



REGULAR TOWN COUNCIL MEETING

Monday, August 28, 2017 @ 7:00pm
Warren County Government Center

1. Pledge of Allegiance
2. Moment of Silence
3. Roll Call
4. Approval of the Regular Council Meeting minutes of August 14, 2017
5. Receipt of Petitions and/or Correspondence from the Public
6. Reports:
 - a. Report of special committees or Town officials and Town Manager.
 *** Report from Warren County Department of Social Services Asst. Director DeAnna Cheatham**
 - b. Requests and inquiries of Council members.
 - c. Report of the Mayor
 - d. Proposals for addition/deletion of items to the Agenda.
7. **CONSENT AGENDA ITEMS** – (ROLL CALL VOTE REQUIRED)
 - A. COUNCIL APPROVAL – Budget Calendar for FY 2018-2019
 - B. COUNCIL APPROVAL – Bid – Paving Parking Lot at Energy Services Department
 - C. COUNCIL APPROVAL – Budget Amendment to Accept Grant – Game/Inland Fisheries
8. **PUBLIC HEARING** – Receive Comments/Concerns and Ordinance for a Proposed Vacation of Town Rights-of-Way at 1521 N. Royal Avenue – David Butler
9. **PUBLIC HEARING TO RECEIVE PUBLIC INPUT** on Proposed Establishment of a Property Maintenance Code and Rental Inspection Program within the Town.
10. **COUNCIL APPROVAL** – Ordinance Amendment to Code § 46-1 Public Drunkenness (2nd R)
11. **COUNCIL APPROVAL** – Request from Warren Heritage Society Pertaining to Utilities
12. **COUNCIL APPROVAL** – Proposed Charter Amendment to be Sent to General Assembly Representatives
13. **COUNCIL APPROVAL** – Resolution to Extend an Encroachment Agreement at 311 Blue Ridge Avenue – Karen Marshall

7A



**Town of Front Royal, Virginia
Council Agenda Statement**

Page 1
Item No. 7(A)

Meeting Date: August 28, 2017

Agenda Item: COUNCIL APPROVAL – Budget Calendar for FY2018-2019

Summary: The FY2018-19 budget calendar provides preliminary budget discussions beginning with the first work session in January 2018, along with providing the proposed FY18-19 budget to council by February 1, 2018. This will allow three work sessions to discuss the proposed budget before council is requested to vote on the 2018 tax rates and almost four months before voting on the budget appropriations.

Budget/Funding: None

Attachments: Proposed Budget Calendar

Meetings: Work Session held August 21, 2017

Staff

Recommendation: Approval ✓ Denial

Should Council wish to remove this item from the consent agenda, the following motion would allow approval of this request:

Proposed Motion: I move that Council approve the FY2018-2019 Budget Calendar as presented.

*Note: Motions are the formal & final proposal of Council,
proposed motions are offered by Staff for guidance

*To be clear and concise, motions should be made in the positive

Approved By: JW

Fiscal Year 2018-2019 Budget Calendar

Sept 5, 2017	Capital Improvement forms distributed to departments
Sept 25, 2017	Finance Department distributes FY19 Budget forms to Departments (FY17 Figures provided will not be final/audited figures)
Sept 30 2017	Departments requests for 5 year CIP due to Finance with justifications
Oct 6, 2017	Compiled CIP sent to Planning Commission for Review
Oct 31, 2017	FY19 Departmental spending requests due back to Finance
Nov 12-16, 2017	Town Manager preliminary review spending with Departments
Dec 15, 2018	Mid-year FY18 Budget transfers due from departments
Jan 2, 2018	Work Session – review of capital improvement plan from planning commission & other possible major items that may be included in FY19 proposed budget
Jan 15, 2018	Revenue Forecast Review
Feb 1, 2018	Town Manager’s Recommended Budget to Town Council
Feb 5, 2018	Work Session. Revenues & General Fund Expenditures Review
Feb 19, 2018	Work Session – Review Enterprise Fund Expenditures
Feb 20, 2018	Advertisement for annual tax rate for Real and Personal Property – rate has to be set prior to April 1
March 5, 2018	Budget Work Session to further discuss tax rate (If Necessary)
Mar 12, 2018	Public Hearing & First Reading of Town Tax rates for both Real Estate and Personal Property

Mar 26, 2018	Second and Final Reading of Town Tax rates for both Real Estate and Personal Property
April 2018	Council review proposed budget during scheduled work sessions (if requested)
May 28, 2018	Public Hearing & First Reading of Appropriations Ordinance and Rate Ordinances
June 4, 2018	Budget Work Session (if requested)
June 11, 2018	Second and Final Reading of Appropriation Ordinance and Rate Ordinances

7B



**Town of Front Royal, Virginia
Council Agenda Statement**

Page 1
Item No. 7(B)

Meeting Date: August 28, 2017

Agenda Item: COUNCIL APPROVAL – Bid for Paving Parking Lot at Energy Services Dept

Summary: Council is requested to approve a Bid from Finley Asphalt Sealing in the amount of \$35.01 per square yard for a total cost of \$75,271.50 for paving an area of the Department of Energy Services parking lot that includes the lane into the parking area and the area in front of the office building.

Budget/Funding: None

Attachments: Memo/Quotation Tabulation from Purchasing Agent and Memo from Director of Energy Services

Meetings: None

Staff

Recommendation: Approval ✓ Denial

Should Council wish to remove this item from the consent agenda, the following motion would allow approval of this request:

Proposed Motion: I move that Council approve a Bid from Finley Asphalt Sealing in the amount of \$35.01 per square yard for a total cost of \$75,271.50 for paving an area of the Department of Energy Services parking lot that includes the lane into the parking area and the area in front of the office building.

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proposed motions are offered by Staff for guidance

*To be clear and concise, motions should be made in the positive

Approved By: JW



MEMORANDUM

Date: August 22, 2017
To: Tina Presley, Senior Administrative Assistant
Jennifer Berry, Clerk of Council
From: Cindy Hartman, Purchasing Agent
RE: Agenda Item

On Friday, August 18, 2017, I held a bid opening for paving an area of the Department of Energy Services parking lot. The project involves the placement of a 4" BM-25.0 standard base and a 2" SM-9.50 standard finish for a total of 2,150 square yards of asphalt. The project was advertised on both the Town website, and the eVA website. I received four (4) responses (see attached tabulation). This will be Phase 1 of 3 phases, which will include the lane into the parking area and the area in front of the Energy Services office building. The Contractor is responsible for laying the asphalt only. The preparation of the area before paving will be completed in-house by the Department of Environmental Services.

Due to the dollar amount, the award for this project requires Town Council approval. Please add this item to the August 28 Council agenda for their action.

Staff recommends that the Department of Energy Services paving project be awarded to Finley Asphalt in the amount of \$35.01 per square yard, for a total cost of \$75,271.50. Funding for this project is available in Department of Energy Service FY18 budget line item 9401-R47009 "Buildings & Structures", \$58,327.85, which is funding that was carried forward from FY17. The balance of the project funding, \$16,943.65, is available in the FY18 line item 9401-7009.

Town of Front Royal
Energy Services
P.O. Box 1560
Front Royal, Virginia 22630-1560
(540) 635-3027 Fax: (540) 635-5497



Memo

To: Cindy Hartman
From: David W. Jenkins Director of Energy Services
Date: August,22,2017
Re: Asphalt Quotes

We have received the quotes for the asphalt at the Energy services located at 1101 Manassas Avenue we are recommending Finley Asphalt Sealing as they were the lowest bidder at \$75,271.50

Thank you

David W Jenkins

Director of Energy Services

TOWN OF FRONT ROYAL, VIRGINIA

Quotation Tabulation

Item: PAVING - DEPARTMENT OF ENERGY SERVICES

Quotation #11

Date: AUGUST 18, 2017

Replied 4

Vendor Quotation

	ESPINA PAVING, INC.	ARTHUR CONSTRUCTION CO., INC.	FINLEY ASPHALT SEALING	GATOR PAVING
	WOODBIDGE	DULLES	MANASSAS	FREDERICKSBURG
QUANTITY	QUOTATION	QUOTATION	QUOTATION	QUOTATION
2,150 SQ YD - ASPHALT 4" BM-25.0 STAMDARD BASE 2" SM-9.50 STANDARD FINISH	\$45.63/SY	\$45.00/SY	\$35.01/SY	\$36.74/SY
Total Discount Net Quotation Terms				
	\$98,104.50	\$96,750.00	\$75,271.50	\$78,991.00

The above proposals verified to specifications and compliance with terms and conditions.

Witness

PURCHASING AGENT

7C



**Town of Front Royal, Virginia
Council Agenda Statement**

Page 1
Item No. 7(C)

Meeting Date: August 28, 2017

Agenda Item: COUNCIL APPROVAL – Budget Amendment – Game/Inland Fisheries Grant

Summary: Council is requested to approve a grant in the amount of \$1,800 from the Virginia Department of Game and Inland Fisheries to be used for the purchase of bear proof refuse container lids and chains.

Budget/Funding: 4203-3310010 - \$1,800 – Solid Waste Grant Proceeds
4203-45407 - \$1,800 – Solid Waste Maintenance Supplies

Attachments: None

Meetings: None

Staff Recommendation: Approval ✓ Denial

Should Council wish to remove this item from the consent agenda, the following motion would allow approval of this request:

Proposed Motion: I move that Council approve a grant in the amount of \$1,800 from the Virginia Department of Game and Inland Fisheries to be used for the purchase of bear proof refuse container lids and chains.

*Note: Motions are the formal & final proposal of Council,
proposed motions are offered by Staff for guidance
*To be clear and concise, motions should be made in the positive

Approved By: JW

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**Town of Front Royal, Virginia
Council Agenda Statement**

Page 1
Item No. 8

Meeting Date: August 28, 2017

Agenda Item: PUBLIC HEARING – Receive Comments/Concerns and Approve an Ordinance to Vacate Portion of 16th St and Certain Alleys – David Butler (*1st Read*)

Summary: Council is requested to receive comments and concerns from the public and affirm on its first reading an ordinance to conditionally vacate a portion of 16th Street and two (2) unimproved alleys addressed at 1521 N. Royal Avenue to David and Jean Butler. The vacation includes (1) an unimproved portion of 16th Street extension along Belmont Avenue, approximately 322 feet long by 60 feet wide; (2) an unimproved alley and right of way, running across the middle of the Estate of the Laura A. Denny (*Denny*) property (*North to South*), located adjacent to, near, and to the east of North Royal Avenue; and (3) an unimproved alley and right of way, approximately 150 feet long by 20 feet wide, located on the left (*West*) side of the said Denny property when viewed from Belmont Avenue. Town Staff and a Viewing Committee have reviewed this request (*reports are attached*). Adjacent property owners were notified of the original request and have been notified by certified letter inviting them to the public hearing.

Budget/Funding: None

Attachments: Application, Memorandums from Town Staff, Viewing Committee Letter, Appraisal and Ordinance

Meetings: Work Session held May 1, 2017

Staff

Recommendation: Approval ✓ Denial _____

Proposed Motion: I move that Council affirm on its first reading an ordinance to conditionally vacate a portion of 16th Street and two (2) unimproved alleys addressed at 1521 N. Royal Avenue to David and Jean Butler as presented.

ROLL CALL VOTE REQUIRED

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Approved By: JW

APPLICATION FOR VACATION OF STREETS AND ALLEYS

(Please see the attached Procedures before submitting the Application)

NAME DAVID BUTLER

ADDRESS 224 POLK AVE PHONE (540) 671-0507

Reason for vacation request: The western 15' alley and 16th

STREET SECTIONS ARE ISLANDS SURROUNDED BY MY

PROPERTY. The 20' Southern ALLEY would be completion of ALLEY

Please specify the portion of the street or alley to be vacated * (1) 16th ST (UNIMPROVED) FROM BELMONT

WEST TO 15' wide ALLEY (UNIMPROVED) S 85° 04' 56" E 322.32'.

(2) 15' wide ALLEY (UNIMPROVED) 338.26' between 20-3-66 Parcel 21 & Parcel 15 as well as
20-3-69 LOT 1. (3) 20' wide ALLEY & UTILEASMENT FROM BELMONT AVE WEST 150' (N 79° 23' 55" W)

List all names and addresses of adjacent property owners: _____

TM 20A3-6 Lot 4 Per D.B. 113/270

*This application must be accompanied by a copy of a plat showing the dedicated street/alley to be vacated.

I have read, understand and will comply with all the specified regulations set forth in Vacation of Streets and Alley Procedures.

Signed David E Butler

Date 11/18/16

Return to: Town Manager
P.O. Box 1560
Front Royal, Virginia 22630

pd. \$100.00 ct# 1302
11/18/16

David & Jean Butler
224 Polk Avenue
Front Royal, VA 22630
540-671-0507

November 11, 2016

Joseph Waltz
Interim Front Royal Town Manager
Town Hall
P.O. Box 1560
Front Royal, VA 22630

Dear Mr. Waltz:

This letter is a request for the vacation of three public right-of-ways in the Town of Front Royal along Belmont Avenue.

Introduction

My name is David E. Butler and along with my wife, Jean A. Butler, we will be purchasing the land along Belmont Avenue owned by the Laura Anne Denny Estate.

It is our request to have three right-of-ways' vacated by the Town to be used for future development. Here are the requested vacancies:

1. 16th Street unimproved extension along Belmont Avenue. The land is 60-foot wide x approx. 322-foot long. This right-of-way adjoins the Denny property on three sides and Belmont Avenue on one side.
2. Unimproved Alley – right-of-way measuring 15-foot wide x 303-foot long. This right-of-way runs across the middle of the Denny Property – north to south.
3. Alley – right-of-way measuring 20-foot wide by 150.75-foot long. This right-of-way is located on the left side of the property when viewing from Belmont Avenue. This right-of-way is adjacent to an improved lot currently owned by the estate of Ms. Bernice J. Bowden.

Our Intent

We will be purchasing the entire Laura Anne Denny Estate consisting of the Edge Hill Home (c-1880) and property along North Royal Avenue, as well as the back lot along Belmont Avenue. We will be renovating the entire home and grounds, preserving trees over 130 years old. To accomplish this work, we will sell five (5) quarter acre lots along Belmont Avenue. Each lot will measure 75-foot wide by 150-foot long. The homes planned for these lots will be in the range of \$200,000 - \$275,000 each.

We look forward working with you to make this request reality. We are truly excited to bring Edge Hill back to its former glory and have it remain a rich part of Front Royal's History.

Cordially,

A handwritten signature in cursive script that reads "David E Butler".

David E. Butler

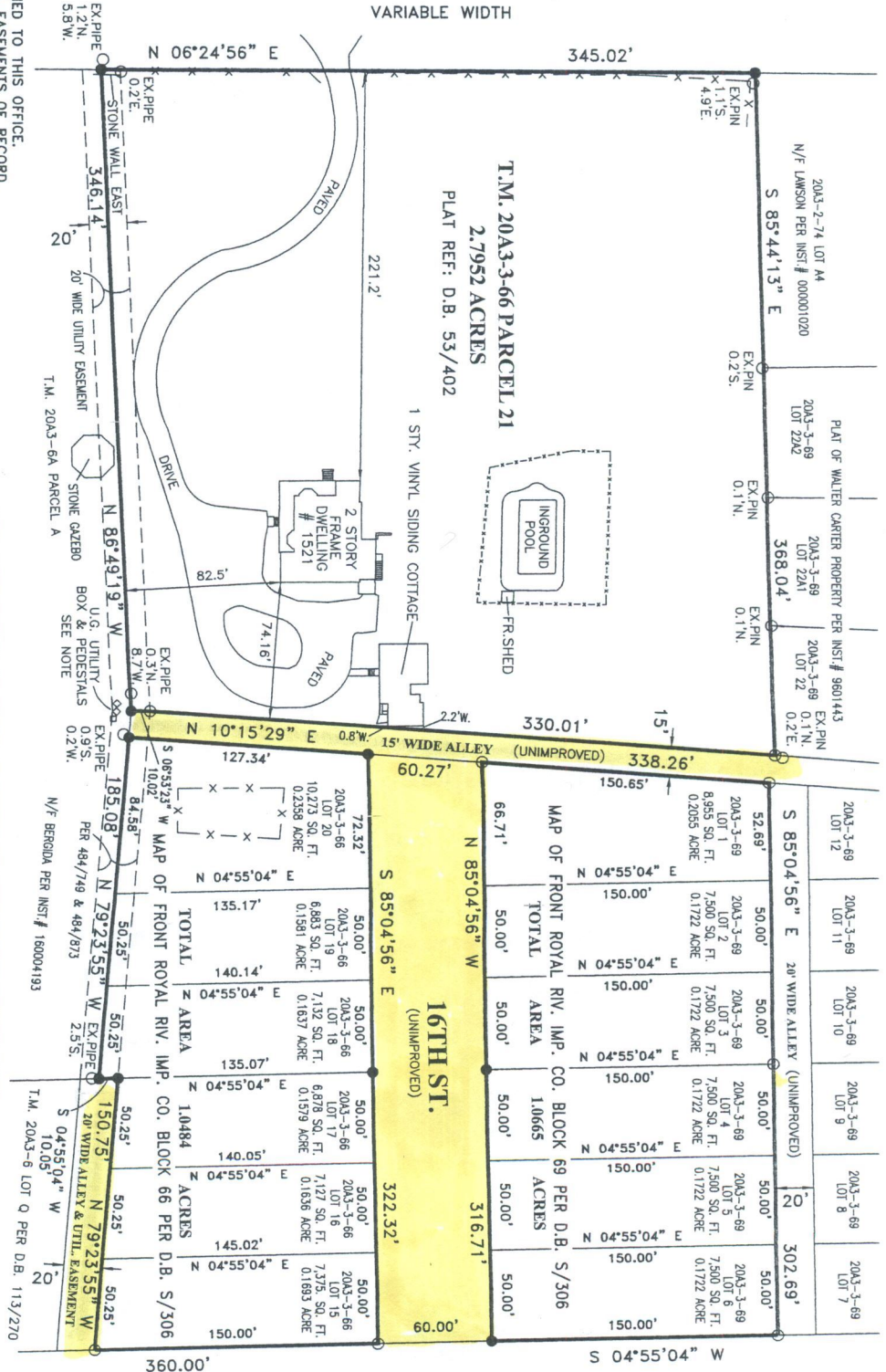
DEB/jab
Attachments

PER UNRECORDED PLAT
BY THIS OFFICE 3/8/68

SCALE 1" = 60'

NORTH ROYAL AVENUE

VARIABLE WIDTH



BELMONT AVE.

