

**AN ORDINANCE AMENDING CHAPTER 42 “ZONING,” SPECIFICALLY  
SECTIONS 42-625, 42-626, 42-630, AND 42-633 OF THE CHRISTIANSBURG  
TOWN CODE TO CLARIFY THE REQUIREMENTS FOR FINAL SITE PLANS,  
WHEN PRELIMINARY AND FINAL SITE PLANS EXPIRE, AND FEES  
ASSOCIATED WITH THE SUBMITTAL OF SAME.**

WHEREAS, the Town of Christiansburg, Virginia desires to amend its Zoning Ordinance to address certain issues with the Site Plan Review process; and,

WHEREAS, notice of the Planning Commission public hearing regarding the intention of the Town Council to pass said ordinance was published two consecutive weeks (September 21, 2013 and September 28, 2013) in The News Messenger, a newspaper published in and having general circulation in the Town of Christiansburg; and,

WHEREAS, notice of the intention of the Town Council to pass said ordinance was published two consecutive weeks (October 19, 2013, October 26, 2013, November 20, 2013 and November 27, 2013) in The News Messenger, a newspaper published in and having general circulation in the Town of Christiansburg; and,

WHEREAS, a public hearing of the Planning Commission of the Town was held September 23, 2013 and resulted in a recommendation by the Planning Commission that the following proposed ordinance revisions be adopted; and,

WHEREAS, a public hearing of Council of the Town was held November 6, 2013 and December 3, 2013; and,

WHEREAS, Council deems proper so to do,

Be it ordained by the Council of the Town of Christiansburg, Virginia that Sections 42-625, 42-626, 42-630, and 42-633 of Chapter 42 “Zoning” of the *Christiansburg Town Code* be amended as follows:

**ARTICLE XXI. SITE PLAN REVIEW**

\* \* \*

**Sec. 42-625. Requirements for site plans, content and form.**

(a) *Preliminary site plans.* Site plans shall include proposals for developments or subdivisions including all covenants, grants or easements and other conditions relating to use, location and bulk of buildings, density of development, common open space, public facilities and such other information as required by the subdivision ordinance to which the proposed development or subdivision is subject. The preliminary site plans shall be clearly drawn to scale as specified below and shall show the following:

1. The proposed title of the project, owner or owners of the land, and name of the engineer, architect, designer, or landscape architect, and the developer.
2. The north point, scale, and date.
3. Location of the project by an insert map indicating the north arrow and such information as the names and numbers of adjoining roads, streams and bodies of water, railroads, subdivisions, towns, and magisterial districts or other landmarks sufficient to clearly identify the location of the property.
4. Existing zoning and zoning district boundaries and proposed changes in zoning, if any, and including floodplain districts.
5. The boundaries of the property involved, municipal boundaries, the general location of all existing easements and property lines, existing streets, buildings, or waterways, major tree masses and other existing physical features in or adjoining the project.
6. Uses of adjoining properties and names of owners.
7. Topography of the project area with contour intervals of two feet or less, unless waived by the Administrator as clearly unnecessary to review the project or proposal.
8. The approximate location and sizes of sanitary and storm sewers, water mains, culverts, and other underground structures, existing and planned, in or near the project.
9. The general location and character of construction of proposed streets, alleys, driveways, curb cuts, entrances and exits, loading areas (including number of parking and loading spaces), outdoor lighting systems, storm drainage and sanitary facilities.
10. The general location of proposed lots, setback lines, and easements and proposed reservations for parks, parkways, playgrounds, school sites, and open spaces.
11. Location with respect to each other and to lot lines, number of floors, number of dwelling units and approximate height of all proposed buildings and structures, accessory and main, or major excavations.
12. Preliminary plans and elevations of the several dwelling types and other buildings, as may be necessary.

13. General location, height, and material of all fences, walls, screen planting, and landscaping.
14. General location, character, size, height, and orientation of proposed signs.
15. A tabulation of the total number of dwelling units of various types in the project and the overall project density in dwelling units per acre, gross or net as required by district regulations.
16. A traffic impact statement whenever a proposed site plan substantially affects transportation on Town streets through traffic generation of either:
  - (i) 100 vehicles trips per peak hour by residential development, or
  - (ii) 250 vehicles trips per peak hour by non-residential development, or
  - (iii) 2,500 vehicle trips per day by non-residential development.

The data and analysis contained in the traffic impact statement shall comply with VDOT Traffic Impact Analysis Regulations 24 VAC 30-155-60 and all applicable Town ordinances.

17. Overlot grading plan.
18. General Notes per the Town of Christiansburg Site Plan and Development Plan Check List.
19. Location and size of parking and loading spaces (including ADA compliant spaces with accessible route).
20. Location, height, and orientation of proposed outside lighting for parking areas.
21. Sidewalk location, including appropriate detail for sidewalk.
22. Inclusion of location for dumpster pad with screening, accompanied by appropriate detail.
23. A tabulation of the total area, impervious surfaces, greenspace, landscaping and tree required and provided per district regulations.
24. A tabulation of interior parking lot greenspace and trees required and provided for parking lots with 20 or more parking spaces.
25. Owner/Developer Certification Statement.
26. Responsible Land Disturber Certification Statement for Erosion and Sediment Control Plan, an agreement in lieu of an Erosion Sediment

Control Plan, or a Land-Disturbing Permit. This individual shall be in charge of and responsible for the land disturbing activities for the project.

