

FALLS CHURCH, CITY OF

City of Second Class.

Named for the Anglican church located near
the Little Falls of the Potomac River.

Established in 1850; incorporated as a town in 1875.

Became a city by court order in 1948.

Town Charter, 1946, c. 378; repealed 1950, c. 323.

Charter, 1950, c. 323.

Amended 1952, c. 204 (§ 8.06)
1952, c. 301 (§§ 3.02, 3.05, 4.01, 4.03, 4.09, 4.10, 4.14, 5.01, 7.02,
7.11, 9.10 [repealed], 10.03, 10.05, 13.05, 13.06, 14.03,
17.07, 21.03 [repealed])
1952, c. 315 (§§ 19.01, 19.07, 19.11, 19.13)
1954, c. 440 (§§ 7.08, 12.07, 17.01 through 17.04, 17.06, 17.07,
17.08, 17.10, 17.11, 17.13, 17.14, 17.15, 17.29, 18.03)
1954, c. 514 (§§ 4.14, 4.17 [added], 5.06, 18.02, 20.02)
1954, c. 560 (§§ 6.02, 6.14, 6.19, 7.02, 19.01, 21.05 [repealed])
1954, c. 561 (§ 3.05)
1956, c. 190 (§§ 3.01, 3.03, 3.04, 3.05, 3.06 [added], 4.01, 10.05
[repealed], 16.06, 17.10, 20.02)
1958, c. 136 (§§ 3.02, 3.05, 4.06, 8.03, 8.04, 8.05)
1960, c. 429 (§§ 3.02, 4.01, 4.12, 4.17, 6.02, 6.09, 6.19, 17.02,
17.06, 17.07, 17.08, 17.13, 19.01 through 19.10, 19.12,
19.13, 20.02)
1966, c. 146 (§§ 4.01, 16.06, 17.02, 17.15)
1968, c. 364 (§§ 7.02, 16.06, 20.02)
1973, c. 292 (§§ 1.02, 3.01, 3.06, 4.04, 4.17, 7.02, 7.03, 7.06, 7.12,
8.04, 8.08, 10.02, 11.04, 12.02, 17.04, 17.07, 19.11, 20.10)
1976, c. 13 (§§ 2.05, 3.02, 3.05, 3.06 [repealed], 4.05, 4.10, 7.02,
8.08, 10.02, 19.01 through 19.13 [repealed], 20.10, 20.13)
1979, c. 421 (§§ 2.06, 3.04, 3.05, 4.01, 4.02, 4.16, 5.01, 6.02, 6.03,
8.11, 9.02, 10.02, 11.02, 17.32, 20.10)
1981, c. 361 (§§ 4.04, 8.04, 8.07, 9.01, 16.06)
1987, c. 68 (§§ 4.11, 5.07, 6.03, 6.10, 6.15, 6.21, 7.01, 8.03, 8.04,
8.08, 9.01, 9.07, 9.11, 17.08)
1989, c. 345 (§§ 2.06, 3.02, 17.18, 17.20)
1991, c. 40 (§§ 2.06, 3.02)
1992, c. 513 (§§ 6.16, 6.19, 7.01, 7.05, 7.06, 8.03, 8.11 [repealed],
12.07, 13.06)
1993, c. 969 (§§ 13.07, 20.02)
1994, c. 92 (§§ 17.33, 20.02)
1995, c. 655 (§§ 2.04, 13.09)
1996, c. 310 (§§ 3.04, 3.07 [added], 4.02, 17.02)
1997, c. 776 (§§ 19A.01 through 19A.03 [added])
1999, c. 135, 168 (§§ 3.03, 4.01, 4.08, 5.07, 8.05)

2001, c. 708, 796 (§§ 17.03, 17.05, 17.09)
2004, c. 497, 569 (§§ 5.02 [repealed], 5.02.1 [added], 5.04 [repealed], 8.02 and 8.03 [repealed], 8.07 [repealed], 8.09 and 8.10 [repealed], 8.12 [repealed], 9.01 through 9.09 [repealed], 9.11 [repealed], 11.01 through 11.05 [repealed], 12.01 through 12.09 [repealed], 13.01 through 13.05 [repealed], 13.10 [repealed], 14.01 through 14.06 [repealed], 15.01 through 15.05 [repealed], 16.01 through 16.04 [repealed])
2008, c. 316, 683 (§§ 10.02, 17.10).

FALLS CHURCH, CITY OF

CHAPTER 1 INCORPORATION AND BOUNDARIES

§ 1.01. Incorporation.

The inhabitants of the territory comprised within the limits of the City of Falls Church 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 Falls Church 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. (1950, c. 323)

§ 1.02. Boundaries.

The corporate limits of Falls Church, as heretofore established, are hereby reestablished as follows: So much of the territories in the County of Fairfax, together with all the improvements and appurtenances thereunto belonging, as is contained in the following boundaries, to-wit: "Beginning at a large planted stone on the estate of the late J. C. DePutron, at the original Western corner of the District of Columbia, which is also at the corner of Fairfax and Arlington Counties and at the corner of the Town of Falls Church; thence North 73° 50' West 4850 feet to a point; thence South 25° 45' West 4014 feet to a point in the center of West Street; thence South 21° East 3185 feet to a point in the center line of Fairfax Street; thence with said center line North 67° 15' East 418½ feet; North 89° 00' East 911 feet; North 87° 50' East 1650 feet to a point; thence North 56° 45' East 146 feet to a point in the middle of said street; thence South 77° East 1539 feet to a point near the Methodist Episcopal Church; thence South 62° East 5604 feet to a point in the North line of Georgetown Road; thence with said North line North 41° 20' East 214½ feet; thence North 87° 30' East 567 feet; North 62° East 372 feet; North 88° East 371 feet; South 82° 30' East 338½ feet to a point; thence North 4° 15' East to the boundary between Fairfax and Arlington Counties; thence with said boundary in a Northwesterly direction to the point of beginning" containing all that portion of the Town of Falls Church remaining after the separation of that portion lying in Arlington County. (1950, c. 323; 1973, c. 292)

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. (1950, c. 323)

§ 2.02. Financial Powers.

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

(a) To raise annually by taxes and assessments in the city such sums of money as the council shall deem necessary to pay the debts and defray the expenses of the city, in such manner as the council shall deem expedient provided that such taxes and assessments are not prohibited by the laws of the Commonwealth. In addition to, but not as a limitation upon, this general grant of power the city shall have power to levy and collect ad valorem taxes on real estate and tangible personal property and machinery and tools; to levy and collect taxes for admission to or other charge for any public amusement, entertainment, performance, exhibition, sport or athletic event in the city, which taxes may be added to and collected with the price of such admission or other charge; unless prohibited by general law to require licenses, prohibit the conduct of any business, profession, vocation or calling without such a license, require taxes to be paid on such licenses in respect of all businesses, professions, vocations and callings which cannot, in the opinion of the council, be reached by the ad valorem system; and to require licenses of owners of vehicles of all kinds for the privilege of using the streets, alleys and other public places in the city, require taxes to be paid on such licenses and prohibit the use of streets, alleys and other public places in the city without such license.

(b) To borrow money for the purposes and in the manner provided by Chapter 7 of this charter.

(c) To make appropriations, subject to the limitations imposed by this charter, for the support of the city government and any other purposes authorized by this charter and not prohibited by the laws of the Commonwealth.

(d) To appropriate, without being bound by other provisions of this charter, in an amount of not more than five percent of the receipts of the preceding fiscal year for the purpose of meeting a public emergency threatening the lives, health or property of the inhabitants of the city, provided that any such appropriation shall require the affirmative votes of a majority of the entire council and that the ordinance making such appropriation shall contain a clear statement of the nature and extent of the emergency.

(e) To accept or refuse gifts, donations, bequests or grants from any source for any purpose related to the powers and duties of the city government, and to act as trustee for any appropriate purpose.

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

(g) To grant financial aid to military units organized in the city in accordance with the laws of the Commonwealth, and to charitable or benevolent institutions and

corporations, including those established for scientific, literary or musical purposes or the encouragement of agriculture and the mechanical arts, whose functions further the public purposes of the city.

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

(j) To provide for the control and management of the fiscal affairs of the city, and prescribe and require the adoption and keeping of such books, records, accounts and systems of accounting by the departments, boards, commissions, courts or other agencies of the city government provided for by this charter or otherwise by law as may be necessary to give full and true accounts of the affairs, resources and revenues of the city and the handling, use and disposal thereof. (1950, c. 323)

§ 2.03. Powers Relating to Public Works, Utilities and Properties.

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

(a) To lay out, open, extend, widen, narrow, establish or change the grade of, close, construct, pave, curb, gutter, adorn with shade trees, otherwise improve, maintain, repair, clean and light, streets, including limited access or express highways, alleys, bridges, viaducts, subways and underpasses, and make and improve walkways upon streets and improve and pave alleys within the city; and the city shall have the same power and authority over any street, alley or other public place ceded or conveyed to the city or dedicated or devoted to public use as over other streets, alleys and other public places.

(b) To acquire, construct, own, maintain and operate, within and without the city, public parks, parkways, playfields and playgrounds, and to lay out, equip and improve them with all suitable devices, buildings and other structures.

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

(d) To acquire, construct, maintain and operate, within and without the city, sewers, drains, culverts and sewage disposal works.

(e) To assess to the extent permitted by law the cost of making and improving walkways on then existing streets, improving or paving existing alleys, or constructing sewers, culverts and drains, upon the owners of land abutting thereon or on the street or alley in which such sewer, culvert or drain is laid, provided that the amount of such assessment shall not exceed the peculiar benefit resulting to the landowner from the

improvement, provided further, that in lieu of any such assessment for the construction of a sewer, culvert or drain, the city may assess and collect an annual sewer tax as compensation for the use thereof, and may provide for the commutation thereof upon such terms and conditions as the council may provide by ordinance, but such assessment shall not be in excess of the peculiar benefit resulting therefrom to such abutting landowners; and provided further, that the city may acquire by condemnation or otherwise any interest or right of any owner of abutting property in the use of any sewer, culvert or drain, and thereafter charge such landowner for the use of such sewer, culvert or drain. The city may order such improvements to be made and the cost thereof apportioned in pursuance of an agreement between the city and the abutting landowners.

(f) To acquire, construct, maintain and equip all buildings and other structures necessary or useful in carrying out the powers and duties of the city.

(g) To sell, lease or dispose of, except as otherwise provided in this charter and in the Constitution and laws of the Commonwealth, land, buildings and other property of the city, real and personal.

(h) To control and regulate the use and management of all property of the city, real and personal, and specifically to rent or lease under such regulations as the school board shall deem expedient, school buildings, lands, grounds and equipment to persons or organizations for such health, educational, civic or recreational purposes as the school board shall deem prudent and beneficial to the community.

(i) To acquire, construct and maintain or authorize the construction and maintenance of bridges, viaducts or underpasses over or under any stream, creek or ravine when any portion of such bridge, viaduct or underpass is within the city limits, and to require compensation for their use by public utility, transmission or transportation companies, except as the right to require such compensation is affected by any contact heretofore or hereafter made with the company concerned.

(j) To authorize by ordinance, in accordance with the Constitution and laws of the Commonwealth, the use of the streets for the operation of public transportation systems under such conditions and regulations as may be prescribed by such ordinance or by any future ordinance, or to acquire by agreement or condemnation any such transportation system and operate the same.

(k) To acquire, construct, own, maintain and operate, places for the parking or storage of vehicles by the public, which shall include but shall not be limited to parking lots, garages, buildings and other land, structures, equipment and facilities, when in the opinion of the council they are necessary to relieve congestion in the use of streets and to reduce hazards incident to such use provide for their management and control by a department of the city government or by a board, commission or agency specially established by ordinance for the purpose; authorize or permit others to use, operate or maintain such places or any portions thereof, pursuant to lease or agreement, upon such terms and conditions as the council may determine by ordinance; and charge or authorize the charging of compensation for the parking or storage of vehicles or other services at or in such places.

(l) To acquire, construct, own, maintain and operate, airports and all the appurtenances thereof; provide for their management and control by a department of the city government or by a board, commission or agency specially established by ordinance for the purpose; charge or authorize the charging of compensation for the use of any such

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

(m) To acquire, construct, own, maintain and operate, stadia, arenas, swimming pools and other sport or recreation facilities; provide for their management and control by a department of the city government or by a board, commission or agency specially established by ordinance for the purpose; charge or authorize the charging of compensation for the use of or admission to such stadia, arenas, swimming pools and other sport facilities, including charges for any services incidental thereto; lease, subject to such regulations as may be established by ordinance, any such stadium, arena, swimming pool or other sport or recreation facility or any concession incidental thereto, or enter into a contract with any person, firm or corporation for the management and operation of any such stadium, arena, swimming pool or other sport or recreation facility, including the right to all concessions incident to the subject of such contract, on such terms and conditions as the council may determine by ordinance.

(n) To acquire, construct, own, maintain and operate, within and without the city, water works, sanitary sewers and sewage disposal plants, gas plants and electric plants, with the pipe and transmission lines incident thereto, to be managed and controlled as provided in Chapter 13 of this charter, for the purpose of supplying water, sanitary sewers, gas and electricity within and without the city, and to charge and collect compensation therefor, and to provide penalties for the unauthorized use thereof. The council may require the charges made for any and all of such facilities to be paid at such time, in such manner, and subject to such penalties as it may prescribe. The charges for the use of the sanitary sewers may be based upon the amount of water used, or the number of water taps or outlets serving any premises, or the connections, if any, with such sanitary sewers, or such other basis as the council of the city may deem just, or any combination thereof. (1950, c. 323)

§ 2.04. Power to Make Regulations for the Preservation of the Safety, Health, Peace, Good Order, Comfort, Convenience, Morals, and Welfare of the City and Its Inhabitants.

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

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

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

(c) To provide for the protection of the city's property, real and personal, the prevention of the pollution of the city's water supply, and the regulation of the use of parks, playgrounds, playfields, recreational facilities, airports and other public property, whether located within or without the city. For the purpose of enforcing such regulations all city property, wherever located, shall be under the police jurisdiction of the city. Any member of the police force of the city or employee thereof appointed as a special policeman shall have power to make arrests for violation of any ordinance, rule or regulation adopted pursuant to this section and the civil and police court shall have jurisdiction in all cases arising thereunder.

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

(e) To prevent any obstruction of or encroachment over, under or in any street, alley, sidewalk or other public place; provide penalties for maintaining any such obstruction or encroachment, remove the same and charge the cost thereof to the owner or owners, occupant or occupants of the property so obstructing or encroaching, and collect the sum charged in any manner provided by law for the collection of taxes, require the owner or owners or the occupant or occupants of the property so obstructing or encroaching to remove the same; pending such removal charge the owner or owners of the property so obstructing or encroaching compensation for the use of such portion of the street, alley, sidewalk, or other public place obstructed or encroached upon the equivalent of what would be the tax upon the land so occupied if it were owned by the owner or owners of the property so obstructing or encroaching and, if such removal shall not be made within the time ordered, impose penalties for each and every day that such obstruction or encroachment is allowed to continue thereafter, authorize encroachments upon streets, alleys, sidewalks or other public places, subject to such terms and conditions as the council may prescribe, but such authorization shall not relieve the owner or owners, occupant or occupants of the property encroaching, of any liability for negligence on account of such encroachment, and recover possession of any street, alley, sidewalk or other public place or any other property of the city by suit or action in ejectment.

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

(g) To regulate the operation of motor vehicles and exercise control over traffic in the streets of the city and provide penalties for the violation of such regulations, provided that ordinances or administrative regulations adopted by virtue of this

subsection shall not be inconsistent with the provisions of the motor vehicle code of Virginia. All fines imposed for the violation of such ordinances and regulations shall be paid into the city treasury.