60' WIDE

NO TITLE REPORT FURNISHED TO THIS OFFICE.
SUBJECT TO ANY AND ALL EASEMENTS OF RECORD.
PROPERTY REF: D.B. S/306, 123/444 AND 484/749.
SUBJECT PARCELS SITUATED OUTSIDE THE LIMITS OF THE FEMA FLOOD ZONE.
PROPERTY SHOWN ON TAX MAP 20A3-3-66 PARCELS 15 THRU 21 AND 20A3-3-69 PARCELS 1 THRU 6.
TOTAL AREA = 4.9101 ACRES

NOTE: IMPROVEMENTS ON PARCEL 21 SERVED BY UNDERGROUND UTILITIES WHICH
APPEAR TO BE FROM THE 20' WIDE EASEMENT HOWEVER EXACT LOCATION UNKNOWN.

SURVEY OF THE LAURA ANNE DENNY ESTATE
PER WF # 1600043

SHENANDOAH MAGISTERIAL DISTRICT
TOWN OF FRONT ROYAL
WARREN COUNTY, VA.

— x — DENOTES WOOD OR WIRE FENCE.
● DENOTES PIN SET.
○ DENOTES EXISTING PIN OR PIPE.

PREPARED BY:
BROGAN LAND SURVEYING, PLC
P.O. BOX 1578
FRONT ROYAL, VA. 22630-0034
TEL. & FAX (540) 635-5657
OCTOBER 11, 2016



Copy

Town of Front Royal
Energy Services
P.O. Box 1560
Front Royal, Virginia 22630-1560
(540) 635-3027 Fax: (540) 635-5497



Memo

To: Tina Presley
From: David Jenkins Interim Director of Energy Services. *DWJ*
Date: November 23, 2016
Re: 1521 North Royal Avenue

Staff has reviewed the request for the vacation of three public right-of-ways in the Town of Front Royal along Belmont Avenue. Staffs comments are as follows

1. 16th Street unimproved extension along Belmont Avenue.

- No conflict as purposed

2. Unimproved Alley

- Located on the southernmost end of the unimproved alley the Town has a underground transformer located in the unimproved alley as long as the 20 foot utility easement remains in place there will be no conflict

3. Alley

- The Town has a utility pole and underground primary located in the alley as long as the 20 foot utility easement remains in place there will be no conflict

Thank you

If you have any questions please let me know



TOWN OF FRONT ROYAL
DEPARTMENT OF PLANNING & ZONING
Memorandum

To: Joe Waltz, Interim Town Manager

From: Jeremy F. Camp, Planning & Zoning Director

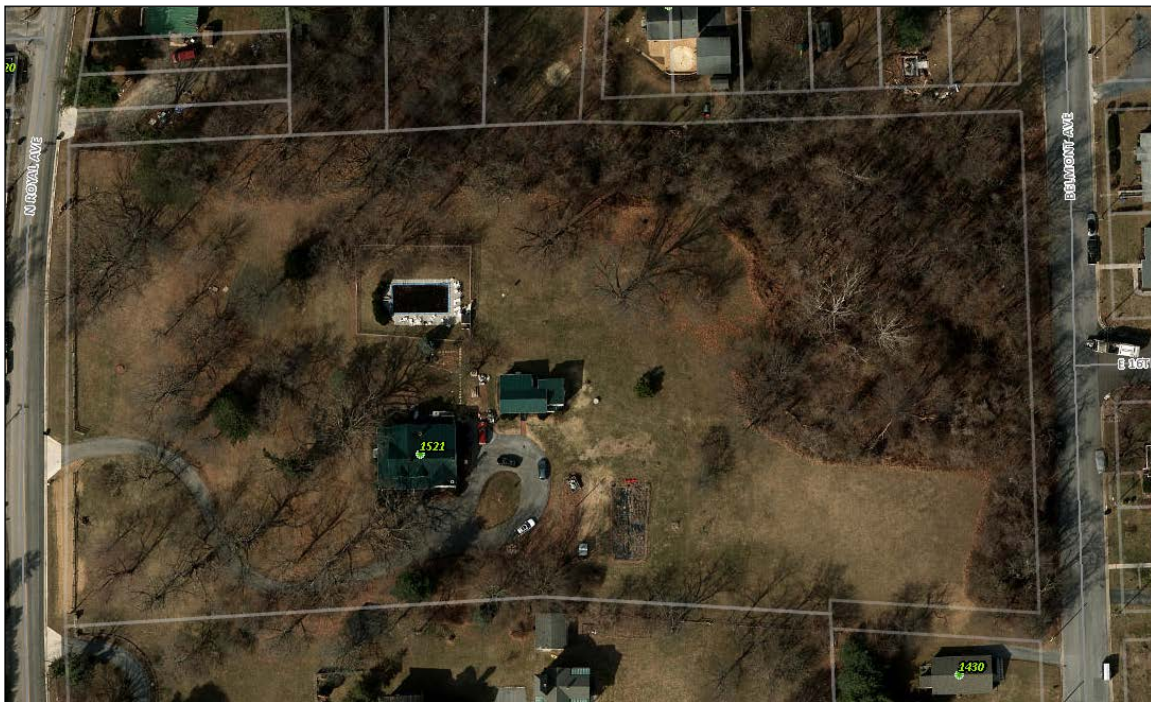
Date: December 7, 2016

Re: Review Comments – David Butler Public ROW Vacation Request

Applicant: David Butler (224 Polk Avenue) (540-671-0507)

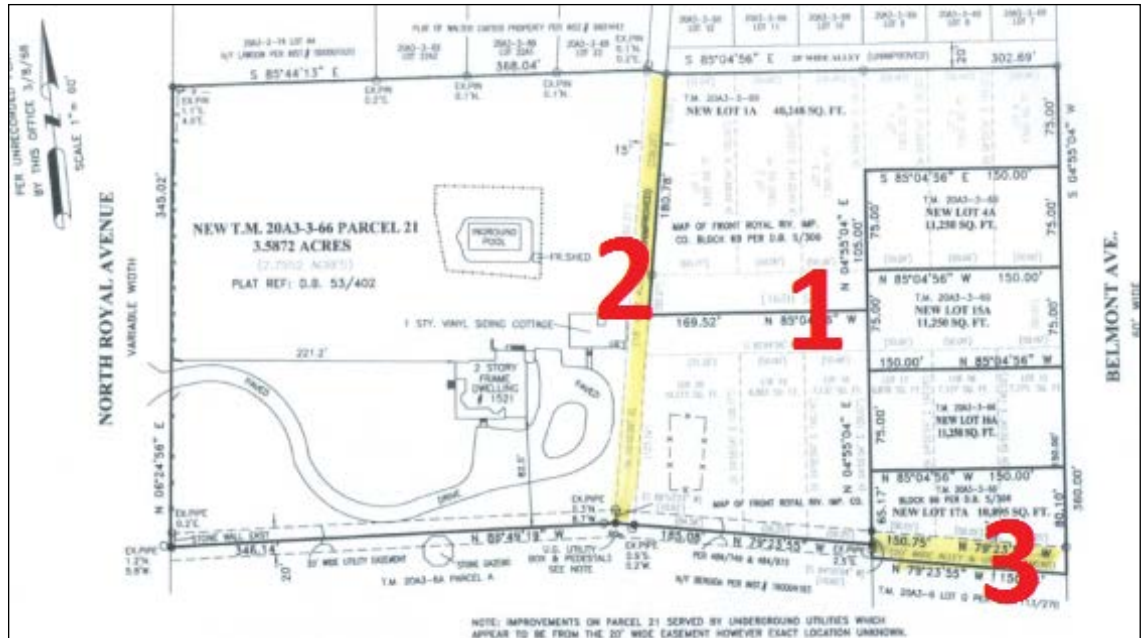
General Request: Vacation of two unimproved alleys and an unimproved street.

Location: The proposed vacated rights-of-way are located within TM# 20A3 366 15, consisting of 4.38 acres, addressed as 1521 N Royal Avenue, and zoned R-1 District. It is located immediately north of the historic home Killahevin.



Specific Requests:

- 1) Unimproved street – Previously platted public street that runs from Belmont Avenue, across from E 16th Street, to the 15' wide unimproved alley (#2 below).
- 2) Unimproved alley – 15' wide alley that divides the applicant's property extending from the unimproved alley to the north that connects with E 17th Street.
- 3) Unimproved alley – 20' wide alley and utility easement that extends from Belmont Avenue west 150' and to the right of 1430 Belmont Avenue.

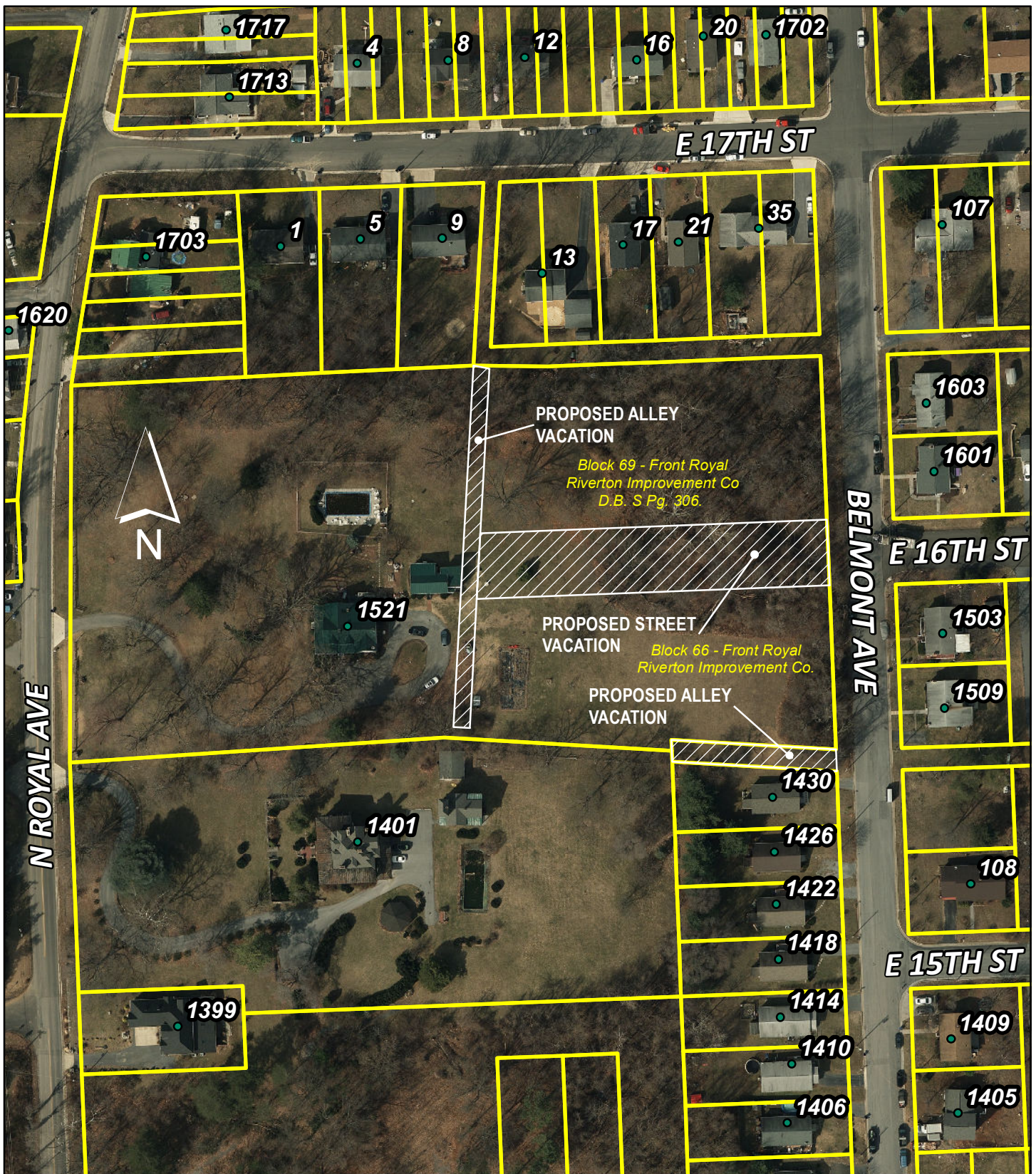


Planning & Zoning Review Comments:

- This is not a subdivision application, but the applicant intends to submit a minor subdivision in the future. The alley vacation would allow the re-subdivision of the property into 6 lots, one large parcel where the house is and 5 lots that would front Belmont Avenue.
- Vacation of the unimproved alley adjacent to 1430 Belmont Avenue (#3 above) appears to be proposed to allow sufficient width for an additional lot on Belmont Avenue. The Property is zoned R-1 which requires a minimum lot frontage of 75'.
- The eastern side of the tax map parcel is presently subdivided into 12 small lots. For this to be developed a new public street extension of E 16th Street would be necessary. The applicant's alternative subdivision would provide 5 lots along Belmont Avenue. In Staff's opinion, this lot layout is more consistent with the existing development pattern of the neighborhood and would also be more desirable because it would not create a new street for the Town to maintain.

- Vacation of the alley that is adjacent to 1430 Belmont Avenue appears to be the only alley that could have a direct impact on the adjacent properties. It should be verified that the existing driveway used by 1430 Belmont Avenue does not encroach within the alley.
 - The existing utility easement should be maintained if needed for public purposes.
 - The lots also need to be vacated with the right-of-ways. Otherwise, vacating the public right-of-way only would result in 10 nonconforming land-locked lots being created. This can be done by the applicant when they prepare the survey to vacate the rights-of-way. The applicant can the submit the minor subdivision plan to create the new lots that they intend to pursue.
 - No subdivision application request has been submitted, but Town Staff would note the following about such future submission:
 - o Tap fees would be required for development of each lot.
 - o Curb and gutter (existing) and sidewalks would be required along the lot fronts on Belmont Avenue at the time of development.
 - o All future subdivision or land development requests that may be submitted in the future are required to comply with the submission and detail requirements of Chapter 148.
 - Below is a list of adjoining properties that should be notified. A mailing list of the mailing addresses for the property owners, as based on the Warren County real estate records, is listed on the following page. A detailed aerial map is also included as an attachment.
- a) 9 E 17th Street
 - b) 13 E 17th Street
 - c) 17 E 17th Street
 - d) 21 E 17th Street
 - e) 35 E 17th Street
 - f) 1603 Belmont Avenue.
 - g) 1601 Belmont Avenue.
 - h) 1503 Belmont Avenue.
 - i) 1509 Belmont Avenue.
 - j) 1430 Belmont Avenue.
 - k) 1401 N Royal Avenue.
 - l) 1521 N Royal Avenue (subject property).

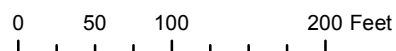
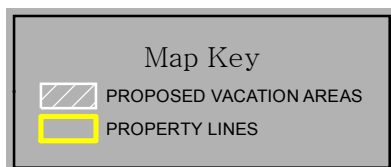




DECEMBER 2016



D.G.Merchant, Cartographer



AERIAL MAP

PROPOSED VACATION OF CERTAIN ALLEYS AND STREET

BLOCKS 66 & 69
FRONT ROYAL - RIVERTON
IMPROVEMENT CO.

TOWN OF FRONT ROYAL, VIRGINIA

DES

Tina Presley

From: Karen Williams
Sent: Wednesday, December 07, 2016 3:21 PM
To: Tina Presley; Joe Waltz
Cc: Jimmy Hannigan
Subject: FW: vacation of alleys
Attachments: Butler.pdf; ATT00001.htm

DES sees no issues with the vacating of alleys.
There are no water/sewer and streets issues.
If you need anything else, please let me know.
Thanks

Karen Williams

Senior Administrative Assistant
Town of Front Royal
Department of Environmental Services
PO Box 1560
800 Crosby Rd-Extended
Front Royal, VA 22630

>
> 540-635-7819(P)
> 540-635-8973(F)
> [Kwilliams@frontroyalva.com](mailto:kwilliams@frontroyalva.com)
> www.frontroyalva.com

From: Jimmy Hannigan
Sent: Thursday, December 1, 2016 3:11 PM
To: Tony Rogers <trogers@frontroyalva.com>; Terry Lewis <tlewis@frontroyalva.com>; Karen Williams <kwilliams@frontroyalva.com>; Robbie Boyer <rboyer@frontroyalva.com>
Subject: Fwd: vacation of alleys

Thank you
'Jimmy

Begin forwarded message:

From: "Tina Presley" <tpresley@frontroyalva.com>
To: "Jeremy Camp" <jcamp@frontroyalva.com>, "Jimmy Hannigan" <jhannigan@frontroyalva.com>
Subject: vacation of alleys

Jeremy/Jimmy,

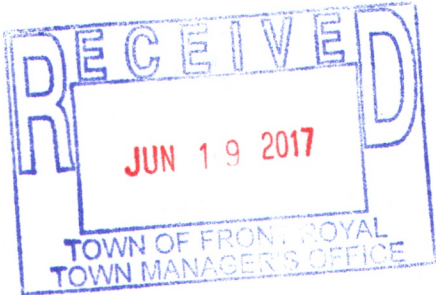
Could you send me your comments and recommendations regarding the attached alley vacation?

Thanks,

Borrower/Client	David Butler	File No.	552882
Property Address	16th St		
City	Front Royal	County	Warren
		State	VA
		Zip Code	22630
Lender	David Butler		

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Plat - Page 1	10.....
Plat - Page 2	11.....



LAND APPRAISAL REPORT

File No. 552882

IDENTIFICATION

Borrower David Butler Census Tract 0205.00 Map Reference 20A3-3-66 & 69

Property Address 16th St

City Front Royal County Warren State VA Zip Code 22630

Legal Description Unimproved portion of 16th St, 20 foot wide alley and utility easement & variable width alley

Sale Price \$ N/A Date of Sale N/A Loan Term N/A yrs. Property Rights Appraised ☒ Fee ☐ Leasehold ☐ De Minimis PUD

Actual Real Estate Taxes \$ Unknown (yr) Loan charges to be paid by seller \$ N/A Other sales concessions N/A

Lender/Client David Butler Address None

Occupant N/A Appraiser Ian Wahl Instructions to Appraiser Per clients request to appraise land at market value.

