

## PART I CHARTER\*

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### CHAPTER 1. INCORPORATION AND BOUNDARIES

#### **Sec. 1.01      Incorporation.**

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

#### **Section 1.02.    Boundaries.**

The boundaries of the city shall be the boundaries of the Town of Covington, its predecessor, as described in section 1 of Chapter 467 of the Acts of the General Assembly of 1901-02, approved April 2, 1902, as modified and enlarged by the decree of the Circuit Court of Alleghany County, entered on October 1, 1951, in the annexation proceedings styled Town of Covington v. County of Alleghany, Virginia, which decree is recorded in the clerk's office of the Circuit Court of Alleghany County, Virginia, in Common Law Order Book 17 at page 491 et seq.; and as modified and enlarged by the decree of the Circuit Court of Alleghany County, entered January 4, 1991, in the proceeding styled, "In the matter of the Petition by the City of Covington, Virginia, and the County of Alleghany, Virginia, to change or relocate the boundary line between the City and the County pursuant to Sections 15.1-1031.1 through 15.1-1031.3 of the Code of Virginia, 1950 as amended," which decree is recorded in the clerk's office of the Circuit Court for Alleghany County, Virginia, in Common Law Order Book 27 at page 495 et seq., and which decree was corrected by a decree entered by said court on December 8, 1995, recorded in the clerk's office of the Circuit Court for Alleghany County, Virginia, in Common Law Order Book 32 at page 485 et seq. (Acts of 1998, Ch. 139)

### CHAPTER 2. POWERS

#### **Sec. 2.01.      General grant of powers.**

The city shall have and may exercise all powers which are now or may hereafter be conferred upon or delegated to cities under the constitution and laws of the commonwealth and all other powers pertinent to the conduct of a city government the exercise of which is not expressly prohibited by the said constitution and laws and which in the opinion of the council are

necessary or desirable to promote the general welfare of the city and the safety, health, peace, good order, comfort, convenience and morals of its inhabitants, as fully and completely as though such powers were specifically enumerated in this charter, and no enumeration of particular powers in this charter shall be held to be exclusive but shall be held to be in addition to this general grant of powers.

**Section 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 establish, impose, and enforce water and sewerage rates and rates and charges for garbage and refuse collection and disposal, or other services, products or conveniences, operated, rendered, or furnished by the city; 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 license and prohibit the use of streets, alleys and other public places in the city without such license.
- (b) To borrow money for the purposes and in the manner provided by chapter 5 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 authorized by this charter and not prohibited by the laws of the commonwealth.
- (d) To appropriate, without being bound by other provisions of this charter, not more than one hundred thousand dollars in any one fiscal year for the purpose of meeting a public emergency threatening the lives, health or property of the inhabitants of the city, provided that any such appropriation shall require at least four affirmative votes in the council and that the ordinance making such appropriation shall contain a clear statement of the nature and extent of the emergency.
- (e) To accept or refuse gifts, donations, bequests or grants from any source for any purposes related to the powers and duties of the city government.
- (f) To provide, or aid in the support of, public libraries and public schools.
- (g) To grant financial aid to military units organized in the city in accordance with the laws of the commonwealth, and to charitable or benevolent institutions and corporations, including those established for scientific, literary or musical

purposes or the encouragement of agriculture and the mechanical arts, whose functions further the public purposes of the city.

- (h) To establish a system of pensions for injured, retired or superannuated city officers and employees, members of the police and fire departments, teachers and other employees of the school board, judges, clerks, deputy clerks, and to establish a fund or funds for the payment of such pensions by making appropriations out of the treasury of the city, by levying a special tax for the benefit of such fund or funds, by requiring contributions payable from time to time from such officers or employees, or by an combination of these methods or by any other method not prohibited by law, provided that the total annual payments into such fund or funds shall be sufficient on sound actuarial principles to provide for the pensions to be paid therefrom, and provided further that the benefits accrued or accruing to any person under such system shall not be subject to execution, levy, attachment, garnishment or any other process whatsoever nor shall any assignment of such benefits be enforceable in any court.
- (i) To provide for the control and management of the fiscal affairs of the city, and prescribe and require the adoption and keeping of such books, records, accounts and systems of accounting by the departments, boards, commissions, courts or other agencies of the city government provided for by this charter or otherwise by law as may be necessary to give full and true accounts of the affairs, resources and revenues of the city and the handling, use and disposal thereof.

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

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

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

assessment for the construction of a sewer, culvert or drain, the city may assess and collect an annual sewer tax as compensation for the use thereof, and may provide for the commutation thereof upon such terms and conditions as the council may provide by ordinance, but such assessment shall not be in excess of the peculiar benefit resulting therefrom to such abutting landowners; and provided further, that the city may acquire by condemnation or otherwise any interest or right of any owner of abutting property in the use of any sewer, culvert or drain, and thereafter charge such landowner for the use of such sewer, culvert or drain. The city may order such improvements to be made and the cost thereof apportioned in pursuance of an agreement between the city and the abutting landowners. In the absence of such an agreement the improvements may be ordered on a petition from not less than three-fourths of the landowners to be affected thereby or by four affirmative votes of the council.

- (f) To construct, maintain and equip all buildings and other structures necessary or useful in carrying out the powers and duties of the city.
- (g) To sell, lease or dispose of, except as otherwise provided in this charter and in the constitution and laws of the commonwealth, land, buildings and other property of the city, real and personal.
- (h) To control and regulate the use and management of all property of the city, real and personal.
- (i) To acquire, construct and maintain or authorize the construction and maintenance of bridges, viaducts, subways or underpasses over or under the Jackson River or any other stream, creek or ravine when any portion of such bridge, viaduct, subway or underpass is within the city limits, and to charge or authorize the charging of tolls for their use by the public, and to require compensation for their use by public utility, transmission or transportation companies, except as the right to require such compensation is affected by any contract heretofore or hereafter made with the company concerned.
- (j) To authorize by ordinance, in accordance with the constitution and laws of the commonwealth, the use of the streets for the laying down of street railway tracks and the operation of street railways therein under such conditions and regulations as may be prescribed by such ordinance or by any future ordinance, or to acquire by agreement or condemnation any such street railway and maintain and operate the same.
- (k) To acquire, construct, own, maintain and operate, within the city, places for the parking or storage of vehicles by the public, which shall include but shall not be limited to parking lots, garages, buildings and other land, structures, equipment and facilities, when in the opinion of the council they are necessary to relieve congestion in the use of streets and to reduce hazards incident to such use; provide for their management and control by a department of the city government or by a board, commission or agency specially established by ordinance for the purpose; authorize or permit others to use, operate or maintain such places or any portions thereof, pursuant to lease or agreement, upon such terms and conditions as the council may determine by ordinance; and charge or authorize the charging of compensation for the parking or storage of vehicles or other services at or in such places.
- (l) To acquire, construct, own, maintain and operate, within and without the city, airports and all the appurtenances thereof; provide for their management and control by a department of the city government or by a board, commission or

agency specially established by ordinance for the purposes; charge or authorize the charging of compensation for the use of any such airport or any of its appurtenances; lease any appurtenance of any such airport or concession incidental thereto or in the discretion of the council, lease any such airport and its appurtenances with the right to all concessions thereon to, or to enter into a contract for the management and operation of the same with, any person, firm or corporation on such terms and conditions as the council may determine by ordinance.

