during the interim until a new mayor is elected in the manner provided by §23 of this charter. (Acts 1954, Ch. 85, §1)

SECTION 4. COMPOSITION, ELECTION, TERMS, ETC., OF COUNCIL.

Except as otherwise provided in this charter, all powers of the city shall be vested in a mayor and city council. The general elections held in the City in 2006 shall be held on the first Tuesday after the first Monday in November 2006, and every two years thereafter. Beginning in the 2006 general elections, there shall be four wards in the city with each ward electing two members from the territory of the ward in the manner provided in this section, and the mayor elected at-large. In the November 2006 general elections, four members shall be elected to the council, one from each of four wards described in Sections 7-2 and 7-3, 7-3A, and 7-3B of the Code of the City of Winchester. Each of the four city council members elected in 2006 shall be elected to a term of office of four years, and that term of office shall begin on the first day of January following their election. Thereafter, in the 2008 elections, four members shall be elected to the city council, one from each of the four wards described in Sections 7-2, 7-3, 7-3A, and 7-3B of the Code of the City of Winchester. The term of office of the members of the council

CHARTER

and the mayor shall be for a period of four years, with council positions staggered such that four members of the council shall be elected every two years beginning in 2006. Council members elected in the 2002 elections whose terms expire in 2006 shall serve until their successors in office have been elected in the November 2006 general elections and until their successors in office begin their term of office. Council members elected in the 2004 elections whose terms expire in 2008 shall serve until their successors in office have been elected in the November 2008 general elections and until their successors in office begin their term of office. If a vacancy occur in the council, it shall be filled in accordance with §23 of this charter. Members of the council shall be qualified electors of the city and shall not hold any other public office. A member of the council ceasing to possess any of the qualifications specified in this section, or convicted of a felony or of a misdemeanor involving moral turpitude while in office, shall immediately forfeit such office. The mayor, council members and all other officials elected by the vote of the people shall serve out the present term for which they have been elected as specified above, and no change (shall be) made in the compensation of salaried and fee officials during their present term of office. The mayor shall be a member of the council, with voting powers of a council member, but the mayor shall have no veto powers. (Ord. No. 035-2004, 8-10-04) (Acts 2005, Ch. 626)

SECTION 5. POWERS AND DUTIES OF COUNCIL; APPOINTMENT, POWERS, ETC., OF CITY MANAGER.

(a) Council shall have, possess and exercise the general management of the affairs of the city, and shall exercise and perform all the powers and duties now authorized or imposed by law or special act, in so far as they are not inconsistent with this charter.

(b) Council shall at its first meeting, or as soon thereafter as practicable, determine what appointive officers, in addition to any specifically provided for in this charter, are necessary for the proper and efficient administration of the city, and shall prescribe the qualifications, powers and duties of such officers and fix their compensation; and shall forthwith, or as soon as desirable, make appointments to fill such offices.

(c) Council shall have the right to elect or appoint the chiefs or heads of departments, and all such other officials and employees authorized by this charter or general law, and remove the same at its pleasure; except as to those officers provided for by the general law of Virginia, or by any special act, and shall have the right to abolish any office created by them. Council may, by a majority vote of all members elected to the council, abolish any board or boards and perform all of the duties now performed by them.

(d) Council is hereby empowered to employ a person, who may or may not be a resident or qualified voter of this city or this State, to be known as "city manager", and who shall, under the control of the council, have the general charge and

WINCHESTER CODE

management of the administrative affairs and work of the city and who shall perform such other duties as may be required of him. He shall receive such salary as shall be allowed him by such council. Council and its members shall deal with that portion of the administrative service for which the manager is responsible, solely through the manager, except for purposes of inquiry.

The city manager shall be appointed for such time as the council shall provide.

(e) Council is hereby empowered to employ a city attorney, and may employ or contract for the services of one or more assistants to the city attorney. Each such person shall be an attorney at law licensed to practice under the laws of the Commonwealth. The city attorney shall be the legal adviser of the council, the city manager, the departments, boards, commissions, and agencies of the city, including the school board, in all matters affecting the interest of the city, and shall perform such other duties as may be required of him by the council. He shall be authorized to represent the city in all legal proceedings, including the prosecution of violations of city ordinances. The city attorney may authorize any assistant city attorney or special counsel to perform any of the duties imposed upon him in this charter. (Ord. No. 041-87, 12-08-87)

SECTION 5.01 ANNUAL BUDGET.

