



TOWN COUNCIL REGULAR WORK SESSION

Monday, April 8, 2024 @ 7:00PM

Town Hall Conference Room

View meeting online LIVE at <https://www.frontroyalva.com/673/Town-Hall-Live>

- 7:00pm 1. Roll Call
2. STAR Study Update from VDOT (Virtual) – *Adam Campbell*
- 8:00pm 3. New Business
- A. Repeal and Reservation of Section 9-303 Spot Blight Abatement from Town Code– *Lauren Kopishke*
 - B. Liaison Committee Meeting Items **for April 18th Meeting**
 - C. Virginia Municipal League (VML) Policy Committee Nominations
- 8:30pm 4. Old Business
- A. Continued Discussion of Urban Agriculture Performance standards in Town Code – *L Kopishke*
 - B. Alley Vacation Request at 225 East 7th Street/631 Kibler Street – *Joe Waltz*
 - C. Request for an Easement on Town Property from Donald Stallings near Duck Street – *Joe Waltz*
5. Adjourn



COUNCIL REGULAR WORK SESSION AGENDA STATEMENT

Meeting Date: April 8, 2024

Item# 02

Agenda Item: STARS Study Update from VDOT

Summary: VDOT enacted a study of the 340/522 corridor due to safety concerns in the area. This presentation will provide Council with an update of the study's progress and review of the proposed improvements to mitigate safety concerns.

Budget/Funding: N/A

Staff Recommendation: None at this time

STARS

STRATEGICALLY TARGETED AND
AFFORDABLE ROADWAY SOLUTIONS

US 340/US 522 CORRIDOR IMPROVEMENT STUDY

FRONT ROYAL/WARREN COUNTY

Transportation Committee Meeting – March 20, 2024



AGENDA/STUDY INFORMATION

- Background
- Alternatives Analysis
- SMART SCALE Pre-Application
- Next Steps

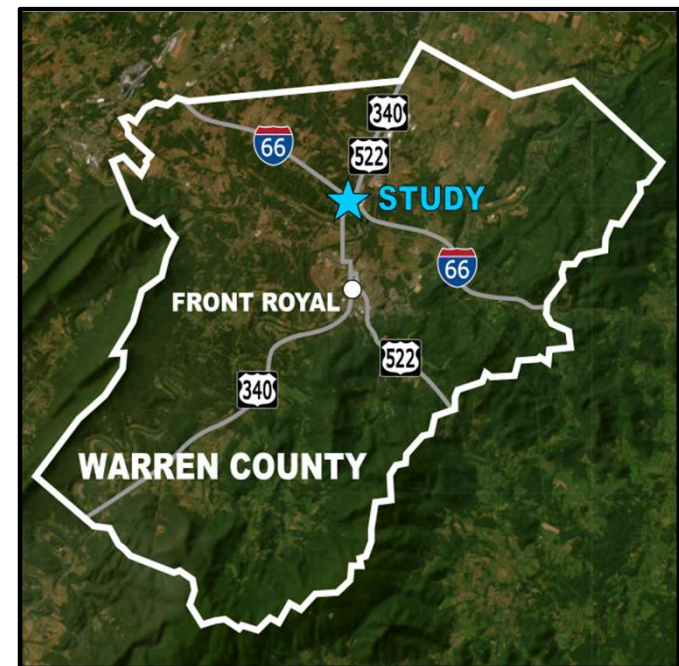
Points of Contact for Study:

- **STARS Study Lead – Clint Smith**
clinton.smith@vdot.virginia.gov
- **VDOT Project Manager – Adam Campbell**
adamf.campbell@vdot.virginia.gov
- **ATCS Team Manager – Nathan Umberger**
numberger@atcsplc.com

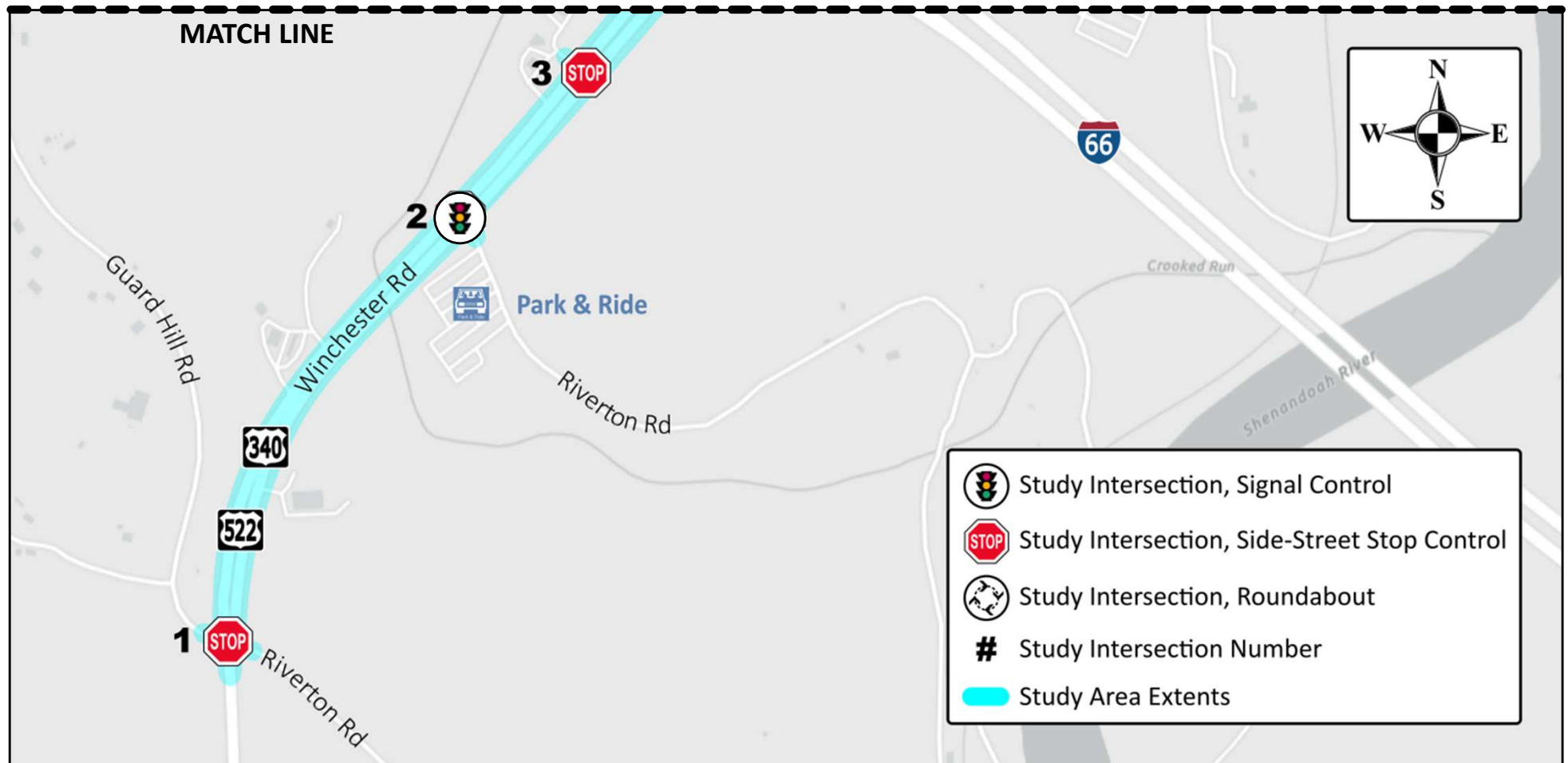


STUDY CORRIDOR OVERVIEW

- **Located north of Front Royal in Warren County**
- **General Land Use**
 - Extensive commercial development with expansive surface parking lots north of I-66
 - Park & Ride and quarry with minimal development south of I-66
- **US 340/US 522 (Winchester Rd)**
 - Primary road in corridor, relatively high truck volume
 - Principal Arterial south of I-66, Minor Arterial north of I-66
 - Part of National Highway System south of I-66
- **Preliminary Concerns**
 - Safety – widespread crashes throughout corridor and several Top 100 PSI locations
 - Traffic Congestion – north end of corridor near Crooked Run Blvd/Country Club Rd
 - Unusual dual right turn configuration on I-66 WB Off-Ramp

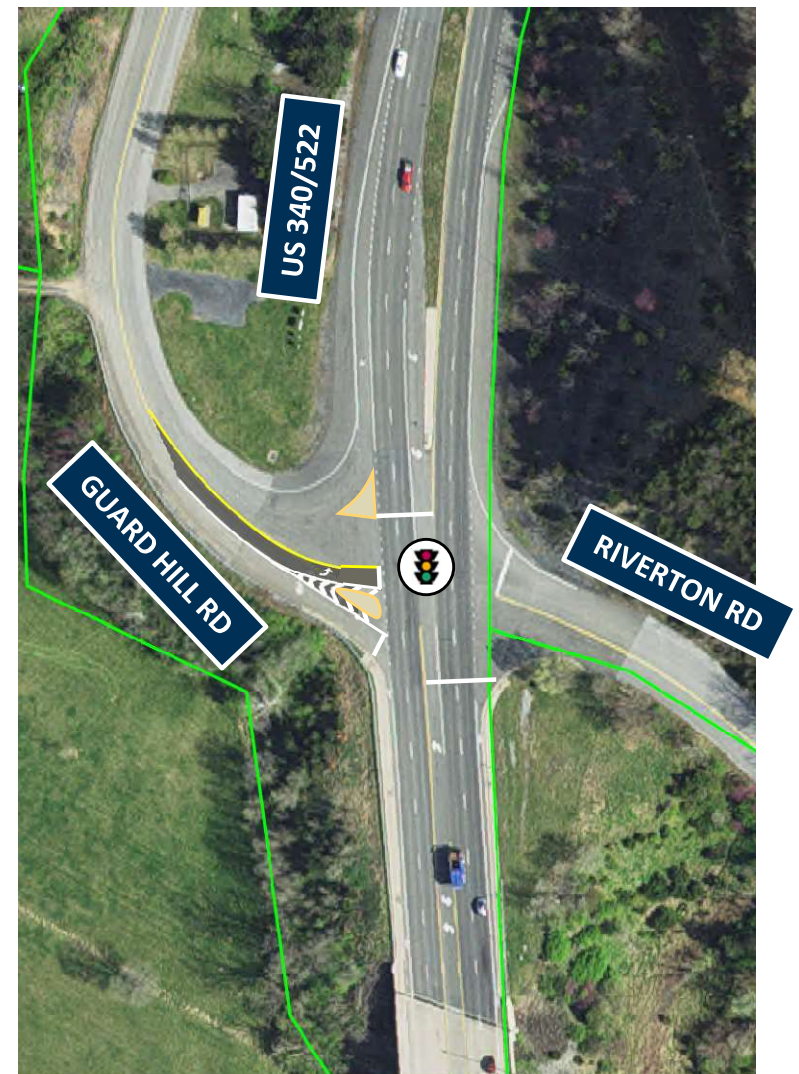


STUDY INTERSECTIONS (SOUTH HALF)



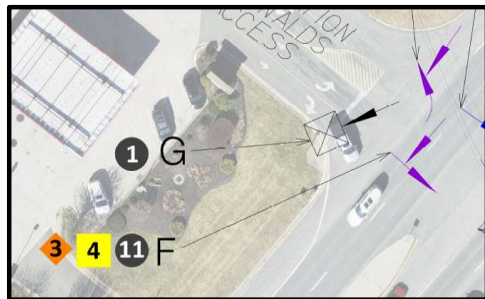
US 340/522 & GUARD HILL RD/RIVERTON RD IMPROVEMENT

- Channelize EB left turn lane, so it forms right angle with US 340/522
- Relocate EB, WB stop bars to decrease crossing distance
- Channelize SB right turn lane with traffic island
- Signalize intersection



US 340/522 AT McDONALD'S/EXXON DRIVEWAY

- Prohibit EB left out of driveway, redirect to SB u-turn at US 340/522 & Riverton Rd signal. Utilize existing SB left lane for u-turns.
- Install two-phase signal.



*The high EBL turn delay corresponds with a high angle crash frequency. This indicates a heavy conflict between traffic exiting the McDonald's/Exxon access and through traffic on US 340/US 522.

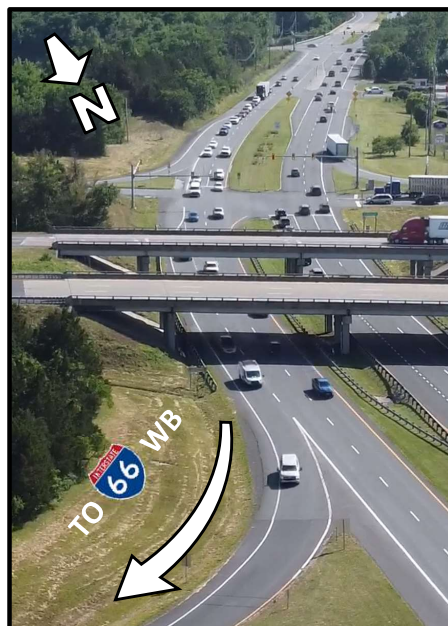


STUDY INTERSECTIONS (NORTH HALF)

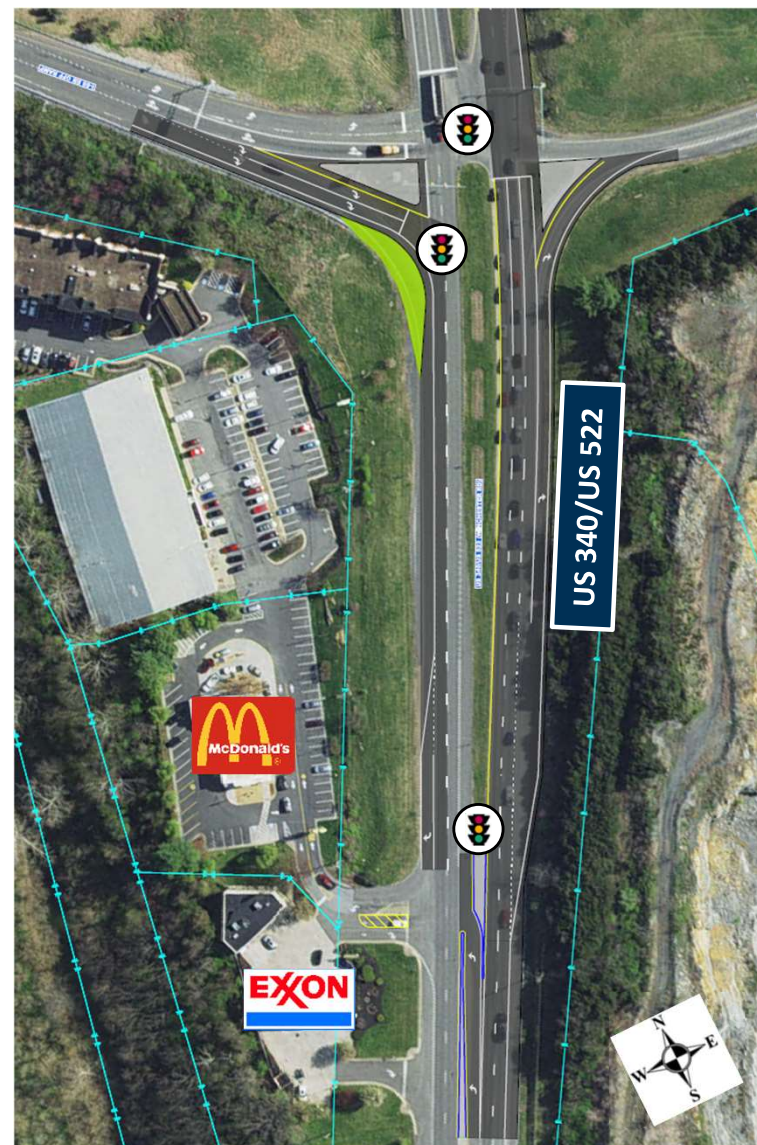


US 340/522 AT I-66 EASTBOUND RAMPS

- Add 3rd NB thru lane by extending WB on-ramp turn lane through the EB ramp signal
- Reconstruct EB on-ramp right turn lane
- New EB off-ramp configuration:
1 left, 1 left/thru, 2 right
- Convert free-flow EB right to signal control
- Remove weave between I-66 EB ramps and McDonald's driveway, maintaining SB right turn lane into driveway

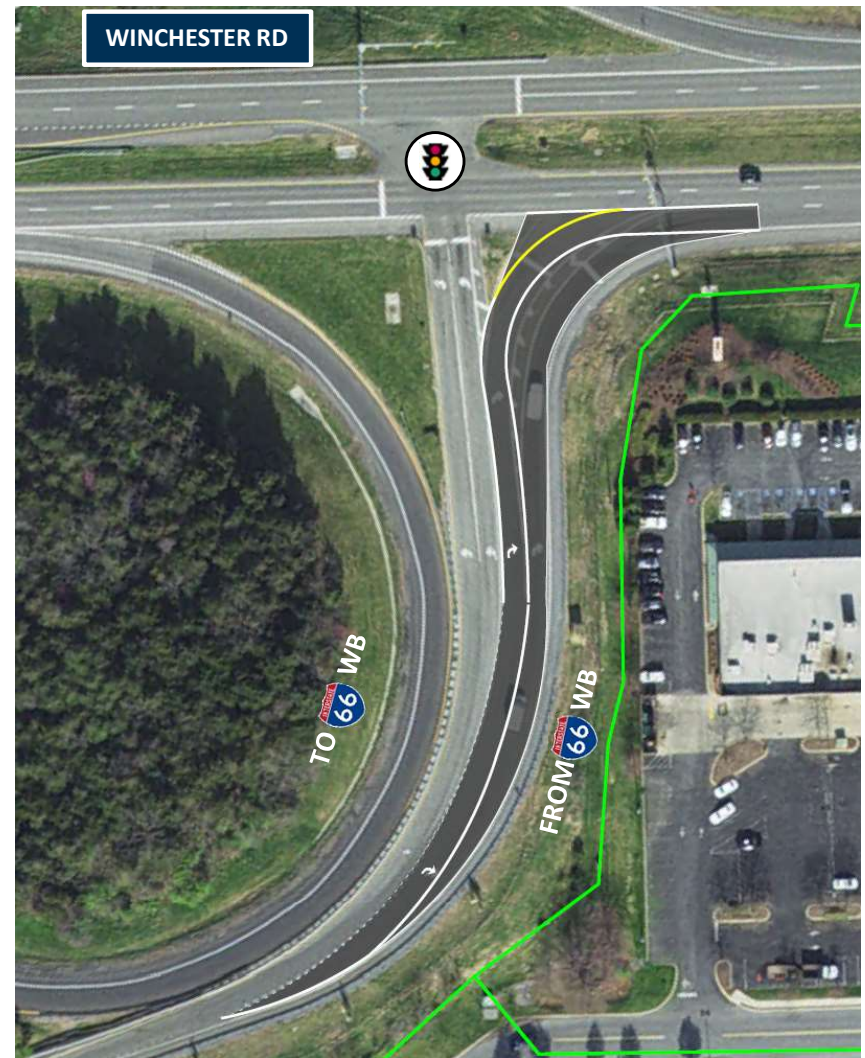


Northbound queue imbalance as vehicles pre-position to access I-66 on-ramps.

