

FAIRFAX, CITY OF

City of Second Class.

Providence established as Fairfax County Courthouse in 1805.

Name changed 1859 to Fairfax.

Originally incorporated as a town in 1874.

Became City of Fairfax by Court Order 1961.

Charter, 1892, c. 282; repealed 1954, c. 357.

Charter, 1954, c. 357; repealed 1962, c. 468.

Charter, 1962, c. 468; repealed 1966, c. 319.

Charter, 1966, c. 319.

Amended 1970, c. 125 (§§ 8.5, 8.6)
1971, c. 58 (§ 11.11)
1972, c. 12 (§§ 3.1, 11.4, 11.11)
1975, c. 93 (§§ 3.8, 10.5 [added], 11.1 through 11.12 [repealed])
1976, c. 101 (§§ 2.8 [repealed], 2.8:1 [added], 3.6, 6.3)
1977, c. 274 (§§ 2.2, 7.4, 12.2)
1978, c. 514 (§ 8.6)
1981, c. 368 (§§ 5.1, 5.2)
1982, c. 8 (§ 6.3)
1984, c. 205 (§§ 1.2, 2.2, 2.4, 2.5, 2.6, 2.7, 3.1, 3.4, 3.5, 4.1, 4.2, 4.4 [repealed], 5.3, 5.6, 5.9 [added], 5.10 [added], 6.1, 6.3, 6.5, 7.2, 7.3, 8.1, 8.3, 8.5, 8.8, 9.2, 9.3, 10.2, 10.3, 10.4 [repealed], 10.5 [repealed], 13.1, 13.4, 13.9 [repealed], 13.11 [added])
1989, c. 21, 116 (§ 12.2)
1992, c. 30 (§ 13.12)
1992, c. 281 (§ 1.2)
1994, c. 130 (§§ 1.2, 12.2)
2002, c. 5 (§ 1.2)
2004, c. 19, 161 (§§ 5.1, 5.2)
2005, c. 641, 673 (§§ 2.2, 5.5, 9.3)
2011, c. 425, 454 (§§ 5.5, 8.8)
2012, c. 221, 422 (§ 3.4).

CHAPTER 1

INCORPORATION AND BOUNDARIES

§ 1.1. Incorporation.

The inhabitants of the territory comprised within the limits of the City of Fairfax as the same now are or may hereafter be established by law, shall continue to be a body politic and corporate under the name of the City of Fairfax 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, renew, or amend at its pleasure. (1966, c. 319)

§ 1.2. Boundaries.

The corporate limits of the City of Fairfax, Virginia, as heretofore established, are hereby reestablished and the said corporate limits shall be as set forth in the final order entered on August 7, 1958, by the Circuit Court of Fairfax County, sitting as a duly constituted Annexation Court, in *Town of Fairfax v. County of Fairfax*, At Law 7597, Circuit Court of Fairfax County, the order entered on December 15, 1980, by the Circuit Court of Fairfax County, pursuant to Code of Virginia, § 15.1-1031.1, et seq., in *City of Fairfax, Virginia, and County of Fairfax, Virginia, Co-Petitioners*, At Law 51496, Circuit Court of Fairfax County, the order entered on October 18, 1991, by the Circuit Court of Fairfax County, pursuant to Code of Virginia § 15.1-1031.1 et seq., in *City of Fairfax, Virginia, and the County of Fairfax, Virginia, Co-Petitioners*, At Law 108937, Circuit Court of Fairfax County, and the order entered on October 22, 1993, by the Circuit Court of Fairfax County, pursuant to Code of Virginia § 15.1-1031.1 et seq., in *City of Fairfax, Virginia, and County of Fairfax, Virginia, Co-Petitioners*, At Law 127258, Circuit Court of Fairfax County, and the order entered on March 16, 2001, by the Circuit Court of Fairfax County, pursuant to Article 2 (§ 15.2-3106 et seq.) of Chapter 31 of Title 15.2 of the Code of Virginia, in the *City of Fairfax, Virginia, and the County of Fairfax, Virginia, Co-Petitioners*, At Law 194160, Circuit Court of Fairfax County, and as thereafter lawfully changed. (1966, c. 319; 1984, c. 205; 1992, c. 281; 1994, c. 130; 2002, c. 5)

CHAPTER 2 POWERS

§ 2.1. General Grant of Powers.

The City shall have and may exercise all powers which are now or may hereafter be conferred upon or delegated to cities under the Constitution and Laws of the Commonwealth and all other powers pertinent to the conduct of a city government, the exercise of which is not expressly prohibited by the said Constitution and Laws and which in the opinion of the Council are necessary or desirable to promote the general welfare of the City and the safety, health, peace, good order, comfort, convenience and morals of its inhabitants, as fully and completely as though such powers were specifically enumerated in this Charter, and no enumeration of particular powers in this Charter shall be held to be exclusive but shall be held to be in addition to this general grant of powers. (1966, c. 319)

§ 2.2. Financial Powers.

In addition to the powers granted by other sections of this Charter, the City shall have the power:

(a) To raise annually by taxes and assessments, as permitted by General Law, in the City such sums of money as the Council shall deem necessary to pay the debts and defray the expenses of the City, in such manner as the Council shall deem necessary or expedient. 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 gross receipts taxes against public utilities; to levy and collect taxes for admission to or other charge for any public amusement, entertainment, performance, exhibition, sport or athletic event in the City, which taxes may be added to and collected with the price of such admission or other charge; to levy and collect taxes on hotel and motel rooms; 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 of all businesses, professions, vocations and callings which cannot, in the opinion of the Council, be reached by the ad valorem system; and to require licenses of owners of vehicles of all kinds for the privilege of using the streets, and other public places in the City, require taxes to be paid on such licenses and prohibit the use of streets, alleys and other public places in the City without such license.

(b) To budget, borrow, appropriate and expend, without being bound by other provisions of this Charter, in an amount not in excess of ten percent of the total General Fund Budget of the preceding fiscal year, for the purpose of meeting a public emergency; provided that any such action shall require the affirmative votes of two-thirds of the entire Council and shall be in the form of an ordinance containing a clear statement of the nature and the extent of the emergency.

(c) To levy a transient occupancy tax on hotels, motels and boarding houses. Such tax shall be in such amount and on such terms as the Council may, by ordinance prescribe; provided, that such tax shall not exceed four percent of the amount of charge for the occupancy of any room occupied. The tax imposed hereunder shall not apply to rooms rented for continuous occupancy for thirty or more days in hotels, motels, and boarding houses. (1966, c. 319; 1977, c. 274; 1984, c. 205; 2005, c. 641, 673)

§ 2.3. The powers set forth in § 15.1-837 through 15.1-907 of Chapter 18 of Title 15.1 of the Code of Virginia (1950), as amended, as in force January 1, 1966, and any acts amendatory thereof or supplementary thereto are hereby conferred on and vested in the City of Fairfax. (1966, c. 319)

§ 2.4. Property Assessments.

