

WARRENTON, TOWN OF
County of Fauquier.

Established, 1809-1810, per index.

Incorporation and charter, 1816, c. 84.

Charter, 1822, c. 83, amends act entitled "an act incorporating the town of Warrenton."

Charter, 1852, c. 407; repealed 1903, c. 189.

Charter, 1871, c. 45, amends charter of 1852; repealed 1903, c. 189.

Charter, 1903, c. 189; repealed 1964, c. 47.

Charter, 1964, c. 47.

Amended 1968, c. 75 (§§ 2-4, 2-7 [added])
 1971, c. 78 (§§ 3-2, 3-3, 5-1)
 1977, c. 133 (§ 5-1)
 1987, c. 69 (§ 3-2).

ARTICLE I
CREATION

§ 1-1. INCORPORATION: The inhabitants of the territory comprised within the limits of the Town of Warrenton, as the same are now or may hereafter be established by law, shall continue to be a body politic and corporate under the name of the Town of Warrenton and as such shall have perpetual succession, may sue and be sued, contract and be contracted with, and may have a corporate seal which it may alter at its pleasure. (1964, c. 47)

§ 1-2. BOUNDARIES: The boundaries of the Town shall be the boundaries of the Town of Warrenton, its predecessor as established by Chapter 189, Acts of Assembly, Extra Session 1902-03-04, as confirmed by § 1, of Chapter 18 of the Acts of the General Assembly of 1912, approved January 31, 1912, as modified and enlarged by the decree of the Circuit Court of Fauquier County, entered on December 11, 1959, in the annexation proceedings styled Town of Warrenton, v. County of Fauquier, Virginia, which decree is recorded in the Clerk's Office of the Circuit Court of Fauquier County, Virginia in Common Law Order Book "X" at pages 376-377-378. (1964, c. 47)

ARTICLE II
CORPORATE POWERS

§ 2-1. GENERAL POWERS: The Town of Warrenton shall have and may exercise all powers which are now or may hereafter be conferred upon or delegated to cities and towns under the Constitution and laws of the Commonwealth, and all other powers pertinent to the conduct of municipal government, the exercise of which is not prohibited by the Constitution and laws of the Commonwealth, and which in the opinion of the Council are necessary to promote the general welfare of the inhabitants of the Town. It is intended that the Town shall possess all powers which, under the Constitution, it would be competent for this Charter to enumerate specifically, and no enumeration of particular powers shall be held to be exclusive, but in addition to this general grant.

The powers which are now or may hereafter be conferred upon or delegated to the Town under the Constitution and laws of the Commonwealth and this Charter shall be construed liberally when such powers are exercised by the Town and in case of doubt as

to the existence of a power such doubt shall be resolved in favor of the Town. (1964, c. 47)

§ 2-2. FINANCIAL POWERS: The Town of Warrenton shall have the power to raise annually by taxes and assessments in said Town such sums of money as the Council thereof shall deem necessary for the purposes of the Town, and in such manner as the Council may deem expedient in accordance with the Constitution and general laws of the Commonwealth and of the United States, and to expend, the money of said town for all lawful purposes. (1964, c. 47)

§ 2-3. SPECIAL ASSESSMENTS: The Town of Warrenton shall have the power to impose special or local assessments for local improvements and to enforce the payment thereof, subject to the limitations prescribed by the Constitution and laws of the Commonwealth as may be in force at the time of the imposition of such special or local assessments. (1964, c. 47)

§ 2-4. BORROWING POWER: The Town of Warrenton may incur indebtedness by issuing its negotiable bonds and notes for the purposes and in the manner provided in the Constitution and general laws of the Commonwealth. (1964, c. 47; 1968, c. 75)

§ 2-5. EMINENT DOMAIN: The Town of Warrenton is hereby empowered to acquire by condemnation or otherwise, property, real or personal, or any interest or estate therein, either within or without its corporate limits, for any of its proper purposes, and may sell, lease, manage, and control such property as its interests require, and in such manner as Council deems expedient. (1964, c. 47)

§ 2-6. ORDINANCES: The Town of Warrenton shall have the power to enact and enforce ordinances to carry into effect all powers granted by this Charter. (1964, c. 47)

§ 2-7. ADOPTION OF CERTAIN PROVISIONS OF TITLE 15.1, CODE OF VIRGINIA: The powers set forth in §§ 15.1-835 through 15.1-907 of Chapter 18 of Title 15.1 of the Code of Virginia as in force on January 1, 1968, are hereby conferred on and vested in the Town of Warrenton. (1968, c. 75)

