

FRANKLIN, CITY OF
City of Second Class.
Incorporated as a town by an 1875-76 Act of Assembly.
City of Second Class by Court Order dated December 22, 1961.

Charter, 1876, c. 123; repealed 1962, c. 155.

Charter, 1962, c. 155.

Amended 1974, c. 17 (§§ 3.01, 3.06, 12.03)
1982, c. 95 (§§ 2.02, 12.02, 12.03, 12.04, 13.01, 13.02
through 13.09 [repealed])
1986, c. 20 (§ 12.04)
1987, c. 64 (§§ 3.01, 3.02, 3.03, 3.05, 3.06)
1995, c. 591 (§ 1.02)
1997, c. 196 (§ 3.10 [added])
1997, c. 275 (§§ 12.02, 12.03)
2000, c. 948, 975 (§ 3.08)
2004, c. 32, 168 (§ 12.04)
2011, c. 576 (§ 12.03).

CHAPTER 1
INCORPORATION AND BOUNDARIES

§ 1.01. Incorporation.

The inhabitants of the territory comprised within the limits of the City of Franklin, 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 Franklin, 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. (1962, c. 155)

§ 1.02. Boundaries.

The boundaries of the city shall be the boundaries of the Town of Franklin, its predecessor, as described in Chapter 123 of the Acts of the General Assembly of 1875-1876, approved March 15, 1876, as modified and enlarged by the decree of the Circuit Court of Southampton County entered on May 25, 1906, in the annexation proceedings styled Town of Franklin v. County of Southampton, Virginia, which decree is recorded in the Clerk's Office of the Circuit Court of Southampton County, Virginia, in Common Law Order Book 8 at pages 359, et seq., and as further modified and enlarged by the decree of the Circuit Court of Southampton County entered on March 5, 1925, in the annexation proceedings styled Town of Franklin v. County of Southampton which decree is recorded in the Clerk's Office of the Circuit Court of Southampton County, Virginia, in Common Law Order Book 12 at pages 129, et seq., and as further modified and contracted by the decree of the Circuit Court of Southampton County entered on May 27, 1932, in the proceedings styled Town of Franklin v. County of Southampton, which decree is recorded in the Clerk's Office of the Circuit Court of Southampton County, Virginia, in Common Law Order Book 13 at pages 443, et seq., and as further modified and enlarged by the decree of the Circuit Court of Southampton County entered on May 26, 1949, in the

annexation proceedings styled Town of Franklin v. County of Southampton, which decree is recorded in the Clerk's Office of the Circuit Court of Southampton County, Virginia, in Common Law Order Book 16 at pages 194, et seq., and as further modified and enlarged by the decree of the Circuit Court of Southampton County entered on November 13, 1959, in the annexation proceedings styled Town of Franklin v. County of Southampton, which decree is recorded in the Clerk's Office of the Circuit Court of Southampton County, Virginia, in Common Law Order Book 19 at pages 264, et seq., and as further modified and enlarged by the decree of the Circuit Court of Southampton County, entered on December 20, 1985, in the Voluntary Settlement Proceeding styled in the matter of the petition by the City of Franklin, Virginia, and the County of Southampton, Virginia, for an Order affirming and validating a voluntary settlement and establishing the rights of the local governments, pursuant to Chapter 26.1:1 of Title 15.1 of the Code of Virginia which decree is recorded in the Clerk's Office of the Circuit Court of Southampton County in Chancery Order Book 27 at page 14 et seq. (1962, c. 155; 1995, c. 591)

§ 1.03. Form of Government.--The municipal government provided by this charter shall be known as the "city manager plan," and shall be the same as adopted by decree of the Circuit Court of Southampton County, Virginia, on March 28, 1922, and set forth in Common Law Order Book 11, page 302, in the office of the Clerk of said court, and as subsequently amended by Chapter 6 of the Acts of Assembly of 1954, approved February 13, 1954. (1962, c. 155)

CHAPTER 2 POWERS

§ 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. (1962, c. 155)

§ 2.02. Powers enumerated by the General Statutes of Virginia.

