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HOUSE BILL NO. 1738

House Amendments in [] — January 28, 1997

A *BILL to provide a charter for the Town of Grottoes in Rockingham County and to repeal Chapter 356, as amended, of the Acts of Assembly of 1948, which provided a charter for the Town of Grottoes.*

Patrons—Landes; Senator: Hanger

Referred to Committee on Counties, Cities and Towns

Be it enacted by the General Assembly of Virginia:

1.

CHARTER OF TOWN OF GROTTUES

§ 1. *Body politic and corporate; designation; powers; boundaries of town.*

A. *The inhabitants of the territory embraced within the present limits of the Town of Grottoes, as hereinafter defined, or as the same may be hereafter altered and established by law, shall constitute and continue a body politic and corporate, to be known and designated as the "Town of Grottoes" and as such shall have and may exercise all powers which are now or may hereafter be conferred upon or delegated to towns under the Constitution and laws of the Commonwealth of Virginia as fully and as completely as though such powers were specifically enumerated herein, and no enumeration of particular powers herein shall be held to be exclusive. The territory embraced within the present limits of the Town of Grottoes is described in a recordation in the clerk's office of the court where deeds are filed.*

B. *It is the purpose of the description to embrace and include within the limits of the Town of Grottoes all land legally within the boundaries of said town as of the date of the enactment of this charter.*

§ 2. *Vesting of administration and government; composition of Council; salary.*

The administration and government of the Town of Grottoes shall be vested in one body to be known as the "Council of the Town of Grottoes," which said body shall consist of seven members, six of whom to be known as "councilpersons" and one to be known as "mayor," all of whom shall be residents and qualified voters of the town. Each member of the council may receive a salary for his or her services as such member, the amount thereof to be fixed by the council. The council may create, appoint or elect such boards, bodies, departments or officers as may be permitted, required or deemed necessary or proper and fix their compensation and define their duties.

§ 3. *Election of the mayor and councilpersons; vacancies; time of meeting.*

A. *On the first Tuesday in May in each even-numbered year, there shall be elected a mayor and three councilpersons from the town at large, as well as councilpersons to fill vacancies, if any, whose terms of office shall begin on the first day of July following such election, but in cases of filling vacancies, the term shall begin immediately, and they shall serve until their successors shall be duly elected and qualify.*

B. *The Mayor shall be elected for a term of two years; councilpersons shall serve for terms of four years each.*

C. *The council shall be a continuing body, and no measure pending before such body shall abate or be discontinued by reason of expiration of the term of office of the councilpersons or any member. Vacancies in the council shall be filled for the unexpired terms by a majority vote of the remaining members until the next ensuing regularly scheduled general election for the office, or if the vacancy occurs within 120 days of such regularly scheduled general election, at the second such ensuing election. The present mayor and councilpersons shall continue in office until the expiration of the term for which they were respectively elected.*

D. *The council shall, by ordinance, fix the time for the regular meetings. Special meetings shall be called by the clerk of the council upon request of the mayor or any three councilpersons; reasonable notice of each special meeting shall be given each member of the council; no business shall be transacted at a special meeting except that for which the special meeting is called, unless the council is unanimous.*

§ 4. *Town clerk, treasurer and other officers.*

The council shall appoint a clerk, a treasurer and such other officers as the council may deem necessary or proper, all of whom shall hold office at and during the pleasure of the council and shall qualify for their respective offices as required by law and shall furnish such bonds as may be required by the council. The same person may hold two or more of these offices, in the discretion of the council.

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60 The officers, as appointed by the council, shall perform such services and receive such compensation as
61 the council may provide.

62 § 5. Chief of police.

63 The council shall appoint a chief of police who shall qualify as the council may require. The chief of
64 police shall be vested with the powers of a conservator of the peace and shall have the same powers
65 and perform the same duties within the corporate limits of the town and to a distance of one mile
66 beyond, as are now or were formerly had and performed by constables. He or she shall perform such
67 other duties, and receive such compensation, as the council may provide.

68 § 6. Powers and duties of the mayor.

69 The mayor shall preside at the meetings of the council and perform such other duties as may be
70 prescribed by this charter and by general law and such as may be imposed by the council consistent
71 with the office. The mayor shall be entitled to vote upon measures pending before the council only in
72 the event that the other members voting are equally divided for and against such measure.

73 § 7. Contracts and obligations.

74 All contracts and obligations heretofore or hereafter made by the council of the Town of Grottoes
75 while in office, not inconsistent with this charter or the Constitution or the general laws of this State,
76 shall be and are hereby declared to be valid and legal.

