

MANASSAS PARK, CITY OF
City of Second Class.
Incorporated as a Town by order
of the Circuit Court of Prince William County on January 21, 1957.
Became a city by court order on May 15, 1975.
Secretary of the Commonwealth letter May 22, 1975.
City of second class June 1, 1975.

Charter, 1962, c. 126; repealed 1976, c. 722.

Charter, 1976, c. 722; repealed 1993, c. 912.

Charter, 1993, c. 912.

Amended 2002, c. 373 (§ 2.1)

2005, c. 560 (§ 4.1)

2007, c. 169 (§§ 3.5, 3.9, 4.2).

CHAPTER I.
INCORPORATION AND BOUNDARIES.

§ 1.1. Municipal corporation continued; name and style; general rights, privileges and authority.--The City of Manassas Park, notwithstanding any other provision of law, shall be and continue to be a municipal corporation under the name and style of the City of Manassas Park, clothed with all the rights, privileges and authority granted it under this charter and by the general laws of the Commonwealth of Virginia. The City of Manassas Park shall have perpetual succession, may sue and be sued, contract and be contracted with, and shall have a corporate seal which it may alter at its pleasure. (1993, c. 912)

§ 1.2. Corporate limits.--The corporate limits of the City of Manassas Park, Virginia, shall be the boundaries of the town of Manassas Park, its predecessor, as ordered in the final decree of the Circuit Court of Prince William County entered on January 21, 1957, recorded in Common Law Order Book 17, page 429, and as said boundaries were enlarged by certain orders of the Circuit Court of Prince William County, sitting as a duly constituted Annexation Court, one entered December 31, 1974, recorded in Common Law Order Book 67, page 297, and the other entered January 31, 1990, recorded in Common Law Order Book 130, page 1263. In addition to the above, the corporate limits shall include such territory as is otherwise added from time to time to the municipality as provided by law. (1993, c. 912)

CHAPTER II.
VESTMENT OF POWERS.

§ 2.1. General grant of powers.

Except as may be otherwise provided in this charter, all powers of the City and the administration and government of the City shall be vested in the Mayor and City Council, as defined in §§ 3.4 and 3.6, as the Governing Body, as defined below, of the City of Manassas Park, and in such boards and officers as are hereafter mentioned, or as may be by law otherwise provided. The powers set forth in the Code of Virginia, and all other powers which are now or may hereafter be conferred upon or delegated to cities under the Constitution and laws of the Commonwealth, are hereby conferred on and vested in the City of Manassas Park, Virginia.

The enumeration of certain powers in this charter shall not be construed to impair or diminish any of the rights, powers or authority conferred upon cities or their officers by the general laws of the Commonwealth.

The Governing Body shall have, subject to the provisions of this charter, the control and management of the fiscal and municipal affairs of the City and make such ordinances and bylaws relating to the same as it shall deem proper and necessary to carry out the following powers, which are hereby vested in it:

A. Eminent domain.

The powers of eminent domain as set forth in the Code of Virginia, as amended, are hereby conferred upon the City of Manassas Park with respect to lands and improvements thereon, machinery and equipment for any lawful purpose of the City, including but not limited to, mutatis mutandis, the rights, privileges and obligations set forth in the Code of Virginia, as amended, applicable to the Commonwealth Transportation Commissioner and the Department of Transportation, as set forth in Title 33.1, Chapter 1, Title 15.2 and Title 25, Chapter 1.1, of the 1950 Code of Virginia with respect to all lawful purposes for which the City is permitted to exercise the power of eminent domain.

B. Financial powers.

In addition to the powers granted elsewhere in this charter, the City shall have the power:

1. To raise by taxes and assessments, as permitted by general law, in the City, such sums of money as the Governing Body may deem necessary to pay the debts and defray the expenses of the City. In the event the fees, rents or charges payable for the use and services of any public utility or public service supplied by the City of Manassas Park for or in connection with any real property shall not be paid when due, interest may be charged on such unpaid balance at the legal rate of interest. Such fees, rents or charges and the interest due thereon shall constitute a lien against such property, ranking on a parity with liens for unpaid town, city or county taxes, and shall also be recoverable by the City in an action at law or a suit in equity. In addition to, but not as a limitation upon, this general grant of power, the City shall have power to levy and collect ad valorem taxes on real estate and tangible personal property and machinery and tools; to levy and collect taxes for admission to or other charge for 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; to levy and collect taxes on hotel and motel rooms; to levy and collect privilege taxes, and local general retail sales and use taxes as provided by law; unless prohibited by general law, to require licenses, prohibit the conduct of any business, profession, vocation or calling without such a license, require taxes to be paid on such licenses in respect to all businesses, professions vocations and callings which cannot, in the opinion of the Governing Body, be reached by the ad valorem system; and to require licenses of all owners of vehicles or trailers of all kinds for the privilege of using the streets, and other public places of the City, require taxes to be paid on such licenses and prohibit the use of streets, alleys and other public places in the City without such license, said City to have the power to require as a condition precedent to the issuance of motor vehicle licenses the exhibiting by the motor vehicle license applicant of adequate proof of the payment of all personal property taxes then due and payable to the City of Manassas Park.

