

ALEXANDRIA, CITY OF
Once known as Hunting Creek Warehouse and as Belhaven.
Established in 1749.
Incorporated as a town in 1779.
Incorporated as a city in 1852.
City of First Class.

Charter, 1932, c. 280; repealed 1950, c. 536.
Charter, 1950, c. 536.

Editor's note: Amendments are numerous. Please see amendment listing at the end of the document.

CHAPTER 1
INCORPORATION

§ 1.00. City Boundary Limits.--The boundary limits of the city of Alexandria shall be as set forth in Chapter 838 of the Acts of Assembly of 1972, and that Act is incorporated herein by reference as though fully set out. (1973, c. 258)

§ 1.01. (1950, c. 536; repealed 1973, c. 258)

§ 1.01.1. Corporate Limits as Changed by Agreement with Arlington County.--The boundaries of the city shall be as described in § 1.00 of this charter as modified by an agreement between Arlington County and the city of Alexandria, authorized by Chapter 314 of the Acts of Assembly of 1962, approved March 30, 1962. The modified boundary is delineated in a resolution of the city council of the city of Alexandria, Virginia, recorded December 21, 1965, in deed book 641 at page 188 et seq. among the land records of the city of Alexandria, Virginia, and a resolution of the county board of Arlington County recorded December 21, 1965, in deed book 641 at page 201 et seq. among said land records. (1968, c. 510; 1973, c. 258)

§ 1.01.2. Corporate Limits as Changed by Agreement with Fairfax County.--The boundaries of the city shall be as described in § 1.00 of this charter as modified by the agreement referred to in § 1.01.1 of this charter, and as further modified by an agreement between Fairfax County and the city of Alexandria, authorized by Chapter 867 of the Acts of Assembly, 1972, approved April 10, 1972. The modified boundary between the city of Alexandria and Fairfax County is delineated in a resolution of the city council of the city of Alexandria, recorded December 28, 1972, in deed book 750 at page 583 et seq. among the land records of the city of Alexandria, Virginia, and a resolution of the board of supervisors of Fairfax County recorded December 28, 1972, in deed book 750 at page 617 et seq. among the said land records. (1973, c. 258)

§ 1.02. Incorporation as Body Politic.--The inhabitants of the territory comprised within the present limits of the City of Alexandria as hereinbefore described or as the same may be hereafter altered and established by law, shall continue to be one body politic in fact and in name under the style and denomination of the City of Alexandria, and as such shall have, exercise and enjoy all the rights, immunities, powers and privileges and be subject to all the duties and obligations now appertaining to and incumbent on said city as a municipal corporation, and the said City of Alexandria, 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. 536)

§ 1.03. Jurisdiction over Harbor and Vessels therein.--The jurisdiction of said City Council of Alexandria shall extend over the harbor of Alexandria, and over vessels of every description which may arrive and be in the harbor. (1950, c. 536)

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. 536)

§ 2.02. Financial Powers.--In addition to the powers granted by other sections of this charter the city shall have power:

(a) To raise annually by taxes and assessments in the city such sums of money as the council shall deem necessary to pay the debts and defray the expenses of the city, in such manner as the council shall deem expedient, provided that such taxes and assessments are not prohibited by the laws of the Commonwealth. In addition to, but not as a limitation upon, this general grant of power the city shall have power:

(1) To levy and collect ad valorem taxes on real estate and personal property and machinery and tools not exempt by law from taxation, or segregated to the State for exclusive taxation, all corporations located in the city or having their principal office therein and not exempt by law from taxation, all money owned by or credits due to any person living in the city and doing business therein and employed in said business though the said business may extend beyond the city; provided, that so much of said capital as is invested in real estate, or employed in the manufacture of articles outside of the city limits, shall not be taxed as capital; all stocks in incorporated joint stock companies doing business in the city and by whomsoever owned and not exempt by law from taxation; income, interest or money, dividends of banks or other corporations, provided that no capital, interest or dividend shall be taxed, when a license or other tax is imposed upon the business in which said capital is employed, or upon the principal, money, credits or stocks from which the interest, income or dividend is derived; nor shall a tax be imposed upon stocks of a corporation and upon the dividends thereon; and provided, further, that such property has not been segregated to the State for exclusive taxation. Assessments upon stocks and bonds shall be according to the market value thereof. The council may by curative ordinances, ratify and confirm assessments and levies of taxes heretofore or hereafter made, and the acts of all ministerial officers in connection therewith, and any such ordinance heretofore passed is hereby ratified and confirmed. The rate of the tax that is levied on real estate shall be fixed once each calendar year and such rate shall not thereafter be changed during the same calendar year.

(2) To levy and collect a capitation tax not exceeding one dollar per annum on each resident of the Commonwealth within the limits of the city.

(3) 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.

(4) To levy on and collect taxes from purchasers of any public utility service, which taxes may be added to and collected with the bills rendered purchasers of such service.

(5) Unless prohibited by general law to require licenses for the privilege of engaging in any business, profession, occupation, or trade, prohibit the conduct of any business, profession, occupation, or trade without such a license, require taxes to be paid on such licenses in respect of all businesses, professions, occupations, and trades, and to refuse such license to any person not entitled by law thereto.

(6) 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 licenses. In any prosecution of a violation of any ordinance requiring such licenses, proof that the motor vehicle, trailer or semitrailer was located in the city and was displaying a current license plate of any state, shall constitute in evidence a prima facie presumption that such motor vehicle, trailer or semitrailer was operated on the public streets of the city.

(7) To impose penalties on persons following any business, profession, or trade in the city without the license prescribed therefor.

(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 in Chapters 5 and 6 of 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, such sums as the council may deem necessary in any one fiscal year for the purpose of meeting a public emergency threatening the lives, health or property of the inhabitants of the city, provided, that any such appropriation shall require at least a two-thirds affirmative vote of council members present 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.

(f) To provide, or aid in the support of, public libraries and public schools, to appropriate funds for educational purposes which may be expended in furtherance of elementary, secondary, collegiate or graduate education of Virginia students in public and nonsectarian private schools and institutions of learning in addition to those owned or exclusively controlled by the city and to make appropriations to nonsectarian schools of manual, industrial or technical training and also to any school or institution of learning owned or exclusively controlled by the city.

(g) To establish a system of pensions for injured, retired or superannuated city officers and employees, subject to the limitations imposed by Chapter 8 of this charter.

(h) 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. 536; 1970, c. 492; 1972, c. 808; 1976, c. 669; 1977, c. 122)

§ 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, or close, vacate, abandon, construct, pave, curb, gutter, grade, regrade, 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; provided, further, that whenever any ground shall have been opened to and used by the public as a street or alley for ten years it shall be considered as dedicated to the public and the city shall have the same authority and jurisdiction over and right and interest therein as it has over other streets.

(b) To acquire, by purchase, condemnation, or otherwise and to 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, and to charge admissions and fees for the use of such facilities.

(c) To collect and dispose of garbage and other refuse and to impose and collect reasonable charges for such service, and to construct, maintain and operate, within and without the city, incinerators, dumps or other facilities or means of disposal of such garbage and other refuse.

(d) To construct, maintain and operate, within and without the city, sanitary sewers, storm sewers, drains, and culverts.

(e) To assess the whole or part of the cost of making and improving walkways on the 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. In the absence of such an agreement the

improvements may be ordered on a petition from not less than three-fourths of the landowners to be affected thereby or by a majority affirmative vote of the council.

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

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

(h) To control and regulate the use and management of all property of the city, real and personal.

(i) To acquire, by purchase, condemnation, lease, or otherwise, and to construct and maintain or authorize the construction and maintenance of bridges, viaducts, subways or underpasses over or under any stream, creek or ravine when any portion of such bridge, viaduct, subway or underpass is within the city limits, and to charge or authorize the charging of tolls for their use by the public, and to require compensation for their use by public utility, transmission or transportation companies, except as the right to require such compensation is affected by any contract heretofore or hereafter made with the company concerned; provided, that the council shall have authority to exempt from the payment of tolls for the use of any such bridge, viaduct, subway or underpass all vehicles, licenses to operate which have been paid to the city.

(j) To authorize by ordinance, in accordance with the Constitution and laws of the Commonwealth, the use of the streets for the laying down of street railway tracks and the operation of street railways therein under such conditions and regulations as may be prescribed by such ordinance or by any future ordinance, or to acquire by agreement or condemnation any such street railway and maintain and operate the same.

(k) To acquire, by purchase, condemnation, lease, or otherwise and to construct, own, maintain and operate within and without the city, places for the parking or storage of vehicles by the public, which shall include but 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 an 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; 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, by purchase, condemnation, lease, or otherwise and to construct, own, maintain and operate, within and without the city, airports and all the appurtenances thereof; provide for their management and control by a department of the city government; 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 appurtenances 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.

(m) To acquire, by purchase, condemnation, lease, or otherwise, and to construct, own, maintain and operate, within and without the city, stadia, arenas, swimming pools

and other sport and recreational facilities; provide for their management and control by a department of the city government; charge or authorize the charging of compensation for the use of or admission to such stadia, arenas, swimming pools and other sport and recreational 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 recreational 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 recreational facility, including the right to all concessions incident to the subject of such contract, on such terms and conditions as the council may determine.

(n) To acquire, by purchase, condemnation, lease, or otherwise and to construct, own, maintain and operate, within and without the city, water works, gas plants and electric plants, with the pipe and transmission lines incident thereto, and to charge and collect compensation therefor, and to provide penalties for the unauthorized use thereof; to acquire by purchase, condemnation or otherwise from lower riparian owners the right to divert streams into the present or any future reservoir.

(o) To acquire, by purchase, condemnation, lease, or otherwise and to construct, own, maintain and operate, within and without the city, landings, wharves, docks, canals and the approaches to and appurtenances thereof, tracks, spurs, crossings, switchings, terminals, warehouses and terminal facilities of every kind and description necessary or useful in the transportation and storage of goods, wares and merchandise; perform any and all services in connection with the receipt, delivery, shipment and transfer in transit, weighing, marking, tagging, ventilating, refrigerating, icing, storing and handling of goods, wares and merchandise; prescribe and collect charges from vessels coming into or using any of the landings, wharves and docks, and from persons using any of the facilities above prescribed; provide for the management and control of such facilities or any of them by a department of the city government; lease any or all of such facilities or any concessions properly incident thereto to any person, firm or corporation for the maintenance and operation of any or all of such facilities on such terms and conditions as the council may determine; apply to the proper authorities of the United States to grant to the city the privilege of establishing, maintaining and operating a foreign trade zone within or without the city; regulate the use of other landings, wharves and docks located on the Potomac River within or near the city; prevent and remove obstructions from the harbor in, upon or near the landings, wharves, docks or canals adjacent thereto, and collect from the person or persons responsible for such obstructions the cost of their removal; close or discontinue the use of any such wharf, landing, dock or canal now owned or hereafter acquired by the city and upon the closing or discontinuance of such use the same shall thereupon be forever discharged from any public use or easement or from any obligation theretofore imposed by reason of such public use or easement by statute or otherwise.

(p) To acquire, by purchase, condemnation, lease, or otherwise such other utilities, abattoirs and other enterprises within as well as without the city, as may be deemed to be in the public interest.

(q) To compel persons sentenced to confinement in the city jail for petty larceny or other misdemeanor or other violations of the city ordinances to work on the public streets, parks or other public works of the city; and on the requisition of the judge of the

circuit court it shall be the duty of the sheriff of the city to deliver such person to the duly authorized agent of the city for such purposes from day to day as he may be required.

(r) To give names to or alter the names of streets.

(s) To contribute funds or other aid to the building or improvements of permanent public roads leading to the city or of bridges on such roads, or to the purchase of such roads by an affirmative vote of two-thirds of the council provided that no such appropriation shall be made towards the building, purchase, or improvement of any road or bridge at a point more than five miles beyond the corporate limits of the city measured along the route of such road.

(t) To sell any product or by-product of any utility owned and operated by the city.

(u) 1. To acquire, establish, construct, improve, enlarge, operate and maintain a sewage disposal system with all necessary sewers, conduits, pipe lines, pumping and ventilating stations, treatment plants and works, plants and facilities for the manufacture of by-products, and other plants, structures, boats, conveyances and other real and personal property necessary for the operation of the sewage disposal system.

2. To acquire by purchase, gift, condemnation or otherwise, real estate, or rights of easements therein, necessary or convenient for establishment, enlargement, maintenance or operation of such sewage disposal system, and the right to dispose of property so acquired no longer necessary for the use of such system; provided, that the provisions of § 25-233 of the Code of Virginia shall apply to any property belonging to any corporation possessing the power of eminent domain that may be sought to be taken by condemnation hereunder.

3. To borrow money for the purpose of acquiring, establishing, constructing, improving and enlarging the sewage disposal system and to issue bonds therefor in the name of the City of Alexandria, as hereinafter provided.

4. To accept gifts or grants of real or personal property, money, material, labor or supplies for the establishment and operation of such sewage disposal system, and to make and perform such agreements or contracts as may be necessary or convenient in the procuring or acceptance of such gifts or grants.

5. To enter on any lands, waters and premises for the purpose of making surveys, borings, soundings and examinations for acquiring, constructing and operating the sewage disposal system and for the prevention of pollution of state waters.

6. To enter into contracts with the United States of America, or any department or agency thereof, or with the Commonwealth of Virginia or any other government or public agency in the United States, or with any person, firm or corporation providing for or in relation to the use, treatment and disposal of sewage and industrial wastes and by-products.

7. To require that all sewage and industrial waste created or originating upon any and all real estate or anywhere within the city be disposed of through the sewage disposal system.

8. To fix, charge and collect fees, rents or other charges for the use and services of the sewage disposal system. Such fees, rents and charges may be charged to and collected from any person contracting for the same, or from the owner or the occupant, or some or all of them, who uses or occupies any real estate which directly or indirectly is, or has been or will be connected with the sewage disposal system or from which originates, has

originated or will originate sewage or industrial wastes, or either, which directly or indirectly have entered or will enter the sewage disposal system; and the owner or occupant of any such real estate shall pay to the city such fees, rents and charges at the time and place where the same are due and payable.

Such fees, rents and charges, being in the nature of use or service charges for use of the sewage disposal system, shall be in addition to tap charges heretofore or hereafter collected for connection to and use of the regular sewer pipes of the city, and shall, as nearly as the council shall deem practicable and equitable, be uniform for the same type, class and amount of use or service of the sewage disposal system, and may be based or computed either on the consumption of water on or in connection with the real estate, making due allowances for commercial use of water, or on the number and kind of water outlets on or in connection with the real estate or on the number and kind of plumbing or sewage fixtures or facilities on or in connection with the real estate, or on the number or average number of persons residing or working on or otherwise connected or identified with the real estate, or any other factors determining the type, class and amount of use or service of the sewage disposal system, or on any combination of such factors, or on such other basis as the council may determine. Such fees, rents and charges shall be due and payable at such time as the council may determine, and the council may require the same to be paid in advance for periods of not more than six months. The revenue derived from any or all of such fees, rents and charges is hereby declared to be revenue of such sewage disposal system.

In the event the fees, rents or charges charged for the use and services of the sewage disposal system by or in connection with any real estate shall not be paid when due, interest shall at the time begin to accrue thereon at the annual rate of six percent, plus such penalty as the council may determine, and the person or corporation supplying water for the use of such real estate, or the owner or occupant thereof, shall cease supplying water thereto at the request of the city manager.

Such fees, rents and charges and the interest due thereon may be recovered by the City of Alexandria by action at law or suit in equity and shall constitute a lien against the property ranking on a parity with liens for unpaid city taxes.

(v) To acquire by purchase, exchange, gift, lease or otherwise real estate or any interest therein, whether located within or without the city or State, lying between the center line of the George Washington Memorial Parkway (also known as Washington Street) on the west, the present established bulkhead line in the Potomac River on the east and the corporate limits of the City of Alexandria on the north and south as projected to said present established bulkhead line, for the purpose of public use, or sale, lease or exchange for such reasonable and fair consideration and upon such terms and conditions as the city council shall determine. Such sale, lease or exchange by the city may be to or with any person, firm, corporation or entity and for any purpose which the city council may determine to be in the public interest.

(w) To acquire by purchase, exchange, gift, lease or otherwise, real or personal property or any interest therein for contribution and conveyance to the Washington Metropolitan Area Transit Authority as a portion of the city's participating share of the costs of the Authority's Mass Transit Plan.

(x) With the use of parking meters, to assess charges for the privilege of parking on designated public streets and to use the revenues derived therefrom for any public

purpose incident to the acquisition, maintenance or provision of places for the parking and storage of vehicles by the public at any location in the city. (1950, c. 536; 1952, c. 564; 1971, c. 166; 1975, c. 511; 1976, c. 669; 1983, c. 314; 1986, c. 459)

§ 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. 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 and gambling devices of all kinds; restraint of mendicants; prevention of lewd and disorderly conduct or exhibitions; prevention of loitering; and prevention of conduct in the streets dangerous or annoying to the public.

(b) To regulate the construction, maintenance, repair and demolition 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; to establish fire zones and to prohibit the construction of wooden buildings and wooden repairs and additions to buildings.

(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, landings, docks, wharves, canals, 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 appropriate district 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, pedicabs 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, parking places, bus stops, 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 and other vehicles and exercise control over traffic in the streets of the city and provide penalties for the violation of such regulations, provided that ordinances or administrative regulations adopted by virtue of this subsection shall not be inconsistent with the provisions of the Motor Vehicle Code of Virginia. All fines imposed for the violation of such ordinances and regulations shall be paid into the city treasury.

(h) To regulate, in the interest of public health, the production, preparation, distribution, sale and possession of milk, other 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; provide and maintain hospitals and compel the removal of patients to the same; require the registration of births in the city; regulate in the interest of public health the construction, maintenance and operation of laundries; 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, prohibit all burials except in a public burying ground, and to prohibit burial of the dead within the city limits.

(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, 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 and public property and snow from sidewalks; to compel the covering or removal of offensive, unwholesome, unsanitary or unhealthful substances allowed to accumulate in or on any place or premises; to require 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; to compel the raising or draining of grounds subject to be covered by stagnant water; to require 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 require the repair of any damaged, defective or deteriorated condition of dwellings or dwelling units when such condition adversely affects the health or safety of the occupants or the general public; to compel the abatement of smoke and dust and the elimination of unnecessary noise; to regulate or prevent slaughterhouses or other offensive business within the city; to regulate the transportation of articles through the streets; to provide means for and to regulate the cleaning of all dry closets and to assess against the owner or occupant of the premises where same is located a reasonable charge therefor, which shall be collected as other city taxes; and to compel the abatement or removal of any and all other nuisances whatsoever within the city or upon property owned by the city beyond its limits. 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. There shall be a lien for said cost upon the real estate from which the nuisance or condition was abated or removed by the city, the lien to continue until actual payment of such cost shall have been made to the city.

(n) 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.

(o) 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.

(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; and to provide for the appointment of dog

wardens and deputy dog wardens who, in the enforcement of the dog laws of the city, shall have the powers of a state game warden, within the city only.

(q) To prevent cruelty to and abuse of animals and the driving of horses and other animals at improper speeds.

(r) To regulate the sale of goods, wares or merchandise at auction; regulate the conduct of and prescribe the number of pawn shops 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; regulate the soliciting of goods, wares, merchandise or services; prevent fraud or deceit in the sale of goods, wares and merchandise; regulate junk dealers; 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) To establish markets in the city and regulate the same and to make and enforce regulations regarding the keeping and sale of fresh meat, eggs, vegetables and other perishable groceries.

(t) To regulate livery stables, garages, gasoline filling stations, theatrical performances or other public shows or exhibitions, the hiring or use for pay of carriages, automobiles and other vehicles, billiard parlors, bowling alleys, pistol galleries, establishments that sell or display animals, and to grant or refuse licenses to these and similar occupations and employments as may be deemed proper.

(u) To require a permit for the removal of household goods and chattels from a residence in the City of Alexandria to a place outside said city.

(v) To provide a complete building code for the city, and to provide setback lines on the streets beyond which no building may be constructed, and to provide for a city planning commission and define its powers, subject to the limitations imposed in Chapter 9 of this charter.

(w) To adopt plans and adopt and modify the official map of the city; divide the city into land use zones in accordance with the provisions of Chapter 9 of this charter; regulate and restrict the height and number of stories of buildings and other structures, the size of yards and courts, the density of populations, and the location and use of buildings for trade, industry, business, residence or other purposes; provide for safe and sanitary housing accommodation for families of low income; create a housing authority; adopt, modify, and carry out plans proposed by the planning commission for the clearance of slum districts and rehabilitation of blighted areas; adopt, modify and carry out plans proposed by the planning commission for replanning, improvement and redevelopment of neighborhoods and for the replanning, reconstruction or redevelopment of any area or district which may have been destroyed in whole or in part by disaster.

