



TOWN COUNCIL WORK SESSION

Monday, November 13, 2017 @ **6:00pm**
Warren County Government Center

1. CLOSED MEETING – BAR/UFAC Interviews and Potential Public-Private Partnership

Motion to Go into Closed Meeting

I move that Town Council go into closed meeting for the following purposes: **1)** Discussion, consideration, or interviews of prospective candidates for, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public appointees of Town Council to the Board of Architectural Review and to the Urban Forestry Advisory Council, pursuant to Section 2.2-3711.A.1 of the Code of Virginia; **2)** Discussion and consideration of a potential public-private partnership under the provisions of The Public-Private Education Facilities and Infrastructure Act of 2002, related to potential development at or near the intersection of Shenandoah Avenue and the new bridge at the south end of the South Fork of the Shenandoah River, under the following specific provisions of the Freedom of Information Act: **(a)** Discussion or consideration of the investment of public funds where competition or bargaining is involved, where, if made public initially, the financial interest of the governmental unit would be adversely affected, pursuant to Section 2.2-3711. A. 6. of the Code of Virginia; and **(b)** Consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel, pursuant to Section 2.2-3711. A. 7. of the Code of Virginia.

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

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

REGULAR TOWN COUNCIL MEETING
Monday, November 13 @ 7:00pm



1. Pledge of Allegiance
2. Moment of Silence
3. Roll Call
4. Approval of the Regular Council Meeting minutes of October 23, 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 – Brandy Rosser**
 - 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 – Write off for Bad Debt
 - B. COUNCIL APPROVAL – Joint Tourism Advisory Committee MOA
 - C. COUNCIL APPROVAL – Resolution Pertaining to Shenandoah National Park Fees
 - D. COUNCIL APPROVAL – Liaison Committee Agenda Items
 - E. COUNCIL APPROVAL – Budget Amendment - DMV Animal Friendly License Plate Funds
 - F. COUNCIL APPROVAL – Bid – Pressure Reducing Vault Installation
 - G. COUNCIL APPROVAL – Bid – Manhole Frame/Cover Rehabilitation Project
 - H. COUNCIL APPROVAL – Plaque Wording for Former Town Hall
8. **PUBLIC HEARING** – Deed of Gift – Warren County School Board – Ressie Jeffries School
9. **PUBLIC HEARING** – Special Use Permit Application – Robinson - 8 W. 14th Street
10. **PUBLIC HEARING** – Special Use Permit Application – Dwight Dunton, Jr. – E. 13th Street
11. **PUBLIC HEARING** – Ordinance Amendment to Chapter 158 - Joint Towing Board (*1st Reading*)
12. **PUBLIC HEARING** – Ordinance Amendment to Chapter 170 “Weeds/Debris” (*1st Reading*)
13. **PUBLIC HEARING** – Ordinance Amendment to Chapter 66 - Tethering of Dogs *1st Reading*)
14. **COUNCIL APPROVAL** - Ordinance Amendment Pertaining to Banner Poles (*2nd Reading*)
15. **COUNCIL APPROVAL** - HEPTAD Request for Extension to Submit Development Plan
16. **COUNCIL APPOINTMENT** – Board of Architectural Review (BAR)
17. **COUNCIL APPOINTMENT** – Urban Forestry Advisory Committee (UFAC)
18. **COUNCIL APPROVAL** – Adoption of Property Maintenance Code and Establishment of a Rental Inspections District (*1st Reading*)
19. **CLOSED MEETING** – Potential Revenue Sharing Agreement

7A



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

Page 1
Item No. 7(A)

Meeting Date: November 13, 2017

Agenda Item: COUNCIL APPROVAL – Write Off for Bad Debt

Summary: Council is requested to approve the removal of seven (7) years or older of outstanding accounts receivable (bad debts) on the Town's ledger in the amount of \$175,999.70 from enterprises and general fund liability accounts, including 298 utility accounts, as presented.

Budget/Funding: No funding required. Journal entry will affect balance sheet only

Attachments: List of items to be removed

Meetings: Work Session held November 6, 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 removal of seven (7) years or older of outstanding accounts receivable (bad debts) on the Town's ledger in the amount of \$175,999.70 from enterprises and general fund liability accounts, including 298 utility accounts, 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

FY18 Uncollectible Utility Accounts

Balance	Service Address	Final Bill Due Date
\$ 217.14	1346 FOREST HILL DR.	4/20/2007
\$ 928.46	60 W STRASBURG RD	2/28/2009
\$ 55.83	135 CROOKED RUN PLAZA SUITE#120	5/6/2010
\$ 140.50	70 RIVERTON COMMONS PLAZA SUITE #B20	3/29/2010
\$ 241.00	70 RIVERTON COMMONS DR #B10	2/5/2010
\$ 368.13	193 W DUCK ST	2/22/2010
\$ 383.66	418 W DUCK ST	6/8/2007
\$ 251.11	1442 RIVER CT	3/9/2010
\$ 1,149.87	1324 QUEENS HWY	5/31/2009
\$ 522.56	1320 QUEENS HWY	6/11/2010
\$ 1,416.49	1314 QUEENS HWY	5/14/2010
\$ 60.65	AVALON SHORES LOT #25	3/16/2010
\$ 318.69	1502 SCRANTON AVE	6/21/2010
\$ 300.84	1355 EDMONT AVE	5/6/2010
\$ 1,443.97	116 E 15TH ST	4/30/2009
\$ 1,430.01	1616 N ROYAL AVE	4/2/2010
\$ 1,310.61	112 W 16TH ST	12/31/2009
\$ 448.65	121 W 14TH ST #2	10/31/2009
\$ 170.80	140 W 17TH ST	8/24/2007
\$ 427.21	830 W 15TH ST	6/21/2010
\$ 427.45	1416 N SHENANDOAH AVE #12	3/26/2010
\$ 237.38	1320 STATE ST	6/16/2010
\$ 299.37	1325 WOODSIDE AVE.	4/19/2005
\$ 203.61	115 W 13TH ST	6/30/2010
\$ 456.66	1200 VIRGINIA AVE	3/22/2010
\$ 173.72	109 FAIRVIEW AVE	1/31/2010
\$ 33.19	111 W 12TH ST #4	7/31/2009
\$ 3,304.27	1116 N ROYAL AVE	4/23/2010
\$ 242.97	1095 N ROYAL AVE #1	6/30/2010
\$ 373.84	1095 N ROYAL AVE #4	5/31/2010
\$ 445.61	1095 N ROYAL AVE #9	5/31/2010
\$ 402.26	1095 N ROYAL AVE #12	4/30/2010
\$ 708.79	315 W 11TH ST	6/30/2010
\$ 368.95	336 W. 9TH ST. FRONT ROYAL, VA	4/24/2005
\$ 550.61	804 N SHENANDOAH AVE	12/31/2008
\$ 251.37	127 W 8TH ST #1	6/17/2010
\$ 255.56	1315 MONROE AVE.	4/4/2008
\$ 111.48	1317 MONROE AVE	5/31/2009

FY18 Uncollectible Utility Accounts

Balance	Service Address	Final Bill Due Date
\$ 198.44	705 W 14TH ST	3/22/2010
\$ 1,441.47	718 W 14TH ST	6/30/2010
\$ 95.85	709 W 13TH ST	7/31/2009
\$ 795.05	812 W 13TH ST	5/31/2010
\$ 584.98	728 W 13TH ST	5/21/2010
\$ 665.83	708 W 13TH ST	1/31/2009
\$ 477.05	834 W 11TH ST	3/8/2010
\$ 878.49	736 W 11TH ST	1/29/2010
\$ 323.82	711 W. 11TH ST.	6/8/2007
\$ 373.07	650-F W 11TH ST	4/22/2010
\$ 990.99	622 W 11TH ST	6/17/2010
\$ 241.52	612-A W 11TH ST	2/28/2009
\$ 858.66	606 W 11TH ST	6/30/2010
\$ 231.16	600 W. 11TH ST.	2/21/2005
\$ 71.30	343 KENDRICK LN #14	12/31/2009
\$ 124.93	343 KENDRICK LN #2	6/30/2009
\$ 548.99	343 KENDRICK LN #3	11/30/2009
\$ 101.50	353 KENDRICK LN #32	12/31/2008
\$ 395.68	353 KENDRICK LN #25	4/30/2010
\$ 522.91	353 KENDRICK LN #25	3/31/2009
\$ 74.00	353 KENDRICK LN #26	6/30/2010
\$ 291.52	353 KENDRICK LN #28	4/30/2010
\$ 54.11	363 KENDRICK LN #57	6/30/2010
\$ 329.06	363 KENDRICK LN #45	6/30/2009
\$ 1,581.28	623 W 11TH ST	6/11/2010
\$ 2,102.98	603 W 12TH ST	11/30/2009
\$ 243.76	1400 MASSANUTTEN AVE #3	8/31/2009
\$ 3,761.58	616 W 13TH ST	2/28/2009
\$ 191.22	359 W 9TH ST	4/23/2010
\$ 197.80	363 W 9TH ST	4/26/2010
\$ 169.99	803 B N ROYAL AVE	1/31/2010
\$ 1,599.31	803-A N ROYAL AVE	6/7/2010
\$ 733.05	810 WARREN AVE	4/9/2010
\$ 370.23	915-D N ROYAL AVE	5/24/2010
\$ 800.11	406 N ROYAL AVE #2	4/30/2009
\$ 374.09	318 N ROYAL AVE #2	9/30/2009
\$ 1,920.77	427 VIRGINIA AVE	3/31/2009
\$ 384.91	11 W 5TH ST	2/5/2010

FY18 Uncollectible Utility Accounts

Balance	Service Address	Final Bill Due Date
\$ 585.52	17 W 5TH ST	2/12/2010
\$ 960.13	501 VIRGINIA AVE	4/2/2010
\$ 26.44	21-A W 6TH ST	4/26/2010
\$ 543.39	21-B W 6TH ST	6/30/2009
\$ 299.04	21-C W 6TH ST	1/29/2010
\$ 1,188.00	704 VIRGINIA AVE	4/30/2009
\$ 973.03	520 VIRGINIA AVE #3	6/30/2010
\$ 146.09	520 VIRGINIA AVE #9	11/30/2008
\$ 131.59	520 VIRGINIA AVE #12	1/18/2010
\$ 142.06	120 W 6TH ST #1	2/28/2009
\$ 396.90	120 W 6TH ST #8	4/16/2010
\$ 556.99	120 W 6TH ST #11	4/30/2009
\$ 464.39	517 VILLA AVE	6/11/2010
\$ 736.09	406 VIRGINIA AVE.	1/16/2007
\$ 284.01	210 VIRGINIA AVE #6	1/31/2010
\$ 389.53	204 VIRGINIA AVE #110	5/10/2010
\$ 1,129.51	122 VIRGINIA AVE	2/22/2010
\$ 320.01	22 W 1ST ST #10	3/12/2010
\$ 501.29	135 CHESTER ST #2	4/27/2010
\$ 395.66	240 WARREN AVE	4/16/2010
\$ 1,759.40	20 E 4TH ST	5/10/2010
\$ 145.73	415 WARREN AVE #1	2/19/2010
\$ 736.62	425 WARREN AVE	5/5/2010
\$ 508.46	718 WARREN AVE #4	5/3/2010
\$ 306.83	714 WARREN AVE	4/23/2010
\$ 578.47	626 WARREN AVE SHOP	5/25/2010
\$ 149.37	508-A WARREN AVE	4/2/2010
\$ 1,819.55	505 WARREN AVE	5/6/2010
\$ 777.44	210 E MAIN ST #4	9/30/2009
\$ 307.81	126 E MAIN ST #4	10/31/2009
\$ 45.87	126 E. MAIN ST. #1	12/31/2007
\$ 208.65	126 E MAIN ST #6	12/31/2008
\$ 203.05	112 E MAIN ST #7	6/21/2010
\$ 177.82	112 E MAIN ST #2	6/11/2010
\$ 431.56	112 E MAIN ST #9	12/31/2008
\$ 476.44	412 VISCOSE AVE	2/26/2010
\$ 887.15	515 VISCOSE AVE	4/2/2010
\$ 283.06	518 W MAIN ST #3	4/21/2010

FY18 Uncollectible Utility Accounts

Balance	Service Address	Final Bill Due Date
\$ 894.96	512-D W MAIN ST	2/28/2009
\$ 194.83	512-B W MAIN ST	5/30/2004
\$ 38.21	113 E MAIN ST #4	6/15/2010
\$ 133.32	113 E. MAIN ST. #6 FRONT ROYAL, VA	6/11/2002
\$ 610.82	409-B E MAIN ST	3/25/2010
\$ 318.07	529 E MAIN ST #2	4/23/2010
\$ 119.80	9 S ROYAL AVE	6/16/2010
\$ 851.19	19 S ROYAL AVE #3	4/22/2010
\$ 266.74	19 S ROYAL AVE #4	4/28/2010
\$ 104.85	21 S ROYAL AVE REAR	5/20/2010
\$ 339.83	21 S ROYAL AVE	5/14/2010
\$ 337.78	27 S ROYAL AVE STORAGE #350	3/8/2010
\$ 5,888.38	27 S. ROYAL AVE. HOUSE BASEMENT & HALL	4/8/2010
\$ 377.38	27 S ROYAL AVE #200-#220	3/8/2010
\$ 385.32	27 S ROYAL AVE #410-430	4/8/2010
\$ 162.32	215 S ROYAL AVE #1	5/17/2010
\$ 260.39	313 S ROYAL AVE	1/4/2010
\$ 191.96	540 LILLARD DR	2/28/2010
\$ 769.85	524 LILLARD DR	4/28/2010
\$ 54.66	122 ELSIA DR.	8/24/2007
\$ 522.12	122 ELSIA DR	6/11/2010
\$ 524.69	118 ELSIA DR. FRONT ROYAL, VA	6/1/2005
\$ 193.88	539 S ROYAL AVE #2	4/30/2009
\$ 605.45	20 W STONEWALL DR #5	5/14/2010
\$ 215.30	107 LEE ST	6/16/2010
\$ 263.70	244 ORCHARD ST	5/14/2010
\$ 238.28	425 GRAND AVE.	12/8/2004
\$ 523.45	301 SKYLINE PL	7/31/2009
\$ 515.97	307 SKYLINE PL	5/31/2009
\$ 463.80	315 SKYLINE PL	11/30/2008
\$ 656.24	321 SKYLINE PL	2/28/2009
\$ 106.54	150-A SHERWOOD AVE	6/21/2010
\$ 1,047.51	122 S SHENANDOAH AVE #4	6/30/2010
\$ 548.61	117-B S SHENANDOAH AVE	6/16/2010
\$ 383.55	121-A S. SHENANDOAH AVE.	12/30/2005
\$ 392.16	121-B S SHENANDOAH AVE	1/29/2010
\$ 574.30	211-C S SHENANDOAH AVE	4/26/2010
\$ 1,709.73	403 KERFOOT AVE	5/31/2009

FY18 Uncollectible Utility Accounts

Balance	Service Address	Final Bill Due Date
\$ 455.34	401 KERFOOT AVE	4/23/2010
\$ 391.88	424 DUNCAN AVE	6/30/2009
\$ 133.82	343 CHERRYDALE AVE #6	11/30/2009
\$ 1,817.18	355 CHERRYDALE AVE.	11/3/2006
\$ 329.75	374 CHERRYDALE AVE	4/23/2010
\$ 158.20	392 CHERRYDALE AVE	1/29/2010
\$ 60.69	425 CHERRYDALE AVE	6/21/2010
\$ 731.06	438 CHERRYDALE AVE	4/30/2009
\$ 197.65	126 W CRISER RD	5/10/2010
\$ 925.41	5103 BROWNTOWN RD	3/31/2010
\$ 151.39	272 WALNUT DR	5/12/2010
\$ 44.51	401 E CRISER RD #103	3/26/2010
\$ 98.14	415 E CRISER RD #203	4/19/2010
\$ 36.86	415 E CRISER RD #204	6/30/2009
\$ 148.05	409 E CRISER RD #102	8/31/2009
\$ 328.07	409 E CRISER RD #302	4/19/2010
\$ 408.59	640 MILLS LN	1/29/2010
\$ 158.93	60 E CRISER RD	5/26/2010
\$ 1,320.55	117 BEEDEN LN	6/21/2010
\$ 106.67	201 SOUTH ST	5/10/2010
\$ 383.79	142 BEEDEN LN	4/19/2010
\$ 128.53	200 BEEDEN LN	6/16/2010
\$ 331.85	448 ACTON ST	4/30/2010
\$ 143.74	482 HILL ST	2/28/2010
\$ 444.95	809 REMOUNT RD	5/24/2010
\$ 405.00	5 JAMESTOWN RD.	1/31/2008
\$ 167.72	9 SHENANDOAH COMMONS WAY #304	12/31/2008
\$ 214.18	5 SHENANDOAH COMMONS WAY #104	1/29/2010
\$ 146.51	11 SHENANDOAH COMMONS WAY #304	6/25/2010
\$ 61.43	15 SHENANDOAH COMMONS WAY #101	1/31/2008
\$ 430.45	15 SHENANDOAH COMMONS WAY #203	4/26/2010
\$ 67.74	19 SHENANDOAH COMMONS WAY #301	7/31/2009
\$ 513.56	19 SHENANDOAH COMMONS WAY #302	4/30/2009
\$ 341.21	19 SHENANDOAH COMMONS WAY #304	5/31/2009
\$ 225.05	23 SHENANDOAH COMMONS WAY #104	4/30/2010
\$ 76.72	23 SHENANDOAH COMMONS WAY #303	9/9/2003
\$ 122.36	25 SHENANDOAH COMMONS WAY #103	11/18/2004
\$ 129.06	25 SHENANDOAH COMMONS WAY #203	6/30/2010

FY18 Uncollectible Utility Accounts

Balance	Service Address	Final Bill Due Date
\$ 126.85	25 SHENANDOAH COMMONS WAY #304	5/31/2010
\$ 415.17	21 SHENANDOAH COMMONS WAY #302	6/30/2010
\$ 225.25	13 SHENANDOAH COMMONS WAY #202	4/30/2009
\$ 1,755.03	13 BEAU LANE LOT 7A	12/31/2008
\$ 325.91	723 STAYMAN ST	6/11/2010
\$ 1,150.94	101 THE HILL	5/31/2010
\$ 101.62	605 RANDOLPH AVE	5/20/2010
\$ 177.73	623 BEL AIR AVE	6/16/2010
\$ 1,446.65	634 BEL AIR AVE	4/9/2010
\$ 469.78	630 BEL AIR AVE	7/31/2009
\$ 2,481.45	630 BEL AIR AVE	5/14/2010
\$ 49.57	628 BEL AIR AVE	2/19/2010
\$ 431.88	606 MIDLAND AVE. FRONT ROYAL, VA	3/31/2002
\$ 615.70	530 BEL AIR AVE	4/21/2010
\$ 238.31	424 BEL AIR AVE	8/31/2009
\$ 1,875.33	429 BEL AIR AVE	4/23/2010
\$ 788.53	1002 STUART DR	6/30/2009
\$ 525.07	963 STUART DR	8/31/2009
\$ 1,036.92	963 STUART DR	4/30/2010
\$ 2,701.08	1026 GOODVIEW DR	6/30/2010
\$ 240.03	971 AUBURN CT	12/31/2009
\$ 932.63	977 GOODVIEW DR	2/28/2009
\$ 96.07	1102 GOODVIEW DR	4/2/2010
\$ 762.51	1103 EWELL ST	4/30/2010
\$ 610.53	1101 EWELL ST	1/4/2010
\$ 258.50	1101 ASHBY ST LOT #1	1/22/2010
\$ 724.35	1106 ASHBY ST	4/2/2010
\$ 470.28	1104 ASHBY ST	1/8/2010
\$ 1,041.41	111 STEELE AVE	6/30/2010
\$ 603.23	115 STEELE AVE	5/31/2009
\$ 291.43	106 STEELE AVE	7/31/2009
\$ 215.89	514 CARTER ST.	12/31/2007
\$ 854.25	7 SOUTH ST	3/10/2010
\$ 193.83	28 E PROSPECT ST	3/22/2010
\$ 1,428.33	14 E STONEWALL DR #A	5/31/2009
\$ 644.00	120-A S ROYAL AVE	5/31/2009
\$ 434.21	116-B S ROYAL AVE	3/31/2009
\$ 882.44	110 S ROYAL AVE #A BASEMENT	3/9/2010

FY18 Uncollectible Utility Accounts

Balance	Service Address	Final Bill Due Date
\$ 315.78	315 PINE ST	4/2/2010
\$ 1,219.08	221 E PROSPECT ST	2/28/2010
\$ 877.26	341 OSAGE ST	3/31/2009
\$ 1,071.31	341 OSAGE ST	4/19/2010
\$ 34.73	220 CHURCH ST	6/15/2010
\$ 1,491.53	208 CHURCH ST	3/22/2010
\$ 130.38	341 CLOUD ST #1	6/16/2010
\$ 190.17	320 CLOUD ST #6	6/14/2010
\$ 336.21	203 BLUE RIDGE AVE	6/11/2010
\$ 421.98	203 BLUE RIDGE AVE #1	6/11/2010
\$ 1,304.11	203 BLUE RIDGE AVE #2	6/11/2010
\$ 705.09	203 BLUE RIDGE AVE #3	6/11/2010
\$ 1,085.01	325 BLUE RIDGE AVE	2/12/2010
\$ 1,837.97	349 BLUE RIDGE AVE #B	4/30/2009
\$ 412.11	356 BLUE RIDGE AVE. #3	5/31/2006
\$ 546.34	356 BLUE RIDGE AVE #2	2/28/2010
\$ 674.00	317 FRAZIER PL	4/30/2009
\$ 531.61	10 BLUE RIDGE AVE #1	5/12/2010
\$ 312.29	221 FLETCHER ST #2	4/30/2009
\$ 299.84	311 RITENOUR ST	6/11/2010
\$ 1,262.36	308 RITENOUR ST	3/18/2010
\$ 512.17	334 RITENOUR ST	2/22/2010
\$ 731.91	337 RITENOUR ST	4/30/2010
\$ 352.27	515 SHORT ST	5/21/2010
\$ 1,733.86	518 SHORT ST	5/10/2010
\$ 432.56	518 SHORT ST	3/31/2009
\$ 75.54	9 S MARSHALL ST	2/12/2010
\$ 160.80	15 S MARSHALL ST	9/30/2009
\$ 1,527.62	821 E STONEWALL DR	9/30/2009
\$ 1,336.47	34 N MARSHALL ST	6/17/2010
\$ 936.00	8 N MARSHALL ST	5/31/2010
\$ 144.94	107 PINECREST ST	5/26/2010
\$ 487.81	129 HENRICO RD	6/17/2010
\$ 1,076.93	14 YORKTOWN CT.	4/4/2008
\$ 497.32	314 HENRICO RD	5/10/2010
\$ 1,035.27	314 AMHERST DR	1/31/2009
\$ 2,610.66	1048 HORSESHOE DR	4/30/2010
\$ 839.88	322 REMOUNT RD	4/22/2010

FY18 Uncollectible Utility Accounts

Balance	Service Address	Final Bill Due Date
\$ 491.81	322 REMOUNT RD	4/22/2010
\$ 600.69	35 ROYAL LN. #3	1/31/2008
\$ 389.56	35 ROYAL LN #8	10/31/2009
\$ 66.97	35 ROYAL LN #10	6/21/2010
\$ 131.81	47 ROYAL LN #5	3/26/2010
\$ 351.16	67 ROYAL LN #5	4/9/2010
\$ 50.23	125 BIGGS DR #2	1/31/2010
\$ 106.22	74 ROYAL LN	6/30/2009
\$ 701.93	1387 JOHN MARSHALL HWY	6/21/2010
\$ 330.17	6 LAKE AVE	4/19/2010
\$ 878.46	1508 JOHN MARSHALL HWY #3-TR	7/31/2009
\$ 1,487.54	14 LAKE AVE TR#14	8/30/2009
\$ 329.26	14 LAKE AVE TR#14	12/31/2009
\$ 626.42	18 LAKE AVE	3/31/2010
\$ 247.97	1496 JOHN MARSHALL HWY	11/30/2009
\$ 607.83	1484 JOHN MARSHALL HWY	3/31/2010
\$ 194.89	1474 JOHN MARSHALL HWY	4/2/2010
\$ 436.74	1472 JOHN MARSHALL HWY	5/26/2010
\$ 654.38	1470 JOHN MARSHALL HWY	4/9/2010
\$ 138.08	1456 ANDERSON ST.	12/12/2008
\$ 556.68	1456 ANDERSON ST	1/31/2010
\$ 466.53	1454 ANDERSON ST	2/12/2010
\$ 395.51	1425 ANDERSON ST	1/19/2010
\$ 741.07	1388 LINDEN ST	5/13/2010
\$ 240.18	77 WESTMINSTER DR	12/31/2009
\$ 404.01	110 MANASSAS AVE	4/16/2010
\$ 990.04	207 MANASSAS AVE	1/22/2010
\$ 1,283.14	712 STOCKTON RD	7/31/2009
\$ 4,207.36	115 POLK AVE	6/30/2010
\$ 982.05	1049 BRAXTON RD	3/29/2010
\$ 106.94	7 EVELYN CT	5/29/2009
\$ 175,999.70		

7B



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

Page 1
Item No. 7(B)

Meeting Date: November 13, 2017

Agenda Item: COUNCIL APPROVAL – Joint Tourism Advisory Committee MOA

Summary: Council is requested to approve a Memorandum of Agreement between the Warren County Board of Supervisors and the Town of Front Royal Town Council for a Front Royal-Warren County Joint Tourism Advisory Committee that includes By-Laws, as presented. The MOA was adopted by the Warren County Board of Supervisors on September 19, 2017.

