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HOUSE BILL NO. 2051

House Amendments in [] — February 4, 2013

A BILL to amend and reenact §§ 2, 4, and 6, as amended, 9, 11, as amended, 12, 13, and 18, as amended, 26, 28, and 37, 39, as amended, and 44, 60, 63, 64, 65, and 67 of Chapter 44 of the Acts of Assembly of 1937, which provided a charter for the Town of Front Royal in Warren County; to amend Chapter 44 of the Acts of Assembly of 1937 by adding a section numbered 26-A; and to repeal § 10, as amended, of Chapter 44 of the Acts of Assembly of 1937, relating to boundaries, town powers, town officers, and elections.

Patron Prior to Engrossment—Delegate Webert

Referred to Committee on Counties, Cities and Towns

Be it enacted by the General Assembly of Virginia:

1. That §§ 2, 4, and 6, as amended, 9, 11, as amended, 12, 13, and 18, as amended, 26, 28, and 37, 39, as amended, and 44, 60, 63, 64, 65, and 67 of Chapter 44 of the Acts of Assembly of 1937 are amended and reenacted and that Chapter 44 of the Acts of Assembly of 1937 is amended by adding a section numbered 26-A as follows:

§ 2. DEFINITION OF CORPORATE LIMITS.

The corporate limits of the Town of Front Royal, Virginia, as heretofore established, are hereby re-established, as follows:

Beginning at a point where the west bank of Happy creek and north line of Eighth street intersect, thence along the north side of Eighth street to east side of Royal avenue, thence along east line of Royal avenue to a point opposite north line Eighth street extended, thence crossing Royal avenue and following north side of Eighth to east side of Shenandoah avenue, thence along east side of Shenandoah avenue to north side of Kendrick lane, thence southeast along the north side of Kendrick lane to west side of Villa avenue, thence crossing Kendrick's lane and following line of Colonel Millar's property, and Randolph-Macon property to Mistress Katie Buck's property, thence westward along line between Mistress Buck and Randolph-Macon for one hundred and thirty-two feet, thence crossing Mistress Buck's property south thirty-four west five hundred and twenty-eight feet to a point opposite her house, thence south forty-one west three hundred and seventy-three feet to north side of road leading to Doctor Garrison's property, thence eastward along north side of road four hundred and twelve feet to a point opposite corner E. H. Hoffman's property, thence along his line to corner Doctor White's property, thence along Doctor White's line to Mister Thornton Leach's property, thence along Mister Leach's line to corner Mistress Davis Roy's lot a large white oak tree formerly known as Beecher's corner, thence along line between Mistress Roy and E. H. Hoffman to center of lane between Mistress Roy and Druid Hill property, thence southward with center of lane to Luray road, thence crossing Luray road and continue line south twenty-five east five hundred and fifty feet to a small sassafras tree in cemetery line, thence following the eastern boundary of cemetery by its several courses to Beatty lane, thence east along north side of Beatty's lane, cross Manor avenue, extended, a distance of nine hundred and thirty-nine feet to a point opposite Beeden's lane, thence with Beeden's lane south seven hundred and forty-five west one thousand and seventy-eight feet to the northern boundary of a road, thence with the northern boundary of said road and through the lands of John Carter south eighty fifteen minutes east eight hundred and sixteen feet to western boundary of W. E. Rudacille's land thence with the western boundary of said W. E. Rudacille's land north ten and forty-five minutes east one thousand and sixty-four feet to the northern boundary of Beatty's lane, continued, thence with northern boundary of Beatty's lane in an easterly direction twelve hundred and twenty-one feet to the west bank of Happy creek, thence continuing along west bank of Happy creek to the beginning shall be as previously established under Chapter 44 of the Acts of Assembly of 1937 and shall include the annexed area set forth in Law Order Book H, beginning at page 284, in the office of the Clerk of the Circuit Court of Warren County.

§ 4. ENUMERATION OF TOWN OFFICERS; WHAT OFFICERS TO BE ELECTED AND WHAT TO BE APPOINTED.

