

LEESBURG, TOWN OF
Located in County of Loudoun.

Established by Act of General Assembly, approved September, 1758 (Hening's Statutes at Large, Vol. 7, p. 235).

Charter, 1795, c. 79.

Charter, 1814, c. LXXI; act to enlarge town limits.

Charter, 1821, c. 110; amends an act incorporating the town.

Charter, 1858, c. 280.

Amended 1858, c. 281; 1870, c. 222; 1914, c. 148; repealed 1936, c. 408.

Charter, 1936, c. 408; repealed 1962, c. 433.

Charter, 1962, c. 433.

Amended 1968, c. 70 (§§ 3-2, 3-6, 6-1, 7-2, 7-3 [added], 7-A.1 [added], 7-A.2 [added])

1971, c. 81 (§§ 2-2, 2-3)

1974, c. 13 (§§ 2-2, 2-3)

1975, c. 274 (§§ 2-4 [repealed], 2-4.1 [added], 3-2, 3-7 [added], 4-1, 4-2 [repealed], 4-2.1 [added], 5-1 through 5-5 [repealed], 5-A.1 [added], 6-1 [repealed], 7-1, 7-A.1, 7-A.2)

1977, c. 407 (§§ 2-2, 2-3, 2-5 [repealed], 2-6, 2-8 [added], 3-1, 3-2, 3-5 [repealed], 4-1 [repealed], 4-1.1 [added], 4-2.1 [repealed], 4-2.1:1 [added], 7-1 [repealed], 7-1.1 [added], 7-2 [repealed], 7-3 [repealed])

1985, c. 27 (§§ 2-3, 7-A.2)

1992, c. 38 (§§ 2-4.1, 4-2.1:1, 7-A.1)

2002, c. 12 (§ 7-1.1)

2007, c. 733 (§§ 3-1.1 [added], 3-1.2 [added], 7-A.3 [added], 7-A.4 [added], 7-A.5 [added]).

Chapter 1.

General Provisions.

§ 1-1. Definition of municipality.

Wherever the word “municipality” or “municipal” appears in this Charter it shall be construed to refer to the Corporation of Leesburg, Virginia. (1962, c. 433)

§ 1-2. Corporate status; powers and privileges generally.

The Corporation of Leesburg, in Virginia, in the County of Loudoun, shall continue to be a town corporate, in the name and style of the Town of Leesburg, in Virginia, and as such shall have and may exercise the powers and privileges hereinafter set forth, and all powers and privileges conferred upon it by this Charter and which are now, or may be hereafter delegated to towns in accordance with the Constitution or laws of the Commonwealth of Virginia. (1962, c. 433)

§ 1-3. Corporate limits.

The corporate limits or boundaries of the municipality, unless and until changed in the manner prescribed by law, shall be the same as set forth in law order book, number

eight, pages two hundred and seventy-three and two hundred and seventy-four of the Circuit Court of Loudoun County, and as enlarged and set forth in deed book eight-p, page three hundred and ninety-seven, clerk's office of the Circuit Court of Loudoun County; and as set forth in the law order book number 23, page four hundred and forty-one and as set forth in deed book three hundred and eighty-four, page four hundred and fifty-four in the clerk's office of the Circuit Court of Loudoun County, Virginia. (1962, c. 433)

§ 1-4. Corporate seal.

The municipality may provide for the adoption of its corporate seal. (1962, c. 433)

§ 1-5. Elections generally.

All elections shall be conducted pursuant to and in accordance with the general law governing the holding of elections in towns. (1962, c. 433)

Chapter 2.

Municipal Council Generally; Mayor; Mayor Pro Tempore, Powers and Duties.

§ 2-1. Legislative powers in municipal council.

The legislative powers of the municipality shall be vested in a municipal council, consisting of seven members, one of whom in addition shall be a mayor, who shall be elected as specified herein. Each member shall be an elector of the municipality. (1962, c. 433)

§ 2-2. Election; composition; terms of office.

The members of the council in office at the effective date of this charter amendment are hereby continued in office for the term of office for which they were elected. Councilmen shall be elected to four-year terms on the first Tuesday in May of every even-numbered year in the manner herein provided. Three councilmen shall be elected in the municipal elections held in May, 1978, and in municipal elections held every four years thereafter. Three councilmen shall be elected in the municipal elections held in May, 1980, and in municipal elections held every four years thereafter. The members of the council shall take office on the first day of July, after their election. Said council members shall continue to discharge the duties of their respective offices until their successors have qualified. (1962, c. 433; 1971, c. 81; 1974, c. 13; 1977, c. 407)

§ 2-3. Election of mayor; term of office and vice-mayor.