Budget/Funding: None

Attachments: Memorandum of Agreement and By-Laws

Meetings: Work Session held November 6, 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 a Memorandum of Agreement between the Warren County Board of Supervisors and the Town of Front Royal Town Council for a Front Royal-Warren County Joint Tourism Advisory Committee that includes By-Laws, 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



Memorandum of Agreement



*of the Board of Supervisors of Warren County
and the Town of Front Royal Town Council*

FRONT ROYAL-WARREN COUNTY JOINT TOURISM ADVISORY COMMITTEE

I. PURPOSE

Since June 21, 1993 the Town of Front Royal has been responsible for funding the Visitor's Center and tourism for the community. At the time, the vast majority of hotels, motels, and restaurants benefitting from tourism were located inside the limits of the Town of Front Royal. With the growth of the lodging industry in the County outside of Town limits, Warren County recently adopted a 3% increase to the transient occupancy tax that increases the tax from 2% to 5% (effective July 1, 2017), which will allow the County to collect money to be spent for tourism purposes. It is understood that the intent of the County is not to supplant the current funding by the Town, but to allow the Town and County to put additional resources to branding and marketing the community as a destination. Additionally, this would allow the Town and County to support and enhance restaurants, lodging establishments, and the many amenities in the community.

The Town of Front Royal and County of Warren would like to appoint a Joint Tourism Advisory Committee to advise, assist, support, and advocate for tourism policies, programs, and activities to market and promote Front Royal-Warren County and its environs. This Committee will serve as the "local tourism industry organization" referred to in Section 58.1-3819 of the Code of Virginia, as amended, and will include local lodging partners as indicated in the Code section.

This Committee shall:

- A. Promote and assist tourism development in the Front Royal-Warren County community;
- B. Develop and assist in the implementation of a joint tourism development plan to increase overall tourism revenue;
- C. Encourage individuals, businesses, and the Town and County to invest in tourism development as an integral part of overall economic development; and
- D. Assist the various regional organizations in planning and implementing a regional tourism development plan(s).

II. COMPOSITION

- A. The Committee shall consist of nine (9) members, each appointed to a four-year term. Three members shall be 1) the Front Royal Director of Community Development & Tourism, 2) the Warren County Planning Director, and 3) the President of the Front Royal-Warren County Chamber of Commerce. The remaining six (6) members shall be appointed by the Front Royal Town Council (3 members) and Warren County Board of Supervisors (3 members). One member from each the Town and the County must be a representative from a lodging property.
- B. The officers of the Committee shall be appointed for a one-year term, with no individual holding an office for more than two consecutive terms without a one year lapse between terms. The Committee shall elect officers each July and fill vacancies as required during the intervening months. The officers shall include the following:
 - I. Chairman: develops an agenda and presides over meetings, reports quarterly to the Warren County Board of Supervisors and the Front Royal Town Council, and as agreed upon by the Committee, represents the committee on other tourism development committees and organizations, as appropriate
 - II. Vice-Chairman: serves in the absence of the Chairman and oversees the Plan of Work
 - III. Secretary: maintains the minutes of the meetings and issues notices of meetings as provided herein
 - IV. Treasurer: develops an annual budget of funds made available to the Committee
 - V. The offices of Secretary and Treasurer may be combined if the Committee so votes
- C. The Committee may utilize any existing tourism subcommittees or appoint such subcommittees or advisory groups as necessary for the conduct of its work. The Chairman of the Committee shall be an ex officio member of all such subcommittees or groups.
- D. Members of the Committee may be reimbursed for their actual expenses. Claims for expenses by Committee members shall be submitted to the Town of Front Royal and/or County of Warren and paid in accordance with the governing procedures for such claims and shall also be subject to the County's allocation and budgeting procedures.

III. FINANCIAL MATTERS

The Joint Tourism Advisory Committee is authorized to apply for, accept, and expend gifts, grants, or donations from public or private sources to enable the Committee to carry out its objectives.



- A. The County of Warren shall be designated as fiscal agent to administer and maintain fiscal records for the Committee.
- B. Each tourism project that is approved by the Committee shall include a budget and funding plan. The funding plan shall include any grant and/or private funds that may be used toward the project, as well as a proposed split (agreed to by the Director of Tourism and a representative of Warren County) of the remaining cost of the project between the Town of Front Royal and County of Warren.

IV. ADMINISTRATIVE MATTERS

- A. The Committee shall make quarterly reports to the Front Royal Town Council and Warren County Board of Supervisors.
- B. No individual member of the Committee shall make representations or commitments on the Committee's behalf without formal approval or endorsement by the majority of the membership of the Committee.

V. MEETINGS

- A. The Committee shall meet every other month on the second Wednesday of the month. Notice of time and place of regular meetings shall be emailed by the Secretary to the Committee and interested parties at least fourteen (14) days in advance of each meeting. Special meetings may be called by the Chairman or on request of three members of the Committee by emailed notice at least seven (7) days in advance of the date of such special meeting. Emergency meetings may be convened by the Chairman with a 24-hour telephone notice attempt to reach all members.
- B. Meetings shall be open to the general public and news media within the provisions of the Virginia Freedom of Information Act.
- C. The Committee, if voted upon, shall endeavor to hold its meetings in various locations of the Town/County in order to facilitate citizen involvement.
- D. A quorum shall consist of a majority of the members.
- E. Minutes of all meetings shall be kept and retained by the Secretary.
- F. Robert's Rules of Order shall govern the conduct of all meetings.

VI. GOALS OF THE COMMITTEE

Consistent with its purpose, the Committee shall establish objectives and strategies (Plan of Work) that support the Joint Tourism Plan for achieving the goals set forth below. In doing so, the Committee will provide recommendations to any public employees who may be specifically assigned to carry out the Committee's mission.

- A. Citizen Understanding - Increase the economic value of tourism and travels to the Town of Front Royal and County of Warren and its citizens and businesses, and encourages inter-community collaboration on all matters relating to tourism development and promotion.
- B. Tourism - Broaden awareness of the community's existing attractions, both natural and man-made, its heritage and historic sites, and services provided for travelers. This effort shall include awareness within the tourism industry and among the traveling public, with emphasis on multi-county initiatives whenever possible.
- C. Hospitality - Ensure that travelers to and through Front Royal-Warren County are served hospitably and have ready access to information on tourist services and points of interest.
- D. Tourism Development - Pursue with the Economic Development Authority, Town of Front Royal, and County of Warren an overall economic development program to include the development of additional visitor accommodations such as lodging and conference facilities, restaurants, campgrounds, public parks, and other attractions.
- E. Scenic Beauty - Encourage programs whose purpose(s) are to preserve and enhance the scenic beauty of the Town and County, particularly along its public highways.

VII. AMENDMENTS

This Memorandum of Agreement may be amended, repealed, or altered in whole or in part by the Front Royal Town Council and Warren County Board of Supervisors with thirty (30) days written notice.

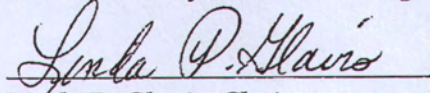
VIII. SEAL

The Committee may have a seal or logotype that identifies its purposes for use in any brochures, letterheads, and other official publications issued by the Committee on its behalf. The Committee may authorize the use of such a graphic by others when such use helps further the Committee's goals and objectives.

Approved by the Warren County Board of Supervisors
Approved by the Front Royal Town Council

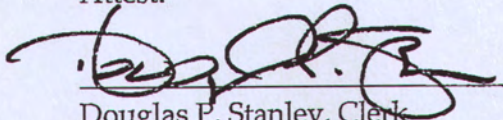
Witnesseth the following signatures:

For the County of Warren, Virginia



Linda P. Glavis, Chair
Board of Supervisors

Attest:



Douglas P. Stanley, Clerk
Board of Supervisors

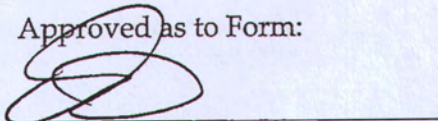
For the Town of Front Royal, Virginia

Hollis L. Tharpe, Mayor

Attest:

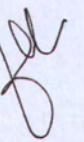
~~Joseph E. Waltz~~
~~Interim Town Manager~~

Approved as to Form:



Dan N. Whitten
County Attorney
County of Warren, Virginia

Douglas W. Napier
Town Attorney
Town of Front Royal, Virginia



**BY-LAWS OF THE
FRONT ROYAL-WARREN COUNTY
JOINT TOURISM COMMITTEE**

ARTICLE 1 – PURPOSE OF COMMITTEE

- 1-1 The Front Royal-Warren County Joint Tourism Committee (“the Committee”) is hereby created to act as an advisory board for the Front Royal Town Council and Warren County Board of Supervisors to advise, assist, support, and advocate for tourism policies, programs, and activities to market and promote Front Royal-Warren County and its environs.
- 1-2 The Committee provides input and recommendations to the Board of Supervisors and Town Council on the following issues:
- 1-2-1 Promote and assist tourism development in the Front Royal-Warren County community;
 - 1-2-2 Develop and assist in the implementation of a joint tourism development plan to increase overall tourism revenue;
 - 1-2-3 Encourage individuals, businesses, and the Town and County to invest in tourism development as an integral part of overall economic development;
 - 1-2-4 Assist the various regional organizations in planning and implementing a regional tourism development plan(s).

ARTICLE 2 – SELECTION OF MEMBERS

- 2-1 The Committee shall consist of nine (9) members:
- 2-1-1 Three members shall be the Front Royal Director of Community Development and Tourism, the Warren County Planning Director, and the President of the Front Royal-Warren County Chamber of Commerce.
 - 2-1-2 The remaining six (6) at-large members shall be appointed by the Front Royal Town Council (3 members) and Warren County Board of Supervisors (3 members).
 - 2-1-3 One member from each the Town and the County must be a representative from a lodging property.
- 2-2 Each at-large member shall be appointed for a four (4) year term. For the initial appointment after the formation of the Committee, the County shall appoint one member to a four (4) year term and two members to two (2) year terms and the Town shall appoint two members to four (4) year terms and one member to a two (2) year term. Thereafter, all at-large members shall hold office for a term of four (4) years each, such that the terms of office of the members are staggered. Members shall hold office until the successor has been appointed, which successor shall serve the unexpired remainder of that member’s term.

ARTICLE 3 – SELECTION OF OFFICERS

- 3-1 The officers of the Committee shall be appointed for a one (1) year term, with no individual holding an office for more than two consecutive terms without a one year lapse between terms. The Committee shall elect officers each July and fill vacancies as required the intervening months.
- 3-2 Officers of the Committee shall consist of a Chairman, Vice-Chairman, Secretary, and Treasurer. The offices of Secretary and Treasurer may be combined if the Committee so votes.
- 3-3 Nomination of officers shall be made from the floor at the beginning of the July meeting for the ensuing year. Election of officers shall follow immediately. A candidate receiving a majority vote of the members shall be declared elected.

ARTICLE 4 – DUTIES OF OFFICERS

4-1 The Chairman shall:

- 4-1-1 Develop an agenda and preside at meetings.
- 4-1-2 Report quarterly to the Warren County Board of Supervisors and the Front Royal Town Council.
- 4-1-3 Represent the Committee on other tourism development committees and organizations, as agreed upon by the Committee.
- 4-1-4 Rule on procedural questions (subject to reversal by a majority vote of the members present).
- 4-1-5 Certify official documents involving the authority of the Committee.
- 4-1-6 Certify minutes as true and correct copies.
- 4-1-7 Carry out other duties as assigned by the Committee.

4-2 The Vice-Chairman shall:

- 4-2-1 Assume the full powers of the Chairman in the absence or inability of the Chairman to act upon and oversee the Plan of Work.

4-3 The Secretary shall:

- 4-3-1 Record attendance at all meetings.
- 4-3-2 Record the minutes of the Committee meetings.
- 4-3-3 Notify members of all meetings.
- 4-3-4 Maintain a file of all official Committee records and reports.
- 4-3-5 Certify maps, records, and reports of the Committee.
- 4-3-6 Give notice and be responsible for publishing public notices of all Committee public hearings and public meetings.
- 4-3-7 Attend to the correspondence necessary for the execution of the duties and functions of the Committee.

4-4

The Treasurer shall:

- 4-4-1 Be responsible for developing an annual budget of funds made available to the Committee.
- 4-4-2 Work with the fiscal agent to ensure the payment of all invoices and the collection of all funds due for the purposes of the Committee.

ARTICLE 5 – SUBCOMMITTEES

- 5-1 The Committee may utilize any existing tourism subcommittees or appoint such subcommittees or advisory groups as necessary for the conduct of its work. The Chairman of the Committee shall be an ex-officio member of all such subcommittees or groups.

ARTICLE 6 – FINANCIAL MATTERS

- 6-1 The County of Warren shall be designated as fiscal agent to administer and maintain fiscal records for the Committee.
- 6-2 Members of the Committee may be reimbursed for their actual expenses. Claims for expenses by Committee members shall be submitted to the fiscal agent and paid in accordance with the governing procedures for such claims and shall also be subject to the fiscal agent's allocation and budgeting procedures.

ARTICLE 7 – MEETINGS

- 7-1 The Committee shall meet every other month on the second Wednesday of the month. Notice of time and place of regular meetings shall be emailed by the Secretary to the Committee and interested parties at least fourteen (14) days in advance of each meeting.
- 7-2 Special meetings may be called by the Chairman or on request of three members of the Committee by emailed notice at least seven (7) days in advance of the date of such special meeting. Emergency meetings may be convened by the Chairman with a 24-hour telephone notice attempt to reach all members.
- 7-3 The Committee, if voted upon, shall endeavor to hold its meetings in various locations of the Town/County in order to facilitate citizen involvement.
- 7-4 All meetings of the Committee shall be open to the public, except as provided for in the Virginia Freedom of Information Act.
- 7-5 If any At-Large member has three (3) unexcused absences in a calendar year, the member shall be removed from the Committee and another representative shall be appointed by the Board of Supervisors or Town Council, as applicable, to fill the unexpired term of office.

ARTICLE 8 – VOTING

- 8-1 A majority of the members shall constitute a quorum.
- 8-2 No action of the Committee shall be valid unless authorized by a majority vote of those present and voting.

ARTICLE 9 – ORDER OF BUSINESS

- 9-1 The order of business for a regular meeting shall be:
- 9-1-1 Call to Order
 - 9-1-2 Roll Call
 - 9-1-3 Adoption of Agenda
 - 9-1-4 Approval of Minutes
 - 9-1-5 Committee Matters
 - 9-1-6 Adjournment
- 9-2 Parliamentary procedure in all Committee meetings shall be governed by Robert's Rules of Order.
- 9-3 The Committee shall keep minutes of each meeting, and these minutes shall become a public record. The Chairman shall sign all minutes, and they shall be kept in the official minute book.

ARTICLE 10 – AMENDMENTS

- 10-1 These By-laws may be amended by a majority vote of the Warren County Board of Supervisors and Front Royal Town Council with thirty (30) days written notice.

Adopted by the Warren County Board of Supervisors: September 19, 2017

Adopted by the Front Royal Town Council: _____, 2017

7C



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

Page 1
Item No. 7(C)

Meeting Date: November 13, 2017

Agenda Item: COUNCIL APPROVAL – Resolution - Shenandoah National Park Fees

Summary: The National Park Service has announced that it is considering increasing entrance fees for (17) of its national parks. The Shenandoah National Park is included in that list. The increase in fees would be during the Peak Visitor Season which is June 1 – October 31 and will begin June 1, 2018. Council is requested to consider approval of a resolution that states the negative impact the increase would have on the Town of Front Royal's economy and tourism; and, that such resolution be sent to the National Park Service, as presented.

Budget/Funding: None

Attachments: Resolution and Various Information Regarding the Increase in Fees

Meetings: Work Session held November 6, 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 a resolution pertaining to the increase in entrance fees at the Shenandoah National Park, 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

RESOLUTION
SHENANDOAH NATIONAL PARK ENTRANCE FEE INCREASE

WHEREAS, the National Park Services is considering increases to entrance fees at the most highly visited national parks during their peak visitor seasons to generate revenue for improvements to aging infrastructure, and;

WHEREAS, the Shenandoah National Park is considered one of the parks for an increase in entrance fees during the Peak Visitor Season (June 1 – October 31) that include: Per Vehicle from \$25.00 to \$70.00; Per Person from \$10.00 to \$30.00 Per Motorcycle from \$20.00 to \$50.00. The only increase for Regular Season entrance fees is for the Per Person from \$10.00 to \$12.00; The Annual Pass is currently \$50.00; however, it will be increased to \$75.00 for all year being no distinction between Peak and Regular Seasons; and,

WHEREAS, in 2016 approximately 116,000 vehicles entered the Shenandoah National Park at Front Royal during the months of June – October with a large percentage of those visiting the Front Royal Visitors' Center during that time; and,

WHEREAS, the chief objective of the Front Royal Visitors' Center is to divert a percentage of Shenandoah National Park visitors to local restaurants, motels, businesses and shops; and,

WHEREAS, the proposed significant increase in entrance fees during the peak season for visitors to the Shenandoah National Park could jeopardize tourism and much anticipated revenue to the Town of Front Royal; and,

NOW THEREFORE BE IT RESOLVED, that the Mayor and Town Council of the Town of Front Royal hereby adopt this resolution that would notify the National Park Service that the increase in the proposed increase in entrance fees at the Shenandoah National Park would impact the economic revenue associated with tourism for the Town of Front Royal.

APPROVED:

Hollis L. Tharpe, Mayor

Attest:

Jennifer E. Berry, CMC, Clerk of Council

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

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

Approved as to Form and Legality:

Douglas W. Napier, Town Attorney

Dated: _____

TARGETED FEE INCREASES AT PARKS TO ADDRESS MAINTENANCE BACKLOG

FACT SHEET

As part of its commitment to improve the visitor experience and increase revenue to help address the deferred maintenance backlog, the National Park Service is proposing to implement peak season entrance fees at 17 of its busiest national parks.

Peak season will be the busiest contiguous five month period of visitation for each park.

- 1 park would start as soon as practical in 2018
- 12 parks would start May 1, 2018
- 4 parks would start June 1, 2018

A 30-day public comment period will open on 10/24/2017 and close on 11/23/2017. Interested parties are encouraged to make comments electronically via the National Park Service's Planning, Environment, and Public Comment (PEPC) website <https://parkplanning.nps.gov/proposedpeakseasonfeerates> or in writing to 1849 C Street, NW, Mail Stop: 2346 Washington, DC 20240.

Following the public comment period, feedback will help determine where, or if, peak season fee rates will be implemented.

Fees have become an important source of revenue used to improve the visitor experience and recreation opportunities in national parks and on other federal lands.

The funds raised are critically needed to improve facilities and infrastructure and to provide an enhanced level of service, all of which would have a direct impact on the visitor.

The 17 parks are:

- Acadia National Park (ACAD)
- Arches National Park (ARCH)
- Bryce Canyon National Park (BRCA)
- Canyonlands National Park (CANY)
- Denali National Park (DENA)
- Glacier National Park (GLAC)
- Grand Canyon National Park (GRCA)
- Grand Teton National Park (GRTE)
- Joshua Tree National Park (JOTR)
- Mount Rainier National Park (MORA)
- Rocky Mountain National Park (ROMO)
- Olympic National Park (OLYM)
- Sequoia and Kings Canyon National Park (SEKI)
- Shenandoah National Park (SHEN)
- Yellowstone National Park (YELL)

- Yosemite National Park (YOSE)
- Zion National Park (ZION)

These 17 parks are the top revenue parks. They collect 70% of the total of all entrance fees throughout the country.

The peak season for each park is defined as the busiest contiguous five month period of visitation

- JOTR January 1-May 31
- ARCH, BRCA, CANY, DENA, GLAC, GRCA, GRTE, OLYM, SEKI, YELL, YOSE, ZION May 1- September 30
- ACAD, MORA, ROMO, SHEN June 1- October 31

During peak-season, the entrance fee will be \$70 per private, non-commercial vehicle, \$50 per motorcycle, and \$30 per person.

Additionally, the commercial tour entrance fee at these parks would also have a peak-season pricing. For additional information on commercial tour fees please visit the National Park Service's Planning, Environment, and Public Comment (PEPC) website at <https://parkplanning.nps.gov/commercialtourrequirements>.

The annual America the Beautiful-The National Parks and Federal Recreational Lands Pass which provides free entrance to all parks for a year will remain \$80.

Entrance fees are not charged to persons under 16 years of age or holders of the America the Beautiful-The National Park and Federal Recreation Lands Annual, Senior, Military, Access, or Volunteer Passes or holders of EKIP passes.

Implementing the seasonal pricing structure will likely increase total entrance fee revenues from \$199.9M to \$268.5M, annually - an increase of 34.3% over Fiscal Year 2016.

All of the money will stay within the National Park Service. 80% of the money will remain in the park where it is collected. The other 20% will be spent on projects in other national parks. The funds will be expended on projects and activities that further the mission and purpose of the NPS, with an emphasis on deferred maintenance. This includes roads, bridges, campgrounds, waterlines, bathrooms, and other visitor services.

Access to the majority of National Park Service sites remains free; only 118 of 417 National Park Service sites charge an entrance fee. The other 299 national parks do not charge an entrance fee.

Region	National Park	State	Current Park-Specific Annual Pass Fee	Current Per Vehicle Fee	Current Per Person Fee	Current Per Motorcycle Fee	Proposed Regular Season Park-Specific Annual Pass Fee	Proposed Regular Season Per Vehicle Fee	Proposed Regular Season Per Person Fee	Proposed Regular Season Per Motorcycle Fee	Proposed Peak Season Park- Specific Annual Pass Fee	Proposed Peak Season Per Vehicle Fee	Proposed Peak Season Per Person Fee	Proposed Peak Season Per Motorcycle Fee	Proposed Peak Season Dates
Alaska	Denali	AK	\$40		\$10		\$75		\$12		\$75		\$30		May-Sept
Intermountain	Grand Canyon	AZ	\$60	\$30	\$15	\$25	\$75	\$30	\$15	\$25	\$75	\$70	\$30	\$50	May-Sept
Intermountain	Yellowstone	ID, MT, WY	\$60	\$30	\$15	\$25	\$75	\$30	\$15	\$25	\$75	\$70	\$30	\$50	May-Sept
Intermountain	Zion	UT	\$50	\$30	\$15	\$25	\$75	\$30	\$15	\$25	\$75	\$70	\$30	\$50	May-Sept
Intermountain	Rocky Mountain	CO	\$60	\$30	\$15	\$25	\$75	\$30	\$15	\$25	\$75	\$70	\$30	\$50	Jun-Oct
Intermountain	Grand Teton	WY	\$60	\$30	\$15	\$25	\$75	\$30	\$15	\$25	\$75	\$70	\$30	\$50	May-Sept
Intermountain	Glacier	MT	\$50	\$30	\$15	\$25	\$75	\$30	\$15	\$25	\$75	\$70	\$30	\$50	May-Sept
Intermountain	Bryce Canyon	UT	\$35	\$30	\$15	\$25	\$75	\$30	\$15	\$25	\$75	\$70	\$30	\$50	May-Sept
Intermountain	Arches	UT	\$50	\$25	\$10	\$15	\$75	\$25	\$12	\$20	\$75	\$70	\$30	\$50	May-Sept
Intermountain	Canyonlands	UT	\$50	\$25	\$10	\$15	\$75	\$25	\$12	\$20	\$75	\$70	\$30	\$50	May-Sept
Northeast	Shenandoah	VA	\$50	\$25	\$10	\$20	\$75	\$25	\$12	\$20	\$75	\$70	\$30	\$50	Jun-Oct
Northeast	Acadia	ME	\$50	\$25	\$12	\$20	\$75	\$25	\$12	\$20	\$75	\$70	\$30	\$50	Jun-Oct
Pacific West	Yosemite	CA	\$60	\$30	\$15	\$25	\$75	\$30	\$15	\$25	\$75	\$70	\$30	\$50	May-Sept
Pacific West	Sequoia & Kings Canyon	CA	\$50	\$30	\$15	\$25	\$75	\$30	\$15	\$25	\$75	\$70	\$30	\$50	May-Sept
Pacific West	Joshua Tree	CA	\$40	\$25	\$12	\$12	\$75	\$25	\$12	\$20	\$75	\$70	\$30	\$50	Jan-May
Pacific West	Mount Rainier	WA	\$50	\$25	\$10	\$20	\$75	\$25	\$12	\$20	\$75	\$70	\$30	\$50	Jun-Oct
Pacific West	Olympic	WA	\$50	\$25	\$10	\$20	\$75	\$25	\$12	\$20	\$75	\$70	\$30	\$50	May-Sept

National Park Service Proposes Targeted Fee Increases at Parks to Address Maintenance Backlog

[National Park Service » National Park Service Proposes Targeted Fee Increases at Parks to Address Maintenance Backlog » Document List](#)

As part of its commitment to improve the visitor experience, the National Park Service is considering increases to fees at highly visited national parks during peak visitor seasons. Proposed peak season entrance fees and revised fees for road-based commercial tours will generate badly needed revenue for improvements to the aging infrastructure of national parks.

Under the proposal, peak season entrance fees would be established at 17 national parks. The peak-season for each park would be defined as its busiest contiguous five month period of visitation.

During a five-month peak-season at each of the 17 parks, the entrance fee would be \$70 per vehicle, \$50 per motorcycle, and \$30 per person. All of the funds would be used to improve facilities, infrastructure, and visitor services, with an emphasis on deferred maintenance projects.