2. To impose, levy and collect, in such manner and in an amount permitted by the Code of Virginia, a consumer or subscriber tax upon the amount paid for use of water, gas, electricity, telephone, and any other public utility services, and may provide that such tax shall be added to and collected with bills rendered consumers and subscribers for such services.

C. Grants.

The City of Manassas Park shall have the power to receive and accept from any federal, state or private agency, grants of any kind for or in aid of the construction of any project, the procuring or reserving of park land, open spaces, or any recreational facility and to do all such things or make any covenants or agreements which may be necessary or required in order to obtain and use such grants. The City may receive and accept aid or contributions from any source or money, property, labor or other things of value, to be held, used and applied only for the purpose for which such grants and contributions may be made.

D. Debts, bonds, notes, etc.

Governing Body may, in the name and for the use of the City, contract debts and make and issue, or cause to be made and issued, as evidence thereof, bonds, notes or other obligations, upon the credit of the City or solely upon the credit of specific property owned by the City or solely upon the credit of income derived from property used in connection with any public utility owned and operated by the City subject to the provisions of the Code of Virginia and the Constitution of Virginia.

1. Pending the issuance and sale of any bonds, notes or other obligations by this charter authorized, or in anticipation of the receipt of taxes and revenues of the current fiscal year, it shall be lawful for the City to borrow money temporarily and to issue notes or other evidences of indebtedness therefor, and from time to time to renew such temporary loans or use current funds, to be ultimately repaid from the proceeds of the said bonds, notes or other obligations or from city taxes and revenues, as the case may be, subject to the provisions of the Code of Virginia and the Constitution of Virginia.

2. The credit of the City shall not, directly or indirectly, under any device or pretense whatsoever, be granted to or in aid of any person, firm, association or corporation.

3. Every ordinance authorizing the issuance of bonds shall specify the purpose or purposes for which they are to be issued, the aggregate amount of the bonds, the terms for which they shall be issued, and the maximum rates of interest to be paid thereon. Any such ordinance may be amended by ordinance at any time before the bonds to be affected by such amendment have been sold; however, if there is omitted from this charter any provision essential to the valid authorization, sale, execution and issuance of any bonds of the City, the provisions of general law with reference to similar bonds shall supply said omission.

4. Any bonds issued by the City under this charter shall be signed by the Mayor and attested by the City Clerk, as defined below, under the Seal of the City, and shall be made payable in the office of the City Treasurer, as defined below, or such other place in or out of the Commonwealth as the Council may provide in the ordinance authorizing the issuance of the particular bonds. Such bonds shall be advertised by the Mayor and sold by the City Treasurer, or by the City Manager, as defined below, as may be provided in such ordinance, under the supervision of the Mayor, City Manager and City Clerk, and the sale

reported to and approved by the Governing Body, and the proceeds from said sale shall be paid to the City Treasurer.

5. So long as there exists any unpaid bonded indebtedness, the Governing Body shall set aside, or cause to be set aside, a sufficient portion of the revenues of the City during each fiscal year for the sinking fund requirement for that year and none of the funds so set aside shall be appropriated or used for any purpose other than the retirement of outstanding bonds and the payment of the interest on same.

E. Public improvements.

With the exception of electric utilities, the Governing Body shall have the power to construct, maintain, regulate and operate public improvements of all kinds, including municipal and other buildings and structures necessary or appropriate for the use and proper operation of the various departments of the City and the performance of its duties and functions.

F. Waterworks and sewers.

The Governing Body shall have the power to establish, maintain, and operate waterworks and sewer systems within and without the City; to purchase water therefor; to contract and agree with the owners of any land, springs, wells or water supplies for the use of or purchase thereof; or have same condemned according to law, for the location, extension, or enlargement of the said waterworks, or sewer system, either or both, the pipes connected therewith, and the fixtures or appurtenances thereof; and to protect from injury by ordinance, prescribing adequate penalties, the said waterworks, water supply, sewer systems, pipes, fixtures, and land, or anything connected therewith, whether within or without the limits of the City.

G. Streets, sidewalks and alleyways generally.

The Governing Body shall have the power to open, extend, widen or narrow, close, lay out, graduate, curb, and pave, and otherwise improve streets, 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 Governing Body may erect and operate such number of lamps and fixtures thereto belonging as it may deem necessary. It may build bridges in and culverts under streets, and may prevent or remove any structure, obstruction, or encroachment over, or under, or in any street, sidewalk, or alley in the City, and may permit shade trees to be planted along streets. No person shall occupy with his works, or any appurtenances thereof, the streets, sidewalks, or alleyways of the City without the consent of the Governing Body, duly entered upon its records.

1. Removal of street encroachments.

In every case where a street in the City has been, or shall be encroached upon by a fence, building or otherwise, the Governing Body may require the owner to remove the same, and if such removal be not made within the time prescribed, it may impose such penalty as it may prescribe by ordinance for each and every day it is allowed to continue thereafter, and may cause the encroachment to be removed, and collect from the owner all reasonable charges therefor, with costs, by the same process that it is hereinafter empowered to collect taxes. Except, in any case where there is a bona fide dispute as to the true boundary line or the location of the true street line, and if passage over such street is not seriously impeded, the same shall first be established and determined by an adjudication of a court of competent jurisdiction in a proceeding instituted by either the City or the property owner for that purpose before the City shall take any steps to remove

the said obstruction or encroachment, or to impose a penalty therefor. No encroachment upon any street, however long continued, shall constitute any adverse possession to or confer any rights upon persons claiming thereunder as against the City.