77 § 8. Other powers.

78 A. In addition to the powers elsewhere enumerated in this charter and the powers conferred by
79 general law and the Constitution, the Town of Grottoes shall have the following powers:

80 (1) Taxes and assessments. To raise annually, by levy of taxes and assessment in said town, on all
81 such property, real and personal, as is now or may be subject to taxation by towns by the laws of this
82 Commonwealth, such sums of money as the council thereof shall deem necessary for the purposes of
83 said town, in such manner as said council shall deem expedient in accordance with the Constitution of
84 this State and of the United States; however, it shall impose no taxes on the bonds of said town.

85 (2) Special assessments. To impose special or local assessments for local improvements and to force
86 payment thereof, subject to such limitations prescribed by the Constitution and laws as may be in force
87 at the time of the imposition of such special or local assessments.

88 (3) Debts.

89 (a) Contracting debts and issuing obligations. The town may, in the name of and for the use of the
90 town, contract debts and make and issue, or cause to be made and issued, as evidence thereof, bonds,
91 notes or other obligations, within the limitations prescribed by the Constitution and in accordance with
92 the provisions of law concerning bond issues by towns, upon the credit of the town, or solely upon the
93 credit of income derived from property used in connection with any public utility owned and operated
94 by the town.

95 (b) Temporary borrowing. Pending the issuance and sale of any bonds, notes or other obligations by
96 this act authorized or in anticipation of the receipt of taxes and revenues of the current fiscal year, it
97 shall be lawful for the town to borrow money temporarily and to issue notes or other evidences of
98 indebtedness therefor and from time to time to renew such temporary loans or to use current funds to
99 be ultimately repaid from the proceeds of the said bonds, notes or other obligations or from the town
100 taxes and revenues, as the case may be.

101 (4) Expending money. To expend the money of the town for all lawful purposes.

102 (5) Acquisition and disposition of property. To acquire by purchase, gift, devise, condemnation or
103 otherwise, property, real or personal, or any estate therein within or without the town, for any of the
104 purposes of the town; and to hold, improve, sell, lease, mortgage, pledge or otherwise dispose of the
105 same or any part thereof, including any property now owned by the town, provided that the provisions
106 of § 25-233 of the Code of Virginia shall apply to any property belonging to any corporation possessing
107 the power of eminent domain that may be sought to be taken by condemnation hereunder.

108 (6) Water supply. To own, operate and maintain waterworks and to acquire in any lawful manner in
109 any county of the state such waters, lands, property rights and riparian rights as the council of said
110 town may deem necessary for the purpose of providing an adequate water supply to said town and of
111 piping and conducting the same; to lay, erect and maintain all necessary mains and service lines, either
112 within or without the corporate limits of said town, for the distribution of water to its customers and
113 consumers, both within and without the corporate limits of said town, and to charge and collect water
114 rents thereof; to erect and maintain all necessary dams, pumping stations and other works in connection
115 therewith; to make reasonable rules and regulations for promoting the purity of its said water supply
116 and for protecting the same from pollution, and, for this purpose, to exercise full police powers and
117 sanitary control over all land comprised within the limits of the watershed tributary to any such water
118 supply wherever such lands may be located in this State; to impose and enforce adequate penalties for
119 the violation of any such rules and regulations; and to prevent by injunction any pollution or threatened
120 pollution of such water supply and any and all acts likely to impair the purity thereof; and to carry out
121 the powers herein granted, said town may exercise within the state all powers of eminent domain

provided by the laws of this State.

(7) Sewage, etc., collection. To collect and dispose of sewage, offal, ashes, garbage, carcasses of dead animals and other refuse and to make reasonable charges therefor; to acquire and operate reduction or any other plants for the utilization or destruction of such materials or any of them; to contract or regulate the collection and disposal thereof; and to require and regulate the collection and disposal thereof.

(8) Weights and measures. To inspect, test, measure and weigh any commodity or commodities or articles of consumption for use within the town; and to establish, regulate, license and inspect weights, meters, measures and scales.

(9) Shows, circuses, etc. To license and regulate the holding and location of shows, circuses, public exhibitions, carnivals and other similar shows or fairs or prohibit the holding of the same, or any of them, within the town or within a mile thereof.

(10) Motor vehicle registration and licensing. To require every owner of motor vehicles residing in said town, on a date to be designated by the council, to annually register such motor vehicles and to obtain a license to operate the same by making application to the treasurer of said town, or such other person as may be designated by the council of the said town to issue said license, and to require said owner to pay an annual license fee therefor to be fixed by the council, provided that said license fee shall not exceed the amount charged by the state on said machine.

