

MANASSAS, CITY OF
City of Second Class.
Originally called Manassas Junction.

Town incorporated, 1873, c. 362; repealed 1938, c. 184.
Incorporation and charter, 1938, c. 184; repealed 1976, c. 721.
Became a city by court order in 1975, effective May 1, 1976.
Charter, 1976, c. 721.

Amended 1977, c. 275 (§§ 18, 46)
1980, c. 68 (§ 18)
1990, c. 16 (§ 18)
1994, c. 95 (§ 18)
1995, c. 161 (§ 45)
1996, c. 43 (§ 45 [repealed])
1996, c. 248 (§§ 21, 27).

Chapter I. General Provisions.

§ 1. The city of Manassas, notwithstanding any other provision of law, shall be and continue a municipal corporation under the name and style of the city of Manassas, clothed with all of the rights, privileges and authority granted it under this charter or by the general laws of the Commonwealth of Virginia. (1976, c. 721)

§ 2. The corporate limits of the city of Manassas, Virginia, shall be the boundaries of the town of Manassas, its predecessor, as ordered in the final decree of the circuit court of the County of Prince William on January 7, 1971, in the annexation proceeding styled Town of Manassas, Virginia, v. County of Prince William, Virginia, which decree is recorded in the clerk's office of the circuit court of the County of Prince William in common law order book 46 pages 413, et seq. In addition to the above, the corporate limits shall include such territory as is otherwise added to the municipality as provided by law. (1976, c. 721)

§ 3. 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 council of the city of Manassas and in such boards and officers as are hereafter mentioned, or may be by law otherwise provided. (1976, c. 721)

§ 3-a. The powers set forth in §§ 15.1-837 through 15.1-907 of Chapter 18 of Title 15.1 of the Code of Virginia as in force on January 1, 1976, are hereby conferred on and vested in the city of Manassas, 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. (1976, c. 721)

§ 4. The municipal officers of the city shall consist of a mayor, six councilmen, 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, councilmen, city treasurer and commissioner of revenue shall be elected by the qualified voters of the city. The city manager, city clerk and city attorney shall be appointed by the council as hereinafter provided. (1976, c. 721)

§ 4-a. 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. (1976, c. 721)

§ 5. The power and authority of the councilmen shall, in addition to those mentioned and authorized by this charter, be such as are mentioned and prescribed by law. (1976, c. 721)

§ 6. Those councilmen and mayor in office on the effective date of this charter shall continue in office until the first day of July following termination of their respective terms and until their respective successors shall have been duly elected and qualified.

On the first Tuesday in May, 1976, and every two years thereafter, there shall be elected by the qualified voters of the city three councilmen, who shall be electors of the city, who shall hold office for terms of four years each, beginning on the first day of July following the date of their election and thereafter until their respective successors shall have been duly elected and qualified.

On the first Tuesday in May, 1976, and every four years thereafter, there shall be elected by the qualified voters of the city of Manassas, a mayor, who shall be one of the electors of the city, and whose term of office shall begin on the first day of July following the date of his election and continue for four years thereafter, until his duly elected successor shall have qualified.

The remaining members of council shall fill any vacancy that may occur in the membership of the council for any unexpired term by appointment of an elector of the city of Manassas.

Each member of the council may receive a salary to be fixed by the council, payable at such times and in such manner as the council may direct.

The mayor may receive a salary to be fixed by the council, payable in such manner and at such times as the council may direct. (1976, c. 721)

§ 7. All municipal officers of the city, before entering upon the duties of their respective offices, shall be sworn in, in accordance with 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 he is to enter upon the discharge of the duties of his office, or shall for twenty days after the beginning of his term of office fail to give such bond as may be required of him by council, a vacancy in said office shall then exist. (1976, c. 721)

Chapter II. Mayor, etc.

§ 8. The mayor shall preside at the meetings of the council and perform such other duties as may be prescribed by this charter and by general law, and such as may be imposed by the council, consistent with his office.