(x) To adopt by reference an electrical code promulgated by a national association or organization.

(y) To provide for a curfew if, in the opinion of council, an emergency exists and the ordinance adopting a curfew contains a specific statement of the emergency claimed.

(z) To regulate health, athletic, massage and bath clubs or establishments.

(aa) To regulate security guards and private detectives.

(bb) To provide a burglary prevention code for the city.

(cc) Notwithstanding any other provision of law, to require that owners and operators of multi-family rental dwellings constructed in the city prior to September 1, 1974, provide and install dead bolt locks and peepholes on exterior solid doors to each dwelling unit and locks on all exterior glass doors at all levels and windows at a ground level which are capable of being opened.

(dd) To control or attempt eradication of *Lymantria Dispar* (gypsy moths) on private and public property.

Notwithstanding any limitation as to place that may be imposed by § 2.04 or any other section of this charter, the powers granted by this charter may be applied to any place, public or private.

(ee) Notwithstanding any contrary provision of law, general or special, to prohibit or regulate the possession of an opened alcoholic beverage container (a) in or on a street, alley, sidewalk or other pedestrian walkway, park, playground, or parking lot so long as "the public has, or is permitted to have, access" to such areas, as that phrase is used in the definition of "public place" set out in § 4.1-100 of the Code of Virginia (1950), as amended, and (b) in a motor vehicle on any such street, alley or parking lot, whether or not such vehicle is moving. Violation of this subdivision shall be a Class 4 misdemeanor. The prohibitions or regulations shall not apply to the licensed establishments identified in subsection B of § 4.1-308 of the Code of Virginia or in the case of events identified in subsection C of § 4.1-308. (1950, c. 536; 1964, cc. 44, 288; 1970, c. 492; 1971, c. 166; 1972, c. 808; 1976, c. 669; 1980, c. 591; 1983, c. 314; 1984, c. 486; 1995, c. 782)

§ 2.04:1. Powers Relating to the Relationship Between Landlord and Tenant.--In addition to the powers granted by other sections of this charter the city may by ordinance:

(a) Require that any security deposit of money, or prepaid rent, however denominated, furnished by a tenant or a lessee to a landlord or lessor or agent of same to secure the performance of any part of a written or oral lease or agreement, or as the security for damages to the leased premises, shall be returned to the tenant or lessee within one month after the date the tenancy terminates; provided, however, that the tenant must furnish the landlord or lessor or agent with a forwarding address. Notwithstanding this, the landlord or lessor may retain all or any portion of the deposit as is reasonably necessary to repair unreasonable wear or damage to the leased premises, or as accrued rent, or to compensate the landlord or lessor for actual damages suffered as a result of a default of the lease or agreement by the tenant or lessee. At the inception of the tenancy, the landlord or lessor shall provide the tenant or lessee with a written list of all existing damages, if any, to the leased premises. If any portion of the security deposit is retained upon the termination of the tenancy, the landlord or lessor shall forward to the tenant or lessee, within one month of such termination, an itemized statement accounting for the proceeds retained and giving the reasons therefor.

Such ordinance may further provide that the landlord or lessor or agent of same shall pay interest of four per centum per annum computed in six month increments, on deposits of one hundred dollars or more held for more than one year; provided, however, that the interest on all security deposits on deposit on the effective date of such ordinance shall be computed beginning sixty days following such effective date. Such interest shall be paid to the tenant within thirty days of termination of the tenancy.

The rights and obligations of any landlord or lessor agent of same under such ordinance shall apply to any successor in interest to whom the deposit is given and such

security deposit shall be free from attachment by creditors of the tenant, landlord, lessor or agent of same.

Any landlord or lessor or agent of same who is found by a court of competent jurisdiction to have willfully failed to comply with the requirements of the ordinance shall be liable to the lessee in an amount equal to twice the amount of the security deposit. Nothing hereinabove contained shall apply to a business lease or a commercial tenancy.

(b) Provide that any lease, written or oral, entered into by owners and operators of rental dwellings or dwelling units in the city shall be deemed to include a warranty that applicable laws of the city of Alexandria, Virginia, and the Commonwealth of Virginia, as may be determined by city council, shall be complied with throughout any tenancy.

(c) Require that owners and operators of rental dwellings or dwelling units in the city exclude from their leases all provisions whereby the tenant agrees:

(1) to waive the provisions of the Code of Virginia relating to the landlord's taking possession of the premises or of the tenant's personal property, other than for nonpayment of rent;

(2) to pay the landlord's attorney's fees for any legal action instituted by the landlord against the tenants other than for nonpayment of rent; or

(3) to indemnify the landlord or hold the landlord harmless, or preclude or exonerate the landlord from any or all liability to the tenant, or to any other person, for any injury, loss, damage or liabilities arising from any omission, fault, negligence or other misconduct of the landlord or the landlord's employees.

(d) Grant to the city landlord-tenant relations board the power to arbitrate a landlord and tenant dispute when the landlord and tenant voluntarily agree to same. (1974, c. 595; 1975, c. 511; 1976, c. 669; 1982, c. 480)

§ 2.04:2. Powers Relating to Housing and Community Development.

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

(a) To acquire, by purchase, exchange, gift, lease, condemnation or otherwise, land or buildings in the city for the purpose of providing housing for low or moderate income persons or for elderly or handicapped persons, to rehabilitate and dispose of any such land and buildings by lease or sale to low or moderate income persons or elderly or handicapped persons; or to dispose of such land and buildings by lease or sale to a nonprofit or limited profit organization which has as a principal purpose the provision or development of housing for low or moderate income persons or elderly or handicapped persons; to construct residential buildings in the city for lease or sale to low or moderate income persons or elderly or handicapped persons, or for lease or sale to a nonprofit or limited profit organization which has as its principal purpose the provision or development of housing for low or moderate income persons or elderly or handicapped persons; and to make grants and loans of funds to low or moderate income persons to aid in the purchase of any land or building in the city including, but not limited to, land and buildings which have been rehabilitated by the city or by a nonprofit or limited profit organization which has as its principal purpose the development of housing for low or moderate income persons.

(b) To acquire, by purchase, exchange, gift, lease, condemnation or otherwise, real property in the city which is blighted, deteriorated, deteriorating, a blighting

influence on the neighborhood, or in nonconformance with the city's zoning code or master land use plan; to clear, demolish or rehabilitate any such real property; and to dispose of any such real property by lease or sale to any person.

(c) To make grants of funds to owners of dwellings or dwelling units in the city for the purpose of subsidizing, in part, the rental payments due and owing to any such owner by a low or moderate income person; to acquire, by purchase, exchange, gift, lease, condemnation or otherwise, any dwellings or dwelling units in the city for the purpose of providing housing to low or moderate income persons, and to dispose of such dwellings or dwelling units, by sale or lease, to low or moderate income persons or to a nonprofit organization which has as its principal purpose the provision or development of housing for low or moderate income persons; and to make grants and loans of funds to low and moderate income persons to aid in the purchase of dwellings or dwelling units in the city.

(d) To issue tax-exempt bonds for the acquisition, rehabilitation and provision of housing for low or moderate income persons; provided, that prior to any action authorizing the issuance of such bonds, the city council finds affirmatively that such action is necessary to provide an adequate supply of such housing in the city.

(e) Notwithstanding any other provision of law, general or special, the city, in order to ensure competitiveness as an employer, may by ordinance, and subject to such reasonable terms and conditions as set forth in such ordinance, provide for the use of funds, other than state funds, to provide loans or grants to individuals who prior to receiving such funds were employees of the city, local school division, local constitutional officers, and local offices of state government for which employee salaries are supplemented by the city, or any of them, to purchase or rent residences within the city, for use as the employee's principal residence. Individual grants shall not exceed \$5,000 per employee, nor shall lifetime cumulative grants exceed \$5,000 per employee.

(f) For purposes of this section, the phrase "low or moderate income persons" has the same meaning as the phrase "persons and families of low and moderate income," as in § 36-55.26 of the Code of Virginia, and shall be applied in the city using the income guidelines issued by the Virginia Housing Development Authority for use in its single family mortgage loan program authorized by § 36-55.33:1.

(g) In addition to being able to exercise the above-mentioned powers with city funds, the city is authorized to participate in any state or federal program related thereto and use state, federal or private funds in the exercise of such powers.

(h) The exercise of any of the powers granted in this section is hereby declared to be a public purpose and public use. (1976, c. 669; 1982, c. 480; 1984, c. 486; 1995, c. 782, 2004, c. 511)

§ 2.04.3. Alexandria Redevelopment and Housing Authority board of directors.

Notwithstanding any contrary provision of law, general or special, the council may, by ordinance adopted from time to time, alter from between seven and nine the number of members comprising the board of directors of the Alexandria Redevelopment and Housing Authority. (2002, c. 149)

§ 2.05. Miscellaneous Powers.--The city shall also have power: (a) To establish, maintain and operate public employment bureaus and public baths.

(b) To establish, maintain and operate, within and without the city, and to make advances to public hospitals, sanatoria, convalescent homes, clinics and other public

institutions, homes and facilities for the care of the sick, children, the aged and the destitute.

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

(d) To acquire, 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.

(f) To cooperate and enter into cooperative agreements or contracts with any state, county, city, political subdivision or any department or agency thereof, or with the government of the United States, or any department or agency thereof, or with any public agency, entity or authority, regional or otherwise, or with any person, firm, public utility or corporation regarding the construction and operation of any airport, incinerator, sewage disposal system, jail or workhouse, the use, treatment, reclamation, carrying or disposal of solid wastes and refuse, or the discharge of any other function or power vested by this charter in the City of Alexandria.

(g) To authorize and regulate the erection of party walls and fences, and to prescribe how the cost thereof shall be borne by the respective owners.

(h) To grant aid to military companies, to bands maintained within the city, to hospitals, to associations for the advancement of agriculture or the mechanic arts, to scientific, literary, educational or benevolent organizations or institutions, to public libraries, provided such action is not prohibited by the Constitution of the Commonwealth, and that all such societies, organizations or institutions be located in or near the city; and provided, further, that no appropriation for any such purposes shall be made, nor aid be otherwise granted through exemption from charge for use of water or light facilities or otherwise either with or without charge, beyond the city limits, unless two-thirds of the council vote therefor.

(i) To provide for aid in the support or maintenance of public free schools.

(j) To determine the value and to levy and collect, after January one of each year, a personal property tax on motor vehicles, boats, and trailers for which Alexandria is the situs for personal property taxation and which are first registered by the present owner after January one. In the case of such motor vehicles, boats, and trailers which are first registered after January one of each year, the city shall have the power to:

(1) Establish the date or dates in addition to and after January one of each year, upon which such motor vehicles, boats, and trailers shall be returned and valued for taxation.

(2) Establish the methods by which such tax shall be prorated and computed.

(3) Establish the procedures for filing returns and ascertaining the dates of purchases, exchanges, and first registration for all persons concerned, including both taxpayers and dealers in automobiles, boats, and trailers.

(4) Establish the methods by which a return or returns previously submitted by the owner shall be amended to reflect, on a prorated basis, the purchase or exchange of motor vehicles, boats, or trailers after January one of each year.

(k) In the event the city adopts an ordinance creating a service district under § 15.1-18.3 of the Code of Virginia to provide transportation services or public parking, it shall create a board or other body, pursuant to § 15.1-18.2 (b) (6.1), whose makeup and responsibilities with respect to the district shall be set out in the ordinance. (1950, c. 536; 1952, c. 564; 1968, c. 510; 1970, c. 492; 1971, c. 166; 1977, c. 122; 1984, c. 486; 1989, c. 118)

§ 2.06. Enforcement of regulations.--(a) 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, by ordinance, may provide suitable penalties, civil or criminal misdemeanor, for the violation of any such ordinances, including ordinances effective outside the city as provided in this charter. Designation of such a violation for a civil penalty under the authority of any ordinance enacted pursuant to this charter provision shall be in lieu of criminal sanctions. Further, except for any violation resulting in personal injury to or death of any person or persons, such designation shall preclude the prosecution of such a violation as a criminal misdemeanor.

(b) No penalty provided pursuant to subsection (a) shall exceed a fine of \$2,500 or imprisonment for twelve months or both. Upon conviction for violation of any ordinance, the court trying the case may require bond of the person so convicted with proper security in the penalty of not more than \$2,500, conditioned to keep the peace and be of good behavior and especially for the period of not more than twelve months not to violate the ordinance for the breach of which he has been convicted. From any criminal misdemeanor fine or imprisonment imposed, an appeal shall lie as in other cases of misdemeanor.

(c) Unless otherwise authorized by this charter, no civil penalty provided pursuant to subsection (a) shall exceed the sum of \$5,000. Any person summoned for a civil violation may make appearance, either in person before or in writing by mail, to the treasurer of the city prior to the date fixed for trial in court. Any persons so appearing may enter a waiver of trial, admit liability and pay the civil penalty established for the offense charged. Any persons so summoned shall be informed of their right to request an administrative hearing, if one is provided by ordinance, or stand trial and that their admission of liability or a finding of their liability in an administrative hearing will have the same force and effect as a judgment in court. If a person charged with a civil violation does not elect to enter a waiver of trial and admit liability or request an administrative hearing, if one is provided by ordinance, the violation shall be tried in the general district court or circuit court in the same manner and with the same right of appeal as provided for in general law. In any administrative hearing or trial for a civil violation authorized by this section, it shall be the burden of the city to show the liability of the violator by a preponderance of the evidence. An admission of liability or finding of liability shall not be a criminal conviction for any purpose. The council, by ordinance, may provide suitable procedures, generally consistent with the provisions of Article 3 (§ 9-6.14:15 et seq.) of the Administrative Process Act of the Code of Virginia, for the conduct of administrative hearings under this subsection.

(d) The court may issue a writ of fieri facias directed to the sheriff of the city for the collection of the fine or civil penalty due, returnable within sixty days from its issuance.

(e) 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 civil or criminal penalties for its violation. (1950, c. 536; 1952, c. 564; 1968, c. 510; 1983, c. 314; 1992, c. 512)

§ 2.07. Licenses, Permits and Service Fees.--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.

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 establish and collect such fees as it may determine to be reasonable for the rendering of city services. (1950, c. 536; 1970, c. 492)

§ 2.08. Injunctions Against the City.--No injunction shall be awarded by any court or judge to stay the proceedings of the city or any of its officers, employees or agents in the exercise of any of their powers unless it be manifest that the city, its officers, employees or agents are transcending the authority given the city by this charter and the general laws of the Commonwealth, and also that the intervention of a court of equity is necessary to prevent injury that cannot be compensated by damages. (1950, c. 536)

CHAPTER 3 COUNCIL

§ 3.01. Composition of the Council.--The Council shall consist of the mayor and six members at large elected as provided in Chapter 10 of this charter, and they shall serve for terms of three years or until their successors shall have been elected and take office; provided, however, that the terms of the members of the council incumbent at the effective date of this charter shall continue through the thirtieth day of June 1952, or until their successors shall have been elected and shall take office. (1950, c. 536; 1956, c. 262)

§ 3.02. Compensation of the Council.--Members of the council shall receive in full compensation for their services the sum of four hundred dollars per month; provided, however, that the mayor shall receive in full compensation for his services the sum of four hundred and fifty dollars per month; provided, further, that the rate of compensation for the members of the council and the mayor may be changed by ordinance, except that no such rate of compensation shall be increased to become effective during the term of office of the members of council and the mayor in which the vote to increase the compensation is cast. (1950, c. 536; 1962, c. 61; 1968, c. 510; 1971, c. 166)

§ 3.03. Qualifications of Council Members.--If a councilman shall cease to reside within the territorial limits of the City of Alexandria or shall be convicted of crime involving moral turpitude, his office shall immediately become vacant. Neither the Mayor or any other member of the council shall during the term for which he was elected and for one year thereafter be appointed to any office of profit under the government of the city. (1950, c. 536)

§ 3.04. Powers.--All powers of the city as granted in Chapter 2 of this charter and the determination of all matters of policy shall be vested in the council. Without limitation of the foregoing, the council shall have power to:

- (a) Appoint and remove the city manager.

(b) Adopt the budget of the city.

(c) Authorize the issuance of bonds by a bond ordinance.

(d) Inquire into the conduct of any office, department or agency of the city and make investigation as to municipal affairs.

(e) Establish administrative departments, offices or agencies. There are hereby created the departments of finance, public works, police, fire, public health, social services, and recreation and parks, the heads of which shall be appointed by the city manager. The council by ordinance may create, change, and abolish offices, departments, or agencies. The council may not change or abolish any offices or agencies created by this charter and may not eliminate the function of any department created by this charter. The council by ordinance may assign duties or functions to the offices, departments and agencies created by this charter. When a vacancy occurs in any office to which the incumbent is elected by the council, the council is empowered to fill the vacancy, and when such vacancy occurs otherwise than by the regular expiration of the term of the incumbent, the election shall only be for the unexpired term.

(f) Appoint the members of the school board, the planning commission and the board of zoning appeals.

(g) Establish advisory boards and commissions and appoint their members.

(g-01) Notwithstanding any contrary provisions of law, general or special, establish by ordinance term limits for the members appointed by the council to any or all governmental or advisory boards or commissions.

(h) Provide for an independent audit.

(i) Provide for the number, titles, qualifications, powers, duties, and compensation of all officers and employees of the city.

(j) 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. 536; 1952, c. 564; 1962, c. 61; 1970, c. 492; 2009, c. 539)

§ 3.05. Mayor and Vice-mayor.--The mayor shall be elected as provided by Chapter 10 of this charter. The vice-mayor shall be a councilman and shall be elected by a majority vote of all the members of the council, including the mayor. The mayor shall preside over the meetings of the council and shall have the same right to vote and speak therein as other members. The mayor shall not have the power of veto. 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. If a vacancy shall occur in the office of mayor, such vacancy shall be filled as provided in Chapter 10 of this charter. If a vacancy shall occur in the office of vice-mayor, the council shall forthwith fill such vacancy for the unexpired term by majority vote of all the remaining members of council, including the mayor. In the absence or disability of the mayor, the vice-mayor shall perform the duties of mayor. (1950, c. 536; 1952, c. 564; 1956, c. 262; 1968, c. 510; 1971, c. 166)

§ 3.06. City Clerk.--The council shall appoint a city clerk and shall have power to remove him from office. He shall be the clerk of council, shall keep the journal of its proceedings and shall record all ordinances in a book kept for the purpose. He may incorporate into the said journal by reference various documents, including, but not limited to, agreements, ordinances, resolutions, reports and maps. 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. He shall receive compensation to be fixed by the council. The city clerk may appoint a deputy city clerk and shall have the power to remove said deputy clerk from office. Any such appointed deputy city clerk shall, while holding office, have the power and authority to perform all of the duties and functions of the city clerk and clerk of council. (1950, c. 536; 1966, cc. 12, 83; 1972, c. 808; 1975, c. 511)

§ 3.06:1. Administrative Assistants.

Notwithstanding any other provision of this charter, the city clerk may, upon the direction of the city council, appoint one administrative assistant for each member of council, including the mayor. No member of the immediate family of a member of the council shall be eligible for appointment as an administrative assistant. For the purpose of this section, the spouse, parent, child, brother, sister, father-in-law, mother-in-law, brother-in-law, sister-in-law, son-in-law or daughter-in-law of a council member shall be considered a member of the member's immediate family. (1974, c. 595; 1976, c. 669; 1995, c. 782)

§ 3.07. Induction of Members.

