



REGULAR TOWN COUNCIL MEETING

Monday, January 8, 2018 @ 7:00pm
Warren County Government Center

1. Pledge of Allegiance
2. Moment of Silence
3. Roll Call
4. Approval of the Regular Council Meeting minutes of December 11, 2017
5. Receipt of Petitions and/or Correspondence from the Public
6. Reports:
 - a. Report of special committees or Town officials and Town Manager
 *** Chief of Police to Recognize Officers**
 - 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) NONE
8. **COUNCIL APPROVAL** – Resolution to Recognize Wayne L. Shipman for Service on BZA
9. **COUNCIL APPROVAL** – Liaison Committee Meeting Items
10. **COUNCIL APPROVAL** – Adoption of Property Maintenance Code and Establishment of a Rental Inspections District (*1st Reading*)
11. **CLOSED MEETING** – Personnel Matters; Expenditure of Public Funds and Consultation with Legal Counsel

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

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Item No. 8

Meeting Date: January 8, 2018

Agenda Item: COUNCIL APPROVAL – Resolution to Recognize Wayne L. Shipman for Service on the BZA

Summary: Council is requested to approve a resolution to recognize Wayne L. Shipman for his service on the Board of Zoning Appeals, as presented.

Budget/Funding: None

Attachments: Resolution

Meetings: None

Staff

Recommendation: Approval ✓ Denial

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

Proposed Motion: I move that Town Council approve a Resolution to recognize Wayne L. Shipman for his service on the Board of Zoning Appeals, 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
RECOGNITION OF SERVICE

WHEREAS, the Town Council of the Town of Front Royal, Virginia wishes to recognize and honor Wayne L. Shipman for his loyal and dedicated service in Town Government, as a member of the Front Royal Board of Zoning Appeals (BZA) from February 2010 until his passing on December 18, 2017.

NOW, THEREFORE, BE IT RESOLVED by the Town Council of Front Royal, Virginia that Wayne L. Shipman is hereby remembered for his outstanding works and is hereby recognized as a devoted public servant whose contribution to our community is deeply appreciated.

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: _____

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

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Item No. 9

Meeting Date: January 8, 2018

Agenda Item: COUNCIL APPROVAL – Liaison Committee Meeting Items

Summary: Council is requested to approve the addition of one item to the Liaison Committee Meeting Agenda scheduled for January 18, 2018. That item being the Relocation of the Virginia Inspection Sticker and Moor Vehicle Decals

Budget/Funding: None

Attachments: Liaison Committee Meeting Agenda from November 2017

Meetings: Work Session held January 2, 2018

**Staff
Recommendation:** Approval ✓ Denial

Proposed Motion: I move that Council approve the addition of one item to the Liaison Committee Meeting Agenda scheduled for January 18, 2018, Relocation of the Virginia Inspection Sticker and Moor Vehicle Decals.

*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

November 16, 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) **Route 522 Corridor Water Upgrade Project – Joe Waltz**
 - 3) **Phase II Happy Creek Road Project Update – Joe Waltz**
 - 4) **Town Building Maintenance Code Enforcement Update – Joe Waltz**
 - 5) **Update on Wastewater Treatment Plant – Joe Waltz**
 - 6) **Development Review Committee – Doug Stanley**
 - 7) **Building Inspections Software – Doug Stanley**
 - 8) **Warren County's In-Town Projects – Doug Stanley**
 - 9) **Joint Towing Board – Joe Waltz / Doug Stanley**
 - 10) **Tethering of Dogs in Extreme Weather – Joe Waltz / Doug Stanley**
- **Adjournment**



TOWN OF FRONT ROYAL

DEPARTMENT OF FINANCE

102 E. MAIN STREET

P.O. BOX 1560

FRONTROYAL, VIRGINIA 22630-1560

B.J. Wilson
Director of Finance
bwilson@frontroyalva.com

(540) 635-7799
(540) 635-2298 fax

DATE: DECEMBER 7, 2017

TO: FRONT ROYAL MAYOR & TOWN COUNCIL
CC: JOE WALTZ

FROM: B. J. WILSON, DIRECTOR OF FINANCE

RE: RELOCATION OF VIRGINIA INSPECTION STICKER & MOTOR VEHICLE DECALS

Staff recently received notification that Virginia inspection stickers will be relocated from the center of vehicle windshields to the lower left corner in front of the driver effective January 1, 2018. The move is necessitated by innovations in the automotive industry and stickers there can interfere. No changes will be made to the size or appearance of the existing inspection sticker.