(11) Public improvements. To construct, maintain, regulate and operate public improvements of all kinds, including municipal and other buildings, waterworks, armories, sewage disposal plants, jails, comfort stations, markets and all buildings and structures necessary or appropriate for the use and proper operation of the various departments of the town; and to acquire by condemnation or otherwise all lands, riparian and other rights and easements necessary for such improvements, or any of them, either within or without the town, and to construct, maintain or aid therein roads and bridges to any property owned by said town and situate beyond the corporate limits thereof; and to acquire land necessary for the aforesaid by condemnation or otherwise.

(12) Streets, highways, parks, etc.; bridges, tunnels, etc.; motor vehicle operation. To acquire, establish, enter, open, widen, extend, grade, improve, construct, maintain and clean public highways, streets, sidewalks, boulevards, parkways and alleys; and to alter, vacate or close the same; to establish and maintain parks, golf courses, playgrounds and public grounds and to keep them lighted and in good order; to construct, maintain and operate bridges, viaducts, subways, tunnels, sewers and drains and to regulate the use of all such highways, parks, public grounds and works; to plant and maintain or remove shade trees along the streets and upon such public grounds; to prevent the obstruction of such streets and highways; insofar as not prohibited by general law, to regulate the operation and speed of cars and vehicles upon said streets and highways within the town [~~and for a distance of one mile from the limits thereof~~] ; and to do all other things whatsoever adopted to make said streets and highways safe, convenient and attractive.

(13) Recreation. To construct in such parks, playgrounds and public grounds as it may maintain, or upon any town property, stadium, swimming pools, gymnasias, recreation or amusement buildings, structures or enclosures of every character, refreshment stands, restaurants, et cetera; to charge admission and use of the same; and to rent out or lease the privileges of construction or using such stadiums, swimming pools, recreation or amusement buildings, structures or enclosures of every character, refreshment stands or restaurants, et cetera.

(14) Water and sewage rates. To establish, impose and enforce the collection of water and sewage rates and charges for town-owned public utilities or other services, products or conveniences operated, rented or furnished by the town; and to assess or cause to be assessed, after reasonable notice to the owner or owners, water and sewage rates and charges directly against the owner or owners of the buildings or against the proper tenant or tenants; and in the event that such rates and charges shall be assessed against a tenant then the Council may, by ordinance, require of such tenant a deposit of such reasonable amount as it may by such ordinance prescribe before furnishing such service to such tenant.

(15) Sewer systems. To establish, construct and maintain sanitary sewers and sewer lines and systems and to require the abutting property owners to connect therewith; and to establish, construct, maintain and operate sewage disposal plants; and to acquire by condemnation or otherwise, within or without the town, all lands, rights-of-way, riparian and other rights and easements necessary for the purposes aforesaid; and to charge, assess and collect reasonable fees, rentals, assessments or costs of service for connection with and using the same.

(16) Franchises. Subject to the provisions of the Constitution and general laws of Virginia and this charter, to grant franchises for public utilities; provided, however, that the town shall at any time have the power to contract for, own, operate, manage, sell, encumber or otherwise dispose of, either within or without the town, any and all public utilities for the town and to sell the services thereof, any existing franchise to the contrary notwithstanding.

183 (17) *Fees and permits.* To charge and collect fees for permits to use public facilities and for public
184 services and privileges. Said town shall have the power and right to charge a different rate for any
185 service rendered or convenience furnished to citizens without the corporate limits from the rates charged
186 for similar service to citizens within the corporate limits.

187 (18) *Nuisances.* To compel the abatement and removal of all nuisances within the town or upon
188 property owned by the town beyond its limits at the expense of the person or person causing the same,
189 or of the owner or occupant of the ground or premises whereon the same may be, and to collect said
190 expense by suit or motion or by distress and sale; to require all lands, lots and other premises within
191 the town to be kept clean and sanitary and free from stagnant water, weeds, filth and unsightly deposits,
192 or to make them so at the expense of the owners or occupants thereof and to collect said expenses by
193 suit or motion or by distress and sale; to regulate or prevent slaughterhouses or other noisome or
194 offensive businesses within said town, the keeping of hogs or other animals, poultry or other fowl
195 therein or the exercise of any dangerous or unwholesome business, trade or employment therein; to
196 regulate the transportation of all articles through the streets of the town; to compel the abatement of
197 smoke and dust and prevent unnecessary noise; to regulate the location of stables and the manner in
198 which they shall be kept and constructed; to regulate the location, construction, operation and
199 maintenance of billboards, signs and advertising; and generally to define, prohibit, abate, suppress and
200 prevent all things detrimental to the health, morals, aesthetic sensibilities, safety, convenience and
201 welfare of the inhabitants of the town; and to require all owners or occupants of property having
202 sidewalks in front thereof to keep the same clean and sanitary and free from all weeds, filth, unsightly
203 deposits, ice and snow.

