

PLANNING COMMISSION INTERVIEWS – 6:30PM



TOWN COUNCIL WORK SESSION

March 7, 2016 @ 7:00pm in the Front Royal Administration Building

1. CLOSED MEETING – Interviews for Planning Commission

Motion to Go Into Closed Meeting

Pursuant to Va. Code Section 2.2-3711. A .1. of the Freedom of Information Act, I move that Town Council go into closed meeting to discuss, consider, and interview prospective candidates for appointment to the position of Planning Commission of the Town of Front Royal.

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

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

Town/Staff Related Issues:

2. Update on Criser Road Bridge Project – Mattern & Craig
3. Virginia Commission of the Arts Local Government Challenge Grant Request from Front Royal Oratorio Society and Blue Ridge Arts Council (BRAC) – *Town Manager*
4. Update on AMP Solar Phase II project - *Director of Energy Services*
5. Update on Main Street Extension – *Town Manager*

Council/Mayor Related Items

6. Liaison Committee Meeting Items
7. Continued Discussion of an Ordinance to Amend Town Code Chapters 98 and 138 pertaining to Food Trucks and Itinerant Merchandising
8. Continued Discussion of an Ordinance to Amend Town Code Chapter 167 Pertaining to Adding Urban Archery Hunting to Replace the Deer Management Plan
9. Council Discussion/Goals *(time permitting)*
10. CLOSED MEETING – Personnel Matter

Motion to Go Into Closed Meeting

I move that Council convene and go into Closed Meeting for the purpose of assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers, appointees, or employees of a public body, pursuant to Section 2.2 3711. A. 1. of the Code of Virginia.

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

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

1

2

Town of Front Royal, Virginia Work Session Agenda Form

Date: March 7, 2016

Agenda Item: Criser Road Bridge Project

Summary: The Town's consultant for the design, Mattern & Craig, has completed the Preliminary Engineering Report to determine the design requirements and develop construction options and costs. A summary of their findings will be presented at the Work Session.

Council Discussion: Council is requested to receive and review the Preliminary Engineering Report findings.

Staff Evaluation: Staff have reviewed the PER findings and recommendation.

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

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

Staff Recommendations: Staff recommend proceeding with the recommendation from Mattern & Craig for the design of the replacement bridge at Criser Road.

Town Manager Recommendation: The Town Manager recommends proceeding with the recommendation from Mattern & Craig for the design of the replacement bridge at Criser Road.

Council Recommendation:

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



3

Town of Front Royal, Virginia Work Session Agenda Form

Date: March 7, 2016

Agenda Item: VCA - Local Government Challenge Grant Request

Summary: The Virginia Commission for the Arts is requesting applications for the Local Government Challenge Grant, a program where the State will match up to \$5,000 of match funding for arts organizations. The Blue Ridge Arts Council has requested \$4,500 (\$9,000 w/ Town match) and the Front Royal Oratorio Society has requested \$500 (\$1,000 w/ Town match) for the FY16-17 program. Representatives from both organizations will present their requests at the Work Session

Council Discussion: Council is requested to consider approval for the Town to submit the Grant application. The Town's matching funds will be included in the recommended FY16-17 Budget.

Staff Evaluation: Staff believe that funding is available for the Town's match in the FY16-17 Budget.

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

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

Staff Recommendations: Staff recommend submitting the application for \$5,000 in requested grants from the VCA - Local Government Challenge Grant to support the Front Royal Oratorio Society and the Blue Ridge Arts Council.

Town Manager Recommendation: The Town Manager recommends submitting the application for \$5,000 in requested grants from the VCA - Local Government Challenge Grant to support the Front Royal Oratorio Society and the Blue Ridge Arts Council.

Council Recommendation:

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





Blue Ridge Arts Council, Inc. Did You Know?

- **Mission and History**

The mission of Blue Ridge Arts Council is to provide a broad base of support for the visual and performing arts, in all segments of the community, by increasing awareness, interest, knowledge and participation. Founded in 1987, Blue Ridge Arts Council is celebrating 29 years of service to the community. A 15 member community based board governs the work of the council, and employs a full time Executive Director and a part-time office manager.

- **Community**

The arts council primarily serves the Town of Front Royal and the County of Warren, and draws a significant audience and support from the residents of Winchester, Rappahannock, Frederick, Clarke, Fauquier and Shenandoah counties.

- **Major Program Areas**

- *Summer Outdoor Concert Series*

A ten week summer outdoor music and entertainment series at the Town Gazebo, highlighting a mix of music types, utilizing artists from the region and the eastern United States. The concerts are free and open to the public, and generally attract audiences of 300 to 600. This series is sponsored through a partnership with the Town of Front Royal, the County of Warren, and the Virginia Commission for the Arts.

- *Warren County Public School Arts Enrichment Partnership*

A partnership program with the local public school system bringing professional theatrical and musical performances into the public schools, servicing 5,100 students in grades K through 12. Residencies are also offered during the year, providing the opportunity for selected students to work closely with writers, dancers, musicians, and artists.

- *Art Exhibits*

A nine exhibit per year program showcasing a variety of regional and national artists, including new and emerging artists, in our gallery at 305 East Main Street. The council also coordinates showings in the following satellite galleries: Warren County Courthouse (2nd floor) and the Warren County Community Center.

- *Community Outreach Programs*

A variety of entertainment programs offered throughout the year to increase awareness and enjoyment in the arts presented in a variety of performance formats. Programs include community concerts, youth recitals in voice, piano and guitar, and seasonal performance offerings. The council is also active in many community organizations and helps in the production of many community events.

- *Instructional Programs*

Periodic continuing learning for adult and youth population is provided through a series of seminars, workshops and classes in the visual and literary art areas. We have ongoing class offerings for youth and adults in visual and performing arts, including dance, piano and voice, utilizing the gallery space a minimum of 4 nights per week.

- **Accomplishments**

Blue Ridge Arts Council produced over 100 arts events, showcasing the talents of 305 visual and performing artists, servicing over 17,000 community members and visitors in FY 2014/2015.

- **Funding**

Blue Ridge Arts Council operates on a budget of \$78,000 for the current fiscal year. Approximately 25% of our funding is supplied through state and local funding, including the Virginia Commission for the Arts, Town of Front Royal, County of Warren and Warren County School Board. The remaining 75% of our revenues are derived through membership, gallery sales, and special event and projects fundraising.



Front Royal Oratorio Society

David Freese, Treasurer
Front Royal Oratorio Society
PO Box 1768
Front Royal, Virginia 22630

Mr. Steven M. Burke, Town Manager
Town Administration Building
102 E. Main Street
Front Royal, Virginia 22630

January 25, 2016

Dear Mr. Burke:

On behalf of the Front Royal Oratorio Society, I am writing to the Town Council to request funding consideration for \$500 in the Town's 2016 budget.

Last year, the Town Council approved the Oratorio Society for \$500. This letter seeks to renew that request for 2016, and if approved, we also ask that the Town Council again apply for matching funds from the Virginia Commission for the Arts (VCA) through its Local Government Challenge Grant program. (We are happy to work with your staff to write the actual application.)

Background

Established in 1960, the Front Royal Oratorio Society is a nonprofit, community-based choir, and stands today as the oldest such choir in the Northern Shenandoah Valley. Our mission is to put the unifying force of choral music at the heart of civic life. We believe music is part of our heritage and that sharing music builds strong communities. Currently, our group of 45 singers ranges in age from 21 to 92, representing virtually every demographic of the local community.

2015/6 Season to Date

The Town's \$500 support in 2015 has been put to good use in our town:

- **March 22, 2015**

Performed Mozart's *Requiem* for the community. 210 people attended. This concert was written up ahead of time in Rappahannock and Culpeper newspapers bringing in many out of town attendees.

- **May 8, 2015**

Performed in Warren County Middle School's "Curtains Up" benefit for Warren County music education programs. We were delighted to be a part of this community variety show and help raise funds for the school system's arts programs.

- **July 3, 2015**

Performed in Front Royal's Independence Day Celebration at the 4H Educational Center. We have participated in this community and family event of patriotic pride for over 20 years.

- **December 6, 2015 Annual Community Christmas Concert**

We performed a highly-successful Christmas concert in December 2015 – our 52nd concert here in our town. Key milestones of this concert are:

- 240 area residents attended – including students; residents of House of Hope, Chapin House and Commonwealth Assisted Living; scores of local residents and families, and attendees from as far away as Martinsburg, Manassas and Harrisonburg.

- **December 31, 2015 – Front Royal's first-ever "First Night"**

We lent our voices and were the opening performance in the evening's festivities at Front Royal United Methodist Church.

- **April 2016**

We are currently preparing two inspiring and uplifting masterworks to perform for the community during the Easter season: Gabriel Faure's *Requiem* and Antonio Vivaldi's *Gloria*. These will be performed with a chamber orchestra. We have invited the choirs of Skyline and Warren County High Schools to join us for this concert.

2016 Request

Our renewed request for \$500 for next year, if approved, will be used for two major concerts – Christmas 2016 and Spring 2017-- and also allow us to participate in community events, as requested during 2016.

Budget

The Society's current annual budget is approximately \$13,000, which primarily covers stipends for our conductor, accompanist and local area musicians. Administrative expenses are minimal. Our sources of revenue are contributions from individuals, freewill offerings taken at our 2 major annual concerts, grants from private and corporate foundations, and paid advertising in our concert program booklets.

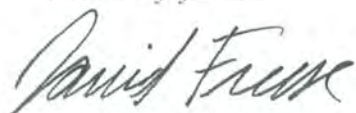
Summary

For more than 50 years, the Front Royal Oratorio Society has been a vital part of the cultural and community fabric here in Front Royal. Our organization brings neighbors together through the arts, while at the same time fostering "hometown" civic pride and encouraging local tourism which is good for area business. We hope that the Town Council will judge our request worthy by approving \$500.00 in its upcoming budget.

Attached are our current 2015/16 budget; a copy of Christmas concert program and publicity showing acknowledgment of the Town's generous contribution.

For any further information, please feel free to contact me at 540-635-4842 or DavidCFreese@yahoo.com

Sincerely yours



David Freese, Treasurer
Front Royal Oratorio Society

George T. Amos, Conductor

PRESENTS

This Child This King



A Choral Celebration of Christmas

SATURDAY, DEC 5 • 7PM

Braddock Street United Methodist
Church, 115 Wolfe Street, Winchester

SUNDAY, DEC 6 • 4PM

Front Royal Presbyterian Church
115 Luray Avenue, Front Royal

FREE CONCERT • Freewill Offerings Accepted

For More Information Call **540-635-4842**

GENEROUSLY
SUPPORTED BY

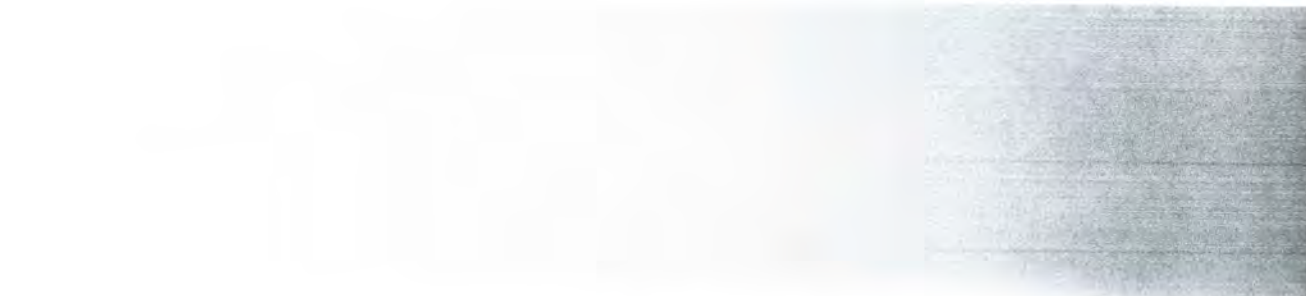
Marion Park Lewis Foundation

TOWN OF
FRONT
ROYAL



VIRGINIA
COMMISSION
FOR THE

Arts



Special Appreciation

Ben Glenn II for his editorial, house management and development expertise; **Mary Carnahan** for her artistic and creative talents; **Penny Younce** for the gift of our website and its upkeep; **Charlotte Smith** for house management assistance; **Mary Bennett, Buffy Cooper, Susan Achenbach, David Freese, and Janna De Arment** for all their work promoting and publicizing our concert; **Tina Presley and Steve Burke, Town Manager,** for their valuable assistance and to the Town Council of Front Royal's for supporting the arts; **National Media Services** for years of valued help; **The River (95.3 FM)** for publicity; for their standout support and publicity, **Front Royal Visitor Center** and **Tim Smith** for helping us get the word out; and lastly, to our valued media partners, particularly the **Warren and Frederick County Report.**

We thank our partners in the Faith Community: **Front Royal United Methodist Church, Happy Creek United Methodist Church, Front Royal Presbyterian Church** and **Braddock Street United Methodist Church.**
These churches are valued partners in our musical mission.

