

18104530D

HOUSE BILL NO. 1166

Offered January 10, 2018

Prefiled January 10, 2018

A *BILL to amend and reenact § 2, §§ 4 and 6, as amended, § 9, § 11, as amended, § 12, §§ 13 and 18, as amended, §§ 28 and 37, § 39, as amended, and §§ 44, 60, 63, 64 (a), 65, and 67 of Chapter 44 of the Acts of Assembly of 1937, which provided a charter for the Town of Front Royal, relating to boundaries, town officers, town powers, and notices.*

 Patron—Collins

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, §§ 28 and 37, § 39, as amended, and §§ 44, 60, 63, 64 (a), 65, and 67 of Chapter 44 of the Acts of Assembly of 1937 are amended and reenacted as follows:

§ 2. 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.

The boundaries of municipal corporations remain as now established unless changed as provided in Title 15.2 of the Code of Virginia.

§ 4. 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, and a town clerk, who shall also serve as the clerk of town council, and such other officers as may be designated by ordinance duly enacted from time to time. The town treasurer may additionally, by ordinance duly enacted, serve as the town's finance director. 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 appointed by the council as is hereinafter provided.

§ 6. The present mayor and town councilmen shall continue in office until the expiration of the terms for which they were respectively elected. On the first Tuesday in May, 1994, there shall be elected by the qualified voters of the Town of Front Royal, four councilmen, who shall be electors of the town, and whose terms of office shall begin on the first day of July succeeding their respective elections. The

INTRODUCED

HB1166

59 three elected councilmen with the highest vote totals shall serve for terms of four years, and until their
60 duly elected successors shall have qualified. The fourth elected councilman with fewer votes than the
61 other three councilmen so elected shall serve for a term of two years, and until his duly elected
62 successor shall have qualified.

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

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

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

74 The council may fill any vacancy that occurs in the membership of the council for the unexpired
75 term.

76 A. The mayor and town council shall be elected on the Tuesday following the first Monday in
77 November in even-numbered years in the manner provided by Virginia general election laws, except
78 insofar as they are otherwise herein provided by this charter. The mayor and members of town council
79 in office at the effective date of this charter amendment shall have their terms extended and shall
80 continue in office until December 31 of the year in which their respective terms were to expire.

81 B. The terms of office for all town council members shall begin on the first day of January next
82 following their election, and each shall serve for a term of four (4) years or until his or her successor
83 shall have been elected and qualified. The term of office for the mayor shall begin on the first day of
84 January next following his or her election, and the mayor shall serve for a term of two (2) years. The
85 town council members and mayor may succeed themselves as often as the voters may choose.

86 C. Candidates for town council and mayor shall be nominated only by petition in the manner
87 prescribed by general law. Candidates for town council and mayor shall not be nominated or identified
88 on the ballot by political party affiliation or in any other manner that would disqualify them for
89 candidacy under any law of the United States or the Commonwealth of Virginia.

90 D. The council may fill any vacancy that occurs in the membership of the council for the unexpired
91 term, provided that such vacancy is taken within 45 days of the office becoming vacant, if a majority of
92 the remaining members of the council cannot agree, or do not act, the judges of the circuit court having
93 jurisdiction shall make the appointment. The person so appointed shall hold office only until the
94 qualified voters of the town fill the vacancy by special election pursuant to § 24.2-682 of the Code of
95 Virginia of 1950, as amended, or its successor enactment(s), and the person so elected has qualified.
96 Any person so appointed shall hold office the same as an elected person and shall exercise all powers
97 of the elected office. If a majority of the seats on the council are vacant, the remaining members shall
98 not make interim appointments and the vacancies shall be filled as provided in § 24.2-227 of the Code
99 of Virginia of 1950, as amended, or its successor enactment(s).

100 E. Each member of council shall receive a salary in an amount established by council, payable as the
101 council may direct, provided that no increase in salary of a council member shall take effect during the
102 incumbent council member's term in office, but this restriction shall not apply when the council
103 members are elected for staggered terms.