(a) The City Council shall provide for the annual assessment and reassessment of real estate for taxation.

(b) All real estate shall be assessed at its fair market value and the taxes for each year on such real estate shall be extended on the basis of the last assessment made prior to such year, subject to such changes as may have been lawfully made.

(c) The Assessor shall prepare the land books and extend the taxes thereon and perform all the duties required by law to be performed in respect to real estate assessments. The Clerk of the Circuit Court of Fairfax County, Fairfax, Virginia, shall furnish to the Assessor the list of real estate transfers within the City of Fairfax.

(d) Notwithstanding the provisions of § 58.1-3370 of the Code of Virginia, the Circuit Court of Fairfax County, Virginia, or the judge thereof in vacation, shall appoint for the City a Board of Equalization of Real Estate Assessments, to be composed of three members, who shall be freeholders of the City, and who shall be selected by the court or judge from the citizens of the City. Initially one member shall be appointed for a term of three years, one for a term of two years and one for a term of one year. Each succeeding year thereafter one member shall be appointed for a term of three years. All terms shall run from the first day of December in the year of appointment until the thirtieth day of November in the year of expiration, the terms of the members first appointed shall begin on the day of appointment. Members shall hold over until a successor is appointed and qualifies. Such court or judge thereof in vacation may reappoint any member upon the expiration of his term and shall fill any vacancy upon the Board for the unexpired term. The members of the Board shall receive per diem compensation for the time actually

engaged in the duties of the Board, to be fixed by the Council, and paid out of the Treasury of the City; provided, however, the Council, may limit the per diem compensation to such number of days as in its opinion is sufficient for the completion of the work of the Board. Such Board of Equalization shall have and may exercise the power to revise, correct and amend any assessment of real estate made by the Assessor in the calendar year in which they serve and to that end shall have all the powers conferred upon Boards of Equalization by Article 14 of Chapter 32 of Title 58.1 of the Code of Virginia, and any acts amendatory thereof and supplemental thereto. Notwithstanding such Chapter, however, the Board of Equalization may adopt any regulations providing for the oral presentation, without formal petitions or other pleading or requests for review, and looking to the further facilitation and simplification of proceedings before the Board.

(e) The City of Fairfax and any person aggrieved by any correction or assessment made by the Assessor or the Board of Equalization may apply for relief in the manner provided by §§ 58.1-3382, 58.1-3982 and 58.1-3984 of the Code of Virginia and any acts amendatory thereof and supplemental thereto.

(f) This section shall not apply to any real estate assessable under law by the State Corporation Commission.

(g) All provisions of law relating to the assessment of real estate in cities not in conflict with the provisions of this section shall apply to the assessment made pursuant thereto. (1966, c. 319; 1984, c. 205)

§ 2.5. The City may receive and accept from any source, including any federal agency, aid, contributions, money, property, labor or other things of value, to be held, used and applied for any lawful purpose. (1966, c. 319; 1984, c. 205)

§ 2.6. Contractual Relationships.

The City of Fairfax may enter into contractual relationships with the Commonwealth and/or its departments, bureaus, boards and agencies, with other political subdivisions, with authorities, including regional authorities, and with private agencies on such terms and for such periods as the Council may determine to be in the public interest in order to promote the education, health, safety, and general welfare of its residents. Such contracts may include, but shall not be limited to, schools, libraries, sewage collection and disposal, water supply, police and fire protection, mass or rapid transit, parks, playgrounds and open spaces. (1966, c. 319; 1984, c. 205)

§ 2.7. Eminent Domain.

The powers of eminent domain set forth in Title 15.2, Title 25, Chapter 1.1 and Title 33.1, Chapter 1, of the 1950 Code of Virginia, as amended, and all acts amendatory thereof and supplemental thereto, mutatis mutandis, are hereby conferred upon the City of Fairfax.

(a) In any case in which a petition for condemnation is filed by or on behalf of the City, a true copy of a resolution or ordinance duly adopted by the City Council declaring the necessity for any taking or damaging of any property, within or without the City, for the public purposes of the City, shall be filed with the petition and shall constitute sufficient evidence of the necessity of the exercise of the powers of eminent domain by the City. The City may employ the procedures conferred by the foregoing laws, mutatis mutandis, and may, in addition thereto, proceed as hereinafter provided.

(b) Certificates issued pursuant to §§ 33.1-121 to 33.1-129, inclusive, and § 33.1-119, Code of Virginia, 1950, as amended, and acts amendatory thereof and supplemental thereto, may be issued by the City Council, signed by the Mayor and countersigned by the City Treasurer. Such certificate shall have the same effect as certificates issued by the Commonwealth Transportation Commissioner, under the aforesaid laws, and may be issued in any case in which the City proposes to acquire property of any kind by the exercise of its powers of eminent domain for any lawful public purpose, whether within or without the City; provided, however, that the provisions of § 33.1-119, Code of Virginia, 1950, as amended, shall not be used for the acquisition of lands, easements or related interests in property located outside of the City except for the acquisition of said interests necessary for streets, water, sewer or utility pipes or lines or related facilities.

(c) In addition to the powers conferred by the aforesaid laws, such certificates may be amended or cancelled by the Court having jurisdiction of the proceedings, upon petition of the City, at any time after the filing thereof, provided that the Court shall have jurisdiction to make such order for the payment of costs and damages, if any, or the refund of any excessive sums theretofore paid pursuant to such certificate as shall, upon due notice and hearing, appear just. The Court shall have jurisdiction to require refunding bonds, for good cause shown by the City or any other person or party in interest, prior to authorizing any distribution of funds pursuant to any certificate issued or deposit made by the City. (1966, c. 319; 1984, c. 205)

§ 2.8. (1966, c. 319; repealed 1976, c. 101)

§ 2.8:1. Board of Architectural Review.

The Council shall have power to create by ordinance a board of architectural review which shall perform the functions, duties and responsibilities more particularly set forth hereinafter.

(a) Old and Historic Districts.—In order to promote the general welfare through the preservation and protection of historic places and areas of historic interest in the City, the Council may provide by ordinance for old and historic districts in which no building or structure shall be erected, reconstructed, altered, restored or razed until approved by the board of architectural review which shall have the power to pass upon the appropriateness of exterior architectural features, including signs, of buildings and structures to be erected, reconstructed, altered or restored in any old and historic district established in the City, and to prohibit the razing of any building in such a district that was erected prior to or during the year 1900 and is of such architectural or historical interest that its removal would be to the detriment of the public interest.

