



TOWN COUNCIL WORK SESSION

Monday, September 16, 2013 @ 7:00pm
Front Royal Administration Building Conference Room

Town/Staff Related Issues:

1. Update from BKV on Police Headquarters Sites (No Backup)
2. Old Virginia Industrial Meter Charge Waiver Request – *Town Manager*
3. Continued Discussion of Solid Waste CDL Requirement – *Town Manager*
4. Continued Discussion of Tourism Zones – *Town Manager*
5. Continued Discussion of Building Inspections Office – *Director of Planning/Zoning*
6. Acceptance of Water/Sewer Facilities for Public Safety Building – *Director of Environmental Services*

Council/Mayor Related Issues:

7. Council Discussion/Goals (*time permitting*)
8. CLOSED MEETING – Investment of Public Funds and Consultation with Legal Counsel

Motion to Go Into Closed Meeting

I move that Council convene and go into Closed Meeting for the purpose of 1) discussion or consideration of the investment of public funds where competition or bargaining is involved, where, if made public initially, the financial interest of the governmental unit would be adversely affected, pursuant to Section 2.2-3711. A. 6. of the Code of Virginia; and 2) consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel, specifically annexation, 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 Council certify that to the best of each member's knowledge, as recognized by each 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 Council, and that the vote of each individual member of Council be taken by roll call and recorded and included in the minutes of the meeting of Town Council.

Town of Front Royal, Virginia Work Session Agenda Form

Date: September 16, 2013

Agenda Item: Old Virginia Industrial - Meter Charge Waiver Request

Summary: The Old Virginia Industrial site located at the end of Kendrick Lane was constructed with a 4" water meter to provide the necessary water demand for processing apples. The building use has transitioned from processing to host industrial/office space requiring significantly less water. The average consumption for the previous year was 9,600 gallons per month. The Town recently determined that we had not been including the large meter charge (\$354.20) in their monthly billing. The managing partner has requested that Council provide relief from the monthly large meter charge.

Council Discussion: Council is requested to consider waiving the monthly large meter fee until such time that the site resumes significant water consumption.

Staff Evaluation: The current water consumption of the site would typically warrant a 3/4" to 1" meter. The monthly meter fee is intended to offset the additional cost that the Town incurs maintaining and replacing large meter that experience high volume use. Town policy requires the water meter match the size of the waterline servicing the property.

Budget/Funding: The Director of Finance will be available to address fiscal issues.

Legal Evaluation: The Town Attorney will be available to address legal issues.

Staff Recommendations: Staff recommends that Council consider waiving the monthly large meter fee until such time that the site resumes significant water consumption.

Town Manager Recommendation: The Town Manager recommends that Council consider waiving the monthly large meter fee until such time that the site resumes significant water consumption.

Council Recommendation:

☐ Additional Work Session ☐ Regular Meeting ☐ No Action
Consensus Poll on Action: ___(Aye) ___(Nay)

OLD VIRGINIA INDUSTRIAL PARK, LLC

508 KENDRICK LANE

FRONT ROYAL, VIRGINIA 22630

540.636.3454

Mayor and Members of the Town Council
c/o Steve Burke, Town Manager
P.O. Box 1560
Front Royal, VA 22630

AUG 27 2013

RE: Water meter fee waiver request

Dear Mr. Mayor and Members of the Town Council:

For over ten years we have been working to put back into use the Old Virginia fruit plant located at the end of Kendrick Lane. Our efforts over the past decade have been successful in revitalizing the old plant into a new and modern industrial/office facility. There about 15 businesses housed in the old plant, all of which are either start-ups or small ongoing business concerns, employing over 50 people.

Recently, it was discovered that the water meter located on our property is for a four inch (4") line. News was received from the Town of a new monthly fee that has now been charged for the past several months due to the presence of a 4" water meter. The average water bill for Old Virginia Industrial Park is about \$200 +/- a month. The new fee that the Town is charging in addition to actual usage is \$350 per month. The new meter fee actually more than doubles the monthly water bill and is more than the water which is being used.

When the four-inch line and meter were installed Old Virginia was still processing large quantities of apple and other fruit products. Such materials used and/or required large amounts of water from the municipal water supply for the production of jams, jellies, and other fruit products. Obviously, that used ceased in the early 1980's when Old Virginia moved to Shenandoah County. You'll recall that Old Virginia set dormant for almost 20 years prior to our investment in this property and returning this to active use and tax rolls.

2 | Letter to Mayor and Town Council

The current usage of water at the facility is limited to the use of restrooms and for making coffee etc... there is no industrial use of water at the former plant and as you can see from the water bills of the plant, the average water bill is running around \$200 a month, which is less than some people's homes.

The new addition of the \$350 month charge for the meter itself creates a new and unplanned financial burden. On behalf of Old Virginia Industrial Park, LLC, I hereby request that the town grant a waiver of the \$350 month fee for the water meter and that a credit be granted for the past two month's and this month's water bill. It is requested that such waiver be continued henceforward. In the event there is a tenant, or an onsite use whose demand for water does require the actual full use and capacity of the 4" line, it is understood that the monthly fee for the 4" water meter will be again applied etc...

Previously, Old Virginia Industrial Park, LLC, at the request of the Town of Front Royal, paid for the repairs to the water main on the Town's side of the water meter servicing this property and other properties located on Kendrick Lane. On the other side of the railroad trestle, the waterline had collapsed due to thaw and freezing of the water main on Kendrick Lane. At its own expense and at the request of the Town, Old Virginia Industrial Park, LLC, obtained the necessary pipe and materials and paid for the labor to repair the Town's side of the waterline at the request of the Town of Front Royal. Old Virginia contractors dug up Kendrick Lane at the site of the failed main, replaced the broken main, refilled the area with gravel in accordance with the Town's directions and completed the repair. The Town then paved over the hole created in the pavement following the repair of the waterline. Such was done in good faith approximately five years ago.

We believe that Old Virginia Industrial Park, LLC, and the Town of Front Royal have had a mutually respectful and beneficial relationship and wish for such to continue. Through the efforts of Old Virginia, an old dilapidated building has been revitalized and returned to full use, housing many businesses, employing local residents, and such efforts have increased the value of the building and has placed back in-service a large building generating higher tax revenues for the Town.

We look forward to working with you and wish to thank you in advance for your kind consideration of this request. Should you have any questions,

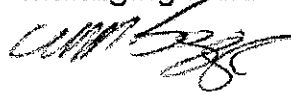
3 | Letter to Mayor and Town Council

you may contact my son, William J. Biggs, at 540-660-2463, who may answer any questions you may have regarding use and occupancy of the building, water and sewer line repairs that we have made, as well as other matters if I am not available to answer such.

I remain,

Very truly yours,

William M. Biggs,
Managing Partner



cc: Wm. J. Biggs
Steve Burke, Town Manager

Town of Front Royal, Virginia Work Session Agenda Form

Date: September 16, 2013

Agenda Item: Solid Waste CDL Requirement

Summary: During the discussion at the September 3rd Work Session, Town Council requested that staff develop an amendment to the Employee Handbook to relieve the requirement to obtain a CDL from existing employees, as well as non-driving employees in our Solid Waste Management Division.

Council Discussion: Council is requested to consider amending the Employee Handbook to recommend CDL's for non-driving Solid Waste employees and relieve the requirement for staff employed prior to March 11, 2013.

Staff Evaluation: The following amendment is proposed for Chapter 2 - Employment, Section VIII - Driving Policy, Part D - Commercial Drivers License:

Certain positions shall be required to obtain and maintain a commercial drivers license as a requirement for employment. Non-administrative positions in Environmental Services not associated with plant operations, non-driving, Solid Waste Collection positions, and non-administrative positions in Energy Services shall be required to possess a commercial drivers license. Employees hired prior to March 11, 2013 shall not be required to obtain commercial drivers licenses, but are strongly encouraged to obtain said license to further their career development with the Town. The Town shall reimburse employees for their first application for the commercial drivers license and for renewal expenses.