**27. Town Manager Approval Block.**

The Administrator may establish additional requirements for preliminary site plans, and in special cases, may waive a particular requirement if, in his opinion, the inclusion of that requirement is not essential to a proper decision on the project. Site plans may be prepared on one or more sheets to show clearly the information required by this article and to facilitate the review and approval of the plan. If prepared in more than one sheet, match lines shall indicate where the several sheets join. Site plans shall be prepared to a scale of one inch equals 50 feet, or such other scale as may be approved by the Administrator as appropriate to a particular case.

(b) *Final site plans.* The final site plan or final plat shall be based on good engineering judgment, signed and sealed in accordance with Code of Virginia § 54.1-400 et seq., by a Licensed Professional Engineer, Licensed Architect, Licensed Professional Land Surveyor or a Licensed Professional Landscape Architect and comply with all laws, regulations, and ordinances including, but not limited to, those governing the approval of subdivisions and in addition to all the requirements for preliminary site plans, shall show include the following:

1. All of the features required on the preliminary site plan or preliminary development plan with sufficiently accurate dimensions, finished floor elevations, construction specifications and computations to support the issuance of construction permits.
2. All existing and proposed water and sanitary sewer facilities indicating all pipe sizes, types and grades and where connection is to be made to the utility system.
3. Provisions for the adequate disposition of natural and storm water shall be clearly shown on the plans and shall provide positive drainage away from all buildings and structures, and such drainage shall not be directed toward buildings or structures on adjacent properties. In addition, well organized calculations and documentation that support the design and ensure an adequate review shall be included with the final site plan or development plan, in accordance with the duly adopted design criteria and standards of the Town indicating the location, sizes, types and grades of ditches, catchbasins and pipes and connections to existing drainage system, and provision for the adequate control of erosion and sedimentation, indicating the proposed temporary and permanent control practices and measures which will be implemented during all phases of clearing, grading, and construction.
4. All drainage system components and stormwater management systems, including the location, sizes, types and grades of ditches, inlets,

catchbasins, pipes and connections to existing and proposed drainage systems. Drainage system components shall be designed in accordance with the latest edition of the Virginia Department of Transportation Drainage Manual and in accordance with all instructional and informational memorandums. Stormwater management facilities and components shall be designed in accordance with the latest edition of the Department of Environmental Quality Stormwater Management Handbook.

5. Provisions to manage stormwater normally directed into inlets and pipes, when such inlets and pipes may be exceeded in capacity or restricted due to sediment buildup or some other blockage. As a result of inlets and pipes being unable to convey the design flow, the provisions shall include, but not be limited to; grading that minimizes flooding of buildings and structures in accordance with good engineering design practices as deemed acceptable by the Town Engineer.
6. Provision for the adequate control of erosion and sedimentation, indicating the proposed temporary and permanent control practices and measures that will be implemented during all phases of clearing, grading and construction.
4. 7. Existing topography with two-foot contour intervals or such intervals as approved by the Administrator. Where existing ground is on a slope of less than two percent, either one-foot contours or spot elevations where necessary, but not more than 50 feet apart in both directions.
5. 8. Proposed finished grading by contours supplemented where necessary by spot elevations.

**Sec. 42-626. Procedures, administrative site plan review.**

(a) When these regulations require site plan review for certain uses for which Town Council action is not required, a preliminary site plan for any of the specified uses shall be submitted to the Administrator for review of the plans for compliance with these regulations and the requirements for preliminary site plans. The Administrator shall transmit said plans to such other staff and agencies as he may consider necessary for the review. The applicant is advised to review his plans in general or sketch form with the Administrator prior to drafting for submittal.

(b) The Administrator shall examine the proposed preliminary site plan with respect to: the requirements of this chapter in effect upon the date of submittal; with respect to the traffic and circulation patterns, internal and external; and relation to major thoroughfares; utilities, drainage and community facilities, existing or proposed; surrounding development, existing or future; considerations of topography, floodplains, and the natural environment, the preservation of trees or historic sites, provision for open space; and in general with the objective of insuring a durable, harmonious, and

appropriate use of the land in accord with the objectives of the Comprehensive Plan. The plans shall be returned to the applicant with relevant comments in accordance with Code of Virginia § 15.2-2259. The applicant is responsible for revising the site plan in a timely manner addressing all relevant comments to the satisfaction of the Town Manager, Town Engineer, or Zoning Administrator prior to approval. ~~Unless otherwise specified approval shall be valid for a period of one year prior to the issuance of building permits. Final site plan approval shall be valid for the minimum time provided for Code of Virginia §15.2-2261.~~ The Town's comments or commitments on a preliminary site plan that has not achieved final approval shall be valid for a period of six months from the date that the comments are rendered for the Town's first review comments, four months from the date comments are rendered for the Town's second review comments, and two months from the date comments are rendered for the third and any subsequent review comments, unless extended for a period of 15 days due to extenuating circumstances by the Administrator, not to exceed 30 days. Additionally, if the comments have not been addressed to the satisfaction of the Town Manager, Town Engineer, and Zoning Administrator and a final site plan approval rendered within two years from the date of site plan submission, the preliminary site plan shall be deemed to have been voluntarily withdrawn by the applicant. Any subsequent submission shall begin the review process anew and shall require compliance with the provisions of this chapter (and any other applicable laws and regulations) in effect at the time of subsequent submission.