The mayor shall have no right to vote in the council except that in every case of a tie vote of the council, the mayor shall vote to break the tie not later than the next regular council meeting. (1976, c. 721)

§ 9. The council shall biennially, following the regular municipal election, choose one of its members as vice-mayor. The vice-mayor shall perform the duties of the mayor during his absence or disability. In the event of the death, removal or resignation of the mayor the council shall choose one of the councilmen or some other qualified voter of the city of Manassas who shall serve as mayor until the next succeeding municipal

election, at which time a successor shall be elected by the qualified voters of the city of Manassas to fill the office of mayor for the remainder of the unexpired term.

Should a member of the council be chosen to serve as mayor until the next municipal election such councilman shall be deemed to have surrendered his office as councilman forthwith upon his qualification as mayor and his office of councilman shall thereupon be vacant. The vacancy thereby created in the council shall be filled by the council as provided in § 6 hereof.

The member of the council who shall be chosen as vice-mayor shall continue to have all rights, privileges, powers, duties and obligations of councilman while performing the duties of mayor during the absence or disability of the mayor of the city. (1976, c. 721)

Chapter III. Council.

§ 10. The council of the city shall be composed of six members. They shall be elected by the popular vote of the qualified voters of the city, as provided in § 6 hereof. (1976, c. 721)

§ 11. The council shall, by ordinance, fix the time for their stated meetings. Special meetings shall be called by the clerk of the council upon the written request of the mayor, or any three members of the council; no business shall be transacted at a special meeting but that for which it shall be called, unless the council be unanimous. The meetings of the council shall be open to the public, except when in the judgment of the council the public welfare shall require executive sessions as provided by law.

If any member of the council shall be voluntarily absent from three regular meetings of the council consecutively, his seat may be deemed vacant by resolution of the council, and thereupon his unexpired term shall be filled according to the provisions of this charter. (1976, c. 721)

§ 12. The council shall appoint a city clerk to serve at the will of the council, and shall have authority to adopt such rules and appoint such officers and committees as it may deem proper for the regulation of its proceedings and for the convenient transaction of business and enforce orderly conduct at meetings.

The council shall keep a minute book, in which the city clerk shall note the proceedings of the council, and shall record said proceedings at large on the record book, and keep the same properly indexed. (1976, c. 721)

§ 13. Three members of the council 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 exceeding the sum of \$500, or the levy of taxes and licenses, except by the concurrence of at least four members. No vote or question decided at a stated meeting shall be reconsidered at a special meeting unless all members are present, and three of them concur. (1976, c. 721)

Chapter IV. City Manager.

§ 14. The council may appoint a city manager who shall be the chief administrative officer of the city. The city manager shall be chosen by the council solely on the basis of his executive and administrative qualifications and need not, when appointed, be a resident of the city or the Commonwealth, but during his term of office he shall reside within the city. No member of the council shall, during the time for which elected or appointed, be chosen as city manager. The city manager shall be appointed for a term acceptable to the council and the city manager. He shall be removable by the council for cause. Before the city manager may be removed, he shall, if he so demand, be given a written statement of the reasons alleged for his removal and the right to be heard thereon at a meeting of the council prior to the final vote on the question of his removal, but pending and during such hearing the council may suspend him from office. The action of the council in suspending or removing the 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 council. In case of the absence or disability of the city manager the council may designate some qualified person to perform the duties of the office during such absence or disability. (1976, c. 721)

§ 15. It shall be the duty of the city manager to supervise the administration of the affairs of the city; to make such recommendations to the council concerning the affairs of the city as may seem to him desirable; to keep the council advised of the financial condition and future needs of the city; to prepare and submit to the council the annual budget estimate; to prepare and submit to the council such reports as may be required by that body; and to perform such other duties as may be prescribed by this charter or required of him by order or resolution of the council, not inconsistent with this charter.

The council shall have authority 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 council. (1976, c. 721)

§ 16. 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 of their respective details, in an economical and satisfactory manner; provided, however, that he may not remove or discharge appointive city officers without the consent of the council. The salaries and terms of office or employment of such officers, employees and assistants shall be fixed by the city manager subject to the approval of the council and as provided by general law. His action in all respects shall be subject to review by the council and he shall be accountable to the council only. (1976, c. 721)

Chapter V. Powers of Council, etc.