The council members in office at the time this charter takes effect shall continue in office through the thirtieth of June, 1952, or until their successors shall have been elected and take office. The first meeting of a newly elected council shall take place at 7:30 P.M. on the first day of July following their election, or if such day shall fall on Saturday, Sunday or a legal holiday, then on the next business day following the fourth day of July. (1950, c. 536; 1952, c. 564; 1968, c. 510; 1971, c. 166; 2002, c. 149)

§ 3.07:1. Adjudication of Election and Qualifications of Council and Mayor.--The general laws of the Commonwealth relative to election recounts and election contests shall be applicable to mayor and council election recounts and contests. The council shall be the judge of the election and qualifications of its members, including the mayor, with respect to any matters not covered by the said general laws and the decision of the council shall be final and there shall be no right of appeal or review. (1971, c. 166)

§ 3.08. Rules of Procedure.--The council shall be a continuing body and no measure pending before it shall abate or be discontinued by reason of the expiration of the term of office of or removal of the members of the body or any of them. Except as herein provided, the council shall establish its own rules of procedure. They shall provide that the council shall meet in regular session at least twice each month, except during the months of July and August. They shall also provide for the calling of special meetings by the mayor, the city manager or any two members of the council, provided that at least twelve hours' written notice of each special meeting is served personally on each member or left at his usual place of business or residence, which notice 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 members of the council; provided, however, that a special meeting may be held at any time without notice if all members of the council attend said meeting or waive notice thereof. Regular and special meetings may be held at any suitable location in the city. Whenever a regular or special meeting is held at a location other than at city council chambers, notice of the time and location of any such meeting shall be published in a newspaper of general circulation in the city at least five days prior to the meeting. In the event of an emergency no such notice need be published provided the city manager, the mayor, or any two members of the council attempt to give the news media such notice as can reasonably be

given under the circumstances. A majority of the members of the council shall constitute a quorum for the transaction of business. No ordinance or resolution appropriating money exceeding the sum of five hundred dollars, imposing taxes, or authorizing the borrowing of money shall be passed except by a recorded affirmative vote of a majority of all members elected to council. On final vote on any ordinance or resolution the name of each member voting and how he voted shall be recorded. No ordinance, resolution, motion or vote shall be adopted by the council except at a meeting open to the public and unless it shall have received the affirmative votes of a majority of the members present. No vote shall be reconsidered or rescinded at any special meeting unless at such special meeting there are present as large a number of members as were present when such vote was taken. No ordinance or resolution appropriating money exceeding the sum of one thousand dollars, imposing taxes, or authorizing the borrowing of money, shall be passed by the council on the same day on which it is introduced, nor shall any such ordinance or resolution be valid unless at least three days intervene between its introduction and its passage. (1950, c. 536; 1952, c. 564; 1971, c. 166; 1972, c. 808; 1988, c. 157)

§ 3.09. Ordinances.--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, assigning, abolishing any bureau, division, office, agency or employment, making an appropriation in excess of five thousand dollars, except as provided by § 5.16, authorizing the borrowing of money, except as provided by §§ 7.04, 7.19, 7.20 and 7.21, levying a tax, establishing any rule or regulation for the violation of which a fine or penalty is imposed shall be by ordinance. (1950, c. 536; 1952, c. 564; 1971, c. 166)

§ 3.10. Form of Ordinance.--Every ordinance except the annual appropriation ordinances and an ordinance codifying ordinances shall be confined to a single subject which shall be clearly expressed in its title. All ordinances shall be introduced in typewritten or printed form or a combination of both. All ordinances which repeal or amend existing ordinances shall identify by title the section or subsection to be repealed or amended. The enacting clause of all ordinances shall be: "The City Council of Alexandria hereby ordains." Unless another date is specified therein and except as otherwise provided in this charter, an ordinance shall take effect on the day of its final passage. (1950, c. 536; 1952, c. 564; 1972, c. 808; 1976, c. 669)

§ 3.11. Procedure for Passing Ordinances.--Any ordinance may be introduced by any members 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 the unanimous consent of all members of the council. Upon introduction, the ordinance shall receive its first reading and, provided it shall receive an affirmative vote of the majority of members present at this meeting; and provided further, it is not a matter that by this charter or some other provision of law requires more than a majority vote, a time, not less than three days after such introduction, and place shall be set at which the council will hold a public hearing concerning it. If all members of the council present at such introduction have received a copy of the proposed ordinance not less than twenty-four hours before said introduction, then only the item as it appears on the docket of matters to be considered by city council need be read for the first reading, otherwise the ordinance shall be read verbatim. The hearing may be held at 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 the fifth day following the introduction of 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 to have the title or the full text of the proposed ordinance printed in sufficient numbers to supply copies to meet requests or to cause it to be published as a paid advertisement in a newspaper of general circulation in the city. It shall also be the duty of the city clerk to place a copy of the ordinance in a file provided for each member of the council for this purpose. A proposed ordinance, unless it be an emergency ordinance, may be finally passed upon its second reading at either a regular or special meeting of the council following the introduction, publication and conclusion of the public hearing thereon.

Amendments or additions to an ordinance may be made at any time after introduction and further publication of an amendment is not necessary, except that if said amendments or additions introduce an entirely new subject matter and radically change the overall purpose of said ordinance, then they shall be handled separately and introduced as a new ordinance. At the second reading only the item as it appears on the docket of matters to be considered by city council need be read, unless amendments or additions have been made subsequent to the introduction, in which case said amendments or additions shall be read in full prior to passage. (1950, c. 536; 1952, c. 564; 1956, c. 262; 1966, cc. 12, 83; 1971, c. 166; 1976, c. 669; 1988, c. 157)

§ 3.12. Emergency Ordinances.--Except for ordinances appropriating money exceeding the sum of one thousand dollars, imposing taxes, or authorizing the borrowing of money, if, in the opinion of council, an emergency exists, an ordinance pertinent to the emergency may be read a second time and passed with or without amendment at the same meeting at which it is introduced, and no publication or specific time interval between introduction and passage is necessary. An emergency ordinance must contain a specific statement of the emergency claimed, and must be passed by a two-thirds affirmative vote of the members of the city council present. (1950, c. 536; 1952, c. 564; 1971, c. 166)

§ 3.13. Submission of Ordinances or Issues to the Qualified Voters of the City.--The Council shall have authority to submit by resolution directed to the corporation court of the City of Alexandria or the judge thereof in vacation, any proposed ordinance, question or issue to the qualified voters of the city for an advisory referendum thereon. Upon the receipt of such resolution, the corporation court of the City of Alexandria or the judge thereof in vacation shall order an election to be held thereon not less than thirty nor more than sixty days after the receipt of such resolution. The election shall be conducted and the result thereof ascertained and determined in the manner provided by the general law of the Commonwealth for the conduct of referendum elections, and by the regular election officials of the city. (1950, c. 536)

§ 3.14. 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 cause to be prepared, under the direction of the city attorney, a codification of all ordinances in force. Such codification shall be passed by the council as a single ordinance and without hearings or prior publication. This codification, to be known and cited officially as the city 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 printers' errors or other unmistakable errors, make consequential changes in the titles 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 presented, but with errors, inconsistencies, repetitions, ambiguities and conflicts eliminated. (1950, c. 536; 1956, c. 262)

§ 3.15. Appointments and Removals.--The council in making appointments and removals shall act only by the affirmative votes of at least four members.

Notwithstanding any other provision of this charter or any provision of law, the council in making appointments and removals shall vote openly and publicly and the vote of each council member by name for each person voted upon shall be recorded in the minutes and journal of the council proceedings. The failure of any councilman to vote in the above described manner shall result in his vote not being counted for the particular ballot, poll, vote or roll call under consideration but any such failure shall not prevent his vote from being counted in any subsequent ballot, poll, vote or roll call for the same or another appointment or removal if his vote is cast in the required manner. (1950, c. 536; 1970, c. 492)

§ 3.16. Removal of Council Members.--Any member of the council may be removed by the council but only for malfeasance in office or neglect of duty; provided that the member of the council sought to be removed shall have been served with a written notice of the intention of the council to remove him, which notice shall contain a clear statement of the grounds for such removal and shall fix the time and place, not less than ten days after the service of such notice, at which he shall be given opportunity to be heard thereon. After the hearing which shall be public at the option of the council member sought to be removed and at which he may be represented by counsel, he may be removed by a vote of six members. It shall be the duty of the council, at the request of the council member sought to be removed, to subpoena witnesses whose testimony would be pertinent to the matter in hand. From the decision of the council removing one of its members, an appeal may be had to the corporation court of the City of Alexandria. Any council member who shall be convicted by a final judgment of any court from which no appeal has been taken or which has been affirmed by a court of last resort on a charge involving moral turpitude shall cease to be a member of the council. (1950, c. 536)

§ 3.17. 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, and any officer or employee of the city. The council, in an investigation or hearing held by it, may order the attendance of any person as a witness and the production by any person of all relevant books and papers. Council shall have the power to apply to the judge of the corporation court for a subpoena or subpoena duces tecum against any person refusing to appear and testify or who refuses to produce books and papers as ordered by the council, and the judge of said court shall, upon good cause shown, cause said subpoena to be issued. Any person refusing to obey the issuance of said subpoena as directed by the judge of the corporation court, upon failure to give satisfactory excuse to said judge may be fined not exceeding the sum of one hundred

dollars or imprisoned not exceeding thirty days or both, such person to have the right of appeal, as in cases of misdemeanor, to the corporation court of Alexandria. Witnesses may be sworn by the officer presiding at investigations conducted by the council and shall be liable to prosecution for perjury for any false testimony given at such investigations. (1950, c. 536)

CHAPTER 4 CITY MANAGER

§ 4.01. The City Manager; Qualifications.--The city manager shall be chosen by the council solely on the basis of his executive and administrative qualifications with special reference to his actual experience in, or his knowledge of, accepted practice in respect to the duties of his office as hereinafter set forth. At the time of his appointment, he need not be a resident of the city or state, but during his tenure of office he shall reside within the city. (1950, c. 536)

§ 4.02. The City Manager; Powers and Duties.--The city manager shall be the chief executive officer of the city government. He shall be responsible to the council for the proper administration of all affairs of the city, except those responsibilities vested by law in the school board, and to that end he shall have power and shall be required to:

(a) Attend all meetings of the council with the right to introduce ordinances and to speak but not to vote.

(b) Keep the council advised of the financial condition and future needs of the city and of all matters pertaining to its proper administration, and to 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 each year at its first meeting in the fifth month following the end of the preceding fiscal year a concise, comprehensive report of the financial transactions and administrative activities and all other operations of the city government during the fiscal year ending on the last day of the preceding fiscal year, which report shall become a part of the minutes of the council and shall be printed if the council so directs.

(e) Present adequate monthly financial and activity reports at a regular meeting of council.

(f) Give such bonds as the council may require.

(g) 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.

(h) Prepare and submit to the council, whenever required by the council, a program of capital improvement projects and a budget therefor, covering such a term of years as council may designate. (1950, c. 536; 1952, c. 564; 1956, c. 262; 1976, c. 669)

§ 4.03. Powers of Appointment and Removal.--The city manager shall appoint for an indefinite term and remove, except as otherwise provided in this charter, the heads of all departments and all other officers and employees of the city; provided, however, that such powers shall not extend to the employees of the school board and provided further that, where the council is given power by this charter to establish an advisory board or advisory commission for any purpose, the council may provide for the appointment of the

members of such board or commission by the city manager or by the council, and for the appointment by such board or commission of its employees, and may specify which, if any, of such employees shall not be included under such personnel regulations as may be established by the manager for the service of the city under Chapter 8 of this charter. (1950, c. 536)

§ 4.04. Council and Council Members Not to Interfere in Appointments or Removals or Direction of Personnel.--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. Any councilman violating the provisions of this section or voting for a motion, resolution or ordinance in violation of this section shall be guilty of a misdemeanor and upon conviction thereof shall cease to be a councilman. Provided, however, that nothing herein contained shall be construed as prohibiting any councilman from discussing with the city manager any appointment or removal. (1950, c. 536)

§ 4.05. Absence of City Manager.--To perform the duties of the city manager in the event of his temporary absence, disability, death or resignation, the council may by resolution appoint an officer of the city or any person other than a member of the council to perform the duties of manager until said manager returns to duty or his successor is duly appointed. (1950, c. 536)

§ 4.06. Directors of Departments.--There shall be a single executive head of each department of the city government, who shall be an officer of the city and shall have direction and control of his department, subject to the supervision of the city manager. Two or more departments may be headed by the same individual, the manager may head one or more departments, and the directors of departments may also serve as chiefs of divisions. (1950, c. 536)

§ 4.07. Relations with Boards, Commissions, and Agencies.--The city manager shall have the right to attend and participate in the proceedings of, but except as otherwise provided in this charter or by law not to vote in, the meetings of all boards, commissions or agencies created by this charter or by ordinance. (1950, c. 536; 1952, c. 564)

§ 4.08. Assessment and Equalization.--(a) The City Manager shall provide for the annual assessment and equalization of assessments of real estate for local taxation, and to that end may establish a city real estate assessment office and appoint an assessor to assess such real estate for taxation and to equalize such assessment. The budget for the city real estate assessment office shall be approved by the city council.

(b) All duties imposed and all powers conferred by law on the Commissioner of the Revenue with respect to the assessment of real estate shall be transferred to the assessor appointed pursuant hereto. The director of finance shall continue to prepare the land book and make disposition of the copies thereof as required by law. The land book shall be prepared by the director of finance on the basis of the assessments made by the assessor and certified to him. Transfers shall be verified by the director of finance.

(c) All real estate shall be assessed at its fair market value as of January first of each year by such assessor, and shall not be reassessed during such year subject to such

modifications as may have been lawfully made, and taxes for each year on such real estate shall be extended by the director of finance on the basis of the last assessment made prior to such year, subject to such changes as may have been lawfully made; provided, however, no notices of assessment shall be mailed or delivered during the month of December of any year and any such notices mailed or delivered during such month shall be void, unenforceable and of no effect.

(d) Notwithstanding any of the provisions of §§ 58.1-3370 and 58.1-3373 to 58.1-3376, inclusive, of the Code of Virginia, as amended, there shall be appointed to three-year staggered terms a board of review of real estate assessments composed of nine members, five of whom shall be appointed by the circuit court of said city or the judge thereof in vacation and four of whom shall be appointed by the council of said city. All members of the board shall be residents of and own real property within the city. Members serving on the board as of July 1, 2010, shall continue in office until the completion of their terms. Beginning July 1, 2010, the circuit court or the judge thereof in vacation shall appoint one additional member for a two-year term and one additional member for a three-year term. Also, beginning July 1, 2010, the Alexandria City Council shall appoint one additional member for a two-year term and one additional member for a three-year term. After these initial appointments, all subsequent appointments shall be for three-year terms.

The terms of all members shall commence on their appointment and shall expire on the thirty-first day of December of the year in which their term ends. The circuit court or the judge thereof in vacation and the council of said city shall fill any vacancy therein for the unexpired term of their respective appointees. The members of the said board shall receive per diem compensation for the time actually engaged in the duties of the board, to be fixed by the council of said city, and to be paid out of the treasury of said city; provided, however, that the council of said city may limit the per diem compensation to such number of days as, in its judgment, is sufficient for the completion of the work of the board.

Such board of review shall have and may exercise the power to revise, correct and amend any assessments of real estate made by said assessor in the year in which such assessments are effective, within such time as the council shall provide in accordance with § 58.1-3378 of the Code of Virginia, as amended, and to that end shall have all the powers conferred upon the boards of equalization by §§ 58.1-3378 to 58.1-3387, inclusive, of the Code of Virginia, as amended. Notwithstanding any provision of said sections, however, the board of review may adopt any regulations providing for the oral presentation, without formal petitions or other pleadings of requests for review, and looking to the further facilitation and simplification of proceedings before the board, except that all matters before the board whether on behalf of the taxpayer or assessor, shall be presented in public session.

The board of review may sit in panels of at least three members each under the following terms and conditions:

1. The presence of all members in the panel shall be necessary to constitute a quorum.
2. The chairman of the board of review shall assign the members to panels and, insofar as practicable, rotate the membership of the panels.

3. The chairman of the board of review shall preside over any panel of which he is a member and shall designate the presiding member of the other panels.

4. Each panel shall perform its duties independently of the others.

The board of review shall sit en banc (i) when there is a dissent in the panel to which the matter was originally assigned and an aggrieved party requests an en banc hearing or (ii) upon its own motion at any time, in any matter in which a majority of the board of equalization determines it is appropriate to do so. The board of review sitting en banc shall consider and decide the matter and may affirm, reverse, overrule or modify any previous decision by any panel.

Any person of said city aggrieved by any assessment made by said assessor or board of review may apply for relief in the manner provided by §§ 58.1-3984 to 58.1-3989, inclusive, of the Code of Virginia, as amended; provided, however, that no person aggrieved by any assessment made by the assessor may apply for or be entitled to relief pursuant to said sections of the Code of Virginia until the assessment complained of has first been reviewed by and acted upon by the board of review.

(e) This law shall not apply to the assessment of any real estate assessable under the law by the State Corporation Commission.

(f) All acts and parts of acts relating to the assessment of real estate in cities not in conflict with the provisions hereof shall apply to the assessments made hereunder.

(g) The Council may require that the owners of income-producing real estate in the city subject to local taxation, except property producing income solely from the rental of no more than four dwelling units, furnish to the said assessor on or before a specified time statements of the income and expenses attributable over a specified period of time to each such parcel of real estate. Each such statement shall be certified as to its accuracy by an owner of the real estate for which the statement is furnished, or a duly authorized agent thereof. Any statement required by this section shall be kept confidential as required by § 58.1-3 of the Code of Virginia, as amended. (1956, c. 262; 1964, cc. 44, 288; 1968, c. 510; 1970, c. 492; 1973, c. 258; 1977, c. 122; 1983, c. 314; 2010, c. 221)

CHAPTER 5 FINANCE

§ 5.01. Department of finance.--There shall be a Department of Finance, which shall include the functions of budgeting, accounting and control, purchasing and such other functions as may be provided by ordinance. The Department of Finance shall include all the functions of the administration of the financial affairs of the city, including the powers conferred and duties imposed by § 5.04 (i), (j), (k), and (l) of this charter. (1950, c. 536; 1952, c. 564; 1973, c. 258; 1981, c. 512)

§ 5.02. Director of Finance.--The head of the department of finance shall be the director of finance, who shall be, or be appointed by, the city manager. If appointed, he shall be a person skilled in accounting and financial control. (1950, c. 536)

§ 5.03. Director of Finance to Give Bond.--The director of finance shall provide a bond with such surety and in such amount as the council may require. (1950, c. 536)

§ 5.04. Director of Finance; Powers and Duties.--The Director of Finance, under the supervision of the City Manager, shall have charge of the administration of the financial affairs of the city, and to that end he shall have authority and shall be responsible for the Department of Finance in order to discharge the following functions:

(a) Compile the current expense estimates for the budget for the City Manager.

(b) Compile the capital estimates for the budget for the City Manager.

(c) Supervise and authorize the disbursement of all moneys and have control over all expenditures to ensure that budget appropriations are not exceeded. This subsection shall not apply to the administration of school funds.

(d) Maintain a general accounting system for the city government and each of its offices, departments and agencies; keep books for and exercise financial and budgetary control over each office, department and agency; keep separate accounts for the items of appropriation contained in the city budget, each of which accounts shall show the amount of the appropriation, the amounts paid therefrom, the unpaid obligations against it and the unencumbered balance; and require reports of receipts and disbursements from each receiving and spending agency of the city government to be made daily or at such intervals as he may deem expedient. This subsection shall not apply to the administration of school funds.

(e) Submit to the council through the City Manager a monthly statement of all receipts, disbursements, and encumbrances of funds in sufficient detail to show the exact financial condition of the city.

(f) Prepare for the City Manager, as of the end of each fiscal year, a complete financial statement and report.

(g) Supervise and be responsible for the purchase, storage and distribution of all supplies, materials, equipment and other articles used by any office, department or agency of the city government.

(h) Approve all proposed expenditures. No appropriation shall be encumbered and no expenditure shall be made unless the Director of Finance shall certify that there is an unencumbered balance of appropriated and available funds.

(i) Exercise all the powers conferred and perform all the duties imposed by law upon commissioners of the revenue.

(j) Exercise all the powers conferred and perform all the duties imposed by law upon city treasurers.

(k) Collect all taxes, special assessments, license fees and other revenues of the city or for whose collection the city is responsible and receive all deposits and all other money receivable by the city from whatever source.

(l) Exercise all the powers conferred and perform all the duties otherwise imposed by law upon city collectors or similar officers.