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

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

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

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

(l) To regulate the emission of smoke, dust and other atmospheric pollution, the construction, installation and maintenance of fuel-burning equipment, and the methods of firing and stoking furnaces and boilers.

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

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

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

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

(q) To prevent cruelty to and the abuse of animals.

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

(s) Upon an affirmative finding of the need to protect the public health, welfare, and safety of its citizens, the City of Falls Church may provide by ordinance for the issuance of certificates of compliance with current building code regulations for existing residential rental buildings located in areas of the city subject to neighborhood blight as defined below, designated by the city council, after inspections of such buildings upon a termination of the tenancies or when such rental property is sold. "Neighborhood blight" means a legislative finding by the city council of unhealthful, dangerous, or harmful conditions in a residential site or residential area of the city caused by neglect or lack of maintenance, residential overcrowding of land, or illegal activity, of owners or occupants of the residential structures. (1950. c. 323; 1995, c. 655)

§ 2.05. Miscellaneous Powers.

The city shall also have power:

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

(b) To establish, maintain and operate, within and without the city, public hospitals, sanatoria, convalescent homes, clinics and other public institutions, homes and facilities for the care of the sick, of children, the aged and the destitute and is authorized to engage in or assist in development or operation of housing for the elderly, handicapped, and for low or moderate income families and individuals.

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

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

(e) To establish, maintain and operate, within or without the city, a jail for the confinement of prisoners, ordered or sentenced to be confined therein, and a jail farm; and compel able-bodied prisoners confined in the jail to work on such farm, with the approval of the official trying such cases.

(f) To establish, impose and enforce the collection of water, light, gas, and sewage rates, and rates and charges for other services, products, or conveniences operated or furnished by the city; and the council may prescribe a different rate to be paid for such services and conveniences rendered to users or customers without the corporate limits of the city. (1950, c. 323; 1976, c. 13)

§ 2.06. Enforcement of Regulations.

When by the provisions of this charter or the Constitution and general laws of the Commonwealth, the city is authorized to pass ordinances on any subject, the council may provide suitable penalties for the violation of any such ordinances, including ordinances effective outside the city as provided in this charter. No such penalty shall exceed the maximum limits set by general law for Class 1 misdemeanors or substantially similar offenses. Upon conviction for violation of any ordinance, the court trying the case may require bond of the person so convicted with proper security in the penalty of not more than \$2,000.00, conditioned to keep the peace and be of good behavior and especially for the period of not more than one year not to violate the ordinance for the breach of which he has been convicted. From any fine or imprisonment imposed an appeal shall lie as in cases of misdemeanor. Whenever any fine or penalty shall be imposed but not paid the court trying the case may, unless an appeal be forthwith taken, proceed in accordance with general law and may issue a writ of fieri facias directed to the sheriff having jurisdiction in the city for the collection of the amount due, returnable within sixty days from its issuance. The city is hereby expressly authorized and empowered to institute and maintain a suit or suits to restrain by injunction the violation of any ordinance legally adopted by it, notwithstanding such ordinance may provide penalties for its violation. The city is authorized to fix a fine not to exceed fifty dollars for violations of the city's motor vehicle license tax. (1950, c. 323; 1979, c. 421; 1989, c. 345; 1991, c. 40)

§ 2.07. Licenses and Permits.

Whenever in the judgment of the council it is advisable in the exercise of any of the powers of the city or in the enforcement of any ordinance or regulation, it may provide for the issuance of licenses or permits in connection therewith, establish the amount of the fee to be charged the licensee or permittee and require from the licensee or permittee a bond and an insurance policy of such character and in such amount and upon such terms as it may determine. (1950, c. 323)

CHAPTER 3
ELECTIONS

§ 3.01. Election of Councilmen.

In the regular municipal election to be held on the first Tuesday in May, 1974, and every four years thereafter, four councilmen shall be elected for terms of four years each, such terms of office to begin on the first day of July, 1974, and end on the last day of June, 1978; succeeding terms shall begin on the first day of July in the year of election and end on the last day of June, four years thereafter. In the regular municipal election to be held on the first Tuesday in May, 1976, and every four years thereafter, three councilmen shall be elected for terms of four years each, such terms of office to begin on the first day of July, 1976, and end on the last day of June, 1980; succeeding terms shall begin on the first day of July in the year of election and end on the last day of June four years thereafter. (1950, c. 323; 1956, c. 190; 1973, c. 292)

§ 3.02. Candidates for the Office of Councilmen May Be Nominated by petition or under general law.

There shall be printed on the ballots used in the election of councilmen the names of all candidates who have been so nominated. The requirements for nomination by petition shall be:

(a) Any qualified voter of the city actually residing within the corporate limits may be nominated by filing a petition together with the notice of candidacy required by the general laws of the Commonwealth relating to elections.

(b) The petition shall state the name and address of the residence of the person whose name is presented thereby as a candidate.

The requirements for nomination under general law shall be as therein prescribed. (1950, c. 323; 1952, c. 301; 1958, c. 136; 1960, c. 429; 1976, c. 13; 1989, c. 345; 1991, c. 40)

§ 3.03. Conduct of general municipal election.

The ballots used in the election of councilmen shall be without any distinguishing mark or symbol. Each qualified voter shall be entitled to cast one vote for each of as many councilmen as are to be elected in that election and those candidates receiving the highest number of votes shall be declared elected. In counting the votes, any ballot found to have been voted for more than the number of persons to be elected shall be void but no ballot shall be void for having been voted for a less number. The general laws of the Commonwealth relating to the conduct of elections, so far as pertinent, shall apply to the conduct of the general municipal election. (1950, c. 323; 1956, c. 190; 1999, c. 135, 168)

§ 3.04. Vacancies in office of member of city council.

When a vacancy occurs in the office of member of the council, whatever the cause, the vacancy shall be filled for the unexpired portion of the term by special election at the next May general election date, as provided in § 24.2-226 of the Code of Virginia. The remaining members of the council shall make an interim appointment to fill the vacancy, as provided in § 24.2-228 of the Code of Virginia. (1950, c. 323; 1956, c. 190; 1979, c. 421; 1996, c. 310)

§ 3.05. All other city officers required by the laws of the Commonwealth to be elected by the qualified voters of the city shall be elected on the first Tuesday following the first Monday in November preceding the expiration of the terms of office of their respective predecessors, for such terms as are prescribed by law. All such elective officers shall be nominated and elected as provided in the general laws of the Commonwealth. A vacancy in the office of commissioner of revenue or city treasurer shall be filled by the council by majority vote of all its members for the interim period until a successor is elected at the next general election and takes office, as is provided in the Code of Virginia. The officers so elected or appointed shall qualify in the mode prescribed by law and shall continue in office until their successors are elected and qualified. (1950, c. 323; 1952, c. 301; 1954, c. 561; 1956, c. 190; 1958, c. 136; 1976, c. 13; 1979, c. 421)

§ 3.06. (1956, c. 190; 1973, c. 292; repealed 1976, c. 13)

§ 3.07. Vacancies in office of member of school board.

When a vacancy occurs in the office of member of the school board, the vacancy shall be filled in the same manner in which vacancies are filled on the city council, as

provided in § 3.04. The remaining members of the school board shall make an interim appointment to fill the vacancy. (1996, c. 310)

CHAPTER 4 COUNCIL

§ 4.01. Composition.

The council shall consist of seven members, who shall be qualified voters of the city actually residing within the corporate limits, and they shall be elected as provided in Chapter 3. They shall each receive in full compensation for their services such salary as the city council may fix in accordance with state law. No member of the council shall during the term for which he was elected and one year thereafter be appointed to any office of profit under the government of the city. (1950, c. 323; 1952, c. 301; 1956, c. 190; 1960, c. 429; 1966, c. 146; 1979, c. 421; 1999, c. 135, 168)

§ 4.02. Powers.

All powers vested in the city shall be exercised by the council except as otherwise provided in this charter. In addition to the foregoing, the council shall have the following powers:

(a) To establish goals and objectives and provide for the organization, conduct and operation of all departments, bureaus, divisions, boards, commissions, offices and agencies of the city.

(b) To create, alter or abolish departments, bureaus, divisions, boards, commissions, offices and agencies other than those specifically established by Chapters 10, 11 and 17, and §§ 16.06 and 20.02 of this charter.

(c) Upon recommendation of the city manager, to assign and reassign to departments, all bureaus, divisions, offices, agencies, departments and functions thereof except the city school board.

(d) To provide for the number, titles, qualifications, powers, duties and compensation of all officers and employees of the city, subject in the case of members of the classified service to the provisions of Chapter 9 of this charter.

(e) To provide for the form of oaths and the amount and condition of surety bonds to be required of certain officers and employees of the city. (1950, c. 323; 1979, c. 421; 1996, c. 310)

§ 4.03. Mayor.

At the first meeting of the newly elected council as provided in § 4.05, the newly elected council, having taken the oath of office as hereinafter provided, shall proceed to choose by majority vote of all the members thereof one of their number to be mayor and one to be vice-mayor for the ensuing two years. 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 be recognized as the head of the city government for all ceremonial purposes, the purposes of military law and the service of civil process. The vice-mayor shall in the absence or disability of the mayor, perform the duties of mayor, and if a vacancy shall occur in the office of mayor shall become mayor for the unexpired portion of the term. In the absence or disability of both the mayor and vice-mayor, the council shall, by majority vote of those present, choose one of their numbers to perform the duties of mayor. (1950, c. 323; 1952, c. 301)

§ 4.04. City Clerk.

The council shall appoint a city clerk for an indefinite term. He shall be the clerk of the council, shall keep the journal of its 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. All records in his office shall be public records and open to inspection at any time during regular business hours. He shall receive compensation to be fixed by the council and all fees received by him shall be paid into the city treasury. He shall appoint and remove, subject to the provisions of Chapter 9 of this charter, an assistant city clerk, who shall be authorized to act as city clerk in the absence or disability of the city clerk, and all deputies and other employees in his office, and shall have such other powers and duties as may be prescribed by this charter or ordinance. (1950, c. 323; 1973, c. 292; 1981, c. 361)

§ 4.05. Induction of Members.

The first meeting of a newly elected council shall take place in the council chamber in the city hall at eight o'clock P.M. on the first day of July following their election, or if such day shall fall on Sunday, then on the following Monday. It shall be called to order by the city clerk who shall administer the oath of office to the duly elected members. In the absence of the city clerk the meeting may be called to order and the oath administered by any judicial officer having jurisdiction in the city. The council shall be the judge of the election and qualifications of its members. The first business of the council shall be the election of a mayor and vice-mayor and the adoption of rules of procedure. Until this business has been completed the council shall not adjourn for a period longer than forty-eight hours. (1950, c. 323; 1976, c. 13)

§ 4.06. The council shall have power, subject to the provisions of this charter, to adopt its own rules of procedure. Such rules shall provide for the time and place of holding regular meetings of the council which shall be not less frequently than once in each month. They shall also provide for the calling of special meetings by the mayor, the city manager or any two members of the council, and shall prescribe the method of giving notice thereof, provided that the notice of each special meeting shall contain a statement of the specific item or items of business to be transacted and no other business shall be transacted at such meeting except by the unanimous consent of all the members of the council, unless otherwise provided for in this charter. (1950, c. 323; 1958, c. 136)

§ 4.07. Voting.

No ordinance, resolution, motion or vote shall be adopted by the council except at a meeting open to the public. All voting except on procedural motions shall be by roll call and the ayes and noes shall be recorded in the journal. No member of the council shall participate in the vote on any ordinance, resolution, motion or vote in which he, or any person, firm or corporation for which he is attorney, officer, director, employee or agent, has a financial interest other than as a minority stockholder of a corporation or as a citizen of the city. (1950, c. 323)

§ 4.08. Ordinances, when required.

In addition to such acts of the council which are required by the constitution or general laws of the Commonwealth or by this charter to be by ordinance, every act of the council creating, altering or abolishing any department, or creating, altering, assigning or abolishing any bureau, division, office, or agency or enacting a pay plan, making an appropriation, authorizing the borrowing of money, levying a tax, establishing any rule or regulation for the violation of which a fine or penalty is imposed, or placing any burden

upon or limiting the use of private property, shall be by ordinance. (1950, c. 323; 1999, c. 135, 168)

§ 4.09. Form of Ordinances.

Every ordinance except the annual appropriation ordinances and an ordinance codifying ordinances shall be confined to a single subject. The enacting clause of all ordinances shall be: "The City of Falls Church hereby ordains." Unless another date is specified therein and except as otherwise provided in this charter, an ordinance shall take effect on the tenth day following its passage. (1950, c. 323; 1952, c. 301)

§ 4.10. Procedure for Passing Ordinances.

An ordinance may be introduced by any member or committee of the council or by the city manager at any regular meeting of the council or at any special meeting when the subject thereof has been included in the notice for such special meeting or been approved by a majority vote of all members of the council. Upon introduction it shall receive its first reading and a time, not less than seven days after such introduction, and place shall be set at which the council or a committee thereof will hold a public hearing on such ordinance, other than an emergency ordinance, provided that the council may reject any ordinance on first reading without a hearing thereon by vote of a majority of the members. The hearing may be held separately or in connection with a regular or special meeting of the council and may be adjourned from time to time. It shall be the duty of the city clerk to cause to be published in a newspaper of general circulation in the city, not later than at least two days prior to the hearing on the ordinance, a notice containing the time and place of the hearing and the title of the proposed ordinance. It shall also be his duty, within three working days after the introduction of an ordinance, to cause its full text to be printed or otherwise reproduced, as the council may by resolution direct, in sufficient numbers to supply copies to those who individually request them, or, if the council shall so order, to cause the same to be published as a paid advertisement in a newspaper of general circulation in the city. It shall further be his duty to place a copy of the ordinance in a file provided each member of the council for this purpose. A proposed ordinance, unless it be an emergency ordinance, shall be read a second time and may be finally passed at the meeting of the council following the introduction of the ordinance and after the conclusion of the public hearing thereon. If on its second reading an ordinance, other than an emergency ordinance, be amended as to its substance it shall not be passed until it shall be reprinted, reproduced or published as amended and a hearing shall be set and advertised and all proceedings had as in the case of a newly introduced ordinance. The readings referred to above may be accomplished by reading the ordinance by title only, provided copies of the ordinance are available to the public in the Council Chambers at the beginning of any meeting at which said ordinance is introduced or considered. (1950, c. 323; 1952, c. 301; 1976, c. 13)

§ 4.11. Emergency Ordinances.

An emergency ordinance may be read a second time and passed with or without amendment at any regular or special meeting at which the ordinance was introduced. An emergency ordinance must contain a specific statement of the emergency claimed and affirmative votes of a majority of the entire council shall be necessary for its adoption. Ordinances passed as an emergency ordinance shall expire sixty days after the effective date of the emergency ordinance unless the ordinance is adopted again after a public hearing where the procedure followed for notice and hearing is the same as that required

in § 4.10 for nonemergency ordinances. The effective date of emergency ordinances, unless otherwise provided, shall be the date of adoption. (1950, c. 323; 1987, c. 68)

§ 4.12. The council shall have authority, by resolution, to submit to the qualified voters of the city for an advisory referendum thereon any proposed ordinance or amendment to the city charter, not less than thirty nor more than sixty days after the passage of such resolution. The election shall be conducted and the result thereof ascertained and determined in the manner provided by § 24-141 of the Code of Virginia. If a petition requesting the submission of an amendment to this charter, set forth in such petition, signed by qualified voters equal in number to ten percent of the largest number of votes cast in any general or primary election held in the city during the five years immediately preceding and verified as hereinafter provided, is filed with the city clerk he shall forthwith certify that fact to the council. The signatures to such petition shall be witnessed by a person whose affidavit to that effect is attached thereto. Upon the certification of such petition the council shall order an election to be held not less than thirty nor more than sixty days after such certification, in which such proposed amendment shall be submitted to the qualified voters of the city for their approval or disapproval. Such election shall be conducted and the results thereof ascertained and determined in the manner provided by law for the conduct of general elections and by the regular election officials of the city. If a majority of those voting thereon at such election approve the proposed amendment, such results shall be communicated by the city clerk to the two houses of the General Assembly and to the representatives of the city therein with the same effect as if the council had adopted a resolution requesting the General Assembly to adopt the amendment. (1950, c. 323; 1960, c. 429)

§ 4.13. Record and Publication of Ordinances.