§ 17. The council of the city shall have general power over all officers and employees of the city as provided in this charter. (1976, c. 721)

§ 18. The council of the city shall have, subject to the provisions of this charter, the control and management of the fiscal and municipal affairs of the city and of all property, real and personal, belonging to the city and may make such ordinances and bylaws relating to the same as it shall deem proper. The council shall in addition to other

powers given by general law, have power to make such ordinances, orders, bylaws and regulations as it may deem proper and necessary to carry out the following powers, which are hereby vested in it:

A. Public market. To establish a public market in and for the city, provide for the appointment of proper officers therefor, prescribe the time and places for holding the market, provide suitable grounds and buildings therefor, and enforce such regulations as shall be necessary and proper to prevent huckstering, forestalling, or regrating.

B. Public improvements. To construct, maintain, regulate and operate public improvements of all kinds, including municipal and other buildings, armories, jails and all 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.

C. Establishing, etc., electric generating equipment, etc. To establish, maintain and operate electric generating equipment and distribution system within and without the city; to purchase electric energy for the use of the city and for distribution and resale, including resale of its surplus electricity without the city; to acquire land or rights-of-way by gift, purchase or condemnation for the location, extension or enlargement of an electric generating and/or distribution system; to acquire by gift, purchase or condemnation riparian rights for hydroelectric generation and to protect by ordinance, prescribing adequate penalties, the said electric generating equipment and/or distribution system and their appurtenances whether within or without the limits of the city.

D. Waterworks and sewers. 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 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.

E. Streets, sidewalks and alleys generally. To open, extend, widen or narrow, close, plan, grade, 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 council 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; but no person shall occupy with his works, or any appurtenances thereof, the streets, sidewalks, or alleys of the city, without the consent of the council, duly entered upon its records.

F. Cumbering streets, sidewalks, etc. To prevent the cumbering of streets, sidewalks, alleys, lanes, or bridges in the city in any manner whatever.

G. Route and grade of public utilities. To determine and designate the route and grade of any public utility laid out in the city.

H. Airports and landing fields. To establish, maintain and operate a landing field or airport located within or without the city, and for such purposes to have the right to acquire real estate by gift, lease, purchase or condemnation; to lease such landing field or

airport to others to be used for any lawful purpose; to erect and maintain buildings and appurtenances necessary for the use of such landing field or airport and to prescribe and enforce rules and regulations, not in conflict with laws, rules and regulations prescribed by the Commonwealth of Virginia and the federal government, for the use and protection of such landing field or airport.

I. Board of health and department of public welfare. To appoint and organize a board of health and a department of public welfare for the city, with the necessary authority for the prompt and efficient performance of their duties, including the authority to coordinate their duties and efforts with appropriate agencies and departments of the Commonwealth and other of its political subdivisions.

J. Nuisances; unsafe or unsanitary structures; dangerous and unhealthy businesses; transportation of explosives, garbage, etc.; speed of trains. 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 insane person, his guardian or committee, be duly summoned before a board or a committee of council or the full council as charged by the ordinances with such duty, and allow reasonable opportunity to show cause against such action; to regulate soap factories and candle factories within the city, and the exercise of any dangerous, offensive or unhealthy business, trade or employment therein; and to regulate the transportation of coal, explosives, garbage and other articles through the streets of the city, and to restrain and regulate the speed of locomotive engines and cars upon the railroads within the city.

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 council 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 an opportunity to be heard shall be first given to such owners or their agents. In 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, etc., codes; fire prevention; discharge of fireworks and firearms. 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 in 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. Water, gas, electricity and sewage rates; requiring deposit, etc. To establish, impose and enforce water, gas, electricity and sewage rates and rates for charges for public utilities or other service, products or conveniences, operated, rendered or furnished by the city, and to assess, or cause to be assessed, water, gas, electricity and sewage rates and charges against the proper tenant or tenants or such persons, firms or corporations as may be legally liable therefor; and the council may by such ordinance require a deposit of such reasonable amount as it may by such ordinance prescribe, before furnishing any of such services to any person, firm or corporation.