The peak season for each park is defined as the busiest contiguous five month period and would be as follows:

- May 1-September 30 for Arches National Park, Bryce Canyon National Park, Canyonlands National Park, Denali National Park, Glacier National Park, Grand Canyon National Park, Grand Teton National Park, Olympic National Park, Sequoia & Kings Canyon National Park, Yellowstone National Park, Yosemite National Park, Zion National Park
- June 1-October 31 for Acadia National Park, Mount Rainier National Park, Rocky Mountain National Park, Shenandoah National Park
- January 1-May 31 for Joshua Tree National Park

The public is encouraged to comment about the National Park Service's proposal to implement peak season entrance fees at 17 national parks. A 30-day public comment period will open on October 24, 2017 and close on November 23, 2017. We invite the public to submit comments electronically via the National Park Service's Planning, Environment, and Public Comment (PEPC) website: <https://parkplanning.nps.gov/proposedpeakseasonfeerates>. To comment use the "Document List" or "Open For Comment" project links in the left side navigation menu. Open the document and use the "Comment Now" button. Comments will also be accepted in writing. To submit written comments, mail comments to National Park Service, Recreation Fee Program, 1849 C Street, NW, Mail Stop: 2346 Washington, DC 20240.

The National Park Service is also proposing entrance and permit fee adjustments for commercial tour operators. The proposal would increase entrance fees for commercial operators and

standardize commercial use authorization (CUA) requirements for road-based commercial tours, including application and management fees. All CUA fees stay within the collecting park and would fund rehabilitation projects for buildings, facilities, parking lots, roads, and wayside exhibits that would enhance the visitor experience. The fees will also cover the administrative costs of receiving, reviewing, and processing CUA applications and required reports.

This proposal would also include a peak season commercial entrance fee structure for the 17 national parks referenced above.

Information and a forum for public comments regarding the commercial permit requirements and commercial tour fees is available October 24, 2017 to November 23, 2017 on the NPS Planning, Environment and Public Comment (PEPC) website at <http://parkplanning.nps.gov/commercialtourrequirements>. Written comments may be sent to National Park Service, Recreation Fee Program, 1849 C Street, NW, Mail Stop: 2346 Washington, DC 20240.

Contact Information

Christine Williamson for Peak Season and Commercial Tour Entrance Fees
(202) 513-7132

Samantha Towery for Commercial Use Authorization Requirements (CUA)
(303) 987-6908

Shenandoah NP

Bookmark this report: <https://irma.nps.gov/Stats/SSRSReports/Park%20Specific%20Reports/Traffic%20Counts>

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
TRAFFIC COUNT AT FRONT ROYAL ENTRANCE												
2017	3,169	6,137	5,816	15,408	16,449	18,340	21,226	20,224	18,485			
2016	2,414	2,750	7,418	12,027	15,955	17,013	21,651	19,301	19,041	38,682	19,341	3,623
2015	1,265	1,206	4,274	12,738	19,970	14,947	18,156	21,197	17,236	39,817	11,628	3,731
2014	830	1,081	3,657	11,938	17,950	17,033	19,810	19,938	16,722	37,255	9,054	2,393
2013	1,724	1,260	4,009	17,145	14,986	16,130	18,773	18,959	17,739	17,711	14,173	1,838
2012	2,497	2,365	6,597	11,685	16,361	16,892	17,032	16,107	17,381	34,591	7,461	1,853
2011	1,583	1,908	4,870	10,550	15,103	15,109	20,312	15,214	13,934	34,285	11,747	2,613
2010	393	77	5,257	12,729	17,277	15,983	21,431	18,649	18,033	40,618	11,026	887
2009	2,321	2,838	4,538	10,493	15,911	14,978	20,809	18,710	16,652	31,094	9,993	655
2008	2,450	2,099	6,092	8,585	15,373	15,032	17,120	19,077	12,504	31,663	13,928	2,237
2007	2,840	776	4,700	9,993	16,283	16,223	20,319	16,350	18,523	29,391	13,871	2,045
2006	2,564	2,251	5,397	11,143	15,304	14,440	19,119	17,334	15,158	34,258	10,071	3,303
2005	2,106	2,119	3,855	9,500	15,794	15,801	19,181	15,165	14,430	22,596	16,648	547
2004	1,488	2,887	5,006	14,500	22,000	19,408	18,782	17,780	14,267	34,116	8,248	2,347
2003	1,167	614	4,570	10,873	11,151	14,503	19,054	18,385	8,556	33,667	12,326	1,774
2002	2,879	4,021	6,296	10,333	16,387	18,135	27,682	18,756	14,603	22,354	13,710	753
2001	1,677	3,439	4,947	12,798	14,531	15,243	21,254	17,491	19,408	38,718	10,079	2,906
2000	2,414	2,821	6,461	11,187	14,246	15,282	20,404	17,393	17,518	42,969	7,372	1,234
1999	1,158	3,170	4,234	11,674	17,958	15,351	20,444	18,308	15,719	37,644	9,708	2,006
1998	1,895	990	1,373	10,077	15,951	15,170	21,342	21,374	18,667	37,718	12,390	2,000
1997	1,976	3,406	7,387	11,331	16,392	17,007	21,597	23,068	16,631	31,547	9,080	2,054
1996	486	2,082	5,571	12,350	14,232	18,404	23,727	22,944	12,931	40,050	7,773	2,220
1995	2,610	2,929	7,289	14,795	17,737	17,622	25,546	23,006	21,294	35,597	8,602	800
TRAFFIC COUNT AT PANORAMA REST												
2015	0	0	0	0	0	0	0	0				
2014	0	0	0	0	0	0	0	0	0	0	0	0
2013	0	0	0	0	0	0	0	0	0	0	0	0
2012	0	0	0	0	0	0	0	0	0	0	0	0
2011	0	0	0	0	0	0	0	0	0	0	0	0
2010	0	0	0	0	0	0	0	0	0	0	0	0
2009	0	0	0	0	0	0	0	0	0	0	0	0
2008	0	0	0	0	0	0	0	0	0	0	0	0
2007	0	0	0	0	0	0	0	0	0	0	0	0
2006	0	0	0	0	0	0	0	0	0	0	0	0
2005	557	570	0	0	0	0	0	0	0	0	0	0
2004	667	872	923	2,270	8,124	2,873	2,605	2,794	2,207	0	915	767
2003	962	560	105	1,346	1,947	332	1,211	1,945	3,314	4,438	1,237	767
2002	1,604	791	1,437	1,533	2,863	3,650	3,789	3,770	3,030	3,511	2,151	1,180
2001	462	682	415	457	2,809	3,605	4,922	3,923	3,959	5,788	1,552	819
2000	0	100	100	0	100	100	259	3,307	3,511	5,260	6,410	870
1999	500	250	0	0	100	0	0	0	0	0	0	0

Table 3 (continued). Visits, spending and economic contributions to local economies of NPS visitor spending - 2016.

Park Unit	Total Recreation Visits	Total Visitor Spending (\$000s, \$2016)	Contribution of all Visitor Spending			
			Jobs	Labor Income (\$000s, \$2016)	Value Added (\$000s, \$2016)	Economic Output (\$000s, \$2016)
San Juan Island NHP	316,123	\$18,483.3	244	\$8,829.8	\$14,965.0	\$24,061.3
Sand Creek Massacre NHS	6,848	\$400.4	7	\$108.4	\$210.3	\$399.0
Santa Monica Mountains NRA	906,605	\$39,449.5	557	\$21,192.3	\$32,743.8	\$54,340.8
Saratoga NHP	102,807	\$6,011.0	88	\$2,545.7	\$4,621.7	\$7,654.6
Saugus Iron Works NHS	11,160	\$652.5	10	\$368.8	\$578.6	\$924.6
Scotts Bluff NM	130,085	\$7,605.8	113	\$2,998.8	\$5,134.1	\$8,872.8
Sequoia NP*	1,254,688	\$95,203.6	1,337	\$38,526.6	\$66,020.8	\$113,958.4
Shenandoah NP	1,437,341	\$96,204.1	1,278	\$50,004.0	\$79,138.6	\$126,153.4
Shiloh NMP	421,863	\$24,665.8	394	\$9,167.0	\$15,709.9	\$28,763.6
Sitka NHP	217,141	\$38,513.3	741	\$21,506.4	\$31,966.5	\$55,343.2
Sleeping Bear Dunes NL*	1,683,554	\$183,131.9	2,872	\$71,355.7	\$130,603.9	\$231,016.1
Springfield Armory NHS	22,434	\$1,311.7	18	\$696.3	\$1,123.3	\$1,794.8
Statue Of Liberty NM	4,501,548	\$263,199.0	3,352	\$155,427.8	\$240,682.0	\$364,030.0
Steamtown NHS*	99,660	\$5,403.5	86	\$2,796.4	\$4,429.4	\$7,432.4
Stones River NB	346,213	\$20,242.6	322	\$9,872.6	\$16,222.8	\$27,545.2
Sunset Crater Volcano NM	60,232	\$3,521.7	52	\$1,289.3	\$2,289.4	\$3,933.7
Tallgrass Prairie NPRES	29,378	\$1,717.8	26	\$735.7	\$1,215.0	\$2,188.5
Thaddeus Kosciuszko NMEM	2,795	\$163.5	3	\$95.9	\$149.0	\$242.6
Theodore Roosevelt NP	753,880	\$47,793.7	654	\$17,797.1	\$28,484.6	\$51,009.7
Theodore Roosevelt Birthplace NHS	6,583	\$384.9	3	\$226.8	\$352.1	\$533.2
Theodore Roosevelt Inaugural NHS	29,200	\$1,707.3	25	\$712.3	\$1,345.4	\$2,196.0
Theodore Roosevelt Island P	164,361	\$9,609.9	135	\$5,243.7	\$8,229.1	\$13,117.6
Thomas Edison NHP	57,695	\$3,373.4	44	\$1,995.5	\$3,073.0	\$4,670.5
Thomas Jefferson NMEM	3,414,345	\$64,803.3	923	\$36,536.1	\$57,698.4	\$91,836.4
Thomas Stone NHS	10,652	\$622.8	8	\$341.3	\$532.4	\$842.7
Timpanogos Cave NM	91,261	\$5,335.9	90	\$2,824.9	\$4,425.3	\$7,930.6
Timucuan EHP	1,148,495	\$67,150.9	1,082	\$32,247.0	\$53,560.1	\$92,245.1
Tonto NM	38,048	\$2,224.6	33	\$1,187.8	\$1,912.4	\$3,155.8
Tumacácori NHP	43,830	\$2,562.6	39	\$1,029.6	\$1,800.7	\$3,096.0

* For these parks, results are based on a visitor survey at the designated park. For other parks, visitor characteristics and spending averages are adapted from national averages for each park type.

¹ Trip characteristic data, spending data, and local area definitions were updated for these parks in 2016.

^x Areas that were closed in 2016.

⁰ Areas that were open but did not report visitation in 2016.

7D



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

Page 1
Item No. 7(D)

Meeting Date: November 13, 2017

Agenda Item: COUNCIL APPROVAL – Liaison Committee Meeting Items

Summary: Council is requested to remove Item #5 (*Town Building Maintenance Code Enforcement Update*) from the November 16, 2017 Liaison Committee Meeting Agenda.

Budget/Funding: None

Attachments: Liaison Committee Meeting Agenda from September 21, 2017

Meetings: Work Session held November 6, 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 removal of Item #5 (*Town Building Maintenance Code Enforcement Update*) from the November 16, 2017 Liaison Committee Meeting Agenda.

*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



AGENDA TOWN/COUNTY LIAISON COMMITTEE MEETING

Warren County Government Center

September 21, 2017

6:00 PM



- **Call to Order – Linda P. Glavis, Chair of the Warren County Board of Supervisors**
 - 1) **IT Federal Main Street Project – Joe Waltz**
 - 2) **Splash Pad – Joe Waltz**
 - 3) **Route 522 Corridor Water Upgrade Project – Joe Waltz**
 - 4) **Phase II Happy Creek Road Project Update – Joe Waltz**
 - 5) **Town Building Maintenance Code Enforcement Update – Joe Waltz**
 - 6) **Update on Wastewater Treatment Plant – Joe Waltz**
 - 7) **Development Review Committee – Doug Stanley**
 - 8) **Building Inspections Software – Doug Stanley**
 - 9) **Warren County's In-Town Projects – Doug Stanley**
 - 10) **Joint Towing Board – Doug Stanley**
 - 11) **Tethering of Dogs in Extreme Weather – Doug Stanley**
 - 12) **Closed Meeting – Section 2.2-3711(A)(3) of the Virginia Freedom of Information Act re: Disposition of Real Property**
- **Adjournment**

7E



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

Page 1
Item No. 7(E)

Meeting Date: November 13, 2017

Agenda Item: COUNCIL APPROVAL – Budget Amendment for DMV Animal Friendly License Plates Funds

Summary: Council is requested to consider approval of a Budget Amendment in the amount of \$105.00 from the Division of Motor Vehicles (DMV) through the “Animal Friendly” license plate program. Funds received are to be dedicated to the Humane Society of Warren County to support the sterilization program for dogs and cats. Council is requested to consider authorization of the Town Manager to identify the Humane Society of Warren County as the recipient of the \$105.00 funding.

Budget/Funding: Animal Friendly Plates – Budget amendment \$105.00
1000-3220104 [Animal Plates] expense will be from same account

Attachments: Letter from DMV

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 Budget Amendment in the amount of \$105.00 from the Division of Motor Vehicles (DMV) through the “Animal Friendly” license plate program to be dedicated to the Humane Society of Warren County to support the sterilization program for dogs and cats. I further move that Council authorize the Town Manager to identify the Humane Society of Warren County as the recipient of the \$105.00 funding.

*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



COMMONWEALTH of VIRGINIA

Department of Motor Vehicles
2300 West Broad Street

Richard D. Holcomb
Commissioner

Post Office Box 27412
Richmond, VA 23269-0001

October 26, 2017

Town Manager
Town of Front Royal
Post Office Box 1560
Front Royal, VA 22630

Dear Town Manager:

The Department of Motor Vehicles sells the Animal Friendly license plate, which is authorized by Virginia Code, §46.2-749.2:7, as part of its special license plate program. This plate is issued to supporters of dog and cat sterilization programs at a cost of \$25.00 per year in addition to the prescribed fee for vehicle registration. After the first 1,000 sets of plates are sold, \$15.00 of each fee is made available to the locality in which the vehicle is registered, to be used to support sterilization programs for dogs and cats. This money is set aside in a special fund titled the Dog and Cat Sterilization Fund for distribution to localities, regardless of the amount of funds involved. For Fiscal Year 2017, DMV's records indicate that your locality is due \$105.00 from this Fund.

Virginia Code §46.2-749.2:7 requires each locality to certify that this money will be used to support sterilization of dogs and cats. If your locality does not have a program for this purpose, the statute provides the locality options. You may make the funds available to any private, nonprofit sterilization program for dogs and cats in your locality or decline receipt of funds. Any funds that are declined shall be distributed to other affected localities on a pro rata basis.

Attached to this letter is a form to make your choice pertaining to the amount stated above. Complete the form and return it no later than December 20, 2017, to:

Financial Management Services
Department of Motor Vehicles
Post Office Box 25700
Richmond, Virginia 23260
Attn: Christie Parker, Room 711
Fax: (804) 367-6339

If the form is not received by the above date, it will be assumed that your locality is declining the funds. If you have any questions regarding the Animal Friendly Plate, the funds due your locality or about completing the Certification of Funds form FMS 225, please email DMV at accountspayable@dmv.virginia.gov.

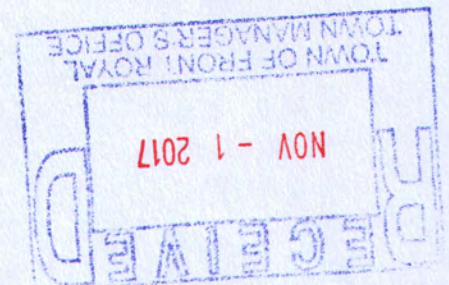
With kindest regards.

Sincerely,

Richard D. Holcomb

RDH:kde

Attachment



Certification of Funds Dog and Cat Sterilization Fund

2017

The administrator or manager of the locality should complete this form by selecting the section that signifies the locality's choice regarding the acceptance of money from the Dog and Cat Sterilization Fund.

Please return this form with your Federal Employee Identification Number _____
to the Department of Motor Vehicles by December 20, 2017.

(FEIN)

Option One: Acceptance of Funds

Town of Front Royal acknowledges that it is due funds from the Dog and Cat Sterilization Fund in the amount of \$_____ based on sales of the Animal Friendly license plate in Fiscal Year 2017. Furthermore, I certify that these funds will be used for the purpose of sterilization of dogs and cats as stated in Section 46.2-749.2:7 of the Code of Virginia.

Signature

Date

Print Name

Title

Option Two: Acceptance/Assignment of Funds (If more than one, please use a separate sheet)

Town of Front Royal acknowledges that it is due funds from the Dog and Cat Sterilization Fund in the amount of \$_____ based on sales of the Animal Friendly license plate in Fiscal Year 2017. This locality does not have a sterilization program, but will transfer the funds, in total, to _____

(Name and Address)

_____,
which is a private, non-profit group supporting the purposes of the Fund. I certify that these funds will be used by this organization for the purpose of sterilization of dogs and cats as stated in Section 46.2-749.2:7 of the Code of Virginia.

Signature

Date

Print Name

Title

Option Three: Decline Receipt of Funds

Town of Front Royal acknowledges that it is due funds from the Dog and Cat Sterilization Fund in the amount of \$_____ based on sales of the Animal Friendly license plate in Fiscal Year 2017. This locality does not wish to accept the funds for this year.

Signature

Date

Print Name

Title

7F



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

Page 1
Item No. 7(E)

Meeting Date: November 13, 2017

Agenda Item: COUNCIL APPROVAL – Bid for Pressure Reducing Vault Installation on Conservation Research Center Property

Summary: Council is requested to approve a bid from Bushong Contracting Corporation for the installation of a pressure reducing vault on the Conservation Research Center property located on Remount Road in the amount of \$29,750.00.

Budget/Funding: Public Works Service Water Line Maintenance
FY18 budget line item – 9602-47513 “Water Line- Upgrade”

Attachments: Memos from Public Services Manager and Purchasing Agent with Quotation Tabulation Sheet

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 Bushong Contracting Corporation for the installation of a pressure reducing vault on the Conservation Research Center property located on Remount Road in the amount of \$29,750.00.

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

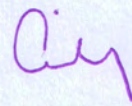
*To be clear and concise, motions should be made in the positive

Approved By: JW



MEMORANDUM

Date: November 6, 2017
To: Tina Presley, Senior Administrative Assistant
Jennifer Berry, Clerk of Council
From: Cindy Hartman, Purchasing Agent
RE: Agenda Item



On Thursday, November 2, 2017, I held a bid opening for the installation of a pressure reducing vault on the Conservation Research Center property located on Remount Road. The vault, which weighs approximately 28,000 pounds, is too heavy for the installation to be performed by the Town crew. The Contractor will be responsible for removing the existing vault and bypass line. Once the new vault is in place, the Contractor will install the existing compound meter into the new vault and tie back into the water lines. Due to the dollar amount, the award for this project requires Town Council approval. Please add this item to the November 13 Council agenda for their action.

Staff recommends that the installation of a new pressure reducing vault with all necessary construction for completion of this waterline be awarded to Bushong Contracting Corporation, for a total cost of \$29,750.00. Funding for this project is available in Department of Environmental Service Water Line Maintenance FY18 budget line item 9602-47513 "Water Line - Upgrade".



TOWN OF FRONT ROYAL

Public Works
800 Crosby Rd.
P.O. BOX 1560
FRONT ROYAL, VIRGINIA 22630-1560

Robert B. Boyer
Public Services Manager
(540) 635-7819
(540) 635-8973(Fax)
rboyer@frontroyalva.com

October 2, 2017

Cindy,

I have reviewed the bids you had sent over for the installation of the PRV vault on Remount Rd for the CRC property owned by the Smithsonian. We would like to move forward with the low bid of \$29,750.00 by Bushong Contracting, Bushong Contracting has done work for the Town in the past and always performs excellent quality work. The funding for this project would come out of 9602-7513 for Water Line upgrades, if you have any questions or need any further information for this project just let me know.

Thanks,

Robert B. Boyer

TOWN OF FRONT ROYAL, VIRGINIA

Quotation Tabulation

Item: PRESSURE REDUCING VAULT INSTALLATION

Quotation #28

Date: NOVEMBER 2, 2017

Mailed _____

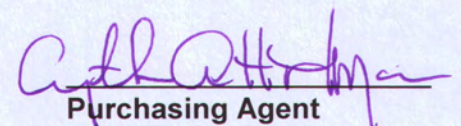
Replied 2

Vendor Quotation				
	BUSHONG CONTRACTING CORPORATION	RISING SUN, INC.		
QUANTITY	QUOTATION	QUOTATION	QUOTATION	QUOTATION
INSTALLATION OF A PRESSURE REDUCING VAULT CONSERVATION RESEARCH CENTER PROPERTY	\$29,750.00	\$46,000.00		
Discount				
Net Quotation	\$29,750.00	\$46,000.00		
Terms				

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

Witness

Witness


Purchasing Agent

7G



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

Page 1
Item No. 7(G)

Meeting Date: November 13, 2017

Agenda Item: COUNCIL APPROVAL – Bid for Manhole Frame/Cover Rehabilitation Project

Summary: Council is requested to approve a bid from Am-Liner East Inc. for the Manhole Frame and Cover Rehabilitation Project in the amount of \$198,586.77.

Budget/Funding: Public Works Sewer Line Maintenance
FY18 budget line item 9602-47513 "I & I Abatement"
Funding has been carried forward from the previous Fiscal Year in order to ensure project is funded and able to continue.

Attachments: Memo from Purchasing Agent with Quotation Tabulation Sheet

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 Am-Liner East Inc. for the Manhole Frame and Cover Rehabilitation Project in the amount of \$198,586.77.

*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



MEMORANDUM

Date: November 6, 2017

To: Tina Presley, Senior Administrative Assistant
Jennifer Berry, Clerk of Council

From: Cindy Hartman, Purchasing Agent

RE: Agenda Item

On Thursday, October 26, 2017, I held a bid opening for the Manhole Frame and Cover Rehabilitation project, which is a part of the Town's I & I program. The bid documents were developed by Cha Consulting. I have attached the tabulation of the responses to our Invitation for Bid. The lowest bid was submitted by Prism Contractors & Engineers. In March, 2015 Prism was under contract with the Town for I & I work when they terminated the contract. At that time, the Town had to bring in another engineering firm on an emergency basis, due to required reports that needed to be completed and submitted to the Department of Environmental Quality concerning what progress the Town had made toward resolving I & I problems. Due to that history with the firm, and the fact that they are located in Williamsburg, staff does not recommend the award for the frame and cover rehabilitation be made to Prism. Due to the dollar amount, I will need Town Council approval before moving forward. Please add this to the November 13 Council agenda for their action.

Staff recommends that the award for the Manhole Frame and Cover Rehabilitation project be made to Am-Liner East, Inc., located in Berryville, for a total cost of \$198,586.77. Funding for this project is available in Department of Environmental Service Sewer Line Maintenance FY18 budget line item 9602-47513 "I & I Abatement". This is funding that has been carried forward from the previous Fiscal Year in order to ensure the project is funded and able to continue.

TOWN OF FRONT ROYAL, VIRGINIA

Quotation Tabulation

Item: MANHOLE FRAME AND COVER REHABILITATION

Quotation #20

Date: OCTOBER 26, 2017

Replied 7

Vendor Quotation

MANHOLE FRAME AND COVER REHABILITATION
PER SPECIFICATIONS AND DRAWINGS DEVELOPED BY CHA

PRISM CONTRACTORS &
ENGINEERS

\$155,200.00

AM-LINER EAST, INC.

\$198,586.77

D & S CONTRACTORS

\$329,890.00

ARTHUR CONSTRUCTION
CO., INC.

\$444,500.00

BUSHONG CONTRACTING
CORP.

\$220,223.00

LANTZ CONSTRUCTION OF
WINCHESTER

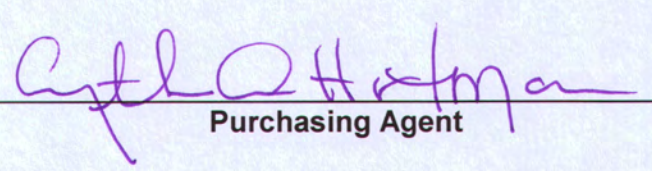
\$299,680.00

RISING SUN, INC.

\$265,563.00

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

Witness



Purchasing Agent

7H



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

Page 1
Item No. 7(H)

Meeting Date: November 13, 2017

Agenda Item: COUNCIL APPROVAL – Plaque Wording for Former Town Hall

Summary: Council is requested to approve the wording of a plaque to be installed on the former Town Hall located at 16 N. Royal Avenue per Land Exchange Agreement with current owners, as presented.

Budget/Funding: None as the Land Exchange Agreement specifies the plaque shall be erected by the current owner of the former Town Hall.

Attachments: Wording for Plaque

Meetings: Work Sessions held October 16 and November 6, 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 wording of a plaque to be installed on the former Town Hall located at 16 N. Royal Avenue per Land Exchange Agreement with current owners, 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

ORIGINAL TOWN HALL

January 1936 – January 2013

Constructed in part by the Public Works Administration New Deal of 1933 created by the National Industrial Recovery Act, as the Municipal Building (“Town Hall”) of the Town of Front Royal to be used for public purposes including Town offices, Fire Department, Auditorium and Community Library, and other uses as the Town Council may from time to time designate. The stone used for construction was quarried in the Massanutten Mountains. The first Town Council Meeting was held here on February 10, 1936.