The municipal officers of said town shall, beginning with the effective date of this act and thereafter, consist of a mayor, four councilmen, a town manager, a town treasurer (*who may, by ordinance duly enacted, be the Town's Finance Director*), and a town clerk (*who will be the Clerk of Council*), and such other officers as may be designated by ordinance duly enacted from time to time. Beginning July 1, 1994, and thereafter, the number of councilmen shall be six. The mayor and councilmen shall be elected by the qualified voters of said town. The town manager, town treasurer and town clerk shall be

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59 appointed by the council as is hereinafter provided.

60 § 6. ELECTION TERM, QUALIFICATIONS AND SALARY OF MAYOR AND COUNCILMEN;
61 FILLING VACANCY IN MEMBERSHIP OF COUNCIL.

62 The present mayor and town councilmen shall continue in office until the expiration of the terms for
63 which they were respectively elected. On the first Tuesday in May, 1994 ; there shall be elected by the
64 qualified voters of the Town of Front Royal, four councilmen, who shall be electors of the town, and
65 whose terms of office shall begin on the first day of July succeeding their respective elections. The three
66 elected councilmen with the highest vote totals shall serve for terms of four years, and until their duly
67 elected successors shall have qualified. The fourth elected councilman with fewer votes than the other
68 three councilmen so elected shall serve for a term of two years, and until his duly elected successor
69 shall have qualified.

70 In the event that the fourth elected councilman cannot be determined because of a tie in the vote, the
71 councilmen who have tied in the votes received shall draw lots to determine who shall serve the
72 two-year term.

73 On the first Tuesday in May, 1996, and every two years thereafter, there shall be elected by the
74 qualified voters of the Town of Front Royal, three councilmen, who shall be electors of the town, and
75 whose terms of office shall begin on July 1, succeeding their respective elections and shall continue for
76 four years thereafter, and until their duly elected successors shall have qualified.

77 On the first Tuesday in May, 1994 ; and every two years thereafter, there shall be elected by the
78 qualified voters of the Town of Front Royal, a mayor, who shall be one of the electors of the town, and
79 whose term of office shall begin on the first day of July succeeding his election and continue for two
80 years thereafter, and until his duly elected successor has qualified.

81 [A. The Mayor and Town Council shall be elected on the Tuesday following the first Monday in
82 November in odd-numbered years in the manner provided by Virginia general election laws, except
83 insofar as they are otherwise herein provided by this Charter. The Mayor and members of Town
84 Council in office at the effective date of this Charter amendment shall continue in office until their
85 successors have been elected at the November general election in the odd-numbered year following the
86 year in which their terms would have ended, and said successors have been qualified to serve.

87 B. The terms of office for all Town Council members shall begin on the first day of January next
88 following their election, and each shall serve for a term of four (4) years or until his or her successor
89 shall have been elected and qualified. The term of office for the Mayor shall begin on the first day of
90 January next following his or her election, and the Mayor shall serve for a term of two (2) years. The
91 Town Council members and Mayor may succeed themselves as often as the voters may choose.

92 C. Candidates for Town Council and Mayor may be nominated either by petition or by political
93 party in the manner prescribed by general law.

94 D.] The council may fill any vacancy that occurs in the membership of the council for the
95 unexpired term, provided that such vacancy is taken within 45 days of the office becoming vacant. If a
96 majority of the remaining members of the Council cannot agree, or do not act, the judges of the circuit
97 court having jurisdiction shall make the appointment. The person so appointed shall hold office only
98 until the qualified voters of the Town fill the vacancy by special election pursuant to § 24.2-682 of the
99 Code of Virginia, as amended, or its successor enactment(s), and the person so elected has qualified.
100 Any person so appointed shall hold office the same as an elected person and shall exercise all powers
101 of the elected office.

102 [E.] If a majority of the seats on the Council are vacant, the remaining members shall not make
103 interim appointments and the vacancies shall be filled as provided in § 24.2-227 of the Code of
104 Virginia, as amended, or its successor enactment(s).

105 [F.] Each member of council shall receive a salary in an amount established by council, payable as
106 the council may direct, provided that no increase in salary of a council member shall take effect during
107 the incumbent council member's term in office, but this restriction shall not apply when the council
108 members are elected for staggered terms provided that no increase in salary of a Council member shall
109 take effect during the incumbent council member's current term in office.