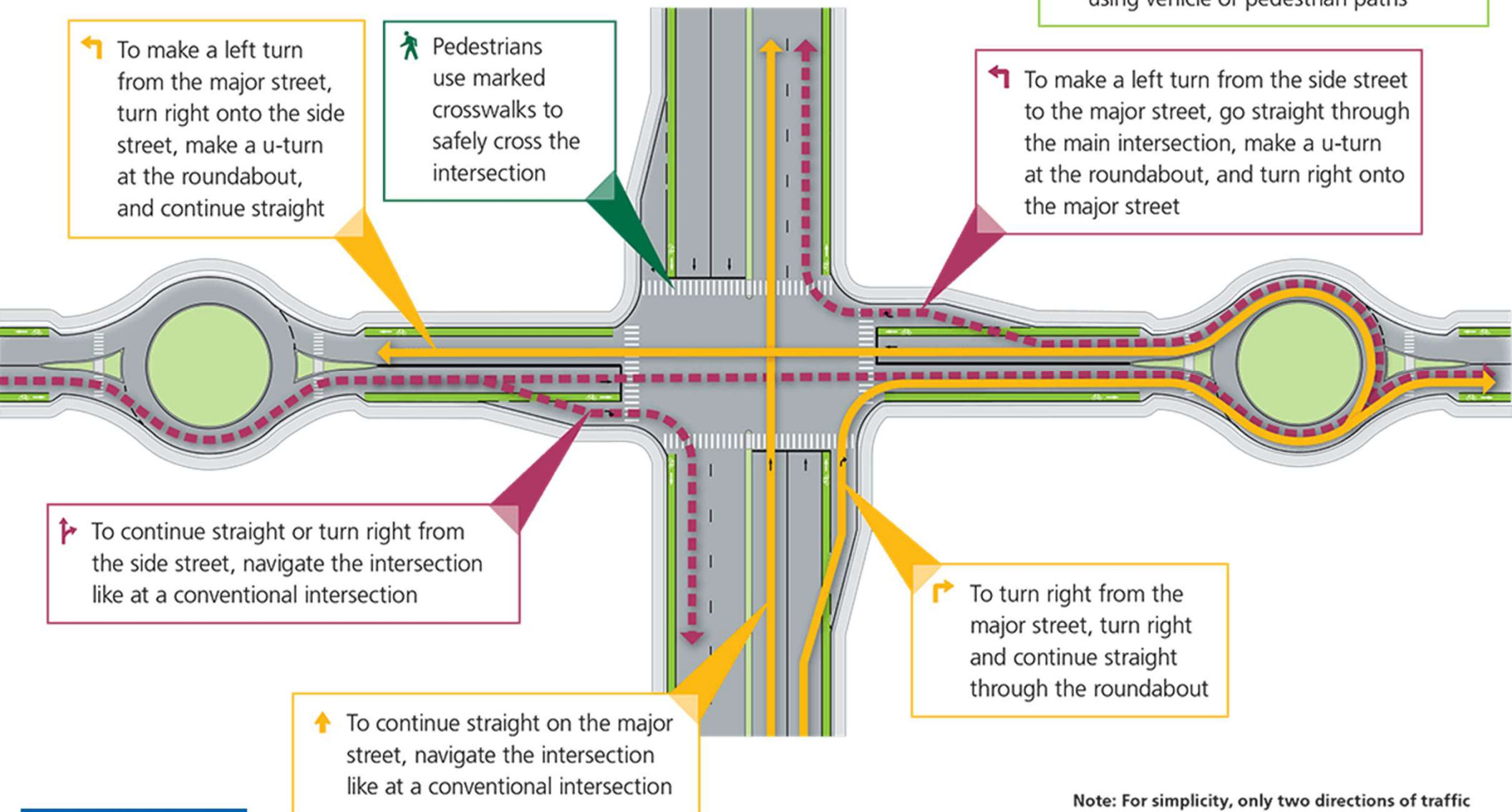


US 340/US 522 AT THE I-66 WESTBOUND RAMPS

- Convert the signalized dual right turn to a single lane free right turn
- Highest crash frequency location on the corridor (33 crashes since 2015)



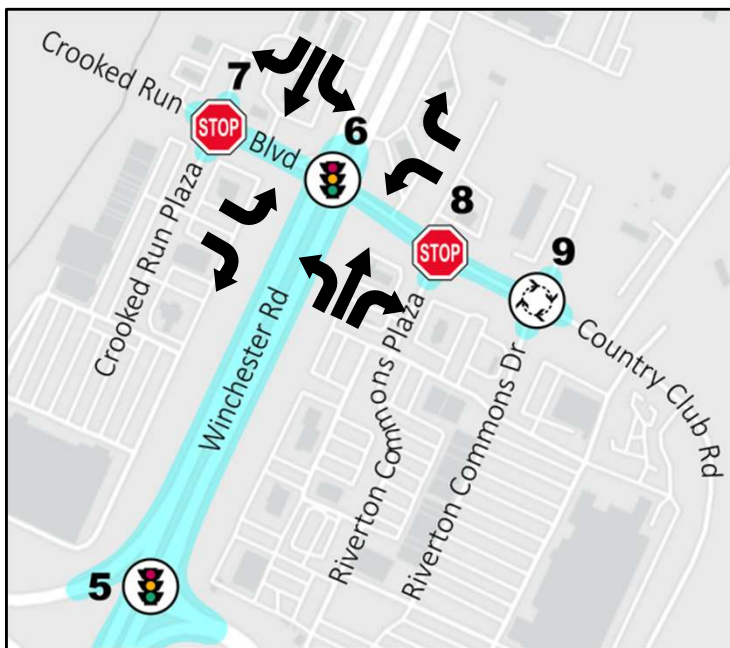
US 340/522 AT CROOKED RUN BLVD/ COUNTRY CLUB RD – BOWTIE CONCEPT



US 340/522 AT CROOKED RUN BLVD/COUNTRY CLUB RD

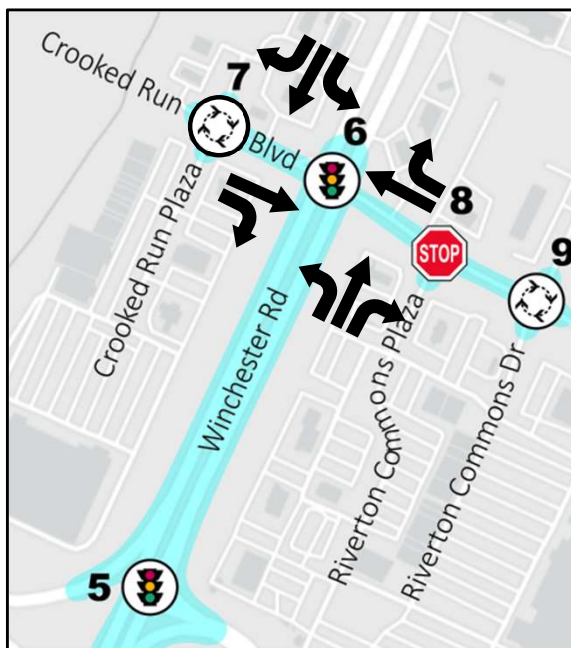
No Build Intersection Delay:
59.4 sec/veh

Thru-Cut



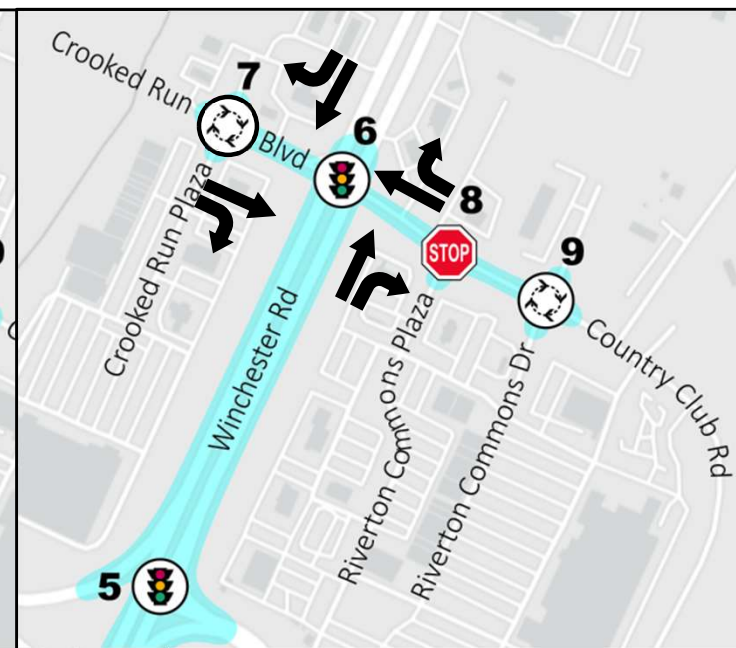
Intersection Delay: 30.0 sec/veh

Partial Bowtie



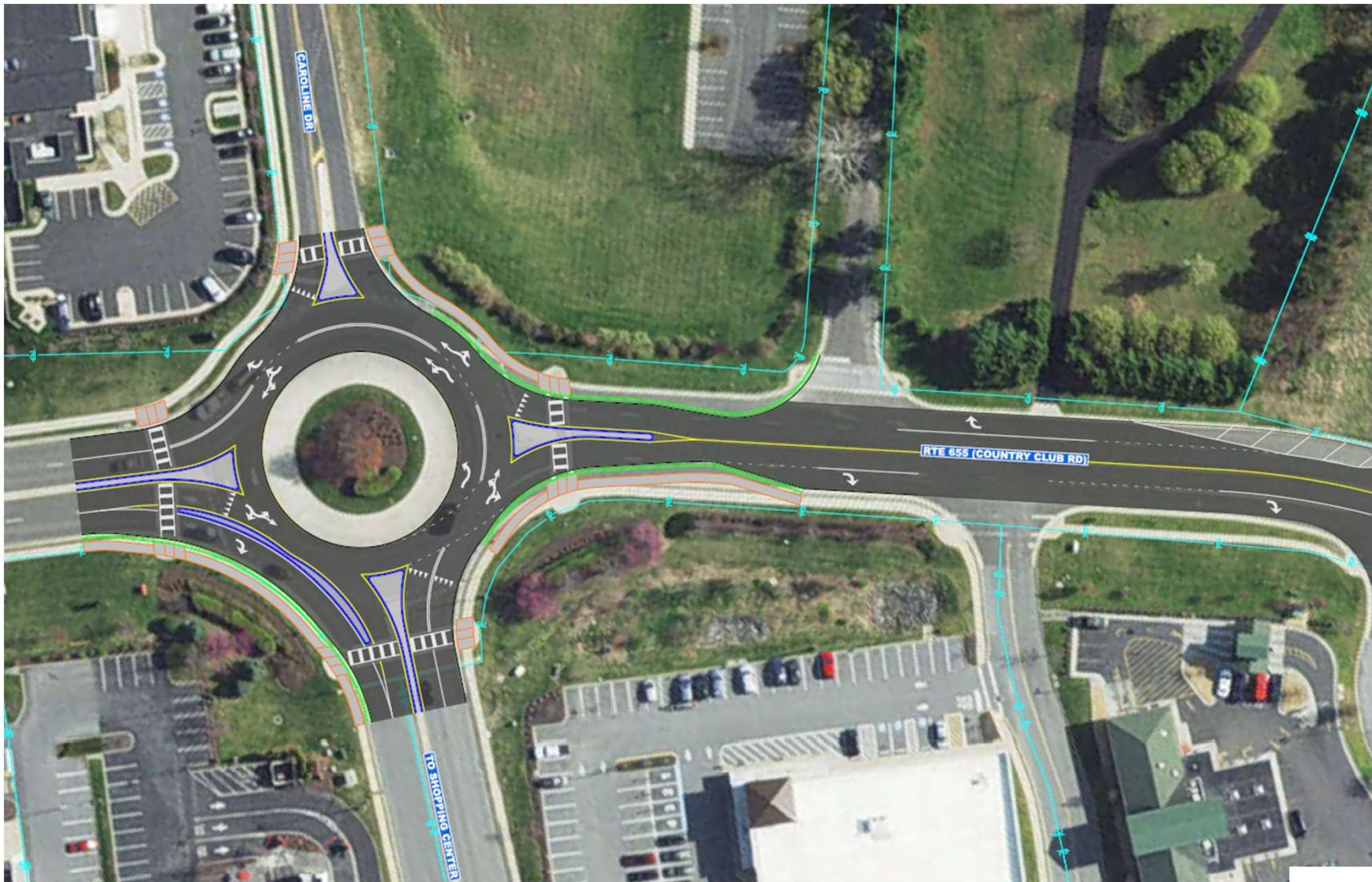
Intersection Delay: 27.4 sec/veh

Full Bowtie



Intersection Delay: 22.7 sec/veh

COUNTRY CLUB RD & CAROLINE DR/RIVERTON COMMONS DR



ALTERNATIVE OPTIONS SUMMARY TABLE

Int #	Concept Option	SMART SCALE Pre-Application Ready	High Level Cost Estimate
1	Signalize US 340/US 522 & Guard Hill Road/Riverton Rd.	Yes, Requires SJR Documentation	\$3-\$5M
2 & 3	Signalized RCI/RCUT US 340/US 522 & McDonalds w/ U-Turn at the Park & Ride Lot.	Yes, Requires SJR Documentation	\$5-\$10M
4	I-66 EB off-ramp: Convert EB free flow right to signalized dual right and remove auxiliary lane on US 340/US 522 SB. Widen US 340/US 522 to add a NBT Lane.	Yes, Requires OSAR Documentation	\$2-\$5M
5	I-66 WB off-ramp: Convert the signalized WB dual right to a free flow right with dedicated receiving lane. Signalize crossover from westbound off-ramp to the US 340/US 522 NB left.	Yes, Requires OSAR Documentation	\$1-\$3M
6	Thru-Cut at US 340/US 522 & Crooked Run Blvd/Country Club Rd.*	Yes	\$10-\$15M
7-9	Bowtie at US 340/US 522 & Crooked Run Blvd/Country Club Rd.*	Yes	\$25-\$30M
7-9	Partial Bowtie at US 340/US 522 & Crooked Run Blvd/Country Club Rd.*	Yes	\$25-\$30M
9	Country Club Rd & Caroline Dr Roundabout Reconfiguration.	Yes	\$1M-\$2M

*Concepts at Crooked Run Blvd/Country Club Rd are mutually exclusive

April 1, 2024 is the SMART SCALE Pre-Application Deadline

SCHEDULE AND MAJOR MILESTONES

<u>DATE</u>	<u>ACTIVITY / MILESTONE</u>
May 16, 2023	Framework Meeting - 1ST SWG
September 29, 2023	Existing Conditions, Preliminary Concepts - 2ND SWG
October 2023	Public Outreach and Feedback - 1ST OUTREACH
January 2023	Alternatives Workshop - 3RD SWG
March 2024	Locality Pre-Application Submission
April 1, 2024	SMART SCALE Pre-Application Deadline*
April 2024	Public Outreach and CIM? - 2ND OUTREACH
Early May 2024	Public Feedback, Alternative Selection - 4TH SWG
Summer 2024	Study Completion, Final Deliverables
August 1, 2024	SMART SCALE Full Application Deadline

* *Requires completed traffic and safety analyses, preliminary cost estimates, and conceptual plan for selected Build alternative*

— Activity Complete

STARS

STRATEGICALLY TARGETED AND
AFFORDABLE ROADWAY SOLUTIONS

QUESTIONS/COMMENTS?

Thank you!



RESOLUTION

Submission of Virginia's SMART SCALE Pre-Application for the Happy Creek Road Phase II Project

WHEREAS, Virginia's SMART SCALE is choosing transportation projects for funding and ensuring the best use of limited tax dollars. Projects are required to "tie into" the State's Plan and meet critical transportation needs. Projects could be approved up to 100%; and,

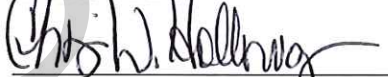
WHEREAS, the process consists of a 2-year application process, a 4-year project completion for a total of 6 years. Funding runs on a 2-year cycle type of funding alternates; and,

WHEREAS, the design of the project must comply with all Virginia Department of Transportation (VDOT) standards and all applications are required to have the governing body submit an approved resolution with the completed application; and,

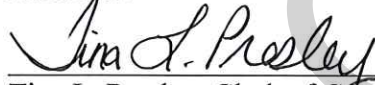
WHEREAS, the Happy Creek Road Phase II design will include bike lanes and curb and gutter on both sides of the road with an attached sidewalk on the south side. The new design will include realignment of the s-curve west of Ewell Street and stormwater management to enhance safety for pedestrian and vehicular traffic/ Project has been estimated to cost approximately \$9,757,882; and,

NOW THEREFORE BE IT RESOVED, that the Front Royal Town Council approve the submission of a pre-application for the Virginia SMART SCALE at 100% funding for the Happy Creek Road Phase II Project.

APPROVED:


Chris W. Holloway Mayor

ATTEST:

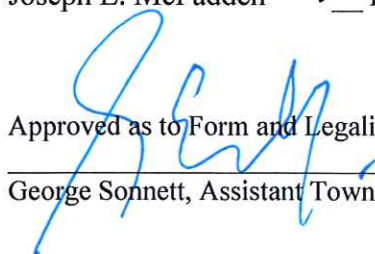

Tina L. Presley, Clerk of Council

This Resolution was approved at the Regular Meeting of the Town of Front Royal, Virginia Town Council conducted on March 28, 2022 upon the following recorded vote:

Lori A. Cockrell ☒ Yes ☐ No
Letasha T. Thompson ☒ Yes ☐ No
Joseph E. McFadden ☒ Yes ☐ No

Gary L. Gillispie ☒ Yes ☐ No Absent
E. Scott Lloyd ☒ Yes ☐ No
Amber F. Morris ☒ Yes ☐ No

Approved as to Form and Legality:


George Sonnett, Assistant Town Attorney

Dated: 3-28-2022



RESOLUTION IN SUPPORT OF THE US 11 SOUTH OF STAUNTON STARS STUDY PROJECT

WHEREAS, the Commonwealth of Virginia has adopted a project prioritization program "Smart Scale" whereby transportation projects are selected for funding based on the cost effectiveness of those projects to meet performance goals; and

WHEREAS, the Board of Supervisors of Augusta County is seeking funding for the US 11 South of Staunton STARS Study Recommendations Project under the Smart Scale program; and

WHEREAS, the area South of Staunton is one of Augusta County's Designated Growth Areas; and

WHEREAS, US 11 is a Corridor of Statewide Significance, serving this community and linking the community with other destinations via Interstates 64 and 81; and

WHEREAS, the US 11 South of Staunton STARS Study Recommendations Project will make improvements on US 11 from Rolling Thunder Lane to Frontier Drive, at Payne Layne and Orchard Hill Road, and from Orchard Hill Road to Barterbrook Road; and

WHEREAS, such improvements will reduce crashes and improve pedestrian safety along US 11 South of the City of Staunton through access management with the addition of a raised median, addition of sidewalk, revision of signal phasing, and systemic signal safety and operational improvements addressing multiple needs identified as part of the 2019 update of VTRANS mid-term needs; and

WHEREAS, it is necessary that a resolution be received from the sponsoring local jurisdiction or agency requesting the Virginia Department of Transportation funding.

NOW THEREFORE be it resolved that the Augusta County Board of Supervisors does hereby endorse the proposed US 11 South of Staunton STARS Study Recommendations Project to compete for state and federal funding under the Smart Scale program.

Adopted: August 26, 2020

By:


Gerald W. Garber, Chairman
Augusta County Board of Supervisors



COUNCIL REGULAR WORK SESSION AGENDA STATEMENT

Meeting Date: April 8, 2024

Item# 03A

Agenda Item: Repeal and reservation of section 9-303 Spot Blight Abatement from Town Code

Summary: Over the past several months, Town Staff has been conducting research into remediation of derelict structures. During this time, it was discovered that the Spot Blight Abatement provisions were not adopted in their entirety from State Code. The use of this mechanism to address derelict structures within Towns limits would be inappropriate without a housing authority or unless used on a large scale and only for the purpose of creating affordable housing units.

Budget/Funding: n/a

Staff Recommendation: Council should repeal and reserve from Town Code

Chapter 9

BUILDING AND MAINTENANCE CODES

Sections:

ARTICLE 1: BUILDING CODE REGULATIONS**9-100 BUILDING CODE****ARTICLE 2: MAINTENANCE CODE REGULATIONS****9-200 ADOPTION OF MAINTENANCE CODE****ARTICLE 3: GENERAL****9-300 NONLIABILITY OF PERSONNEL ENFORCING CHAPTER****9-301 VIOLATIONS****9-302 PERMIT FEES****~~9-303 SPOT BLIGHT ABATEMENT~~****9-30~~3~~4 THROUGH 9-309 (RESERVED)****9-310 DEFINITIONS**

Adopted by the Town Council of the Town of Front Royal 3-11-85 (*Chapter 5, Article II of the 1965 Code*). Repealed “*Building Inspector*” and amended entire Chapter 11-26-07 to *BUILDINGS*. Amended Entire Chapter 10-22-18 to “*Building and Maintenance Codes*” including adding Articles 1 – 3; and, moved 9-2 “*Removal, Repair, ETC., of Buildings and Other Structures Harboring Illegal Drug Use*” to Chapter 145-5. Amendments noted where applicable.

ARTICLE 1: BUILDING CODE REGULATIONS**9-100 BUILDING CODE**

- A. In accordance with the Code of Virginia § 36-105, the Town of Front Royal hereby reserves its authority to establish a Town Building Department, and a Local Board of Building Code Appeals (LBBCA), herein referred to generally as the “Board of Appeals,” to administer and enforce the mandatory provisions of the Virginia Uniform Building Code, including Part I, Construction Code, and Part II, Rehabilitation Code, and including future amendments thereto, and all codes incorporated by reference therein. Such codes shall generally be referred to herein generally as the “Building Code.”
- B. Under the provisions of this Chapter, Town Council may elect to pass a resolution to officially establish a Town Building Department to administer and enforce the Building Code. Such resolution shall also include the establishment of a Board of Appeals, as described further herein. Upon adoption of such resolution of Town Council the Town hereby adopts the Building Code, and all such duties and requirements specified therein.
- C. Until such time that the Town elects to establish a Town Building Department and Town Board of Appeals, the Town shall enter into an agreement with the local governing body of another county or municipality or with some other agency, or an approved state agency for such administration, enforcement and appeals resulting therefrom.