Contributors

- ANGEL** • *Kell and Susan Achenbach • Janna and Warren De Arment*
• *Antonia Massie and Hampton Stock Farm*
• *Julie Savell-McCandless and Brian McCandless • Dottie Trevor and Toto*
BENEFACTOR • *Christine and Fred Andreae • David and Susanne Blount*
• *Hon. Jean Harrison Clements and Bob Clements • Damon and Nancy De Arment*
• *Linda and Bill Dietal • Mary Dyke • David Freese and Ben Glenn II • Patricia and Jeffrey Hester • Major General Henry and Carolyn Hobgood • Dr. Charles and Margaret Huber • Dr. Lorraine Hultquist • Anne and Daniel Holliday • Nancy McBride*
• *The Mustard Seed Foundation • Maureen and Gary Sadler • Elfie and Frank Schmid*
• *Windcrest Foundation • Woltz-Winchester Foundation*
PATRON • *Kittie and Rob Abell • Anonymous • Rev. & Mrs. W. James Athearn*
• *Susan Babcock • Mary Burke • Ottmar Dengel • Dennis Henry and Tom Ickes*
• *Charles and Miki Leeper • Hildegard Marks • Hugh and Emogene Martin*
• *Mr. and Mrs. Paul Savidge III • Gail Spangler and Charlie Cash*
• *Dane Toler and Lee Ruddell • James and Brenda Wells*
DONOR • *Buffy and Mike Cooper • Dr. Herbert and Ruth Earnshaw*
• *Polly and Edward Greco • Karen Nelson and Paul Britner*
• *Hubert and Claudia Martin • Grayson and Kitty Redford*
• *Linda Griffith Ruhling • Ruth Snapp • Lynn and David Staton*
• *Malcolm Trevor • Lou and Al Witt*
FRIEND • *Sandy Baumgart • Mary Bennett • Maurice Bower • Al Copenhaver*
• *John Feeney • Nan Hathaway • Wendy Putt • Julia F. Rockwell • Bill Stover*
• *Susan Turner-Carter*

*As of November 29, 2015



Oratorio Society Christmas Concert set for December 6 in Front Royal

53 years in 53 years of musical heritage for the Northern Shenandoah Valley



George Amos addresses the audience at the Oratorio Society Christmas concert

By Teresa Brumback
Warren & Frederick County Report

Some holiday traditions are a bit tricky, like balancing on a stepstool to hang ornery ornaments, or trying to hang tinsel so it doesn't get tangled.

Still other traditions are about as easy as downing a moist turkey and

pumpkin pie with whipped cream. Enjoying high-quality chorale music is one of them.

For the 40-member Front Royal Oratorio Society, now in its 53rd year, its free Christmas concerts in Front Royal and Winchester are its treasured, time-honored gift to area residents each year.

And for many of the 200 or so in the audience every year, the concerts are part of each family's Valley holiday tradition as much as picking out the perfect gifts for the munchkins or hunting down the perfect big-antlered buck or glossy green fir tree.

The chorale under the direction of conductor George Amos will perform 4 p.m. Sunday, Dec. 6, at Front Royal Presbyterian Church, at 115 Luray St., Front Royal.

The day before, on Saturday Dec. 5, it will perform at 7 p.m. at Braddock Street United Methodist Church, 115 Wolfe St., Winchester.

The group also has been invited to perform at Front Royal's first-ever "First Night" on New Year's Eve, Dec. 31. Performance time and place will be announced as more details are available.

This year's pair of Christmas concerts are titled "This Child, This King" with two works by local composer Daniel E. Gawthrop including one which is a regional performance premiere.

Other selections planned include "Silent Night," a new arrangement of this cornerstone of traditional Christmas music arranged by Avi Kaplan, Kevin Olusola and Ben Bram; "Mary Had a Baby," a soulful-gospel-style arrangement by Philip Kern; "Angels We Have Heard on High," that breaks into eight parts, described as a "lush waterfall of Christmas spirit" arranged by Craig Courtney, and two Latin masterworks, "O Magnum Mysterium" and "Ave Maria" (by Tomas Luis de Victoria).

Musical accompaniment will be

available on piano, organ, harp and a brass quintet. Some familiar carols are planned.

Amos, in his 20th season with the group, is excited about the program, saying it offers a little bit for everyone.

"We want as many people to come



Front Royal Oratorio Society's chorale is under the direction of conductor George Amos

After all these years, people are still surprised we're here," he says.

He is confident the performance will be a huge success.

"One of the biggest things is to have the voices blended. Every year the group has a different sound. Trying to get 30-40 people together as one is the biggest challenge," he says.

It's a no-audition choir that is open to anyone who wants to join, and he enjoys getting people to sing when at first think they can't do it. While the performance will be high-quality, these concerts are not just for the high-brow crowd as some mistakenly believe. The attire, he says, is "anything that people feel comfortable in".

Volunteer publicist and Treasurer David Freese, a retired finance director from the World Bank in Washington, DC, is an energetic promoter and is clearly enthusiastic about the group's mission in bringing a rich cultural experience to the Shenando-

ah Valley. He is now in his sixth year as a tenor, chuckling, "I haven't lost those high notes quite yet."

"I love singing and I wish more people would dive in and join us to see what they are capable of. I was worried because we lost five sopranos over the summer, all over happy things like moving and marriages. We have six to seven new people this year," he said.

Last year the church was packed.

For more than half a century the group has made the Presbyterian Church its performance place.

"The acoustics there are wonderful and it's such a cozy church," says Freese. "We always encourage people—don't get a babysitter; bring the kids, the family."

We feel like we are a big part of Front Royal's Christmas tradition here," he added.

"We have grandparents who come to hear us who came as a child. It's part of the family thing."

And he loves it when non-musical people attend and are pleasantly surprised. "Last spring we did Mozart and had punk rock chicks—pink hair, boots and sat through an hour of the Mozart Requiem. They said they just loved it. Some farmer came out on his tractor...He said he was going to be thinking about the concert all day tomorrow when he's out on his tractor and the sun comes up."

"We had two high school football players who said, 'We thought this was going to be really boring but it wasn't.'"

Adds Freese, "Clearly the girlfriends dragged them to it." But still he loves it when non-concert goers show up and are overjoyed with the music.

The group's president, Buffy Cooper, was a music major in college and enjoys keeping up her craft. A singer in the choir since 2009, she says it's "very low key, with very few trained musicians" although most can read music. "The whole point is to be exposed to good music," she says.

She hopes for a good crowd, saying "It's something besides what you hear on the radio all the time."

The Oratorio Society is a nonprofit organization which runs on an annual budget of \$12,000 which covers the cost of music, printing, publicity, salaries of the conductor and accompanist. Each concert costs about \$5,000 to \$6,000 to produce, Freese says.

Volunteers are always welcomed.

"If there are people who want to be a part who do not sing we're happy to have them put up posters to stuff envelopes," he said.

Performances are always free and audience members can make a free-will offering during the performance to help offset costs. The group receives donations and some funding from the **Town of Front Royal**, the Marion Park Lewis Foundation in Winchester, the Virginia Commission on the Arts, the Mustard Seed Foundation in Little Washington, and businesses including Maddox Funeral Home in Front Royal and Front Royal Dental Care and Shenandoah Valley Orthodontics of Winchester.

Amos is recognized as one of the

Shenandoah Valley's master choir conductors and is in his 30th season with the Oratorio Society. He is assistant Minister of Music at Braddock Street United Methodist Church, a student of Grammy Award winning conductor Robert Shafer. Amos has conducted and judged many choral festivals and clinics throughout the valley. He has served as music director of the Virginia United Methodist Church All-State youth choir Voices of Youth, for 2004-2007. In January 2000, the Shenandoah Arts Council honored him with an Artie Award for his achievement in music in the Shenandoah Valley. He earned his bachelor of music education degree and his master of music in conducting from Shenandoah Conservatory of Shenandoah University.

This year's accompanist, Daniel J. Miller, is a pianist, organist and harpsichordist throughout the area. He frequently performs as a recital accompanist for vocalists and instrumentalists, and is active as a choral accompanist and vocal coach. He is on the faculty of the Washington National Opera Institute at American University, serves as accompanist for the Shenandoah Conservatory Choir under the direction of Robert Shafer, is harpsichordist with the Winchester Baroque Ensemble.

For more information contact the Oratorio Society at 635-4842 or email FrontRoyalSings@yahoo.com. It also is on Facebook.

- brumback@amguides.com

Front Royal Oratorio Society
Budget Report 2015/6 (July 1, 2015 - June 30, 2016)

	Approved Budget	Actual YTD - 12/14/16	+/- Budget
INCOME			
Member Dues 35 x 40 x 2)	\$2,590.00	\$1,200.00	-\$1,390.
Individual Donors (Non members)	2,700.00	\$2,485.00	-\$215.
Individual Donors (members) -	1,500.00	\$1,160.00	-\$340.
Ad Sales/Business Donors - 400 x 2	1,600.00	\$1,160.00	-\$440.
Freewill Offering at Concerts (600 x 4)	2,400.00	\$2,097.00	-\$303.
Marion Park Lewis Foundation Gra	2,000.00	\$2,000.00	\$0.
VCA Local Challenge	500.00	\$1,000.00	\$500.
Other Grants/Fundraiser	400.00	\$300.00	-\$100.
CD Sales	50.00	\$0.00	-\$50.
Amazon	50.00	\$0.00	-\$50.
TOTAL INCOME	\$13,790.00	\$11,402.00	-\$2,388.
EXPENSE			
Salary - Director	4,300.00	-2,150.00	2,150.
Salary - Accompanist	2,940.00	-1,480.00	1,460.
Student Intern	0.00	0.00	0.
Music Fees	600.00	-775.85	-175.
Guest Artists	4,000.00	-1,675.00	2,325.
Marketing/Publicity/Printing (2012/	1,600.00	-843.80	756.
Radio Ads/Paid Print Ads	200.00	0.00	200.
CD Production	0.00	0.00	0.
Postage (150x 4 x .5) + 50 x 4 x .5	380.00	-200.00	180.
Administrative, Audit, Misc	250.00	-275.00	-25.
Rehearsal, Performance Rents (\$1	300.00	-300.00	0.
Music Bins/Storage	0.00	0.00	0.
TOTAL EXPENSE	\$14,570.00	-\$7,699.65	6,870.
Surplus/Deficit	-\$780.00	\$3,702.35	



Blue Ridge Arts Council, Inc

305 East Main Street
Front Royal, Virginia 22630
540.635.9909 (Main) 540.635.9908 (Fax)
www.blueridgearts.org

February 4, 2016

TO: Mr. Steven Burke, Town Manager
The Honorable Timothy W. Darr, Mayor
Members of Town Council

FROM: Blue Ridge Arts Council Board of Directors
Sondra LeHew, President
Kym Crump, Executive Director

RE: FY 2016/2017 Budget Request

Blue Ridge Arts Council, Inc. respectfully requests that the Town of Front Royal consider funding our agency in the amount of \$4,500 for the year 2016/2017. This is a level funding request that the arts council has made since FY2014/2105; prior to that, from FY2000/2001 forward the amount was \$5000. The funding is necessary to continue the ongoing development of the cultural arts and enrichment for the citizens and visitors of Front Royal.