(c) If specified conditions or comments are met in revised plans within the time periods specified and the plans meet the requirements of a final site plan, the Administrator may Town Manager shall approve the final site plan. The Town Manager may approve additional minor changes, if, in the his opinion of the Administrator such changes do not substantially affect the original approval submittal and comments or conditions attached thereto.

(d) In any case where the Town Manager or Administrator is of the opinion that a proposed project subject to administrative site plan review is of such scale and impact that a decision on the site plan should be reached only after a review by the Town Council or the Planning Commission, he may refer the plan to the Council or the Commission or both of them for an advisory recommendation.

(e) Nothing in this section shall be interpreted to permit a grant of a variance or exception to the regulations of this chapter or to abridge the procedures or requirements of the laws and ordinances governing the subdivision of land.

(f) There shall be a charge for the examination and approval or disapproval of every site plan by the Administrator Town. At the time of filing the preliminary site plan, the developer or his agent shall deposit with the Administrator Town cash or checks payable to the Treasurer in the amount as set forth herein or as established in the latest edition of the Town development fee schedule, which may be amended from time to time by Town Council.

(g) The Town ~~may shall~~ require as-built site plans if ~~deemed necessary by the Town Engineer of public improvements, including geotechnical investigations. As-built plans may be required for other site improvements as deemed necessary by the Town.~~

\* \* \*

**Sec. 42-630. Amendments and additions to site plans approved by the Town Council.**

(a) The procedure for amendment of the boundaries of or the extent of land use for an approved Conditional Use Permit shall be the same as for a new application, except that minor amendments of an approved site plan and conditions attached to an approved Conditional Use Permit, or other site plan approved by the Town Council, may be approved by the Administrator, provided such change or amendment:

1. Does not alter a recorded plat,
2. Does not conflict with the specific requirements of this chapter,
3. Does not change the general character or content of an approved development plan or use,
4. Has no appreciable effect on adjoining or surrounding property,
5. Does not result in any substantial change of major external access points,
6. Does not increase the approved number of dwelling units or height of buildings, and
7. Does not decrease the minimum specified yards and open spaces or minimum or maximum specified parking and loading spaces.

(b) Amendments to conditions approved with conditional zoning are covered in Article I of this chapter.

\* \* \*

**Sec. 42-633. Approval and extension.**

Final approval of a site plan submitted under the provisions of this article shall expire in accordance with the minimum time provided for in Code of Virginia, § 15.2-2261. A single one-year extension may be given upon written request by the applicant to the Administrator made within 90 days before the expiration of the approved site plan. The administrator shall acknowledge the request and shall make a decision regarding the requested extension within 30 days after receipt of the request.

---

This ordinance shall become effective upon adoption. If any part of this ordinance is deemed unlawful by a court of competent jurisdiction all remaining parts

shall be deemed valid. Ordinances or parts of any ordinances of the Town whose provisions are in conflict herewith are hereby repealed.

Upon a call for an aye and nay vote on the foregoing ordinance at a regular meeting of the Council of the Town of Christiansburg, Virginia held \_\_\_\_\_, 2013 the members of the Council of the Town of Christiansburg, Virginia present throughout all deliberations on the foregoing and voting or abstaining, stood as indicated opposite their names as follows:

<u>Absent</u>	<u>Aye</u>	<u>Nay</u>	<u>Abstain</u>
Mayor Richard G. Ballengee*			
D. Michael Barber			
Cord Hall			
Steve Huppert			
Henry Showalter			
Bradford J. Stipes			
James W. "Jim" Vanhoozier			

\*Votes only in the event of a tie vote by Council.