ARTICLE III THE COUNCIL

§ 3-1. COMPOSITION: The Town of Warrenton shall be governed by a Town Council which shall be composed of seven members who shall be qualified voters of the Town. (1964, c. 47)

§ 3-2. ELECTION AND TERMS OF MEMBERS: The members of the Council in office at the effective date of this Charter amendment will hereby continue in office until June 30, 1987. On the first Tuesday in May 1987, there shall be elected seven councilmen, five of whom shall be elected from wards for terms of one year and two at-large for terms of three years. On the first Tuesday in May 1988, the five ward councilmen will run for terms of four years. On the first Tuesday in May 1990, the two at-large councilmen will run for terms of four years. Thereafter all councilmen shall be elected for terms of four years. The term of office for members elected to council shall commence on July 1 following their election. (1964, c. 47; 1971, c. 78; 1987, c. 69)

§ 3-3. TERM: All councilmen shall take office on the first day of July next following their election. (1964, c. 47; 1971, c. 78)

§ 3-4. COMPENSATION: The Council may by ordinance authorize the payment of an annual salary to councilmen, subject to such limitations as may be imposed by the general laws of the Commonwealth. (1964, c. 47)

§ 3-5. VACANCIES: Vacancies on the Council shall be filled for the unexpired portion of the term by a majority vote of the remaining members of the Council, if such vacancy shall occur two years or less before the date of expiration of such term. If the vacancy shall occur more than two years before the expiration of the term, the vacancy shall be filled by a majority vote of the remaining members of Council only until the next councilmanic election, at which election the qualified voters shall elect a person to serve as councilman for the remaining two years of the term. (1964, c. 47)

§ 3-6. POWERS: All powers of the Town of Warrenton as a body politic and corporate shall be vested in the Town Council. (1964, c. 47)

§ 3-7. TOWN ATTORNEY: The Council may appoint a Town Attorney whose term of appointment, duties, and compensation shall be prescribed by the Council. (1964, c. 47)

§ 3-8. RECORDER: The Council may appoint a Recorder whose term of appointment, duties, and compensation shall be prescribed by the Council. (1964, c. 47)

ARTICLE IV PROCEDURES

§ 4-1. REGULAR MEETINGS: The Council shall meet in regular session at least once each month. (1964, c. 47)

§ 4-2. SPECIAL MEETINGS: The Council shall provide for the calling of special meetings by the Mayor, the Town Manager, or any four members of the Council, and shall prescribe the method of giving notice thereof, provided such notice shall contain a statement of the specific item or items of business to be transacted, and no other business shall be transacted at such meetings except by the unanimous consent of all the members of Council; provided, however, that a special meeting may be held at any time without notice if all members of the Council attend said meeting or waive notice thereof. (1964, c. 47)

§ 4-3. QUORUM: A majority of the members of the Council shall constitute a quorum for the transaction of business. (1964, c. 47)

§ 4-4. OPEN MEETINGS: No ordinance, resolution, motion or vote shall be adopted by the Council except at a meeting open to the public and unless it shall have received the affirmative votes of the majority of the members present. (1964, c. 47)

§ 4-5. VOTING: No vote shall be reconsidered or rescinded at any special meeting unless at such special meeting there are present as large a number of members as were present when such vote was taken. (1964, c. 47)

§ 4-6. CONFLICT OF INTEREST: No member of the Council shall participate in the vote on any ordinance, resolution, motion, or other proceeding in which he, or any person, firm, or corporation for which he is attorney, officer, director, employee, or agent has a financial interest other than as a minority stockholder of a corporation or as a citizen of the Town. (1964, c. 47)

ARTICLE V THE MAYOR

§ 5-1. ELECTION AND TERM: The Mayor in office at the effective date of this Charter amendment will hereby continue in office until July 1, 1978. On the first Tuesday in May, 1978, and every four years thereafter, there shall be elected from the Town at large a Mayor, who shall be a qualified voter of the town and who shall serve for a term

of four years. The Mayor shall take office on the first day of July next following his election. (1964, c. 47; 1971, c. 78; 1977, c. 133)

§ 5-2. DUTIES: The Mayor shall preside over the meetings of the Council and shall have the same right to speak therein as Councilmen, however he shall not have the right to vote except in the case of a tie, in which event he shall be entitled to cast one vote. He shall be recognized as the head of the Town for all ceremonial purposes, the purposes of military law and the service of civil process. (1964, c. 47)

§ 5-3. COMPENSATION: The Council may by ordinance authorize the payment of an annual salary to the Mayor, subject to such limitations as may be imposed by the general laws of the Commonwealth. (1964, c. 47)