(b) Architectural Control Districts.—In order to encourage the construction of attractive buildings, to protect and promote the general welfare, and to prevent deterioration of the appearance of the City which would tend to create hazards to public health, safety and morals, destroy the opportunity for development of business and industry, and thereby deteriorate taxable land values and commerce below levels necessary to finance acceptable levels of municipal services, the Council may provide by ordinance for architectural control districts in which no structure, building or major improvement, or major landscape features surrounding such structure, building or major improvement shall be erected, reconstructed, altered or restored until the plans for such have been approved by the board of architectural review which shall have the power to

pass upon the appropriateness of exterior architectural features, including signs, of structures, buildings, or major improvements, or major landscape features surrounding such building, structure or major improvement to be erected, reconstructed, altered or restored in any architectural control district established in the City. (1976, c. 101)

CHAPTER 3 ELECTIONS

§ 3.1. Election of Councilmen and Mayor.

On the first Tuesday in May, 1972, and in every second year thereafter there shall be held a general city election at which shall be elected by the qualified voters of the City at large six members of the Council and a Mayor for terms of two years. The terms of Council members and Mayor are to begin on the first day of July following their election.

All elections held pursuant to the prior provisions of this section are hereby ratified and confirmed. (1966, c. 319; 1972, c. 12; 1984, c. 205)

§ 3.2. Nomination of Candidates.

Candidates for the office of Councilmen and Mayor may be nominated under general law. There shall be printed on the ballots used in the election of Councilmen the names of all candidates who have been so nominated. (1966, c. 319)

§ 3.3. Conduct of General Municipal Election.

The ballots used in the election of Councilmen and Mayor shall be without any distinguishing mark or symbol. Each qualified voter shall be entitled to cast one vote for each of as many as six Council candidates and no more. In counting the vote, any ballot found to have been voted for more than six Council candidates shall be void as to those votes but no ballot shall be void for having been voted for a less number. The six Council candidates and the candidate for Mayor receiving the highest number of votes cast in such election shall be declared elected. The general laws of the Commonwealth relating to the conduct of elections, so far as pertinent, shall apply to the conduct of the general municipal election. (1966, c. 319)

§ 3.4. Vacancies in Office of Mayor or Councilmember.

A vacancy in the office of the Mayor or in the Council, from whatever cause arising, shall be filled in accordance with the general laws of the Commonwealth relating to the filling of vacancies in such local offices, so far as pertinent. (1966, c. 319; 1984, c. 205; 2012, c. 221, 431)

§ 3.5. Election of Other City Officers.

All other City officers required by the laws of the Commonwealth to be elected by the qualified voters of the City shall be elected on the first Tuesday following the first Monday in November preceding the expiration of the terms of office of their respective predecessors, for such terms as are prescribed by law. All such elective officers shall be nominated and elected as provided in the general laws of the Commonwealth. A vacancy in the office of Commissioner of Revenue or City Treasurer shall be filled by the Council by majority vote of all its members for the interim period until a successor is elected at the next general election and takes office. The officers so elected or appointed shall qualify in the mode prescribed by law and shall continue in office until their successors are elected and qualified. (1966, c. 319; 1984, c. 205)

§ 3.6. Residence of Elected Officers.

Except as otherwise provided herein, every elected officer of this City and every appointed member of any board or commission shall, at the time of his election or appointment, be a qualified voter in the City and have resided in the City for at least one year prior to his appointment or election. If any such officer or appointee moves from the City, his office shall thereupon be deemed vacant.

Provided, however, that in the event it is required that one or more positions on any board or commission be filled by an individual engaged in a particular professional or technical occupation, then such professional or technical member need not be a qualified voter in or resident of the City, if such professional or technical member maintains an office within the City. (1966, c. 319; 1976, c. 101)

§ 3.7. Eligibility of Federal Employees.

No person, otherwise eligible, shall be disqualified by reason of his accepting or holding an office, post, trust, or emolument under the Government of the United States from serving as Mayor or Councilman, officer or employee of the City, or as a member of any board or commission. (1966, c. 319)

§ 3.8. Advisory Referendum

The City Council, by majority vote of the entire Council, may submit to the qualified voters of the City for advisory purposes, any question or group of questions relating to the affairs of the City. Any such advisory referendum shall be conducted in the manner provided for bond elections, but the results thereof shall not be binding upon the City Council. There shall be no right of appeal from or recount of the results of an advisory referendum. (1966, c. 319; 1975, c. 93)

§ 3.9. Voting Machines.

The Council, by ordinance, may authorize the use of voting machines in all elections, and wherever the term "ballot" shall appear herein the same shall be interpreted in a manner consistent with the use of said machines. (1966, c. 319)

CHAPTER 4
OTHER CITY OFFICERS

§ 4.1. City Collector.

The Council may appoint a City Collector for an indefinite term and shall fix his salary, which shall be paid from the City Treasury. All of the duties theretofore performed by the Treasurer of the City of Fairfax in connection with the collection of taxes, special assessments, license fees, and other revenues of the City shall devolve upon the City Collector, when appointed. The City Collector shall be required to take an oath of office and shall furnish a bond with corporate surety in the manner and amount required by City ordinance. The City Collector shall have the following powers and shall be charged with the following duties and functions:

(a) The collection of all taxes, special assessments, license fees and other revenues of the City or for the collection of which the City is responsible.

(b) To transfer to and place in the custody of the City Treasurer all public funds belonging to or under the control of the City and to receive and maintain complete and accurate receipts and records thereof.

(c) The City Collector shall have any and all powers which are now or may hereafter be vested in any officer of the Commonwealth charged with the collection of State taxes in order to collect all City taxes, special assessments, license fees and other revenues of the City and may collect the same in the same manner by which State taxes are collected by an officer of the Commonwealth.

(d) The City Collector shall have power to use all legal means of collecting all delinquent City taxes, levies, special assessments, license fees, charges and other revenues of the City. The City Collector shall have the power to conduct public sales of real estate upon which delinquent taxes, levies or charges assessed thereon have not been paid for three consecutive years and may institute suits in equity to enforce any lien in favor of the City against any property within the City to which such lien may lawfully attach. The Council may determine by ordinance the procedure for the conduct of such sales not inconsistent with general law and the City Collector shall comply therewith. (1966, c. 319; 1984, c. 205)

§ 4.2. Department Heads.

All department heads shall be chosen on the basis of their executive, technical, and administrative qualifications, with special reference to their actual experience in or knowledge of accepted practices with respect to the duties of the offices for which they are appointed. All department heads will be appointed and removed by the City Manager after he has received the concurrence of the City Council. At the time of the appointment said officials need not be residents of the City or the Commonwealth, but the Council, where deemed necessary, may require any City official during his tenure to reside within the City. (1966, c. 319; 1984, c. 205)

§ 4.3. Assistant Registrars.