SEAL:

---

Michele M. Stipes, Town Clerk

---

Richard G. Ballengee, Mayor

**AN ORDINANCE REQUESTING AMENDMENT OF THE  
CHARTER OF THE TOWN OF CHRISTIANSBURG, VIRGINIA  
BY THE VIRGINIA GENERAL ASSEMBLY**

WHEREAS, the Council of the Town of Christiansburg, Virginia has studied amendments to the Charter of the Town of Christiansburg; and,

WHEREAS, notice of the intention of the Town Council to pass said ordinance was published two consecutive weeks (November 20, 2013 and November 27, 2013) in The News Messenger, a newspaper published in and having general circulation in the Town of Christiansburg; and,

WHEREAS, a public hearing of the Council of the Town of Christiansburg was held December 3, 2013 and resulted in an affirmative vote that the following proposed revisions to the Charter be forwarded to the Virginia General Assembly for consideration and action; and,

WHEREAS, Council deems it proper to do so,

Be it ordained by the Council of the Town of Christiansburg, Virginia that the proposed revisions to the Charter be forwarded to the Virginia General Assembly for consideration and action as follows:

**CHAPTER 1. INCORPORATION AND BOUNDARIES**

**Sec. 1.02. Boundaries.**

The present boundaries of the Town are as set forth in annexation orders a voluntary boundary adjustment effective at midnight on the thirtieth day of April Two Thousand and Nine entered on the ninth tenth day of October Nineteen Hundred Seventy four April Two Thousand and Nine, and of record in Chancery Order Book No. 39, page 442 et seq. as Order Instrument No. 2009023593 and 2009023717 and Deed Instrument No. 2009003478 of the Clerk's Office of the Circuit Court of Montgomery County, Virginia, and are incorporated herein by reference thereto. Future annexation orders and voluntary boundary adjustments as appropriately approved and recorded in the Clerk's Office of the Circuit Court of Montgomery County, Virginia shall act to amend these boundaries of the Town upon their effective dates and times.

(Acts 1968, Ch. 173; Acts 1981, Ch. 616, § 1)

**CHAPTER 2. ADMINISTRATION AND GOVERNMENT**

**Sec. 2.01. Vesting of administration and government in Council; composition of Council; election and term of Council members; Council to be continuing body; vacancies in Council.**

The administration and government of the Town is vested in the Council composed of a Mayor and six Councilmen, all of whom shall be electors of the Town.

(a) The Council shall be elected in the manner provided by law. Three council members shall be elected on the November 2011 general election date and every four years thereafter. A

mayor and three other council members shall be elected on the November 2013 general election date and every four years thereafter. Terms of office shall begin on the first day of January next following their election. Each Council member and the Mayor elected as hereinabove provided shall serve for the term stated or until his successor has been elected and qualified. The Council shall be a continuing body, and no measure pending before such body shall abate or be discontinued by reason of expiration of term of office or removal of any of its members.

(b) Vacancy in the Council or in the Office of Mayor shall be filled within ~~sixty~~ forty-five days, for the unexpired term, by a majority vote of the remaining members ~~for the remainder of the unexpired term or until special election as required by Code of Virginia; provided, that if the term of office to be filled does not expire for two years or more after the next regular election for Council member, following such vacancy and such vacancy occurs in time to permit it, then the Council shall fill such vacancy only for the period then remaining until such election, and should a majority of the remaining members of Council fail to agree or act, appointment may be made by the circuit court until~~ a qualified person shall ~~then~~ be elected by the qualified voters and shall from and after the date of his election and qualification succeed such appointee and serve the unexpired term. The number of candidates for Council equal to the number of vacancies to be filled for full terms receiving the highest number of votes shall be entitled to such full terms ~~and the candidate receiving the next highest number of votes shall be entitled to the unexpired term caused by such vacancy.~~

(c) Notwithstanding any provisions of law to the contrary, any person shall be qualified to fill a vacancy on Council or as Mayor who is a resident of the Town and is a qualified elector therein, except that a member of Council shall not be qualified to fill a vacancy as Mayor.

(Acts 1981, ch. 616, § 1; Acts 2010, ch. 848, §1(2.01))

### **Sec. 2.03. Municipal officers.**

The municipal officers of said Town shall, in addition to the Mayor, consist of Treasurer, Chief of Police, Clerk of the Town Council, Town Manager and Town Attorney; and the Mayor may appoint such committees of the Council as he may see fit, and the Council may create such boards and departments of Town government and administration with such powers and duties and subject to such regulations as it may see fit, consistent with the provisions of this act and the general laws of this state. The said Treasurer and Clerk may be one and the same person if the Council deems it more expedient.

No employee of the Town or either of the officers of Treasurer, Chief of Police, Clerk of the Town Council, Town Manager or Town Attorney shall be required at the time of their employment or appointment to be a resident of the Town.

(Acts 1968, Ch. 173; Acts 1981, Ch. 616, § 1)

### **Sec. 2.04. Town Manager.**

The Council of the Town may, in its discretion, appoint a Town Manager who may also serve as Town Engineer. Upon appointment of a Town Manager, he shall be vested with administrative and executive powers of the Town and shall hold office during the pleasure of the Council. He shall receive such compensation as may be fixed by the Council. He shall see that within the Town the laws, ordinances, resolutions and bylaws of the Council are faithfully executed and that the duties of the various other appointed Town officers, members of the police, fire and public works departments and all other departments of the Town government, are faithfully performed. He shall have power to investigate their acts, have access to all books and documents in their offices and may examine them or their subordinates on oath, but the evidence

given by the persons so examined shall not be used against them in any criminal proceedings. He shall attend all meetings of the Council as deemed reasonably practical by Council and recommend for adoption such measures as he may deem expedient. He shall make reports to the Council from time to time as to the affairs of the Town and keep the Council fully advised as to the Town's financial condition and its future financial needs. He shall prepare and submit to the Council a tentative budget for each fiscal year. The Town Manager shall perform such other duties as may be prescribed by the Council and shall be bonded in such amount as the Council may deem necessary.

