

FREDERICKSBURG, CITY OF  
City of First Class.  
Established in 1728 in County of Spotsylvania.  
Named for Frederick Louis, Prince of Wales, eldest son of George II.  
Incorporated as a town in 1781; became a city in 1879.

Town charter, 1781, c. I.

City Charter, 1879, c. 263; repealed 1932, c. 398.

Charter, 1932, c. 398; repealed 1942, c. 481.

Charter, 1942, c. 481; repealed 1990, c. 654, except §§ 4 and 4.1 (boundaries).

*Editor's note: §§ 4 and 4.1 are set out at the end of this document.*

Charter, 1990, c. 654.

Amended        1998, cc. 517, 527 (Ch. II, § 10)

                    1999, cc. 182, 476 (Ch. II, § 17)

                    2008, c. 346 (Ch. I, § 1)

                    2009, c. 500 (Ch. II, §§ 7, 16).

CHAPTER I.

THE CITY, ITS BOUNDARIES AND GENERAL POWERS.

§ 1. Body politic and corporate; name, etc.; general powers.--The inhabitants of the City of Fredericksburg, Virginia, within the boundaries as now established or hereafter established in the manner provided by law, shall continue to be a body corporate and politic by name, the City of Fredericksburg, and under that name shall have perpetual succession; may use a corporate seal; contract and be contracted with; may sue and be sued; may acquire from any source real and personal property within or without its boundaries for any municipal purpose set forth in this charter, and if not set forth in this charter for any purpose permitted by the laws of the Commonwealth of Virginia, in fee simple or lesser interest or estate, by purchase, grant, gift, donation, devise, bequest, lease, or condemnation, and may sell, lease, mortgage, pledge, hold, manage, regulate the use and management of, control, and dispose of such property as its interests may require and, except as prohibited by the Constitution of Virginia or restricted by this charter, the City of Fredericksburg shall have all municipal powers, functions, rights, privileges, and immunities of every name and nature whatsoever.

The City of Fredericksburg may lease as lessee all or a portion of the lands, buildings, and improvements utilized for courthouses, including suitable space and facilities to accommodate the various courts and officials thereof, clerk's office and record room, and appurtenant facilities such as parking facilities. (1990, c. 654; 2008, c. 346)

§ 2. Powers as to public service and utilities.--The city shall have the power to furnish all local public service, to purchase, hire, construct, maintain, and operate or lease public utilities and to acquire by condemnation or otherwise, within or without the city limits, land and property necessary for such purpose. The city shall have full and complete powers to operate any public utility it now owns or may hereafter acquire, so as to enjoy for its citizens fully and completely all benefits to be derived therefrom. (1990, c. 654)

§ 3. Power of eminent domain.--The powers of eminent domain set forth in Title 33.1, Title 15.1, and Chapter 1.1 (§ 25-46.1 et seq.) of Title 25 of the Code of Virginia and all acts amendatory thereof and supplemental thereto, mutatis mutandis, are hereby conferred upon the City of Fredericksburg. Certificates issued pursuant to such sections may be issued by the City Council, signed by the city manager and countersigned by the city treasurer. Such certificates shall have the same effect as certificates issued by the Commonwealth Transportation Commissioner pursuant to his authority and may be issued in any case in which the city proposes to acquire property of any kind by the exercise of its power of eminent domain for any lawful purpose. (1990, c. 654)

§ 4. Sections of the Code of Virginia incorporated by reference; powers not exclusive; constitutional powers; manner of exercise of powers.--The enumeration of particular powers by this charter shall not be held or deemed to be exclusive but, in addition to the powers enumerated herein, implied hereby or appropriate to the exercise hereof, it is intended that the City of Fredericksburg shall have, and may exercise, all powers which, under the Constitution of Virginia, it would be competent for this charter specifically to enumerate. All powers of the city, whether express or implied, shall be exercised in the manner prescribed by this charter, or if not prescribed herein, then in the manner provided by ordinances of the Council.

The city shall have and may exercise all the powers granted to cities and set forth in Title 15.1 of the Code of Virginia, specifically including but not limited to §§ 15.1-837 through 15.1-907, as in force on the effective date of this charter and as hereafter amended. In addition thereto, the city shall have and may exercise all other powers which it now has 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 the city government, the exercise of which is not expressly prohibited by the Constitution and the laws of the Commonwealth 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, order, comfort, convenience, morals, trade, commerce, and industry of the city or its inhabitants. No enumeration of particular powers in this charter shall be held exclusive or a limitation upon any general grant of power, but shall be construed and held to be in addition to any general grant of powers. (1990, c. 654)

§ 5. Corporate limits and boundaries.--The boundaries of the City of Fredericksburg shall be as defined in Chapter 481 of the Acts of Assembly of 1942, and as defined in Chapter 624 of the Acts of Assembly of 1952, and as enlarged by court orders or decrees recorded in Book 182, page 537 and following in the office of the clerk of the circuit court of the City of Fredericksburg. (1990, c. 654)