Whenever, in the judgment of the City Council, the Office of the Registrar shall require additional personnel the City Council may appoint such assistant registrars as may be required for the proper and efficient conduct of that office. The term and compensation for such appointments shall be determined by the City Council and paid from the City Treasury. (1966, c. 319)

§ 4.4. (1966, c. 319; repealed 1984, c. 205)

CHAPTER 5 MAYOR AND COUNCIL

§ 5.1. Composition.

The Council shall consist of six members elected as provided in Chapter 3. They shall receive as compensation for their services as members of the Council in accordance with § 15.2-1414.6 of the Code of Virginia. It shall be lawful for the Council to increase the amount of such compensation provided the increase does not become effective until the end of the Council term then current. (1966, c. 319; 1981, c. 368; 2004, c. 19, 161)

§ 5.2. Powers.

All Powers vested in the City shall be exercised by the Council except as otherwise provided in this Charter. In addition to the foregoing, the Council shall have the following powers:

(a) To provide for the organization, conduct and operation of all departments, bureaus, divisions, boards, commissions, offices and agencies of the City.

(b) To create, alter or abolish departments, bureaus, divisions, boards, commissions and offices.

(c) To designate the time and place for all Council meetings; provided, that special meetings of the Council may be called at the request of the Mayor or of not less than three members thereof.

(d) To provide for the number, titles, qualifications, power, duties and compensation of all officers and employees of the City, and to supplement the salary of any elected official and his deputies and employees other than the Mayor and Councilmen, provided that any such supplement shall not exceed the maximum permitted by general law.

(e) To provide for compensation of Mayor in accordance with § 15.2-1414.6 of the Code of Virginia.

(f) To provide for compensation of members of boards or commissions in an amount not to exceed \$50 per meeting. (1966, c. 319; 1981, c. 368; 2004, c. 19, 161)
§ 5.3. Mayor.

The Mayor shall preside over the meetings of the Council and shall have the same right to speak. The Mayor shall have the power of veto which veto may be overridden by the City Council as provided herein. He shall not have the right to vote except in case of a tie. He shall be recognized as the head of the City government for all ceremonial purposes, the purposes of military law and the service of civil process. In the absence or disability of the Mayor, the Mayor may designate a member of the Council to perform the duties of Mayor and if he fails to do so the Council shall, by majority vote of those present, choose one of their number to perform the duties of Mayor.

Each ordinance and resolution having the effect of an ordinance, before it becomes operative, shall be transmitted to the Mayor for his signature. The Mayor shall have five days, Sundays excepted, to sign it or veto it in writing. If the Mayor fails to sign it or veto it in writing within such five days, such ordinance or resolution shall become operative as if he had signed it, unless his term of office or that of the City Council shall expire within such five days. If the Mayor vetoes such ordinance or resolution in writing, such written veto shall be returned to the Clerk to be entered on the City Council's record and the City Council shall reconsider the same at the next regular meeting. Upon such reconsideration, if such ordinance or resolution is approved by two-thirds of all members of the City Council, it shall become operative, notwithstanding the veto of the Mayor. The votes of the City Council shall be determined by yeas and nays and the names of the members voting for and against such ordinance or resolution shall be entered on the record. (1966, c. 319; 1984, c. 205)

§ 5.4. City Clerk.

The Council shall appoint a City Clerk for an indefinite term. He shall be the Clerk of the Council, shall keep the journal of its proceedings and shall record all ordinances in a book kept for the purpose. He shall be the custodian of the corporate seal of the City and shall be the officer authorized to use and authenticate it. All records in his office shall be public records and open to inspection at any time during regular business hours. He shall receive compensation to be fixed by the Council and all fees received by him shall be paid into the City Treasury. (1966, c. 319)

§ 5.5. Induction of Members.

The City Clerk shall administer the oath of office to the duly elected members of the Council and to the Mayor on or before June thirtieth immediately following their election. In the absence of the City Clerk the oath may be administered by any judicial officer having jurisdiction in the City. The Council shall be the judge of the election and qualification of its members. The first meeting of a newly elected Council shall take place in the Council chamber in the City Hall on the second Tuesday of July following their election, or at the first scheduled regular or special meeting of the City Council in July, whichever occurs first. (1966, c. 319; 2005, c. 641, 673; 2011, c. 425, 454)

§ 5.6. Procedure for Passing Ordinances.

Except in the case of zoning ordinances, the following procedure shall be followed by the City Council in adopting ordinances of the City:

(a) Any ordinance may be introduced by any member of the Council at any regular meeting of the Council or at any special meeting when the subject thereof has been included in the notice for such special meeting or has been approved by a two-thirds vote of all members of the Council present at such special meeting. Upon introduction, the ordinance shall receive its first reading, verbatim, unless waived by a two-thirds vote of those Council members present, and, provided a majority of members present concur, the Council shall set a place, time and date, not less than three days after such introduction for a public hearing thereon. A copy of the proposed ordinance shall be delivered to each member of City Council and shall be made available to the public prior to its introduction.

(b) The public hearing may be held at a regular or special meeting of the Council and may be continued from time to time. The City Clerk shall publish in a newspaper of general circulation a notice containing the date, time and place of the hearing and the title or subject matter of the proposed ordinance. On direction of the Council the Clerk shall also publish the full text of the proposed ordinance which shall be available to citizens of the City.

(c) A proposed ordinance, unless it be an emergency ordinance, may be finally passed upon the completion of the public hearing.

(d) Amendments or additions to a proposed ordinance may be made at any time. Publication of an amendment shall not be required except that if said amendments or additions introduce an entirely new subject matter or radically change the overall purpose of the original ordinance, they shall be introduced and treated as a new ordinance. At the second reading only the title of an ordinance need be read, unless amendments or additions have been made subsequent to the introduction, in which case said amendments or additions shall be read in full prior to enactment.

(e) If, in the opinion of Council, an emergency exists, an ordinance pertinent to the emergency may be passed with or without amendment at the same meeting at which it is introduced and no publication, hearing or specific time interval between introduction and passage shall be necessary. An emergency ordinance must contain a specific statement of the emergency upon which it is based, and must be passed by a two-thirds affirmative vote of the members of City Council present.

Every emergency ordinance shall automatically stand repealed as of the 91st day following the day upon which it was adopted, but this shall not prevent reenactment of the ordinance in the manner prescribed for ordinances not related to an emergency. An emergency ordinance may also be repealed by adoption of a repealing ordinance. The repeal of an emergency ordinance shall follow the procedure specified for the adoption of an emergency ordinance. (1966, c. 319; 1984, c. 205)

§ 5.7. Record and Codification of Ordinances.