NEIGHBORHOOD

Location	☐ Urban	☒ Suburban	☐ Rural		
Built Up	☐ Over 75%	☒ 25% to 75%	☐ Under 25%		
Growth Rate	☐ Fully Dev.	☒ Rapid	☐ Steady	☐ Slow	
Property Values	☐ Increasing	☒ Stable	☐ Declining		
Demand/Supply	☐ Shortage	☒ In Balance	☐ Oversupply		
Marketing Time	☐ Under 3 Mos.	☒ 4-6 Mos.	☐ Over 6 Mos.		
Present Land Use	<u>65% 1 Family</u>	<u>5% 2-4 Family</u>	<u>5% Apts.</u>	<u>2% Condo</u>	<u>23% Commercial</u>
	<u>% Industrial</u>	<u>% Vacant</u>	<u>%</u>		
Change in Present Land Use	☒ Not Likely	☐ Likely (*)	☐ Taking Place (*)		
	(*) From _____ To _____				
Predominant Occupancy	☒ Owner	☐ Tenant	<u>5 % Vacant</u>		
Single Family Price Range	\$ <u>50,000</u> to \$ <u>750,000</u>		Predominant Value \$ <u>175,000</u>		
Single Family Age	<u>New</u> yrs. to <u>225</u> yrs.		Predominant Age <u>35</u> yrs.		

	Good	Avg.	Fair	Poor
Employment Stability	☐	☒	☐	☐
Convenience to Employment	☐	☒	☐	☐
Convenience to Shopping	☐	☒	☐	☐
Convenience to Schools	☐	☒	☐	☐
Adequacy of Public Transportation	☐	☒	☐	☐
Recreational Facilities	☐	☒	☐	☐
Adequacy of Utilities	☐	☒	☐	☐
Property Compatibility	☐	☒	☐	☐
Protection from Detrimental Conditions	☐	☒	☐	☐
Police and Fire Protection	☐	☒	☐	☐
General Appearance of Properties	☐	☒	☐	☐
Appeal to Market	☐	☒	☐	☐

Comments including those factors, favorable or unfavorable, affecting marketability (e.g. public parks, schools, view, noise): Subject lot is located inside of town limits and does have access to public utilities (water, sewer & trash pick up). Subject lot is partially wooded that is level in topography.

SITE

Dimensions See attached plat = 27,271 Sq. Ft. or Acres ☐ Corner Lot

Zoning classification R Present Improvements ☒ do ☐ do not conform to zoning regulations

Highest and best use ☒ Present use ☐ Other (specify) _____

Elec.	☐ Public	☐ None	OFF SITE IMPROVEMENTS	Topo <u>Level</u>
Gas	☐ Public	☐ None	Street Access ☒ Public ☐ Private	Size <u>27,271 sf</u>
Water	☐ Public	☐ None	Surface <u>Asphalt</u>	Shape <u>Irregular</u>
San. Sewer	☐ Public	☐ None	Maintenance ☒ Public ☐ Private	View <u>Wooded & field</u>
	☐ Underground Elect. & Tel.		☐ Storm Sewer ☐ Curb/Gutter	Drainage <u>Appears adequate no laying water was observed</u>
			☐ Sidewalk ☒ Street Lights	Is the property located in a HUD Identified Special Flood Hazard Area? ☒ No ☐ Yes

Comments (favorable or unfavorable including any apparent adverse easements, encroachments, or other adverse conditions): Plat attached shows only one easement for a utility easement on parcel known as 20' wide alley & Utility easement A = 3,015 sf. Portion 20' wide alley & Utility easement and Variable Width Alley A =5,085 sf. do not meet zoning requirements to be a building lot.

The undersigned has recited three recent sales of properties most similar and proximate to subject and has considered these in the market analysis. The description includes a dollar adjustment reflecting market reaction to those items of significant variation between the subject and comparable properties. If a significant item in the comparable property is superior to or more favorable than the subject property, a minus (-) adjustment is made thus reducing the indicated value of subject; if a significant item in the comparable is inferior to or less favorable than the subject property, a plus (+) adjustment is made thus increasing the indicated value of the subject.

ITEM	SUBJECT PROPERTY	COMPARABLE NO. 1	COMPARABLE NO. 2	COMPARABLE NO. 3
Address	16th St Front Royal	Virginia Ave Front Royal, VA 22630	Jefferson Ave Front Royal, VA 22630	Kesler Rd Front Royal, Va 22630
Proximity to Subject		0.42 miles SW	0.79 miles W	1.00 miles NW
Sales Price	\$ N/A	\$ 40,000	\$ 30,000	\$ 25,000
Price List	\$	\$ 40,000	\$ 40,000	\$ 35,000
Data Source	Inspection, Tax record	Inspection, Tax record	Inspection, Tax record	Inspection, Tax record
Date of Sale and Time Adjustment	DESCRIPTION N/A	DESCRIPTION 11/13/2015	DESCRIPTION 09.27/2016	DESCRIPTION 10/03/2016
Location	Suburban	Suburban	Suburban	Suburban
Site/View	27,271 sf	11,326 sf +8,000	7,492 sf +10,000	29,281 sf
Structure's	None	None	None	None
Water &/or Sewer	Access to Public	Access to Public	Access to Public	Access to Public
Off site improvements	None	Curb & Gutter	Curb & Gutter	Curb & Gutter
Sales or Financing Concessions	N/A	\$0	\$0	\$0
Net Adj. (Total)		☒ + ☐ - \$ 8,000	☒ + ☐ - \$ 10,000	☐ + ☐ - \$
Indicated Value of Subject		\$ 48,000	\$ 40,000	\$ 25,000

Comments on Market Data: Appraiser has searched the entire county of Warren for similar land sales. Search parameters are subjects neighborhood searching back 12 months from effective date for lots .01 acres - .80 acres in size.

Comments and Conditions of Appraisal: See attached addenda.

RECONCILIATION

Final Reconciliation: Appraiser has placed value at comp #2 due to it being the most similar sale with topography, function, features and recent sale.

I ESTIMATE THE MARKET VALUE, AS DEFINED, OF SUBJECT PROPERTY AS OF 06/07/2017 to be \$ 40,000

Ian Wahl ☐ Did ☐ Did Not Physically Inspect Property

Appraiser(s) _____ Review Appraiser (if applicable) _____

Supplemental Addendum

File No. 552882

Borrower/Client	David Butler				
Property Address	16th St				
City	Front Royal	County	Warren	State	VA Zip Code 22630
Lender	David Butler				

• Land : Conditions of Appraisal

Land is appraised as vacant and available for its highest and best use . Appraiser per clients request has added parcels known as 16th st. A = 19,171 sf. parcel Variable Width Alley A =5,085 sf. & parcel 20' wide alley & Utility easement A = 3,015 sf.

Per market research for land in subjects market area , parcel known as Variable Width Alley A =5,085 sf. & parcel known as 20' Wide Alley & Utility easement A = 3,015 sf. only has value if sold as a whole with parcel known as 16th st. A = 19,171 sf. 2 parcels listed above have no value to current market due to size and easement and would not be of any value to anyone unless in increasing parcel size or moving a current boundary. Both parcels are land locked and can not be built on due to size and zoning. Both parcels have no current value outside of the taxes that they would bring due to easement and size.

No sales over the past 10 years were found with parcels selling in a open market with similar square feet and use. Sales of parcels/lots that are not buildable with in town limits are private and no data was found. No similar sales can be found in MLS, MRIS or Matrix systems. In order for a parcel / lot to be given market value appraiser has to find similar sales in an open and competitive market .

Due to info above all parcels are valued as one. All parcels are contiguous to parcels 20A3-3-66 and 20A3-3-69 & final value given in report is for all 3 parcels. Parcel known as Variable Width Alley A =5,085 sf. & parcel 20' wide alley & Utility easement A = 3,015 sf. are only of any value to increase size of an existing lot or boundary adjustment

DEFINITION OF MARKET VALUE: The most probable price which a property should bring in a competitive and open market under all conditions requisite to a fair sale, the buyer and seller, each acting prudently, knowledgeably and assuming the price is not affected by undue stimulus. Implicit in this definition is the consummation of a sale as of a specified date and the passing of title from seller to buyer under conditions whereby: (1) buyer and seller are typically motivated; (2) both parties are well informed or well advised, and each acting in what he considers his own best interest; (3) a reasonable time is allowed for exposure in the open market; (4) payment is made in terms of cash in U.S. dollars or in terms of financial arrangements comparable thereto; and (5) the price represents the normal consideration for the property sold unaffected by special or creative financing or sales concessions* granted by anyone associated with the sale. (Source: FDIC Interagency Appraisal and Evaluation Guidelines, October 27, 1994.)

*Adjustments to the comparables must be made for special or creative financing or sales concessions. No adjustments are necessary for those costs which are normally paid by sellers as a result of tradition or law in a market area; these costs are readily identifiable since the seller pays these costs in virtually all sales transactions. Special or creative financing adjustments can be made to the comparable property by comparisons to financing terms offered by a third party institutional lender that is not already involved in the property or transaction. Any adjustment should not be calculated on a mechanical dollar for dollar cost of the financing or concession but the dollar amount of any adjustment should approximate the market's reaction to the financing or concessions based on the appraiser's judgement.

STATEMENT OF LIMITING CONDITIONS AND CERTIFICATION

CONTINGENT AND LIMITING CONDITIONS: The appraiser's certification that appears in the appraisal report is subject to the following conditions:

1. The appraiser will not be responsible for matters of a legal nature that affect either the property being appraised or the title to it. The appraiser assumes that the title is good and marketable and, therefore, will not render any opinions about the title. The property is valued on the basis of it being under responsible ownership.
2. Any sketch provided in the appraisal report may show approximate dimensions of the improvements and is included only to assist the reader of the report in visualizing the property. The appraiser has made no survey of the property.
3. The appraiser will not give testimony or appear in court because he or she made an appraisal of the property in question, unless specific arrangements to do so have been made beforehand, or as otherwise required by law.
4. Any distribution of valuation between land and improvements in the report applies only under the existing program of utilization. These separate valuations of the land and improvements must not be used in conjunction with any other appraisal and are invalid if they are so used.
5. The appraiser has no knowledge of any hidden or unapparent conditions of the property or adverse environmental conditions (including the presence of hazardous waste, toxic substances, etc.) that would make the property more or less valuable, and has assumed that there are no such conditions and makes no guarantees or warranties, express or implied, regarding the condition of the property. The appraiser will not be responsible for any such conditions that do exist or for any engineering or testing that might be required to discover whether such conditions exist. This appraisal report must not be considered an environmental assessment of the subject property.
6. The appraiser obtained the information, estimates, and opinions that were expressed in the appraisal report from sources that he or she considers to be reliable and believes them to be true and correct. The appraiser does not assume responsibility for the accuracy of such items that were furnished by other parties.
7. The appraiser will not disclose the contents of the appraisal report except as provided for in the Uniform Standards of Professional Appraisal Practice, and any applicable federal, state or local laws.
8. The appraiser has based his or her appraisal report and valuation conclusion for an appraisal that is subject to satisfactory completion, repairs, or alterations on the assumption that completion of the improvements will be performed in a workmanlike manner.
9. The appraiser must provide his or her prior written consent before the lender/client specified in the appraisal report can distribute the appraisal report (including conclusions about the property value, the appraiser's identity and professional designations, and references to any professional appraisal organizations or the firm with which the appraiser is associated) to anyone other than the borrower, the mortgagee or its successors and assigns; the mortgage insurer; consultants; professional appraisal organizations; any state or federally approved financial institution; or any department, agency, or instrumentality of the United States or any state or the District of Columbia; except that the lender/client may distribute the property description section of the report only to data collection or reporting service(s) without having to obtain the appraiser's prior written consent. The appraiser's written consent and approval must also be obtained before the appraisal can be conveyed by anyone to the public through advertising, public relations, news, sales, or other media.
10. The appraiser is not an employee of the company or individual(s) ordering this report and compensation is not contingent upon the reporting of a predetermined value or direction of value or upon an action or event resulting from the analysis, opinions, conclusions, or the use of this report. This assignment is not based on a required minimum, specific valuation, or the approval of a loan.

CERTIFICATION: The appraiser certifies and agrees that:

- 1. The statements of fact contained in this report are true and correct.
- 2. The reported analyses, opinions, and conclusions are limited only by the reported assumptions and limiting conditions and are my personal, impartial and unbiased professional analyses, opinions, and conclusions.
- 3. Unless otherwise indicated, I have no present or prospective interest in the property that is the subject of this report and no personal interest with respect to the parties involved.
- 4. Unless otherwise indicated, I have performed no services, as an appraiser or in any other capacity, regarding the property that is the subject of this report within the three-year period immediately preceding acceptance of this assignment.
- 5. I have no bias with respect to the property that is the subject of this report or the parties involved with this assignment.
- 6. My engagement in this assignment was not contingent upon developing or reporting predetermined results.
- 7. My compensation for completing this assignment is not contingent upon the development or reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value opinion, the attainment of a stipulated result, or the occurrence of a subsequent event directly related to the intended use of this appraisal.
- 8. My analyses, opinions, and conclusions were developed, and this report has been prepared, in conformity with the Uniform Standards of Professional Appraisal Practice that were in effect at the time this report was prepared.
- 9. Unless otherwise indicated, I have made a personal inspection of the interior and exterior areas of the property that is the subject of this report, and the exteriors of all properties listed as comparables.
- 10. Unless otherwise indicated, no one provided significant real property appraisal assistance to the person(s) signing this certification (if there are exceptions, the name of each individual providing significant real property appraisal assistance is stated elsewhere in this report).

ADDRESS OF PROPERTY ANALYZED: 16th St, Front Royal, VA 22630

APPRAISER:

Signature: Ian Wahl
Name: Ian Wahl
Title: _____
State Certification #: _____
or State License #: 4001 012447
State: VA Expiration Date of Certification or License: 12/31/2017
Date Signed: 06/10/2017

SUPERVISORY or CO-APPRAISER (if applicable):

Signature: _____
Name: _____
Title: _____
State Certification #: _____
or State License #: _____
State: _____ Expiration Date of Certification or License: _____
Date Signed: _____
☐ Did ☐ Did Not Inspect Property

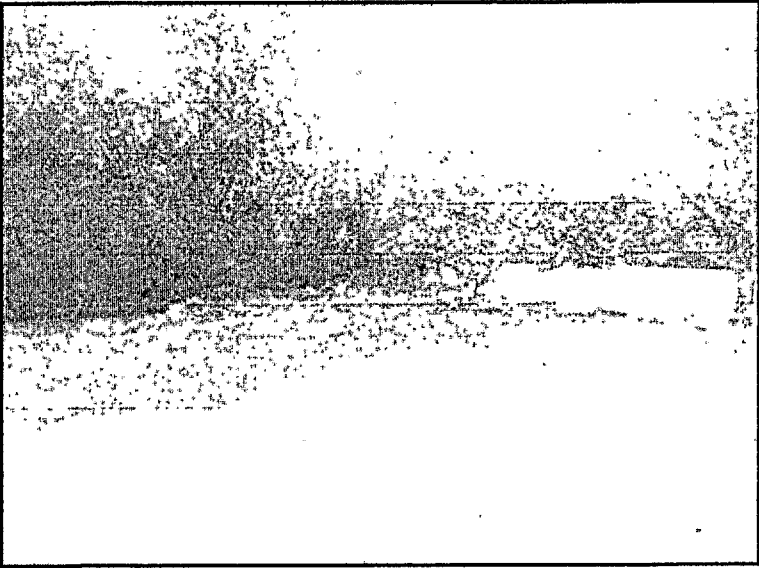
Subject Photo Page

Borrower/Client	David Butler				
Property Address	16th St				
City	Front Royal	County	Warren	State	VA Zip Code 22630
Lender	David Butler				

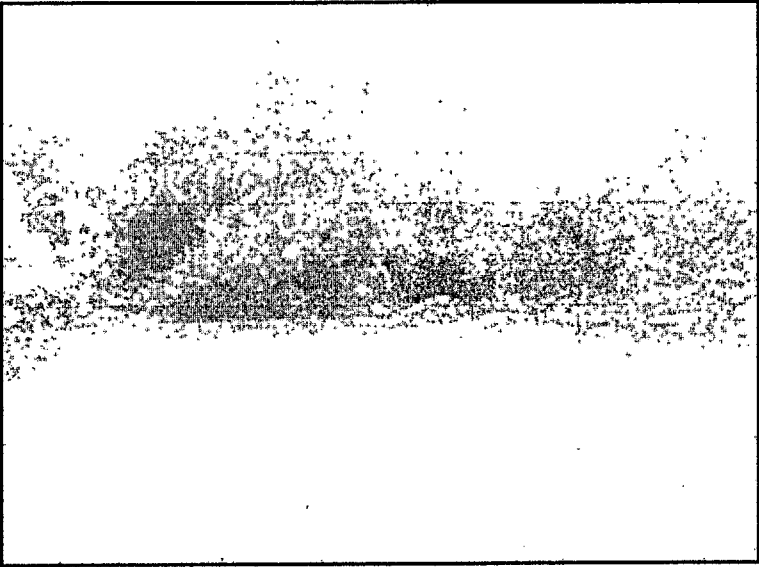


Subject Front

16th St
Sales Price N/A
Gross Living Area
Total Rooms
Total Bedrooms
Total Bathrooms
Location Suburban
View
Site
Quality
Age



Subject View #2



Subject View #3

Photograph Addendum

Borrower/Client	David Butler				
Property Address	16th St				
City	Front Royal	County	Warren	State	VA Zip Code 22630
Lender	David Butler				

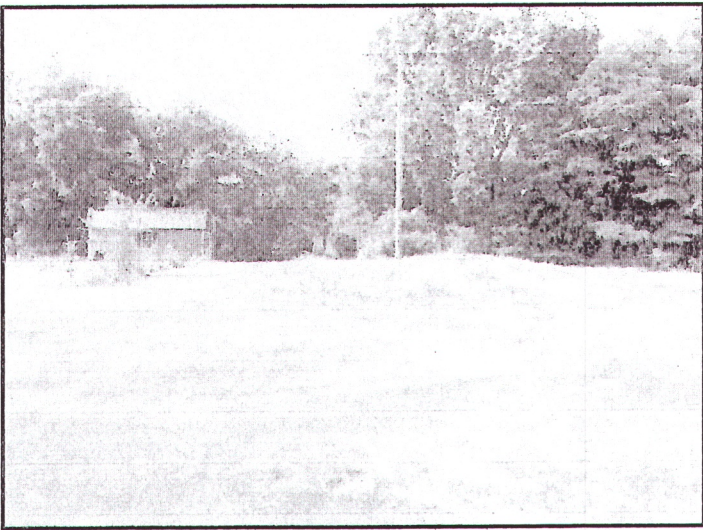


Variable Width Alley View #1

A = 5,085 sf.