110 [G.] The mayor shall receive a salary in an amount established by council, payable as the council
111 may direct, but no increase in the mayor's salary shall take effect during the incumbent mayor's term in
112 office.

113 § 9. ELECTION, POWERS AND DUTIES OF VICE-MAYOR; FILLING VACANCY IN OFFICE
114 OF MAYOR.

115 The council shall at its first meeting after the effective date of this act choose one of its members as
116 vice-mayor who shall serve until August 31, 1938; and at its first meeting in September, 1938 in
117 January, and biennially thereafter following the regular municipal election, the council shall choose one
118 of its members as vice-mayor. The vice-mayor shall perform the duties of the mayor during his absence
119 or disability. In the event of the death, removal or resignation of the mayor, the council shall choose
120 one of the councilmen or some other qualified voter of the Town of Front Royal 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 Town of Front Royal 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 vice-mayor shall continue to have all of the rights, privileges, powers, duties and obligations of councilman even when performing the duties of mayor during the absence or disability of the mayor of the town.

§ 11. MEETINGS; EFFECT OF VOLUNTARY ABSENCE OF COUNCILMAN FROM THREE CONSECUTIVE REGULAR MEETINGS.

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~~ *four* members of the council. ~~Effective July 1, 1994, special meetings shall be called by the clerk of the council upon the written request of the mayor, or any four 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 the public welfare shall require executive sessions.

If any member of the said 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 act.

§ 12. APPOINTMENT OF CLERK OF COUNCIL; POWERS OF COUNCIL WITH REFERENCE TO PROCEEDINGS AND TRANSACTION OF BUSINESS; APPOINTMENT, POWERS AND DUTIES OF TOWN CLERK; MINUTE BOOK.

The council shall appoint a clerk to serve at the will of the council, and shall have authority to adopt such rules and appoint such officers and committees as they may deem proper for the regulation of their proceedings and for the convenient transaction of business; to compel the attendance of absent members; and enforce orderly conduct at meetings.

The council may appoint one of the members of the council, other than the member appointed town treasurer, as town clerk, if in the judgment of a majority of the members of the council it is proper so to do, and the member appointed town clerk shall have all of the duties and powers of town clerk as herein provided and he shall continue to have all of the powers, duties, authority, jurisdiction, responsibilities and obligations of a councilman.

The council shall keep a minute book, *or its electronic equivalent*, in which the 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.

§ 13. A majority of the 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, or the levy of taxes and licenses, except by the concurrence of at least three members, one of whom may be the mayor in case of a tie vote as provided in section eight hereof. 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.~~

~~Effective July 1, 1994, no~~ No ordinance shall be passed or resolution adopted having for its object the appropriation of money, or the levy of taxes and licenses, except by the concurrence of at least four members, one of whom may be the mayor in case of a tie vote as provided in section eight hereof. No vote or question decided at a stated meeting shall be reconsidered at a special meeting unless all members are present, and four of them concur.

§ 18. CONTROL OF TOWN AFFAIRS AND PROPERTY; ENUMERATION OF POWERS.

The council of the town shall have, subject to the provisions of this act, the control and management of the fiscal and municipal affairs of the town and of all property, real and personal, belonging to said town and may make such ordinances and by-laws relating to the same as they shall deem proper. The council shall in addition to other powers given by law, have power to make such ordinances, orders, by-laws and regulations as they may deem proper and necessary to carry out the following powers, which are hereby vested in them:

First. To establish a market *or markets* in and for said town, 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~~ *illegal or unsanitary conditions or activity therein*.

Second. 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 town and the performance of its

182 duties and functions.

183 Third. To establish, maintain, and operate waterworks and sewer systems within and without the
184 town; to purchase water therefor; to contract and agree with the owners of any land, springs or water
185 supplies for the use of or purchase thereof, or have same condemned according to law, for the location,
186 extension, or enlargement of the said waterworks, or sewer system, either or both, the pipes connected
187 therewith, and the fixtures or appurtenances thereof; and to protect from injury by ordinance, prescribing
188 adequate penalties, the said waterworks, water supplies, sewer systems, pipes, fixtures, and land or
189 anything connected therewith whether within or without the limits of the town.