(m) Exercise such other functions as may be provided by ordinance. (1950, c. 536; 1952, c. 564; 1973, c. 258; 1981, c. 512)

§ 5.04:1. Signatures on City Checks.--All city checks shall be signed by the Director of Finance. When the city manager so directs, designated city checks shall also be countersigned by such other officials as the city manager may select. Any such signature or countersignature may be a facsimile one which is made by means of such mechanical or electrical devices as the Director of Finance may select. Before any facsimile is used the city manager shall establish a security method for storing and using such facsimile. (1974, c. 595)

§ 5.05. Work Programs; Allotments.--Before the beginning of the budget year, the head of each office, department or agency shall submit to the director of finance, at such time as may be set by him, a work program for the year, which program shall show the requested allotments of the appropriations for such office, department or agency, for such

periods as may be designated by the city manager, for the entire budget year. The city manager shall review the requested allotments and may revise, alter or change such allotments before approving the same. The aggregate of such allotments shall not exceed the total appropriation available to said office, department or agency for the budget year. (1950, c. 536)

§ 5.06. Allotments Constitute Basis of Expenditures and Are subject to Revision.-
-The director of finance shall authorize all expenditures for the offices, departments and agencies to be made from the appropriations on the basis of approved allotments and not otherwise. An approved allotment may be revised during the budget year in the same manner as the original allotment was made. If, at any time during the budget year, the city manager shall ascertain that the available income, plus balances, for the year will be less than the total appropriations, he shall reconsider the work programs and allotments of the several offices, departments and agencies and revise the allotments so as to prevent the making of expenditures in excess of the said income. (1950, c. 536)

§ 5.07. Transfers of appropriations.--The city manager may at any time transfer any unencumbered appropriation balance or portion thereof within the accounts of an office, department or agency. The council when advised of the details by the city manager may by duly docketed resolution transfer any unencumbered appropriation balance or portion thereof from one office, department or agency to another. (1950, c. 536; 1968, c. 510)

§ 5.08. Accounting Supervision and Control.--The director of finance, except as to public schools, shall have power and shall be required to:

(a) Prescribe the forms of receipts, vouchers, bills or claims to be used by all the offices, departments and agencies of the city government.

(b) Examine and approve all contracts, orders and other documents by which the city government incurs financial obligations, having previously ascertained that funds have been appropriated and allotted and will be available when the obligation shall become due and payable.

(c) Audit and approve before payment all bills, invoices, payrolls and other evidences of claims, demands or charges against the city government and with the advice of the city attorney determine the regularity, legality and correctness of such claims, demands or charges.

(d) Inspect and audit any accounts or records of financial transactions which may be maintained in any office, department or agency of the city government apart from or subsidiary to the accounts kept in his office. (1950, c. 536; 1952, c. 564)

§ 5.09. When Contracts and Expenditures Prohibited.--No officer, department, or agency shall, during any budget year, expend or contract to expend any money or incur any liability, or enter into any contract which by its terms involves the expenditure of money, for any purpose, in excess of the amounts appropriated for that general classification of expenditure pursuant to this charter. Any contract, verbal or written, made in violation of this charter shall be null and void. Any officer or employee of the city who shall violate this section shall be guilty of a misdemeanor and, upon conviction thereof, shall cease to hold his office or employment. Nothing in this section contained, however, shall prevent the making of contracts of the spending of money for capital improvements to be financed in whole or in part by the issuance of bonds, nor the making

of contracts of lease or for services for a period exceeding the budget year in which such contract is made, when such contract is permitted by law. (1950, c. 536)

§ 5.10. Appropriations Lapse at End of Year.--All appropriations shall lapse at the end of the budget year to the extent that they shall not have been expended or lawfully encumbered. (1950, c. 536)

§ 5.11. Fees Shall be Paid to City Government.--All fees payable to the city received by any officer or employee shall belong to the city government and shall be paid to the department of finance as and when directed by the director of finance. (1950, c. 536; 1952, c. 564)

§ 5.12. Division of Purchases.--There shall be established in the department of finance a division of purchases, the head of which shall be the city purchasing agent. The purchasing agent, pursuant to rules and regulations established by ordinance, shall contract for, purchase, store and distribute all supplies, materials and equipment required by any office, department, or agency of the city government. (1950, c. 536; 1981, c. 512)

§ 5.13. Competitive Bidding.--Before the city purchasing agent makes any contract, he shall give ample opportunity for competitive bidding or competitive negotiation, under such rules and regulations, and with such exceptions, as the council may prescribe; provided, however, that the council shall not except individual contracts, purchases or sales from the requirement of competitive bidding or competitive negotiation. (1950, c. 536; 1952, c. 564; 1981, c. 512; 1983, c. 314)

§ 5.14. (1950, c. 536; 1952, c. 564; 1968, c. 510; 1976, c. 669; repealed 1981, c. 512)

§ 5.14.1. (1968, c. 510; repealed 1981, c. 512)

§ 5.15. No Contract Executed Until Bond Ordinance Effective.--No contract shall be executed for the acquisition of any property or the construction of any improvement or betterment to be financed by the issuance of bonds until the ordinance authorizing the issuance of such bonds shall have taken effect and any contract executed before such day shall be unenforceable in any court of law. (1950, c. 536)

§ 5.16. Emergency Appropriations.--At any time in any budget year, the council may make emergency appropriations to meet a pressing need for public expenditure, for other than a regular or recurring requirement, to protect the public health, safety or welfare. Such appropriations shall be by resolution adopted by the favorable votes of two-thirds of all members of the council. The total amount of all emergency appropriations made in any budget year shall not exceed three per centum of the total operating appropriations made in the budget for that year. (1950, c. 536; 1971, c. 166; 1981, c. 512)

§ 5.17. Auditor of Municipal Accounts.--There may be an auditor of municipal accounts to be appointed by the council for an indefinite term. He shall be qualified by training and experience for the duties of his office. It shall be his duty to examine and audit all accounts, books, records and financial transactions of the city, and of any department, court, board, commission, office or agency thereof, excluding such accounts as are audited by the auditor of public accounts of the Commonwealth but including all trust and special funds. It shall be his duty to make annually to the council, as soon after the end of the fiscal year as possible but in any event not later than ninety days, a complete audit report covering the transactions of the preceding fiscal year as they appear in the accounts, books and records kept in the department of finance, with such comments

and recommendations as he may deem advisable. He shall make examinations and audits of the accounts, books and records of other departments, courts, boards, commissions, offices and agencies subject to examination and audit by him at such times as he or the council shall deem necessary and upon completion of each such examination or audit shall file with the council a report thereof in writing. He shall also transmit a copy of each such report to the city manager and to the department, court, board, commission, office or agency covered thereby. If he shall at any time discover any unauthorized, illegal, irregular or unsound practice he shall forthwith lay such facts before the city manager and council. In performing his duties he shall have access at any and all times to all books, records and accounts of each department, court, board, commission, office or agency of the city subject to examination and audit by him. A copy of each audit report made to the council by the auditor of municipal accounts shall always be available for public inspection in the office of the city clerk during regular business hours. (1950, c. 536)

§ 5.18. Independent Audit.--The council shall cause to be made at least every year from the date of the adoption of this charter an independent audit of all accounts, books, records and financial transactions of the city by the auditor of public accounts of the Commonwealth or by a firm of independent certified public accountants to be selected by the council. The report of such audit shall be filed within such time as the council shall specify and one copy thereof shall be always available for public inspection in the office of the city manager during regular business hours. (1950, c. 536)

§ 5.19. Power to Sell Property for Taxes.--The Director of Finance shall have any or all of the powers which are now or which may be hereafter vested in any office of the State charged with the collection of State taxes and any powers granted by State law for the collection of local taxes, and may collect the same in the same manner in which State taxes are collected by any officer of this State, unless and except as otherwise provided by law. No deed of trust or mortgage upon goods and chattels shall prevent the same from being distrained or sold for taxes assessed thereon, no matter in whose possession such goods and chattels may be found. A tenant from whom payment of taxes on his landlord's property shall be obtained by distress or otherwise shall have credit for the same against such person on account of his rent, unless by contract the tenant is to pay such taxes. The council may require a list of all real estate in the city of Alexandria delinquent for nonpayment of taxes thereon for the preceding year to be recorded in a book of delinquent taxes to be kept in the office of the Director of Finance. (1950, c. 536; 1973, c. 258; 1975, c. 511)

§ 5.20. Penalties for Nonpayment of Taxes; Interest.--The council may impose penalties for the nonpayment of city taxes and levies by the day fixed by ordinance for payment thereof, and for the failure to make any return required by law for the assessment of taxes, and may cause such penalties to be added to the amount of taxes and levies due from taxpayers, as it may by ordinance or resolution from time to time prescribe; and the council may charge interest at a rate fixed by ordinance, not to exceed fifteen per centum per annum, on such unpaid taxes and levies and penalties for nonpayment thereof. The Director of Finance shall have the power of distress, garnishment or action and any powers granted by State law for the collection of delinquent local taxes and any other power now possessed or that may hereafter be given to any person charged with the collection of delinquent State taxes. Should it come to the knowledge of the Director of Finance that any person, firm or corporation owing taxes or

levies to the city is moving or contemplating moving therefrom prior to the day fixed by ordinance for payment thereof, he shall have the right to collect taxes by distress, garnishment, suit or action or otherwise at any time after such bills for taxes have come into his hands unless and except as otherwise provided by law. (1950, c. 536; 1973, c. 258; 1975, c. 511; 1980, c. 591; 1981, c. 512)

§ 5.21. Foreclosure of Tax Liens by City.--There shall be a lien on all real estate within the corporate limits and on each and every interest therein for all taxes, levies, or charges assessed thereon or against the same, or upon or against the owner or owners thereof, under the provisions of this charter, or by ordinance, which lien shall have priority over all other liens except the lien for State taxes. When any such taxes or levies or charges have not been paid by the third anniversary of the original due date thereof, the council may require such real estate to be sold for said taxes, levies, or charges in accordance with the provisions of Article 8 of Chapter 21 of Title 58 of the Code of Virginia. (1950, c. 536; 1972, c. 808; 1973, c. 258; 1975, c. 511; 1980, c. 591)

§ 5.22. (1950, c. 536; 1971, c. 166; 1973, c. 258; repealed 1975, c. 511)

§§ 5.23 through 5.27. (1950, c. 536; 1973, c. 258; repealed 1975, c. 511)

§ 5.28. Deputy Director of Finance.--The Director of Finance shall have the power to appoint and remove a Deputy Director of Finance. The Deputy Director of Finance shall have such powers and duties as the Director of Finance may lawfully authorize him to perform. The Deputy Director of Finance shall also have the power to authenticate city bonds by manual signature when the city council by resolution shall so determine. (1964, cc. 44, 288; 1973, c. 258; 1981, c. 512)

CHAPTER 6 BUDGET

§ 6.01. Fiscal Year.--The fiscal year of the city government shall be established by ordinance. Such fiscal year shall constitute the budget and accounting year. As used in this charter, the term "budget year" shall mean the fiscal year for which any particular budget is adopted and in which it is administered. (1950, c. 536; 1952, c. 564)

§ 6.02. Submission of Budgets.--The City Manager shall submit to the council a general budget, a capital budget and an explanatory budget message in the form and with the contents provided by this chapter at such time as the council may by ordinance require. (1950, c. 536; 1970, c. 492; 1981, c. 512)

§ 6.03. Preparation of budgets.--It shall be the duty of the head of each department, the judges of all courts, each board or commission, including the school board, and each other office or agency supported in whole or in part by the city, including the Sheriff, the Attorney for the Commonwealth, and clerks of courts to file with the City Manager or with the Director of Finance designated by him, at such time as the Manager may prescribe, estimates of revenue and expenditure for that department, court, 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, except that in the case of the school board he may recommend a revision only in its total estimated expenditure. (1950, c. 536; 1973, c. 258; 1981, c. 512)

§ 6.04. Scope of the general budget.--The general budget 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 budget.

(b) An estimate of the receipts for current ad valorem taxes on real estate and 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 provided that the estimated receipts from no such source shall exceed the amount estimated to be received from such source in the current fiscal year by more than the average rate of increased collections from that source during the preceding two fiscal years, unless the reasons for an increase greater than the average rate are contained in a written statement furnished by the city manager.

(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 city's 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 in the ensuing fiscal year.

All the estimates shall be in detail, showing receipts by sources and expenditures by operating units, functions, 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 year. At the head of the budget there shall appear a summary of the budget, which need not be itemized further than by principal sources of anticipated revenue, stating separately the amount to be raised by property tax, and by departments and kinds of expenditures, in such a manner as to present a simple and clear summary of the detailed estimates of the budget. (1950, c. 536; 1952, c. 564; 1968, c. 510)

§ 6.05. A balanced budget.--In no event shall the expenditures recommended by the City Manager in the general budget exceed the receipts estimated, taking into account the estimated cash surplus or deficit at the end of the current fiscal year unless property assessments have been raised or 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, licenses or other sources. Receipts from increased taxes, licenses or other sources shall be estimated on the basis of the average rate of increased collections during the preceding two fiscal years except in instances in which the city manager submits as a part of the budget a written statement explaining any estimate that is made on some other basis. Receipts from new taxes, licenses or other sources shall be estimated on information available from other cities, the State of Virginia or other states, the federal

government or other appropriate sources. If estimated receipts exceed estimated expenditures, the City Manager may recommend revisions in the tax, license or other ordinances of the city in order to bring the general fund budget into balance. (1950, c. 536; 1952, c. 564; 1968, c. 510; 1981, c. 512)

§ 6.06. (1950, c. 536; repealed 1981, c. 512)

§ 6.07. Appropriation and Additional Tax Ordinances.--At the same time that he submits the general fund budget the city manager may introduce in the council a general 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 courts, bureaus, boards, commissions, offices and agencies submitting separate budget estimates, and by the principal object of the expenditure. At the same time the city manager shall also introduce any proposals for altering the tax rate on real estate and personal property or other proposals for levying a new tax or altering the rate of any other tax necessary to balance the general fund budget as hereinbefore provided. New ordinances altering the tax rate or levying a new tax may, however, be introduced and passed at any other time of the year, except that the rate of the tax that is levied on real estate shall be fixed as set forth in § 2.02 (a) (1). (1950, c. 536; 1952, c. 564; 1964, cc. 44, 288; 1970, c. 492)

§ 6.08. Budget a public record.--The budget and budget message and all supporting schedules shall be a public record in the office of the city manager open to public inspection after the budget has been submitted to the council and made public by it; provided, however, except as stated in section 6.08.1, no department or agency, head or judge or board or commission, manager, or director of finance shall divulge details of the proposed budget nor make public statements regarding budget estimates until the budget has been submitted to the council and made public by it. The city manager on authorization from the council shall cause sufficient copies of the budget message to be prepared for distribution to interested persons. (1950, c. 536; 1968, c. 510)

§ 6.08.1. School budget hearings.--The school board shall, prior to the time work has begun on the school budget, hold a public informational hearing to receive suggestions from the public concerning the school budget. The school board shall also hold a public hearing on its proposed budget prior to submitting it to the City Manager. The school board shall cause a notice of the time and place of each public hearing to be published in a newspaper of general circulation in the city at least seven days prior to the hearing. The school board shall also cause copies of the proposed budget to be available to the public at least seven days prior to the public hearing on the proposed budget. The school board may submit to the City Manager as its proposed budget the same proposed budget considered at the public hearing or it may, subsequent to said public hearing, submit a revised proposed budget. (1968, c. 510; 1981, c. 512)

§ 6.09. Publication of Notice of Public Hearing.--At the meeting of the council at which the budget and budget message are submitted, the council shall determine the place and time of the public hearing on the budget, which time shall be at least sixty days prior to the beginning of each budget year, and shall cause to be published a notice of the place and time, not less than seven days after date of publication, at which the council will hold a public hearing. (1950, c. 536; 1970, c. 492)

§ 6.10. Public Hearing on Budget.--The council shall hold a public hearing on the budget as submitted, at which all interested persons shall be given an opportunity to be heard, for or against the estimates or any item thereof. (1950, c. 536; 1981, c. 512)

§ 6.11. Action by the Council on the General Budget.--After the conclusion of the public hearing on the general budget, 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 other provision of law shall be reduced or stricken out. The council shall in no event adopt a general budget in which the total of expenditures exceeds the receipts, unless at the same time it adopts measures for providing additional revenue in the ensuing fiscal year, estimated as hereinbefore provided, sufficient to make up the difference. (1950, c. 536; 1981, c. 512)

§ 6.12. Adoption of Budget.--The budget shall be adopted by the votes of at least a majority of all the members of the council. The budget shall be finally adopted not later than the twenty-seventh day of the last month of the fiscal year. Should the council take no final action on or prior to such day, the budget, as submitted, shall be deemed to have been finally adopted by the council. (1950, c. 536)

§ 6.13. Additional Appropriations.--An appropriation in addition to those contained in the general appropriation ordinance, except for the purpose of meeting a public emergency as provided for elsewhere in this charter, may be made by the council, by not less than a majority affirmative vote of all members of council, only if there is available in the general fund a sum unencumbered and unappropriated sufficient to meet such appropriation. (1950, c. 536; 1972, c. 808; 1981, c. 512)

§ 6.14. Capital budget.--At the same time that he submits the general budget the city manager shall submit to the council a budget of the proposed capital improvement projects for the ensuing fiscal year and for the five fiscal years thereafter, with his recommendations as to the means of financing the improvements proposed for the ensuing fiscal year. The city manager shall obtain and transmit to the council the advisory recommendations of the planning commission with regard to the consistency of proposed capital improvement projects with the master plan and the priority and timing of those projects in comparison to other elements in the master plan. 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, the council shall not authorize any capital improvement project or make any appropriation therefor unless such project is included in the capital budget as adopted by it. The council shall hold at least one public hearing on said budget and shall take final action on the budget not later than twenty calendar days after the date prescribed for the adoption of the general budget. A capital project in the budget may lapse at the end of one year but once an appropriation has been made for such project it shall not lapse until approved by the city council at a meeting open to the public at which meeting the matter of lapse of the specified project involved is a duly docketed item. (1950, c. 536; 1952, c. 564; 1968, c. 510; 1982, c. 480)

§ 6.15. Reserve for Permanent Public Improvements.--The council may by ordinance establish a reserve fund or account or both 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 or account or both a specified portion of the ad valorem tax on real estate and tangible

personal property not to exceed ten cents on the hundred dollars of the assessed valuation thereof or the whole or part of the proceeds of any other tax. Appropriations from the said fund or account or both shall be made only to finance improvements included in the capital budget. (1950, c. 536; 1968, c. 510)

CHAPTER 7 BORROWING

§ 7.01. Borrowing Power.--The City Council may, in the name and for the use of the city, incur indebtedness by issuing its negotiable bonds or notes for the purposes, in the manner and to the extent provided in this chapter. (1950, c. 536)

§ 7.02. Purposes for which Bonds may be issued.--Bonds may be issued for the purpose of financing the whole or any part of the cost of any capital improvement project, paying all costs incurred in any extension of the city's boundaries and to refund outstanding bonds. A capital improvement is hereby defined to include any public improvement 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 in the equipment or re-equipment of the same. (1950, c. 536; 1968, c. 510)

§ 7.03. Limitations on Indebtedness.--The city shall not issue any bonds or other interest bearing obligations which, including existing indebtedness, shall, at any time, exceed eighteen per centum of the assessed valuation of real estate in said city subject to taxation, as shown by the last preceding assessment for taxes. In determining the limitation for the city there shall not be included the classes of indebtedness enumerated in paragraphs (1), (2), (3) and (4) of subsection (a) of Section 10, Article VII of the Constitution of Virginia.

All contract obligations, heretofore or hereafter incurred, by the city to provide payments to the Washington Metropolitan Area Transit Authority on account of transit facilities in the Washington Metropolitan Area shall not be included as a class of indebtedness in determining the debt limitation of the city pursuant to Article VII, Section 10 of the Constitution of Virginia. (1950, c. 536; 1972, c. 808)

§ 7.04. Notes in Anticipation of Bonds.--Whenever an issue of bonds has been authorized as provided in this charter, the Director of Finance, when authorized by resolution, 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 shall be authenticated by the signature of the Mayor and the Director of Finance and shall mature not later than two years after the date of issue. (1950, c. 536; 1952, c. 564; 1973, c. 258; 1981, c. 512)

§ 7.05. Form of Bonds.--All bonds issued pursuant to this charter shall be paid in consecutive annual installments, no one of which shall be more than three times the smallest prior installment. The first annual installment of any issue or of any block or series of bonds shall be payable not later than two years from the date of sale of such issue or block or series thereof. Bonds shall be authenticated by the manual signature of the Director of Finance, or the Deputy Director of Finance, as the city council by resolution shall determine, and shall bear the facsimile signature of the Mayor and a facsimile of the seal of the city attested by the facsimile signature of the City Clerk. Should interest payments on such bonds be evidenced by coupons attached thereto, such

coupons shall be authenticated by the facsimile signature of the Mayor. (1950, c. 536; 1964, cc. 44, 288; 1971, c. 166; 1973, c. 258; 1981, c. 512)

§ 7.06. Ordinance for Bond Issue.--(a) Ordinance Required: All bonds shall be authorized by ordinance, the procedure for the passage of which shall be the same as for the passage of any ordinance, except that such ordinance shall not be passed as an emergency ordinance, and that two-thirds affirmative votes of all members of the council shall be necessary for its adoption.