## CHAPTER II.

### GOVERNMENT AND ADMINISTRATION.

§ 6. Authority of Mayor, Council, manager, departments, boards and other officers.--The government and administration of the city shall be vested in the Mayor; one body to be called the Council of the City of Fredericksburg; one administrative officer, appointed by the Council, to be styled the city manager; and in such other departments, boards, and other officers are hereinafter provided for, or as are permitted or required by law. (1990, c. 654)

§ 7. Number and term of Councilmen; election of Councilmen and Mayor; Mayor's status; vacancies in Council; qualification of Councilmen.--Effective October 1,

1988, the Council shall consist of seven members, including the Mayor, each of whom shall hold office until his successor has qualified, unless sooner removed by death, resignation or other cause. The Mayor and two members of Council shall be elected at large. The other four members shall each be elected from one of four wards. The Mayor shall preside over meetings of the Council and shall have the same powers and duties as other members of the Council, with a vote, but no veto.

The Mayor and the two members of Council elected at large on the Tuesday after the first Monday in September, 1988, for an initial term beginning on October 1, 1988, and expiring on July 1, 1992, shall hold office until their successors have qualified. The Mayor and the two members of the Council elected at large shall thereafter be elected every four years on the first Tuesday in May, beginning with the first Tuesday in May, 1992, and shall hold office for a term of four years from July 1 succeeding their election and until their successors have qualified.

The four members of the Council elected by wards on the Tuesday after the first Monday in September, 1988, for an initial term beginning on October 1, 1988, and expiring on July 1, 1990, shall hold office until their successors have qualified. The four members of the Council elected by wards shall thereafter be elected every four years on the first Tuesday in May, beginning with the first Tuesday in May, 1990, and shall hold office for a term of four years from July 1 succeeding their election and until their successors have qualified.

Vacancies in the Council shall be filled within 45 days by a recorded majority vote of the remaining members of the Council; provided, however, that when more than two years remain in the unexpired term and the vacancy occurs at least 120 days prior to the next Council member election, the City Council shall, within 15 days of the occurrence of the vacancy, petition the circuit court to issue a writ of election to fill the vacancy. Either upon receipt of the petition or on its own motion, the court shall issue the writ ordering the election for the next regularly scheduled May Council member election. Whenever a vacancy will be filled by special election, Council may, within 45 days of the office becoming vacant, appoint a qualified voter of the election district in which the vacancy occurred to fill the vacancy. The person so appointed shall hold office until the qualified voters fill the vacancy by special election as provided herein and the person so elected has qualified. Those elected to fill such vacancies shall hold office for the unexpired term of the Council members whose places they fill, unless sooner removed by death, resignation, or other cause. Members of the Council, including the Mayor, shall be qualified electors of the city and shall hold no other public office while serving as such, except that of notary public. (1990, c. 654; 2009, c. 500)

§ 8. Reserved. (1990, c. 654)

§ 9. Interference with manager and subordinates by Council and Councilmen.--

Neither the Council nor any of its members shall dictate the appointment of any person to office or employment by the city manager or in any manner interfere with the city manager or prevent him from exercising his own judgment in the appointment of officers or employees in the administrative service. Except for the purpose of inquiry, the Council and its members shall deal with the administrative service solely through the city manager and neither the Council nor any member thereof shall give orders to, or interfere with, any of the subordinates of the city manager, either publicly or privately. (1990, c. 654)

§ 10. Councilmen or Mayor not to hold other city office.

No person elected to the Council nor the Mayor, whether he qualifies or not, shall, during the term for which he was elected or twelve months after the expiration of that time, be elected by the Council or appointed by the city manager to any position of profit or remuneration of the city. (1990, c. 654; 1998, cc. 517, 527)

§ 11. Vice Mayor of city.--The Council shall elect one of its members, other than the Mayor, as Vice Mayor of the city, to act in the place of the Mayor in his absence or incapacity. The Vice Mayor shall be elected for a term of two years, the beginning date of such term to be prescribed by ordinance and any vacancy in the office of Vice Mayor shall be filled by a recorded majority vote of the Council for the unexpired term. (1990, c. 654)

§ 12. Council meetings; limitation on business to be transacted at special meetings.--The Council shall meet at such times as may be prescribed by ordinance or resolution, provided, however, that it shall hold at least one meeting each month. No business shall be transacted at a special meeting except that for which it shall have been called, unless all members of the Council attend such special meeting or give their written consent thereto. (1990, c. 654)

§ 13. Calling special meetings of Council.--The Mayor or any three members of the Council may call special meetings of the Council at any time upon written notice to each member served personally or left at his usual place of business or residence, but special meetings may be held at any time without notice, provided all members of the Council attend such meetings or waive notice thereof. (1990, c. 654)