This request comes with an addendum that the town submits a Local Government Challenge Grant proposal to the Virginia Commission for the Arts for matching funds of \$5,000 (maximum amount allotted by VCA). The grant request must be submitted before April 1, 2015 (not a postmark deadline). Front Royal has participated in the matching grant program since 1988, and was awarded the \$5,000 maximum match in VCA funds beginning with the funding year FY 2000/2001 through the current year. This is one of the few funding programs that VCA has no plans to reduce funding for during the next budget cycle, and also an opportunity for localities to bring back additional state funds to their constituency.

The Arts Council has utilized the funds from Town and the VCA Local Government Challenge Grant to fund many of our programs; art exhibits showcasing local and regional artists; arts-enrichment programs and instructional programs; and community outreach programs, including a wide variety of entertainment promoting awareness in cultural heritage and

enjoyment for the arts, presented in a variety of formats, including youth recitals, seasonal performance offerings and community concerts.

Last year, the arts council produced over 100 arts events, showcasing the talents of 305 performing and visual artists, and servicing over 17,000 community residents and visitors. This year we proudly celebrate 29 years of service to our community. Blue Ridge Arts Council has been the cultural mainstay in our community thanks in large part to the support of our organization through your continued funding.

The Town of Front Royal has included the arts council in its annual budget since 1988. It has also submitted a grant to the VCA each year. The matching program is very valuable to the council and immediately doubles your investment in the arts council, and brings back taxpayer dollars to our own community.

We realize how difficult and trying the local economy can be, and the many challenges the town faces each year in regards to funding, but feel that we provide a very vital and necessary service to the town and its residents. We value this long and important partnership with the Town of Front Royal.

Again, thank you for your consideration of this request, and your continued support of the arts in Front Royal.

Purpose

To encourage local governments to support the arts.

Description

The Commission will match, up to \$5,000, subject to funds available, the tax monies given by independent town, city, and county governments to arts organizations. The money, which does not include school arts budgets or arts programming by parks and recreation departments, may be granted either by a local arts commission/council or directly by the governing board.

Eligible Applicants

Independent city, town, or county governments in Virginia.

Eligible Activities

Grants to independent arts organizations for arts activities in the locality. The Commission does not match payments paid to performers for specific performances. Local governments seeking such funding should apply in the Performing Arts Touring Assistance Program.

Deadline

April 1, 2016 by 5:00 PM, for local government grants awarded in FY17 (July 1, 2016 – June 30, 2017)

NOTE: A local government that has not approved its budget by the grant deadline may apply conditionally and confirm the application as soon as possible.

Amount of Assistance

Up to \$5,000, subject to funds available. The local government match must be from local government funds; federal funds may not be included.

Criteria for Evaluating Applications

- Artistic quality of the organizations supported by the city/county/town
- Clearly defined policies and procedures for awarding local funds to arts organizations
- Degree of involvement of artists and arts organizations in the local process of awarding grants
- Responsiveness to community needs
- Evidence of local government support of the arts

Application/Review/Payment Procedures

1. Local governments submit complete application forms by the deadline (not a postmark deadline). The Commission does not accept application materials via fax or other electronic means (e.g. e-mail).
2. The Commission staff reviews each application for completeness and eligibility.
3. The Commission staff makes recommendations on levels of funding for each application.
4. The Commission board reviews the staff recommendations and takes final action on the applications in June.
5. After confirmation of the grant award, each local government will confirm in writing to the Commission that its governing board has appropriated the matching funds and the funds from the Commission. This confirmation must take the form of the appropriate page of the local government's approved 2015-2016 budget or a copy of the check (s) to the sub grantee (s). The Commission will pay the grant in full after receiving this confirmation no later than February 1, 2016.



Local Government Challenge Grant 2016-2017

Applicants should read the [2016-2017 Online Guidelines for Funding](#) and Grant Conditions to ensure compliance with all conditions. **The grant application deadline is April 1, 2016.** *This is not a postmark date.*

Mail Completed Application to:

Virginia Commission for the Arts
1001 East Broad Street, Suite 330
Richmond, VA 23219
804.225.3132 (Voice/TDD)
www.arts.virginia.gov

INSTRUCTIONS

The Local Government Challenge Grant Application is an interactive, fillable form that has fields in which you must enter text. The boxes for the fields are highlighted. You must fill in every field in order for this application to be considered complete and ready for review. Once you complete the application, print and submit one hard copy with an original signature to the Commission office by 5:00 pm, April 1, 2016. **(This is not a postmark date)**. Save a copy for your files. There is no option to submit an electronic version of this form. For all questions, please contact the Commission staff at (804) 225-3132.

GRANTEE INFORMATION

1. Applicant Local Government Name: Town of Front Royal			
2. Mailing Address: PO Box 1560			
3. Physical Address if different: 104 East Main Street			
3. City: Front Royal	4. County: Warren	5. State: VA	6. Zip: 22630
7. Application Contact: Steven Burke		8. Contact Title: Town Manager	
9. Contact Email: sburke@frontroyalva.com		10. Telephone/Extension: 540-635-8007	
11. Federal Employer ID #: 54-6001299		*12. DUNS Number: 050390749	
**13. VA House #: 15	14. VA Senate #:26	15. VA Congressional District #: 06	

*** All applicants must include their 9-digit DUNS number when applying for a grant.** This requirement is for the local government applicant only. Sub-grantee DUNS numbers are not required. For more information click here: <http://www.dnb.com/get-a-duns-number.html>

**** Give the number of the Virginia House, Senate and the U.S. Congressional district in which the organization is located.** The specific street address of your organization determines these numbers. If you do not know the numbers of the State or U.S. Congressional district in which your organization is located, contact your County Election Commission office or visit: <http://whosmy.virginiageneralassembly.gov>

*Do not list more than one (1) House, Senate or Congressional district in each space.

GRANT AMOUNT REQUEST

Applicant governments must match the amount requested from the Commission on at least a dollar-for-dollar basis with local government funds up to \$5,000; federal funds may not be included. A local government that has not approved its budget by the grant deadline may apply conditionally. After the grant has been approved, any change in the allocation of funds sub-granted to local arts organizations must be approved by the Commission.

16. Amount of Virginia Commission for the Arts assistance requested for FY2017: \$5000

17. Proposed local government arts appropriation for FY2017: \$5000

GRANT INFORMATION

18. What is the process for awarding the above grants?

A funding request is made to the Town by local arts agencies. The request is discussed at a work session and voted on at a regular Town Council meeting.

19. Who is involved in making these decisions?

The Front Royal Town Council makes the final decision(s) and recommendations(s) in awarding funding for the various projects. This is done at regularly scheduled Town Council meetings.

20. What criteria are sought in evaluating applicants?

The criteria used to evaluate the grant are the degree of involvement and applicability to the widest population.

21. List of current board/council members, if a board/council is involved in making funding decisions:

Timothy W. Darr, Mayor

Hollis L. Tharpe, Vice Mayor

Bret W. Hrbek, Council Member

Eugene R. Tewalt, Council Member

Bebhinn C. Egger, Council Member

John P. Connolly, Council Member

Jacob L. Meza, Council Member

22. Give a brief description of the arts organization(s) proposed to receive Commission assistance through the Local Government Challenge Grant in 2016-2017.

BLUE RIDGE ARTS COUNCIL, INC

Blue Ridge Arts Council is a non-profit organization licensed by the Virginia State Corporation with a 15-member community based board and membership from all segments from the community. The Council has been incorporated since 1987 and has continuously brought innovative, high quality arts programs, activities and events to the Front Royal community. The arts council continues to expand their programs and offers a wide array of artistic programs to the community.

SUBGRANTEE (S) INFORMATION

23. Please list which local independent arts organizations will receive the Commission grant money sub-grant. After the Commission grant has been approved, any changes in the allocation of sub-grants to local arts organizations must be approved by the Commission. **Note:** Sub-grants (grants made by the local government) of any Commission funds, not to exceed \$5,000, from the Local Government Challenge grant program may only go to independent Virginia arts organizations for arts activities in the locality. Virginia arts organizations are defined as those organizations whose primary purpose is the arts (production, presentation or support of dance, literary arts, media arts, music, theater, or visual or related arts), that are incorporated in Virginia, and have their headquarters and home seasons, or activities equivalent to a home season, in the state. Units of government and educational institutions cannot be considered arts organizations.

Name of Organization Physical Mailing Address	Sub Grantee Contact Name & Title	Sub Grantee Email Address	Proposed VCA \$ Grant Share
1. Blue Ridge Arts Council Inc	Kym Crump	kcrump@blueridgearts.org	4500
305 East Main Street, Front Royal, VA 22630	Executive Director		
2.			
3.			
4.			

5.			
6.			

Note: Attach additional local independent arts organizations on a separate piece of paper if necessary.

POPULATIONS BENEFITED

24. Select any categories that, by your best estimate, will make up 25% or more of the population that will directly benefit from the award during the period of support. These responses should refer to populations reached directly, rather than through broadcasts or online programming.

Populations Benefited By Race

- ☐ N: American Indian/Alaska Native
- ☐ A: Asian
- ☐ B: Black/African American
- ☐ H: Hispanic/Latino
- ☐ P: Native Hawaiian/Other Pacific Islander
- ☐ W: White
- ☒ G: No single race/ethnic group listed above made up more than 25% of the population directly benefited.

Populations Benefited By Distinct Groups

- ☐ D: Individuals with Disabilities
- ☐ I: Individuals in Institutions (include people living in hospitals, hospices, nursing homes, assisted care facilities, correctional facilities, and homeless shelters)
- ☐ P: Individuals below the Poverty Line
- ☐ E: Individuals with Limited English Proficiency
- ☐ M: Military Veterans/Active Duty Personnel
- ☐ Y: Youth at Risk
- ☒ G: No single distinct group made up more than 25% of the population directly benefit

Populations Benefited By Age

- ☐ 1. Children/Youth (0-18 years)
- ☐ 2. Young Adults ((19-24 years)
- ☐ 3. Adults (25-64 years)
- ☐ 4. Older Adults (65+ years)
- ☒ 5. No single age group made up more than 25% of the population directly benefited

Arts Education

Choose the one item which best describes the funded activities.

- ☐ 50% or more of the funded activities are arts education directed to K through 12 students, higher education students, pre-kindergarten children, and/or adult learners (including teachers and artists).
- ☒ Less than 50% of the funded activities are arts education directed to K through 12 students, higher education students, pre-kindergarten children, and/or adult learners (including teachers and artists).
- ☐ None of the funded activities involve arts education

Certification of Assurances & Grant Conditions for Local Government Grantees

Virginia Commission for the Arts grantees are required to be non-profit Virginia organizations and exempt from federal income tax under Section 501(a), which includes the 501(c)3 designation of the Internal Revenue code, or are units of government, educational institutions, or local chapters of tax exempt national organizations.

No part of any Commission grant shall be used for any activity intended or designed to influence a member of Congress or the General Assembly to favor or oppose any legislation.

Each Commission grantee will:

- provide accurate, current and complete financial records of each grant;
- maintain accounting records which are supported by source documentation;
- maintain effective control over and accountability for all funds, property, and other assets ensuring that assets are used solely for authorized purposes;
- maintain procedures ensuring timely disbursement of funds;
- provide the Commission, or its authorized representatives, access to the grant-related financial records.

The grantee will expend any and all grant funds only for purposes described in the application form and attachments. The grantee must request permission in writing to make changes to the proposed sub grantees, budget, schedule, program and or personnel. The requested changes must be approved in advance by the Commission.