(b) What Ordinance Must Show: The ordinance shall state:

1. In brief and general terms the purpose or purposes for which the bonds are to be issued, including, in the case of funding or refunding bonds, a brief description of the indebtedness to be funded or refunded sufficient to identify such indebtedness;

2. If the purpose of the bonds is to finance one or more capital improvement projects, a general description of each such project and an estimate of the maximum cost of each thereof;

3. The maximum aggregate principal amount of the bonds;

4. That the debt limit as prescribed herein and by the Constitution of the Commonwealth is not exceeded.

(c) When the Ordinance Takes Effect: A bond ordinance shall take effect at the time and upon the condition stated therein. (1950, c. 536; 1952, c. 564; 1968, c. 510)

§ 7.07. Period of Limitation.--When thirty days shall have elapsed from the date of publication of the bond ordinance, or in case of submission to a referendum, from the date of approval by the voters, any recitals or statements of fact contained in said ordinance shall be deemed to be true for the purpose of determining the validity of the bonds, and the city and all other parties interested shall thereafter be estopped from denying them; the 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 the validity of such bond ordinance shall not thereafter be questioned in court action except in action commenced prior to the expiration of such thirty days. The city manager within five days after the enactment of a bond ordinance shall cause to be published a notice in a newspaper of general circulation in the city to the effect that the thirty days provided for in this subsection within which action questioning the validity of the ordinance can be commenced has begun to run. (1950, c. 536; 1952, c. 564; 1971, c. 166; 1988, c. 157)

§ 7.08. Consolidated Bond Issue.--Bonds for two or more unrelated purposes may be authorized by the same ordinance or by separate ordinances in the discretion of the council. After two or more ordinances have been passed, the council may, in its discretion, direct by resolution that all or any of the bonds authorized by the ordinances shall be issued as one consolidated bond issue. Separate issues of funding and/or refunding bonds may be made under authority of the same bond ordinance for the retirement of two or more different debts or classes of debts. (1950, c. 536; 1968, c. 510)

§ 7.09. Within What Time Bonds Issued.--After a bond ordinance takes effect, bonds may be issued in conformity with its provisions at any time within three years after the ordinance takes effect, unless the ordinance is repealed, which repeal is permitted unless notes shall have been issued in anticipation of such bond issue and are outstanding. (1950, c. 536)

§ 7.10. Amount and Nature of Bonds Determined.--The aggregate amount of bonds to be issued under a bond ordinance, the maximum rate or rates of interest they shall bear and the times and places of payment of the principal and interest of the bonds shall be fixed by resolution or resolutions of the council. The bonds may be issued either all at one time or from time to time in blocks, and different provisions may be made for different blocks. (1950, c. 536)

§ 7.11. Determining Periods for Which Bonds to Run.--(a) How periods estimated. Either in the bond ordinance or in a resolution passed after the bond ordinance, but before any bonds are issued thereunder, the council shall, within the limits of subsection (d) of this section, determine and declare:

1. The probable period of usefulness of the improvements, undertakings or properties for which the bonds are to be issued; or
2. If the bonds are to be funding or refunding bonds, either the shortest period in which the debt to be funded or refunded can be finally paid without undue burden upon the taxpayers, or, at the option of the council, the probable unexpired period of usefulness of the improvements, undertaking or property for which the debt was incurred.

(b) Average of Periods Determined. In the case of a bond issue authorized by different ordinances and consolidated by resolution, and in the case of a bond issue authorized by one ordinance for two or more unrelated purposes in respect of which several different periods are determined as aforesaid, the council shall also determine the average of the different periods so determined, taking into consideration the amount of bonds to be issued on account of each purpose or item in respect of which a period is determined.

The period required to be determined as aforesaid shall be computed from a date not more than one year after the time of passage of any bond ordinance authorizing the issuance of bonds. The determination of any such period by the council shall be conclusive.

(c) Maturity of Bonds. The bonds must mature within the period determined as aforesaid, or, if several different periods are to be determined, then within such average period.

(d) Periods of Usefulness. In determining, for the purpose of this section, the probable period of the usefulness of an improvement, undertaking or property, the council shall not deem said period to exceed the following periods for the following improvements, undertakings and properties, respectively.

- (1) Water systems, including water treatment facilities, forty years.
- (2) Sewer system (either sanitary or storm water), forty years.
- (3) Plants or structures for the treatment, disposal or filtration of sewage, either with or without such additional sewer lines as may be necessary to divert sewage thereto, forty years.
- (4) Gas systems, thirty years.
- (5) Electric light and power systems, separate or combined, thirty years.
- (6) Public parks (including or not including a playground as a part thereof, and any buildings thereon at the time of acquisition thereof, or to be erected thereon with the proceeds of the bonds issued for the same), forty years.
- (7) Playgrounds, forty years.

(8) The acquisition of real property for purposes other than parks or playgrounds, thirty years.

(8.1) 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, forty years.

(9) All other purposes, thirty years. (1950, c. 536; 1968, c. 510)

§ 7.12. Procedure for Sale of Bonds.--All bonds issued under this charter shall be sold by the city council 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 in the City of Alexandria and such other places as the council may designate. (1950, c. 536)

§ 7.13. Payment of Bonds and Notes.--The faith and credit of the city and all taxes and revenues paid thereto are hereby pledged for the payment of the principal of and interest on all bonds and notes of the city issued pursuant to this charter, except bonds for revenue producing utilities issued pursuant to this charter and which bonds are by their terms payable solely from the revenues derived from such utilities, whether or not such pledge be stated in the bonds or notes or in the bond ordinance authorizing their issue. (1950, c. 536)

§ 7.14. Sinking Fund.--There shall be a sinking fund for the amortization of the outstanding term bonds of the city. 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 may be invested only in bonds or other direct obligations of the city, the Commonwealth or the United States. The sinking fund shall be administered by the Director of Finance and such person or persons as the council may designate. (1950, c. 536; 1973, c. 258; 1981, c. 512)

§ 7.15. Bond Issues for Revenue Producing Utilities.--The city is hereby empowered to issue from time to time in the manner prescribed by paragraph (2) of subsection (a) of Section 10, Article VII of the constitution of Virginia bonds of the City of Alexandria for the purpose of acquiring, establishing, constructing, improving or enlarging any sewage disposal system, water work, gas plant, electric plant, garbage and trash disposal system, incinerator, toll bridge, motor vehicle parking area or building, airport, hospital, or other public utility from which the city may derive a revenue; for the purpose of reimbursing the general fund or other fund of the city for monies paid from said fund or funds for such purposes; and/or for the purpose of funding or refunding any existing indebtedness incurred for such purposes. Such bonds shall not be included in determining the power of the city to incur indebtedness within the limitation prescribed by Article VII, Section 10 of the Constitution of Virginia or § 7.03 hereof; but, from and after a period to be determined by the council, not exceeding five years from the date of the election authorizing such bonds, whenever and for so long as any such revenue producing utility fails to produce sufficient revenue to pay for cost of operation and administration, including the interest and amortization of such bonds, and the cost of insurance against loss by injury to persons or property, all such bonds outstanding shall be included in determining the limitation of the power of the city to incur indebtedness under any provision of this charter or under the provisions of Article VII, Section 10 of

the Constitution of Virginia. The city may, however, issue bonds from time to time for any or all of such purposes, including reimbursement of funds and the funding or refunding of existing indebtedness, in the manner prescribed by paragraph (3) of subsection (a) of Section 10, Article VII of the Constitution of Virginia, the principal and interest of which bonds shall be payable exclusively from the revenue of such revenue producing utilities and for which payment of principal and interest the full faith and credit of the city shall not be deemed to be pledged notwithstanding any other provision of this charter, and such bonds shall never be included in determining the limitation of the power of the city to incur indebtedness under the provisions of this charter or under the provisions of Article VII, Section 10 of the Constitution of Virginia. (1950, c. 536; 1968, c. 510; 1972, c. 808)

§ 7.16. Contents of Bond Ordinance for Revenue Producing Utilities.--In addition to the requirements of § 7.06 of this chapter, the ordinance authorizing the issuance of any bonds for any revenue producing utility shall state either:

(a) That the bonds shall be payable from the ad valorem taxes without limitation of rate or amount; the full faith and credit of the city is deemed to be pledged for the payment of principal and interest thereof; and the bonds are to be issued pursuant to the provisions of section one hundred twenty-seven (b) of the Constitution of Virginia and are not to be included in determining the power of the city to incur indebtedness within the limitation prescribed by section one hundred twenty-seven of the Constitution of Virginia; provided, however, that from and after a period specified in such ordinance not exceeding five years from the date of the election authorizing the bonds, whenever and for so long as such revenue producing utility fails to produce sufficient revenue to pay for the cost of operation and administration, including the interest on such bonds, and the cost of insurance against loss by injury to persons or property, and an annual amount to be covered into a sinking fund sufficient to pay all such bonds outstanding shall be included in determining the limitation of the power of the city to incur indebtedness; or

(b) That the principal and interest of such bonds shall be payable exclusively from the revenue of such revenue producing utility, the faith and credit of the City of Alexandria shall not be deemed to be pledged for the payment of such principal and interest; and the bonds are to be issued pursuant to the provisions of section one hundred and twenty-seven (b) of the Constitution of Virginia and are never to be included in determining the power of the city to incur indebtedness within the limitation prescribed by section one hundred twenty-seven of the Constitution of Virginia. (1950, c. 536)

§ 7.17. Funding of Revenues Derived from Utilities.--The council shall provide that revenues derived from revenue producing utilities shall be maintained separately from the general fund, with a special fund for each such utility, and monies from such fund shall not be transferred to the general fund until the operating expenses and the amortization of the bonds of such utility have been provided for. (1950, c. 536)

§ 7.18. Borrowing to Meet Emergency Appropriations.--In the absence of unappropriated available revenues to meet emergency appropriations under the provisions of § 5.16 of this charter, the council may by resolution authorize the issuance of notes, each of which shall be designated "emergency note" and may be renewed from time to time, but all such notes of any fiscal year and any renewals thereof shall be paid not later than the last day of the fiscal year next succeeding the budget year in which the emergency appropriation was made. (1950, c. 536)

§ 7.19. Borrowing to Pay Judgment.--In the absence of unappropriated available revenues to pay a final judgment for money which may be recovered against the city, the council may by resolution authorize the issuance of a note or notes, the proceeds of which shall be used to pay such judgment, which note or notes may be renewed from time to time, but such note or all such notes of any fiscal year and any renewals thereof, shall be paid not later than the last day of the fiscal year next succeeding the budget year in which such judgment was paid. (1950, c. 536)

§ 7.20. Borrowing in Anticipation of Property Taxes.--In any budget year, in anticipation of the collection of the property tax for such year, whether levied or to be levied in such year, the council may by resolution authorize the borrowing of money by the issuance of negotiable notes of the city, each of which shall be designated "tax anticipation note for the year 19 " (stating the budget year). Such notes may be issued for periods not exceeding one year and may be renewed from time to time for periods not exceeding one year, but together with renewals shall mature and be paid not later than the end of the third fiscal year after the budget year in which the original notes have been issued. The amount of the tax anticipation notes originally issued in any budget year shall not exceed fifty per centum of the amount of the property tax levied in that year for city purposes. On renewal of tax anticipation notes of any given fiscal year, the amount renewed in the next succeeding fiscal year shall not exceed twenty per centum of the amount originally issued, and the amount renewed in the second fiscal year succeeding the year of levy shall not exceed four per centum of the amount originally issued. (1950, c. 536)

§ 7.21. Borrowing in Anticipation of Other Revenues.--In any budget year, in anticipation of the collection or receipt of other revenues of that year, the council may by resolution authorize the borrowing of money by the issuance of negotiable notes of the city, each of which shall be designated "special revenue note for the year 19 " (stating the budget year). Such notes may be renewed from time to time, but all such notes, together with the renewals, shall mature and be paid not later than the end of the fiscal year after the budget year in which the original notes shall have been issued. (1950, c. 536)

§ 7.22. Notes Redeemable Prior to Maturity.-- No notes shall be made payable on demand, but any note may be made subject to redemption prior to maturity on such notice and at such time as may be stated in the note. (1950, c. 536)

§ 7.23. Sale of Notes.--All notes issued pursuant to the provisions of this chapter when authorized by the council, may be sold at private sale without previous advertisement by the director of finance, with the approval of the city manager. (1950, c. 536; 1970, c. 492)

§ 7.24. Payment of Notes.--The power and obligation of the city to pay any and all notes hereafter issued by it pursuant to the provisions of this chapter shall be unlimited and the city shall levy ad valorem taxes on all the taxable property within the city for the payment of such notes and interest thereon without limitation of rate or amount; provided, however, that the provisions of this section shall not be applicable to notes issued in anticipation of the issuance of bonds for revenue producing utilities except within the terms of §§ 7.15 and 7.16 of this chapter. (1950, c. 536)

§ 7.25. Interest Rate and Interest Cost of Bonds and Notes.--Notwithstanding any limitations contained in any other laws, the city shall be empowered to issue the bonds and notes authorized by this chapter at such rate or rates not exceeding eight per centum

(8%) per annum or such higher rate or rates as may be permitted by general law, and to sell such bonds and notes for such price as the city council may determine to be for the best interests of the city, but no such sale shall be made at a price so low as to require the payment of interest on the moneys received therefor at more than eight per centum (8%) per annum, or such higher rate or rates as may be permitted by general law, computed with relation to the absolute maturity of such bonds or notes in accordance with standard tables of bond values, excluding, however, from such computation the amount of any premium to be paid on the redemption of any bonds or notes prior to maturity. (1970, c. 492)

CHAPTER 8 PERSONNEL

§ 8.01. Merit Basis of Appointment.--Appointments and promotions in the administrative service of the city shall be made according to merit and fitness. The council shall have all necessary powers to carry out this purpose. The following powers are vested in the city manager, who may delegate them to any officer or department of the city government as he may decide; provided, however, that, such powers do not extend to employees of the school board.

(a) To prepare and submit to the council from time to time rules designed to give effect to the provisions of this chapter.

(b) To prepare and submit to the council classification plans covering all positions in the city service.

(c) To advise the council on problems concerning personnel administration.

(d) To make any investigation which he may consider desirable concerning personnel management in the city service, and report to the council his findings, conclusions and recommendations.

(e) To conduct open competitive examinations for original appointments and for promotions whenever it seems desirable to him.

(f) To enter into agreements with other public personnel departments or agencies for the joint administration of examinations and the joint use of eligible lists.

(g) To prepare and recommend to the council a pay plan covering all employees in the city service.

(h) To direct and enforce the maintenance by all departments, boards, commissions, offices and agencies of the city, of such personnel records and service ratings of members of the city service as he shall prescribe.

(i) To maintain a roster of all persons in the city service.

(j) To certify all payrolls.

(k) To develop and establish training programs for persons in the city service.

(l) Such other powers and duties as may be assigned to him by ordinance. (1950, c. 536; 1952, c. 564)

§ 8.02. (1950, c. 536; repealed 1981, c. 512)

§ 8.03. Classification.--The City Manager shall allocate each position in the city service to the appropriate class therein on the basis of its authority, duties, and responsibilities. (1950, c. 536; 1981, c. 512)

§ 8.04. Pay plan.--Amendments in the pay plan may be adopted by the council from time to time; provided, however, that in increasing or decreasing items in the city budget, the council shall not increase or decrease any individual salary items in the city

budget, but shall act solely with respect to classes of positions as established in the classification and pay plan. In no event shall the council reduce the salary of a class below the minimum or raise it above the maximum salary established by the pay plan except by amendment of the pay plan. (1950, c. 536; 1981, c. 512)

§ 8.05. Removals.--No employee in the service of the city appointed by the City Manager shall be removed from the service except for due cause shown in a written statement to such employee made by the City Manager. The decision of the City Manager in all removals shall be final. The City Manager may delegate the authority granted by this section to any officer or employee of the city appointed by him. (1950, c. 536; 1956, c. 262; 1981, c. 512)

§ 8.06. Pension and Retirement System.--The council shall have authority to establish a pension and retirement system for any and all officers and employees in the service of the city including the following elective officers and their employees: sheriff and Commonwealth attorney, but excluding the mayor and members of city council. Any such pension and retirement system shall not include any provisions that would entitle the elective officers or their employees to any benefit or a greater benefit than the benefits granted to other officers and employees of the city. Any such pension and retirement system shall be established on a jointly contributory basis, except as to prior service charges for which may be borne entirely by the city. The cost of the system shall be determined actuarially on the basis of such mortality and service tables as the council shall approve. Any officer or employee of the city at the time of the establishment of such system shall have a reasonable time thereafter to elect the privilege of becoming a member of the system so established. Officers and employees thereafter appointed to any position which has been included in a retirement system by the council shall be required to join the system as a condition of employment. Nothing in this section shall be construed to prevent the council from making appropriations for pensions for or relief of persons retired from the service of the city prior to the establishment of the retirement system authorized herein. If the council shall deem it inadvisable to establish an independent retirement system for the City of Alexandria, it may make arrangements for group insurance for employees or it may affiliate its retirement system with that of the Commonwealth, if permissible under general law, or with that of any other local government in the Commonwealth or any combination thereof. Any pension and retirement system established under this section shall be administered as provided by ordinance. 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. (1950, c. 536; 1968, c. 510; 1983, c. 314)

§ 8.07. Prohibited Practices.--No person shall wilfully or corruptly make any false statement, certificate, mark, rating or report in regard to any test held or certification or appointment made under the personnel provisions of this charter or any ordinance adopted hereunder or in any manner commit or attempt to commit any fraud preventing the impartial execution of such personnel provisions or of the rules made thereunder. No person seeking appointment to or promotion in the service of the city shall either directly or indirectly give, render or pay any money, service or other valuable thing to any person for or on account of or in connection with his test, appointment, proposed appointment, promotion or proposed promotion. The soliciting of campaign contributions in any city

office, building or premises during regular working hours is hereby prohibited. Any person who by himself or with others wilfully or corruptly violates any of the provisions of this subsection shall be guilty of a misdemeanor and shall upon conviction thereof be punished by a fine of not more than one hundred dollars or by imprisonment for a term not exceeding sixty days or by both such fine and imprisonment. Any person who is convicted under this section shall for a period of five years be ineligible for appointment to or employment in a position in the city service and shall, if he be an officer or employee of this city, immediately forfeit the office or position he holds. (1950, c. 536)

§ 8.08. (1950, c. 536; repealed 1956, c. 262)

§ 8.08.1. Supplemental Salaries for Department of Public Health Employees.-- The council shall have authority to enter into agreements with the State Department of Health to supplement the salaries of the Department of Public Health of the City. Such supplement shall be in accord with the pay plan adopted pursuant to this Chapter. (1968, c. 510)

CHAPTER 9 PLANNING, ZONING, AND SUBDIVISION CONTROL

§ 9.01. Power to Adopt Master Plan.

In addition to the powers granted elsewhere in this charter, the city council shall have the power to adopt by ordinance a master plan for the physical development of the city to promote health, safety, morals, comfort, prosperity and general welfare. The master plan may include but shall not be limited to the following:

(a) The general location, character and extent of all streets, highways, super-highways, freeways, avenues, boulevards, roads, lanes, alleys, walks, walkways, parks, parkways, squares, playfields, playgrounds, recreational facilities, stadia, arenas, swimming pools, waterways, harbors, water fronts, landings, wharves, docks, terminals, canals, 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 and extent of slum clearance, 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, street car lines, bus lines and all other vehicular traffic.

(e) The general character, location and extent of all roads, streets, highways, super-highways, freeways, boulevards, parks, parkways and public buildings and public facilities and of such other general features as may affect the health, welfare, safety and prosperity of the city.

Before the council considers an ordinance proposing the adoption of a new master plan or an amendment of an existing master plan, it shall first conduct a public hearing proceeded by notice as provided in subsection G of § 9.12. (1950, c. 536; 1968, c. 510; 1970, c. 492; 1971, c. 166; 1982, c. 480; 1988, c. 157; 1995, c. 782)

§ 9.02. The City Planning Commission; Composition.--There shall be a city planning commission which shall consist of seven members, who shall be qualified

resident voters of the city who hold no office of profit under the city government, appointed by the council for terms of four years.