Budget/Funding: The Director of Finance will be available to address fiscal issues.

Legal Evaluation: The Town Attorney will be available to address legal issues.

Staff Recommendations: Staff recommends Council consider amending the Employee Handbook.

Town Manager Recommendation: The Town Manager recommends Council consider amending the Employee Handbook.

Council Recommendation:

☐ Additional Work Session ☐ Regular Meeting ☐ No Action
Consensus Poll on Action: ____ (Aye) ____ (Nay)

Town of Front Royal, Virginia Work Session Agenda Form

Date: September 16, 2013

Agenda Item: Tax Incentive Zones

Summary: Staff have evaluated opportunities for the Town to entice new business development and improvement of existing buildings that tax incentives. The EDA has previously provided a draft of a Code Amendment for Tourism Zones. In addition, the Town currently provides incentives for real estate tax exemption for rehabilitation of a contributing building in the Historic District, as well as technology businesses locating within Technology Zones.

Council Discussion: Council is requested to discuss opportunities for business and aesthetic improvements through tax incentives.

Staff Evaluation: State Code allows the Town to adopt tax exemptions for Tourism Zones, Technology Zones, and aesthetic improvements.

Budget/Funding: The Director of Finance will be available to address fiscal issues.

Legal Evaluation: The Town Attorney will be available to address legal issues.

Staff Recommendations: Staff recommends Council consider referring establishment of further tax incentive zones to the Planning Commission for development.

Town Manager Recommendation: The Town Manager recommends Council consider referring establishment of further tax incentive zones to the Planning Commission for development.

Council Recommendation:

☐ Additional Work Session ☐ Regular Meeting ☐ No Action
Consensus Poll on Action: ____ (Aye) ____ (Nay)

Date: August 14, 2013

To: Kim Gilkey-Breeden
Director of Finance

From: Laura Scholtz
Financial Analyst

Re: Tourism Zone Incentives

The following is based on information gathered from 7 localities that offer tourism zone incentives in Virginia:

- 1) City of Fredericksburg
- 2) James City County
- 3) Newport News
- 4) Spotsylvania County
- 5) Town of Purcellville
- 6) Fauquier County
- 7) Town of Pocahontas

These localities all have one or more tourism zones. Incentives may vary with multiple zones depending on their vision for that zone. For a business to qualify for incentives in these tourism zones, the criteria is mostly centered around capital investment and the creation of new jobs, which varies depending if it is a new business or existing business. See the attached outline of each locality for their exact qualifications and further detail of the incentives offered.

Incentives

- Reduction or waiver of BPOL taxes **(5 of 7)**
- Rebate on Tangible Business Personal Property Tax **(4 of 7)**
- Rebate on Machinery and Tools Tax **(4 of 7)**
- Reduction or waiver of permit fees and/or water and sewer availability fees **(2 of 7)**
- Reduction of application fees **(2 of 7)**
- Rebate on the fees associated with new construction (building permits, plans review and land disturbance fees) **(2 of 7)**
- Partial refund of local utility taxes **(1 of 7)**
- Rebate on Real Estate Tax **(1 of 7)**
- Rebate of yearly paid lodging tax dependent upon number of FTE jobs created and level of capital investment (locality looking to bring in lodging facility) **(1 of 7)**
- Performance grants on tax revenue generation from meals, lodging, admissions, local sales, machinery and tools and business personal property taxes **(1 of 7)**
- Expedited review – Guarantees a maximum turn-around time for County agency review comments of 14 calendar days per plan submittal **(1 of 7)**
- Grant – Equal to 20% of the cost of renovation or addition or of new construction on amounts above the minimum threshold, up to a maximum grant of \$100k (\$200k if the cost of construction or renovation is more than \$5,000,000) **(1 of 7)**

Information collected from:

City of Fredericksburg
James City County
Newport News
Spotsylvania County
Town of Purcellville
Fauquier County
Town of Pocahontas

City of Fredericksburg

Qualifications

- 2 of 3 zones: new or expanding business must make a capital investment of at least \$500k or create at least 25 jobs.
- In 1 zone, new businesses must create minimum of 10 jobs or at least a \$250k capital investment, and expanding businesses must create a minimum of 5 new jobs or at least a \$125k capital investment.

Incentives

*The level of incentives is determined by City Council & based on the size of the capital investment, the number of jobs created and how the project meets the following areas of interest to the City: 1) Increase in local sales tax generation 2) BPOL tax generation 3) Location within a priority area 4) Connection to the City's Pathway Plan 5) Incorporation of public art into the project 6) Use of the EDA in financing the project 7) Environmental Innovation 8) Historic Preservation

- Reduction or waiver of BPOL taxes
 - Performance grants on tax revenue generation from meals, lodging, admissions, local sales, machinery and tools and business personal property taxes, as applicable
 - Reduction or waiver of permit fees and/or water and sewer availability fees
-

James City County

Qualifications

- Business must make a capital investment of \$350k or more in a tourism-related project in the County.

Incentives

- Select development review fees will be reduced by 50% (not including James City Service Authority)
 - EDA Grants – 5 yr declining grants equal to the improvement value of the business tangible personal property assessment and/or the business professional and occupancy license for qualified capital investments made to tourism-related businesses
 - Expedited Review – Guarantees a maximum turn-around time for County agency review comments of 14 calendar days per plan submittal
-

Newport News

Qualifications

- Varies depending on Zone. Dependent upon amount of capital investment and creation of new jobs.
- 3 of 4 Zones: existing businesses must make minimum \$125k capital investment and creation of 2 new full time jobs; new businesses must make minimum 250k capital investment and creation of 4 new full time jobs.

- 20 or more jobs created = 50% rebate
- \$250k - \$499,999 = rebate available for 3 years
- \$500k - \$999,999 = 6 years
- \$1,000,000 or more = 9 years

Fauquier County

Qualifications

- New Business: must add minimum of 10 full-time positions whose salaries are at least 10% above the average County wage level as listed by the VA Employment Commission for the prior calendar year following approval of eligibility for incentives. Must increase capital investment by at least \$500k.
- Existing Business: must add minimum of 3 full-time positions whose salaries are at least 10% above the average County wage level as listed by VA Employment Commission for the prior calendar year following approval of eligibility for incentives. Must increase capital investment by at least \$250k.

Incentives

- Up to a full rebate on County Tangible Business Personal Property Tax, not to exceed a 3 year period
- Up to a full rebate of the Machinery and Tools tax
- Up to a full rebate of BPOL tax not to exceed a 3 year period
- Up to a full rebate of the fees associated with new construction including, but not limited to, building permits, plans review and land disturbance fees

Town of Pocahontas

Qualifications

- ***Business concerns that are not affiliated with these opportunities will not qualify for the incentives***
- Lodging or Bed & Breakfast
- Restaurants: \$600k leakage within a 15 minute drive
- Health Related: \$380k local leakage; \$1.9million within 15 minute drive
- Grocery: \$525k local leakage; \$8 million within 15 minute drive
- General Retail Merchandising: \$744k local leakage; \$9.9 million within 15 minute drive
- Outdoor Sporting Goods Merchandising: \$80k local leakage; \$608k within 15 minute drive
- Used/Antique Merchandising: \$1 million regional leakage
- Gift Shop: \$1.2 million within 30 minute drive

Incentives

- ***These incentives are offered for a term not to exceed 3 years. No incentive will be available for delinquent accounts.***
- Business License Tax paid by March 1st = 100% grant reimbursement by June 30th.
- Real Estate Tax paid by December 5th = 100% grant reimbursement by June 30th. (Business Owners who rent will not qualify)
- \$20 application fee waived



Town of Front Royal, Virginia
Work Session Agenda Form

Date: September 16, 2013

Agenda Item: Continued Discussion of Building Inspections Office
Director of Planning & Zoning

Summary: During a work session in July, Town Council discussed the costs and benefits associated with implementing a Town operated Building Inspections Program. At this meeting, Town Council requested additional information regarding a rental inspection program, similar to the program that the Town previously administered, but which was repealed by a previous Town Council.