- (m) To acquire, construct, own, maintain and operate within the city, stadia, arenas, swimming pools and other sport facilities; provide for their management and control by a department of the city government or by a board, commission or agency specially established by ordinance for the purpose; charge or authorize the charging of compensation for the use of or admission to such stadia, arenas, swimming pools and other sport facilities, including charges for any services incidental thereto; lease, subject to such regulations as may be established by ordinance, any such stadium, arena, swimming pool or other sport facility or any concession incidental thereto, or enter into a contract with any person firm or corporation for the management and operation of any such stadium, arena, swimming pool or other sport facility, including the right to all concessions incident to the subject of such contract, on such terms and conditions as the council may determine by ordinance.
- (n) To acquire, construct, own, maintain and operate, within and without the city, waterworks, sewerage disposal works, gas plants and electric plants, with the pipe and transmission lines incident thereto, to be managed and controlled as provided by an ordinance for the purpose of supplying water, gas and electricity and disposing of sewage within and without the city, and to charge and collect compensation therefore, and to provide penalties for the unauthorized use thereof.

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

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

- (a) To provide for the prevention of vice, immorality, vagrancy and drunkenness; prevention and quelling of riots, disturbances and disorderly assemblages; suppression of houses of ill-fame and gambling places; prevention of lewd and disorderly conduct or exhibitions; and prevention of conduct in the streets dangerous to the public.
- (b) To regulate the construction, maintenance and repair of buildings and other structures and the plumbing, electrical, heating, elevator, boiler, unfired pressure vessel, and air conditioning installations therein, for the purpose of preventing fire and other dangers to life and health.
- (c) To provide for the protection of the city's property, real and personal, the prevention of the pollution of the city's water supply, and the regulation of the use of parks, playgrounds, playfields, recreational facilities, airports and other public property, located within the city.

- (d) To grant or authorize the issuance of permits under such terms and conditions as the council may impose for the use of streets, alleys and other public places of the city by railroads, street railways, buses, taxicabs and other vehicles for hire; prescribe the location in, under or over, and grant permits for the use of, streets, alleys and other public places for the maintenance and operation of tracks, poles, wires, cables, pipes, conduits, bridges, subways, vaults, areas and cellars; require tracks, poles, wires cables, pipes, conduits and bridges to be altered, removed or relocated either permanently or temporarily; charge and collect compensation for the privileges so granted; and prohibit such use of the streets, alleys and other public places of the city, and no such use shall be made of the streets, alleys or other public places of the city without the consent of the council.
- (e) To prevent any obstruction of or encroachment over, under or in any street, alley, sidewalk or other public place; provide penalties for maintaining any such obstruction or encroachment; remove the same and charge the cost thereof to the owner or owners, occupant or occupants of the property so obstructing or encroaching, and collect the sum charged in any manner provided by law for the collection of taxes; require the owner or owners or the occupant or occupants of the property so obstructing or encroaching to remove the same; pending such removal charge the owner or owners of the property so obstructing or encroaching compensation for the use of such portion of the street, alley, sidewalk, or other public place obstructed or encroached upon the equivalent of what would be the tax upon the land so occupied if it were owned by the owner or owners of the property so obstructing or encroaching, and, if such removal shall not be made within the time ordered, impose penalties for each and every day that such obstruction or encroachment is allowed to continue thereafter; authorize encroachments upon streets, alleys, sidewalks or other public places, subject to such terms and conditions as the council may prescribe, but such authorization shall not relieve the owner or owners, occupant or occupants of the property encroaching, of any liability for negligence on account of such encroachment; and recover possession of any street, alley, sidewalk or other public place or any other property of the city by suit or action in ejectment.
- (f) To prescribe the route and grade of any railroad hereafter laid in the city, and to reasonably regulate the operation of any engines, cars or railroad trains operating within the city.
- (g) To regulate the operation of motor vehicles and exercise control over traffic in the streets of the city and provide penalties for the violation of such regulations, provided that ordinances or administrative regulations adopted by virtue of this subsection shall not be inconsistent with the provisions of the motor vehicle code of Virginia. All fines imposed for the violation of such ordinances and regulations shall be paid into the city treasury.
- (h) To regulate, in the interest of public health, the production preparation, distribution, sale and possession of milk, other than beverages and foods for human consumption, and the places in which they are produced, prepared, distributed, sold, served or stored; regulate the construction, installation, maintenance and condition of all water and sewer pipes, connections, toilets, water closets an plumbing fixtures of all kinds; regulate the construction and use of septic tanks and dry closets, where sewers are not available, and the sanitation of swimming pools and lakes; provide for the removal of night soil, and charge and collect compensation for the removal thereof; compel the use of sewers, the connection of abutting premises therewith, and the installation in such premises of suitable sanitary facilities; regulate or prohibit connections to and use of sewers; provide for the quarantine of any person afflicted with a

contagious or infectious disease, and for the removal of such person to a hospital or ward specially designated for contagious or infectious diseases; inspect and prescribe reasonable rules and regulations, in the interest of public health, with respect to private hospitals, sanatoria, convalescent homes, clinics and other private institutions, homes and facilities for the care of the sick, of children, the aged and the destitute; and make and enforce all regulations necessary to preserve and promote public health and sanitation and protect the inhabitants of the city from contagious, infectious or other diseases.

