



TOWN COUNCIL WORK SESSION

Monday, August 3, 2020 @ 7:00pm

Town Hall Conference Room

1. Presentation from Paul Almeter Pertaining to Cherrydale Apartments
2. Mural Update – *Interim Town Manager*
3. Second Amendment Resolution – *Interim Town Manager*
4. Resolution - COVID-19 Infectious Disease Preparedness/Response Plan – *Risk Management*
5. South St Improvements from Hill St to Royal Plaza shopping center – *Director of Public Works*
6. Proposed amendments to Town Code Chapter 138, “Peddlers, Solicitors, and Itinerant Merchants” – *Town Attorney*
7. CLOSED MEETING – Personnel and Pending Litigation

Motion to Go Into Closed Meeting

I move that Town Council go into Closed Meeting to discuss and consider the 1) assignment, appointment, promotion, performance and salaries of specific public officers, appointees, or employees of the Town, pursuant to Section 2.2-3711. A. 1. of the Code of Virginia ; AND 2) Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation with EDA, where such consultation or briefing in Open Meeting would adversely affect the negotiating or litigating posture of Town Council; "probable litigation" meaning litigation that has been specifically threatened or on which the public body or its legal counsel has a reasonable basis to believe will be commenced by or against a known party; pursuant to Section 2.2-3711. A. 7. of the Code of Virginia.

Motion to Certify Closed Meeting at its Conclusion *[At the conclusion of the Closed Meeting, immediately re-convene in open meeting and take a roll call vote on the following:]*

I move that the Mayor and Council certify that to the best of each member's knowledge, as recognized by each Mayor and Council member's affirmative vote, that only such public business matters lawfully exempted from Open Meeting requirements under the Virginia Freedom of Information Act as were identified in the motion by which the Closed Meeting was convened were heard, discussed or considered in the Closed Meeting by the Mayor and Council, and that the vote of each individual member of the Mayor and Council be taken by roll call and recorded and included in the minutes of the meeting of Town Council.

1



Work Session Agenda Form

Item # 1

DATE: August 3, 2020

AGENDA ITEM: Presentation from Paul Almeter Pertaining to Cherrydale Apartment

SUMMARY: Mayor Tewalt upon request of Councilman Meza added this item to the agenda.

BUDGET/FUNDING: N/A

STAFF RECOMMENDATION: Council takes desired action.

Work Session

2



Work Session Agenda Form

Item # 2

DATE: August 3, 2020

AGENDA ITEM: Mural Update

SUMMARY: Interim Town Manager Tederick will give Council an update on the Murals as part of the CDBG Project

BUDGET/FUNDING: N/A

STAFF RECOMMENDATION: Council takes desired action.

Work Session

3



Work Session Agenda Form

Item # 3

DATE: 8/3/20

AGENDA ITEM: Resolution - Second Amendment Resolution

SUMMARY: At the July 13, 2020 Regular Council Meeting, Paul Aldrich requested that Council consider passing a Resolution known as the "Second Amendment Resolution. Per Town Attorney Napier, if approved the resolution would prohibit the Town from not allowing people to carry firearms into Town Council Meetings, Town hall, Town Manager's Office, etc. highlighting (E) of the State Code.

Note: Resolution and State Code Reference is attached.

BUDGET/FUNDING: N/A

STAFF RECOMMENDATION: Council takes desired action

Work Session

RESOLUTION OF FRONT ROYAL TOWN COUNCIL

WHEREAS, in acknowledgment of its deep commitment to the rights of all citizens of, and visitors to, Front Royal to keep and bear arms, Front Royal Town Council previously declared Front Royal to be a 'Second Amendment Sanctuary', and

WHEREAS, certain legislation has been passed in the Virginia General Assembly that allows localities to, by ordinance, ban otherwise lawfully possessed and transported firearms from certain public spaces, causing law-abiding citizens to be exposed to a patchwork of local ordinances as they travel throughout the Commonwealth, and

WHEREAS, the Front Royal Town Council acknowledges the significant economic contribution made to our community by tourists and visitors and does not wish to discourage travel to Front Royal, and

WHEREAS, Front Royal wishes to welcome all law-abiding citizens who wish to live in, visit, or otherwise participate in the economy of our community, including those citizens and visitors who choose to legally carry a firearm for personal protection, and

WHEREAS, the Front Royal Town Council does not wish to infringe on the rights of the citizens of, or visitors to, Front Royal to keep and bear arms, and

WHEREAS, the Front Royal Town Council wishes to express its continued opposition to any law that would unconstitutionally restrict the rights of the citizens of, and visitors to, Front Royal to keep and bear arms.

NOW, THEREFORE, BE IT RESOLVED by the Town Council of Front Royal Virginia:

That the Front Royal Town Council hereby declares Front Royal, Virginia shall not exercise any authority granted to it by § 15.2-915(E) of the Code of Virginia to regulate or prohibit the otherwise legal purchase, possession, or transfer of firearms or ammunition.

The undersigned clerk of the Town Council of the Town of Front Royal, hereby certifies that the resolution set forth above was adopted during an open meeting on <DATE>, 2020, by the Town Council with the following votes:

§ 15.2-915. Control of firearms; applicability to authorities and local governmental agencies

A. No locality shall adopt or enforce any ordinance, resolution, or motion, as permitted by § 15.2-1425, and no agent of such locality shall take any administrative action, governing the purchase, possession, transfer, ownership, carrying, storage, or transporting of firearms, ammunition, or components or combination thereof other than those expressly authorized by statute. For purposes of this section, a statute that does not refer to firearms, ammunition, or components or combination thereof shall not be construed to provide express authorization.

Nothing in this section shall prohibit a locality from adopting workplace rules relating to terms and conditions of employment of the workforce. However, no locality shall adopt any workplace rule, other than for the purposes of a community services board or behavioral health authority as defined in § 37.2-100, that prevents an employee of that locality from storing at that locality's workplace a lawfully possessed firearm and ammunition in a locked private motor vehicle. Nothing in this section shall prohibit a law-enforcement officer, as defined in § 9.1-101, from acting within the scope of his duties.

The provisions of this section applicable to a locality shall also apply to any authority or to a local governmental entity, including a department or agency, but not including any local or regional jail, juvenile detention facility, or state-governed entity, department, or agency.

B. Any local ordinance, resolution, or motion adopted prior to July 1, 2004, governing the purchase, possession, transfer, ownership, carrying, or transporting of firearms, ammunition, or components or combination thereof, other than those expressly authorized by statute, is invalid.

C. In addition to any other relief provided, the court may award reasonable attorney fees, expenses, and court costs to any person, group, or entity that prevails in an action challenging (i) an ordinance, resolution, or motion as being in conflict with this section or (ii) an administrative action taken in bad faith as being in conflict with this section.

D. For purposes of this section, "workplace" means "workplace of the locality."

E. Notwithstanding the provisions of this section, a locality may adopt an ordinance that prohibits the possession, carrying, or transportation of any firearms, ammunition, or components or combination thereof (i) in any building, or part thereof, owned or used by such locality, or by any authority or local governmental entity created or controlled by the locality, for governmental purposes; (ii) in any public park owned or operated by the locality, or by any authority or local governmental entity created or controlled by the locality; (iii) in any recreation or community center facility operated by the locality, or by any authority or local governmental entity created or controlled by the locality; or (iv) in any public street, road, alley, or sidewalk or public right-of-way or any other place of whatever nature that is open to the public and is being used by or is adjacent to a permitted event or an event that would otherwise require a permit. In buildings that are not owned by a locality, or by any authority or local governmental entity created or controlled by the locality, such ordinance shall apply only to the part of the building that is being used for a governmental purpose and when such building, or part thereof, is being

used for a governmental purpose.

Any such ordinance may include security measures that are designed to reasonably prevent the unauthorized access of such buildings, parks, recreation or community center facilities, or public streets, roads, alleys, or sidewalks or public rights-of-way or any other place of whatever nature that is open to the public and is being used by or is adjacent to a permitted event or an event that would otherwise require a permit by a person with any firearms, ammunition, or components or combination thereof, such as the use of metal detectors and increased use of security personnel.