Attached with this memo is a copy of the Virginia State Code § 36-105 and § 36-105.1. The first attachment grants legal authority for the enforcement of the Building Code, which includes the optional Property Maintenance Code. The second includes the legal provisions for implementing a rental inspections program. Also attached is a copy of information found regarding the previous Rental Unit Inspection Program of the Town, including the former Town Code that was adopted to allow the enforcement of the Property Maintenance Code.

Council Discussion: This agenda item is scheduled for discussion between Town Council and Staff at the May 20, 2013 Town Council Work Session.

Budget/Funding: No additional funds are needed.

Legal Evaluation: The Town Attorney will be available at the upcoming Town Council work session to answer questions that Town Council may have.

Staff Recommendations: Staff will be available at the upcoming work session to present additional information, hold discussion and respond accordingly to questions of Town Council.

Town Manager Recommendation: The Town Manager will be available at the upcoming work session for discussion and questions.

Council Recommendation:

☐ Additional Work Session ☐ Regular Meeting ☐ No Action

Consensus Poll on Action: ____ (Aye) ____ (Nay)

§ 36-105. Enforcement of Code; appeals from decisions of local department; inspection of buildings; inspection warrants; inspection of elevators; issuance of permits.

A. Enforcement generally. Enforcement of the provisions of the Building Code for construction and rehabilitation shall be the responsibility of the local building department. There shall be established within each local building department a local board of Building Code appeals whose composition, duties and responsibilities shall be prescribed in the Building Code. Any person aggrieved by the local building department's application of the Building Code or refusal to grant a modification to the provisions of the Building Code may appeal to the local board of Building Code appeals. No appeal to the State Building Code Technical Review Board shall lie prior to a final determination by the local board of Building Code appeals. Whenever a county or a municipality does not have such a building department or board of Building Code appeals, the local governing body shall enter into an agreement with the local governing body of another county or municipality or with some other agency, or a state agency approved by the Department for such enforcement and appeals resulting therefrom. For the purposes of this section, towns with a population of less than 3,500 may elect to administer and enforce the Building Code; however, where the town does not elect to administer and enforce the Building Code, the county in which the town is situated shall administer and enforce the Building Code for the town. In the event such town is situated in two or more counties, those counties shall administer and enforce the Building Code for that portion of the town situated within their respective boundaries.

B. New construction. Any building or structure may be inspected at any time before completion, and shall not be deemed in compliance until approved by the inspecting authority. Where the construction cost is less than \$2,500, however, the inspection may, in the discretion of the inspecting authority, be waived. A building official may issue an annual permit for any construction regulated by the Building Code. The building official shall coordinate all reports of inspections for compliance with the Building Code, with inspections of fire and health officials delegated such authority, prior to issuance of an occupancy permit. Fees may be levied by the local governing body in order to defray the cost of such enforcement and appeals.

C. Existing buildings and structures.

1. Inspections and enforcement of the Building Code. The local governing body may also inspect and enforce the provisions of the Building Code for existing buildings and structures, whether occupied or not. Such inspection and enforcement shall be carried out by an agency or department designated by the local governing body.

2. Complaints by tenants. However, upon a finding by the local building department, following a complaint by a tenant of a residential dwelling unit that is the subject of such complaint, that there may be a violation of the unsafe structures provisions of the Building Code, the local building department shall enforce such provisions.

3. Inspection warrants. If the local building department receives a complaint that a violation of the Building Code exists that is an immediate and imminent threat to the health or safety of the owner, tenant, or occupants of any building or structure, or the owner, occupant, or tenant of any nearby building or structure, and the owner, occupant, or tenant of the building or structure that is the subject of the complaint has refused to allow the local building official or his agent to have access to the subject building or structure, the local building official or his agent may present sworn testimony to a magistrate or a court of competent jurisdiction and request that the magistrate or court grant the local building official or his agent an inspection warrant to enable the building official or his agent to enter the subject building or structure for the purpose of determining whether violations of the Building Code exist. The local building official or his agent shall make a reasonable effort to obtain consent from the owner, occupant, or tenant of the subject building or structure prior to seeking the issuance of an inspection warrant under this section.

4. Transfer of ownership. If the local building department has initiated an enforcement action against the owner of a building or structure and such owner subsequently transfers the ownership of the building or structure to an entity in

which the owner holds an ownership interest greater than 50 percent, the pending enforcement action shall continue to be enforced against the owner.

5. Elevator, escalator, or related conveyance inspections. The local governing body shall, however, inspect and enforce the Building Code for elevators, escalators, or related conveyances, except for elevators in single- and two-family homes and townhouses. Such inspection shall be carried out by an agency or department designated by the local governing body.

6. A locality may require by ordinance that any landmark, building or structure that contributes to a district delineated pursuant to § 15.2-2306 shall not be razed, demolished or moved until the razing, demolition or moving thereof is approved by the review board, or, on appeal, by the governing body after consultation with the review board unless the local maintenance code official consistent with the Uniform Statewide Building Code, Part III Maintenance, determines that it constitutes such a hazard that it shall be razed, demolished or moved.

For the purpose of this subdivision, a contributing landmark, building or structure is one that adds to or is consistent with the historic or architectural qualities, historic associations, or values for which the district was established pursuant to § 15.2-2306, because it (i) was present during the period of significance, (ii) relates to the documented significance of the district, and (iii) possesses historic integrity or is capable of yielding important information about the period.

7. Fees may be levied by the local governing body in order to defray the cost of such enforcement and appeals. For purposes of this section, "defray the cost" may include the fair and reasonable costs incurred for such enforcement during normal business hours, but shall not include overtime costs unless conducted outside of the normal working hours established by the locality. A schedule of such costs shall be adopted by the local governing body in a local ordinance. A locality shall not charge an overtime rate for inspections conducted during the normal business hours established by the locality. Nothing herein shall be construed to prohibit a private entity from conducting such inspections, provided the private entity has been approved to perform such inspections in accordance with the written policy of the maintenance code official for the locality.

D. Fees may be levied by the local governing body to be paid by the applicant for the issuance of a building permit as otherwise provided under this chapter, however, notwithstanding any provision of law, general or special, if the applicant for a building permit is a tenant or the owner of an easement on the owner's property, such applicant shall not be denied a permit under the Building Code solely upon the basis that the property owner has financial obligations to the locality that constitute a lien on such property in favor of the locality. If such applicant is the property owner, in addition to payment of the fees for issuance of a building permit, the locality may require full payment of any and all financial obligations of the property owner to the locality to satisfy such lien prior to issuance of such permit. For purposes of this subsection, "property owner" means the owner of such property as reflected in the land records of the circuit court clerk where the property is located, the owner's agent, or any entity in which the owner holds an ownership interest greater than 50 percent.

(1972, c. 829; 1974, c. 433; 1977, cc. 423, 613; 1978, c. 578; 1981, c. 498; 1982, c. 267; 1992, c. 73; 1993, c. 328; 1994, cc. 214, 256, 574; 1995, cc. 95, 523, 702, 827; 1999, cc. 333, 341; 2001, c. 119; 2002, c. 720; 2003, c. 650; 2004, c. 851; 2006, c. 424; 2007, c. 291; 2009, cc. 181, 184, 551, 586; 2010, c. 63; 2012, cc. 494, 607.)

§ 36-105.1:1. Rental inspections; rental inspection districts; exemptions; penalties.

A. For purposes of this section:

"Dwelling unit" means a building or structure or part thereof that is used for a home or residence by one or more persons who maintain a household.

"Owner" means the person shown on the current real estate assessment books or current real estate assessment records.

"Residential rental dwelling unit" means a dwelling unit that is leased or rented to one or more tenants. However, a dwelling unit occupied in part by the owner thereof shall not be construed to be a residential rental dwelling unit unless a tenant occupies a part of the dwelling unit which has its own cooking and sleeping areas, and a bathroom, unless otherwise provided in the zoning ordinance by the local governing body.