Variable Width Alley View #2



Variable Width Alley View #3

Photograph Addendum

Borrower/Client	David Butler				
Property Address	16th St				
City	Front Royal	County	Warren	State	VA Zip Code 22630
Lender	David Butler				



20 foot alley / Utility easement

A = 3,015 sf

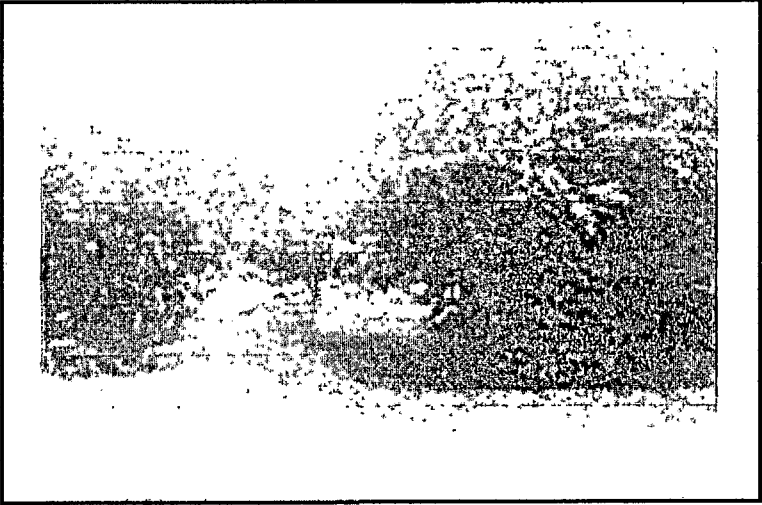
Comparable Photo Page

Borrower/Client	David Butler				
Property Address	16th St				
City	Front Royal	County	Warren	State	VA Zip Code 22630
Lender	David Butler				



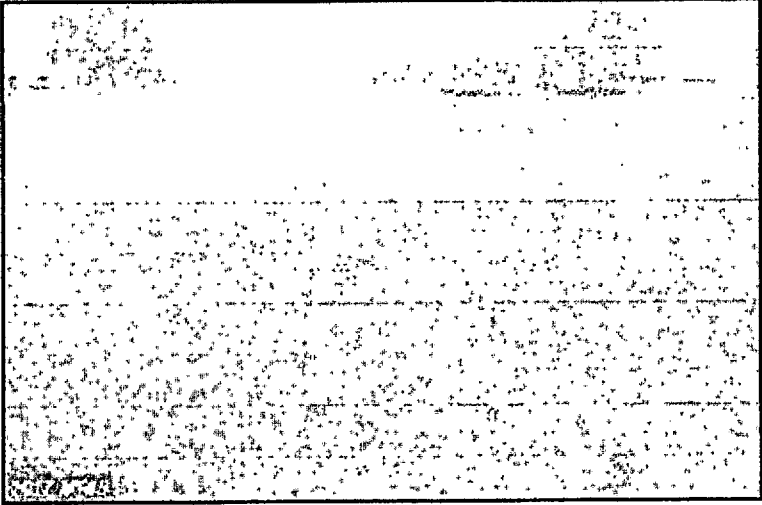
Comparable 1

Virginia Ave
Prox. to Subject 0.42 miles SW
Sales Price 40,000
Gross Living Area
Total Rooms
Total Bedrooms
Total Bathrooms
Location Suburban
View 11,326 sf
Site
Quality
Age



Comparable 2

Jefferson Ave
Prox. to Subject 0.79 miles W
Sales Price 30,000
Gross Living Area
Total Rooms
Total Bedrooms
Total Bathrooms
Location Suburban
View 7,492 sf
Site
Quality
Age

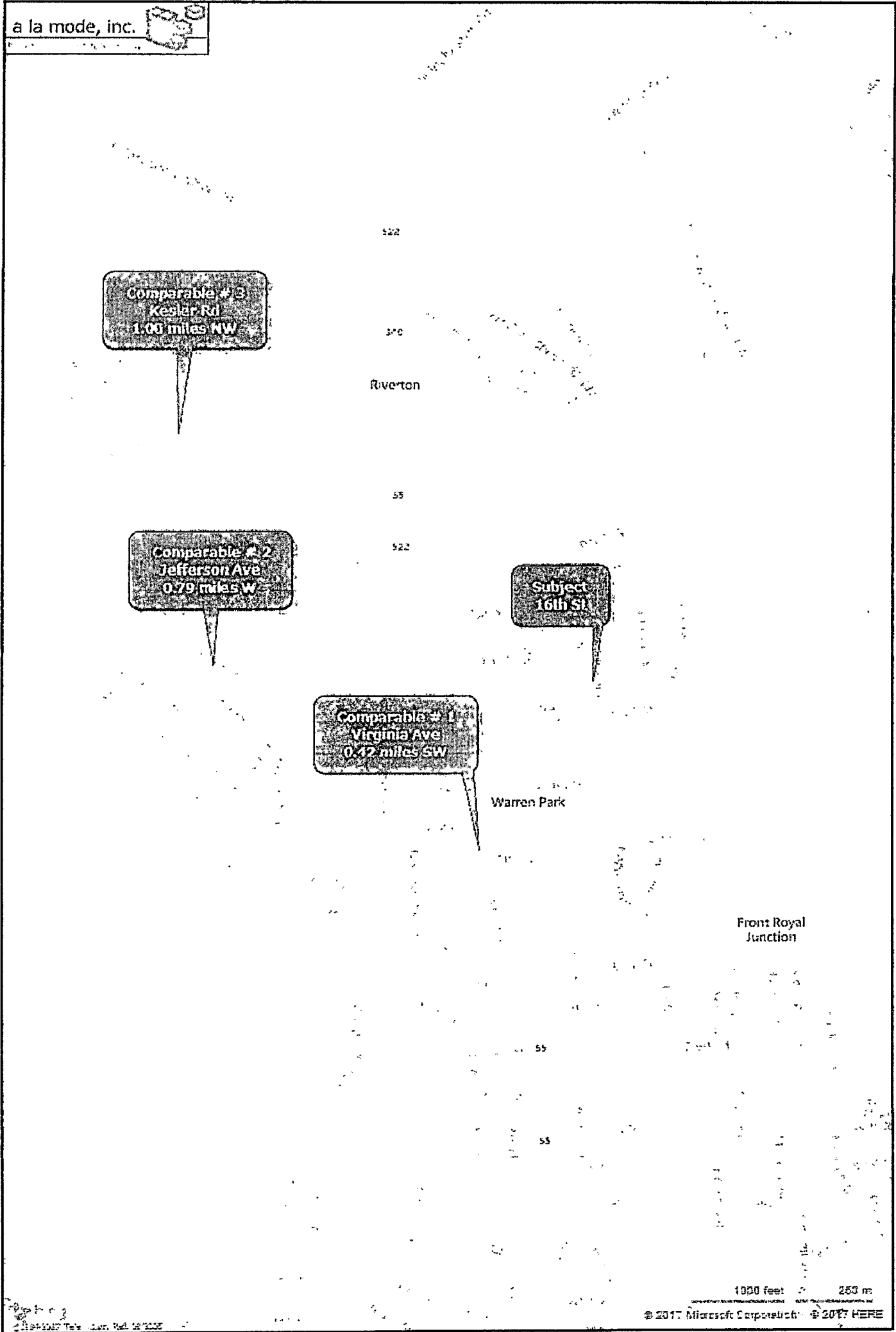


Comparable 3

Kesler Rd
Prox. to Subject 1.00 miles NW
Sales Price 25,000
Gross Living Area
Total Rooms
Total Bedrooms
Total Bathrooms
Location Suburban
View 29,281 sf
Site
Quality
Age

Location Map

Borrower/Client	David Butler				
Property Address	16th St				
City	Front Royal	County	Warren	State	VA Zip Code 22630
Lender	David Butler				



To: Front Royal Town Council
From: Viewing Committee
RE: Vacation of Three Right-of-Ways (portion of 16th St/Alleys) – David Butler
Date: January 20, 2017

The Town of Front Royal has received an "Application for Vacation of Streets and Alleys", dated November 18, 2016 from David Butler, 224 Polk Avenue, Front Royal, Virginia 22630, seeking the vacation of three right-of-ways. The right-of-ways include 1) a 60 foot wide x 322 foot long unimproved portion of E. 16th Street; 2) an unimproved 15 foot wide x 303 foot long alley and 3) a 20 foot wide x 150.75 foot long alley that in the area of Belmont Avenue, E. 16th Street and N. Royal Avenue.

There is currently no water or sewer infrastructure issues for any of the three right-of-way vacations.

Electric Issues

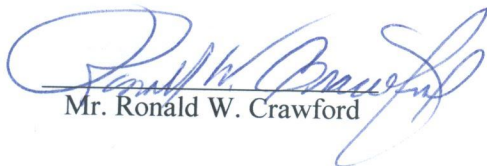
1st Vacation - There is no electric conflict with the unimproved portion of E. 16th Street

2nd Vacation - The Town has an underground transformer in the southernmost end of the unimproved alley and as long as the 20-foot utility easement stays in place there will be no conflict

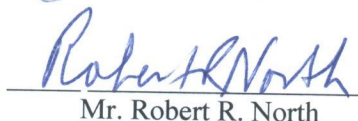
3rd Vacation - There is one issue with the proposed vacation. A memo from the Director of Energy Services dated November 23, 2016 indicates that there is a utility pole and underground primary located in the existing utility easement, south corner, and as long as the utility easement is in place there will be no conflict. We are uncertain about the underground service provided from the existing utility pole. The pole is located outside the proposed vacation (utility easement), but within the Town's Belmont Avenue right-of-way.

No adjacent property owners have objected to the vacation.

Otherwise, we recommend that all three requests of the applicant be approved.


Mr. Ronald W. Crawford


Mr. Staige Miller


Mr. Robert R. North

**AN ORDINANCE TO CONDITIONALLY VACATE A PORTION OF THE
TOWN OF FRONT ROYAL’S RIGHT-OF-WAY FOR A PORTION OF 16TH
STREET AND PORTIONS OF CERTAIN ALLEYS IN THE TOWN OF
FRONT ROYAL, VIRGINIA.**

WHEREAS, the Town Council of the Town of Front Royal, Virginia, has received a request from David Butler and Jean Butler, who resides at 224 Polk Avenue in said Town, to conditionally vacate a portion of the Town’s unimproved Street and certain alleys located at 1521 North Royal Avenue in said Town, more particularly described as:

- (1) An unimproved portion of 16th Street extension along Belmont Avenue, approximately 322 feet long by 60 feet wide;
- (2) An unimproved ally and right of way, running across the middle of the Estate of the Laura A. Denny (Denny) property (North to South), located adjacent to, near, and to the east of North Royal Avenue;
- (3) An unimproved alley and right of way, approximately 150 feet long by 20 feet wide, located on the left (West) side of the said Denny property when viewed from Belmont Avenue (all of which together being, the “Property”);

And to convey the Property to them, the said David Butler and Jean Butler; and,

WHEREAS, the said Town Council and its Staff have investigated said requests and have found that the portion of Street and alley rights-of-way requested for vacation and conveyance, being the Property, are not used by the Town or its citizens for public rights-of-way, except for certain public Town utility easements, which said public Town utility easements of not less than fifteen feet (15’) from the centerline of the utility lines shall be retained in perpetuity by the Town of Front Royal, its successors and assigns for all purposes for which public utility easements are normally and usually retained by public utilities for its use, maintenance, repair, improvement, ingress, and egress; and

WHEREAS, pursuant to the Town's Ordinance and standard procedures for said requests, and as required by Sections 15.2-2006, *et seq.*, and 15.2-2100, *et seq.*, of the Code of Virginia, 1950, a required \$100.00 application fee has been collected and paid into the Town's General Fund; letters of this proposed vacation have heretofore been sent to property owners who are effected by the proposed vacation and conveyance; the Town Manager and the aforesaid applicants have reached a tentative price for the land to be conveyed based on a fair market appraisal; and the Town has appointed a Viewer's Committee who have personally reviewed the area to be vacated and conveyed and who have filed a written Report with the Town recommending the vacation and conveyance; and, after conducting a duly advertised Public Hearing on the said vacation and conveyance; and Town Council now finds it appropriate and in the best interests of the Town to conditionally adopt this Ordinance and to hereby conditionally vacate and convey the Property to the said David Butler and Jean Butler upon the terms and conditions hereinafter specified.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Town Council of the Town of Front Royal, Virginia, that the following portions of the Town's unimproved Streets and certain alleys located at 1521 North Royal Avenue in said Town, more particularly described as:

- (1) An unimproved portion of 16th Street extension along Belmont Avenue, approximately 322 feet long by 60 feet wide;
- (2) An unimproved ally and right of way, running across the middle of the Estate of the Laura A. Denny (Denny) property (North to South), located adjacent to, near, and to the east of North Royal Avenue;
- (3) An unimproved alley and right of way, approximately 150 feet long by 20 feet wide, located on the left (West) side of the said Denny property when viewed from Belmont Avenue (all of which together being, the "Property"):

Are hereby conditionally vacated, on conditions and terms hereinafter described, and when said terms and conditions are satisfied, said Property will be unconditionally conveyed to the said David Butler and Jean Butler; subject to the said utility easements aforesaid, and,

AND BE IT, FURTHER, ORDAINED AND ENACTED that this vacation is conditioned upon the said David Butler and Jean Butler obtaining a plat and survey of the Property showing the location of the Town's utility easements, said plat and survey to be prepared by a licensed Virginia Land Surveyor, said survey to be obtained at the expense of the property owners, and the recordation thereof at the expense of the property owners to be filed in the land records of the Circuit Court of Warren County, Virginia; and the Town Manager and Town Surveyor shall, if appropriate, sign and thereby approve the aforesaid Plat of Survey, and that the Town Attorney shall forthwith prepare a good and sufficient Special Warranty Deed for the Property, with appropriate reservations of utility easements on behalf of the Town, to be signed on behalf of the Town Council by the Mayor, with the Town's Official Seal to be thereunto affixed and attested to by the Clerk of Town Council, and with a copy of the said approved Plat of Survey to be a part thereof, as well as an attested copy of this Ordinance, and that the said Town Attorney shall further, upon receipt of payment in the amount of Twenty Thousand Dollars (\$20,000.00), plus the costs to advertise the Public Hearing, deliver the deed for the Property;

AND BE IT, FURTHER, ORDAINED AND ENACTED that, if the aforesaid plat and survey and said sums are not delivered to the Town Attorney

within one (1) year from the date of the adoption of this Ordinance by the said David Butler and Jean Butler, he shall report same to this Council, and this Ordinance shall be void.

Upon payment of said sum and recordation of said deed and plat and this Conditional Ordinance, the conditions to this Ordinance shall expire, and this Ordinance and conveyance shall thereupon become Unconditional.

This ordinance shall be effective upon passage.

THIS ORDINANCE was approved at the Regular Meeting of the Town of Front Royal, Virginia, Town Council conducted on _____, 2017, upon the following recorded vote:

APPROVED:

Hollis L. Tharpe, Mayor

Attest:

Jennifer E. Berry, CMC, Clerk of Council

Town Council Members:

John P. Connolly	_____	Bébhinn C. Egger	_____
Jacob Meza	_____	William A. Sealock	_____
Eugene R. Tewalt	_____	Christopher Morrison	_____

A public hearing on the above was held on _____, 2017, having been advertised in the Northern Virginia Daily on _____ and _____, 2017. The Ordinance was enacted at the regular meeting of the Town Council held _____, 2017.

Approved as to form:

Douglas W. Napier,
Town Attorney

Date

9



Town of Front Royal, Virginia Council Agenda Statement

Page 1
Item No. 9

Meeting Date: August 28, 2017

Agenda Item: PUBLIC HEARING TO RECEIVE PUBLIC INPUT on Proposed Establishment of a Property Maintenance Code and Rental Inspection Program within the Town

Summary: Council is requested to receive public input on the proposed establishment of a Property Maintenance Code and Rental Inspection Program within the Town.

Budget/Funding: None

Attachments: Referral to Planning Commission Information, Proposed Code Amendments, Maps, Virginia Maintenance Code Requirements, Comparison

Meetings: Work Sessions held February 13, July 3, July 17 and August 7

Staff

Recommendation: Approval ✓ Denial

Proposed Motion: Council takes no action.