The provisions of this subsection shall not apply to the activities of (i) a Senior Reserve Officers' Training Corps program operated at a public or private institution of higher education in accordance with the provisions of 10 U.S.C. § 2101 et seq. or (ii) any intercollegiate athletics program operated by a public or private institution of higher education and governed by the National Collegiate Athletic Association or any club sports team recognized by a public or private institution of higher education where the sport engaged in by such program or team involves the use of a firearm. Such activities shall follow strict guidelines developed by such institutions for these activities and shall be conducted under the supervision of staff officials of such institutions.

F. Notice of any ordinance adopted pursuant to subsection E shall be posted (i) at all entrances of any building, or part thereof, owned or used by the locality, or by any authority or local governmental entity created or controlled by the locality, for governmental purposes; (ii) at all entrances of any public park owned or operated by the locality, or by any authority or local governmental entity created or controlled by the locality; (iii) at all entrances of any recreation or community center facilities operated by the locality, or by any authority or local governmental entity created or controlled by the locality; and (iv) at all entrances or other appropriate places of ingress and egress to any public street, road, alley, or sidewalk or public right-of-way or any other place of whatever nature that is open to the public and is being used by or is adjacent to a permitted event or an event that would otherwise require a permit.

1987, c. 629, § 15.1-29.15; 1988, c. 392; 1997, cc. 550, 587; 2002, c. 484; 2003, c. 943; 2004, cc. 837, 923; 2009, cc. 735, 772; 2012, c. 757; 2020, cc. 1205, 1247.

The chapters of the acts of assembly referenced in the historical citation at the end of this section may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

4



Work Session Agenda Form

Item # 4

DATE: August 3, 2020

AGENDA ITEM: Front Royal COVID-19 Infectious Disease Preparedness and Response Plan

SUMMARY: The Virginia Occupational Safety and Health (VOSH) program published the Virginia Safety and Health Codes Board's Emergency Temporary Standard for Infectious Disease Prevention: SARS-CoV-2 Virus That Causes COVID-19, 16VAC25-220, with an effective date of July 27, 2020. The standard is designed to establish requirements for employers to control, prevent, and mitigate the spread of SARS-CoV-2, the virus that causes COVID-19, to and among employees and employers. It applies to all employees and employers under the jurisdiction of the Virginia Occupational Safety and Health (VOSH) program. The Town is required to adopt a written Infectious Disease Preparedness and Response Plan in conjunction with the standard within sixty (60) days of publication (July 27, 2020). Please find said plan attached for adoption.

BUDGET/FUNDING: N/A

STAFF RECOMMENDATION: Staff recommends adoption of the attached Town of Front Royal COVID-19 Infectious Disease Preparedness and Response Plan.

Work Session

RESOLUTION
Town of Front Royal COVID-19 Infectious Disease
Preparedness and Response Plan

WHEREAS, on July 27th, 2020, the Virginia Occupational Safety and Health (VOSH) program published the Virginia Safety and Health Codes Board's Emergency Temporary Standard (ETS) for Infectious Disease Prevention: SARS-CoV-2 Virus That Causes COVID-19, 16VAC25-220, which became effective immediately; and,

WHEREAS, this emergency temporary standard is designed to establish requirements for employers to control, prevent, and mitigate the spread of SARS-CoV-2, the virus that causes COVID-19 to and among employees and employers; and,

WHEREAS, this emergency temporary standard applies to all employees and employers under the jurisdiction of the Virginia Occupational Safety and Health (VOSH) program; and,

WHEREAS, under this emergency temporary standard, the Town of Front Royal is required to adopt a written Infectious Disease Preparedness and Response Plan within sixty (60) days of publication (July 27, 2020); and,

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Town of Front Royal, Virginia hereby adopt said Town of Front Royal COVID-19 Infectious Disease Preparedness and Response Plan.

APPROVED:

Eugene R. Tewalt, Mayor

Attest:

Tina L. Presley Clerk of Council

THIS RESOLUTION was approved at the Regular Meeting of the Town of Front Royal, Virginia, Town Council conducted on _____ upon the following recorded vote:

William A. Sealock	<u>Yes/No</u>	Gary L. Gillispie	<u>Yes/No</u>
Lori A. Cockrell	<u>Yes/No</u>	Jacob L. Meza	<u>Yes/No</u>
Chris Holloway	<u>Yes/No</u>	Letasha T. Thompson	<u>Yes/No</u>

Approved as to Form and Legality:

Douglas W. Napier, Town Attorney

Dated: _____



TOWN OF FRONT ROYAL, VA

COVID-19 Infectious Disease Preparedness and Response Plan

Town of Front Royal, VA

Adoption Date:

Revision(s):

Organization Policy

In response to the COVID-19 pandemic, the Town of Front Royal is committed to providing a safe and healthy workplace for its workers and citizens. Managers and workers are all responsible for implementing this plan. Our goal is to mitigate the potential for transmission of COVID-19 in our workplace and community, and that requires full cooperation among our workers and management. Only through this cooperative effort can we establish and maintain the safety and health of our workers and workplace.

Management and workers are responsible for implementing and complying with all aspects of this COVID-19 Preparedness Plan. Managers and supervisors have our full support in enforcing the provisions of this policy. Employees failing to abide by the requirements of this policy may receive disciplinary action in conformance with the employee handbook.

The Virginia Department of Labor and Industry (DOLI) at the direction of Virginia Governor Ralph Northam has developed and implemented the policies set forth in Virginia Code 16 VAC 25-220. This Emergency Temporary Standard for preventing the infectious disease SARS-CoV-2 (otherwise known as COVID-19) is designed to prevent the spread of COVID-19 and protect Virginia's workers. The Town of Front Royal is dedicated to ensuring that our employees (full-time, part-time, and temporary) are fully protected, and can return to their families at the conclusion of their shifts. This policy sets forth the measures, policies, assessments, and enforcement measures that the Town will utilize to ensure the best possible outcome.

Should you have any questions please contact your supervisor or Human Resources to address any questions or concerns that you may have.

Thank you,

The Town of Front Royal

Definitions

Administrative Control: Any procedures which significantly limits daily exposure to COVID-19 related to workplace hazards and job tasks by control or manipulation of the work schedule or manner in which the work is performed. Personal Protective Equipment (PPE) is not considered an administrative control.

Asymptomatic: A Person who does not have symptoms.

Close Contact: Any individual within six (6) feet of an infected person for at least fifteen (15) minutes starting from two (2) days before the person became sick until the person was isolated.

Engineering Control: The use of substitution, isolation, ventilation, and equipment modification to reduce exposure to COVID-19 related workplace hazards and job tasks.

Exposure Risk Level: Assessment of the possibility that an employee could be exposed to the hazards associated with COVID-19 disease which are based on risk factors present during the course of employment regardless of location. These have been broken down to “very high”, “high”, “medium”, and “lower”.

- **Very High:** Exposure risk hazards or job tasks are those in places of employment with high potential for employee exposure to known or suspected sources of the COVID-19 including but not limited to specific medical, postmortem, or laboratory procedures.
- **High:** Exposure risk hazards or job tasks are those in places of employment with high potential for employee exposure with known or suspected sources of COVID-19 that are not otherwise classified as “very high”.
- **Medium:** Exposure risk hazards or job tasks that are not otherwise classified as very high or high and require more than minimal occupational contact with other employees or persons who may be infected with, but are not known or suspected COVID-19 carriers.
- **Lower:** Exposure risk hazards or job tasks are those not otherwise classified as very high, high, or medium, that do not require contact with person known to be, or suspected of being, or who may be infected with, nor contact with other employees, other persons or the general public except as otherwise provided in this definition.

Face Covering: Item normally made of cloth or various other materials with elastic bands or cloth ties to secure over the wearer’s nose and mouth in an effort to contain or reduce the spread of potentially infectious respiratory secretions at the source. A face covering is not subject to testing and approval by a state government agency, so it is not considered a form of personal protective equipment or respiratory protection equipment under VOSH laws, rules, regulations, and standards.

