

# TOWN OF FRONT ROYAL MUNICIPAL CODE

## Chapter 200

### CHARTER

#### TOWN OF FRONT ROYAL, VIRGINIA

The following Charter of the Town of Front Royal is as contained in an Act of the General Assembly of Virginia, approved January 18, 1937, and, unless otherwise noted, the provisions of said Charter are unchanged from the above-mentioned Act of the General Assembly. A Scheme listing the various sections contained in said Charter has been added for convenience.

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### **CHARTER OF THE TOWN OF FRONT ROYAL, VIRGINIA**

An Act to provide a new charter for the Town of Front Royal, Warren County, Virginia, approved March 11, 1916. Chapter 44 of the Acts of Assembly, Extra Session (ES) of 1936-1937 was amended/reenacted/approved January 18, 1937. A new section numbered 11-a, authorizing the appointment of a civil police justice for the said Town, approved April 1, 1940. By virtue of an order entered on December 31, 1948, in the Circuit Court of Warren County, certain territory was annexed to the Town of Front Royal. Consequently, this section does not describe the corporate limits as they presently exist. This order, containing a description of the territory annexed, effective January 1, 1949, is recorded in Law Order Book H, beginning on Page 284, in the office of the Clerk of the Circuit Court of Warren County. It is provided in Acts 1946, Ch. 31, as follows: "The Boards of Supervisors of the Counties of Giles, Bland, Mecklenburg, Brunswick, Page, Warren, Washington, Campbell, Amherst, Bedford and Orange, and the Councils of the Towns of Front Royal, Luray, Abingdon, Glade Spring, Damascus and Orange, be and they are hereby authorized to make gifts and donations of property, real or personal, and of money to be appropriated from their respective treasuries, to charitable institutions and associations conducting hospitals or voluntary fire-fighting services within the boundaries of their respective counties. Said donations of money or property to said charitable hospital institutions or associations may be made either for the purpose of aiding in the construction of said hospitals or the operation of same, or both". There are two sections numbered 64 in Acts E.S. 1936-37, ch. 44. This section, the second of the two, has been numbered Sec. 64-a for clarity. This Act was approved January 18, 1937.

### **CHAPTER I: CORPORATE EXISTENCE; ADMINISTRATION GENERALLY**

#### **SEC 1 CORPORATE ENTITY; POWERS AS A CORPORATION; POWERS DELEGATED TO INCORPORATED TOWNS UNDER STATE CONSTITUTION OR LAWS**

The inhabitants of the Town of Front Royal, Warren County, Virginia, as its limits now are, or hereafter may be established in the manner provided by law, shall continue to be a body corporate and politic by name the Town of Front Royal, and under that name shall have perpetual succession; may use a corporate seal of such kind as it may adopt; may sue and be sued; may acquire property within or without its boundaries for any municipal purpose, in fee simple or lesser interest or estate, by purchase, gift, devise, lease or condemnation, and may sell, lease, hold, manage and control such property as its interests may require; and, except as prohibited by the Constitution of Virginia or restricted by this Charter, the Town of Front Royal shall have and may exercise all municipal powers, functions, rights, privileges and immunities which are now, or may be hereafter, conferred upon or delegated to incorporated towns under the Constitution and laws of Virginia, as fully and completely as if herein enumerated in detail, and no enumeration of particular powers in this Charter shall be held exclusive.

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## **SEC 2 DEFINITION OF CORPORATE LIMITS**

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

Beginning at a point where the west bank of Happy Creek and north lane 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 the 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.

## **SEC 3 VESTING OF TOWN POWERS, ADMINISTRATION AND GOVERNMENT**

Except as may be otherwise provided in this Charter, all powers of the town and the administration and government of the said town shall be vested in the council of the Town of Front Royal and in such boards and officers as are hereafter mentioned, or may be by law otherwise provided.

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### **SEC 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 and a Town Clerk. 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 herein provided. (Acts 1993, ch. 479, p. 572)

### **SEC 5 POWERS AND AUTHORITY OF COUNCILMEN GENERALLY**

The power and authority of the councilmen shall, in addition to those mentioned and authorized by this Act be such as are mentioned and prescribed by law.

### **SEC 6 ELECTION TERM, QUALIFICATIONS AND SALARY OF MAYOR AND COUNCILMEN; FILLING VACANCY IN MEMBERSHIP OF COUNCIL**

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, nineteen hundred ninety-four, 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 three elected Councilmen with the highest vote totals shall serve for a terms of four (4) years, and until their duly elected successors shall have qualified. The fourth elected Councilman with fewer votes than the other three Councilmen so elected, shall serve a term of two (2) years, and until his duly elected successor shall have qualified.

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

On the first Tuesday in May, nineteen hundred ninety-six, and every two (2) years thereafter, there shall be elected by the qualified voters of the Town of Front Royal, three (3) 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 and shall continue for four (4) years thereafter, and until their duly elected successors shall have qualified.

On the first Tuesday in May, nineteen hundred ninety-six, and every two (2) years thereafter, there shall be elected by the qualified voters of the Town of Front Royal, a Mayor, who shall be one of the electors of the Town, and whose term of office shall begin on the first day of July, succeeding his election and continue for two (2) years thereafter, and until his duly elected successor has qualified.

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The Council may fill any vacancy that occurs in the membership of the Council for the unexpired term.

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

The Mayor shall receive a salary in an amount established by Council, payable as the Council may direct, but no increase in the mayor's salary shall take effect during the incumbent mayor's term in office. (Acts E.S. 136-37, ch. 44, p. 143; Acts 1944, ch. 209, p. 300; Acts 1954, ch. 405, p. 495; Acts 1975, ch. 348, p. 579; Acts 1987, ch. 235, p. 315; Acts 1993, ch. 479, p. 572) Acts 1944, Chapter 209, p. 300 added Section 6 re: salaries of Mayor and Town Councilmen; Acts 1954, Chapter 405, p. 495 re: terms/compensation of the Mayor & Town Councilmen, Approved April 3, 1954; Acts 1975, Chapter 348, p. 579 amended re: terms/compensation of the Mayor and Town Councilmen and Town Obligations, approved March 19, 1975; Acts 1987, Chapter 235, p. 315, re: terms/compensation of the Mayor and Town Councilmen; Acts 1993, Chapter 479, p. 572 re: terms of Mayor and Town Councilmen.