- (i) To regulate cemeteries and burials therein, prescribe the records to be kept by the owners of such cemeteries, and prohibit all burials except in a public burying ground.
- (j) To regulate or prohibit the exercise of any dangerous, offensive or unhealthful business, trade or employment, and the transportation of any offensive or dangerous substance.
- (k) To regulate the light, ventilation, sanitation and use and occupancy of buildings heretofore or hereafter constructed, altered, remodeled or improved, and the sanitation of the premises surrounding the same.
- (l) To regulate the emission of smoke.
- (m) To compel the removal of weeds from private and public property and snow from sidewalks; the covering or removal of offensive, unwholesome, unsanitary or unhealthy substances allowed to accumulate in or any place or premises; the filling in to the street level or fencing of the portion of any lot adjacent to a street where the difference in level between the lot and the street constitutes a danger to life and limb; the raising or draining of grounds subject to be covered by stagnant water; the razing or repair of all unsafe, dangerous or unsanitary public or private buildings, walls or structures which constitute a menace to the health and safety of the occupants thereof or the public; and to compel the abatement or removal of any and all nuisances whatsoever. If after such reasonable notice as the council may prescribe by ordinance the owner or owners, occupant or occupants of the property or premises affected by the provisions of this subsection shall fail to abate or obviate the condition or nuisance, the city may do so and charge and collect the cost thereof from the owner or owners, occupant or occupants of the property affected in any manner provided by law for the collection of taxes.
- (n) To regulate or prohibit the manufacture, storage, transportation, possession and use of explosive or inflammable substances and the use and exhibition of fireworks and discharge of firearms.
- (o) To regulate or prohibit the making of fires in the streets, alleys and other public places in the city and to regulate the making of fires on private property.
- (p) To regulate or prohibit the running at large and the keeping of animals and fowl and provide for the impounding and confiscation of any such animal or fowl found at large or kept in violation of such regulations.
- (q) To prevent cruelty to and abuse of animals.
- (r) To regulate the sale of goods, wares or merchandise at auction; regulate the conduct of and prescribe the number of pawnshops and dealers in secondhand goods, wares and merchandise; regulate or prohibit the peddling or hawking of

any article for sale on the streets of the city; prevent fraud or deceit in the sale of goods, wares and merchandise; require the weighing, measuring, gauging and inspection of goods, wares and merchandise offered for sale; require weights and measures to be sealed and subject to inspection; and provide for the appointment of a sealer and one or more weighmasters who shall perform such duties and functions as may be prescribed by ordinance.

**Sec. 2.05. Miscellaneous powers.**

The city shall also have power:

- (a) To establish, maintain and operate public employment bureaus, public markets and public baths.
- (b) To establish, maintain and operate, within and without the city, public hospitals, sanatoria, convalescent homes, clinics and other public institutions, homes and facilities for the care of the sick, of children, the aged and the destitute.
- (c) To provide care for the poor and have all the powers and duties conferred and imposed on cities by the laws of the commonwealth relating to public assistance.
- (d) To establish, own, maintain and operate, within and without the city, cemeteries for the interment of the dead, fix the price at which graves and lots therein shall be sold, make contracts for their perpetual care and establish the rates to be charged for the digging of graves, construction of vaults and other services.
- (e) To establish, maintain and operate, within or without the city, a jail for the confinement of prisoners, ordered or sentenced to be confined therein, and a jail farm; and compel able-bodied prisoners confined in the jail to work on such farm, with the approval of the court trying such cases.
- (f) For the purpose of carrying out any of its powers and duties, to acquire by gift, bequest, purchase or lease, and to own and make use of with the city, lands, buildings and other structures and personal property, including any interest, right, easement or estate therein, and in acquiring such property to exercise, within the city, the right of eminent domain; and in the exercise of the right of eminent domain by the city the city shall have all the rights and powers and the proceedings shall conform in all respects including the offsetting of enhancement in value against damages to those prescribed in Article 5 of Chapter 1 of Title 33 of the Code of Virginia, 1950, relating to proceedings instituted in the name of the state highway commission; provided, however, that the provisions of section 25-233 of the Code of Virginia of 1950 shall apply as to any property owned by a corporation possessing the power of eminent domain that may be sought to be taken by condemnation under the provisions of this act.

(Editor's note - Code of Virginia, Title 33 has been superseded by Code of Virginia, Title 33.1. See Code of Virginia, Sections 33.1-89 et seq., for powers of the commonwealth transportation board relating to eminent domain and damages.)

**Sec. 2.06. Enforcement of regulations.**

When by the provisions of this charter or the constitution and general laws of the commonwealth the city is authorized to pass ordinances on any subject, the council may provide suitable penalties for the violation of any such ordinances. No such penalty shall exceed a fine of one thousand dollars or imprisonment in the jail of Alleghany County for twelve months or both. Upon conviction for violation of any ordinance, the court trying the case may require bond of the



person so convicted, with proper security, in the penalty of not more than two thousand dollars, conditioned to keep the peace and be of good behavior for the period of not more than one year (and) not to violate the ordinance for the breach of which he has been convicted. Whenever any fine, costs or penalty shall be imposed but not paid, the court trying the case may, unless an appeal be forthwith taken, order the person convicted to be imprisoned for such time as is provided by Code (of Virginia,) 1950, section 19.1-334, and may issue a writ of fieri facias directed to the proper officer for the collection of the amount due, returnable within sixty days from its issuance. The city is hereby expressly authorized and empowered to institute and maintain a suite or suits to restrain by injunction the violation of any ordinance legally adopted by it, notwithstanding such ordinance may provide penalties for its violation.

((Editor's note - At the direction of the city, the editor changed the maximum penalty prescribed in the above section from \$500.00 or imprisonment for six months, or both, to \$1,000.00 or imprisonment for 12 months, or both, in order to conform with section 15.1-901 of the Code of Virginia. The Code of Virginia, Sections 15.1-839 and 15.1-840. Code of Virginia, Section 19.1-334 has been repealed.)

**Sec. 2.07. Licenses and permits.**

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

**Sec. 2.08. Injunctions against the city.**

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

**Sec. 2.09. Construction of powers.**

The powers which are now or may hereafter be conferred upon or delegated to the city under the constitution and laws of the commonwealth and this charter shall be liberally construed when such powers are exercised by the city and in case of doubt as to the existence of a power such doubt shall be resolved in favor of the city.

## **CHAPTER 3. THE CITY COUNCIL**

**Sec. 3.01. Creation and composition of council.**

In accordance with a consent decree entered by the United States District Court for the Western District of Virginia, Roanoke Division on August 3, 1988, in a case styled, "William R. Martin, et als. v. City of Covington, et als.," the city shall be divided into five voting districts, which shall be known as District 1, District 2, District 3, District 4 and District 5.

There shall be a council of the city, which shall continue to consist of five members, who shall at the time of filing their notice of candidacy and thereafter be residents and qualified voters of the city, and of their voting district. One member of the council shall be elected from and by the duly qualified voters of each of the five voting districts of the city for the term of four years from the first day of July next following the date of their election, and until their successors have been elected and qualified. The councilmen in office at the effective date of this charter and the amendments thereto shall constitute the council of the city and are hereby continued in office for

the terms for which they were elected and qualified. To the extent that compliance with the said consent decree and other orders entered in the referenced action constitute a deviation by the city from council election requirements of the charter then existing, those actions are expressly ratified. No action of the council of the city occurring on or after August 3, 1988, until the effective date of this amendment of the charter shall be subject to challenge on the basis of the composition and manner of election of the members thereof, provided that the composition and manner of election of the members thereof during that period of time was consistent with said orders. On the first Tuesday in May 1988, and every four years thereafter, a member of the council shall be elected from each of District 4 and District 5, each for a four-year term, and on the first Tuesday in May 1990, and every four years thereafter, a member of the council shall be elected from each of District 1, District 2 and District 3, each for a four-year term. The general laws of the commonwealth relating to the conduct of elections, as far as pertinent, shall apply to the conduct of the general city elections. The council shall be a continuing body, and no measure pending before such body shall abate or be discontinued by reason of the expiration of the term of office or removal of the members of said body, or any of them.