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

Page 1
Item No. 8

Meeting Date: November 13, 2017

Agenda Item: PUBLIC HEARING – Deed of Gift to Warren County School Board Adjacent to Ressie Jeffries Elementary School

Summary: Council is requested to approve a Deed of Gift to the Warren County School Board that conveys a 28' x 425.14' strip of land containing 0.27 acres lying east of Acton Street and west of and adjacent to the Ressie Jefferies Elementary School to be used as a playground for the school, for no consideration.

Budget/Funding: None

Attachments: Deed and Letter from the Chairman of the Warren County School Board

Meetings: Work Session held June 5, 2017

Staff Recommendation: Approval ✓ Denial

Proposed Motion: I move that Council approve a Deed of Gift to the Warren County School Board that conveys a 28' x 425.14' strip of land containing 0.27 acres lying east of Acton Street and west of and adjacent to the Ressie Jefferies Elementary School to be used as a playground for the school, for no consideration.

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



Warren County Public Schools

210 North Commerce Avenue
Front Royal, Virginia 22630-4401
Phone: 540-635-2171
Fax: 540-636-4195

OFFICE OF THE
SUPERINTENDENT

May 11, 2017

Mr. Joe Waltz, Interim Town Manager
Town of Front Royal
P.O. Box 1560
Front Royal, VA 22630

Dear Mr. Waltz:

The Warren County School Board would like to request the parcel of land on the north side of Ressie Jeffries Elementary School be conveyed to the Warren County School Board for little or no consideration. The Warren County School Board would like to continue to use this property as a playground for Ressie Jeffries Elementary School.

In 1964 the Warren County School Board conveyed this same parcel to the Town of Front Royal. Attached to this document is an aerial map of the requested parcel outlined in white. Also attached is the recorded plat and deed of the area sold by the Warren County School Board to the Town of Front Royal.

If you have questions or need additional information, please contact Greg Drescher at (540) 635-2171 x 34236 or gdrescher@wcps.k12.va.us. Thank you in advance for your consideration of this request.

Sincerely,

Catherine R. Bower

Catherine R. Bower
Chairman, Warren County School Board

Attachments

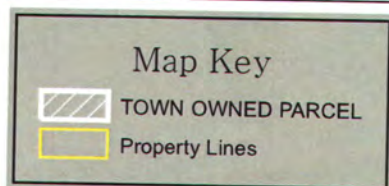




FEBRUARY 2017



D.G.Merchant, Cartographer



0 50 100 200 Feet

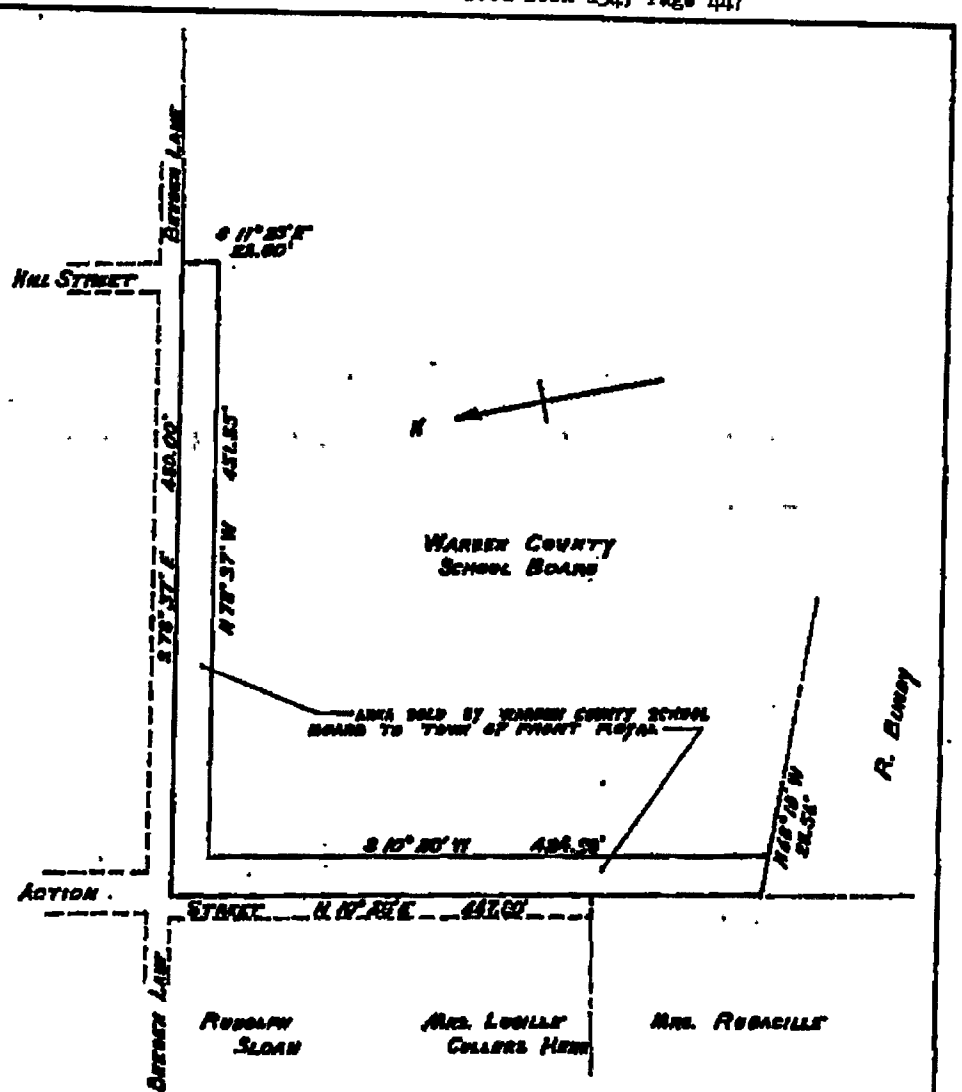
AERIAL MAP

**PORTION OF TOWN
OWNED PROPERTY
Adjacent to Ressie Jeffries
Elementary School**

TOWN OF FRONT ROYAL, VIRGINIA

WARREN COUNTY SCHOOL BOARD to FRONT ROYAL TOWN OF

Deed Book 134; Page 447



PLAT OF AREA SOLD BY SCHOOL BOARD
TO
TOWN OF FRONT ROYAL, VIRGINIA

AREA: 0.67 ACRE SCALE: 1"=100'

SURVEYED BY: WALTER M. DUNCAN,
21 MAY, 1964

OFFICE OF TOWN ENGINEER
TOWN OF FRONT ROYAL, VIRGINIA

FOR PLAT,
Book 134 Page 446

THIS DEED made and entered into this June 30, 1964,
by and between the County School Board of Warren County, Virginia,
party of the first part and Town of Front Royal, Virginia, a Muni-
cipal Corporation, party of the second part,

No. 2
Mld.
Town
Front

WITNESSETH: That in consideration of the sum of
One Dollar (\$1.00) cash in hand paid together with other good
and valuable considerations, the receipt of all of which is
hereby acknowledged, the party of the first part doth hereby
grant and convey with General Warranty of title unto the party
of the second part that certain strip or parcel of land lying
and being situate in the Town of Front Royal, Warren County,
Virginia, being more accurately described upon a plat and
survey thereof made by Walter M. Duncan, dated May 21, 1964,
which is hereto attached and by reference herein incorporated
as follows:

BEGINNING at a concrete Monument at the
South East Intersection of Beeden Lane and
Acton Street, thence with the south side of
Beeden Lane S 78° 31' E 480.00' to a stake;
thence leaving the south side of Beeden Lane
with the Griser School property S 11° 23' E 28.00'
to stake, thence with the Griser School Property
N 78° 37' W 451.55' to a stake, thence with the
Griser School property S 10° 28' W 424.98' to a stake
in Robert Bundy line, thence with Robert Bundy N
68° 10' W 28.56' to a post corner to Robert Bundy
and Mrs. W. E. Rudacille, thence with Mrs. W. E.
Rudacille and thence the East side of Acton Street
N 10° 28' E 447.80' to the point of beginning.
containing .67 acres, more or less.

The property hereby conveyed is a portion of
the property which the party of the first part acquired by deed
from Paul W. Rudacille, et als, dated January 24, 1958, of record
in the Clerk's Office of the Circuit Court of Warren County,
Virginia, in Deed Book 104, at page 372.

As consideration for the foregoing conveyance the
party of the second part agrees to construct and install at its
expense curb and gutter on the West side of Acton Street from
Beeden Lane South to the end of the property owned by the party
of the first part.

The execution of this deed was authorized at a
meeting of the County School Board of Warren County, Virginia,
held on April 9, 1964, and was approved by order of the Circuit
Court of Warren County, Virginia, dated July . . . 1964.

IN TESTIMONY WHEREOF, the County School Board
of Warren County, Virginia, has caused these presents to be
signed on its behalf by Wheeler A. Maddox, Chairman and attested
by E. C. Kirby, its Clerk.

In accordance with Section 58.1-811 (A) of the Code of Virginia, this deed is exempt from the recordation tax imposed by Section 58.1-801, and, in accordance with Section 58.1-811 (C) of the said Code, this deed is exempt from the Grantor's Tax imposed by Section 58.1-802. Section 58.1-811 (D) of the said Code exempts this instrument from any recordation tax. A Tax Map number has not been assigned to the property herein conveyed.

This Deed was prepared without the benefit of a title examination by George M. Sonnett, Jr., Assistant Town Attorney for the Town of Front Royal, 102 East Main Street, Front Royal, Virginia 22630.

DEED OF GIFT

THIS DEED OF GIFT, is made and entered into this ____ day of November, 2017, by and between the **TOWN OF FRONT ROYAL, VIRGINIA**, a Municipal Corporation existing under the laws of the Commonwealth of Virginia, **GRANTOR**, and the **WARREN COUNTY SCHOOL BOARD**, a political subdivision of the Commonwealth of Virginia, **GRANTEE**, whose address is 210 North Commerce Avenue, Front Royal, Virginia 22630.

WHEREAS, Grantor is the owner of a strip or parcel of land containing 0.27 acres, more or less, bounded by Acton Street and Breeden Lane in the Town of Front Royal and adjacent to the Ressie Jeffries Elementary School property (Tax Map #20A185 9, formerly Criser School property), situated in the County of Warren, Virginia, said strip or parcel of land being a portion of the strip or parcel of land conveyed to the Grantor by the Grantee by Deed dated June 30, 1964, and recorded in Deed Book 134 at Page 447 of the land records of Warren County, Virginia, and,

WHEREAS, Grantor wishes to give, grant and convey said strip or parcel of land to Grantee for Grantee's future use as part and parcel of the Ressie Jeffries Elementary School property.

W I T N E S S E T H :

NOW, THEREFORE, in consideration of and in appreciation for the Grantee in serving the needs of citizens of the Town of Front Royal, Virginia, the Grantor does hereby give, grant and convey unto the Grantee, in fee simple, with Special Warranty and English Covenants of Title, the following described property, to-wit:

Beginning at a point at the Southeast intersection of Breeden Lane and Acton Street, thence with the south side of Breeden Lane S 78° 31' E 28.00' to a stake, thence with the Ressie Jeffries Elementary School property S 10° 28' W 425.14' to a stake in Robert Bundy line, thence with Robert Bundy N 68° 10' W 28.56' to a post corner to Robert Bundy and Mrs. W. E. Rudacille, thence with Mrs. W. E. Rudacille and the East side of Acton Street 419.80' to the point of beginning, containing 0.27 acres, more or less, as shown on the plat of survey recorded in Deed Book 134, Page 446 of the land records of Warren County, Virginia.

AND BEING a portion of the strip or parcel of land conveyed to Grantor by Deed dated June 30, 1964, recorded in Deed Book 134 at Page 447 of the land records of Warren County, Virginia

The Warren County School Board, Grantee herein, has caused this Deed to be executed by Catherine R. Bower, Chairman, and attested to by _____ Clerk, as evidence of its affirmative acceptance of this conveyance pursuant to a Resolution adopted by the Warren County School Board. A true copy of said

Resolution is attached hereto, incorporated herein, and recorded herewith.

WITNESS the following signatures and seals:

GRANTOR:

TOWN OF FRONT ROYAL, VIRGINIA

BY: _____
HOLLIS L. THARPE, MAYOR

(SEAL)

ATTESTED TO:

JENNIFER BERRY, CLERK

COMMONWEALTH OF VIRGINIA
COUNTY OF WARREN, TO-WIT:

I, _____, a Notary Public in and for the Commonwealth of Virginia, do hereby certify Hollis L. Tharpe and Jennifer Berry, whose names are signed to the foregoing Deed of Gift as Mayor and Clerk, respectively, of the Town of Front Royal, Virginia, have this day personally appeared and executed and acknowledged the same before in the State and in the County aforesaid.

Given under my hand this ____ day of November, 2017.

NOTARY PUBLIC

GRANTEE:

WARREN COUNTY SCHOOL BOARD

BY: _____
CATHERINE R. BOWER, CHAIRMAN

(SEAL)

ATTESTED TO:

_____, **CLERK**

COMMONWEALTH OF VIRGINIA
COUNTY OF WARREN, TO-WIT:

I, _____, a Notary Public in and for the Commonwealth of Virginia, do hereby certify Catherine R. Bower and _____, whose names are signed to the foregoing Deed of Gift as Chairman and Clerk, respectively, of the Warren County School Board, have this day personally appeared and executed and acknowledged the same before in the State and in the County aforesaid.

Given under my hand this ____ day of November, 2017.

NOTARY PUBLIC

APPROVED AS TO FORM:

Date

9



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

Page 1
Item No. 9

Meeting Date: November 13, 2017

Agenda Item: PUBLIC HEARING – Special Use Permit Application – Seymour Robinson on behalf of Nichole LLC (Mark Smoot) – 8 W. 14th St

Summary: Council is requested to approve a Special Use Permit Application submitted by Seymour Robinson, on behalf of the owner, Allie Nichole LLC (Mark Smoot), for a request to modify the conditions of an existing special use permit that authorized an automobile garage on April 10, 2000 at 8 W. 14th Street, with seven conditions. The current application seeks to eliminate the condition that requires a wood fence in the left front yard of the garage that has since been removed. The property is located on Tax Map 20A2, Section 4, Block 56, Lots 9 – 12, and is zoned C-1 District, and within the Entrance Corridor.

Budget/Funding: None

Attachments: Staff Report

Meetings: Work Session held October 16, 2017

Staff

Recommendation: Approval ✓ Denial

Proposed Motion: I move that Council approve a Special Use Permit Application submitted by Seymour Robinson, on behalf of the owner, Allie Nichole LLC (Mark Smoot), for a request to modify the conditions of an existing special use permit, 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

TOWN OF FRONT ROYAL
DEPARTMENT OF PLANNING & ZONING



STAFF REPORT FOR THE SEPTEMBER 20, 2016 PLANNING COMMISSION MEETING
Updated for October 16, 2017 Town Council Work Session

APPLICATION #:

FRSPU-000471-2017

APPLICANT:

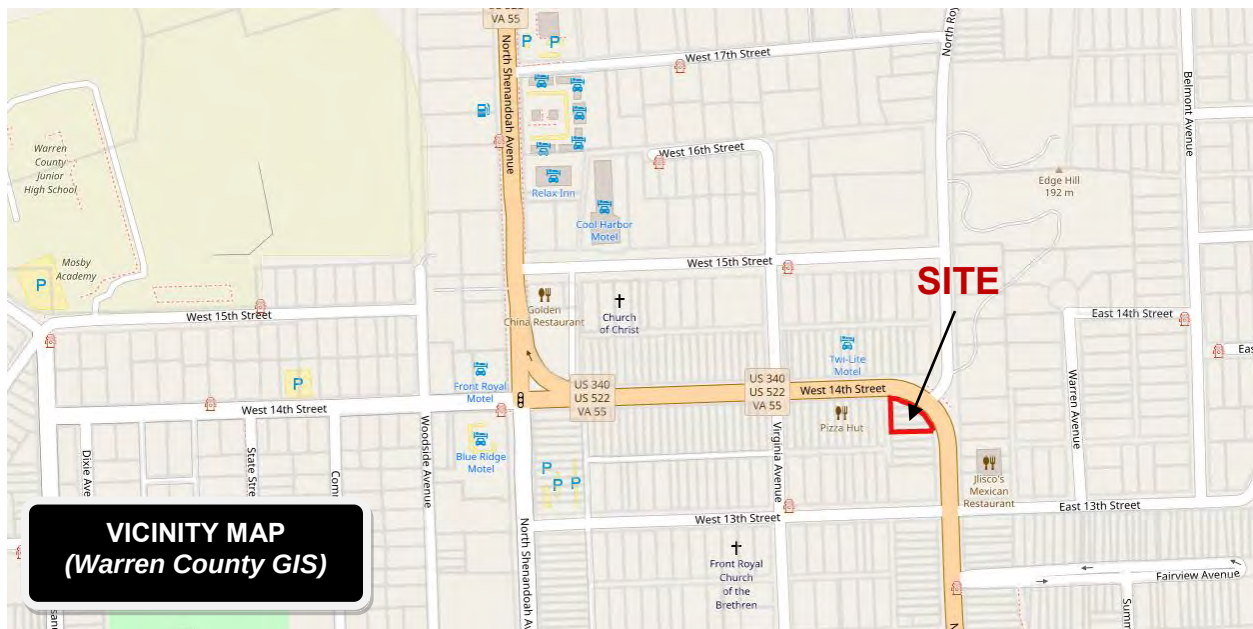
Seymour Robinson, Jr. on behalf of the
property owner Mark Smoot

APPLICATION SUMMARY:

The Applicant has submitted a special use permit to modify existing special use conditions that were approved on April 10, 2000 for an automobile garage that did paint and body work. Specifically, the applicant would like the requirement for a fence removed. The applicant's application is attached (**Attachment 1**).

GENERAL INFORMATION:

Site Address	8 W. 14 th Street		
Zoning District	C-1, Community Business District		
Overlay Districts	Historic Area – NO	Floodway - NO	Entrance Corridor – YES
Tax IDs	20A2-4-56, lot 9-12		
Location	The subject lot is located on E. 13 th Street, between 16 E. 13 th Street to the west and a vacant lot to the east that is in the northwest corner of the intersection at E. 13 th Street and Warren Avenue.		
Existing Use	Automobile Garage (formerly a car dealership, and formerly an automobile garage with painting and body work)		
Proposed Use	Automobile Garage (without painting and body work)		







ADDITIONAL INFORMATION:

Background

Town Code 175-39.B. requires a special use permit for automobile garage. Town Code 175-110.3 includes additional performance standards for automobile garage with painting and/or body work services.

The applicant was informed by Town Staff that fencing was required pursuant to the first condition of Special Use Permit SP99-11-117, issued

<i>Legal Venue</i>	by the Town on April 10, 2000. The existing special use permit was established when the building was used for an automobile garage with body work and painting. The current applicant does not desire to offer these services. Town Code 175-110.3.C. requires part cars for automobile garages with body work and/or painting services to be screened. The Town is authorized to require a special use permit for certain uses within any zoning district under Virginia Code §15.2-2286. Some specific uses are granted protection from regulation from localities by the Virginia Code, including agriculture uses, small scale conversion of biomass to alternative fuel, certain residential uses, private tents, farm wineries, assisted living facilities, and group homes. The issuance of a special use permit is subject to such conditions as are deemed necessary by the Front Royal Town Council after recommendations of the Front Royal Planning Commission. Prior to an action by Town Council or a recommendation by the Planning Commission, a public hearing is required for special use permits. This particular property is also located within the Entrance Corridor.
<i>Review</i>	Provided that there are no part cars, junk or inoperative vehicles kept on the property, removal of the fence is appropriate in staff's opinion. Town Staff has recognized that the property line for the subject lot goes to the roadway and does not include a public sidewalk. This is a safety concern for pedestrians. Staff has observed car parts being kept outside of the building. Such outdoor storage is not allowed in the C-1 District, nor the Entrance Corridor, unless fully screened. Staff has spoken with the owner, and the owner has no objection to allowing passage over the sidewalk area and having the vehicles parked back off the curb. The Town may want to speak with the owner about acquisition of this area so a standard sidewalk can be installed. The owner has indicated that he would be open to discuss this. Below are the conditions of the current special use permit: 1) Within sixty (60) days of special use permit approval, the applicant shall install the required fencing and make modifications to bring the painting operation into compliance with the Virginia Uniform Building Code and electric codes and shall receive the approval of the Warren County Building Official; 2) Within thirty (3) days of special use permit approval the applicant shall obtain a business license for the operation of a vehicle repair and painting business; 3) Within sixty (6) days of special use permit approval, the applicant shall pay all business license fees for the past three calendar years

- (maximum allowed by law);
- 4) No more than sixteen (16) vehicles shall be stored on the site at one time, with no more than ten (10) vehicles outside the fenced enclosure – the solid wood fence will be installed on the northeast portion of the property to screen vehicles awaiting major body work;
 - 5) The parking lot shall be striped to delineate the ten (10) vehicle spaces;
 - 6) The facility shall be maintained in conformance with the Standards in Section 175-110.3; and
 - 7) Failure to comply with the provisions of the special use permit will void the special use permit.

Below are the recommended conditions for replacing the conditions above, in association with the current application:

- 1. This special use permit is only valid for the purpose of authorizing an automobile garage with NO body work and painting services.**
- 2. No more than sixteen (16) vehicles shall be kept or parked on the site at one time.**
- 3. At least ten (10) parking spaces shall be striped for customer parking.**
- 4. Outdoor Storage shall NOT be allowed on the property, except in conformance with Town Code 175-44.**
- 5. The adjacent alley and travel lane through the front parking area shall be kept free and clear of vehicles.**
- 6. Vehicles shall NOT be kept or parked within 5 feet of the curb along the property frontage. Furthermore, for the life of the special use permit, the public shall have right-of-passage over the 5-foot wide area and the Town shall have the authority to paint a line on the existing asphalt to delineate the walkway.**
- 7. Town Council, or other designated representative, may inspect the property at any reasonable time to ensure compliance with local regulations, including, but not limited to, the conditions placed on this special use permit. Upon inspection of the property, if it is found that the property is not in compliance with local regulations, including but not limited to, the conditions of this special use permit, the Town may revoke this special use permit after notice to the applicant and public hearing.**

*Update:
Planning
Commission
Action*

The Planning Commission recommended approval of the subject application at their meeting on September 20, 2017, with the conditions recommended by Town Staff. The Planning Commission also recommended that Town Council consider adding a sidewalk along the front of the site. In addition, the adjacent property owner requested that the Town consider markings and/or signage to demarcate the alley that is adjacent to the property so people do not park in the alley.

ATTACHMENTS: Attachment 1: Special Use Permit Application & submitted attachments to the application



TOWN OF FRONT ROYAL
DEPARTMENT OF PLANNING & ZONING
102 EAST MAIN STREET
P.O. BOX 1560
FRONT ROYAL, VA 22630

Main: 540.635.4236
Fax: 540.631.2727
Internet: www.frontroyalva.com

~~SUP~~ ~~FRSP~~ 471-2017

SPECIAL USE PERMIT REQUEST

APPLICANT

NAME Seymour Robinson PHONE (540) 635-9290

ADDRESS ~~811~~ 8 West 14th Street

E-MAIL overallauto@gmail.com

PROPERTY DESCRIPTION

PROPERTY ADDRESS 8 W 14th Street

TAX MAP 20A2 SECTION 4 BLOCK 56 LOT 9-12

SUBDIVISION NAME N/A ACREAGE .20

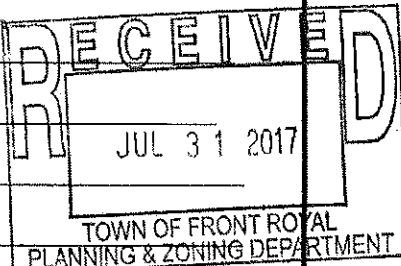
REQUEST

ZONING DISTRICT Commercial C-1

PROPOSED USE OF PROPERTY Auto repair

SPECIFIC SPECIAL USE PERMIT REQUEST

Auto repair shop



ATTACHMENTS --The following must be submitted with the application. Additional information may be required depending on the nature of the request.

1. Survey/Plat of property showing all **existing** improvements.
(10 copies if larger than 11" X 17")
2. Site Plan Application pd @ Finance w/credit card 7-31-17
3. Application Fee of \$400.00 (Checks payable to the Town of Front Royal)
4. Additional information as required by the Department of Planning & Zoning

CERTIFICATION

I certify that the information provided with this application is correct to the best of my knowledge and should the special use permit be granted, the project will comply with the conditions imposed upon it and will be implemented only as approved by Town Council.

Signature [Signature] Date 7/28/17

By submitting this application, the applicant grants permission to Town officials and employees to enter upon the property, which is the subject of this application, during reasonable hours and for purposes related to the application process.