This change will require the Town's permanent vehicle stickers to be relocated. The Virginia State Police have allowed an extension for leaving existing license fee/stickers in place until December 31, 2018. The Town will need to decide on a course of action for the relocation of Town stickers.

The Town has approximately 16,000 permanent vehicle stickers that will need to be relocated. The estimated expense of the sticker replacement, envelopes, & postage is between \$20,000-\$30,000 that has not been budgeted in the FY18 budget.

Since the inspection stickers will be relocated beginning in January 2018, staff anticipates that some taxpayers will begin requesting replacement Town stickers in January 2018. Currently, a replacement sticker can be issued for \$1.00 if satisfactory evidence is provided that the sticker has been lost, mutilated, or becomes illegible. Otherwise, taxpayers must pay a pro-rated license fee to obtain a sticker.

Below are a few options as to how the Town may choose to proceed:

1. No longer require actual stickers to be in place on vehicles, but continue to collect the vehicle license fee. This is becoming more common throughout the Commonwealth of Virginia. The Town would need to discuss this option with Warren County due to Town citizens using dump-sites located in Warren County. This would alleviate the need to replace Town vehicle stickers. If this is a desirable option, it may be best to discuss at a Town-County Liaison Meeting.
2. Provide taxpayers new stickers after the taxpayer submits payment for their 2018 Personal Property Taxes. This option is estimated to cost the Town approximately \$20,000-\$30,000 in material/postage which has not been budgeted in FY2018.
3. Require taxpayers to obtain a replacement sticker based on current Town Code section 160-7. A replacement sticker may be issued for \$1.00 if satisfactory evidence is provided that the sticker is

lost, mutilated, or becomes illegible. Otherwise, taxpayers must pay either the full license fee or a pro-rated license fee for issuance of a sticker. This would require each taxpayer to provide the Town with satisfactory evidence of each sticker being mutilated, lost, or illegible.

4. Currently, Warren County feels that they will request the taxpayer to peel off the sticker and relocate the sticker to the correct part of the windshield. The Town may pursue this option as well & if a sticker is mutilated during relocation the taxpayer would need to obtain a replacement sticker as mentioned in option#3.

We will plan to discuss the matter in further detail during the work session scheduled for January 2, 2018.

Virginia State Police Media Release:

RICHMOND – Effective Jan. 1, 2018, Virginia state inspection stickers will no longer be affixed to the bottom center of a vehicle's windshield. Due to new innovations in the automotive industry, the state inspection stickers will be placed in the bottom left corner of the windshield, when viewed from inside the vehicle. This change in location will also apply to the placement of any other authorized stickers. There have been no changes made to the size or appearance of the existing vehicle inspection sticker.

The relocation stems from the fact that automobile manufacturers now offer crash avoidance technology in many of their vehicles. In such vehicles, the new technology utilizes the center of the windshield. Therefore the placement of items in that area, including stickers, could prevent crash avoidance systems from operating properly.

"The core mission of the Virginia Safety Inspection Program is to promote highway safety and the crash avoidance technology is another tool provided by manufacturers to ensure vehicles operated on the roadways are safe at all times," said Capt. R.C. Maxey Jr., Virginia State Police Safety Division Commander. "Therefore, we immediately began evaluating the situation and set forth to make the necessary changes to the Motor Vehicle Safety Inspection Manual, which governs the placement of the safety inspection sticker on all vehicles."

Existing Virginia vehicle inspection stickers are to remain in their current position – in the bottom center of the windshield. Once a vehicle is inspected and issued a 2019 sticker, the new inspection sticker must be placed in the lower left corner, which is consistent with other states across the nation.

The Virginia State Police Safety Division began Dec. 2, 2017, notifying all Virginia certified inspections stations of the placement change that is to take effect Jan. 1, 2018.

