



TOWN COUNCIL WORK SESSION
Monday, December 3, 2018 @ 7:00pm
Town Hall Council Chambers

1. CLOSED MEETING – UFAC Interviews and Planning Commission Vacancy

Motion to go Into Closed Meeting

I move that Town Council go into closed meeting to discuss and consider prospective candidates for the Urban Forestry Advisory Commission and Planning Commission Vacancy, pursuant to Section 2.2-3711.A.1 of the Code of Virginia.

Motion to Certify Closed Meeting at its Conclusion *[At the conclusion of the Closed Meeting, immediately 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.

TOWN/STAFF RELATED ITEMS

2. BMW Real Estate LLC Proffer Revision Request – *Director of Planning/Zoning*
3. WWTP Phase II Presentation – *Manager of Waste Water Treatment Plant*
4. Proposed Amendments to Town Code Chapter 70 (Electricity) – *Director of Energy Services*
5. FY2019 Budget Amendment for Community Development Block Grant (CDBG) – *Director of Finance*
6. Consideration of a request from Shentel Communications, LLC to amend prior franchise agreement for telecommunications services to extend term through August 14, 2019 – *Town Attorney*
7. Property Maintenance (*Chapter 9 - Building and Maintenance Code*) Update – *Director of Planning/Zoning*

COUNCIL/MAYOR RELATED ITEMS:

8. Liaison Committee Meeting Items for January 17, 2019 Meeting
9. Council Discussion/Goals (*time permitting*)

1



Work Session Agenda Form

Item #1

Date: December 3, 2018

AGENDA ITEM: CLOSED MEETING – UFAC Interview and Planning Commission Vacancy

SUMMARY: Council is requested to go into closed meeting to interview a candidate for the Urban Forestry Advisory Commission (UFAC) to a (4) four-year term, expiring December 20, 2022 and discuss a Planning Commission Vacancy.

BUDGET FUNDING: N/A

STAFF RECOMMENDATION: Council takes desired action

Work Session

2



Work Session Agenda Form

Item # 2

DATE: December 3, 2018

AGENDA ITEM: BMW Real Estate LLC Proffer Revision Request – FRREZON-000869-2018

SUMMARY: BMW Real Estate LLC has submitted a request to revise the proffers for their vacant piece of commercial property located on John Marshall Highway. The attached Staff report provides more general information about the property, legal requirements, and the specifics of the applicant's request. In general, the Applicant is requesting the changes so they may better market the property for a new commercial use.

BUDGET/FUNDING: No direct impact.

STAFF RECOMMENDATION: As noted in the Staff Report in more detail, the Planning Commission recommends approval of the current version of the proposed proffers. Overall, the changes allow a few more uses than currently but also restrict some additional uses that the Planning Commission did not feel was appropriate in the location. The Planning Commission and Applicant believe that the revised proffers will assist the owner while also meeting the intent of the original rezoning application to plan for a compatible use on the property.

Work Session

March 14, 2018

In 1999 Walker Financial Services and McGreevy Insurance needed to expand their offices to accommodate increased business. BMW LLC was created, and we negotiated an agreement to purchase a property consisting of 3 plus acres from Mrs. Geraldine Ebert.

The property at the time was in a Residential zone and in order to sell the property to us Mrs. Ebert agreed to undertake an effort to have the property rezoned to Commercial. In order to do this she agreed to include in the proffers certain prohibited uses. These proffers contained prohibited use provisions, which we considered at that time seemed to be overly restrictive to us, however after several meetings with the town, we became aware that our choice was to agree to include what was required by the town in the suggested proffers or drop the project altogether.

Once the property was rezoned and we purchased the property, we made extensive renovations, over \$750,000, to the existing buildings, providing additional office space for Erie Insurance, Walker Financial and Edward Jones Investments.

As we had completed renovations on this property, we decided to try to sell the excess acreage. So in early 2005 BMW LLC made a request from the Town of Front Royal to allow us to divide the property into 2 separate parcels.

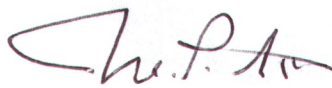
The town at this time was getting complaints from owners of houses surrounding the UPS facility and were not eager for us to be there. This turned out to be a laborious process, involving numerous meetings, work sessions, making repeated changes, and taking almost 2 years to accomplish this proposal. The issue revolved around proposed changes to the prohibited uses in the original proffers agreed to by Mrs. Ebert; and a dedication of a strip of land of twelve feet in depth running the entire length of the existing property bordering John Marshall Highway to the town. The town maintained the land was needed to increase the width of highway to accommodate 4 lanes. We agreed to dedicate the strip of land, however it was made very clear to us that unless the prohibited use section in the original proffer from Mrs. Ebert was unchanged, we were not going to be allowed to subdivide the property. Eventually in September of 2006 BMW LLC decided to concede to offer the proffers as the Town of Front Royal required, and approval to divide the property was then granted.