Every ordinance after passage shall be given a serial number and shall be recorded by the Clerk in a properly indexed book kept for that purpose. The Council may cause to be prepared, under the direction of the City Attorney, a codification of all general ordinances in force. Such codification may be passed by the Council as a single ordinance and without hearings or prior publication. This codification, to be known and cited officially as the City Code, shall be printed and distributed as the Council may direct.

In so codifying such ordinances, the Council may, without limitation of the foregoing, arrange the various ordinances and assign to them appropriate places and section numbers, create new titles, chapters, articles and sections, correct unmistakable printers' errors or other unmistakable errors, make consequential changes in the title of officers, agencies and references which are no longer appropriate, and make such other consequential changes, alterations, modifications, additions, and substitutions therein as it may deem best to the end that a complete simplified Code of Ordinances in force shall be presented, but with errors, inconsistencies, repetitions, ambiguities and conflicts eliminated. (1966, c. 319)

§ 5.8. No member of the Council shall cast any vote without first disclosing what interest, if any, he has in the outcome of the vote being taken. The City Council is hereby empowered to enact a conflict of interest and disclosure ordinance to govern elected and appointed City officials not inconsistent with the general law. (1966, c. 319)

§ 5.9. Actions requiring an ordinance.

In addition to other acts required by law or by specific provision of this Charter to be done by ordinance, those acts of the City Council shall be by ordinance which:

- (a) Adopt or amend the City Code or establish, alter or abolish any City department, office or agency;
- (b) Establish a law or regulation and fine or other penalty for the violation of such;
- (c) Levy taxes, except as otherwise provided with respect to the property tax levied by adoption of the budget;
- (d) Grant, review or extend a franchise;
- (e) Regulate the rate charged for the services provided by a City public utility;
- (f) Convey or lease or authorize the conveyance or lease of any lands of the City;
- (g) Amend or repeal any ordinance previously adopted, except for emergency ordinances; and
- (h) Other such acts as provided for by law to require an ordinance.

Acts other than those referred to in the preceding sentence may be done by ordinance or by resolution. (1984, c. 205)

§ 5.10. Independent audit.

The Council shall provide for an independent annual audit of all City accounts and may provide for such more frequent audits as it deems necessary. Such audits shall be made by a certified public accountant or firm of such accountants who have no personal interest, direct or indirect, in the fiscal affairs of the City government or any of its offices. The Council shall employ such accounting firm in accordance with procedures and regulations required by law. If the Commonwealth makes such an audit, the Council may accept it as satisfying the requirements of this section. (1984, c. 205)

CHAPTER 6 CITY MANAGER

§ 6.1. Appointment and Qualifications.

There shall be a City Manager who shall be the executive officer of the City and shall be responsible to the Council for the proper administration of the City government. He shall be appointed by the Council for an indefinite term. He shall be chosen solely on the basis of his executive and administrative qualifications, with special reference to his actual experience in or knowledge of accepted practice in respect to the duties of his office. At the time of his appointment, he need not be a resident of the City or the Commonwealth, but during his tenure of his office he shall reside within the City, except as may be waived by Council. (1966, c. 319; 1984, c. 205)

§ 6.2. Temporary Transfer of Personnel Between Departments.

The City Manager shall have power, whenever the interests of the City require, irrespective of any other provisions of this Charter, to assign employees of any department, bureau, office or agency, to the temporary performance of duties in another department, bureau, office or agency. (1966, c. 319)

§ 6.3. Duties.

It shall be the duty of the City Manager to: (a) attend all meetings of the Council with the right to speak but not to vote; (b) keep the Council advised of the financial condition and the future needs of the City, and of all matters pertaining to its proper administration, and make such recommendations as may seem to him desirable; (c) prepare and submit the annual budget to the Council as provided in chapter 6 of this Charter and be responsible for its administration after its adoption; (d) (Repealed.) (e) present adequate financial and activity reports as required by the Council; (f) arrange for an annual audit by a certified public accountant, the selection of whom shall be approved by the Council; (g) with the concurrence of the Council to appoint and remove all department heads; (g1) supervise and issue orders for the performance of the functions of public safety and civil defense; (g2) appoint and, when he deems it necessary for the good of the City, suspend or remove all City employees provided for by or under this Charter, except as otherwise provided by law or this Charter; and may delegate this power to an appointing authority as defined by the City Code; (g3) direct and supervise the administration of all departments, offices and agencies of the City, except as otherwise provided by this Charter or by law; and (h) perform such other duties as may be prescribed by this Charter or required of him in accordance therewith by the Council or which may be required of the chief executive officer of a city by the general laws of the Commonwealth other than the duties conferred on the Mayor by this Charter. (1966, c. 319; 1976, c. 101; 1982, c. 8; 1984, c. 205)

§ 6.4. Relations With 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, except the School Board, and any other board or commission the Council may designate. (1966, c. 319)

§ 6.5. Acting City Manager.

The Council, by ordinance, shall establish a procedure whereby an acting City Manager is appointed in case of the absence, incapacity, death, resignation, or other vacancy in the position of City Manager. (1966, c. 319; 1984, c. 205)

CHAPTER 7
BUDGETS

§ 7.1. Fiscal and Tax Years.

The fiscal year of the City shall begin on the first day of July and shall end on the thirtieth day of June of the succeeding year. The tax year for taxes levied on real estate, tangible personal property, machinery and tools shall begin on the first day of January and end on the thirty-first day of December following, and the tax year for all other taxes shall be fixed by the Council by ordinance. The rates of all taxes and levies, except on new sources of tax revenue, shall be fixed at the time of adoption of the general fund budget. (1966, c. 319)

§ 7.2. Submission of Budgets.

On a day to be fixed by the Council, but in no case later than the first day of March in each year the City Manager shall submit to the Council and make available to the public a budget that presents a comprehensive financial plan for all City departments and for all City funds and activities for the next fiscal year. Such a plan shall contain, but not be limited to, a budget for the general operation of the City government hereinafter referred to as the general fund budget, including the total budget for the support of the public schools as filed by the School Board; a budget for the debt service of the City and reserve requirements therefor; a budget for proposed capital expenditures; a budget for all City enterprise activities; and a budget message by the City Manager presenting a concise and comprehensive view of City activities as proposed in the next fiscal year and the budget message of the School Board. A resume of the budget shall be published in a newspaper having general circulation in the City of Fairfax at least fifteen days prior to the public hearing at which the budget is adopted. (1966, c. 319; 1984, c. 205)

§ 7.3. Preparation of Budgets.

It shall be the duty of the head of each department, each board or commission and each other office or agency supported in whole or in part by the City, including offices of the Commissioner of Revenue and the Treasurer to file with the City Manager or with the Director of Finance designated by him, at such time as the City Manager may prescribe, estimates of revenue and expenditure for that department, board, commission, office or agency for the ensuing fiscal year. (1966, c. 319; 1984, c. 205)

§ 7.4. School Budget.