*Note: Motions are the formal & final proposal of Council,
proposed motions are offered by Staff for guidance

*To be clear and concise, motions should be made in the positive

Approved By: JW

TOWN COUNCIL WORK SESSION

FEBRUARY 13, 2017



PROPERTY MAINTENANCE & RENTAL INSPECTIONS

Referral to the Planning Commission

PROPERTY MAINTENANCE & RENTAL INSPECTIONS

LOCAL DISCUSSION:

Pros

- *Deteriorating Buildings/Poor Maintenance*
- *Blight/Property Values*
- *Rental Complaints*
- *Derelict Buildings*



Cons

- *Additional costs for landlords*
- *Regulation*
- *Additional staff for administration*
- *Legal costs*

*A Lifelong
Community*



*A Popular
Destination*



*Preserved
Assets*



*A Vibrant
Town*





PRESERVED ASSETS. *The Town's historic buildings will be restored for new uses, natural assets will be preserved, and the Town will be clean and attractive.*

Front Royal's has many assets, both historic buildings, and natural and civic assets. This theme envisions a future where Front Royal has succeeded in preserving, protecting and enhancing its many physical assets. There are a number of historic structures in various states of use, non-use or repair or disrepair in the Town.★ Challenges identified include absentee ownership, or lack of maintenance and upkeep,

which were issues not just with historic buildings but in some other areas of the Town. The restoration, re-use, rehabilitation of historic structures and façades was a dominant and popular

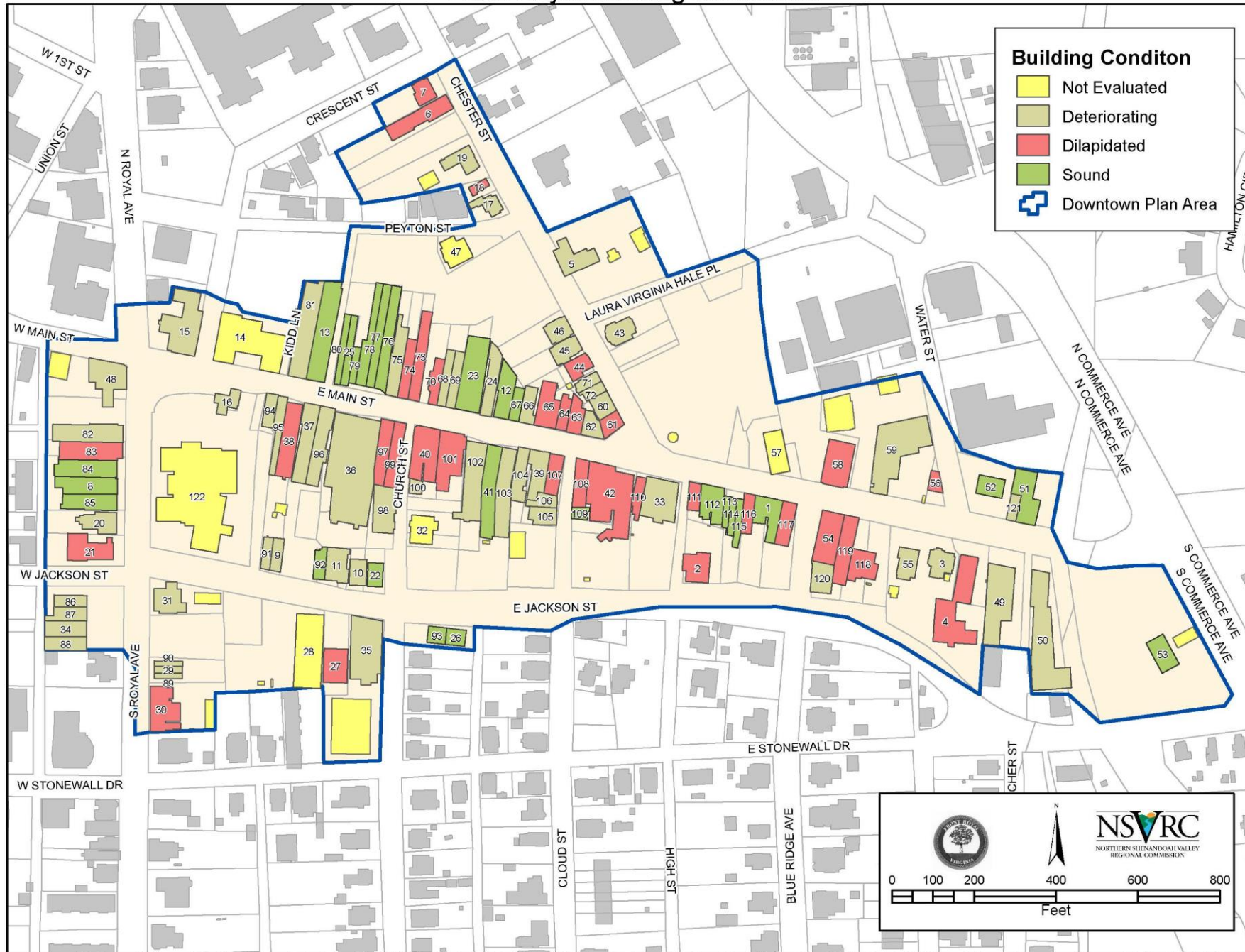
4. Affordable and diverse housing for many income levels, with accountable landlords.

A wide range of housing options contributes to Front Royal's vision as a lifelong community where people of all ages and stages in life can meet their housing needs. The options should include a wide range of housing types from single-family homes to apartments above downtown stores. Possible supporting actions or ideas include:



- 4.1 Enforce maintenance standards for rental properties .
- 4.2 Promote new housing types that are attractive to seniors, making it possible for them to age in place rather than leaving Front Royal.
- 4.3 Purchase the "Silk Mill" for preservation. It may be used as a public amenity, such as a museum, or a private use such as outlet stores or housing.
- 4.4 Encourage the return of old houses from business use to housing use.
- 4.5 Increase single-family housing in the greater downtown area.
- 4.6 Encourage energy efficient rental housing development.
- 4.7 Encourage construction of more affordable apartments.

Front Royal Building Conditions



Note: Surveyed building condition determined using Dunbar & Associates "Building Condition Survey" criteria. Municipal buildings (County Court House, Town Office, Police Department & Visitors Center), sheds/storage facilities and places of worship were excluded from the building inventory.

PROPERTY MAINTENANCE & RENTAL INSPECTIONS

LEGAL AUTHORITY (Optional Provisions):

- Virginia Uniform Building Code, Virginia Maintenance Code, Part III
- Virginia Code § 36-105.1:1

PROPERTY MAINTENANCE & RENTAL INSPECTIONS

PLANNING COMMISSION:

- July 20, 2016 – Public Input Meeting
- November 30, 2016 – Public Hearing

PROPERTY MAINTENANCE & RENTAL INSPECTIONS

PLANNING COMMISSION'S RECOMMENDATION:

- Adopt Virginia Maintenance Code (Town-Wide)
- Establish Rental Inspection Program within a designated Rental Inspection District
- Other

PROPERTY MAINTENANCE & RENTAL INSPECTIONS

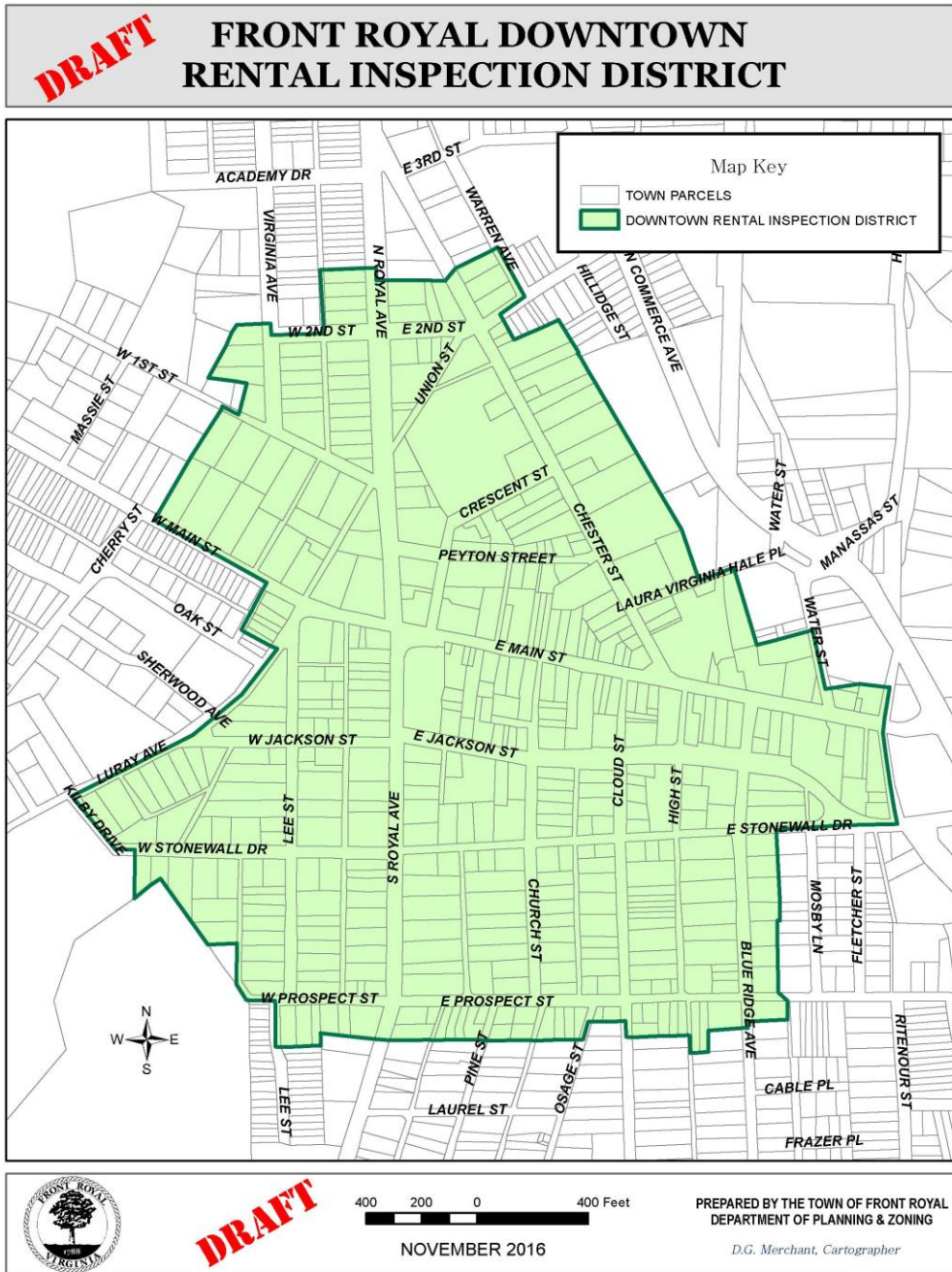
Virginia Maintenance Code:

- Many localities enforce on complaint basis, typically from the exterior.
- Attached guide provides list of items an inspection would inspect.
- Structural alterations not required unless they endanger life or health.
- Building permits would be required as normal for required work.

PROPERTY MAINTENANCE & RENTAL INSPECTIONS

Rental Inspections:

- Based on a designated Rental Inspection District.
- Requires Town Council to pass Findings on the District (9-300).
- Landlords required to notify Town of rental units.
- Inspection of rental units every 4 years, unless a violation is known.
- Interior inspections.
- No fee for initial inspection. \$100 for subsequent inspections (if necessary).
- Buildings with more than ten (10) rental units only require 10% of units (2 minimum).
- Appeal process.
- Misdemeanor violations.



Rental Inspection District:

- Downtown area.
- 300 units estimated.
- May add individual properties also by separate findings of Town Council.

Other Supporting Information:

- Virginia Maintenance Code Requirements (DRAFT GUIDEBOOK)
- Comparative look at programs of similar jurisdictions.
- DRAFT Amendment to Town Code Chapter 9
- Virginia Maintenance Code (2012)
- Virginia Code 36-105.1:1

Locality	Population ¹	Maintenance Code	Rental Inspections	Building Inspections	Total Staff / Inspectors	Fees ⁴	Rental Units
Culpeper ²	17,145 (5 th)	No ²	No	No	N/A	N/A	n/a
Winchester	26,203	Yes	Yes	Yes	6 / 4 ³	35/0/50	3,700
South Boston	7,989 (16 th)	Yes	Yes	No	1 / 1	50/0/0	unknown
Williamsburg	14,068	Yes	Yes	Yes	6 / 1	50/0/0	unknown
Blacksburg	42,620 (2 nd)	Yes	Yes	Yes	5 / 1	0/0/100	2,500
Herndon	23,292 (3 rd)	Yes	Yes	Yes	6 / 3	70/30/60	30-60 buildings
Pulaski	8,948 (10 th)	Yes	Yes	Yes	3 / 1	0/0/100	24-30 buildings
Front Royal (PROPOSED)	15,038 (7 th)	Yes	Yes	No	2 / 1 ⁵	0/100/100	300+ est.

- 2014 US Census reported population estimates.
- The Town of Culpeper did not adopt the full property maintenance code, opting to only adopt the dilapidated structure portion of Part III of the PMC. Building permits and inspection are handled by Culpeper County.
- The City of Winchester is divided into 4 Rental Inspection areas, each managed by a different inspector.
- Fees show the fees for the Initial Inspection/1st Re-inspection/ 2nd Re-inspection
- Establishment of a program in the Town, as proposed, would require 1 FT inspector. In addition, a PT employee is proposed that would share duties within the Department of Planning & Zoning. The alternative administrative approach would be to establish an agreement with Warren County Building Inspections to administer the program.

DRAFT AMENDMENT

"Building Code, Maintenance Code, and Rental Inspections" (4)

This draft amendment to the Town Code proposes the adoption of the Virginia Maintenance Code (2012); establishment of a Property Maintenance Code Official; and creation of a Residential Rental Inspection District. The following language also includes the existing provisions of Chapter 9 and language that reserves the Town's right to establish a Building Department and designates Warren County to administer the building code, as previously established by an agreement in 1983, until such time that the Town may establish a building department.

START -----

Chapter 9

BUILDINGS BUILDING CODE, MAINTENANCE CODE AND RENTAL INSPECTIONS

9-1 ~~REMOVAL, REPAIR, ETC., OF CERTAIN BUILDINGS AND STRUCTURES~~

[remove in full]

9-2 REMOVAL, REPAIR, ETC., OF BUILDINGS AND OTHER STRUCTURES HARBORING ILLEGAL DRUG USE

[relocate to Chapter 145-4 in full]

ARTICLE 1: BUILDING CODE REGULATIONS

9-100 BUILDING CODE

A. In accordance with the Code of Virginia § 36-105, the Town of Front Royal hereby reserves its authority to establish a Town Building Department, and a Local Board of Building Code Appeals (LBBCA), herein referred to generally as the "Board of Appeals," to administer and enforce the mandatory provisions of the Virginia Uniform Building Code, including Part I, Construction Code, and Part II, Rehabilitation Code, and including future amendments thereto, and all codes incorporated by reference therein. Such codes shall generally be referred to herein generally as the "Building Code."

B. Under the provisions of this Chapter, Town Council may elect to pass a resolution to officially establish a Town Building Department to administer and enforce the Building Code. Such resolution shall also include the establishment of a Board of

Appeals, as described further herein. Upon adoption of such resolution of Town Council the Town hereby adopts the Building Code, and all such duties and requirements specified therein.

C. Until such time that the Town elects to establish a Town Building Department and Town Board of Appeals, the Town shall enter into an agreement with the local governing body of another county or municipality or with some other agency, or an approved state agency for such administration, enforcement and appeals resulting therefrom.

(1) The February 8, 1983 agreement with Warren County shall remain in effect at the passing of this ordinance until such time that the agreement is terminated, renewed or amended. This agreement establishes Warren County as the Building Department for the Town, including the Warren County Board of Building Code Appeals as the appeals board for the Town.

D. At such time that Town Council may establish a Building Department and Board of Appeals, the Town Manager shall appoint a Building Official to administer and enforce the Building Code. Such Building Official shall meet the required qualification and certification requirements, and shall maintain all permanent records of the Building Department, including applications received, permits, certificates, notices and orders issued, fees collected and reports of inspection in accordance with the Library of Virginia's General Schedule Number Six. The Building Official shall administer and enforce the Building Code, and may establish procedures and policies as may be necessary for such administration and enforcement. All codes and procedures shall be made available for the public to view and/or obtain copies from the office of the Building Official during established normal business hours.

E. As specified under Subsection B, Town Council shall appoint five (5) members to a Board of Appeals upon adoption of a Town Building Department. The membership of the Board shall be established in compliance with the following requirements, unless more stringent requirements are required by the Building Code.

(1) All members of the Board of Appeals shall live within Warren County, Virginia, and at least three (3) members shall reside within the Town.

(2) Town Council may appoint two (2) alternate members who shall be called by the board chair to hear appeals during the absence or disqualification of a member. Alternate members shall possess the qualifications required for board membership.

(3) At least three (3) members shall have no less than five (5) years knowledge and experience in the construction industry. Members that do not have knowledge and experience in the construction industry shall have an

equivalent experience in the real estate, law, architecture, or engineering professions.

(4) No employee or official of the Town may serve as a Board Member.

(5) Compensation, meeting dates, voting procedures, officers, term limits and other procedures of the Board of Appeals shall be established in by-laws that are approved by Town Council.

(6) The Board of Appeals shall be used as the appeals board for the Virginia Maintenance Code and Rental Inspection Program.

(7) The Board of Appeals shall be reviewed by the Virginia Department of Housing and Community Development.

ARTICLE 2: MAINTENANCE CODE REGULATIONS

9-200 ADOPTION OF MAINTENANCE CODE

A. To ensure the protection of the public health, safety and welfare, the Town hereby adopts the optional provisions of the Virginia Uniform Building Code, including Part III, Virginia Maintenance Code, future amendments thereto, and including codes incorporated by reference therein, herein also generally referred to generally as the "Maintenance Code," as related to building regulations that facilitate the maintenance, rehabilitation, development and reuse of existing buildings at the least possible cost to ensure the protection of the public health, safety and welfare of Town residents. Furthermore, in accordance with §36-99 of the Code of Virginia, the purpose of this code is to protect the health, safety and welfare of the residents of the Commonwealth of Virginia, provided that buildings and structures should be permitted to be maintained at the least possible cost consistent with recognized standards of health, safety, energy conservation and water conservation, including provision necessary to prevent overcrowding, rodent or insect infestation, and garbage accumulation; and barrier-free provisions for the physically handicapped and aged.

B. The Town Manager shall appoint a Maintenance Code Official to administer and enforce the Virginia Maintenance Code. The Maintenance Code Official shall meet the required qualifications, certification requirements, and training requirements of the Maintenance Code. All codes, policies and procedures shall be made available for the public to view and/or obtain copies from the office of the Maintenance Code Official during established normal business hours.

C. The Town shall appoint a Board of Appeals to consider all appeals that may arise from the provisions of this Article. Such Board of Appeals shall be established

under the criteria found within Chapter 9, Section 100, Subsection E. Alternatively, the Town may elect to use the Board of Appeals used by another county or municipality, or with some other agency, provided that an agreement is entered into with the appropriate local government board, or an approved state agency.

ARTICLE 3: RENTAL INSPECTIONS

9-300. FINDINGS.

Town Council has found that within the residential rental inspection districts established herein, each of the following conditions exist:

- A. There is a need to protect the public health, safety and welfare of the occupants of dwelling units inside the residential rental inspection district described and established herein;
- B. The residential rental dwelling units in the residential rental inspection district are in need of inspection to prevent deterioration, taking into account the number, age and condition of the residential dwelling rental units inside the residential rental inspection district; and
- C. The inspection of residential rental dwelling units inside the residential rental inspection district is necessary to maintain safe, decent and sanitary living conditions for tenants and other residents living in the residential rental inspection district.
- D. The Town Council has further found that, for each of the individual residential rental dwelling units described in section 9-301 of this article, one (1) of the following conditions exists:
 1. There is a need to protect the public health, welfare and safety of the occupants of that individual dwelling unit;
 2. The individual dwelling unit is either blighted or in the process of deteriorating; or
 3. There is evidence of violations of the Building Code that affect the safe, decent and sanitary living conditions for tenants living in such individual dwelling unit

9-301. APPLICABILITY.