104 F. The mayor shall receive a salary in an amount established by council, payable as the council may
105 direct, but no increase in the mayor's salary shall take effect during the incumbent mayor's term in
106 office.

107 § 9. The council shall, at its first meeting after the effective date of this act choose one of its
108 members as vice-mayor who shall serve until August 31, 1938; and at its first meeting in September,
109 1938, and biennially thereafter in January following the regular municipal election, the council shall
110 choose one of its members as vice-mayor. The vice-mayor shall perform the duties of the mayor during
111 his absence or disability. In the event of the death, removal or resignation of the mayor, the council
112 shall choose one of the councilmen or some other qualified voter of the Town of Front Royal who shall
113 serve as mayor until the next succeeding municipal election, at which time a successor shall be elected
114 by the qualified voters of the Town of Front Royal to fill the office of mayor for the remainder of the
115 unexpired term.

116 Should a member of the council be chosen to serve as mayor until the next municipal election such
117 councilman shall be deemed to have surrendered his office as councilman forthwith upon his
118 qualification as mayor and his office of councilman shall thereupon be vacant. The vacancy thereby
119 created in the council shall be filled by the council as provided in § 6 hereof.

120 The member of the council who shall be chosen vice-mayor shall continue to have all of the rights,

121 privileges, powers, duties and obligations of councilman even when performing the duties of mayor
122 during the absence or disability of the mayor of the town.

123 § 11. The council shall, by ordinance, fix the time for their stated meetings. Special meetings shall be
124 called by the clerk of the council upon the written request of the mayor, or any three members of the
125 council. ~~Effective July 1, 1994, special meetings shall be called by the clerk of the council upon the~~
126 ~~written request of the mayor, or any four members of the council.~~ No business shall be transacted at a
127 special meeting but that for which it shall be called, unless the council be unanimous. The meetings of
128 the council shall be open to the public, except when the public welfare shall require ~~executive sessions~~
129 ~~closed meetings.~~

130 If any member of the said council shall be voluntarily absent from three regular meetings of the
131 council consecutively, his seat may be deemed vacant by resolution of the council and thereupon his
132 unexpired term shall be filled according to the provisions of this act.

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

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

142 The council shall keep a minute book, *or its electronic equivalent*, in which the clerk shall note the
143 proceedings of the council, and shall record said proceedings at large on the record book, and keep the
144 same properly indexed.

145 § 13. A majority of the members of the council shall constitute a quorum for the transaction of
146 business. No ordinance shall be passed or resolution adopted having for its object the appropriation of
147 money, or the levy of taxes and licenses, except by the concurrence of at least ~~three~~ *four* members, one
148 of whom may be the mayor in case of a tie vote as provided in section eight hereof. No vote or
149 question decided at a stated meeting shall be reconsidered at a special meeting unless all members are
150 present, and three of them concur.

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

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

162 First. To establish a market, *or markets*, in and for said town, provide for the appointment of proper
163 officers therefor, prescribe the time and places for holding the market, provide suitable grounds and
164 buildings therefor, and enforce such regulations as shall be necessary and proper to prevent ~~huckstering,~~
165 ~~forestalling, or regrating~~ *illegal or unsanitary conditions or activity therein.*

166 Second. To construct, maintain, regulate and operate public improvements of all kinds, including
167 municipal and other buildings, armories, jails and all buildings and structures necessary or appropriate
168 for the use and proper operation of the various departments of the town and the performance of its
169 duties and functions.