(Acts 1974, Ch. 16; Acts of 198, Ch. 139)

State law reference - Election of council, Code of Virginia, Section 24.1-90.

**Sec. 3.02. Vacancies in office of councilman.**

Vacancies in the office of councilman, from whatever cause arising, shall be filled for the unexpired portion of the term by majority vote of the remaining members of the council, or, if the council shall fail to act within sixty days of the occurrence of the vacancy, by appointment of the Circuit Court of Alleghany County, or the judge thereof in vacation.

**Sec. 3.03. Reserved.**

Editor's note - Chapter 139 of the Acts of the Assembly of 1998, approved March 16, 1998, repealed Section 3.03 of the Charter which had been derived from Chapter 16 of the Acts of Assembly of 1974. Former section 3.03 pertained to compensation of councilmen.

**Sec. 3.04. Rules of procedure.**

The council shall have power, subject to the provisions of this charter, to adopt its own rules of procedure. Such rules shall provide for the time and place of holding regular meetings of the council, which shall be not less frequently than once in each month. They shall also provide for the calling of special meetings by the mayor, the city manager or any two members of the council, and shall prescribe the method of giving notice thereof, provided that the notice of each special meeting shall contain a statement of the specific item or items of business to be transacted and no other business shall be transacted at such meeting except by unanimous consent of all the members of the council. A majority of the members of the council shall constitute a quorum for the transaction of business.

**Sec. 3.05. Voting.**

No ordinance, resolution, motion or vote shall be adopted by the council except at a meeting open to the public, and except motions to adjourn, to fix the time and place of adjournment, and other motions of a purely procedural nature, unless it shall have received the affirmative votes of at least three members. All voting may be by ayes and noes, except on request by any one member thereof, the voting shall be by roll call and the ayes and noes shall be recorded in the journal.

**Sec. 3.06. Election of mayor and vice-mayor.**

The mayor in office at the effective date of this charter is hereby continued in office for the term for which he was elected and until his successor has been elected and qualified. At the

first meeting of the council after the first day of July of 1974, and at each succeeding first meeting immediately following the taking of office of councilmen after a general councilmatic election, the council shall choose by majority vote of all the members thereof one of their number to be mayor and one to be vice-mayor for the ensuing term. The mayor shall preside over the meetings of the council and shall have the same right to vote and speak therein as other members. He shall have no veto power. He shall be recognized as the head of the city government for all ceremonial purposes, the purposes of military law, and the service of civil process. The vice-mayor, in the absence or disability of the mayor, shall perform the duties of mayor, and if a vacancy shall occur in the office of mayor, the vice-mayor shall become mayor for the unexpired portion of the term. In the absence or disability of both the mayor and the vice-mayor, the council shall by majority vote of those present choose one of their number to perform the duties of mayor.

There being no vice-mayor now in office, at the first meeting of the council after this charter becomes effective, the council shall choose by majority vote of all the members thereof one of their number to be vice-mayor for the remainder of the present term, and until his successor has been elected and qualified.

(Editor's note - At the direction of the city, the editor substituted in the second sentence of the above section the term "the first day of July of 1974" for the term "September 1, 1955" in order to conform with former provisions of Code of Virginia, Section 24.1-90.)

**Sec. 3.07. Clerk to the council.**

The council shall appoint a clerk to the council to serve at the pleasure of the council. He shall keep the journal of the council's proceedings and shall record all ordinances in a book kept for the purpose. He shall be the custodian of the corporate seal of the city and shall be the officer authorized to use and authenticate it. He shall receive such compensation as clerk to the council as may be determined by council.

**Sec. 3.08. Powers of city council.**

All powers of the City of Covington as a body politic and corporate shall be vested in the council except as otherwise provided in this charter. The council shall be the policy determining body of the city and shall be vested with all the rights and powers conferred on councils in cities, not inconsistent with this charter. In addition to the foregoing, the council shall have the following powers:

- (a) To have full power to inquire into the official conduct of any office or officer under its control, and to investigate the accounts, receipts, disbursements, and expenses of any city employee; for these purposes it may subpoena witnesses, administer oaths and require the production of books, papers, and other evidence; and in case any witness fails or refuses to obey any such lawful order of the council, he shall be deemed guilty of a misdemeanor.
- (b) To provide for the performance of all the governmental functions of the city; and to that end to provide for and set up all departments and agencies of government that shall be necessary. Whenever it is not designated in this charter what officer or employee of the city shall exercise any power or perform any duty conferred upon or required of the city, or any officer thereof, by general law, then any such power shall be exercised or duty performed by that officer or employee of the city so designated by ordinance or resolution of the council. Any activity which is not assigned by the provisions of this charter to specific departments or agencies of the city government shall be assigned by the council to the appropriate department or agency. The council may further create, abolish, reassign, transfer, or combine any city functions, activities, or departments.

- (c) After the close of each fiscal year the council shall cause to be made an independent audit of the accounts, books, records, and financial transactions of the city by the auditor of public accounts of the commonwealth or by a firm of independent certified public accountants to be selected by the council. The report of such audit shall be filed within such time as the council shall specify and one copy thereof shall be always available for public inspection in the office of the clerk to the council during regular business hours.

Either the council or the city manager with the consent of the council may at any time order an examination or audit of the accounts of any officer or department of the city government. Upon the death, resignation, removal, or expiration of the term of any officer of the city, the council may cause an audit and investigation of the accounts of such officer to be made. In case of the death, resignation, or removal of the director of finance, the council may cause an audit to be made of his accounts. If as a result of any such audit, an officer be found indebted to the city, the council shall proceed forthwith to collect such indebtedness.

- (d) The council shall fix a schedule of compensation for all city officers and employees. The council may by ordinance define certain classes of city employees whose salaries shall be set by the city manager, except that this provision shall not apply to the constitutional officers, the heads of city departments and judges.
- (e) To prescribe the amount and condition of surety bonds to be required of such officers and employees of the city as the council may designate.

**Sec. 3.09. Limitations on powers and qualifications.**

- (a) Any member of the council who shall have been convicted of a felony while in office shall thereby forfeit his office.
- (b) Except for the purpose of inquiry, the council and its members, so long as the city manager form of government is used, shall deal with the administrative service solely through the city manager, and neither the council nor any member thereof shall have authority to give orders to any of the subordinates of the city manager, either publicly or privately.
- (c) No member of the council, shall during the term for which he was elected or for one year thereafter, be appointed to any office of profit under one government of the city. (Acts of 1998, Ch. 139)

## **CHAPTER 4. THE CITY MANAGER**

**Sec. 4.01. Appointment, tenure, compensation and residence.**

The council shall appoint a city manager, who need not be a resident of the city at the time of his appointment, and fix his compensation. He shall be the chief administrative and executive officer of the city and shall devote his full time to the work of the city. No member of the council, shall, during the time for which he has been elected, or for one year thereafter, be chosen city manager, nor shall the managerial powers be given to a person who at the same time is filling an elective office.