1. The February 8, 1983 agreement with Warren County shall remain in effect at the passing of this ordinance until such time that the agreement is terminated, renewed or amended. This agreement establishes Warren County as the Building Department for the Town, including the Warren County Board of Building Code Appeals as the appeals board for the Town.
- D. At such time that Town Council may establish a Building Department and Board of Appeals, the Town Manager shall appoint a Building Official to administer and enforce the Building Code. Such Building Official shall meet the required qualification and certification requirements and shall maintain all permanent records of the Building Department, including applications received, permits, certificates, notices and orders issued, fees collected and reports of inspection in accordance with the Library of Virginia's General Schedule Number Six. The Building Official shall administer and enforce the Building Code and may establish procedures and policies as may be necessary for such administration and enforcement. All codes and procedures shall be made available for the public to view and/or obtain copies from the office of the Building Official during established normal business hours.
- E. As specified under Subsection B, Town Council shall appoint five (5) members to a Board of Appeals upon adoption of a Town Building Department. The membership of the Board shall be established in compliance with the following requirements, unless more stringent requirements are required by the Building Code.
 1. All members of the Board of Appeals shall live within Warren County, Virginia, and at least three (3) members shall reside within the Town.
 2. Town Council may appoint two (2) alternate members who shall be called by the board chair to hear appeals during the absence or disqualification of a member. Alternate members shall possess the qualifications required for board membership.
 3. At least three (3) members shall have no less than five (5) years knowledge and experience in the construction industry. Members that do not have knowledge and experience in the construction industry shall have an equivalent experience in the real estate, law, architecture, or engineering professions.
 4. No employee or official of the Town may serve as a Board Member.
 5. Compensation, meeting dates, voting procedures, officers, term limits and other procedures of the Board of Appeals shall be established in by-laws that are approved by Town Council.
 6. The Board of Appeals shall be used as the appeals board for the Virginia Maintenance Code.
 7. The Board of Appeals shall be reviewed by the Virginia Department of Housing and Community Development

ARTICLE 2: MAINTENANCE CODE REGULATIONS**9-200 ADOPTION OF MAINTENANCE CODE**

- A. To ensure the protection of the public health, safety and welfare, the Town hereby adopts the optional provisions of the Virginia Uniform Building Code, including Part III, Virginia Maintenance Code, future amendments thereto, and including codes incorporated by reference therein, herein also generally referred to generally as the “Maintenance Code,” as related to building regulations that facilitate the maintenance, rehabilitation, development and reuse of existing buildings at the least possible cost to ensure the protection of the public health, safety and welfare of Town residents. Furthermore, in accordance with §36-99 of the Code of Virginia, the purpose of this code is to protect the health, safety and welfare of the residents of the Commonwealth of Virginia, provided that buildings and structures should be permitted to be maintained at the least possible cost consistent with recognized standards of health, safety, energy conservation and water conservation, including provision necessary to prevent overcrowding, rodent or insect infestation, and garbage accumulation; and barrier-free provisions for the physically handicapped and aged.
- B. The Town Manager shall appoint a Maintenance Code Official to administer and enforce the Virginia Maintenance Code. The Maintenance Code Official shall meet the required qualifications, certification requirements, and training requirements of the Maintenance Code. All codes, policies and procedures shall be made available for the public to view and/or obtain copies from the office of the Maintenance Code Official during established normal business hours.
- C. The Town shall appoint a Board of Appeals to consider all appeals that may arise from the provisions of this Article. Such Board of Appeals shall be established under the criteria found within Chapter 9, Section 100, Subsection E. Alternatively, the Town may elect to use the Board of Appeals used by another county or municipality, or with some other agency, provided that an agreement is entered into with the appropriate local government board, or an approved state agency.

(Repealed/Added Entire Section 11-26-07-Eff. 7-1-08; Amended Entire Section 10-22-18-Eff. Upon Passage)

ARTICLE 3: GENERAL**9-300 NONLIABILITY OF PERSONNEL ENFORCING CHAPTER**

Nothing in this chapter or in any code adopted by this chapter shall be construed as imposing upon any Town officer or employee duly authorized to administer or enforce the provisions of this chapter any liability or responsibility for damages to any person injured by a defect in any building construction or other work mentioned herein, or by the installation thereof, nor shall the Town government or any official or employee thereof be held as assuming any such liability or responsibility by reason of inspections authorized by this chapter or certificates of approval issued by the building official or property maintenance code official.

(Added Entire Section 10-22-18-Effective Upon Passage)

9-301 VIOLATIONS

- A. It shall be unlawful for any owner or any other person, firm or corporation to violate any provision of this chapter. Any violation shall be deemed a misdemeanor and any owner or any other person, firm or corporation convicted of a violation shall be punished by a fine of not more than two thousand five hundred dollars (\$2,500.00). In addition, each day the violation continues after conviction or the expiration of the court-ordered abatement period shall constitute a separate offence. If the violation remains uncorrected at the time of conviction, the court shall order the violator to abate or remedy the violation in order to comply with the applicable Code. Except as otherwise provided by the court for good cause shown, any such violator shall abate or remedy the violation within six (6) months of the date of conviction. Each day during which the violation continues after the court-ordered abatement period has ended shall constitute as separate offence. Any person convicted of a second offense, committed within less than five (5) years after a first offence under this chapter shall be punished by confinement in jail for not more than five (5) days and a fine of not less than \$1,000 nor more than \$2,500, either or both. Provided, however, that the provision for confinement in jail shall not be applicable to any person, firm or corporation, when such violation involves a multiple-family dwelling unit. Any person convicted of a second offense committed within a period of five (5) to ten (10) years of a first offense under this chapter shall be punished by a fine of not less than \$500 nor more than \$2,500. Any person convicted of a third or subsequent offense involving the same property committed within ten (10) 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 (10) days and a fine of not less than two thousand five hundred dollars (\$2,500.00) nor more than five thousand dollars (\$5,000.00), either or both. No portion of the fine imposed for such third or subsequent offense committed within ten (10) years of an offense under this chapter shall be suspended.
- B. Any prosecution under this section shall be commenced within the time specifications provided under Virginia Code § 19.2-8.

(Added Entire Section 10-22-18-Effective Upon Passage)

9-302 PERMIT FEES

- A. Town Council reserves the right to adopt and publish a schedule of fees for services rendered by either the Building Code Official and/or Maintenance Code Official, and to amend the schedule by separate resolution. Such schedule of fees and any amendment shall be in lieu of any permit fees set forth in any technical code adopted by the Town.
- B. No permit as required by the Town by ordinance or regulation shall be issued unless the fee prescribed for the service shall have been paid, nor shall any amendment to such a permit be approved until any additional fee, if any, due to an increase in the estimated cost of the building or structure, shall also have been paid.

(Added Entire Section 10-22-18-Effective Upon Passage)

~~9-303 SPOT BLIGHT ABATEMENT~~

~~A. PURPOSE.~~ The purpose of this Section is to provide for the abatement of blighted property that threatens the public's health, safety, and/or welfare.

~~B. DEFINITIONS.~~ As used in this chapter, unless otherwise required by the context:

- ~~1. Blighted property means any individual commercial, industrial, or residential structure or improvement that endangers the public's health, safety, or welfare because the structure or improvement upon the property is dilapidated, deteriorated, or violates minimum health and safety standards.~~
- ~~2. Town means the Town of Front Royal, Virginia.~~
- ~~3. Farm building or structure means a legally established building or structure, primarily used for agricultural, as defined by the Zoning Ordinance.~~
- ~~4. Spot blight means a structure or improvement that is a blighted property as defined in this chapter.~~
- ~~5. Spot blight abatement plan means the written plan prepared by the owner(s) of record of any blighted property to address spot blight, or if the owner(s) of record of such blighted property fail to respond as provided for in this chapter, the written plan prepared by the Town Manager, or designee, to abate, raze, or remove the blighted property.~~

~~C. SPOT BLIGHT ABATEMENT AUTHORIZED.~~ Town Council is authorized under Code of Virginia §§ 36-49.1:1.G and 15.2-900, as amended, to declare any blighted property to constitute a nuisance, which declaration shall be made by ordinance adopted by Town Council specific to such blighted property, and thereupon abate, raze, or remove such blighted property.

~~D. INSPECTIONS.~~ Upon receipt of a complaint that any individual commercial, industrial, or residential structure or improvement is spot blight, the Town Manager, or designee, shall be authorized to inspect such structure or improvement and make a preliminary determination that such structure or improvement is blighted property.

~~E. EXEMPTIONS.~~ The following structures and improvements shall be exempt from this chapter:

- ~~1. Farm buildings or structures.~~

~~F. PROCEDURE FOR DECLARATION OF BLIGHTED PROPERTY.~~

- ~~1. Should the Town Manager, or designee, make a preliminary determination of blighted property in accordance with this chapter, notice shall be sent to the owner(s) of record of the blighted property at the last known address of such owner(s) as shown on the current real estate tax assessment records, specifying the reasons why the property is a blighted~~

~~property. Such notice shall be sent by Certified Mail and First-Class Mail to said owner(s), and also shall be posted on the blighted property. The owner(s) of record shall have thirty (30) days from the date such notice is sent in which to respond in writing with a spot blight abatement plan to address the blighted property within a reasonable time.~~

- ~~2. If the owner(s) of record fail to respond within the thirty (30) day period with a written spot blight abatement plan that is acceptable to the Town Manager, or designee, the Town Manager, or designee, shall prepare a proposed spot blight abatement plan for the blighted property, and shall request that Town Council direct the Town Manager, or designee, to prepare an proposed ordinance to declare that said blighted property constitutes a nuisance.~~
- ~~3. If directed to prepare such proposed ordinance by Town Council, the Town Manager, or designee, shall provide notice of such ordinance and Town's proposed spot abatement plan in accordance with Code of Virginia § 15.2-1427, as amended, and bring such ordinance forward for public hearing, Town Council's consideration, and passage. In addition to the notice required by Code of Virginia § 15.2-1427, as amended, written notice of such ordinance and public hearing, together with a copy of the Town's proposed spot blight abatement plan, shall be sent to the owner(s) of record of the blighted property at the last known address of such owner(s) as shown on the current real estate tax assessment records and shall be posted on the blighted property.~~
- ~~4. If Town Council adopts the ordinance and the Town's proposed spot abatement plan or some variation thereof, the Town's spot blight abatement plan shall become effective and the Town Manager, or designee, may implement the Town's spot blight abatement plan.~~

~~**G. PROPERTY LIENS.** If the ordinance is adopted by Town Council, any costs incurred by the Town under the Town's spot blight abatement plan for the removal or abatement of the blighted property shall be a lien on the blighted property and such lien shall bear interest at the legal rate of interest established in Code of Virginia § 6.2-301, as amended, beginning on the date that such removal or abatement is completed through the date on which the lien is paid. Said lien may be recorded as a lien among the land records of the Circuit Court of Warren County, which lien shall be treated in all respects as a tax lien and enforceable in the same manner as provided in Code of Virginia Articles 3 (§ 58.1-3940 et seq.) and 4 (§ 58.1-3965 et seq.) of Chapter 39 of Title 58.1, as amended.~~

~~(Added Entire Section "Auth Require Removal, Repair of Building/Structures" 10-22-18 Eff. Upon Passage)
(Amended Entire Section to "Spot Blight Abatement" 3-9-20 Effective Upon Passage)~~

9-30³⁴ THROUGH 9-309 (RESERVED)

9-310 DEFINITIONS

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

Building Code means the applicable provisions of the Virginia Uniform Building Code, Part I, Construction Code, and Part II, Rehabilitation Code, including future amendments thereto, and all codes incorporated by reference therein.

Building Code Official means the person that is employed, contracted, or designated with an agreement from another county, municipality or other agency, that has been appointed by the Town to administer and enforce the applicable provisions of the Building Code, as defined herein.

Day means a calendar day.

Maintenance Code means the applicable provisions of the Virginia Uniform Building Code, Part III, Maintenance Code, and all codes incorporated by reference therein.

Maintenance Code Official means the person that is employed, contracted, or designated with an agreement from another county, municipality or other agency, that has been appointed by the Town to administer and enforce the applicable provisions of the Maintenance Code, as defined herein.

Owner means the person or entity shown on the current real estate assessment books or current real estate assessment records of the Town or the fee simple owner of the property if ownership has changed since such tax assessment records were last updated.

Premises, a single lot of record under ownership, or multiple contiguous lots of record that are under the same ownership.

Violations. As applicable to the Maintenance Code, means conditions which affect safe, decent and sanitary living conditions of persons occupying a residential rental dwelling unit include items that violate fire safety; lack of or poor condition of sanitary facilities; absence of adequate heating systems or equipment; items which affect the safe operation of electrical and mechanical systems; items which affect structural integrity of the building and/or the ability of the building envelope to keep out weather, or one or more other conditions that, if not corrected, would be reasonably expected to become conditions that affect the safe, decent and sanitary living conditions of the occupants, or other conditions that violate the provisions of the Maintenance Code, or multiple Maintenance Code violations that indicate, in their totality, the dwelling unit is not being properly maintained. As applicable to the Building Code, means conditions which are in violation of the Building Code, as defined herein.

(Added Entire Section and Amended Entire Chapter 10-22-18-Effective Upon Passage)



COUNCIL REGULAR WORK SESSION AGENDA STATEMENT

Meeting Date: April 8, 2024

Item# 03B

Agenda Item: Liaison Committee Meeting Items for April 18th Agenda

Summary: Council is requested to suggest items for the Front Royal-Warren County Liaison Committee Meeting Agenda for April 18, 2024. Pursuant to Policy, items are due to the Board Clerk by 1:00pm on April 10th. The County will be hosting the meeting in the Warren County Government Center at 6:00pm. Council is also requested to delegate a councilmember to attend the meeting with the Mayor.

The items currently listed from the Board of Supervisors on April 2nd is:

- Discussion on the process of flow and differences between the County and Town when handling complaints.
- McKay Springs

Town Staff Suggestion

- Criser Road Boundary Line Adjustment

Budget/Funding: None

Staff Recommendation: Council to determine items for the Liaison Committee Agenda and delegate a council member to attend the meeting.



PRESENT FROM TOWN: Mayor Lori A. Cockrell
Councilwoman Melissa DeDomenico-Payne
Town Manager Joseph E. Waltz

PRESENT FROM COUNTY: Chair Cheryl L. Cullers
Supervisor John W. Stanmeyer
County Administrator Edwin "Ed" Daley

OTHERS PRESENT: Clerk of Council Tina L. Presley
Members of the audience including but not limited to councilmembers, supervisors and Town/County staff

Mayor Cockrell called the meeting to order.

Town's Speed Cameras Installation and Enforcement – Police Chief Magalis advised that the public education had begun, warnings begin mid-February and enforcement begins mid-March, noting that all the infrastructure was not complete and until such time the warnings and enforcements could be pushed back. He explained that tickets would only be issued to those going 10 miles over the posted speed limit when school was in session, one hour before (arrival time) and one hour after (departure time); and, only in four school zones Ressie Jeffries Elementary School, AS Rhodes Elementary School, Warren County Middle School and Skyline Middle School. Chief Magalis advised that the speed indicators would give you your speed even in the off hours expressing the goal was to slow drivers down. It was confirmed that all tickets were vetted by Town Police Officers.

Delay of Mailing Tax Bills – County Administrator Ed Daley confirmed that changing the due date for taxes was allowable by both the Council and the Board and could be done this year if so desired. Town Finance Director BJ Wilson advised that the optimal date for the Town to receive information from the Commissioner was the end of April, noting the last few years the Town had received them in May which created a delay. He stressed that he would rather have the bills reflect the correct due date rather than delaying the interest and penalties every year. Mr. Daley questioned why the Commissioner would not release the Town records before the County sets their tax rate since the County's rate did not affect the Town's rate. While there was no answer to the question, it was suggested that this item be sent to the respective governing bodies to change the due date from the 5th to the 20th.

McKay Spring – Potential Division to Separate the Water Source Area from Development Site – Joe Waltz Town Manager advised that the Town's position had not changed since October 2023, noting that the Town was moving towards an engineering study on the feasibility to use the spring as a viable water source to add to the Town's current water system, stressing that they were in the early stages of the study. Chair Cullers voiced concern on whether there would be any impact to the surrounding wells and questioned where the water from the spring goes. Mr. Waltz advised that he was not sure where the water was going but he visited the site during the most recent drought and the water was flowing well, through the spring house located on the property. He reiterated that it was a diverse water source for the Town. Mrs. Cullers questioned the preservation of the standing chimney on the property. Warren County Director of Economic Development Jim Petty explained that the chimney seen from the road was not the old homestead chimney noting that the old homestead chimney could not be seen from the road. He clarified that there was no ongoing maintenance on the property since there were no structures to maintain. Supervisor John Stanmeyer expressed hope that the study would address the effect on the surrounding wells, sink holes, and contamination. Mr. Waltz assured him that those concerns would be addressed. Mr. Daley suggested



that once the Town was finished with their study this item be brought back for further discussion on marketing.

Town and County Tenant and Landlord Enforcement – Supervisor Vicky Cook was in attendance and was recognized by the Mayor to elaborate since she asked that this item be placed on the agenda. Ms. Cook advised that she had received calls from both Town and County citizens who were renters frustrated and upset with their living conditions after asking their landlords to repair things, noting that they were being ignored with the threat of eviction or having utilities turned off. She voiced concern over some of the renters being mothers with young children with the threat of becoming homeless and in turn asking government officials for help and being told “*there is nothing we can do.*” She expressed hope that the governing bodies could put their heads together to determine what could be done to help these people.

Mayor Cockrell asked Town Planning Director Lauren Kopishke and Town Property Maintenance Official Monica McClure to explain the Town's process when a property maintenance complaint was received. Ms. McClure advised that her office was complaint based only and when a complaint was received an inspection was done and then a letter sent on the findings to the property owner, noting that if a building permit was required it was sent to the Warren County Building Office and was up to them to enforce. She advised that sometimes the Town and County do joint inspections reiterating that if a building permit was needed the County followed up with the property owner. She explained that she must have permission from the tenant or the property owner to enter the building. She can, however, observe maintenance issues from the outside. Ms. Cook questioned what enforcement was in place. Mrs. McClure advised that the Notice of Violation letter states “reasonable time” depending on the issue. Mrs. Cullers stated that a lot of tenants would not complain because they had nowhere else to go if evicted. There was much discussion about the disparity of seeing people living this way. It was determined that Town Manager Joe Waltz would take the lead on getting staff members together bringing back information at the Liaison meeting in April.

Town Commitments to Share Utility Costs with Community Partners – Mayor Cockrell strongly noted that the Town's utilities (electric, water, sewer) were enterprise funds strictly used for those specific utilities and nothing else. She voiced concern on giving a break to programs, nonprofits, etc. since it would be asking the Town citizens to bear the burden of another for a discount. She reminded them that Town citizens were County citizens and therefore already subsidizing what the County was budgeting. The Mayor noted that the Front Royal Fire Department already received FREE water/sewer, the RSW Regional Jail had an agreement with the Town for water/sewer and churches received the first 3,000 gallons of water at no charge. Mrs. Cullers voiced her appreciation for the FREE water/sewer for the Fire Department and noted that she was unaware of the generosity. Mr. Stanmeyer confirmed that there were no nonprofits that received funds from the Town. There was discussion about the “Operation Roundup” program that Rappahannock Electric offered. Mr. Waltz advised that the Town might be able to mirror something like that. Supervisor Cook advised that she asked that this item be placed on the agenda and clarified that she was not looking at organizations but programs such as the *Front Royal Little League* and *Reaching Out Now*, explaining that the County had the lease and paid the utilities suggesting maybe a 50/50 split on utilities with the Town, since these programs supported the youth. Mayor Cockrell reiterated that it would not be 50/50 as the Town citizens would be paying more since they were County citizens and already contributing. She clarified that it was not that she did not think the programs were valuable it was just that the money was not Council's to be generous with, it was the Town citizens.

Transportation Subcommittee Update/Proposed Alternative Access to Shenandoah Shores Mission Statement and Policy – Mayor Cockrell advised that after consultation with the Town Attorney it was



concluded that the Liaison Committee could not have a subcommittee due to the rotation of members every quarter. She did, however, advise that a Joint Transportation Committee could begin but needed approval from both entities including the appointment of members to it. There was discussion about the name of the joint committee, stating it could be Joint Transportation Committee or Joint Transportation/Infrastructure Committee. Mayor Cockrell continued that the committee must adhere to the following: must have a clearly stated purpose; advertise a place and time since it would be considered a public meeting; appoint two members each from the Council and the Board; report back to the respective entities, and minutes were not required.

Mrs. Culler opined that "subcommittee" worked out well and was an effective group but noted a meeting had not occurred since October 2023. It was suggested to go back to Council and the Board and see what they wanted in a joint committee and make appointments keeping in mind the clearly stated purpose for the committee. It was noted that the current subcommittee met the third Wednesday of every month at 4:00pm in the Warren County Government Center. Mr. Waltz suggested an agenda ahead of time so that staff were prepared before being asked to attend. It was agreed the committee needed better communication and commitment from staff.

Avtex Conservancy Update – Warren County Director of Economic Development Jim Petty advised that there had been no progress with the EPA and the deadline of December 31st was approaching; therefore, the funds went to existing projects. He advised that he understood that the EPA was still working on how to build a trail in line with the current covenants on the property and that there was nothing the Town or the County could do to push that along. He advised that the end of June was the deadline to spend the funds. He anticipated to keep working on the Avtex trail and look at other funding opportunities.

Next Meeting – Thursday, April 18, 2024 at 6:00PM at the Warren County Government Center

Adjourned at 6:47pm



COUNCIL REGULAR WORK SESSION AGENDA STATEMENT

Meeting Date: April 8, 2024

Item# 03C

Agenda Item: Virginia Municipal League (VML) Policy Committee Nominations

Summary: Every year VML asks local governments to nominate governing body members and staff who are interested in serving on a VML Policy Committee. The Policy Committees meet once during the year, typically in July and meet via ZOOM. Dates and times will be announced at a later time. Council may nominate up to two (2) people per policy committee, at least one of whom must be an elected official. Individuals can only serve on one committee per year.

Council is requested to nominate members and staff (if desired) to the following committees. Deadline is May 24, 2024 and placed on the April 22nd Regular Meeting for formal approval.

In 2023 the following were nominated and served:

Community & Economic Development – Councilwoman Morris and Town Manager Joe Waltz

Finance – former Councilman Rogers and Finance Director Wilson

General Laws – Vice Mayor Sealock and Town Attorney George Sonnett

Human Development & Education – Councilwoman DeDomenico-Payne

Infrastructure (Transportation & Environmental/Natural Resources)–
Councilman Rappaport & Public Works Director Boyer

Budget/Funding: N/A

Staff Recommendation: Council makes nominations as desired and add to the consent agenda of the Regular Council Meeting scheduled for April 22, 2024.



April 3, 2024

To: VML Managers and Clerks
From: Michelle Gowdy, Executive Director
Subject: 2024 VML Policy Committee Appointments and Meetings

VML's 2024 policy process is getting underway!

VML has five policy committees that meet in July to learn about current issues, review current VML policy positions, revise current positions, propose new positions, and recommend issues for consideration by VML's legislative committee.