B. Localities may inspect residential rental dwelling units. The local governing body may adopt an ordinance to inspect residential rental dwelling units for compliance with the Building Code and to promote safe, decent and sanitary housing for its citizens, in accordance with the following:

1. Except as provided in subdivision B 3, the dwelling units shall be located in a rental inspection district established by the local governing body in accordance with this section, and

2. The rental inspection district is based upon a finding by the local governing body that (i) there is a need to protect the public health, safety and welfare of the occupants of dwelling units inside the designated rental inspection district; (ii) the residential rental dwelling units within the designated rental inspection district are either (a) blighted or in the process of deteriorating, or (b) the residential rental dwelling units are in the need of inspection by the building department to prevent deterioration, taking into account the number, age and condition of residential dwelling rental units inside the proposed rental inspection district; and (iii) the inspection of residential rental dwelling units inside the proposed rental inspection district is necessary to maintain safe, decent and sanitary living conditions for tenants and other residents living in the proposed rental inspection district. Nothing in this section shall be construed to authorize one or more locality-wide rental inspection districts and a local governing body shall limit the boundaries of the proposed rental inspection districts to such areas of the locality that meet the criteria set out in this subsection, or

3. An individual residential rental dwelling unit outside of a designated rental inspection district is made subject to the rental inspection ordinance based upon a separate finding for each individual dwelling unit by the local governing body that (i) there is a need to protect the public health, welfare and safety of the occupants of that individual dwelling unit; (ii) the individual dwelling unit is either (a) blighted or (b) in the process of deteriorating; or (iii) there is evidence of violations of the Building Code that affect the safe, decent and sanitary living conditions for tenants living in such individual dwelling unit.

For purposes of this section, the local governing body may designate a local government agency other than the building department to perform all or part of the duties contained in the enforcement authority granted to the building department by this section.

C. 1. Notification to owners of dwelling units. Before adopting a rental inspection ordinance and establishing a rental inspection district or an amendment to either, the governing body of the locality shall hold a public hearing on the proposed ordinance. Notice of the hearing shall be published once a week for two successive weeks in a newspaper published or having general circulation in the locality.

Upon adoption by the local governing body of a rental inspection ordinance, the building department shall make reasonable efforts to notify owners of residential rental dwelling units in the designated rental inspection district, or their designated managing agents, and to any individual dwelling units subject to the rental inspection ordinance, not located in a rental inspection district, of the adoption of such ordinance, and provide information and an explanation of the rental inspection ordinance and the responsibilities of the owner thereunder.

2. Notification by owners of dwelling units to locality. The rental inspection ordinance may include a provision that requires the owners of dwelling units in a rental inspection district to notify the building department in writing if the dwelling unit of the owner is used for residential rental purposes. The building department may develop a form for such purposes. The rental inspection ordinance shall not include a registration requirement or a fee of any kind associated with the written notification pursuant to this subdivision. A rental inspection ordinance may not require that the written notification from the owner of a dwelling unit subject to a rental inspection ordinance be provided to the building department in less than 60 days after the adoption of a rental inspection ordinance. However, there shall be no penalty for the failure of an owner of a residential rental dwelling unit to comply with the provisions of this subsection, unless and until the building department provides personal or written notice to the property owner, as provided in this section. In any event, the sole penalty for the willful failure of an owner of a dwelling unit who is using the dwelling unit for residential rental purposes to comply with the written notification requirement shall be a civil penalty of up to \$50. For purposes of this subsection, notice sent by regular first class mail to the last known address of the owner as shown on the current real estate tax assessment books or current real estate tax assessment records shall be deemed compliance with this requirement.

D. Initial inspection of dwelling units when rental inspection district is established. Upon establishment of a rental inspection district in accordance with this section, the building department may, in conjunction with the written notifications as provided for in subsection C, proceed to inspect dwelling units in the designated rental inspection district to determine if the dwelling units are being used as a residential rental property and for compliance with the provisions of the Building Code that affect the safe, decent and sanitary living conditions for the tenants of such property.

E. Provisions for initial and periodic inspections of multifamily dwelling units. If a multifamily development has more than 10 dwelling units, in the initial and periodic inspections, the building department shall inspect only a sampling of dwelling units, of not less than two and not more than 10 percent of the dwelling units, of a multifamily development, which includes all of the multifamily buildings which are part of that multifamily development. In no event, however, shall the building department charge a fee authorized by this section for inspection of more than 10 dwelling units. If the building department determines upon inspection of the sampling of dwelling units that there are violations of the Building Code that affect the safe, decent and sanitary living conditions for the tenants of such multifamily development, the building department may inspect as many dwelling units as necessary to enforce the Building Code, in which case, the fee shall be based upon a charge per dwelling unit inspected, as otherwise provided in subsection H.

F. 1. Follow-up inspections. Upon the initial or periodic inspection of a residential rental dwelling unit subject to a rental inspection ordinance, the building department has the authority under the Building Code to require the owner of the dwelling unit to submit to such follow-up inspections of the dwelling unit as the building department deems necessary, until such time as the dwelling unit is brought into compliance with the provisions of the Building Code that affect the safe, decent and sanitary living conditions for the tenants.

2. Periodic inspections. Except as provided in subdivision F 1, following the initial inspection of a residential rental dwelling unit subject to a rental inspection ordinance, the building department may inspect any residential rental dwelling unit in a rental inspection district, that is not otherwise exempted in accordance with this section, no more than once each calendar year.

G. Exemptions from rental inspection ordinance. Upon the initial or periodic inspection of a residential rental dwelling unit subject to a rental inspection ordinance for compliance with the Building Code, provided that there are no violations of the Building Code that affect the safe, decent and sanitary living conditions for the tenants of such

residential rental dwelling unit, the building department shall provide, to the owner of such residential rental dwelling unit, an exemption from the rental inspection ordinance for a minimum of four years. Upon the sale of a residential rental dwelling unit, the building department may perform a periodic inspection as provided in subdivision F 2, subsequent to such sale. If a residential rental dwelling unit has been issued a certificate of occupancy within the last four years, an exemption shall be granted for a minimum period of four years from the date of the issuance of the certificate of occupancy by the building department. If the residential rental dwelling unit becomes in violation of the Building Code during the exemption period, the building department may revoke the exemption previously granted under this section.

H. A local governing body may establish a fee schedule for enforcement of the Building Code, which includes a per dwelling unit fee for the initial inspections, follow-up inspections and periodic inspections under this section.

I. The provisions of this section shall not, in any way, alter the rights and obligations of landlords and tenants pursuant to the applicable provisions of Chapter 13 (§ 55-217 et seq.) or Chapter 13.2 (§ 55-248.2 et seq.) of Title 55.

J. The provisions of this section shall not alter the duties or responsibilities of the local building department under § 36-105 to enforce the Building Code.

K. Unless otherwise provided in this section, penalties for violation of this section shall be the same as the penalties provided in the Building Code.

(2004, c. 851; 2009, c. 663.)

[prev](#) | [next](#) | [new search](#) | [table of contents](#) | [home](#)

**Property Maintenance Guidelines
As Adopted by
The Code of the Town of Front Royal
And the
Virginia Uniform Statewide
Building Code**



Compliments of the Code Official's Office
Town of Front Royal, Virginia
(540) 635-9385

**AN ORDINANCE TO ENACT AND ADOPT CHAPTER 125, SECTIONS 125-1
THROUGH 125-15, OF THE FRONT ROYAL MUNICIPAL CODE ENTITLED
PROPERTY MAINTENANCE CODE**

WHEREAS, Sections 36-97 through 36-107.1 of the Code of Virginia authorizes local governments to enforce the Uniform Statewide Building Code, including the Property Maintenance Code adopted therein, (hereafter, "the Property Maintenance Code"); and

WHEREAS, after public hearing, Town Council finds it is desirable to adopt an ordinance providing for the enforcement of the Property Maintenance Code by Town Staff.