The city manager shall not be appointed for a definite tenure, but shall be removable at the pleasure of council. The council may suspend him from office, provided that the period of

suspension shall be limited to thirty days. The action of the council in suspending or removing the city manager shall not be subject to review.

In case of the absence or disability of the city manager, the council may designate some qualified person to perform the duties of the office.

**Sec. 4.02. Powers and duties.**

The city manager shall be responsible to the council for the proper administration of all the affairs of the city which the council has authority to control, except the legal and judicial departments. As the administrative and executive head of the city government, he shall be responsible to the council for supervising the collection of all revenues, guarding adequately all expenditures, securing proper accounting for all funds, looking after the physical property of the city, exercising general supervision over all city departments, institutions, and agencies, and coordinating the various activities of the city and unifying the management of its affairs. To accomplish these purposes he shall have the following specific powers and duties:

- (a) The city manager shall appoint all employees in the service of the city, except as otherwise provided in this charter. All appointments shall be made on the basis of ability, training and experience of the appointees which fit them for the work they are to perform. All appointments shall be without definite term, unless for temporary service not to exceed sixty days. Any employee of the city appointed by the city manager may be laid off, suspended, or removed from employment by the manager.
- (b) The city manager may be appointed by the council to act as the director or head of one or more or all departments of the city provided he is otherwise eligible to head such department or departments.
- (c) With the approval of the council the city manager shall, subject to the limitations of section 3.08(d), fix the compensation of all employees whom he or a subordinate may appoint or employ.
- (d) The city manager shall enforce all resolutions, ordinances and orders of the council and see that all laws of the state required to be enforced through the council or other city officers subject to the control of the council are faithfully executed.
- (e) He shall attend all meetings of the council and have the right to take part in all discussions, to present his views on all matters coming before the council, and to recommend such action as he may deem expedient.
- (f) He shall submit to the council each year a proposed annual budget, with his recommendations and execute the budget as finally adopted.
- (g) He shall make regular monthly reports to the council in regard to matters of administration and keep the council fully advised as to the financial condition of the city.
- (h) He shall examine regularly the books and papers of every officer and department of the city and report to the council the condition in which he finds them.
- (i) The city manager shall perform such other duties as may be imposed upon him by the council.

## CHAPTER 5. FINANCIAL ADMINISTRATION

### **Sec. 5.01. Department of finance (authorized; composition).**

There may be a department of finance which shall be under the supervision of a director of finance, who may be the city manager or a person appointed by the city manager with the approval of the council, and which shall include the city treasurer and the city commissioner of the revenue and their respective offices.

### **Sec. 5.02. General duties of director.**

The director of finance shall be the administrative head of the department of finance and as such shall have charge of the financial affairs of the city, including such powers and duties as may be assigned to the director of finance, or department of finance, by ordinance or resolution of the council not inconsistent with the constitution and general laws of this commonwealth.

### **Sec. 5.021. Collection, custody and disbursement of local funds by director of finance.**

The council may, notwithstanding any other provision of this charter, by ordinance provide that the director of finance and not the city treasurer shall collect, have custody of and disburse all local taxes, revenues and funds which belong to the city and the school board or to which they or either of them are entitled. In event such an ordinance is adopted, the director of finance shall have all the rights, powers and authority conferred upon, and shall be subject to all the duties and liabilities imposed upon the city treasurer by the general laws of the commonwealth and this charter with respect to local taxes, revenues and funds.  
(Acts 1958, Ch. 95)

### **Sec. 5.03. Expenditures and accounting.**

No money shall be drawn from the treasury of the city, nor shall any obligation for the expenditure of money be incurred, except in pursuance of the annual appropriation ordinance or legally enacted supplement thereto, or subsequent resolution enacted by the council. Accounts shall be kept for each item of appropriation made by the council. Each such account shall show in detail the appropriations made thereto, the amount drawn thereon, the unpaid obligations charged against it, and the unencumbered balance in the appropriation account, properly chargeable, sufficient to meet the obligation entailed by contract, agreement, or order.

### **Sec. 5.04. Real estate reassessments (generally).**

Reassessments of real estate taxable by the city shall be made at the time, in the manner, and by the persons as provided by general laws affecting the City of Covington.

### **Sec. 5.041 Alternative method for real estate reassessment.**

In addition to the powers heretofore granted with relation to the reassessment of real estate:

- (a) The council of the City of Covington shall have the power, in lieu of the means and methods prescribed by law, to provide by ordinance for the annual assessment and reassessment and equalization of assessments of real estate for local taxation and, to that end, shall appoint as city assessor or assessors, one or more persons, to assess or reassess for taxation the real estate within the City of Covington, and to prescribe the duties and terms of office of said assessor or assessors.

- (b) Such assessor or assessors shall make such assessment and reassessments on the same basis as real estate is required to be assessed under the provisions of the Code of Virginia and, as of the first day of January of each year, shall have the same authority as the assessors appointed under the provisions of the Code, and shall be charged with duties similar to those thereby imposed upon such assessors, except that such assessments or reassessments shall be made annually and the assessments and reassessments so made shall have the same effect as if they had been made by assessors appointed under the provisions of the said Code.
- (c) The term of such assessor or assessors shall be fixed by the council, and any vacancy or vacancies, however occurring, shall be filled by the council. The council shall likewise fix the compensation of any such assessor or assessors, provide such clerical or other assistance as may be necessary, and provide for the payment or other assistance as may be necessary, and provide for the payment of such salaries and other expenses as may be properly incident to the work involved. And all such salaries, expenses and other costs incurred in connection with such assessment or reassessment shall be paid out of the treasury of the city.
- (d) The Circuit Court of Alleghany County or the judge thereof in vacation shall, annually, appoint for said City of Covington, a board of review of real estate assessments to be composed of three members, who shall be freeholders of the City of Covington. The terms of such members shall commence on their appointment and shall expire on the thirtieth day of November of the year in which they are appointed, unless such terms are extended. The said court or the judge thereof in vacation may extend the terms of the members of said board of review and shall fill any vacancy therein for the unexpired term. The members of the said board shall receive per diem compensation for the time actually engaged in the duties of the board to be fixed by the said court, and to be paid out of the treasury of the city, and the court may limit the per diem compensation to such number of days, as, in its judgment, is sufficient for the completion of the work of the board.
- (e) Such board of review shall have and may exercise the powers to revise, correct, and amend any assessment of real estate made by said assessor in the year in which they serve, and to that end shall have all powers conferred upon boards of equalization by general law. The provisions of general law notwithstanding, however, the board of review may adopt any regulations providing for the oral presentation, with formal petitions or other pleadings of requests for review, and looking to the further facilitation and simplification of proceedings before the board.
- (f) That any person or the city, if aggrieved by any assessment made by said board of review, may apply for relief in the manner provided by general law.
- (g) That this section shall not apply to the assessment of any real estate assessable under the law by the state corporation commission.
- (h) All acts and parts of acts relating to the assessment of real estate in cities not in conflict with the provisions of this section shall apply to the assessments made pursuant to this section.