190 Fourth. To open, extend, widen, or narrow, lay out, graduate, curb, and pave and otherwise improve
191 streets, sidewalks and public alleys in said town, and have them kept in good order and properly lighted;
192 in order to properly light the streets of said town, the council may erect and operate such number of
193 lamps and fixtures thereto belonging as they may deem necessary; they may build bridges in and
194 culverts under said streets, and may prevent or remove any structure, obstruction, or encroachment over,
195 or under, or in any street, sidewalk, or alley in said town, and may *cause to be planted or* permit shade
196 trees *or other plants* to be planted along said streets; but no person shall occupy with his works, or any
197 appurtenances thereof, the streets, side-walks, or alleys of the town, without the consent of the council,
198 duly entered upon its records; provided that so long as the said town shall, at its own expense, maintain
199 and keep its streets in good order and repair, it shall be exempt from all labor and tax for county road
200 purposes.

201 Fifth. To prevent the *cumbering or blockage of, or encroachment upon*, streets, sidewalks, alleys,
202 lanes, or bridges in the town in any manner whatever.

203 Sixth. To determine and designate the route and grade of any public utility laid out in said town.

204 Seventh. To make provisions for and regulate weights, measures and standards.

205 Eighth. To secure the inhabitants from contagious, infectious, or other dangerous diseases; to
206 establish, erect, and regulate hospitals *or other medical or health-related facilities*; to provide for and
207 enforce the removal of patients to said hospitals *or other medical or health-related facilities*; to appoint
208 and organize a board of health for said town, with the necessary authority for the prompt and efficient
209 performance of its duties.

210 Ninth. To require and compel the abatement and removal of all nuisances within the said town, at
211 the expense of the person or persons causing the same or the owner or owners of the ground whereon
212 the same shall be; ~~to regulate or prevent soap factories and candle factories within the town,~~ and the
213 exercise of any dangerous, offensive or unhealthy *activity, enterprise*, business, trade or employment
214 therein; and to regulate the transportation of coal, explosives, garbage and other articles through the
215 streets of the town, and to restrain and regulate the speed of locomotive engines and cars upon the
216 railroads within the town.

217 Tenth. If any ground in said town shall be subject to be covered with stagnant water, or if the owner
218 or owners, occupier or occupiers thereof shall permit any offensive or unwholesome substance to remain
219 or accumulate thereon, the council may cause such grounds to be filled, raised, or drained, or may cause
220 such substance to be covered or to be removed therefrom, and may collect the expense of so doing from
221 the owner or owners, occupier or occupiers, or any of them (except in cases where such nuisance is
222 caused by the action of the town authorities or their agents, or by natural causes beyond the control of
223 the owner or occupant, in which case the town shall pay the expense of abating the same), by distress
224 and sale in the same manner in which taxes levied upon real estate for the benefit of said town are
225 authorized to be collected; provided, that reasonable notice and an opportunity to be heard shall be first
226 given to said owners or their agents. In case of nonresident owners who have no agent in said town,
227 such notice shall be given by publication at least once a week for not less than four consecutive weeks
228 in any newspaper having general circulation in the said town.

229 Eleventh. To regulate and direct the location and construction of all buildings for the storage of
230 gunpowder, explosives and combustible substances; to regulate the sale and use of gunpowder,
231 explosives, firecrackers, fireworks, kerosene oil, gasoline, or other combustible material; to regulate or
232 prohibit the exhibition of fireworks, the discharge of firearms, the use of lights, *fires* or candles in ~~barns~~
233 ~~and stables and other outbuildings~~ *buildings and structures* within the town, and to restrain the making
234 of bonfires *or other outdoor fires* within the town.

235 Twelfth. To prevent hogs, cows, horses, dogs, and other animals from running at large in the said
236 town, and to subject the same to such confiscation, regulations, *licenses, fees*, and taxes as they may
237 deem proper, and to prevent the keeping of ~~hogs~~ *such livestock or other animals as by ordinance may*
238 *be prohibited* within the limits of the town.