### **SEC 7 TOWN OFFICERS TO BE SWORN IN; EFFECT OF FAILURE TO TAKE OATH OR TO GIVE REQUIRED BOND**

All municipal offices of the town, before entering upon the duties of their respective offices, shall be sworn in accordance with the laws of the state by any one authorized to administer oaths under the laws of the state. If any person elected or appointed to any office in said town shall neglect to take such oath on or before the day on which he is to enter upon the discharge of the duties of his office, or shall for twenty days after the beginning of his term of office fail to give such bond as may be required of him by the council, a vacancy in said office shall then exist.

## **CHAPTER II MAYOR AND VICE MAYOR**

### **SEC 8 POWERS AND DUTIES OF MAYOR GENERALLY**

The mayor shall preside at the meetings of the council and perform such other duties as may be prescribed by this Charter and by general law, and such as may be imposed by the council, consistent with his office. He shall be recognized as the official head of the town for all ceremonial purposes, by the courts for the purpose of serving civil process, and by the governor for military purposes. In time of public danger or emergency, he may take command of the police, maintain order and enforce the law. Such course of action shall be subject to review by the council.

The mayor shall have no right to vote in the council except that in every case of a tie vote of the council, the mayor shall be entitled to vote and his vote in case of a tie only shall have the same weight and effect as the vote of a councilman.

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The mayor shall have no power to suspend, remove or discharge any officer, agent or employee of the town nor shall he have any power or authority to appoint or employ any officer, agent or employee of the town nor to fix the term of office or employment, or the compensation, or to increase or decrease the power and authority of any officer, agent or employee of the town, but the mayor shall have such powers with respect to the chief of police, the policemen and employees of the police force when and if the mayor is given the control and supervision of the chief of police, the policemen and employees of the police force as is provided in section 40(a) hereof.

### **SEC 9 ELECTION, POWERS AND DUTIES OF VICE-MAYOR; FILLING VACANCY IN OFFICE OF MAYOR.**

The council shall at its first meeting after the effective date of this Act choose one of its members as vice-mayor who shall serve until August thirty-first, nineteen hundred and thirty-eight; and at its first meeting in September, nineteen hundred and thirty-eight, and biennially thereafter following the regular municipal election, the council shall choose one of its members as vice-mayor. The vice-mayor shall perform the duties of the mayor during his absence or disability. In the event of the death, removal or resignation of the mayor, the council shall choose 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 section six 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.

## **CHAPTER III COUNCIL**

### **SEC 10 COMPOSITION AND ELECTION**

The Council of the Town shall be composed of four (4) members. Effective July 1, 1994, the Council of the Town shall be composed of six (6) members. Council members shall be elected by the popular vote of the qualified voters of the Town, as provided in Section 6 hereof. (Acts 1993, ch. 479, p. 572)

### **SEC 11 MEETINGS; EFFECT OF VOLUNTARY ABSENCE OF COUNCILMAN FROM THREE CONSECUTIVE REGULAR MEETINGS**

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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 (3) 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 (4) members of the Council. No business shall be transacted at any 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 said Council shall be voluntarily absent from three (3) regular meetings of 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. (Acts 1993, ch. 479, p. 572)

### **SEC 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, 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.

### **SEC 13 QUORUM; ORDINANCES APPROPRIATING MONEY OR LEVYING TAXES OR LICENSES; RECONSIDERATION OF MATTERS AT SPECIAL MEETINGS**

A majority of the members of 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 (3) members, one of whom may be the Mayor in the case of a tie vote as provided in Section 8 hereof. No vote or question decided at a stated meeting shall be reconsidered at a special meeting unless all members are present, and three (3) of them concur.

Effective July 1, 1994, 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 (4) members, one of whom may be the Mayor in case of a tie vote as provided in Section 8 hereof. No vote or question decided at a stated meeting shall be reconsidered at a

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special meeting unless all members are present, and four (4) of them concur. (Acts 1993, ch. 479, p. 572)

## CHAPTER IV TOWN MANAGER

### **SEC 14 APPOINTMENT, QUALIFICATIONS, TERM, REMOVAL OR SUSPENSION; ELECTION OF MEMBER OF COUNCIL AS TOWN MANAGER**

The council shall appoint a town manager who shall be the chief administrative officer of the town. The town manager shall be chosen by the council solely on the basis of his executive and administrative qualifications and need not, when appointed, be a resident of the town or the state, but during his term of office he shall reside within the town. No member of the council shall, during the time for which elected, be chosen as town manager. The town manager shall be appointed for a term acceptable to the town council and the town manager. He shall be removable by the town council for cause. Before the town manager may be removed, he shall, if he so demand, be given a written statement of the reasons alleged for his removal and the right to be heard publicly thereon at a meeting of the council prior to the final vote on the question of his removal, but pending and during such hearing the council may suspend him from office. The action of the council in suspending or removing the town manager shall be final, it being the intention of this Charter to vest all authority and fix all responsibility for such suspension or removal in the council. In case of the absence or disability of the town manager the council may designate some qualified person to perform the duties of the office during such absence or disability.

### **SEC 15 POWERS AND DUTIES GENERALLY; COUNCIL TO APPOINT CHIEF CONSERVATOR OF THE PEACE AND TO SEE THAT ORDINANCES AND LAWS ARE ENFORCED**

It shall be the duty of the town manager to supervise the administration of the affairs of the town; to make such recommendations to the council concerning the affairs of the town as may seem to him desirable; to keep the council advised of the financial condition and future needs of the town; to prepare and submit to the council the annual budget estimate; to prepare and submit to the council such reports as may be required by that body; and to perform such other duties as may be prescribed by this Charter or required of him by order of resolution of the council, not inconsistent with this Charter.