§ 14. Quorum of Council; consideration and rescinding of votes at special meetings; recordation of votes.--A majority of the members of the Council shall constitute a quorum for the transaction of business. No vote shall be considered or rescinded at any special meeting unless at such special meeting there be present as large a number of members as were present when such vote was taken. No ordinance or resolution appropriating money, appropriating money imposing taxes, or authorizing the borrowing of money shall be passed except by record affirmative vote of a majority of all members elected to the Council. (1990, c. 654)

§ 15. Clerk of Council; rules; appointment of officers and committees; compelling attendance; punishing members; expulsion of members; record book.--The Council shall appoint a clerk to serve at the will of the Council and shall have authority to appoint such officers and committees as they may deem proper for the regulation of their proceedings, and to adopt rules of procedure, which shall be for the convenience of the Council only; to compel the attendance of absent members; to punish its members for disorderly behavior; and by a vote of not less than five members of the Council, to expel a member for malfeasance or misfeasance in office. The Council shall keep a record book in which the clerk shall note the proceedings of the Council and shall record said proceedings at large in the record book and keep the same properly indexed. (1990, c. 654)

§ 16. Adoption of ordinances and resolutions.--All ordinances and all resolutions appropriating funds in excess of \$100,000 shall be adopted by the Council on two readings. No such ordinance or resolution shall be adopted on second reading on the same day as its introduction unless five members elected to Council have voted to suspend the rules and to place the matter on second reading. (1990, c. 654; 2009, c. 500)

§ 17. School board.

The school board of the city shall consist of six members, of whom four shall be elected by districts and two at large. The terms of the members and other provisions for school board elections shall be as prescribed by general law of the Commonwealth. (1990, c. 654; 1999, cc. 182, 476)

§ 18. Auditor and city attorney.--The Council may appoint an auditor and a city attorney, or may by ordinance fix the method of their appointment, both of whom shall hold office for such terms as may be fixed by the Council. (1990, c. 654)

§ 19. Election, qualification, term, and compensation of Mayor.--There shall be elected by the qualified voters of the city on the Tuesday after the first Monday in September, 1988, and thereafter as provided in § 7 of this charter, a Mayor, who shall be a qualified voter of said city and who shall be the chief executive officer of the city. He shall receive an annual compensation fixed by the Council in accordance with state law. (1990, c. 654)

§ 20. Vacancy in office of Mayor; disability of Mayor.--Should the person elected Mayor omit or fail from any cause to qualify on or before the date his term of office begins or, if after the election, he shall die, resign, or be removed from office for any cause, then, and in all such events, the Vice Mayor shall serve out the unexpired term.

Whenever, from any cause, the Mayor shall be unable to perform the duties of office, these duties shall be discharged by the Vice Mayor, who shall, in such cases, exercise all of the powers of the Mayor except the power of voting at Council meetings on behalf of the Mayor. (1990, c. 654)

§ 21. Duties and powers of Mayor.--The Mayor of the city shall have, possess, and exercise the same rights and powers given him by general law or by special act, and by ordinances enacted by the Council, except insofar as the same are amended or modified by the provisions of this charter; but the Mayor shall have no power to remove any city officer or employee of the city, and the Mayor shall not have the power of veto. (1990, c. 654)

### CHAPTER III.

#### POWERS OF THE COUNCIL GENERALLY.

§ 22. Enumeration.--The Council shall have all the general powers vested in it by the Constitution and laws of the Commonwealth, and it shall have power to enact ordinances providing for the exercise within its jurisdiction of all police powers which the Commonwealth itself may exercise under the Constitution and shall further have power:

1. To levy, assess and collect taxes, and to borrow money within the limits provided by the Constitution of Virginia and by the statute laws of the Commonwealth;
2. To establish a market in and for the city, provide for the appointment of proper officers therefor, prescribe the time and place for holding market, provide suitable grounds and buildings therefor, and enforce such regulations as shall be necessary and proper to prevent huckstering, forestalling, or regrading;
3. To establish, maintain, and operate waterworks and sewer systems and other public utility works, within and without the city; and to contract and agree with the owners of any land for the use of and purchase thereof, or have same condemned according to law, for the location, extension, or enlargement of such works, the pipes, wires, and other appurtenances connected therewith and the fixtures or appurtenances thereof; and to protect from injury, by ordinance, prescribing penalties, the works, pipes,

wires, appurtenances, fixtures and land, or anything connected therewith, whether within or without the limits of the city;