(A) Fiscal year. The fiscal year of the city shall begin on the first day of July and shall end on the last day of June of each calendar year. Such fiscal year shall also constitute the budget and accounting year.

State Law References: Fiscal year, Code of Virginia, §§ 15.2-2500, 15.2-2503.

(B) Submission. The City Manager shall submit to the council a budget and a budget message at least sixty (60) days prior to the beginning of each budget year.

(C) Preparation. It shall be the duty of the head of each department, the judges of the courts not of record, each board or commission, including the school board, and each other office or agency supported in whole or in part by the city, to file at such time as the City Manager may prescribe estimates of revenue and expenditure for that department, court, board, commission, office or agency for the ensuing [ensuing] fiscal year. The City Manager shall hold such hearings as he may deem advisable and shall review the estimates and other data pertinent to the preparation of the budget and make such revisions in such estimates as he 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 may recommend a revision only in its total estimated expenditure. The budget shall be prepared in accordance with accepted principles of municipal accounting and budgetary procedures and techniques.

CHARTER

(D) Budget to be balanced. In no event shall the expenditures recommended by the City Manager in the budget exceed the receipts estimated, taking into account the estimated cash surplus or deficit at the end of the current fiscal year, unless the City Manager shall recommend an increase in the rate of ad valorem taxes on real estate and tangible personal property or other new or increased taxes or licenses within the power of the city to levy and collect in the ensuing [ensuing] fiscal year, the receipts from which estimated on the basis of the average experience with the same or similar taxes during the three (3) tax years last past will make up the difference. If estimated receipts exceed estimated expenditures, the City Manager may recommend revisions in the tax and license ordinances of the city in order to bring the budget into balance.

(E) Message. The budget message shall contain the recommendations of the City Manager concerning the fiscal policy of the city, a description of the important features of the budget and an explanation of all significant changes in the budget as to estimated receipts and recommended expenditures as compared with the current and last preceding fiscal years.

(F) Appropriation and additional tax ordinances. At the same time that he submits the budget, the City Manager shall introduce and recommend to the council an appropriation ordinance which shall be based on the budget. He shall also introduce at the same time any ordinances levying a new tax or altering the rate on any existing tax necessary to balance the budget as provided in section 5.04 of this Charter. In levying taxes, the council may provide that any tax so levied shall continue from year to year unless otherwise changed by the council.

State law references: Borrowing of money, appropriations over \$500.00 or imposition of taxes requires vote of majority of members elected, Va. Const., Art. VII, §7.

(G) Public hearing. The council shall hold a public hearing on the budget as submitted, at which all interested persons shall be given an opportunity to be heard. The council shall cause to be published a notice of the time and place of the hearing not less than seven (7) days prior to the date of the hearing. One copy of the budget and budget message shall always be available for public inspection in the office of the city clerk during regular business hours.

(H) Adoption. After the public hearing, the council may make such changes in the budget as it may determine, except that no item of expenditure for debt service shall be reduced or omitted. The budget shall be adopted by the vote of at least a majority of all members of the council not later than the end of the current fiscal year. Should the council take no action prior to such day, the budget shall be deemed to have been finally adopted as submitted. In no event shall the council adopt a budget in which the estimated total of expenditures exceeds receipts, unless at the same time it adopts measures to provide additional revenue estimated to be sufficient to make up the difference.

(I) Additional appropriations. Appropriations in addition to those contained in the general appropriation ordinance may be made by the council only if there is available in

WINCHESTER CODE

the general fund an unencumbered and unappropriated sum sufficient to meet such appropriations.

(J) Lapse of appropriations. All appropriations shall lapse at the end of the budget year to the extent that they shall not have been expended or lawfully obligated or encumbered.

(Ord. No. 028-2004) (Acts 2005, Ch. 626) (Ord. No. 2007-42) (Acts 2008, Ch. 0307)

SECTION 6. GENERAL POWERS AND DUTIES OF MAYOR.