Physical Distancing: Keeping space between yourself and other persons while conducting work-related activities inside and outside of the physical establishment by staying at least six (6) feet from other persons.

Symptomatic: Employee is experiencing symptoms similar to those attributed to COVID-19 including fever or chills, cough, shortness of breath or difficulty breathing, fatigue, muscle or body aches, headache, new loss of taste or smell, sore throat, congestion or runny nose, nausea or vomiting, or diarrhea. Symptoms may appear in two (2) to fourteen (14) days after exposure to the virus.

Employer Requirements

Employee Health, Screening, and Leave Policies

Employees are encouraged to self-monitor for signs and symptoms of suspected COVID-19 infection. These signs and symptoms may include the following: fever or chills, cough, shortness of breath or difficulty breathing, fatigue, muscle or body aches, headache, new loss of taste or smell, sore throat, congestion or runny nose, nausea or vomiting, or diarrhea. Symptoms may appear in 2 to 14 days after exposure to the virus.

Employees who are experiencing symptoms listed above must stay home and notify a supervisor of your absence. On a case-by-case basis, you may be authorized to work remotely. Should the need arise to remain away from work for an extended period of time due to COVID-19, refer to the Town's COVID-19 Alternate Work and Leave Policy.

Employee screening procedures have been implemented to assess workers' health status at the beginning of each shift. If an employee presents with a fever at or above 100.4 degrees Fahrenheit or is experiencing other COVID-19 symptoms while at work, that employee is to be immediately separated from all other employees and sent home. If necessary, the police department should be utilized for the safe transport of an employee to their home or healthcare provider.

If employees are sick or experiencing symptoms at home, they should notify their supervisor, stay home, and follow CDC recommended steps. Employees should not return to work until the criteria to discontinue home isolation are met, in consultation with healthcare providers. Employees who are well but who have a sick family member at home with COVID-19 should notify their supervisor and follow CDC recommended precautions.

The Town has implemented leave policies that promote workers staying at home when they are sick, when household members are sick, or when required by a health care provider to isolate or quarantine themselves or a member of their household (Town of Front Royal COVID-19 Alternate Work and Leave Policy). The leave policy is in conjunction with the Families First Coronavirus Response Act (FFCRA), federal and state guidelines, and the Town's employee handbook. Town employees are entitled to paid leave through the Emergency Paid Sick Leave Act and the Emergency Family and Medical Leave Expansion Act. The Town has also implemented a borrowed leave policy to encourage employees to stay home when sick. Accommodations have been implemented in compliance with Americans with Disabilities Act (ADA) and Age Discrimination in Employment Act (ADEA) regulations for self-identified workers who are considered higher risk for severe illness from COVID-19 as defined by the CDC.

Contractors

Any organization conducting contracting work with the Town is required to impress upon the contractor(s) about the importance of suspected COVID-19 contractors or temporary employees staying home. Known or suspected COVID-19 contractors or temporary workers shall not report to work or be allowed to remain on the job site until cleared to return to work.

Employees who are required to interact with customers, contractors, or the general public will be provided with, and must immediately use supplies to clean and disinfect areas where there is potential for exposure to COVID-19. All common areas (bathrooms, and other frequently touched surfaces) must be cleaned at least at the end of each shift or as determined by enhanced cleaning procedures.

Physical Distancing

To reduce the spread of COVID-19, employees, unless infeasible, will be required to practice physical distancing. When physical distancing is infeasible, employees will be required to ensure the use of a face covering. If a face covering is contrary to an employee's safety or health, a face covering is not required; however, based on physical distancing, the employee may be required to utilize a face shield or other PPE device to ensure protection.

Physical distancing of six feet is to be maintained between workers, customers, and visitors in the workplace through the following engineering and administrative controls:

- Markings/signage to instruct visitors and customers about social distancing
- Designed customer flow to maintain social distancing
- Increased physical space between workers
- Increased protection between workers and customers/visitors (barriers/guards)
- Alternate shifts and/or flexible work hours to reduce the number of employees in the workplace at one time
- Controlled access to non-public facilities
- Telework
- Personal Protective Equipment (PPE) (i.e. face coverings, gloves, etc.)
- Customers and visitors are encouraged through signage and public notice to wear face coverings
- Disinfectant is provided for all departments and available to all employees and workstations

Employees, customers, and visitors will be prevented from gathering in groups in common and confined areas. Calls, emails, messaging, virtual and video conferencing should be utilized as much as possible to avoid face-to-face meetings. Personal protective equipment, phones, pens, computer equipment, desks, workstations, offices or other personal work tools and equipment are not to be shared and, if used by more than one person, must be cleaned and disinfected between users.

Hygiene and Respiratory Etiquette

Handwashing: Basic infection prevention measures are being implemented at our workplaces at all times. Workers are instructed to wash their hands for at least 20 seconds with soap and water frequently throughout the day, but especially at the beginning and end of their shift, prior to any mealtimes and after using the toilet. Hand sanitizer dispensers are at entrances and locations throughout the workplace so they can be used for hand hygiene in place of soap and water, as long as hands are not visibly soiled. Hand sanitizer is also available for customers and visitors upon entering buildings.

Respiratory etiquette - Cover your cough or sneeze: Workers are to cover their mouth and nose with their sleeve or a tissue when coughing or sneezing and to avoid touching their face, particularly their mouth, nose, and eyes, with their hands. They should dispose of tissues in provided trash receptacles and wash or sanitize their hands immediately afterward. Respiratory etiquette will be demonstrated on signage and supported by making tissues and trash receptacles available to all workers and visitors.

Cleaning, Disinfection, and Ventilation

Regular housekeeping practices have been implemented, including increased cleaning and disinfecting of work surfaces, equipment, tools and machinery, and areas in the work environment including restrooms, break rooms, meeting rooms, and areas open to the public. For high contact areas, surfaces are to be routinely disinfected, to include touch screens, controls, door handles, railings, copy/print machines, credit card readers, etc.

Appropriate and effective cleaning and disinfectant supplies have been purchased and are available for use in accordance with product labels, safety data sheets and manufacturer specifications and are being used with required personal protective equipment for the product. Ventilation systems are being properly used and maintained.

Follow the CDC cleaning and disinfection recommendations:

- Clean dirty surfaces with soap and water before disinfecting them.
- To disinfect surfaces, use products that meet EPA criteria for use against SARS-Cov-2, the virus that causes COVID-19, and are appropriate for the surface.
- Always wear gloves and gowns appropriate for the chemicals being used when you are cleaning and disinfecting.
- You may need to wear additional PPE depending on the setting and disinfectant product you are using. For each product you use, consult and follow the manufacturer's instructions for use.

If an employee is suspected or confirmed to have COVID-19 infection, and it has been less than 7 days since the sick employee has been in the facility, close off any areas used for prolonged periods of time by the sick person. Wait 24 hours before cleaning and disinfecting to minimize potential for other employees being exposed to respiratory droplets. If waiting 24 hours is not feasible, wait as long as possible. During this waiting period, open outside doors and windows to increase air circulation in these areas.

Communication Requirements

If an employee of the Town is suspected or has tested positive for COVID-19, the following guidelines are to be followed:

If an employer (supervisor) is notified of a positive test for one of its own employees, contractors, temporary employees, or other person who was present at the place of employment within the previous fourteen (14) days, the employer shall notify:

- Its own employees at the same place of employment who may have been exposed within twenty-four (24) hours of discovery while keeping confidential the identity of the COVID-19 person in accordance with the Americans with Disabilities Act (ADA) and other applicable laws and regulations.
- Other employers whose employees were present at the work site during the same time period; and the building/facility owner (if different from the employer).

Return to Work

One of the following strategy conditions must be fully met before an employee is permitted to return to work:

Time-based strategy

Employees who are suspected or known COVID-19 employees may return to work when 72 (seventy-two) hours have passed since recovery (resolution of fever without the use of fever-reducing medications, and improvement in respiratory symptoms); AND at least ten (10) days have passed since the symptoms first appeared.