4. To establish or change the grade or open, extend, construct, widen or narrow, lay out, graduate, curb, pave, gutter, and otherwise improve, maintain, repair, clean, and close streets including, but not limited to, limited access or express highways, roads, sidewalks, and public alleys in the city, and have them kept in good order and properly lighted; in order to properly light the streets of the city, the Council may erect and operate such number of lamps and fixtures thereto belonging as they may deem necessary, either on the outer side of the sidewalks, or in the center of the streets; and over any street or alley in the city, which may be ceded or conveyed to the city by proper deed, they shall have like power and authority as over other streets and alleys; they may build bridges in and culverts under such streets, viaducts, subways, and underpasses, and may prevent or remove any structure, obstruction, or encroachment over, or under, or in any street, sidewalk, or alley in the city, plant and maintain and may permit shade trees to be planted along the streets; but no person, firm, company, or corporation shall occupy with its works or any appurtenances thereof, the streets, sidewalks, or alleys of the city, without the consent of the Council, duly entered upon its records. In the meantime, no order shall be made, and no injunction shall be awarded by any court or judge, to stay proceedings of the City Council in the prosecution of its work, unless it is manifest that it, its officers or servants, are transcending the authority given by law, and that the interposition of the court is necessary to prevent injury that cannot be adequately compensated in damages;

5. To determine and designate the route and grade of any railroad to be laid out in the city;

6. To make provision for and regulate the weighing, measuring, or testing of all products and articles offered for sale and barter in the city;

7. To secure the inhabitants from contagious infection, or other dangerous disease, by quarantine or otherwise; to establish, erect, and regulate hospitals; to provide for and enforce the removal of patients to such hospitals; to appoint and organize a board of health for the city, with the authority necessary for the prompt and efficient performance of its duties;

8. If any ground in the city, or within one mile of its corporate limits, shall be subject to be covered with stagnant water, or if the owner or owners, occupier or occupiers thereof, shall permit upon any such land or upon any building or structure thereon any offensive, unwholesome, unsanitary, or unhealthy substances to remain or accumulate thereon or therein, the Council may cause such ground to be filled, raised, or drained or may cause such substance to be covered or to be removed, and may require the razing or repair of all unsafe, dangerous, or unsanitary public or private buildings, walls, or structures within the city, which constitute a menace to the health and safety of the occupants or the public, and may collect the expense of so doing from the owner or owners, occupier or occupiers, or any of them, except in cases where such nuisance is caused by the action of the city authorities, or their agents, in which case the city shall pay the expense of abating the same, by distress and sale in the same manner in which taxes levied upon real estate for the benefit of the city are authorized to be collected, or by another legal proceeding, provided that reasonable notice shall be first given to the owners or their agents. In case of nonresident owners who have no agent in the city, such

notice shall be given by publication once a week for not less than four consecutive weeks in any newspaper published in the city;

9. To regulate and direct the location and construction of all buildings for the storage of gunpowder, explosives, and combustible substances; to regulate the sale and use of explosives, firecrackers, fireworks, gasoline, kerosene, oil, or other combustible material; to regulate the exhibition of fireworks and the discharge of firearms; and to restrain the making of bonfires within the city;

10. To prevent the throwing of stones or engaging in any employment or sport on the streets, sidewalks, or public alleys dangerous or annoying to persons;

11. Where, by provision of this charter, the Council has authority to pass ordinances on any subject, it may prescribe any penalty imposed not exceeding the penalty imposed under state law for a similar offense; and may provide that the offender on failing to pay the penalty imposed shall be imprisoned in the jail of the city for a term not exceeding the term permitted by state law for failure to pay such penalty;

12. The Council may prevent any unlawful obstruction of or encroachment over, under, or in any street, highway, road, alley, bridge, viaduct, subway, underpass, or other public way or place in the city; may provide penalties for maintaining any such unlawful obstruction or encroachment; may remove the same and charge the cost thereof to the owner or owners, occupant or occupants of the property so obstructing or encroaching to remove the same; pending such removal, may charge the owner or owners of the property so obstructing or encroaching compensation for the use of such portion of the street, highway, road, alley, bridge, viaduct, subway, underpass, or other public way or 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; may authorize encroachments upon the public ways and places subject to the terms and conditions as the Council may prescribe, but the owner or owners, occupant or occupants shall be liable for negligence on account of such encroachment; and may institute and prosecute a suit or action in ejectment or other appropriate proceeding to recover possession of any such public way or place or any other property of the city unlawfully occupied or encroached upon. No encroachment upon such public way or place, however long continued, shall constitute any adverse possession to or confer any rights upon the persons claiming thereunder as against the city;