Receipt # pd @ Finance w/credit Date Paid 7-31-17
Card

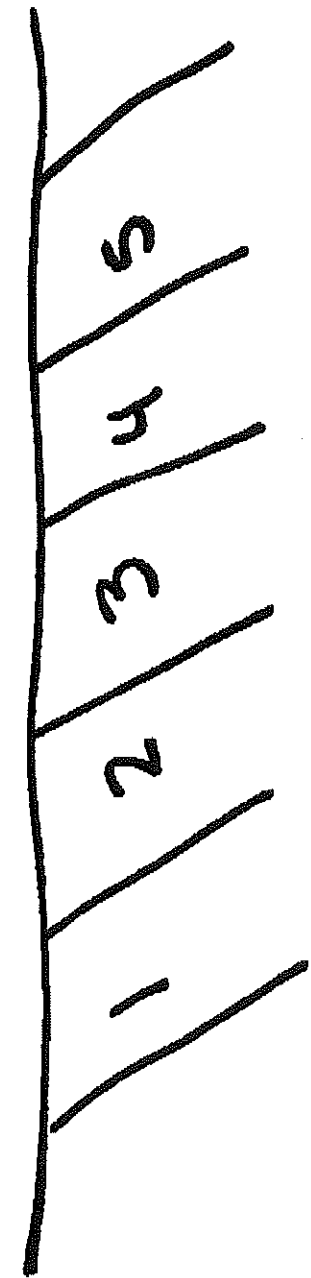
8/6/10

OVERALL AUTO
BUILDING

HAND-
CAP

10 parking spots
all painted + designated

but



ROAD

1/4

8/8/17

Drawing of
parking plan

Overall Auto

2 pgs including cover

fax (540)-631-2727

Attn: Jeremy Camp
Planning + Zoning

Seymour Robinson (540) 635-9290



TOWN OF FRONT ROYAL

DEPARTMENT OF PLANNING AND ZONING

P.O. Box 1560

FRONT ROYAL, VA 22630

(540) 635-4236

FAX (540) 631-9006

SPECIAL PERMIT

SP99-11-117

At their meeting on April 10, 2000, the Front Royal Town Council granted a SPECIAL PERMIT to:

**Mr. Mark Smoot
Smoots Auto Center
8 W. 14th Street
Front Royal, Virginia 22630**

To conduct motor vehicle painting and body work in a C-1 Community Business District, located at 8 West 14th Street. Tax Map 20A2, Section 4, Block 56, Lots 9, 10, 11 & 12.

This SPECIAL PERMIT incorporates the application and all plans as submitted with the application, and the following conditions:

Within sixty (60) days of special use permit approval, the applicant shall install the required fencing and make modifications to bring the painting operation into compliance with the Virginia Uniform Statewide Building code and electrical codes and shall receive the approval of the Warren County Building Official;

Within thirty (30) days of special use permit approval, the applicant shall obtain a business license for the operation of a vehicle repair and painting business;

Within sixty (60) days of special use permit approval, the applicant shall pay all business license fees for the past three calendar years (maximum allowed by law);

No more than sixteen (16) vehicles shall be stored on the site at one time, with no more than ten (10) vehicles stored outside the fenced enclosure - the solid wood fence will be installed on the northeast portion of the property to screen vehicles awaiting major body work;

The parking lot shall be striped to delineate the ten (10) vehicle spaces;

The facility shall be maintained in conformance with the Standards in Section 175-110.3; and

Failure to comply with the provisions of the special use permit will void the special use permit.

This SPECIAL PERMIT applies only to the property noted herein and is not transferable to any other property.


Kimberley P. Fogle, AICP
Director of Planning

Warren Web LogStics X Bing Maps - Directions, X Bing Maps - Directions, trip planning, traffic cameras & more
Secure | https://www.bing.com/maps/preview
Apps Web LogStics for Web Google Maps Bing Maps Yahoo EnerGov 9 Interactive United States usgs topo maps - Google New Tab
Bing Web Images Videos Maps News My saves
Sign in 0
Bird's eye
Full Screen
Share Print My Places Traffic Directions
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10



Town of Front Royal, Virginia Council Agenda Statement

Page _____
1 Item No. _____
10

Meeting Date: November 13, 2017

Agenda Item: PUBLIC HEARING – Special Use Permit Application – Dwight Dunton, Jr. –
E. 13th Street

Summary: Council is requested to approve a Special Use Permit Application submitted by Dwight Dunton, Jr., owner of Tax Map 20A3, Section 4, Block 55, Lot 25, for a non-conforming lot in the R-1 District, located on the north side of E. 13th St near Warren Ave; requests authorization to build a new single-family dwelling on such lot, pursuant to Town Code 175-128.A. The lot has width of 50 feet and a lot area of 7,500 square feet.

Budget/Funding: None

Attachments: Staff Report

Meetings: Work Session held October 16, 2017

Staff

Recommendation: Approval ☒ Denial _____

Proposed Motion: I move that Council approve a Special Use Permit Application submitted by Dwight Dunton, Jr., owner of Tax Map 20A3, Section 4, Block 55, Lot 25, for a non-conforming lot in the R-1 District, located on the north side of E. 13th St near Warren Ave; requests authorization to build a new single-family dwelling on such lot, pursuant to Town Code 175-128.A. The lot has width of 50 feet and a lot area of 7,500 square feet.

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

TOWN OF FRONT ROYAL
DEPARTMENT OF PLANNING & ZONING



STAFF REPORT FOR THE SEPTEMBER 20, 2016 PLANNING COMMISSION MEETING

Updated for October 16, 2017 Town Council Work Session

APPLICATION #:

FRSPU-000484-2017

APPLICANT:

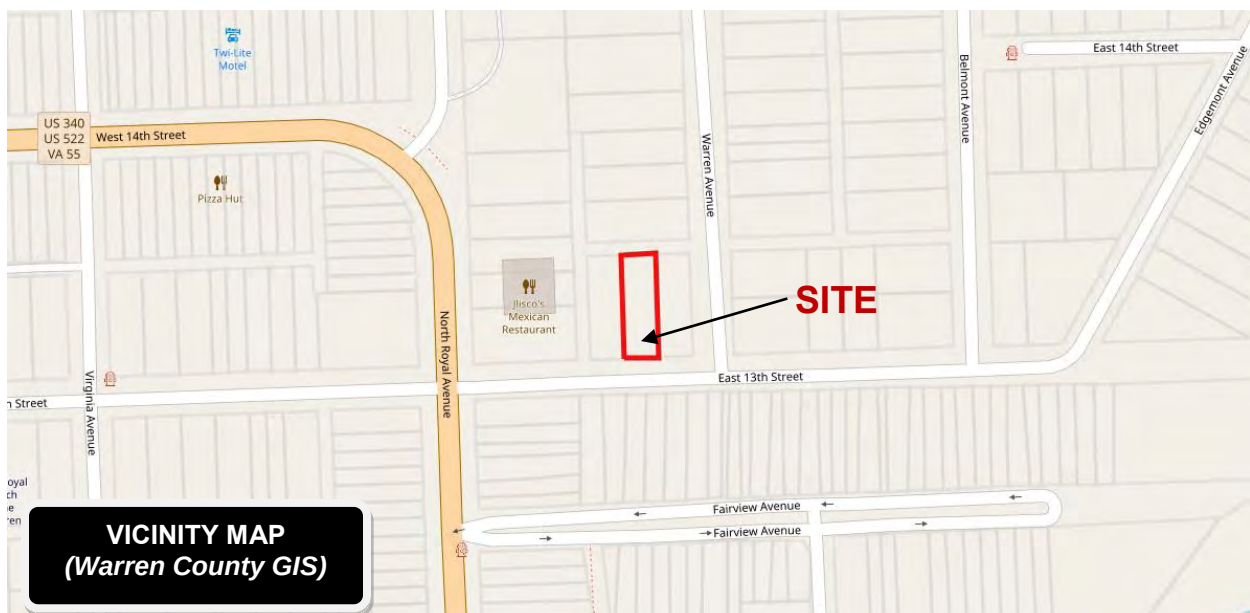
Dwight Dunton, Jr.

APPLICATION SUMMARY:

The Applicant has submitted a special use permit to construct a single family detached dwelling on a nonconforming lot in the R-1 District. The applicant's application is attached (**Attachment 1**).

GENERAL INFORMATION:

Site Address	No address currently.		
Zoning District	R-2, Residential District		
Overlay Districts	Historic Area – NO	Floodway – NO	Entrance Corridor – NO
Tax IDs	20A3-4-55, lot 25		
Location	The subject lot is located on E. 13 th Street, between 16 E. 13 th Street to the west and a vacant lot to the east that is in the northwest corner of the intersection at E. 13 th Street and Warren Avenue.		
Existing Use	Vacant lot		
Proposed Use	Single-Family Detached Dwelling		





ADDITIONAL INFORMATION:

Background

Town Code 175-128.A. establishes special rules for developing on nonconforming lots in the R-1 District. These rules differ from the rules for other districts, which pursuant to Town Code 175-125.B., do not include rules related to the existing lot size and lot width, provided that the setback and other requirements of the Town Code are complied with. In the R-1 District, nonconforming lots must meet special criteria if they are to be developed, and in cases where the minimum lot width or minimum lot area are less than 80% of the R-1 District Standard, a special use permit is required. The applicant's lot is less than 80% of the minimum standards for the R-1 District, therefore a special use permit application is required.

Below are the minimum lot width and minimum lot area requirements for the R-1 District, as specified under Town Code 175-13 for lots serviced by public water and public sewer:

- **Minimum Lot Width: 75 feet**
- **Minimum Lot Area: 10,000 square feet**

The applicants lot is as follows:

- **Subject Lot Width: 50 feet**
- **Subject Lot Area: 7,500 square feet**

Below is the exact language from Town Code 175-128.A. and 175-128.B:

175-128 NONCONFORMING LOTS OF RECORD

A. Except as hereinafter provided, the minimum lot width and lot area shall be required for the establishment of any new lot, or use of a lot, in the R-1 Residential District. Wherever possible, the consolidation of existing nonconforming lots is encouraged to meet the minimum lot size requirements. All new construction shall conform to the yard dimensions and all other regulations for the R-1 Residential District.

1. The Administrator may issue an administrative variance of up to twenty percent (20%) of the required lot width and/or area, where it is found that the proposed new construction is consistent with the structure size, orientation and pattern of development on the street and in the immediate neighborhood.

2. On lots with an area or lot width of less than eighty percent (80%) of the minimum required, approval for construction may be granted by special permit by the Town Council, where the Council finds the application meets the following conditions:

a. The proposed structure has a finished floor area of not less than ninety percent (90%) of the amount of finished floor area prevalent in comparative

<i>Legal Venue</i>	homes. Finished floor areas do not include basement areas. b. The proposed structure is compatible with comparative homes in terms of building orientation, scale, proportion and site layout. c. The site grading provides for adequate drainage on and off the site, without any adverse impact onto adjoining properties. 3. For the purpose of this section, comparative homes shall mean characteristics that are present in at least sixty percent (60%) of the homes located on both sides of the street in the immediate block where the proposed structure is located. 4. The Council may approve a reduction of the side yard requirement, by not more than forty percent (40%), where necessary, to achieve increased compatibility with other structures in the immediate block. B. In any other residential district, a single dwelling may be erected on any single lot of record, notwithstanding limitations imposed by other provisions of this chapter. This provision shall apply even though such lot fails to meet the requirements for lot area and/or lot width, that are generally applicable in the district, provided that yard dimensions shall conform to the regulations for the district in which such lot is located. All other uses, except a single dwelling, are required to meet the minimum lot area requirements for the district in which it is located. The Town is authorized to require a special use permit for certain uses within any zoning district under Virginia Code §15.2-2286. Some specific uses are granted protection from regulation from localities by the Virginia Code, including agriculture uses, small scale conversion of biomass to alternative fuel, certain residential uses, private tents, farm wineries, assisted living facilities, and group homes. The issuance of a special use permit is subject to such conditions as are deemed necessary by the Front Royal Town Council after recommendations of the Front Royal Planning Commission. Prior to an action by Town Council or a recommendation by the Planning Commission, a public hearing is required for special use permits.
<i>Review</i>	175-128.A. allows for new development of nonconforming lots in the R-1 District when certain criteria are met. These criteria are shown below with commentary from Town Staff. a. The proposed structure has a finished floor area of not less than ninety percent (90%) of the amount of finished floor area prevalent in comparative homes. Finished floor areas do not include basement areas.

COMPARATIVE	SQUARE FEET
1	720
2	1688
3	921
4	2200
5	1802
6	1715
7	1664
90 % Average	1377
Proposed House	1438

The proposed house exceeds 90% of the amount of finished floor area prevalent in comparative homes.

b. The proposed structure is compatible with comparative homes in terms of building orientation, scale, proportion and site layout.

Building Orientation – *The applicant's proposed house faces the front of the lot.*

Scale – *The proposed house appears to have a similar scale to other comparative houses and lots in the area. The Lot for Comparative 1 is about the same size as the applicants. The other lots are a little larger but all are nonconforming.*

Proportion – *The applicant's proposed house has similar proportions to the comparative houses. All of the comparative houses are either 1 ½ or 2 stories.*

The applicant's proposed house has a proposed setback of 35.5 feet, which is setback greater than comparative homes on the same street. Staff would recommend the applicant moving the house forward to the extent allowed by the Town Code to create a more consistent street frontage.

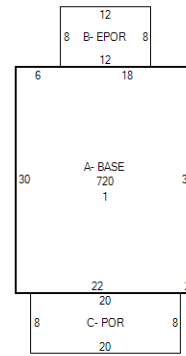
No driveway or parking is shown for the proposed house.

c. The site grading provides for adequate drainage on and off the site, without any adverse impact onto adjoining properties.

The applicant has submitted no information regarding drainage.

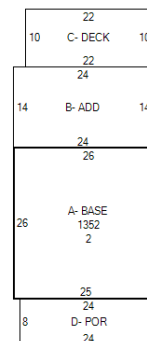
Below are other comparative houses on the immediate block that have frontage on Jefferson Avenue:

Comparative House #1: 16 E. 13th Street



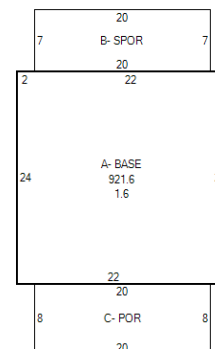
- Square Feet: 720 (w/unfinished basement)
- 1-story, Vinyl siding exterior
- 3 bedrooms, 1 bath
- Driveway: Yes – Garage: Yes (detached)
- Rounded Taxable Value: \$94,900
- Lot Size: .172 acres
- Owner Occupied: No (based on vamanet)

Comparative House #2: 1320 Warren Ave.



- Square Feet: 1688 (w/unfinished basement)
- 2-story, Stucco exterior
- 4 bedrooms, 1 bath
- Driveway: Yes – Garage: No
- Total Assessed Value: \$100,100
- Lot Size: .206 acres
- Owner Occupied: Unknown (based on vamanet)

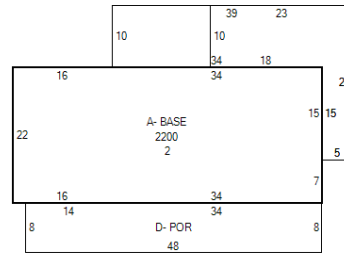
Comparative House #3: 1317 Warren Ave.



- Square Feet: 921 (w/unfinished basement)
- 1 ½ stories, Stucco exterior
- 2 bedrooms, 1 bath
- Driveway: Yes – Garage: Yes (detached)

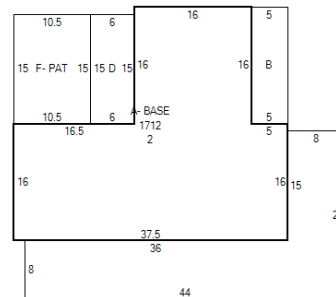
- Total Assessed Value: \$85,600
- Lot Size: .206 acres
- Owner Occupied: Yes (based on vamanet)

Comparative House #4: 1311 Warren Ave.



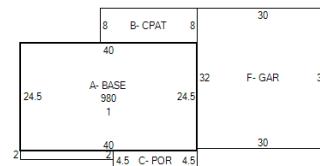
- Square Feet: 2200 (w/unfinished basement)
- 2 stories, Vinyl siding exterior
- 3 bedrooms, 1 bath
- Driveway: Yes – Garage: Yes (detached)
- Total Assessed Value: \$155,200
- Lot Size: .171 acres
- Owner Occupied: Unknown (based on vamanet)

Comparative House #5: 1303 Warren Ave.



- Square Feet: 1802
- 2-story, Vinyl siding exterior
- 4 bedrooms, 2 bath
- Driveway: Yes – Garage: No
- Total Assessed Value: \$106,300
- Lot Size: .207 acres
- Owner Occupied: Unknown (based on vamanet)

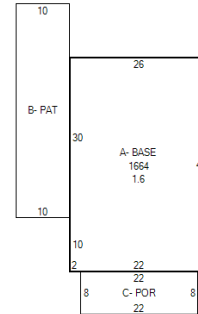
Comparative House #6: 18 Fairview Ave.



- Square Feet: 1715 (w/ unfinished basement)
- 2-level split foyer, Aluminum siding and brick exterior

- 3 bedrooms, 2 bath
- Driveway: Yes – Garage: Yes (frame)
- Total Assessed Value: \$168,200
- Lot Size: .344 acres (on multiple lots)
- Owner occupied: Yes (based on vamanet)

Comparative House #7: 22 Fairview Ave.



- Square Feet: 1664 (w/unfinished basement)
- 1½ stories, Stucco exterior
- 3 bedrooms, 1 ½ bath
- Driveway: Yes
- Garage: Yes (detached)
- Total Assessed Value: \$135,800
- Lot Size: .309 acres (on multiple lots)
- Owner Occupied: Yes (based on vamanet)

Staff has forwarded the following questions to the applicant, and the applicant will be prepared to address these before or after the meeting with the Planning Commission.

- 1) How will stormwater be managed on the site to prevent drainage issues?
- 2) Where will the driveway and parking spaces be located?
- 3) Can you acquire the lot to the east? If this property could be consolidated into the proposed house lot there would be no need for a special use permit.

If the applicant addresses the above issues adequately Staff does not object to approval of the special use permit. Additional housing in the Town is needed, provided that the development is done appropriately.

Before issuance of a zoning permit for construction, the applicant will be required to obtain approval of this special use permit. In addition, the applicant is required to submit for a zoning permit application and complete the house location plan to address all requirements of the Town Code, and to pay all applicable utility connection and other fees that are required by Town Code.

Following a public hearing and discussion, the Planning Commission recommended approval of the special use permit by the following motion:

Vice Chairman Jones moved to recommend approval to Town Council of special use permit application FRSPU-000484, as submitted, to allow construction of a single-family dwelling on Tax Map 20A3-4-55, lot 25. I further move that the following conditional recommendations be made part of the record:

- 1) The applicant is advised to purchase the adjacent vacant lot if it becomes available and consolidate it with the subject lot. This will increase the property value of the future house and allow the house to be expanded in the future.*
- 2) It is recommended that any future applications for a house on the adjacent vacant lot, whether made by the current or future owner be denied. A house on the vacant adjacent lot cannot meet the minimum corner lot setback requirements.*
- 3) The applicant is advised to decrease the front setback of the proposed house to more closely match the setback of the adjacent house, while still meeting minimum setback requirements of the Town Code.*

Seconded by Commissioner Gushee.

**VOTE: Yes – Langfitt, McFadden, Gushee, Jones
Absent – Marshner, Davis**

ATTACHMENTS: Attachment 1: Special Use Permit Application & submitted attachments to the application



TOWN OF FRONT ROYAL
DEPARTMENT OF PLANNING & ZONING
102 EAST MAIN STREET
P.O. BOX 1560
FRONT ROYAL, VA 22630

Main: 540.635.4236
Fax: 540.631.2727
Internet: www.frontroyalva.com

~~SUP~~ FRSPU 484-2017

SPECIAL USE PERMIT REQUEST

APPLICANT

NAME DWIGHT D DUNTON Jr PHONE 703-597-7154
ADDRESS 13311 Lee Hwy Washin 22747
E-MAIL SteviRobinson@icloud.com

PROPERTY DESCRIPTION

PROPERTY ADDRESS W 13th Street
TAX MAP 20A3 SECTION 400 BLOCK 55 LOT 25
SUBDIVISION NAME Shennandoah town ACREAGE 0.17

REQUEST

ZONING DISTRICT R-1
PROPOSED USE OF PROPERTY Residential
SPECIFIC SPECIAL USE PERMIT REQUEST yes
To be able to acquire a Building permit
to SFD on lot - on Anon conforming lot

ATTACHMENTS --The following must be submitted with the application. Additional information may be required depending on the nature of the request.

1. Survey/Plat of property showing all **existing** improvements.
(10 copies if larger than 11" X 17")
2. Site Plan Application
3. Application Fee of \$400.00 (Checks payable to the Town of Front Royal)
4. Additional information as required by the Department of Planning & Zoning.

CERTIFICATION

I certify that the information provided with this application is correct to the best of my knowledge and should the special use permit be granted, the project will comply with the conditions imposed upon it and will be implemented only as approved by Town Council.

Signature Dwight D Dunton Jr Date 8/16/17

By submitting this application, the applicant grants permission to Town officials and employees to enter upon the property, which is the subject of this application, during reasonable hours and for purposes related to the application process.

Receipt # 326186

Date Paid 8-16-17 Check # 3131

Revised 2-15-13

mail Agenda to
1169 Elm Street
Front Royal, VA 22630

Contact: Lissa Hubbard
540.327-4715



**Two Story- 24 x 32 Each Floor 719 SQ. feet
- Totaling 1438 SQ. Feet Finished**

Three Bedrooms, 2 Bath

**Front Porch 11'4 x 7'0 Wood Flooring & Vinyl
Railing**

Vinyl Siding / Crawl Space (No Basement)

20' WIDE ALLEY

S 89°00'00" E

50.00'

150.00'

T.M. 20A3-4-55

LOT 25

7,500 SQ. FT.

150.00'

N 01°00'00" E

15.0'

32.0'

11.0'

PROPOSED
DWELLING

24.0'

15.0'

11.0'

35.5'

35.5'

S 01°00'00" W

50.00'

50.00'

50.00'

N 89°00'00" W

E. 13TH ST.

60' WIDE

← TO NORTH ROYAL AVE.

NO TITLE REPORT WAS
FURNISHED TO THIS OFFICE.
SUBJECT TO ANY AND ALL
EASEMENTS OF RECORD.

DERIVATION OF TITLE TO:
DWIGHT DUNTON, JR.
PER INST. # 100004470.
AND
DERIVATION OF TITLE TO:
DWIGHT D. DUNTON, III AND
MARQUIS P. DUNTON
PER INST. # 970004235.

PROPERTY SITUATED OUTSIDE
THE LIMITS OF THE FEMA
FLOOD ZONE.

PROPERTY ZONED R-1.
PLAT REF: D.B. S/300

PLAT SHOWING PROPOSED
DWELLING ON LOT 25
BLOCK 55, FRONT ROYAL
RIVERTON IMP. CO.
TOWN OF FRONT ROYAL
WARREN COUNTY, VA.

WARREN AVE.



PREPARED BY:
BROGAN LAND SURVEYING, PLC
P.O. BOX 1578
FRONT ROYAL, VA. 22630-0034
TEL. & FAX (540) 635-5657
AUGUST 16, 2017

11



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

Page 1
Item No. 11

Meeting Date: November 13, 2017

-
- Agenda Item:** PUBLIC HEARING – Ordinance Amendment to Chapter 158 – Joint Towing Board (*1st Reading*)
- Summary:** Council is requested to affirm on its first reading an ordinance to amend Chapter 158 “Vehicle and Traffic” of the Town of Front Royal Municipal Code by adding sections 158-54 – 158-69 to create a Joint Towing Board that considers applications of towing recovery businesses to be added to a towing list from which the Warren County Sheriff’s Office, Town of Front Royal’s Police Department and Virginia State Police can request a towing operator to perform towing services at the scene of an emergency or accident. The County of Warren has approved a similar ordinance.
- Budget/Funding:** None
- Attachments:** Ordinance
- Meetings:** Work Sessions held August 7 and November 6, 2017
- Staff Recommendation:** Approval ✓ Denial
- Proposed Motion:** I move that Council affirm on its first reading an ordinance to amend Chapter 158 “Vehicle and Traffic” of the Town of Front Royal Municipal Code by adding sections 158-54 – 158-69 to create a Joint Towing Board that considers applications of towing recovery businesses to be added to a towing list from which the Warren County Sheriff’s Office, Town of Front Royal’s Police Department and Virginia State Police can request a towing operator to perform towing services at the scene of an emergency or accident.

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 ORDAIN AND AMEND CHAPTER 158 BY ADDING SECTIONS 158-54 to 158-69 OF THE TOWN OF FRONT ROYAL MUNICIPAL CODE TO CREATE A JOINT TOWING BOARD THAT CONSIDERS APPLICATIONS OF TOWING RECOVERY BUSINESSES TO BE ADDED TO A TOWING LIST FROM WHICH THE WARREN COUNTY SHERIFF'S OFFICE, TOWN OF FRONT ROYAL POLICE DEPARTMENT AND VIRGINIA STATE POLICE CAN REQUEST A TOWING OPERATOR TO PERFORM TOWING SERVICES AT THE SCENE OF AN EMERGENCY OR ACCIDENT

BE IT ORDAINED BY THE FRONT ROYAL TOWN COUNCIL that of the Town of Front Royal Municipal Code be ordained and amended by adding Sections 158-54 to 158-69, as follows:

CHAPTER 158. VEHICLES AND TRAFFIC

LAW ENFORCEMENT REQUESTED TOWING

158-54 PURPOSE

The purpose of this article is to ensure proper storage, availability and service by persons and firms authorized to provide towing services at the request of the Warren County Sheriff's Office, the Front Royal Police Department, Virginia State Police and other law enforcement personnel. The Towing Operators are deemed independent contractors and not employees of Warren County, the Town of Front Royal, Virginia State Police, or other law enforcement agencies assigned to Warren County or Front Royal.