Test-based strategy

Employees who are suspected or known COVID-19 employees may return to work when there is a resolution of fever without the use of fever-reducing medications and improvement in respiratory symptoms, AND two (2) consecutive negative results from a U.S. Food and Drug Administration Emergency Use COVID-19 test taken at least 24 (twenty-four) hours apart. An employee has the right to refuse the COVID-19 test; however, the employer will then be required to follow the symptom time-based strategy.

Training

The Town of Front Royal is dedicated to ensuring employee protection. This is done to ensure that employees can return home to their families safely at the conclusion of their shifts. To do that, employees must be effectively trained. Training will be accomplished as prescribed below:

- To all employees initially
- To all employees who lack understanding of the policy

- To all newly hired employees

Training will cover the information as prescribed below:

- COVID-19 signs and symptoms
- Self-monitoring for signs and symptoms
- Employer responsibilities and return to work policy
- Cleaning and disinfecting
- Specific COVID-19 analysis for employee jobs
- Town's enforcement policy
- Allow for questions and answers

Anti-Discrimination

Discrimination against an employee for exercising rights under the safety and health provisions of the Emergency Temporary Standard, Title 40.1 of the Code of Virginia, and implementing regulations under §16VAC25-60-110 is prohibited. Employees shall not be discharged or discriminated against for:

- wearing their own personal protective equipment, provided that the PPE does not create a greater hazard to the employee or create a serious hazard for other employees.
- voicing a reasonable concern about unsafe conditions or infection control related to the SARS-CoV-2 virus and COVID-19 disease.

Responsible Party

The Town of Front Royal has developed this policy based on the temporary 16 VAC 25-220 Emergency Temporary Standard developed by the Virginia DOLI. This policy is designed to be in place through January 15, 2021; however, this policy may be continued by the Town based on Federal, State, or local guidelines. The Town's Human Resources Office is responsible to ensure the adoption, dissemination, and enforcement of this policy for the safety and health of the employees of the Town of Front Royal.

Managers and supervisors are to monitor how effective the program is being implemented and provide feedback to Human Resources. Managers and workers are to work through this new program together and update the training as necessary. Employees are to report any safety and health concerns immediately to Human Resources.

Human Resources
Office: (540) 635-3929
Fax: (540) 631-9006

Julie Bush, Director
Cell: (540) 692-4750
jbush@frontroyalva.com

Laura McIntosh, Deputy Director
Cell: (540) 660-4542
lmcintosh@frontroyalva.com

Job Safety COVID-19 Analysis

Exposure	Potential Risks	Infection Protection Measures	Department/Work Class Groups
Lower Exposure Risk (Caution)	Lower exposure risk (caution) jobs are those that do not require contact with people known to be, or suspected of being, infected with COVID-19 nor frequent close contact with (within six (6) feet of) the general public. Workers in this category have minimal occupational contact with the public and other coworkers.	• Promote frequent and thorough hand washing • Provide alcohol-based hand rubs containing at least 60% alcohol • Encourage employees to stay home if they are sick • Encourage respiratory etiquette, including covering coughs and sneezes. • Take advantage of policies and practices, such as flexible worksites (e.g., telecommuting) and flexible work hours (e.g., staggered shifts), to increase the physical distance among employees. • Discourage employees from using other's phones, desks, offices, or other work tools and equipment, when possible. • Maintain regular housekeeping practices, including routine cleaning and disinfecting of surfaces, equipment, and other elements of the work environment.	Police Department: office personnel (administrative assistants, records, evidence); communications officers & supervisor Electric Department: office personnel Public Works Department: office personnel Fleet Department: automotive technicians & director Water Treatment Plant: all staff Wastewater Treatment Plant: all staff Finance Department: director, manager, purchasing manager/assistant manager Planning Department: office personnel Information Technology Department: office personnel Human Resources Department: office personnel Legal Department: office personnel

			Town Manager Department: office personnel
Exposure	Potential Risks	Infection Protection Measures	Department/Work Class Groups
Medium Exposure Risk	Medium exposure risk jobs include those that require frequent and/or close contact with (within six (6) feet of) people who may be infected with COVID-19, but who are not known or suspected COVID-19 patients. (Schools, juvenile detention centers, jails, sports, venues, entertainment, airports, bus and transit stations, high-population-density work environments, and some high-volume service settings).	• Includes recommended safe job procedures from lower exposure risk above. • Install physical barriers, such as clear plastic sneeze guards, where feasible. • Consider offering face masks to ill employees and customers to contain respiratory secretions until they are able leave the workplace (i.e., for medical evaluation/care or to return home). • Keep customers informed about symptoms of COVID-19 and ask sick customers to minimize contact with workers until healthy again, such as by posting signs about COVID-19 in areas where sick customers may visit. • Where appropriate, limit customers' and the public's access to the worksite, or restrict access to only certain workplace areas. • Consider strategies to minimize face-to-face contact (e.g., remote delivery, phone-based communication, telework). • Communicate the availability of medical screening or other employee health resources (e.g. telemedicine services). • Workers with medium exposure risk may need to wear some combination of gloves, a gown, a face mask, and/or a face shield or goggles. PPE for employees in the medium exposure risk category will vary by work	Streets Department: maintenance workers, equipment operators & supervisors Water/Sewer Department: utility line technicians, equipment operators & supervisors Solid Waste Department: solid waste workers, equipment operators, recycle attendants & supervisors Horticulture Department: maintenance workers & supervisors General Properties: custodians and maintenance technician Electric Department: line technicians, meter technicians, control technicians, engineering technicians & supervisors Finance Department: customer service specialists, account technicians & financial analyst Meter Readers

Medium Exposure Risk (cont.)		task, the results of the employer's hazard assessment, and the types of exposures workers have on the job.	Tourism Department: customer service specialists & supervisor School crossing guards
High Exposure Risk	High exposure risk jobs are those with high potential for exposure to known or suspected sources of COVID-19. Workers in this category include: - Healthcare delivery and Emergency staff (e.g., doctors, nurses, emergency response staff who must enter patients' rooms/homes) exposed to known or suspected COVID-19 patients. - Medical transport workers (e.g., ambulance vehicle operators) or Law Enforcement moving known or suspected COVID-19 patients in enclosed vehicles.	- Includes recommended safe job procedures from Lower and Medium exposure risks above. - Post signs requesting those who enter to use face coverings or disposable face masks and to immediately report symptoms of respiratory illness on arrival. - Prompt identification and isolation of potentially infectious individuals is a critical step in protecting workers, customers, visitors, and others at a worksite. - Encourage employees to self-monitor for signs and symptoms of COVID-19 if they suspect possible exposure. - Communicate procedures for employees to report when they are sick or experiencing symptoms of COVID-19. - Where appropriate, develop procedures for immediately isolating people who have signs and/or symptoms of COVID-19, and train workers to implement them. Move potentially infectious people to a location away from workers, customers, and other visitors. Although most worksites do not have specific isolation rooms, designated areas with closable doors may serve as isolation rooms until potentially sick people can be removed from the worksite. - Take steps to limit spread of the respiratory secretions of a	Sworn Police Officers (includes all ranks, criminal investigations and drug task force)