- A. The provisions of this article shall apply to all rental dwelling units within a residential rental inspection district designated by Town Council and to individual residential dwelling units outside designated residential rental inspection districts made subject to this article, as provided by Virginia Code § 36-105.1:1(B)(3).
- B. A residential rental inspection district, as shown on the map labeled "Rental Inspection Districts 20__" and filed in the Town Clerk's office on _____, 20__,

is hereby established and made subject to the requirements of this article. Maps detailing this residential rental inspection district shall be available in the office of the Maintenance Code Official.

- C. The following individual rental dwelling units that are outside the residential rental inspection district are hereby made subject to this article:

(1) *Reserved*

- D. Town council may designate additional residential rental inspection districts or make other individual residential rental units outside the residential rental inspection district subject to this article after notice and a public hearing thereon, as provided by Virginia Code § 36-105.1:1. A separate finding for each individual dwelling unit shall be made by the local governing body prior to designation of individual residential rental units outside of a residential rental inspection district that (i) there is a need to protect the public health, welfare and safety of the occupants of that individual dwelling unit; (ii) the individual dwelling unit is either (a) blighted or (b) in the process of deteriorating; or (iii) there is evidence of violations of the Building Code that affect the safe, decent and sanitary living conditions for tenants living in such individual dwelling unit.

9-302. IMPLEMENTATION; NOTIFICATION REQUIREMENT FOR OWNERS.

- A. The owner of any dwelling unit within a residential rental inspection district shall notify the Maintenance Code Official in writing if such dwelling unit is used for rental purposes. Such notice shall be provided within ninety (90) days of adoption of this chapter; or within ninety (90) days of the transfer of ownership or a change. No fee shall be required for such notification by the owner; nor shall there be a penalty for not providing said notification within the ninety (90) days period.

- B. The Maintenance Code Official may develop a form for such notification requirement that includes the following information: (i) the address and a brief description of the rental dwelling unit; (ii) the name, street address and telephone number of the owner of the property; (iii) the name, street address and telephone number of the managing agent, if any; (iv) the number of people who occupy each dwelling unit, and (v) the family status of the occupants. Such form shall not require the name or social security number of any tenant.

- C. If the Maintenance Code Official has reason to believe that an owner has failed to provide the required notice of a residential rental dwelling unit within the residential rental inspection district, or any other individually designated properties subject to this article, he or she shall provide a written notice to the owner setting a seven (7) day deadline for the owner to provide such written notification. The penalty for the willful failure of an owner of a dwelling unit who is using the dwelling unit for residential rental purposes to comply with the written notification requirement shall be a civil penalty of fifty dollars (\$50.00) per unit. For purposes of this section, notice from the Maintenance Code Official sent by regular first class mail to the last known address of the owner as shown on the current real estate tax assessment

books or current real estate tax assessment records shall be deemed compliance with this requirement.

9-303. RENTAL CERTIFICATE OF COMPLIANCE REQUIRED.

No owner or managing agent shall rent or offer to rent a residential rental dwelling unit within a residential rental inspection district or an individual residential rental dwelling outside a residential rental inspection district that is subject to this article without a rental certificate of compliance therefor, issued after a satisfactory inspection of the property by the building official or his or her designee.

9-304. INSPECTIONS, GENERALLY.

A. The Maintenance Code Official shall cause an inspection to be made of each rental dwelling unit located within a residential rental inspection district, within four (4) years of the designation of the residential rental inspection district for compliance with the provisions of the Maintenance Code that affect the safe, decent and sanitary living conditions for the tenants of such property. The Maintenance Code Official is hereby authorized to establish schedules to accomplish the inspection of dwelling units in different areas within the residential rental inspection district. The Maintenance Code Official shall inspect any individual residential rental dwelling unit that is outside a residential rental inspection district within ninety (90) days of the date the dwelling unit is made subject to this article. After such inspection, the owner and the managing agent, if any, will be provided with a list of any violations found and the date by which such violations must be corrected. Following the initial inspection of a residential rental dwelling unit subject to this article, the Maintenance Code Official may inspect any residential rental dwelling unit in a residential rental inspection district, not otherwise exempted, annually.

B. Upon a determination that a rental dwelling unit is in compliance with the provisions of the existing structure regulations of the Maintenance Code, a rental certificate of compliance shall be issued to the owner. No certificate shall be issued until all inspection fees are paid. The certificate shall be valid for a term of four (4) years. Upon the initial or periodic inspection of a residential rental dwelling unit subject to this article for compliance with the Maintenance Code, the property shall be exempt from this article's inspection requirements for four (4) years, provided there are no building code violations that affect the safe, decent and sanitary living conditions for the tenants of the residential rental dwelling unit. However, upon the sale of a residential rental dwelling unit, the Maintenance Code Official may perform an inspection of the dwelling unit. Residential rental dwelling units shall be exempt from the inspection requirement of this article for four (4) years from the date of issuance of a certificate of occupancy or rental certificate for the unit by the Maintenance Code Official. Any inspection exemption granted for a rental dwelling unit prior to _____, 20____, shall be valid for the period as initially granted, unless revoked as provided herein.

C. There shall be no fee for the initial inspection required by this article or the first re-inspection. If all violations are not corrected at the time of the first re-inspection, then the fee for the second and any subsequent re-inspection for the original violation shall be one hundred dollars (\$100.00).

D. The Maintenance Code Official, or his or her duly authorized agent, shall have the right to inspect any rental dwelling unit within a residential rental inspection district or other individual residential dwelling units subject to this article at any reasonable time, in order to carry out an inspection required by this section. The owner, managing agent, occupant, or other person in charge of the premises shall permit the Maintenance Code Official, or his or her duly authorized agent, access to any dwelling unit within a residential rental inspection district or any individual residential dwelling unit subject to this article for the purpose of conducting an inspection authorized by this article. In the event the Maintenance Code Official or his or her authorized agent is denied access to a dwelling unit, he or she may apply for an administrative search warrant in order to gain access to the premises.

E. Nothing in this article shall prohibit an inspection of any residential rental dwelling unit or individual residential dwelling unit subject to this article for a violation of the Virginia Uniform Statewide Building Code, pursuant to a complaint, as required herein.

F. The owner or managing agent may appeal the Maintenance Code Official's determination of a violation of the Maintenance Code to the Board of Appeals.

9-305. INITIAL AND PERIODIC INSPECTIONS OF MULTI-FAMILY DWELLING UNITS.

A. If a multi-family development has more than ten (10) dwelling units, in the initial and periodic inspections, the Maintenance Code Official shall inspect not less than two (2) and not more than ten (10) percent of the dwelling units of that multi-family development, which includes all of the multi-family buildings which are part of that multi-family development. However, no inspection fee shall be charged for more than ten (10) dwelling units. Two (2) family dwellings and multi-family dwelling units with three (3) to nine (9) dwelling units are not exempt from the inspection requirements of this article.

B. The inspected dwelling units of a multi-family development shall be selected by the Maintenance Code Official. At the time of inspection, no violations of the Virginia Uniform Statewide Building Code shall exist. If the Maintenance Code Official determines upon inspection of the sampling of dwelling units that there are violations of the Maintenance Code that affect the safe, decent and sanitary living conditions for the tenants of such multi-family dwelling unit, the Maintenance Code Official may inspect as many dwelling units as necessary to enforce the Maintenance Code.

C. If the dwelling units that are inspected are in compliance with the provisions and all other applicable codes and ordinances, then a rental certificate of compliance shall be issued as provided herein.

D. Nothing in this section shall serve to exempt the owner, managing agent, or tenant of a multi-family dwelling unit from compliance with all applicable statutes, laws, and ordinances, including the Virginia Uniform Statewide Building Code.

9-306. REVOCATION OF EXEMPTION FROM INSPECTION.

A. The Maintenance Code Official may revoke an inspection exemption granted pursuant to Chapter 9-307(b) upon finding that the residential rental dwelling unit is in violation of the building code during the exemption period.

B. Before revoking an exemption, the Maintenance Code Official shall notify the owner, managing agent, and tenant of the violation, in writing, via first class mail, specifying the nature of the violation; establishing a deadline for correction of the violation, which shall be no less than seven (7) and no greater than thirty (30) days; and stating that the exemption will be revoked on a date certain unless the Maintenance Code Official's determination of the existence of a Maintenance Code violation is appealed to the Board of Appeals. The notice shall also set forth the appeal process as herein established.

9-307. APPEAL.

A. The Board of Appeals designated by Town Council for the Maintenance Code shall serve as the Board of Appeals for all appeals under this article.

B. The owner, managing agent or tenant may appeal a notice of revocation, or other determination related to the Maintenance Code that is made by the Maintenance Official. Such appeals shall be considered by the Board of Appeals designated for the Maintenance Code under Article 2 of this Chapter.

B. If an appeal is filed, inspection exemptions shall remain in effect until the appeal is resolved by the Board of Appeals.

ARTICLE 4: GENERAL

9-400 NONLIABILITY OF PERSONNEL ENFORCING CHAPTER.

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

9-401 VIOLATIONS

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

B. Any prosecution under this section shall be commenced within the time specifications provided under Virginia Code § 19.2-8.

9-402 PERMIT FEES.

A. Town Council reserves the right to adopt and publish a schedule of fees for services rendered by either the Building Code Official and/or Maintenance Code Official, and to amend the schedule by separate resolution. Such schedule of fees and any amendment shall be in lieu of any permit fees set forth in any technical code adopted by the Town.

B. No permit as required by the Town by ordinance or regulation shall be issued unless the fee prescribed for the service shall have been paid, nor shall any amendment to such a permit be approved until any additional fee, if any, due to an increase in the estimated cost of the building or structure, shall also have been paid.

9-403 AUTHORITY TO REQUIRE REMOVAL, REPAIR, ETC., OF BUILDING AND OTHER STRUCTURES.

- A. Owners of real property within the Town shall remove, repair or secure any building, wall or any other structure which might endanger the public health or safety of other residents of the Town.
- B. If an owner fails to do so, the building official may send the owner notice of his or her obligations under this section. Such notice shall be:
- (1) In writing, mailed by certified mail, return receipt requested, sent to the last known address of the property owner; and
 - (2) Published in a newspaper having general circulation in the locality in accordance with the applicable provisions of Code of Virginia §§ 15.2-1426, 15.2-1427.
- C. The Town, through its own agents or employees, may remove, repair or secure any building, wall or any other structure which might endanger the public health or safety of other residents of the Town if the owner and lien holder of the property fails to do so within thirty (30) days following the later of the return of the certified mail receipt or newspaper publication. However, if the structure is deemed to pose a significant threat to public safety and such fact is stated in the notice, the Town may take action to prevent unauthorized access to the building within seven days of such notice. Repair of the structure may include maintenance work to the exterior of a building to prevent deterioration of the building or adjacent buildings.
- D. In the event the Town, through its own agents or employees removes, repairs or secures any building, wall or any other structure pursuant to this section, the cost or expenses thereof shall be chargeable to and paid by the owners of such property and may be collected by the Town as taxes and levies are collected.
- E. Every charge authorized by this section which remains unpaid shall constitute a lien against such property ranking on a parity with liens for unpaid local taxes and enforceable in the same manner as provided Code of Virginia (1950), Title 58.1, Chapter 39, Articles 3 and 4, as amended.
- F. The remedies provided by this section are in addition to, and not in lieu of, any other remedy provided by general law or by the Building Code.

9-404 THROUGH 9-409. *Reserved*

9-410 DEFINITIONS.

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

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

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

Conditions which immediately affect safe, decent and sanitary living conditions of persons occupying a residential rental dwelling unit, means physical conditions of a residential rental dwelling unit that violate fire safety; lack of or poor condition of sanitary facilities; absence of implied or expressed heating systems or equipment; items which affect the safe operation of electrical and mechanical systems; items which affect structural integrity of the building and/or the ability of the building envelope to keep out weather, or one or more other conditions that if not corrected would be reasonably expected to become conditions that affect the safe, decent and sanitary living conditions of the occupants.

Day means a calendar day.

Disqualifying violation includes those conditions which affect safe, decent and sanitary living conditions of persons occupying a residential rental dwelling unit, or other conditions that violate the provisions of the Virginia Uniform Statewide Building Code, or multiple Building Code violations that indicate in their totality that the dwelling unit is not being properly maintained.

Dwelling unit, means a single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation; or, means a building or structure, or part thereof, that is used for a home or residence by one or more persons who maintain a household. The term dwelling unit shall not include hospitals, nursing homes, convalescent homes or similar facilities providing medical care to the aged, infirm or disabled.

Family means one (1) or more persons related by blood, marriage, or adoption, or under approved foster care.

Follow-up inspection, means the inspection of a property made to determine if violations previously cited have been abated.

Group home means a facility for social rehabilitation or substance abuse or mental health problems that contains a group housing arrangement that provides custodial care but does not provide medical care.

Initial inspection, means the first inspection of a residential rental dwelling unit subject to this article.

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

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

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

Multi-family dwelling, means a building or structure, or part thereof, that is used by three (3) or more families, each in an individual dwelling unit and living independently of each other.

Multiple-family development, means a building or structure, or part thereof, that is used by ten (10) or more dwelling units on the same premises.

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

Periodic inspection, means an inspection of a residential rental dwelling unit conducted upon the exemption period for the unit, or after a follow-up inspection which revealed abatement of cited violations.

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

Rent means to lease, sublease, let or otherwise grant for consideration the right to occupy a dwelling unit.

Residential rental inspection district, means a rental inspection district designated by the Town council pursuant to this article.

Residential rental dwelling unit, or as generally referred to as a *rental*, means a dwelling unit that is leased or rented to one or more tenants on a month to month basis or for any period in excess of 30 days including, but not limited to, condominiums, manufactured or mobile homes, single-family detached dwellings, duplex dwellings, townhouse dwellings or multifamily dwellings (which shall include efficiency apartments and condominiums). However, a dwelling unit occupied in part by the owner thereof shall not be construed to be a residential rental dwelling unit unless a tenant occupies a part of the dwelling unit which has its own cooking and sleeping areas, and a bathroom, unless otherwise provided in chapter 175, Zoning, by the Town.

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

-----END
Editorial Notes: All language shown in yellow highlight is proposed new text. Text shown in [brackets] is a note to the editor. All language shown in ~~strikethrough~~ is existing language that is proposed to be removed. Regular text shown is existing language with no changes proposed.

Rough Draft 9/7/16 (JFC/dm); 9/9/16 (JFC/dm); (JFC/db); (JFC/dn)

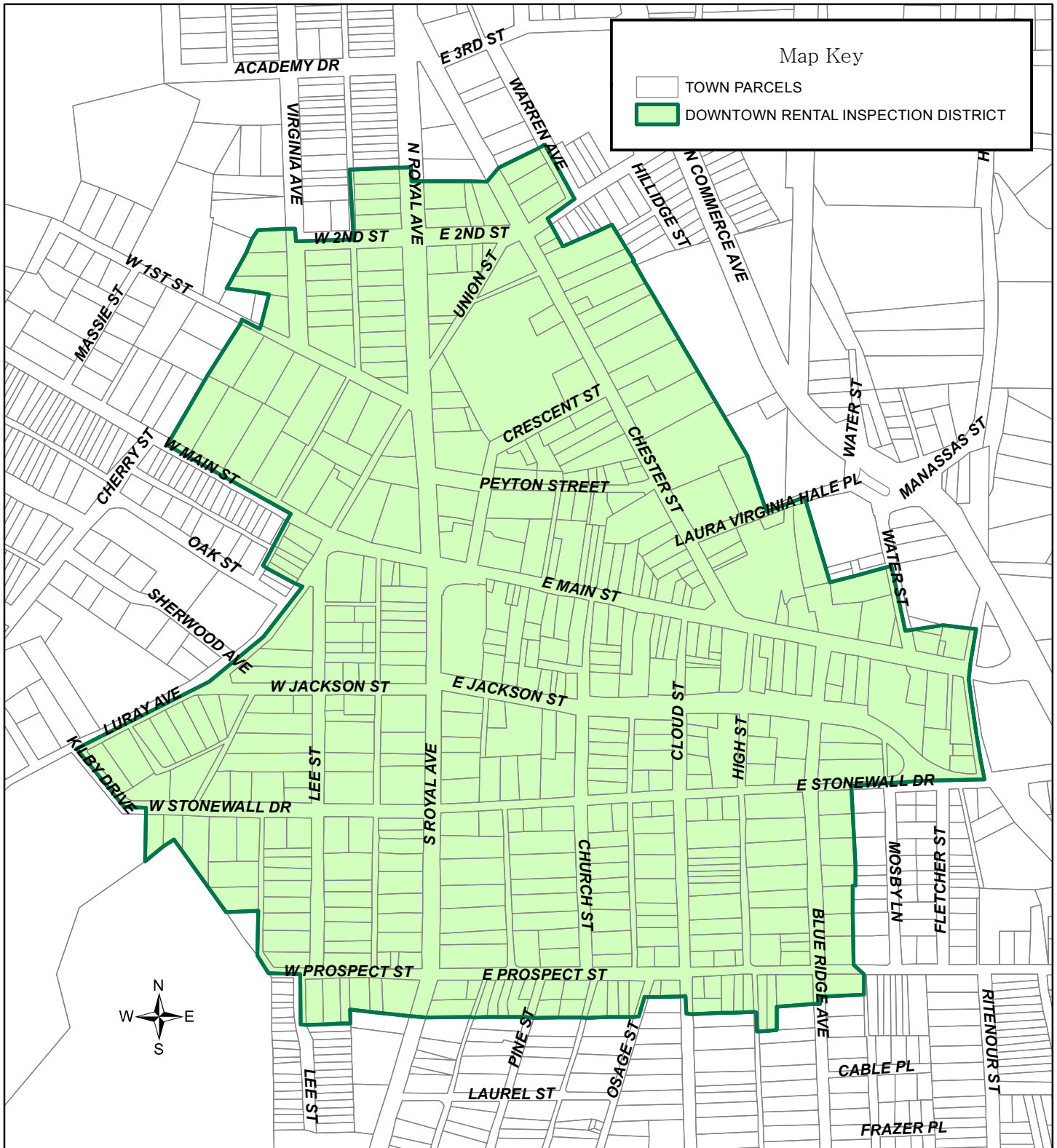
FOR REFERENCE PURPOSES ONLY - Virginia Code §36-3, Definitions.