2. Dedication of streets.

Dedication of any street, alley or lane in the City may be made by plat or deed. 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 a plan or plot of record, shall be deemed and held to be dedicated to public use, unless it appears by said record that the street or alley so reserved is designated for private use. The Governing Body shall have the right to elect, by resolution entered on its minutes whether it will, or will not accept the dedication of any street or alley.

H. Encumbering streets, sidewalks, etc.

The Governing Body shall have the power to prevent the encumbering of streets, sidewalks, alleyways, lanes, or bridges throughout the City in any manner whatever.

I. Route and grade of public utilities.

The Governing Body shall have the power to determine and designate the route and grade of any public utility laid out in the City, which power may be delegated to the appropriate officer of the City.

J. Nuisances, unsafe or unsanitary structures, dangerous and unhealthy businesses, transportation of explosives, garbage, etc., and speed of trains; dangerous buildings.

1. The Governing Body shall have the power to require and compel the abatement and removal of all nuisances within the City, at the expense of the person or persons causing the same, or the owner or owners of the ground whereon the same shall be; to require all lands, lots, and other premises within the City to be kept clean, sightly, sanitary and free from weeds or to make them so at the expense of the owners or occupants thereof; to make such rules, regulations, orders or ordinances as will protect its citizens from unsafe and unsanitary structures or walls, and to that end it shall have the power to cause to be condemned and taken down any such structure or wall, but no such condemnation shall be made or such structure or wall taken down until the owner thereof, or in the case of an infant or person declared incompetent pursuant to the Code of Virginia, his guardian or committee, is duly summoned before a board or a committee of the Governing Body or the full Governing Body as charged by the ordinances with such duty, and allowed reasonable opportunity to show cause against such action; to regulate the exercise of any dangerous, offensive or unhealthy business, trade or employment within the City; to regulate the transportation of coal, explosives, garbage and other articles through the streets of the City; to restrain and regulate the speed of locomotive engines and cars upon the railroads within the City.

2. The Governing Body may by resolution, duly adopted and recorded, order the repair, wrecking or removal of any building or structure which has been complained of by the City Manager or other authorized agent as a menace to adjoining property or to persons using a public thoroughfare or a public place adjacent to such building or structure; and condemnation shall be made only after such building or structure has been inspected and found unsafe by a committee composed of the City Manager or other authorized agent and two reputable builders appointed by the Governing Body. If the owner of such menace fails or refuses to repair, wreck or remove the same within thirty days from the date of written notice from the City Clerk, transmitting such resolution of

condemnation, the Governing Body may then order the City Manager or other authorized agent to repair, wreck or remove such building or structure, and the cost of such repair, wrecking or removal by the City Manager or other authorized agent shall be a charge against the property on which such menace is located; such costs shall be collectible by due process of law.

K. Accumulations of stagnant water, unwholesome substances, etc., on private grounds; removal; collection of expenses, etc.

If any ground in the City shall be subject to be covered with stagnant water, or if the owner or owners, occupier or occupiers thereof shall permit any offensive or unwholesome substance to remain or accumulate thereon, the Governing Body may cause such grounds to be filled, raised, or drained, or may cause such substance to be covered or to be removed therefrom, 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, or by natural causes beyond the control of the owner or occupant, 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; provided that reasonable notice and opportunity to be heard shall be first given to such owners or their agents. In the case of nonresident owners who have no agent in the City, such notice shall be given by publication at least once a week for not less than two consecutive weeks in any newspaper having general circulation in the City.

L. Establishing fire zones; adoption of building codes, etc.; fire prevention; discharge of fireworks and firearms.

The Governing Body shall have the power to establish fire zones and regulate the character of buildings which may be erected or restored within same; to regulate and direct the storage of explosives and combustible substances and liquids; to prohibit the discharge of fireworks and firearms within the City, the building of bonfires within the City and the use of candles or lights in barns, stables, warehouses, etc.

M. Franchises.

Subject to the provisions of the Code of Virginia, the Constitution of Virginia and the provisions of this charter, the Governing Body shall have the power to grant franchises under terms and conditions to be fixed by the Governing Body.

N. Diversion of streams.

The Governing Body shall have the power to divert the channels of creeks and flowing streams and for that purpose to acquire property by condemnation pursuant to the Code of Virginia and this charter.

O. Passage of ordinances, etc., to promote general welfare, etc.

The Governing Body shall have the power to do all things whatsoever necessary or expedient, and to pass all ordinances, resolutions and bylaws for promoting or maintaining the security, general welfare, comfort, education, morals, peace, government, health, trade, commerce and industries of the City, or its inhabitants, not in conflict with the Code of Virginia and the Constitution of Virginia or the Constitution of the United States.