239 Thirteenth. To regulate the riding and driving of horses and other animals and the operation of motor
240 and other vehicles, but not in conflict with State law; to prevent the throwing of stones *or other objects*
241 or engaging in any employment or sport on the streets, sidewalks or public alleys, dangerous or
242 annoying to persons; and to prohibit and punish the abuse or cruel treatment of horses and other animals
243 in said town.

Fourteenth. To restrain and punish drunkards, vagrants, and street beggars; to prevent vice and immorality; to preserve the public peace and good order; to prevent and quell riots, disturbances and disorderly assemblages; to suppress houses of ill-fame and gambling houses, and to prevent and punish lewd, indecent, and disorderly conduct or exhibitions in said town.

Fifteenth. To prevent the coming into the town of persons having no ostensible means of support, and of persons who may be dangerous to the peace and safety of the town.

Sixteenth. To acquire, by condemnation, purchase or otherwise, provide for, maintain, operate and protect aircraft landing fields either within or without the corporate limits of the town.

Seventeenth. To own, operate and maintain electric light and/or gas works, either within or without the corporate limits of the said town for the generating of electricity and/or the manufacture of gas for illuminating, power and other purposes, and to supply the same, whether said gas and/or electricity be generated or purchased by said town, to its customers and consumers both within and without the corporate limits of the said town, at such price and upon such terms as it may prescribe, and to that end it may contract with owners of land and water power for the use thereof, or may have the same condemned, and to purchase such electricity and/or gas from the owners thereof, and to furnish the same to its customers and consumers, both within and without the corporate limits of the said city at such price and on such terms as it may prescribe.

Eighteenth. To establish, impose and enforce water, gas, electricity, and sewerage rates and rates and charges for public utilities or other service, products or conveniences, operated, rendered or furnished by the town; and to assess, or cause to be assessed, water, gas, electricity and sewerage 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 ordinance require a deposit of such reasonable amount as it may by such ordinance prescribe, before furnishing any of said services to any person, firm or corporation.

Nineteenth. Subject to the provisions of the Constitution of Virginia and of this charter, to grant franchises for public utilities under terms and conditions to be fixed by the council.

Twentieth. To divert the channels of creeks and flowing streams and for that purpose to acquire property by condemnation.

Twenty-first. 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 evidences of indebtedness.

Twenty-second. To expend the moneys of the town for all lawful purposes.

Twenty-third. To exercise the power of eminent domain within this State with respect to lands and improvements thereon, machinery and equipment for any lawful purpose of the said town.

Twenty-fourth. To provide by ordinance for a system of meat and milk inspection and to appoint meat and milk inspectors, agents or officers to carry the same into effect, within or without the corporate limits of the town; to license, regulate, control and locate slaughter houses within or without the corporate limits of the town; and for such services of inspection to make reasonable charges therefor; and to provide reasonable penalties for the violation of such ordinances.

Twenty-fifth. To do all things whatsoever necessary or expedient, and to pass all ordinances, resolutions and by-laws for promoting or maintaining the security, general welfare, comfort, education, morals, peace, government, health, trade, commerce and industries of the town or its inhabitants, not in conflict with the Constitution of the State, or the Constitution of the United States.

Twenty-sixth. The council shall have full control and regulation over the public utilities now owned or that may hereafter be acquired by the said town, and to this end it shall have full authority to employ from time to time such employees, *agents and consultants* 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 said town, or such as may hereafter be acquired by it; and the council is hereby authorized and empowered to supply electric current to persons, firms, associations and corporations not further distant than fifteen miles from the corporate limits of the town, and to charge therefor for which purpose the said council is specifically authorized and empowered to construct, purchase, lease or otherwise acquire necessary transmission lines, and to purchase, lease or otherwise acquire such rights of ways as may be necessary for such purposes.

The said council shall likewise have authority, by ordinance duly enacted, to compel all owners of real estate within the corporate limits of said town to connect with such sewerage pipes or connections as may hereafter be installed or constructed by the said town, upon such reasonable terms as may be prescribed by said council, together with all other authority necessary to a proper maintenance and operation of an effective sewerage system.