"Blighted area" means any area that endangers the public health, safety or welfare; or any area that is detrimental to the public health, safety, or welfare because commercial, industrial, or residential structures or improvements are dilapidated, or deteriorated or because such structures or improvements violate minimum health and safety standards. This definition includes, without limitation, areas previously designated as blighted areas pursuant to the provisions of Chapter 1 (§36-1 et seq.) of this title.

"Blighted property" means any individual commercial, industrial, or residential structure or improvement that endangers the public's health, safety, or welfare because the structure or improvement upon the property is dilapidated, deteriorated, or violates minimum health and safety standards, or any structure or improvement previously designated as blighted pursuant to §36-49.1:1, under the process for determination of "spot blight."

DRAFT

FRONT ROYAL DOWNTOWN RENTAL INSPECTION DISTRICT



DRAFT

400 200 0 400 Feet

NOVEMBER 2016

PREPARED BY THE TOWN OF FRONT ROYAL
DEPARTMENT OF PLANNING & ZONING

D.G. Merchant, Cartographer

Virginia Maintenance Code Requirements

Town of Front Royal, Virginia

NOVEMBER 2016

THE VIRGINIA MAINTENANCE CODE

The Town of Front Royal has adopted and enforces the Virginia Maintenance Code (VMC) on all existing structures located in the Town. This code is used in enforcement of the city's Rental Inspection Program and also used to address other structures that are not being adequately maintained. The VMC is part of the Virginia Uniform Statewide Building Code (USBC) and is based on the ICC International Property Maintenance Code, but with amendments made by the state.

Most of the requirements of the VMC are common sense, and a close look at a building usually will tell where repairs or maintenance are needed. This booklet contains a list of items based on the VMC that a Code inspector is likely to check when inspecting an existing building. This simple list is meant to be informative and help the owner or occupant get an idea whether a building meets the VMC requirements.

All buildings must be maintained to meet VMC requirements. However, some buildings constructed many years ago may be well maintained yet still not meet current VMC requirements because of the way they were designed. If the Property Maintenance Code official decides those conditions do not endanger life or health, the code official may choose not to require modifications to bring the building to current Code standards. There are, however, some design or construction features that are considered unsafe and will have to be changed. Some of these features are identified in the description of VMC requirements in this booklet. Some of the more common conditions where alterations or changes may be required are:

- Smoke Detectors
- Electrical service
- Number of electrical outlets required per room
- Windows and means of emergency exit
- Ceiling clearance (mainly in basement or attic spaces) used as living space
- Fire separation between units

In these instances, either the conditions must be corrected or the occupants must leave for their own safety. Depending on the circumstances, the occupants may be allowed to stay for a short period of time, ranging from a few hours to a few days, while repairs are made.

PROVISIONS OF THE VIRGINIA MAINTENANCE CODE

Exterior of Building

The exterior of all buildings must be kept in good repair and the building must be structurally sound and sanitary. Even vacant buildings must meet the provisions of the Maintenance Code, particularly with regard to exterior maintenance.

- **Street Numbers** – Each building should have the street numbers visible so they can be read easily from the street. The numbers should be at least 4 inches tall, placed on the front of the building, and contrast with the background. All units must be identified.
- **Yards** should be free from trash, garbage or inoperable vehicles, and graded so that rainwater drains away from the building and not directly onto adjoining properties.
- **Sidewalks and Driveways** should be kept in good repair, and maintained free from hazardous conditions that could cause someone to trip or fall. Damaged or uneven stair treads may need to be repaired or replaced.

• **Accessory Buildings** like garages, fences and utility buildings should be securable and kept in good repair, free from peeling paint and roof leaks.

• **Foundation Walls** should be straight; corners should be tied in with the rest of the foundation, not cracked and separated. Small cracks are common on old houses and are acceptable. Wide cracks should be sealed to block the entry of water, wind, insects and rodents. Foundations that do not properly support the house load may cause the entire building to be condemned.

• **Exterior Walls and Trim** should be weather tight. Wood surfaces should be painted or stained or have other protective covering or treatment. Brick walls should have no wide cracks that allow rain or wind to pass inside. Aluminum or vinyl siding, shingles or other protective coverings or treatment should not be missing pieces that would allow water to get in the wall or behind the siding.

• **Soffits and Fascia** (or overhangs) should be rot-free and prevent the nesting of birds and insects. Trim or decorative pieces should be securely fastened. As with siding and other trim, bare wood should be painted or stained.

• **Roofs** - The obvious function of the roof is to keep water out of the inside of the building. Roof problems are usually spotted from inside the house. Water stains on ceilings are a good indication that a roof might be leaking (if there is not a leak in the plumbing). Leaks usually occur first in valleys or around flashing. All roofs should be weather tight, properly flashed and maintained in good condition.

• **Chimneys** - Many roofs leak around a chimney. Close attention should be given to the flashing in this area. Older chimneys frequently have loose bricks, which could fall off the roof or inside the chimney, or even cause the chimney to collapse. Chimneys should be maintained with no loose bricks or mortar, free from obstructions, and operate as intended.

• **Gutters and Downspouts** - If gutters are in place they should be securely fastened and work properly. Gutters need to catch the roof water and channel it to a downspout, which then releases the water away from the house. They should not drain directly against the foundation. Rain water from the roof should be diverted away from any exterior entry door.

• **Stairs** of more than 4 steps should have handrails between 34 and 38 inches high and guardrails not less than 36 inches high, that are strong and secure enough to support a person. Treads and risers should be intact and firmly attached. Installation of new stairs, rails or guards may require a building permit.

• **Porches** - Porch roofs must be maintained just like the main roof. Columns should be rot-free and standing straight. Wood columns should be painted or stained. If the porch is more than 30 inches above the ground, it should have railings or guardrails at least 36 inches high that are strong enough to keep a person from falling. Decking and ceiling boards should not be loose, rotten or missing.

• **Exterior Doors** should close tightly so that the weather, rain, snow and wind cannot pass through. The door hardware should latch securely, lock and unlock from the inside easily. They should be strong enough to secure the building. Exterior doors may not have double keyed (key required on both sides) deadbolts. Interior deadbolts must have thumb latches or other hardware for the door. Interior grade doors may not be used for entrances from the exterior.

• **Windows** are for light, ventilation, and emergency escape. They should keep out the weather and be securable. All windows shall be easily operable and capable of being held open by

window hardware. Habitable rooms (bedroom, living room, eating area, bathroom, and kitchen) should have a window that opens, however mechanical ventilation to the exterior is allowed as an alternative in bathrooms. Any window that is required for ventilation or escape must be operable. A small tight crack in the glass might not be cited as a violation, but an exposed broken edge would. Storm windows are not required but if present should be in a safe condition and operate as designed. Windows that have been nailed or screwed shut or painted and caulked, such that the window no longer operates as intended must be returned to a working condition.

- **Insect Screens** - Every window or door required for ventilation is also required to have an insect screen in place from April 1 through December 1. The screens should be small mesh to keep out insects. Full window screens or adjustable sliders meet code. Screen doors must be self-closing.

- **Vacant Buildings** must be kept secure from entry and kept in good repair with no exterior violations of the code.

- **Swimming Pools, Spas and Hot Tubs** - Swimming pools shall be maintained in a clean and sanitary condition, and in good repair. Swimming pools, hot tubs and spas containing more than 24 inches of water must be completely surrounded by a fence or barrier at least 48 inches in height. Gates or doors in such barriers shall be self-closing and self-latching.

Basic Systems

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

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

- **Electrical System** - This is probably the most potentially dangerous part of a dwelling and deserves close attention. Each dwelling unit or apartment must be served by electrical service of at least 60 amperes, three wires (120/240 volt), and possibly more if the electrical load requires it. Any service of less than 60 amps per unit is considered unsafe and unacceptable. The size of all wires must be adequate to safely carry the current that may be demanded. Insulation on all wires, including service entrance cables, should be intact. Use of extension cords should be avoided and in some cases may be so dangerous as to be prohibited. Every bedroom, living room, dining room and kitchen must have at least two working electrical outlets. Bathrooms must have one outlet. Laundry areas should have one grounded outlet. Fuse panels should not be over-fused, and fuse stats may be required. Tenant access to fuse or breaker panels is encouraged but not required if 24- hour maintenance service is available. All GFCI (ground fault circuit interrupter) receptacles must test and reset properly. Receptacles should not be painted over, covers must be intact, and should be firmly attached to structure.

Heating is required from October 15 to May 1. In normal winter conditions the heating system must be able to maintain a temperature of at least 65 degrees within the unit. When the temperature is below the designated outdoor design temperature requirements for our area, requirements may be lowered, provided the heating system is operating at full capacity. The ability of the heating system to keep the unit warm will also be affected by the building's

insulation and weather-tightness of windows and doors. Fuel supply lines must be safely installed and free of leaks. Furnace exhaust must be safely vented without leaks. Space heaters may not be used as the sole means of heat for a unit or apartment.

- **Cooling** if supplied, must operate as designed from May 15 to October 1.
- **Changes** in materials or design features of buildings may be prohibited in Historic Districts.

Interior of Building

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

- **Interior Doors** are for privacy and should close and latch properly. Bathrooms and bedrooms require doors with working hardware. Double keyed deadbolts are not allowed. There should be no hasps or padlocks on interior doors.
- **Interior Walls and Ceilings** should be free of holes, wide cracks, loose or falling plaster, and flaking or peeling paint. Settlement cracks in older houses are common and acceptable. All repairs/patches must be painted.
- **Floors** must be solid, intact, sanitary and free of holes. Large cracks, uneven surfaces and decayed areas must be repaired. Floors must be capable of bearing normal loads.
- **Clearances** - Ceiling heights of kitchens, bedrooms, bathrooms and hallways should be at least 7 feet or the originally built height. Kitchens should have at least 3 feet of passageway between cabinets. All other rooms should be at least 7 feet wide.
- **Bedrooms** need a door for privacy, at least two electrical outlets, and a window that opens for ventilation and light. Each bedroom should be at least 70 square feet for one occupant, or 50 square feet for each occupant if more than one. Bedrooms should be arranged so that occupants do not pass through one bedroom to get to another bedroom, bathroom, or living space.
- **Bathrooms** should have a door for privacy, an electrical outlet (newly installed outlets must be a ground fault circuit interrupter), toilet, sink and tub or shower with hot and cold water, and an operable window or mechanical ventilation to exhaust moisture.
- **Kitchens** should have two electrical outlets, a sink and a window that can be opened for ventilation or an exhaust fan. Any appliances such as a stove, refrigerator, or garbage disposal unit must be installed correctly and work properly, including the gas line to a gas stove. A kitchen may not be used for sleeping.
- **Pest Extermination** - The owner of any structure is responsible for extermination within the structure prior to renting or leasing a unit and all common areas. The occupant of any structure is responsible for the *continued* rodent and pest-free condition of the structure. If the infestation was caused by defects in the structure, the owner is responsible for pest extermination. In multifamily properties, both the owner and the tenant may be responsible.
- **Common Areas** like public hallways and stairs should be properly lighted for safety and security. The owner is responsible for the condition of the common areas. Common areas should be kept free of excessive clutter or storage that might block emergency egress.

• **Emergency Exits** – Every story above the second story should be provided with at least two different exits to the ground unless third story rooms are part of a second story unit. Any bedroom in a basement must either have an operable window large enough to get through, or have easy access to two independent exits out of the building. If locked, exit doors should be easy to open without keys in an emergency. Dead bolts keyed from both sides are not allowed. Doors cannot have hasps capable of being padlocked. Exits should not lead through other apartments or bathrooms. Exit paths should not be restricted by anything that could prevent a person from escaping during an emergency.

• **Smoke Detectors** must be operable and are required on every floor level including basements, in each bedroom, and in the immediate area of the bedrooms. Battery-powered smoke detectors are acceptable. The property owner is responsible for providing functioning smoke detectors at the beginning of a tenancy, and the resident generally is responsible for their continue operation by replacing old batteries. Visual alarms should be provided for the hearing-impaired. Hard wired smoke detectors, if installed, must be maintained in working order.

• **Fire Hazards** – the area around water heaters, furnaces and other heat producing devices should be free from storage or accumulations of flammable materials.

ITEMS NOT REQUIRED or covered by the Virginia Maintenance Code include cable television, telephones, intercoms, microwave ovens, antennas, window blinds or draperies, or the color of ceilings, walls, carpet or floors.

The preceding is a summary of the Code and is offered only for general guidance. If you need more detailed information the Department of Planning and Zoning staff will gladly explain or elaborate on any Code requirement.

You may also wish to get your own copy of the VMC. This Code is based on the ICC International Property Maintenance Code and is available at their web site (www.iccsafe.org) or booksellers.

RENTAL CERTIFICATE OF COMPLIANCE PROGRAM

The Rental Inspection program is designed to protect and enhance the quality of the town's housing stock and eliminate dangerous living conditions. The VMC provides the standards for these inspections. Inspections are intended to:

- Help protect the health, safety and welfare of the occupants through identifying conditions that could be dangerous or injurious.
- Help prevent decaying rental properties and the resulting negative impact they have on neighborhoods through identifying conditions that are damaging to the building.
- Provide for compliance with the VMC.

Once notified, residential rental property owners are required to inform the city of any units they own that are within the rental inspection districts.

RENTAL INSPECTION

During the inspection, the inspector will do a thorough check of the building. It will not always be possible to verify that every item is installed and working properly. (For example, a vacant unit in the summer may not have fuel for the heating system to be tested. However, water and electricity must be available for the unit to be inspected.) The inspector will identify conditions that must be corrected and the owner will be given a reasonable amount of time to make necessary repairs.

When the inspection is completed, the inspector will do one of three things:

- Issue a Certificate of Exemption, meaning no violations of the VMC were found. The owner will also be given a copy of the Certificate of Exemption. However, if the unit becomes in violation of the Maintenance Code during the exemption period the certificate may be revoked.
- Issue a Notice of Violation which will give a period of time to correct the violations. The length of time given will depend on several factors, such as extent of the repairs, seriousness of the conditions, and time of year.
- Issue a Notice of Unsafe/Unfit Structure. The time given to make repairs or vacate the unit may range from a matter of hours to several days, depending on the seriousness or danger of the code violations.

When the owner has made the needed repairs, the owner will notify the inspector and the unit will be re-inspected to verify that violations have been corrected. Note: Many repairs require a building permit. Not getting a building permit when required is against the law. If the conditions cited aren't corrected in the time given, the owner may be summoned to General District Court.

BUILDING PERMITS

There are several types of permits – building, electrical, plumbing and mechanical are the most common. In this booklet, all of these types are referred to as “building permits” unless stated otherwise. A permit authorizes specific work to be performed as provided by the USBG and are issued by the Warren County Building Inspections Department. A Zoning Permit issued by the Town of Front Royal is also required for most building permits.

When Permits are Required

Building permits are required before most major work to a building can be carried out but not usually for “ordinary repairs.”

Examples of major work that requires a permit include:

- Removing any part of a wall
- Cutting any structural support
- Altering or replacing a water supply, sewer line, gas line, furnace, electrical wiring or venting
- Work affecting public health or general safety
- Change of use
- Adding dwelling units or rooms
- Changing fuel supply type for comfort heat or water heaters
- Moving or demolishing a structure

Examples of ordinary work that would not require a permit include:

- Painting
- Roof patching or replacement (except in a historic district)
- Replacement of plumbing or electrical appliances or fixtures with similar equipment, including water heaters (Gas appliances require a permit)
- Repair or replacement of doors and windows of similar size in the same location (except in a historic district)
- Siding repairs or vinyl siding (except in a historic district)

Who May Get a Permit

A building permit may be obtained by the property owner or a licensed contractor qualified to do the work.

Who May do the Work Under a Permit

A property owner or qualified contractor may perform the work.

If you have any questions, please contact:

Building Permits

Code Enforcement

Planning & Zoning

Locality	Population	Prop Maint Code	Rental Insp Code	Bldg Insp Department	Total Staff/ Inspectors	Fees ³ Initial/Reinsp
Culpeper¹	17,145	No	No	No	N/A	N/A
Winchester	26,203	Yes	Yes	Yes	6/4 ²	35/0/50
South Boston	7,989	Yes	Yes	No	1 /1	50/0/0
Williamsburg	14,068	Yes	Yes	Yes	6/1	50/0/0
Blacksburg	42,620	Yes	Yes	Yes	5/1	0/0/100
Herndon	23,292	Yes	Yes	Yes	6/3	70/30/60
Pulaski	8,948	Yes	Yes	Yes	3/1	0/0/100

1. The Town of Culpeper did not adopt the full property maintenance code, opting to only adopt the dilapidated structure portion of Part III of the PMC. Building permits and inspection are handled by Culpeper County.
2. The City of Winchester is divided into 4 Rental Inspection areas, each with its own inspector.
3. Rental Inspection Fees are shown for: Initial Inspection/1st Reinspection/ 2nd Reinspection.

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Town of Front Royal, Virginia Council Agenda Statement

Page 1
Item No. 10

Meeting Date: August 28, 2017

Agenda Item: COUNCIL APPROVAL – Ordinance Amendment to Code §46-1 Public Drunkenness (*2nd Reading*)

Summary: Council is requested to adopt on its second and final reading an ordinance amendment to Town Code §46-1 to expand the prohibited conduct to include a person being intoxicated in public from other intoxicants, in addition to alcohol, with a violation constituting a Class IV Misdemeanor as defined in Town Code § 1-15. If approved, the proposed amendment would allow for the charging and prosecution of those persons found intoxicated in public in the Town from other intoxicants, in addition to alcohol, and consistent with state law, as presented.

Budget/Funding: None

Attachments: Proposed Ordinance

Meetings: Work Session held July 3, 2017. Public Hearing held August 14, 2017

Staff

Recommendation: Approval ✓ Denial _____

Proposed Motion: I move that Council adopt on its second and final reading an ordinance amendment to Town Code §46-1 to expand the prohibited conduct to include a person being intoxicated in public from other intoxicants, in addition to alcohol, with a violation constituting a Class IV Misdemeanor as defined in Town Code § 1-15, as presented.