Every ordinance after passage shall be given a serial number and shall be recorded by the clerk in a properly indexed book kept for that purpose. Within one year after the first Tuesday in September 1951, there shall be prepared under the direction of the city attorney, who is hereby authorized to employ such assistance as he deems necessary for the purpose, a codification or revision of all ordinances in force. Such codification shall be passed by the council as a single ordinance and without prior publication. Upon its passage, it shall be published in bound or loose-leaf form. This codification, to be known and cited officially as the city code, shall be furnished to city officers and shall be sold to the public at a price to be fixed by the council. A similar codification shall be prepared, passed, published and distributed, as above provided, at least every five years. It shall be the duty of the city clerk to cause all ordinances adopted to be printed or reproduced as promptly as possible after their adoption in substantially the same style and format as the codification or revision of ordinances and sold at such prices as the council may establish. (1950, c. 323)

§ 4.14. The council in making appointments shall act only by the affirmative vote of a majority of the members of the council. All members of boards and commissions, appointed by the council, shall be qualified voters of the city, actually residing within the city limits. (1950, c. 323; 1952, c. 301; 1954, c. 514)

§ 4.15. Removal of Councilmen and Members of Boards and Commissions Appointed by the Council for Specified Terms.

Any member of the council or any member of a board or commission appointed by the council for a specified term may be removed in accordance with the general law. (1950, c. 323)

§ 4.16. Power of Investigation.

The council shall have power to investigate any or all of the departments, boards, commissions, offices and agencies of the city government, including the school board, and any officer or employee of the city. The council, or any of its committees, when authorized by the council, the city manager, the heads of all departments, all boards and commissions appointed by the council, collector of city taxes, license inspector, and auditor of municipal accounts, in any investigation or hearing held by them, within their respective powers and duties, may order the attendance of any person as a witness and the production by any person of all relevant books and papers. Any person refusing or failing to obey such order may be summoned by the court of appropriate jurisdiction to appear before such court and upon failure to give a satisfactory excuse to the judge of such court may be fined not exceeding the sum of \$100 or imprisoned not exceeding thirty days or both. Witnesses may be sworn by the officer presiding at such investigation and shall be liable to prosecution for perjury for any false testimony given at such investigation. (1950, c. 323; 1979, c. 421)

§ 4.17. Requests to the General Assembly for amendments to this charter shall be by one of the following procedures:

(a) By initiative of the qualified voters as set forth in § 4.12 hereof. At least ten days prior to the holding of such election, the text, or an informative summary of the amendments proposed, shall be published in a newspaper of general circulation in the city.

(b) By election of the qualified voters of the city. The council may provide for holding an election to determine if the qualified voters of the city desire that it request the General Assembly to amend its charter. Such election shall be held within thirty days following the action of the council with respect thereto. At least ten days prior to the holding of such election, the text, or an informative summary of the amendments proposed shall be published in a newspaper of general circulation in the city. If a majority of the qualified voters voting in such election vote in favor of such amendments to the charter, the clerk shall transmit the necessary copies of the requested amendments to the General Assembly.

(c) By resolution of a majority of the entire council. At least ten days notice of the time and place of a public hearing and the text or an informative summary of the proposed amendments shall be published in a newspaper of general circulation in the city. The public hearing may be adjourned from time to time, and upon adoption of a resolution to request the proposed amendments, the clerk shall transmit the necessary copies to the General Assembly. (1954, c. 514; 1960, c. 429; 1973, c. 292)

CHAPTER 5
CITY MANAGER

§ 5.01. Appointment and Qualifications.

There shall be a city manager who shall be the executive officer of the city and shall be responsible to the council for the proper administration of the city government in furthering the council's goals and objectives. He shall be appointed by the council for an indefinite term. He shall be chosen on the basis of his executive and administrative

qualifications, with special reference to his actual experience in or knowledge of accepted practice in respect to the duties of his office. (1950, c. 323; 1952, c. 301; 1979, c. 421)

§ 5.02. (1950, c. 323; repealed 2004, c. 497, 569)

§ 5.02.1. Powers with respect to city personnel.

Except for the city attorney, city clerk and their employees, the city manager may appoint or employ and may remove or discharge city officers, employees and assistants as may be necessary to carry on the work in those departments and offices of the City as deemed necessary by the city manager. The city manager shall have the authority to manage, organize and reorganize all city employees under the control of the city manager. Whenever the interests of the City require, irrespective of any other provisions of this charter, the city manager shall have the power and authority to assign employees of any city department, bureau, office or agency under the control of the city manager, to the temporary performance of duties in another city department, bureau, office or agency. The city manager may not remove or discharge city council appointive officers. The salaries and conditions of employment of employees and assistants shall be recommended by the city manager subject to the approval of the city council and as provided by the general law. The city manager's actions in all respects shall be subject to review by the city council and shall be accountable to city council. (2004, c. 497, 569)

§ 5.03. Council Not to Interfere in Appointments or Removals.

Neither the council nor any of its members shall direct the appointment of any person to or his removal from any office or employment by the city manager or by any of his subordinates except as specifically provided in this charter. Except for the purpose of inquiry, the council and its members shall deal with the administrative services solely through the city manager, and neither the council nor any member thereof shall give orders either publicly or privately to any subordinate of the city manager. (1950, c. 323)

§ 5.04. (1950, c. 323; repealed 2004, c. 497, 569)

§ 5.05. Duties.

It shall be the duty of the city manager to: (a) attend all meetings of the council with the right to speak but not to vote; (b) keep the council advised of the financial condition and the future needs of the city and of all matters pertaining to its proper administration, and make such recommendations as may seem to him desirable; (c) prepare and submit the annual budget to the council as provided in Chapter 6 of this charter and be responsible for its administration after its adoption; (d) prepare in suitable form for publication and submit to the council not later than its first meeting in September of each year a concise, comprehensive report of the financial transactions and administrative activities of the city government during the fiscal year ending on the preceding thirtieth day of June and cause to be printed such number of copies thereof as the council shall direct; (e) present adequate financial and activity reports at each regular meeting of the council; and (f) perform such other duties as may be prescribed by this charter or required of him in accordance therewith by the council or which may be required of the chief executive officer of a city by the general laws of the Commonwealth other than the duties conferred on the mayor by this charter. (1950, c. 323)

§ 5.06. The city manager shall have the right to attend and participate in the proceedings of, but not to vote in, the meetings of all boards, commissions or agencies created by this charter or by ordinance. (1950, c. 323; 1954, c. 514)

§ 5.07. Acting city manager.

The council shall designate by resolution an acting city manager to act as city manager in case of the absence, incapacity, death or resignation of the city manager, until his return to duty or the appointment of his successor. (1950, c. 323; 1987, c. 68; 1999, c. 135, 168)

CHAPTER 6
BUDGETS

§ 6.01. Fiscal and Tax Years.

The fiscal year of the city shall begin on the first day of July and shall end on the thirtieth day of June of the succeeding year. The tax year for taxes levied on real estate, tangible personal property, machinery and tools shall begin on the first day of January and end on the thirty-first day of December following, and the tax year for all other taxes shall be fixed by the council by ordinance. The rates of all taxes and levies, except on new sources of tax revenue, shall be fixed at the time of adoption of the general fund budget. (1950, c. 323)

§ 6.02. On a day to be fixed by the council and in furtherance of its goals and objectives the city manager shall submit to the council: (a) separate current expense budgets for the general operation of the city government, hereinafter referred to as the general fund budget, including the total budget for the support of public schools as filed with him by the school board, and for each utility as defined in Chapter 13 of this charter; (b) a budget message and the budget message of the school board; and (c) a capital budget, including the capital budget as defined in § 6.19 together with the capital budget for schools as submitted to the planning commission by the school board. (1950, c. 323; 1954, c. 560; 1960, c. 429; 1979, c. 421)

§ 6.03. Preparation of Budgets

It shall be the duty of the head of each department, each board or commission and each other office or agency supported in whole or in part by the city, including the commissioner of revenue, treasurer, sheriff, clerk of the general district court and clerk of the juvenile and domestic relations court, to file with the city manager or with the director of finance designated by him, at such time as the city manager may prescribe, estimates of revenue and expenditure for that department, board, commission, office or agency for the ensuing fiscal year. Such estimates shall be submitted on the forms furnished by the director of finance and it shall be the duty of the head of each such department, judge, board, commission, office or agency to supply all the information which the city manager may require to be submitted thereon. The director of finance shall assemble and compile these estimates and supply such additional information relating to the financial transactions of the city as may be necessary or valuable to the city manager in the preparation of the budgets. The city manager shall hold such hearings as he may deem advisable and with the assistance of the director of finance shall review the estimates and other data pertinent to the preparation of the budgets and make such revisions in such estimates as he may deem proper, subject to the laws of the Commonwealth relating to obligatory expenditures for any purpose. The school board shall furnish a copy of its budget to the city manager. (1950, c. 323; 1979, c. 421; 1987, c. 68)

§ 6.04. Scope of the General Fund Budget.

In respect of each utility there shall be included in the general fund budget estimates only the net amounts estimated to be received from or to be appropriated to such utility in the general fund budget as provided in § 6.13. In respect to the public schools there shall be included only the total amount to be appropriated by the city for their support. The general fund budget shall be prepared in accordance with accepted principles of municipal accounting and budgetary procedures and techniques and shall contain: (a) an estimate of such portion of the general fund cash surplus, if any, at the end of the current fiscal year as it is proposed to use for meeting expenditures in the general fund budget; (b) an estimate of the receipts from current ad valorem taxes on real estate and tangible personal property during the ensuing fiscal year, assuming that the proportion of the levy collected be no greater than the average proportion of the levy collected in the last three completed tax years; (c) an estimate of receipts from all other sources of revenue; (d) a statement to be furnished by the director of finance of the debt service requirements for the ensuing year; (e) an estimate of the general fund cash deficit, if any, at the end of the current fiscal year and of any other obligations required by this charter to be budgeted for the ensuing fiscal year; (f) an estimate of expenditures for all other purposes to be met from the general fund in the ensuing fiscal year. All the estimates shall be in detail showing receipts by sources and expenditures by operating units, character and object, so arranged as to show receipts and expenditures as estimated for the current fiscal year and actual receipts and expenditures for the last preceding fiscal year in comparison with estimated receipts and recommended expenditures for the ensuing fiscal year. (1950, c. 323)

§ 6.05. A Balanced Budget.

In no event shall the expenditures recommended by the city manager in the general fund budget exceed the receipts estimated, taking into account the estimated cash surplus or deficit at the end of the current fiscal year, as provided in the preceding section, unless the city manager shall recommend an increase in the rate of ad valorem taxes on real estate and tangible personal property or other new or increased taxes or licenses within the power of the city to levy and collect in the ensuing fiscal year the receipts from which, estimated on the basis of the average experience with the same or similar taxes during the three tax years last past, will make up the difference. If estimated receipts exceed estimated expenditures the city manager may recommend revisions in the tax and license ordinances of the city in order to bring the general fund budget into balance. (1950, c. 323)

§ 6.06. The Budget Message.

The budget message shall contain the recommendations of the city manager concerning the fiscal policy of the city, a description of the important features of the budget plan, an explanation of all salient changes in each budget submitted, as to estimated receipts and recommended expenditures as compared with the current fiscal year and the last preceding fiscal year, and a summary of the proposed budgets showing comparisons similar to those required by § 6.04 above. The budget message of the school board shall contain similar provisions. (1950, c. 323)

§ 6.07. Appropriation and Additional Tax Ordinances.

At the same time that he submits the general fund budget, the city manager shall introduce in the council a general fund appropriation ordinance. The appropriation ordinance shall be based on the general fund budget but need not be itemized further than

by departments and the major operating units thereof, and by bureaus, boards, commissions, offices and agencies submitting separate budget estimates, and by the principal objects of expenditure. At the same time the city manager shall also introduce any ordinance or ordinances altering the tax rate on real estate and tangible personal property or levying a new tax or altering the rate of any other tax necessary to balance the general fund budget as hereinbefore provided. The hearing on the budget plan as a whole, as provided in § 6.09, shall constitute the hearing on all ordinances referred to in this section, and the appropriation ordinances for each utility. (1950, c. 323)

§ 6.08. Availability of Budgets for Inspection and Publication of the Budget Message.

The city manager shall cause the budget message to be printed, mimeographed or otherwise reproduced for general distribution at the time of its submission to the council and sufficient copies of the general fund, school and utility budgets to be made to supply copies to each member of the council and a newspaper of general circulation in the city, and two copies to be deposited in the office of the city clerk where they shall be open to public inspection during regular business hours. (1950, c. 323)

§ 6.09. A public hearing on the budget plan as a whole shall be held by the council within the time and after the notice provided for hearings on ordinances by § 4.10 of this charter, except that the notice of such hearing shall be published in a newspaper of general circulation in the city. The second reading of the budget ordinances and the public hearing shall be not later than the first regular council meeting in May. (1950, c. 323; 1960, c. 429)

§ 6.10. Action by the Council on the General Fund Budget.

After the conclusion of the public hearing the council may insert new items of expenditure or may increase, decrease or strike out items of expenditure in the general fund budget, except that no item of expenditure for debt service or required to be included by this charter or other provision of law shall be reduced or stricken out. The council shall not alter the estimates of receipts contained in the said budget except to correct omissions or mathematical errors and it shall not cause the total of expenditures as recommended by the manager to be increased to an amount that would result in a higher tax rate without a public hearing on such increase, which shall be held not less than three days after notice thereof by publication in a newspaper of general circulation in the city. The council shall in no event adopt a general fund budget in which the total of expenditures exceeds the receipts, estimated as provided in § 6.04, unless at the same time it adopts measures for providing additional revenue in the ensuing fiscal year, estimated as provided in § 6.05, sufficient to make up this difference. (1950, c. 323; 1987, c. 68)

§ 6.11. Adoption of the General Fund Budget.

If, for any reason, the council fails to adopt the general fund budget, the general fund appropriation ordinance and such ordinances providing for additional revenue as may be necessary to put the budget in balance on or before the first day of July, the general fund budget in effect for the previous fiscal year shall be the general fund budget on a monthly basis beginning on the first day of July until the general fund budget shall be adopted by the council. (1950, c. 323)

§ 6.12. Effective Date of General Fund Budget; Certification; Copies Made Available.

Upon final adoption, the general fund budget shall be in effect for the ensuing fiscal year. A copy of such budget as finally adopted shall be certified by the city manager and city clerk and filed in the office of the director of finance. The general fund budget so certified shall be printed, mimeographed or otherwise reproduced and sufficient copies thereof made available for the use of all departments, courts, boards, commissions, offices and agencies and for the use of interested persons and organizations. (1950, c. 323)

§ 6.13. Utility Budgets.