The said council, however, 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 Town of Front Royal, which election shall be conducted as now provided by general law

governing special elections. The Circuit Court of Warren County shall order such special election upon the petition of two hundred qualified voters of the Town of Front Royal, or upon a resolution passed by a majority of the council of said town. For a period of not less than four weeks prior to said special election, the substantial terms of any proposed sale shall be published over the signature of the clerk of the said town, once a week for four successive weeks in some newspaper ~~published of general circulation, within the County of Warren, or by publication for not less than once per week for four successive weeks in some other manner permitted by the general laws of the Commonwealth.~~ The qualifications of voters in said special election shall be determined by existing statutes governing other special elections.

§ 26. APPOINTMENT AND COMPENSATION OF TOWN ATTORNEY.

The council may appoint a duly licensed attorney as town attorney, whose compensation shall be fixed by the council and who shall serve during the pleasure of the council; ~~and in addition to those herein provided for, such officers and clerks as they may deem necessary, and define their powers, prescribe their duties and fix their compensation.~~ The council may take from any officer, whether elected or appointed by them, a bond, with surety to be approved by the council, in such penalty as it may deem proper payable to the town, with condition for the faithful discharge by the said officer of the duties of his office.

§ 26-A. APPOINTMENT, DUTIES, AND COMPENSATION OF ADDITIONAL OFFICERS AND CLERKS; OFFICERS MAY BE REQUIRED TO GIVE BOND.

~~The council may appoint such officers and clerks as it may deem necessary and define their powers, prescribe their duties, and fix their compensation. The council may take from any officer, whether elected 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 town, with condition for the faithful discharge by the said officer of the duties of his office.~~

§ 28. ANNUAL TAX LEVY.

In addition to all the other powers mentioned in this charter, the town shall have power to raise annually, *semi-annually, or at such other intervals permitted by general law*, by taxes and assessments in said town on all subjects the taxation of which by incorporated towns is not forbidden by general law, such sums of money as the council herein provided for shall deem necessary for the purposes of said town, and in such manner as said council shall deem expedient, in accordance with the Constitution and laws of this State and of the United States.

§ 37. FIRE LIMITS; BUILDING REGULATIONS; UNSAFE BUILDINGS; ZONING REGULATIONS; DISPOSITION OF GARBAGE AND WASTE; FIRE PROTECTION; REMOVAL OF UNLAWFUL BUILDINGS; PUBLIC HEALTH AND SAFETY.

For the purpose of guarding against the calamities of fire, *and based upon the advice of a fire marshal or building official or other person with expertise in the prevention of fires or explosion*, the town council may, from time to time, designate such portions and parts of the town as it deems proper within which buildings ~~of wood or other structures deemed by town council as unreasonably dangerous from or susceptible to fire or explosion~~ may or may not be erected. It may prohibit the erection of ~~wooden buildings or~~ buildings or structures or additions of inflammable material in any portion of the town without its permission, and may provide for the removal of such buildings or *structures or* additions which shall be erected contrary to such prohibition at the expense of the builder or owner thereof; or if any building in process of erection or already built appears clearly to be unsafe the council may cause such building to be taken down, after reasonable notice to the owner; and the council may, by proper ordinance, divide the town into zones; specify the kind and character of buildings which may be erected in the different zones; provide for the disposition of garbage and waste; provide precautionary measures against danger from fires; provide for the removal of buildings or structures of any kind, erected in violation of ordinances, at the expense of the builder or owner; and may do all other things lawful to be done, looking to the health and safety of the inhabitants of the town.

§ 39. PUBLICATION OF PENAL ORDINANCES; ORDINANCES IN EVIDENCES; CODIFICATION OF ORDINANCES.