P. Public utilities generally.

The Governing Body shall have full control and regulation over the public utilities now owned or that may hereafter be acquired by the City, and to this end it shall have full

authority to employ from time to time such employees as it deems necessary to properly maintain, conduct and operate the same. The Governing Body shall have full authority to incur indebtedness, unless otherwise prohibited by law, whenever the Governing Body may deem it necessary for the proper conduct, management and maintenance of the public utilities now owned by the City, or such as may hereafter be acquired by it.

Q. Requiring connection with sewers.

The Governing Body shall likewise have authority, by ordinance duly enacted, to compel all owners of real estate within the corporate limits of the City to connect with such sewerage pipes or connection as may hereafter be installed or constructed by the City, whenever public health may render necessary such connection, upon such reasonable terms as may be prescribed by the Governing Body, together with all other authority necessary to proper maintenance and operation of an effective sewerage system.

R. Special election required for sale of public utilities.

The Governing Body shall have no authority to sell its public utilities, without first submitting the question of such sale at a special election to be called for that purpose only, to the qualified voters of the City of Manassas Park, which election shall be conducted as now provided by general law governing special elections. The Circuit Court of Prince William County shall order such special election upon the petition of twenty-five percent of the qualified voters of the City of Manassas Park or upon a resolution passed by a majority of the Governing Body of the City. For a period of not less than four weeks prior to such special election, the substantial terms of any proposed sale shall be published over the signature of the City Clerk, once a week for four successive weeks in some newspaper having general circulation in the City of Manassas Park. The qualifications of voters in said special election shall be determined by existing statutes governing special elections.

S. Penalty for ordinance violations.

Where, by provision of this charter, or by general law, the Governing Body has the authority to pass ordinances on any subject that it may prescribe a penalty, the penalty for a violation of such ordinances shall not exceed the penalty authorized by general law; however, such penalty shall not exceed the penalty authorized in general law for a like offense. Such penalties may be pursued through all avenues available under general law and recovered with the costs in the name of the City of Manassas Park. (1993, c. 912; 2002, c. 373)

CHAPTER III.

ADMINISTRATION AND GOVERNMENT.

§ 3.1. Designation of governing body and municipal officers.--The Governing Body of the City of Manassas Park shall consist of the Mayor and City Council. All powers of the City of Manassas Park as a body politic and corporate shall be vested in the Governing Body. The municipal officers of the City shall consist of a Mayor, six Council Members ("City Council"), a City Clerk, a City Treasurer, a Commissioner of Revenue, a City Attorney and a City Manager so long as the City shall retain a managerial form of government. The Mayor, Council Members, City Treasurer and Commissioner of Revenue shall be elected by qualified voters of the City. The City Manager, City Clerk and City Attorney shall be appointed by the Governing Body as hereinafter provided. (1993, c. 912)

§ 3.2. Mayor and City Council to have power and authority prescribed by law.--The power and authority of the Mayor and City Council as the Governing Body of the City of Manassas Park shall, in addition to those mentioned and authorized by this charter, be such as are mentioned and prescribed by law. (1993, c. 912)

§ 3.3. Oath and bond of officers.--All municipal officers of the City, before entering upon the duties of their respective offices, shall be sworn in, pursuant to the laws of the Commonwealth by anyone authorized to administer oaths under the laws of the Commonwealth. If any person elected or appointed to any office in the City shall neglect to take such oath on or before the day on which that person is to enter upon the discharge of the duties of the office, or shall for twenty days after the beginning of the term of office fail to give such bond as may be required of that person by City Council, a vacancy in said office shall then exist. (1993, c. 912)

§ 3.4. Mayor.--The Mayor shall be elected by popular vote of the qualified voters of the City as provided in this charter. The Mayor shall preside at the meetings of the City Council and perform such other duties as may be prescribed by this charter, and as may be imposed by the Governing Body, consistent with his office. The Mayor shall serve as the chief executive officer of the City, responsible to the Governing Body to see that the bylaws, ordinances, acts and resolutions of the Governing Body are executed and obeyed faithfully. At no time shall the Mayor be authorized to serve concurrently as Mayor and City Manager, nor shall the Mayor be authorized to act as City Manager in an interim capacity. The Mayor shall not have the authority to veto any action of the Governing Body, notwithstanding any other provision in this charter or by general law.

The Mayor shall have the right to vote as a member of the Governing Body, and as such shall have all rights, privileges, powers, duties and obligations of a voting member of the Governing Body, while performing the duties of Mayor.

The Mayor shall have the power to suspend and the Governing Body to remove any city officer appointed by the Governing Body for misconduct in office or neglect of duty to be specified in the order of suspension or removal. No removal shall be made without reasonable notice to the officer complained of and an opportunity afforded him to be heard in his defense.

The Mayor may receive a salary to be fixed by the Governing Body, payable in such a manner and at such times as the Governing Body may direct. (1993, c. 912)

§ 3.5. Vice-mayor; acting mayor.--The Governing Body shall biennially, at its first regular meeting in January following the regular municipal election, choose one of its members as vice-mayor. The vice-mayor shall perform the duties of Mayor during the Mayor's absence or disability. In the event of the death, removal or resignation of the Mayor, the vacancy shall be filled in accordance with general law.