13. Whenever any street, alley or lane in the city shall have been opened and used as such by the public for a period of five years, the same shall thereby become a street, alley, or land for public purposes, and the Council shall have the same authority and jurisdiction over and right and interest therein as it has by law over the streets, alleys, and lanes laid out by them. Any street or alley reserved in the division or subdivision into lots of any portion of the territory within the corporate limits of the city, by plan or plat of record, shall be deemed and held to be dedicated to public use unless it appears by the record that the street or alley so reserved is designated for private use. Upon a petition of a majority of the persons interested, the Council shall have the power to open the same for the use of the public. The Council shall have the right to elect, by resolution entered of record, whether it will or will not accept the dedication of any street or alley and shall

also have the right to supervise all platting and planning and any and all other activities for the beautification of the city;

14. The Council shall grant and pay to all city officers such salaries or compensation as the Council may from time to time deem just and proper, or shall be fixed by this charter; provided the Council may permit the city manager to fix the salaries or compensation of any officer which he may see fit;

15. Whenever, by an act of assembly or ordinance of the Council, the necessity of collecting, maintaining and handling a sinking fund for the retirement of city obligations may arise, the Mayor, the city manager and the treasurer of the city shall be, and the same are hereby constituted, a board of sinking fund commissioners, who are authorized to invest such sinking fund in bonds of the Commonwealth of Virginia, those of the United States Government, and those of the City of Fredericksburg, and to collect, care for and reinvest the interest or income accruing from the same as may be directed by the Council by resolution or ordinance. No fees or commission shall be paid to any officer for the handling and control of the sinking funds;

16. 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, and upon notification or request of the clerk of the Council, or within such time thereafter as the Council shall allow, deliver over to his successor in office all 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 \$100, to be sued for and recovered, with costs. All books, records and documents used in such office by virtue of any provision of this charter, or of any ordinance or order of the City Council, or any superior officer of the city, shall be deemed the property of the city and appertaining to the office and the chief officer thereof shall be responsible therefor; and

17. The Council shall have the authority to provide for the construction of public buildings by means of design-build and construction management contracts, provided such contracts are competitively awarded in accordance with state law. (1990, c. 654)

#### CHAPTER IV. CITY MANAGER.

§ 23. Appointment; qualification; term; suspension and removal; absence or disability.--The Council shall appoint a city manager, who shall be the chief administrative officer of the city. The manager shall be chosen by the Council solely on the basis of his executive and administrative qualifications and need not, when appointed, be a resident of the city or Commonwealth. The appointment of the city manager shall be for a term as may be fixed by the Council. Before the city manager may be removed, he shall, if he so demands, be given a written statement of the reasons alleged for his removal and the right to be heard publicly thereon at a meeting of the Council prior to the final vote on the question of his removal, but pending and during such hearing the Council may suspend him from office. The action of the Council in suspending or removing the manager shall be final, it being the intention of this charter to vest all authority and fix all responsibility for such suspension or removal in the Council. In case of the absence or disability of the manager, the Council may designate some qualified person to perform the duties of the office during such absence or disability. (1990, c. 654)



§ 24. Appointment of officers; budget; appropriation ordinance; tax; fiscal year; when licenses and taxes payable.--A. The city manager shall be responsible to the Council for the proper administration of all affairs of the city placed in his charge, and to that end, except as otherwise provided herein, he shall have the power to appoint all officers and employees in the administrative services of the city; but the manager may authorize the head of a department or officer responsible to him to appoint and remove subordinates in such department or office. Appointments made by, or under the authority of, the city manager shall be on the basis of executive and administrative ability, and of training and experience of such appointees in the work which they are to perform. All such appointments shall be without definite term, unless for temporary service not to exceed six months.

B. At least sixty days before the end of each fiscal year, the city manager shall prepare and submit to the Council an annual budget for the ensuing fiscal year, based upon detailed estimates, according to classification as nearly uniform as possible. Before the end of each fiscal year, or as soon thereafter as may be practicable, the Council shall pass an annual appropriation ordinance, which shall be based on the budget submitted by the city manager, and shall levy such tax for the ensuing fiscal year as in its judgment shall be sufficient to meet all just demands against the city on any account. The Council may determine when the fiscal year of the city shall begin and end and may change the same from time to time. The Council may also determine when city licenses and taxes shall be payable. (1990, c. 654)

§ 25. Removal of officers and employees.--Officers and employees appointed by the city manager or under his authorization may be removed by him or by the officer by whom appointed, at any time. The decision of the manager or other officer, in any case, shall be final and there shall be no appeal therefrom to any other officer, body or court whatsoever. (1990, c. 654)

§ 26. Duties generally.--It shall be the duty of the city manager to protect property; to supervise the administration of the affairs of the city; to make such recommendations to the Council concerning the affairs of the city as may seem to him desirable; to keep the Council advised of the financial condition and future needs of the city; to prepare and submit to the Council such reports as may be required by that body; to make and execute all contracts on behalf of the city, except as may be otherwise provided by this charter, or by ordinance passed in pursuance hereof; and to perform all such other duties as may be prescribed by this charter or required of him by the Council. (1990, c. 654)