The council shall have power to appoint either the mayor or town manager as chief conservator of the peace within the town and to see that the ordinances of the town and the laws of the State are enforced.

### **SEC 16 POWERS AS TO TOWN OFFICERS, EMPLOYEES, ETC**

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Except as otherwise provided in this Charter, the town manager, subject to the consent of the town council, may appoint or employ and he may remove or discharge such officers, employees and assistants as may be necessary to carry on the work in those departments of the town committed to him by ordinance, in all of their respective details, in an economical and satisfactory manner. The salaries and terms of office or employment of such officers, employees and assistants shall be fixed by the town manager subject to the approval of the town council. His action in all respects shall be subject to review by the council and he shall be accountable to the town council only.

## CHAPTER V POWERS OF COUNCIL

### **SEC 17 AS TO TOWN OFFICERS AND EMPLOYEES**

The council of the town shall have general power over all officers and employees of the town as provided in this Charter.

### **SEC 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 bylaws 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, bylaws and regulations as they may deem proper and necessary to carry out the following powers, which are hereby vested in them:

1. Market. To establish a market 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.
2. Public improvements, municipal buildings, etc. 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 performance of its duties and functions.
3. Waterworks and sewer systems. To establish, maintain, and operate waterworks and sewer systems within and without the town; to purchase water therefor; to contract and agree with the owners of any land, springs or water supplies for the use of or purchase thereof, or have same condemned according to law, for the location, extension, or enlargement of the said waterworks, or sewer system, either or both, the pipes connected therewith, and the fixtures or appurtenances thereof; and to protect from injury by ordinance, prescribing adequate penalties, the said waterworks, water supplies, sewer systems, pipes, fixtures, and land, or anything connected therewith, whether within or without the limits of the town.

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4. Streets and sidewalks-Generally. To open, extend, widen, or narrow, lay out, graduate, curb, and pave and otherwise improve streets, sidewalks, and public alleys in said town, and have them in good order and properly lighted; in order to properly light the streets of said town, the council may erect and operate such number of lamps and fixtures thereto belonging as they may deem necessary; they may build bridges in and culverts under said streets, and may prevent or remove any structure, obstruction, or encroachment over, or under, or in any street, sidewalk, or alley in said town, and may permit shade trees to be planted along said streets; but no person shall occupy with his works, or any appurtenances thereof, the streets, sidewalks, or alleys of the town, without the consent of the council, duly entered upon its records; provided that so long as the said town shall, at its own expense, maintain and keep its streets in good order and repair, it shall be exempt from all labor and tax for county road purposes.
5. Same-Prevention of cumbering. To prevent the cumbering of streets, sidewalks, alleys, lanes, or bridges in the town in any manner whatever.
6. Route and grade of public utilities. To determine and designate the route and grade of any public utility laid out in said town.
7. Weights and measures. To make provisions for and regulate weights, measures and standards.
8. Contagious diseases; hospitals; board of health. To secure the inhabitants from contagious, infectious, or other dangerous diseases; to establish, erect, and regulate hospitals; to provide for and enforce the removal of patients to said hospitals; to appoint and organize a board of health for said town, with the necessary authority for the prompt and efficient performance of its duties.
9. Nuisances; dangerous, offensive, etc., business, etc.; transportation of coal, explosives, garbage, etc., through streets; speed of locomotives. To require and compel the abatement and removal of all nuisances within the said town, at the expense of the person or persons causing the same or the owner or owners of the ground whereon the same shall be; to regulate or prevent so ap factories and candle factories within the town, and the exercise of any dangerous, offensive or unhealthy business, trade or employment therein; and to regulate the transportation of coal, explosives, garbage and other articles through the streets of the town, and to restrain and regulate the speed of locomotive engines and cars upon the railroads within the town.
10. Collections of stagnant water or offensive or unwholesome substances. If any ground in said town shall be subject to be covered with stagnant water, or if the owner or owners, occupier or occupiers thereof shall permit any offensive or unwholesome substance to remain or accumulate thereon, the council may cause such grounds to be filled, raised, or drained, or may cause such substance to be covered or to be removed therefrom, and may collect the expense of so doing from the owner or owners, occupier or occupiers, or any of them (except in cases where such nuisance is caused by the action of the town authorities or their agents, or by natural causes beyond the control of the owner or occupant, in which case the town shall pay the expense of abating the same), by distress and sale in the same manner in which taxes levied upon real estate

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for the benefit of said town are authorized to be collected; provided, that reasonable notice and an opportunity to be heard shall be first given to said owners or their agents. In case of nonresident owners who have no agent in said town, such notice shall be given by publication at least once a week for not less than four consecutive weeks in any newspaper having general circulation in the said town.

11. Gunpowder, explosives, combustibles, kerosene oil, gasoline, fireworks; discharge of firearms; lights in barns, etc.; bonfires. To regulate and direct the location and construction of all buildings for the storage of gunpowder, explosives and combustible substances; to regulate the sale and use of gunpowder, explosives, firecrackers, fireworks, kerosene oil, gasoline, or other combustible material; to regulate or prohibit the exhibition of fireworks the discharge of firearms, the use of lights or candles in barns and stables and other outbuildings within the town, and to restrain the making of bonfires within the town.

12. Animals at large; keeping hogs. To prevent hogs, cows, horses, dogs, and other animals from running at large in the said town, and to subject the same to such confiscation, regulations, and taxes as they may deem proper, and to prevent the keeping of hogs within the limits of the town.

13. Riding and driving animals; operation of vehicles; dangerous or annoying sports; cruelty to animals. To regulate the riding and driving of horses and other animals and the operation of motor and other vehicles, but not in conflict with state law; to prevent the throwing of stones or engaging in any employment or sport on the streets, sidewalks or public alleys, dangerous or annoying to persons; and to prohibit and punish the abuse or cruel treatment of horses and other animals in said town.