NOW, THEREFORE, BE IT ENACTED by the Town Council of the Town of Front Royal, Virginia, pursuant to Sections 36-97 through 36-107.1 of the Code of Virginia (1950), as amended, and the Charter of the Town of Front Royal, that Chapter 125, Sections 125-1 through 125-15 of the Front Royal Municipal Code, is hereby enacted as follows:

CHAPTER 125 PROPERTY MAINTENANCE CODE

ARTICLE I GENERAL PROVISIONS

125-1 Adoption.

The provisions, requirements and regulations contained in the Property Maintenance Code, as may from time to time hereafter be amended by the State Board of Housing and Community Development, are hereby adopted by the town for the purpose of ensuring public safety, health and welfare through proper building maintenance and use, and continued compliance with minimum standards, including the elimination of conditions that render buildings unsafe, thereby constituting a danger to life and health or to public welfare. This chapter is adopted pursuant to Section § 36-105 of the Code of Virginia, 1950, as amended.

125-2 Enforcement.

The Town Manager is the designated authority for the enforcement of this chapter and may appoint a Code Official for the administration and enforcement of the provisions of the Property Maintenance Code.

125-3 Appeals.

The Warren County Building Board of Appeals is hereby designated as the appeals board to hear appeals arising from the application of the provisions of the Property Maintenance Code. Any person aggrieved by any determination or decision of the Code Official made pursuant to this chapter shall have the right to appeal such determination or decision within twenty-one (21) calendar days of such determination.

125-4 Applicability.

The provisions of this article shall apply to all dwelling units not occupied by any owner, any commercial or industrial properties where a complaint has been made, or properties where an unsafe condition is discovered by the Code Official.

125-5 Fees.

The fees for inspections shall be established and amended by resolution of the Town Council.

125-6 Administrative Practices.

The Code Official Town Manager may establish such ~~procedures or requirements~~ administrative practices as may be necessary for the administration and enforcement of this chapter.

125-7 Severability.

Should any provision of this chapter be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the chapter as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.

ARTICLE II RENTAL PROPERTY MAINTENANCE

125-8 Purpose and Intent.

The Town Council finds that certain residential rental housing, when not subject to either regular inspections or inspections upon a change in tenancy to ensure compliance with applicable building maintenance regulations, may become unsafe, a public nuisance, and unfit for human habitation. The Town Council further finds that certain residential housing within the town is in need of a housing inspection program to prevent property deterioration and neighborhood blight, and to protect the public health, safety and welfare by ensuring proper building maintenance and compliance with applicable building regulations in rental dwelling.

125-9 Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

Certificate of compliance -- written evidence on a form to be prescribed by the Code Official that documents the date and passage of an inspection of the property for compliance with the provisions of this chapter.

Change in occupancy -- the vacation of a dwelling or dwelling unit by any tenant and the subsequent occupancy of such dwelling or dwelling unit by a new tenant or tenants. Evidence of a change in occupancy may include, but not be limited to, a change in name or transfer of a town utility account.

Code Official -- the Town Manager or his designee who has day-to-day responsibility for the administration and enforcement of this chapter.

Dwelling -- any single structure which is a place of residence, including, but not limited to, condominiums, efficiencies, townhomes, manufactured or mobile homes, single-family homes, two-family homes, multifamily homes or multifamily apartments. The term "dwelling" shall not include hospitals, nursing homes, convalescent homes or similar facilities providing medical care to the aged, infirm or disabled, or hotels, motels, inns, bed and breakfasts and other establishments for transients, unless such establishments rent primarily to occupants for more than thirty (30) continuous days.

Dwelling unit -- a single unit providing complete, independent living facilities for one (1) or more persons, or a single habitable unit contained within a dwelling that is an establishment that rents primarily to occupants for more than thirty (30) continuous days. The term "dwelling unit" shall not include units within hospitals, nursing homes, convalescent homes or similar facilities providing medical care to the aged, infirm or disabled, or hotels, motels, inns, bed and breakfasts and other establishments for transients, unless such establishments rent primarily to occupants for more than thirty (30) continuous days.

Inspection or inspected -- an official examination conducted by the designated Code Official

Managing agent -- any person having the authority, singly or in combination with another, to enter into an agreement for the occupancy of property subject to this article.

Multiple-family rental complex -- any dwelling, or series of dwellings, consisting of no less than twenty (20) dwelling units, occupied for valuable consideration, on a single lot or adjacent lots under common ownership. The term "multiple-family rental complex" shall not include mobile homes under common ownership in a mobile home park or subdivision, and such term shall not include single-family homes, two-family homes, or townhouses under common ownership.

Owner -- any person, corporation, partnership or other legal entity holding title to real property in the town as reflected in the public records of the circuit court or the commissioner of revenue. The word "owner" shall not include any person who merely holds a deed of trust on real property.

Property -- dwellings and dwelling units that are leased or rented, in whole or in part, to tenants.

Property Maintenance Code -- that portion of the building code entitled the BOCA National Property Maintenance Code adopted by the Uniform Statewide Building Code as referred to and adopted by reference in section 125-1 of this Code, and any amendments to the BOCA National Property Maintenance Code, or subsequent editions.

Tenant -- any person who is not an owner of the dwelling or dwelling unit, which he occupies. The word "tenant" shall not include any person who occupies the same dwelling unit with any owner of such dwelling unit, or any person related by blood or marriage to the owner and

occupying the same dwelling with such owner.

125-10 Inspection and Certificate of Compliance Required.

- A. After January 2, 2002, no owner or managing agent of any dwelling or dwelling unit shall permit a change in occupancy of any such dwelling or dwelling unit, or permit a new tenant or tenants to occupy a dwelling or dwelling unit that is vacant, unless the dwelling or dwelling unit is the subject of a valid certificate of compliance, a temporary waiver of compliance certificate or a certificate of exemption.
- B. Compliance with the terms of this article shall be evidenced by a certificate of compliance. Except as otherwise noted herein, a certificate of compliance shall be valid for two (2) years from the date of issuance, or until any tenant occupying a dwelling or dwelling unit on the date of expiration of such two-year period vacates such dwelling or dwelling unit.
- C. The consent of any owner, managing agent or tenant shall be required before any inspection pursuant to this article is performed, unless the inspection is conducted pursuant to other lawful means.
- D. Upon request for inspection by the owner or managing agent, the Code Official shall use his best efforts to inspect within two (2) working days of such request or notification of vacancy, or such time as agreed upon by the owner or managing agent. In the event the Code Official cannot meet such schedule:
 - 1. The owner or manager may present to the Code Official a certificate of inspection dated not more than 21 days prior to presentation, prepared by a private inspector or inspection agency approved by the Code Official as provided in Section 114.9.1 of the Virginia Uniform Statewide Building Code (VAUSBC) or any amendments or replacement thereof; or
 - 2. The Code Official shall permit occupancy of a dwelling unit by the issuance of a temporary permit for compliance bearing the following conditions:
 - a. The temporary permit for compliance shall be valid for a term of not more than twenty-one (21) days, during which time the tenant and/or owner or agent shall permit the Code Official to conduct his inspection at a mutually agreed time.
 - b. Upon satisfactory completion of the inspection during the twenty-one (21) days, the Code Official shall issue a Certificate of Compliance.
 - c. The property shall be vacated and the electric service shall be terminated at the end of the twenty-one (21) days in the event the property is found not to be in compliance with the terms of this chapter and shall not be reoccupied until a valid Certificate of compliance has been issued.
- E. In no event shall the issuance of a certificate of compliance serve to exempt the owner, managing agent or tenant of the property from compliance with applicable statutes, laws, ordinances and regulations pertaining to housing.