The city manager shall designate an officer or employee to sit with the commission with the right to discuss and advise but without the right to vote. Vacancies shall be filled by the council for the unexpired portion of the term. Members of the city planning commission shall serve as such without compensation, but may receive reimbursement for travel and expenses incurred by attendance at conventions, meetings, and such other travel as they may perform in the interest of the City of Alexandria in the performance of the duties and activities of the planning commission. (1950, c. 536; 1952, c. 564; 1958, cc. 105, 132; 1982, c. 480; 1992, c. 512)

§ 9.03. City Planning Commission; Organization and Expenditures (in 1950 act).-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 in each month, shall adopt rules for the transaction of its business, and shall keep a record of its resolutions, transactions, findings, and determinations, which record shall be a public record. The city manager may appoint such employees as he may deem necessary for the work of the commission and may enter into contracts for and on behalf of the commission or permit it to contract directly with city planners, engineers, architects and other consultants for service it may require. All expenditures, exclusive of gifts to the commission, shall not exceed the sums appropriated by the city council therefor. (1950, c. 536; 1952, c. 564; 1956, c. 262; 1982, c. 480)

§ 9.04. Duty to Adopt Master Plan.--It shall be the duty of the commission to make and adopt a master plan which with accompanying maps, plats, charts, and descriptive matter shall show the commission's recommendations for the development of the territory covered by the plan. (1950, c. 536)

§ 9.05. Adoption of Master Plan by Commission.--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 division of the city or with functional subdivisions of the subject matter of the plan, and may adopt any amendment or extension thereof or addition thereto, and from time to time at intervals not exceeding five years prepare and submit to the council such changes in or revisions of said plan as changing conditions may make necessary. The adoption of the plan or any such part, amendment, extension or addition shall be by resolution of the commission carried by the affirmative vote of not less than a majority of the entire membership 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. (1950, c. 536)

§ 9.06. Effect of Adoption of Master Plan.--Whenever the commission shall have adopted a master plan for the city or one or more parts thereof, geographical, topographical or functional, and the master plan of such part or parts thereof shall have been approved by the council and it has been certified by the council to the clerk of the

corporation court and filed by him with the court records, then and thereafter no street, square, park or other public way, ground, open space, public building or structure, shall be construed 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 and approved by the commission. No widening, extension, narrowing, enlargement, vacation or change in the use of streets and other public ways, grounds and places within the city, nor the sale of any land held by the city, shall be authorized to take place unless such transactions shall have been first submitted to and approved by the commission; and no public utility, whether publicly or privately owned, shall be construed or authorized in the city or in the planned section or division thereof until and unless its general location, but not its character and extent, has been submitted to and approved by the commission; and no ordinance giving effect to, or amending the comprehensive zoning plan as provided in § 9.09 of this chapter shall be adopted until such application on motion for such change has been submitted to and approved by the commission. In case of disapproval in any of the instances enumerated above the commission shall communicate its reasons to the council which shall not have the power to overrule such action except by a recorded affirmative vote of three-fourths of the members of the council, except as otherwise provided in § 9.12 of this chapter. The failure of the commission to act within sixty days from the date of the official submission to it shall be deemed approval. The foregoing provisions of this section shall not be deemed to apply to the pavement, repavement, reconstruction, improvement, underground pipes and conduits, drainage, or other work in or upon any existing street or other existing public way. (1950, c. 536; 1952, c. 564; 1956, c. 262; 1962, c. 61)

§ 9.07. (1950, c. 536; repealed 1956, c. 262)

§ 9.07:1. Amendment of Master Plan Initiated by Council.

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. Notwithstanding any provision in this charter or the general law to the contrary, if the planning commission disapproves the proposed amendment, the council shall have the power to overrule such action and adopt the amendment by an affirmative vote of not less than six members. The failure of the planning commission to act within sixty days from the date of the official submission to it shall be deemed approval; however, the council may extend such sixty-day period for an additional period not to exceed sixty days upon a recorded vote of the majority of all the members of council that good cause exists for such extension. The authority of the council under this section shall be concurrent with the authority of the planning commission to initiate a master plan amendment on its own motion. (1994, c. 131)

§ 9.08. Further Powers and Duties of the Commission.--The commission shall have the 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. 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, officers and employees in the performance of their duties may enter upon any land in the city and make examinations and surveys and place and maintain necessary monuments and markers thereon. In general the commission shall have such powers as may be

necessary to enable it to fulfill its function, promote planning and carry out the purposes of this charter. The commission shall make an annual report to the council concerning its activities. (1950, c. 536)

§ 9.09. Zoning Powers.--In addition to the powers granted elsewhere in this charter, the council shall have the power to adopt by ordinance 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, preserve existing and facilitate the provision of new housing that is affordable to all segments of the community, 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 zones with such boundaries as the council deems necessary to carry out the purposes of this charter and shall provide for the regulation and restriction of the use of land, buildings and structures in the respective zones and may include but shall not be limited to the following:

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

(b) It may restrict the height, area and bulk of buildings and structures in the zones.

(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 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 provide that land, buildings and structures and the uses thereof which do not conform to the regulations and restrictions prescribed for the zone 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 zone or zones 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 zone or zones in which they are situated, in any event within a reasonable period of time to be specified in the ordinance.

(h) It may require that permits be granted for special uses of property within a zone.

(i) It may, in order to promote the general welfare through the preservation and protection of historic places and any other buildings or structures within the city having an important historic, architectural or cultural interest and other areas of historic interest in the city and through the preservation of the memorial character of the George

Washington Memorial Highway, provide for old and historic districts or designated preservation districts in which no building or structure shall be erected, reconstructed, altered, restored, moved, removed, capsulated or razed until approved by a board of architectural review and in which, notwithstanding any contrary provision of general law, no building or structure shall be allowed to deteriorate so that the building or structure or any exterior architectural feature thereof shall be lost or threatened with loss.

(j) It may create boards of architectural review which shall have the power to pass upon the appropriateness of exterior architectural features, including signs, of buildings and structures to be erected, reconstructed, altered or restored in any old and historic districts or in designated preservation districts established in the city and prohibit the moving, removing, capsulation, demolition or razing of any building in such a district without a permit if any such building is of such historic, architectural or cultural interest that its removal would be to the detriment of the public interest.

In addition to the provisions of § 2.06 of this charter, the council may adopt an ordinance which establishes a civil penalty for the moving, removing, capsulation, demolition or razing of a building or structure which is located in an old and historic or a designated preservation district without the prior approval from either the board of architectural review or the council. The civil penalty established for a violation of any such ordinance shall not exceed the market value of the property as determined by the assessed value of the property at the time of the violation, and that market value shall include the value of any improvements together with the value of the land upon which any such improvements are located. Such ordinances may be enforced by the city attorney by bringing an action in the name of the city in the circuit court. Such actions shall be brought against the party or parties deemed responsible for the violation. It shall be the burden of the city in any such action to show the liability of the violator by a preponderance of the evidence.

The council shall establish standards, rules, regulations and procedures for the operation of any such boards of architectural review, and, to carry out the purposes and provisions of subsection (i) above and of this subsection (j), it shall provide for appeals to the city council from any final decision of a board, which appeal shall stay a board's decision pending the outcome of the appeal before the council. The council, on appeal, shall apply the same standards as those established for such boards and may affirm, reverse or modify the decision of such boards, in whole or in part. The city council shall determine, by ordinance, the parties entitled to appeal decisions of the city council; such parties shall have the right to appeal to the circuit court of the city for review by filing a petition, at law, setting forth the alleged illegality of the city council's action, provided such petition is filed within thirty days after the final decision is rendered by the city council. The filing of the said petition shall stay the council's decision pending the outcome of the appeal to the court. Findings of fact by the council shall be conclusive on the court in any such appeal. The court may reverse or modify the decision of the council, in whole or in part, if it finds upon review that the decision of the council is contrary to law or that its decision is arbitrary and constitutes an abuse of discretion, or it may affirm the decision of council.

In addition to the right of appeal hereinabove set forth, the owner of a building or structure, the moving, removal, capsulation, the razing or demolition of which is subject to the provisions of subsection (i) above and of this subsection (j), shall, as a matter of

right, be entitled to move, remove, capulate, raze or demolish such building or structure provided that: (1) he has applied to the board for such right and has also been a party to an appeal from the board's decision to the council, (2) that the owner has for the period of time set forth in the time schedule hereinafter contained and at a price reasonably related to its fair market value, made a bona fide offer to sell such building or structure, and the land pertaining thereto, to any person, firm, corporation, government or agency thereof, or political subdivision or agency thereof, which gives reasonable assurance that it is willing to preserve and restore the building or structure and the land pertaining thereto, and (3) that no bona fide contract, binding upon all parties thereto, shall have been executed for the sale of any such building or structure, and the land pertaining thereto, prior to the expiration of the applicable time period set forth in the time schedule hereinafter contained. Any appeal which may be taken to the court from the decision of the council, whether instituted by the owner or by any other proper party, notwithstanding the provisions heretofore stated relating to a stay of decision appealed from shall not affect the right of the owner to make the bona fide offer to sell referred to in this paragraph. No offer to sell shall begin more than one year after a final decision by the city council. The time schedule for offers to sell shall be as follows: three months when the offering price is less than \$25,000; four months when the offering price is \$25,000 or more but less than \$40,000; five months when the offering price is \$40,000 or more but less than \$55,000; six months when the offering price is \$55,000 or more but less than \$75,000; seven months when the offering price is \$75,000 or more but less than \$90,000; and twelve months when the offering price is \$90,000 or more.

(j-01) It may, in order to promote the general welfare through the preservation and protection of properties in the city which are located outside of any old and historic or designated preservation district but which are over 100 years old and are of historic, architectural or cultural interest, provide by ordinance for the listing of such buildings and structures for preservation which shall not be moved, removed, demolished, razed, capulated, reconstructed, altered or restored until approved by the board of architectural review except as hereinafter indicated and which, notwithstanding any contrary provision of general law, shall not be allowed to deteriorate so that the building or structure or any exterior architectural feature thereof shall be lost or threatened with loss.

Boards of architectural review shall have the power to prohibit moving, removal, capsulation, razing, reconstruction, alteration or restoration of any building or structure so listed that is over 100 years old and is of such historical, architectural or cultural interest that its removal would be to the detriment of the public interest.

In addition to the provisions of § 2.06 of this charter, the council may adopt an ordinance which establishes a civil penalty for the moving, removing, capsulation, demolition or razing of a building or structure which has been designated by the council as an historic building or structure or landmark without the prior approval from either the board of architectural review or the council. The civil penalty imposed for a violation of any such ordinance shall not exceed the market value of the property as determined by the assessed value of the property at the time of the violation, and that market value shall include the value of any improvements together with the value of the land upon which any such improvements are located. Such ordinances may be enforced by the city attorney by bringing an action in the name of the city in the circuit court. Such actions shall be brought against the party or parties deemed responsible for the violation. It shall

be the burden of the city in any such action to show the liability of the violator by a preponderance of the evidence.

The council shall establish standards, rules, regulations and procedures for the operation of such board to carry out the purposes and provisions of this subsection (j-01); it shall provide for appeals to the city council from any final decision of any board, which appeal shall stay the board's decision pending the outcome of the appeal before the council. The council, on appeal, shall apply the same standards as those established for the board and may affirm, reverse or modify the decision of a board, in whole or in part. The city council shall determine, by ordinance, the parties entitled to appeal decisions of the city council; such parties shall have the right to appeal to the circuit court of the city for review by filing a petition, at law, setting forth the alleged illegality of the city council's action, provided such petition is filed within thirty days after the final decision is rendered by the city council. The filing of the said petition shall stay the council's decision pending the outcome of the appeal to the court. Findings of fact by the council shall be conclusive on the court in any such appeal. The court may reverse or modify the decision of the council, in whole or in part, if it finds upon review that the decision of the council is contrary to law or that its decision is arbitrary and constitutes an abuse of discretion, or it may affirm the decision of council. In addition to the right of appeal hereinabove set forth, the owner of a building or structure, the moving, removal, capsulation, razing or demolition of which is subject to the provisions of this subsection (j-01), shall, as a matter of right, be entitled to move, remove, capsulate, raze or demolish such building or structure provided that: (1) he has applied to a board for such right and has also been a party to an appeal from a board's decision to the council, (2) that the owner has for the period of time set forth in the time schedule hereinafter contained and at a price reasonably related to its fair market value, made a bona fide offer to sell such building or structure, and the land pertaining thereto, to any person, firm, corporation, government or agency thereof, or political subdivision or agency thereof, which gives reasonable assurance that it is willing to preserve and restore the building or structure, and the land pertaining thereto, prior to the expiration of the applicable time period set forth in the time schedule hereinafter contained. Any appeal which may be taken to the court from the decision of the council, whether instituted by the owner or by any other proper party, notwithstanding the provisions heretofore stated relating to a stay of the decision appealed from shall not affect the right of the owner to make the bona fide offer to sell referred to in this paragraph. No offer to sell shall begin more than one year after a final decision by the city council. The time schedule for offers to sell shall be as follows: three months when the offering price is less than \$25,000; four months when the offering price is \$25,000 or more but less than \$40,000; five months when the offering price is \$40,000 or more but less than \$55,000; six months when the offering price is \$55,000 or more but less than \$75,000; seven months when the offering price is \$75,000 or more but less than \$90,000; and twelve months when the offering price is \$90,000 or more.

(j-1) To acquire, in the manner provided in Chapter 13 of this charter, areas, properties, lands or any estate or interest therein, of old and historic interest which, in the opinion of the council, should be acquired, preserved and maintained for the use, observation, education, pleasure and welfare of the people; provide for their renovation, preservation, maintenance, management and control as places of old and historic interest 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 thereof or admission thereto; lease, subject to such regulations as may be established by ordinance, any such area, property, lands or estate or interest therein so acquired upon the condition that the old and historic character of the area, property or lands shall be preserved and maintained; or to enter into contracts with any person, firm or corporation for the management, preservation, maintenance or operation of any such area, property, lands or estate or interest therein so acquired as a place of old and historic interest, provided, the city shall not use the right of condemnation under this paragraph unless the historic value of such area, property, lands or estate or interest therein is about to be destroyed.

(k) To restrict, and regulate the erection of buildings and structures in areas subject to floods. (1950, c. 536; 1964, c. 288; 1966, cc. 12, 83; 1975, c. 511; 1976, c. 669; 1982, c. 480; 1983, c. 314; 1986, c. 459; 1989, c. 118; 1992, c. 512)

§ 9.10. Consideration to be Observed in Adoption and Alteration of Regulations.--The regulations and restrictions shall be enacted with reasonable consideration, among other things, of the character of each zone 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. (1950, c. 536; 1952, c. 564; 1960, c. 8; 1966, cc. 12, 83; 1992, c. 512)

§ 9.11. 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 § 9.09 of this chapter, and from time to time, at intervals not exceeding two years, prepare and submit such changes in or revisions of the said plan as changing conditions may make necessary. The provisions of §§ 9.06 and 9.13 shall apply to zone boundary changes adopted under § 9.10; provided, however, that said §§ 9.06 and 9.13 shall not apply to city-owned property. (1950, c. 536; 1960, c. 8; 1962, c. 61; 1964, cc. 44, 288; 1982, c. 480)

§ 9.12. Adoption and Amendment of Regulations and Restrictions and Determination of Zone Boundaries; notice of public hearings.

A. Subject to the other provisions of this chapter, the council shall have power by ordinance to adopt the regulations and restrictions herein before described and determine the boundaries of the zones 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 costs involved in the consideration of any application for amendment of any such determination of boundaries, to be paid to the Director of Finance by the applicant upon filing such request. No ordinance to adopt the regulations and restrictions herein before described or to determine the boundaries of zones or to provide for their enforcement, and no ordinance to amend, supplement or repeal the same shall be enacted until the application or motion for such change has been considered by the city planning commission and until after a public hearing in relation thereto has been held by the commission. The commission may recommend approval or disapproval of the matter by the city council, or the commission may request that the council refer the matter back to the commission for further study. The commission shall vote on the application or motion at the public hearing; provided, that the commission may defer a vote for a period not to exceed 90 days upon a recorded vote of a majority of the members of the commission that good cause exists for such deferral.

B. A public hearing on the application or motion shall be held by the council, at which time the parties in interest shall have an opportunity to be heard. Council may, by ordinance, provide for the consideration of applications or motions or both by the commission or council only at specified intervals of time, not exceeding 90 days. The council may approve or disapprove recommendations of the planning commission on the matter, subject to the provisions of § 9.06 of this charter. It may also refer back the matter to the commission for further study.

C. The commission shall act on any matter referred back from the council for further study within 25 calendar days of the date of the council referral and shall resubmit its reviewed recommendations to council. Such commission action shall follow a public hearing on the matter which shall be preceded by at least 10 days' notice thereof published in a newspaper of general circulation in the city. If two-thirds of the entire membership of the commission votes to recommend disapproval of any matter referred back to the commission by the council for further study, such recommendation may be overruled only by a recorded affirmative vote of three-fourths of all the members of the council. If the commission fails to act on such a referral back within 25 days of the date of the council referral or fails to recommend disapproval of the matter referred back or by a two-thirds vote of its entire membership, the council may adopt said application or motion for change by a simple majority. An additional public hearing shall be held by the council, preceded by at least 10 days' notice thereof published in a newspaper of general circulation in the city, on any matter referred by council to the planning commission for further study 45 days from the date on which the matter was referred back to the planning commission by the council; provided, that the council may extend such 45-day period for an additional period not to exceed 45 days upon a recorded vote of the majority of all the members of council that good cause exists for such extension.

D. Should the council approve the application or motion, 75 days may be taken to follow the proper procedure for the passage of an ordinance implementing the approval.

E. The time constraints and limitations listed and described above in this section shall not apply to any motion, or to any ordinance, to adopt, amend, supplement or repeal the regulations and restrictions herein before described, or to provide for their enforcement. In addition, notwithstanding any of the procedural requirements set forth in this chapter or by other law, ordinances adopting or amending zoning regulations and restrictions or determining zone boundaries may be enacted under the emergency ordinance provisions of this charter without compliance with such requirements.

F. The council, in determining the boundaries of zones, may approve an application or motion for, and may adopt an ordinance for, a zone change to a more restrictive zone than that originally applied for or moved; provided, in cases where the zone change procedure is initiated by other than the planning commission or the council on its own motion: (1) that the planning commission recommends in favor of such more restrictive zone change at a public hearing held to consider the application for a zone change amendment; (2) that the applicant agrees to the more restrictive zone change at or before the said planning commission hearing; and (3) that at least 10 days' notice of the more restrictive zone change and of the time and place of the public hearing before council required by this section shall be given by publication thereof in a newspaper of general circulation in the city. A protest under § 9.13 of this charter against a less restrictive zone change shall not be effective against a more restrictive change. This shall

not, however, preclude the filing of an effective new protest against a more restrictive zone change under § 9.13, nor shall it preclude the effectiveness of a protest filed against both a less restrictive and a more restrictive zone change.

G. Whenever a public hearing is required or provided under the provisions of this chapter or any related provision of general law, or under any local ordinance adopted pursuant to this chapter or such general law, at least 10 days' notice of the time and place of such hearing, together with a general description of the matter being heard, shall be published in a newspaper of general circulation in the city. The council may, by ordinance, prescribe additional newspaper notice requirements for particular hearings or classes of hearings. This subsection shall preempt all other newspaper notice requirements of general or special law.

H. Any ordinance adopted, or other action taken, under the authority of this chapter or any related provision of general law prior to April 1, 2004, shall not be declared to be invalid by reason of a failure to advertise or give notice as required by general law, so long as advertisement and notice of such adoption or action was given in compliance with the then applicable local law; however, this subsection shall not affect any litigation concluded before, or pending on, April 1, 2004.

I. Whenever written notice of a public hearing is required to be given to an owner of property affected by the adoption or amendment of regulations or restrictions or zone boundaries under the provisions of this chapter or any related provision of general law, such notice shall be given for the public hearing on the application or motion for such adoption or amendment, as provided in subsection A or subsection B of this section, and not for the public hearing on the ordinance implementing the approval, as provided in subsection D of this section. (1950, c. 536; 1952, c. 564; 1956, c. 262; 1964, cc. 44, 288; 1968, c. 510; 1971, c. 166; 1973, c. 258; 1974, c. 595; 1982, c. 480; 1988, c. 157; 1989, c. 118; 1990, c. 652; 1992, c. 131; 1995, c. 782; 2004, c. 511)

§ 9.12.1. Parties to Applications and Motions for Amendments, Supplements or Repeal of Regulations and Restrictions and Determination of Boundaries.