High Exposure Risk (cont.)		person who may have COVID-19. Provide a face mask, if feasible and available, and ask the person to wear it, if tolerated. Note: A face mask (also called a surgical mask, procedure mask, or other similar terms) on a patient or other sick person should not be confused with PPE for a worker; the mask acts to contain potentially infectious respiratory secretions at the source (i.e., the person's nose and mouth) • Restrict the number of personnel entering isolation areas. • Consider offering enhanced medical monitoring of workers during COVID-19 outbreaks. • Provide personnel who may be exposed while working away from fixed facilities with alcohol-based hand rubs containing at least 60% alcohol for decontamination in the field.	
Very High Exposure Risk	Very high exposure risk jobs are those with high potential for exposure to known or suspected sources of COVID-19 during specific medical, postmortem, or laboratory procedures. Workers in this category include: • Healthcare workers (doctors, nurses, paramedics, emergency medical technicians)	• Includes recommended safe job procedures from Lower, Medium and High exposure risks above. • Most workers at high or very high exposure risk likely need to wear gloves, a gown, a face shield or goggles, and either a face mask or a respirator, depending on their job tasks and exposure risks. • Those who work closely with (either in contact with or within 6 feet of) patients known to be, or suspected of being, infected with SARS-CoV-2, the virus that causes COVID-19, should wear respirators. For the most up-to-date information, visit	None

	performing aerosol-generating procedures (e.g., intubation, cough induction procedures, bronchoscopies, or invasive specimen collection) on known or suspected COVID-19 patients. Healthcare or laboratory personnel collecting or handling specimens from known or suspected COVID-19 patients (e.g., manipulating cultures from known or suspected COVID-19 patients).	OSHA's COVID-19 webpage: www.osha.gov/covid-19 PPE ensembles may vary, especially for workers who may need additional protection against blood, body fluids, chemicals, and other materials to which they may be exposed. Additional PPE may include medical/surgical gowns, fluid-resistant coveralls, aprons, or other disposable or reusable protective clothing. Gowns should be large enough to cover the areas requiring protection. OSHA may also provide updated guidance for PPE use on its website: www.osha.gov/covid-19.	
--	---	---	--

Resources

General

CDC: Coronavirus (COVID-19) - <https://www.cdc.gov/coronavirus/2019-ncov>

CDC symptoms flyer - <https://www.cdc.gov/coronavirus/2019-ncov/downloads/stop-the-spread-of-germs.pdf>

Virginia Department of Health (VDH): Coronavirus - <https://www.vdh.virginia.gov/coronavirus/>

State of Virginia: COVID-19 response - <https://www.virginia.gov/coronavirus/>

Virginia Department of Emergency Management: COVID-19 response - <https://www.vaemergency.gov/>

Federal response to COVID-19 - <https://www.usa.gov/coronavirus>

FFCRA Employee Rights Poster - https://www.dol.gov/sites/dolgov/files/WHD/posters/FFCRA_Poster_WH1422_Non-Federal.pdf

FDA information flyer - <https://www.fda.gov/media/136812/download>

OSHA : COVID-19 - <https://www.osha.gov/SLTC/covid-19/>

Handwashing

CDC What You Need to Know About Handwashing VIDEO - <https://www.youtube.com/watch?v=d914EnpU4Fo>

Respiratory Etiquette: Cover your cough or sneeze

CDC: Prevent yourself from getting sick - <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/prevention.html>

CDC: Hygiene etiquette; coughing and sneezing - https://www.cdc.gov/healthywater/hygiene/etiquette/coughing_sneezing.html

Social Distancing

CDC - <https://www.cdc.gov/coronavirus/2019-ncov/community/guidance-business-response.html>

Housekeeping

CDC: Cleaning and disinfecting the workplace - <https://www.cdc.gov/coronavirus/2019-ncov/community/clean-disinfect/index.html>

CDC: Cleaning and disinfecting your home - <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/disinfecting-your-home.html>

CDC: Cleaning and disinfecting for community facilities - <https://www.cdc.gov/coronavirus/2019-ncov/community/organizations/cleaning-disinfection.html>

Environmental Protection Agency (EPA) - <https://www.epa.gov/coronavirus/guidance-cleaning-and-disinfecting-public-spaces-workplaces-businesses-schools-and-homes>

EPA approved disinfectants - <https://www.epa.gov/pesticide-registration/list-n-disinfectants-use-against-sars-cov-2>

5



Work Session Agenda Form

Item # 5

DATE: August 3, 2020

AGENDA ITEM: South St Improvements from Hill St to Royal Plaza shopping center.

SUMMARY:

The purpose of this discussion is to review the two different designs that VDOT has provided the Town, the newest design was just complete and does not have a cost estimate. The original design VDOT has estimated a project cost of \$1.9 million dollars to complete. The final application deadline is August 17, 2020 so the Town will need to decide which option to move forward with to allow us to complete the application process through the VDOT Smart Scale program.

Both designs call for a new traffic signal at the intersection of South St & Blueridge Ave and the installation on new refuge islands along South St.

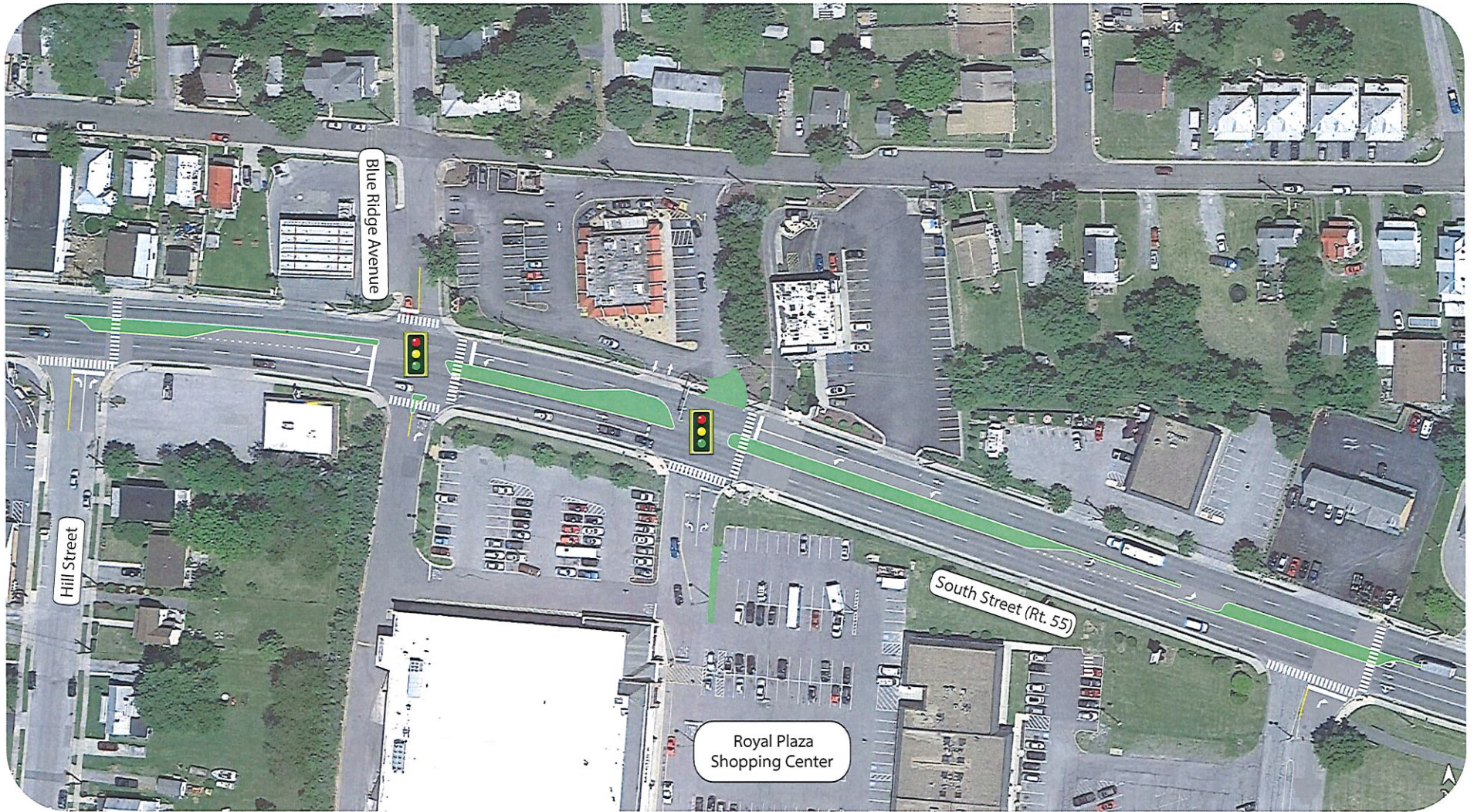
BUDGET/FUNDING:

The Town is applying for Smart Scale funding through VDOT to fund this project.