14. Drunkards, etc.; preservation of peace and prevention of vice; houses of ill-fame and gambling houses; lewd, etc., conduct. 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.

15. Keeping certain persons out of town. 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.

16. Acquisition of aircraft landing fields. 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.

17. Electric light works and gas works; purchase and sale of electricity and gas. 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

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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.

18. Rates and charges for water, gas, electric and sewer service, etc.; deposit as prerequisite to service. 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.

19. Franchises. 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.

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

21. Contracting debts, borrowing money, issuing bonds, etc. 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.

22. Expenditure of town money. To expend the moneys of the town for all lawful purposes.

23. 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 the said town.

24. Inspection of meat and milk; slaughterhouses. 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 slaughterhouses 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.

25. General grant. 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.

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26. Control and regulation of municipal public utilities; sale of electricity within distance of fifteen miles; sewer connection and operation of sewer system; election on question of proposed sale of public utilities. 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 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, or the judge thereof in vacation, 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 within the County of Warren. The qualifications of voters in said special election shall be determined by existing statutes governing other special elections.

### **SEC 19           CEMETERY**

The council is empowered to acquire, by purchase, gift, devise or condemnation or otherwise, lands to be used as a place for the burial of the dead. The said council shall have the power to prescribe and enforce all needful rules and regulations not inconsistent with the laws of the state for the use, protection, and ornamentation of the cemetery; to set aside, at their discretion, by metes and bounds, any portion thereof for the interment of strangers and the indigent poor; to divide the remainder into burial lots, and sell or lease the same, and to execute all proper deeds or other writings in evidence of such sale or lease, and to prescribe what class or conditions of persons shall be admitted to interment in the cemetery. The cemetery, when established and enclosed, with the property included in it, shall be exempt from all state, county, and municipal taxation.

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## **SEC 20 SINKING FUNDS**

The council shall set aside, or cause to be set aside, a sufficient portion of the revenues of the town, during each fiscal year to meet the sinking fund requirements for that year of the respective town ordinances, both those now in effect and such as may be passed in the future, authorizing the issuance of bonds by the town. Unless otherwise provided in the ordinances passed prior to the effective date of this Charter authorizing the issuance of bonds, all sinking funds of the town shall be administered by the board of sinking fund commissioners created by Section 25 of this Charter, who shall collect, maintain, and handle the same in the manner provided by Section 25 hereof. None of the sinking funds of the town shall be appropriated or used for any purpose other than the retirement of the bonded indebtedness of the town.

## **SEC 21 PENALTY FOR VIOLATION OF ORDINANCES; IMPRISONMENT FOR FAILURE TO PAY FINE**

Where the council has authority to pass ordinances on any subject, it may prescribe any penalty not exceeding twelve months in jail or a fine not exceeding two thousand five hundred dollars and for a person convicted for a third or subsequent offense involving the same property committed within ten years of an offense under the Uniform Statewide Building Code's Property Maintenance Code, not to exceed five thousand dollars, either or both, for a violation thereof, provided that such penalty shall not exceed the penalty prescribed by general law for a like offense. (Acts 1985, ch. 53) R-29-01 Amended 12-17-01. Approved by General Assembly 3-2002. Change Effective 7-1-02.

## **SEC 22 ACQUISITION OF PRIVATE PROPERTY FOR PUBLIC PURPOSES; EMINENT DOMAIN**

The town council shall not take or use any private property for streets or other public purposes except by gift or by dedication as hereinafter is provided, without making the owner thereof just compensation for the same; but in cases where the council cannot by agreement obtain title to the ground for such purposes, the council may exercise the power of eminent domain, as provided by law.

## **SEC 23 REMOVAL OF ENCROACHMENTS ON STREETS; SETTLEMENT OF DISPUTE AS TO LOCATION OF STREET LINE; ENCROACHMENT NOT TO CONSTITUTE ADVERSE POSSESSION OR TO CONFER RIGHTS**

In every case where a street in said town has been, or shall be, encroached upon by any fence, building or otherwise, the council may require the owner to remove the same, and if such removal be not made within the time prescribed by the council, they may impose such penalty as they may deem proper for each and every day it is allowed to continue thereafter, and may cause the encroachment to be removed, and collect from the owner all reasonable charges therefor, with costs by the same process that they are hereinafter empowered to collect taxes.

## **TOWN OF FRONT ROYAL MUNICIPAL CODE**

Except, in any case where there is a bona fide dispute as to the true boundary line or the location of the true street line (and if passage over such street is not seriously impeded) the same shall first be established and determined by an adjudication of a court of competent jurisdiction in a proceeding instituted by either the town or the property owner for that purpose before the said town shall take any steps to remove the said obstruction or encroachment, or to impose any penalty therefor. No encroachment upon any street, however long continued, shall constitute any adverse possession to or confer any rights upon the persons claiming thereunder as against the said town.

### **SEC 24 DEDICATION OF STREETS**

Dedication of any street, alley or lane in said town may be made by plat or deed. Any street or alley reserved in the division or subdivision into lots of any portion of the territory within the corporate limits of said town, by a plan or plot of record, shall be deemed and held to be dedicated to public use, unless it appears by said record that the street or alley so reserved is designated for private use. The council shall have the right to elect, by resolution entered on its minutes whether it will, or will not accept the dedication of any street or alley.

### **SEC 25 BOARD OF SINKING FUND COMMISSIONERS; INVESTMENT OF SINKING FUNDS; DUTIES OF BOARD; MEMBERS OF BOARD TO GIVE BOND**

Whenever by act of the assembly or by ordinance of the council, the necessity of collecting, maintaining and handling a sinking fund for the retirement of town obligations may arise, the mayor, two members of the council and the town treasurer, shall be, and the same are hereby, constituted a board of sinking fund commissioners, who are authorized to invest such sinking fund in bonds of the United States government, those of the Town of Front Royal, and such other municipal or county bonds issued by the cities or counties in Virginia as shall meet the approval of the council, and to collect, care for, and reinvest the interest or income accruing from the same as may be directed by the town council by resolution or ordinance. Subject to the provisions of this Charter and of the general law of the state, any action which the board of sinking fund commissioners shall take shall be controlled by the affirmative vote of at least two members thereof. No fees nor commission shall be paid to any officers for the handling and control of the sinking fund.