The powers set forth in §§ 15.1-837 through 15.1-907 of Chapter 18 of Title 15.1 of the Code of Virginia, (1950), as now exist and as hereafter amended, are hereby conferred on and vested in the City of Franklin. (1962, c. 155; 1982, c. 95)

§ 2.03. Additional Powers.

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

(a) To raise annually by taxes and assessments in said city on all subjects the taxation of which by cities is not forbidden by general law, such sums of money as the council herein provided for shall deem necessary for the purpose of said city, and in such manner as said council shall deem expedient, in accordance with the Constitution and laws of this State and of the United States; provided, however, that said tax for general city purposes shall not exceed the sum of four dollars and fifty cents on the hundred dollars of

assessed value of real and personal property subject to taxation by the city. In addition to the tax for general city purposes the council may levy a tax for the operation and maintenance of its schools.

(b) 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.

(c) To establish, impose, and 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; to require of owners of motor vehicles, trailers and semitrailers, residing in or having a place of business in the city in which business the said motor vehicle is used, if said motor vehicle, trailers and semitrailers are operated on the streets of the city, licenses for the privilege of operating such vehicles in the city, such licenses to be issued and the fees therefor fixed by the council.

(d) Within and without the city to collect and dispose of garbage and other refuse and to construct, maintain and operate incinerators, dumps or other facilities for such purposes.

(e) To acquire, construct, own, maintain and operate, within and without the city, water works, 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 sewerage within and without the city, and to charge and collect compensation therefor, and to provide penalties for the unauthorized use thereof. The said city shall have the power and right to charge a different rate for any service rendered or convenience furnished to citizens without the corporate limits from the rates charged for similar service to citizens within the corporate limits. (1962, c. 155)

CHAPTER 3 CITY COUNCIL

§ 3.01. On and after July 1, 1988, the council shall consist of seven members. Six members of council shall be elected by ward, with one member elected from each of six wards by the voters residing in each such district. Any qualified voter of the city seeking election from a ward shall be a resident of that district. One member of council shall be elected at large by the qualified voters of the city and shall serve as the mayor. The members of the council in office at the effective date of this charter amendment are hereby continued in office for the terms for which they were elected, except that as to the three councilmen whose terms of office expire on June 30, 1990, their terms of office shall expire, upon the enactment of this charter amendment, on June 30, 1988.

On the first Tuesday in May of 1988, there shall be a general city election, at which there shall be elected three councilmen, one from each of three wards in the city, whose terms shall begin July 1, 1988, and expire June 30, 1990. On the first Tuesday in May 1990, and every four years thereafter, there shall be elected three councilmen, one from each of the three said wards, to serve terms of four years from July 1 following their election.

At the general election on the first Tuesday in May of 1988, there shall be elected three councilmen, one from each of the other three wards in the city, whose terms shall begin July 1, 1988, and expire June 30, 1992. On the first Tuesday in May 1992, and every four years thereafter, there shall be elected three councilmen, one from each of the three said wards, to serve terms of four years from July 1 following their election.

On the first Tuesday in May 1988, and on the first Tuesday in May in every second year thereafter, there shall be a general city election at which the mayor shall be elected at large by the qualified voters of the city for a term of two years from July 1 following his election.

Following the enactment of this charter amendment, the council by ordinance shall divide the city into six wards and shall determine, for the city election to be held on the first Tuesday in May of 1988, which three wards shall be used to elect members of council having terms expiring on June 30, 1990, and which three wards shall be used to elect members having terms expiring on June 30, 1992. (1962, c. 155; 1974, c. 17; 1987, c. 64)

§ 3.02. Vacancies in Office of Councilman and Office of Mayor.

Vacancies in the office of councilman and in the office of mayor, 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 Southampton County, or the judge thereof in vacation. The remaining members of the council may choose one of their number to fill a vacancy in the office of mayor. A vacancy in the office of a councilman elected by ward shall be filled only with a qualified voter residing in said ward. (1962, c. 155; 1987, c. 64)

§ 3.03. Compensation of Councilmen.

The council may provide and fix salaries for the mayor, vice-mayor, and other council members in such sums not to exceed the limits established by general law.