204 (19) *Fire.* To extinguish and prevent fires; and to establish, regulate and control a fire department
205 or division; to regulate the size, height, materials and construction of buildings, fences, walls, retaining
206 walls and other structures hereafter erected in such manner as the public safety and conveniences may
207 require; to remove or require to be removed or reconstructed any building, structure or addition thereto
208 which, by reason of dilapidation, defect of structure or other causes, may have become dangerous to life
209 or property or which may be erected contrary to law; to establish and designate from time to time fire
210 limits, within which limits wooden buildings shall not be constructed, removed, added to, enlarged or
211 repaired, and to direct that any or all future buildings within such limits shall be constructed of stone,
212 natural or artificial, concrete, brick, iron or other fireproof materials; and may enact stringent and
213 efficient laws for securing the safety of persons from fires in halls and buildings used for public
214 assemblies, entertainments or amusements.

215 (20) *Explosives and combustibles.* To direct the location of all buildings for storing explosives or
216 combustible substances; to regulate the sale and use of gunpowder, nitroglycerin, fireworks, kerosene oil
217 or other like materials; and to regulate the exhibition of fireworks, the discharge of firearms and the
218 making of bonfires in the streets and yards.

219 (21) *Building standards.* To provide for regular and safe construction of houses in the town for the
220 future; to provide setback lines on the streets beyond which no building may be constructed; to require
221 the standard of all dwelling houses be maintained in residential sections in keeping with the majority of
222 residences therein; and to require the standard of all business houses be maintained in business sections
223 in keeping with the majority of the business houses therein.

224 (22) *Food and health.* To provide for the preservation of the general health of the inhabitants of said
225 town, make regulations to secure the same, inspect all foodstuffs and prevent the introduction and sale
226 in said town of any articles or thing intended for human consumption which is adulterated, impure or
227 otherwise dangerous to health and to condemn, seize and destroy or otherwise dispose of any such
228 article or thing without liability to the owner thereof; to prevent the introduction or spread of
229 contagious or infectious diseases and prevent and suppress disease generally; to provide and regulate
230 hospitals within or without the town limits and, if necessary to the suppression of disease, to enforce the
231 removal of persons afflicted with contagious or infectious diseases in hospitals provided for them; to
232 construct and maintain or to aid in the construction and maintenance of a hospital or hospitals for the
233 use of the people of the town; to provide for the organization of a department or bureau of health to
234 have the powers of a board of health for said town, with the authority necessary for the prompt and
235 efficient performance of its duties, with the power to invest any or all the officials or employees of such
236 department of health with such powers as the police officers of the town have, to establish quarantine
237 ground within or without the town and establish such quarantine regulations against infectious and
238 contagious diseases as the council may see fit, subject to the laws of the State and of the United States;
239 and to provide for a bureau of vital statistics and require physicians, midwives or parent to make
240 reports thereto.

241 (23) *Institutions.* To provide and maintain, either within or without the town, charitable, recreative,
242 curative, corrective, detentive or penal institutions.

243 (24) *Animals.* To prevent fowls and animals being kept in or running at large in the town or any
244 thickly populated portion thereof and to subject the same to such taxes, regulations and penalties as the

council may think proper.

(25) *Improper handling of animals; street nuisances.* To prevent the riding or driving of horses or other animals at an improper speed; to prevent the flying of kites, throwing of stones or engaging in any sort of employment in the public streets which is dangerous or annoying to passersby; and to prohibit and punish the abuse of animals.

(26) *Motor vehicles and traffic regulation.* Insofar as not prohibited by general law to control, regulate, limit and restrict the operation of motor vehicles carrying passengers for hire upon the streets or alleys of the town; to regulate the use of automobiles and other automotive vehicles upon the streets; to regulate the routes in and through the town to be used by motor vehicle carriers operating in and through said town and to prescribe different routes for different carriers; to prohibit the use of certain streets by motor trucks; and generally to prescribe such regulations respecting motor traffic therein as may be necessary for the general welfare.