Each Commission grantee will comply with these federal statutes and regulations:

- Title VI, Section 601, of the Civil Rights Act of 1964, which provides that no person, on the ground of race, color or national origin, shall be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.
- Title IX, Section 1681, of the Education Amendments of 1972, which provides that, with certain exceptions, no person, on the basis of sex or age, shall be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving federal financial assistance.
- Americans With Disabilities Act and Section 504 of the Rehabilitation Act of 1973, which prohibits discrimination against persons with physical or mental disabilities in federally assisted programs. Compliance with this Act includes the following: notifying employees and beneficiaries of the organization that it does not discriminate on the basis of handicap and operation of programs and activities which, when viewed in their entirety, are accessible to persons with disabilities. Compliance also includes maintenance of an evaluation plan developed with the assistance of persons with disabilities or organizations representing disabled persons which contains: policies and practices for making programs and activities accessible; plans for making any structural modifications to facilities necessary for accessibility; a list of the persons with disabilities and/or organizations consulted; and the name and signature of the person responsible for the organization's compliance efforts. ("ADA Coordinator")

No final report is required for the Local Government Challenge Grant. Each local government will confirm in writing to the Commission that its governing board has appropriated the matching funds. Confirmation of the match must include either a copy of the appropriate page from the city's/jurisdiction's approved FY2017 budget showing the amount of the award and match or a copy of the check (s) to the sub-grantee (s).

The Commission will pay the grant in full after receiving this confirmation. **The deadline for this confirmation is February 1, 2017.**

In all published material (printed programs, news releases, web news, email alerts, advertisements, flyers, etc.) and announcements regarding the particular activity or activities supported, acknowledgment of the Commission must be made. A suggested phrase is "(organization or activity) is partially supported by funding from the Virginia Commission for the Arts and the National Endowment for the Arts."

This application must be signed by an individual duly authorized by the governing body of the locality to act on its behalf and submitted with every grant application made to the Commission. The signature of the individual indicates the locality's compliance with all of the grant conditions listed above.

The undersigned certifies to the best of his/her knowledge that:

- the information in this application and its attachments is true and correct;
- the filing of this application has been duly authorized by the governing body of the applicant organization;
- the applicant organization agrees to comply with all grant conditions cited above.

The undersigned further certifies that he or she has the legal authority to obligate the applicant locality.

Name of Local Government: Town of Front Royal

Name of Authorizing Official: Steven Burke

Title: Town Manager

Signature of Authorizing Official: _____ Date:

Email of Authorizing Official: sburke@frontroyalva.org

NOTE: Only documents with original signatures will be accepted. Do not send copies or email/fax this application.

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Town of Front Royal, Virginia Work Session Agenda Form

Date: March 7, 2016

Agenda Item: AMP Solar Phase II project - Update

Summary: American Municipal Power, Inc. (AMP) has announced the execution of a joint development agreement with DG AMP Solar, LCC, a wholly owned subsidiary of NextEra Energy Resources, LLC. The joint development agreement provides the framework for the development, construction and operation of 80 megawatts (MW) or more of new solar generation facilities.

Council Discussion:

Staff Evaluation: The NextEra Energy Resources affiliate will develop, construct, own and operate the solar facilities and sell the energy to AMP for resale to its members under long-term purchase power agreements. The solar facilities will be installed behind-the-meter of AMP members providing local peaking generation for added system reliability. To date, AMP has identified 28 potential projects in 26 member communities in which Front Royal is include in the first tier for construction.

Budget/Funding:

Legal Evaluation:

Staff Recommendations: Staff recommends passing the new resolution to proceed with the development and construction of the Solar project with AMP and NextEra to include the lease and interconnection agreement. The project will further strengthen and diversify our power supply portfolio while providing a cost-effective, safe, environmentally friendly, asset based alternative to the wholesale market. In addition, the arrangement in the project structure removes any construction risk and our price risk is minimal.

Town Manager Recommendation:

Council Recommendation:

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

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Town of Front Royal, Virginia Work Session Agenda Form

Date: March 7, 2016

Agenda Item: Main Street Extension

Summary: The EDA's consultant for the design and traffic study for the extension of Main Street have updated the cost estimate for the project to \$2.5 million. The EDA has recommended that the Town submit an application to VDOT to participate in the Economic Development Access Program to assist in funding the project. If approved, \$500,000 in unmatched and up to \$150,000 in matching state funds could be available. The funding would allow the project to be initiated through the middle of Lots 2 and 5 from Kendrick Lane.

Council Discussion: Council is requested to consider adoption of the attached Resolution to submit a request for funding through the Economic Development Access Program.

Staff Evaluation: Staff from the Town and EDA are continuing to identify funding sources for the complete extension of Main Street through the Avtex site.

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

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

Staff Recommendations: Staff recommend Council consider adoption of the Resolution for the application to the Economic Development Access Program.

Town Manager Recommendation: The Town Manager recommends Council consider adoption of the Resolution for the application to the Economic Development Access Program.

Council Recommendation:

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





Town of Front Royal, Virginia



**RESOLUTION REQUESTING
ECONOMIC DEVELOPMENT ACCESS
PROGRAM FUNDING
IT FEDERAL LOT 6 OF ROYAL PHOENIX SITE**

WHEREAS, the Town of Front Royal in partnership with the County of Warren and the Economic Development Authority desire to assist in the development Lot 6 of the Royal Phoenix site (former Avtex Superfund site) located south of Kendrick Lane and north of Main Street in the Town of Front Royal, Virginia within the Royal Phoenix; and,

WHEREAS, IT Federal has purchased property located in the Town of Front Royal and will soon enter into a firm contract to construct its facilities on that property for the purpose of technology and data management related service and additional retail and office development; and,

WHEREAS, this new facility is expected to involve new private capital investment in land, building, and equipment of approximately \$40,000,000 and the development by IT Federal is expected to employ 600 persons at this thirty (30) acre site; and,

WHEREAS, operations are expected to begin at this new facility on or about March 2017; and,

WHEREAS, the subject property has no access to a public street or highway and will require construction of a new roadway to connect with Kendrick Lane and ultimately Main Street; and,

WHEREAS, the existing public road network does not provide for adequate access to this facility and it is deemed necessary that improvements be made to extend Main Street; and,

WHEREAS, the Town of Front Royal hereby guarantees that the necessary environmental analysis, mitigation, and fee simple right-of-way and utility relocations or adjustments for this improvement, if necessary will be provided at no cost to the Economic Development, Airport, and Rail Access Fund; and

WHEREAS, the Town of Front Royal acknowledges that no land disturbance activities beyond those associated with the recent reclamation of the site may occur within the limits of the proposed access project prior to any construction activity on this project as a condition of the use of the Economic Development, Airport, and Rail Access Fund; and

WHEREAS, the Town of Front Royal hereby guarantees that all ineligible costs and all costs not justified by eligible capital outlay will be provided from sources other than those administered by the Virginia Department of Transportation.

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Town of Front Royal, Virginia hereby requests that the Commonwealth Transportation Board provide Economic Development Access Program funding to provide an adequate road to this property; and,

BE IT FURTHER RESOLVED that the Mayor and Council of the Town of Front Royal, Virginia that the Town Manager and/or his designee be authorized to act on behalf of the Town Council to execute any and all documents necessary to secure the funding through the Economic Development Access Program up to but not exceeding \$650,000 state funds.

Adopted this 14th day of March, 2016

APPROVED:

Timothy W. Darr, Mayor

Attest:

Jennifer E. Berry, CMC, Clerk of Council

THIS RESOLUTION was approved at the Regular Meeting of the Town of Front Royal, Virginia Town Council on _____ 2016, upon the following recorded vote:

Hollis L. Tharpe	Yes/No	Bret W. Hrbek	Yes/No
Eugene R. Tewalt	Yes/No	Bébhinn C. Egger	Yes/No
John P. Connolly	Yes/No	Jacob L. Meza	Yes/No

Approved as to Form and Legality:

Douglas W. Napier, Esq., Town Attorney

Date: _____

Economic Development Access Program Checklist

Please note: *The State Environmental Review Process (SERP) must be conducted and completed prior to initiating work on all state-funded projects estimated over \$500,000.*

Funding

- Available to counties, cities, certain towns and regional industrial facility authorities
- Maximum allocation within the fiscal year: \$500,000 unmatched and up to \$150,000 in matching state funds

Type of project

- Regular project (to a qualifying establishment)
 - Requires determination of eligibility of site and business
 - Requires determination of eligible capital outlay
- Bonded project
 - Requires determination of site eligibility
 - Requires provision of acceptable surety by locality
 - Requires eventual documentation of qualifying business and investment

Project information submittal and request

- For a project to a "Qualifying Establishment", information provided must include a description of proposed company/development
 - Investment
 - Facilities
 - Target dates for completion/operation
 - Number of employees
 - Type of products manufactured
- Property description (e.g., plat and location map)
- Project description
- Project cost estimate
- Project administration responsibilities
- Local government resolution
- Determination of qualifying establishment by the Virginia Economic Development Partnership and the Virginia Department of Business Assistance and recommendation

Local Assistance's review and recommendation

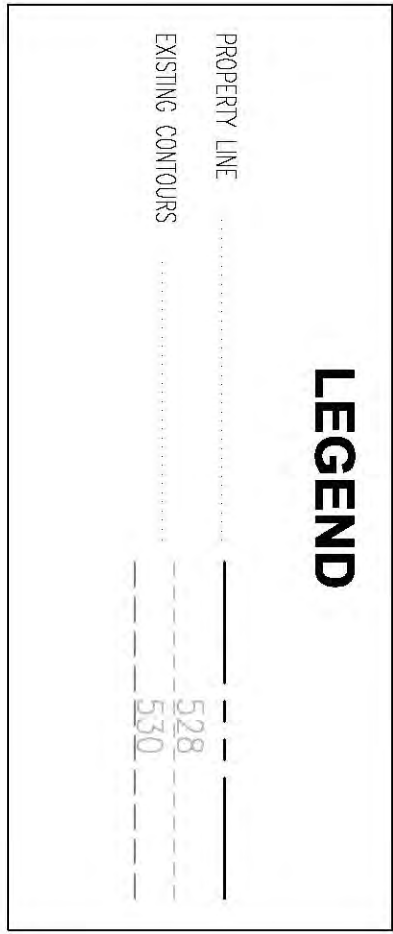
- The Commonwealth Transportation Board (CTB) meeting agenda is finalized three weeks prior to its meeting

CTB's review

- The CTB meeting is usually held the third Wednesday of each month

Project approval

- Project administration agreement with VDOT
- Funds authorized - CTB-approved project allocation will be authorized upon completion of contingencies in the CTB's resolution



DESIGN		MSS	SURVEY		OTHERS
DRAWN		KLM	DATE		02-10-16
CHECKED		MSS	SCALE		1"=150'
FILE NO.	CAT. NO.	SHEET			
WRRN1201	C100DAMAPS	5	OF	24	

PROJECT

ROYAL PHOENIX REDEVELOPMENT
PRELIMINARY ENGINEERING PLAN

TOWN OF FRONT ROYAL, VIRGINIA

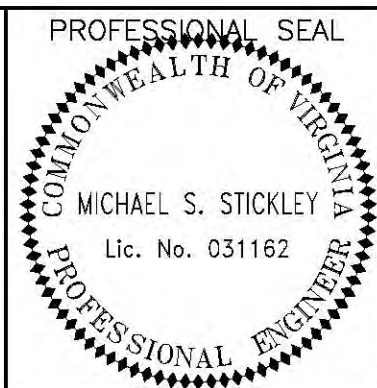
TITLE

OVERALL PLAN

Patton Harris Rust & Associates
Engineers. Surveyors. Planners. Landscape Architects.



117 East Piccadilly Street
Winchester, VA 22601-5002
T 540.667.2139
F 540.665.0493



6



Town of Front Royal, Virginia Work Session Agenda Form

Date: March 7, 2016

Agenda Item: Liaison Committee Items for March 17, 2016 Meeting

Summary: Council is requested to add items to the Liaison Committee Meeting Agenda scheduled for March 17, 2016. Items will be voted on at the regularly scheduled meeting on March 14, 2016. The agenda from the January Committee meeting is attached for your convenience.

Council Discussion: Council takes desired action

Staff Evaluation: None

Budget/Funding: None

Legal Evaluation: Town Attorney will be available for questions or concerns

Staff Recommendations: None

Town Manager Recommendation: Town Manager will be available.