It shall be the duty of the School Board to file its budget estimates with the City Manager. The action of the Council on the School Budget shall relate to its total or to such major classifications as may be prescribed by the State Board of Education. If the amount appropriated by the Council relates to the total only, the School Board shall have authority to expend in its discretion the sum appropriated for its use, provided that if it

receives an appropriation greater or less than its original request it shall forthwith revise its estimates of expenditure and adopt appropriations in accordance therewith. The School Board shall have power to order during the course of the fiscal year transfers from one item of appropriation to another. If the amount appropriated by the Council relates to said major classifications, the School Board shall expend such funds in accordance with said classifications. Notwithstanding anything to the contrary contained herein, nothing in this section shall be construed to be in conflict with the provisions of general law. (1966, c. 319; 1977, c. 274)

§ 7.5. Reserve for Permanent Public Improvements.

The Council may, by ordinance, establish a reserve fund for permanent public improvements and may appropriate thereto any portion of the general fund cash surplus not otherwise appropriated at the close of any fiscal year. It may likewise assign to the said fund a specified portion of the ad valorem tax on real estate and tangible property not to exceed ten cents on \$100 of the assessed valuation thereof or the whole or part of the proceeds of any other tax. (1966, c. 319)

CHAPTER 8
BORROWING

§ 8.1. Borrowing Power.

The Council may, in the name and for the use of the City, incur indebtedness by issuing its negotiable general obligation bonds or notes for the purposes and in the manner provided in this chapter, and to the extent provided in this chapter and under the general law when the general law is not inconsistent with this chapter.

The full faith and credit of the City shall be pledged for the payment of the principal of and interest on such general obligation bonds and the City shall be unconditionally and irrevocably obligated to levy ad valorem taxes on all taxable property in said City without limitation as to rate or amount to the full extent necessary for the payment of such principal and interest on such general obligation bonds and for any reserve funds provided therefor. The Council may provide by ordinance the methods and procedures for the borrowing of money, consistent with general law and this Charter. (1966, c. 319; 1984, c. 205)

§ 8.2. Purposes for Which Bonds or Notes May be Issued.

(a) Bonds, and notes in anticipation of bonds when the issue of bonds has been authorized as hereinafter provided, may be issued for the purpose of financing the whole or any part of the cost of any capital improvement project which is hereby defined to include any public improvement, work or utility which the City is authorized to undertake, including the acquisition of any property, real or personal, incident thereto, the construction or reconstruction in whole or in part of any building, plant, work, structure or facility necessary or useful in carrying out the powers of the City, and the equipment or reequipment of the same and any and all other purposes necessary and incidental thereto, and including any other purpose authorized by general law or for which the City may lawfully make an appropriation, except current expenses.

(b) To anticipate the collection of tax revenue. Notes may be issued, when authorized by the Council, at any time during the fiscal year in anticipation of the collection of any or all tax revenues not to exceed sixty percent of such estimated revenue

for the fiscal year. Said notes shall be repaid within twelve months from the date of issue and can be issued only for budgeted purposes except as hereinafter provided.

(c) Notes in anticipation of bond proceeds. Temporary notes may be issued at such times and amounts as may be deemed necessary by the Council in anticipation of the receipt of the proceeds of any bonds, either revenue or general obligation, the issuance of which had been duly authorized (herein called "bond anticipation notes"). Said bond anticipation notes shall not exceed the total principal amount of the bonds in anticipation of which they are issued, shall be dated as of the date of issuance, shall be executed by the Mayor and City Treasurer and sealed with the corporate seal of the City attested by the City Clerk, shall be in such form and denominations, shall be callable or non-callable, shall bear such rate of interest as shall be determined by the Council, and shall bear a descriptive designation referring to the bonds in anticipation of which they are issued. Said bond anticipation notes may be sold at public or private sale in the discretion of the Council and shall mature not later than one year from the date of issuance provided that no such bond anticipation notes or renewals thereof shall mature later than three years from the date of the bonds in anticipation of which they are issued. (1966, c. 319)

§ 8.3. Limitation on Indebtedness.

In the issuance of bonds and notes, the City shall be subject to the limitations as to amount contained in the Constitution of the Commonwealth or other applicable general law. (1966, c. 319; 1984, c. 205)

§ 8.4. Issuance of Bonds. How Authorized.

The procedure for the passage of an ordinance authorizing the issuance of bonds shall be the same as for the passage of any other ordinance, except that no such ordinance shall be passed as an emergency ordinance and that the affirmative votes of two-thirds of the entire Council shall be necessary for its adoption. Upon adoption by the Council of a bond ordinance, the City Clerk shall forthwith certify a copy of said ordinance to the Circuit or Corporation Court having jurisdiction or to the judge thereof, in vacation, who shall thereupon order a special election of the qualified voters of the City to be held by general law in such cases provided. If a majority of those voting therein at such election shall approve the ordinance, it shall take effect immediately, and if not, it shall be void. (1966, c. 319)

§ 8.5. Form and Execution of Bonds.

Any of said bonds shall be in such form, either registered or coupon, and shall be in such denominations as shall be determined by the Council in the proceedings authorizing the issuance of same. Said bonds may be made redeemable prior to maturity at such prices as may be determined by the Council, shall bear interest at such rate or rates as shall be determined at the sale thereof, shall mature at such time or times as shall not exceed forty years from their date or dates of issuance and shall be executed by the Mayor and City Treasurer by their manual or facsimile signature and sealed with the corporate seal of the City, either by impression or facsimile, attested by the City Clerk by his manual or facsimile signature. (1966, c. 319; 1970, c. 125; 1984, c. 205)

§ 8.6. Procedure of Sale of Bonds.

All bonds issued under this Charter shall be sold as provided by general law. (1966, c. 319; 1970, c. 125; 1978, c. 514)

§ 8.7. Short Period of Limitation.

When thirty days shall have elapsed from the date of approval of a bond ordinance by the voters, as provided in this chapter, (a) any recitals or statements of fact contained in such bond ordinance or in the preambles or recitals thereof shall be deemed to be true for the purpose of determining the validity of the bonds thereby authorized, and the City and all other parties interested shall forever thereafter be estopped from denying the same; (b) such bond ordinance shall be conclusively presumed to have been duly and regularly passed by the City and to comply with the provisions of this Charter and all laws, and (c) the validity of such bond ordinance shall not thereafter be questioned by either a party plaintiff or a party defendant, except in a suit, action or proceeding commenced prior to the expiration of such thirty days. (1966, c. 319)

§ 8.8. Revenue Bonds.