(Acts 1958, Ch. 95)

**Sec. 5.05. Disposition of moneys.**

All moneys received or collected for the use of the city from any source shall be paid over, held, and disbursed as the council may order or resolve, and in such depository or depositories as may be prescribed by the council, either by ordinance or resolution. Such depository or depositories may be required to furnish such security, and under such conditions, as the council may prescribe, not inconsistent with general laws of the commonwealth.

**Sec. 5.06. Claims.**

The director of finance shall audit all claims against the city for goods or services. It shall also be his duty to ascertain that such claims are in accordance with the purchase orders or contracts of employment from which the same arise, to present such claims for approval to the council, or such person as the council may designate; to keep a record of the revenues and expenditures of the city in a manner which will permit reporting of those revenues and expenditures in such form as the council may prescribe; and at the end of each month to prepare and submit to the council and to the city manager statements showing the progress and status of the affairs of the city in such form as the council may prescribe.

**Sec. 5.07. Director and purchasing agent.**

The director of finance shall act as purchasing agent for the city and all the departments, offices, boards, commissions, and other agencies thereof, unless the city manager shall designate some other officer or employee of the city for such purpose. The director of finance or the person designated as purchasing agent shall have such powers and duties relative to city purchasing activities as shall be prescribed by the council, including if the council so prescribes, the custody and distribution of city supplies, materials, and equipment, the establishment and enforcement of specifications, and the solicitation and acceptance of competitive bids for city purchases.

**Sec. 5.08. Other duties of director.**

The director of finance shall perform such other duties as may be imposed upon him by the city manager.

**Sec. 5.09. Fiscal year.**

The fiscal year of the city shall begin on the first day of July annually and end on the thirtieth day of June of the succeeding year, provided however that the council may by ordinance designate a different fiscal year.

**Sec. 5.10. Submission and adoption of budget.**

Annually, not later than two months prior to the first day of the fiscal year, the city manager shall prepare and submit to the council a budget presenting a financial plan for conducting the affairs of the city for the ensuing fiscal year. Such budget shall be set up in the manner provided by the law, and shall include such information as the council by ordinance or resolution may require. Hearings on the budget shall be held and notice thereof given and the budget adopted in accordance with general laws of the commonwealth, provided that the tax levy for each fiscal year shall be made, and the budget for each fiscal year shall be adopted, prior to the first day of the fiscal year for which made or adopted.

**Sec. 5.11. Borrowing powers.**



The council may, in the name and for the use of the city, incur indebtedness by issuing its negotiable bonds or notes for the purposes, in the manner, and to the extent provided for in the following paragraphs of this chapter.

**Sec. 5.12. Purpose for which bonds or notes may be issued.**

Bonds, and notes in anticipation of bonds when the issuance of bonds has been authorized as hereinafter provided, may be issued for any purpose for which cities are authorized to issue bonds by the constitution or general laws of this state. All bonds shall be in serial form, payable, as consecutively numbered, in annual installments, the first of which shall be payable not more than three years from the date of issue of such bonds.

Bonds or notes evidencing short term loans for the purpose of paying current expenses or debts of the city may be issued, when authorized by the council; provided, however, that any such bonds or notes may be renewed from time to time but shall mature not later than twelve months after the date of issue, and the aggregate amount thereof outstanding at any one time shall not exceed an amount equal to twenty-five per centum of the revenue from all sources collected by the city in the preceding fiscal year.

(Acts 1958, Ch. 95)

**Sec. 5.13. Manner of issuing bonds and notes (generally).**

Bonds and notes of the city may be issued in any manner provided by general law.

**Sec. 5.14. Alternative manner of issuing bonds and notes.**

In addition to the powers heretofore granted in this chapter, the council of the City of Covington, whenever a majority of all the members of the council by a recorded vote decide that it is to the interest of the city so to do, may borrow money for the uses and purposes of the city by issuing bonds or notes, negotiable or non-negotiable, of the city for the purpose of raising such money; provided however that no such bonds or notes shall be issued under this section unless and until such issue shall be authorized by a majority of the qualified voters of the City of Covington voting at an election to be held for the purpose, which shall be called, held, and conducted in accordance with an ordinance adopted by the council of the city providing for such election and for giving due publicity to the same, and also providing by whom and how the ballots shall be prepared and return canvassed and the result certified.

Bonds or notes issued under this section shall conform to the provisions of the constitution and general laws of the commonwealth and the provisions of this charter.

**Sec. 5.15. Limitation on indebtedness.**

In the issuance of bonds and notes, the city shall be subject to the limitations as to amount which are contained in section 127 of the Constitution of Virginia.

**Editor's note**-Municipal debt is now regulated by Va. Const. Art. VII, Section 10.

## **CHAPTER 6. DEPARTMENT OF LAW**

**Sec. 6.01. Department of law (established; composition).**

There shall be a department of law, which shall consist of the city attorney and such assistant attorneys and other employees as may be provided by ordinance.

**Sec. 6.02. City attorney.**

The head of the department of law shall be the city attorney who shall be appointed by the council. He shall be an attorney at law licensed to practice under the laws of the commonwealth. The city attorney shall be the chief legal advisor of the council, the city manager and of all departments, boards, commissions, and agencies of the city, including the school board, in all matters affecting the interests of the city. He shall represent the city in all civil proceedings. It shall be his duty to perform all services incident to his position as may be required by the laws of the commonwealth, this charter, or by ordinance. He shall have general management, and control of the department.

## **CHAPTER 7. DEPARTMENT OF PUBLIC SAFETY**

### **Sec. 7.01. Fire and police functions.**

The department of public safety shall consist of the division of fire and the division of police and such other functions and activities as may be assigned to it by the city council. The department of public safety shall be under the supervision of a director of public safety who may be the city manager or a person appointed by the city manager with the approval of the council.

The division of police shall consist of such police officers as may be appointed by the city manager and shall be under the supervision of a chief of police to be appointed by the city manager. The city sergeant may be appointed chief of police. The chief of police and police officers shall have all the powers and duties of police officers as provided by the general laws of the commonwealth.

The division of fire shall be in charge of such officer and shall consist of such persons, who shall perform such duties and receive such compensation as may be prescribed by the city council in accordance with (the) provisions of this charter.