§ 27. Rights at Council meetings.--The city manager shall be entitled to a seat in the Council, but shall have no vote therein. The manager shall have the right to take part in the discussion in all matters which come before the Council. (1990, c. 654)

#### CHAPTER V.

#### POLICE AND FIRE DEPARTMENTS.

§ 28. In general.--There shall be a police department and a fire department which may be incorporated into one department by the Council, in which event it shall be known as the department of public safety, with a director thereof. The Council shall provide by ordinances for the appointment of the director of the department of public safety, the term or time for which appointed, and his pay. (1990, c. 654)

#### CHAPTER VI.

## ELECTIVE OFFICERS.

§ 29. Elective officers designated; election, duties and compensation of elective officers.--The clerk of the circuit court, the attorney for the Commonwealth, the treasurer, the commissioner of the revenue, the city sheriff and such other elective officers as may be required by the Constitution and statute laws of the Commonwealth, shall be elected in the manner prescribed by law and shall perform such duties and receive such compensation as prescribed by law. (1990, c. 654)

## CHAPTER VII.

## FINANCE AND TAXATION.

§ 30. Contracting debts; issuance of notes and bonds; continuation of present notes and bonds.--The Council may, in the name and for the use of the city, contract debts and cause to be issued therefor notes or bonds in the manner prescribed by law and subject to all the restrictions imposed upon cities by the Constitution and statute laws of the Commonwealth. Nothing contained in this charter shall in any manner affect any notes or bonds of the city now outstanding. (1990, c. 654)

§ 31. Levy and assessment of taxes.--The Council may annually levy and collect, in such manner as it may deem appropriate, taxes and assessments in the city on property, persons and all other subjects of taxation, the taxation of which by cities is not forbidden by general law, including consumer or subscriber taxes upon public utility services of all kinds used within the city and a tax upon admissions to performances within the city for which a charge is made, all to such extent as the Council shall deem necessary to pay the debts, to defray the expenses, and to accomplish the purposes and perform the functions of the city, in such manner as the Council may deem necessary or expedient. (1990, c. 654)

§ 32. License tax.--The Council may levy a tax or a license on any person, firm or corporation conducting any business or profession whatsoever in this city except when prohibited by general law, whether a license may be required therefor by the Commonwealth or not, and may exceed the state license, if any be required. (1990, c. 654)

§ 33. Licenses for motor vehicles and trailers.--The Council may require of owners of motor vehicles, trailers and semi-trailers, residing in the city, licenses for the privilege of operating such vehicles in the city, such license to be issued and the fees therefor fixed by the Council. (1990, c. 654)

§ 34. Sale of goods and chattels for taxes.--All goods and chattels wheresoever found may be distrained and sold for taxes assessed and due thereon and no deed of trust or mortgage upon goods and chattels shall prevent the same from being distrained and sold for taxes against the grantor in such deed, in the manner prescribed by law. (1990, c. 654)

§ 35. Lien on real estate; sale and redemption of real estate for tax delinquencies; purchase of delinquent real estate for benefit of the city.--There shall be a lien on real estate and on each and every interest therein for the city taxes as assessed thereon from the commencement of the year for which they are assessed. The Council may require real estate in the city, delinquent for nonpayment of city taxes, to be sold for said taxes in the manner, and with interest and penalty thereon, at such rates all as is provided by law. Such real estate may be sold in the manner provided by law, and the city may be a

purchaser at any sale held under any provision of law for the enforcement of tax liens. (1990, c. 654)

§ 36. Reserved. (1990, c. 654)

#### CHAPTER VIII. MISCELLANEOUS.

§ 37. Disposition and disbursement of city moneys; depositories; sureties.--A. All moneys received or collected for use of the city from any source shall be paid over, held and disbursed as the Council may order or resolve, and in such depository or depositories as may be prescribed by the Council, either by ordinance or resolution.

B. Where a depository is so designated the deposit may be conditioned upon security to be furnished by it and approved by the Council either in the form of a surety bond or the deposit of securities, as directed, and where security is furnished and approved the Council may relieve the surety on the bond of the depositing official from liability growing out of the loss of such deposit by reason or acts or failure of the depository, provided nothing herein shall be construed to release said surety from liability for loss resulting from any dereliction of duty on the part of the official.

C. The Council may establish and maintain a centralized system of bookkeeping, accounting and controls which shall comprehend and include the fiscal transactions of all officers and departments of the city including the city school board and the city public welfare board. (1990, c. 654)

§ 38. Actions against city where city jointly liable.--A. In any action against the city to recover damages against it for any negligence in the construction or maintenance of its streets, alleys, lanes, parks, public places, sewers, reservoirs or water mains, or other public works engaged in by the city, where any person or corporation is liable with the city for such negligence, every such person or corporation shall be joined as defendant with the city, where service of process may be had in Virginia in any action brought to recover damages for such negligence, and where there is judgment or verdict against the city, as well as the other defendants, it shall be ascertained by the court or jury, which of the defendants is primarily liable for the damages assessed.