(Acts 1968, Ch. 173)

**Sec. 2.09. Mayor, Councilmen and municipal officers to be sworn in before entering upon duties; duration of oath.**

The Mayor, Councilmen and all municipal officers of said Town shall, before entering upon the duties of their respective offices, be sworn in, in accordance with the laws of the state of Virginia, by anyone authorized to administer oaths under the laws of the state. Oaths of municipal officers of the Town taken upon original appointment shall be considered to remain in effect for the duration of time the municipal officer remains in the respective office and new oaths shall not be required for reappointment of municipal officers to the respective office.

**Sec. 2.10. Certificates of oaths.**

When the Mayor, Councilmen, Town Manager, Treasurer, Clerk, and Sergeant Police Chief take the oaths required of them, duplicate certificates of the Court or person administering the same, stating the fact of their having been taken, shall be obtained by the person taking the same and be by him delivered for record as follows: One to the Clerk of the Circuit Court of Montgomery County and one to the Clerk of the Town Council. When any other municipal officer takes the oath required of him, a certificate as aforesaid, shall be secured by him and delivered to the Clerk of the Town Council.

**Sec. 2.11. Effect of neglect to take oath or to give bond with security.**

If any person elected or appointed to any office in said Town shall neglect to take such oath on or before the day on within thirty days of taking office or appointment of which he is to enter upon the discharge of the duties of his office, or shall, for twenty days after the beginning of his term of office, fail to give such bond with such security as may be required of him by the Council of said Town, he shall be considered as having declined said office, and the same shall be deemed vacant, and such vacancy shall be filled as prescribed in this Act Charter or by the general laws of this state.

**Sec. 2.12. Delivery of Town property, books and papers to successor in office.**

If any person, having been an officer of said Town, shall not within ten days after he shall have vacated or been removed from office, and upon notification of request of the Council within such time as it may allow, deliver to his successor in office all property, books and papers belonging to the Town or appertaining to such office, in possession or under his control, he shall forfeit and pay to the Town a sum not exceeding five hundred dollars, to be sued for and recovered with costs; and all books, records and documents used in any office by virtue of any provision of this Act Charter, or of any ordinances or order of the Town Council or any superior officer of said Town, shall be deemed the property of said Town and appertaining to said office, and the chief officer thereof shall be held responsible therefor.

**Sec. 2.16. Vacancy in Office of Mayor.**

In case a vacancy shall occur in the Office of the Mayor, the vacancy shall be filled by the method provided in Section 2.01 for filling vacancies in the Council.  
(Acts 1981, Ch. 616, § 1)

**Sec. 2.23. Filling vacancy on Council when member disqualified or expelled.**

If any member of the Council shall be adjudged by the Council disqualified or be expelled, under the previous Section 2-22, 2.22, a special election shall be held under the general election laws of the Commonwealth to fill such vacancy, for the unexpired term.

**Sec. 2.23A. Power of Council when member voluntarily absent from meetings consecutively for three months; irregular elections.**

If any member of said Council be voluntarily absent from its meetings consecutively for three months, his seat may be declared vacant by the Council, and the unexpired term filled by appointment as provided in Section 2-01(b) 2.01(b).

Where not otherwise provided for by the laws of this state the Town Council shall by ordinance provide for any irregular elections not herein or by the state laws provided for, and appoint the necessary officers to conduct the same.

**Sec. 2.25. General powers of Council--Management of municipal and fiscal affairs and of Town property.**

The Town Council shall have, subject to the provisions of this Aet Charter and the general laws of this state, the management and control of the fiscal and municipal affairs of the Town and of all property, real and personal, belonging to the Town.

**Sec. 2.27. Same--As to ordinances and bylaws, taxes and licenses, appointment of officers, etc.**

For carrying into effect the powers granted by this Aet Charter and the general laws of this State, the Town Council may make ordinances and bylaws, and prescribe fines and other punishments for violation thereof, levy taxes and licenses, keep Town guard, appoint a collector of taxes and levies, and such other officers as they may deem proper, define their powers, prescribe their duties and compensation, and take from any of them a bond, with surety, in such penalty as the Council may deem proper, payable to the Town by its corporate name, and with condition for the faithful discharge of the said duties.

**Sec. 2.28. Clerk of Council.**

The Clerk of the Council shall be appointed by ~~it~~ the Town Council, and shall attend the meetings of the Council and shall keep permanent records of its proceedings; and also keep such other papers, documents and records pertaining to the Town as may be determined by the Council; he shall be custodian of the Town seal and shall affix it to all documents and instruments requiring the seal, and shall attest the same; he shall give notice to all parties, presenting petitions or communications; he shall give the proper department or officials ample notice of the expiration or termination of any franchise, contract or agreements agreement; he shall publish such records and ordinances as the Council is required to publish and such other records and ordinances as it may direct; he shall upon final passage transmit to the proper departments or officials copies of

all ordinances or resolutions of the Council relating in any way to such departments or to the duties of such officials, and he shall perform such other acts and duties as the Council may, from time to time, allow or require.