158-55 DEFINITIONS

Application means an application for towing service within Warren County.

Towing Operator means a towing firm or service, with an established business office and location within Warren County, which meets the requirements of this article and has entered into an agreement to provide towing and recovery services at the request of the Sheriff's Office, Police Department or other law enforcement personnel.

County means Warren County, Virginia.

DMV means Commonwealth of Virginia Division of Motor Vehicles.

Emergency means a critical traffic problem, snow storm, ice storm, hurricane or other extreme weather condition; parade or similar public event; disaster or similar event.

Joint Towing Board means the Joint Advisory Board on Towing which consists of seven (7) members: three (3) law enforcement officers, including one from the Sheriff's Office, one from

the Police Department and one from Virginia State Police, three (3) representatives of Towing and Recovery Businesses and one (1) citizen.

Law Enforcement Personnel or Law Enforcement Agency means a law enforcement officer of Warren County, Town of Front Royal, Virginia State Police or agency of such officers or other law enforcement agency assigned to Warren County.

Police Department means the Town of Front Royal Police Department.

Receipt means a printed, numerated and dated receipt that include tow company name, company address and telephone number and receipt signed by owner/operator.

SCC means Commonwealth of Virginia State Corporation Commission.

Sheriff's Office means the Warren County Sheriff's Office.

Suspension means temporary removal from the Towing List for a violation of this article or breach of the towing service agreement.

Termination means permanent removal from Towing List and rescission of towing service agreement.

Towing List means the list maintained of the Towing Operators authorized to respond the Sheriff's Office, Police Department or other law enforcement personnel's request for the towing of vehicles.

Towing Operators means those who own, lease, or operate a Towing Recovery Business.

Towing Recovery Business means any person, including a business offering services involving the use of a tow truck, including those engaged in the business of (1) removing disabled vehicles, parts of vehicles, or cargo to facilities for repair or safekeeping; and (2) restoring to the highway or other location vehicles that have come to rest where they can't be operated. Such business shall have at least one (1) location, consisting of an office and storage lot, within Warren County for at least six (6) months.

Towing Service Agreement means the agreement between the Joint Towing Board and the Towing Operator.

Town means the Town of Front Royal, Virginia.

158-56 GENERAL MINIMUM REQUIREMENTS

A) Required Vehicles and Equipment.

- (1) The Towing Recovery Business shall have available at least one (1) of the following vehicles with valid Virginia license plates, inspection sticker and SCC/DMV license.
 - (i) Tow Truck equipped with a wrecking crane capable of lifting a minimum of 8,000 pounds and up to a maximum of 10,000 pounds or the gross vehicle weight rating. Tow truck must be equipped with a wheel lift capable of lifting a minimum of 1,500 pounds.
 - (ii) Flatbed Wrecker with at least an 8,000 pound winch and capable of transporting a maximum of 7,000 pounds or the gross vehicle weight rating.
- (2) Each of the vehicles above shall be originally designed as tow trucks.
- (3) Each of the vehicles above shall be equipped with the following:
 - (i) A chassis rated with sufficient gross vehicle weight to match the maximum capacity of the crane mounted thereon;
 - (ii) All-weather tires on the rear wheels;
 - (iii) At least one (1) fire extinguisher;
 - (iv) At least two (2) operable amber revolving or flashing emergency lights, mounted on the highest part of the vehicle and visible from all sides;
 - (v) One (1) operable air tank, when not equipped with air brakes. Flatbed Wreckers are exempt from this requirement;
 - (vi) One (1) heavy-duty street broom and one (1) shovel;
 - (vii) Dollies, scotch blocks and snatch block;
 - (viii) Gas and oil absorbent material;
 - (ix) Reflective vest, shirt or jacket; and
 - (x) Vehicle tow lights.
- (4) Heavy Duty Wreckers.
 - (i) For those Towing Operators who desire to be on the heavy-duty wrecker list, they shall own or lease a minimum of two (2) towing/recovery trucks and at least one (1) road tractor. One (1) Truck shall have a minimum of 60,000 pounds rating and the second truck shall have a minimum 40,000 pounds rating. All units shall have winches rated at a minimum of 20,000 pounds. All units must have a boom that raises and lowers, extends and retracts by hydraulics. All units must have a hydraulic under-lift rated to raise 12,000 pounds at full extension.
 - (ii) Towing Operators shall own, lease or have a written agreement with a subcontractor for the following:

- (a) Lowboy hydraulic operated trailer capable of transporting a wrecked or disabled road tractor and/or debris;
 - (b) Trailer forty-five (45) foot or longer box trailer;
 - (c) Dump truck, dump trailer or container;
 - (d) Air cushions designed for and capable of up righting a loaded tractor and trailer;
 - (e) A skid steer loader, forklift or wheel loader capable of moving cargo and/or debris from the highway; and
 - (f) Adequate personnel to off-load cargo.
- (iii) All loads must be secured with two-wheeled straps or safety chains.
 - (iv) All equipment must be equipped with legally required light and safety equipment.
 - (v) All equipment must be in good working order with all equipment required in this article.

B) Storage and Security of Vehicles

- (1) All Towing Operators shall have a secured lot for vehicles towed under this article. Vehicles shall be stored at all times in said storage lot, storage facility or building or an adjacent service bay.
- (2) A Towing Operator shall maintain and own or lease a dedicated storage area able to contain all towed vehicles towed by the operator. Storage area shall be fully enclosed by a commercial grade fence which is at least six (6) feet tall, or enclosed by a permanent structure, have adequate lighting and remain reasonably clear of debris. Towing Operators shall not share storage lots unless the shared storage lot is divided by a six-foot high stationary fence with a separate locked entrance to each storage area.
- (3) The storage lot shall have a sign posted identifying the firm's name and telephone number. Wrecker service facilities and equipment, including vehicles, office, telephone lines, office equipment and storage facilities may not be shared with another wrecker service. Vehicles towed at the request of Law Enforcement Personnel must be placed in storage owned or leased and operated by the wrecker service on the Towing List.
- (4) The storage lot shall have a graveled or paved surface.

C) Insurance

- (1) No Towing Service Agreement shall be signed until the Towing Operator has provided evidence of the following insurance coverage for the duration of the Towing Service Agreement by a company or companies licensed to do business in the commonwealth. Any changes or lapses in insurance coverage shall immediately be reported to the Joint Towing Board.
 - (i) The Towing Operator shall be required to carry garage keeper's legal liability insurance in the minimum amount of seventy-five thousand dollars (\$75,000.00) to cover fire, theft, windstorm, vandalism and explosion for each lot. Towing Operators on the heavy-duty wrecker list shall be required to

carry garage keeper's legal liability insurance in the minimum amount of two hundred thousand dollars (\$200,000.00).

- (ii) Insurance sufficient to protect itself from any and all claims of loss, damage or bodily injury, resulting from its acts or incurred in the operation of the Towing Operator's business equipment and vehicles pursuant to the Towing Service Agreement in the amount of seven hundred fifty thousand dollars (\$750,000.00) or the amount required by the state (vehicle liability policy).
 - (iii) Insurance sufficient to cover claims under the Worker's Compensation Act, if applicable, for all of its employees. If any work is sublet, the subcontractor shall provide similar coverage.
- (2) The Towing Operator shall indemnify and hold harmless the Sheriff's Office, Police Department, Virginia State Police, Warren County and Town of Front Royal, all other law enforcement agencies assigned to Warren County including their agents, employees and representatives from any and all claims, casualties, damages or injuries arising out of its actions pursuant to the agreement.

158-57 APPLICATION FOR AGREEMENT

- A) Any Towing Operator desiring to perform towing work at the request a Law Enforcement Agency shall submit an application for towing service in duplicate to the Joint Towing Board. Prior performance and reputation in the community, as reported through the office of citizen and consumer affairs and criminal history record information as supplied by applicant, will be considered when a Towing Operator applies to perform towing services under the Towing Service Agreement.
- B) In order to be qualified for towing under this article, a Towing Operator shall operate the Towing Recovery Business at said location within Warren County for a minimum of six (6) months prior to applying for towing under this article. The six-month waiting period may be waived for applicants who are currently authorized to tow under this article.
- C) A Towing Operator may not make any changes that alter the information that was submitted in the application unless first notifying the Joint Towing Board.
- D) The Application shall be submitted on forms provided by the Joint Towing Board and includes the following information:
 - (1) The name of the Towing Recovery Business to include the owners, members and/or corporate officers.
 - (2) The home and business addresses and phone numbers of the Towing Recovery Business, owners, members and/or officers.
 - (3) The location, size and security features of the storage lot on which the towed vehicles will be stored. The storage facility shall be described in detail to include the size, the lighting and the separate entrance. The storage facility may be a building or a lot which shall be a minimum of one thousand five hundred (1,500) square feet for

regular Towing Operators or a minimum of three thousand (3,000) square feet for heavy-duty Towing Operators.

- (4) The location in which the public must go to in order to claim stored vehicles.
- (5) A statement of availability to provide towing service on a continuous twenty-four-hours-a-day basis each day of the year.
- (6) A list of the towing equipment, its size and capacity. Towing Operators shall maintain and register all trucks. A copy of property taxes showing taxes paid on trucks and equipment domiciled within the county or town and each vehicle registration must be submitted on an annual basis with application or reapplication.
- (7) A complete list of insurance policies, carriers and agents which would be in effect upon execution of the Towing Services Agreement. Proof of the policy will be filed with the Joint Towing Board. This information will include amount of coverage limits and include worker's compensation, if applicable.
- (8) A statement that the Towing Operator accepts reasonable responsibility for any personal property left in towed and stored vehicles, as may be otherwise determined by law, along with a description of the secure place which will be used to store the property left in towed or stored vehicles. A statement that the Towing Operator accepts reasonable responsibility for a towed vehicle from the time hookup starts, until vehicle reaches the intended destination.
- (9) Towing Operators must list two (2) telephone numbers at which they can be reached on a twenty-four-hour-a-day basis. Specific times and days denoting business hours versus nonbusiness hours must accompany the telephone number. Name of business and telephone number must be posted in a conspicuous place at the place of business.
- (10) A statement from the zoning office of the local government entity in which the Towing Recovery Business is located that the storage lot listed on the application meets all required zoning requirements.
- (11) A statement from the Treasurer and/or the town finance office that all financial obligations are paid. All Towing Operators must be current in all financial obligations to the County and/or Town.
- (12) A copy of declaration of personal property or business personal property on registered equipment must be submitted annually.
- (13) All applicants shall pay an application fee, as established by the Joint Towing Board, remitted to and collected by the Joint Towing Board

158-58 INSPECTIONS OF TOWING OPERATOR

- A) All of the tow trucks, required equipment and storage facilities shall be inspected and approved by the Joint Towing Board prior to use. In addition, all tow trucks and required equipment shall conform to the provisions of Code of Virginia, § 46.2-1000 et seq. The Joint Towing Board may periodically inspect all wreckers, equipment and storage facilities utilized under this article. There will be an annual inspection of all wreckers, equipment and storage facilities utilized under this article. For heavy-duty wreckers a CVSA sticker will also be required.
- B) There shall be an annual inspection fee, as established by the Joint Towing Board, remitted to and collected by the Joint Towing Board.

- C) The Joint Towing Board shall give the Towing Operator written notice when the equipment or storage facility is found to be unacceptable.
- D) Tow trucks and equipment or storage facilities that fail the inspection shall not be used by a Towing Operator in the performance of its obligations under a Towing Services Agreement until they pass inspection.
- E) Failure to comply with any of the conditions stated above will result in suspension of the Towing Operator from the Towing List until the corrections have been made. If the corrections are not made within ten (10) calendar days, the Towing Operator shall be terminated from the Towing List.
- F) All applications for new Towing Operators to be included on the Towing List or applications for renewals of Towing Operators shall be submitted to and shall only be received and processed by the Joint Towing Board from May 1 to May 30 of each calendar year. The calendar year for the application of this article shall be July 1 to June 30.

158-59 APPLICATION APPROVAL

- A) The Joint Towing Board shall conduct an investigation to determine the accuracy of the information contained in the application and shall inspect the storage lot and equipment to be used.
- B) Upon completion of the investigation, the Joint Towing Board shall determine whether the applicant meets the requirements of this article. If the Joint Towing Board finds the applicant qualified, he shall approve and sign the Towing Services Agreement. The applicant's name shall be placed on the Towing List in a rotating order.
- C) If the Joint Towing Board finds the applicant unqualified, it shall indicate in writing the reasons and return the application to the applicant.

158-60 DUTIES AND REQUIREMENTS OF TOWING OPERATORS

- A) Towing Operators shall, at the request of and as directed by Law Enforcement Personnel, tow vehicles in the County or Town in a manner that is damage-free to the vehicle being towed. Towing Operators shall comply with all applicable federal, state and local laws and regulations, including but not limited to, the securing of all necessary federal, state and local licenses. All Towing Operators shall display a WT-Tag (tow truck for hire) and/or an IRP-Tag (international registration plan).
- B) All Towing Operators shall have the Towing Recovery Business' name, town, state and telephone numbers printed on both sides of the towing vehicle in letters and numerals of such size, shape and color as to be readily legible during daylight hours from a distance of fifty (50) feet while the vehicle is not in motion. No magnetic sign shall be used on

vehicles. Decals are permissible. The Towing Operator shall provide a business card to Law Enforcement Personnel before leaving the scene. Each Towing Operator must be registered with the Virginia Department of Motor Vehicles in the name of the Towing Recovery Business and insured by the Towing Recovery Business.

- C) Towing Operators shall provide twenty-four-hours-per-day towing service each day of the year.
- D) Towing Operators shall have available at all times sufficient and qualified personnel to receive calls and execute the towing.
- E) If a Towing Operator determines additional equipment is needed, the Law Enforcement Personnel shall contact a different Towing Operator on the Towing List.
- F) Towing Operators shall notify all Law Enforcement Agencies during normal business hours forty-eight (48) hours prior to a change in their phone number. No answering service is allowed.
- G) The Towing Operator agrees to arrive on the scene within thirty (30) minutes of receiving a call. If the Towing Operator fails to meet the specified time limit, the Law Enforcement Personnel will notify a second Towing Operator. Once the second Towing Operator has been requested, services from the first Towing Operator are considered canceled and the first Towing Operator is not due any payment. Heavy-duty Towing Operators will have a forty-five (45) minute time limit to arrive on scene.
- H) If in the judgment of the Joint Towing Board, excessive delays are caused by circumstances within the Towing Operator's control, the Joint Towing Board may recommend the Towing Operator be suspended/terminated from the Towing List.
- I) Towing Operators shall have only those tow trucks owned or lease purchased by them responding to calls for service.
- J) If a tow truck is not available, then the Towing Operator shall immediately indicate to the dispatcher that it cannot respond and the reason why. The dispatcher shall then notify the next Towing Operator on the list.
- K) Towing Operators may use crossovers located on the interstates or public highways that are prohibited when directed to do so by Law Enforcement Personnel pursuant to Code of Virginia, § 46.2-920.1.
- L) All Towing Operators must possess a valid Virginia driver's license or commercial driver's license, and medical certificate as may be required and be qualified to operate the tow vehicle and its equipment.

- M) All Towing Operators shall decline a service call if they consumed alcohol and or used any drug or narcotic, either by a doctor's prescription or of their own free will within eight (8) hours prior to a call for service.
- N) Towing Operators shall remove all litter, glass and debris caused by the incident which necessitated towing, including ordinary and reasonable quantities of oil and gas spillage as determined by the Law Enforcement Personnel on the scene. If circumstances warrant additional charges, they will be thoroughly documented and itemized.
- O) All Towing Operators shall have the capability to accept cash and credit card as payment for services under the agreement in the field at the time services are rendered.
- P) The Towing Operator shall tow vehicles to any destination requested by the vehicle owner or any Law Enforcement Personnel, after financial obligations have been finalized. The Towing Operator shall not tow vehicles outside of the Warren County limits.
- Q) Any Towing Operator permanently ceasing to provide towing/recovery services shall, within fifteen (15) days, notify the Joint Towing Board in writing.

158-61 RESPONSIBILITIES AND RECORDS OF TOWING OPERATORS

- A) If an owner or lien holder fails to claim any vehicle or if the Towing Operator wants to satisfy any lien which it has on a vehicle, it shall be the Towing Operator's responsibility to dispose of or sell the vehicle in compliance with the Virginia State Code.
- B) The Towing Operator shall be reasonably responsible for vehicles towed and any contents from the time the vehicle is towed until one (1) of the following events occur:
 - (1) The vehicle is delivered to a location specified by the owner or other authorized person;
 - (2) The vehicle and property is released to and accepted by the owner or authorized person in the same condition as originally towed; or
 - (3) The vehicle is otherwise disposed of according to law.
- C) Towing Operators shall secure all personal property at the scene of a collision to the extent possible and preserve personal property in a vehicle which is about to be towed.
- D) The Towing Recovery Business shall keep records of all vehicles which have been towed pursuant to the Towing Services Agreement. These records shall include, at a minimum, the date and time of tow, the vehicle's license number and state of issue, the vehicle's identification number, the year, make, model and color of the vehicle, the location from which it was towed, the charges for towing and storage, the disposition of vehicle and date of disposition.
 - (1) Such records shall be available for inspection by the Joint Towing Board during the Towing Recovery Business' normal business hours.

- (2) The Towing Recovery Business shall retain a copy of these records for a period of at least twelve (12) months from the date of the tow.
- E) Towing Operators shall promptly arrange for the release of vehicles towed or stored pursuant to this article. There shall be an attendant available from the hours of 8:00 a.m. through 5:00 p.m., except on weekends and state holidays, for the purpose of permitting inspections or releasing stored vehicles. After hours the owner or attendant must be available by telephone. The owner or attendant must be available twenty-four-hours-a-day, each day of the year for the purpose of releasing stored vehicles.
- (1) Towing Operators, upon receiving a request to release or permitting an inspection of a stored or seized vehicle from the owner, operator or other authorized person, shall release that vehicle to the owner or other authorized person between the hours 8:00 a.m. and 5:00 p.m. within a thirty-minute timeframe.
- (2) Towing Operators, upon receiving a request to release or permit an inspection of a stored vehicle by an owner or authorized person during other than normal business hours, shall allow and otherwise require two (2) hours' notice for the release of such motor vehicle. The foregoing notice provision shall apply likewise for the release of personal property and contents within the vehicle. All fees charged for any off-hour release/inspection shall be no more than one (1) day of storage.
- (3) Upon request, Towing Operators shall distribute to the owner, operator or authorized agent a copy of the complaint procedures form.
- (4) Towing Operators shall not release any vehicle designated as "seized" or "seized for forfeiture" by a Law Enforcement Agency until the Towing Operator obtains permission from the requesting agency. The Towing Operator shall bill the requesting agency for the cost of the tow.
- F) Towing Operators shall not release any vehicle that has a "hold" on property contained within such vehicle without first obtaining authorization from the requesting Law Enforcement Agency.
- G) Whenever the Towing Operator is requested to remove a vehicle and the owner of the vehicle, or their authorized agent or driver, is not at the scene at the time of the tow, Law Enforcement Personnel is requested to complete a tow sheet form that includes the following:
- (1) Owners name and address, if known;
- (2) Description of the vehicle and any visible prior damage;
- (3) Storage facility name and address;
- (4) Inventory of accessible contents of the vehicle; and
- (5) One (1) copy shall be given to the Towing Operator, one (1) copy to the owner of the vehicle and one (1) copy retained by the Law Enforcement Agency.
- H) All records relating to Towing Operator's application and insurance shall be made available for inspection by the Joint Towing Board after a Freedom of Information Act request is filed.

158-62 ROTATION SYSTEM

- A) The Joint Towing Board shall ensure that Towing Operators are called on a rotating basis according to the Towing List. Being placed on the Towing List does not guarantee a particular number or quantity of calls; does not guarantee an equivalent number of calls to every Towing Operator on the list; nor entitle any Towing Operator on the list to any compensation as a consequence for not being called in accordance with the Towing List or when removed from the Towing List.
- B) The owner or operator of a vehicle to be towed shall be asked to specify the Towing Operator of his choice, whether or not authorized by Law Enforcement Personnel, unless the vehicle constitutes a traffic hazard and the requested Towing Operator will have an unacceptable response time. If the owner or operator requests a specific Towing Operator, the Law Enforcement Personnel shall complete an owner request form which shall be signed by the owner or operator of the vehicle.
- C) The Law Enforcement Personnel shall not call any Towing Operator who does not have a Towing Services Agreement unless all Towing Operators on the Towing List are unavailable or an Emergency exists. In the event of an emergency or no availability of Towing Operators on the Towing List, Law Enforcement Personnel and the Virginia Department of Motor Vehicles (VDOT) can request Towing Recovery Businesses outside of Warren County.
- D) In an emergency, a supervisor of a Law Enforcement Agency may call a Towing Operator out of sequence in order to shorten response time to the scene of the incident. However, any Towing Operators which are randomly used during suspensions of the Towing List must be reported to communications for record purposes.
- E) Law Enforcement Personnel at the scene may reject the services of the Towing Operator dispatched when the Towing Operator arrives with inadequate equipment to perform the tow. Unfitness shall include, but not limited to, possession of inadequate equipment to perform the tow, or operated by personnel who, due to drugs, alcohol or other incapacity, are not likely to perform the tow safely. In the event that the Towing Operator is determined to be unfit, Law Enforcement Personnel shall notify communications to dispatch the next Towing Operator on the Towing List and shall file a written report with the Joint Towing Board
- F) Law Enforcement Personnel will call another Towing Operator if the first Towing Operator fails to answer the telephone or receives a busy signal after two (2) attempts.
- G) If the Towing Operator does not answer the telephone or refuses the call, the Towing Operator loses that turn in rotation and will not be called until the Towing List rotates to their name again. If the Towing Operator responds to a call, it shall be placed at the bottom of the Towing List, unless the Towing Operator through no fault of its own is not used and receives no compensation for the call. In that event, it shall be placed back at the top of the Towing List.

158-63 COMPENSATION

- A) All costs incident to towing and storage shall be paid by the owner or other authorized person of the towed and stored vehicle to the Towing Operator. In those cases involving "seized" vehicles, the owner shall reimburse the requesting Law Enforcement Agency for the towing costs.
- B) The towing and storage fees charged by the Towing Operator shall be reasonable in light of those charged by other Towing Operators in the county for comparable service. There shall be no additional charges for mileage. No charges imposed for the storage of vehicles for a period of twenty-four (24) hours or less shall exceed charges imposed for one (1) day of storage.
- C) An itemized receipt for payment, which sets forth the cost of towing, excessive cleanup, storage, and repairs shall be issued to the owner/operator or other authorized person. Said receipt shall also include a signature line for the owner/operator or other authorized person acknowledging receipt of the vehicle.
- D) All Towing Operators shall submit their current pricing to the Joint Towing Board related to towing, recovery, winching, storage charges and administrative charges. No administrative charges shall be incurred for the first twenty-four (24) hours of storage and no administrative fee or charge shall exceed ninety-five dollars (\$95.00). Written notice of these fees shall be available at the request of the owner or operator of the vehicle's request.

158-64 Solicitation by Towing Operators SOLICITATION BY TOWING OPERATORS

- A) No Towing Operator shall respond to an accident, scene of an emergency or mechanical breakdown for the purpose of towing vehicles unless specifically called there by Law Enforcement Personnel, or the person involved in the accident or emergency. Violation of this section shall result in suspension from the Towing List for thirty (30) days for the first offense, sixty (60) days for the second offense, and termination from the Towing List for a third offense for a period of twelve (12) months.
 - (1) The Law Enforcement Personnel shall direct the Towing Operator to leave even if the Towing Operator would otherwise have been called to the location.
 - (2) The Law Enforcement Personnel may direct the Towing Operator to provide necessary services in such instances when immediate assistance is necessary to protect persons or property.
- B) Towing Operators are prohibited from soliciting business at the scene of accidents, emergencies or mechanical breakdowns.

158-65 PROHIBITED PRACTICES

- A) A violation of any of the following may subject the Towing Operator to suspension from the Towing List:

- 1) Deliberate failure of a Towing Operator to respond to calls;
- 2) Securing a Towing Services Agreement by fraud or concealment of a material fact;
- 3) Violation of the Towing Services Agreement;
- 4) Chronic or repeated violations of this article;
- 5) A single violation of this article including not limited to:
 - i) Running unauthorized calls;
 - ii) Overcharges;
 - iii) Alcohol or drug use;
 - iv) Tardiness more than five (5) times in a six-month period;
 - v) Failure to notify the Joint Towing Board with immediate changes regarding insurance, taking on new members, owners, corporate officers or any other changes regarding anything listed in the Application;
 - vi) Fraudulent acts with respect to this article;
 - vii) Failure to comply with the rules and regulations of Code of Virginia § 46.2-2820 et seq.; or
 - viii) Violate any laws of the Commonwealth of Virginia, the County of Warren, or the Town of Front Royal, which are considered a felony or misdemeanor.

158-66 COMPLAINTS

- A) Any Towing Operator who believes he has been unfairly treated by Law Enforcement Personnel may file a written complaint with the Joint Towing Board.
- B) Any person who believes a violation of this article has occurred may file a complaint against a Towing Operator. Joint Towing Board will provide the complainant with a complaint form to be filled out and returned to the Joint Towing Board. The complaints shall be investigated by the Joint Towing Board.
- C) After an investigation of the complaint, the Joint Tow Board shall notify the complainant of the results of the investigation and any action as a result of the complaint.
- D) The local office of the Virginia State Police shall use the Towing List on law enforcement requested calls in Warren County. By agreement with the local office of the Virginia State Police, the Joint Towing Board shall investigate towing complaints for both state and county calls. Any imposed disciplinary action shall be binding on all law enforcement initiated calls for towing service.