On the first Tuesday in May of each even-numbered year following 1978, the mayor shall be elected for a term of two years, beginning on the first day of July of the year of his election. The mayor so elected shall continue to discharge the duties of the office until a successor shall have qualified.

The mayor shall preside at all meetings of the council and shall be a regular member of the council.

The mayor shall be recognized as the head of the municipal government for all ceremonial purposes, the purpose of military law and the service of civil process.

The mayor shall authenticate by his signature such documents and instruments as the council, Constitution or general laws require.

At its first regular meeting after July one in the year a mayor is elected, the council shall elect from among its members a vice-mayor for a term of two years who shall act as mayor during the mayor's absence or disability. The mayor pro tempore in

office at the effective date of this charter amendment is hereby continued in office as vice-mayor for the term of office for which he was elected. (1962, c. 433; 1971, c. 81; 1974, c. 13; 1977, c. 407; 1985, c. 27)

§ 2-4. (1962, c. 433; repealed 1975, c. 274)

§ 2-4.1. Clerk of the council.

The manager shall appoint a municipal clerk who shall be clerk of the council and who shall serve at and during the pleasure of the manager. The clerk of the council shall attend all meetings of the council and shall keep the journal of its proceedings and shall record all ordinances and resolutions in a book or books kept for the purpose. The clerk shall be custodian of the corporate seal of the municipality and shall be the officer authorized to use and authenticate it. The clerk shall perform such other duties and keep such other records as the manager or the general laws of the State require of town clerks. All records in the clerk's office shall be public records and open to inspection at any time during regular business hours. The clerk shall receive compensation as fixed by the council. The manager may appoint an acting clerk in the absence of the clerk. (1975, c. 274; 1992, c. 38)

§ 2-5. (1962, c. 433; repealed 1977, c. 407)

§ 2-6. Vacancies in office of council member.

Vacancies in the office of council member for whatever cause shall be filled for the unexpired portion of the term by majority vote of the remaining members of the council. If the council shall fail to fill a vacancy in its membership within ninety days of the occurrence of the vacancy, such vacancy shall be filled by appointment of the judge of the Circuit Court of Loudoun County, Virginia. (1962, c. 433; 1977, c. 407)

§ 2-7. Rules of proceedings.

The council may by ordinance adopt such rules as it may deem proper for the regulation of its proceedings and the time of its meetings.

It shall hold at least one regular monthly meeting. (1962, c. 433)

§ 2-8. Mayor and council member's expenses.

The council may appropriate funds to reimburse the mayor and council members for direct out-of-pocket expenses incurred while performing their official duties. (1977, c. 407)

§ 3-1. Adoption of State law provisions.

The powers set forth in §§ 15.1-837 through 15.1-907 of the Code of Virginia as in force on January 1, 1976, are hereby conferred upon and vested in the town of Leesburg. (1962, c. 433; 1977, c. 407)

§ 3-1.1. Powers relating to housing and community development.

In furtherance of the purpose of providing affordable housing for all residents of the Commonwealth, the town may by amendment to the zoning ordinance provide for an affordable housing dwelling unit program in conjunction with Loudoun County pursuant to § 15.2-2304 of the Code of Virginia. (2007, c. 733)

§ 3-1.2. Powers relating to code of technical regulations.

The council may adopt any standard code of technical regulations, such as building, electrical, and sanitary codes, by reference thereto in an adopting ordinance, if such codes are consistent with the Uniform Statewide Building Code. The procedure and requirements governing such an adopting ordinance shall be as prescribed for ordinances generally. (2007, c. 733)

§ 3-2. Salaries, wages and expenses.

Compensation for all officers and employees shall be set by the council. (1962, c. 433; 1968, c. 70; 1975, c. 274; 1977, c. 407)

§ 3-3. Power of municipality to acquire land or interests therein for exchange with public utility company.