Council Recommendation:

☐ Additional Work Session ☐ Regular Meeting ☐ No Action

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

Work Session



~ AGENDA ~
TOWN/COUNTY LIAISON
COMMITTEE MEETING
Town Administration Building
102 E. Main Street



Thursday, January 21, 2016
6:00 p.m.

1. Call Order to Order, Timothy Darr, Mayor of Front Royal
 - a. Leach Run Parkway
 - b. Wastewater Treatment Plant/Septage Receiving Facility
 - c. Building Inspections Software
 - d. Development Review Committee
 - e. McKay Property Update
 - f. Warren County's in-Town Projects
 - g. Avtex Property - Main Street Extension
 - h. Main Street Application

2. Adjournment



COUNTY OF WARREN

County Administrator's Office
Warren County Government Center
220 North Commerce Avenue, Suite 100

Front Royal, Virginia 22630

Phone: (540) 636-4600

FAX: (540) 636-6066

Email: dstanley@warrencountyva.net

Douglas P. Stanley
County Administrator

February 22, 2016

**BOARD OF
SUPERVISORS**

CHAIR
Linda P. Glavis
South River
District

VICE-CHAIR
Archie A. Fox
Fork
District

Tony F. Carter
Happy Creek
District

Daniel J. Murray, Jr.
North River
District

Thomas H. Sayre
Shenandoah
District

Mr. Steve Burke, Town Manager
Town of Front Royal
P.O. Box 1560
Front Royal, Virginia 22630

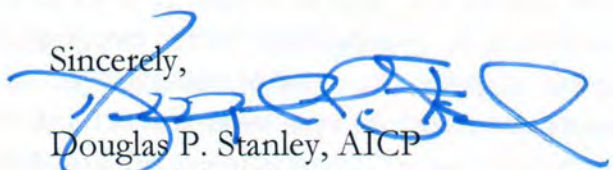
RE: *Liaison Committee Agenda Items*

Dear Steve:

At its meeting on Tuesday, February 16th, the Warren County Board of Supervisors requested that the following items be included for discussion at an upcoming Liaison Committee meeting:

- ▶ Town Commercial Waste Tipping Fee Structure
- ▶ Chris Ramsey Boundary Adjustment Request (TM#20, Parcel 6 – 20.226 acres)

Sincerely,


Douglas P. Stanley, AICP
County Administrator

DPS
Attachments

cc: Warren County Board of Supervisors
Jennifer Berry, Clerk of Council

Front Royal-Warren County
Rivers of Opportunity-Mountains of Success

7

**AN ORDINANCE TO AMEND AND RE-ENACT FRONT ROYAL MUNICIPAL TOWN
CODE SECTION 98-45 PERTAINING TO LICENSING OF COMMERCIAL
SOLICITORS; SECTION 98-61 PERTAINING TO LICENSING OF PEDDLER AND
ITINERANT MERCHANTS; AND, CHAPTER 138 PERTAINING TO PEDDLERS,
SOLICITORS AND ITINERANT MERCHANTS**

WHEREAS, ordinance amendments to Town Code Chapter 98 (Business, Professional and Occupational Licensing) and Chapter 138 (Solicitors and Vendors) are to provide expanded use of food trucks (itinerant merchants) in the Town of Front Royal; and,

WHEREAS, the proposed amendments focus regulations for sales through peddling, soliciting, or transient locations and definitions for each; and,

NOW THEREFORE, BE IT ENACTED by the Town Council of the Town of Front Royal, Virginia that Chapters 98 and 138 of the Town of Front Royal Municipal Code are hereby amended and re-enacted as follows:

~~98-45 COMMERCIAL SOLICITORS~~

~~A. A commercial solicitor shall be defined as any person, whether a principal, agent or salesman, who engages in, does, or transacts any temporary or transient business in the town by going from house to house or from private residence to private residence for the purpose of taking orders or offering to take orders for the sale of goods, wares or merchandise or taking orders for services to be performed in the future. A commercial solicitor shall not carry goods, wares or merchandise from house to house, except those which are used for display purposes only and are not for sale. For licensing and taxing purposes a commercial solicitor shall be deemed an itinerant merchant as defined in Virginia Code Section 58.1-3717 (B.). This section shall not apply to wholesalers or to insurance underwriters. Upon written application, the Front Royal Town Council may waive the requirement of a solicitor's license for representatives of charitable, religious, civic, political, educational, service and fraternal organizations engaged in commercial solicitation exclusively for the benefit of their respective organizations. This section shall not apply to charitable or civic organizations registered under the provisions of Virginia Code Section 57-49, et seq. Every commercial solicitor shall be licensed, unless otherwise exempt under this section.~~

~~B. For every license to engage in business as a commercial solicitor, there shall be paid a license tax of fifty dollars (\$50.) per week, up to a maximum of two hundred dollars (\$200.) for any calendar year~~

~~C. Before a commercial solicitor's license may be issued, that person must possess a solicitor's permit as provided in Town Code Section 135-3 et seq.~~

98-45 LICENSING - COMMERCIAL SOLICITORS

Any commercial solicitor as defined by Town Code Chapter 138 shall be subject to the following license taxes:

A. **Commercial Solicitor License Tax**

1. All Commercial Solicitors - \$50.00 per week, up to a maximum of \$200.00 per calendar year.
2. Any non-profit civic, charitable, or educational organization may receive a waiver of license tax upon application to and approval of the Front Royal Town Council.

B. Violation

Any commercial solicitor who shall solicit sales without a license shall be guilty of a Class 1 Misdemeanor and shall be fined not less than fifty dollars (\$50.00) nor more than two thousand five hundred dollars (\$2,500.00) for each offense, and in addition, shall be required to obtain the appropriate license from the Town.

C. Enforcement

It shall be the duty of the Police Officers and other Officers of the Town to enforce the provisions of this section and to have warrants issued against any person committing a violation.

~~98-61 PEDDLERS~~

~~A. Peddlers defined.~~

- ~~1. Any person who shall carry from place to place any goods, wares, or merchandise and offers to sell or barter the same, or actually sells or barter the same, shall be deemed to be a peddler.~~
- ~~2. Persons who do not keep a regular place of business, whether it is a house, vehicle, vacant lot or elsewhere, open at all times in regular business hours and at the same place, who shall offer for sale goods, wares and merchandise, may be deemed peddlers under this Article. Persons who keep a regular place of business, open at all times in regular business hours and at the same place, who shall, elsewhere than at such regular place of business, personally or through their agents, offer for sale or sell and, at the time of such offering for sale, deliver goods, wares and merchandise, may also be deemed peddlers as above, except for sidewalk sales adjacent to a regular place of business, but this section shall not apply to those who sell or offer for sale, in person or by their employees, ice, wood, charcoal, meat, milk, butter, eggs, poultry, fish, oysters, game, vegetables, fruits or other family supplies of a perishable nature or farm products grown or produced by them and not purchased by them for sale, but a dairyman who uses upon the streets of the Town one (1) or more wagons may sell and deliver from his wagons, milk, butter, cream and eggs without procuring a peddler's license.~~
- ~~3. All persons who do not keep a regular place of business, whether it is a house, vehicle, vacant lot or elsewhere, open at all times in regular business hours at the same place, who shall offer for sale rugs, furniture, appliances or clothing which is delivered at the time of sale shall be deemed peddlers and shall not be licensed under any separate section.~~
- ~~4. Those vendors of secondhand merchandise who sell their goods and wares as part of an approved or permitted flea market or yard sale and are licensed as such shall not be deemed peddlers. Those vendors of new merchandise at flea markets shall be deemed peddlers.~~

- ~~5. a. All persons vending Christmas trees or fireworks who do not keep a regular place of business, whether it is a house, vehicle, vacant lot or elsewhere, open at all times during regular business hours at the same place, but who offer said items for sale during a portion of the year on or about the season of a celebrated holiday shall not be deemed peddlers except for purposes a license tax imposed pursuant to Virginia Code Section 58.1-3717.~~
- ~~b. Christmas trees are defined as decorative bushes, trees, wreaths and like foliage associated with the celebration of a recognized holiday occurring on December 25 of each year. The term "Christmas" shall have no religious connotation under this ordinance.~~
- ~~c. All vendors of Christmas trees and fireworks who do not keep a regular place of business as defined herein shall pay a license tax of one hundred dollars (\$100.). Any nonprofit civic, charitable or educational organization may receive a waiver of this license tax upon application to and approval of the Front Royal Town Council.~~

~~B. Place of sale:~~

- ~~1. It shall be unlawful for any peddler to occupy or partially occupy while selling, or sell from, the private property of another without written permission of the private property owner in the possession of the peddler while selling or peddling.~~
- ~~2. All peddlers shall be required to sell or offer for sale their goods, wares or merchandise only:~~
 - ~~a. along the following streets: Royal and Shenandoah Avenues. Provided, however, that it shall be unlawful to occupy or partially occupy, while selling or to sell from, any portion of the street right of way.~~
 - ~~b. upon the property of a shopping center as set forth in Section 175-111.~~
 - ~~c. at all flea market sites in the Town of Front Royal operating as flea markets by special permit or otherwise operating as flea markets in accordance with the Town's Zoning Ordinance.~~
- ~~3. This subsection shall not apply to persons who sell or offer for sale, in person or by their employees, ice, wood, charcoal, meat, milk, butter, eggs, poultry, fish, oysters, game, vegetables, fruits or other supplies or farm products of a perishable nature.~~

~~C. Delivery of goods on day of sale. For the purpose of this section, any delivery made on the day of sale shall be construed as equivalent to delivery at the time of sale. Any person claiming exemption from the provisions of this section on the ground that he is delivering goods, wares or merchandise previously sold to the customer shall, upon request of any police, tax or revenue officer, or assessing official, furnish evidence of his claim other than his mere statement, which evidence may be an invoice or signed order describing the goods, wares or merchandise involved and the amount and price thereof. Failure to furnish such evidence shall be sufficient ground for charging the person making such delivery with a violation of this section, and, in any prosecution for a violation of this section, the claim aforesaid must be corroborated by satisfactory evidence.~~

~~D. Levy of license tax on retail peddlers:~~

- ~~1. There is hereby imposed upon peddlers license taxes in accordance with the following schedules:~~

- ~~a. Peddlers of meat, milk, butter, eggs, poultry, fish, oysters, games, vegetables, fruits or other family supplies of a perishable nature not grown or produced by the peddler: fifty dollars (\$50.00). There shall also be imposed a license tax of fifty dollars (\$50.00) per vehicle for every vehicle over one used to peddle the above-stated products.~~
- ~~b. All other peddlers shall pay a license tax of five hundred dollars (\$500.00).~~

~~2. The license tax authorized by this subsection shall not apply to a peddler who sells to licensed dealers or retailers only; a regular wholesaler dealer who shall at the same time sell or deliver merchandise to retail merchants; a distributor or vendor of motor fuels and petroleum products or seafood; a farmer; a farmers' cooperative association; a producer of agricultural products; a manufacturer who is subject to Virginia tax on intangible personal property and who peddles only the goods, wares or merchandise manufactured by him at a plant whose intangible personal property is taxed by the Commonwealth of Virginia.~~

- ~~3. Any peddler who shall peddle for sale or sell or barter without a license shall be guilty of a misdemeanor and shall be fined not less than fifty dollars (\$50.) nor more than five hundred dollars (\$500.) for each offense and, in addition, shall be required to purchase the appropriate peddler's license from the Town of Front Royal.~~

~~E. Exemption as to certain dealers in ice, etc. No peddler's license shall be required, under the provisions of this section, of dealers in ice, wood or coal, who peddle same from vehicles, provided that such dealers have taken out a merchant's license in the Town.~~

~~F. Exemption as to person selling farm or domestic products. Nothing contained in this section shall be construed as imposing any tax upon a person selling farm or domestic products within the Town when the products to be sold are grown or produced by such person, but proof shall be shown that such products are so raised by the party offering them for sale. Before any exemption certificate shall be issued to any person as a grower, producer or manufacturer, the applicant for such exemption certificate shall first file with the Assessor a written statement, duly sworn to and attested to by a Notary Public or Justice of the Peace to his community, setting out in full and in detail the facts claimed to make such applicant a grower, producer or manufacturer, and no exemption certificate shall be issued by the Assessor until such statement, duly sworn to, shall have been produced and filed. The notary public or Justice of the Peace executing such written statement shall be given in full.~~

~~G. Enforcement of section. It shall be the duty of the police officers and other officers of the Town to enforce the provisions of this section and to have warrants issued against any person committing a violation.~~

98-61 LICENSING – PEDDLERS & ITINERANT MERCHANTS

Any peddler or itinerant vendor as defined by Town Code Chapter 138 shall be subject to the following license taxes:

A. Itinerant Merchant License Tax

1. Christmas Tree & Fireworks Vendors - \$100.00 per calendar year.
2. Fresh Farm Product Vendors - Farm grown by merchant exempt per Va. Code § 58.1-3717; if product is purchased by merchant and resold, merchant is considered an Itinerant Merchant.
3. All Other Itinerant Merchant - \$500.00 per calendar year. The tax shall be pro-rated based upon the date of issuance, however the minimum tax amount shall be \$250.00.
4. Any non-profit civic, charitable, or bona-fide educational organization may receive a waiver of license tax upon application to and approval of the Front Royal Town Council.
5. Merchants selling food and merchandise during a Special Event that has been issued permit by the Town shall be exempt from the license tax.