Should a member of City Council be chosen to serve as Mayor until the next municipal election, such City Council seat will be deemed to be vacant upon qualification of the former City Council member as Mayor. The vacancy thereby created in the City Council shall be filled by the Governing Body as provided in this charter.

The member of the City Council who shall be chosen as vice-mayor shall continue to have all rights, privileges, powers, duties and obligations as a member of the Governing Body while performing the duties of Mayor in the absence or disability of the Mayor of the City. (1993, c. 912; 2007, c. 169)

§ 3.6. City Council.--The City Council shall be composed of six members. They shall be elected by popular vote of the qualified voters of the City as provided in this charter.

In the event of the death, removal or resignation of a member of City Council, the vacancy shall be filled in accordance with general law.

Each member of the City Council may receive a salary to be fixed by the Governing Body, payable at such times and in such manner as the Governing Body may direct. (1993, c. 912)

§ 3.7. Governing Body, generally.--A. The Governing Body shall establish its own rules of procedure. In addition to the foregoing, the Governing Body shall have the following powers:

1. To exercise all powers granted to the City of Manassas Park by general law and this charter.

2. To inquire into the official conduct of any office or officer under its control and to investigate the accounts, disbursements, and expenses of any city employee; for these purposes, it may subpoena witnesses, administer oaths and require the production of books, papers and other evidence; and in case any witness fails or refuses to obey any such lawful order of the council, he shall be deemed guilty of a misdemeanor.

3. To provide for the performance of all the governmental functions in the City, and, to that end, provide for and set up all departments and agencies of government that shall be necessary. Whenever it is not designated in this charter what officer or employee of the City shall exercise any power or perform any duty conferred upon or required of the City or any officer thereof by general law, then any such power shall be exercised or duly performed by that officer or employee of the City so designated by ordinance or resolution of the Governing Body. Any activity which is not assigned by the provisions of this charter to specific departments or agencies of the city government shall be assigned by the Governing Body to the appropriate department or agency. The Governing Body may further create, abolish, reassign, transfer or combine any city functions, activities, or departments. The Governing Body shall appoint a City Manager. The Governing Body, in its discretion, may appoint the same person to more than one appointive office; however, said appointments may not result in dual compensation or benefits of any kind.

4. To fix a schedule of compensation for all City Officers and employees. The Governing Body may by ordinance define certain classes of city employees whose salaries shall be set by the Governing Body.

5. To prescribe the amount and condition of surety bonds to be required of such officers and employees of the City as the Governing Body may designate, not inconsistent with general law.

6. The Governing Body may appoint a City Attorney. The City Attorney shall be an attorney licensed to practice under the laws of the Commonwealth and need not be a resident of the City of Manassas Park.

7. To provide for a board of equalization as authorized by the Code of Virginia.

8. To place the control and supervision of the police force of the City under either the Mayor or the City Manager as may appear advisable to the Governing Body.

9. To take from any officer or employee of the City, whether elected by the voters of the City or appointed by the Governing Body, a bond, with surety, to be approved by

the Governing Body, in such penalty as it may deem proper, payable to the City, with condition for the faithful discharge by the officer or employee of the duties of the designated office.

10. To exercise full police powers, and it shall establish and maintain a police force for the City of Manassas Park with such number of police officers and employees as the Governing Body may deem necessary; the head of such force may be known as the Chief of Police. The Chief of Police and the police officers and employees of the police force shall be under the control and supervision of the City Manager or Mayor as the Governing Body may deem expedient. The compensation and terms of office or employment of the Chief of Police and such police officers and employees of the police force shall be fixed and determined by the Governing Body. Each member of the police force and the Chief of Police are hereby made and constituted conservators of the peace and endowed with all powers of a constable in criminal cases and all other powers which under the laws of the Commonwealth of Virginia and the ordinances and resolutions of the City may be necessary to enable the police officers to discharge the duties of their offices.

11. To maintain a Fire Department for the City of Manassas Park and provide fire-fighting apparatus and equipment for such department, and it may accept for use of the department gifts, grants or donations in the form of money or equipment which, when made, shall be the property of the City as completely as if purchased and paid for by the City. The Governing Body may by ordinance or resolution prescribe such rules and regulations as it may deem necessary regulating the operation of Fire Department and the use of the apparatus, equipment, etc., as herein provided. The Fire Department may be manned by either volunteer firemen or firemen who are paid employees of the City. If maintained as a Volunteer Fire Company, the Governing Body may grant the members of such company the right to select their own membership and officers subject to the approval of the Governing Body. The Governing Body may at its discretion add to the Volunteer Fire Company such full-time, or part-time, paid members as may seem advisable to the Governing Body.

12. Neither the Governing Body 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 Governing Body and its members shall deal with the administrative services solely through the City Manager, and neither the Governing Body nor any member thereof shall give orders either publicly or privately to any subordinate of the City Manager.

B. Except as herein provided, the Governing Body shall establish its own rules of procedure.

1. The Governing Body shall meet in regular session at least once each month.

2. The Governing Body shall provide for the calling of special meetings by the Mayor, or any three members of the Governing Body, and shall prescribe the method of giving notice thereof.