Whenever any public utility company owns any land or any easement, right of way or other interest in land which the municipality deems necessary and intends to acquire for any public purpose, which land, easement, right of way or other interest in land owned by the public utility company is devoted to a public use, the municipality may acquire by gift, purchase or by the exercise of the power of eminent domain additional or a like easement right of way or interest in land adjacent to or approximately adjacent to such land needed and proposed to be acquired by the municipality and may then convey the same to the public utility company for use by it in lieu of the land, easement, right of way or other interest in land theretofore owned by it but needed by the municipality. The condemnation of such land, easement, rights of way or other interest in land to be conveyed to any public utility company shall be governed by the same procedure prescribed by this Charter and may be carried out at the same time if against the same property owner and if against the same landowner or in the same proceedings in which land is condemned for the municipality. The municipality may, under the same procedure and conditions prescribed by this chapter, with prospective property needed by the municipality, enter upon and take possession of such property to be conveyed to any public utility company prior to the acquisition of title thereto in condemnation proceedings and proceed with the relocation of the installations of the public utility company in order that the purposes of the municipality necessitating such action may be carried out without delay. (1962, c. 433)

§ 3-4. Utility rates.

The municipality shall have the power and right to charge a different rate for any utility service rendered or convenience furnished to citizens without the corporate limits from the rates charged for similar service to citizens within the corporate limits. (1962, c. 433)

§ 3-5. Damage, etc., to property.

The municipality may prohibit or punish mischievous, wanton or malicious damage to school property, public property or private property. (1962, c. 433; repealed 1977, c. 407)

§ 3-6. Chief of Police.

The municipal manager shall appoint, with the advice and consent of the council, a chief of police, who shall serve at the pleasure of the municipal manager. The council may require the chief of police to attend council meetings and make such reports as may be prescribed and he shall perform such duties as are prescribed by the municipal manager. (1962, c. 433; 1968, c. 70)

§ 3-7. Residency requirements.

No appointed officer or employee of the municipality need be a resident of the town or the State at the time he is employed notwithstanding any provision of law to the contrary. (1975, c. 274)

Chapter 4.
Municipal Manager.

§ 4-1. (1962, c. 433; 1975, c. 274; repealed 1977, c. 407)

§ 4-1.1. Appointment of manager.

The council shall appoint, by majority vote of all the members elected thereto, an officer of the municipality who shall have the title of manager, who shall have the powers and perform the duties set forth in this charter or by ordinance.

The manager shall be appointed for an indefinite term. He shall be removable at any time at the pleasure of the council. The action of the council in suspending or removing the manager shall be final, it being the intention of this charter to vest all authority and fix all responsibility for any such suspension or removal in the council.

The manager shall be chosen by the council solely on the basis of his executive and administrative qualifications in the profession of public management. At the time of his appointment he need not be a resident of the municipality or State, but during his tenure of office he shall reside in the municipality; provided, however, that in case a nonresident is appointed, the council may authorize a reasonable period to comply with this requirement. (1977, c. 407)

§ 4-2. (1962, c. 433; repealed 1975, c. 274)

§ 4-2.1. (1975, c. 274; repealed 1977, c. 407)

§ 4-2.1:1. General powers and duties.

The manager shall be the chief executive officer and the head of the administrative agencies of the municipality. He shall be responsible to the council for the proper administration of the affairs of the municipality and, subject to the provisions of this charter, he shall have power and be required to:

(a) Appoint and when necessary suspend, demote and remove any of the appointive officers and employees of the municipality except as otherwise provided in this charter;

(b) Prepare the budget estimates annually, submit them to council, and administer the budget adopted annually;

(c) Keep the council informed of the current financial condition and future needs of the municipality;

(d) Delegate to subordinate officers and employees of the municipality any duties conferred upon him by this charter and by ordinance, and hold them responsible for their faithful discharge;

(e) Execute, on behalf of the municipality, contracts for supplies and services as authorized by the council;

(f) Perform such duties as are specified in this charter or as may be required by the council;

(g) Enforce this charter and all ordinances and resolutions of council;

(h) Supervise and control, directly or indirectly, all administrative departments, agencies, offices and employees of the municipality in a manner which will fully implement the personnel and administrative organization policies approved and adopted by the council; notwithstanding § 15.1-7.2 of the Code of Virginia, a manager's ruling on the grievability of an employee complaint shall be appealable to a panel composed of a town representative, an employee representative and a person selected by the town and employee representatives with the panel's decision being appealable by either party to the Circuit Court in accordance with the procedures set out in § 15.1-7.2 of the Code of Virginia; and examine the records and books of the department of finance;