Separate budget estimates for each of the utilities as defined in Chapter 13 of this charter shall be submitted to the director of finance at the same time as the budgets of other departments and in the form prescribed by the city manager, subject, however, to the provisions of Chapter 13 which shall also control the action of the city manager and council thereon. Estimated receipts shall take account of (a) any estimated balance of net income from the current fiscal year as determined in accordance with subsection (d) of § 13.06 of this charter not anticipated to be transferred to the general fund or a renewal fund; (b) the effect of any change in rates made during the current fiscal year or contained in any rate ordinance submitted with such budget; and (c) any appropriation to make up an estimated deficit in utility operations for the ensuing fiscal year contained in the general fund budget. The city manager shall submit with the budget of each utility an ordinance making appropriations for the operation of such utility during the ensuing fiscal year, which need not be itemized further than by principal objects of expenditure. He shall also at the same time submit any ordinance changing the rates to be charged by the utility, used in estimating receipts. The council shall have the same powers and be subject to the same limitations with regard to the adoption of such utility budgets and accompanying appropriation and rate ordinances, subject to the provisions of the said Chapter 13 as are conferred or imposed on it by § 6.10 with regard to the general fund budget and its accompanying appropriation and revenue ordinances. If, for any reason, the council fails to adopt the utility budgets or any of them before the expiration of the time set for the adoption of the general fund budget, such budget or budgets in effect for the previous fiscal year shall be the utility budget or budgets on a monthly basis beginning on the first day of July until the utility budget or budgets shall be adopted by the council. When such utility budgets and accompanying appropriation ordinances are adopted, they shall be certified to the director of finance with like effect as in the case of the general fund budget and its appropriation ordinance. (1950, c. 323)

§ 6.14. School Operating Budget.

It shall be the duty of the school board to file its operating budget estimates with the city manager or with the director of finance. The action of the council on the school budget shall relate to its total only and the school board shall have authority to expend in its discretion the sum appropriated for its use, provided that if it receives an appropriation greater or less than its original request it shall forthwith revise its estimates of expenditure and adopt appropriations in accordance therewith. The school board shall have power to order during the course of the fiscal year transfers from one item of appropriation to another. (1950, c. 323; 1954, c. 560)

§ 6.15. Administration of the Budget.

If, at any time during the fiscal year, the city manager shall ascertain that the revenue cash receipts of the general fund or any utility fund for the year, plus any cash

surplus available from the preceding year, will be less than the total appropriations to be met from such receipts, he shall have the power to restrict expenditures, subject to the laws of the Commonwealth relating to obligatory expenditures for any purpose, so as to forestall the incurring of a deficit, provided, however, that there shall be no reduction in salaries except by ordinance. (1950, c. 323; 1987, c. 68)

§ 6.16. Transfers of Appropriations.

The city manager may at any time authorize, at the request of any department, board, commission, office or agency, the transfer of any unencumbered balance or portion thereof in any general fund or utility appropriation from one classification of expenditure to another within the same department, board, commission, office or agency, provided that for this purpose the water and sanitary sewer utilities shall be deemed separate departments. At the request of the city manager, the council may, by resolution, transfer any unencumbered balance or portion thereof in any general fund appropriation from one department, board, commission, office or agency to another. (1950, c. 323; 1992, c. 513)

§ 6.17. Additional Appropriations.

An appropriation in addition to those contained in the general fund appropriation ordinance, except for the purpose of meeting a public emergency as provided in subsection (d) of § 2.02 of this charter, may be made by the council, by an affirmative vote of at least two-thirds of the entire council, only on the recommendation of the city manager and only if the director of finance certifies in writing that there is available in the general fund a sum unencumbered and unappropriated sufficient to meet such appropriation. Additional appropriations may be made by the council, by an affirmative vote of at least two-thirds of the entire council, from the funds of any utility for the operation of that utility, and by the school board, by the affirmative votes of at least a majority of the total membership, from school funds for school purposes, but in the case of a utility, only if the director of finance certifies in writing that there is available in the funds of the utility a sum unencumbered and unappropriated sufficient to meet such appropriation. (1950, c. 323)

§ 6.18. Appropriations to Lapse.

Any portion of an annual appropriation remaining unexpended and unencumbered at the close of the fiscal year shall lapse, except that any balance remaining in the funds of the school board at the end of the fiscal year shall remain to the credit of that board and an estimate of any such balance shall be included in the school budget of the ensuing year as an estimated receipt. (1950, c. 323)

§ 6.19. At the same time that he submits the current expense budgets, the city manager shall submit to the council a program, previously acted upon by the city planning commission as provided in Chapter 17 of this charter, of proposed capital improvement projects, including schools, as defined in § 7.02 of this charter, for the ensuing fiscal year and for the four fiscal years thereafter, with his recommendations as to the means of financing the improvements proposed for the ensuing fiscal year. This program shall be termed the "capital budget" and may be adopted by resolution. Whenever the revenue for financing any capital improvement project or projects is to be derived from the sale of bonds, the bond ordinance need not be introduced at the time of submission of the capital budget, but any appropriations for any project or projects, to be so financed shall be contingent upon the issuance of such bonds being authorized in

accordance with § 7.06 of this charter. The council shall have power to accept, with or without amendments, or reject, the proposed program and proposed means of financing for the ensuing fiscal year but, except in the case of emergency as provided in subsection (d) of § 2.02 of this charter, and except to meet needs for capital improvements arising out of annexation of additional territory taking effect during the current or preceding fiscal year and except to meet needs for capital improvements which could not reasonably have been foreseen at the time of adoption of the capital budget, the council shall not authorize any capital improvement project or make any appropriation therefor unless the appropriation for such project is included in the capital budget as adopted by it. The council shall take final action on the capital budget and on any revenue or appropriation ordinance submitted therewith, not later than the twenty-eighth day after the adoption of the general fund budget. The council shall in no event adopt a capital budget in which the total of expenditures for the ensuing fiscal year exceeds the estimated receipts unless at the same time it adopts measures for providing additional revenue in the ensuing fiscal year sufficient to make up the difference. No appropriation for a capital improvement project contained in the capital budget shall lapse until the purpose for which the appropriation was made shall have been accomplished or abandoned, provided that any project shall be deemed to have been abandoned if three fiscal years elapse without any expenditure from or encumbrance of the appropriation therefor. Any such lapsed appropriation shall be applied to the payment of any indebtedness incurred in financing the project concerned, and if there be no such indebtedness shall be available for appropriation in the next capital budget. (1950, c. 323; 1954, c. 560; 1960, c. 429; 1992, c. 513)

§ 6.20. Certification of Funds, Penalties for Violation.

No payment shall be made and no obligation incurred by or on behalf of the city except in accordance with an appropriation duly made; provided that the council shall have the power to authorize and direct the making of contracts for the expenditure of funds not appropriated in any budget for the then current fiscal year, in which event the council shall appropriate the funds in the budget or budgets for the next fiscal year or years for the performance of the contracts. No payment shall be made from or obligation incurred against any allotment or appropriation unless the director of finance shall first certify that there is a sufficient unexpended and unencumbered balance in such allotment or appropriation to meet the same; provided that nothing herein shall be taken to prevent the advance authorization of expenditures for small purchases as provided in subsection (f) of § 8.03 of this charter. Every expenditure or obligation authorized or incurred in violation of the provisions of this charter shall be void. Every payment made in violation of the provisions of this charter shall be deemed illegal and every official who shall knowingly authorize or make such payment or knowingly take part therein and every person who shall knowingly receive such payment or any part thereof shall be jointly and severally liable to the city for the full amount so paid or received. If any officer, member of a board or commission, or employee of the city shall knowingly incur any obligation or shall authorize or make any expenditure in violation of the provisions of this charter or knowingly take part therein, such action shall be cause for his removal. (1950, c. 323)

§ 6.21. Reserve for Permanent Public Improvements.

The council may, by ordinance, establish a reserve fund for permanent public improvements and may appropriate thereto any portion of the general fund cash surplus

not otherwise appropriated at the close of any fiscal year. It may likewise assign to the said fund a specified portion of the ad valorem tax on real estate and tangible property not to exceed ten cents on the \$100 of the assessed valuation thereof or the whole or part of the proceeds of any other tax. Appropriations from the said fund shall be made only to finance improvements included in the capital budget. The proceeds of the sale of public property, including any utility, may be placed in this fund. The interest accruing on the principal may be appropriated to the operating expenses of the city. (1950, c. 323; 1987, c. 68)

CHAPTER 7 BORROWING

§ 7.01. Borrowing Power.

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 provided in this chapter, and to the extent provided in this chapter and under the general law. The council may choose to issue bonds using the process set out in this chapter, which includes use of a referendum on the bond-authorizing ordinance, or may use the procedure established by the Public Finance Act of 1991 in the state's general law, which does not include the use of a referendum. This charter provision shall prevail over any general law. The council may, by ordinance, borrow money from a surplus in any city account provided a competitive rate of interest for short term tax-free municipal bonds is assigned. (1950, c. 323; 1987, c. 68; 1992, c. 513)

§ 7.02. Purposes for Which Bonds or Notes May be Issued.

(a) To finance capital projects. Bonds, and notes in anticipation of bonds when the issue of bonds has been authorized as hereinafter provided, may be issued for the purpose of financing the whole or any part of the cost of any capital improvement project which is hereby defined to include any public improvement project or utility which the city is authorized to undertake, including the acquisition of any property, real or personal, incident thereto, the construction or reconstruction in whole or in part of any building, plant, structure or facility necessary or useful in carrying out the powers of the city, and the equipment or reequipment of the same.

(b) To anticipate the collection of revenue. Notes may be issued, when authorized by the council, at any time during the fiscal year in anticipation of the collection of any or all revenue not to exceed seventy-five percent of such estimated revenue for the fiscal year.

(c) [Repealed.]

(d) Temporary debt for capital outlay. The council may issue notes and may issue revenue bonds to capitalize water and sewer and may issue notes to finance the acquisition and improvement of land for municipal parking areas, park lands, open spaces and other municipal purposes when, by an affirmative vote of not less than five members of the council, the council has adopted an ordinance declaring it expedient to do so, and when the creating of the debt thereby provided for is for the purpose of installing, or extending, one or more of such public utilities, or for the acquisition and improvement of parking areas, park lands, open spaces and other municipal purposes which constitute an asset, or assets, at least equal in value to the amount expended thereon, which utility, or utilities, shall materially add to the service rendered by the city to its taxpayers and other citizens. The total indebtedness authorized by this subsection shall not exceed one

percent of the total fair market value of the real property within the city. Such authorized temporary indebtedness shall be deemed a part of the total debt limit of the city, as specified by the Constitution of Virginia. The dollar amount of temporary indebtedness authorized by this subsection shall be redetermined after each reassessment.

Indebtedness which was within this authorized limit at the time it was incurred shall not be interpreted as exceeding the limit in the event of a later decrease in the total fair market value of real property within the city.

(e) To provide for emergency expenditures. Notes may be issued to finance an appropriation for the purpose of meeting a public emergency, as provided in subsection (d) of § 2.02 of this charter, when authorized by the ordinance making such appropriation. Notes so issued shall be authenticated by the signature of the director of finance and shall mature not later than twelve months after the date of issue. Bonds may be issued, when authorized as hereinafter provided, for the purpose of funding such notes or other obligations incurred in accordance with such appropriation.

(f) To refund outstanding bonds. Bonds may be issued, when authorized as hereinafter provided, for the purpose of refunding bonds, provided that the director of finance shall certify in writing that such refunding is necessary to prevent default on the interest or principal of the city's or the school board's outstanding bonds or to secure a lower rate of interest. (1950, c. 323; 1952, c. 301; 1954, c. 560; 1968, c. 364; 1973, c. 292; 1976, c. 13)

§ 7.03. Limitation on Indebtedness.

In the issuance of bonds and notes, the city shall be subject to the limitations as to amount contained in Article VII, Section 10 of the Constitution of the Commonwealth. (1950, c. 323; 1973, c. 292)

§ 7.04. Notes in Anticipation of Bonds and Revenue.

Whenever an issue of bonds for any capital improvement project has been authorized as hereinafter provided, the director of finance, when authorized by ordinance, shall have power to issue notes of the city in anticipation of such bonds, for the purpose of defraying the whole or any part of the cost of such project. Such notes in anticipation of bonds shall be authenticated by the signature of the director of finance and shall mature not later than twelve months after the date of issue. They shall be paid at maturity from the proceeds of the sale of the bonds in anticipation of which they have been issued. Notes in anticipation of revenue shall be authorized by the council by ordinance. They shall be authenticated by the signature of the director of finance and shall mature not later than twelve months after the date of issue. If not paid at maturity, the amount of such unpaid notes shall be included as an appropriation in the general fund budget for the ensuing fiscal year. (1950, c. 323)

§ 7.05. Form and Term of Bonds.

Bonds shall be authenticated by the seal of the city and by the signatures of the city manager and director of finance or by the city manager and city treasurer, if the city manager and the director of finance are the same person. All bonds shall be made payable within the probable life of the improvement or undertaking on account of which they are to be issued or, if the bonds are to be issued for several improvements or undertakings, within the average probable life of such improvements or undertakings. In the case of a bond issue for several improvements, or undertakings having different probable periods of usefulness the council shall determine the average of said periods,

taking into consideration the amount of bonds to be issued on account of each purpose, and the period so determined shall be the average period of usefulness. The determination of the council as to the probable life of any such improvement or undertaking shall be conclusive. Except as otherwise provided in this charter, no bonds shall be payable more than thirty years after their date of issuance. (1950, c. 323; 1992, c. 513)

§ 7.06. Issuance of Bonds. How Authorized.

The procedure for the passage of an ordinance authorizing the issuance of bonds shall be the same as for the passage of any other ordinance, except that no such ordinance shall be passed as an emergency ordinance and that the affirmative votes of two-thirds of the entire council shall be necessary for its adoption. Upon adoption by the council of a bond ordinance, when required, the city clerk shall forthwith certify a copy of said ordinance to the Circuit Court having jurisdiction or to the Judge thereof, in vacation, who shall thereupon order a special election of the qualified voters of the city to be held by general law in such cases provided. If a majority of those voting therein at such election shall approve the ordinance, it shall take effect immediately, and if not, it shall be void. (1950, c. 323; 1973, c. 292; 1992, c. 513)

§ 7.07. Procedure for Sale of Bonds and Notes.

All bonds issued under this charter shall be sold at public sale upon sealed proposals after at least ten days' notice published at least once in a publication carrying municipal bond notices and devoted primarily to financial news or to the subject of state and municipal bonds, published in the City of New York, New York, and at least ten days' notice published at least once in a newspaper of general circulation in the City of Falls Church. Notes in anticipation of bonds, in anticipation of revenue, or to provide for emergency expenditures, when authorized by the council, may be sold by the director of finance, with the approval of the city manager, at private sale without prior public offering. The terms of the sale of all bonds and notes shall be approved by the council by resolution. (1950, c. 323)

§ 7.08. An ordinance authorizing the issuance of bonds shall include a statement of the purpose or purposes of the issue, and if the purpose is to finance one or more capital improvement projects, it shall describe each of them sufficiently for purposes of identification, and shall estimate the cost of the project or projects and the portion thereof to be defrayed from sources, specifying them, other than the proposed bond issue. The bond ordinance shall also include the amount of the proposed issue, a statement showing the proposed issue to be within the limitation of indebtedness as provided in § 7.03, the probable life of the purpose or the average probable life of the purposes to be financed, as determined by the council, a declaration that principal of and interest on the proposed issue are to be paid from ad valorem taxes on real estate and tangible personal property and that the full faith and credit of the city are pledged to such payment, and the procedure for the sale of the proposed issue. All other matters relating to the authorization, issuance or sale of the bonds or notes may be provided by resolution. (1950, c. 323; 1954, c. 440)

§ 7.09. Short Period of Limitation.

When thirty days shall have elapsed from the date of approval of a bond ordinance by the voters, as provided in this chapter, (a) any recitals or statements of fact contained in such bond ordinance or in the preambles or recitals thereof shall be deemed

to be true for the purpose of determining the validity of the bonds thereby authorized, and the city and all other parties interested shall forever thereafter be estopped from denying the same; (b) such bond ordinance shall be conclusively presumed to have been duly and regularly passed by the city and to comply with the provisions of this charter and all laws, and (c) the validity of such bond ordinance shall not thereafter be questioned by either a party plaintiff or a party defendant, except in a suit, action or proceeding commenced prior to the expiration of such thirty days. (1950, c. 323)

§ 7.10. Payment of Bonds and Notes.