The City shall have power to construct, acquire, repair, improve, extend and operate water systems, sewer systems, gas systems, electric systems, public parking systems, including both off-street and on-street public parking facilities, and to issue from time to time revenue bonds payable from the revenues derived from such water systems, sewer systems, gas systems, electric systems, public parking systems or any other revenue producing undertakings or enterprises which the City is authorized by this Charter or any other law to construct or acquire (hereinafter referred to as "revenue undertakings"), or any combination of such systems or other revenue undertakings, to finance or refinance the cost or part of the cost of the acquisition, construction, reconstruction, repair, extension or improvement of such systems or other revenue undertakings, or any combination thereof, including the acquisition of any property, real or personal, or mixed, therefor or other costs in connection therewith or the refunding of outstanding revenue bonds issued for such purposes.

(a) Any two or more of such systems or other revenue undertakings may be combined and consolidated into a single revenue undertaking, and may thereafter be operated and maintained as a single revenue undertaking. The revenue bonds authorized herein may be issued to finance any one or more of such revenue undertakings separately, or to finance two or more of such revenue undertakings and regardless of whether or not such revenue undertakings have been combined and consolidated into a single revenue undertaking as provided herein. If the Council deems it advisable, the proceedings authorizing such revenue bonds may provide that the City may thereafter combine the revenue undertakings then being financed or theretofore financed with other revenue undertakings to be subsequently financed by the City and that revenue bonds to be thereafter issued by the City to finance such subsequent revenue undertakings shall be on a parity with the revenue bonds then being issued under such terms, conditions and limitations as shall be provided, and may further provide that the revenues to be derived from the subsequent revenue undertakings shall at the time of the issuance of such parity revenue bonds be also pledged to the holders of any revenue bonds theretofore issued to finance the revenue undertakings which are later combined with such subsequent revenue undertakings.

(b) The City shall also have power to pledge as additional security for such revenue bonds issued under this article any franchise taxes, occupational license taxes, or any other excise taxes or other funds which the City may have available to pledge to the payment of the principal of or interest on such revenue bonds, and for reserves therefor,

except moneys derived from ad valorem taxes, or any two or more of such excise taxes or other funds.

(c) The cost of any works, properties, improvements or other purposes financed by the issuance of bonds under this chapter shall include, but not be limited to construction costs, engineering, fiscal or financial and legal expenses, surveys, plans and specifications, interest during construction or acquisition and for one year thereafter, initial reserve funds, discount, if any, on the sale of bonds, acquisition of real or personal property, including franchises, and such other costs as are necessary and incidental to the construction or acquisition of such works, properties, improvements or other purposes and the financing thereof. The City shall have power to retain and enter into agreements with engineers, fiscal agents or financial advisers, attorneys, architects or other consultants or advisers for the planning, supervision and financing of such works, properties, improvements or other purposes upon such terms and conditions as shall be deemed advisable to the Council.

(d) Any such revenue bonds, as set forth in this section, shall be deemed to be negotiable instruments, and shall be authorized, executed and sold as provided under general law, specifically the provisions of the Virginia Public Finance Act of 1991, Chapter 26 (§ 15.2-2600 et seq.) of Title 15.2 of the Code of Virginia as the same may be superseded or amended. Without limiting the foregoing, any referendum requirement contained within this Charter shall not be applicable to revenue bonds. (1966, c. 319; 1984, c. 205; 2011, c. 425, 454)

CHAPTER 9 DEPARTMENT OF LAW

§ 9.1. Department of Law.

There shall be a department of law which shall consist of the City Attorney and such Assistant City Attorneys and other employees as may be provided by ordinance. (1966, c. 319)

§ 9.2. Qualifications and Appointment.

The head of the Department of Law shall be the City Attorney. He shall be an attorney at law licensed to practice under the laws of the Commonwealth and he need not be a resident of the City of Fairfax. He shall be appointed by the Council to serve at the pleasure of the Council. (1966, c. 319; 1984, c. 205)

§ 9.3. City Attorney.--Powers and Duties.

The City Attorney shall be the legal advisor of (1) the Council, (2) the City Manager, and (3) of all departments, boards, commissions and agencies of the City, in all matters affecting the interests of the City and shall, (a) upon authorized request, furnish a written opinion on any question of law involving their respective official powers and duties; (b) at the request of the City Manager or of the Council prepare ordinances for introduction and render his opinion as to the form and legality thereof; (c) draw or approve all bonds, deeds, leases, contracts or other instruments to which the City is a party or in which it has an interest; (d) have the management and control of all the law business of the City and the departments, boards, commissions and agencies thereof, or in which the City has an interest as the Council may from time to time direct; (e) represent the City as counsel in any civil case in which it is interested and in criminal cases in which the constitutionality or validity of any ordinance is brought in issue; (f) have the

power to prosecute in the courts of the Commonwealth of Virginia all violations of law constituting misdemeanors and traffic violations committed within the city, whether violations of city ordinances or the laws of the Commonwealth of Virginia; (g) attend in person or assign one of his assistants to attend all regular meetings of the Council and all other meetings of Council unless excused by a majority of the Council; (h) appoint and remove such Assistant City Attorneys and other employees as shall be authorized by the Council, (h1) authorize the Assistant City Attorneys or any of them or special counsel appointed by the Council to perform any of the duties imposed upon him in this Charter; and (i) have such other powers and duties as may be assigned to him by ordinance. The School Board shall have authority to employ legal counsel. (1966, c. 319; 1984, c. 205; 2005, c. 641, 673)

CHAPTER 10 PUBLIC SAFETY

§ 10.1. The functions of public safety shall be performed by the Police Department and such other bureaus, divisions and units as may be provided by ordinance or by orders of the City Manager consistent therewith.

The City of Fairfax may enter into contractual relationships with neighboring political subdivisions for the support and utilization of a joint fire department which shall be responsible for the protection from fire of life and property within the City, and may, at any time, establish a City fire department for such purpose. (1966, c. 319)

§ 10.2. Police Department.

The Police Department shall consist of the Chief of Police and such other officers and employees of such ranks and grades as may be established by the Council. The Police Department shall be responsible for the preservation of the public peace, prevention of crime, apprehension of criminals, protection of the rights of persons and property, and enforcement of the laws of the Commonwealth, the ordinances of the City and all rules and regulations made in accordance therewith. The Chief of Police and the other members of the police force of the City shall have all the powers and duties of police officers as provided by the general laws of the Commonwealth. (1966, c. 319; 1984, c. 205)

§ 10.3. Chief of Police.