(i) Make reports to the council from time to time upon the affairs of the municipality; and, as of the end of the fiscal year, submit to the council a complete report on the finances and administrative activities of the municipality for the preceding year;

(j) Make such recommendations on matters of policy and other matters to the council as may seem to him desirable or as the council may direct;

(k) Have power, whenever the interests of the municipality require, to assign employees of any department, bureau, office or agency to the temporary performance of duties in another department, bureau, office or agency, provided, however, that he shall recommend changes in personnel and administrative organization policies approved and adopted by the council if such temporary personnel changes extend beyond ninety days;

(l) Attend all council meetings and have the right to speak and take part in discussion but not vote; and

(m) Be bonded by a fidelity bond as the council deems necessary. (1977, c. 407; 1992, c. 38)

§ 4-3. Powers as to municipal officers, employees, etc.

All officers and employees of the municipality, as the council shall determine are necessary for the proper administration of the municipality, whether such officials or employees be state or municipal, shall be appointed and may be removed by the manager, (except as otherwise provided by this Charter) who shall report each appointment or removal to the council at the next meeting thereof following any such appointment or removal.(1962, c. 433)

Chapter 5.

Issuing Justices.

§ 5-1. (1962, c. 433; repealed 1975, c. 274)

§ 5-2. (1962, c. 433; repealed 1975, c. 274)

§ 5-3. (1962, c. 433; repealed 1975, c. 274)

§ 5-4. (1962, c. 433; repealed 1975, c. 274)

§ 5-5. (1962, c. 433; repealed 1975, c. 274)

Chapter 5-A.

Ordinances.

§ 5-A.1. Record and codification 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. The council may from time to time cause to be prepared a codification of all or part of the general ordinances in force. Such codification may be passed by the council as a single ordinance without hearings or prior publication. This codification, to be known and cited officially as the Town Code, shall be printed and distributed as the council may direct.

In so codifying such ordinances, the council may, without limitation of the foregoing, arrange the various ordinances and assign to them appropriate places and section numbers, create new titles, chapters, articles and sections, correct unmistakable printer's errors or other unmistakable errors, make consequential changes in the title of officers, agencies and references which are no longer appropriate, and make such other consequential changes, alterations, modifications, additions and substitutions therein as it may deem best to the end that a complete simplified Code of Ordinances in force shall be present, but with errors, inconsistencies, repetitions, ambiguities and conflicts eliminated. (1975, c. 274)

Chapter 6.

Police Court.

§ 6-1. (1962, c. 433; 1968, c. 70; repealed 1975, c. 274)

Chapter 7.

Taxation.

§ 7-1. (1962, c. 433; 1975, c. 274; repealed 1977, c. 407)

§ 7-1.1. Director of finance.

The municipal manager shall appoint a director of finance who shall be the chief financial official of the municipality and who shall have the same power and duties provided by the Constitution and general law for commissioners of revenue for counties, who shall serve at the pleasure of the municipal manager. The director of finance may utilize the assessments of real property and personal property in the office of the commissioner of revenue for the county of Loudoun for the assessment of the real property and personal property for the purpose of levying a tax by the council. (1977, c. 407; 2002, c. 12)

§ 7-2. (1962, c. 433; 1968, c. 70; repealed 1977, c. 407)

§ 7-3. (1968, c. 70; repealed 1977, c. 407)

Chapter 7-A.

Miscellaneous Offices, Board of Architectural Review.

§ 7-A.1. Zoning Administrator.

The manager shall appoint a zoning administrator who shall perform such duties as are required by the ordinances of the town, general law and as may be prescribed by the manager. The zoning administrator need not reside in the municipality during his term of office and shall hold office at the pleasure of the manager. The manager may appoint such deputy or acting or assistant zoning administrator as he deems necessary. (1968, c. 70; 1975, c. 274; 1992, c. 38)

§ 7-A.2. Board of Architectural review.

The Board of Architectural Review shall be appointed as determined by the council by ordinance and its duties shall be as prescribed in the Zoning Ordinance of the town with the right of appeal and review provided in § 15.1-503.2 of the Virginia Code of 1950 as amended which powers stated therein relating to counties and county boards of supervision shall apply mutatis mutandis to the town of Leesburg and its town council. (1968, c. 70; 1975, c. 274; 1985, c. 27)

§ 7-A.3. Powers relating to architectural control districts; authority of town council to designate.

