

Town Charter

(with Amendments from 1938 through 2004)

Section 1. The town of Clifton, in Fairfax County, Virginia, shall continue to be a town corporate in the name and style of the town of Clifton, in Fairfax county, Virginia, and as such shall have and may exercise the powers and privileges hereinafter set forth, and all powers and privileges conferred upon it by this charter and which are now or may be hereafter delegated to towns in accordance with the Constitution or laws of the Commonwealth of Virginia.

Section 2. The boundaries of said town shall be as follows, namely: Beginning at sign post corner Chappel and Main streets in said town, measuring four hundred and forty yards in opposite directions parallel with Main and Chappel streets, forming a square of one-half mile on each boundary, containing one-fourth square mile of territory.

Section 3. (a) Government of said town shall be vested in a town council, which shall be composed of a mayor and five councilmen, who shall be residents and qualified voters in said town and whose qualifications to hold office, respectively, shall be the same as required of persons to vote and hold office under the Constitution and laws of the Commonwealth of Virginia.¹ The mayor shall preside at all meetings of the council. In the absence of the mayor, the vice mayor shall preside at all meetings of the council. In the absence of the mayor and the vice mayor, one of the members of the council, to be chosen by the members present, shall act as mayor pro tempore and shall be clothed with all the powers of the regularly chosen mayor during the latter's absence from the meeting⁴.

(b) The mayor and five councilmen shall be elected on the first Tuesday in May of every even-numbered year,² and every two years thereafter, and shall hold office for two years from the first day of July³ next succeeding their election. The said mayor and five councilmen shall be elected under and pursuant to the provisions of the election laws of the State of Virginia governing town elections.

1. The 1964 Acts of Assembly added the words "and whose qualifications to hold office, respectively, shall be the same as required of persons to vote and hold office under the Constitution and laws of the Commonwealth of Virginia".

2. The 1977 Acts of Assembly deleted the words "second Tuesday in June, nineteen hundred and thirty eight" and substituted therefor the words "first Tuesday in May of every even-numbered year".

3. The 1977 Acts of Assembly deleted the word "September" and substituted therefor the word "July".

4. The 2004 Acts of Assembly inserted vice mayor in the section.

(c) The officers aforesaid shall qualify by taking the necessary oaths of office on or before the first day of July⁴ next succeeding the election, and shall enter upon the duties of their office on the first day of July⁵ next succeeding their election, and shall continue in office until their successors have qualified.

(d) The council shall appoint a clerk and town treasurer and may appoint a town sergeant and if they deem it advisable a deputy town sergeant and such other officers the council deem necessary and proper, all of whom shall hold office at and during the pleasure of the council, and the said officers shall qualify and execute bond in the manner prescribed by resolution of the council, and the council shall have power to fill the vacancy of any of these offices, and in any other municipal office created by death, resignation, removal or otherwise. The same person may be appointed town clerk and town treasurer.

(e) The appointment of all election officials and the conduct of all elections for public office shall be pursuant to and in accordance with the provisions of general law.⁶

4. Id.

5. Id.

6. The 1964 Acts of Assembly deleted subsection (e) which read: "The town council shall or, should the town council fail to act, the mayor shall, not less than five days before any town election, appoint three judges of election who shall also act as commissioners of election, and should any judge fail or decline to act, the mayor or town council may fill such vacancy either on or before the day of election." and substituted the above subsection (e) therefor.

In addition, the 1964 Acts of Assembly deleted in their entirety subsections (f), (g), (h), (i), (j) and (k) which read as follows:

(f) The town clerk, who shall also act as the town registrar, shall before any election in the town register all voters who have acquired a legal voting residence in the town, and who shall have previously registered or are entitled to register, as voters in this State under the provisions of the present Constitution and none others, provided, however, that no person shall be required to register a second time to enable him to vote in any town election.

(g) The said town clerk while acting as registrar as aforesaid shall be governed as to his qualifications and powers and in the performance of his duties by the general laws of this Commonwealth.

(l) The town council may fine its members⁷ for disorderly

behavior, and may, with the concurrence of two-thirds of all members elected, and after due notice, expel a member.

(m) There shall be an annual meeting of the town council on the first Tuesday of July⁸ in each year, at which time the town sergeant and treasurer shall make their annual settlements with the council, and at the annual meeting next succeeding a town election the new council shall organize and elect a town clerk, a town sergeant, a deputy town sergeant if they deem it advisable, and a town treasurer and such other officers as the town council may deem necessary or proper.

(n) There shall be such other regular and special meetings of the town council as the by-laws may prescribe, and at all meetings, four members of the council, of whom the mayor may be one, shall constitute a quorum for the transaction of all business.

(h) Such list of registered voters shall be placed by said registrar in the hands of the judges of election, who shall at the time and in the manner prescribed by law open a poll at the place designated by the proper authority; and the manner of receiving the ballots and canvassing the votes shall be in accordance with the provisions of general law.

(i) Any person who intends to be a candidate for any town office shall at least ten days before such election notify the mayor or town clerk in writing, attested by two witnesses, of such intention, designating the office for which he is a candidate. No person, not announcing his candidacy as above provided, shall have his name printed, typewritten or mimeographed on the ballots provided for such election.