(Acts 1968, Ch. 173)

### **Sec. 2.31. Chief of Police.**

The Town Council shall have the power and authority to appoint a Chief of Police and to provide for the employment of such additional police officers and ~~privates~~ other support staff as it may deem necessary or proper, to prescribe rules and regulations for the government thereof, to prescribe their ~~rate of pay structure~~; and in addition thereto the Mayor, or in his absence, the Vice-Mayor, or in the absence of both, any Councilman, shall have the power and authority whenever the regular police force of the Town is inadequate to meet the needs of the occasion, to appoint and swear in such additional or special policemen as he may deem requisite for a term of service not to exceed ten days and at such compensation as the Council may fix for special policemen. The duties and powers of such special policemen shall be the same as that of ~~private patrol officer~~ of the regular police force.

(Acts 1968, Ch. 173; Acts 1981, Ch. 616, § 1)

### **Sec. 2.32. Police force.**

The police force shall be under the control of the Town Manager, and during any time that the Office of the Town Manager is not filled, or in the absence of the Town Manager, under the control of the Mayor, for the purpose of enforcing peace and order and executing the laws of the state and ordinances of the Town. They shall perform such other duties as the Council may prescribe. For the purpose of enabling them to execute their duties, each policeman is hereby invested with all the power and authority which belongs to the office of the constable at common law in criminal cases.

(Acts 1968, Ch. 173)

## **CHAPTER 3. TAXATION, FINANCES, ETC.**

### **Sec. 3.19. Execution of bonds, etc.**

All bonds, and other evidences of indebtedness of the Town, shall be signed by the Mayor and countersigned by the Clerk of the Council, who shall affix the corporate seal of the Town and attest the same.

### **Sec. 3.20. Sinking funds.**

(a) There shall be set apart from the revenues of the Town an annual amount to be covered into a sinking fund sufficient to pay, at or before maturities, all outstanding bonded indebtedness of the Town. This does not include so-called short term obligations of the Town. The Council may, in its discretion, annually, from time to time, set aside such additional sinking funds for equipment and capital improvements as it may deem advisable.

(b) All sinking funds set aside for the payment of the bonded indebtedness of the Town shall be used exclusively in the payment or purchase and redemption of such outstanding bonds. When any sinking funds are not immediately needed for the purpose for which they were provided, they may be invested in securities as provided for by ~~see. 26-40 of the~~ Code of Virginia

§ 15.2-2500 under the then existing laws of the Commonwealth of Virginia for public sinking funds, to such extent as the Council shall deem proper or expedient.

(Acts 1968, Ch. 173)

**Sec. 3.21. Biannual Annual audit of financial records; fiscal year.**

The Council shall have the financial records of the Town audited by a Certified Public Accountant biannually annually, as soon after the close of the fiscal year as is practicable or at any other time deemed necessary by the Council. The fiscal year begins September One of each year and ends August Thirty one of the following year in accordance with the Code of Virginia.

~~The Town Council may, by resolution, change the fiscal year where it would seem to be to the best interest of the Town.~~

(Acts 1968, Ch. 173)

## **CHAPTER 4. PROPERTY, BUILDINGS, UTILITIES AND STREETS**

**Sec. 4.01. Town Plan generally; subdivisions.**

The Town is empowered to make and adopt a Comprehensive Plan for the Town, and to that end all plats and replats hereafter made subdividing any land within two miles of its corporate limits into streets, alleys, roads and lots or tracts shall be submitted to and approved by the Council within such limitations as they may prescribe before such plats or replats are filed for record or recorded in the Office of the Clerk of the Circuit Court of Montgomery County, Virginia.

The Town Council shall have the authority to require real estate subdividers within the corporate limits of the Town to construct, at the subdivider's expense, water mains, sewer mains, streets, drainage, sidewalks, curbs and gutters. Such construction ~~to~~ shall be as prescribed by and under the direction of the Town Council.

The Town Council shall have the authority to negotiate with subdividers without the corporate limits as to the construction of water mains, sewer mains, and as to water and sewer service.

**Sec. 4.06. Waterworks, sewage disposal facilities, etc.; eminent domain.**

(a) The Town Council shall have the power and authority to acquire or otherwise obtain control of, or establish, maintain, operate, extend and enlarge waterworks, sewerage systems and treatment facilities, gasworks, electric plants, airports and other public utilities within or without the limits of the Town; to acquire within or without the limits of the Town by purchase, or otherwise, whatever land may be necessary for acquiring, locating, establishing, maintaining, operating, extending and enlarging said waterworks, electric plants, airports, and other utilities, and rights of way, rails, pipes, manholes, poles, conduits and wires connected therewith; establish rates, rules and regulations for all public utilities operated by the Town, any or all of which rates, rules and regulations the Council may alter at any time without notice. The Town Council may, by ordinance, prohibit the waste and unnecessary use of water.