The power and obligation of the city to pay any and all bonds and notes hereafter issued by it pursuant to this charter, except revenue bonds, as provided in § 7.12, shall be unlimited, and the city shall levy ad valorem taxes upon all taxable property within the city for the payment of such bonds or notes and interest thereon, without limitation of rate or amount. The faith and credit of the city are hereby pledged for the payment of the principal of and the interest on all bonds and notes of the city hereafter issued pursuant to this chapter, except revenue bonds, as provided in § 7.12, whether or not such pledge be stated in the bonds or notes or in the bond ordinance authorizing their issuance. (1950, c. 323)

§ 7.11. Sinking Fund.

There shall be a sinking fund for the amortization of the outstanding term bonds of the city. It shall consist of the cash and securities in the sinking fund at the effective date of this charter, the sums hereinafter required to be paid into such fund and the interest earned on investments. There shall be paid into the sinking fund annually the sum determined by the director of finance, and by him certified to the city manager for inclusion in the budget, to be necessary on actuarial principles to amortize such term bonds at maturity. The sinking fund shall be invested only in bonds or other direct obligations of the City, the Commonwealth, or the United States. The management of the sinking fund shall be entrusted to the director of finance. (1950, c. 323; 1952, c. 301)

§ 7.12. Revenue Bonds.

In addition to the authority to issue bonds otherwise provided in this chapter, and in addition to the authority of Article VII, Section 10 of the Constitution of Virginia, the council may, in the manner provided for the issuance of other bonds and subject to the limitations of this chapter, except that the faith and credit of the city need not be pledged to their payment and except as hereinafter provided, authorize the issuance of revenue bonds to be secured by mortgage upon the property of the city devoted to the use of a revenue-producing utility, project or enterprise and the interest and principal of which may be paid exclusively from the revenues of such utility, project or enterprise; provided that such issue need not be limited to a term of thirty years. (1950, c. 323; 1973, c. 292)

CHAPTER 8

FINANCIAL ADMINISTRATION

§ 8.01. There shall be a department of finance which shall include the functions of accounting and control, budgeting, purchasing, the collection of taxes, special assessments and other revenues, and such other functions as may be provided by ordinance or by orders of the director of finance consistent therewith. (1950, c. 323)

§ 8.02. Director of Finance - Appointment. (1950, c. 323; repealed 2004, c. 497, 569)

§ 8.03. (1950, c. 323; 1958, c. 136; 1987, c. 68; 1992, c. 513; repealed 2004, c. 497, 569)

§ 8.04. The city treasurer shall collect and receive all moneys due the city from any source whether current or delinquent, except that the council may, by ordinance, assign to some other officer or agency the collection of such moneys. In so doing, he shall have the power to employ any procedure that is now or may hereafter be prescribed by law for the collection of state taxes or local taxes. There shall be a lien, which shall have precedence over any other lien or encumbrance thereon, on all real estate and on each and every interest therein, for the city taxes assessed thereon, from the commencement of the year for which they are assessed, including penalties and interest on such taxes, which may be enforced by the city treasurer on behalf of the city in any manner provided by law. All goods and chattels wheresoever found may be distrained and sold for taxes, interest and penalties assessed and due thereon and for taxes, interest and penalties assessed against the owner thereof, and no deed of trust or mortgage upon goods or chattels shall prevent the same from being distrained and sold for taxes or levies assessed against the grantor in such deed while such goods and chattels remain in the grantor's possession; nor shall any such deed prevent the goods and chattels conveyed from being distrained and sold for taxes or levies assessed thereon, no matter in whose possession they may be found. He shall have power to enforce the provisions of this charter and the ordinances of the city with regard to licenses and license taxes, to check any or all of records of the commissioner of revenue and to examine and audit the books of all persons, firms and corporations whom he has reasonable cause to believe to be liable to pay a license. He shall have custody of all funds belonging to the city and the school board and deposit all funds coming into his hands to the account of the city or the school board, as the case may be, in such banks or shares or certificate of deposits in any building or savings and loan association lawfully authorized to do business in this Commonwealth whose accounts are insured by the Federal Savings and Loan Insurance Corporation; provided, however, the investment in such shares or certificates of deposit in any one such association shall not exceed the amount as shall be fully insured by the Federal Savings and Loan Insurance Corporation or as fully collateralized by eligible collateral as defined in § 2.1-360 (e) of the Code of Virginia as amended, and provided that such banks or associations be designated for the purpose by the council and the school board, respectively, subject to the laws of the Commonwealth applicable to the city and school board relative to the deposit of public funds. He shall perform such other duties, including validating of school board warrants or checks, have such powers and be liable to such penalties as are now or may hereafter be prescribed by law or ordinance. He shall have custody of all investments and invested funds of the city or in its possession in a fiduciary capacity, unless otherwise provided by this charter or by law, ordinance or the terms of any trust, and the safekeeping of all bonds and notes of the city and the receipt and delivery of city bonds and notes for transfer, registration and exchange. For such services, the city treasurer shall receive such compensation as the council may from time to time prescribe by ordinance. (1950, c. 323; 1958, c. 136; 1973, c. 292; 1981, c. 361; 1987, c. 68)

§ 8.05. 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. (1950, c. 323; 1958, c. 136; 1999, c. 135, 168)

§ 8.06. Real estate delinquent for the nonpayment of taxes shall be sold for said taxes. The procedure for selling real estate for city taxes and for the redemption of real estate sold for city taxes shall be the same as provided in the general law of this State to the same extent as if all the provisions of said general law relating thereto were herein set out at length. (1950, c. 323; 1952, c. 204)

§ 8.07. (1950, c. 323; 1981, c. 361; repealed 2004, c. 497, 569)

§ 8.08. Annual Assessment and Equalization of Assessments.

The council shall have the power to provide for the annual assessment and equalization of real estate for local taxation as provided in the general law, and the council may provide for an assessor to be supervised by the director of finance, and provided further that application for relief from assessments may be made to the circuit court or corporation court of appropriate jurisdiction.(1950, c. 323; 1973, c. 292; 1976, c. 13; 1987, c. 68)

§ 8.09. (1950, c. 323; repealed 2004, c. 497, 569)

§ 8.10. (1950, c. 323; repealed 2004, c. 497, 569)

§ 8.11. (1950, c. 323; 1979, c. 421; repealed 1992, c. 513)

§ 8.12. (1950, c. 323; repealed 2004, c. 497, 569)

CHAPTER 9

PERSONNEL

§ 9.01. (1950, c. 323; 1981, c. 361; 1987, c. 68; repealed 2004, c. 497, 569)

§ 9.02. (1950, c. 323; 1979, c. 421; repealed 2004, c. 497, 569)

§ 9.03. (1950, c. 323; repealed 2004, c. 497, 569)

§ 9.04. (1950, c. 323; repealed 2004, c. 497, 569)

§ 9.05. (1950, c. 323; repealed 2004, c. 497, 569)

§ 9.06. (1950, c. 323; repealed 2004, c. 497, 569)

§ 9.07. (1950, c. 323; 1987, c. 68; repealed 2004, c. 497, 569)

§ 9.08. (1950, c. 323; repealed 2004, c. 497, 569)

§ 9.09. (1950, c. 323; repealed 2004, c. 497, 569)

§ 9.10. (1950, c. 323; repealed 1952, c. 301)

§ 9.11. (1950, c. 323; 1987, c. 68; repealed 2004, c. 497, 569)

CHAPTER 10

DEPARTMENT OF LAW

§ 10.01. Department of Law.

There shall be a department of law which shall consist of the city attorney and such assistant city attorneys and other employees as may be provided by ordinance. (1950, c. 323)

§ 10.02. Qualifications and Appointment.

The head of the department of law shall be the city attorney who shall be an attorney-at-law licensed to practice under the laws of the Commonwealth. The city attorney shall be appointed by the city council and serve at the pleasure of the city council. Compensation and responsibilities of the office, except as provided herein, shall be determined by the city council. (1950, c. 323; 1973, c. 292; 1976, c. 13; 1979, c. 421; 2008, c. 316, 683)

§ 10.03. City Attorney. Powers and Duties.

The city attorney shall (a) be the legal advisor of (1) the council, (2) the city manager and (3), of all departments, boards, commissions and agencies of the city, in all matters affecting the interests of the city, and shall, upon request, furnish a written opinion on any question of law involving their respective official powers and duties; (b) at the request of the city manager or any member of the council, prepare ordinances for introduction and at the request of the council or any member thereof shall examine any ordinance after introduction and at the request of the council or any member thereof shall examine any ordinance after introduction and render his opinion as to the form and legality thereof; (c) draw or approve as to legal form all bonds, deeds, leases, contracts or other instruments to which the city is a party or in which it has an interest; (d) have the management and control of all the law business of the city and the departments, boards, commissions and agencies thereof, or in which the city has an interest, and represent the city as counsel in any civil case in which it is interested and in criminal cases in which the presence of the city attorney or prosecuting attorney is required by general law or in such classifications of cases as the council may direct; (e) with the approval of the council, institute and prosecute all legal proceedings he shall deem necessary or proper to protect the interests of the city; (f) attend in person or assign one of his assistants to attend all meetings of the council; (g) appoint and remove such assistant city attorneys and other employees as shall be authorized by the council, subject to the provisions of Chapter 9 of this charter as to employees in the classified service, and authorize the assistant city attorneys or any of them or special counsel to perform any of the duties imposed upon him in this charter; and (h) have such other powers and duties as may be assigned to him by ordinance. The approval or withholding of approval by the city attorney in the matters provided for in §§ 8.07 (c) and 8.07 (d) shall relate only to the legality of the proposed action. The school board shall have authority to employ legal counsel. (1950, c. 323; 1952, c. 301)

§ 10.04. Restrictions on Actions for Damages against City.

(a) No action shall be maintained against the city for injury to any person or property or for wrongful death alleged to have been sustained by reason of the negligence of the city or of any officer, employee or agent thereof, unless a written statement by the claimant, his agent, attorney or representative, of the nature of the claim and of the time and place at which the injury is alleged to have occurred or been received shall have been filed with the city attorney within sixty days after such cause of action shall have accrued, except that when the claimant is an infant or non compos mentis, or the injured person dies within such sixty days, such statement may be filed within 120 days. Neither the city attorney nor any other officer, employee or agent of the city shall have authority to waive the foregoing conditions precedent to any of them. (1950, c. 323)

§ 10.05. (1950, c. 323; 1952, c. 301; repealed 1956, c. 190)

CHAPTER 11

PUBLIC SAFETY

§ 11.01. (1950, c. 323; repealed 2004, c. 497, 569)

§ 11.02. (1950, c. 323; repealed 2004, c. 497, 569)

§ 11.03. (1950, c. 323; repealed 2004, c. 497, 569)

§ 11.04. (1950, c. 323; 1973, c. 292; 1979, c. 421; repealed 2004, c. 497, 569)

§ 11.05. (1950, c. 323; repealed 2004, c. 497, 569)

CHAPTER 12

DEPARTMENT OF PUBLIC WORKS

- § 12.01. (1950, c. 323; repealed 2004, c. 497, 569)
- § 12.02. (1950, c. 323; 1973, c. 292; repealed 2004, c. 497, 569)
- § 12.03. (1950, c. 323; repealed 2004, c. 497, 569)
- § 12.04. (1950, c. 323; repealed 2004, c. 497, 569)
- § 12.05. (1950, c. 323; repealed 2004, c. 497, 569)
- § 12.06. (1950, c. 323; repealed 2004, c. 497, 569)
- § 12.07. (1950, c. 323; 1954, c. 440; 1992, c. 513; repealed 2004, c. 497, 569)
- § 12.08. (1950, c. 323; repealed 2004, c. 497, 569)
- § 12.09. (1950, c. 323; repealed 2004, c. 497, 569)

CHAPTER 13

DEPARTMENT OF PUBLIC UTILITIES

- § 13.01. (1950, c. 323; repealed 2004, c. 497, 569)
- § 13.02. (1950, c. 323; repealed 2004, c. 497, 569)
- § 13.03. (1950, c. 323; repealed 2004, c. 497, 569)
- § 13.04. (1950, c. 323; repealed 2004, c. 497, 569)
- § 13.05. (1950, c. 323; 1952, c. 301; repealed 2004, c. 497, 569)
- § 13.06. Each Utility a Separate Enterprise.

The water and sanitary sewer utilities shall each be conducted as a separate enterprise, provided that nothing herein shall prevent the transfer of employees from one utility to another or the division of the time of any officer or employee between the two utilities.

(a) The bureau of billing and collection or other agencies or officers of the city designated by the council shall bill for and collect on behalf of each utility not only the charges due from domestic, commercial and industrial users of its services but similar charges against the city and each department, board, commission, office and agency thereof, including the school board and each other utility. The rates to be charged the city and its departments, boards, commissions, offices and agencies, as above provided, for water and sanitary sewers shall be the same as those charged to other customers, except that the charges to be made for the use of water for fire protection shall be in the form of an annual rental to be paid from appropriations by the council for fire protection within the city, for each fire hydrant based on the proportion of the valuation of the water utility properly allocable to fire protection as determined by the valuation hereinafter provided.

(b) The director of finance shall keep separate accounts, in accordance with accepted principles of public utility accounting, for each utility. (1950, c. 323; 1952, c. 301; 1992, c. 513)

§ 13.07. Disposition of Utility Surplus.

A sum of money equal to taxes not actually accruing but which would have accrued during such year had the utility not been municipally owned, shall be paid annually by the utility into the general fund. A return on equity that is calculated using generally accepted accounting principles for utility enterprises, when authorized by the council by the affirmative votes of a majority of council, may be transferred to the general fund or to the improvement fund of each utility respectively. (1950, c. 323; 1993, c. 969)

§ 13.08. Valuation.

As soon as practicable after the effective date of this charter and at such other times as it shall determine the council shall cause to be made a valuation of each of the two utilities, in accordance with accepted valuation principles, by a competent firm of engineers to be selected by the council on the recommendation of the city manager, showing in the case of the water utility the proportion of its valuation properly allocable to fire protection, provided that the council may accept any such valuation of any or both of the utilities completed within three years before said date or cause to be completed any such valuation then in progress. (1950, c. 323)

§ 13.09. Changes in Rates.

The rates to be charged for the respective services of the water and sanitary sewage utilities shall be fixed from time to time by the council on the recommendation of the director of public utilities and the city manager. If for any three consecutive fiscal years the average annual receipts of any utility shall be less than its average annual expense, it shall be the duty of the director of public utilities and the city manager to recommend and the council to adopt for that utility a schedule of rates which in its judgment will produce receipts equal to expense. (1950, c. 323; 1995, c. 655)

§ 13.10. (1950, c. 323; repealed 2004, c. 497, 569)

§ 13.11. No Sale or Lease of Utilities Except When Approved by Referendum.