170 Third. To establish, maintain, and operate waterworks and sewer systems within and without the
171 town; to purchase water therefor; to contract and agree with the owners of any land, springs or water
172 supplies for the use of or purchase thereof, or have same condemned according to law, for the location,
173 extension, or enlargement of the said waterworks, or sewer system, either or both, the pipes connected
174 therewith, and the fixtures or appurtenances thereof; and to protect from injury by ordinance, prescribing
175 adequate penalties, the said waterworks, water supplies, sewer systems, pipes, fixtures, and land or
176 anything connected therewith whether within or without the limits of the town. *When the town furnishes*
177 *water, gas, electric, sewer, or other utility services to users thereof located outside the town's corporate*
178 *limits, notwithstanding any provision of law to the contrary, the town may collect such compensation*
179 *and service fees therefor as may be contracted for between the town and such user, and the town shall*
180 *not thereby be obligated to provide such utility services to any other users outside its corporate*
181 *boundaries. Any compensation and service fees received by the town for the furnishing of such utility*

182 *services to users outside the town's corporate limits may, in the discretion of the town council, be paid*
 183 *into the town's general fund.*

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

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

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

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

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

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

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

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

229 Twelfth. To prevent hogs, cows, horses, dogs, and other animals from running at large in the said
 230 town, and to subject the same to such confiscation, regulations, *licenses, fees,* and taxes as they may
 231 deem proper, and to prevent the keeping of hogs within the limits of the town.

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

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

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

243 Sixteenth. To acquire, by condemnation, purchase or otherwise, provide for, maintain, operate and

244 protect aircraft landing fields either within or without the corporate limits of the town.

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

254 Eighteenth. To establish, impose and enforce water, gas, electricity, and sewerage rates and rates and
255 charges for public utilities or other service, products or conveniences, operated, rendered or furnished by
256 the town; and to assess, or cause to be assessed, water, gas, electricity and sewerage rates and charges
257 against the proper tenant or tenants or such persons, firms or corporations as may be legally liable
258 therefor; and the council may by ordinance require a deposit of such reasonable amount as it may by
259 such ordinance prescribe, before furnishing any of said services to any person, firm or corporation.

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

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

264 Twenty-first. Subject to the provisions of the Constitution of Virginia and of this charter to contract
265 debts, borrow money and make and issue bonds and other evidences of indebtedness.

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

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

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

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

278 Twenty-sixth. The council shall have full control and regulation over the public utilities now owned
279 or that may hereafter be acquired by the said town, and to this end it shall have full authority to employ
280 from time to time such employees, *agents, and consultants* as it deems necessary to properly maintain,
281 conduct and operate the same; and it shall have full authority to incur indebtedness, unless otherwise
282 prohibited by law, whenever the said council may deem it necessary for the proper conduct,
283 management and maintenance of the public utilities now owned by the said town, or such as may
284 hereafter be acquired by it; and the council is hereby authorized and empowered to supply electric
285 current to persons, firms, associations and corporations not further distant than fifteen miles from the
286 corporate limits of the town, and to charge therefor for which purpose the said council is specifically
287 authorized and empowered to construct, purchase, lease or otherwise acquire necessary transmission
288 lines, and to purchase, lease or otherwise acquire such rights of ways as may be necessary for such
289 purposes.

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

295 The said council, however, shall have no authority to sell its public utilities, without first submitting
296 the question of such sale at a special election to be called for that purpose only, to the qualified voters
297 of the Town of Front Royal, which election shall be conducted as now provided by general law
298 governing special elections. The Circuit Court of Warren County shall order such special election upon
299 the petition of two hundred qualified voters of the Town of Front Royal, or upon a resolution passed by
300 a majority of the council of said town. For a period of not less than four weeks prior to said special
301 election, the substantial terms of any proposed sale shall be published over the signature of the clerk of
302 the said town, once a week for four successive weeks in some newspaper ~~published of general~~
303 *circulation* within the County of Warren, *or by publication for not less than once per week for four*
304 *successive weeks in some other manner permitted by the general laws of the Commonwealth for Virginia*

305 *for the publication of proposed ordinances of the town.* The qualifications of voters in said special
 306 election shall be determined by existing statutes governing other special elections.