ARTICLE VI THE MANAGER

§ 6-1. APPOINTMENT: There shall be a Town Manager who shall be the chief executive officer of the Town and shall be responsible to the Council for the proper administration of the Town government. He shall be chosen by the Council without regard to his political beliefs and solely on the basis of his executive and administrative qualifications. He shall be appointed for an indefinite period and shall hold office during the pleasure of the Council. (1964, c. 47)

§ 6-2. EMPLOYEES: The Town Manager shall appoint for an indefinite term the heads of all departments and all other officers and employees of the Town. The Manager shall have the power to remove any officer or employee appointed by him. (1964, c. 47)

§ 6-3. DUTIES AND POWERS: The Town Manager shall also have the following duties and powers:

- (a) To see that all laws and ordinances are enforced.
- (b) To exercise supervision and control over all administrative departments and divisions.
- (c) To attend all regular meetings of the Council, with the right to take part in the discussion, but having no vote.
- (d) To recommend to the Council for adoption such measures as he may deem necessary or desirable.
- (e) To execute all contracts on behalf of the Town.
- (f) To prepare and submit to the Council the annual budget.
- (g) To keep the Council advised as to the present and future needs of the Town and as to all operations of its government.
- (h) To perform all such other duties as may be prescribed by the Charter, or be required of him by the Council. (1964, c. 47)

ARTICLE VII FINANCIAL ADMINISTRATION

§ 7-1. FISCAL YEAR: The fiscal year for the Town of Warrenton shall begin on July 1, and end June 30 of the following year. (1964, c. 47)

§ 7-2. BUDGET: Not later than the first day of May annually, the Town Manager shall prepare and submit to the Council a Budget presenting a financial plan for conducting the affairs of the Town for the ensuing fiscal year. Such budget shall be set up in the manner provided by law and shall include such information as the Council by ordinance or resolution may require. Hearings on the budget shall be held and notice thereof given and the budget adopted in accordance with the general laws of the

Commonwealth, provided that the tax levy for each fiscal year shall be made, and the budget for each fiscal year shall be adopted prior to the first day of the fiscal year for which made or adopted. (1964, c. 47)

ARTICLE VIII POST AUDIT

§ 8-1. ANNUAL AUDIT: After the close of each fiscal year the Council shall cause to be made in an independent audit of the accounts, books, records and financial transactions of the Town by the Auditor of Public Accounts of the Commonwealth or by a firm of independent certified public accountants to be selected by the Council. The report of such audit shall be filed within such time as the Council shall specify and one copy thereof shall be always available for public inspection in the office of the Town Manager during regular business hours. (1964, c. 47)

ARTICLE IX MUNICIPAL COURT

§ 9-1. ESTABLISHMENT: The Council may establish within the Town of Warrenton, a municipal court, which shall have such jurisdiction and other judicial powers as are conferred on such courts by general law. (1964, c. 47)

§ 9-2. JUDGE: If such court be so established, there shall be a judge, and such associate or substitute judges as may be deemed necessary by the Council. Such judges shall be appointed by the Council for such terms as the Council may determine, and vacancies in the office of judge of the municipal court, or associate or substitute judge shall be filled by the Council for the unexpired term. (1964, c. 47)

ARTICLE X CONTINUATION AND REPEAL PROVISIONS

§ 10-1. REPEAL OF FORMER CHARTER: All former Charters and amendments thereto for the Town of Warrenton, Virginia, are hereby repealed. (1964, c. 47)

§ 10-2. SUCCESSION TO RIGHTS AND DUTIES: The Town of Warrenton shall succeed to all the rights, duties, obligations, and contracts of the former Town of Warrenton. (1964, c. 47)

§ 10-3. ORDINANCES SHALL REMAIN IN FORCE: All ordinances of the former Town of Warrenton not inconsistent with this Charter shall remain in full force and effect until amended or repealed by the Town Council. (1964, c. 47)

§ 10-4. CONTINUITY OF TERMS OF OFFICERS: The officers of the Town of Warrenton who were in office immediately prior to the adoption of this Charter shall remain in office until the expiration of their several terms and until their successors have been duly elected and qualified. (1964, c. 47)

§ 10-5. SAVING CLAUSE: In the event that any portion, section, or provision of this Charter shall be declared illegal, invalid, or unconstitutional by final judgment of any court of competent jurisdiction such judgment shall not invalidate any other portion, section, or provision hereof, but all parts of this Charter not expressly held to be invalid shall remain in full force and effect: (1964, c. 47)