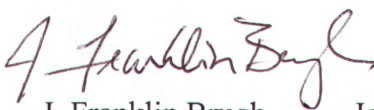
The original proffers, specifically the prohibited usage section, has resulted in our inability to market the property. We have had numerous discussions with commercial real estate agents who have stated the only way to make the property viable for sale is to reduce the prohibited uses in the current proffers.

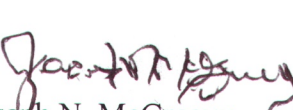
At this time the property has been on the market for a number of years with three separate commercial brokerage firms and price reductions made to below the assessed value without a purchase or lease offer made. The result is that we own a vacant 1.6818 acre commercially zoned lot which cannot reasonably be developed.

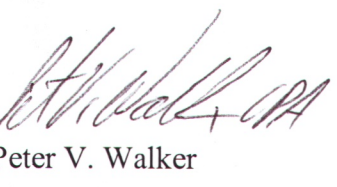
Therefore, we are requesting existing proffers identified as RZ05-10-57; approved June 12, 2006, be replaced and super ceded by the attached proposed proffers.

Respectfully,


Joseph P. Biggs


J. Franklin Brugh

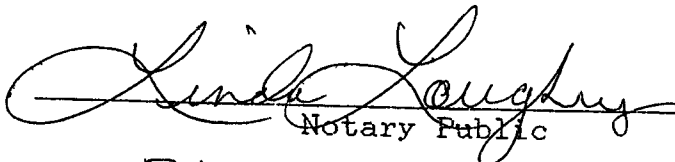

Joseph N. McGreevy


Peter V. Walker

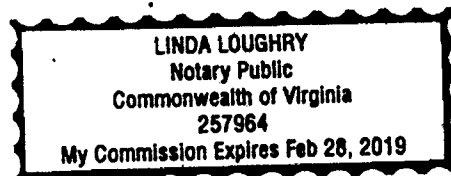
City/County of Warren
Commonwealth of Virginia

The foregoing instrument was acknowledged before
me this 22nd day of May, 2018,

by J. Franklin Brugh
(name of person seeking acknowledgment)


Notary Public

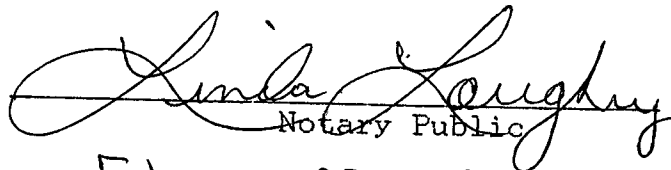
My commission expires: February 28, 2019



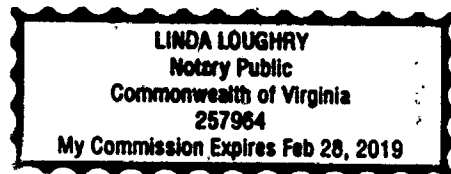
City/County of Warren
Commonwealth of Virginia

The foregoing instrument was acknowledged before
me this 22nd day of May, 2018,

by Joseph P. Biggs
(name of person seeking acknowledgment)


Notary Public

My commission expires: February 28, 2019



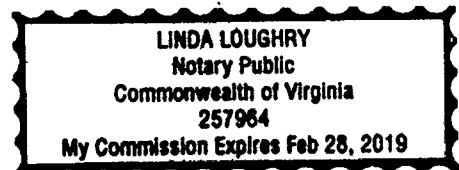
City/County of Warren
Commonwealth of Virginia

The foregoing instrument was acknowledged before
me this 22nd day of May, 2018,

by Peter V. Walker
(name of person seeking acknowledgment)

Linda Loughry
Notary Public

My commission expires: February 28, 2019



City/County of Warren
Commonwealth of Virginia

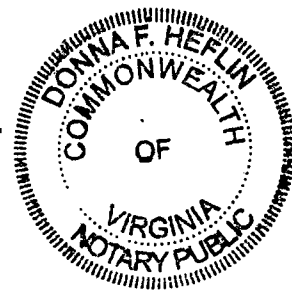
The foregoing instrument was acknowledged before
me this 23rd day of May, 2018,

by Joseph N. McGreevy
(name of person seeking acknowledgment)

Donna F. Hefflin

Notary Public Reg # 173604

My commission expires: July 31, 2020



The proposed parcel consisting of 1.7566 AC.