B. Peddler License Tax

1. Fresh Farm Product Vendors - Farm grown by merchant exempt per Va. Code § 58.1-3717; if product is purchased by merchant and resold, merchant is considered a peddler.
2. All Other Peddlers - \$500.00 per calendar year.
3. Any non-profit civic, charitable, or bona-fide educational organization may receive a waiver of license tax upon application to and approval of the Front Royal Town Council.
4. The license tax authorized by this subsection shall not apply to a peddler who sells to licensed dealers or retailers only; a regular wholesaler dealer who shall at the same time sell or deliver merchandise to retail merchants; a distributor or vendor of motor fuels and petroleum products or seafood; or a manufacturer who is subject to Virginia tax on intangible personal property and who peddles only the goods, wares, or merchandise manufacture by him at a plant whose intangible personal property is taxed by the Commonwealth of Virginia.
5. Delivery of food or merchandise ordered by phone, internet, or mail from a fixed place of business issued a business license for operation shall be exempt from the license tax.

C. Violation

Any peddler or itinerant merchant who shall offer for sale or sell or barter without a license shall be guilty of a Class I Misdemeanor and shall be fined not less than fifty dollars (\$50) no more than two thousand five hundred dollars (\$2,500) for each offense, and in addition, shall be required to purchase the appropriate license from the Town.

D. Enforcement

It shall be the duty of the Police Officers and other officers of the Town to enforce the provisions of this section and to have warrants issued against any person committing a violation.

Chapter 138
Solicitors and Vendors
General Provisions

~~138-1 GOING ON PRIVATE PREMISES~~

~~The going upon the property of private residences in the Town by solicitors, peddlers, hawkers, and itinerant vendors, not having been requested or invited to do so by the owners or occupants of such residences, for the purpose of soliciting orders for the sale of goods, wares and merchandise, or for the purpose of disposing of, peddling or hawking goods, wares and merchandise, or for the purpose of soliciting contributions without having first obtained a permit or an exemption under the provisions of Virginia Code Section 57-48 et seq. shall be unlawful.~~

~~138-2 VIOLATIONS AND PENALTIES~~

~~Any person violating the provisions of this Article shall be punished by a fine of not more than five hundred dollars (\$500.) and imprisonment for not more than six (6) months in jail, either or both.~~

SOLICITOR'S PERMIT

~~138-3 APPLICABILITY~~

~~A. For the purpose of this Article, any person who goes from house to house or from private residence to private residence in the Town selling or offering to sell, taking orders or offering to take orders, bartering or offering to barter any goods, wares or merchandise or offering services to be performed in the future or at any location soliciting funds and contributions shall be deemed a "solicitor"; provided, however, that this Article shall not apply to wholesalers or to insurance underwriters, but the requirements of this Article shall apply to any person collecting or attempting to collect any payment due from any purchaser where the collector and the original seller are not one and the same.~~

~~B. This Article shall not apply to those charitable and civic organizations registered with the Commissioner of Agriculture and Consumer Services in accordance with the provisions of Virginia Code Sections 57-49 et seq., pertaining to the registration of charitable organizations. Upon written application, the Front Royal Town Council may waive the requirement of a solicitor's permit for representatives of charitable, religious, civic, political, educational, service and fraternal organizations seeking contributions in the Town of Front Royal.~~

~~138-4 PERMIT REQUIRED~~

~~It shall be unlawful for any person to act as solicitor within the Town without first securing a solicitor's permit from the Chief of Police or his designated subordinate. The solicitor's permit shall be in addition to a business license for all commercial solicitation.~~

~~138-5 APPLICATION~~

~~Any person desiring a permit, as required in Section 138-4, shall make application therefor to the Chief of Police or his designated subordinate on a form to be provided, stating the name and address of the person or firm which he represents, the kind of goods offered for sale or the kind of services to be performed. At the time of filing for such application the applicant shall also submit for the inspection of the Chief of Police or his designated subordinate written proof of his identity, which may be in the form of an automobile operator's or owner's license or a bona fide identification card issued to the applicant by the person for or through whom or under those auspices the applicant is authorized to conduct such activity. Such applicant shall state whether he has ever been convicted of any offense involving moral turpitude and shall further furnish such information or evidence as the Chief of Police or his designated subordinate may deem necessary to confirm the identity and past experience of the applicant or person or firm he represents.~~

~~138-6 PHOTOGRAPHING~~

~~The applicant for a solicitor's permit, as required in Section 138-4 shall be photographed.~~

~~138-7 FEE~~

~~The person issued a solicitor's permit, as required in Section 138-4 shall pay to the Town a fee of five dollars (\$5.) therefor, which fee shall cover the cost of investigation and issuance of the permit.~~

~~138-8 ISSUANCE~~

~~Upon compliance by the applicant for solicitor's permit, as required by Section 138-4, with the preceding sections of this Article, the Chief of Police or his designated subordinate shall, after such investigation as reasonably appears necessary, issue to such applicant a solicitor's permit, which shall be dated and signed by the Chief of Police or his designated subordinate; provided, however, that the Chief of Police or his designated subordinate shall not be required to issue such a solicitor's permit to any person who shall have been convicted of any crime or misdemeanor involving moral turpitude or to any person who is unable to substantiate the prior reliability of himself or the person or firm he represents.~~

~~138-9 TERM OF PERMIT~~

~~A solicitor's permit issued under this Article shall be good for a period of thirty (30) days and no longer.~~

~~138-10 RENEWAL~~

~~A solicitor's permit issued under this Article may be renewed on its expiration date for an additional like period, upon the execution of a renewal application setting forth that the statements made in the original application are true and accurate statements at the time the renewal application is filed or a renewal application setting forth all changes in the original application required by a~~

~~change in facts since the date of filing the original application. For each renewal permit, the applicant shall pay the town a fee of three dollars (\$3.).~~

~~138-11~~ — ~~TRANSFERABILITY~~

~~A solicitor's permit issued under this Article shall be nontransferable.~~

~~138-12~~ — ~~CONDITIONS~~

~~A solicitor's permit, as required by Section 138-4, shall be issued subject to the following conditions:~~

~~A. The holder shall have his solicitor's permit in his possession at all times and shall exhibit the same at any time upon request by any police officer of the Town or by any purchaser or by any person being solicited.~~

~~B. The holder of a solicitor's permit shall make no false statements or misrepresentations of facts in the course of carrying on the activity for which the permit is granted and shall conduct himself at all times in an orderly and lawful manner.~~

~~C. For the sale or delivery, either or both, of any goods, wares or merchandise, there shall be a written order or invoice, in duplicate, showing name and address of firm represented by the solicitor, issued and signed by the solicitor, signed by the purchaser, stating the terms and conditions of the sale, a description of the goods, wares or merchandise, the quantity and price thereof, the date of sale or the date of delivery, either or both, and the amount paid in advance, if any. The duplicate of such order or invoice shall be given to the purchaser.~~

~~D. The holder shall not sell, distribute or circulate literary material or canvass or solicit orders therefor or for goods or merchandise from pedestrian or vehicular traffic on or adjacent to any streets within the limits of the Town, in such manner as will interfere with the normal and usual use of such street.~~

~~138-12.1~~ — ~~ENTERING UPON PRIVATE PREMISES RESTRICTED~~

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

~~138-13~~ — ~~REVOCATION; HEARING~~

~~A. Any solicitor's permit issued under this Article may be revoked by the Chief of Police, after notice and hearing, for any fraud, misrepresentation or false statement contained in the application, for failure to observe the conditions of the permit or upon any subsequent conviction of any crime or misdemeanor involving moral turpitude.~~

~~B. Notice of the hearing for revocation of a permit shall be in writing, setting forth the specific reason or reasons for the hearing and the time and place thereof. Such notice shall be given to the~~

holder of the permit at least two (2) days, if by personal service, and at least three (3) days, if by local mail, addressed to the holder's last known local address, prior to the stated hearing.

~~C. In the case where protection of the public interest necessitates such action, the Chief of Police may direct immediate revocation of a solicitor's permit by personal service of a notice thereof by the Chief of Police or his designated subordinate upon the holder or the person he represents. Wherein action in this manner is taken, the holder of the permit shall immediately discontinue those activities granted by the permit and this Article, but the holder shall be entitled to a hearing within two (2) days from the revocation, and the notice of the revocation shall designate the time and place of the hearing.~~

~~138-14 ——— DESIGNATION OF SUBORDINATE TO PERFORM DUTIES OF CHIEF OF POLICE WHEN ABSENT.~~

~~The Chief of Police, when personally unable to discharge the responsibilities herein set forth because of absence from the Town or otherwise, shall designate one (1) of his subordinates to perform the duties required of the Chief of Police under this Article.~~

Chapter 138

PEDDLERS, SOLICITORS AND ITINERANT MERCHANTS

138-1. Permit Required.

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

138-2. Definitions.

Itinerant Merchant: One who offers merchandise, goods, food or services for sale or barter from a stationary but temporary site within the Town.

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

Town: Front Royal, Virginia.

Town Manager: The Town Manager of Front Royal, Virginia or their designated agent.

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

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

138-3 Permit Application

138-3.1. Exemption from Permit Requirements.

- A. The following shall be exempt from the permit requirements but shall be required to comply with Sections 7, 8, 9, and 10 of this Chapter:
1. Persons selling fresh farm products or family supplies in accordance with Virginia Code Section 58.1-3717;
 2. Persons selling newspapers;
 3. Persons selling for wholesale concerns who only solicit orders from or sell to retail dealers in Front Royal for resale or other commercial purposes or to manufacturers for manufacturing or other commercial purposes;
 4. Wholesalers soliciting orders or selling to others for retail, resale, or upon manufacturers for manufacturing and selling at wholesale at place of manufacture;
 5. Children of or under the age of 16, except when they are acting as agents of adults covered by this article;
 6. Delivery of food or merchandise ordered by phone, internet, or mail from a fixed place of business issued a business license for operation;
 7. Merchants selling food and merchandise during a Special Event that has been issued permit by the Town; and
 8. Tax exempt civic, charitable, government or educational organizations receiving a waiver of this Chapter by the Town Manager.
- B. All persons qualifying for exemptions from this Section must present proof of such qualification to the Town Manager and be granted exemption from the permit requirements of this Chapter as provided in Section 138-3.1.

138-3.2. Application for Permit or Exemption.

- A. Applicants for permits under this Chapter must file with the Town Manager a sworn application in writing on a form to be furnished by the Town, which shall give the following information:
1. Name, date of birth, social security number (optional), contact phone number, and email address.
 2. Address.

