

# **CHARTER**

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[Acts of General Assembly, Ch. 423, approved March 26, 1983; amended and re-enacted by Acts of the General Assembly, HB 337, effective July 1, 2010; amended and re-enacted by Acts of the General Assembly, HB 904, effective July 1, 2012 amended and re-enacted by Acts of the General Assembly, SB 594, effective July 1, 2018.]

Be it enacted by the General Assembly of Virginia:

### **CHARTER FOR THE TOWN OF MIDDLEBURG CHAPTER 1. INCORPORATION AND BOUNDARIES**

§ 1.1. Incorporation.-The inhabitants of the territory comprised within the present limits of the Town of Middleburg in Loudoun County, as such limits are now or may hereafter be altered and established by law, shall constitute and continue to be a body politic and corporate, to be known and designated as the Town of Middleburg, and as such shall have perpetual succession, may sue and be sued, implead and be impleaded, contract and be contracted with and may have a corporate seal which it may amend at its pleasure.

§ 1.2. Boundaries.-The boundaries of the Town until altered shall be as shown on that certain order and plat recorded in the land records of Loudoun County as instruments No. 20060828-0073346 and 20060828-0073347, respectively, in accordance with a boundary line adjustment entered into between the Town of Middleburg and County of Loudoun, subject to proceedings in “In Re Change of Boundary Between the Town of Middleburg, Virginia and Loudoun County, Virginia”, At Law No. 42304, approved August 22, 2006.

### **CHAPTER 2 POWERS**

§ 2.1. General grant of powers.-The Town of Middleburg shall have and may exercise all powers which are now or hereafter may be conferred upon or delegated to towns under the Constitution and laws of the Commonwealth of Virginia, as fully and completely as though such powers were specifically enumerated herein, and no enumeration of particular powers by this chapter shall be held to be exclusive, and the town shall have, exercise and enjoy all the rights, immunities, powers, and privileges and be subject to the duties and obligations now appertaining to and incumbent on the town as a municipal corporation.

§ 2.2. Adoption of powers granted by Code of Virginia.-The powers granted in § 2.1. of this charter include specifically, but are not limited to, all powers set forth in Chapter 11 of title 15.2 of the Code of Virginia, as amended.

§ 2.3. Architectural control districts.-

A. Authority of town council to designate. In order to protect and promote the general welfare, and to prevent deterioration of the appearance of the established historic character of the town, which would tend to create hazards to public health, safety, and morals and adversely affect property values within the community, the town council may, by ordinance, designate architectural control districts. Within such architectural control districts, no structure shall be erected, reconstructed, altered, or restored without compliance with the adopted design standards.

B. Design Standards.

1. The design standards of an architectural control district shall be adopted by the town council. The design standards shall address the following issues of importance to the architectural control district:
  - (a) Whether or not the proposed architectural design is suitable for Middleburg's character in terms of external architectural features, including signs, subject to public view; general design and arrangement; texture; color; line; massing; size; scale; dimension; material; and lighting.
  - (b) Whether or not the proposed structure, building, or improvement is compatible with existing well-designed structures in the vicinity and in the town as a whole.
  - (c) Whether or not, and to what extent, the proposed structure, building, or improvement would promote the general welfare and protect the public health, safety, and morals by tending to maintain or augment the town's tax base as a whole, preserve historical sites and structures, and make the town a more attractive and desirable place to live.
  - (d) Whether or not proposed freestanding buildings use the same or architecturally harmonious materials, color, texture, and treatment for all exterior walls, and, in the case of partially freestanding buildings, whether or not the same or architecturally harmonious materials, color, texture, and treatment are used on all portions of all exterior walls exposed to public view.
  - (e) Whether or not the combination of architectural elements proposed for a structure, building, or improvement, in terms of design, line, massing, size, scale, proportion, dimension, color, material, texture, lighting, landscaping, roofline, and height conform to accepted architectural principles for permanent buildings, as contrasted with engineering standards designed to satisfy safety requirements only, and exhibit external characteristics of demonstrated architectural and aesthetic durability and quality.
  - (f) Whether or not, in terms of design, material, texture, color, lighting, landscaping, dimension, line, massing, size, scale, proportion, roofline, and height, the proposed structure, building, or improvement exhibits exterior characteristics likely to deteriorate rapidly, to be of temporary or short-term

architectural or aesthetic acceptability, or to otherwise constitute a reasonably foreseeable detriment to the community.

2. Compliance with the design standards shall be determined either by an administrative process or an architectural control commission or board as determined by the town council.

C. Alteration of boundaries of districts. The town council, by ordinance, may enlarge, contract, or alter the boundaries of the architectural control district at such time as the council deems such action to be in the public interest as promoting the general welfare of the community.

#### § 2.4 Personal Property Taxes

The town council may, notwithstanding any other provision of law, levy a tax on business personal property, as defined in Virginia Code § 58.1-3506 A. 26, without regard to the existence of, or rate of, tax on motor vehicles or any other classification of tangible personal property.