STAFF RECOMMENDATION:

Town staff and VDOT staff will both be present to answer any questions or concerns.

Work Session



SOUTH STREET
IMPROVEMENT ALTERNATIVE I
CONCEPTUAL RENDERING

TOWN OF FRONT ROYAL
SOUTH STREET STUDY

SYIP PROJECTS
DETAILED PROJECT COST ESTIMATE SUMMARY
 (Version: 1/21/2020 - CTS Modified)

Portal ID:	3	Project UPC:	None
Prepared By:	Jet Dienner	Milestone	Creation/Pre Scope
Reviewed By:	TBD @ Final Application	Date:	3/26/20
County/City/Town:	Warren County (93)	Tier Level	1

Preliminary Engineering

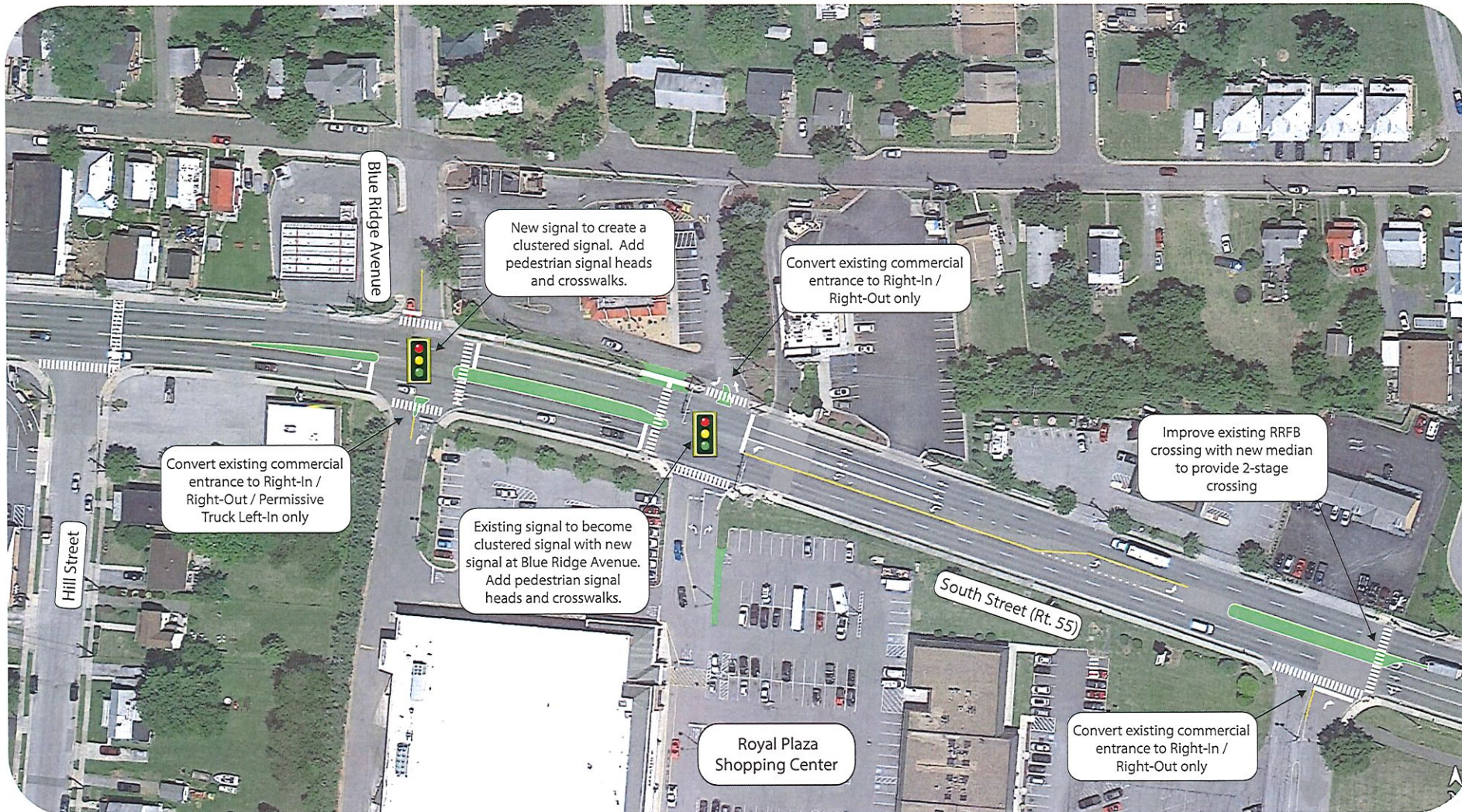
Project Estimate Component		Proposed Project Cost Estimate (\$)		
Discipline	Source	Base (\$)	Contingency (%)	Total
Roadway				\$0
Hydraulics				\$0
In-plan Utilities				\$0
Traffic				\$0
Structures/Bridges				\$0
Materials/Geotech				\$0
Survey				\$0
Environmental				\$0
Right of Way				\$0
Other	Profess. Judgement	\$ 160,000	12.00%	\$179,200
VDOT Oversight Costs				\$0
Total PE Phase Estimate		\$ 160,000	12.00%	\$179,200
PE Base Estimate Date (XX/XX/XXXX)				
PE Phase Dates (XX/XX/XXXX)	Start Date		End Date	

Right-of-Way & Utilities

Discipline	Source	Base (\$)	Contingency (%)	Total
Right-of-Way	Aerial Photo	\$300,000	25.00%	\$375,000
Out-of-Plan Utilities (power, cable, gas, etc.)	Aerial Photo	\$250,000	25.00%	\$312,500
VDOT Oversight Costs				\$0
Total RW Phase Estimate		\$550,000	25.00%	\$687,500
RW Base Estimate Date (XX/XX/XXXX)				
RW Phase Dates (XX/XX/XXXX)	Start Date		End Date	

Construction

Discipline	Source	Base (\$)	Contingency (%)	Total
Mobilization	Profess. Judgement	\$15,000	40.00%	\$21,000
MOT	Similar Project	\$10,000	40.00%	\$14,000
Roadway	Similar Project	\$566,785	40.00%	\$793,499
Hydraulics	Profess. Judgement	\$15,000	40.00%	\$21,000
In-plan Utilities				
Traffic	Similar Project	\$10,000	40.00%	\$14,000
Structures/Bridges				\$0
Materials/Geotech				\$0
Soundwalls				\$0
Other				\$0
Total Bid Items		\$616,785	40.00%	\$863,499
Railroad Flagging/Coordination				\$0
State Forces				\$0
State Police				\$0
Other				\$0
Total Non-Bid Items		\$0	#DIV/0!	\$0
Incidental-Claims & Work Orders (Percentage of Bid Items)	5% to 10% max (applied to total bid items only)		5.00%	\$30,839
Contract Requirements (Incentive/Disincentive)	2.5% to 5% max (applied to total bid items only)		2.50%	\$15,420
Construction Engineering (Inspection)	Env. Inspection (\$)	(applied to total bid items only)	5.00%	\$30,839
	VDOT or Locality (\$)		5.00%	\$30,839
	VDOT Oversight (\$)		10.00%	\$61,679
Total CEI (as a % of bid items + non-bid items)			20.00%	\$123,357
Total CN Contingency (Includes all CN Items, Incidental & Contract Req.) (as a % of bid items + non-bid items)			47.50%	\$292,973
Total CN Phase Estimate (Corresponds to Smart Portal data entry)		Bid + Non-Bid Items	CEI + Contingency	Total
		\$616,785	67.50%	\$1,033,115
CN Base Estimate Date (XX/XX/XXXX)				
CN Phase Start Date (XX/XX/XXXX)				
CN Phase End Date (XX/XX/XXXX)				
Total Project Cost Estimate			\$1,899,815	



SOUTH STREET
IMPROVEMENT ALTERNATIVE II
CONCEPTUAL RENDERING
July 2020

TOWN OF FRONT ROYAL
SOUTH STREET STUDY

6



Work Session Agenda Form

Item # 6

DATE: August 3, 2020

AGENDA ITEM: Proposed amendments to Town Code Chapter 138, "Peddlers, Solicitors, and Itinerant Merchants"

SUMMARY: Town Council is asked to consider amending Chapter 138 of Town Code to allow for the sale of ice cream and other frozen desserts from vending vehicles operating on Town streets pursuant to a valid peddler's and business license and subject to various limiting conditions and restrictions. Town Code currently prohibits conducting business from any Town street.