All ordinances hereafter passed by the council for the violation of which any penalty is imposed, shall be published once, at least, in one of the newspapers of *general circulation in said town*, to be designated by the council, *or shall be published in any other manner permitted by general law for the publication or proposed ordinances.* A record or entry made by the clerk of said council, or a copy of said record or entry, duly certified to by him, shall be prima facie evidence of the publication of any such ordinance; and all laws, regulations and ordinances of the council may be read in evidence in all courts of justice, and in all proceedings before any officer, body or board in which it shall be necessary to refer thereto, from a copy thereof, certified by the clerk of said council, provided, however, that whenever the council of the Town of Front Royal shall codify, in whole or in part, and print at one time, or from time to time, in book or pamphlet form, the general ordinances of the Town of Front Royal, or any part thereof, it shall be unnecessary to publish any new or changed ordinances therein

contained, or such codification, or codifications, in a newspaper or otherwise, and all new or changed ordinances therein contained, and such codification or codifications, shall take effect at such time, but not less than thirty days after such codification or codifications shall have been printed in book or pamphlet form, as may be prescribed by the council by ordinance; provided, that notice of such publication and the availability of such book or pamphlet at the town hall is published in a newspaper as hereinabove required.

§ 44. PROPERTY, BOOKS AND PAPERS BELONGING TO TOWN OR APPERTAINING TO TOWN OFFICE.

If any person, having been an officer of such town, shall not within ten days after he shall have vacated, or removed from office, and upon notification or request of the clerk of the council, or within such time thereafter as the town council shall allow, deliver over to his successor in office all property, books, and papers belonging to the town, or appertaining to such office in his possession or under his control, he shall forfeit and pay to the town the sum of five hundred dollars, ~~to and may be sued for therefor~~ in the name of the town and recovered with costs; and all, records and documents used in any such office by virtue of any provision of this act, or of any ordinance or order of the town council, or any superior officer of the said town, shall be deemed the property of the said town and appertaining to said office, and the chief officer thereof shall be responsible therefor.

§ 60. DUTIES MAY BE COMBINED WITH THOSE OF TOWN MANAGER.

The council may at any time in its discretion combine the duties of town treasurer, or any part of such duties, with those of the duties of town manager, *or with the town's finance director*, and if and when the council places the duties of the town treasurer, or any part of such duties, upon the town manager, *or with the finance director*, the town manager, *or the finance director*, as the case may be, shall have all of the power, authority, duties, obligations and responsibilities which are set forth in this act for the town treasurer to the extent of the combination of the duties of town treasurer with the duties of town manager by the town council.

§ 63. AMENDMENT OF PLAN.

The council may at any time, after a public hearing, amend the town plan, *including, but not limited to*, by widening, relocating, or closing existing streets and highways, and by altering any existing park or by laying out new streets and highways and establishing new parks. Before amending the town plan, the council shall refer the proposed amendment to the town planning commission for a report thereon, and shall not act on such amendment until a report has been received from said commission, unless a period of thirty days has elapsed after the date of reference to the commission. Any amendment of the town plan, upon its adoption by the council, shall be final unless changed as herein provided as to the location, length, and width of any street and highway, and the location and dimensions of any park. Any widening, relocating, closing or laying out of streets and highways proposed under the provisions of law other than those contained in this article shall be deemed an amendment of the town plan, and shall be subject in all respects to the provisions of this chapter.

§ 64. (a) Before approving such plat, and thereby accepting the dedication of the streets, alleys, parks and public places thereon, the council shall require that the streets and alleys thereon shall be properly laid out and located with reference to the topography of the land so platted and the adjoining lands, both as to connections and widths, which widths of such streets and alleys shall be plainly marked in figures or written on such plat, and which streets and alleys shall be laid out in harmony with the general plan of the town.

(b) And, before approving such plat, and thereby accepting the dedication of the streets and alleys thereon, the council shall require the owner thereof to execute and deliver to the Town of Front Royal a release and waiver of any claim or claims for damages which such owner, his heirs, successors or assigns may have or acquire against the Town of Front Royal by reason of establishing proper grade lines on and along such streets and alleys and by reason of doing necessary grading or filling for the purpose of placing such streets and alleys upon the proper grade and releasing the Town of Front Royal from building any retaining wall or walls along the streets and alleys and property lines; and the council may require such release and waiver to be written and executed on said plat and recorded therewith or by an instrument of writing to be executed and recorded in the clerk's office of the circuit court of Warren County

And the council may, in its discretion, require the owner of such platted lands to submit profiles of such streets and alleys, showing the contour thereof, together with proper grade lines laid thereon, and if and when the council is satisfied that the proper grade lines are laid on such profiles, the profiles shall be approved by the council and recorded by the owner or at his expense in the record of the profiles of the streets and alleys of the town, and the council may, in its discretion, require such release and waiver to be made with reference thereto.