No member of the council shall during the term for which he was elected or appointed or for one year thereafter be appointed to any office of profit under the government of the city. (1962, c. 155; 1987, c. 64)

§ 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, 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. (1962, c. 155)

§ 3.05. Voting.

No ordinance, resolution or motion shall be adopted by the council except at a meeting open to the public and by the affirmative votes of at least four members, provided this does not apply to motions to adjourn, to fix a time and place to which adjourned, and other motions of a purely procedural nature. All voting may be by ayes and noes, except

on request by any one member therefor, the voting shall be by roll call and the ayes and noes shall be recorded in the journal. (1962, c. 155; 1987, c. 64)

§ 3.06. Powers and Duties of Mayor and Vice-Mayor.

The mayor and vice-mayor in office at the effective date of this charter amendment are hereby continued in office for the terms for which they were elected and until their successors have been elected and qualified. 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. At the first meeting of the council after July 1, 1988, and at each first meeting immediately following the taking of office of councilmen after a councilmanic election, the council shall choose by majority vote of all the members thereof one of their number to be vice-mayor for the ensuing term of two years. The vice-mayor, in the absence or disability of the mayor, shall perform the duties of mayor. (1962, c. 155; 1974, c. 17; 1987, c. 64)

§ 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. (1962, c. 155)

§ 3.08. Powers of City Council.

All powers of the City of Franklin 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 an independent certified public accountant or 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.

(f) Commissioners of the Franklin Redevelopment and Housing Authority shall be not less than five nor more than nine in number and shall hold their offices at the pleasure of the council for terms not to exceed four years; however, the council may at any time, and from time to time, adopt an ordinance adding one or more council members as commissioners of the Franklin Redevelopment and Housing Authority or terminating the terms of any or all of the commissioners and designating one or more council members as commissioners of the Franklin Redevelopment and Housing Authority; however, the number of council members serving on the Authority shall not comprise a majority. The remaining members of the Board shall be appointed by council from the citizenry of the city. The Board shall possess all powers and duties granted to or imposed upon redevelopment and housing authorities by general law. Notwithstanding any other provision of law to the contrary, a city council member shall receive no compensation for serving as commissioner of such authority; nor shall a council member continue to serve as a commissioner after ceasing to be a member of council. (1962, c. 155; 2000, c. 948, 975)

§ 3.09. Limitations on Power and Disqualifications.

(a) Any member of the council who is indicted for a felony shall be suspended from office until the indictment is withdrawn or quashed or he is tried and acquitted, and 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 shall so long as the city manager form of government obtains 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. (1962, c. 155)

§ 3.10. Employees may not serve as council members.

No employee of the city may simultaneously serve as an employee of the city and as a member of the city council. An employee of the city who is elected to city council shall have resigned from or otherwise terminated his/her employment with the city before taking the oath of office as a member of the city council. Nothing herein shall be construed as prohibiting employees of the city or school board from candidacy for any elected office. (1997, c. 196)

CHAPTER 4 THE CITY MANAGER

§ 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 appointed, 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 the 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. (1962, c. 155)

§ 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 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 of 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 § 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. (1962, c. 155)

CHAPTER 5 FINANCIAL ADMINISTRATION

§ 5.01. Department of Finance.

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. (1962, c. 155)

§ 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 this charter or with the Constitution and general laws of this Commonwealth. (1962, c. 155)

§ 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, and the unencumbered balance in the appropriation account sufficient to meet the obligation entailed by contract, agreement, or order. (1962, c. 155)

§ 5.04. Real Estate Reassessments.

(a) The council of the City of Franklin shall have the power, in lieu of the means and methods prescribed by law, to provide by ordinance for the annual, biennial or triennial 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 Franklin, and to prescribe the duties and term 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 in which such assessment and

reassessment and equalization of assessments is made, 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 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 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 Southampton County or the judge thereof in vacation shall annually appoint for said City of Franklin, a board of review of real estate assessments to be composed of three members, who shall be freeholders of the City of Franklin. 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 the 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 city council, and to be paid out of the treasury of the city, and the city council 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) 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) 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. (1962, c. 155)

§ 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. (1962, c. 155)

§ 5.06. Treasurer and Commissioner of Revenue; Election; Vacancies.