BUDGET/FUNDING: None.

STAFF RECOMMENDATION: The proposed amendments to Chapter 138 of Town Code (attached) would create additional business opportunities for peddlers seeking to sell ice cream and other frozen desserts from vending vehicles operating on Town streets, and would eliminate any ambiguity that may currently exist with respect to vending vehicles in Town. The proposed amendments, if adopted, may generate additional revenue for the Town.

Chapter 138**PEDDLERS, SOLICITORS AND ITINERANT MERCHANTS****Sections:**

- 138-1 PERMIT REQUIRED**
- 138-2 DEFINITIONS**
- 138-3 PERMIT APPLICATION**
- 138-4 QUALIFYING FOR AN EXEMPTION**
- 138-5 ISSUANCE OF PERMITS**
- 138-6 TRANSFER**
- 138-7 RENEWAL**
- 138-8 RESTRICTIONS**
- 138-9 PLACE OF SALE – PEDDLER AND ITINERANT MERCHANT**
- 138-10 DOOR-TO-DOOR SALES – COMMERCIAL SOLICITOR**
- 138-11 EXHIBITION OF PERMIT AND BUSINESS LICENSE**
- 138-12 RECORDS**
- 138-13 REVOCATION OF PERMIT**
- 138-14 APPEAL OF DENIAL OR REVOCATION OF PERMIT**
- 138-15 LICENSE TAX**
- 138-16 PENALTY FOR VIOLATION OF CHAPTER**
- 138-17 SEVERANCE CLAUSE**

Adopted by the Town Council of the Town of Front Royal 3-11-85 (*Chapter 25 of the 1965 Code. Sections 138-1, 138-2 and 138-3 amended and sections 138-12.1 added at time of adoption of Code. Section 25-11, Subsection (e), of the 1965 Code, which immediately followed 138-12, was deleted at time of adoption of Code*). Ord. No. 13-86 amended 138-3 “Solicitors Permit-Applicability” and 138-4 “Solicitors Permit-Permit Required” 7-28-86; Ord.8-91 amended 138-7 “Photographing” 3-11-91. The Entire Chapter was amended in its entirety 3-14-16. Other amendments noted where applicable.

138-1 PERMIT REQUIRED

To promote the safety of residents, it shall be unlawful for any person to engage in the business of Peddler, Itinerant Merchant, or Commercial Solicitor as defined in this Chapter, within the limits of Front Royal, Virginia, without first obtaining a permit as provided herein. Issuance of a permit does not relieve an individual from obtaining a business license (Town Code Chapter 98) from the Town’s Finance Department prior to engaging in operation of business.

(Amended 12-11-17-Effective Upon Passage)

138-2 DEFINITIONS

ITINERANT MERCHANT - One who offers merchandise, goods, food or services for sale or barter from a stationary but temporary site within the Town.

MOTOR VEHICLE – means every vehicle that is self-propelled, and which is validly licensed, and which bears current required inspections.

PEDDLER - One who moves from place to place within the Town and offers merchandise, goods, food or services for sale or barter at no definite place of business.

STREET; ROAD – A public thoroughfare, except an alley, driveway or parking area, which affords vehicular traffic circulation and principal means of access to abutting property.

(Added 12-11-17-Effective Upon Passage)

TOWN - Front Royal, Virginia.

TOWN MANAGER - The Town Manager of Front Royal, Virginia or their designated agent.

SOLICITOR (Commercial) - Any person, whether a principal, agent, or salesman, who engages in transient business by going from residence to residence for the purpose of taking orders or offering to take orders for the sale of goods, wares, or merchandise or taking orders for services to be performed in the future. A commercial solicitor shall not carry goods, wares, or merchandise except for display purposes only, and shall not sell items directly.

VEHICLE - Every device in, upon or by which any person or property is or may be transported or drawn including any wheeled conveyance.

VENDING VEHICLE – means a motor vehicle used for vending, pursuant to a valid Town peddler's license, to a retail customers on Town streets equipped with four (4) amber signal lights, of a minimum diameter of four (4) inches, located on each corner of the top of the motor vehicle, with all four (4) lights capable of flashing simultaneously while such motor vehicle is stopped with the engine running for the purpose of selling ice cream or other frozen dessert to a retail customer, and also equipped only with bells for the purpose of attracting customers and only sounded while in motion between regular permitted stops, and with a receptacle for the disposal of all trash generated during each stop.

138-3 PERMIT APPLICATION

- A. Applicants under this Chapter must file with the Town's Planning and Zoning Department a sworn application to be furnished by the Town.
- B. At the time of filing of the application for permit, a fee of twenty dollars (\$20.00) shall be paid, to cover the cost of investigation and processing the application. There shall be no fee for those who are deemed exempt as defined in 138-4.
- C. At the time of filing, the applicant shall provide a front facing passport size photograph which accurately depicts the applicant's appearance at the time of application.
- D. A background check will be performed on all applicants for Commercial Solicitor's permits by local law enforcement.

- E. All Peddler and Itinerant Merchant applicants shall obtain approval from the Town's Department of Planning & Zoning prior to selling from private property. Approval shall be based upon submittal of a plat, site plan, or sketch plan identifying the location of the property on which the activity is to be conducted and showing the location of the structure from which the sale or exchange activity will occur, the area under the control of such person, parking spaces and provisions for well-defined vehicular entrances and exits.

(Amended Entire Section and Added C – E 12-11-17-Effective Upon Passage)

138-4 QUALIFYING FOR AN EXEMPTION

- A. The following shall be exempt from the permit application fee but shall be required to submit a permit application and comply with this Chapter:

1. Persons selling farm or domestic products or nursery products, ornamental or otherwise, or for the planting of nursery products, as an incident to the sale thereof, outside of the regular market houses and sheds of the Town, provided such products are grown or produced by the person offering them for sale; and peddlers at wholesale or to those who sell or offer for sale in person or by their employees, ice, wood, charcoal, meats, milk, butter, eggs, poultry, game, vegetables, fruits or other family supplies of a perishable nature or farm products grown or produced by them and not purchased by them for sale. A dairyman who uses upon the streets of the Town in one or more vehicles may sell and deliver from this vehicles, milk, butter, cream and eggs in Town without procuring a peddler's license;

(Amended 12-11-17-Effective Upon Passage)

2. Persons selling newspapers;
 3. Persons selling for wholesale concerns who only solicit orders from or sell to retail dealers in Front Royal for resale or other commercial purposes or to manufacturers for manufacturing or other commercial purposes;
 4. Wholesalers soliciting orders or selling to others for retail, resale, or upon manufacturers for manufacturing and selling at wholesale at place of manufacture;
 5. Children of or under the age of 16, except when they are acting as agents of adults covered by this article;
 6. Delivery of food or merchandise ordered by phone, internet, or mail from a fixed place of business issued a business license for operation;
 7. Merchants selling food and merchandise during a Special Event that has been issued permit by the Town; and
 8. Tax exempt civic, charitable, government or educational organizations.
- B. All persons qualifying for exemptions from this Section must present proof of such qualification upon completion of application.

(Amended Title and “B” 12-11-17-Effective Upon Passage)

138-5 ISSUANCE OF PERMITS

Upon receipt of completed application and required background check the Town Manager or his designee shall endorse on the application their approval, execute a permit addressed to the applicant for the carrying on of the business applied for and submit executed permit to the Town’s Finance Department for payment of business license tax as defined in Chapter 98 of the Town Code.

Permits shall be approved or denied ten (10) business days following the date of the filing of the application.

(Amended Entire Section 12-11-17-Effective Upon Passage)

138-6 TRANSFER

No permit issued under the provisions of this Chapter shall be used by an person other than the one to whom it was issued.