(j) The town council shall provide printed, typewritten or mimeographed ballots for use in all town elections, and such ballots shall contain the names of all candidates for office in such town elections, who shall have given written notice hereinbefore provided for; but any voter may erase any name or names in the ballot voted by him, and insert another or others therefor, but no other ballot shall be used in any election than such as are provided by the town council.

(k) The judges shall count the ballots and make duplicate returns of the result. One of the said returns, with the ballots sealed up, shall be returned to the mayor or council, and recorded in the record books of said council; the other shall be returned to the clerk's office of the circuit court of Fairfax county. The mayor shall issue to those elected certificates of election which shall be countersigned by the town clerk.

7. The Acts of Assembly of 1964 deleted the words "The town council shall except as above provided, judge of the election, qualification and returns of its members; may fine them" and substituted therefor the words "The town council may fine its members".

8. The Acts of Assembly of 1977 deleted the word "September" and substituted therefor the word "July".(o) A vacancy in the office of mayor or councilman shall be filled within 30 days, from the electors of the town, for the unexpired term, by a majority vote of the remaining members of the council, provided, however, that a vacancy in the office of mayor may be filled from their own body by the council.^{9 11}

Section 4. In so far as not prohibited by general law, the council of said town shall have all of the general powers vested in it by the general laws of this State, and shall also have the power to mark the bounds of existing streets and to widen or narrow, lay out and graduate, pave and otherwise improve streets and public highways within said town, to remove obstructions therefrom, and shall also have the power to pass and enforce all by-laws, rules, regulations and ordinances which the town council may deem necessary for the government of the town, the management of its property, the conduct of its affairs, the peace, order, comfort, convenience, morals, health and protection of its citizens or their property, or do such other things, adopt any ordinance that may be necessary or proper to carry into full effect all power, authority, capacity or jurisdiction which is or shall be granted to or vested in said town, or in the council or officers thereof, or which may be incident to a municipal corporation.

Section 4.1. The powers set forth in " 15.1-841 and 15.1-843 of Chapter 18 of Title 15.1 of the Code of Virginia as now exist, and as hereafter amended, are hereby conferred on and vested in the town of Clifton.¹⁰

Section 5. The said council shall have the power to regulate the sanitary condition of said town, and to regulate the building and keeping in a sanitary condition all stables, hog pens, privies and slaughter houses, et cetera, and to abate nuisances at the expense of those who create them. They shall punish all violations of law by fine or imprisonment, or both, at the discretion of the mayor or the trial officer designated by the council to try such violation, subject to the general laws of this State and ordinances of said town applicable to said violations.

Section 6. The corporate limits of said town are hereby created and declared to be a separate and distinct road district of Fairfax county, and no road tax shall be levied on any property within said limits, except by the council of Clifton, which tax shall be expended within the limits of said corporation for the construction, repair and improvement of the streets and roads therein, exclusive of the bridge across Pope's Head run, under the direction of the town council.

9. The 1964 Acts of Assembly added subsection (o) in its entirety.

10. The 1976 Acts of Assembly added Section 4.1 in its entirety.

11. The 2004 Acts of Assembly changed thirty to 30.

Section 7. The jurisdiction of the corporate authorities of said town shall extend one mile beyond the limits thereof for imposing and collecting a license tax upon all shows or performances which may take place anywhere within said extended limits.

Section 8. The council of said town shall have the right to impose a license tax by ordinance and collect the same from business, trades, professions or callings, and upon the persons, firms, associations or corporations engaged therein or offering to do business within the boundaries of said town, whose principal office is or is not located in said town, except where prohibited by general law, whether or not a license may be required therefor by the State, and it may exceed the State license if any be required. It is the purpose of this section to give the council of this town the power to assess, issue a license or permit on any or all subjects within its jurisdiction not

withheld from taxation by towns in accordance with the Constitution and general laws of the Commonwealth of Virginia.

Section 8.1. Notwithstanding any other provision of law, the town council may establish one or more historic districts for the purpose of promoting the general welfare, education and recreational pleasure of the public through the perpetuation of those general areas or individual structures and premises which have been officially designated by the town council as having historic or architectural significance. The establishment of historic districts shall be by amendment of the zoning ordinance and consistent with the purposes, criteria and procedures set forth in 15.1-503.2 of the Code of Virginia.¹²

Section 9. All the rights, privileges and property of the town heretofore acquired, now owned or enjoyed, shall continue undiminished and remain vested in the town; and all laws of the Commonwealth of Virginia, ordinances, and resolutions of the council now in force and not inconsistent with this act, shall continue in full force and effect until repealed by the Commonwealth of Virginia or the council of the town of Clifton.

Section 10. The enumeration of particular powers and authority in this charter shall not be deemed or held to be exclusive but in addition to the powers herein enumerated, implied hereby or appropriate to the exercise thereof, the said town shall have and may exercise all other powers which are now or may be hereafter conferred upon or enjoyed by towns under the Constitution and general laws of this State.

Section 11. Subject to the provisions of the Constitution and the general laws of this State and the terms of this charter, the town of Clifton shall have the right and power to grant franchises to public utilities, persons, firms and corporations.

12. The 1975 Acts of Assembly added Section 8.1 in its entirety.

Section 12. The present town council shall continue in office through August thirty-first, nineteen hundred and thirty-eight and shall enjoy all the powers and privileges conferred upon the town council of the town of Clifton by this act.

Section 13. 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, sentence, paragraph or part thereof directly involved in the controversy in which said judgment, order or decree shall have been rendered.