The board of sinking fund commissioners shall have complete charge of all insurance funds, pension and relief funds, and all other funds, which may be created under authority of the council. The sinking fund commissioners shall each give bonds payable to the Town of Front Royal in such amount as the council shall prescribe and with sufficient security to be approved by the council, for the faithful discharge of their duties as sinking fund commissioners before entering upon their duties. (Acts 1975, ch. 348, p. 580)

### **SEC 26 APPOINTMENT AND COMPENSATION OF TOWN ATTORNEY; APPOINTMENT, DUTIES AND COMPENSATION OF ADDITIONAL OFFICERS AND CLERKS; OFFICERS MAY BE REQUIRED TO GIVE BOND.**

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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.

### **SEC 27 DUTIES OF THE CLERK OF THE COUNCIL**

The clerk of the council shall attend the meetings of the council, shall keep a record of its proceedings, and shall have the custody of the seal of the said town. He shall keep all papers that by the provisions of this Act, or the direction of the council, are required to be filed with or kept by him. Immediately after the close of each session of the town council, he shall make and present to the mayor and town manager a transcript of every ordinance, resolution or order concerning any public improvement, or for the payment of money, and every ordinance, resolution, order and act of legislative character passed by the town council at such session. He shall, in like manner, give notice to all persons presenting communications or petitions to the town council of the final action of the council on such communications or petitions. He shall publish such reports and ordinances as the town council may direct, and shall in general perform such other acts and duties as the council may from time to time require of him.

### **SEC 28 ANNUAL TAX LEVY**

In addition to all the other powers mentioned in this Charter, the town shall have power to raise annually 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.

### **SEC 29 SPECIAL OR LOCAL ASSESSMENTS FOR LOCAL IMPROVEMENTS**

The town council is hereby vested with power to impose special or local assessments for local improvements and enforce payment thereof, subject, however, to such limitations prescribed by the Constitution and laws of Virginia as may be in force at the time of the imposition of such special or local assessments.

### **SEC 30 TAXES OR LICENSES MAY BE REQUIRED OF TRADES, BUSINESSES, ETC**

The town council 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

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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 be required, except when prohibited by general law.

### **SEC 31 CREDIT OF DELINQUENT TAXES PAID BY TENANT**

Any payment of delinquent taxes made by the tenant, unless under an expressed contract contained in his lease, shall be a credit against the person to whom he owes the rent.

### **SEC 32 LICENSES FOR MOTOR VEHICLES, TRAILERS AND SEMITRAILERS**

The council may require of owners of motor vehicles, trailers, and semitrailers, licenses for the privilege of keeping and operating such vehicles in the town, and may levy and assess taxes and charge license fees upon such vehicles. (Acts 1968, ch. 507, Section 1.)

### **SEC 33 DISTRAINT AND SALE OF GOODS AND CHATTELS FOR TAXES**

All goods and chattels wheresoever found, may be distrained and sold for taxes assessed and due thereon, and no deed of trust nor mortgage upon goods and chattels shall prevent the same from being distrained and sold for taxes.

### **SEC 34 MAJORITY VOTE REQUIRED FOR LEVY OF TAX OR FOR CONTRACTING DEBT ABOVE ONE HUNDRED DOLLARS; EXCEPTION**

No tax shall be levied or corporate debt in excess of one hundred dollars be contracted unless by a resolution passed by a recorded vote of a majority of the council, provided however that all expenditures provided for in the budget passed by the town council shall be excepted from this provision of this Act.

### **SEC 35 LIEN ON REAL ESTATE FOR TOWN TAXES; SALE OF REAL ESTATE FOR NONPAYMENT OF TAXES; REDEMPTION OF REALTY SOLD**

There shall be a lien on real estate for the town taxes as assessed thereon from the commencement of the year for which they were assessed. The council may require real estate in the town delinquent for the nonpayment of town taxes to be sold for said taxes, with interest thereon at the rate of six per centum per annum, and such per centum as the council may prescribe for charges. Such real estate may be sold and may be redeemed in the manner provided by law; provided that at any such sale, where no person bids the amount chargeable on any such real estate, it shall be lawful for the treasurer to purchase the same for the benefit of the town upon the same terms and conditions prescribed by general law, for the purchase of delinquent real estate by the treasurer for the benefit of a city or town, respectively.

### **SEC 36 FIRE DEPARTMENT**

The town council may create and maintain a fire department for the town and it shall be the duty of the employees of this department to stand ready at all times to answer alarms of fire and make

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every effort to extinguish fires and to protect lives and property. It shall also be the duty of the employees of the fire department to make periodic inspections of the buildings and premises in the town for fire hazards, and to have corrected any situation tending to create a fire hazard, when ordered so to do by the council or the town manager. The employees of the fire department shall have special police powers when responding to alarms of fire and when making inspection for fire hazards. The town council may provide and maintain all necessary fire fighting apparatus, equipment, and alarm systems, and make such ordinances as it may deem proper and necessary to extinguish and prevent fire, to regulate the operation of the fire department, and may require citizens to render assistance to the fire department in case of need.

### **SEC 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, 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 may or may not be erected. It may prohibit the erection of wooden buildings or buildings of inflammable material in any portion of the town without its permission, and may provide for the removal of such buildings 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.