158-67 SUSPENSION OR TERMINATION OF TOWING OPERATORS

- A) Any Law Enforcement Agency, upon investigation of the facts, may recommend that a Towing Operator be heard by the Joint Towing Panel for any violation of the provisions of this article.
- B) The Joint Towing Board shall provide the Towing Operator with written notice of said violation. Notification of the date, time and location of a hearing on the violation shall also be provided.

- C) The Joint Towing Board has the authority to suspend or terminate Towing Operators through due process.

158-68 APPEALS PROCESS AND HEARING

- A) In the event that a representative from a Towing and Recovery Business that sits on the Joint Towing Panel lodges a complaint against another Towing Operator, said representative shall abstain from the hearing.
- B) The Law Enforcement Personnel involved in the incident shall be responsible for presenting the allegations against a Towing Operator to the Joint Towing Panel members and may call witnesses and ask questions of any witness.
- C) If complainant is not present, the complaint form will be presented to the Joint Towing Panel as complainant's evidence/testimony.
- D) The Towing Operator shall be allowed an opportunity to attend the hearing and bring any witnesses that were directly involved in the incident where the accused Towing Operator was charged with a violation of this article. The Towing Operator will be allowed to present evidence/testimony supporting his/her case to the Joint Towing Panel. The Towing Operator may make an opening statement, ask witnesses questions and make a closing statement.
- E) No attorneys will be allowed to attend this administrative hearing on behalf of a complainant or defendant.
- F) No witnesses, except for those being questioned, will be allowed in the room during the administrative hearing.
- G) The Joint Towing Panel, after hearing evidence presented, shall render a decision. If the accused Towing Operator is present, the chairman presiding over the hearing shall immediately verbally notify the accused of the decision. A written notification shall be prepared and sent to the Towing Operator through first class postage with the U.S. Postal Service and a copy of the decision will be sent to each Law Enforcement Agency. If the Towing Operator is not present at the conclusion of the hearing to receive the verbal notification of the panel, the Towing Operator shall waive the right to immediate notification of the decision.
- H) The decision of the Joint Towing Panel is final.

158-69 AMENDMENTS TO ORDINANCE

- A) The Joint Towing Board will recommend revisions to this ordinance to the Warren County Board of Supervisors and the Front Royal Town Council.

- B) All proposed revisions shall be discussed with the Joint Towing Board and their input will be considered in each proposed revision.
- C) Revisions shall be in effect from the date on which the amendments to the Town and County Code with identical language are adopted by the Warren County Board of Supervisors and the Front Royal Town Council.
- D) Towing Operators on the Towing List shall be given written notification of any amendments ten (10) days prior to the revision being adopted.

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 _____, 2017, and _____, 2017. The Ordinance was enacted at the Regular Meeting of the Town Council held _____ 2017, to become effective immediately.

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. 12

Meeting Date: November 13, 2017

-
- Agenda Item:** PUBLIC HEARING – Ordinance Amendment to Chapter 170 “Weeds/Debris”
(1st Reading)
- Summary:** Council is requested to affirm on its first reading an ordinance to amend Chapter 170 “Weeds and Debris” of the Town of Front Royal Municipal Code, as presented. If approved, the proposed modifications will improve the Town’s ability to effectively enforce regulations governing high grass and trash removal in a timely manner. Note: Council held a public hearing on this amendment on October 13, 2015. The second reading was held on November 9, 2015 where Council voted not to amend the ordinance.
- Budget/Funding:** None
- Attachments:** Ordinance and Minutes of October 13 and November 9, 2015
- Meetings:** Work Session held October 16, 2017
- Staff Recommendation:** Approval ✓ Denial
- Proposed Motion:** I move that Council affirm on its first reading an ordinance to amend Chapter 170 “Weeds and Debris” of the Town of Front Royal Municipal Code, 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 170 “WEEDS AND DEBRIS”

WHEREAS, the proposed modifications will improve the Town’s ability to effectively enforce regulations governing high grass and trash removal in a timely manner; and,

NOW THEREFORE, BE IT ENACTED, by the Town Council of the Town of Front Royal, Virginia, that Chapter 170 of the Front Royal Town Code is hereby amended as follows:

Section 170-1 DEFINITIONS

For the purposes of this Chapter, the following words shall have the meanings respectively ascribed to them by this Section:

DEBRIS - Includes cuttings of weeds, trees or bushes, trash, junk, ~~discarded motor vehicles~~ or any other material which may provide a hiding place for snakes or rats, or anything or any condition which may be a fire ~~menace~~ **hazard**, breeding place for mosquitoes or which gives off obnoxious or offensive odors.

~~**GRASS, WEEDS AND OTHER FOREIGN GROWTH** –~~ Plants other than grass and weeds that the provisions of this Chapter also require property owners to cut, including poison ivy, poison oak, poison sumac, and invasive alien plants that are identified by the Virginia Department of Conservation and Recreation; however, the following are specifically excluded as being classified as foreign growth when they are routinely maintained and kept in reasonably good health: shrubs and flowers that are customarily used for ornamental purposes, common garden vegetables, fruit, trees, and underbrush within a forest or woodland area. ~~Includes grass, weeds, brush, poison ivy, poison oak, honeysuckle or any other vegetable growth other than trees, ornamental shrubbery, flowers and garden vegetables.~~

Section 170-2 REMOVAL OF HIGH GRASS, WEEDS AND FOREIGN GROWTH

- A. ~~Between May 1st and September 1st of each year, t~~The owner of any ~~vacant~~ **developed** or undeveloped property **located** within the Town, ~~including such property upon which buildings or other improvements are located,~~ shall **whenever any such growth exceeds a height of ten inches (10”),** cut the grass, weeds and other foreign growth on such property ~~or any part thereof~~, excluding areas that are farther than one hundred (100) feet from the principal building on such property, and from any building situated on an adjacent property. **Nothing herein shall apply to property zoned for or in active farming operation.** Any such owner failing, ~~refusing or neglecting to cut or remove such grass, weeds and other foreign growth, after ten (10) days notice,~~ shall be in violation of this Section and, ~~upon conviction,~~ shall be subject to a civil penalty **of not to exceed** fifty dollars (\$50) for the first such violation **or violations arising from the same set of operative facts,** and a civil penalty of \$100 for subsequent violations **not arising from the same set of operative facts occurring within 12 months of the first violation.** ~~Each business day during which the same violation is found to have existed shall constitute a separate offense, however, the total amount of civil penalties arising from the same set of operative facts in a 12-month period shall not exceed \$3,000.~~ **Each business day during which the same violation is found to have existed shall constitute a separate offense. In no event shall a series of violations arising from the same set of operative facts result in civil penalties**

exceeding \$3,000 in a twelve (12) month period. Alternatively, the Town Manager, should he deem it necessary, may, after ten (10) days' written notice to the owner of record, with one such notice being sufficient notice for the entire growing season, have such grass weeds or foreign growth cut by the Town's agents or employees, in which event the costs and expenses thereof shall be chargeable to and paid by the owner of such property, and any such charges may be collected by the Town as taxes are collected. Every charge authorized by this Section with which the owner of such property shall have been assessed and which remains unpaid shall constitute a lien against such property ranking on a parity with liens for unpaid taxes and enforceable in the same manner as provided in Articles 3 (§58.1-3940 et seq.) and 4 (§58.1-3965 et seq.) of Chapter 39 of Title 58.1.

- B. ~~Whenever the grass, weeds or other foreign growth attains the height of fifteen (15) inches or more, whether such property is vacant or occupied, it shall be presumed to threaten the health, safety and general welfare of the residents of the Town. Under such circumstances, the Town Manager may after ten (10) days notice to the owners or occupants thereof, have such grass, weeds, and other foreign growth cut by its agents, contractors or employees, and the costs and expenses thereof shall be charged to and paid by the owner of such property, and may be collected as taxes and levies are collected, and shall constitute a lien upon such property until such charges are paid. Any owner of property who is aggrieved by the decision of the Town Manager, under paragraph A above, this provision~~ Subsection may note an appeal of the herein described notice within ten (10) days of the date of its receipt, in which case, all efforts to cause said grass, weeds, ~~or foreign growth etc.~~, to be cut by the Town shall cease until the appeal has been decided by the Town Council.

Section 170-3 REMOVAL OF TRASH; TOWN ACTION ON FAILURE OF OWNER TO REMOVE.

~~Whenever the Town Council deems it necessary, because of unsightly, unsanitary or hazardous conditions, the owner of any property in the town shall, after reasonable notice, remove therefrom any and all trash, garbage, refuse, litter and other substances which might endanger the health of other residents of the town, and should the owner fail, refuse or neglect to comply with the notice, he shall be subject to a fine not to exceed fifty dollars (\$50.), or, if the Town Council deems it necessary, it may, after reasonable notice, have such trash, garbage, refuse, litter and other substances which might endanger the health of other residents of the town, removed by its agents or employees, and the costs and expenses thereof shall be chargeable to and paid by the owner of such property and may be collected by the town as taxes and levies are collected, and such charge shall constitute a lien upon such property until paid.~~

- A. The owner of property located within the Town shall, when the Town Manager, acting as agent for the Town Council, determines that trash, garbage, litter, debris and/or other substances exist on the property, which might endanger the health or safety of other residents of the Town, after ten (10) days' notice, remove therefrom any and all such trash, garbage, refuse, litter, debris and other substances in a manner authorized by law. Any such owner failing to comply with the notice shall be subject to a civil penalty of fifty dollars (\$50) for the first such violation or violations arising from the same set of operative facts, and a civil penalty of one hundred dollars (\$100) for subsequent violations not arising from the same set of operative facts occurring within twelve (12) months of the first violation. Each business

day during which the same violation is found to have existed shall constitute a separate offense. In no event shall a series of violations arising from the same set of operative facts result in civil penalties exceeding three thousand dollars (\$3,000) in a twelve (12) month period. The owner of property located within the Town shall, when the Town Manager, acting as agent for the Town Council, determines that trash, garbage, refuse, litter, debris and/or other substances exist on the property, which might endanger the health or safety of other residents of the Town, after ten (10) days' notice, remove therefrom any and all such trash, garbage, refuse, litter, debris and other substances to comply with such notice within then (10) days of receipt by disposing of such trash, garbage, refuse, litter, debris, or other substance in a manner authorized by law, shall be guilty of a Class IV misdemeanor. Alternatively, the Town Manager, should he deem it necessary, may, after ten (10) days' notice, have such trash, garbage, refuse, litter, debris and other substances, which might endanger the health of other residents of the Town, removed by Town's agents or employees, in which event the costs and expenses thereof shall be chargeable to and paid by the owner of such property and any such charges may be collected by the Town as taxes are collected. Every charge authorized by this Section with which the owner of such property shall have been assessed and 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 in Articles 3 (§58.1-3940 et seq.) and 4 (§58.1-3965 et seq.) of Chapter 39 of Title 58.1.

- B. Any owner aggrieved by the decision of the Town Manager, under paragraph A above, may appeal the herein described notice within ten (10) days of the date of its receipt, in which case, all efforts to cause said grass, weeds, or foreign growth to be cut by the Town shall cease until the appeal has been decided by Town Council.

Section 170-4 NOTICE TO OWNER WHEN UNKNOWN.

If the owner of the land and property or lot is unknown or cannot be found, the notice mentioned in Sections 170-2 and 170-3 may be given to his the owner's agent and tenant or, if none, then such notice may be given by publication of the same once in a newspaper published one (1) of the newspapers published or circulated in the Town.

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:

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

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

Approved as to form and legality:

Douglas W. Napier, Town Attorney

Date: ____/____/____

OCTOBER 13, 2015

PUBLIC HEARING – Ordinance to Amend Town Code Chapter 170 “Weeds and Debris” *(1st Reading)*

Summary: Council is requested to affirm on its first reading an Ordinance to amend Chapter 170 “Weeds and Debris”. If approved the proposed modifications will improve the Town’s ability to effectively enforce regulations governing high grass and trash removal in a timely manner, as presented.

Councilman Connolly moved seconded by Vice Mayor Tharpe that Council affirm on its first reading and Ordinance to amend Chapter 170 “Weeds and Debris”, as presented.

Councilman Egger seconded by Councilman Funk that Council amend the first paragraph of Section 170-3 (A), by replacing the beginning of the current paragraph with this text:

“The owner of property located within the Town shall, when the Town Manager, acting as agent for the Town Council, determines that trash, garbage, litter, debris and/or other substances exist on the property, which might endanger the health or safety of other residents of the Town, after ten (10) days' notice, remove therefrom any and all such trash, garbage, refuse, litter, debris and other substances in a manner authorized by law. Any such owner failing to comply with the notice shall be subject to a civil penalty of fifty dollars (\$50) for the first such violation or violations arising from the same set of operative facts, and a civil penalty of one hundred dollars (\$100) for subsequent violations not arising from the same set of operative facts occurring within twelve (12) months of the first violation. Each business day during which the same violation is found to have existed shall constitute a separate offense. In no event shall a series of violations arising from the same set of operative facts result in civil penalties exceeding three thousand dollars (\$3,000) in a twelve (12) month period.”

Vice Mayor Tharpe noted that he would like the matter discussed at the next worksession. Mr. Connolly voiced support of more discussion on the amendment text, noting that those in a short sale situation may be charged \$100 per day during the change of address time period, which concerns him.

Vote: Yes – Connolly, Egger, Funk, Hrbek and Tharpe

No – N/A

Abstain – N/A

Absent – Tewalt

(Mayor Darr did not vote as there was no tie to require his vote)

(On the Amendment)

Councilman Funk noted that he had some concerns with not punishing the landlords of the property, but rather the elderly and those in poor health. He stated that he would be voting against the matter as presented.

Vote: Yes – Egger, Hrbek and Tharpe

No – Connolly and Funk

Abstain – N/A

Absent – Tewalt

(Mayor Darr did not vote as there was no tie to require his vote)

(By Roll Call; On Motion as Amended)

NOVEMBER 9, 2015

**COUNCIL APPROVAL – Ordinance to Amend Town Code Chapter 170
“Weeds and Debris” (2nd Reading)**

Summary: Council is requested to adopt on its second and final reading and Ordinance to amend Chapter 170 “Weeds and Debris”. If approved the proposed modifications will improve the Town’s ability to effectively enforce regulations governing high grass and trash removal in a timely manner. On October 13, 2015, Council affirmed the first reading for ordinance to amend Chapter 170 with the following amendment: “The owner of property located within the Town shall, when the Town Manager, acting as agent for the Town Council, determines that trash, garbage, litter, debris and/or other substances exist on the property, which might endanger the health or safety of other residents of the Town, after ten (10)

days' notice, remove therefrom any and all such trash, garbage, refuse, litter, debris and other substances in a manner authorized by law. Any such owner failing to comply with the notice shall be subject to a civil penalty of fifty dollars (\$50) for the first such violation or violations arising from the same set of operative facts, and a civil penalty of one hundred dollars (\$100) for subsequent violations not arising from the same set of operative facts occurring within twelve (12) months of the first violation. Each business day during which the same violation is found to have existed shall constitute a separate offense. In no event shall a series of violations arising from the same set of operative facts result in civil penalties exceeding three thousand dollars (\$3,000) in a twelve (12) month period.”

The Assistant Town Attorney suggests the following additional amendment: 170-3 B. Any owner aggrieved by the decision of the Town Manager, under paragraph A above, may appeal the herein described notice within ten (10) days of the date of its receipt, in which case, all efforts to cause said grass, weeds, or foreign growth to be cut by the Town shall cease until the appeal has been decided by Town Council.

Councilman Egger moved, seconded by Councilman Hrbek that Council adopt on its second and final reading an Ordinance to amend Chapter 170 “Weeds and Debris” with the amendment approved by Town council on October 13, 2015 and the additional amendment by Assistant Town Attorney as presented.

Mr. Napier noted that the property owner is responsible for the maintaining of the property, in response to Councilman Tewalt’s question. He added that ultimately the owner of the property is responsible. Mr. Tewalt expressed concern with the matter as presented, as the grass is down to 10 inches, and now there would be chickens, and more Town employees would eventually be required. He reiterated that more employees would be necessary. He stated that he would not be able to support the matter as presented.

Councilman Connolly expressed concern with the penalties, adding that for some the fees could be unintended, especially those in a short sale situation. He noted that he was not convinced the fees shown were appropriate.

Vote: Yes – Egger and Hrbek

No – Connolly, Funk, Tewalt and Tharpe

Abstain – N/A

Absent – N/A

(Mayor Darr did not vote as there was no tie to require his vote)

(By Roll Call)

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

Page 1
Item No. 13

Meeting Date: November 13, 2017

Agenda Item: PUBLIC HEARING – Ordinance Amendment to Chapter 66 Pertaining to Tethering of Dogs/Canines (*1st Reading*)

Summary: Council is requested to affirm on its first reading an ordinance to amend Chapter 66 of the Town of Front Royal Municipal Code, as presented. If approved it would authorize tethering for dogs and other canines by meeting certain requirements; to prohibit certain tethering practices for dogs and other canines; and to set the penalty for violating the ordinance. Note: This ordinance mirrors what the Board of Supervisors recently approved.

Budget/Funding: None

Attachments: Ordinance

Meetings: Work Sessions held August 7 and October 16, 2017

Staff

Recommendation: Approval ✓ Denial

Proposed Motion: I move that Council affirm on its first reading an ordinance to amend Chapter 66 of the Town of Front Royal Municipal Code, 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:

**AN ORDINANCE TO ENACT AND ORDAIN SECTION 66-11.1 OF THE TOWN OF
FRONT ROYAL MUNICIPAL CODE TO AUTHORIZE TETHERING MEETING
CERTAIN REQUIREMENTS; TO PROHIBIT CERTAIN TETHERING PRACTICES;
AND TO SET THE PENALTY FOR VIOLATING THE ORDINANCE**

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF FRONT ROYAL that Section 66-11.1 of the Town of Front Royal Municipal Code, **TETHERING RESTRICTIONS FOR DOGS AND OTHER CANINES**, as follows:

Chapter 66 ANIMALS

ARTICLE I. GENERAL PROVISIONS

§ 66-6.1 Tethering Restrictions for Dogs and Other Canines

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

- A. Tether means, when used as a noun, any device, including but not limited to a chain, leash, cable, tie down, or tie out, attached to a stationary point or object, trolley or run used to contain or restrain a dog or other canine (as used in this ordinance, “canine” shall mean a hybrid of the domestic dog and any other species of the Canidae family). When used as a verb, tether shall mean to attach a dog or other canine to such a device.
- B. No person shall tether or cause to be tethered any dog or other canine except when the tether meets the following conditions:
 - (i) Appropriate to the age and size of the dog or other canine, the tether shall weigh no more than 10 percent of the animal’s weight;
 - (ii) Attached to the dog or other canine by a properly applied collar, halter, or harness configured so as to protect the dog or other canine from injury and prevent the dog or other canine or tether from becoming entangled with other objects or animals, or from extending over an object or edge that could result in the strangulation or injury of the dog or other canine; and
 - (iii) At least three times the length of the dog or other canine, as measured from the tip of its nose to the base of its tail, except when the dog or other canine is being walked on a leash or is attached by a tether to a lead line.
- C. It shall be unlawful for a person to tether any dog or other canine:
 - a. When the dog or other canine is four months old or younger;
 - b. When the dog or other canine is a female in estrus;
 - c. When the temperature is less than thirty-two degrees Fahrenheit or greater than ninety degrees Fahrenheit unless the dog or other canine is provided adequate shelter under Virginia Code § 3.2-6500;
 - d. If the tether weighs more than ten percent of the dog’s or other canine’s body weight;
 - e. On the same tether concurrently with another dog or other canine; or

f. For longer than twelve hours per twenty-four hour period on a cable run or four hours on a fixed tether per twenty-four hour period.

D. Any person found guilty of violating this section shall be punished by a Class 3 misdemeanor with a fine not to exceed \$500. Any animal control officer or other law enforcement officer may seize the unlawfully tethered dog or other canine pursuant to his or her authority under Virginia Code § 3.2-6569.

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 _____, 2017, and _____, 2017. The Ordinance was enacted at the Regular Meeting of the Town Council held _____ 2017, to become effective immediately.

Approved as to form and legality:

Douglas W. Napier, Town Attorney

Date: ____/____/____

14



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

Page 1
Item No. 14

Meeting Date: November 13, 2017

Agenda Item: COUNCIL APPROVAL – Ordinance Amendment to Town Code Chapter 142-20 Pertaining to Town Banner Poles (*2nd Reading*)

Summary: Council is requested to adopt on its second and final reading an ordinance to amend and re-enact Front Royal Town Code Section 142-20 pertaining to the application process for and the display of banners promoting civic events on Town Banner Poles, as presented.

Budget/Funding: None

Attachments: Ordinance

Meetings: Work Session held September 18, 2017. Public Hearing held October 23, 2017

Staff

Recommendation: Approval ✓ Denial

Proposed Motion: I move that Council adopt on its second and final reading an ordinance to amend and re-enact Front Royal Town Code Section 142-20 pertaining to the application process for and the display of banners promoting civic events on Town Banner Poles, 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:

**AN ORDINANCE TO AMEND FRONT ROYAL TOWN CODE CHAPTER 142-20
PERTAINING TO TOWN BANNER POLES**

WHEREAS, the Town offers local (Front Royal/Warren County) non-profit civic, religious or educational organizations or groups the ability to advertise their local events(s) at no cost through the display of a banner across N. Royal Avenue or John Marshall Highway; and,

WHEREAS, Town Staff has realized a significant increase in reservations warranting revisions to the Town Code to ensure equal opportunity for all organizations or groups to advertise their events; and,

NOW THEREFORE, BE IT ENACTED, by the Town Council of the Town of Front Royal, Virginia, that 142-20 of the Front Royal Town Code is hereby amended as follows and is effective January 1, 2018:

142-20 TOWN BANNER POLES

The Town has installed banner poles at various locations on arterial roads to inform citizens and visitors of **local (Town of Front Royal/County of Warren) non-profit civic, religious or educational** events **at no cost**. Reservation of space is **required** to display a banner **and** shall be regulated as follows:

1. Applications shall be submitted to the Town Manager **or his designee for approval. Once approved, banners are delivered to the Energy Services Department by the applicant at least one (1) business day before display.** Applications shall be accepted beginning January 1 for placement of that year. ~~and shall include the following information:~~

- ~~a. Name of Requesting Organization~~
- ~~b. Contact Name~~
- ~~c. Contact Phone Number~~
- ~~d. Requested Dates for Display~~
- ~~e. Banner Message and Description of Display~~

~~2. Applications shall be accepted beginning January 1 for placement that year.~~

~~2. 3.~~ Priority of display shall be granted to the Chamber of Commerce Wine & Craft Festival, the Warren County Heritage Society Festival of Leaves **and Town-sponsored events**. Subject to requests being received within the first five (5) business days of January, similar priority shall be granted to organizations ~~requests~~ for events conducted at the same time period for a least five (5) consecutive years. **After this time, priority of display will be on a first-come-first serve basis.**

~~3. 4.~~ Display shall be for up to fourteen (14) calendar days. **Requests for banners to be displayed at both locations for the same event and during the same timeframe will not be accepted. Banners shall not be moved from one location to another unless there is one week lapse in between.** Extensions of up to fourteen (14) calendar days may be requested ~~thirty (30) days prior to the approved date for display~~ if no other display requests have been approved.

~~4. 5.~~ Banners ~~size~~ shall be a maximum of thirty (30) feet long by three (3) feet tall. ~~Organizations requesting banner display shall be responsible to ensure banner can be connected to the existing~~

~~hardware installed by the Town. Banners~~ **and** shall be constructed of heavy-duty canvas, plastic tarpaulin material, or netting. Metal grommets shall be imbedded near each of the four (4) corners and along the top and bottom edges with two (2) feet intervals. The banner shall also have wind-relief flaps that are six (6) inch diameter half-circles and at least one (1) for every four (4) square foot of total area.

5. Applicants are responsible for inspection of their banners before being delivered for display. The Town reserves the right to deny installation of a banner if it does not meet the specifications mentioned in 142-20.5.

6. The Town reserves the right to remove banners during periods of extreme weather or under circumstances that could endanger the safety of motorists and pedestrians.

7. The Town shall not be responsible for storing banners after display. The Town Manager or his designee shall determine the disposition of banners not collected in a reasonable manner.

8. In the event that anything in Chapter 142-20 ~~display date~~ requests conflict, the Town Manager ~~or designee~~ shall determine resolution of conflict. ~~Display requests~~ **Resolutions** determined by the Town Manager ~~or designee~~ can be appealed to Town Council a minimum of forty-five (45) days **from Resolution** ~~prior to the requested date for display.~~

This ordinance shall become effective January 1, 2018

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 _____, 2017,
and _____, 2017. The Ordinance was enacted at the Regular Meeting of
the Town Council held _____2017, to become effective immediately.

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. 15

Meeting Date: November 13, 2017

Agenda Item: COUNCIL APPROVAL – HEPTAD Requests for One-Year Extension to Submit Development Plan

Summary: Council is requested to consider approval of a request from HEPTAD, LLC to extend their deadline to submit a development plan. Town Code requires that a development plan be submitted within one (1) year of approval of the Master Land Use Plan. The Town Code allows the deadline to be extended by Town Council. Council approved a one-year extension in 2016 that expires December 3, 2017.