As part of this subdivision we hereby submit the following voluntary proffers and agree the (1 the subdivision itself gives rise to the need for the conditions; and (2 the conditions have a reasonable relation to the subdivision.

1) The property shall not be used for the following uses as defined in Section 175-39.

A. Apartments houses; appliance stores and repair services; assembly halls; automotive and truck sales lots and leasing; automobile service stations and garages; barber and beauty shops; billiard parlors and poolrooms; bowling alleys; car washing; churches; communication towers; commuter parking facilities; departments stores; fire and rescue squad stations; food establishment that operate between the hours of 9:00 pm and 6:00 am, food establishments with drive through services, individual food service establishments in excess of 2,000 square feet; funeral homes; furniture stores; gasoline sales; grocery stores; hardware stores; laundries; laundromats; dry cleaners; lumber and building supply; motels, hotels, tourist homes, boarding houses and rooming houses; public transportation facilities; public utilities facilities, radio and television broadcasting stations, broadcasting studios; retail establishments that operate between the hours of 9:00 pm and 6:00 am; theaters.

B. In addition to the foregoing, the property shall not be used for outdoor storage or display, or outside amplified sound.

2) The lot coverage (including buildings and parking facilities) shall not exceed 75 % of the lot.

3) If lighting over 6 feet high is installed it shall be maintained as down-directed lighting so as to prohibit direct light cast upon residential properties.

4) Existing healthy trees with a caliper of 10 inches or greater excepting diseased or dying trees or trees that conflict with proposed construction, shall be maintained ; and additional plantings shall be made to compensate for any trees having a caliper of 10 inches or greater that are removed because of disease or dying condition. Existing pine trees on the northern boundary of the property shall be maintained and removed only if diseased or dying.

5) Parking facilities will be concentrated to the rear of the property. Any additional parking to the side or in the front area of any proposed building constructed on the property shall include a landscaping screen of a minimum of 3 feet in height along the outer edge of these parking facilities .

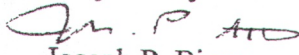
6) The quality of construction and the exterior style of any building that shall be built on this property shall be compatible with the existing commercial structures on the adjacent 1.6368 parcel or other commercial and professional office buildings in the immediate vicinity of the property.

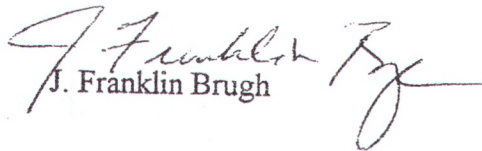
7) We will dedicate to the Town of Front Royal a strip of land 12 (twelve) feet in width on that part of the parcel abutting John Marshall Highway and running from the southwest corner of the parcel to the southeast corner of the parcel

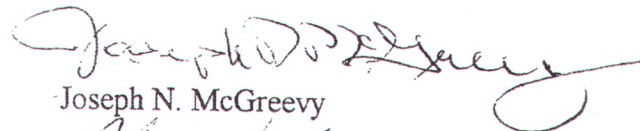
8) Utility and driveway locations and installations shall conform to the Town of Front Royal and Virginia Department of Transportation standards.

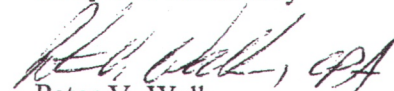
9) We will post a bond for the installation of curb and gutter and 5 foot wide sidewalk along John Marshall Highway from the southwest corner of the property the property to the Jamestown Road. The installation shall be conducted at the time of the widening of that section of John Marshall Highway.

Respectfully submitted,


Joseph P. Biggs


J. Franklin Brugh

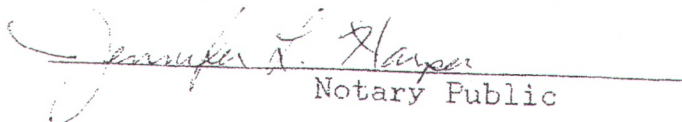

Joseph N. McGreevy


Peter V. Walker

City/County of Warren
Commonwealth of Virginia

The foregoing instrument was acknowledged before
me this 28th day of September, 192006

by Joseph P. Biggs, J. Franklin Brugh, Joseph N. McGreevy & Peter V. Walker
(Name of person seeking acknowledgment)


Notary Public

My commission expires: 8-31-08

PROFFER STATEMENT

REZONING: FRREZON-000869-2018 (Revision of RZ05-10-57)

CURRENT ZONING: C-1 (Community Business) District
[Town Code, Sections 175-38 through 175-45, as the same from time to time may be amended, or their successor ordinances.]