There shall be no sale or lease of the water or sanitary sewerage utilities unless the proposal for such sale or lease shall first be submitted to the qualified voters of the city at a general election and be approved by a majority of all votes cast at such election. (1950, c. 323)

CHAPTER 14

DEPARTMENT OF PUBLIC HEALTH

- § 14.01. (1950, c. 323; repealed 2004, c. 497, 569)
- § 14.02. (1950, c. 323; repealed 2004, c. 497, 569)
- § 14.03. (1950, c. 323; 1952, c. 301; repealed 2004, c. 497, 569)
- § 14.04. (1950, c. 323; repealed 2004, c. 497, 569)
- § 14.05. (1950, c. 323; repealed 2004, c. 497, 569)
- § 14.06. (1950, c. 323; repealed 2004, c. 497, 569)

CHAPTER 15

DEPARTMENT OF PUBLIC WELFARE

- § 15.01. (1950, c. 323; repealed 2004, c. 497, 569)
- § 15.02. (1950, c. 323; repealed 2004, c. 497, 569)
- § 15.03. (1950, c. 323; repealed 2004, c. 497, 569)
- § 15.04. (1950, c. 323; repealed 2004, c. 497, 569)
- § 15.05. Contractual Relationships. (1950, c. 323; repealed 2004, c. 497, 569)

CHAPTER 16

DEPARTMENT OF RECREATION AND PARKS

- § 16.01. (1950, c. 323; repealed 2004, c. 497, 569)
- § 16.02. (1950, c. 323; repealed 2004, c. 497, 569)
- § 16.03. (1950, c. 323; repealed 2004, c. 497, 569)
- § 16.04. (1950, c. 323; repealed 2004, c. 497, 569)
- § 16.05. Rules and Regulations.

The council shall have power to adopt by ordinance all needful rules and regulations relating to the use of public grounds, parks, playfields, playgrounds and cemeteries, whether within or without the city, and for the preservation of order, safety and decency therein. For the purpose of enforcing such rules and regulations, all such public grounds, parks, playfields, playgrounds and cemeteries shall be under the police jurisdiction of the city. Any member of the police force of the city, or park employee appointed as a special policeman shall have power to make arrests for violations of any such rule or regulation. (1950, c. 323)

§ 16.06. There shall be an advisory board of recreation and parks consisting of no less than five members, which number shall be determined by the city council by ordinance, of whom one shall be a member of the school board, appointed by the school board, and one a member of the city planning commission, appointed by the city planning commission, for terms of two years from the first Tuesday in September 1951 and every two years thereafter, but in no case shall a member so appointed continue to be a member of the advisory board of recreation and parks after the expiration of his term as a member of the school board or the city planning commission, as the case may be; and of whom the remaining members shall be appointed by the council for terms of three years, provided that the members in office at the effective date of this charter are hereby continued in office for the terms they were appointed, and new appointments shall be made annually from the first Tuesday in September in such a manner that one or more, but less than three, of the appointments expire annually. Vacancies shall be filled by the Authority making the appointment, for the unexpired portion of the term. The advisory board of recreation and parks shall choose annually one of its own number to be

chairman for a term of one year and until his successor is chosen and qualified. An employee of the department of recreation and parks shall be assigned by the director of recreation and parks to act as secretary of the board. It shall hold such regular meetings as it may determine. Special meetings may be held at any time on the call of the director of recreation and parks or of the chairman of the advisory board of recreation and parks. The advisory board of recreation and parks shall advise with the director of recreation and parks, and with the city council, and shall perform such related functions as the council may direct. (1950, c. 323; 1956, c. 190; 1966, c. 146; 1968, c. 364; 1981, c. 361)

CHAPTER 17

PLANNING, ZONING AND SUBDIVISION CONTROL

§ 17.01. In addition to the powers granted under prevailing State laws and elsewhere in this charter, the council is authorized and empowered to make and adopt planning ordinances and approve a comprehensive master plan for the orderly development of the city to promote health, safety, morals, comfort, prosperity, and general welfare. (1950, c. 323; 1954, c. 440)

§ 17.02. City Planning Commission; composition; appointment, qualifications and removal of members.

There shall be a city planning commission which shall consist of seven members appointed by the Council who shall be qualified voters of the city, actually residing within the city limits, who hold no office of profit under the city government, appointed for terms of four years; provided, that the five citizen members in office on June 30, 1966, shall continue for the length of their appointed terms. A sixth citizen member shall be appointed to serve from July 1, 1966, for a term expiring on December 31, 1968. Effective January 1, 1967, and every four years thereafter, four citizen members shall be appointed, and effective January 1, 1969, and every four years thereafter, three citizen members shall be appointed. Vacancies shall be filled for the unexpired portion of the term. A member may be removed by the council for neglect of duty or malfeasance in office, upon written charges and after public hearing. (1950, c. 323; 1954, c. 440; 1960, c. 429; 1966, c. 146; 1996, c. 310)

§ 17.03. City planning commission - Officers; meetings; records; employees; expenditures.

The commission shall elect a chairman and vice-chairman from among the citizen members appointed by the council for a term of one year, who shall be eligible for reelection, and appoint a secretary. The commission shall hold at least one regular meeting each month, and shall adopt rules for the transaction of its business. The commission shall keep a record of its resolutions, transactions, findings and determinations showing the vote of each member on each question or, if absent, or failing to vote, indicating such fact which record shall be filed in the office of the commission and shall be a public record. (1950, c. 323; 1954, c. 440; 2001, c. 708, 796)

§ 17.04. It shall be the duty of the commission to make and adopt a master plan, consisting of maps, plats, charts and descriptive matter, which shall show the commission's recommendations for the development of the territory covered by the plan. Such plan may include but shall not be limited to the following:

(a) The general location, character and extent of streets, highways, superhighways, freeways, avenues, boulevards, roads, lanes, alleys, walks, walkways, viaducts, subways, bridges, parks, parkways, squares, playfields, playgrounds,

recreational facilities, stadia, arenas, swimming pools, terminals, airports and other public places or ways, and the removal, relocation, widening, narrowing, vacating, abandonment, change of use or extension thereof.

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

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

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

(e) The general location, character and extent of areas of land to be used for different purposes, whether public or private, and the development standards to be applied to each.

(f) The general location, character and extent of use and development of land in areas beyond the corporate limits of the city which may be considered for annexation. Such plan and its respective components shall be given review at least every five years by the commission.

In the preparation of such plan, the commission shall make careful and comprehensive surveys and studies of existing conditions and future growth. The plan shall be made with the general purpose of guiding and accomplishing a coordinated, adjusted and harmonious development of the city and its environs which will, in accordance with existing and future needs, best promote health, safety, morals, comfort, prosperity and general welfare, as well as efficiency and economy in the process of development. (1950, c. 323; 1954, c. 440; 1973, c. 292)

§ 17.05. City planning commission - Monuments and other works of art.

It shall be the further duty and function of the commission to make recommendations to the city council to provide for the preservation of historical landmarks, the design and location of statuary and other works of art which are or may become the property of the city and the removal, relocation and alteration of any such work, and to consider and suggest the design of bridges, viaducts, airports, stadia, arenas and swimming pools, street fixtures and other public structures and appurtenances. (1950, c. 323; 2001, c. 708, 796)

§ 17.06. The commission may adopt the plan as a whole by a single resolution, or may, by successive resolutions, adopt successive parts of the plan, said parts corresponding to major geographical sections or geographical or topographical divisions of the area to be covered by the master plan or with functional subdivisions of the subject matter of the plan, and may adopt any amendment or extension thereof or addition thereto. Before the adoption of the plan or any such part, amendment, extension or addition, the commission shall hold at least one public hearing thereon, at least fifteen days' notice of the time and place of which shall be given by one publication in a newspaper of general circulation in the city. The adoption of the plan or of any such part, amendment, extension or addition shall be by resolution of the commission carried by the affirmative vote of not less than four members of the commission. The resolution shall

refer expressly to the maps and descriptive matter and other matter intended by the commission to form the whole or part of the plan adopted, which resolution shall be signed by the chairman of the commission and attested by its secretary. An attested copy of the resolution, accompanied by a copy of so much of the plan in whole or in part as was adopted thereby, and each amendment, alteration, extension or addition thereto adopted thereby, shall be certified to the council and upon approval by it to the clerk of the circuit court of the county who shall file the same. Approval by the council shall be by resolution.

Amendment of the master plan may be initiated by a majority vote of the city council to submit a proposed amendment to the planning commission. If the planning commission disapproves the proposed amendment, the council shall have power to overrule such action by the affirmative vote of not less than five members. Failure of the planning commission to act within sixty days from the date of the official submission to it shall be deemed approval; provided, however, that the sixty days limitation may be extended by resolution of the city council for a period not to exceed a total of 120 days. (1950, c. 323; 1954, c. 440; 1960, c. 429)

§ 17.07. Whenever a master plan for the city or one or more parts thereof, geographical, topographical or functional, shall have been adopted and filed as provided in the preceding section, then and thereafter no street, square, park or other public way, ground, open space, school, public building or structure, shall be constructed or authorized in the city or in the planned section or division thereof until and unless the general location, character and extent thereof has been submitted to the planning commission and until the commission determines that the general location, character and extent are included in the master plan.

Except for local distribution or service operations, no public utility, whether publicly or privately owned, shall be constructed or authorized in the city or in the planned section or division thereof unless and until its general location, character and extent, have been submitted to the commission, and until the commission determines that the master plan includes the general location, character and extent of the proposed utility.

However, such submission and determination shall not be necessary in the case of pipes or conduits in any existing street or proposed street, square, park or other public way, ground or open space, the location of which has been approved by the commission.

The failure of the commission to act within sixty days from the date of the official submission to it shall be deemed approval. The widening, extension, narrowing, enlargement, vacation or change in the use of streets and other public ways, grounds and places within the city, as well as the acquisition by the city of any land within or without the city for public purposes, or the sale of any land then held by the city, shall be submitted to the planning commission for its approval. If the commission disapproves of any such proposal, it shall communicate its reasons to the city council which shall have the power to overrule such action by a recorded affirmative vote of not less than five members except, however, that in the matter of acquisition of land, only four votes of the council shall be required to overrule the planning commission's recommendations. The failure of the commission to act within sixty days from the date of the official submission to it shall be deemed approval.

The provisions of this section shall not be deemed to apply to the pavement, repavement, reconstruction, improvement, drainage or other work in or upon any existing

street or other existing public way. (1950, c. 323; 1952, c. 301; 1954, c. 440; 1960, c. 429; 1973, c. 292)

§ 17.08. Same-Capital Improvements Program.

It shall be the duty of the commission to review annually a program of capital improvement projects for the ensuing five years. At a day to be fixed by resolution of the city council, each department, commission and board, including the school board, shall submit to the city manager a detailed listing of all immediate and long range capital improvement needs falling within the jurisdiction of the submitting department, commission or board, together with its estimates of cost of each of the various projects, and its recommendations as to priority and timing of the projects listed. The city manager shall subsequently submit to the commission a proposed capital improvements program, together with a report on the financial condition of the city, insofar as it may relate to any contemplated capital fund projects. In the preparation of its capital improvement recommendations, the commission shall consult with the city manager, the school board, the heads of departments and interested citizens and organizations, and shall hold such public hearings as it shall deem necessary. It shall submit its recommendations to the city council, at such time as the council shall direct, together with estimates of cost of such projects and the means of financing them, to be undertaken in the ensuing fiscal year and in the next four years. (1950, c. 323; 1954, c. 440; 1960, c. 429; 1987, c. 68)

§ 17.09. City planning commission - Further planning powers and duties.

The commission shall have power to promote public interest in and understanding of the plan, and to that end may publish and distribute copies of the plan or any report relating thereto, and may employ such other means of publicity and education as it may determine. The commission shall consult and advise with public officials and agencies, public utility companies, civic, educational, professional or other organizations, and with citizens, with relation to the protection or carrying out of the plan. All public officials shall, upon request, furnish to the commission within a reasonable time, such available information as it may require for its work. The commission, its members, or officers, may enter upon land for which a development plan under its purview has been tendered to make such examinations as are necessary in aid of the commission's review authority and its planning duties and functions. The commission shall make an annual report to the council concerning its activities. (1950, c. 323; 2001, c. 708, 796)

§ 17.10. In addition to the powers granted elsewhere in this charter, the council shall have the power to adopt in the manner provided in § 17.13, a comprehensive zoning plan designed to lessen congestion in streets; secure safety from fire, panic and other danger; promote health, sanitation and general welfare; provide adequate light and air; prevent the overcrowding of land; avoid undue concentration of population; facilitate public and private transportation and the supplying of public utility services and sewage disposal, and facilitate provision for schools, parks, playgrounds and other public improvements and requirements. The comprehensive zoning plan shall include the division of the city into districts with such boundaries as the council deems necessary to carry out the purposes of this chapter, and shall provide for the regulation and restriction of the use of land, buildings, and structures in the respective districts and may include, but shall not be limited to, the following:

(a) It may permit specified uses of land, buildings and structures in the districts and prohibit all other uses.

(b) It may regulate the height, area, bulk, size, design and appearance of buildings and structures and the appropriateness of their use in the districts.

(c) It may establish setback building lines and prescribe the area of land that may be used as front, rear and side yards and courts and open spaces.

(d) It may restrict the portion of the area of lots that may be occupied by buildings and structures.

(e) It may prescribe the area of lots and the space in buildings that may be occupied by families.

(f) It may require that spaces and facilities deemed adequate by the council shall be provided on lots for parking of vehicles in conjunction with permitted uses of land and that spaces and facilities deemed adequate by the council shall be provided on lots for off-street loading or unloading of vehicles.

(g) It may permit the designed use and development of land in a manner varying in certain respects from the regulations and restrictions prescribed for the district or districts in which such land is situated, provided that it establishes a minimum area of not less than five acres subject to such designed use and provided further that such designed use shall be approved by the city planning commission and the council, and adopted as a part of the master plan of the city.

(h) It may provide that land, buildings and structures and the uses thereof which do not conform to the regulations and restrictions prescribed for the district in which they are situated may be continued so long as the then existing or more restricted use continues and so long as the buildings or structures are maintained in their then structural condition; and may require that such buildings or structures and the use thereof shall conform to the regulations and restrictions prescribed for the district or districts in which they are situated whenever they are enlarged, extended, reconstructed or structurally altered; and may require that such buildings or structures and the use thereof shall conform to the regulations and restrictions prescribed for the district or districts in which they are situated, in any event, within a reasonable period of time to be specified in the ordinance.

(i) It may provide for an affordable housing dwelling unit program. The program shall address housing needs, promote a full range of housing choices, and encourage the construction and continued existence of moderately priced housing by providing for optional increases in density in order to reduce land costs for such moderately priced housing. Any project that is subject to an affordable housing dwelling unit program adopted pursuant to this section shall not be subject to an additional requirement outside of such program to contribute to a city housing fund.

From and after the adoption of a master plan or any amendment or extension thereof as required by this chapter, or the land use portion thereof, such zoning plan shall be made to conform substantially with the master plan, and any amendments to the zoning plan shall be based upon and in substantial accordance with the master plan. (1950, c. 323; 1954, c. 440; 1956, c. 190; 2008, c. 316, 683)

§ 17.11. The regulations and restrictions shall be enacted with reasonable consideration, among other things, of the character of each district and its peculiar suitability for particular uses, and with a view of conserving the value of land, buildings

and structures and encouraging the most appropriate use thereof throughout the city. Upon the enactment of the ordinance dividing the city into districts and regulating and restricting the use of land, buildings and structures therein in accordance with a comprehensive zoning plan; no land, building or structure shall be changed from one district to another district unless the change is in accord with the interest and purposes of this section and will not be contrary to the comprehensive zoning plan and the enumerated factors upon which it is based. Aside from extensions from an existing zone into immediately adjoining or adjacent properties, no change in district boundaries shall be made so as to create an area of such size and shape, in relation to its neighboring areas, as to comprise less than a district as intended by this chapter. (1950, c. 323; 1954, c. 440)

§ 17.12. Duties of the City Planning Commission with Relation to Zoning.