### **SEC 38 EFFECTIVE DATE OF ORDINANCES AND RESOLUTIONS GENERALLY; EMERGENCY ORDINANCES**

Ordinances making the annual tax levy, appropriation ordinances, ordinances and resolutions pertaining to local improvements and assessments, ordinances and resolutions providing for or directing any investigation of Town affairs, resolutions requesting information from administrative bodies, or directing administrative action and emergency measures shall take effect at the time indicated in such ordinances. Except as otherwise prescribed in this Charter, all other ordinances and resolutions passed by the Council shall take effect at the time indicated in such ordinances, but in the event no effective date shall be set forth in any such ordinance, resolution, or bylaw passed by the Council, the same shall become effective thirty (30) days from the date of its passage.

An emergency measure is an ordinance or resolution to provide for immediate preservation of the public peace, property, health or safety, in which the emergency claimed is set forth and defined in a preamble thereto. The affirmative vote of at least three (3) members of the Council shall be required to pass any ordinance or resolution as an emergency measure. Effective July 1,

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1994, the affirmative vote of at least four (4) members of the Council shall be required to pass any ordinance or resolution as an emergency measure. In case there shall be a tie vote among the members of Council, the vote of the Mayor, in the event of such tie, shall be controlling. (Acts 1993, ch. 479, p. 572)

### **SEC 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 said town, to be designated by the council. 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, notice of such publication and the availability of such book or pamphlet at the town hall is published in a newspaper as hereinabove required. (Acts E.S. 1936-37, ch. 44, p. 143, Acts 1964, ch. 105.)

### **SEC 40 POLICE POWERS; POLICE FORCE**

a. The council may exercise full police powers and it may establish and maintain a police force for the Town of Front Royal with such number of policemen and employees as the council may deem necessary and with the head of such force to be known as the chief of police. The chief of police and the policemen and employees of the police force shall be under the control and supervision of the town manager or the mayor as the council may deem expedient. The compensation and terms of office or employment of the chief of police and such policemen and employees of the police force as the council shall deem proper shall be fixed and determined by the council.

b. Each member of the police force and the chief of police are hereby made and constituted a conservator of the peace and endowed with all the powers of a constable in criminal cases and all other powers which under the laws of the State of Virginia and the ordinances and resolutions of the town may be necessary to enable him to discharge the duties of his office.

### **SEC 41 CONTRACTING DEBTS, ISSUING BONDS, ETC., BORROWING MONEY; GRANTING CREDIT OF TOWN**

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- a. The council may, in the name of and for the use of the town, contract debts and make and issue, or cause to be made and issued, as evidence thereof, bonds, notes or other obligations, upon the credit of the town, or solely upon the credit of specific property owned by the town, or solely upon the credit of income derived from property used in connection with any public utility owned and operated by the town.
- b. Pending the issuance and sale of any bonds, notes or other obligations by this Act authorized, or in anticipation of the receipt of taxes and revenues of the current fiscal year, it shall be lawful for the town to borrow money temporarily and to issue notes or other evidences of indebtedness therefor, and from time to time to renew such temporary loans or to use current funds to be ultimately repaid from the proceeds of the said bonds, notes or other obligations or from the town taxes and revenues, as the case may be.
- c. The credit of the town shall not, directly or indirectly, under any device or pretense whatsoever, be granted to or in aid of any person, firm, association or corporation.
- d. Every ordinance authorizing the issuance of bonds shall specify the purpose or purposes for which they are to be issued, the aggregate amount of the bonds, the term for which they shall be issued, and the maximum rate of interest to be paid thereon. Any such ordinance may be amended by ordinance at any time before the bonds to be affected by such amendment have been sold; provided, however, if there shall be omitted from this Act any provision essential to the valid authorization, sale, execution and issuance of any of the bonds of said town, the provisions of general law with reference to similar bonds shall supply said omission.
- e. Any bonds issued by the town under this Act shall be signed by the mayor and attested by the clerk under the seal of the town, and shall be made payable in the office of the town treasurer or such other place in or out of the state as the council may provide in the ordinance authorizing the issuance of the particular bonds. Such bonds shall be advertised by the mayor and sold by the town treasurer, or by the town manager as may be provided in such ordinance, under supervision of the mayor, town manager and clerk, and the sale reported to and approved by the council, and the proceeds from said sale shall be paid to the town treasurer.

### **CHAPTER VI TOWN OFFICERS**

#### **SEC 42 COMBINING OFFICES**

The town council may combine offices when not expressly prohibited, except that the assessing and collecting officers shall not be the same person.

#### **SEC 43 SALARIES AND COMPENSATION**

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The town council shall grant and pay to all town officers and employees such salaries or compensation, if any, as the said council may from time to time deem just and proper, or which shall be fixed by this Act, except as such salaries or compensation may be fixed by general law.

### **SEC 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 be sued for in the name of the town and recovered with costs; and all books, 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.

### **SEC 45 ELECTION AND TERMS OF ELECTIVE CHARTER OFFICERS**

All officers hereafter elected under this Act, shall be elected at the times and for the terms as hereinbefore provided, and shall enter upon the discharge of their duties, in accordance with the provisions of the general laws of this state concerning town officers.

### **SEC 46 APPLICATION OF LAW TO TOWN AND OFFICERS**

The Town of Front Royal and the officers thereof, elected or appointed in accordance with the provisions of this Act, shall be clothed with all the powers, and be subject to all the provisions of law not in express conflict with the provisions of this Act.

### **SEC 47 APPOINTMENT OR ELECTION OF MEMBER OF COUNCIL TO OFFICER UNDER JURISDICTION OF COUNCIL; EXCEPTION**

No member of the council of the Town of Front Royal shall be appointed or elected to any office under the jurisdiction of the council while he is a member of the council, or for one year thereafter, except that the council may appoint one of the members of the council as town treasurer with all or any part of the duties, powers, obligations and responsibilities of the town treasurer provided by this Act.

### **SEC 48 JURISDICTION BEYOND CORPORATE LIMITS**

## **TOWN OF FRONT ROYAL MUNICIPAL CODE**

The mayor, the town councilmen, the town manager, the chief of police and the members of the police force of the town shall have jurisdiction, power and authority in criminal and police matters for one mile from the corporate limits of the said town.