The mayor shall have, possess and exercise the same rights and powers given him by general law or by special act, except in so far as the same may be amended or modified by the provision of this charter, and in addition thereto, he shall sit as a member of the city council, with the right to vote as such, but the mayor shall not be clothed with any veto authority.

SECTION 7. INVESTIGATIONS BY COUNCIL OR MANAGER.

The council, or the city manager, if so authorized by the council, shall have the right to make such investigations relating to municipal affairs as it may deem necessary, and shall have the power to summon and enforce attending of witnesses, et cetera.

SECTION 8. CHANGE OF CHARTER.

This charter may be changed by a special act of the general assembly of Virginia, by the presentation to the general assembly of an ordinance, regularly passed by the city council by the vote of at least three-fourths of the members elected to the council. (Ord. No. 2011-23, 11-8-11) (Acts 2012, Ch. 350)

SECTION 9. UTILITIES.

The City shall have the power to furnish all local public service; to purchase, hire, construct, maintain and operate or lease public utilities; to acquire by condemnation or otherwise, within or without the city limits, land and property necessary for such purposes; provided, that the power of condemnation shall not extend to the properties of existing public utilities. And the City shall have full and complete powers to operate any such public utility so acquired so as to enjoy for its citizens fully and completely all benefits to be derived therefrom.

SECTION 10. QUARRIES.

CHARTER

The City shall have authority, through its council or other governing body, to acquire and own land suitable for stone quarries, or the quarry rights in such lands; to take stone therefrom and to manufacture the same into crushed stone for its own use, and shall have further authority to furnish said stone, mix the same with approved material for laying pavements in the City of Winchester, on its own account.

SECTION 11. TRANSFER OF APPROPRIATIONS.

Upon the written recommendation of the city manager, the council may at any time transfer any portion of an unexpended balance of any appropriation to any other purpose or object.

SECTION 12. CITY PLANNING AND ZONING.

The City shall have full and complete powers to pass any ordinances not in conflict with the State laws for planning and zoning the City for any purpose deemed advisable by the city council, as completely as if all such purposes are fully set forth specifically herein.

SECTION 13. FLOATING INDEBTEDNESS.

The city council is authorized to borrow, during each calendar year, to be repaid during said calendar year, not exceeding fifty per centum of the anticipated general revenue for that calendar year for which said borrowing is made. And in this connection, it shall execute its note or notes, payable within the calendar year, signed by the mayor, the president of the city council and the city treasurer.

SECTION 14. ADVISORY COMMITTEE.

The council or the city manager, when so authorized by the council, may appoint a board or committee of citizens to act in an advisory capacity, to act in connection with any municipal activity.

SECTION 14.01. APPOINTMENT AND TERM OF SCHOOL BOARD MEMBERS.

(A) The School Board of the City of Winchester shall consist of nine members, who shall be appointed by the Common Council to serve four-year terms. One member shall be appointed for each of the four districts (wards) in the City, and five members shall be appointed at-large; provided, however, no more than three (3) members shall be residents of the same district. Notwithstanding the residency requirement of this provision, any school board member in office on July 1, 2007, who is otherwise eligible for reappointment, shall be eligible for reappointment upon expiration of his or her term in order to facilitate the transition to the four district or ward system initiated in 2005.

WINCHESTER CODE

(b) At the vacancy of the terms of the current school board members in office on July 1, 2007, any new term shall be filled consistent with the provisions of this section.

(c) In the event any vacancy occurs on the School Board, Council shall fill the vacancy for the unexpired term.

(d) The School Board shall be a continuing body and no measure pending before the School Board shall abate or be discontinued by reason of the change in terms or membership of the School Board members as provided herein.

(Ord. No. 026-2003, 7-8-03) (Acts 2004, Ch. 31) (Ord. No. 039-2006, 11-14-06) (Acts 2007, Ch. 936) (Ord. No. 2007-36, 10-9-07) (Acts 2008, Ch. 0006) (Ord. No. 2011-23, 11-08-11) (Acts 2012, Ch. 350)

SECTION 15. BUYING FROM COUNCIL MEMBERS.