3. Except as otherwise provided by law, ordinances, resolutions, motions, and votes shall be adopted only by the affirmative votes of a majority of the quorum of the Governing Body present at a regularly scheduled or special meeting open to the public.

C. The Governing Body shall have general power over all the officers and employees of the City as provided in this charter. (1993, c. 912)

§ 3.8. Quorum; required vote for appropriation of money or levy of taxes or licenses; reconsideration, at special meeting, of matters decided at stated meeting.--Four members of the Governing Body shall constitute a quorum for the transaction of business. No ordinance shall be passed or resolution adopted having for its object the appropriation of money in any sum, or the levy of taxes and licenses, except by the concurrence of at least four members of the Governing Body. No vote or question decided at a stated meeting shall be reconsidered at a special meeting unless all members are present, and four of them concur, each having been members of the Governing Body who previously voted in favor of the prevailing side during the previous voted decision on the issue in question. (1993, c. 912)

§ 3.9. Induction of members.--The City Clerk shall administer the oath of office to the duly elected members of City Council and the Mayor on or before December 31, immediately following their election. In the absence of the City Clerk, the oath may be administered by anyone authorized to administer oaths under the laws of the Commonwealth. (1993, c. 912; 2007, c. 169)

§ 3.10. Meetings generally.--The Governing Body shall, by ordinance, fix the time for its stated meetings. Special meetings shall be called by the City Clerk upon written request of the Mayor, or any three members of the Governing Body; no business shall be transacted at a special meeting but that for which it shall be called, unless the Governing Body so agrees by unanimous vote. The meetings of the Governing Body shall be open to the public, except when in the judgment of the Governing Body the public welfare shall require executive sessions as provided by law. (1993, c. 912)

§ 3.11. Persons receiving emolument from federal government not barred from holding office.--No person presently receiving any emolument from the federal government shall be barred because of such fact from continuing to serve as an elected officer of the City or to seek reelection and to serve as a member of the Governing Body or to serve as a member of any board or commission of the City. (1993, c. 912)

§ 3.12. City Clerk.--The Governing Body shall appoint a City Clerk for an indefinite term. The City Clerk shall be the clerk of the Governing Body, shall keep a journal of its proceedings and shall record all ordinances in a book kept for that purpose. The City Clerk shall be the custodian of the corporate seal of the City and shall be the officer authorized to use and authenticate said seal. All records in the office of the City Clerk shall be public records and open to inspection at any time during regular business hours. The City Clerk shall receive compensation to be fixed by the Governing Body and all fees received by the City Clerk shall be paid into the city treasury. (1993, c. 912)

§ 3.13. Election and general powers and duties of Commissioner of Revenue and City Treasurer; filling of vacancies.--By general election every four years, there shall be elected by the qualified voters of the City of Manassas Park a Commissioner of Revenue and a City Treasurer. In case of a vacancy in the office of Commissioner of Revenue or City Treasurer, the vacancy shall be filled in accordance with general law. The City Treasurer and the Commissioner of Revenue shall have such powers and perform such duties and receive such compensation as are provided by the Constitution of Virginia, and, except as are otherwise provided in this charter, as are provided by the provisions of general laws for cities. (1993, c. 912)

§ 3.14. Specific duties of City Treasurer.--The City Treasurer shall be charged with receiving and paying out all moneys of the City. The City Treasurer shall hold such moneys and/or place same in such depositories as the Governing Body may by resolution direct, and shall pay out such moneys under such conditions and in such manner as the Governing Body by resolution may direct. The City Treasurer shall keep the moneys of the City in the name of the City and shall keep books showing accurately all receipts and disbursements and separate records for the several funds or accounts of the City as may be prescribed by the Governing Body from time to time. The City Treasurer's books shall be open at all reasonable times for inspection as required by law. The City Treasurer is specifically charged with the preparation and delivery of all bills for tax levies and license taxes due the City and the prompt collection of such taxes. Should any tax or taxes become delinquent, the City Treasurer shall promptly proceed to collect the same in such a manner as prescribed by ordinance or law. The City Treasurer shall furnish, in addition to any bond required by the Commonwealth of Virginia, a bond payable to the City of Manassas Park in such amount as the Governing Body may prescribe and conditioned upon the faithful and true performance of all the duties placed upon the City Treasurer by this charter. The City Treasurer shall immediately deliver all such moneys, records and other property in that individual's possession to his duly appointed or elected successor, and the bonds as herein provided shall remain in force and effect until such moneys, records and property have been so transferred, accounted for, and by audit the funds and property are properly accounted for in the records so transferred. (1993, c. 912)

§ 3.15. Specific duties of Commissioner of Revenue.--The Commissioner of Revenue shall perform such duties not inconsistent with the laws of the Commonwealth in relation to the assessment of property and licenses as may be required by the Governing Body for the purpose of levying city taxes and licenses. The Commissioner of Revenue shall have power to administer such oaths as may be required by the Governing Body in the assessment of license taxes or other taxes of the City. The Commissioner of Revenue shall make such reports in regard to the assessments of both property and licenses, or either, as may be required by the Governing Body. The Commissioner of Revenue shall perform such other duties as may be required by the Governing Body. (1993, c. 912)