At the general election to be held on the first Tuesday following the first Monday in November in the year 1965, and on the said date every four years thereafter, there shall be elected by the qualified voters of the city a commissioner of revenue and a city treasurer. In case of a vacancy in the office of commissioner of revenue or city treasurer, the council, by a majority vote, shall select a qualified person, who must be an elector of the city, to fill the office in which such vacancy occurs for the unexpired term. The treasurer and commissioner of 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. (1962, c. 155)

§ 5.07. Duties of Commissioner of Revenue.

The commissioner of revenue shall perform such duties not inconsistent with the laws of the Commonwealth in relation to the assessment of property and licenses as may be required by the council for the purpose of levying city taxes and licenses. He shall have power to administer such oaths as may be required by the council in the assessment of licenses taxes or other taxes for the city. He shall make such reports in regard to the assessment of both property and licenses, or either, as may be required by the council or by the director of finance. He shall perform such other duties as may be required of him by the council. (1962, c. 155)

§ 5.08. Duties of Treasurer.

The city treasurer shall collect and receive, all money due the city by the State and all taxes and levies due the State and collected within the city, and disburse same as provided by the general laws of the Commonwealth relating to city treasurers, and may be authorized by the council also to collect and receive all money, taxes and levies due the city and disburse the same according to this charter and the ordinances enacted by the city. (1962, c. 155)

§ 5.09. 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. (1962, c. 155)

§ 5.10. 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 with the approval of the council 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. (1962, c. 155)

§ 5.11. Other Duties of Director.

The director of finance shall perform such other duties as may be imposed upon him by the city manager. (1962, c. 155)

§ 5.12. 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. (1962, c. 155)

§ 5.13. Submission and Adoption of Budget.

Annually, not later than one month 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 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. (1962, c. 155)

§ 5.14. 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. (1962, c. 155)

§ 5.15. 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.

Notes in anticipation of collection of revenue may be issued, when authorized by the council, at any time during the fiscal year, provided that said notes shall mature not later than twelve months after date of issue, and the amount thereof shall not exceed the revenues anticipated. (1962, c. 155)

§ 5.16. Manner of Issuing Bonds and Notes.

Bonds and notes of the city may be issued in any manner provided by general law. (1962, c. 155)

CHAPTER 6 DEPARTMENT OF LAW

§ 6.01. Department of Law.

There shall be a department of law which shall consist of the city attorney, who shall be head of the department, and such assistant attorneys and other employees as may be provided by ordinance. (1962, c. 155)

§ 6.02. City Attorney.

The head of the department of law 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. (1962, c. 155)

CHAPTER 7

DEPARTMENT OF PUBLIC SAFETY

§ 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 with the approval of the council. 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 consist of such fire officers as may be appointed by the city manager and shall be under the supervision of a fire chief to be appointed by the city manager with the approval of the council. The fire chief and fire officers shall have all the powers and duties of fire officers as provided by this charter, ordinances and general laws of the Commonwealth. (1962, c. 155)

CHAPTER 8

DEPARTMENT OF PUBLIC WORKS

§ 8.01. Department of Public Works.

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. (1962, c. 155)

§ 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; the custody of such equipment and supplies as the city manager may require; and such other powers and duties as may be assigned to the department by the city manager. (1962, c. 155)

CHAPTER 9

DEPARTMENT OF PUBLIC UTILITIES

§ 9.01. Department of Public Utilities.

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. (1962, c. 155)

§ 9.02. Functions.

The department of public utilities shall be responsible for: the operation of the electric department and such other powers and duties as may be assigned to the department by the city manager. (1962, c. 155)

CHAPTER 10

DEPARTMENT OF HEALTH

§ 10.01. Department of Public Health.

There may be a department of public health which shall consist of the director of public health, to be 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. (1962, c. 155)

§ 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. (1962, c. 155)

§ 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. (1962, c. 155)

§ 10.04. Board of Health.