## **CHAPTER 8. DEPARTMENT OF PUBLIC WORKS**

### **Sec. 8.01. Department of public works (authorized; composition).**

There may be a department of public works which shall consist of the director of public works, who may be the city manager or a person appointed by the city manager with the approval of the council, and such other officers and employees organized into such bureaus, divisions, and other units as may be provided by ordinance or by the orders of the director consistent therewith.

### **Sec. 8.02. Functions.**

The department of public works shall be responsible for the construction and maintenance of all public buildings, streets, roads, bridges, drains, sewers, garbage and refuse collection and disposal, and all other public works and constructions;; the care of public buildings, storerooms, and warehouses; the custody of such equipment and supplies as the council may require; and such other powers and duties as may be assigned to the department, which may include among other assignments, building inspections, plumbing inspections, electrical inspections, subdivision control and zoning administration.

### **Sec. 8.03. Director of public works.**

The head of the department of public works shall be the director of public works. He shall have general management and control of the several bureaus, divisions and other units of the department.

## **CHAPTER 9. DEPARTMENT OF PUBLIC UTILITIES**

**Sec. 9.01. Department of public utilities (authorized; composition).**

There may be a department of public utilities which shall consist of the director of public utilities, who may be the city manager or a person appointed by the city manager with the approval of the council, and such other officers and employees organized into such bureaus, divisions and other units as may be provided by ordinance or by the orders of the director consistent therewith.

**Sec. 9.02. Functions.**

The department of public utilities shall be responsible for:

- (a) The operation of the water and sewer utilities of the city;
- (b) The collection of all charges for the services of such utilities;
- (c) Such other powers and duties as may be assigned to the department by ordinance.

**Sec. 9.03. Director of public utilities.**

The head of the department of public utilities shall be the director of public utilities. He shall have general management and control of the several bureaus, divisions and other units of the department.

## **CHAPTER 10. DEPARTMENT OF HEALTH**

**Sec. 10.01. Department of public health (authorized; composition).**

There may be a department of public health which shall consist of the director of public health, to be appointed by the council, and such other officers and employees organized into such bureaus, divisions, and other units as may be provided by ordinance or by the orders of the director consistent therewith.

**Sec. 10.02. Functions.**

The department of public health shall be responsible for the exercise of all health functions imposed on municipalities by general law and such other functions as may be assigned to the department.

**Sec. 10.03. Director of public health.**

The head of the department of public health shall be the director of public health. He shall have general management and control of the several bureaus, divisions, and other units of the department. He shall have all the powers and duties with respect to the preservation of the public health which now are or may hereafter be conferred or imposed on municipal boards of health and health officers by the laws of the commonwealth, as well as the powers and duties conferred or imposed on him by this charter and the ordinances of the city.

**Sec. 10.04. Board of health.**

The council may select two qualified citizens of the city, who together with the director of public health shall constitute the board of health. The board of health shall advise and cooperate with the department of health and shall have power to adopt necessary rules and regulations, not in conflict with law, concerning the department. The provisions of general law relating to the establishment of local boards of health shall not apply to the City of Covington.

**Sec. 10.05. Contractual services.**

The council may, in its discretion, effectuate the powers, duties, and functions assigned to the department of public health in this chapter through contractual agreements with the state department of health and neighboring cities and countries.

**CHAPTER 11. DEPARTMENT OF PUBLIC WELFARE**

**Sec. 11.01. Department of public welfare (established; composition; superintendent; local board).**

There shall be a department of public welfare which shall consist of the superintendent of public welfare who may also be superintendent of public welfare of a county or counties or other city and such other officers and employees as may be assigned to this department in accordance with the provisions of this charter. The superintendent of public welfare shall be appointed by the local board of public welfare from a list of eligible furnished by the state commissioner of public welfare. He shall have charge of the public welfare functions of the city and such other functions and activities as may be assigned to him in accordance with the provisions of this charter. The local board of public welfare shall be constituted in any manner provided by general law.

**CHAPTER 12. DEPARTMENT OF EDUCATION**

**Sec. 12.01. School board and superintendent of schools**

The department of education shall consist of the city school board, the division superintendent of schools, and the officers and employees thereof. Except as otherwise provided in this charter, the city school board and the division superintendent of schools shall exercise all the powers conferred and perform all the duties imposed upon them by general law.

The school board of the City of Covington shall consist of five trustees, who shall be residents and qualified voters of the city, and shall be appointed by a majority vote of all the members of the council. The three school trustees of the city in office at the present time shall continue in office for the terms for which they were appointed. The first appointments hereunder for the two additional school trustees provided for herein shall be made one for the term beginning on the date of appointment and continuing until July one, nineteen hundred fifty-eight and the other shall be for a term beginning on the date of appointment until July one, nineteen hundred fifty-nine. After the expiration of the terms of the present three members and the terms of the two additional members herein provided for all five appointments, except appointments to fill an unexpired term, shall be for the term of three years. Appointments to fill a vacancy occurring otherwise than by expiration of term of office shall be for the remainder of the unexpired term. Any vacancy occurring in said school board by expiration of term of office or other reason shall be filled by a majority vote of all members of the council.

The division superintendent of schools shall be appointed and serve for a term of office as prescribed by general law. The person holding office as division superintendent of schools of Alleghany County and the City of Covington at the time this charter takes effect shall continue as division superintendent of schools of Alleghany County and for the City of Covington and serve for the remainder of the term he would have served, unless said division of Alleghany County and the City of Covington he terminated by the state board of education before the expiration of his present term. After the expiration of said present term or the termination of said division by the state board of education, whichever shall first occur, the division superintendent of schools for the City of Covington shall be appointed as prescribed by general law.  
(Acts 1958, Ch. 95)

**CHAPTER 13. ADMINISTRATION OF JUSTICE**

**Secs. 13.01 – 13.11. Reserved.**

**Editor's note**-Chapter 16 of the Acts of Assembly of 1974, approved Feb. 20, 1974, repealed Sections 13.01 – 13.11 of the Charter which had been derived from Chapter 227 of the Acts of Assembly of 1952, approved March 12, 1954. Such sections had pertained to the circuit court, a civil and police justice, a judge of the juvenile and domestic relations court, and alternative municipal courts.

**Sec. 13.12. Reserved.**

**Editor's note**-Chapter 139 of the Acts of Assembly of 1998, approved March 16, 1998, repealed Section 13.12 of the Charter which had been derived from Chapter 227 of the Acts of Assembly of 1954, approved March 12, 1954. Former section 13.12 pertained to justices of the peace.