§ 3.16. City Attorney.--The Governing Body shall appoint a duly licensed attorney as City Attorney, who need not reside within the City, the scope of whose duties and whose compensation shall be fixed by the Governing Body and who shall serve at the pleasure of the Governing Body. (1993, c. 912)

§ 3.17. City Manager, generally.--There shall be a City Manager who shall be the administrative officer of the City and shall be responsible to the Governing Body for the proper administration of the city government. The City Manager shall have no direct responsibility or accountability to the Mayor other than as shall be directed by this charter or the direction of the Governing Body. The City Manager shall serve at the pleasure of the Governing Body and shall be appointed for a term acceptable to the Governing Body and the City Manager. The City Manager shall be chosen on the basis of executive and administrative qualifications, with special reference to actual experience in or knowledge of accepted practice in respect to the duties of this office and need not, when appointed, be a resident of the City of Manassas Park or the Commonwealth, but during his term of

office, the City Manager shall reside within the City. No member of the Governing Body shall, during the time for which elected or appointed, be chosen as City Manager.

The City Manager may be suspended by the Mayor or Governing Body and removed from office by the Governing Body for cause. Before the City Manager may be suspended or removed, the City Manager shall, at the option of the City Manager, be given a written statement of the reasons for suspension or removal and the right to be heard concerning the proposed removal at a meeting of the Governing Body prior to the final vote on the question of his removal. Pending and during such hearing on removal from office, the Governing Body may suspend the City Manager from office. The action of the Governing Body in suspending or removing the City 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 Governing Body. The Mayor shall have no direct oversight or power to direct the City Manager in matters relating to normal administration of city business, nor shall the Mayor have the power to act in the capacity of City Manager in the absence of the incumbent.

In the case of the absence, disability, death or resignation of the City Manager, the Governing Body may by ordinance designate some qualified person to perform the duties of the office during such absence or disability, or until appointment of a successor.

(1993, c. 912)

§ 3.18. Duties of the City Manager.--It shall be the duty of the City Manager to:

1. Supervise the administrative affairs of the City.
2. Make such recommendations to the Governing Body concerning the affairs of the City as may seem to him desirable or advisable.
3. Keep the Governing Body advised of the financial condition and future needs of the City.
4. Prepare and submit to the Governing Body the annual budget estimate and be responsible for its administration after its adoption.
5. Prepare in suitable form for publication and submit to the Governing Body not later than its first meeting following December 5 of each year a concise, comprehensive report of the financial transactions and administrative activities of the city government during the fiscal year ending on the preceding June 30 and cause to be printed such number of copies thereof as the Governing Body shall direct.
6. Prepare and submit to the Governing Body such reports as may be required by that body, including adequate financial and activity reports at each regular meeting of the Governing Body.
7. Attend all meetings of the Governing Body with the right to speak but not to vote.
8. Perform such other duties as may be prescribed by this charter or required of the City Manager by order or resolution of the Governing Body or which may be required of the chief administrative officer of the City, not inconsistent with this charter and the general laws of the Commonwealth other than those duties conferred on the Mayor by this charter. (1993, c. 912)

§ 3.19. Powers with respect to city personnel.--Except as otherwise provided in this charter, the City Manager may appoint or employ and he may remove or discharge such officers, employees and assistants as may be necessary to carry on the work in those departments and offices of the City committed to him by ordinance, in all their respective

details, in an economical and satisfactory manner. Whenever the interests of the City require, irrespective of any other provisions of this charter, the City Manager shall have the power and authority to assign employees of any city department, bureau, office or agency, with the exception of the school division, to the temporary performance of duties in another city department, bureau, office or agency. The City Manager may not remove or discharge appointive city officers; however, he may recommend their removal to the Governing Body. The salaries and conditions of employment of employees and assistants shall be recommended by the City Manager subject to the approval of the Governing Body and as provided in general law. The City Manager's action in all respects shall be subject to review by the Governing Body, and he shall be accountable to that Body only. (1993, c. 912)

§ 3.20. Relationship of City Manager to boards, commissions and agencies.--The City Manager shall have the right to attend and participate in the proceedings of, but not to vote in, the meetings of all boards, commissions or agencies created by this charter or by ordinance. (1993, c. 912)

CHAPTER IV. ELECTIONS.

§ 4.1. General.--A. The qualified voters of the City of Manassas Park shall elect the Mayor and each City Council member. The Mayor, City Council, Commissioner of Revenue and City Treasurer shall be elected at large. The Mayor, City Council members, Commissioner of Revenue and City Treasurer each shall be a qualified voter and a resident of the City. Elections for the offices of Mayor, City Council, Commissioner of Revenue and City Treasurer shall be in the manner and time provided by general law. Individual citizens of the City of Manassas Park may qualify as a candidate for elective office within the City by being recognized as the nominated candidate of a political party recognized by the State Board of Elections or through petition to the City Board of Elections, said petition containing the validated signatures of registered voters of the City of Manassas Park pursuant to the general laws of the Commonwealth. Those citizens seeking elective office must meet state residency requirements as detailed in the general laws of the Commonwealth.