- Who's eligible to serve? Full-member local governments may nominate their governing body members and appointed staff to serve on a committee.
- How do committees meet? Committee meeting dates and times will be announced soon; all meetings will be held on Zoom.
- Who serves from my community? We are attaching the 2023 committee lists so you can see who from your local government served on policy committees last year. Your representatives can stay on the same committees, or they can move to a different committee.
- If no one served on a committee last year, make some appointments this year! Just remember that an individual can only serve on one committee per year.

Sign us up! Please use the nominations form to fill in your committee nominees for this year and email the form to Keyara Johnson at kjohnson@vml.org by May 24.

An explanation of the areas covered by the policy committees and the policy process is attached.

Please email Janet Areson (jareson@vml.org) if you have any questions.

VML's Policy Committee Process

Each year the Virginia Municipal League convenes policy committees to involve members in the development of policy statements to guide the League staff and members through the coming year.

Policy committees give members an opportunity to hear from subject matter experts on issues of interest and to talk with colleagues from across VML's member localities about issues of common concern.

The policy committees also help develop potential positions for inclusion in VML's Legislative Program by looking at issues referred to the committee by the Legislative Committee and providing input to that Committee.

The policy committees meet once during the year, typically in late July. Meetings will be held via Zoom.

FAQs about policy committees

What is the role of the policy committees?

Policy committees receive briefings on select statewide issues, consider additions and updates to the policy statement, and develop legislative recommendations for the Legislative Committee to consider.

How are policy committees appointed?

Policy committee membership consists of elected and appointed officials of full-member local governments. Nomination information is sent in the spring to each locality, and each local government determines which of its officials will be nominated for each of the five policy committees. Each local government may nominate up to two people per policy committee, at least one of whom must be an elected official.

What are the benefits of serving on a policy committee?

VML policy committees offer members an opportunity to learn about current and emerging statewide issues affecting local governments, to develop through policy statements the broad philosophical framework that guides the league, and to network with local officials with similar policy interests.

How many policy committees are there?

There are five policy committees: 1) community and economic development; 2) finance; 3) general laws; 4) human development and education; and 5) infrastructure (comprised of transportation and natural resources issues).

What issues does each policy committee cover?

- **Community & Economic Development:** Authority, administration, and funding of local governments to manage a full range of community and economic development issues, including business development and retention, international competitiveness, infrastructure development and investment, planning, land use and zoning, blight, enterprise zones, housing, workforce development and historic preservation.

- **Finance:** Powers, organization, and administration of local government financing, including taxing authority, debt financing, state aid to local governments and federal policies affecting local finance issues.
- **General Laws:** Powers, duties, responsibilities, organization, and administration of local governments, including state-local and inter-local relations, conflicts-of-interest, freedom-of-information, information management and personnel, telecommunications, utilities, and law and courts issues.
- **Human Development and Education:** Management and funding of social services, prek-12 education, health, behavioral health, juvenile justice and jails, recreation, and aging.
- **Infrastructure:** Development, management, maintenance, and funding of environmental programs including water resources and quality, air quality, and waste management as well as transportation system management and funding.

What is a policy statement?

Each policy committee develops a policy statement that covers issues in its respective area. The policy statement expresses the agreement of VML's membership on matters of interest to local governments. The statement generally addresses broad, long-term, philosophical positions. The VML membership approves the policy statements at its annual meeting.

How do policy statements differ from VML's legislative program?

Policy statements are general in nature. They reflect local governments' positions on a range of issues. The Legislative Program is more specific and immediate. It is limited to legislative positions that VML expects to lobby on during the upcoming legislative session.



COUNCIL REGULAR WORK SESSION AGENDA STATEMENT

Meeting Date: April 8, 2024

Item# 04A

Agenda Item: Continued discussion of Urban Agriculture performance standards in Town Code.

Summary: On September 25th Council approved the postponement of an ordinance amendment to Town Code §175-3 Definitions and §175-110.5 Performance Standards for Urban Agriculture pertaining to chickens in Town limits. The ordinance, if approved, would have permitted the increase of chickens in Town limits from six (6) to (10) based on square footage of coop and run space. Work Sessions on this discussion were held on June 12th and September 5th with a referral to the Planning Commission for their recommendation on June 26th. The excerpt of the minutes and the ordinance amendment from the September 25th agenda are attached.

Corey Childs, Extension Agent at Virginia Cooperative Extension, presented to Council on December 4, 2023. At that time Council was not inclined to make a final determination on changes to the ordinance.

Since then, staff has researched Urban Agricultural regulations and determined that the most appropriate place for these requirements is within Chapter 66 of Town Code, not 175. This section of code regulates animals within Town limits. In making these edits, staff has been able to remove contradictory language between these two chapters of code and condensed the requirements to one place.

Budget/Funding: None

Staff Recommendation: Council repeals the performance standards set forth in 175-110.5 of Town Code, as well as the definition of Urban Agriculture in 175-3 and adopts the proposed changes to Chapter 66 of Town Code.

Chapter 66**DOGS AND OTHER ANIMALS****Sections:****ANIMALS GENERALLY**

- 66-1 LIVESTOCK RUNNING AT LARGE
- 66-2 IMPOUNDMENT; REDEMPTION; SALE
- 66-3 MAINTENANCE OF PENS AND KENNELS
- 66-4 CRUELTY TO ANIMALS
- 66-5 SLAUGHTERING ~~OF STOCK~~ **PROHIBITED**

DOGS

- 66-6 DOGS RUNNING AT LARGE
- 66-6.1 TETHERING RESTRICTIONS FOR DOGS AND OTHER CANINES
- 66-7 NOISY DOGS
- 66-8 DANGEROUS DOGS AND VICIOUS DOGS
- 66-9 PROUD FEMALE DOGS
- 66-10 DISPOSITION OF UNTAGGED DOGS
- 66-11 RABIES

KEEPING OF CERTAIN ANIMALS

- 66-12 DEFINITIONS
- 66-13 PROHIBITION
- 66-14 EXEMPTIONS

ASSAULT AND INTIMIDATION WITH ANIMALS

- 66-15 FINDINGS AND POLICY OF ARTICLE IV
- 66-16 DEFINITIONS
- 66-17 ANIMALS USED TO INTIMIDATE
- 66-18 CONTAINMENT OR MUZZLING OF CERTAIN ANIMALS HAVING AN INTIMIDATING OR FRIGHTENING APPEARANCE; REQUIREMENT ANIMAL BE CONFINED OR PENNED
- 66-19 UNEXPECTED EXPOSURE TO FRIGHTENING DISPLAY
- 66-20 PROCEDURE TO DECLARE AN ANIMAL INTIMIDATING
- 66-21 DUTY OF OWNER OR CUSTODIAN TO NOTIFY AUTHORITIES
- 66-22 EXCEPTIONS
- 66-23 PENALTY
- 66-24 SEVERABILITY

Adopted by the Town Council of the Town of Front Royal 3-11-85. (Chapter 4 of the 1965 Code including following amendments: Amended 11-13-72 "Noisy Dogs"; Amended 12-11-72 "Vicious or Destructive Dogs"; Amended 5-1-75 "Dogs Running at Large"; Ord. No. 6-84 Amended 6-11-84 "Dogs Running at Large"; Ord. No. 11-84 Added 9-24-84 "Keeping of Certain Animals within the Limits of the Town of Front Royal"; Ord. No. 12-84 Amended on 9-24-84 "Livestock Running at Large", "Maintenance of Pens and Kennels, and "Slaughtering Prohibited"; Sections 66-8 and 66-9 amended at time of adoption of Code). Other amendments noted where applicable.

ANIMALS GENERALLY

66-1 LIVESTOCK RUNNING AT LARGE

It shall be unlawful for an owner or custodian to permit cows, horses or other livestock as defined in Section 66-12 to run at large within the Town.

66-2 IMPOUNDMENT; REDEMPTION; SALE

It shall be the duty of the Town Police, upon finding an animal running at large in violation of Section 66-1, immediately to stable or pen such animal and forthwith to post at the courthouse in the Town, notice of having taken possession of such animal, with a reasonable description of the same. It shall furthermore be the duty of the Police, in the event that no pound or pen is provided by the Town, to arrange with a private person for the care, keep and protection of such animal so taken up and report his action to the Town Manager or, in his absence, to the Mayor, who will forthwith notify the owner of such animal, if known, and issue a summons to be served upon him thereby bringing the case before the County Court for trial. If the owner of such animal is unknown, the Town Manager shall, after ten (10) days' notice given by written notices posted in the courthouse and post office in the Town, offer such animal for sale, at public auction, to the highest bidder before the courthouse door, and out of the proceeds coming into his hands, he shall first pay the cost of keep of such animal from time it has been taken up until the day of sale, all court costs and fees, cost of sale and such fine as shall have been imposed. Any balance remaining in his hands shall be deposited in the treasury, and if the person properly entitled to the same upon a hearing before the County Court establishes his ownership of such animal, then the remainder of the proceeds of such sale shall be paid over to him.

66-3 MAINTENANCE OF PENS AND KENNELS

Pens, stables, coops, kennels and yards for any animals or fowl located in the Town shall be kept in a sanitary condition at all times by the owner or person in charge thereof and shall be subject to inspection by the Health Officer, who shall be authorized to go upon the property in question to inspect facilities in plain view.

66-4 CRUELTY TO ANIMALS

A. Any person who overrides, overdrives, overloads, tortures, ill-treats or cruelly or unnecessarily beats, maims, mutilates or kills any animal, whether belonging to himself or another, or deprives any animal of necessary sustenance, food or drink or causes any of the above things

or, being the owner of such animal, permits such acts to be done by another or willfully sets on foot, instigates, engages in, or in any way furthers an act of cruelty to any animal or shall carry or cause to be carried in or upon any vehicle or vessel or otherwise any animal in cruel, brutal or inhuman manner so as to produce torture or unnecessary suffering shall be guilty of a misdemeanor, but nothing in this section shall be construed to prohibit the dehorning of cattle.

B. The word "animal" as used in this section, shall be construed to include birds and fowls.

66-5 SLAUGHTERING PROHIBITED

It shall be unlawful for any butcher or vendor of meats or any other person to slaughter ~~animals~~ animals, including livestock or fowl as defined in Section 66-12, within the Town limits.

DOGS

66-6 DOGS RUNNING AT LARGE

It shall be unlawful for any person to permit his dog to run at large as hereinafter defined. For the purpose of this section, a dog shall be deemed to run at large while roaming, running or self-hunting off the property of its owner or custodian and not under its owner's or custodian's immediate control. Any person who permits said dog to run at large shall be fined not more than two hundred dollars (\$200.). Any dog found running at large may be subject to seizure and impoundment by the Dog Warden.

(Ord. No. 3-92 Amended Fine 3-23-92-Effective Upon Passage)
(Ord. No. 2-97 Amended 9-22-97-Effective 6-1-98)

66-6-1 TETHERING RESTRICTIONS FOR DOGS AND OTHER CANINES

This ordinance is passed pursuant to Va. Code § 3.2-6543 *et. seq.* which authorizes localities to pass ordinances preventing cruelty to animals.

- A. Tether means, when used as a noun, any device, including but not limited to a chain, leash, cable, tie down, or tie out, attached to a stationary point or object, trolley or run used to contain or restrain a dog or other canine (as used in this ordinance, "canine" shall mean a hybrid of the domestic dog and any other species of the Canidae family). When used as a verb, tether shall mean to attach a dog or other canine to such a device.
- B. No person shall tether or cause to be tethered any dog or other canine except when the tether meets the following conditions:
1. Appropriate to the age and size of the dog or other canine, the tether shall weigh no more than 10 percent of the animal's weight;

2. Attached to the dog or other canine by a properly applied collar, halter, or harness configured so as to protect the dog or other canine from injury and prevent the dog or other canine or tether from becoming entangled with other objects or animals, or from extending over an object or edge that could result in the strangulation or injury of the dog or other canine; and
 3. At least three times the length of the dog or other canine, as measured from the tip of its nose to the base of its tail, except when the dog or other canine is being walked on a leash or is attached by a tether to a lead line.
- C. It shall be unlawful for a person to tether any dog or other canine:
1. When the dog or other canine is four months old or younger;
 2. When the dog or other canine is a female in estrus;
 3. When the temperature is less than thirty-two degrees Fahrenheit or greater than ninety degrees Fahrenheit unless the dog or other canine is provided adequate shelter under Virginia Code § 3.2-6500;
 4. If the tether weighs more than ten percent of the dog's or other canine's body weight;
 5. On the same tether concurrently with another dog or other canine; or
 6. For longer than twelve hours per twenty-four-hour period on a cable run or four hours on a fixed tether per twenty-four-hour period.
- D. Any person found guilty of violating this section shall be punished by a Class 3 misdemeanor with a fine not to exceed \$500. Any animal control officer or other law enforcement officer may seize the unlawfully tethered dog or other canine pursuant to his or her authority under Virginia Code § 3.2-6569.

(Entire Section Added 11-27-17-Effective Upon Passage)

66-7 NOISY DOGS

- A. It shall be unlawful and a nuisance for any person to keep, harbor or confine within the town any dog which shall habitually, continuously or intermittently make or emit sounds or noises of such volume and nature as to interfere unreasonably with or disturb the peace, quiet, comfort or repose of persons of ordinary sensibilities within the neighborhood in the reasonable use and enjoyment of their property.
- B. Upon complaint being made to any Police Officer that the provisions of this section are being violated, the Police Officer shall give notice to such owner of such complaint and shall further order the discontinuance of the disturbance. It shall be unlawful for the owner of such dog to

fail, after the expiration of twenty-four (24) hours from the receipt of such notice, to cause the discontinuance of the disturbance.

66-8 VICIOUS OR DESTRUCTIVE DOGS

A. Definitions:

1. A “dangerous dog” means a canine or canine crossbreed which has bitten, attacked, or inflicted injury on a person or companion animal, other than a dog, or killed a companion animal.
2. A “vicious dog” means a canine or canine crossbreed which has (i) killed a person; (ii) inflicted serious injury to a person, including multiple bites, serious disfigurement, serious impairment of health, or serious impairment of a bodily function; or (iii) continued to exhibit the behavior which resulted in a previous finding by a court that is a dangerous dog, provided that its owner has been given notice of that finding.
3. Notwithstanding the definitions above, no canine or canine crossbreed shall be found to be a dangerous dog or vicious dog solely because it is a particular breed, nor shall the local governing body prohibit the ownership of a particular breed of canine or canine crossbreed. No animal shall be found to be a dangerous dog or vicious dog if the threat, injury or damage was sustained by a person who was (i) committing, at the time, a crime upon the premises occupied by the animal’s owner or custodian, (ii) committing, at the time, a willful trespass or other tort upon the premises occupied by the animal’s owner or custodian or (iii) provoking, tormenting, or physically abusing the animal, or can be shown to have repeatedly provoked, tormented, abused, or assaulted the animal at other times. No police dog which was engaged in the performance of its duties as such at the time of the acts complained of shall be found to be a dangerous dog or a vicious dog. No animal which, at the time of the acts complained of, was responding to pain or injury, or was protecting itself, its kennel, its offspring, or its owner or owner’s property, shall be found to be a dangerous dog or a vicious dog.

B. Procedures for Determining a Dog to be Dangerous or Vicious

1. Any Animal Control Officer who has reason to believe that a canine or canine crossbreed within his jurisdiction is a dangerous dog or vicious dog shall apply to a magistrate of the jurisdiction for the issuance of a summons requiring the owner or custodian, if known, to appear before a General District Court at a specified time. The summons shall advise the owner of the nature of the proceedings and the matters at issue. The Animal Control Officer or owner shall securely confine the animal in a humane manner until such time as evidence shall be heard and a verdict rendered. The court, through its contempt powers, may compel the owner, custodian or harbinger of the animal to produce the animal.

2. In addition to Paragraph 1, Subsection B of this Section 66-8, an Animal Control Officer may determine, after investigation, whether a dog is a dangerous dog. If the Animal Control Officer determines that a dog is a dangerous dog, he may order the animal's owner to comply with the provisions of the ordinance. If the animal's owner disagrees with the Animal Control Officer's determination, he may appeal the determination to the General District Court for a trial on the merits.

C. Disposition of Dangerous or Vicious Dogs

1. Vicious Dog – If, after hearing the evidence, the court finds that the animal is a vicious dog, the court shall order the animal euthanized in accordance with the provisions of Section 3.1-796.119

2. Dangerous Dog –

- a. If, after hearing the evidence, the court finds that the animal is a dangerous dog, the court shall order the animal's owner to comply with the provisions of the ordinance.
- b. The owner of any animal found to be a dangerous dog shall, within ten days of such finding, obtain a dangerous dog registration certificate from the local Animal Control Officer for a fee of fifty dollars in addition to other fees that may be authorized by law. (i) All certificates or renewals thereof required to be obtained under this section shall only be issued to persons eighteen years of age or older who present satisfactory evidence that the animal has been neutered or spayed. (ii) All certificates or renewals thereof required to be obtained under this section shall only be issued to persons who present satisfactory evidence that the owner has liability insurance coverage, to the value of a least \$50,000.00 that covers animal bites. The insurance policy shall contain a provision requiring that the Town be named as an additional insured party and that the Town shall be notified by the insurance company of any cancellation, termination, or expiration of the policy. The local Animal Control Officer shall also provide the owner with a uniformly designed tag which identifies the animal as a dangerous dog. The owner shall affix the tag to the animal's collar and ensure that the animal wears the collar and tag at all times. All certificates obtained pursuant to this paragraph shall be renewed annually for the same fee and in the same manner as the initial certificate was obtained.
- c. All certificates or renewals thereof required to be obtained under this section shall only be issued to person eighteen years of age or older who present satisfactory evidence (i) of the animal's current rabies vaccination, if applicable, and (ii) that the animal is and will be confined in a proper enclosure or is and will be confined inside the owner's residence or is and will be muzzled and confined in the owner's fenced-in yard until the proper enclosure is constructed. In addition, owners who apply for certificates or renewals thereof under this section shall not be issued a certificate or renewal thereof unless they present satisfactory evidence that (i) their residence is and will continue to

be posted with clearly visible signs warning both minors and adults of the presence of a dangerous dog on the property and (ii) the animal has been permanently identified by means of a tattoo on the inside thigh or by electronic implantation.

- d. While on the property of its owner, an animal found to be a dangerous dog shall be confined indoors or in a securely enclosed and locked structure of sufficient height and design to prevent its escape or direct contact with or entry by minors, adults, or other animals. The structure shall be designed to provide the animal with shelter from the elements of nature. When off its owner's property, an animal found to be a dangerous dog shall be kept on a leash and muzzled in such a manner as not to cause injury to the animal or interfere with the animal's vision or respiration, but so as to prevent it from biting a person or another animal.
- e. If the owner of an animal found to be a dangerous dog is a minor, the custodial parent or legal guardian shall be responsible for complying with all requirements of this section.
- f. After an animal has been found to be a dangerous dog, the animal's owner shall immediately, upon learning of same, notify the local Animal Control Authority if the animal (i) is loose or unconfined; (ii) bites a person or attacks another animal; (iii) is sold, given away, or dies; or (iv) has been moved to a different address. If the dangerous dog is sold, given away, or has been moved to a different address, the previous owner will provide local Animal Control Authorities with the name, address, and telephone number of the new owner, who must also comply with the requirements of this ordinance.
- g. The owner of any animal which has been found to be a dangerous dog who willfully fails to comply with the requirements of the ordinance shall be guilty of a Class I misdemeanor.

D. Fees; Training

All fees collected pursuant to the ordinance, less the costs incurred by the Animal Control Authority in producing and distributing the certificates and tags required by the ordinance, shall be paid into a special dedicated fund in the treasury of the locality for the purpose of paying the expense of any training course required under Section 3.1-796.105.

(Ord. No. 15-99 Amended Entire Section 8-23-99-Effective Upon Passage)

66-9 PROUD FEMALE DOGS

It shall be unlawful for any person who shall own or have in his possession any proud female dog to suffer the same to run at large during such a period to allow such dog to remain on his premises to the annoyance of others after notice by the officers of the Town.

66-10 DISPOSITION OF UNTAGGED DOGS

Dogs without tags will be turned over to the Dog Warden.

66-11 RABIES

Any dog which is known to be suffering from rabies, or which is suspected of suffering from such disease, shall be at once confined by the owner until it is definitely known whether the animal is so infected. If it is found to have such disease, the owner shall at once cause such animal to be killed and the body to be burned or buried. In the event of the failure of the owner to obey the terms of this section, the police may cause such animal to be killed or confined under order of the Chief of Police.

KEEPING CERTAIN ANIMALS PROHIBITED WITHIN TOWN LIMITS

66-12 DEFINITIONS

As used in this Article, the following terms shall have the meaning indicated:

BEES – Those domesticated insects known as the western honey bee which produce honey and beeswax, and nest in a beehive.

DOMESTICATED HOUSEHOLD PETS - Animals normally kept for companionship, rather than as consumable commodity or producer thereof, which are tame, non-venomous or non-predatory, ~~and shall include~~ but, not be limited to dogs, house cats, caged birds, ~~and domesticated rabbits, rabbits,~~ hamsters and gerbils, ~~and excluding livestock and fowl.~~

EXOTIC ANIMALS - Those animals, other than dogs, house cats, caged birds and other domesticated household pets, which because of a predatory nature, venomous bite or sting, size or disposition present a potential danger to town residents, including but not limited to lions and tigers, mountain lions and other large cats, bears, poisonous snakes and lizards, elephants, monkeys and apes, foxes, wolves, coyotes, alligators and crocodiles.

FOWL - Those birds raised for the purpose of meat, egg or feather production, and shall include but not be limited to, chickens, ducks, geese, turkeys, peacocks, guinea hens and pigeons, including homing pigeons.