### **CHAPTER VII TOWN TREASURER**

#### **SEC 49 BONDS; DUTIES; APPOINTMENT AND DUTIES OF TOWN COLLECTOR**

The town treasurer shall, before entering upon the duties of his office, give bond with sufficient surety to be approved by the council, in a penalty of such amount as may be fixed by the council from time to time, payable to the Town of Front Royal, conditioned for the true and faithful performance of the duties of his office. The treasurer shall be responsible for the collection of all taxes, licenses and levies except charges for services furnished by the public utilities of the town. The council shall have authority to place in the hands of a town collector to be appointed by it the collection of any taxes, licenses and other levies at any time before they become delinquent, if in the discretion of the council it shall be proper so to do.

#### **SEC 50 TREASURER TO RECEIVE, PAY OUT, KEEP AND ACCOUNT FOR TOWN MONEY**

The town treasurer shall receive all moneys belonging to the town which it is his duty to collect from persons owing the same to the town, or which it is the duty of other officers of the town to collect and pay over to him, and pay the same out as the ordinances of the town may prescribe; to keep such moneys safely and account therefor, and to pay all drafts or orders made on him in conformity with the ordinances of the town.

#### **SEC 51 DEPOSITORIES OF TOWN FUNDS; ACCOUNT; PROHIBITED USES OF TOWN MONEY**

The funds of the town shall be deposited by the treasurer in such bank or banks as the council may direct, and such bank or banks shall give bond in such sum or sums as the council shall fix. He shall keep books showing accurately the state of his accounts and the money of the town shall be kept distinct and separate from his own money and he is hereby expressly prohibited from using directly or indirectly the town's money, checks or warrants in his custody and keeping for his own use and benefit, or that of any person or persons whomsoever, and any violation of this provision shall subject him to immediate removal from office.

#### **SEC 52 INSPECTION OF BOOKS, ETC.; TRANSFER OF BOOKS, BALANCES TO SUCCESSOR OR TO COUNCIL**

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The books and accounts of the town treasurer and all papers relating to the accounts and transactions of the town, shall be at all times subject to the inspection of the mayor, the town council, and such other persons as the council may appoint, to examine the same, and all such books and accounts, together with any balance or moneys on hand, shall be transferred by the treasurer to his successor at every new appointment, or delivered up as the council may at any time require.

### **SEC 53 MONTHLY REPORT TO COUNCIL**

The town treasurer shall, on the first day of each month, render an account to the council showing the state of the treasury on the day previous and the balance of money on hand. He shall also, if required so to do by the council, accompany such account with a statement of all money received by him and on what account, with a list of all checks paid by him during the month then closed, and shall furnish such other information, accounts and statements as the town council may direct.

### **SEC 54 ANNUAL REPORT TO COUNCIL**

The town treasurer shall annually submit to the town council, within fifteen days after the close of the fiscal year, a full and detailed account of all receipts and disbursements made during the fiscal year just closed.

### **SEC 55 HOW MONEY RECEIVED TO BE CREDITED; HOW MONEY TO BE DISBURSED**

All taxes, levies or other sums of money of whatever nature received by the town treasurer belonging to the Town of Front Royal, shall be credited by the treasurer on his books to the Town of Front Royal and shall be paid out by him only on a warrant of the clerk of the council, countersigned by the mayor.

### **SEC 56 HOW ACCOUNTS TO BE KEPT; POWER OF COUNCIL AS TO MANNER OF DEPOSIT AND DISBURSEMENT**

The treasurer shall keep a separate account of each fund and appropriation and the debits and credits belonging thereto; provided, however, that the council shall have the right to require all town funds to be deposited to the credit of the town and may prescribe by resolution or ordinance such other method of disbursement as it shall from time to time deem proper.

### **SEC 57 SPECIAL ASSESSMENT FUNDS**

## **TOWN OF FRONT ROYAL MUNICIPAL CODE**

All moneys received on all special assessments shall be held by the treasurer as a special fund, to be applied to the payment of the matter for which the assessment was made and said moneys shall be used for no other purpose.

### **SEC 58        ADDITIONAL DUTIES**

The treasurer shall perform such additional duties as may be required of him by the council not inconsistent with the laws of the state.

### **SEC 59        COMPENSATION**

The town treasurer shall receive for his services such compensation, if any, as the council may deem proper.

### **SEC 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, and if and when the council places the duties of the town treasurer, or any part of such duties, upon the town manager, the town manager 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.

## **CHAPTER VIII TOWN PLANNING**

### **SEC 61        ADOPTION OF TOWN PLAN**

The council may adopt a town plan, showing the streets, highways, and parks heretofore laid out, adopted, and established, and such town plan shall be final with respect to the location, length, and width of such streets and highways, and the location and dimensions of such parks. Such town plan is hereby declared to be established for the promotion of the health, safety, and general welfare. Upon the adoption of the town plan, or any amendment thereto, a certificate to that effect, together with a plat, shall be filed immediately with the clerk of every county affected by such town plan or amendment.

### **SEC 62        PLANNING COMMISSION**

The council is hereby authorized to appoint a town planning commission, fix the number and terms of members, remove any member for cause, fill any vacancies, which may occur, and provide for the powers and duties of such commission, not in conflict with the provisions of this Act.

### **SEC 63        AMENDMENT OF PLAN**

## **TOWN OF FRONT ROYAL MUNICIPAL CODE**

The council may at any time, after a public hearing, amend the town plan, 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 dimension of any park. Any widening, relocation, 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.