### CHAPTER 3 MAYOR AND COUNCIL

§ 3.1. Election, qualification and term of office for mayor and council.-The Town of Middleburg shall be governed by a town council composed of seven councilmen and a mayor, all of whom shall be qualified voters in the town and shall be elected by the qualified voters of the town in the manner provided by law from the town at large. The councilmen and mayor in office at the time of adoption of this charter shall continue in office until the expiration of the terms for which they were elected or until their successors are duly elected and qualified. An election for three councilmen and mayor shall be held on the first Tuesday in may, nineteen hundred eighty-four, and for four councilmen and mayor on the first Tuesday in May, nineteen hundred eighty-six. Elections shall be held on the first Tuesday in May every two years thereafter. The councilmen and mayor so elected shall take office on the first day of the following July. The councilmen shall serve for a term of four years, and the mayor shall serve for a term of two years or until their successors are elected and qualified.

§ 3.2. Vacancies.-Vacancies on the council shall be filled for the unexpired term from among the qualified voters of the town by a majority vote of the remaining members of council. A vacancy in the office of mayor shall be filled for the unexpired term from among the qualified voters of the town by a majority vote of the council. For the purposes of this section, no distinction shall be made between a member elected to the council and a member who has been appointed to the council except as to voting on those matters set forth in Article VII, Section 7 of the Constitution of Virginia. Upon any matter except those matters set forth in Article VII, Section 7 of the Constitution of Virginia coming before the council, the votes of all members shall be of the same dignity, whether a member has been elected or appointed.<sup>1</sup>

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<sup>1</sup> See Chapter 815 of the 2009 Acts of the General Assembly

§ 3.3. Council a continuing body.-The council shall be a continuing body, and no measure pending before such body nor any contract or obligation incurred shall abate or be discontinued because of the expiration of the term of office or removal of any council members.

§ 3.4. Mayor.-The mayor shall be the chief executive officer of the town. He shall have and exercise all the privileges and authority conferred by general law not inconsistent with this charter. He shall preside over the meetings of the council but shall not vote except in the case of a tie vote. He shall be the head of the town government for all ceremonial purposes and shall perform such other duties consistent with his office as may be imposed by the town council. He shall see that the duties of the various town officers are faithfully performed and shall authenticate his signature on such documents or instruments as the council, this charter or the laws of the Commonwealth shall require.

§ 3.5. Vice Mayor.-The town council shall, by a majority of all of its members, elect a vice mayor from its membership at its first meeting to serve for a term of two years in the absence of or during the disability of the mayor; and the vice mayor shall possess the powers and discharge the duties of the mayor when serving as mayor.

§ 3.6. Meetings of council.-The council shall fix the time of its regular meetings, which shall be at least six times per year<sup>2</sup>, and except as herein provided, the council shall establish its own rules for procedures and such rules as are necessary for the orderly conduct of its business not inconsistent with the laws of the Commonwealth of Virginia. A journal shall be kept of its official proceedings, and its meetings shall be opened to the public in accordance with Chapter 37 of Title 2.2 of the Code of Virginia. Four members of the council in the absence of the mayor, or four members of the council in addition to the mayor, as applicable, shall constitute a quorum for the transaction of business at any meeting. Special meetings may be called at any time by the mayor or by any four members of the council, provided that the members of council are given reasonable notice of such meeting, and no business shall be transacted at a special meeting except that for which it shall be called. If the mayor and all members of the council are present, this provision requiring prior notice for special meetings is waived.

§ 3.7. Salaries.-The salaries of the mayor, councilmen, members of boards and commissions and all appointed officers and employees of the town shall be authorized and fixed by the council at a sum not to exceed any limitations placed thereon by the laws of the Commonwealth of Virginia. Increases in the salaries of the mayor and members of the council shall not be effective until the first day of July following the next local election after the council approves such increase.

#### CHAPTER 4 APPOINTIVE OFFICERS

§ 4.1. Appointments.-The Council may appoint: A Town Administrator, who shall be responsible to the council for the proper administration of all affairs of the town,

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<sup>2</sup> See Virginia Code Section 15.2-1416

for the control and supervision of all town departments, employees, and property, for the preparation and implementation of an annual budget, and for any other duties as prescribed by the council; a town attorney, who shall be an attorney-at-law licensed to practice in the Commonwealth of Virginia; a chief of police; a town clerk; a town treasurer, who may also be the town clerk; and any other officers that shall be deemed necessary and proper.

§ 4.2. Terms of office.-Appointees under this chapter shall serve at the pleasure of the council.

§ 4.3. Bonds.-Appointees may be required to execute such bonds as the council may deem necessary.

§ 4.4. Boards and commissions.-The council may, in its discretion, appoint such boards and commissions as it deems necessary and as may be authorized by the laws of the Commonwealth of Virginia.

## CHAPTER 5 MISCELLANEOUS

§ 5.1. Ordinances continued.-All ordinances now in force in the town and not inconsistent with this charter shall be and remain in force until altered, amended or repealed by the council.

§ 5.2. Severability.-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 the charter.