138-7 RENEWAL

All permits issued under the provisions of this Chapter shall be valid for the calendar year they are issued, beginning from the date of issuance, and expiring on December 31 of each calendar year. Permits shall be renewed for subsequent calendar years, without the requirement for a new permit application, if the applicant files to renew their business license with the Department of Finance by March 1 of the calendar year, and submits written verification that there are no changes from the previous year’s application. A new permit application shall be required if there are changes from the previous year’s application, or if the filing of a renewal occurs after March 1 of the calendar year.

(Amended Entire Section 12-11-17-Effective Upon Passage)

138-8 RESTRICTIONS

No Peddler, Commercial Solicitor or Itinerant Merchant shall have any exclusive right to any location on public property, nor shall he or she:

- A. Be permitted a stationary location on any public sidewalk or street;
- B. Display any sign on a street, sidewalk, or other public place visible to vehicular traffic, except for signs that are actually imprinted on the exterior body of a licensed motor vehicle;
- C. Make any sale or delivery to any person while such person is located in the street, as defined in 138-2;

(Amended 12-11-17-Effective Upon Passage)

- D. Make any sale, offer or delivery to any driver or passenger in a motor vehicle while the motor vehicle is stopped at a red light or while in a moving traffic lane;
 - E. Conduct business from any street or center median strip of any street, **except from a vending vehicle subject to the following conditions:**
 - 1. ;no stopping within five hundred (500) feet of school property, or within one hundred feet (100) feet of a restaurant open for business;
 - 2. no stopping on any Town street with a posted speed limit in excess of twenty-five (25) miles per hour;
 - 3. whenever stopped for the purpose of making a sale, the vending vehicle shall be stopped at the right-hand curb or edge of the street out of the lanes of travel in a legal parking space, and no sales shall be made to any customer not standing on the sidewalk or off of the paved roadway;
 - 4. sales may only occur at stops designated on the approved permit application pursuant to §138-3 and §138-5;
 - E. 5. no sales may occur between the hours of 8:00 p.m. and 10:00 a.m., and no unattended vending vehicle may be parked on Town streets during these hours.
 - F. Restrict access to any legally parked vehicle;
 - G. Operate in any other way that would restrict the flow of pedestrian or vehicular traffic;
 - H. Conduct any business on any private or public property, street, or sidewalk between the hours of 10:00 pm and 6:00 am except if operating through a Special Event Permit issued by the Town
 - I. Leave vehicles and/or equipment overnight at the approved location. All vehicles and equipment must be removed from the site by the end of the business day, unless prior approval from the property owner has been received and submitted to the Town Manager or his designee for verification, excluding those permitted at the Flea Market as specified in Chapter 98-46; and
- (Amended 12-11-17-Effective Upon Passage)**
- J. Leave any cart or table unattended on any public property, street, or sidewalk; and
 - K. Shall provide receptacles for the disposal of waste materials or other litter created in the immediate area of any stationary location from which sales, offers of sales or deliveries are taking place, and they shall request customers to place all waste and litter in the receptacles and they shall remove and dispose of the waste materials and litter.

138-9 PLACE OF SALE – PEDDLER AND ITINERANT MERCHANT

- A. All Peddlers and Itinerant Merchants, **except when vending from a vending vehicle,** may only be located at a hospital, locations approved by Special Event Permit, or in the areas

designated by the Town's Zoning Map as C-1, Community Business District, C-2, Downtown Business District, or the Mixed-Use Campus District.

(Amended to include "hospital" and "Special Event Permit" 12-11-17-Effective Upon Passage)

- B. It shall be unlawful for any Peddler or Itinerant Merchant to occupy or partially occupy while selling, or sell from, the private property of another without written permission of the private property owner.

138-10 DOOR-TO-DOOR SALES - COMMERCIAL SOLICITOR

Door-to-door sales shall only take place between the hours of 9:00 a.m. and 8:00 p.m.

Regardless of whether or not a permit and business license has been issued, no person shall enter in or upon any house, building or private property of any type without the prior express consent of the owner or occupant thereof, where there is placed or posted on the premises in a conspicuous position at or near the usual means of ingress a sign or other form of notice stating or indicating that the owner or occupant thereof forbids or otherwise does not desire persons in solicitation or selling to enter upon the premises.

(Amended 12-11-17-Effective Upon Passage)

138-11 EXHIBITION OF PERMIT AND BUSINESS LICENSE

Peddlers, Itinerant Merchants and Commercial Solicitors are required to conspicuously display their permit and business license at their vehicles or temporary stands or if they have none, to exhibit their permit and business license upon request.

(Amended by Adding "business license" 12-11-17-Effective Upon Passage)

138-12 RECORDS

The Town's Finance Department shall maintain a record for each permit and business license issued, and record the reports of violation thereon.

(Amended 12-11-17-Effective Upon Passage)

138-13 REVOCATION OF PERMIT

- A. Permits issued under the provision of this Chapter may be revoked by the Town Manager after notice and hearing for any of the following causes:
1. Fraud, misrepresentation or intentional false statement of material or relevant facts contained in the application;

2. Conviction of any felony or crime of moral turpitude (including, by way of illustration and not limitation, crimes of sexual misconduct and distribution of controlled substances or paraphernalia) within the five (5) years immediately preceding the date of filing of the application;
3. Conviction of any crime involving fraud in the conduct of his or her business;
4. Permit holder creates a public safety hazard as identified by Fire Marshal, Chief of Police, or their designee or any authoritative body that has legal regulatory oversight over public safety; and,

(Amended 12-11-17-Effective Upon Passage)

5. Any violation of this Chapter

B. Notice of the hearing for revocation of a permit shall be given in writing, setting forth specifically the grounds of the revocation and the time and place of hearing. Such notice shall be mailed, postage prepaid, to the permit holder at their last known address at least five (5) days prior to the date set for hearing. Failure to appear for a hearing does not preclude permit revocation.

138-14 APPEAL OF DENIAL OR REVOCATION OF PERMIT

- A. Any person aggrieved by the action of the Town Manager, or the designated agent, in the denial of an application for a permit or in the decision with reference to the revocation of a permit shall have the right of appeal. Such appeal shall be taken by filing with the Clerk of the Town Council within ten (10) days after the notice of action complained of has been mailed to such person's last known address, a written statement setting forth fully the grounds of appeal.
- B. The Clerk of the Town Council shall notify the Town Manager of the filing of an appeal.
- C. Upon filing an appeal, the party aggrieved shall be entitled to a hearing by the Town Council. The time and place of the hearing shall be scheduled by the Clerk of Council at any time after the filing of an appeal upon notice by the Clerk of Council mailed to the party to the action at the address required to be stated by the appellant at the time of the filing of the appeal. Such appeals may be continued by the Town Council.
- D. The party shall have the right to present their case in person or by counsel licensed to practice law in the Commonwealth of Virginia.
- E. The Town Council shall consider the case record as well as statements offered by an interested party and shall determine whether the Town Manager abused their discretion under the rules and standards set forth in this Chapter. The hearing need not be conducted according to technical rules relating to evidence and witnesses. Any relevant evidence may be admitted if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence in civil actions.

138-15 LICENSE TAX

The License Tax for activities defined in this Chapter shall be provided in the following Chapters:

- A. Peddlers and Itinerant Merchants – Chapter 98-61
- B. Commercial Solicitors – Chapter 98-45

138-16 PENALTY FOR VIOLATION OF CHAPTER

Any person violating any provision of this Chapter shall be guilty of a Class 1 Misdemeanor with penalties specified in Town Code Chapter 1-15.

138-17 SEVERANCE CLAUSE

The provisions of this Chapter are hereby declared to be severable, and if any section, sentence, clause or phrase of this Chapter shall, for any reason, be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses or phrases of this Chapter, but they shall remain in effect, it being the legislative intent that this Chapter shall stand, notwithstanding the invalidity of any part.

(Amended Entire Chapter 3-14-16-Effective Upon Passage)