Such fees, rents, charges and interest due thereon shall constitute a lien, which shall rank on a parity with liens for unpaid city taxes, against the property, which lien may be indexed and filed among the judgment records of the circuit court of Prince William County, the cost of such filing to be included in the total amount of such lien. Such fees, rents, charges and interest due thereon may also be recovered by the city by an action at law or a suit in equity; provided, however, this paragraph shall not become operative unless and until the provisions of this paragraph have been duly adopted by an ordinance enacted pursuant to the city charter.

N. Franchises. Subject to the provisions of the Constitution of Virginia and of this charter, to grant franchises under terms and conditions to be fixed by the council.

O. Diversions of streams. To divert the channels of creeks and flowing streams and for that purpose to acquire property by condemnation all in accordance with general law.

P. Contract debts, borrow money and issue bonds. Subject to the provisions of the Constitution of Virginia and of this charter to contract debts, borrow money and make and issue bonds and other evidence of indebtedness.

Q. Eminent domain. To exercise the power of eminent domain within this Commonwealth with respect to lands and improvements thereon, machinery and equipment for any lawful purpose of the city.

The city shall also have mutatis mutandis, the rights, privileges and obligations set forth in §§ 33.1-119 through 33.1-129 of the Code of Virginia, as amended, applicable to the Commonwealth Transportation Commissioner and the Department of Transportation, with respect to all lawful purposes for which the city is permitted to exercise the power of eminent domain, as made and provided in §§ 15.1-897, 15.1-898, 15.1-899 and 15.1-900 of Chapter 18 of Title 15.1 of the Code of Virginia, as in force on January 1, 1976.

R. Slaughterhouses. To provide by ordinance for the licensing, regulation, control and location of slaughterhouses within the corporate limits of the city; and for such services to make reasonable charges therefor; and to provide reasonable penalties for the violation of such ordinances.

S. Passage of ordinances, etc., to promote general welfare, etc. 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 Constitution and general laws of the Commonwealth, or the Constitution of the United States.

T. Public utilities generally. The council 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; and it shall have full authority to incur indebtedness; unless otherwise prohibited by law, whenever the said council 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.

U. Requiring connection with sewers. The council 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 council, together with all other authority necessary to a proper maintenance and operation of an effective sewerage system.

V. Special election required for sale of public utilities. The council 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, which election shall be conducted as now provided by general law governing special elections. The Circuit Court of Prince William County, or the judge thereof in vacation, shall order such special election upon the petition of twenty-five percent of the qualified voters of the city of Manassas or upon a resolution passed by a majority of the council 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 published within the city of Manassas. The qualifications of voters in said special election shall be determined by existing statutes governing other special elections.

W. Schools. To establish, operate, and maintain a public school system as a separate school division in accordance with the provisions of the Code of Virginia applicable thereto.

X. School board. The school board of the city of Manassas shall be composed of seven members, who shall be chosen by the council from qualified voters and residents of the city of Manassas to serve a term of three years. Any vacancy on the school board occurring by reason of death, resignation or removal shall be filled by the council for the unexpired term. A member whose term has expired shall continue to serve until his successor has been appointed and qualified. Those members appointed prior to the adoption of this charter amendment shall continue to serve for the term to which they were originally appointed. The two additional members appointed to the board pursuant to this charter amendment shall serve initial terms of one and two years as designated in their appointment by council.

Y. Residential rental unit inspections. Upon an affirmative finding of the need to protect the public health, welfare and safety of its citizens, to provide by ordinance for the issuance of certificates of compliance with current building regulations for existing residential buildings located in conservation and rehabilitation districts designated by the local governing body after inspections of such buildings upon a termination of the

tenancies or when such rental property is sold. (1976, c. 721; 1977, c. 275; 1980, c. 68; 1990, c. 16; 1994, c. 95)

§ 19. The council is empowered to acquire, by purchase, gift, devise or condemnation or otherwise, lands to be used as places for the burial of the dead. The said council shall have the power to prescribe and enforce all needful rules and regulations not inconsistent with the laws of the Commonwealth for the use, protection, and ornamentation of the cemetery; to set aside, at their discretion, by metes and bounds, any portion thereof for the interment of strangers and the indigent poor, to divide the remainder into burial lots, and sell or lease the same, and to execute all proper deeds or other writings in evidence of such sale or lease. The cemeteries, when established and enclosed, with the property included in it, shall be exempt from all municipal taxation. (1976, c. 721)

§ 20. So long as there exists any unpaid bonded indebtedness, the council 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. (1976, c. 721)

§ 21. Penalty for ordinance violations.