B. The general laws of the Commonwealth relating to the conduct of elections, so far as pertinent, shall apply to the conduct of elections. Any member of the Governing Body or any member of a board or commission appointed by the Governing Body for a specified term may be removed in accordance with general law. (1993, c. 912; 2005, c. 560)

§ 4.2. Mayor and City Council.--The Mayor and City Council members in office on the effective date of this charter shall continue to serve in office until July 1, following termination of their respective terms of office. Three City Council members shall be elected to four-year terms on the first Tuesday in May 1994 and every four years thereafter. The Mayor and three City Council members shall be elected to four-year terms on the first Tuesday in May 1996 and every four years thereafter. The Mayor and members of City Council shall take office on July 1, following their election. The incumbent Mayor and City Council members shall hold office until the duly elected successor has qualified. However, beginning with the elections to be held in 2008, the Mayor and City Council shall be elected at the time set for the November general election to take office on January 1 following their election. The Mayor and members of Council

in office on June 30, 2008, shall continue to serve until their duly elected successors have qualified. (1993, c. 912; 2007, c. 169)

§ 4.3. Commissioner of Revenue and City Treasurer.--The Commissioner of Revenue and City Treasurer in office on the effective date of this charter shall continue to serve in office until January 1 following termination of their respective terms of office. The Commissioner of Revenue and City Treasurer shall be elected to four-year terms of office on the first Tuesday in November and shall take office on January 1, following election. The incumbent Commissioner of Revenue and City Treasurer shall hold office until their duly elected successors have qualified. (1993, c. 912)

CHAPTER V.

MISCELLANEOUS PROVISIONS.

§ 5.1. Enforcement of surety bonds.--In all cases where a bond is required of any officer, such bond or bonds shall be with corporate surety and conditioned for the faithful discharge by the officer, or that officer's deputies, assistants or other subordinates, of the duties imposed by this charter and all other ordinances passed in pursuance thereof. (1993, c. 912)

§ 5.2. Officers to hold over until their successors are appointed and qualified.--Whenever, except as otherwise provided in this charter, any officer of the City or member of any board or commission is elected or appointed for a fixed term, such officer or member shall continue to hold office until that officer's successor is elected or appointed and qualified. (1993, c. 912)

§ 5.3. Restriction on appointment of city officers.--Whenever any officer of the City or member of any board or commission entitled to receive a salary by virtue of election or appointment to that position voluntarily resigns from that position prior to the expiration of the term of office required by this charter or general law, the city officer, board or commission member may not subsequently or concurrently be appointed to another city office, board or commission member position entitled to receive compensation or salary for a period of one year from the effective date of voluntary resignation. (1993, c. 912)

§ 5.4. Validation and ratification of bonds, taxes and contracts.--All bonds issued and sold, all contracts, agreements and obligations made at any time prior to the enactment of this charter or any amendment thereto by the Governing Body of the City, and the former Town of Manassas Park, not inconsistent with the Constitution of Virginia and general law, all taxes assessed and levied when the City was a town, and when the City was in transition from the status of a town to that of a City of the second class to the effective date of this charter and its amendments, are hereby validated, ratified and confirmed; and all other proceedings authorizing the issuance of bonds, notes or other obligations of the City of Manassas Park and the former Town of Manassas Park heretofore had are hereby validated, ratified and confirmed and shall not lapse or terminate or be otherwise affected by reason of any of the provisions contained in this charter, and such bonds, notes or other obligations may be authorized, sold or issued in accordance with the provisions of law in force prior to the effective date of this charter or in accordance with the provisions of this charter. (1993, c. 912)

§ 5.5. Continuation of officers and boards.--The present Mayor, members of the City Council and all other officials, board and commission members shall continue to hold office until their successors have been elected or appointed and shall have qualified

as provided by this charter. The Mayor and any member of the City Council shall be eligible for reelection. All powers and authority conferred by this charter shall be effective on the date of this charter's adoption and shall be conferred on the present city officers. (1993, c. 912)

§ 5.6. School division and school board.--The City of Manassas Park shall constitute a separate school division. The school board shall consist of five members, appointed by the Governing Body, and the terms are to be for a period of three years. (1993, c. 912)

§ 5.7. Present ordinances and rules and regulations continued in effect.--All ordinances of the City and the former Town of Manassas Park and all rules, regulations and orders legally made by any department, board, commission or officers of the City and the former Town of Manassas Park, in force at the effective date of this charter, insofar as they or any portion thereof are not inconsistent therewith, shall remain in force until amended or repealed in accordance with the provisions of this charter. No ordinance, petition or suit adopted or filed by the former Town of Manassas Park shall be invalidated or dismissed by reason of the Town of Manassas Park having become a City. (1993, c. 912)

§ 5.8. Severance clause.--If any clause, sentence, paragraph or part of this charter shall, for any reason, be adjudged by any court of competent jurisdiction to be invalid, such judgment, order or decree shall not affect, impair, or invalidate the remainder of said charter, but shall be confined in its operation to the clause, paragraph or part thereof directly involved in the controversy in which said judgment, order or decree shall have been ordered. (1993, c. 912)