3. A brief description of the nature of the business and the goods to be sold.
 4. Driver's License Number or State ID Number.
(Additional information required for non-exempt applications)
 5. If employed, the name and address of the employer, federal employment identification number (optional), together with a written employment contract or other written document from the employer establishing the exact relationship.
 6. The location and the length of time during the current year when the peddling or itinerant merchandising will take place in the Town.
 7. Name and address of Virginia registered agent, if there is a registered agent for the business.
 8. If a vehicle is to be used, a description of the same, together with the license number or other means of identification.
 9. Proof of Virginia retail sales tax registration and the retail sales tax number issued, if applicable.
 10. Proof of approval by the Virginia Department of Health for sale of food products.
 11. The finger and thumb prints of the applicant shall be taken at the time of application.
 12. The names and contact phone numbers of at least two (2) persons who will certify as to the applicant's good character and business responsibility, or in lieu of the names of references, any other available evidence as to the good character and business responsibility of the applicant as will enable an investigator to promptly evaluate such character and business responsibility.
 13. A statement as to whether or not the applicant has been convicted of any crime, misdemeanor or violation, the nature of the offense and the penalty affixed therefor.
 14. The application shall provide two (2) recent front facing passport size photographs which accurately depict the applicant's appearance at the time of application.
- B. At the time of filing of the application for permit, a fee of twenty dollars (\$20.00) shall be paid to the Town Manager, to cover the cost of investigation and processing of the application. There shall be no fee for an exemption application.

138-4. Investigation and Issuance.

Upon receipt of such application, the original shall be referred to the Town Manager, who shall make an investigation of the applicant's business responsibility and character.

- A. Unless the Town Manager determines otherwise after completion of an investigation, the Town Manager will issue the applicant a permit within thirty (30) days following the date of the filing of the application.

- B. After investigation and finding that the health, safety, and welfare of the public so demands, the Town Manager may refuse to issue a permit to an applicant for reasons including, but not limited to, the following:
1. Conviction of any felony or crime of moral turpitude (including, by way of illustration and not limitation, crimes of sexual misconduct and distribution of controlled substances or paraphernalia) within the five (5) years immediately preceding the date of filing of the application.
 2. Fraud, misrepresentation or intentional false statement of material or relevant facts contained in the application.
 3. Lack of necessary permits or licenses to conduct the business proposed to be conducted.
- C. The Town Manager shall endorse on the application their approval, execute a permit addressed to the applicant for the carrying on of the business applied for and deliver to the applicant their permit. Such permit shall contain the signature of the issuing officer and shall show the name, address and photograph of said applicant, the kind of goods to be sold thereunder, the date of issuance and the length of time the same shall be operative, as well as the permit number and other identifying description of any vehicle used in such peddling or itinerant merchandising. The Town Manager shall keep a permanent record of all permits issued.
- D. In determining whether the applicant's character and business responsibility is satisfactory, the Town Manager, or their designated agent, shall consider evidence revealed by the investigation which shows honesty, reliability, and knowledge of the business to be engaged in. A permit shall be denied or revoked if the applicant is shown to be guilty of moral turpitude. In the event the results of the initial investigation are unclear as to the nature of the applicant's character and business responsibility, an additional investigation of the applicant shall be made.

138-5. Transfer.

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

138-6. Renewal

All permits issued under the provisions of this Chapter shall be valid from the date issued and shall expire on December 31 of the year of issuance regardless of the date issued. The holder of any permit may seek renewal thereof upon the filing of a written renewal application. The renewal application shall reflect any information changed from the previous year's application and it shall be approved upon verification by the Town Manager that the applicant for renewal has complied with the laws of the Commonwealth.

138-7. Peddling and Itinerant Merchandising,

No peddler or itinerant merchant shall have any exclusive right to any location on public property, nor shall he or she:

- A. Be permitted a stationary location on any public sidewalk or street;
- B. Display any sign on a street, sidewalk, or other public place visible to vehicular traffic, except for signs that are actually imprinted on the exterior body of a licensed motor vehicle;
- C. Make any sale or delivery to any person while such person is located in the roadway;
- D. Make any sale, offer or delivery to any driver or passenger in a motor vehicle while the motor vehicle is stopped at a red light or while in a moving traffic lane;
- E. Conduct business from any street or center median strip of any street;
- F. Restrict access to any legally parked vehicle;
- G. Operate in any other way that would restrict the flow of pedestrian or vehicular traffic;
- H. Conduct any business on any private or public property, street, or sidewalk between the hours of 10:00 pm and 6:00 am except if operating through a Special Events Permit issued by the Town
- I. Leave a vehicle overnight at the approved location. All equipment must be removed from the site by the end of the business day, unless otherwise approved by the Town; and
- J. Leave any cart or table unattended on any public property, street, or sidewalk.

Each peddler and itinerant merchant shall provide receptacles for the disposal of waste materials or other litter created in the immediate area of any stationary location from which sales, offers of sales or deliveries are taking place, and they shall request customers to place all waste and litter in the receptacles and they shall remove and dispose of the waste materials and litter.

138-8. Place of Sale - Peddler & Itinerant Merchants

- A. All peddlers and itinerant merchants may only be located in the areas designated by the Town's Zoning Map as C-1, Community Business District, C-2, Downtown Business District, or the Mixed Use Campus District.
- B. It shall be unlawful for any itinerant merchants to occupy or partially occupy while selling, or sell from, the private property of another without written permission of the private property owner.
- C. All itinerant merchants shall obtain approval from the Department of Planning & Zoning prior to selling from private property. Approval shall be based upon submittal of a plat, site plan, or sketch plan identifying the location of the property on which the activity is to be conducted and showing the location of the structure from which the sale or exchange activity will occur, the area under the control of such person, parking spaces and provisions for well-defined vehicular entrances and exits. Such application shall state the name, address and telephone number of the person or persons conducting the activity, the days and hours of operation, and shall include evidence of the property owner's permission to use the property, as required above, as well as a copy of the approved plat or site plan. A copy of the permit issued by the Town Manager or the designee as well as a copy of the approved plat, site plan, or sketch plan and the written permission of the property owner shall be kept at the site of the activity.

138-9. Residence Door-to-Door Hours.

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

138-10. Exhibition of Permit or Exemption Letter.

Peddlers or itinerant merchants are required to conspicuously display their permits at their vehicles or temporary stands or if they have none, to exhibit their permits or exemption letter upon request.

138-11. Records.

The Town Manager shall maintain a record for each permit issued, and record the reports of violation thereon.

138-12. Revocation of Permit.

- A. Permits issued under the provision of this Chapter may be revoked by the Town Manager after notice and hearing for any of the following causes:
 - 1. Fraud, misrepresentation or intentional false statement contained in the application for permit.
 - 2. Conviction of any felony or crime of moral turpitude (including, by way of illustration and not limitation, crimes of sexual misconduct and distribution of controlled substances or paraphernalia).
 - 3. Conviction of any crime involving fraud in the conduct of his or her business.
 - 4. Permit holder operates their peddling or itinerant merchandising that creates a public safety hazard as identified by Fire Marshal, Chief of Police, or their designee.
 - 5. Any violation of this Chapter or of Chapter 110 of the Front Royal Code.
- A. Notice of the hearing for revocation of a permit shall be given in writing, setting forth specifically the grounds of the revocation and the time and place of hearing. Such notice shall be mailed, postage prepaid, to the permit holder at their last known address at least five (5) days prior to the date set for hearing. Failure to appear for a hearing does not preclude permit revocation.

138-13. Appeal.

- A. Any person aggrieved by the action of the Town Manager, or the designated agent, in the denial of an application for a permit or in the decision with reference to the revocation of a permit shall have the right of appeal. Such appeal shall be taken by filing with the Clerk of the Town Council within ten (10) days after the notice of action complained of has been mailed to such person's last known address, a written statement setting forth fully the grounds of appeal.
- B. The Clerk of the Town Council shall notify the Town Manager of the filing of an appeal.

- C. Upon filing an appeal, the party aggrieved shall be entitled to a hearing by the Town Council. The time and place of the hearing shall be scheduled by the Clerk of Council at any time after the filing of an appeal upon notice by the Clerk of Council mailed to the party to the action at the address required to be stated by the appellant at the time of the filing of the appeal. Such appeals may be continued by the Town Council.
- D. The party shall have the right to present their case in person or by counsel licensed to practice law in the Commonwealth of Virginia.
- E. The Town Council shall consider the case record as well as statements offered by an interested party and shall determine whether the Town Manager abused their discretion under the rules and standards set forth in this Chapter. The hearing need not be conducted according to technical rules relating to evidence and witnesses. Any relevant evidence may be admitted if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence in civil actions.

138-14. License Tax.

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

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

138-15. Penalty for Violation of Chapter.

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

138-16. Severance Clause.

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

This ordinance is effective upon passage.

APPROVED:

Timothy W. Darr, Mayor

ATTEST:

Jennifer E. Berry, Clerk of Council

THIS ORDINANCE was approved at the Regular Meeting of the Town of Front Royal, Virginia on its second reading, conducted _____2016, upon the following recorded vote:

Bébhinn C. Egger Yes/No

Bret W. Hrbek Yes/No

John P. Connolly Yes/No

Hollis L. Tharpe Yes/No

Eugene R. Tewalt Yes/No

Jacob L. Meza Yes/No

A public hearing on the above was held on _____, 2016, having been advertised in the Northern Virginia Daily on _____, 2016, and _____, 2016. The Ordinance was enacted at the Regular Meeting of the Town Council held _____2016, to become effective immediately.

Approved as to form and legality:

Douglas W. Napier, Town Attorney

Date: ____/____/____



TOWN OF FRONT ROYAL
SOLICITOR, PEDDLER, & ITINERANT MERCHANT
PERMIT APPLICATION
\$20.00 Application Fee

☐ EXEMPTION REQUEST (Application Fee is Waived)

☐ COMMERCIAL SOLICITOR

☐ PEDDLER

☐ ITINERANT MERCHANT

PLEASE PRINT LEGIBLY

APPLICANT: _____ **DATE:** _____

SOCIAL SECURITY NO.: _____ **DATE OF BIRTH:** _____

HOME ADDRESS (street, city, state, zip): _____

PHONE NUMBER: _____ **EMAIL ADDRESS:** _____

NATURE OF BUSINESS/PRODUCT: _____

DRIVER'S LICENSE OR ID (State/Number): _____

STOP HERE IF APPLYING FOR EXEMPTION

BUSINESS NAME: _____

BUSINESS FEDERAL ID NO.: _____

BUSINESS ADDRESS (street, city, state, zip): _____

NAME & CONTACT PHONE NO. OF LOCAL AGENT: _____

LOCATION OF OPERATION: _____

DAYS & HOURS OF OPERATION: _____

VEHICLE DESCRIPTION & LICENSE PLATE NO.: _____

REFERENCES & PHONE NOS: _____

I hereby certify that the statements made and constituting part of this application are true and correct. I am aware that any misrepresentation of any information may be grounds for denial. I have been provided and am familiar with the ordinances and regulation pertaining to this application. I further understand that any violation of the laws of the Commonwealth of Virginia or the Ordinances of the Town of Front Royal can result in the denial of this permit or suspension/revocation of my business license.

I have no previous criminal history and have never been charged or convicted with a criminal offense, fined, imprisoned, placed on probation, received a suspended sentence or forfeited bail for any offense in a criminal court. I have never had a business license denied, suspended, or revoked.

I hereby agree and indemnify, hold harmless, and defend the Town of Front Royal and its employees, officials, and agents from any and all liability or claims of liability arising from any operations, activities, or status of applicant performed or existing pursuant to the activities authorized under this application.

Signature of Applicant

Date

Approved by the Town Manager

Date



TOWN OF FRONT ROYAL

SOLICITOR, PEDDLER, & ITINERANT MERCHANT REGISTRATION

Town Code Chapters 98 & 138

To promote the safety of our residents, it shall be unlawful for any person to engage in the business of peddling, itinerant merchandising, soliciting or canvassing as defined in this Chapter without a permit. Permit holders must also obtain any necessary business licenses prior to operating. For the purposes of this permit application, the Town Code establishes the following definitions:

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

Itinerant Merchant: One who offers merchandise, goods, food or services for sale or barter from a stationary but temporary site within the Town.