The council may select two or more 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 Franklin. (1962, c. 155)

§ 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, neighboring cities and counties. (1962, c. 155)

CHAPTER 11

DEPARTMENT OF PUBLIC WELFARE

§ 11.01. There may be a department of public welfare which shall be under the supervision of a director of public welfare, who may be the city manager or a person appointed by the city manager with the approval of the council. The director of public welfare shall constitute the local board of public welfare of the city. The director of public welfare shall appoint the superintendent of public welfare and such other employees of the department as may be necessary. The superintendent of public welfare of an adjacent county or counties may be appointed superintendent of public welfare of the city. The department of public welfare shall be responsible for carrying out the duties and functions

imposed on local boards and superintendents of public welfare by general law and such other duties as may be assigned by council. (1962, c. 155)

CHAPTER 12 SCHOOLS

§ 12.01. School District.

The City of Franklin shall constitute a separate school district. (1962, c. 155)

§ 12.02. Number and Qualifications of Board.

The school board shall consist of seven members who shall be qualified voters of the city and not members of the city council. One member shall be selected from each of the six wards in the city and one member shall be selected from the city at large. (1962, c. 155; 1982, c. 95; 1997, c. 275)

§ 12.03. Appointment and Terms of Members.

At its first regular meeting in June, 1983, and every year thereafter, at its first regular June meeting, the council shall appoint one or more members for a term of three years, whose term or terms shall begin July 1, following his, her or their appointment. Vacancies shall be filled by the council for any unexpired term. A member whose term has expired shall continue to serve until his or her successor has been appointed.

Members shall be appointed on a 2-2-3 year rotation, as follows: Wards 2 and 5 shall be appointed in the same rotation; Wards 1 and 3 shall be appointed in the same rotation; and Wards 4, 6, and the member appointed at large shall be appointed in the same rotation. To accomplish this rotation, beginning with the terms starting July 1, 2011, council will appoint members in Ward 3 to a three-year term ending June 30, 2014, and thereafter to three-year terms unless filling an unexpired term.

Beginning with terms starting July 1, 2012, council will appoint members in Ward 1 to a two-year term ending June 30, 2014, and thereafter to three-year terms unless filling an unexpired term; council will appoint members in Ward 2 to a one-year term ending June 30, 2013, and thereafter to three-year terms unless filling an unexpired term; council will appoint members in Wards 4 and 6 and the at-large member to three-year terms ending June 30, 2015, and thereafter to three-year terms unless filling an unexpired term.

Beginning with the terms starting July 1, 2013, council will appoint members in Ward 5 to a three-year term ending June 30, 2016, and thereafter to three-year terms unless filling an unexpired term.

In the event that an appointment of a member in the future results in a rotation other than the 2-2-3 rotation with Wards 1 and 3 being appointed together, Wards 2 and 5 being appointed together, and Wards 4, 6, and the at-large member being appointed together, then the council shall be authorized to make an appointment for less than a three-year term the next time it is appropriate to reestablish the 2-2-3 rotation. (1962, c. 155; 1974, c. 17; 1982, c. 95; 1997, c. 275; 2011, c. 576)

§ 12.04. Compensation.

The compensation to be paid to each member shall be fixed by a majority vote of the council, provided that the annual compensation to be paid to any member shall not exceed the sum of \$4,000 for his or her services as such, and the annual compensation to be paid to the chairman of the school board shall not exceed the sum of \$5,000 for his or her services as such. (1962, c. 155; 1982, c. 95; 1986, c. 20; 2004, c. 32, 168)

§12.05. Powers.

The establishment, maintenance and operation of a system of free public schools within the City of Franklin shall be under the control of the school board, appointed by the city council in accordance with the provisions of this charter, the Constitution of Virginia, the laws of the Commonwealth, the regulations of the State Board of Education; and said board shall have all the rights, privileges, powers, and duties granted or empowered by the said provisions, Constitution, laws, and regulations, including but not limited to the right to enter into contractual relationships with neighboring political subdivisions relating to the education of the school population of such neighboring political subdivisions and relating to the education of the school population of the city; and nothing in this charter shall negate any rights, privileges, powers, or duties granted or empowered to the school board by said provisions, Constitution, laws, and regulations; and neither shall the school board have any such rights, privileges, powers, and duties not provided by said provisions, Constitution, laws and regulations. (1962, c. 155)

CHAPTER 13 ADMINISTRATION OF JUSTICE

§ 13.01. Courts.