LIVESTOCK - Those animals traditionally raised for the purpose of meat and dairy production, hide or fur production or as draft animals, and shall include but not be limited to cows, horses, donkeys, mules, pigs, goats and sheep.

(Amended 11-23-15-Effective Upon Passage)

66-13 PROHIBITION

Except for duly authorized parades, processions, zoos, circuses, rides, fairs and exhibitions, licensed pet shops, animal shelters and veterinary offices and hospitals, and except for those exemptions listed in Section 66-14, it shall be unlawful for any person to raise, house, or otherwise keep livestock, fowl, bees or exotic animals within the limits of the Town of Front Royal. This Article may be enforced by an Animal Control Officer, Front Royal Police Officer, or the Town Code Enforcement Officer. A violation of this Article shall constitute a Class III Misdemeanor. Subsequent violations shall constitute a Class II Misdemeanor.

(Amended to remove "livestock, fowl or" 11-23-15-Effective Upon Passage)

66-14 EXEMPTIONS

A. This Article shall not apply to domesticated household pets, as defined herein, ~~nor~~ to livestock, fowl, ~~bees and or~~ exotic animals in transit through the Town of Front Royal by a carrier.

B. This Article shall not apply to livestock ~~or~~ fowl or bees kept on property where agriculture is a permitted use either by right or as a legally non-conforming use under Town Code Chapter 175 on any operating farm of one (1) acre in size or more located within the town limits.

C. Animals authorized as Urban Agriculture under Chapter 175 shall be exempt of the restrictions of this Article.

(Added "C" 11-23-15-Effective Upon Passage)

C. This Article shall not apply to chickens or bees so long as permitted as provided below and only so long as the person keeping such animals remains in full compliance with all of the permitting terms and conditions listed below. The prohibition against the slaughtering of animals contained in Section 66-5 shall apply to this Article.

(1)

It shall be lawful for any person to keep, permit or allow chickens or bees within the corporate limits of the Town on residential property used as a single-family detached or semidetached dwelling. No chickens or bees shall be allowed on any residential property with more than one dwelling unit. No more than six (6) chickens and/or two (2) beehives shall be allowed on a single residential property. Chickens and bees allowed under this section shall be raised for domestic use only, and no commercial use such as selling eggs, selling chickens for meat, or selling of honey or beeswax, shall be allowed. No roosters shall be allowed.

(2)

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Persons wishing to keep chickens pursuant to this Article must file an application with the Town's Department of Planning and Zoning, which application shall include a sketch showing the area where the chickens will be housed and the types and size of coops in which the chickens shall be housed. The sketch must show all dimensions and setbacks, and a management plan that adequately addresses waste disposal, site suitability, animal density, biosecurity and health measures, odor control, noise control, appearance, and maintenance with verification that the applicant has completed the Virginia Livestock Premises Registration with the Virginia State Veterinarian's Office. The management plan shall be reviewed by the Virginia Cooperative Extension Office, or other qualified expert, nonprofit organization or government entity. An inspection, and conditions of approval or recommendations may be required as part of the permit based on the management plan or other recommendations of the Virginia Cooperative Extension Office, or other qualified expert, nonprofit organization or government entity.

(3)

All chickens must be kept at all times in an enclosed, covered, secure, movable or stationary coop that contains at a minimum four (4) square feet per bird and an additional eight (8) square feet of run space per bird. Coops shall be located in the side or rear yard and shall be situated at least ten (10) feet from all property lines. In addition, all coops shall be located at least twenty (20) feet from streams, tributaries, ditches, swales, stormwater management facilities, drop-inlets, or other storm drainage areas that might allow fecal matter to enter any Town storm drainage system or stream. All coops must be kept in a neat and sanitary condition at all times and must be cleaned on a regular basis so as to prevent offensive odors.

(4)

All feed for the chickens shall be kept in a secure container or location to prevent the attraction of rodents and other animals. Chicken litter and waste shall not be deposited in any trash container that is collected by any public or private waste collector and shall be disposed of by composting on site, collected by a bona fide poultry litter service, or bagged and taken to the county landfill. Any dead bird shall not be deposited in any trash container that is collected by any public or private waste collector but shall be either composted or buried on site or taken to the county landfill. Further, all unexplained bird deaths shall be reported to the Virginia Department of Agriculture and Consumer Services prior to composting, burial, or transport to the county landfill.

(5)

Persons wishing to keep bees pursuant to this Article must file an application with the Town's Department of Planning and Zoning. Beehives must be setback at least ten (10) feet from side and rear property lines and shall be enclosed on all sides by a fence at least 4 feet in height. The permit application shall include a sketch showing the area where the beehive(s) will be located. A sign between two (2) and four (4) square feet shall be clearly located on the fence to communicate that bees are being kept within the enclosure. The harvesting of honey shall take place within an enclosed building.

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(6)

Payment of a fifty dollar (\$50.00) permit application fee, and a fifty dollar (\$50.00) permit renewal reinspection fee, is required for all permits. Permits shall be displayed and maintained at all times in a conspicuous location on approved coops and beehives. Applicants are encouraged to notify adjacent property owners of intent to keep chickens or bees. A permit issued following inspection shall be valid for one (1) year except that the Department of Planning and Zoning may successively renew a permit in additional one (1) year increments prior to expiration provided that the use remains in compliance with any management plan and otherwise remains lawful following reinspection. Any permit issued may be revoked by the Department of Planning and Zoning at any time if such use significantly deviates from the approved permit and/or management plan. The denial or revocation of a permit may be appealed for review by the Town Manager within ten (10) days whose decision shall be final.

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ASSAULT AND INTIMIDATION WITH ANIMALS

(Added 5-13-96 by Ord. 5-96)

66-15 FINDINGS AND POLICY OF ARTICLE IV

The Town Council finds that the Town's citizens have been subject to fear, intimidation and apprehension of physical harm by the appearance and handling of certain animals. That this fear is reasonable and has had the effect of restricting the citizens use and enjoyment of public properties, places and ways. At times, certain animals are being used to threaten and intimidate the Town's citizens much as persons may be threatened or intimidated with a pointed or brandished firearm or other weapon. The average citizen not having specific knowledge about particular animals, the fear, intimidation and apprehension caused by these animals is reasonable as perceived even where the animal may pose no actual danger and may in fact be docile; much as a pointed but unloaded firearm will cause fear, intimidation and apprehension.

The Council finds that fear, intimidation and apprehension can be as debilitating and harmful to the Town's citizens as actual danger. The Council, finding it necessary to the health, welfare and peace of mind of its citizens, enacts this Article, pursuant to the Town of Front Royal Charter Section 18 (12),(13) and (25), to prevent and control the intimidation of the Town's citizens by certain animals which are intimidating in their appearance or in the manner in which they are handled.

66-16 DEFINITIONS

For purposes of this Article "intimidating animal" includes and means the following:

1. Any snake.
2. Any dangerous or vicious dog as defined in this Chapter.
3. Any animal that attacks, charges or approaches or attempts to attack, charge or approach a person or animal while barking, growling, with raised hackles, or in any other threatening manner and under circumstances that would cause a reasonable person to be startled, afraid or in fear of harm. This shall not include such behavior if displayed under circumstances in which the owner or custodian could lawfully use force to defend person or property or where the animal is injured.
4. Any animal that has previously been used to assault, intimidate or frighten any person.
5. Any snake or canine owned or in the custody of any person previously convicted of allowing, permitting or encouraging an animal to attack, assault, intimidate, or frighten any person or animal if such canine is of a size or appearance as to be reasonably perceived capable of causing harm to any person or companion animal if provoked.
6. Any animal that pursuant to the procedure set forth in Section 66-20 below has been declared an intimidating animal.

66-17 ANIMALS USED TO INTIMIDATE

It shall be unlawful for the owner or custodian of any animal:

1. To allow, permit, urge, or encourage such animal to attack, charge or approach any person or animal while growling, barking, with raised hackles or in any other threatening manner, or;
2. To allow, permit, urge, or encourage such animal to attempt to attack, attempt to approach, any person or animal while such animal is growling, barking, with raised hackles or in any other threatening manner, any person, or;
3. To threaten to sic, urge or command any animal to attack or charge any person or animal; or threaten to cause such animal to approach any person or animal while such animal is growling, barking, with raised hackles or in any other threatening manner, any person or animal.

However, this section shall not apply to any person engaged in excusable or justifiable self-defense.

66-18 CONTAINMENT OR MUZZLING OF CERTAIN ANIMALS HAVING AN INTIMIDATING OR FRIGHTENING APPEARANCE; REQUIREMENT ANIMAL BE CONFINED OR PENNED

An intimidating animal as described in Section 66-16 must be locked inside a secure container or enclosure, or in the case of a dog or other canine securely muzzled, at any time such animal is in a public place or a private place open to the public. A secure container or enclosure is one from which the animal cannot escape. A secure muzzle is one which prevents the animal from biting a person or other animal and one which the animal cannot remove. No owner or custodian shall permit an intimidating animal to be brought into a public place or other place open to the public unless he has determined with certainty that the intimidating animal cannot escape containment or is muzzled with a muzzle that prevents the canine from biting and which the canine cannot remove.

Any person who permits an intimidating animal to run at large, or remain unconfined, unrestricted or not penned up shall be deemed to have violated the provisions of this Article. Any intimidating animal found running at large shall be subject to seizure and impoundment by an animal warden or any other law enforcement officer.

66-19 UNEXPECTED EXPOSURE TO FRIGHTENING DISPLAY

No owner or custodian of an intimidating animal, whether or not such animal is contained or muzzled, shall leave such animal in, on or along a public place or way or place open to the public, when not under its owner's or custodian's immediate control, where it may attack, charge or approach or attempt to attack, charge or approach a person or animal while barking, growling, with raised hackles, or in any other threatening manner and under circumstances that would cause a reasonable person to be startled, afraid or in fear of harm.

66-20 PROCEDURE TO DECLARE AN ANIMAL INTIMIDATING

In addition to the animals described in Section 66-16, any specific animal may be declared an intimidating animal for purposed of this Article upon notice and hearing.

Any animal warden or any other law enforcement officer who has reason to believe that an animal within his jurisdiction is an intimidating animal shall apply to a magistrate of the jurisdiction for the issuance of a summons requiring the owner or custodian to appear before a general district court at a specified time. The summons shall advise the owner of the nature of the proceeding and the matters at issue. The court, though its contempt powers, may compel the owner or custodian of the animal to produce the animal. If, after hearing the evidence, the court finds that the animal has been engaged in the behavior described in Section 66-17, the court shall declare the animal an intimidating animal for purposed of this Article and order the animal's owner to comply with the provisions of Sections 66-18, 19 & 21 of this Article.

66-21 DUTY OF OWNER OR CUSTODIAN TO NOTIFY AUTHORITIES

The owner or custodian of any intimidating animal, vicious or dangerous dog must immediately notify the Front Royal Police Department in the event such animal escapes from confinement or the control of the owner or custodian. Further, the failure of the owner or custodian to immediately

make such notification may be used to show the willfulness in allowing such animal to run at large. Such immediate notification by an owner or custodian charged with such offense may be introduced in defense to show lack of willfulness if the person can specify the manner of notification, the identity of the police official notified and the time of notification. Such notification or failure to notify shall not be dispositive of willfulness and may be rebutted by other competent evidence.

66-22 EXCEPTIONS

This Article shall not apply to a dog owned or in the service of any government law enforcement agency. Nor shall it apply to any snake being displayed as part of an educational event when the event has been previously planned and scheduled with the permission of the person or authority having ownership or control of the location where the event will be held and persons present are given notice of the nature of the educational event.

66-23 PENALTY

Any violation of this Article or commission of an act declared unlawful by this Article shall be punished as a misdemeanor pursuant to Town of Front Royal Code Section 1-15.

It shall not be a defense to a charge placed under this Article that any animal is in fact not dangerous or is in fact docile. However, this Article is not intended to apply to an animal that is of such a size or appearance that reasonable persons would not be startled, afraid or placed in fear of harm to themselves, another person or a companion animal under the circumstances present at the time of any offense charged.

66-24 SEVERABILITY

It is hereby declared to be the intention of the Council that the sections, paragraphs, sentences, and words of the Chapter are severable, and if any word, sentence, paragraph or section of this Chapter shall be declared unconstitutional or otherwise invalid by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining words, sentences, paragraphs and sections of this Chapter, because the same would have been enacted by the Council without the incorporation in this Chapter of any such unconstitutional or invalid word, clause, sentence, paragraph or section.

EXCERPT FROM MINUTES OF SEPTEMBER 25, 2023

PUBLIC HEARING

A. An Ordinance to Amend Town Code §175-3 and §175-110.5 Performance Standards for Urban Agriculture Pertaining to Chickens in Town Limits.

Mayor Cockrell opened the public hearing.

Barbara Martin, 1805 Belmont Avenue, voiced concern over the modification to the ordinance noting that her six chickens were free range in her backyard with a 6-foot fence and did not want to keep them confined as the modifications (if approved) would require.

Mayor Cockrell closed the public hearing and opened it up to Council.

Councilwoman Morris moved that Council deny the ordinance amendments to Town Code §175-3 Definitions and §175-110.5 Performance Standards for Urban Agriculture pertaining to chickens in Town limits, as presented.

Motion failed for lack of a second.

Councilman Rogers moved seconded by Councilwoman DeDomenico-Payne that Council approve the ordinance amendments to Town Code §175-3 Definitions and §175-110.5 Performance Standards for Urban Agriculture pertaining to chickens in Town limits, as presented.

Councilwoman Morris advised that she visited several properties that currently had chickens and amending the ordinance, as presented, did not resolve issues it only made it more regulated for those who already had chickens. She suggested sending it back to a work session for more discussion.

Councilman Rappaport stated that the current ordinance allowing six chickens was enough since the Town was becoming more urban than rural. He advised that he would be voting against the amendments.

Councilman Ingram stated that the amendment to the current ordinance amendment would restrict free range potential. He advised that he would be voting against the amendment and suggested bringing it back to Council for further review.

Councilwoman DeDomenico-Payne voiced concern on waiting three months for this ordinance to be acted upon.

Councilwoman Morris understood that urban agriculture was for citizens to either make money or provide for their families. She expressed her appreciation to the Director of Planning for their work on this revision.

There was much discussion on how to amend the original motion, noting that the majority of Council seemed to agree to discussing further in a work session. After being asked by Council on

their options for a motion, Town Attorney George Sonnett suggested either to postpone or give a substitute motion.

Councilwoman Morris moved seconded by Councilman Ingram that Council postpone ordinance amendments to Town Code §175-3 Definitions and §175-110.5 Performance Standards for Urban Agriculture pertaining to chickens in Town limits as a substitute motion for the original motion. Councilwoman Morris further moved that it be discussed at the work session on November 6, 2023.

Councilwoman DeDomenico-Payne questioned why the ordinance amendment could not be approved tonight and referred to the Planning Commission stating Council's concerns about standards. It was noted that approving the ordinance tonight placed a further burden on those who already have chickens.; therefore, postponing the action allows Council to review further the amendments, refer those amendments to the Planning Commission and amend the Code in a way that can be better utilized and adhered to for all citizens.

Vote: Yes – Councilmen DeDomenico-Payne, Ingram, Morris, and Vice Mayor Sealock

No – Councilmen Rappaport and Rogers

Absent – N/A

Abstain – N/A

ROLL CALL

(on substitute motion for the original motion)

EXCERPT FROM MINUTES OF DECEMBER 4, 2023

A. Continued Discussion Pertaining to An Ordinance to Amend Town Code 175-3 Definitions and 175-110.5 Performance Standards for Urban Agriculture Pertaining to Chickens in Town Limits – Corey Childs Extension Agent at Virginia Cooperative Extension – Town Manager Joe Waltz advised that Corey Childs, Extension Agent for the Virginia Cooperative Extension, was invited tonight so that Council could get some questions answered and ultimately advise staff as to where council would like to go with any amendments to the ordinance. Director of Planning Lauren Kopishke introduced Mr. Childs explaining that he reviews all of the Management Plans for permits and advises staff of any issues he may encounter.

Mr. Childs stated that he had been involved with Management Plans for fifteen years working with numerous people in several counties to allow them to participate in backyard poultry for their families. He explained that with urban density his objective was to put together the best plan that reflected the safety with neighbors by trying to minimize impacts by education. He emphasized keeping it simple with any changes they may make.

Councilwoman Morris noted that the issue was not the increase in chickens but the increase in regulations. She voiced concern on the way the Town was restricting the way chickens were to be housed. Ms. Kopishke advised that one acre lots and above did not need a permit and the amendments to the ordinance are what the Town was already doing, clarifying that she was suggesting that they be codified. She explained that staggered inspections of those who currently have permits were performed once a year by staff. While it was mentioned that there were 51

permits issued, it was clarified that those permits included rabbits and bees. Ms. Morris commented that she was not prepared to move forward with the amendments due to overregulation.

Councilman Rappaport was not in favor of increasing the number of chickens and stressed the importance of cleanliness or it could become a health hazard for the community. He voiced concern of the “novelty” of owning chickens wearing off quickly for some owners and that from a health standpoint six chickens were enough.

Ms. Kopishke reiterated that the regulations and standards currently in place for a permit were not codified but advised that staff did have the ability to revoke the permit without the codification but felt like codification would tighten up the ordinance to make it easier to enforce.

Councilwoman DeDomenico-Payne questioned the fence issue and the difficulty of elaborating on that in the code. Mr. Childs advised that chickens could fly short distances including over fences, noting it was a fine balance to protect the health of the community as well as the animals.

Mr. Waltz advised Council that staff may have confused the situation by adding to the code what the Town was already doing, noting the real decision from Council was going from six chickens to ten.

Councilman Wood reminded Council that Mr. Childs was telling Council what they needed to do and voiced concern that Council was spending a lot of time on something that affected a small number of people. Ms. Morris noted that this was urban agriculture and reiterated that the number of chickens was not the issue. Mr. Rappaport reiterated that Mr. Childs advised Council to keep it simple and six chickens was simple. He encouraged Council to look at the entire community.

Councilman Ingram opined that if the yards were contained enough for the chickens to be free range he had no issues, but smaller lots had to have credentials. Mr. Childs explained the difference between a smaller lot vs a larger lot including the coop/run space, noting there was not one perfect situation or solution.

Mr. Sonnett noted that zoning violations were criminal in nature and the clearer the law the better.

There was much discussion on whether to move forward or continue discussion at another work session. It was agreed to move to another work session for further discussion.



COUNCIL REGULAR WORK SESSION AGENDA STATEMENT

Meeting Date: April 8, 2024

Item# 04B

Agenda Item: Alley Vacation Request at 225 East 7th Street/631 Kibler Street

Summary: The alley vacation request was discussed at our work session on Monday, February 12, 2024, and a public hearing was held on Monday, March 25, 2024. Following the public hearing, Council requested a viewing committee report to provide a third-party review of the request.

The purpose of the vacation is to “create a legally conforming lot. Lots are required to have a minimum of 7,500 sq. ft.” It appears that there are two single-family structures with one structure on a conforming lot. The other structure is situated partially on the first lot, and the rest on its own lot. The conforming lot faces E. Seventh Street. The non-conforming structure faces Kibler Street. If the vacation is approved, both lots will be conforming.

The viewing committee has reviewed the application and completed a site visit on the alley vacation request. Their report is attached, and the following is a summary:

After considering the request, the Viewing Committee unanimously recommends APPROVAL of the vacation as requested by the applicant. The Viewing Committee also recommends that the Town of Front Royal obtain a 15 ft. wide easement on the north side of E. Seventh Street to provide access to the remainder portion of E. Seventh Street to Happy Creek.

Budget/Funding: N/A

Staff Direction: Staff recommend vacating the right of way with a requirement that the Town obtain a 15 ft. wide easement on the north side of E. Seventh Street to provide access to the remainder portion of E. Seventh Street to Happy Creek.

FROM: Viewing Committee
TO: Front Royal Mayor and Town Council
DATE: March 5, 2024
SUBJ: VACATION OF STREETS AND ALLEY, ETC.

The Viewing Committee, printed names and signatures below, were asked to render an opinion to APPROVE or DENY the application of Property Correction, LLC requesting the vacation of a 43.83 ft. x 74.50 ft. section of East Seventh Street at its intersection with Kibler Street in the Town of Front Royal, Va.

The purpose of the vacation is to “create a legally conforming lot. Lots are required to have a minimum of 7,500 sq. ft.” It appears that there are two single-family structures with one structure on a conforming lot. The other structure is situated partially on the first lot, and the rest on its own lot. The conforming lot faces E. Seventh Street. The non-conforming structure faces Kibler Street. If the vacation is approved, both lots will be conforming.

We noted that portions of E. Seventh Street are used for parking by two or more commercial businesses. This appears to be a long-standing arrangement for this area. The current owner of one of the businesses spoke with the Viewing Committee to express his concern that not using the portion of E. Seventh Street next to his property for parking would pose a hardship on his business. It was also noted that if the vacation is approved, there would be no access to the remainder portion of E. Seventh Street to Happy Creek.

After considering the request, the Viewing Committee unanimously recommends APPROVAL of the vacation as requested by the applicant. The Viewing Committee also recommends that the Town of Front Royal obtain a 15 ft. wide easement on the north side of E. Seventh Street to provide access to the remainder portion of E. Seventh Street to Happy Creek.

Sincerely,

Ronald W. “Jay” Crawford

Staige F. Miller, Jr.

Robert R. North

Ronald W. “Jay” Crawford

Staige F. Miller, Jr.