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

In addition to the information requested on this application, the following will be required prior to permit approval:

1. Itinerant Merchants shall provide a plan/plat/sketch of the location for operation that demonstrates compliance with Town Code parking requirements and written permission from property owner.
2. The finger and thumb prints of the applicant shall be taken.
3. The application shall provide two (2) recent front facing passport size photographs which accurately depict the applicant's appearance at the time of application.
4. Payment of an application fee of \$20.00 (Waived for Exemption Application)

Any individual who is determined to not meet the requirements established by the Town Code for issuance of a permit as determined by the Town Manager may appeal the decision to the Town Council through the Clerk of Council within ten (10) days of permit issuance denial.

Any person violating any provision of Chapter 138 by operating without a permit shall be guilty of a Class 1 misdemeanor. Every day of a continuing violation shall be deemed a separate offense for the purposes of these penalties.

Special Provisions

- Door-to-door sales shall only take place between the hours of 9:00 a.m. and 8:00 p.m.
- Peddlers or vendors are required to conspicuously display their permits at their vehicles or temporary stands or if they have none, to exhibit their permits or exemption letter upon request.
- Each peddler or vendor shall provide receptacles for the disposal of waste materials or other litter created in the immediate area of any stationary location from which sales, offers of sales or deliveries are taking place.
- No permittee shall enter upon private property posted "No Soliciting" or similar signage.
- No permittee shall enter uninvited into a private building, structure, or room.
- Peddlers and Itinerant Merchants shall be restricted to Commercial Zoning and Mixed Use Campus Districts.

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Chapter 167WEAPONS**Sections:****167-1 DEFINITIONS****167-2 DISCHARGE OF FIREARMS****167-3 DISCHARGE OF PNEUMATIC GUNS****167-4 DISCHARGE OF MISSILE PROJECTING WEAPONS****167-5 THROWING OF STONES****167-6 VIOLATIONS**

Adopted by the Town Council of the Town of Front Royal 3-11-85 (*Chapter 32 of the 1965 Code*). Entire Chapter amended by Ord. 3-12 on 1-23-12. Other amendments noted where applicable.

167-1 DEFINITIONS

ARROW – A shaft-like projectile intended to be shot from a bow.

AMMUNITION – A cartridge, pellet, ball, missile, or projectile adapted for use in a weapon.

BOW – Any longbow, recurve bow, compound bow, or crossbow having a peak draw of 10 pounds or more, intended and capable of shooting an arrow. The “bow” does not include bows that have a peak draw of less than 10 pounds or are intended to be used principally at toys.

FIREARM – Any weapon which will, or is designed to, or may be readily converted to, expel a projectile, or in which ammunition may be used or discharged by explosion; provided, however, that stud nailing guns, rivet guns, and similar construction equipment neither designed nor intended as weapons, shall not be deemed firearms.

PNEUMATIC GUN – Any implement designed as a gun that will expel a BB pellet, or other ammunition by action of pneumatic pressure. This definition shall include a paintball gun that expels by action of pneumatic pressure plastic balls filled with pain for the purpose of marking the point of impact.

REASONABLE CARE – The use of pneumatic guns such that the gun is being discharged so that its BBs, pellets, or other ammunition will be contained on the property by a backstop, earthen embankment or fence. The discharge of BBs, pellets, or other ammunition across or over the bounds or property shall create the rebuttable presumption that the use of the pneumatic gun was not conducted with reasonable care.

TOWN COUNCIL – The Town Council of the Town of Front Royal, Virginia.

(Ord. No. 8-07 Repealed Entire Section 5-14-07-Effective Upon Passage)

(Ord. No. 3-12 Added Entire Section 1-23-12-Effective Upon Passage)

167-2 DISCHARGE OF FIREARMS

A. No person shall discharge a firearm of any description within the Town, with the exception of the following:

1. Any law enforcement officer in the performance of official duties;
2. Any other person whose said willful act is otherwise justified or excusable at law in the protection of life or property, or is otherwise specifically authorized by law. *This shall not apply to control of wildlife by non law enforcement personnel;*
3. Any otherwise lawful discharge while actually engaged in target practice on shooting ranges or other facilities lawfully established and maintained;
4. The use of blank ammunition at athletic events, military funerals, theatrical performances or events of similar character; or,

5. Taking of a deer under a kill permit pursuant to Code of Virginia §29.1-529.

~~5. Lawfully hunting deer pursuant to a specific grant of authority under a Deer Management Plan adopted by the Virginia Board of Game and Inland Fisheries and the Town Council.~~

(Ord. No. 3-12 Amended Entire Section 1-23-12-Effective Upon Passage)

167-3 DISCHARGE OF PNEUMATIC GUNS

A. It shall be unlawful for any person to discharge any pneumatic gun in the Town that are in the opinion of the Town Council so heavily populated as to make such conduct dangerous to the inhabitants thereof:

1. In or within 300 feet of any dwelling, commercial building, or shelter for animals, with the exception of the following:
 - a. Any otherwise lawful discharge while actually engaged in target practice on shooting ranges or other facilities lawfully established and maintained;
 - b. On other property where firearms may be legally discharged; or,
 - c. On private property with permission of the owner or legal possessor thereof when conducted with reasonable care to prevent a projectile from crossing the bounds of the property.

B. It shall be unlawful for any minor under the age of 16 to use a pneumatic gun unless such minor is under the supervision of a parent, guardian, or other adult supervisor approved by a parent or guardian of such minor. Minors above the age of 16 may, with the written consent of a parent or guardian, use a pneumatic gun on private property with the consent of the owner. Any minor, whether permitted by a parent or guardian to use a pneumatic gun or not, shall be responsible for obeying all laws, regulations, and restrictions governing such use.

(Ord. No. 3-12 Amended Entire Section 1-23-12-Effective Upon Passage)

167-4 DISCHARGE OF MISSILE PROJECTING WEAPONS

A. It shall be unlawful to discharge any non-firearm or non-pneumatic missile projecting gun or weapons to include bows, crossbows, and slingshots within the Town, with the exception of the following:

1. Any law enforcement officer in the performance of official duties;
2. Any other person whose said willful act is otherwise justified or excusable at law in the protection of life or property, or is otherwise is specifically authorized by law;
3. Any otherwise lawful discharge while actually engaged in target practice on shooting ranges or other facilities lawfully established and maintained; and,
4. Lawfully hunting wildlife pursuant to *the Urban Archery regulations provided below. a specific grant of authority under a Wildlife Management Plan adopted by the Virginia Department of Game and Inland Fisheries and the Town Council.*
5. *Target shooting of bows and crossbows is permitted with appropriate backstop on property with written consent of the owner of the property.*

(Ord. No. 3-12 Added Entire Section 1-23-12-Effective Upon Passage)

(Amended (4) by adding "Wildlife" in place of "Deer" 9-23-13-Effective Upon Passage)

167-5 THROWING OF STONES

It shall be unlawful for any person to throw a stone or other missile in the streets or public property with the intent to do harm to people, animals, or property.

(Ord. No. 3-12 Amended Entire Section 1-23-12-Effective Upon Passage)

167-6 URBAN ARCHERY

Archery hunting is permitted within the Town limits by licensed hunters during an approved Virginia Department of Game and Inland Fisheries (DGIF) Archery Season. In addition to the Urban Archery Season for deer, archery deer hunting is also allowed during the early archery deer season, the general firearms deer season, and the late archery deer season. Hunting for

other wildlife is permitted only during the season approved by DGIF. Licensed archery hunters must abide by all applicable section of the Virginia State Code and Virginia Hunting Regulations (including bag limits and tagging/checking requirements). It shall be unlawful for any person, while archery hunting to violate any of the following additional Town restrictions:

- A. Discharge of an arrow is permitted only in order to hunt wildlife in season or for target practice. No discharge of an arrow shall be made toward any animal other than those in approved hunting season.*
- B. Any person discharging archery equipment shall, at all times while engaged in such activity, have in their possession written permission from the landowner(s) to discharge such weapon on the private property. Approval from landowner(s) of a total aggregate, contiguous area of one-half (1/2) acres at minimum is required to conduct archery hunting.*
- C. No person shall discharge archery equipment from, over, or across any street, sidewalk, alley, roadway, or public place within the Town limits or toward any building or dwelling in such a manner that an arrow may strike it.*
- D. No person shall discharge archery equipment unless from an elevated position of at least ten (10) feet above the surrounding terrain. Any disabled hunter unable to hunt from such platform must comply with all regulations established by the Virginia Department of Game and Inland Fisheries.*
- E. Except for target shooting, discharge of archery equipment is not permitted within one hundred (100) feet of any dwelling except with written consent of the owner of said structure.*
- F. Discharge of archery equipment is not permitted within one hundred (100) feet of any school property line. Use of archery equipment on school property for school sanctioned activities shall be excluded from this restriction.*
- G. Any person discharging archery equipment shall use reasonable care to ensure the arrow does not cross any property line and enter any property on which the hunter does not have permission to hunt. The discharge of an arrow across or over the boundaries of a property for which no permission has been given by the property owner shall create a rebuttable presumption that the use of the archery equipment was not conducted with reasonable care.*
- H. The hunter is responsible for the disposition of the animal carcass to the local/regional landfill. Carcasses shall be double bagged. Field dressing of the animal shall be by agreement between the landowner and the hunter. No field dressing of the animal shall occur on Town owned property without express written permission from the Town Manager or designee.*
- I. No person shall hunt within the Town limits by use of dog or dogs.*

167-67 VIOLATIONS

A. Violations of this Section involving firearms shall constitute a Class ~~3~~ **1** misdemeanor punishable by a fine of not more than ~~five hundred dollars (\$500.00)~~ *two thousand five hundred dollars (\$2,500.00) and twelve (12) months in jail.*

B. Violations of this Section involving pneumatic guns, missile projecting weapons, or throwing

stones shall constitute a Class 4 misdemeanor punishable by a fine of not more than two hundred fifty dollars (\$250.00).

C. Violations of the Urban Archery Section shall constitute a Class 1 misdemeanor punishable by a fine of not more than two thousand five hundred dollars (\$2,500.00) and twelve (12) months in jail.

(Ord. No. 3-12 Amended Entire Chapter/Section 1-23-12-Effective Upon Passage)

Following are recommendations regarding potential firearms and archery ordinance changes discussed during the February 22, 2016 Town Council meeting:

- 167-2.A.1. Remove the clause referencing Code of VA 29.1-529 and add a new item (#5) stating an exception for kill permits; e.g., “Taking of deer under a kill permit pursuant to Code of Virginia § 29.1-529.”
- 167-4.A.5. Remove the following clause: “for use during the Town’s Urban Archery Season.” This addresses enforceability and is consistent with ordinances established by other localities.
- 167-6.B. Although acreage minimums are not necessary from a safety standpoint, perceived safety concerns might be addressed by your current wording. Relative to acreage restrictions in some other localities, ½ ac is not overly prohibitive.
- 167-6.C. If you plan to allow hunting on Town property, you may want to remove “public land” from this section. Or separate public land from public place. Other localities have addressed this by requiring permits for hunting such properties.
- 167-6.D. Leave as is. Any changes might be less enforceable and more complex.
- 167-6.E. Remove this section. As written, this section might provide a means for a neighbor to impede lawful hunting and use of one’s property. Other restrictions already address potential safety concerns relative to dwellings (e.g., 167-6.C).
- 167-6.F. Add an exception for discharge for school-sanctioned activities (e.g., gym class, National Archery in the Schools Program).
- 167-6.H. Leave as is. This should not be a big burden for a hunter, and moving deer to an appropriate field dressing spot is a common courtesy.
- 167-7.A and C. Although the Town can establish ordinances to the maximum extent, these violations would appear to be more on the level of Class 3 misdemeanor.

In addition, it might be beneficial for the Town to develop a standard response to hunters seeking permission to retrieve carcasses from Town property.

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