(b) The Town of Christiansburg may exercise the power of eminent domain with respect to land and improvements thereon, machinery and equipment, for any lawful purposes of said Town.

The powers set forth in ~~See[s]. 15.1-837 through 15.1-915 inclusive of Chapter 18 of Title 15.1 of the Code of Virginia §§ 15.2-1100 et seq.~~ as in force on ~~January One, Nineteen Hundred Sixty eight the date of the enactment of this Charter~~ are hereby conferred on and vested in the Town of Christiansburg. In addition, the Town of Christiansburg shall have the powers set forth in ~~See[s]. 33-70.1 §§ 33.1-119 through 33-70.11 33.1-129~~. When certificates are issued pursuant to ~~See[s]. 33-70.1 §§ 33.1-119 through 33-70.11 33.1-129~~, inclusive, of the Code of Virginia as amended, and acts amendatory thereof and supplemental thereto, they may be issued by the Town Council, signed by the Town Manager, or the Mayor, and countersigned by the Town Treasurer. Such certificate shall have the same effect as a certificate issued by the ~~State Highway~~ Virginia Department of Transportation Commissioner of Highways under the aforesaid laws, and may be issued in any case in which the Town proposes to acquire property of any kind by the exercise of its powers of eminent domain for any lawful public purpose, whether within or without the Town; provided, that the provisions of ~~See[s]. 33-70.4 §§ 33.1-119 through 33-70.11 33.1-129~~, inclusive, shall not be used except for the acquisition of lands or easements necessary for streets, water, sewer or utility pipes or lines or related facilities.

(Acts 1968, Ch. 173)

#### **Sec. 4.10. Grade of streets, sidewalks, etc.; permits for street openings.**

The Town Council shall have the exclusive authority to determine the grades for all streets, sidewalks, curbs, gutters, and alleys not in conflict with the ~~State~~ Virginia Department of Highways Transportation, and shall have the right to require permits for, and control of any opening in any street under its jurisdiction.

### **CHAPTER 6. HEALTH AND SANITATION**

#### **Sec. 6.02. Connection with and use of Town sewer or water pipe lines.**

The Town Council shall have the power and authority to require the owners or occupiers of the real estate within the corporate limits of the Town to use such sewer pipes and conduits and water furnished by the Town under such ordinances and regulations as the Council may deem necessary to secure the proper sewerage thereof and to improve and secure good sanitary conditions; and shall have the power to enforce the observance of all such ordinances and regulations by the imposition and collection of fines and penalties, to be collected as other fines and penalties, under the provisions of this Charter.

(Acts 1968, Ch. 173)

### **CHAPTER 7. MISCELLANEOUS PROVISIONS**

#### **Sec. 7.01. Contracts for erection of public improvements and buildings; interest of Council members in contracts.**

All contracts for the erection of public improvements and buildings within the jurisdiction of the Town ~~where the estimated cost thereof exceeds three thousand dollars shall be in compliance with the Code of Virginia~~, and in all cases where practicable, shall be let to the lowest responsible bidder, all things considered, and the party to whom any contract is let shall give bond as the Council may require, but in no event shall any contract be let to any member of the Town Council, nor shall any member have any interest in such contract.

(Acts 1968, Ch. 173)

**Sec. 7.03. Protection of persons and property and preservation of peace and order.**

The Town Council shall have the power and authority to protect the persons and property of the inhabitants of the Town and others within the Town; to restrain and punish drunkards, vagrants and street beggars; to prevent vice and immorality; to preserve the public peace and good order; to prevent and quell riots, disturbances and disorderly assemblages; to suppress houses of ill fame and gambling houses; to prevent and punish lewd or indecent conduct or exhibitions in the Town; and to expel therefrom persons guilty of such conduct who have not resided therein as much as one year; and for any violation of such ordinances may impose fines and other punishments in addition to those prescribed by the laws of the State.

**Sec. 7.04. Prevention of certain persons from coming into Town. Repealed by Acts 2014, Ch. XXX.**

~~The Town Council shall have the power and authority to prevent the coming into Town of persons having no ostensible means of support, and of persons who may be dangerous to the peace and safety of the Town.~~

**Sec. 7.06. County Trial Justice System; judicial authority of Mayor in event of withdrawal from County Trial Justice System Repealed by Acts 2014, Ch. XXX.**

~~The Town shall operate under the County Trial Justice System for the trial of violations of the ordinances of the Town. However, should the Town Council deem it advisable, to the best interest of the Town, to withdraw such system, then the Mayor shall try such cases and shall be clothed with the authority to inflict such punishment and impose such fines as may be prescribed for the violation of Town ordinances.~~

~~The compensation of the Mayor in the trial of such cases shall be as fixed by the Town Council.~~

**Editor's note--**The above section is superseded by Code of Virginia, § 16.1-123.1.

**Sec. 7.07. Police Justice Repealed by Acts 2014, Ch. XXX.**

~~In lieu of the Mayor trying cases involving the violation of Town ordinances, the Council may, in its discretion create, by ordinance, the Office of Police Justice and may appoint a Police Justice for the Town, to try all violations of Town ordinances.~~