## **CHAPTER 14. CONSTITUTIONAL OFFICERS**

**Sec. 14.01. Constitutional officers and election thereof.**

In addition to the municipal officers provided for the preceding provisions of this charter, there shall also be a treasurer, a commissioner of the revenue and a sergeant, elected by the qualified voters of the city; and a sheriff, an attorney for the commonwealth and a clerk of said Circuit Court of Alleghany County elected conjointly for the city and the County of Alleghany by the qualified voters of said city and county. The treasurer, commissioner of the revenue, sergeant, sheriff, attorney for the commonwealth and clerk of said Circuit Court of Alleghany County at the effective date of this charter are hereby continued in office for the terms for which they were appointed or elected and until their successors have been appointed or elected and until their successors have been appointed or elected and qualified. Subsequent elections for any of the six above-mentioned offices shall be held at the times, in the manner, and for the terms provided by general law.

**Sec. 14.02. Powers and duties of treasurer and commissioner of the revenue.**

The treasurer and commissioner of the revenue shall have such powers and perform such duties and receive such compensation as are provided by the constitution of the commonwealth, and, except as are otherwise provided in this charter, as are provided by the provision of general law for cities.

**Sec. 14.03. Reserved.**

**Editor's Note**-Chapter 139 of the Acts of Assembly of 1998, approved March 16, 1998, repealed Section 14.03 of the Charter which had been derived from Chapter 227 of the Acts of Assembly of 1954, approved March 12, 1954. Former section 14.03 pertained to powers and duties of city sergeant.

**Sec. 14.04. Powers and duties of sheriff, attorney for commonwealth and clerk of circuit court.**

The sheriff, attorney for the commonwealth and clerk of said Circuit Court of Alleghany County shall exercise and have the same rights and privileges, perform the same duties, have the same jurisdiction and receive the same fees therefor in the city as they, respectively, exercise and have and receive in the County of Alleghany, and shall receive such compensation as is prescribed by the general law.

The said attorney for the commonwealth shall prosecute the violations of all city ordinances, both in the municipal court and upon appeal, and shall notify the city attorney in all said prosecutions in which the validity of a city ordinance is attacked.

**Sec. 14.05. Costs and expenses of circuit court, etc.**

The costs and expenses of said Circuit Court of Alleghany County, including jury costs, and the salaries of the judge and clerk of said circuit court, and the clerk, attorney for the commonwealth and sheriff, elected conjointly with Alleghany County, shall be borne by the city and Alleghany County in the proportion that the population of each bears to the aggregate population of the city and county.

Such expenses and costs shall include stationery, furniture, books, office supplies and equipment for the court and clerk's office; also supplies, repairs and alterations on the buildings used jointly by the city and county, as well as insurance, fuel, water, lights, etc., used in and about the building and the grounds thereto. The cost of any new building erected for the joint use of the city and county shall be provided for in like manner.

**Sec. 14.06. Vacancies in constitutional offices.**

Vacancies in the offices of treasurer, commissioner of the revenue, and city sergeant shall be filled by the council for the unexpired portion of the term of office. Vacancies in the offices of the clerk of the circuit court, sheriff and the attorney for the commonwealth shall be filled by the circuit court, or the judge thereof in vacation, in accordance with the provisions of general laws.

## **CHAPTER 15. GENERAL PROVISIONS**

**Sec. 15.01. Lands open to public use – When same become public ways.**

Whenever any street, alley, or lane in said city shall be opened to and used as such by the public for the period of five years; unless notice of the contrary intention on the part of the landowner be given to the mayor of the city, the same shall thereby become a street, alley, or lane for public purposes, and the council shall have the same authority and jurisdiction over the rights and interests therein as they have by law over the other streets, alleys, and lanes laid out by them; and any street or alley reserved in the divisions or subdivisions into lots of any portion of the territory within the corporate limits of said city by a plat or plan of record shall be deemed and held to be dedicated to public use and upon a petition of a majority of the persons interested therein the council shall have power to open the same for the use of the public.

**Sec. 15.02. Inapplicable statute.**

The provisions of Code [of Virginia,] 1950, section 15-107 shall not apply to the City of Covington; and nothing contained in said section shall be held or construed to qualify or limit in any respect the rights and powers to levy and collect taxes of any kind or on any subject conferred upon the city by this charter or by the other provisions of the general law of the commonwealth.

**Editor's Note**-Code of Virginia, Section 15-107, referred to in the above section, was deleted from the Code of Virginia, title 15.1, when Code of Virginia, title 15, was repealed.

**Sec. 15.03. Contractual relationships.**

The City of Covington or the school board thereof may, at the option of the council, or school board enter into contractual relationships with the commonwealth and/or its departments, bureaus, boards and agencies, neighboring political subdivisions, and private agencies for the performances of any part of or of all of the functions, or purposes of the city, or school board, on such terms and for such periods as the council or school board may determine to be in the public interest, where such contractual relations are not specifically prohibited by the constitution and general laws of the commonwealth.

**Sec. 15.04. Reserved.**

**Editor's Note**-Chapter 139 of the Acts of Assembly of 1998, approved March 16, 1998, repealed Section 15.04 of the Charter which had been derived from Chapter 227 of the Acts of Assembly of 1965, approved March 12, 1954. Former section 15.04 pertained to residence of employees.

**Sec. 15.05. Present ordinances and rules and regulations continued in effect.**

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

**Sec. 15.06. Continuance of officials and officers.**

Except where this charter may otherwise provide, all officials and officers of the city holding office immediately prior to the effective date of this charter, whether such office be elective or appointive, shall continue in such office until the expiration of their respective current term of office or until their successors shall have been elected or appointed and qualified or until such office may be lawfully terminated.

**Sec. 15.07. Continuance of internal organization of city.**

Except where this charter may otherwise provide, the several departments, commissions, boards and other administrative units of the city functioning at the effective date of this charter are hereby continued until otherwise provided by ordinance.

**Sec. 15.08. Continuance of contracts [and public works].**

All contracts entered into by the city or for its benefit prior to the taking effect of this charter shall continue in full force and effect. All public works begun prior to the taking effect of this charter shall be continued and completed hereunder. Public improvements for which legislative steps shall have been taken under laws in force at the time this charter takes effect may be carried to completion in accordance with the provisions of such laws.

**Sec. 15.09. Partial invalidity.**

If any clause, sentence, paragraph, or part of this charter shall for any reason be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of said charter, but shall be confined in its operations to the clause, sentence, paragraph, or part thereof directly involved in the controversy in which such judgment shall have been rendered.

**Sec. 15.10. [Applicability of certain statutes].**

The provisions of Code [of Virginia, 1950, [sections 15.1-983 to 15.1-989 inclusive, Code [of Virginia, 1950,] sections 15.1-993 to 15.1-998 inclusive, code [of Virginia, 1950,] sections 15.1-1000 to 15.1-1007 inclusive, and Code [of Virginia, 1950,] section 15.1-1010 shall apply to and govern so far as applicable, any matters or questions which have arisen from the transition of the Town of Covington to the City of Covington; and the terms city or city of the second class as used in said provisions of the Code [of Virginia, 1950,] shall be taken to mean and include the City of Covington.