It shall be the duty of the city planning commission to prepare and submit to the council a comprehensive zoning plan as referred to in § 17.10 and from time to time prepare and submit such changes in or revisions of the said plan as changing conditions may make necessary. (1950, c. 323)

§ 17.13. Subject to the other provisions of this chapter, the council shall have power by ordinance to adopt the regulations and restrictions hereinbefore described and determine the boundaries of the districts in which they shall apply, provide for their enforcement, and from time to time amend, supplement or repeal the same. The council shall also have authority to provide for the collection of fees to cover at least the costs involved in the consideration of any request for amendment, supplement or repeal of any such regulation, restriction or boundaries, to be paid to the city clerk by the applicant upon filing such request. No ordinance adopting, amending, supplementing or repealing, any such regulation, restriction or boundaries shall be adopted until: (a) the ordinance adopting, amending, supplementing or repealing, any such regulation, restriction or boundaries has been referred to the city planning commission and approved by it, and in case of disapproval by the commission subject to overrule by the council by the affirmative vote of not less than five members of the council; and (b) after a public hearing in relation thereto shall be held by the council at which the parties in interest and other persons shall have an opportunity to be heard. At least fifteen days' notice of the time and place of such hearing shall be given by publication thereof in a newspaper of general circulation in the city. Whenever such ordinance involves the amendment, supplement, or repeal of any district boundaries, fifteen days notice of such public hearing shall also be given by conspicuous notices posted along the boundary lines of any land involved. (1950, c. 323; 1954, c. 440; 1960, c. 429)

§ 17.14. If a protest is filed with the city clerk against such amendment, supplement or repeal, signed by the owners of twenty percent or more of the total area of the lots included in such proposed change or of the total area of the lots outside of the proposed change, any part of which is within 150 feet of the boundary of such area, the council shall not adopt the ordinance making such amendment, supplement or repeal, except by an affirmative vote of not less than five members of the council. Each signature to such protest shall be witnessed by a person whose affidavit to that effect is attached thereto. (1950, c. 323; 1954, c. 440)

§ 17.15. There shall be a board of zoning appeals which shall consist of five regular members and one alternate. They shall be qualified voters of the city, shall reside

within the city limits, shall hold no office of profit under the city government and shall be appointed by the council for terms of four years; provided that the members of the board of zoning appeals in office at the effective date of this charter shall continue to hold office until the first day in January following the expiration of the terms for which they were appointed, and the first alternate member shall be appointed to serve until the said date; and provided, further, that the council shall appoint two regular and one alternate member to serve for two years, and three regular members to serve for four years from said date. Thereafter, their successors shall be appointed for full terms of four years. Vacancies shall be filled by the council for the unexpired portion of the term. A regular or alternate member may be removed by the council for neglect of duty or malfeasance in office, upon written charges and after public hearing. (1950, c. 323; 1954, c. 440; 1966, c. 146)

§ 17.16. Board of Zoning Appeals. Organization.

The board shall elect a chairman and a vice-chairman from among its regular members for a term of one year who shall be eligible for reelection. The chairman shall preside at all meetings of the board and, in his absence, the vice-chairman or other member designated by the board shall act as chairman and shall preside. The board shall appoint a secretary and such other employees as may be needed for the conduct of the work of the board. The alternate member may take the place of any regular member who is absent or disqualified, in hearing and determining any matter before the board. (1950, c. 323)

§ 17.17. Board of Zoning Appeals. Procedure.

The meetings of the board shall be held at the call of the chairman and at such other times as the board may determine. The board shall keep minutes of its proceedings showing the vote of each member on each question or, if absent, or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be filed in the office of the board and shall be a public record. (1950, c. 323)

§ 17.18. Appeals to Board of Zoning Appeals.

Appeals to the Board may be taken by any person aggrieved, or by any officer, department, board, commission or agency of the city affected, by any decision of the administrative officer designated by the council to administer and enforce the ordinance dividing the city districts and regulating and restricting the use of land, buildings and structures therein. Appeals shall be taken within thirty days of the date of decision, by filing with the said administrative officer and with the Board a notice of appeal specifying the grounds thereof. The administrative officer shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken. An appeal stays all proceedings in furtherance of the action appealed from unless the administrative officer from whose decision the appeal is taken certifies to the Board that by reason of the facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board or by a court of record on application and on notice to the administrative officer and on due cause shown.

The Board shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to the parties in interest and decide the issue within a reasonable time. At the hearing, any party may appeal in person, by agent, or by

attorney, and shall be given an opportunity to be heard. The city council may prescribe a fee to be paid whenever an appeal is taken which shall be paid into the city treasury. (1950, c. 323; 1989, c. 345)

§ 17.19. Powers of Board of Zoning Appeals.

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

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

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

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

(d) To permit such other exceptions or grant variances from the strict application of the terms of the zoning regulations under the principles, standards, rules, conditions, and safeguards set forth in the zoning ordinance, provided they are determined to be consistent with the general purpose and intent of such ordinance. (1950, c. 323)

§ 17.20. Form and scope of decisions by Board of Zoning Appeals.

In exercising the powers conferred upon it, the Board may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from, and may make such order, requirement, decision or determination as should be made and to that end shall have all the powers of the administrative officer charged by the ordinance with enforcement. The concurring affirmative vote of three members of the Board shall be necessary to reverse any order, requirement, decision or determination of the administrative officer or to decide in favor of the applicant in any matter of which it has jurisdiction. The Board may, upon the affirmative vote of three members, reconsider any decision made and, upon such reconsideration, render a decision by formal resolution. Every decision of the Board shall be based upon a finding of fact based on sworn testimony, which finding of fact shall be reduced to writing and preserved among its records. (1950, c. 323; 1989, c. 345)

§ 17.21. Appeals from Board of Zoning Appeals.

Any person, firm or corporation, jointly or severally aggrieved, or in fact affected by any decision of the board of zoning appeals, or any officer, department, board or agency of the city government charged with the enforcement of any order, requirement or

decision of said board, may appeal from such decision by filing a petition in the court of appropriate jurisdiction, verified by affidavit, setting forth the alleged illegality of the action of the board and the grounds thereof. The petition shall be filed within thirty days from the date of the decision of the board. No appeal from the decision of the board shall be allowed in any case involving the same petitioner, principles, property and conditions previously passed upon by such court. (1950, c. 323)

§ 17.22. Procedure on Appeal.

Upon filing of a petition, the court may cause a writ of certiorari to issue directed to the board, ordering it to produce within the time prescribed by the court, not less than ten days, the record of its action and documents considered by it in making the decision appealed from, which writ shall be served upon any member of the board. The issuance of the writ shall not stay proceedings upon the decision appealed from, but the court may, on application, notice to the board and due cause shown, issue a restraining order. The board shall not be required to produce the original record and documents, but it shall be sufficient to produce certified or sworn copies thereof or of such portions thereof as may be required by the writ. With the record and documents, the board may concisely set forth in writing such other facts as may be pertinent and material to show the grounds of the decision appealed from, verified by affidavit. (1950, c. 323)

§ 17.23. Powers and Duties of the Court.

The court shall review the record, documents and other matters produced by the board pursuant to the issuance of the writ and may reverse or modify the decision reviewed, in whole or in part, when it is satisfied that the decision of the board is contrary to law or that its decision is arbitrary and constitutes an abuse of discretion. (1950, c. 323)

§ 17.24. Proceedings against Violators of Zoning Ordinance.

Whenever any building or structure is erected, constructed, reconstructed, altered, repaired or converted, or whenever any land, building or structure is used in violation of any ordinance adopted in accordance with § 17.13, the city may institute and prosecute appropriate action or proceedings to prevent such unlawful act and to restrain, correct or abate such violation or to prevent any unlawful act, conduct or use of such property.(1950, c. 323)

§ 17.25. Penalties for Violation of Zoning Ordinance.

The council may, in such ordinance, provide that fines and jail sentences, either or both, shall be imposed for violations of the ordinance by owners of land, buildings or structures, their agents having possession or control of such property, lessees, tenants, architects, builders, contractors or any other persons, firms or corporations who take part in or assist in any such violations or who maintain any land, building or structure in which such violations exist, which penalties shall not exceed those prescribed in § 2.06 of this charter. (1950, c. 323)

§ 17.26. Land Subdivision.

In order to provide for the orderly subdivision of land within the city, there is hereby conferred upon the city the power to adopt regulations and restrictions relative to the subdivision of land in the manner hereinafter provided. Such regulations and restrictions may prescribe standards and requirements for the subdivision of land which may include, but shall not be limited to, the following: the location, size and layout of lots so as to prevent congestion of population, to provide for light and air, and to prevent

the hazard of inundation, the width, grade, location, alignment and arrangement of streets and sidewalks with relation to other existing streets, planned streets and the master plan; access for fire-fighting apparatus; adequate open spaces; adequate and convenient facilities for vehicular parking; easements for public utilities; reservation or dedication of suitable sites for schools, parks and playgrounds; planting of shade trees and shrubs; naming and designation of streets and other public places; laying out, constructing and improving streets, alleys and sidewalks, the installation of public utilities and other physical improvements therein and the conditions under which the cost thereof shall be borne by the developer; and provisions for the guarantee of payment by the developer for the required improvements; procedure for making variations in such regulations and restrictions; requirements for preparing and recording plats of subdivisions including their size, scale, contents and other matters; and for the erection of monuments of specified type for making and establishing property and street, alley, sidewalk and other lines. (1950, c. 323)

§ 17.27. Hearings on Subdivision Ordinance.

The council shall not adopt or amend any ordinance establishing such regulations and restrictions until notice of intention so to do has been published once a week for two successive weeks in a newspaper of general circulation in the city. The notice shall specify the time, not less than ten days after final publication, and the place at which persons affected may appear before the council and present their views. (1950, c. 323)

§ 17.28. Adoption of Regulations and Restrictions Applicable Only within the City Limits.

After hearing, as above provided, the council may adopt by ordinance any such regulations and restrictions applicable within the limits of the city which, when recorded in the office of the clerk of the circuit court of the county, shall be in full force and effect. (1950, c. 323)

§ 17.29. The planning commission shall be the platting commission of the city, and, as such, shall have control of the platting or subdivision of land within the city subject to restrictions as provided in § 17.07. From and after the date on which such regulations and restrictions become effective in the city, the owners of tracts of land to which such regulations and restrictions are applicable, who subdivide them into two or more lots, shall cause plats of such subdivisions, in the form prescribed by the applicable regulations and restrictions, to be made and submitted to the city planning commission. It shall be the duty of such commission to consider such plat in the light of the regulations and restrictions applicable to the same and approve or disapprove the plat in accordance therewith. Before taking any action thereon, the city planning commission shall afford the owner and other interested parties an opportunity to be heard after such reasonable notice as may be provided in such regulations and restrictions. Failure to act on any plat for a period of forty-five days shall be deemed to constitute approval unless such plat involves amendment or extension of or addition to the master plan. Approval shall be attested on that plat by the signature of the chairman or vice-chairman of the city planning commission. (1950, c. 323; 1954, c. 440)

§ 17.30. Recording of Plats of Subdivisions.

From and after the date on which such regulations and restrictions become effective in the city, no plat of any subdivision to which such regulations and restrictions are applicable shall be received or recorded by the clerk of any court unless the plat has

been approved as provided in the preceding section. No owner of land in the city in which such regulations and restrictions are applicable, who has subdivided the same into two or more lots, shall sell or offer for sale any such lot by reference to or exhibition of or by the use of a plat of such subdivision or otherwise before the plat of such subdivision has been approved as provided in the preceding section and has been recorded in the office of the clerk of the court or courts in which a deed conveying such lot would be required to be recorded. (1950, c. 323)

§ 17.31. Penalty for Transfer of Lots in Unapproved Subdivisions.

Whoever being the owner or agent of the owner of any land in a subdivision subject to such regulations and restrictions, the plat of which has not been approved and recorded as above provided, shall transfer, sell or offer for sale or agree to sell any lot in such subdivision by reference to or exhibition of an unapproved and unrecorded plat or otherwise, shall forfeit and pay a penalty of \$100 for each lot or similar parcel of land transferred or agreed or negotiated to be sold; and the description of such lot or parcel by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from such penalty or from the remedies herein provided. The city may enjoin such transfer or sale or agreement by proceedings for injunction brought in a court having jurisdiction of the land to which the injunction applies. The city in which any lot transferred, sold or offered for sale in violation of this chapter is situated, may recover the penalty provided therefor in a civil action brought in a court in whose jurisdiction such lot is situated, for the benefit of the city. In the absence of intent to evade the provisions of this section, the penalty may be waived in the case of an attempted transfer by will. (1950, c. 323)

§ 17.32. Transfer of portion for public use.

The recordation and acceptance of the plat shall operate to transfer in fee simple to the city such portion thereof as is on the plat set apart for streets, alleys, easements or other public use or purpose and to create a public right of passage over or use of the same. The owner or owners of the land subdivided may construct, reconstruct, operate and maintain with the consent of the city where the land lies, sewers, gas and water pipes or electric lines along or under the streets, alleys, easements or other land devoted to public use, provided that it shall not obstruct or hinder the passage over the streets, alleys or other property devoted to public use further than is reasonably necessary to construct, reconstruct, repair, operate and maintain such works. (1950, c. 323; 1979, c. 421)

§ 17.33. Vacation of plats.

Any plat or part thereof recorded may be vacated, with the consent of the council by the owners thereof at any time before the sale of any lot therein, by a written instrument declaring the plat to be vacated, which shall be duly executed, acknowledged and recorded in the clerk's office wherein the plat to be vacated is recorded. The execution and recordation of the instrument shall operate to destroy the force and effect of the recording of the plat and to divest all public rights in and to reinvest the owners with the title to the streets, alleys, easements and other land devoted to public use laid out or described in the plat. In cases where lots have been sold, the plat or part thereof or any unaccepted or abandoned street, or street recommended by the Planning Commission for vacation, may be vacated according to the procedure provided in § 15.1-364 of the Code of Virginia as amended, for the alteration and vacation of streets and alleys. The clerk in whose office any plat so vacated has been recorded shall write in plain, legible letters

across the plat or part thereof vacated the word "vacated," and also make a reference on the plat to the volume and page thereof in which the instrument of vacation is recorded. (1950, c. 323; 1994, c. 92)

§ 17.34. Use of Street for Twenty Years--Dedication.

Whenever any piece, parcel or strip of land shall have been opened to and used by the public as a street, alley, lane or other public place or part thereof for the period of twenty years, the same shall thereby become a street, alley, lane, public place or part thereof for all purposes, and the city shall have the same authority and jurisdiction over and right and interest therein that it has by law over the streets, alleys, lanes and public places laid out by it and thereafter no action shall be brought to recover such piece, parcel or strip of land so opened to and used by the public as aforesaid. Any street, alley, lane or other public place reserved in the division or subdivision into lots within the corporate limits of the city by a plat or plan of record shall be deemed and held to be dedicated to the public use and the council shall have authority, upon the petition of any person or corporation interested therein, to open such street, alley, lane or other public place or any portion of the same. No agreement between, or release of interest by, persons or corporations owning the lands immediately contiguous to any such street, alley, lane or other public place, whether the same has been opened or used by the public or not, shall avail or operate to abolish such street, alley, lane or other public place or to divest the interest of the public therein or the authority of the council over the same. (1950, c. 323)

§ 17.35. Present Master Plan, Comprehensive Zoning Plan and Subdivision Ordinance.

The master plan, the comprehensive zoning plan, and subdivision ordinance as heretofore adopted, approved and filed, with all amendments, additions and extensions thereto, in force and effect at the effective date of this charter are hereby validated and confirmed as if the same had been prepared, adopted, approved and filed in accordance with the provisions of this chapter. Every amendment or addition thereto or extension thereof and every other master plan, comprehensive zoning ordinance, or subdivision ordinance henceforth adopted shall be in accordance with the provisions of this chapter. Where existing ordinances are at variance with the provisions of this chapter, they shall be deemed to be amended in accordance with the provisions of this chapter. (1950, c. 323)

CHAPTER 18

ACQUISITION OF PROPERTY FOR PUBLIC PURPOSES

§ 18.01. Acquisition, Ownership and Use of Property.