- F. Existing structures or portions thereof constructed, altered or occupancy converted prior to September 1, 1973, shall be maintained in compliance with the provisions of this chapter and the Property Maintenance Code. No provisions of this part of this chapter shall require alterations to structures or equipment unless an unsafe or unhealthy condition exists.*
- G. Existing Structures or portions thereof and equipment, subject to the Virginia Uniform Statewide Building Code (VAUSBC) as adopted by the State of Virginia when constructed, altered or occupancy converted shall be maintained and repaired in compliance with this chapter and the VAUSBC edition in effect when constructed, altered or converted.*

125-11 Issuance of Certificate of Compliance.

- A. A certificate shall be issued only after an inspection of such a unit upon the termination of the tenancy and only if the building meets the standards of current building regulations for existing residential buildings, as set out in the Virginia Uniform Statewide Building Code (USBC), as in effect on the date of the inspection. The unit's electricity shall not be reconnected until a valid certificate of compliance has been issued by the Code Official's office. The owner or managing agent will be entitled to receive a certificate of compliance immediately upon the Code Official's determination that the dwelling or dwelling unit complies with the Property Maintenance Code.
- B. If the dwelling or dwelling unit fails to comply with any one (1) or more of all applicable building regulations set forth in the Property Maintenance Code, the Code Official shall furnish the owner, managing agent or tenant with a written list of specific violations and the time frame within which to correct said violations. Failure to list any violation shall not be deemed a waiver of such violation. Upon the completion of all corrections and repairs, the owner, managing agent or tenant shall request a re-inspection of the dwelling or dwelling unit.

125-12 Temporary Waiver of Compliance.

- A. A temporary waiver of compliance certificate may be issued for any dwelling or dwelling unit that is inspected pursuant to this article and fails to comply with regulations set forth in the Property Maintenance Code. Such temporary waiver of compliance certificate may be issued only upon a determination by the Code Official that:
1. The work necessary to bring the dwelling or dwelling unit into compliance with the Property Maintenance Code, can be reasonably undertaken and completed while the premises are occupied without endangering the safety of the occupants of the property, or subjecting the occupants to any conditions rendering the dwelling or dwelling unit uninhabitable; and
 2. The dwelling or dwelling unit can be brought into compliance with all applicable building code requirements within the period of time determined by the Code Official to be appropriate to complete the repairs needed, but in no case longer than six (6) months.

- B. A temporary waiver of compliance certificate shall authorize the occupancy of the dwelling or dwelling unit for such period of time as is reasonably necessary to remedy or correct all defects or violations by reason of which the certificate of compliance was refused. Every temporary waiver of compliance certificate shall set forth the period of time for which temporary occupancy is authorized, such period of time not to exceed six (6) months. The failure of the owner, managing agent or tenant to complete all corrections within the specified period of time shall constitute a violation of this article.

125-13 Exemptions.

- A. A certificate of compliance shall be issued and no inspection shall be required within three (3) years of the issuance of a certificate of occupancy, for a new dwelling or dwelling unit constructed under the provisions of the building code, in effect at the time of the construction.
- B. A certificate of compliance shall be issued, and no inspection shall be required within three (3) years of the date of issuance, upon the written determination of the Warren County Building Official that a dwelling or dwelling unit which has been the subject of a building permit for substantial rehabilitation or repair, the rehabilitation or repair meets the requirements of the building code, and the extent of the rehabilitation or repair renders the entire dwelling or dwelling unit equivalent to new construction with respect to the general public health, safety and welfare.

125-14 Certificate of Exemption.

- A. The Code Official may issue a certificate of exemption for any dwelling unit in a multiple-family rental complex ("rental complex") strictly meeting each of the following criteria:
1. No less than ten (10) of the dwelling units within the rental complex have been randomly selected, inspected and approved under the terms of this article; and
 2. At the time of the inspections, no violations of the code exist within the dwelling units or dwellings so inspected.
- B. A certificate of exemption shall be valid for a period of two (2) years from the date of issuance.
- C. If the Code Official determines during any two-year exemption period that one (1) or more substantial violations of applicable building regulations in effect existed at the time of the inspection pertaining to the condition of any dwelling or dwelling unit contained in the rental complex, the Code Official may revoke the certificate of exemption. Prior to any such revocation, the Code Official shall send by first class mail written notice to the owner or managing agent, specifying the nature of the violations found and the date upon which the revocation of the certificate of exemption will take effect. Proof of mailing to the last known address of the owner or managing agent of the property, by affidavit or otherwise, shall be sufficient evidence that the notice was received.

- D. The issuance of a certificate of exemption shall exempt the owner or managing agent from the requirements of inspections within this article during the two-year term of the certificate of exemption. In no event does the issuance of a certificate of exemption serve to exempt the owner, managing agent or tenant from compliance with all applicable statutes, laws, and ordinances, including the Property Maintenance Code.

125-15 Penalties.

- A. It shall be unlawful for any owner or tenant, or any other person, firm or corporation to violate any provisions of this chapter. Any violation of such provisions shall be deemed a misdemeanor, and any owner, tenant, or any other person, firm or corporation, who is convicted of such violation, shall be punished by a fine of not more than \$1,000. In addition, each day the violation continues after conviction or the court-ordered abatement period has expired shall constitute a separate offense. If the violation remains uncorrected at the time of conviction, the court shall order such violator to abate or remedy the violation in order to comply with this Chapter. Except as otherwise provided by the court for good cause shown, any such violator shall abate or remedy the violation within six months of the date of conviction. Each day during which the violation continues after the court-ordered abatement period has ended shall constitute a separate offense. Any person convicted of a second offense committed within less than five years after a first offense under this chapter shall be punished by a fine of not more than \$1,000. Any person convicted of a second offense committed within a period of five to ten years of a first offense under this chapter shall be punished by a fine of not less than \$500 nor more than \$1,000. Any person convicted of a third or subsequent offense involving the same property committed within ten years of an offense under this chapter after having been at least twice previously convicted shall be punished by confinement in jail for not more than ten days and a fine of not more than \$1,000, either or both. No portion of the fine imposed for such third or subsequent offense committed within ten years of an offense under this chapter shall be suspended.

This Ordinance shall be effective upon passage.

APPROVED:

HON. CLIFFORD L. ATHEY, JR., MAYOR

ATTEST:

Rhonda S. North, C.M.C./A.A.E.
Clerk of Council

The above ordinance was adopted on its _____ reading at the regular meeting of the Town Council held on _____, 2001, was published in the Northern Virginia Daily on _____ and _____, 2001, and was finally enacted at the regular meeting of the Town Council held on _____, 2001.

APPROVED AS TO FORM AND LEGALITY:

Blair D. Mitchell, Town Attorney

DATE: ____/____/____

Property Maintenance Guidelines
As adopted by
THE CODE OF THE TOWN OF FRONT ROYAL
And the
Virginia Uniform Statewide
Building Code

As prescribed by the Virginia Uniform Statewide Building Code (USBC) and the Code of the Town of Front Royal, Virginia, the Office of the Code Official is responsible for enforcing maintenance standards for existing buildings in the Town of Front Royal.

Standards contained in the BOCA National Property Maintenance Code, as amended by Virginia Uniform Statewide Building Code, are applied to all properties, regardless of use or location within the Town. Although commonly called the Property Maintenance Code, here, it is simply referred to as the Code.

There are many different situations with buildings in our community, and the Code is intended to be somewhat flexible to deal with unusual situations within the spirit and intent of the Code. Most of the requirements of the code are common sense, and a diligent look at a building will usually tell where repairs or maintenance are needed. This booklet contains a list of items, in fairly simple terms, that an inspector is likely to check when inspecting an existing building, based on the Property Maintenance Code (Virginia Property Maintenance Code). This list is meant to be informative and help the owner or occupant get a pretty good idea him/herself whether a building meets the Code, as applied by the Town of Front Royal.