B. If it be ascertained by the judgment of the court that some person or corporation other than the city is primarily liable, there shall be a stay of execution against the city until execution against such person or persons or other corporation or corporations shall have been returned without realizing the full amount of such judgment.

C. This section shall not apply to any action maintained against the city and Stafford County to recover damages for negligence in the construction, maintenance, or operations of the Regional Landfill operated by the city and Stafford County. (1990, c. 654)

§ 39. Actions against city for negligence.--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, agent or employee thereof, unless a written statement by the claimant, his agent or 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, or with the Mayor, or the city manager, within six months after such cause of action shall have accrued; except if the complainant is able to establish by clear and convincing evidence that due to the injury sustained for which a claim is asserted, 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 the injury so as to be able to give such notice. (1990, c. 654)

§ 40. Planning and zoning ordinances.--The Council shall have full and complete powers to pass any ordinances not expressly prohibited by state law for planning, zoning, site plans, subdivisions, and preservation of historic and archeological resources, as completely as if all such purposes were fully set forth specifically herein. (1990, c. 654)

§ 41. Continuance in office.--Unless otherwise specifically provided, the persons holding any of the offices provided for in this charter, which offices have existed under the charter heretofore in force, shall continue to hold the same under their previous election or appointment until the term of such office as herein provided shall expire, dating the commencement of such term from the time fixed in the former charter. (1990, c. 654)

§ 42. Bonding of officials and employees.--The Council may require bond with surety from the city manager, treasurer, auditor, and such other officials and employees as may from time to time be prescribed by the Council, in such penalty as may be provided by ordinance. (1990, c. 654)

§ 43. Severability.--Should any portion of this act be declared unconstitutional, illegal or invalid, such decision shall not invalidate any other portion, section or provision hereof, and all parts of this charter not expressly held to be invalid shall remain in full force and effect. (1990, c. 654)

§ 44. Effective date; repeal of conflicting acts.--All ordinances, rules, regulations and orders legally made by the City of Fredericksburg in force on the effective date of this charter, insofar as they or any portion are not inconsistent with this charter, shall remain in full force and effect. (1990, c. 654)

§ 4. The corporate limits and boundaries of the city of Fredericksburg, Virginia, shall be as now established, the said limits being described as follows;

"Beginning as a point formed by the intersection of the former northern corporate boundary of the City of Fredericksburg, extended north fifty-six degrees and thirty-four minutes east, eighty-nine feet from the former north corner of the corporate boundary of the city, and the present low water line on the southwestern bank of the Rappahannock River; thence following the meanders of the said southwest bank upstream the following five courses and distances north twenty-six degrees four minutes and twenty seconds west, seven hundred and eleven and nine-tenths feet; thence north thirty-nine degrees twenty-eight minutes and forty-five seconds west, four hundred and twenty-six and two-tenths feet; thence north fifty degrees thirty-five minutes and forty seconds west, three hundred and eleven and nine-tenths feet; thence north seventy-three degrees forty-six minutes and five seconds west, four hundred and eleven and four-tenths feet; thence south eighty-two degrees forty-seven minutes and fifty-five seconds west, two hundred and sixty-nine and nine-tenths feet; thence leaving the river south thirty-nine degrees and thirty seconds west, seventeen hundred and seventy-one and six-tenths feet, by and with the southeast boundary of Amaret Street, to a point in said boundary formed by its intersection with the southeast boundary of U. S. alternate Highway No. one; thence along the southeast boundary of U. S. alternate Highway No. one south twenty-seven