### **SEC 64 PLATS TO BE APPROVED BY COUNCIL; DUTIES OF PLANNING COMMISSION AS TO PLATS; STREETS AND PARKS; REGULATIONS AS TO FILING PLATS**

No plat showing a new street or highway within the town, shall be filed or recorded in the office of the clerk of the town or of any county until such plat has been approved by the council. Before giving any approval, the council shall refer every such plat to the town planning commission for a report, and shall not act on any plat so referred until a report has been received from the commission, unless a period of forty-five days has elapsed after the date of reference to the commission. Before reporting to the council on any plat, the commission shall hold a public hearing thereon. If any plat is disapproved by the commission, it shall report the reasons for such disapproval to the council. The council shall not approve any plat unless the streets and highways provided in such plats are of sufficient width, of proper grades, and suitably located to meet the probable traffic needs; to afford adequate light, air, and access of fire apparatus to such buildings as may be erected along the proposed streets and highways; and to insure healthful conditions on the land adjacent to such streets and highways. The council may, in appropriate cases, require that a plat, before being approved, shall provide adequate open spaces for parks, playgrounds, or other recreational uses; but the inclusion of such open spaces upon a plat does not require their dedication to public use. After a plat has been approved by the council, the streets, highways, parks, and other open spaces shall be a part of the town plan. The council, after a public hearing, may adopt general regulations in regard to the filing of plats.

#### **SEC 64-A PREREQUISITES TO APPROVAL OF PLAT BY COUNCIL**

- 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

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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 the 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 lots or lands to grade the streets and alleys therein, according to grade lines approved and established by the council.

### **SEC 65            ERECTION OF BUILDINGS WITHIN STREET LINES**

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

### **SEC 66            PLACING STREETS ON PLAN PREREQUISITE TO LAYING PUBLIC UTILITIES, GRADING, PAVING OR BUILDING HOUSE ADJACENT THERETO**

If such town plan is adopted, no public sewer, water pipe, or other public utility shall be laid and no grading or paving shall be done by the town in any street or highway in the town, unless such street or highway has been placed upon the town plan by the council. No permit shall be issued for any building in the town unless such building is located adjacent to a street or highway which has been placed upon the town plan by the council. Provided, however, where the literal enforcement of the provisions of this section would result in practical difficulty or unnecessary hardship, or where the nature or use of the proposed building does not require its location to be

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adjacent to a street or highway, the board of appeals, by a majority vote of all its members, may issue a permit for a building, upon such condition as the board may deem necessary to preserve the integrity of the town plan and to insure the proper location of future streets and highways in the town and the surrounding area. Any decisions of the board of appeals, rendered under the provisions of this section, shall be subject to the same court review as provided for zoning decisions of the board.

## CHAPTER IX ZONING

### **SEC 67        GENERALLY**

For the purpose stated in Chapter 197 of the Acts of Assembly, approved March eighteenth, nineteen hundred and twenty-six, the town council is hereby empowered to pass zoning ordinances in conformity with the said Act, as amended, subject, however, to the following modifications thereto:

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

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

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

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

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

### **CHAPTER X GENERAL PROVISIONS**

#### **SEC 68 CERTAIN OFFICERS MAY ADMINISTER OATHS, ETC**

The mayor, town clerk, town treasurer, and town manager shall have power to administer oaths and to take and sign affidavits in the discharge of their respective official duties.

#### **SEC 69 INVESTIGATIONS INTO TOWN AFFAIRS**

The council, mayor, and any officer, board or commission authorized by the council, shall have power to make investigations as to town affairs and for that purpose to subpoena witnesses, administer oaths and compel the production of books and papers.

Any person refusing or failing to attend or to testify or to produce such books and papers may, by summons issued by such officer or board or the town council, be summoned before the mayor of said town by the board, official or council making such investigation and upon his failure to give satisfactory explanation of such failure or refusal, may be fined by the mayor not exceeding one hundred dollars or imprisoned not exceeding thirty days, and such person shall have the right to appeal to the circuit court of Warren County. Any person who shall give false testimony under oath at any such investigation shall be liable to prosecution for perjury.

#### **SEC 70 CHANGE OF PLAN OF GOVERNMENT**

The plan of government provided by this Charter may be changed to any other plan provided for the government of incorporated towns in the manner provided by general law therefor; and if and when the Town of Front Royal shall become a city of the second class in the manner provided by general law, the plan of government provided by this Charter shall continue so far as applicable, but such plan of government may be changed to any other plan provided for the government of cities of the second class at any time in the manner provided by general law.

#### **SEC 70-A EDUCATIONAL SYSTEM IN EVENT OF ESTABLISHMENT AS CITY**

In the event the Town of Front Royal is established as a city, it is hereby authorized to enter into contract with the county school board of Warren County, Virginia, for furnishing public school facilities for the city, in which event, with the approval of the state board of education, the county and city shall be constituted as one school system for the establishment, operation, maintenance and management of the public schools within the county and city; and provided further that representation on the county school board of Warren County for the City of Front Royal shall consist of one representative from each magisterial district (or ward) of the City of

## **TOWN OF FRONT ROYAL MUNICIPAL CODE**

Front Royal to be appointed as provided in Section 653-a1 and 653-a2, Acts 1942, chapter 422. (Acts 1944, ch. 209, p. 301.)

### **SEC 71 NO CONFLICT WITH ALCOHOLIC BEVERAGE CONTROL ACT**

Nothing in this Act shall authorize any ordinance in conflict with any provisions of the Virginia Alcoholic Beverage Control Act.

### **SEC 72 PROHIBITED TAX LEVIES**

The town shall not levy any tax which is prohibited by the Constitution of Virginia or by general law.

### **SEC 73 SEPARABILITY OF PROVISIONS OF CHARTER**

If any clause, sentence, paragraph or part of this Act shall, for any reason, be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of said Act, but shall be confined in its operation to the clause, sentence, paragraph or part thereof which is so held invalid.

### **SEC 74 REPEAL OF ACTS CONFLICTING WITH CHARTER**

All Acts and parts of Acts in conflict with any of the provisions of this Act are hereby repealed.

### **SEC 75 EFFECTIVE DATE OF CHARTER**

It being desirable to put into operation certain provisions of this Charter without delay, an emergency is declared to exist and this Act shall be in force and effect from and after the date of its passage.