Where, by provisions of this charter, or by general law, the council has authority to pass ordinances on any subject that may prescribe a penalty, such penalty for a violation thereof shall not exceed any provided for in general law for a like offense. Such penalties may be prosecuted and recovered with costs in the name of the city of Manassas. (1976, c. 721; 1996, c. 248)

§ 22. In every case where a street in the city has been, or shall be encroached upon by any fence, building or otherwise, the council may require the owner to remove the same, and if such removal be not made within the time prescribed by the council, they may impose such penalty as they 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 they are 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 any penalty therefor. No encroachment upon any street, however long continued, shall constitute any adverse possession to or confer any rights upon the persons claiming thereunder as against the city. (1976, c. 721)

§ 23. 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 council 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. (1976, c. 721)

§ 24. The council 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 to 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 council. If the owner of such menace shall fail or refuse 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 council 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 and such costs shall be collectible by due process of law. (1976, c. 721)

§ 25. The council may take from any officer or employee of the city, whether elected by the voters of the city or appointed by it, a bond, with surety, to be approved by the council, in such penalty as it may deem proper payable to the city, with condition for the faithful discharge by the said officer or employee of the duties of his office. (1976, c. 721)

§ 26. The council may appoint a duly licensed attorney as city attorney, who need not reside within the city but who shall have an office within the city, the scope of whose duties and whose compensation shall be fixed by the council and who shall serve at the pleasure of the council. (1976, c. 721)

§ 26-a. At the general election to be held on the first Tuesday following the first Monday in November in the year 1977, and on the said date every four years thereafter, there shall be elected by the qualified voters of the city a commissioner of revenue and a city treasurer. In case of a vacancy in the office of commissioner of revenue or city treasurer, the council, by a majority vote, shall select a qualified person, who must be an elector of the city, to fill the office in which such vacancy occurs for the unexpired term. The city treasurer and commissioner of revenue shall have such powers and perform such duties and receive such compensation as are provided by the Constitution of the Commonwealth, and, except as are otherwise provided in this charter, as are provided by the provision of general law for cities. (1976, c. 721)

§ 27. Specific duties of treasurer.

The city treasurer shall be charged with receiving and paying out of all monies of the city. He shall hold such monies and/or place same in such depositories as the council may by resolution direct, and he shall pay out such monies under such conditions and in such manner as the council may by resolution direct. The city treasurer shall keep the monies of the city in the name of the city. He 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 council from time to time. His 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 manner as prescribed by ordinance or law. The city treasurer shall furnish, in addition to any bond required of him by the Commonwealth of Virginia, a bond payable to the city of

Manassas in such amount as the council 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 monies, records and other property in his possession to his duly appointed or elected successor and the bonds as herein provided shall remain in full force and effect until such monies, records and property have been so transferred and accounted for. He may perform such other duties as may be required by the council. (1976, c. 721; 1996, c. 248)

§ 28. 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 council for the purpose of levying city taxes and licenses. He shall have power to administer such oaths as may be required by the council in the assessment of license taxes or other taxes for the city. He shall make such reports in regard to the assessments of both property and licenses, or either, as may be required by the council. He shall perform such other duties as may be required of him by the council. (1976, c. 721)

§ 29. The council may exercise full police powers and it shall establish and maintain a police force for the city of Manassas with such number of policemen and employees as the council may deem necessary and the head of such force may be known as the chief of police. The chief of police and the policemen and employees of the police force shall be under the control and supervision of the city manager or of the mayor as the council may deem expedient. The compensation and terms of office or employment of the chief of police and such policemen and employees of the police force shall be fixed and determined by the council.