A building must be maintained to meet the Code requirements. However, some buildings may be well kept, but do not meet the Code requirements. This is because of the way they were designed and built many years ago. Some structures may have been built before building codes were enacted, while in other cases, structures were built to comply with the Code that was in effect when it was built. If the Code official decides those conditions do not endanger life or health, the Code Official would not require the building to be modified to meet the technical requirements of the Code. However, some of these design or construction features are considered unsafe by nature and will have to be modified. Some of these features are identified in the description of Code requirements in this booklet. Some of the more common conditions where the issue of changing a building's design arises are:

- Smoke detectors missing or not working
- Electrical service faulty or undersized
- Window from sleeping area not adequate as emergency exit

In some instances, conditions that would cause a unit to be condemned as not fit to live are pointed out. In such a serious case, either the conditions must be corrected or the occupants must leave for their own safety. Depending on the circumstances, the occupants may be allowed to stay for a short period of time, ranging from a few hours to a few days, while repairs are made.

Provisions of the Property Maintenance Code And related laws

Exterior of Building

The exterior must be kept in good repair, structurally sound and sanitary. Even vacant buildings must be clean, safe and secure so they do not endanger the safety of neighbors.

Street Numbers - Each building that has an address should have the street numbers visible so they can be read easily from the street by emergency vehicles. The numbers should be at least 4 inches tall, placed on the front of the building, and be in contrasting colors with the background.

Yards - should be free of rubbish, garbage or junk cars, and should be graded to drain away from the building foundation. Grass should be seeded and maintained to provide groundcover for all areas. Water from downspouts and sump pump drains must not be directed across property lines and care should be taken to arrange discharge points so as to not adversely affect neighbors.

Walkways and Driveways - should be generally flat, level, and free of tripping hazards.

Accessory Structures - such as garages, utility sheds, fences, and outside walls, should be straight, stable, not leaning, and free of debris. Roofs of outbuildings should be in good repair to prevent water from leaking inside.

Foundation Walls - should be straight, not bulging in or out. Corners should be tied in with the rest of the foundation, not cracked and separated. Small cracks are common on old houses and are acceptable. Wide cracks must be sealed to prevent entry of water, wind, insects and rodents. Foundations that do not properly support the building load may cause the entire structure to be condemned.

Outside Walls and Trim - must keep the weather outside. If you were to spray the exterior with a water hose, the inside should remain dry. Water should not pass beyond the siding or be soaked up by the siding. Bare wood soaks up moisture and will eventually rot and lead to serious structural problems. It is therefore required that all wood surfaces be treated, stained, or painted. Brick walls should have no cracks that allow rain to get behind the bricks. Aluminum, vinyl, asbestos shingle, or other types of siding should not be missing pieces that would allow water to get in the wall or behind the siding.

Soffits and Fascia - should be rot free and keep out birds and insects. Trim or decorative pieces should be securely fastened. As with siding or other trim, bare wood must be painted or stained.

Roofs - The obvious function of the roof is to keep water out of the interior. Roof problems are usually spotted from the inside of a building. Leaks usually occur first in the valleys or around flashing. Serious leaks can cause walls or ceilings to fall, resulting in the unit being declared "Uninhabitable".

Exterior of Building (Continued)

Chimneys - Many roofs leak around a chimney. Close attention should be given to the flashing in this area. Older chimneys frequently have loose bricks, which could fall off the roof or inside the chimney or could cause the whole chimney to collapse. Mortar joints around all loose bricks need to be tuck pointed, replaced or stuccoed.

Gutters and Downspouts - if gutters are in place they should be securely fastened and work properly. Gutters need to catch water from the roof and channel it down a downspout, which then releases the water away from the structure and its foundation. Although gutters are not required, a person entering the house should not be drenched by roof water runoff. Extra care should be taken to divert roof drainage from entry doors.

Stairs of more than 4 steps - must have a handrail, between 30 and 42 inches high, installed on at least one side. Handrails must be fastened securely and be capable of supporting a person. Treads and risers must be intact and firmly attached.

Porches - The porch roof is no different than the main roof. Dry is the objective. Columns must be rot free and standing straight. If the porch is more than 30 inches above the surrounding grade, it must have railings at least 30 inches high, capable of supporting a person. Decking and ceiling boards must not be rotten, loose or missing. Again, all untreated wood must be protected from weather damage by painting or staining.

Outside doors - must close tightly to prevent the entry of rain, wind or snow. Door hardware should latch securely, lock and unlock from the inside easily. Doors should also be strong enough to discourage break-ins. Locks that use a key on the inside for locking and unlocking are prohibited. This is because, in an emergency, the door is difficult to unlock and a person may be unable to locate the key without delay.

Windows - are for light, ventilation, and emergency escape. They must keep out weather and intruders but be easy to open in an emergency. For security, every window accessible from the ground should have a lock. Every bedroom, living room, eating area should either have a window that opens or has mechanical ventilation and artificial lighting. All windows that are required for emergency escape must be easily opened without the use of tools or special knowledge. The window should be able to stay open by itself, as intended, so it would not fall on hands or fingers and could be gotten out of easily in an emergency. However, a stick or other prop may be acceptable. A tight crack in the glass would not be cited as a violation, but an exposed broken edge would. Storm windows are not required. (See also "Emergency Exits", below.)

Insect Screens - are required on every window or door that is required to open for ventilation from April through November. The screens should be small mesh to keep out insects. Screen doors must be self-closing.

Vacant Buildings - must be kept secure to prevent trespassers, animals or moisture from entering and causing damage.

Interior of Building

The interior of a building must be kept sound, sanitary and in generally good repair. The occupant of each living unit is responsible for keeping it clean, sanitary, and free of garbage and rubbish.

Interior Doors - are for privacy and should close and secure properly. Bathrooms and bedrooms require doors with working hardware.

Interior Walls and Ceilings - should be free of holes, wide cracks, loose or falling plaster, and excessive flaking or peeling paint. If the peeling paint contains lead, it needs to be covered or removed carefully to prevent further contamination of the unit. Settlement cracks in older houses are common and acceptable.

Floors - must be solid, intact, and sanitary, free of holes, large cracks, and decay, be generally waterproof, and capable of bearing normal loads.

Clearances - Ceiling heights of kitchens, bathrooms and hallways should be at least 7 feet. Ceilings of other rooms generally should be not less than 7 feet 4 inches high. In no case may a ceiling in a living area, or anything protruding down from the ceiling such as beams or ductwork, be lower than 6 feet high. Kitchens should have at least 3 feet of passageway between cabinets. All other rooms should be at least 7 feet wide. However, clearances of less than these standards may be acceptable if they cannot be increased easily and safety and comfort of living conditions are not significantly compromised.

Bedrooms - should have a door for privacy, at least two electrical outlets, and either a window that opens for ventilation and light or have artificial light and mechanical ventilation. Each bedroom should be at least 70 square feet for one occupant or 50 square feet for each occupant if more than one. Bedrooms should be arranged so those occupants do not have to pass through one bedroom to get to another bedroom, bathroom, or living space.

Bathrooms - should have a door for privacy, a usable electrical outlet (which should be, but does not have to be, a ground fault interrupter), a toilet, a sink, and a tub or shower with hot and cold water, and an open-able window or mechanical ventilation to exhaust moisture.

Kitchens - including a stove and refrigerator, are not required. However, if provided, the kitchen should have two electrical outlets and a sink. Any appliances, such as a stove, refrigerator, sink and disposal must be installed and work properly, including the gas line to a gas stove. A kitchen may not be used for sleeping.

Pest Extermination - is a shared responsibility that should be addressed in the lease between an owner and a tenant. According to the Code, the owner is responsible to see that a unit is free of insects, mice and rats before renting it, and for common areas and the exterior of multi-family buildings. The occupant is responsible for keeping his/her unit free of infestation and for extermination if it does become infested. The best way to prevent infestation is to not provide food sources for insects or rodents, and to act quickly at the first sign of infestation.

Interior of Building (Continued)

Common Areas - like public hallways and stairs should be properly lighted for safety and security. The owner is responsible for the condition of common areas.