Applications for changes in zone boundaries shall be accepted only from parties having a legal interest in the property, from the duly authorized representative of any such party or from persons exhibiting the consent of parties having a legal interest in the property. The planning commission may initiate on its own motion the adoption, amendment, supplement or repeal of any regulation, restriction or determination of boundaries of zones. The council may initiate on its own motion the adoption, amendment, supplement or repeal of any regulation, restriction or determination of boundaries of zones. All such applications and motions shall be subject to the procedures set forth in this chapter. This section shall preempt all provisions of general law applicable to the initiation by the planning commission or city council of the adoption, amendment, supplement or repeal of any regulation, restriction or determination of boundaries of zones. (1968, c. 510; 1989, c. 118; 2004, c. 511)

§ 9.12.2. Disclosure by applicants.--(a) The zoning ordinance may provide that each applicant for a land use or land development approval pursuant to such ordinance make full public disclosure of parties having an ownership interest in the real estate that is the subject of the application and of parties having any other financial interest in such application or approval.

(b) The zoning ordinance may further provide that a party having an ownership interest in such real estate or any other financial interest in such application or approval make full public disclosure of any business or financial relationship that such party presently has, or has had within the 12-month period prior to the public hearing on the application, to each member of the planning commission, board of zoning appeals, boards of architectural review, or city council, as the case may be.

(c) The zoning ordinance may further provide that a member of the planning commission, board of zoning appeals, board of architectural review, and city council, as the case may be, who has or has had a business or financial relationship subject to disclosure under subsection B shall be ineligible to vote or participate in any way in consideration of the application; provided, however, that for purposes of this subsection, a business or financial relationship arising out of a campaign contribution, which has been disclosed as required by law, shall not render a member ineligible to vote or participate.

(d) The ordinance may establish reasonable classifications and definitions of the nature and extent of the ownership and other financial interests subject to the disclosures provided under subsections (a) and (b), provided that such classifications and definitions shall not be more inclusive or stringent than the classifications and definitions established by § 15.2-852 of the Code of Virginia.

(e) The ordinance may establish reasonable classifications and standards for the disclosures provided under subsection (a) and (b), and for the recusal provided under subsection (c), provided that such classifications and standards shall not be more inclusive or stringent than the classifications and standards established by § 15.2-852 of the Code of Virginia, and may establish reasonable procedures for the administration of the ordinance.

(f) Any person who knowingly and willfully violates the provisions of the zoning ordinance adopted pursuant to this section shall be guilty of a Class 1 misdemeanor.

(g) The provisions of this section preempt any conflicting provisions of law, general or special, except that any provision of the State and Local Government Conflict of Interests Act, (§ 2.2-3100 et seq.) of the Code of Virginia that is more stringent than the provisions of any ordinance adopted pursuant to this section shall not be preempted. (2009, c. 539)

§ 9.13. Effect of Protest by Twenty Percent of the Owners of Property.--If a protest is filed with the city clerk against an application or motion to amend the boundaries of a zone or to amend the terms of an adopted conditional zoning proffer or zoning condition, signed by the owners of twenty percent or more either of the area of land within the boundaries of such proposed change or of the area of land within 300 feet of the boundaries of the land affected by such proposed change, the council shall not approve the application or motion, or adopt the ordinance making such amendment, by less than three-fourths affirmative votes of the members of council. Streets, alleys and lands dedicated to public use or lands owned by the city, Commonwealth, or federal government shall not be included in computing the above mentioned areas.

Any such protest shall be filed not later than 12 o'clock noon on the last working day on which a public hearing on the application or motion is first conducted by the city council. Once any such protest has been filed no changes thereto by way of addition, substitution, amendment or withdrawal, may be made after said 12 o'clock noon deadline.

(1950, c. 536; 1960, c. 8; 1966, cc. 12, 83; 1971, c. 166; 1974, c. 595; 1988, c. 157; 1990, c. 652)

§ 9.14. Board of Zoning Appeals; Composition.--There shall be a board of zoning appeals which shall consist of seven members. They shall be qualified resident voters of the city, shall hold no office of profit under the city government and shall be appointed by the city council for terms of four years. Vacancies shall be filled by the city council 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 a public hearing. Members of the board of zoning appeals shall serve without compensation, but may receive reimbursement for travel and expenses incurred by attendance at conventions, meetings and such other travel as may be in the interest of the city and the performance of the duties and activities of the Board of Zoning Appeals. (1950, c. 536; 1952, c. 564; 1982, c. 480; 1992, c. 512)

§ 9.15. Board of Zoning Appeals; Organization.--The board shall elect one of its members as chairman. The chairman shall preside at all meetings of the board and in his absence a member designated by the board shall act as chairman and shall preside. The board shall appoint a secretary and the city manager shall appoint such other employees as may be needed for the conduct of the work of the board. (1950, c. 536; 1982, c. 480)

§ 9.16. Board of Zoning Appeals; Procedure.--The meeting of the board shall be held at the call of the chairman and such other time 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. 536)

§ 9.17. 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 director of planning, who shall enforce the ordinance establishing zones and regulating and restricting the use of land, buildings and structures therein. Appeals shall be taken within such reasonable time as shall be prescribed by the board by general rule by filing with the said director of planning and with the board a notice of appeal specifying the grounds thereof. The director of planning 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 director of planning 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 director of planning 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 appear in person, by agent or by attorney and shall be given opportunity to be heard. The board may prescribe a fee to be paid whenever an appeal is taken which fee shall be paid into the city treasury. (1950, c. 536)

§ 9.18. 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 director of planning in the administration and enforcement of the provisions of the ordinance.

(b) To authorize upon appeal in specific cases such variance from the terms of the ordinance as will not be contrary to the public interest, when, owing to special conditions a literal enforcement of the provisions will result in unnecessary hardship; provided that the spirit of the ordinance shall be observed and substantial justice done, as follows:

When a property owner can show that his property was acquired in good faith and where by reason of the exceptional narrowness, shallowness, size 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 condition or other extraordinary situation, or condition of such piece of property, or of the use or development of property immediately adjacent thereto, the strict application of the terms of the ordinance would effectively prohibit or unreasonably restrict the use of property or where the board is satisfied, upon the evidence heard by it, that the granting of such variance will alleviate a clearly demonstrable hardship, as distinguished from a special privilege or convenience sought by the applicant, provided that all variances shall be in harmony with the intended spirit and purpose of the ordinance.

No such variance shall be authorized by the board unless it finds:

(1) That the strict application of the ordinance would produce undue hardship.
(2) That such hardship is not shared generally by other properties in the same zone and the same vicinity and is not created by the owner of such property.

(3) That the authorization of such variance will not be of substantial detriment to adjacent property and that the character of the zone will not be changed by the granting of the variance.

No variance shall be authorized unless the board finds that the condition or situation of the property concerned or the intended use of the property is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to the ordinance.

In authorizing a variance the board may impose such reasonable conditions regarding the location, character and other features of the proposed structure or use as it may deem necessary in the interest of public health, safety or welfare and to assure that the variance authorized 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 zone in which they are prohibited by the ordinance, by any agency of the city, 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 the following exceptions to the zone regulations and restrictions, provided such exceptions shall by their design, construction and operation 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 public danger from fire or otherwise unreasonably

affect public safety, and shall not diminish or impair the established property values in surrounding areas:

(2) Extension of a zone where the boundary line of a zone divides a lot in single ownership as shown of record at the time of the effective date of the ordinance.

(3) Reconstruction of buildings or structures that do not conform to the comprehensive zoning plan and regulations and restrictions prescribed for the district in which they are located, which have been damaged by explosion, fire, act of God or the public enemy, to the extent of more than sixty per cent of their fair market value as established by the opinion of three disinterested appraisers to be appointed by the city council, when the board finds some compelling public necessity for a continuance of the use and such continuance is not primarily to continue a monopoly, provided that nothing herein shall relieve the owner of any such building or structure from obtaining the approval of such reconstruction by the council or any department or officer of the city when such approval is required by any law or ordinance. (1950, c. 536; 1952, c. 564; 1958, cc. 105, 132; 1968, c. 510; 2010, c. 221)

§ 9.19. 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 make such order, requirement, decision, or determination as should be made, and to that end shall have all the power of the director of planning. The concurring affirmative vote of four members of the board shall be necessary to reverse any order, requirement, decision or determination appealed from, and make such order, requirement, decision or determination as should be made, and to that end shall have all the powers of the director of planning. The concurring affirmative vote of four members of the board shall be necessary to reverse any order, requirement, and decision or determination of the director of planning or to decide in favor of the applicant in any matter of which it has jurisdiction. The board shall render a written decision which shall set forth the reason for its decision and the vote of each member participating therein shall be spread upon its records and shall be open to public inspection. (1950, c. 536; 1952, c. 564; 1956, c. 262; 1992, c. 512)

§ 9.20. Appeals from Board of Zoning Appeals.--Any person, firm or corporation, jointly or severally aggrieved or in fact affected by a 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 circuit court of the city, 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 calendar days from the date of the decision of the board. (1950, c. 536; 1982, c. 480)

§ 9.21. Powers and Duties of the Court.--The circuit court shall review the record, documents and actions taken by the board and may receive evidence. The court 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. 536; 1983, c. 314)

§ 9.22. 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 § 9.12 of this chapter, 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. 536)

§ 9.23. Penalties for Violation of Zoning Ordinance.

The council may in the zoning ordinance provide that penalties, civil or criminal, as provided in § 2.06 of this charter 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. This section shall preempt all provisions of general law authorizing the establishment of penalties for the violation of the zoning ordinance. (1950, c. 536; 1992, c. 512; 2004, c. 511)

§ 9.24. Land Subdivisions.--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 relative to the subdivision of land in the manner hereinafter provided. Such regulations may prescribe standards and requirements for the subdivision of land which may include but shall not be limited to the following: location, size and layout of lots so as to prevent congestion of population and to provide for light and air; 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; suitable sites for schools, parks and playgrounds; planting of shade trees and shrubs; the restriction or regulation of the erection of buildings and structures in areas subject to flood; naming and designation of streets and other public places; laying out, constructing and improving streets, alleys and sidewalks and the installation of storm and sanitary sewers or any other utilities owned by the city and apportioning the cost thereof; and the guarantee of payment by the developer of his proportionate share of such cost; procedure for making variations in such regulations and restrictions; requirements for plats of subdivisions and their size, scale, contents and other matters; for the erection of monuments of specified type for making and establishing property, street, alley, and other lines and provide penalties for the unauthorized removal of such monuments. (1950, c. 536; 1966, cc. 12, 83; 1982, c. 480)

§ 9.25. (1950, c. 536; 1971, c. 166; repealed 1982, c. 480)

§ 9.26. Adoption of Regulations Applicable Only Within the City Limits.--After hearing as above provided the council shall adopt by ordinance the regulations referred to in § 9.24 which shall become effective when recorded in the office of the clerk of the circuit court. (1950, c. 536; 1982, c. 480)

§ 9.27. Approval of Plats of Subdivisions.--From and after the date on which such regulations and restrictions become effective in the city the owners of tracts of land within the city 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 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. Approval shall be attested on the plat by the signature of the chairman or vice-chairman of the city planning commission. The council may by ordinance provide for appeals to the city council in cases in which the city planning commission approves or disapproves a plat of subdivision, provided that in the instance of an appeal from an approval the appeal must be made by the owners of at least twenty percent of the area of the land within three hundred feet of the boundaries of the proposed subdivision. Street, alleys and land dedicated to public use or land owned by the city, State or federal governments or public agencies shall not be included in computing said area. (1950, c. 536; 1972, c. 808; 1974, c. 595)

§ 9.28. 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 restriction 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 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 in which a deed conveying such lot would be required to be recorded. (1950, c. 536)

§ 9.29. Penalty for Transfer of Lots in Unapproved Subdivisions.--Whoever being the owner or agent of the owner of any land 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 a portion of any such land by reference to or exhibition of an unapproved and unrecorded plat or otherwise, shall be punishable by fine not exceeding three hundred dollars or imprisonment in the city jail for not more than ninety days or both, 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 in a court having jurisdiction of the land to which the injunction applies. (1950, c. 536; 1968, c. 510)

§ 9.30. Transfer of Portion for Public Use.--The recording 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. (1950, c. 536)

§ 9.31. Vacation of Plats.--Any plat or part thereof recorded may be vacated in accordance with the provisions of §§ 15-792 and 15-793 of the Code of 1950. (1950, c. 536)

§ 9.32. Present Master Plan and Comprehensive Zoning Plan.--The master plan and the comprehensive zoning plan 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 or comprehensive zoning 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. 536)

§ 9.33. Land Development and Site Plans.--In order to provide for the orderly and proper development of land within the city and to protect the public safety, health and welfare the city council shall have the power to adopt by ordinance regulations and restrictions relative to the development of land. Such regulations and restrictions may prescribe standards and requirements which provide for, but shall not be limited to, the following: access for fire, police, emergency and service vehicles; width, grade, location, alignment and arrangement of streets and sidewalks with relation to existing streets and sidewalks, planned streets and sidewalks and the master plan; easements for public utilities; facilities for off street parking; laying out, constructing and improving streets, alleys and sidewalks; access to adjacent land and to existing or proposed streets; water mains for servicing fire hydrants; disposition of storm water; disposition of sewage; control of flooding; control of slippage, shifting, erosion, accretion and subsidence of soil; dedication of public streets, alleys, sidewalks, curbs, gutters, sewers, drains and other public improvements; protection to other land, structures, persons and property; guarantee of payment by the developer of all costs or a proportionate share of costs for public streets, alleys, sidewalks, curbs, gutters, sewers and drains; the submission and approval of site plans and plats prior to developments; and procedures, enforcement and penalties. The procedures may include but shall not be limited to authorizing the city planning commission to consider the site plans and plats in light of the regulations and restrictions applicable thereto and approve or disapprove site plans and plats in accordance therewith. (1962, c. 61)

§ 9.34. Incorporation by Reference of Plans, Maps, etc.--Plans, maps, plats, charts, descriptive matter, regulations, restrictions, zone boundaries, and amendments, recommended or adopted under the powers conferred by this chapter may be incorporated by reference. Whenever there is incorporation by reference the matter incorporated shall be reasonably identified. When advertisement is required, the matter incorporated by reference need not be advertised in full but may be advertised by reference. In such cases, the advertisement shall designate a place where the matter incorporated may be examined. (1972, c. 808; 1982, c. 480)

CHAPTER 10 ELECTIONS

§ 10.01. Election of Mayor and Council Members.

On the second Tuesday in June, 1958, and on the second Tuesday in June every third year thereafter until 1973 there shall be held a general election at which shall be elected by the qualified voters of the city at large, a mayor and six members at large of the council for terms of three years from the first day of July following their election. On the first Tuesday in May, 1973, and on the first Tuesday in May every third year thereafter, there shall be held a general city election at which shall be elected by the qualified voters of the city at large a mayor and six members at large of the council for terms of three years from the first day of July following their election. A candidate for mayor shall file his petition therefor specifically; and a candidate for city council shall file his petition therefor specifically, provided, however, that a candidate who files his petition for mayor shall not have his name printed on the ballot for city council. The

names of all candidates for city council and mayor shall be placed on the ballot in accordance with general law. Immediately above the list of names of candidates for city council shall appear the words "For City Council, vote for no more than six (6)," or some similar designation. Immediately above the list of names of candidates for mayor shall appear the words "For Mayor, vote for one," or some similar designation.

In the event no candidate shall file a petition for the office of mayor, the ballot shall show no candidates for that office and the member of council who receives the largest popular vote shall be the mayor of the city and persons receiving the next six highest votes shall be the city council members.

The said election shall be held in accordance with the general laws of the Commonwealth relating to primary and general elections wherever applicable. (1950, c. 536; 1952, c. 564; 1956, c. 262; 1972, c. 808; 1995, c. 782)

§ 10.02. Filling of Mayor and Council Vacancies.--Any vacancy in the office of mayor or the membership of the council from whatever cause, which shall occur on or before one hundred eighty days prior to the next ensuing regular council election shall be filled by a special popular election for the unexpired term. In the event of such vacancy, the council shall by resolution certify that such vacancy exists to the Circuit Court of the City of Alexandria or the judge thereof in vacation, and said court or judge thereof in vacation shall order a special election to be held not less than forty nor more than sixty days after the filing of the resolution to fill such vacancy for the unexpired term. Candidates shall file the declarations of the candidacy and petitions required by general law not less than thirty days before said election. The election shall be conducted and the results thereof ascertained in the manner provided by law for the conduct of general elections and by the regular election officials of the city. Should a vacancy in the office of mayor occur within one hundred eighty days of the next ensuing regular council election, the vice-mayor shall serve as mayor for the unexpired term unless he declines, in which case, the council shall forthwith fill such vacancy for the unexpired term by majority vote of all the remaining members of council. Vacancies in the council occurring within one hundred eighty days of the next ensuing regular council election shall be filled for the unexpired term by appointment by the chief judge of the Circuit Court of the City of Alexandria. (1950, c. 536; 1952, c. 564; 1964, cc. 44, 288; 1971, c. 166; 1983, c. 314)

§ 10.03. (1950, c. 536; repealed 1952, c. 564)

§ 10.03.1. Voter registration offices.--It shall be the duty of the general registrar of the city to maintain in the city hall, or other municipal building, of the city, an office wherein all qualified voters of the city may be registered and, in addition, it shall be his duty to maintain one temporary or permanent office, wherein qualified voters of the city may be registered, for each fifty thousand population of the city and for any remaining portion of fifty thousand population in excess of twenty-five thousand according to the last United States census. It shall also be the duty of the general registrar to maintain as many other temporary or permanent offices, wherein qualified voters of the city may be registered, as city council may, in its sole judgment, deem necessary or desirable; provided, however, that such offices shall not be established, located or maintained in any private home. The city shall furnish the general registrar of the city a suitable office in the city hall, or other municipal building and, in addition, shall furnish such registrar with one temporary or permanent office for each fifty thousand population of the city and for

any remaining portion of fifty thousand population in excess of twenty-five thousand according to the last United States census. The city shall also furnish such registrar with such other temporary or permanent offices as the city council, in its sole judgment, has deemed necessary or desirable, except that such office shall not be established, located or maintained in any private home. (1968, c. 510)

§ 10.04. (1950, c. 536; repealed 1952, c. 564)

§ 10.05. (1950, c. 536; repealed 1952, c. 564)

CHAPTER 11 LAW

§ 11.01. City Attorney.

(a) The city attorney shall be an attorney at law licensed to practice under the laws of the Commonwealth who has actively practiced law for at least five years immediately preceding his appointment. The city manager shall review the applications of all applicants for the office and forward his recommendations to the city council.

(b) The council shall, in September, 1982, or sooner if the office becomes vacant, appoint a city attorney. The terms and conditions of such appointment shall be set forth in an employment agreement consistent with the provisions of this Charter. Any subsequent vacancy in the office of city attorney shall be filled by appointment by the council. The city attorney holding office on August 31, 1982, shall continue in office until his successor is appointed.

(c) The entire compensation of the city attorney shall be fixed by the council on a salary basis. (1950, c. 536; 1952, c. 564; 1968, c. 510; 1972, c. 808; 1980, c. 591)

§ 11.02. City Attorney, Powers and Duties.--The city attorney shall:

(a) Be the legal adviser of the council, the city manager, and all departments, boards, commissions and agencies of the city, excluding the school board, in all matters affecting the interest 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, examine any ordinance after introduction and render his opinion as to the form and legality thereof.

(c) Draw or approve all bonds, deeds, leases, contracts or other instruments to which the city is a party or in which it has an interest.

(d) Represent the city as counsel in any civil case in which it is interested and in criminal cases in which the constitutionality or validity of any ordinance is brought in issue or in which the city is a party.

(e) 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 8 of this charter, 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.

(h) Have such other powers and duties as may be assigned to him by ordinance.