ROLL CALL VOTE REQUIRED

*Note: Motions are the formal & final proposal of Council,
proposed motions are offered by Staff for guidance

*To be clear and concise, motions should be made in the positive

Approved By: JW

**AN ORDINANCE TO AMEND FRONT ROYAL TOWN CODE CHAPTER 46-1
PERTAINING TO PUBLIC DRUNKENNESS**

WHEREAS, Virginia Code §18.2-388 makes it unlawful for a person to be intoxicated in public “from alcohol, narcotic drug or other intoxicant or drug of whatever nature”. Town Code §46-1 only addresses public drunkenness from alcohol consumption; and,

WHEREAS, the Front Royal Police Department suggests that Town Code be amended to reflect the expanded offense allowing officers to cite violators using “local” summonses rather than “state” summonses; and,

NOW THEREFORE, BE IT ENACTED, by the Town Council of the Town of Front Royal, Virginia, that §46-1 of the Front Royal Town Code is hereby amended as follows:

46-1 PUBLIC DRUNKENNESS-INTOXICATION

If any person ~~shall get or be drunk~~ is **intoxicated** in public in the town, **regardless of whether such intoxication results from alcohol, narcotic drug, or other intoxicant or drug of whatever nature**, he shall be deemed guilty of a **Class IV Misdemeanor as defined in Section 1-15 of this Code** and, ~~upon conviction, shall be fined not less than one dollar (\$1.) nor more than one hundred dollars (\$100.).~~

This ordinance shall become effective upon passage.

APPROVED:

Hollis L. Tharpe, 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 _____ 2017, upon the following recorded vote:

Eugene R. Tewalt	Yes/No	Jacob L. Meza	Yes/No
William A. Sealock	Yes/No	Christopher S. Morrison	Yes/No
John P. Connolly	Yes/No	Gary Gillispie	Yes/No

A public hearing on the above was held on _____, 2017, having been advertised in the Northern Virginia Daily on _____ and _____, 2017.

Approved as to form and legality:

Douglas W. Napier, Town Attorney

Date: ____/____/____

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**Town of Front Royal, Virginia
Council Agenda Statement**

Page 1
Item No. 11

Meeting Date: August 28, 2017

Agenda Item: COUNCIL APPROVAL – Request from Warren Heritage Society Pertaining to Utilities

Summary: The Executive Director of the Warren Heritage Society has requested an in-kind donation from the Town to offset utility expenses incurred by the Society in the amount of \$15,000 for services at 101 Chester Street for FY2017-2018.

Budget/Funding:	ESTIMATED FOR FY17-18	ACTUAL EXPENSE FY16-17
Electric Unrecognized Revenue:	\$12,252.68	\$10,647.72
Water Unrecognized Revenue:	\$ 979.06	\$ 850.81
Sewer Unrecognized Revenue:	\$ 1,599.06	\$ 1,389.61
Refuse Unrecognized Revenue:	\$ 169.20	\$ 169.20
	<u>\$15,000.00</u>	<u>\$13,057.34</u>

Attachments: Letter from the Executive Director of the Warren Heritage Society

Meetings: Work Session held August 21, 2017

Staff

Recommendation: Approval ✓ Denial _____

Proposed Motion: In accordance with the authority granted local governments by Virginia Code Section 15.2-953, I move that Council make an in-kind donation of \$15,000 from the FY2017-2018 Budget, to be used toward payment of the utility bills beginning September 2017 of the Warren Heritage Society, Inc., a Virginia non-profit organization in the Town of Front Royal that is engaged in commemorating historical events, located at 101 Chester Street.

ROLL CALL VOTE REQUIRED

*Note: Motions are the formal & final proposal of Council,
proposed motions are offered by Staff for guidance

*To be clear and concise, motions should be made in the positive

Approved By: JW

August 8, 2017

To: Honorable Hollis Tharpe, Mayor, Town of Front Royal & Members of Town Council, Town of Front Royal

From: Patrick Farris Executive Director, Warren Heritage Society

Re: Cooperation between the Town of Front Royal and the Warren Heritage Society

Mayor Tharpe and Members of the Front Royal Town Council,

It is an honor to be able to correspond with you again this year concerning the cooperative relationship enjoyed between the Town of Front Royal and the Warren Heritage Society. It is our mission but also our pleasure at the Warren Heritage Society to work with the staff and officials of the Town of Front Royal to advance the Front Royal and its rich history and heritage in the minds of the visiting public and for the benefit of our own local population.

To that end, the Warren Heritage Society would like to respectfully request that the Town of Front Royal extend to the Warren Heritage Society the abeyance on utilities fees initially put in place by Council. This service by the Town to the Society is of immense importance to our ability to maintain financial solvency and health, as well as our ability to continue providing the programming and services that we offer. I would like, then, to take this opportunity to enumerate some of the ways in which our public-private partnership benefits the Town of Front Royal.

Preservation: Since 1979 the Warren Heritage Society has engaged in the preservation of historic structures such as the Ivy Lodge, Belle Boyd Cottage, Balthis House and Fairview. The Society also provides materials from its Archives in assistance to property owners preserving their own structures.

Programming: Programming for all ages is available throughout the year for free or for a minimal fee to the public, and the staff of the Society is constantly engaged in public outreach to other entities, including and especially to schools.

Festival of Leaves: Our annual festival attracts over 20,000 visitors to downtown Front Royal every second Saturday in October, and has been regularly held and growing since 1971.

Archives: The Laura Virginia Hale Archives is the only official repository of historical records for the Town and for Warren County, and research is open to the public 12 months out of the year from Monday through Friday in a modern, fully staffed facility.

Materials Collection: The Society maintains a collection of artifacts from the Town and County's past, allowing for state-of-the-art exhibits. The Society mounts exhibits annually, and mounts special exhibits in cooperation with other institutions such as the Town, for which we have two case exhibits currently mounted (one in the new Town Administration Building, and one in the Visitor Center).

Museums: The Society provides three museums which are open to the public year-round on Chester Street, allowing for destination tourism and adding to the amenities and open sites to which the Town's staff at the Front Royal Visitor Center may direct travelers.

Commemorative Events: The Society is always prepared to cooperate with the Town, County and State on commemorative activities. In 2007 we cooperated with the state's 400th Jamestown anniversary, in 2011 we cooperated with the County on Warren's 175th anniversary, in 2013 we cooperated with the Town on Front Royal's 225th anniversary, and for the past two years we have helped plan the Battle of Front Royal Commemorative Reenactment. Cooperation takes many forms, including research, event planning, historic trail and marker design, and much more.

Battlefield Tours: The Society provides battlefield tours for Civil War battles which raged through Front Royal and Warren County. Of the five major engagements which took place in Warren County during the war, three took place in part through the Town: The Battle of Front Royal, the Battle of Wapping Heights/Manassas Gap, and the Battle of Guard Hill.

We would hope that the Town of Front Royal would see these activities of the Warren Heritage Society as assisting the Town and providing valuable services that the Town is not currently equipped to provide, and maintaining those services and programs as readily available to the public.

Please do not hesitate to contact me at any time concerning these services or this request, and as always I am grateful for the opportunity to work with the Town in order to achieve our common goals. Thank you so much for your time and consideration.

Most sincerely,

Patrick Farris

Executive Director, Warren Heritage Society

101 Chester Street Front Royal, VA 22630; whsexecutivedirector@comcast.net; (540) 636-1446

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Town of Front Royal, Virginia Council Agenda Statement

Page 1
Item No. 12

Meeting Date: August 28, 2017

Agenda Item: COUNCIL APPROVAL – Proposed Charter Amendments be Sent to General Assembly Representatives

Summary: Council is requested to authorize the Town Attorney to send the attached proposed Charter Amendments to the General Assembly representatives by November 1, 2017 to ensure enough time to review the contents and take appropriate action to advance Town Council's objectives.

Budget/Funding: None

Attachments: Proposed Charter Amendments

Meetings: Work Sessions held July 17 and August 21, 2017.

Staff Recommendation: Approval ✓ Denial

Proposed Motion: I move that Council authorize the Town Attorney to send the attached proposed Charter Amendments to the General Assembly representatives by November 1, 2017 to ensure enough time to review the contents and take appropriate action to advance Town Council's objectives.

*Note: Motions are the formal & final proposal of Council,
proposed motions are offered by Staff for guidance
*To be clear and concise, motions should be made in the positive

Approved By: JW

**SUMMARY OF MAJOR CHARTER CHANGES REQUESTED BY TOWN COUNCIL
IN 2013 SESSION OF GENERAL ASSEMBLY**

Note: Underlined Sections refer to Sections of Charter affected.

Section 2. To remove the Charter's definition of the Town's corporate limits. Not only is this substantially incorrect, as much territory has been added in the interim, it is now, by State statute, illegal for a Charter to contain a municipal corporation's corporate boundaries. (Current Section 2 of Charter).

Section 6. A. Change elections for Town Council and Mayor from the first Tuesday in May in even numbered years, to the general election day in November in even numbered years. After the failure of the General Assembly to change the Town's Charter, the Town enacted an ordinance to this effect, but the General Assembly could, by statute, cause this to be reverted.

Section 6. C. To cause elections to Town Council and Mayor to be non-partisan (so that federal employees, such as our present Town Council Member, who is employed by the United States Department of Energy, and our very recent former Mayor, the Honorable Timothy W. Darr, who was employed by the United States Department of Defense as Supervisor Physical Security Specialist for the Pentagon Force Protection Agency, to be able to hold local public office—historically, all Town elections have always been non-partisan).

Section 6.D. Bring the process for filling vacancies on Town Council, such as the time in which it shall be accomplished, in line with the then-current State Code, and give such appointed Council Member all the powers of an elected Town Council Member.

Sections 6. E. and F. Brings the process of revising salaries of the Mayor and Town Council Members from time to time in line with the then-current State Code

Section 9. Designate the first Meeting in January as the Meeting at which the Vice Mayor shall be elected by Town Council.

Section 12. To allow minutes to be kept in electronic format in lieu of (or in addition to) hard-copy minute books.

Section 18. 3. B. Where the Town provides utility services outside its corporate limits, allows the Town to continue to charge out of Town utility users the PILOT fees (“payment in lieu of taxes”, to equalize the rates between in-Town and out- of Town users. My fear is that the General Assembly may at some time pass a statute abolishing the current statutes that specifically allow the Town to do this. I also would like the Town to have the ability to pay this money into its general fund, in Town Council’s discretion. I have worded the proposed Charter change as follows: *When the town furnishes water, gas, electric, sewer, or other utility services to users thereof located outside the town’s corporate limits, notwithstanding any provision of law to the contrary, the town may collect such compensation and service fees therefor as may be contracted for between the town and such user, and the town shall not thereby be obligated to provide such utility services to any other users outside its corporate boundaries. Any compensation and service fees received by the town for the furnishing of such utility services to users outside the town’s corporate limits may, in the discretion of the town council, be paid into the town’s general fund.*

Section 18. 26., and Section 39. To allow the publication of proposed ordinances, resolutions, and other notices by any method allowed by law.

Section 26. To allow the Town Council to designate additional Town officers by ordinance.

Section 28. To allow Town Council to continue to raise taxes semi-annually or such other periods as Town Council, in its discretion, may deem, notwithstanding change in State Code.

Section 60. To combine the duties of the Town Treasurer with that of Town Manager or, more likely, Town Finance Director.

Section 65. Remove most of this Section, as it violates State Code as well as existing Town policy on vacation of public rights of way, and would be difficult to use: *Provided, however, if the land within any mapped street or highway is not yielding a fair return to the owner, the board of appeals [OF WHICH THERE IS NONE IN EXISTANCE], provided for in chapter nine hereof, by a majority vote of all its members, may issue a permit for a building within the street line of such street or highway, upon such conditions as will increase as little as possible the cost of opening such street or highway, and will protect as far as possible the rights of the public and the integrity of the town plan. The board of appeals, hereinafter authorized, before taking any action under the provisions of this section, shall hold a public hearing, of which adequate notice shall be given*

to all persons deemed to be affected [VIOLATES STATE CODE.]. Any decision by the board of appeals, rendered under the provisions of this section, shall be subject to the same court review as provided for zoning decisions of the board.

Sections 67-69, Zoning. Remove most of it in its entirety. It has been almost entirely superseded by current Town Code, State Code, and modern zoning principles.

Many Sections. For the provision of a number of other minor or clerical amendments to the Charter.

**ADDITIONAL CHARTER CHANGES THAT MAY OR MAY NOT
BE CONSIDERED PROPOSED BY TOWN COUNCIL**

1) State Corporation Commission jurisdiction over local utilities – As a result of the electric rate issue in Danville, the General Assembly was lobbied to consider legislation to grant the State Corporation Commission (SCC) regulatory powers over municipal government utilities, just as the SCC does currently over for-profit electric utilities such as Dominion Power. Local oversight of municipal utilities may be necessary to maintain citizen involvement in establishing rates that the Town feels is appropriate. This may be an issue to come up again. Town Council may feel it is appropriate to put in its Charter that Town Council shall always retain its authority and jurisdiction to set its own electric utility rates, and

2) Business, Professional, & Occupation License Tax (BPOL) - The Town currently realizes in the range of \$700,000 in revenue annually from BPOL tax. Elimination of this revenue source by the General Assembly without providing an equivalent revenue source would result in a significant shortfall in the Town's general fund operating budget. Any substitute revenue source must be sustainable and realize increase as business development occurs. This could occur during any session of the General Assembly, and there is seemingly always a push upon the General Assembly to abolish local BPOL taxes. Town Council might want to see a Charter provision that would allow the Town to always have the authority to impose a BPOL tax, notwithstanding future changes to general State law.

3) Dilapidated Buildings – The Code of Virginia provides authority to address dilapidated buildings to counties and cities that are not extended to Towns. The Town has a number of structures that are dilapidated but are not so structurally deficient as to meet the legal standard of “blight”. This limits the Town’s ability to pursue rehabilitative actions to remove the blight from our community. Amending the Town’s Charter to give the Town the same authority as cities and counties in this regard would be a good step in allowing the Town to protect itself.

4) The Town might include whether the Town wishes to be able to retain its zoning authority over pending State directives regarding Airbnb. Despite assurances from proponents of Airbnb, experience with Airbnb has shown that, with few exception, Airbnb housing are houses which are strictly short-term rentals, otherwise not lived in by local residents, mostly located in residential neighborhoods near restaurants and other municipal amenities.

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**Town of Front Royal, Virginia
Council Agenda Statement**

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Item No. 13

Meeting Date: August 28, 2017

Agenda Item: COUNCIL APPROVAL – Resolution to Extend an Encroachment Agreement at 311 Blue Ridge Avenue – Karen Marshall

Summary: Council approved a resolution on September 10, 2012 of an encroachment of a chain link fence onto Blue Ridge Avenue right-of-way located at 311 Blue Ridge Avenue for property owner Karen Marshall. The resolution was approved for a period not to exceed five (5) years, which said authorization period may be extended by an additional five (5) year periods by further resolution of Council. Council is requested to approve the extension of the encroachment but to revise the motion that the extension of the additional five (5) year periods be executed by the Town Manager in the name of Town Council, as presented.

Budget/Funding: None

Attachments: Resolution

Meetings: None

Staff

Recommendation: Approval ✓ Denial

Should Council wish to remove this item from the consent agenda, the following motion would allow approval of this request:

Proposed Motion: I move that Council approve a Resolution for an existing encroachment of a portion of Kimberly Dawn Wilson's property located at 821 Commerce Avenue for a period not to exceed (5) five years, which period may be extended by additional (5) year periods by further Encroachment License executed by the Town Manager in the name of Town Council, as presented.

ROLL CALL VOTE REQUIRED

*Note: Motions are the formal & final proposal of Council,
proposed motions are offered by Staff for guidance

*To be clear and concise, motions should be made in the positive

Approved By: JW

RESOLUTION

WHEREAS, Karen Elaine Marshall, the owner of improved real property located at 311 Blue Ridge Avenue, Town of Front Royal, County of Warren, Virginia, Warren County **Tax Map # 20A814-2-10C**, has requested that the Town Council of the Town of Front Royal, Virginia, renew the authorization of the existing encroachment of a portion of said improvements located on said real property into, on and over the Town's Blue Ridge Avenue right-of-way; and,

WHEREAS, pursuant to the authority granted the Town by Sections 15.2-2009 through 15.2-2011 of the Code of Virginia, 1950, as amended, Town Council is of the opinion and determines that it is in the public interest to renew the authorization of the existing encroachment into, on and over the Town's Blue Ridge Avenue right-of-way by a portion of the real property improvements located at 311 Blue Ridge Avenue, for a period not to exceed five (5) years, which said authorization period may be extended by additional five (5) year periods by further Encroachment License executed by the Town Manager in the name of the Town Council, all according to the terms and conditions stated in an Encroachment License to be executed by the parties, with plat of survey attached, to the extent as more particularly described therein.

NOW, THEREFORE, BE IT, HEREBY, RESOLVED by the Town Council of the Town of Front Royal, Virginia, that the Town hereby renews the authorization of the existing encroachment into the Town's Blue Ridge Avenue right-of-way by a portion of the real property improvements located at 311 Blue Ridge Avenue, said encroachment extending approximately One and Six-Tenths

Feet (1.6') into Blue Ridge Avenue, for a period not to exceed five (5) years, which period may be extended by additional five (5) year periods by further Encroachment License executed by the Town Manager in the name of the Town Council. This encroachment authorization is conditioned upon the execution and recording of an Encroachment License by said property owner, with plat of survey attached, said survey to be obtained to be obtained at the expense of the property owner and the recordation thereof at the expense of the property owner, in the land records of the Circuit Court of Warren County, Virginia, authorizing said encroachment according to the terms and conditions stated herein and to the extent as more particularly described herein. The Town Manager is hereby authorized to execute an Encroachment License acceptable to Town on behalf of the Town.

THIS RESOLUTION was approved at the Regular Meeting of the Town of Front Royal, Virginia, Town Council conducted on _____, 2017, upon the following recorded vote:

APPROVED:

Hollis L. Tharpe, Mayor

Town Council Members:

John P. Connolly _____
Jacob Meza _____
William A. Sealock _____

Gary Gillispie _____
Christopher Morrison _____
Eugene R. Tewalt _____

Attest:

Jennifer E. Berry, CMC, Clerk of Council
Approved as to form:

Douglas W. Napier,
Town Attorney

Date