Robert R. North



COUNCIL REGULAR WORK SESSION AGENDA STATEMENT

Meeting Date: April 8, 2024

Item# 04C

Agenda Item: Request for an Easement on Town Property from Donald Stallings near Duck Street

Summary: The request for an easement was discussed at the February 12th work session with multiple questions including the VDOT permit for access. The responses to the questions from the work session are included in the agenda packet from the applicant. Town Council will need to give direction on this written request for an easement on Town property.

Background from February 12th work session:

Staff received a request from Donald Stallings on January 10, 2024, requesting written permission to use the existing access gate and easement through the Town of Front Royal Property located on either side of the North Fork bridge and to access his property for recreational use, and maintaining the property. The property is a 5.1-acre lot situated between the railroad and the river. The Town property is approximately 1,000 feet in length and its termination point would connect to E. Duck Street.

This request is for the same property that was discussed in November 2023, as part of the Hounshell request. Since that meeting, Mr. Stallings has purchased the property and is seeking a similar easement to access this property. He currently owns property (142 Rugby Street) across the railroad tracks adjacent to the 5-acre parcel needing access.

During the discussion in November on the Hounshell request, the applicant was asked to pursue the easement with VDOT before the Town considered any easement or access because VDOT owns the land under the North Fork Bridge. When I was contacted in January by Mr. Stallings, I relayed the same message to him, and he stated he was in the process of obtaining an easement from VDOT.

I was notified by the applicant on January 31, 2024, that he received his land use permit to access the VDOT property under the bridge which is attached. In the permit from VDOT, it states "Access under VDOT Bridge over Shenandoah River as described above. No parking or storage of any kind is permitted on VDOT r/w. Permission needs to be obtained from Town of Front Royal to cross Town property and access of their gate."

Budget/Funding: N/A

Staff Recommendation: Staff needs direction on this written request for an easement on Town property

Joe Waltz

From: Donald Stallings <donald.stallings@allenlund.com>
Sent: Tuesday, February 27, 2024 9:26 AM
To: Joe Waltz
Cc: Hillary Wilfong; Frances Campbell
Subject: Re: Add to Town Council Agenda / Donald Stallings Easement Request / North Fork Bridge
Attachments: Allen Lund Mail - VDOT Land Use Permit 855-23345 - Route 522, Front Royal.pdf; LUPS - Land Use Permit System.pdf

Follow Up Flag: Follow up
Flag Status: Completed

Good morning Joe,

Based on the work session a couple weeks back it would seem like there are more questions that need to be answered before proceeding. Please see below, If there is anything I missed or anything else you think I may need to add or clarify please let me know.

VDOT Permit "Expiration Date":

On 01/31 the day the permit was issued I spoke with Rhonda Funkhouser who issued the permit and she advised me this is the format that is generally used when an easement is granted by VDOT. Basically, there is no expiration date on the access permit as there was no work being performed on the VDOT property within any sort of timeframe as this is only an easement approval for crossing VDOT property. This is how easements are granted utilizing their permit service which is more often used for work being performed on or requires access to or through VDOT Property. I have already reached out to VDOT regarding the expiration date on the permit to see if they can either provide written clarification or edit the approved permit in some way. I have attached the email response received from Rhonda and a copy of the permit.

Request Clarification:

I am requesting access through the existing locked gate located at the corner of Winchester Pike beside the B-line Railroad Track and use of the existing road. I intend on accessing and crossing town property using the existing service road using lawful modes of transportation. At this time I have a 2012 Chevy Silverado, 1984 Ford F150 and at times may be pulling a trailer to transport equipment for use on my property (ie. lawn mower, wood splitter). I think all "Lawful modes of Transportation" would cover any / all vehicles that would be licensed, registered, and insured to operate in order to access my property.

Vice Mayor Sealock mentioned and confirmed the existing road as the Sheriff's Department used to access it in the past. I want to re-confirm that this road is pre existing and has been used for at least the past 15 years.

Regarding Mayor Cockrell's concern about ATV or non authorized use of the easement: It was mentioned that the town previously had an issue or accident with ATV / Fourwheeler on town property. These would not be considered "Lawful Modes of Transportation" and would not be used to access or cross town or VDOT property in this request.

Regarding Keyholders, additional persons w/ access, and intent:

-The intent of my request for an easement is solely to access my property. The (2) owners of the river property reside at 142 Rugby Street, Front Royal VA 22630 (listed below) would solely have access to the key for the gate. Unless the town would prefer a single keyholder in the household.

Donald Stallings (Owner)

Frances Stallings (Wife / Owner)

-Any additional persons / guests utilizing the easement will be accompanied by one of the (2) owners with the purpose of accessing the Stallings property only.

-There will be no parking of vehicles or storage on Town of Front Royal or VDOT Property.

Regarding the use of my property:

It also seems like the Mayor and Town Council are interested in knowing what I intend to do with my property. Please see below.

-All Lawful Purposes

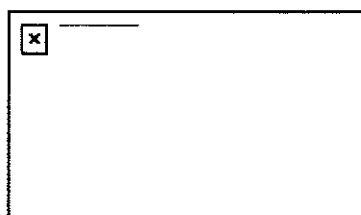
-Maintaining Property

-General recreation

-Apiary / Bee Farm

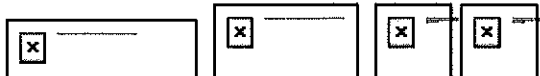
Also, I received a call from Robert Boyer this morning he confirmed he will unlock the gate on Friday 03/01 so that I can take pictures of the access road and anything else that may be helpful in answering future questions.

Thank you,



Donald Stallings

Transportation Broker, Winchester VA
P:(800) 929-5863 C:(540) 323-4168
252 Airport Road, Suite 1,
Winchester, VA 22602
donald.stallings@allenlund.com
We treat your freight like family!



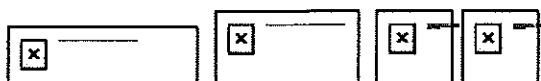
On Thu, Feb 1, 2024 at 10:30 AM Donald Stallings <donald.stallings@allenlund.com> wrote:

Thank you.



Donald Stallings

Transportation Broker, Winchester VA
P:(800) 929-5863 C:(540) 323-4168
252 Airport Road, Suite 1,
Winchester, VA 22602
donald.stallings@allenlund.com
We treat your freight like family!





Donald Stallings <donald.stallings@allenlund.com>

VDOT Land Use Permit 855-23345 - Route 522, Front Royal

1 message

Funkhouser, Rhonda (VDOT) <Rhonda.Funkhouser@vdot.virginia.gov>

Wed, Feb 21, 2024 at 7:04 AM

To: "jwaltz@frontroyalva.com (jwaltz@frontroyalva.com)" <jwaltz@frontroyalva.com>

Cc: Donald Stallings <donald.stallings@allenlund.com>, "Swartz, Jonathan (VDOT)" <Jonathan.Swartz@vdot.virginia.gov>

Mr. Waltz -

I am emailing at the request of Mr. Donald Stallings, copied.

VDOT issued Mr. Stallings a Land Use Permit, which constitutes permission, to access under the VDOT Bridge over the Shenandoah River. This permit was issued and completed the same day as there was no actual work to be performed. I am attaching a copy of the "completed" permit for your records. By issuing a permit, VDOT is giving permission to access this location.

If you or your staff require additional information, do not hesitate to contact our office.

Rhonda Funkhouser

Permit Tech - Clarke, Frederick, Shenandoah & Warren Counties

VDOT - Edinburg Residency Office | Land Use

14031 Old Valley Pike | Edinburg, VA 22824

Phone #540.534.3207 | Fax #540.984.5607

Email: Rhonda.Funkhouser@vdot.virginia.gov

 **855-23345.pdf**
1562K

Tina Presley

From: Joe Waltz
Sent: Wednesday, January 10, 2024 3:19 PM
To: Tina Presley; Hillary Wilfong
Subject: Fwd: Add to Town Council Agenda / Donald Stallings Easement Request / North Fork Bridge
Attachments: Google Maps (1).JPG; Google Maps (2).JPG; Street View (1).JPG; Street View (2).JPG; Street View (3).JPG; Warren GIS (1).JPG; Warren GIS (3).JPG; Warren GIS (2).JPG; Street View (4).JPG; Warren GIS (4).JPG

Tina,
Please add this item to a future work session in February (5th or 12th)
Thanks,
Joe

Get [Outlook for iOS](#)

From: Donald Stallings <donald.stallings@allenlund.com>
Sent: Wednesday, January 10, 2024 2:23:08 PM
To: Joe Waltz <jwaltz@frontroyalva.com>
Subject: Add to Town Council Agenda / Donald Stallings Easement Request / North Fork Bridge

Good afternoon Mr. Waltz,

Thank you for taking the time to meet with me yesterday on such short notice, it was a pleasure talking with you and I appreciate your guidance on submitting my request to the Town. Please see my request below for the Town Council and please add my request to the agenda as soon as possible.

My name is Donald Stallings, I live at 142 Rugby Street in Front Royal, VA (off of Duck Street). I am writing today in order to switch gears on the "Hounshell Easement Request" and re-apply for the easement as the new owner (as of 12/29/23) of the "landlocked" property (Tax Map#: 20A114) outlined in Mr. Hounshell's request. I purchased this riverfront property which is located directly behind my house but is separated by the Norfolk Southern Railroad and they are strongly against "walking" and new vehicle easements and crossings across the track itself. I am requesting written permission to use the existing access gate and easement through the Town of Front Royal Property located on either side of the North Fork bridge and to my property for access, recreational use, and maintaining the property.

The gated entrance to these properties is located off of E. Duck Street at the 90 degree turn on Winchester Pike / Queens Hwy. Please see "Street View" attachments for reference and visualization of this entrance. The gate and surrounding area is overgrown and I plan to keep this maintained once the town approves access.

*Using Warren County GIS I was able to locate the Town Property pertaining to my request. The town's property looks to be (3) parcels but is actually just (1) 4.382 acre parcel which expands on both sides of the bridge. Using the attached **VGIN / Satellite** views you can see the existing access road going through all properties. Warren County Register of Deeds / Records does not have a plat available for this Town property.*

*FYI:
Currently Public Works uses the access through the Town property, VDOT property, and my own property to maintain stormwater drain throughout the property. I just want to make it clear that there is already an existing access that has*

been used for many years. However this locked gate prevents access by the owner of the otherwise landlocked property.

Regarding the property directly under the bridge owned by VDOT, I am working with Ms. Ronda Funkhouser at VDOT directly. The Land Use Permit Application has been completed and is being reviewed. Please see Ronda's information directly below.

Rhonda Funkhouser

Permit Tech - Clarke, Frederick, Shenandoah & Warren Counties

VDOT - Edinburg Residency Office | Land Use

14031 Old Valley Pike | Edinburg, VA 22824

Phone #540.534.3207

Email: Rhonda.Funkhouser@vdot.virginia.gov

I look forward to confirming a date for this to be put on the agenda. I plan to be present at any / all meetings that have to do with my request. I will be able to answer any direct questions if needed. Please let me know if you need or would like any additional documents.

Please see the attachments list.

Warren GIS (1);
Warren GIS (2);
Warren GIS (3);
Warren GIS (4);
Google Maps (1);
Google Maps (2);
Street View (1);
Street View (2);
Street View (3);
Street View (4);



Donald Stallings
Transportation Broker, Winchester VA
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We treat your freight like family!





This permit only grants permission to use whatever rights the Commonwealth Transportation Board and the Department of Transportation have in the right of way and no more, and it is the obligation of the permittee to secure any other releases or permission that may be needed in order to perform the work.

Effective Date Jan 31, 2024

Expiration Date Feb 01, 2024

Reinstatement Date

Permittee Information	Your Job#	Surety & Account Receivable Information
Owner & Address Donald Stallings 142 Rugby Road Front Royal Virginia 22630 Contact Donald Stallings Phone# 540.323.4168 Fax# 24 Hr#	Agent Contact Phone# Fax# 24 Hr#	Name Surety Account Surety Type Amount Obligation Amount 0.00 Surety Holder CUSTOMER

AUTHORIZATION: In compliance with your application, permission is hereby given insofar as the Commonwealth Transportation Board has the right, power, and authority under sections 33.2 - 210;33.2 - 240;33.2 - 241 of the Code of Virginia as amended, to grant by Special Agreement and/or by Land Use Permit for you to perform the work and or activity(s) described below:

Location

County/City/Town	Town of Front Royal	Highway Route(s)	522 - Winchester Hwy
From Route Number		From Route Name	
To Route Number		To Route Name	

Work Description The permittee/agent must contact the VDOT Customer Service Center at 1-800-367-7623 a minimum of 48 hours prior to initiating any excavation within 1,000 feet of a signalized intersection and/or VDOT ITS infrastructure.

Requesting access thru VDOT property (Identified in Warren County GIS as Tax Map ID: 19 ROW) located under Hwy 522 Bridge (38.949165, -78.199666) entering Front Royal crossing the North Fork of the Shenandoah using the existing gate and access road as an easement to my property (identified as Tax Map ID: 20A114) that is currently considered "landlocked" due to gate being locked and no written permission has been given. Gate is located at the corner of East Duck Street and Old Winchester Pike (38.948489, -78.198384). I am seeking permission to utilize the existing service road that runs under the bridge that leads to and through my property so that I can access my property for recreational use like fishing, camping, general maint. of the property. ***Access under VDOT Bridge over Shenandoah River as described above. No parking or storage of any kind is permitted on VDOT r/w. Permission needs to be obtained from Town of Front Royal to cross Town property and access of their gate.***

Payment Reference	Payment Date	Payment Type	Payment Amount
78393748	1/18/2024	Credit Card	\$100.00

Applicant has complied with VA Code Section 56-265.15 Affidavit is attached.

TERMS: Applicable as stated in the VDOT Land Use Permit Regulations (current edition) and/or as per approved plans, and/or regulatory instructions, including but not limited to the LUP-SPG and/or agreement(s) attached hereto.

COMMONWEALTH TRANSPORTATION BOARD

By:

Joseph W. Johnson, P.E.

Jan 31, 2024

- | | |
|----------|-------------------------------------|
| C | Call before you dig |
| A | Allow the required time for marking |
| R | Respect and protect the marks/flags |
| E | Excavate carefully |



[] When checkbox is marked, by approving this permit, the issuing official certifies that the entrance was designed in accordance with Appendix F of the Road Design Manual

FINAL INSPECTION & SURETY REQUIREMENTS: Upon completion of the work or activity(s) authorized under this Land Use Permit, the permittee shall contact the following office in writing or by electronic communication to request final inspection and release of the surety obligation for this permit.

Edinburg Residency
14031 Old Valley Pike
Edinburg VA 22824

Land Use Permit System

Welcome Rhonda.Funkhouser

[Permit](#)

[Customer](#)

[Search](#)

[Letters](#)

[Reports](#)

[Help](#)

[Submission Upload](#)



Record Type	Permit Prefix	Permit Prefix Office Name	Permit Number	Customer Name	Permit Status
Land Use	855	Edinburg Residency			

Submission

Submitted: 1/4/2024

Status: ONLINE-SUBMITTED

V0S7JSEEF144C9GM5BV

Tracking Number: <https://lupsonline.vdot.virginia.gov/Application/View/V0S7JSEEF144C9GM5BV>
Open permit in new window

Applicant

Name: Donald Stallings

Driver's license or tax ID number:

Address: 142 Rugby Street
Front Royal, VA 22630

Contact name: Donald Stallings

Email address: donald.stallings@allenlund.com

Phone number: (540) 323-4168 x_____

Fax number: (____) ____-____ x_____

Fee

Fee option: Fee required

Surety

Surety option: New surety required

Request

Request permission to perform the following activity(s) as per attached plan:

Requesting access through VDOT property (Identified in Warren County GIS as Tax Map ID: 19 ROW) located under Hwy 522 Bridge (38.949165, -78.199666) entering Front Royal VA crossing the North Fork of the Shennandoah using the existing gate and access road as an easement to my property (identified as Tax Map ID: 20A114) that is currently considered "landlocked" due to gate being locked and no written permission has been given. Gate is located at the corner of East Duck Street and Old Winchester Pike (38.948489, -78.198384). I am seeking permission to utilize the existing service road that runs under the bridge that leads to and through my property so that I can access my property for recreational use like fishing, camping, and general maintenance of the property.

Permit term requested: 180

Location

Location type: Single use

Name of city, town or county: Town of Front Royal

Route number: 522
Route name: Winchester Hwy
Latitude: -78.199666
Longitude: 38.949165

Confirmation

Applicant Initial:

Cancel

Return

Accept

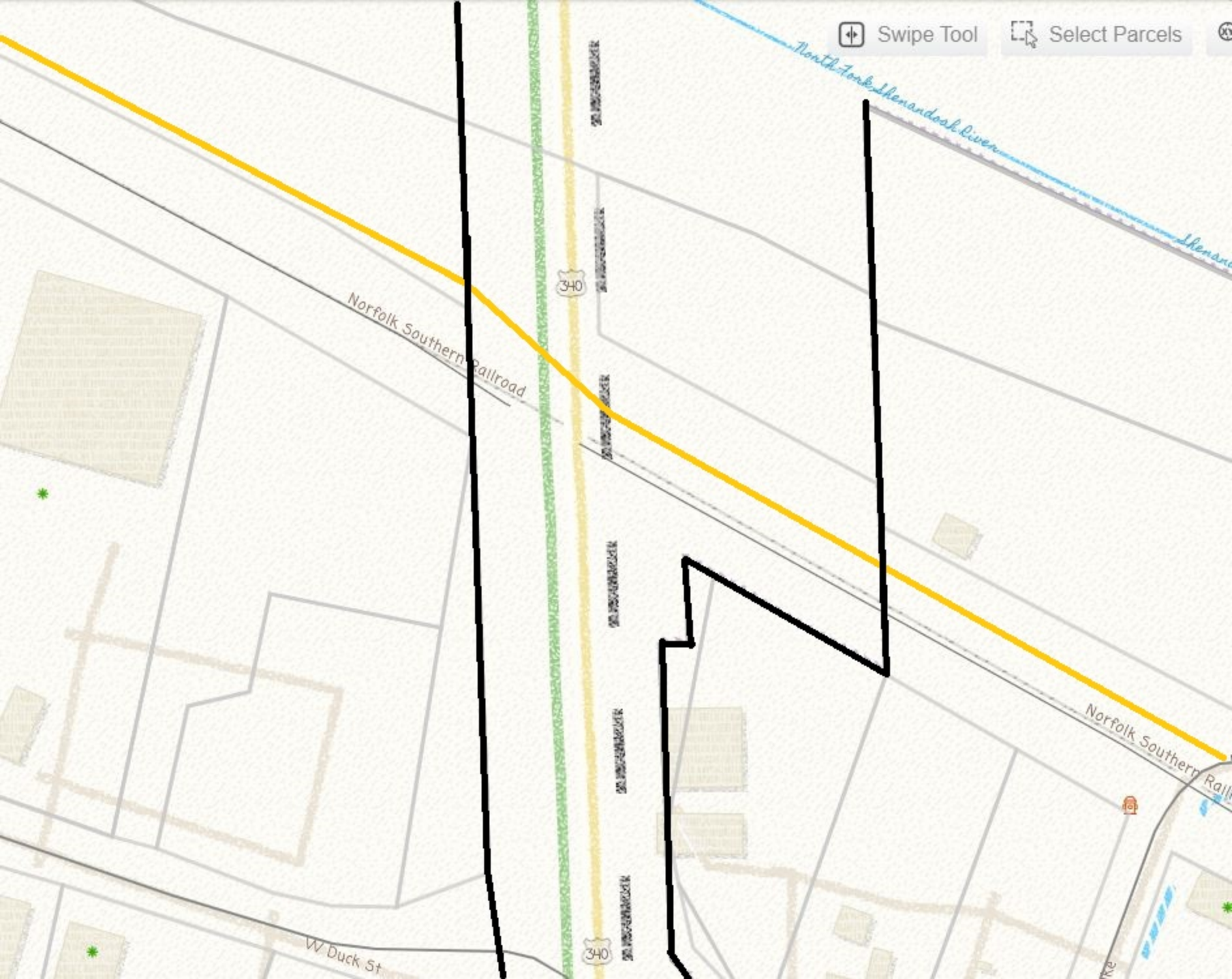


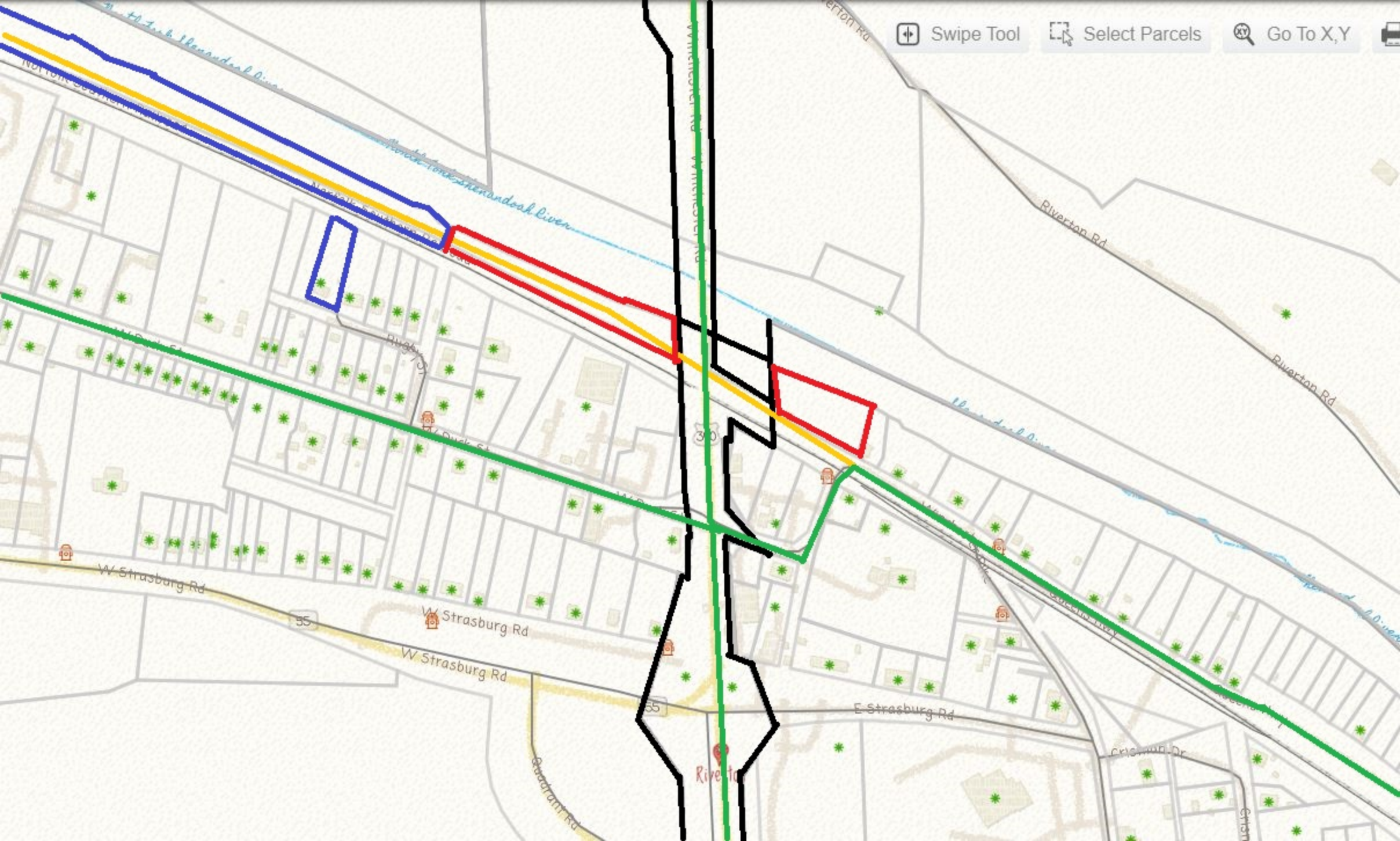


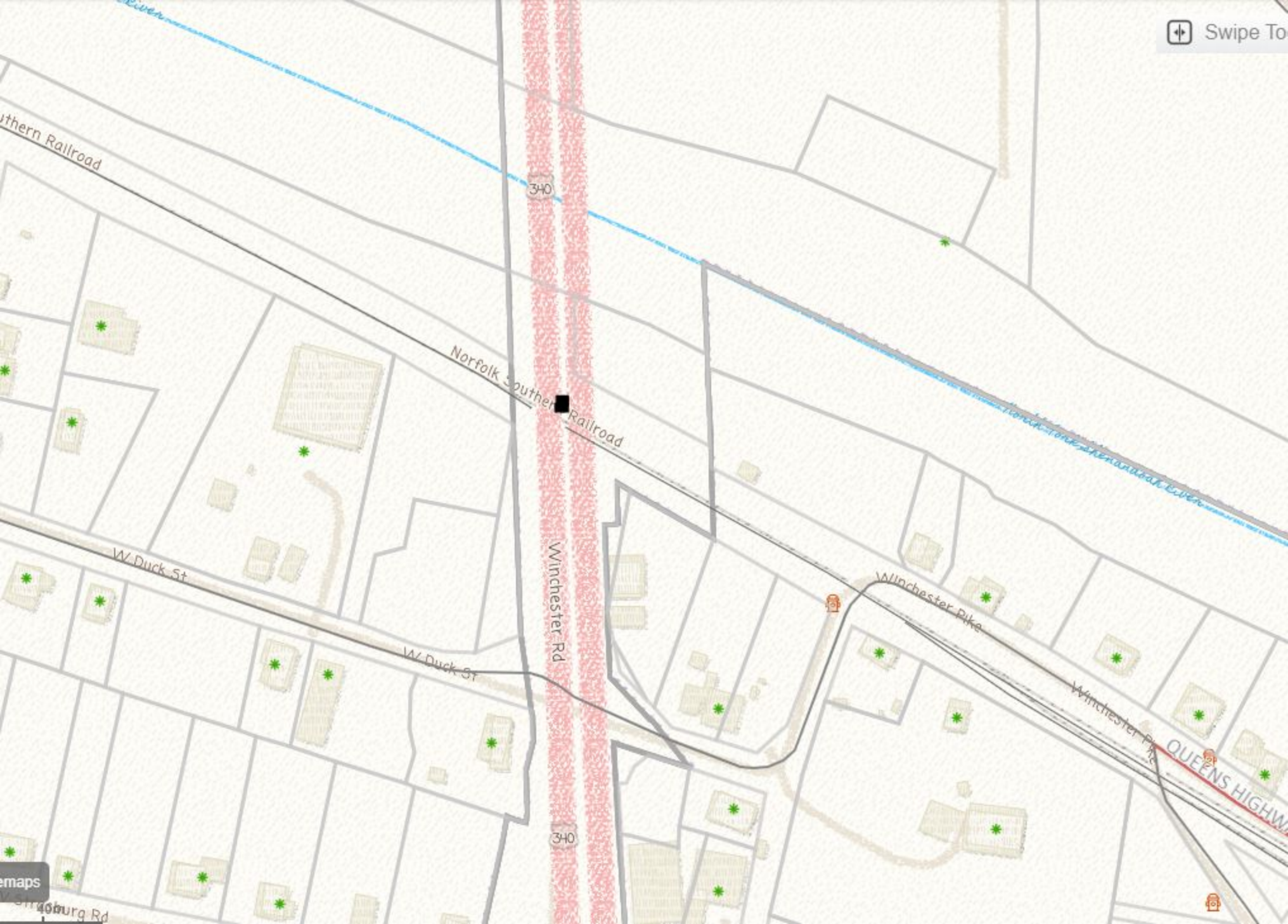
Swipe Tool



Select Parcels









**LAND USE PERMIT
LUP-SPG
Special Provisions – General**

VDOT Land Use Permit Required by Law

The General Rules and Regulations of the Commonwealth Transportation Board provide that no work of any nature shall be performed on any real property under the ownership, control, or jurisdiction of VDOT until written permission has been obtained from VDOT. Written permission is granted for the above-referenced activity through the issuance of a land use permit.

By issuing a permit, VDOT is giving permission only for whatever rights it has in the right-of-way; the permittee is responsible for obtaining permission from others who may also have an interest in the property.

The permittee will be civilly liable to the Commonwealth for expenses and damages incurred by VDOT as a result of violation of any of the rules and regulations of this chapter. Violators shall be guilty of a misdemeanor and, upon conviction, shall be punished as provided for in [§33.2-210](#) of the Code of Virginia.

Application Requirements

Application shall be made for VDOT land use permits through the local district permit office where the activity is to take place.

Application forms and general information regarding VDOT land use permitting can be obtained by contacting the central office permit manager or at the following VDOT web site: <http://www.virginiadot.org/business/bu-landUsePermits.asp>

The applicant shall provide a notarized affidavit indicating compliance with the registration and notification requirements outlined in [§ 2.2-1151.1](#) of the Code of Virginia.

Permit Fees

The land use permit application shall include a check in an amount determined by the district administrator's designee based on the schedule found in [24VAC30-151-710](#) of the [Land Use Permit Regulations](#).

Surety Requirement

A performance surety in the amount determined by the district administrator's designee is required to restore the right-of-way in the event of damage or default. This surety may be in the form of cash, check or surety bond [LUP-SB](#), or [LUP-LC](#) irrevocable letter of credit.

Cash Surety Refund

Applicants owing the Internal Revenue Service or the Commonwealth of Virginia may not receive a refund of the cash guarantee provided for the issuance of a VDOT land use permit unless the amount owed is less than the amount of cash guarantee provided. Applicants providing cash guarantee for the issuance of a VDOT land use permit must provide an executed copy of the Commonwealth of Virginia's Substitute Form W-9 to receive a refund of the cash guarantee provided for the issuance of a VDOT land use permit.

Insurance Requirements (excluding County, Town or City)

The permittee or their agent shall secure and maintain insurance to protect against liability for personal injury and property damage that may arise from the activities performed under the authority of a land use permit and from the operation of the permitted activity up to one million dollars (\$1,000,000) each occurrence to protect the Board members and the Department's agents or employees; seventy-five thousand dollars (\$75,000) each occurrence to protect the Board, the Department, or the Commonwealth in event of suit. Insurance must be obtained prior to start of the permitted work and shall remain valid through the permit completion date. VDOT staff may require a valid certificate or letter of insurance from the issuing insurance agent or agency prior to issuing the land use permit.

Any of the following provisions that may apply, shall apply:

General Requirements

- 1) Permittee acceptance and use of a Virginia Department of Transportation (VDOT) land use permit is prima facie evidence that the permittee has read and is fully cognizant of all required permit provisions, applicable traffic control plans and associated construction

standards to be employed. All applicants to whom permits are issued shall at all times indemnify and save harmless the Commonwealth Transportation Board, members of the Board, the Commonwealth, and all Commonwealth employees, agents, and officers, from responsibility, damage, or liability arising from the exercise of the privileges granted in such permit to the extent allowed by law including any sums ordered to be paid or expended by VDOT by any governmental entity as a fine, penalty or damages for any violation of any applicable environmental law, or to remediate any hazardous or other material, including illicit discharge into VDOT maintained storm sewer systems.

- 2) The permittee assumes full responsibility for any and all (downstream flooding, erosion, siltation, etc.) damages that may occur as a result of the work performed under this permit. Furthermore, the Department will in no way be responsible for any damage to the facility being placed as a result of future maintenance or construction activities performed by the Department.
- 3) The permittee agrees to move, remove, alter, or change any installation that interferes with the ultimate construction of the highway in alignment or grade at no cost to the Department unless otherwise stipulated and agreed to by the Department.
- 4) The permittee shall immediately correct any situation that may arise as a result of these activities that the district administrator's designee deems hazardous to the traveling public.
- 5) Any and all highway signs, right-of-way markers, etc., disturbed as a result of work performed under the auspices of a land use permit shall be accurately reset by the permittee immediately following the work in the vicinity of the disturbed facility. The services of a certified land surveyor with experience in route surveying may be required.
- 6) It shall be the permittee's responsibility to obtain any and all necessary permits that may be required by any other government agencies, i.e., U.S. Army Corp. of Engineers, Department of Environmental Quality, Department of Conservation and Recreation, etc.
- 7) A copy of the VDOT land use permit shall be maintained at the work site and made readily available for inspection when requested by authorized VDOT personnel. District administrator's designee may request the permittee to install on site a project information sign to help the public and VDOT personnel identify activities in the right of way (see LUP-IS).
- 8) The permittee shall notify the local district permit office at least 48 hours prior to commencement of any work requiring inspection and/or testing as stipulated in VDOT's Road and Bridge Standards (current edition) and VDOT's Road and Bridge Specifications (current edition). Failure to carry out this requirement may result in permit revocation.
- 9) The permittee or their agent must contact the VDOT Customer Service Center at 1-800-367-7623 a minimum of 48 hours prior to initiating any planned excavation within 1,000 feet of a signalized intersection and/or near VDOT ITS infrastructure. Excavation activities may proceed only after the VDOT regional utility location agent has notified the permittee that the utility marking has been completed.

Alternately, within all localities in the Northern Virginia Construction District, including the Counties of Arlington, Fairfax, Loudoun & Prince William, the Cities of Alexandria, Fairfax, Falls Church, Manassas and Manassas Park, and the Towns of Clifton, Dumfries, Hamilton, Haymarket, Herndon, Hillsboro, Leesburg, Lovettsville, Middleburg, Occoquan, Purcellville, Quantico, Round Hill and Vienna, and on Interstate 95 in the counties of Stafford, Spotsylvania and Caroline, the permittee may request VDOT regional utility marking at: <http://www.vdotutilitymarking.virginia.gov>

- 10) The permittee shall to notify "VA811" (or each operator of an underground utility where notification center exists) of any planned excavation within state maintained right-of-way. This notification must be provided at least 48 hours (excluding weekends and holidays) in advance of commencing with any planned excavation within state maintained right-of-way. Failure to carry out this requirement may result in permit revocation.
- 11) Any permit may be revoked or suspended when in the opinion of the district administrator's designee, the safety, use or maintenance of the highway so requires.
- 12) The permittee shall at all times give strict attention to the safety and rights of the traveling public, their employees and themselves. VDOT reserves the right to stop work at anytime due to safety problems and/or non-compliance with the terms of the permit. The Department may, at its discretion, complete any of the work covered in the permit or restore the right-of-way to the department's standards and invoice the permittee for the actual cost of such work. The permittee may be required to move, alter, change or remove from state maintained right-of-way, in a satisfactory manner, any installation made under this permit.
- 13) All work authorized under the auspices of a VDOT land use permit shall be subject to VDOT's direction and be in accordance with VDOT's Road and Bridge Standards (current edition) and VDOT's Road and Bridge Specifications (current edition).

14) Design changes, specified material changes and/or field changes from the approved plans shall be submitted to the appropriate district administrator's designee for review and approval prior to proceeding with the proposed changes. This submittal shall include written justification, supplemental documentation and/or engineering calculations that support the requested changes.

15) The permittee shall meet or exceed the existing pavement design and typical section when constructing pavement widening adjacent to an existing state maintained roadway. The proposed pavement design and typical section shall be approved by the district administrator's designee prior to commencing with any work within state maintained right-of-way. All pavement widening shall be in accordance with VDOT's Road and Bridge Standard 303.02.

16) Within the limits of a VDOT construction project it is the responsibility of the permit applicant to obtain the contractor's consent in writing prior to permit issuance. Information regarding current and/or planned VDOT construction and maintenance activities can be obtained at: <http://www.virginiaroads.org/>.

17) Permittee must notify Virginia Department of Transportation "TOC" Traffic Operation Center when there is a crash in a work zone.

TOC Contact Numbers

Northern Virginia

703-877-3401

Hampton Roads

757-424-9923

757-424-9924

Richmond (Richmond and Fredericksburg)

804-796-4520

Staunton (Staunton and Culpeper)

540-332-9500

540-332-9114

540-332-7789

Salem (Bristol, Lynchburg, and Salem)

540-375-0170

888-782-7982 (toll free)

540-537-1535 (cell backup)

Traffic Control and Safety

- 1) The permittee shall at all times give strict attention to the safety and rights of the traveling public, their employees, and contractors. Any permit may be revoked or suspended when in the opinion of the district administrator's designee, the safety, use or maintenance of the highway so requires.
- 2) In accordance with the Virginia Department of Transportation (VDOT) Road and Bridge Specification, Special Provision 105.14, all activities performed under the auspices of a VDOT Land Use Permit involving the installation, maintenance and removal of work zone traffic control devices must have an individual on-site who, at a minimum, is accredited by VDOT in Basic Work Zone Traffic Control. The accredited person must have their VDOT Work Zone Traffic Control accreditation card in their possession while on-site.
- 3) The individual accredited in Basic Work Zone Traffic Control is responsible for the placement, maintenance and removal of work zone traffic control devices within the project limits in compliance with the permit requirements and conditions, the approved plans and specifications, the Virginia Work Area Protection Manual, and the Manual of Uniform Traffic Control Devices.
- 4) A person accredited by VDOT in Intermediate Work Zone Traffic Control must be on-site to provide supervision for adjustment to the approved layout of any standard Typical Traffic Control (TTC) layouts outlined in the Virginia Work Area Protection Manual.
- 5) All traffic control plans shall be prepared by a person verified by VDOT in Advanced Work Zone Traffic Control.
- 6) Individuals responsible for implementation of work zone traffic control measures shall provide evidence of their accreditation upon request from VDOT personnel.
- 7) The permittee shall be exempt from the requirements of Virginia Department of Transportation (VDOT) Road and Bridge Specification, Special Provision 105.14 if the authorized activity is not within the roadway (as defined in 24VAC30-151) of a state maintained highway.
- 8) Non-compliance with the requirements outlined in VDOT Road and Bridge Specification, Special Provision 105.14 may result in a stop work order and / or permit revocation.
- 9) All activities that require the disruption (stoppage) of traffic shall utilize VDOT certified flaggers. Flag persons shall be provided in sufficient number and locations as necessary for control and protection of vehicular and pedestrian traffic in accordance with the Virginia Work Area Protection Manual. All flaggers must have their certification card in their possession when performing flagging operations within state maintained right-of-way. Any flag person found not in possession of his/her certification card shall be removed from the flagging site and the district administrator's designee will suspend all permitted activities.
- 10) Any VDOT certified flag person found to be performing their duties improperly shall have their certification revoked.
- 11) All signs shall be in accordance with the current edition of the Manual of Uniform Traffic Control Devices (MUTCD).
- 12) The permittee shall immediately correct any situation that may arise as a result of these activities that the district administrator's designee deems hazardous to the traveling public.
- 13) During authorized activities, the permittee shall furnish all necessary signs, flag persons and other devices to provide for the protection of traffic and workers in accordance with the Virginia Work Area Protection Manual or as directed by the district administrator's designee.
- 14) Traffic shall not be blocked or detoured without permission, documented in writing or electronic communication, being granted by the district administrator's designee.

- 15) All lane or shoulder closures on highways in the Northern Virginia construction district classified as arterial or collector routes must be authorized, documented in writing or by electronic communication by the VDOT Transportation Operations Center (NRO/TOC).
- 16) If directed by the district, requests for the implementation of temporary lane closures must be entered into the VDOT Lane Closure Advisory Management System (LCAMS) and VaTraffic a minimum of one (1) week prior to the planned execution of lane closure activities on state maintained highways. The permittee or their contractor(s) shall enter their requests directly or provide written requests to the VDOT Regional Operations Center as follows:

Lane closure requests in all the counties listed below are within the Northern Region and shall be sent to:

NROLaneClosureRequests@vdot.virginia.gov

Contact information:

NRO-(571) 581-8290
David Calhoun, Lane Closure Coordinator
dave.calhoun@vdot.virginia.gov

Northern Virginia District:

Counties: Arlington, Fairfax, Loudoun and Prince William

Fredericksburg District:

Counties: Spotsylvania, Stafford

Lane closure requests in all the counties listed below are within the Northwest Region and shall be sent to:

StauntTrafficManagementCenter@vdot.virginia.gov

Contact information:

NWRO (540) 332-9500
Sandy Wyrick, Lane Closure Coordinator
Sandy.Wyrick@VDOT.Virginia.gov

Culpeper District:

Counties: Albemarle, Culpeper, Fauquier, Fluvanna, Greene, Louisa, Madison, Orange and Rappahannock

Staunton District:

Counties: Alleghany, Augusta, Bath, Clarke, Frederick, Highland, Page, Rockbridge, Rockingham, Shenandoah and Warren

Lane closure requestors ~~are required~~ to have direct access to LCAMS and VaTraffic. Training is available for both programs, however requestors must complete [ITD-35E](#) & [ITD-36E](#) and return to Ms. Sandy Wyrick at Sandy.Wyrick@vdot.virginia.gov. Please contact Ms. Wyrick at 540-332-9881 to schedule training.

Lane closure requests in all the counties listed below are within the Southwest Region and shall be sent to:

SalemTOC@vdot.virginia.gov

Contact information:

SWRO- (540)798-8108
Vicky Reed, Lane Closure Coordinator
vicky.reed@vdot.virginia.gov

Bristol District:

Counties: Bland, Buchanan, Dickenson, Grayson, Lee, Russell, Scott, Smyth, Tazewell, Washington, Wise and Wythe

Salem District:

Counties: Bedford, Botetourt, Carroll, Craig, Floyd, Franklin, Giles, Henry, Montgomery, Patrick, Pulaski and Roanoke

Lynchburg District: Counties: Amherst, Appomattox, Buckingham, Campbell, Charlotte, Cumberland, Halifax, Nelson, Pittsylvania and Prince Edward

- **Lane closure requests in all the counties listed below are within the Eastern Region and shall be sent to:**

HRPermits@VDOT.Virginia.gov

(757) 424-9915

Sam Holzemer, Lane Closure Coordinator

<mailto:sam.holzemer@vdot.virginia.gov>

Hampton Roads District:

Counties: Accomack, Isle of Wight, James City, Northampton, Southampton, Surry, Sussex, York and Greenville.

- **Lane closure requests in all the counties listed below are within the Central Region and shall be sent to:**

RichmondDist.SmartTraffic@vdot.virginia.gov

Contact information:

CRO- 804-609-5338 / 804-401-2756

Sharod Taylor, Lane Closure Coordinator

sharod.taylor@vdot.virginia.gov

Richmond District:

Counties: Amelia, Brunswick, Charles City, Chesterfield, Dinwiddie, Goochland, Hanover, Henrico, Lunenburg, Mecklenburg, New Kent, Nottoway, Powhatan and Prince George

Fredericksburg District:

Counties: Caroline, Essex, Gloucester, King and Queen, King George, King William, Lancaster, Mathews, Middlesex, Northumberland, Richmond, and Westmoreland

All requests being directly input into LCAMS and VaTraffic must be entered no later than 12:00 pm on the preceding Thursday for the upcoming week's lane closure activities. Any conflicts with other roadway work must be resolved by close of business on Thursday the week prior to the scheduled lane closure activities with documented resolution sent to the VDOT point of contact provided by the regional traffic operation center LCAMS Administrator. Any requests received after these time limitations will not be approved and the proposed work within VDOT right of way requiring lane closures must be rescheduled.

