

VIRGINIA ACTS OF ASSEMBLY - 2026 SESSION

CHAPTER 303

An Act to amend and reenact §§ 2.2, 3.1 and 5.2, as amended, of Chapter 319 of the Acts of Assembly of 1966, which provided a charter for the City of Fairfax, relating to financial powers; city elections; council powers.

[S 581]

Approved April 6, 2026

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.2, 3.1 and 5.2, as amended, of Chapter 319 of the Acts of Assembly of 1966 are amended and reenacted as follows:

§ 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 in accordance with the general laws of the Commonwealth.~~ The tax imposed hereunder shall not apply to rooms rented for continuous occupancy for thirty or more days in hotels, motels, and boarding houses.

§ 3.1. Election of Council members 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.

Commencing with the general city election scheduled on the first Tuesday in May 2022, such election shall be held instead on the general election date on the first Tuesday following the first Monday in November 2022 and again every two years thereafter. The terms of Council members and Mayor so elected are to begin on the first day of January following the election.

All elections held pursuant to the prior provisions of this section are hereby ratified and confirmed.

§ 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 Council members, provided that any such supplement shall not exceed the maximum permitted by general law.

(e) To provide for compensation of the 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~~ *such amounts as established by the Council.*