Each member of the police force and the chief of police are hereby made and constituted a conservator of the peace and endowed with all the powers of a constable in criminal cases and all other powers which under the laws or the Commonwealth of Virginia and the ordinances and resolutions of the city may be necessary to enable him to discharge the duties of his office. (1976, c. 721)

§ 30. The city council shall create and maintain a fire department for the city and provide fire-fighting apparatus and equipment for such department, and it may accept for use of said 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 council may by ordinance or resolution prescribe such rules and regulations as it may deem necessary regulating the operation of the 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 council may grant the members of such company the right to select their own membership and officers subject to the approval of the council. The council may at its discretion add to the volunteer fire company such full time or part time, paid members as may seem advisable to the council. (1976, c. 721)

Chapter VI. City Officers.

§ 31. The council may combine offices when not prohibited by general law. (1976, c. 721)

§ 32. The council shall grant and pay to all city officers and employees such salaries or compensation, if any, as the said council may from time to time deem just and

proper, except as such salaries or compensation may be fixed by general law. (1976, c. 721)

§ 33. If any person, having been an officer of such city, shall not within ten days after he shall have vacated, or been removed from office, and upon notification or request of the clerk of the council, or within such time thereafter as the council shall allow, deliver over to his successor in office all property, books, and papers belonging to the city, or appertaining to such office in his possession or under his control, he shall forfeit and pay to the city the sum of \$500, to be sued for in the name of the city and recovered with costs; and all books, records, and documents used in any such office by virtue of any provision of this charter, or of any ordinance or order of the council, or of any superior officer of the city, shall be deemed the property of the city and appertaining to said office. (1976, c. 721)

§ 34. All officers hereafter elected under this charter shall be elected at the times and for the terms, as hereinbefore provided, and shall enter upon the discharge of their duties, in accordance with the provisions of the general law of this Commonwealth concerning city officers. (1976, c. 721)

§ 35. 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 law of the Commonwealth. (1976, c. 721)

§ 36. In addition to all the other powers mentioned in this charter, the council shall have power to raise annually by taxes and assessments in the city on all subjects the taxation of which by cities is not forbidden by general law, such sums of money as the council herein provided for shall deem necessary for the purposes of the city, and in such manner as said council shall deem expedient, in accordance with the Constitution and laws of this Commonwealth and of the United States. (1976, c. 721)

§ 37. The council is hereby vested with power to impose special or local assessments for local improvements and enforce payment thereof, subject, however, to such limitations prescribed by the Constitution and laws of Virginia as may be in force at the time of the imposition of such special or local assessments. (1976, c. 721)

§ 38. The council may levy a tax or a license on any person, firm or corporation pursuing or conducting any trade, business, profession, occupation, employment or calling whatsoever within the boundaries of the city, whether a license may be required therefor by the Commonwealth or not, and may exceed the state license, if any be required, except when prohibited by general law. (1976, c. 721)

§ 39. Any payment of delinquent taxes made by the tenant, unless under an expressed contract contained in his lease, shall be a credit against the person to whom he owes the rent. (1976, c. 721)

§ 40. The council may require of owners of motor vehicles, trailers, and semitrailers, which are normally garaged, stored or parked in the city, licenses for the privilege of operating such vehicles in the city, such licenses to be issued and the fees therefor fixed by the council. (1976, c. 721)

§ 41. All goods and chattels wheresoever found, may be distrained and sold for taxes assessed and due thereon, and no deed of trust nor mortgage upon goods and chattels shall prevent the same from being distrained and sold for taxes. (1976, c. 721)

§ 42. No tax shall be levied unless by ordinance or resolution passed by recorded vote of the council pursuant to § 13 of this charter. (1976, c. 721)

§ 43. There shall be a lien on real estate for the city taxes assessed thereon from the commencement of the year for which they were assessed. The council may require real estate in the city delinquent for the nonpayment of city taxes to be sold for said taxes and the accrued penalties thereon, with interest on the aggregate thereof, at a rate to be set by ordinance not in excess of the maximum lawful rate of interest permitted by general law. The city shall have the right to enforce the payment of all taxes and levies, due the said city by such proceeding at law or equity as may be appropriate under any provision of the general law for the enforcement of payment of any taxes, whether state or municipal, with the right of election of any and all remedies, which remedies are cumulative.