Lane closure requestors wanting direct access to LCAMS and VaTraffic must complete [ITD-35E](#) & [ITD-36E](#) forms and return to David Calhoun at dave.calhoun@vdot.virginia.gov. Online training is available for LCAMS and VaTraffic and VDOT can accommodate any additional training needs. Please contact David Calhoun at (571) 581-8290 to schedule training.

VIRGINIA WORK ZONE TRAFFIC CONTROL TRAINING OPTIONS

The following three options are available to receive Work Zone Traffic Control (WZTC) training based on an individual's job duties and responsibilities as required by the FHWA Final Rule on Work Zone Safety and Mobility and the Virginia Department of Transportation:

OPTION 1 – Have someone trained to become a qualified instructor in your company who can then instruct others, utilizing training material provided by VDOT. The following qualifications must be met in order to teach the VDOT Basic, Intermediate, or Advanced WZTC training courses:

- **Basic** – Be flagger certified either by VDOT or by the American Traffic Safety Services Association (ATSSA); possess two years of practical experience in Highway Design, Construction, Maintenance, or Traffic Operations; possess two years of documented experience in conducting training courses; and successfully complete the VDOT WZTC Intermediate or Advanced course or complete the ATSSA Virginia Intermediate/Traffic Control Supervisor (TCS) course.
- **Intermediate** - Be flagger certified either by VDOT or by ATSSA; possess two years of practical experience in Highway Design, Construction, Maintenance, or Traffic Operations; possess two years of documented experience in conducting training courses; complete and possess the ATSSA Virginia Intermediate/TCS certification.
- **Advanced** - Be flagger certified either by VDOT or by ATSSA; possess two years of practical experience in Highway Design, Construction, Maintenance, or Traffic Operations; possess two years of documented experience in conducting training courses; complete and possess the ATSSA Virginia Advanced Traffic Control Design Specialist (TCDS) certification or ATSSA Virginia Intermediate TCS certification

ATSSA Virginia Intermediate TCS certification

To become an approved instructor, an application must be completed listing the above qualifications and sent to the chairman of VDOT's WZST committee at the following location:

https://www.virginiadot.org/business/resources/traffic_engineering/memos2/TE-345_Work_ZoneTrafficControl_Training_Procedures.pdf

Basic WZTC courses by the Virginia Rural Water Association can be found at the following location:

<http://www.vrwa.org/> (See Training Schedule)

Training by the Virginia Transportation Construction Alliance (VTCA) can be found at the following location: <http://vtca.org/>

Visit the following site for additional information regarding Virginia's Work Zone Traffic Control training program:

<http://www.virginiadot.org/business/trafficeng-WZS.asp>

Authorized Hours and Days of Work

Normal hours for work under the authority of a VDOT land use permit are from 9:00 a.m. to 3:30 p.m. Monday through Friday for all highways classified as arterial or collector. All highways classified as local roads will have unrestricted work hours and days. The district administrator's designee may establish alternate time restrictions in normal working hours for single use permits.

The central office permit manager may establish alternate time restrictions in normal working hours for district-wide permits.

The classifications for all state maintained highways can be found at the following link:

http://www.virginiadot.org/projects/fxn_class/maps.asp

Emergency Repair

In the event of an emergency situation that requires immediate action to protect persons or property, work may proceed within the right-of-way without authorization from the district administrator's designee; however, the utility owner must contact the VDOT Emergency Operations Center at 1-800-367-7623 as soon as reasonably possible but no later than 48 hours after the end of the emergency situation.

The utility owner must apply for a separate land use permit from the local district permit office for any emergency work performed on state maintained right-of-way when the following actions are proposed:

- Stopping or impeding highway travel in excess of 15 minutes, or,
- Accessing facilities within limited access right-of-way, or,
- Cutting the highway pavement or shoulders.

The district administrator's designee shall determine the applicable permit fee for emergency repair permit

The Implementation of Portable Temporary Rumble Strips in Land Use Permits and Utility Operations

Distracted driving and speeding crashes continue to make up a large percentage of work zone crashes across the Commonwealth. In 2019, VDOT initiated a requirement for the use of Portable Temporary Rumble Strips (PTRS) in some instances to help reduce the rate of such crashes. In 2020, 50% of the 3757 work zone crashes were distracted and/or speeding related crashes. In order to address this, VDOT will expand the PTRS requirement in 2022 to work associated with Land Use permits and utility operations when the following conditions are met concurrently:

- a. The work operation involves flaggers on a two-lane roadway during daylight hours;
- b. The work duration of the activity at a location is greater than three hours but less than 72 consecutive hours (the use of PTRS may run into nighttime conditions in this case);
- c. The existing posted or regulatory speed limit is 35 mph or greater; and
- d. The roadway has at least 500 vehicles per day (usually has a marked centerline).

Regardless of the above, if the following conditions exist, then the use of PTRS would not be required:

- If the roadway has loose gravel such as after a surface treatment operation,
- If the roadway has bleeding asphalt or heavily rutted pavements which would cause the PTRS to move excessively,
- PTRS shall not be placed through pedestrian crossings or marked bicycle lanes,
- PTRS are not required if the work is of an emergency nature, or is in rain, snow, or icy weather conditions.

PTRS creates an audible noise and vibration to approaching motorists. The advantages of using it include:

- Raising motorists attentiveness to flagging operations and surrounding conditions;
- Providing an audible warning to flaggers, increasing their awareness of approaching vehicles; and
- Reducing speeding, rear end collisions, and roadway departures

For more information on the use of PTRS, please refer to Section 6F.99 of the 2011 Virginia Work Area Protection manual: https://www.virginiadot.org/business/resources/traffic_engineering/workzone/wapm/2011_WAPM_REV_2_1.pdf

Holiday Restrictions

Permitted non-emergency work will not be allowed on arterial and collector highway classifications from noon on the preceding weekday through the following state observed holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day. If the observed holiday falls on a Monday, the permit will not be valid from noon on the preceding Friday through noon on Tuesday.

Excavation

All excavation within state maintained rights-of-way shall comply with OSHA Technical Manual, Chapter 2, Title Excavation: Hazard Recognition in Trenching and Shoring. A professional engineer shall certify all shoring and/or trench boxes.

No excavated material is to be placed or tracked on the pavement without written permission from the District Administrator's designee. When so authorized, the pavement shall be satisfactorily cleaned by a VDOT approved method. No cleated (track-mounted) equipment is to be used on the pavement without properly protecting the pavement from damage.

Trenchless Construction

Site specific geotechnical sub-surface investigation reports, compiled in accordance with the provisions of VDOT Materials Division Manual of Instructions, shall be submitted to the district administrator's designee if the following trenchless installation(s) are proposed:

- The proposed pipe diameter is 24-inches or greater, and;
- The proposed pipe cover is less than 3 times the pipe diameter, and;
- The AADT of roadway is greater than 25,000, or;
- The proposed pipe diameter is 60-inches or greater, or;
- Any situation where there is a significant risk identified.

Inspection and Restoration

- 1) Inspection and testing of all backfill and pavement sections shall be performed in accordance with all applicable sections of VDOT's Road and Bridge Specifications (current edition).
- 2) If during or before construction it is deemed necessary for the local district permit office to assign an inspector to the project, the permittee shall pay the Department an additional inspection fee in an amount that will cover the salary, expense allowance, and mileage allowance for the inspection(s) assigned by the Department for handling work covered by this permit. Said inspection fee shall be paid promptly each month on invoices rendered by the Department.
- 3) It shall be the decision of the district administrator's designee whether to assign an inspector to monitor the placement of all backfill and pavement restoration activities.
- 4) The absence of a VDOT inspector does not in any way relieve the permittee of their responsibility to perform the work in accordance with the approved plans, provisions of the attached permit, VDOT's Road and Bridge Standards (current edition) and VDOT's Road and Bridge Specifications (current edition).
- 5) The permittee shall be responsible for any settlement of all backfill or pavement restoration necessitated by authorized excavation activities for a period of two (2) years after the completion date of permit, and for the continuing maintenance of the facilities placed within the highway right-of-way. A one (1) year restoration warranty period may be considered, provided the permittee adheres to the following criteria:
 - The permittee retains the services of a professional engineer (or certified technician under the direction of the professional engineer) to observe the placement of all backfill and pavement restoration.
 - The professional engineer (or certified technician under the direction of the professional engineer) performs any required inspection and testing in accordance with all applicable sections of VDOT's Road and Bridge Specifications.
 - The professional engineer submits all testing reports for review and approval, and provides written certification that all restoration procedures have been completed in accordance with all applicable sections of VDOT's Road and Bridge Specifications prior to completion of the work authorized by the permit.

- 6) Whenever existing pavement is permitted to be cut, not over one-half of the roadway width shall be disturbed at one time and the first open cut trench section shall be satisfactorily restored to allow for the passage of traffic prior to the second half of the roadway surface can be disturbed.
- 7) All crossing of existing pavement shall be bored, pushed or jack ed an appropriate distance from the edge-of-pavement so as not to impede the normal flow of traffic or damage the existing pavement section. Existing pavement shall not be cut unless approved by the district administrator's designee and then only if justifiable circumstances prevail or proof is shown that a thorough attempt has been made to push, bore or jack.
- 8) Authorized daily trench excavation within pavement sections shall not exceed 500 feet in length.
- 9) Pavement restoration shall be in accordance with the VDOT [LUP-OC](#) Pavement Open Cut Spec ial Provisions. This document can also be found at: <http://www.virginiadot.org/business/bu-landUsePermits.asp>
- 10) Where the pavement is disturbed or dee med weakened in its entirety or such portions as deemed desirable by the Department, the pavement shall be restored or replaced in a manner that is satisfactory to the district administrator's designee.

Environmental

- 1) In accordance with the Virginia Department of Transportation (VDOT) Road and Bridge Specification **§107.16**, all contractors performing regulated land disturbing activities within VDOT right-of-way must have at least one (1) employee that has successfully completed the VDOT Erosion & Sediment Control Contractor Certification training. This person shall be on site during all land disturbance activities and will be responsible for insuring compliance with all applicable local, state and federal erosion and sediment control regulations during land disturbance activities. This person must have their certification card with them while on the project site. The land use permit will be suspended if proof of certification cannot be provided. Regulated land disturbing activities are defined as those activities that disturb 2,500 square feet or greater in Tidewater, Virginia or 10,000 square feet or greater in all other areas of the State. The Department will require evidence of this certification with any land use permit application that involves utility and/or commercial right of way improvement. Improper installation, maintenance and removal of erosion and sediment control devices may result in revocation of VDOT Erosion & Sediment Control Contractor Certification.

NOTE: Training for the VDOT Erosion & Sediment Control Contractor Certification can be obtained from any of the sources listed under "Upcoming Courses" at: http://www.virginiadot.org/business/locdes/ms4_stormwater_management.asp

- 2) The permittee is responsible for pursuing and obtaining any and all environmental permits which may be required to pursue the proposed activity prior to any work beginning within state maintained right-of-way.
- 3) In the event hazardous materials or underground storage tanks are encountered within state maintained right-of-way during authorized activities, the permittee shall suspend all work immediately then notify the local district permit office and other responsible parties, i.e., the local fire department, emergency services, Department of Environmental Quality, etc. The permittee is responsible for coordination and completion of all required re mediation necessary to complete the permitted activities within the state maintained right-of-way. The permittee shall provide evidence of such compliance to the local district permit office prior to recommencement of permitted activities.
- 4) In the event cultural resources, archaeological, paleontological, and/or rare minerals are encountered within the right of way during authorized activities, the permittee shall suspend all work immediately then notify the local district permit office and the proper state authority charged with the responsibility for investigation and evaluation of such finds. The permittee will meet all necessary requirements for resolving any conflicts prior to continuing with the proposed activities within the state maintained right-of-way, and shall provide evidence of such compliance to the local district permit office.
- 5) Roadway drainage shall not be blocked or diverted. The shoulders, ditches, roadside, drainage facilities and pavement shall be kept in an operable condition satisfactory to the Department. Necessary precautions shall be ta ken by the permittee to insure against siltation of adjacent properties, streams, etc., in accordance with VDOT's current standards or as prescribed by the Department's Environmental Manual and the district administrator's designee.

Entrances

- 1) VDOT's authority to regulate highway entrances is provided in §, [§33.2-240](#), and [§33.2-241](#) of the Code of Virginia and its authority to make regulations concerning the use of highways generally is provided in [§33.2-210](#) of the Code of Virginia. Regulations regarding entrances are set forth in VDOT's regulations promulgated pursuant to [§33.2-245](#) of the Code of Virginia.
- 2) The permittee shall be responsible for the design and installation of a private entrance under the auspices of a VDOT land use permit however the permittee may request that VDOT forces install the private entrance at the permittee's expense.

- 3) Street connections, private entrances, and construction entrances shall be kept in satisfactory condition during all activities authorized under the auspices of a VDOT land use permit. Entrances shall not be blocked. Ample provisions must be made to provide safe ingress and egress to adjacent properties at all times. Entrances that are disturbed shall be restored to the satisfaction of the property owner and the district administrator's designee.

Utilities

- 1) Prior to any excavation, the permittee shall comply with the terms of [Title 56, Chapter 10.3](#) of the Underground Utility Damage Prevention Act and [§56-265.14](#) through [§56-265.20](#) of the Code of Virginia. This permit does not grant permission to grade on or near property of others, or, adjust or disturb in anyway existing utility poles or underground facilities within the permitted area. Permission to do so must be obtained from the impacted utility company and any expense involved shall be borne by the permittee. Any conflicts with existing utility facilities must be resolved between the permittee and the utility owner(s) involved.
- 2) All underground utility installations within limited access right-of-way shall have a minimum of 36 inches of cover. All underground utilities within non-limited access right-of-way will require a minimum of 36 inches of cover, except underground cables that provide telecommunications service shall be at a minimum of 30 inches of cover.
- 3) Where feasible, all aboveground installations (such as fire hydrants, telephone pedestals, markers, etc.) shall be located adjacent to the outside edge of the right-of-way line and in accordance with minimum clear zone requirements. All manhole covers, valve box, etc., shall be installed two inches below existing ground line and shall conform to existing contours.
- 4) No poles, guys, anchors, etc., are to be placed on state maintained right-of-way unless authorized under the auspices of a VDOT land use permit. At no time will any such facilities be allowed between the ditch line and the traveled roadway.
- 5) All overhead installations crossing non-limited access highways shall provide a minimum of 18 feet of vertical clearance or at a minimum height as established by the National Electric Safety Code, whichever is greater. All overhead utility installations within limited access right-of-way shall maintain a minimum of 21 feet of vertical clearance. The vertical clearance for all new overhead parallel installations within non-limited access rights-of-way shall be in compliance with standards as specified in the National Electric Safety Code.

Final Inspection and Completion of Permit

Upon completion of the work covered by this permit all disturbed areas outside of the roadway prism shall be restored to their original condition as found prior to starting such work.

Completion of this permit is contingent upon the permittee's completion of the authorized work in accordance with the approved plan and compliance with all governing bodies involved in the total completion of work on state maintained right-of-way.

Upon completion of the work under permit, the permittee shall provide notification, documented in writing or electronic communication, to the district administrator's designee requesting final inspection. This request shall include the permit number, county name, route number and name of the party or parties to whom the permit was issued.

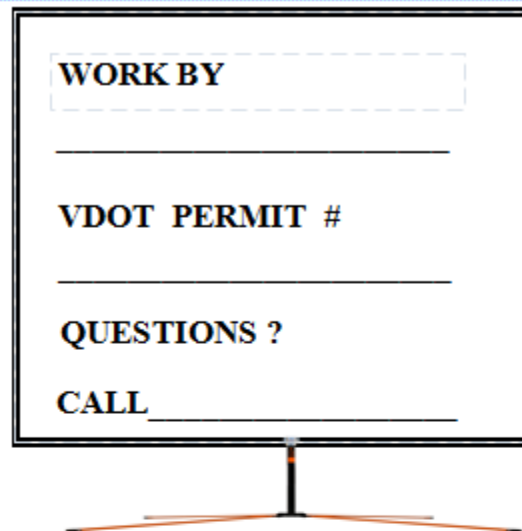
The district administrator's designee shall promptly schedule an inspection of the work covered under the permit and advise the permittee of any necessary corrections.

Permit Revocation

At the discretion of the district administrator's designee, a land use permit may be revoked upon written finding that the permittee was not in compliance with all requirements contained herein and/or violated the terms of the permit, or any state and local laws and ordinances regulating activities within the right-of-way. In addition VDOT may apply additional penalties in accordance with §33.2-1221.

Permittee Notice

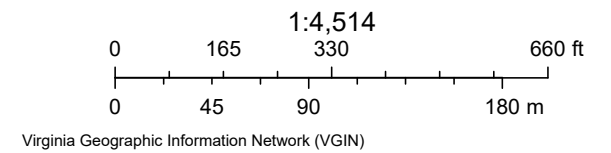
The preceding provisions are intentionally condensed in format and should not be loosely interpreted by the permittee without consultation with the central office permit manager and affirmation from the [Land Use Permit Regulations](#).



1. Sign must not be oriented facing traffic approaching from any direction
2. Sign must be non-reflective
3. Sign must use Times New Roman font and should not use MUTCD sign fonts (or Clearview)
4. Sign must not show any logos
5. Sign must not contain the contractor's name (unless the contractor is the permittee)
6. Sign must be installed outside clear zone within 50' of work area
7. Sign must remain on site until final restoration of right of way
8. For multiple work locations within subdivisions, at least one sign may be installed at the main work area
9. Sign must be at least 36"X36" and made of water-resistant material and firmly secured
10. Sign must be blue with white 3" lettering
11. Sign shall not be installed on existing VDOT sign posts and should not impede pedestrian mobility



August 30, 2023







RAILROAD
CROSSING



RAILROAD
CROSSING
AHEAD

RAILROAD
CROSSING



Swipe Tool

Select Parcels

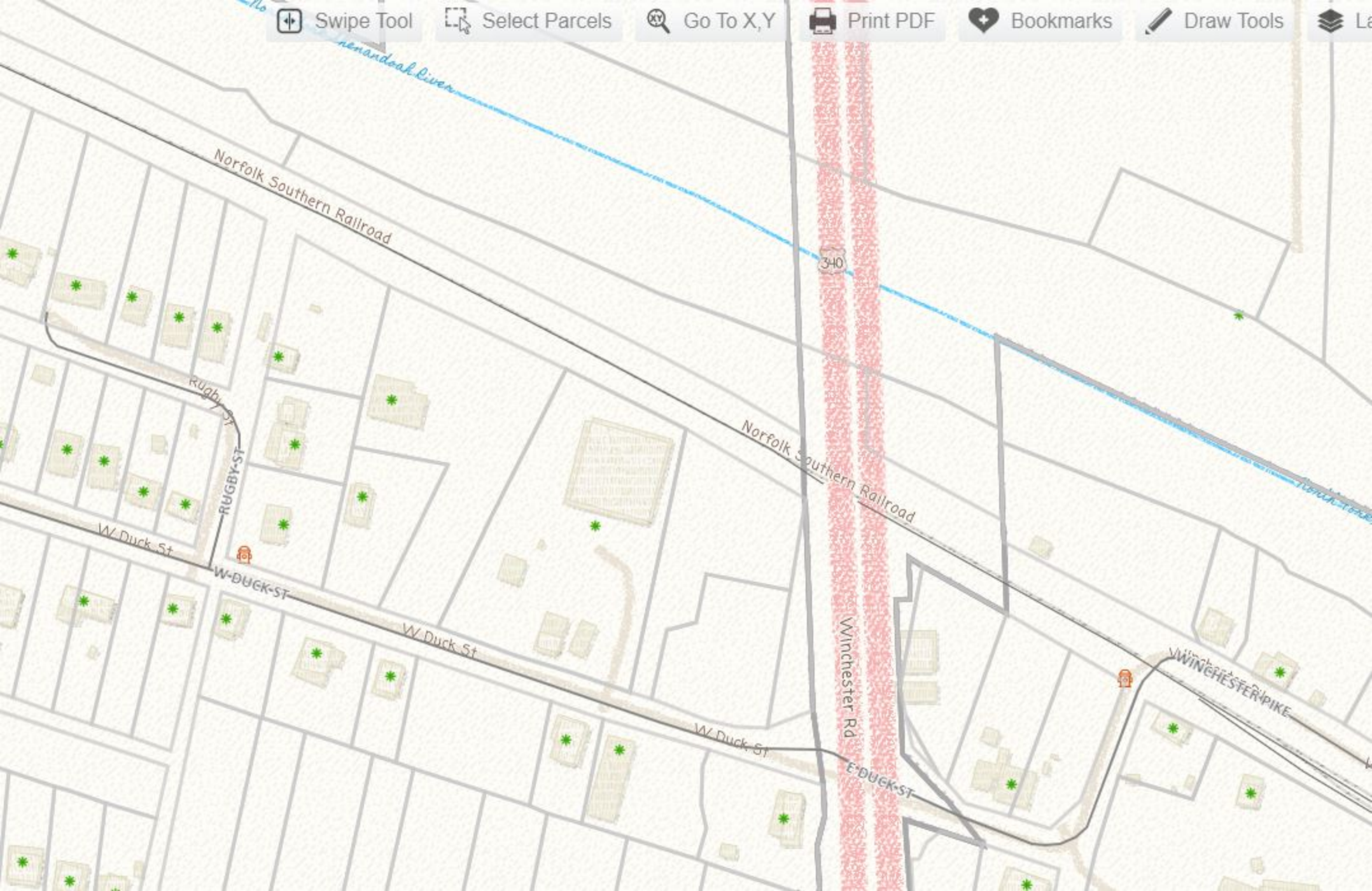
Go To X,Y

Print PDF

Bookmarks

Draw Tools

Layers





Swipe Tool



Select Parcels



Go To X