(27) *Condemnation.* 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.

(28) *Police.* To exercise full police powers and establish and maintain a department or division of police.

(29) *Wanton or malicious mischief.* To prohibit and punish for mischievous, wanton or malicious damage to school and public property, as well as private property.

(30) *Rewards.* To offer and pay rewards for the apprehension and conviction of criminals.

(31) *Street names.* To give names to or alter the names of streets.

(32) *Good order and government.* Insofar as not prohibited by general laws, to pass and enforce all bylaws, rules, regulations and ordinances which it may deem necessary for the good order and government of the town, the management of its property, the conduct of its affairs, the peace, comfort, convenience, order, morals, health and protection of its citizens or their property and to do such other things and pass such other laws as may be necessary or proper to carry into full effect all powers, authority, capacity or jurisdiction which is or shall be granted to or vested in said town or in the council, court or officers thereof which may be necessarily incident to a municipal corporation.

(33) *General welfare, etc.* To do all things whatsoever necessary or expedient and lawful for promoting or maintaining the general welfare, comfort, education, morals, peace, government, health, trade, commerce or industries of the town or its inhabitants.

(34) *Penalties.* To prescribe any penalty for the violation of any town ordinance, rule or regulation or of any provision of this charter up to the maximum allowed by the Code of Virginia.

(35) *Comprehensive plan.* To make and adopt a comprehensive plan for the town, and to that end, all plats and replats hereafter made subdividing any land within the town or within two miles thereof into streets, alleys, roads and lots or tracts shall be submitted to and approved by the council before such plats or replats are filed for record or recorded in the office of the clerk of Rockingham County, Virginia.

(36) *Electric light and gas works.* To own, operate and maintain electric light and gas works, either within or without the corporate limits of the town, and to supply electricity and gas, whether the same is generated or purchased by said town, to its customers and consumers both without and within the corporate limits of said town, at such price and upon such terms as it may prescribe, and to that end, it may contract and purchase electricity and gas from the owners thereof upon such terms as it may deem expedient.

(37) *Eminent domain.* 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 said town.

(38) *Taxes and licenses.* Except when prohibited by general law, the town 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 town, whether a license may be required therefor by the state or not, and may exceed the state license, if any is required, and may provide penalties for any violation thereof.

(39) *Liens on taxed property.* A lien shall exist on all real estate within the corporate limits for taxes, levies and assessments in favor of the town, together with all penalties and interest due thereon, assessed thereon from the commencement of the year for which the same were assessed, and the procedure for collecting the said taxes, for selling real estate for town taxes and for the redemption of real estate sold for town taxes shall be the same as provide in the general law of the State to the same extent as if the provisions of said general law were herein set out at length. Said town and its treasurer shall have the benefit of all other and additional remedies for the collection of town taxes which are now or hereafter may be granted or permitted under the general law.

(40) *Sale of tax delinquent property.* All goods and chattels wheresoever found may be distrained and sold for taxes and licenses assessed and due thereon; and no deed of trust or mortgage upon goods and chattels shall prevent the same from being distrained and sold for taxes and licenses assessed

306 *against the grantor in such deed while such goods and chattels remain in the grantor's possession.*

307 *(41) Effective date of ordinances. Ordinances making the annual tax levy, appropriation ordinances,*
308 *ordinances and resolutions pertaining to local improvements and assessments, ordinances and*
309 *resolutions providing for or directing any investigation of town affairs and resolutions requesting*
310 *information from administrative bodies or directing administrative action and emergency measures shall*
311 *take effect at the time indicated in such ordinances. Except as otherwise prescribed in this charter, all*
312 *ordinances and resolutions passed by the council shall take effect at the time indicated in such*
313 *ordinances, but in the event that no effective date shall be set forth in any such ordinance, resolution or*
314 *bylaw passed by the Council, the same shall become effective on the date of its passage.*

315 *(42) Taxation; subjects. The Town of Grottoes may levy a tax on all subjects of taxation not*
316 *prohibited to it by nor exempted in the Constitution and general laws of Virginia.*

317 *§ 9. Severability.*

318 *If any clause, sentence, paragraph or part of this Act shall for any reason be adjudged by any court*
319 *of competent jurisdiction to be invalid, said judgment shall not affect, impair or invalidate the*
320 *remainder of said Act but shall be confined in its operation to the part of the Act directly involved in*
321 *the controversy in which said judgment shall have been rendered.*

322 **2. That Chapter 356, as amended, of the Acts of Assembly of 1948 is repealed.**