In order to protect and promote the general welfare, and to prevent deterioration of the appearance of the town that would tend to create hazards to public health, safety, and morals and destroy opportunity of the development of business and industry, the town council may, by ordinance, and after notice and public hearing pursuant to § 15.2-2204, designate architectural control districts. Within such architectural control districts, no structure shall be erected, reconstructed, altered, or restored without compliance with the adopted design standards. (2007, c. 733)

§ 7-A.4. Design standards.

(a) The design standards of the architectural control district shall be adopted by the town council. The design standards shall address the following issues of importance to the architectural control districts:

(1) Whether or not the proposed architectural design is suitable for Leesburg's town character in terms of external architectural features, including signs subject to public view, general design and arrangement, texture, color, line, mass, dimension, material, and lighting.

(2) Whether or not the proposed structure, building, or improvement is compatible with existing well-designed structures in the vicinity and in the Town as a whole.

(3) Whether or not, and to what extent, the proposed structure, building or improvement would promote the general welfare and protect the public health, safety, and morals by tending to maintain or augment the Town's tax base as a whole, maintaining and creating employment opportunity, and preserving historical sites and structures.

(4) Whether or not proposed freestanding buildings use the same or architecturally harmonious materials, color, texture, and treatment for all exterior walls; and in the case of partially freestanding buildings, whether or not the same or architecturally harmonious materials, color, texture, and treatment are used on all portions of all exterior walls exposed to public view.

(5) Whether or not the combination of architectural elements proposed for a structure, building, or improvement, in terms of design, line, massing, scale, proportion, dimension, color, material, texture, lighting, landscaping, roofline, and height conform to accepted architectural principles for permanent buildings as contrasted with engineering standards designed to satisfy safety requirements only; and exhibit external characteristics of demonstrated architectural and aesthetic durability and quality.

(6) Whether or not, in terms of design, material, texture, color, lighting, landscaping, dimension, line, massing, scale, proportion, roofline, and height, the proposed structure, building, or improvement that is designed to serve primarily as an advertisement or commercial display, exhibits exterior characteristics likely to deteriorate rapidly, would be of temporary or short-term architectural or aesthetic acceptability, would be plainly offensive to human sensibilities or would otherwise constitute a reasonable foreseeable detriment to the community.

(b) The design standards may be adopted either as a form based code the compliance of which is determined in an administrative process, or as design guidelines the compliance of which is determined by an architectural control commission or board. (2007, c. 733)

§ 7-A.5. Alteration of boundaries of districts.

The town council, by ordinance, and after notice and public hearing pursuant to § 15.2-2204, may enlarge, contract, or alter the boundaries of the architectural control district at such time as the council deems such action to be in the public interest by promoting the general welfare of the community. (2007, c. 733)

Chapter 8.

Continuation Provisions;

Severability;

Repealing Provisions; Effective Date.

§ 8-1. Ratification and continuation of ordinances, privileges, rights, etc.

All ordinances and resolutions heretofore made and adopted by the municipality, not in conflict with this Charter, are hereby ratified and confirmed and shall be and

remain in full force and effect until altered, amended or repealed by the council of the municipality.

And all the rights, privileges and property of the municipality heretofore acquired, now owned or enjoyed, shall continue undiminished and remain vested in the municipality. (1962, c. 433)

§ 8-2. Continuation of present offices, etc.

All officers and employees heretofore elected or appointed shall remain in office and continue in their employment and be vested with the powers and duties heretofore imposed upon them by the council or by operation of law or hereafter imposed upon them under the provisions of this Act until their successors are duly elected or appointed as provided by law or until action is taken by the municipality as set forth in § 15-77.9, Code of Virginia, as in force on January 2, 1962; provided, however, that the treasurer, issuing justices, and recorder at the time of the passage of this Act shall continue in office with the same duties and powers until September 1, 1963, or until their successors are elected or appointed and qualified. (1962, c. 433)

§ 8-3. Severability.

If any clause, sentence, paragraph, or part of this Act shall for any reason be adjudged by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of the Act, but shall be confined in its operation to the part of the act directly involved in the controversy in which the judgment shall have been rendered. (1962, c. 433)