The head of the Police Department shall be the Chief of Police. He shall be appointed by the City Manager with the concurrence of Council and shall be under the supervision of the City Manager. He shall be in command of the Police Department. He shall make rules and regulations in conformity with this Charter and the ordinances of the City concerning the operation of the department, the conduct of the officers and employees thereof, their uniforms, arms and other equipment, their training and the penalties to be imposed for infractions of such rules and regulations. (1966, c. 319; 1984, c. 205)

§ 10.4. (1966, c. 319; repealed 1984, c. 205)

§ 10.5. (1975, c. 93; repealed 1984, c. 205)

CHAPTER 11 LAW ENFORCEMENT

§ 11.1. (1966, c. 319; repealed 1975, c. 93)

§ 11.2. (1966, c. 319; repealed 1975, c. 93)

- § 11.3. (1966, c. 319; repealed 1975, c. 93)
- § 11.4. (1966, c. 319; 1972, c. 12; repealed 1975, c. 93)
- § 11.5. (1966, c. 319; repealed 1975, c. 93)
- § 11.6. (1966, c. 319; repealed 1975, c. 93)
- § 11.7. (1966, c. 319; repealed 1975, c. 93)
- § 11.8. (1966, c. 319; repealed 1975, c. 93)
- § 11.9. (1966, c. 319; repealed 1975, c. 93)
- § 11.10. (1966, c. 319; repealed 1975, c. 93)
- § 11.11. (1966, c. 319; 1971, c. 58; 1972, c. 12; repealed 1975, c. 93)
- § 11.12. (1966, c. 319; repealed 1975, c. 93)

CHAPTER 12
PUBLIC EDUCATION

§ 12.1. School District.

The City of Fairfax shall constitute a separate school district. (1966, c. 319)

§ 12.2. School Board.

(a) The School Board shall consist of five qualified voters of the City elected by popular vote at large. (b) The election of members of the School Board shall be held to coincide with the election of the members of the City Council and Mayor. The terms of the members of the School Board shall be the same as the terms of the members of the City Council and Mayor. The School Board shall meet annually in July at which time the board shall fix the time for holding regular meetings for the ensuing year, shall elect one of its members chairman, and, on recommendation of the superintendent, shall elect or appoint a competent person as clerk of the School Board, and shall fix his compensation. In the discretion of the School Board, the superintendent may serve as clerk. The School Board shall conduct such other business, elect such other officers and make such other appointments at the annual meeting as it may, in its discretion, deem appropriate. (1966, c. 319; 1977, c. 274; 1989, c. 21, 116; 1994, c.130)

§ 12.3. Except as provided in this Charter the School Board shall have all the powers and duties relating to the management and control of the public schools of the City provided by the general laws of the Commonwealth, including the right of eminent domain within and without the City. None of the provisions of this Charter shall be interpreted to refer to or include the School Board unless the intention so to do is expressly stated or is clearly apparent from the context. (1966, c. 319)

§ 12.4. The School Board by and with the consent of the City Council shall have the right to contract with the school board of nearby political subdivisions of the Commonwealth to provide for the education of City children on a tuition basis upon such terms and conditions as the respective school boards may agree, provided the same do not conflict with the Constitution of Virginia. (1966, c. 319)

§ 12.5. All recreation facilities and grounds located on property owned by the School Board shall be under the exclusive control and supervision of the School Board. The title to property and buildings devoted to public school purposes shall be in the School Board. (1966, c. 319)

§ 12.6. The School Board may borrow subject to the approval of the City Council from the Literary Fund of Virginia or from such other sources as may be available to it by general law. (1966, c. 319)

§ 12.7. The terms "member of the School Board" and "School Board" shall have the same meaning as "School Trustee" and "School Trustees" as used in the Code of Virginia. The term "board" or "boards" as used in this Charter shall not include the School Board unless the School Board is specifically named. (1966, c. 319)

CHAPTER 13
MISCELLANEOUS PROVISIONS

§ 13.1. Enforcement of Surety Bonds.

The Council shall designate which City officers and employees shall be bonded and the amount of such 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 him, or his deputies, assistants or other subordinates, of the duties imposed on him by this Charter and all ordinances passed in pursuance thereof. (1966, c. 319; 1984, c. 205)

§ 13.2. Reprinting of Charter After Amendment.

Within a reasonable time after the conclusion of any session of the General Assembly and the effective date of any amendment or amendments to this Charter adopted at such session, the amendment or amendments shall be published in such number of copies as the Council shall order. (1966, c. 319)

§ 13.3. Officers to Hold Over Until Their Successors are Appointed and Qualified.

Whenever, except as otherwise provided in this Charter, any officer of the City, judge or member of any board or commission is elected or appointed for a fixed term, such officer, judge, or member shall continue to hold office until his successor is appointed and qualified. (1966, c. 319)

§ 13.4. Courtroom for District Judge and Office Space for Constitutional Officers.

It shall be the duty of the City to provide a suitable courtroom for the District Judge of the City and suitable offices for the Commissioner of Revenue and the City Treasurer. (1966, c. 319; 1984, c. 205)

§ 13.5. Posting of Bonds Unnecessary.

Whenever the general law requires the posting of a bond, with or without surety, as a condition precedent to the exercise of any right, the City, without giving such bond, may exercise such right, provided all other conditions precedent be complied with, and no officer shall fail or refuse to act because the City has not filed or executed the bond that might otherwise be required, and the City shall be bound to the same extent that it would have been bound had the bond been given. (1966, c. 319)

§ 13.6. Code References.

All references in this Charter are to the Code of Virginia of 1950, as amended. (1966, c. 319)

§ 13.7. Present Ordinances and Rules and Regulations Continued in Effect.

All ordinances of the City and all rules, regulations and orders legally made by any department, board, commission or officer of the City, in force at the effective date of this Charter, insofar as they or any portion thereof are not inconsistent therewith, shall remain in force until amended or repealed in accordance with the provisions of this Charter. (1966, c. 319)

§ 13.8. Validation and Ratification Bond, 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 Council and government of the City, and the former Town of Fairfax, 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 proceedings authorizing the issuance of bonds, notes or other obligations of the City of Fairfax 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 as amended, or in accordance with the provisions of this Charter. (1966, c. 319)

§ 13.9. (1966, c. 319; repealed 1984, c. 205)

§ 13.10. Severance Clause.

If any clause, sentence, paragraph or part of this act 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 act, 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 rendered. (1966, c. 319)

§ 13.11. Gender.

Whenever the male gender or the pronoun "he" or "his" appears in the Charter, the same shall equally apply to the female gender or "she" or "her." (1984, c. 205)

§ 13.12. Exemptions from City-Imposed Permit Charges and Application Fees.

The Council, by ordinance, may provide that organizations exempt from taxation pursuant to § 501 (c) (8) and (19) of the Internal Revenue Code shall be exempt from the payment of permit charges and application fees imposed by the City Code. (1992, c. 30)