Neither the City nor any of its departments shall make any purchases from a city council member unless as a result of competitive sealed bidding where the City Council has established a need for the same or substantially similar goods/services through purchases prior to the election of the council member. However, the council member shall have no involvement in the preparation of the specifications for such contract, and the remaining members of the City Council, by written resolution, shall state that it is in the public interest for the council member to bid on such contract.

(Ord. No. 029-2004, 08-10-04) (Acts 2005, CH. 626)

SECTION 16. REGULATION OF TRAFFIC, TAXICABS, ETC.

The council shall have full and complete powers to prescribe ordinances for traffic regulations upon the streets and alleys of the City and it shall have full authority by ordinance to require all public conveyances, cabs, buses and trucks, operated by motor or other power, within the City or in and out of the City, to provide terminals at such points as shall meet with the approval of the council and to provide all reasonable regulations governing the same and to pass all regulations deemed necessary and expedient by the city council for the general welfare of the City and its citizens.

CHARTER

SECTION 17. COUNCIL POWERS RELATIVE TO STREETS AND SIDEWALKS.

(a) The council may establish, open, widen, extend, grade, improve, construct, maintain, alter or close public highways and streets and regulate the use thereof. No property within the corporate limits of the City or within three miles of the limits, as now or hereafter established, shall be laid out with streets or alleys thereon, except upon a plan or plat to be submitted to the city manager and approved by the council; provided, however, that any such plans affecting territory more than two miles beyond such corporate limits must be approved by the governing body of the county in which the same is located. Said plat or plan shall, if so approved by the council, be recorded in the clerk's office of the corporation court of the City within sixty days after approval. The council may, after said approval, require the owner to lay out and establish proper building lines on the platted land and to show on the plat that all conveyances of lots shown on the plat are to be made with reference to such building lines, for the benefit of the respective lot owners of the City. The City shall not be liable for any accidents or damages which may occur or be sustained upon any such street, alley, boulevard or way, heretofore or hereafter laid out, until the same has been finally accepted by the council by proper ordinance.

(b) The council shall have the power to cause the footways or sidewalks upon the existing streets of the City to be paved, repaved and repaired, at the expense of the abutting owners or occupiers of the lots or parts of lots; provided the assessment so imposed shall not be in excess of the peculiar benefits resulting therefrom to such abutting landowners; and in case they or either of them shall neglect or refuse to pave, repave or repair the sidewalks when required, it shall be lawful for the council to have the same paved, repaved or repaired, and to recover the expense thereof before the trial justice or the corporation court, and in all cases where a tenant is required to pave in front of the property in his or her occupation, the expense of the paving so done shall be a good offset against so much of the rent as he or she shall have paid toward such paving, but no tenant shall be required to pay more for or on account of such paving than such tenant may owe at the time of the commencement of said work, or as may become due to the end of his or her tenancy, provided that no owner, or occupier of a lot or lots in front of which paving is laid shall be required to repave or repair said footways or sidewalks, in whole or in part, at his own expense oftener than once in five years. (Acts 1954, Ch. 85, §1; Acts 1958, Ch. 137, §1)

Editor's note--The corporation court is now the circuit court. The reference to "trial justice" should now read "general district court".

WINCHESTER CODE

SECTION 18. CERTIFICATES OF DEBT AND CERTIFICATES OF DEBT AND BONDS GENERALLY.

(a) The Council may, in the name and for the use of the City, cause to be issued certificates of debt or bonds for any purpose or project set forth in the Public Finance Act (§15.2-2600 *et seq.*) of the Code of Virginia, and in compliance with the provisions thereof. All bonds issued pursuant to this section shall be signed by the president of the council and the treasurer of the City and the seal of the City shall be affixed and attested by the clerk of council. Said bonds shall be sold in the manner provided for in the Public Finance Act and the proceeds used for purposes for which issued, under the direction of the council. Every such bond or other obligation issued by the council hereunder shall state on its face for what purpose or purposes it is issued, and the proceeds shall be applied exclusively to the purpose or purposes for which the same are issued. In the issuance of bonds and other interest-bearing obligations, the City shall be subject to the limitations as to amount and the manner of ascertaining such amount limitations as provided in the applicable provisions of Article VII, §10 of the Constitution of the Commonwealth of Virginia of 1971. (Acts 1954, Ch. 85, §1; Acts 1968, Ch. 54, §1.) (Ord. No. 2011-23, 11-8-11) (Acts 2012, Ch. 350)