The council may provide by ordinance the time or times for payment of annual taxes or levies on real estate, which may, in the discretion of the council, be in installments; and may provide by ordinance penalties for nonpayment on time, and may provide for payment of the interest on delinquent taxes, such penalty and interest not to exceed the maximum rate provided by general law.

As promptly as possible after the thirtieth day of June and not later than the first day of August of each year, the city treasurer shall make up a list of all taxes delinquent on real estate for the preceding year and record or have the same recorded in a book kept for that purpose in the clerk's office where deeds are recorded for the city. Such taxes, together with such penalties and interest thereon as provided by general law, shall be a lien on the real estate against which such taxes were assessed, and the failure of the clerk to record or have recorded such delinquent taxes shall not affect the lien of such taxes, interest and penalties. (1976, c. 721)

§ 44. All ordinances and resolutions passed by the council shall take effect at the time indicated in such ordinances and resolutions, but in event no effective date shall be set forth in any such ordinance, resolution or bylaw passed by the council, the same shall become effective thirty days from the date of its passage.

An emergency measure is an ordinance or resolution to provide for immediate preservation of the public peace, property, health or safety, in which the emergency claimed is set forth and defined in a preamble thereto. The affirmative vote of at least three members of the council shall be required to pass any ordinance or resolution as an emergency measure. In case there shall be a tie among the members of the council, the vote of the mayor shall be controlling. (1976, c. 721)

§ 45. (1976, c. 721; 1995, c. 161; repealed 1996, c. 43)

§ 46. A. The council may, in the name of 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 Constitution of Virginia. Debts may be contracted and bonds, notes or other obligations may be issued to make public improvements for any purpose authorized by law or the provisions of this charter and specifically, to finance in whole or in part the cost of such public improvements for the joint use and benefit of the city of Manassas, the city of Manassas Park, and Prince William County.

B. 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 Constitution of Virginia.

C. 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.

D. 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 term for which they shall be issued, and the maximum rate 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; provided, however, if there shall be omitted from this charter any provision essential to the valid authorization, sale, execution and issuance of any of the bonds of the city, the provisions of general law with reference to similar bonds shall supply said omission.

E. Any bonds issued by the city under this charter shall be signed by the mayor and attested by the city clerk under the seal of the city, and shall be made payable in the office of the city treasurer 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 may be provided in such ordinance, under supervision of the mayor, city manager and city clerk, and the sale reported to and approved by the council, and the proceeds from said sale shall be paid to the city treasurer. (1976, c. 721; 1977, c. 275)

Chapter VIII. General Provisions.

§ 47. The mayor and city clerk shall have the power to administer oaths, and to take and sign affidavits in the discharge of their respective official duties. (1976, c. 721)

§ 48. The council, mayor, and any officer, board or commission authorized by the council, shall have power to make investigations as to city affairs and for that purpose to subpoena witnesses, administer oaths and compel the production of books and paper. (1976, c. 721)

§ 49. The city authorities may use the Prince William County jail, or penal farm if there be one, and the jailer, or keeper of such penal farm, is authorized to receive into said jail, or at such penal farm, all persons committed to the custody of either such jailer or keeper, and such jailer or keeper shall be entitled to the same fees, and the same compensation for board of such prisoners as may be incarcerated in such jail or placed on such farm by the city as are allowed by law. But in computing the compensation for board of such city prisoners, the computation shall be based upon the total number of prisoners confined in the jail or upon the penal farm from all sources, and not merely upon the number of the city prisoners. (1976, c. 721)

§ 50. The plan of government provided by this charter may be changed to any other plan for the government of cities in the manner provided by general law. (1976, c. 721)

§ 51. All ordinances and resolutions 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 herewith, shall remain in force until amended or repealed. (1976, c. 721)

§ 52. All contracts entered into by the city or for its benefit prior to the taking effect of this charter shall continue in full force and effect. (1976, c. 721)

§ 53. 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 shall not affect, impair or invalidate the remainder of this charter, but shall be confined in its operation to the clause, sentence, paragraph or part thereof which is so held invalid. (1976, c. 721)