The courts for the city shall be those provided for in the Constitution and general laws of the Commonwealth of Virginia. (1962, c. 155; 1982, c. 95)

§ 13.02. (1962, c. 155; repealed 1982, c. 95)

§ 13.03. (1962, c. 155; repealed 1982, c. 95)

§ 13.04. (1962, c. 155; repealed 1982, c. 95)

§ 13.05. (1962, c. 155; repealed 1982, c. 95)

§ 13.06. (1962, c. 155; repealed 1982, c. 95)

§ 13.07. (1962, c. 155; repealed 1982, c. 95)

§ 13.08. (1962, c. 155; repealed 1982, c. 95)

§ 13.09. (1962, c. 155; repealed 1982, c. 95)

CHAPTER 14 CONSTITUTIONAL OFFICERS

§ 14.01. Constitutional Officers and Election Thereof.

In addition to the municipal officers provided for by the preceding provisions of this charter there shall also be a sheriff, an attorney for the Commonwealth and a clerk of said circuit court at Southampton County elected conjointly for the city and the County of Southampton by the qualified voters of said city and county. The city treasurer, the city commissioner of the revenue and the sheriff, attorney for the Commonwealth and clerk of said circuit court of Southampton 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 qualified. Subsequent elections for any of the five above-mentioned offices shall be held at the times, in the manner, and for the terms provided by general law. (1962, c. 155)

§ 14.02. 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 Southampton 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 Southampton, and shall receive such compensation as is prescribed by the general law. (1962, c. 155)

CHAPTER 15
CITY SERGEANT

§ 15.01. Appointment and Duties.

The council may appoint a city sergeant, who may be a member of the police force. He shall be paid such salary as the council may fix and all fees collected by him shall belong to the city. The council may appoint such deputy city sergeants as may be necessary. The sergeant and any deputy city sergeants shall have the authority and powers and jurisdiction which is granted to sergeants of other cities of the class of Franklin by the general laws of the Commonwealth of Virginia and the ordinances of the City of Franklin and they shall perform such duties as may be prescribed by the State laws and the ordinances of the City of Franklin. The city sergeant shall be conservator of the peace and in criminal matters or offenses the city sergeant and deputy city sergeants shall have jurisdiction for one mile beyond the city limits of Franklin in enforcing the criminal laws of the Commonwealth of Virginia. Any vacancies in the office of city sergeant and deputy city sergeants shall be filled by the council. (1962, c. 155)

CHAPTER 16
GENERAL PROVISIONS

§ 16.01. Contractual Relationships.

The City of Franklin may, at the option of the council, enter into contractual relationships with the Commonwealth and/or its departments, bureaus, boards and agencies, neighboring political subdivision, and private agencies for the performance of any part of or all of the functions, or purposes of the city, on such terms and for such periods as the council 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. The school board may, at its option, enter into contractual relationships with the Commonwealth and/or its departments, bureaus, boards and agencies, neighboring political subdivisions, and private agencies for the performance of any part of or all of the functions, or purposes of the school board, on such terms and for such periods as the 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. (1962, c. 155)

§ 16.02. Residence of Employees.

Except as otherwise provided in this charter, the council shall have the power to provide by ordinance from time to time that the regular, permanent officers and employees of the city, or any of them, shall reside within the city during their continuance in such office or employment. (1962, c. 155)

§ 16.03. 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 herewith, shall remain in force until amended or repealed. (1962, c. 155)

§ 16.04. 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, may 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. (1962, c. 155)

§ 16.05. Continuance of Internal Organization of the 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. (1962, c. 155)

§ 16.06. Continuance of Contracts.

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 may 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. (1962, c. 155)

§ 16.07. 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. (1962, c. 155)