The city shall have, for the purpose of carrying out any of its powers and duties, power to acquire by gift, bequest, purchase or lease, and to own and make use of, within and without the city, lands, buildings, other structures and personal property, including any interest, right, easement or estate therein, and in acquiring such property to exercise, within and without the city, the right of eminent domain as hereinafter provided in this chapter. This power shall be in addition to the powers granted to the school board in § 20.02. (1950, c. 323)

§ 18.02. The city is hereby authorized to acquire by condemnation proceedings lands, buildings, structures and personal property or any interest, right, easement or estate therein, of any person or corporation, whenever in the opinion of the council a public necessity exists therefor, which shall be expressed in the resolution or ordinance directing

such acquisition, and whenever the city cannot agree on terms of purchase or settlement with the owners of the subject of such acquisition because of the incapacity of such owner, or because of the inability to agree on the compensation to be paid or other terms of settlement or purchase, or because the owner or some one of the owners is a nonresident of the State or cannot with reasonable diligence be found in the State, or is unknown.

Such proceedings shall be instituted in the court of appropriate jurisdiction. (1950, c. 323; 1954, c. 514) **NOTE:** Chapter 776 of the 1997 Acts of Assembly amended this section, to become effective if reenacted by the 1998 Session of the General Assembly; it was NOT reenacted.

§ 18.03. The city may, in exercising the right of eminent domain conferred by the preceding section, make use of the procedure prescribed by the general law, as modified by said section or may elect to proceed as hereinafter provided. In the latter event the resolution or ordinance directing the acquisition of any property, as set forth in the preceding section, shall provide therein in a lump sum the total funds necessary to compensate the owners thereof for such property to be acquired or damaged. Upon the adoption of such resolution or ordinance the city may file a petition in the clerks' office of the court having jurisdiction of the subject, which shall be signed by the city manager and set forth the interest or estate to be taken in the property and the uses and purposes for which the property or the interest or estate therein is wanted, or when property is not to be taken but is likely to be damaged, the necessity for the work or improvement which will cause or is likely to cause such damage. There shall also be filed with the petition a plat of a survey of the property with a profile showing cuts and fills, trestles and bridges, or other contemplated structures if any, and a description of the property which, or an interest or estate in which, is sought to be taken or which will be or is likely to be damaged and a memorandum showing names and residences of the owners of the property, if known, and showing also the quantity or property which, or an interest or estate in which, is sought to be taken or which will be or is likely to be damaged. There shall be filed also with said petition a notice directed to the owners of the property, if known, copies of which shall be served on such owners or tenants of the freehold of such property, if known. If the owner or tenant of the freehold be unknown or a nonresident of the State or cannot with reasonable diligence be found in the State, or if the residence of the owner or tenant be unknown, he may be proceeded against by order of publication which order, however, need not be published more than once a week for two successive weeks and shall be posted at the main entrance to the City Hall. The publication shall in all other respects conform to §§ 8-71, 8-72 and 8-76 of the Code of Virginia.

Upon the filing of said petition and the deposit of funds provided by the council for the purpose in a bank to the credit of the court in such proceedings and the filing of a certificate of deposit therefor the interest or estate of the owner of such property shall terminate and the title to such property or the interest or estate to be taken in such property shall be vested absolutely in the city and such owner shall have such interest or estate in the funds so deposited as he had in the property taken or damaged and all liens by deed of trust, judgment or otherwise upon said property or estate shall be transferred to such funds and the city shall have the right to enter upon and take possession of such property for its uses and purposes and to construct its works or improvements. The clerk of the court in which such proceeding is instituted shall record the orders entered therein

in his deed book and index them in the name of the person or persons who had the property before and in the name of the city, for which he shall receive the same fees prescribed for recording a deed, which shall be paid by the city.

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

If the city and the owner cannot agree upon the compensation for the property taken or damaged, if any, upon the filing of a memorandum in the clerk's office of said court to that effect, signed by either the city or the owner, the court shall appoint commissioners provided for in §§ 25-12 to 25-15, inclusive, of the Code of Virginia or as provided for in § 18.02, and all proceedings thereafter shall be had as provided for in §§ 25-12 through 25-21 and §§ 25-21 and 25-23 through 25-38 of the Code of Virginia insofar as they are then applicable and are not inconsistent with the provisions of this and the preceding section, and the court shall order the deposit in the bank to the credit of the court of such additional funds as appear to be necessary to cover the award of the commissioners or shall order the return to the city of such funds deposited that are not necessary to compensate such owners for property taken or damaged. The commissioners so appointed shall not consider improvements placed upon the property by the city subsequent to its taking nor the value thereof nor the enhancement of the value of said property by said improvements in making their award. (1950, c. 323; 1954, c. 440)

§ 18.04. Enhancement in Value When Considered.

In all cases under the provisions of §§ 18.02 and 18.03, the enhancement, if any, in value of the remaining property of the owner by reason of the construction or improvement contemplated or made by the city, shall be offset against the damage, if any, resulting to such remaining property of such owner by reason of such construction or improvement, provided such enhancement in value shall not be offset against the value of the property taken, and provided further, that if such enhancement in value shall exceed the damage, there shall be no recovery over against the owner for such excess. (1950, c. 323)

§ 18.05. Unclaimed Funds in Condemnation Cases.

Whenever any money shall have remained for five years in the custody or under the control of any of the courts enumerated in § 18.02, such money shall be disposed of pursuant to §§ 8-746 and 8-747 of the Code of Virginia. (1950, c. 323)

CHAPTER 19

MUNICIPAL JUDGE (1973, c.292)

§ 19.01. (1950, c. 323; 1952, c. 315; 1954, c. 560; 1960, c. 429; repealed 1976, c. 13)

§ 19.02. (1950, c. 323; 1960, c. 429; repealed 1976, c. 13)

§ 19.03. (1950, c. 323; 1960, c. 429; repealed 1976, c. 13)

§ 19.04. (1950, c. 323; 1960, c. 429; repealed 1976, c. 13)

§ 19.05. (1950, c. 323; 1960, c. 429; repealed 1976, c. 13)

§ 19.06. (1950, c. 323; 1960, c. 429; repealed 1976, c. 13)

§ 19.07. (1950, c. 323; 1952, c. 315; 1960, c. 429; repealed 1976, c. 13)

§ 19.08. (1950, c. 323; 1960, c. 429; repealed 1976, c. 13)

§ 19.09. (1950, c. 323; 1960, c. 429; repealed 1976, c. 13)

§ 19.10. (1950, c. 323; 1960, c. 429; repealed 1976, c. 13)

§ 19.11. (1950, c. 323; 1952, c. 315; 1973, c. 292; repealed 1976, c. 13)

§ 19.12. (1950, c. 323; 1960, c. 429; repealed 1976, c. 13)

§ 19.13. (1950, c. 323; 1952, c. 315; 1960, c. 429; repealed 1976, c. 13)

CHAPTER 19A.

ECONOMIC DEVELOPMENT.

§ 19A.01. Industrial Development Authority.

The Industrial Development Authority of the City of Falls Church, Virginia, shall be continued in full force and effect, and nothing in this charter shall in any way limit, change, or modify any existing obligations, agreements or contractual arrangements of such authority. (1997, c. 776)

§ 19A.02. Economic Development Authority.

The City of Falls Church Economic Development Authority shall be continued in full force and effect, and nothing in this charter shall in any way limit, change, or modify any existing obligations, agreements or contractual arrangements of such authority. (1997, c. 776)

§ 19A.03. Powers, etc.

The Industrial Development Authority of Falls Church, Virginia, and the Falls Church Economic Development Authority shall have all powers, authority and obligations as are provided by state law and such other duties assigned by the city council not inconsistent therewith. (1997, c. 776)

CHAPTER 20

MISCELLANEOUS PROVISIONS

§ 20.01. School District.

The City of Falls Church shall constitute a separate school district. (1950, c. 323)

§ 20.02. School Board.

(a) The school board shall consist of seven trustees who shall be qualified voters of the city actually residing within the city limits.

(b) Except as provided in this charter the school board shall have all the powers and duties relating to the management and control of the public schools of the city provided by the general laws of the Commonwealth, including right of eminent domain within and without the city. None of the provisions of this charter shall be interpreted to refer to or include the school board unless the intention so to do is expressly stated or is clearly apparent from the context.

(c) The power conferred on the city by §§ 2.03 (f) and 2.03 (h) shall be exercised by the school board with respect to property and buildings devoted to public school purposes. The title to property and buildings devoted to public school purposes shall be in the school board.

(d) The school board shall meet annually in July at which time the board shall fix the time for holding regular meetings for the ensuing year, and may adjourn from day to day, or time to time, before the time fixed for the next regular meeting, until the business before it is completed. At such annual meeting, the school board shall elect one of its members chairman and on recommendation of the division superintendent, elect or appoint a competent person as clerk of the school board, and shall fix his compensation. The chairman and clerk shall be selected annually, but if a vacancy in either office occurs during any year, the school board may fill such vacancy for the remainder of the unexpired term.

In addition to the authority conferred upon the city by Chapter 7, the school board may borrow from the Literary Fund of Virginia or from such other sources as may be available to it by general law. (1950, c. 323; 1954, c. 514; 1956, c. 190; 1960, c. 429; 1968, c. 364; 1993, c. 969; 1994, c. 92)

§ 20.03. Transfer of Books and Papers.

If any person, having been an officer of the city, shall not, without good cause, within ten days after he shall have vacated or been removed from office, deliver over to his successor in office all the property, books and papers belonging to the city or appertaining to such office, in his possession or under his control, he shall forfeit and pay to the city the sum of \$500, to be sued for and recovered with costs. All books, records and documents used in any office, by virtue of any provision of this charter or of any ordinance or order of the council or any superior officer of the city, shall be deemed the property of the city and appertain to said office, and the chief officer thereof shall be responsible therefor. (1950, c. 323)

§ 20.04. Enforcement of Surety Bonds.

In all cases where a bond is required of any officer, such bond shall be with corporate surety and conditioned for the faithful discharge by himself, his deputies, assistants or other subordinates, of the duties imposed on him by this charter and all ordinances passed in pursuance thereof. (1950, c. 323)

§ 20.05. Rules and Regulations to be Filed.

All departments, boards, commissions, officers and agencies of the city, authorized to make rules and regulations by this or any previous charter of the city or by the general laws of the Commonwealth, shall immediately after the first Tuesday of

September 1950, file with the city clerk copies of all such rules and regulations previously issued by them and in force on such day, and shall thereafter file with said city clerk copies of all rules and regulations and amendments thereof subsequently issued by them upon their issuance. It shall be the duty of the city clerk to keep in his office for public inspection a well-indexed file of the rules and regulations so filed. (1950, c. 323)

§ 20.06. Officers Must Not Be Interested in Contracts.

No officer or employee of the city shall be interested in any contract entered into by the city with any person, firm or corporation, but this prohibition shall not apply to nonsalaried officers or nonsalaried members of boards and commissions in respect of contracts other than those in the making of which they have a part. (1950, c. 323)

§ 20.07. Contractual Relationships.

The City of Falls Church may, at the option of the council, 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 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. (1950, c. 323)

§ 20.08. Reprinting of Charter after Amendment.

Within a reasonable time after the conclusion of any session of the general assembly and the effective date of any amendment or amendments to this charter adopted at such session, the amendment or amendments shall be printed in such number of copies as the council shall order. (1950, c. 323)

§ 20.09. Officers to Hold Over Until Their Successors Are Appointed and Qualified.

Whenever under the provisions of this charter, any officer of the city, judge or member of any board or commission is elected or appointed for a fixed term, except the mayor and vice-mayor, such officer, judge or member shall continue to hold office until his successor is appointed and qualified. (1950, c. 323)

§ 20.10. Courtroom for Court and Office Space for Constitutional Officers.

It shall be the duty of the city to provide a suitable courtroom for the court of appropriate jurisdiction and suitable offices for the commissioner of revenue, city treasurer and registrar. (1950, c. 323; 1973, c. 292; 1976, c. 13; 1979, c. 421)

§ 20.11. Posting of Bonds Unnecessary.

Whenever the general law requires the posting of a bond, with or without surety, as a condition precedent to the exercise of any right, the city, without giving such bond, may exercise such right, provided all other conditions precedent be complied with, and no officer shall fail or refuse to act because the city has not filed or executed the bond that might otherwise be required, and the city shall be bound to the same extent that it would have been bound had the bond been given. (1950, c. 323)

§ 20.12. Code References.

All references in this charter to the Code of Virginia are to the Code of 1950. (1950, c. 323)

§ 20.13. Definitions.

(a) As used in this charter, the term "at the effective date of this charter" shall be interpreted to refer to a period immediately preceding the taking effect thereof.

(b) As used in this charter in reference to voting by the council, the term "elected members of the council" shall include those members, if any, elected by the council.

(c) Wherever in this charter any department, bureau, division, office, agency or officer is empowered or directed to take any action or perform any duty or function, such action may be taken or duty or function performed by the appropriate department, bureau, division, agency or officer to whom the duty or function is transferred by or pursuant to action of the council under §§ 4.02 (a), 4.02 (b) and 4.02 (c), or upon whom it is conferred by § 21.05.

(d) The term "board" or "boards," as used in this charter shall not include the school board unless the school board is specifically named. The term "member of the school board" shall have the same meaning as the term "school trustee," as used in the provisions of the Code of Virginia which refer to the school boards of cities and towns.

(e) As used in this charter, the term "print" shall include any method of reproducing or making multiple copies.

(f) The words he, his, or him, man or men in this charter shall include persons of either sex. (1950, c. 323; 1976, c. 13)

§ 20.14. United States Government Employees.

No person, otherwise eligible, shall be disqualified, by reason of his accepting or holding an office, post, trust or emolument under the Government of the United States, from serving as an officer or employee of the city, or as a member, officer, or employee of any board or commission, including the school board. (1950, c. 323)

CHAPTER 21

TRANSITIONAL PROVISIONS

§ 21.01. Present Ordinances and Rules and Regulations Continued in Effect.

All ordinances of the city and all rules, regulations and orders legally made by any department, board, commission or officer of the city, in force at the effective date of this charter, insofar as they or any portion thereof are not inconsistent therewith, shall remain in force until amended or repealed in accordance with the provisions of this charter. (1950, c. 323)

§ 21.02. Validation and Ratification of Bonds, Taxes, and Contracts.

All bonds issued and sold, all contracts and obligations heretofore made by the council and government of the town and city, not inconsistent with the Constitution and the law of the Commonwealth, all taxes assessed and levied when the city was a town, and when the city was in transition from the status of a town to that of a city of the second class from August 16, 1948, to the effective date of this charter, are hereby validated, ratified and confirmed; and all proceedings authorizing the issuance of bonds, notes or other obligations of the City of Falls Church heretofore had are hereby validated, ratified and confirmed and shall not lapse or terminate or be otherwise affected by reason of any of the provisions contained in this charter, and such bonds, notes or other obligations may be authorized, sold or issued in accordance with the provisions of law in force prior to the effective date of this charter, or in accordance with the provisions of this charter. (1950, c. 323)

§ 21.03. (1950, c. 323; repealed 1952, c. 301)

§ 21.04. Continuance of Internal Organization of Departments.

Except where this charter otherwise provides, the several bureaus, divisions and other administrative units of the departments of police, fire, public works, public health, public welfare and public utilities shall remain in the department in which they were located at the effective date of this charter until otherwise provided by ordinance, and present incumbents of positions shall continue to serve until the council provides otherwise in accordance with this charter. (1950, c. 323)

§ 21.05. (1950, c. 323; repealed 1954, c. 560)

§ 21.06. Severance Clause.

If any clause, sentence, paragraph or part of this act shall, for any reason, be adjudged by any court of competent jurisdiction to be invalid, such judgment, order or decree shall not affect, impair, or invalidate the remainder of said act, but shall be confined in its operation to the clause, paragraph or part thereof directly involved in the controversy in which said judgment, order or decree shall have been rendered. (1950, c. 323)