Notwithstanding the provisions of this section or any other law the council may, from time to time, enter into agreements with the Commonwealth's Attorney for such attorney to represent the city in any criminal case in which the city is a party. The council shall only consent to such an agreement by resolution adopted at a regular meeting and agreed to by a majority of all of its members. The agreement shall specify the types of cases to be handled by the Commonwealth's Attorney. Prior to the adoption of any such resolution the council shall request the recommendation of the City Attorney on the feasibility and operation of the agreement, but such recommendation shall not be binding on the council. The council may, at any time, modify or repeal its consent to such an agreement provided it follows the procedure provided herein for the giving of its consent and such right of council shall be a part of every such agreement. So long as such agreement is effective the City Attorney shall have no power or duty with respect to the types of cases specified therein. Notwithstanding any other provisions of law the council may provide supplements to the office of the Commonwealth's Attorney for performing the functions and duties covered by the agreement. (1950, c. 536; 1970, c. 492; 1972, c. 808)

§ 11.03. Restrictions on Actions for Damages Against City and Notice to be Given of Claims.--(a) Whenever in any action, suit or proceeding against the city any person, firm or corporation may be liable or responsible with the city, such person, firm or corporation shall, upon motion of the city, be joined as defendant with the city, and whenever there is a judgment, order or decree rendered against or affecting the city and any person, firm, or corporation is so joined, the court shall determine which of the defendants is primarily liable or responsible. If it shall be ascertained by the judgment of the court that some person, firm, or corporation other than the city is primarily liable, there shall be a stay of execution against the city until execution against such person, firm or corporation shall have been returned without realizing the full amount of said judgment. If the city, where not primarily liable, shall pay the said judgment in whole or in part, the plaintiff shall, to the extent that said judgment is paid by the city, assign the said judgment to the city without recourse on the plaintiff, and the city shall be entitled to have execution issued for its benefit against the other defendant or defendants who have been ascertained to be primarily liable, or may institute any suit in equity to enforce the said judgment, or an action at law, or scire facias to revive or enforce said judgment.

(b) 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, mayor or city manager within six months after such cause of action shall have accrued, except if the complainant during such six-month period is able to establish by clear and convincing evidence that due to the injury sustained for which a claim is asserted that he was physically or mentally unable to give such notice within the six-month period, then the time for giving notice shall be tolled until the claimant sufficiently recovers from said injury so as to be able to give such notice. Neither the city attorney nor any other officer, employee or agent of the city shall have authority to waive the foregoing conditions precedent or any of them. (1950, c. 536; 1974, c. 595)

CHAPTER 12

COURTS

§ 12.01. (1950, c. 536; 1952, c. 7; 1958, cc. 106, 117; repealed 1976, c. 669)

§ 12.02. (1950, c. 536; 1952, c. 564; 1971, c. 166; repealed 1976, c. 669)

§ 12.03. (1950, c. 536; 1971, c. 166; repealed 1976, c. 669)

§ 12.04. (1950, c. 536; repealed 1976, c. 669)

§ 12.05. (1950, c. 536; repealed 1976, c. 669)

CHAPTER 13

ACQUISITION OF PROPERTY FOR PUBLIC PURPOSES

§ 13.01. 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 and State, 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 but not without the State, the right of eminent domain, as hereinafter provided in this chapter. In any acquisition by eminent domain or purchase the city may provide relocation assistance in city projects in which federal or State funds are not used. (1950, c. 536; 1971, c. 166; 1974, c. 595)

§ 13.02. Eminent domain.--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 may be instituted in the circuit court of the city, if the subject to be acquired is located within the city, or, if it is not located within the city, in the circuit court of the county in which it is located. If the subject is situated partly within the city and partly within any county the circuit court of such county shall have concurrent jurisdiction in such condemnation proceedings with the courts of the city hereinbefore enumerated. The judge or the court exercising such concurrent jurisdiction shall appoint five disinterested freeholders, any or all of whom reside either in the county or city, any three of whom may act as commissioners, as provided by law, provided, however, that the provisions of § 25-233 of the Code of Virginia, 1950, shall apply as to any property owned by a corporation possessing the power of eminent domain that may be sought to be taken by condemnation under the provisions of this act. (1950, c. 536; 1983, c. 314)

§ 13.03. Alternative Procedures in Condemnation.--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 either event the date of valuation shall be the time of the lawful taking by the petitioner, or the date of the filing of the petition in condemnation, whichever occurs first. 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 clerk's office of a court enumerated in the preceding section, 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 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 a main entrance to the courthouse. The publication shall in all other respects conform to §§ 8-71, 8-72, and 8-76 of the Code of 1950.

Upon the filing of said petition and the deposit of the 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 proceedings are instituted shall make and certify a copy of the petition, exhibits filed therewith, and orders, and deliver or transmit the same to the clerk of the court in which deeds are admitted to record, who shall record the same 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 the property so taken or damaged agreed 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 § 25-46.20 of the Code of 1950 as amended, or as provided for in § 13.02, and all proceedings thereafter shall be had as provided in §§ 25-46.4:2 and 25-46.17 to 25-46.36, inclusive, of the Code of 1950 as amended 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 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. 536; 1964, cc. 44, 288; 1970, c. 492; 1976, c. 669)

§ 13.04. Enhancement in Value When Considered.--In all cases under the provisions of §§ 13.02 and 13.03, 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. 536)

§ 13.05. 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 § 13.02, in any condemnation proceeding instituted therein by the city, without any claim having been asserted thereto such court shall, where the amount is one hundred dollars or more, cause a publication to be made once a week for two successive weeks in a newspaper of general circulation in the city, setting forth the amount of such money, the source from which it was derived and the proceeding in which it is held, and requiring all persons having any claim to said money to appear before said court within such time after the completion of the publication as the court may prescribe, and establish their claim. If the sum be less than one hundred dollars, the court shall direct the same to be paid into the treasury of the city, and a proper receipt for the payment taken and filed among the records of the proceeding. If no person shall appear and show title in himself the court shall order the money, after deducting therefrom the costs of such publication if such publication is made, and any other proper charges, to be paid into the treasury of the city and a proper receipt for the payment to be taken and filed among the records of the proceeding. The director of finance shall, in a book provided for the purpose, keep an account of all money thus paid into the city treasury, showing the amount thereof, when, by whom, and under what order it was paid, and the name of the court and as far as practicable, a description of the suit or proceeding in which the order was made and, as far as known, the names of the parties entitled to said funds. Money thus paid into the treasury of the city shall be paid out on the order of the court having jurisdiction of the proceeding, to any person entitled thereto who had not asserted a claim therefor in the proceeding in which it was held, upon satisfactory proof that he is entitled to such money.

If such claim be established the net amount thereof, after deducting costs and other proper charges, shall be paid to the claimant out of the treasury of the city on the warrant of the director of finance. No claim to such money shall be asserted after ten years from the time when such court obtained control thereof; provided, however, if the person having such claim was an infant, insane, or imprisoned at the time the claim might have been presented or asserted by such person, claim to such money may be asserted within five years after the removal of such disability. (1950, c. 536; 1971, c. 166; 1988, c. 157)

CHAPTER 14 CITY COLLECTOR

§ 14. (Repealed 1983, c. 314)

§ 14.01. Election; Filling Vacancies.-- At the regular municipal election to be held in said city on the second Tuesday in June, 1952, and every three years thereafter, there shall be elected a city collector for terms of three years beginning on the first day of September, next succeeding his election. At the regular municipal election to be held in said city on the first Tuesday in May, 1973, and every three years thereafter, there shall be elected a city collector for terms of three years beginning on the first day of September next succeeding his election. In case of vacancy hereafter occurring in the office of the city collector it shall be the duty of the council to certify the same to the judge of the corporation court, who shall issue his writ for an election to fill such vacancy in the manner prescribed by the general election laws of this State. (1950, c. 536; 1952, c. 564; 1972, c. 808)

§ 14.02. The entire compensation of the city collector shall be fixed by the council on a salary basis; provided, that the salary shall not be less than five thousand dollars per annum. (1950, c. 536; 1952, c. 564)

§ 14.03. Powers and duties.--The city collector shall have the following powers and shall be charged with the duties and functions as follows:

(a) The collection of all taxes, special assessments, license fees and other revenues of the city or for whose collection the city is responsible and receive all deposits and all other money receivable by the city from whatsoever source.

(b) To place in the custody of the City Treasurer all public funds belonging to or under the control of the city.

(c) To perform such functions and powers and to carry out all provisions as are prescribed for such office in §§ 5.19 through 5.27, both inclusive.

(d) To appoint and remove such assistant city collectors and other employees as shall be authorized by the council, subject to the provisions of Chapter 8 of this Charter, and authorize the assistant city collectors or other employees to perform any of the duties imposed upon them in this charter. (1950, c. 536; 1952, c. 564; 1964, cc. 44, 288)

§ 14.04. Elimination of Elective Office of City Collector.--On and after September 1, 1973, the provisions of §§ 14.01, 14.02 and 14.03 shall be of no force and effect.

The elective office of City Collector is hereby eliminated, effective September 1, 1973. (1950, c. 536; 1973, c. 258)

§ 14.05. Whether appointed by the City Manager to serve under the direction of the Director of Finance or elected by the people, the City Collector shall have the following powers and shall be charged with the duties and functions as follows:

(a) the collection of all taxes, special assessments, license fees and other revenues of the City or for whose collection the City is responsible and receive all deposits and all other money receivable by the City from whatsoever source.

(b) to place in the custody of the City Treasurer all public funds belonging to or under the control of the City.

(c) to perform such functions and powers and to carry out all provisions as are prescribed for such office in §§ 5.19 through 5.27, both inclusive. (1950, c. 536)

CHAPTER 15

MISCELLANEOUS PROVISIONS

§ 15.01. Transfer and Destruction of Books and Papers.--If any person having been an officer of the city, shall not, 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 five hundred dollars, to be sued for and recovered with costs. All books, records and documents used in any such office, by virtue of any provision of this charter or of any ordinance or order of the council or any superior office 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. The council shall have authority to determine or to delegate to any agency of its creation the authority to determine which books, records and documents shall be stored, which shall be microfilmed or otherwise preserved, and which shall be destroyed. (1950, c. 536; 1958, cc. 105, 132)

§ 15.01:1. Definition of Officer of the City.--As used in this charter an officer of the city is defined as one whose office was created by or pursuant to the charter of the city or general law and who has performed or is performing a municipal service for the city and who is not a constitutional officer of the State of Virginia. (1958, cc. 105, 132)

§ 15.01.2. Residence requirements of officers.--The residence requirements of § 15.1-51 of the Code of Virginia, as amended, shall not apply to an officer of the city unless otherwise specifically provided by this charter, or by a duly enacted ordinance or resolution. (1968, c. 510)

§ 15.02. 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. The director of finance shall be the custodian of all personnel surety bonds. (1950, c. 536; 1952, c. 564)

§ 15.03. 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 within three months after this charter takes effect file with the city manager copies of all such rules and regulations previously issued by them and in force on such day and shall thereafter file with said city manager copies of all rules and regulations and amendments thereof subsequently issued by them upon their issuance. It shall be the duty of the city manager to keep in his office for public inspection a well indexed file of the rules and regulations so filed. (1950, c. 536)

§ 15.04. (1950, c. 536; repealed 1971, c. 166)

§ 15.05. 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, such officer, judge or member shall continue to hold office until his successor is elected or appointed and qualified. (1950, c. 536; 1952, c. 564)

§ 15.06. 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. 536)

§ 15.07. More than one Salary for Officers and Employees.--In instances where an officer or employee of the city holds more than one full-time position in the city service such officer shall not receive salary for more than one such position except by specific authorization of the council. (1950, c. 536)

§ 15.08. Severability.--If any provision of this charter or the applicability thereof to any person or circumstance is held invalid the remainder of this charter and the applicability thereof and of such provision to other persons or circumstances shall not be affected thereby. (1950, c. 536)

§ 15.09. (1950, c. 536; repealed 1970, c. 492)

§ 15.10. School Board and School Districts.

(a) The City of Alexandria shall constitute a single school division.

(b) The supervision of schools in the City of Alexandria shall be vested in a school board consisting of nine members. Members of the school board shall be selected by direct election by the voters, unless and until a referendum is passed in favor of changing the method of selecting board members to appointment by the city council, as provided in § 22.1-57.4 of the Code of Virginia, 1950, as amended. The school board members shall be elected from election districts, and the council shall establish by ordinance the number and boundaries of the election districts. Elections for school board members shall be held to coincide with the elections for members of the city council which, pursuant to § 10.01 of this charter, are held every three years on the first Tuesday of May. The terms of office of school board members shall commence on the July 1 following the members' elections, shall be for three years and shall run concurrently. Elections for school board members shall be held in accordance with the general laws of the Commonwealth relating to general elections; however, where the provisions of such laws are inconsistent with the provisions of this section, the provisions of this section shall apply.

(c) Notwithstanding any contrary provision of law, general or special, a vacancy from whatever cause in the office of school board member filled by direct election by the voters shall be filled as follows:

(1) A vacancy which occurs on or before 180 days prior to the next ensuing regular school board election shall be filled by a special popular election for the unexpired term of the office. In the event of such vacancy, the school board shall by resolution certify that such vacancy exists to the Circuit Court of the City of Alexandria, and the said court shall order a special election to be held not less than forty, nor more

than sixty days after the filing of the resolution to fill the vacancy. Candidates shall file their declarations of candidacy and any statements or petitions required by general law not less than thirty days before said election. The election shall be conducted, and the results thereof ascertained, in the manner provided by law for the conduct of elections and by the regular election officials of the city;

(2) A vacancy which occurs within 180 days of the next ensuing regular school board election shall be filled for the unexpired term by appointment by the chief judge of the Circuit Court of the City of Alexandria;

(3) When a vacancy on the school board is created by the departure of the board chairman, the remaining members of the board shall, as soon as practicable and by majority vote, select a new chairman from among the members. (1962, c. 61; 1964, cc. 44, 288; 1972, c. 808; 1976, c. 669; 1996, c. 885)

§ 15.10.1. Counsel for School Board.--Counsel approved by the school board of the city may be employed by the school board of the city to serve as legal adviser for and represent the school board of the city. Nothing in this section shall be construed to prevent the school board of the city from employing the attorney for the Commonwealth or other counsel to defend pursuant to § 22-56.1 of the Code of Virginia, 1950, as amended. (1972, c. 808)

§ 15.11. Service by United States Government Employees.--No person otherwise eligible, shall be disqualified, by reason of his accepting or holding employment, 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 body, including but not limited to the council, any board, commission, authority, committee or agency. (1968, c. 510)

§ 15.12. Elimination of Elective Offices of City Treasurer and Commissioner of the Revenue.--The elective offices of City Treasurer and Commissioner of the Revenue are hereby eliminated, effective January 1, 1974. (1973, c. 258)

§ 15.13. Board of Health.--The city council shall have the power to establish by ordinance a board of health which shall have such composition as the city council may determine and set forth in any such ordinance and such powers and duties so set forth as do not conflict with the general law of the Commonwealth. (1976, c. 669)

CHAPTER 16

TRANSITIONAL PROVISIONS (1952, c. 564)

§ 16.01. 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 with the provisions of this charter, shall remain in force until amended or repealed in accordance with the provisions of this charter. (1950, c. 536)

§ 16.02. (1950, c. 536; repealed 1976, c. 669)

CITY OF ALEXANDRIA

CHARTER DATE AND AMENDMENTS

Charter, 1950, c. 536.

- Amended 1952, c. 7 (§ 12.01)
1952, c. 564 (§§ 2.03, 2.05, 2.06, 3.04, 3.05, 3.07, 3.08, 3.09, 3.10, 3.11, 3.12, 4.02, 4.07, 5.01, 5.04, 5.08, 5.11, 5.13, 5.14, 6.01, 6.04, 6.05, 6.07, 6.14, 7.04, 7.06, 7.07, 8.01, 9.02, 9.03, 9.06, 9.10, 9.12, 9.14, 9.18, 9.19, 10.01, 10.02, 10.03 [repealed], 10.04 and 10.05 [repealed], 11.01, 12.02, 14.01, 14.02, 14.03, 15.02, 15.05)
1956, c. 262 (§§ 3.01, 3.05, 3.11, 3.14, 4.02, 4.08 [added], 8.05, 8.08 [repealed], 9.03, 9.06, 9.07 [repealed], 9.12, 9.19, 10.01)
1958, cc. 105, 132 (§§ 9.02, 9.18, 15.01, 15.01:1 [added])
1958, cc. 106, 117 (§ 12.01)
1960, c. 8 (§§ 9.10, 9.11, 9.13)
1962, c. 61 (§§ 3.02, 3.04, 9.06, 9.11, 9.33 [added], 15.10 [added])
1964, cc. 44, 288 (§§ 2.04, 4.08, 5.28 [added], 6.07, 7.05, 9.11, 9.12, 10.02, 13.03, 14.03, 15.10)
1964, c. 288 (§ 9.09)
1966, cc. 12, 83 (§§ 3.06, 3.11, 9.09, 9.10, 9.13, 9.24)
1968, c. 510 (§§ 1.01.1 [added], 2.05, 2.06, 3.02, 3.05, 3.07, 4.08, 5.07, 5.14, 5.14.1 [added], 6.04, 6.05, 6.08, 6.08.1 [added], 6.14, 6.15, 7.02, 7.06, 7.08, 7.11, 7.15, 8.06, 8.08.1 [added], 9.01, 9.12, 9.12.1 [added], 9.18, 9.29, 10.03.1 [added], 11.01, 15.01.2 [added], 15.11 [added])
1970, c. 492 (§§ 2.02, 2.04, 2.05, 2.07, 3.04, 3.15, 4.08, 6.02, 6.07, 6.09, 7.23, 7.25 [added], 9.01, 11.02, 13.03, 15.09 [repealed])
1971, c. 166 (§§ 2.03, 2.04, 2.05, 3.02, 3.05, 3.07, 3.07:1 [added], 3.08, 3.09, 3.11, 3.12, 5.16, 5.22, 7.05, 7.07, 9.01, 9.12, 9.13, 9.25, 10.02, 12.02, 12.03, 13.01, 13.05, 15.04 [repealed])
1972, c. 808 (§§ 2.02, 2.04, 3.06, 3.08, 3.10, 5.21, 6.13, 7.03, 7.15, 9.27, 9.34 [added], 10.01, 11.01, 11.02, 14.01, 15.10, 15.10.1 [added])
1973, c. 258 (§§ 1.00, 1.01 [repealed], 1.01.1, 1.01.2 [added], 4.08, 5.01, 5.04, 5.19, 5.20 through 5.28, 6.03, 7.04, 7.05, 7.14, 9.12, 14.04, 15.12 [added])
1974, c. 595 (§§ 2.04:1 [added], 3.06:1 [added], 5.04:1 [added], 9.12, 9.13, 9.27, 11.03, 13.01)
1975, c. 511 (§§ 2.03, 2.04:1, 3.06, 5.19, 5.20, 5.21, 5.22

[repealed], 5.23 through 5.27 [repealed], 9.09)
1976, c. 669 (§§ 2.02, 2.03, 2.04, 2.04:1, 2.04:2 [added],
3.06:1, 3.10, 3.11, 4.02, 5.14, 9.09, 12.01 through 12.05
[repealed], 13.03, 15.10, 15.13 [added], 16.02 [repealed])
1977, c. 122 (§§ 2.02, 2.05, 4.08)
1980, c. 591 (§§ 2.04, 5.20, 5.21, 11.01)
1981, c. 512 (§§ 5.01, 5.04, 5.12, 5.13, 5.14 [repealed], 5.14.1
[repealed], 5.16, 5.20, 5.28, 6.02, 6.03, 6.05, 6.06
[repealed], 6.08.1, 6.10, 6.11, 6.13, 7.04, 7.05, 7.14,
8.02 [repealed], 8.03, 8.04, 8.05)
1982, c. 480 (§§ 2.04:1, 2.04:2, 6.14, 9.01, 9.02, 9.03, 9.09, 9.11,
9.12, 9.14, 9.15, 9.20, 9.24, 9.25 [repealed], 9.26,
9.34)
1983, c. 314 (§§ 2.03, 2.04, 2.06, 4.08, 5.13, 8.06, 9.09, 9.21,
10.02, 13.02, 14 [repealed])
1984, c. 486 (§§ 2.04, 2.04:2, 2.05)
1986, c. 459 (§§ 2.03, 9.09)
1988, c. 157 (§§ 3.08, 3.11, 7.07, 9.01, 9.12, 9.13, 13.05)
1989, c. 118 (§§ 2.05, 9.09, 9.12, 9.12.1)
1990, c. 652 (§§ 9.12, 9.13)
1992, c. 131 (§ 9.12)
1992, c. 512 (§§ 2.06, 9.02, 9.09, 9.10, 9.14, 9.19, 9.23)
1994, c. 131 (§ 9.07:1 [added])
1995, c. 782 (§§ 2.04, 2.04:2, 3.06:1, 9.01, 9.12, 10.01)
1996, c. 885 (§ 15.10)
2002, c. 149 (§§ 2.04.3, 3.07)
2004, c. 511 (§§ 2.04:2, 9.12, 9.12.1, 9.23)
2009, c. 539 (§§ 3.04, 9.12.2 [added])
2010, c. 221 (§§ 4.08, 9.18).