degrees, forty-eight minutes and thirty seconds west, four hundred and sixty-six and two-tenths feet, to a point formed by the intersection of the southeast boundary of U. S. alternate Highway No. one and the southeast boundary of Fall Hill Avenue; thence running with the southwest boundary of Fall Hill Avenue the following two courses and distances; south sixty degrees eleven minutes and fifty seconds east, five hundred and ninety-three and five-tenths feet; thence south forty-six degrees and forty-four minutes east, seven hundred and seventy-six and one-tenth feet, to a cross cut in a stone at the point formed by the intersection of the said southwest side of Fall Hill Avenue and the southeast boundary of the 'Snowden' property; thence along the said 'Snowden' boundary, south fifty degrees thirteen minutes and thirty-five seconds west, thirty-one hundred and sixty-two and three-tenths feet to a point in the 'Snowden' boundary formed by its intersection with a line forty feet southeast of and parallel to the center line of U. S. alternate Highway Number one; thence southerly with said parallel line, on the arc of a circle having a radius of twenty-eight hundred and sixty-five feet, a distance of three hundred and nine feet; thence continuing with a line forty feet from and parallel to the center line of U. S. alternate Highway Number one south sixteen degrees, nine minutes and fifty seconds west, eleven hundred and ninety-one and four-tenths feet, to a point formed by the intersection of said parallel line and the northeast boundary of Avenue "E" as laid out by the Fredericksburg Development Company; thence with said east boundary of Avenue "E" south twenty-nine degrees and ten seconds, twenty-six hundred and twenty-three feet, to its intersection with the northwest boundary of State Highway Route three, generally known as the Plank Road; thence with said boundary of Route three south fifty-three degrees forty-two minutes and thirty-five seconds west, four hundred and fifty-six and seven-tenths feet, to its intersection with the southwest boundary of High Street; thence with said southwest boundary of High Street south thirty degrees fifty-nine minutes and fifteen seconds east, two hundred and fifty-three and five-tenths feet, to its intersection with the southeast boundary of Hanover Street, thence with said southeast boundary of Hanover Street north seventy-one degrees thirty-five minutes and twenty seconds east, fifteen hundred and sixty-six and nine-tenths feet, to a tack in a stake at the southwest corner of Hanover Street and Avenue "C"; thence leaving Hanover Street south twenty-eight degrees two minutes and forty seconds east, ten hundred and seventy and one-tenth feet; to an iron pipe one foot north of the northwest corner of the U. S. National Cemetery; thence parallel with the north boundary of said cemetery north eighty-four degrees four minutes and twenty-five seconds east, eight hundred and eight and seven-tenths feet, to the east boundary of Sunken Road; thence with said east boundary of Sunken Road south fourteen degrees thirty-nine minutes and ten seconds east, three hundred and thirty-six and three-tenths feet, to its intersection with the east boundary of U. S. Highway Route Number one; thence with said east boundary of Route one south seven degrees fifty-eight minutes and twenty seconds west, four hundred and seventy-seven and six-tenths feet, thence leaving U. S. Route one and with the southwest boundary of the city lot, south thirty-five degrees and twenty-five minutes and twenty-five seconds east, one hundred and fifteen and eight-tenths feet, to the northwest boundary of the Virginia Central Railway Company's right of way; thence with said northwest boundary of right of way the four following courses and distances; north fifty-five degrees forty-one minutes and thirty-five seconds east, forty feet; thence north fifty-one degrees thirty minutes and fifty-five seconds east, one hundred feet; thence north

forty-eight degrees twenty-six minutes and fifty-five seconds east, one hundred feet; thence north forty-seven degrees thirty minutes and fifty-five seconds east, three hundred and seventy-seven feet to its intersection with the former southwest corporate boundary of the city; thence with the former corporate boundaries of the city the following two courses and distances; south twenty-six degrees and twenty-eight minutes east, twenty-three hundred and six and four-tenths feet, thence north sixty-three degrees thirty-six minutes and fifty seconds east, three hundred and seventy-five feet; thence leaving the former corporate boundary and running with the east right of way boundary of the Richmond, Fredericksburg and Potomac Railway south fifty-four degrees and fourteen minutes east, fourteen hundred and sixty-six and seven-tenths feet, to its intersection with the southeast boundary of Howison Street as laid out by the Fredericksburg Development Company; thence with the said southeast boundary of Howison Street north fifty-six degrees five minutes and fifty seconds east, seventeen hundred and seventy-two and two-tenths feet, to its intersection with the east boundary of U. S. Highway Route seventeen, or Dixon Street extended; thence with said east boundary of Dixon Street, by the arc of a four degree curve, five hundred and twenty-six and one-tenth feet in length and whose long chord is north fourteen degrees forty-five minutes and fifty seconds west, five hundred and twenty-three and one-tenth feet; thence continuing with said east boundary of Dixon Street, north three degrees fifty-three minutes and forty seconds west, four hundred and eighty feet; thence north five degrees thirty-nine minutes and twenty seconds west, one hundred and eighty-two and six-tenths feet, to an intersection of said east boundary of Dixon Street and the former southeast corporate boundary of the city, thence with said corporate boundary north sixty-three degrees thirty-six minutes and fifty seconds east, seventeen hundred and thirty-seven and six-tenths feet, to the low water line of the Rappahannock River; thence northwestwardly, up-stream, by and with the meanders of said low water line of the Rappahannock River, to the beginning." (1942, c. 481)

§ 4.1. The corporate limits and boundaries of the City of Fredericksburg are extended beyond the corporate limits and boundaries set forth in § 4 by adding the following:

1. The territory described in Chapter 624 of the Acts of Assembly of 1952, being the territory annexed effective December 31, 1950.

2. The territory described in the Order of Annexation, recorded in Book 182, page 537 and following, Circuit Court Clerk's Office of the City of Fredericksburg, effective December 31, 1983. (1984, c. 164)