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Town of Front Royal, Virginia Council Agenda Statement

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Item No. 10

Meeting Date: January 8, 2018

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

Summary: Council is requested to affirm/deny 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.

Budget/Funding: None

Attachments: Proposed Ordinance

Meetings: July 3, 2017 – was moved to next work session
July 17, 2017 – was moved to next work session
August 7, 2017 – was moved to meeting to receive public input
August 28, 2017 - Public Hearing to receive public input.
September 25, 2017 – Public Hearing on 1st reading of Ordinance – postponed
October 16, 2017 – was removed from the work session
November 6, 2017 – agreed to move to November 13th for 1st reading vote
November 13, 2017 – was removed from the agenda
November 20, 2017 - Discussed the possibility of separating the two items

Staff

Recommendation: Approval ✓ Denial

Proposed Motion #1 to Affirm

I move 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.

Proposed Motion #2 to Deny

I move that Council deny 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.

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

DRAFT AMENDMENT

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

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

START -----

Chapter 9

BUILDINGS BUILDING CODE, MAINTENANCE CODE AND RENTAL INSPECTIONS

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

[remove in full]

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

[relocate to Chapter 145-4 in full]

ARTICLE 1: BUILDING CODE REGULATIONS

9-100 BUILDING CODE

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

ARTICLE 2: MAINTENANCE CODE REGULATIONS

9-200 ADOPTION OF MAINTENANCE CODE

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

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

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

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

ARTICLE 3: RENTAL INSPECTIONS

9-300. FINDINGS.

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

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

9-301. APPLICABILITY.

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

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

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

(1) *Reserved*

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

9-302. IMPLEMENTATION; NOTIFICATION REQUIREMENT FOR OWNERS.

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

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

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

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

9-303. RENTAL CERTIFICATE OF COMPLIANCE REQUIRED.

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

9-304. INSPECTIONS, GENERALLY.

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

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

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

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

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

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

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

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

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

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

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

9-306. REVOCATION OF EXEMPTION FROM INSPECTION.

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

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

9-307. APPEAL.

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

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

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

ARTICLE 4: GENERAL

9-400 NONLIABILITY OF PERSONNEL ENFORCING CHAPTER.

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

9-401 VIOLATIONS

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

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

9-402 PERMIT FEES.

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

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

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

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

9-404 THROUGH 9-409. *Reserved*

9-410 DEFINITIONS.

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

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

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

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

Day means a calendar day.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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Item No. 11

Meeting Date: January 8, 2018

Agenda Item: CLOSED MEETING – Personnel Matters; Expenditure of Public Funds and Consultation with Legal Counsel

Summary: Council is requested to go into Closed Meeting for **1)** discussion and consideration, or interviews of the performance and salaries of specific appointees, or employees of Town Council, specifically, the Town Manager, Town Attorney, and Clerk of Town Council, pursuant to Section 2.2-3711.A.1 of the Code of Virginia; **2)** options and the feasibility thereof the Town might or should pursue concerning the future funding of a number of planned Town of Front Royal projects, including the new Police Department headquarters, the expansion of West Main Street through the former Avtex property, Phase II of Happy Creek Road, sidewalk extensions along West Main Street and Kendrick Lane, and Leach Run Parkway

Budget/Funding: None **Attachments:** None **Meetings:** None
Staff Recommendation: Approval ☒ Denial ☐

Proposed Motion:

Motion to Go Into Closed Meeting

I move that Council go into a Closed Meeting for **1)** the discussion and consideration, or interviews of the performance and salaries of specific appointees, or employees of Town Council, specifically, the Town Manager, Town Attorney, and Clerk of Town Council, pursuant to Section 2.2-3711.A.1 of the Code of Virginia; **2)** the following purposes relating to options and the feasibility thereof the Town might or should pursue concerning the future funding of a number of planned Town of Front Royal projects, including the new Police Department headquarters, the expansion of West Main Street through the former Avtex property, Phase II of Happy Creek Road, sidewalk extensions along West Main Street and Kendrick Lane, and Leach Run Parkway: (a) the discussion of the award of a public contract or contracts involving the expenditure of public funds, and discussion of the terms or scope of such contract or contracts, 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 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. 8. 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 Action 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: 