Budget/Funding: None

Attachments: Letter from Lawson & Silek P.L.C. and Minutes of 2016

Meetings: Work Session held November 6, 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 a request from HEPTAD, LLC for a one-year extension to submit their required development plan for property referred to as Swan Estates (HEPTAD) until December 3, 2018.

*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:

LAWSON AND SILEK, P.L.C.

43 CHESTER STREET
POST OFFICE BOX 602
FRONT ROYAL, VIRGINIA 22630
TELEPHONE: (540) 635-9415
FACSIMILE: (540) 635-9421
EMAIL: RLIGHT@LAWSONANDSILEK.COM

September 27, 2017

Jeremy F. Camp, Director
Department of Planning & Zoning
Town of Front Royal
102 East Main Street
Front Royal, Virginia 22630

RE: Heptad – Request for One-Year Extension on Development Plan

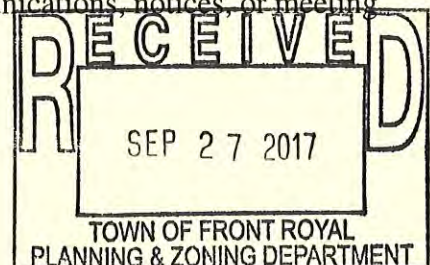
DELIVERED BY HAND DELIVERY

Dear Jeremy:

As you know, pursuant to Town Code §175-37.18, the Town Council granted Heptad an extension on the requirement to file the Development Plan required by the Town Code. The extension is scheduled to expire on December 3, 2017. I am writing this letter on behalf my client to request from the Town Counsel an additional one-year extension of the Development Plan requirement to December 3, 2018. Please treat this letter as Heptad's statement of justification for such a request.

My client has continued to actively and diligently market the property. The completion of Leach Run Parkway has removed an obstacle which hampered Heptad's contract discussions in the past. Nevertheless, the challenge has now shifted to attracting a buyer willing to undertake the design and construction of an entirely new development in the Front Royal area upon the terms and conditions of the rezoning proffers. An additional one-year extension would hopefully provide sufficient time to enter into a contract with such buyer/developer and thereby be in a position to submit the Development Plan next year.

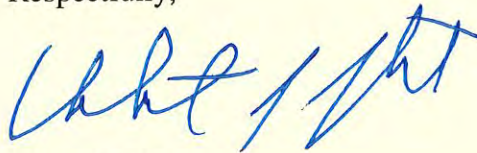
We respectfully request that this matter be placed on the earliest Town Council work session agenda for discussion and eventual placement on the Council's regular meeting agenda for approval. We also ask that you copy us with any Town communications, notices, or meeting agendas referencing this request.



Jeremy F. Camp
September 27 2017
Page Two (2)

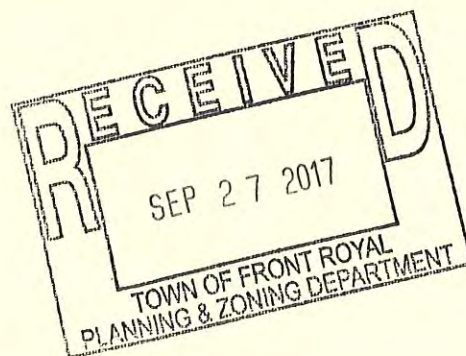
Thank you in advance for your assistance, and please contact Joe or me with any additional questions.

Respectfully,



Robert J. Light

Cc: Heptad, LLC



November 28, 2016 Regular Meeting

COUNCIL APPROVAL – HEPTAD – One Year Extension to Submit Development Plan

Councilman Tewalt moved, seconded by Connolly that Council approve a request from HEPTAD, LLC for a one-year extension to submit their required development plan for property referred to as Swan Estates (HEPTAD) until December 3, 2017.

Vote: Yes – Connolly, Egger, Hrbek, Meza, Tewalt and Tharpe No –

N/A

Abstain – N/A Absent

– N/A

(Mayor Darr did not vote as there was no tie to require his vote)

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

Page 1
Item No. 16

Meeting Date: November 13, 2017

Agenda Item: COUNCIL APPOINTMENT –Board of Architectural Review (BAR)

Summary: Council is requested to appoint a member to the Board of Architectural Review to a (4) four-year term, said term to expire November 13, 2021.

Budget/Funding: None

Attachments: None

Meetings: Work Session held November 6, 2017

Staff

Recommendation: Approval_____ Denial_____

Proposed Motion: I move that Council appoint _____ to the Board of Architectural Review to a (4) four-year term, said term to expire November 13, 2021.

*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: _____

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

Page 1
Item No. 17

Meeting Date: November 13, 2017

Agenda Item: COUNCIL APPOINTMENT – Urban Forestry Advisory Commission

Summary: Council is requested to appoint a member to the Urban Forestry Advisory Commission (UFAC) to a (4) four-year term, said term to expire December 20, 2021.

Budget/Funding: None

Attachments: None

Meetings: Work Session held November 6, 2017

**Staff
Recommendation:** Approval_____ Denial_____

Proposed Motion: I move that Council appoint _____ to the Urban Forestry Advisory Commission (UFAC) to a (4) four-year term, said term to expire December 20, 2021.

*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: _____

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

Page 1
Item No. 18

Meeting Date: November 13, 2017

Agenda Item: COUNCIL APPROVAL – Adoption of Property Maintenance Code and Establishment of a Rental Inspections District (*1st Reading*)

Summary: Council is requested to affirm on its first reading to amend and re-enact Chapter 9 (Buildings) of the Front Royal Municipal Code to adopt a Property Maintenance Code and to establish a Rental Inspection District, pursuant to Virginia Code § 36-105.1:1 and Part III, Virginia Maintenance Code of the Virginia Uniform Statewide Building Code, current adopted edition, as presented. If approved the Town would be able to address blight and deterioration of buildings and the Rental Inspection District would include the same boundaries as the Historic District and the designated CDBG Downtown Revitalization area.

Note: Council held a Public Hearing to receive Public Input on August 28, 2017 and another Public Hearing was held for first reading of the ordinance on September 25, 2017 where motion was to postpone the matter until after a worksession can be held and the matter can then return to a regular meeting.

Budget/Funding: None

Attachments: Proposed Ordinance, Letter of Request and Memo from Director of Planning/Zoning

Meetings: Work Sessions held February 13, July 3, July 17, August 7 and November 6, 2017. Public Hearing to Receive Public Input on August 28, 2017. Public Hearing on first reading of ordinance was held September 25, 2017.

Staff

Recommendation: Approval ✓ Denial _____

Proposed Motion: I move that Council affirm on its first reading to amend and re-enact Chapter 9 (Buildings) of the Front Royal Municipal Code to adopt a Property Maintenance Code and Establish a Rental Inspections District, 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

EXERPT FROM MINUTES FROM SEPTEMBER 25, 2017

PUBLIC HEARING – Adoption of Property Maintenance Code and Establishment of a Rental Inspections District *(1st Reading)*

Summary: Council is requested to affirm on its first reading to amend and re-enact Chapter 9 (Buildings) of the Front Royal Municipal Code to adopt a Property Maintenance Code and to establish a Rental Inspection District, pursuant to Virginia Code §36-105.1:1 and Part III, Virginia Maintenance Code of the Virginia Uniform

Statewide Building Code, current adopted edition, as presented. If approved the Town would be able to address blight and deterioration of buildings and the Rental Inspection District would include the same boundaries as the Historic District and the designated CDBG Downtown Revitalization area.

Mayor Tharpe opened the public hearing.

Whitney Elaine Vasquez, of 122 Virginia Avenue, stated that there is an online forum that keeps coming up repeatedly that noted that asked that landlords be kept accountable under current ordinances. She opined that it was a public safety issue. She stated that lack of Town enforcement gave a negative impact to the Town and caused blighted buildings and renting families to be displaced.

Theresa Gill, 128 E. Main Street, Apt 1, noted that she has lived at many apartments with issues, including many with roaches and bed bugs, and other buildings falling apart around them. She stated her concerns with landlords with unlicensed property being taken care of and walls with dangerous paint. Ms. Gill stated that roaches travel but bed bugs stay underneath a building for up to a year. She noted that it is affecting local businesses and there are so many families and children that have no choice but to live in these unsafe and unhealthy structures.

Kimberly Matejka, of 122 S. Royal Avenue, D, noted that she has sent the newspaper over 60 photos with just exposed slats in her ceilings. She stated that the lease was shoved under her door and it was filled with deplorable text that was harmful and non-caring that intimidated her as a woman. She noted that her landlord was inappropriate with women, children and families and caused harm to many with his practices.

Holly Givad, 122 S. Royal Avenue, B, had her comments read into the record by Ms. Gill, who stated that the conditions are affecting the health of many, such as repeated the asthma flare ups, and the roaches and the bed bugs caused her to lose her children as the living conditions were so deplorable. She asked that Council protect the community and protect the children. She noted that she got out, though so many people are still in those conditions.

Linda Allen, of 416 Salem Avenue, stated that many kinds of damage are being forced upon these people. She noted that there are illegal practices in these leases and people are trapped and intimidated. Ms. Allen stated that there are so many fees and penalties that is a criminal offense what is taking place. She noted that these are vulnerable people who are trying to get ahead, people that want to live in a safe comfortable environment and they live in retribution, with the threat of eviction hanging over them, and they are propositioned. She asked Council if these people worth Council's time.

Tim Ratigan, of 120 W. 6th Street, Apt. 6, noted that he ran for Mayor mainly because he wanted a rental inspection program for the Town. He noted that Mt. Vernon apartments should be torn down. He noted that over 75% of the Town residents rent and many lived in substandard facilities. Mr. Ratigan stated that the Town has taken a courageous step in the right direction.

William Huck, of 409 E. Main Street, noted that when it was passed, he asked that the landlords be asked would they spend the night in the structures that they are trying to rent to people. He asked that as landlords and as a community; we should take care of everyone. He noted that landlords should take care of their structures, things should be documented and all should be legal.

Chris Svenson, of 1446 Canterbury Road, noted that he is a landlord and he would like matters done properly and properties should be maintained. He noted that he adores the Town and his intention was to better the Town and have tenants that feel safe and the Town needs to work with the landlords as well.

Mr. Svenson noted that the fees should be reviewed, and he added that the fees would be passed onto the renters. He encouraged the Town to work with landlords and tenants to develop the ordinance completely.

David Silek, of Main Street, stated the previously this was tried before, he noted that rentals were held to an absurd standard. He noted that enforcing property maintenance previously was not done in the best manner. Mr. Silek stated that the ordinance should not be done as it is written. He added that it would be taken to court if it went forward as written. He stated that one bad landlord has created a public nuisance and the Town should address the matter appropriately.

Jon Fidero, of 179 Royal Elm Road, noted that he owns 42 units and he was in support of some type of change for landlords that have issues. He stated that he has concerns with the ordinance as it is stated. He expressed concerns with protecting landlords as it is written and how it addresses all areas of the community. Mr. Fidero noted that the margins for review of rentals are very small. He stated that an inspector that holds you up for a small issue is a great concern for him.

Wanda Snead, a property manager in Town, stated that she manages many buildings and during the last Town Property Maintenance Code, a paint requirement peeled a year later after a \$11,000 paint job. She stated that she was grateful for good tenants though there were tenants that did not take care of properties sometimes too. Ms. Snead asked for mercy for the good landlords. She noted that previously, an inspection was being done and the inspector for the Town made them remove a bed from a patient that was dying of cancer.

Nancy Heflin, of 126 S. Royal Avenue, noted that everyone knows that the nuisance law should apply to the Batouli properties, and she owns properties next to the problem property. She noted that anyone would be happy to stay at her properties and she has no need for a rental program. She expressed concern with the Town using the word "blight" and the Town should not legislate for some landlords.

David Silek, spoke again, noted that the Town pose a health and safety issue for first responders and the Town Attorney's office could circumvent the statute by using an injunctive relief tomorrow.

Theresa Gill, spoke again, noted that the good landlords should have protection; however, the horrible landlords are currently protected. She asked if the nuisance law could be used to stop this health matter happening all over Town she would be in favor of such.

As no one else came forward to speak, the public hearing was closed.

Councilman Morrison moved, seconded by Councilman Sealock that Council affirm on its first reading to amend and re-enact Chapter 9 of the Front Royal Municipal Code to adopt a Property Maintenance Code and Establish a Rental Inspections District, as presented.

Councilman Morrison thanked Mr. Silek for the free education and counseling. He noted that the community should not be divided. He stated that obviously that he lives next to a Batouli property and when he moved to Front Royal he saw what it could be. Mr. Morrison noted that there is a sense of ignorance and it is not right to have these citizens just ignored when they are appealing for help.

Councilman Connolly suggested that deliberation be postponed and suggested that some of the landlords be invited to an upcoming worksession and also have Town Staff review other legal recourse.

Councilman Connolly moved, seconded by Councilman Meza to postpone the matter until after a worksession can be held and the matter can then return to a regular meeting.

Vote: Yes – Connolly, Gillispie, Meza, Morrison, Sealock and Tewalt

No – N/A

Abstain – N/A

Absent – N/A

(Mayor Tharpe did not vote as there was no tie to require his vote)

(By Roll Call)

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

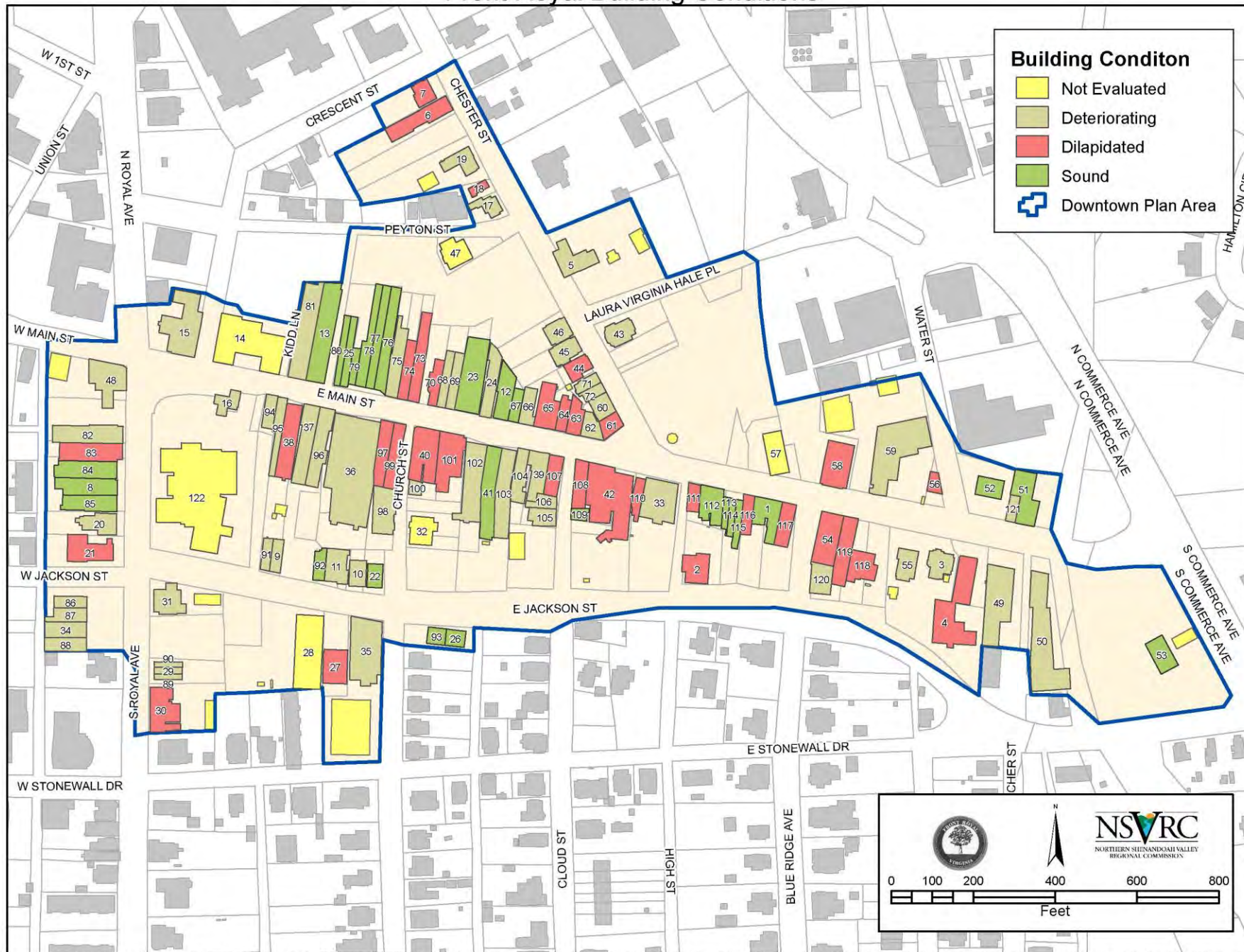
4. Affordable and diverse housing for many income levels, with accountable landlords.

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

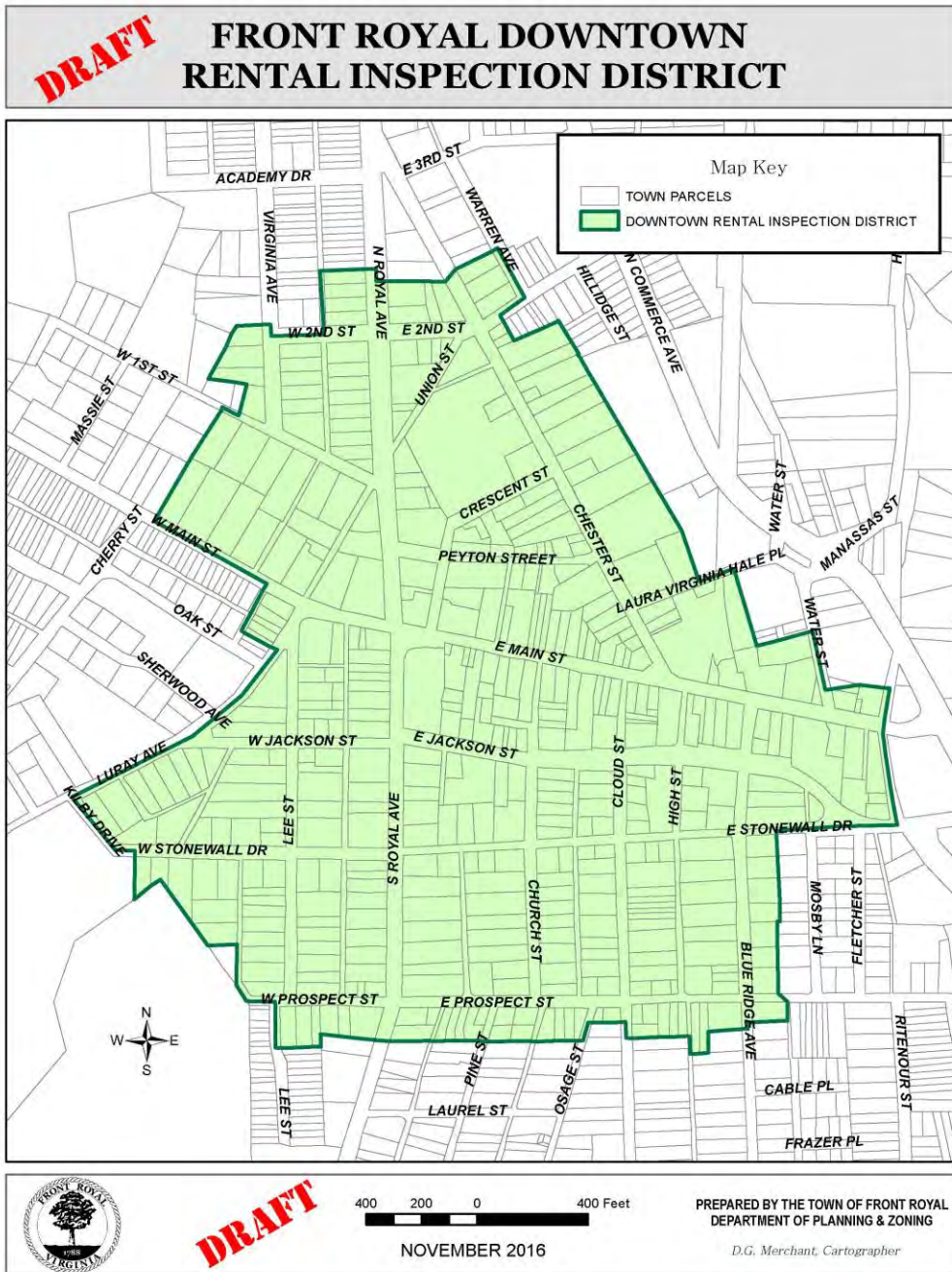
Virginia Maintenance Code:

- 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 ~~strike through~~ 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)

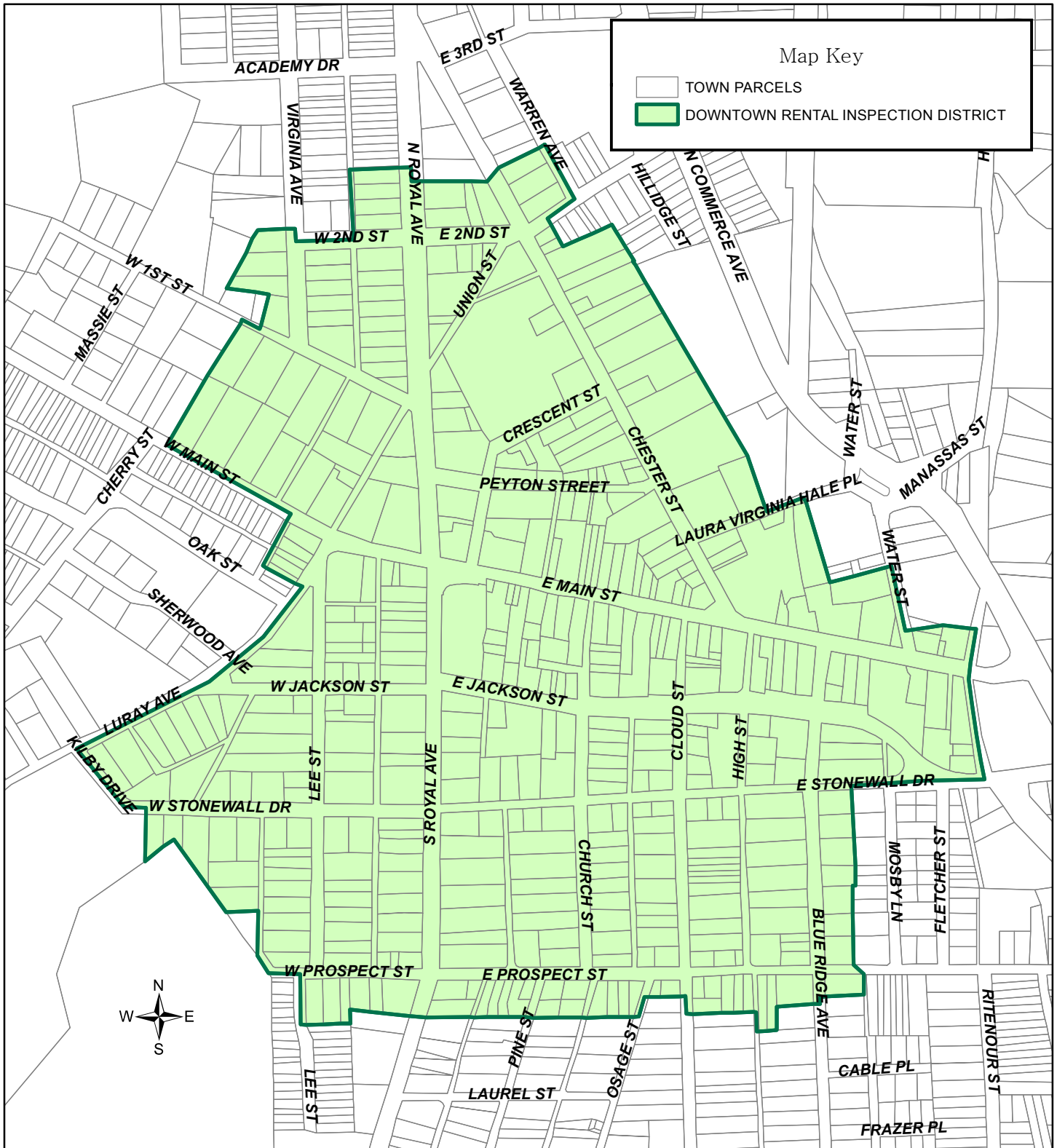
FOR REFERENCE PURPOSES ONLY - Virginia Code §36-3, Definitions.

"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**

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Item No. 19

Meeting Date: November 13, 2017

Agenda Item: CLOSED MEETING – 1) Potential Revenue Sharing Agreement

Summary: Council is requested to go into Closed Meeting to discuss a potential revenue sharing agreement.

Budget/Funding: None

Attachments: None

Meetings: None

Staff Recommendation: Approval ☒ Denial ☐

Proposed Motion:

Motion to Go Into Closed Meeting

I move that Council convene and go into Closed Meeting for the following purposes relating to a potential revenue sharing agreement between the Town of Front Royal and the County of Warren, for the following purposes: **1)** The discussion or consideration of the investment of public funds where bargaining is involved, where, if made public initially, the financial interest of the governmental unit would be adversely affected, pursuant to Section 2.2-3711. A. 6. of the Code of Virginia; **2)** Consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel, pursuant to Section 2.2-3711. A. 7. of the Code of Virginia; and, **3)** The discussion of the award of a public contract involving the expenditure of public funds, and the discussion of the terms or scope of such contract, where discussion in an Open Session would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to Section 2.2- 3711. A. 29. of the Code of Virginia.

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

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

*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