307 *Twenty-seventh. The council shall have all powers and authority to remedy, remove, repair, and*
 308 *secure any blighted or derelict building or structure that are granted to any other city, town, or county*
 309 *in the Commonwealth.*

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

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

331 § 39. All ordinances hereafter passed by the council for the violation of which any penalty is
 332 imposed, shall be published once, at least, in one of the newspapers of *general circulation* in said town,
 333 to be designated by the council, *or shall be published in any other manner permitted by general law for*
 334 *the publication of proposed ordinances.* A record or entry made by the clerk of said council, or a copy
 335 of said record or entry, duly certified to by him, shall be prima facie evidence of the publication of any
 336 such ordinance; and all laws, regulations and ordinances of the council may be read in evidence in all
 337 courts of justice, and in all proceedings before any officer, body or board in which it shall be necessary
 338 to refer thereto, from a copy thereof, certified by the clerk of said council, provided, however, that
 339 whenever the council of the Town of Front Royal shall codify, in whole or in part, and print at one
 340 time, or from time to time, in book or pamphlet form, the general ordinances of the Town of Front
 341 Royal, or any part thereof, it shall be unnecessary to publish any new or changed ordinances therein
 342 contained, or such codification, or codifications, in a newspaper or otherwise, ~~and all new or changed~~
 343 ~~ordinances therein contained, and such codification or codifications, shall take effect at such time, but~~
 344 ~~not less than thirty days after such codification or codifications shall have been printed in book or~~
 345 ~~pamphlet form, as may be prescribed by the council by ordinance; provided, that notice of such~~
 346 ~~publication and the availability of such book or pamphlet at the town hall is published in a newspaper~~
 347 ~~as hereinabove required.~~

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

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

364 § 63. The council may at any time, after a public hearing, amend the town plan, *by including, but*
 365 *not limited to*, widening, relocating, or closing existing streets and highways, and by altering any
 366 existing park or by laying out new streets and highways and establishing new parks. Before amending

367 the town plan, the council shall refer the proposed amendment to the town planning commission for a
 368 report thereon, and shall not act on such amendment until a report has been received from said
 369 commission, unless a period of thirty days has elapsed after the date of reference to the commission.
 370 Any amendment of the town plan, upon its adoption by the council, shall be final unless changed as
 371 herein provided as to the location, length, and width of any street and highway, and the location and
 372 dimensions of any park. Any widening, relocating, closing or laying out of streets and highways
 373 proposed under the provisions of law other than those contained in this article shall be deemed an
 374 amendment of the town plan, and shall be subject in all respects to the provisions of this chapter.

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

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

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

397 (c) Before approving any such plat of any subdivision of lots or lands the town council may, at its
 398 discretion, require the owner of such lot or lands to grade the streets and alleys therein, according to
 399 grade lines approved and established by the council.

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

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

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

418 (b) Any zoning ordinance, regulations, restrictions, and boundaries of districts may be changed from
 419 time to time by the council, either upon its own motion or upon petition, under such conditions as the
 420 council may prescribe, after a public hearing and adequate notice to all owners and parties affected. If a
 421 protest or protests be filed with the council, signed by the owners of twenty per centum or more of the
 422 area of the land included in the proposed change, or by the owners of twenty per centum or more of the
 423 area of the land immediately adjacent to the land included in the proposed change, within a distance of
 424 one hundred feet therefrom, or by the owners of twenty per centum or more of the area of the land
 425 directly opposite across any street or streets from the land included in the proposed change, within a
 426 distance of one hundred feet from the street lines directly opposite, then no such change shall be made
 427 except by the majority vote of all of the members of the council. No change shall be made by the

428 council in any zoning ordinance or map until such change has been referred to the town planning
429 commission for a report thereon, and no action shall be taken by the council until a report has been
430 received from the commission, unless a period of thirty days has elapsed after the date of reference to
431 the commission.

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

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

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