(b) Council may provide, by resolution adopted upon the affirmative vote of at least three-fourths of the elected members of council, for the submission of the question of the issuance of any such debt to the vote of the qualified voters of the City. The vote of council on a resolution providing for such referendum shall be held, if at all, prior to the adoption by council of the ordinance providing for the issuance of such debt, and no such resolution shall be considered after the adoption of such ordinance. At such election the ordinance of council providing for the issuance of such debt shall be submitted to such voters at an election for such purpose to be called, held and conducted in accordance with the general laws of the Commonwealth. If approved by the voters, the issuance of such debt shall be done in accordance with subsection (a) of this section. (Ord. No. 050-88, 12-13-88.) (Ord. No. 2011-23, 11-8-11) (Acts 2012, Ch. 350)

Editor's note--Go to bond issues pursuant to the Public Finance Act, see Code of Virginia, §15.1-175, *et seq.*

SECTION 19. REFUNDING BONDS.

The council shall have authority to issue bonds for the purpose of refunding any bonds of the City pursuant to and in compliance with Article 4 of the Public Finance Act, Title 15.1, Chapter 5, §15.1-192, *et seq.* of the Code of Virginia, as amended from time to time. (Ord. No. 050-88, 12-13-88.)

SECTION 20. WORKING PRISONERS.

CHARTER

Subject to the general laws of the State regulating the working of those convicted of offenses against the State, the council shall have the power to provide by ordinance for the employment or the working, either within or without the City limits, or within or without any city prison or jail, of all persons sentenced to confinement in said prison or jail for the violation of the laws of the State of Virginia, or the ordinances of the City of Winchester.

SECTION 21. PENSION FUNDS.

The council of said city shall have authority to establish a fund or funds for the relief or pensions of persons in the service of said city; to receive gifts, devises and bequests of money or property for the benefit of such fund or funds; to make contributions of public monies thereto on such terms and conditions as it may see fit; and to make rules and regulations for the management, investment and administration of such fund or funds.

SECTION 22. REPEALED. (Acts 1975, Ch. 4 §1) (Ord. No. 2011-23, 11-8-11) (Acts 2012, Ch. 350)

SECTION 23. VACANCIES IN COUNCIL.

Vacancies in the council shall be filled within thirty days from (for) the unexpired term, by a majority vote of the remaining members; provided, however, that if the term of office to be filled does not expire for two years or more after the next regular election following such vacancy and such vacancy occurs in time to permit it, a qualified person shall be elected by the qualified voters of the ward in which the vacancy occurs and shall from and after the date of his qualification succeed such appointee and serve the unexpired term.

State Law Reference -- Court appointments to fill vacancies, Code of Virginia, §24.1-76.

SECTION 24. REPEALED. (Acts 1940, Ch. 405; Acts 1942, Ch. 474; Acts 1954, Ch. 85, §1) (Ord. No. 2011-23, 11-8-11) (Acts 2012, Ch. 350)

SECTION 25. REPEALED. (Ord. No. 2011-23, 11-8-11) (Acts 2012. Ch. 350)

SECTION 26. CONTINUATION OF ORDINANCES AND STATE ACTS; APPLICABILITY OF GENERAL LAWS RELATING TO FIRST CLASS CITIES.

WINCHESTER CODE

All ordinances of the City of Winchester and all acts of the general assembly applicable to cities of the first class and not inconsistent with this charter shall remain in full force and virtue and all general laws applicable to cities of the first class and not inconsistent with any of the provisions of this charter or of any ordinances of the City shall be applicable to the City of Winchester, and all general laws of the State of Virginia applicable to cities of the first class shall apply to the City of Winchester as if fully set forth in this charter, except where the same may be inconsistent with the specific provisions of this charter.