(c) Before approving any such plat of any subdivision of lots or lands the town council may, at its discretion, require the owner of such lot or lands to grade the streets and alleys therein, according to

428 grade lines approved and established by the council.

429 § 65. ERECTION OF BUILDINGS WITHIN STREET LINES.

430 For the purpose of preserving the integrity of the plan, no permit shall hereafter be issued for the
431 construction of any building within the street lines of any mapped street or highway, as laid down in the
432 town plan, within the town. ~~Provided, however, if the land within any mapped street or highway is not~~
433 ~~yielding a fair return to the owner, the board of appeals, provided for in chapter nine hereof, by a~~
434 ~~majority vote of all its members, may issue a permit for a building within the street line of such street~~
435 ~~or highway, upon such conditions as will increase as little as possible the cost of opening such street or~~
436 ~~highway, and will protect as far as possible the rights of the public and the integrity of the town plan.~~
437 ~~The board of appeals, hereinafter authorized, before taking any action under the provisions of this~~
438 ~~section, shall hold a public hearing, of which adequate notice shall be given to all persons deemed to be~~
439 ~~affected. Any decision by the board of appeals, rendered under the provisions of this section, shall be~~
440 ~~subject to the same court review as provided for zoning decisions of the board.~~

441 § 67. GENERALLY.

442 For the purpose stated in chapter one hundred and ninety-seven of the Acts of Assembly, approved
443 March 18, 1926, the town council is hereby empowered to pass zoning ordinances in conformity with
444 the said act, as amended, subject, however, to the following modifications thereto:

445 (a) The council shall not adopt any zoning ordinance or map until it shall have appointed a town
446 planning commission, as provided for in chapter eight hereof and shall have received from said
447 commission its recommendations as to a zoning ordinance and map, and shall have held a public
448 hearing thereon.

449 (b) Any zoning ordinance, regulations, restrictions, and boundaries of districts may be changed from
450 time to time by the council, either upon its own motion or upon petition, under such conditions as the
451 council may prescribe, after a public hearing and adequate notice to all owners and parties affected. If a
452 protest or protests be filed with the council, signed by the owners of twenty per centum or more of the
453 area of the land included in the proposed change, or by the owners of twenty per centum or more of the
454 area of the land immediately adjacent to the land included in the proposed change, within a distance of
455 one hundred feet therefrom, or by the owners of twenty per centum or more of the area of the land
456 directly opposite across any street or streets from the land included in the proposed change, within a
457 distance of one hundred feet from the street lines directly opposite, then no such change shall be made
458 except by the majority vote of all of the members of the council. No change shall be made by the
459 council in any zoning ordinance or map until such change has been referred to the town planning
460 commission for a report thereon, and no action shall be taken by the council until a report has been
461 received from the commission, unless a period of thirty days has elapsed after the date of reference to
462 the commission.

463 (c) ~~Within thirty days after the adoption of any zoning ordinance and map, the council shall appoint~~
464 ~~a board of appeals, consisting of five members, none of whom shall hold any other positions with the~~
465 ~~town.~~

466 The council may remove any member of the board for cause, after a public hearing. If a vacancy
467 occurs otherwise than by the expiration of the term of the different members, it shall be filled by the
468 council for the unexpired term.

469 Unless the council designates some member of the board as chairman, the board shall select a
470 chairman from among its own members, and may create and fill such other offices as it may choose.
471 The board may employ such persons as the council may approve, and may expend such sums as are
472 appropriated by the council for its work.

473 2. That § 10, as amended, of Chapter 44 of the Acts of Assembly of 1937 is repealed.