Emergency Exits - Every story above the second story should be provided with at least two different exits to the ground. However, for third floor rooms that are part of a unit on a lower level, open-able windows large enough and low enough to go through may be acceptable for emergency exit. Any bedroom in a basement must either have an open-able window large enough to get through, or have easy access to two independent exits out of the building. If locked, exit doors should be easy to open without keys in an emergency. Dead bolts keyed from the inside are not allowed. Exits should not lead through other apartments or bathrooms. Exit paths should not be restricted by anything that could prevent a person from escaping a fire.

Smoke Detectors - must be operable and are required on every floor level, including basements, and in the immediate area of the bedrooms. Battery-powered smoke detectors are acceptable. The property owner is responsible for providing functioning smoke detectors at the beginning of a tenancy. The resident is responsible for maintaining them in working order, including replacement of batteries. Visual alarms should be provided for the hard of hearing. Absence of working smoke detectors is considered fundamentally unsafe.

Rat Harborage - Exterior property must be kept free from rat infestation. Areas which may provide harborage or which may attract rats must be eliminated. If rats are discovered, they must be promptly exterminated.

Items not required - or covered by the Property Maintenance Code include cable television, telephones, intercoms, microwave ovens, window blinds or draperies, carpeting, or the color of ceilings, walls, carpets or floors.

Basic Systems

Every living unit must have water, electricity, and heat. Absence of any of these will cause the unit to be condemned.

Water System - Each resident must have reasonable access to a toilet, and a sink, bathtub or shower supplied with hot and cold water of enough volume and pressure for the fixtures to operate properly. All plumbing fixtures must work properly and be securely anchored. Drains should drain fairly freely and should not leak either water or sewer gases. Water heaters should have a pressure relief valve and a discharge pipe. They should supply adequate hot water of at least 110 degrees F. to every required faucet. Gas water heaters must be installed properly, including the gas supply line and exhaust vent, and should not be located in any bathroom, bedroom or any other occupied room that is normally closed.

Electrical System - is probably the most potentially dangerous part of a dwelling and deserves close attention. Electrical service of at least 60 amperes, three wires, and possibly more must serve each unit or apartment if the electrical load requires it. Any service of less than 60 amps per unit is considered fundamentally unsafe and unacceptable. The size of all wires must be adequate to safely carry the current that may be demanded. Insulation on all wires should be intact, including service cables. Use of extension cords should be avoided and in some cases may be so dangerous as to be prohibited. Every bedroom, living room, dining room and kitchen should have at least two usable electrical outlets. Bathrooms should have one outlet. Laundry areas should have one grounded type outlet. Fuse panels should not be over-fused, and fuse stats may be required. Tenant access to fuse or breaker panels is required.

Heating - is required from October 1 to May 15. In normal winter conditions, the heating system must be able to maintain at least 65 degrees during waking hours and at least 60 degrees at night. When the outside temperature is 15 degrees or less, inside room temperature requirements are lowered, providing the heating system is operating at full capacity, with supply valves and dampers in a full open position. (The ability of the heating system to keep the unit warm will also be affected by the building's insulation and weather-tightness of windows and doors.) Supply lines for fuel must be safely installed and free of leaks. Exhaust from a furnace must be safely vented without leaks. The property owner is responsible for providing the functional heating system. However, the occupant may be responsible for supplying the fuel. An inoperable or unsafe heating system during the heating season would fail a unit.

This is a summary of the Code and is offered only for general guidance. You may need more detailed information about a specific condition. The staff of the Town of Front Royal will gladly explain or elaborate on any Code requirement. They may be contacted at:

Code Official's Office
Planning and Zoning Department
Town Hall
16 North Royal Avenue
Front Royal, Virginia 22630
Telephone: 540-635-9385
FAX: 540-631-9006

You may also wish to get your own copy of the Virginia Property Maintenance Code. This Code is based on the BOCA National Property Maintenance Code, but with important amendments made by the State. An accurate and complete Code requires both the BOCA Code and the State's amendments to it. A copy of the Virginia amendments may be obtained from:

Code Development Office
Department of Housing and Community Development
501 North Second Street
Richmond, VA 23210-1321
Telephone: (804) 371-7170
FAX: (804) 371-7092

A copy of the BOCA National Property Maintenance Code may be obtained from:

Building Officials & Code Administrators International, Inc.
4051 West Flossmoor Road
Country Club Hills, Illinois 60478-5795
Telephone: (708) 799-2300
(800) 323-1103

TOWN OF FRONT ROYAL RESIDENTIAL RENTAL UNIT INSPECTIONS

Questions and Answers for Residents



What is the purpose of the program?

The purpose is to improve the quality of living conditions of citizens living in rental units by ensuring that all dwellings are properly maintained in accordance with the Virginia Building Maintenance Code.

How will we determine that there is a change in occupancy?

There are 4 ways we will know that there has been a change:

1. A request from the Landlord to perform an inspection.
2. Notification by a tenant that he has entered into a contract to rent a dwelling.
3. Request for a change in utility accounts from one tenant to another, and
4. Other Town agencies that become aware of a change in tenants notify our office.

Who is responsible for the inspection?

The landlord is responsible for obtaining the rental inspection prior to allowing tenants to occupy the unit.

What will the Inspector(s) look for?

The inspector(s) will look at the exterior and the interior of the structure.

- **Exterior:**
 1. Windows, screens, and doors are checked to ensure they are in good condition and weather-tight.
 2. Gutters and downspouts must direct the rainwater away from the structure to avoid flooded basement.
 3. Structural members should have no deteriorated lumber or bricks which could fall off or subject the interior to weather conditions.
- **Interior:**
 1. The Plumbing inspector will check the hot water, the cold water, the bathrooms, hot water heater tank, kitchen sink, and the water spigots to insure there are no leaks, and all equipment works.
 2. The Electrical inspector will check to see if the electric meter is securely attached to the building, the electrical panel is in good condition, the wiring is safe, and that no work has been added that is in noncompliance with Town code. All switches, lights, receptacles and other electrical equipment are checked to make sure they are in working order.



3. The Mechanical inspector will inspect all heating ventilation and air conditioning equipment to make sure it is in running order. This includes bathroom fans, and kitchen exhaust fans.
4. The Structural inspector will look for: required smoke detectors, the number and size of bedrooms, the condition of stairs, floors, and walls, any evidence of roof leaks, and to make sure there are working doors in bathrooms and bedrooms. They will look for accumulation of trash in the attic, basement, and yard areas.

How do you schedule an inspection?

You may request an inspection by calling the Code Official's office at (540) 635-9385, or you may come to the office of the Code Official at Town Hall, 16 North Royal Avenue. All inspection fees must be paid prior to the inspection.

Inspections will be performed within 2 working days of the receipt of the request.



After the inspection, you will be issued a Certificate of Compliance if everything passes.

What happens if you fail an inspection?

You will need to make the necessary repairs, and then re-schedule an inspection. If the violations are extensive, you may have to obtain permits before doing the repair work. Ask the inspector if this is necessary.

What happens if you do not comply with this ordinance?

In accordance with 36-103 of the Code of Virginia, you would be committing a misdemeanor, punishable by a fine of, but not more than \$1,000.00.

Questions?

Call the Town of Front Royal code Official at (540) 635-9385.



Town of Front Royal, Virginia
Work Session Agenda Form

Date: 9/16/13

Agenda Item: Warren County public safety Building Acceptance

Summary: The Warren County Public Safety Building has been completed and meets all Town Standards and Specifications. The Department has received As-Builts and all inspections have been completed.

Council Discussion: Council is requested to accept the water and sewer facilities located at the County Safety Building into the Town of Front Royal's system

Staff Evaluation: Environmental Services completed final inspections and have found water and sewer facilities to meet all Town Construction Standards and Specifications

Budget/Funding:

Legal Evaluation: The Town Attorney will be able to address any legal questions or concerns

Staff Recommendations: Staff recommends Council to accept the Warren County Safety Building into the Town's water and sewer system

Town Manager Recommendation:

Council Recommendation:

☐ Additional Work Session ☐ Regular Meeting ☐ No Action
Consensus Poll on Action: ____ (Aye) ____ (Nay)