~~The term of office and compensation of such Police Justice shall be as fixed by the Town Council.~~

**Sec. 7.08. Justice of the Peace Repealed by Acts 2014, Ch. XXX.**

~~The Town Council shall have the power to appoint a Justice of the Peace for such Town, who shall be clothed with all the powers and authority of other Justices of the Peace and upon whom may be conferred, in the manner provided in Section 16-129 of the Code of Virginia the right and authority therein set forth.~~

**Sec. 7.10. Working of prisoners.**

Any person confined in jail as provided in this Charter or for violations of Town ordinances, Code of Virginia, or federal laws may be required to work on the streets and public

works of said Town during the time of confinement. ~~Any person refusing so to work may be subjected to solitary confinement with a diet of bread and water for a period not exceeding thirty-six hours.~~

**Sec. 7.11. Continuance of existing ordinances.**

All ordinances now in force in the Town of Christiansburg, not inconsistent with this ~~act~~ Charter, shall be and remain in force until altered, amended or repealed by the Town Council.

**Sec. 7.14. Title of Charter.**

This ~~act~~ Charter may for all purposes be referred to or cited as the Christiansburg Charter of Nineteen Hundred and Fifty-four, as amended.

This ordinance shall become effective upon adoption. If any part of this ordinance is deemed unlawful by a court of competent jurisdiction all remaining parts shall be deemed valid. Ordinances or parts of any ordinances of the Town whose provisions are in conflict herewith are hereby repealed.

Upon a call for an aye and nay vote on the foregoing ordinance at a regular meeting of the Council of the Town of Christiansburg, Virginia held \_\_\_\_\_, the members of the Council of the Town of Christiansburg, Virginia present throughout all deliberations on the foregoing and voting or abstaining, stood as indicated opposite their names as follows:

	<u>Aye</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
--	------------	------------	----------------	---------------

Mayor Richard G. Ballengee\*

D. Michael Barber

Cord Hall

Steve Huppert

Henry Showalter

Bradford J. Stipes

James W. "Jim" Vanhoozier

\*Votes only in the event of a tie vote by Council.

SEAL:

---

Michele M. Stipes, Town Clerk

---

Richard G. Ballengee, Mayor

**RESOLUTION NO.**

AT A REGULAR MEETING OF THE TOWN COUNCIL OF THE TOWN OF CHRISTIANSBURG, VIRGINIA HELD AT THE CHRISTIANSBURG TOWN HALL ON TUESDAY, \_\_\_\_\_, 2013 AT 7:30 PM

**A RESOLUTION ADOPTING A PROCEDURE FOR AWARDING MULTIPLE CONTRACTS TO MULTIPLE OFFERORS UNDER TERM SERVICES CONTRACTS AND PROVIDING FOR AN EFFECTIVE DATE**

WHEREAS, the Virginia Public Procurement Act, specifically, § 2.2-4301 of the Virginia Code, allows public bodies to negotiate and contract for architectural or professional engineering services relating to construction projects; and

WHEREAS, pursuant to Virginia Code § 2.2-4301(3), a contract for architectural or professional engineering services relating to construction projects may be negotiated by a public body, for multiple projects provided: (i) the projects require similar experience and expertise, (ii) the nature of the projects is clearly identified in the Request for Proposal (“RFP”), and (iii) the contract term is limited to one year or when the cumulative total project fees reach the maximum cost authorized in this paragraph, whichever occurs first; and

WHEREAS, competitive negotiations for such contracts may result in awards to more than one offeror provided (1) the RFP so states and (2) the public body has established procedures for distributing multiple projects among the selected contractors during the contract term; and

WHEREAS, the Council desires to adopt a procedure for awarding multiple projects to more than one offeror under term services contracts in conformity with the Virginia Public Procurement Act;

NOW THEREFORE, be it resolved by the Town Council of the Town of Christiansburg, Virginia, as follows:

The Town Council of the Town of Christiansburg hereby establishes the following procedure for distributing multiple projects to more than one offeror under a term services contract:

Following the selection of more than one offeror for architectural or professional engineering services and execution of a term services contract with more than one offeror, multiple projects identified in the RFP published for the term services shall be awarded as follows:

- 1) Selected offerors shall be notified in the manner set forth in the term services contract as projects become available.
- 2) Once notified, selected offerors may submit a proposal for available project.
- 3) Selected offerors shall be ranked for each project based upon the following criteria:

- a. Knowledge and experience concerning the scope and requirements for the project.
- b. Knowledge of the Town's overall goals concerning the project.
- c. Past performance on similar scopes of work within the Town.
- d. Order of ranking from initial proposals.
- e. Current work load or agreements in effect with the Town.
- f. Current work load on other non-Town projects.

4) Fees for services will be governed by procedures established by the participating funding agencies where applicable. Otherwise, fees for services shall be fair and reasonable and negotiated on a schedule agreeable to the Town.