PROPOSED ZONING: C-1 (Community Business) District
[Town code, Sections 175-38 through 175-45, as the same from time to time may be amended, or their successor ordinances.]

PROPERTY: 1.6818 acres, Tax Map #20A101 4A2, Lr00-2820, Sub Lr06-10214 From Tax Map #20A101 4a.

APPLICANT/OWNER: BMW Real Estate LLC

PROJECT NAME: Vacant Land Along John Marshall Highway

DATE OF PROFFERS: August 1, 2018

Preliminary Matters

Pursuant to Section 15.2-2296 et. seq. of the Code of Virginia, 1950, as amended, and the provisions of the Town of Front Royal Zoning Ordinance with respect to conditional zoning, the undersigned Applicant hereby voluntarily agrees to the terms and conditions set forth herein, provided that the Town of Front Royal approves Rezoning Application FRREZON-000869-2018¹ for the rezoning of the subject property, as referenced above, consisting of approximately 1.6818, to the C-1 (Community Business) District. The terms and conditions set forth herein may be subsequently amended, revised, or withdrawn by the Applicant if approved by the Town of Front Royal, in accordance with the Virginia Code and Town Code. In the event that such rezoning is not granted, then these proffers shall be deemed withdrawn and have no effect whatsoever.

Terms & Conditions (Proffers)

I. Restricted Uses.

The use of the property shall comply with the C-1 District regulations of the Town Code. In addition to the Town Code requirements, the property shall NOT be used for any of the following principal uses:

- a. *Assembly halls.*
- b. *Automobile and truck sales lots and leasing agencies.*
- c. *Automobile service stations (including gas stations and fuel sales).*
- d. *Automobile garages.*
- e. *Billiard parlors and poolrooms.*

¹ FRREZON-000869-2018 is a requested amendment to the existing proffers that were recorded on May 15, 2000 under instrument number 000002819 in the Clerk's Office of Warren County, and revised in 2006.

- f. Bowling alleys.*
- g. Car washes.*
- h. Commuter Parking Facilities.*
- i. Department Stores.*
- j. Fire, Rescue and Transportation Facilities.*
- k. Funeral Homes.*
- l. Furniture Stores.*
- m. Gasoline or other fuel sales.*
- n. Lumber and building supply.*
- o. Public transportation facilities.*
- p. Outdoor amplified sound.*
- q. Outdoor storage, excluding the following if such activities are in compliance with Town Code 175-44.A.*
 - i. Plants and other landscaping products typically sold with plants.*
 - ii. Temporary or seasonal activities, such as but not limited to, peddlers, yard sales, and itinerant merchants that have obtained approval from the Town.*
 - iii. Vending machines.*
 - iv. General products, goods, merchandise, and/or materials, provided that (i) no more than 200 square feet of area is used, and (ii) outdoor display and/or sales are restricted from the evening and night hours from 8PM to 5AM, except that general products, goods, merchandise, and/or materials may be kept outdoors if located under a roofed structure.*
- r. Grocery stores.*
- s. Machinery Sales and Service.*
- t. Motels, hotels, and tourist homes, except by special use permit.*
- u. Telecommunication (Communication) towers.*
- v. Drive-thru restaurants.*
- w. Restaurants that are open between the hours of 9 PM and 6 AM.*
- x. Theatres.*
- y. Automobile Parking Lots, commercial.*
- z. Distribution facilities.*
- aa. Wholesale establishments.*

II. Front Landscaping Screen.

The site development plan shall include a twenty (20) foot wide landscaping screen along the entire frontage of John Marshall Highway; provided that, the Planning Commission may waive screening in areas where it is either undesirable, impractical or unsafe to include a screen, such as, but not limited to, areas where it is necessary to have an entrance and adequate site distance.

III. Building Exterior.

Future buildings and other structures shall be designed with an exterior material that is masonry, brick, or stone. A simulated stucco exterior insulating finish system may also be used if the material and architectural style is similar to the adjacent building at 986 John Marshall Highway.

IV. Signatures.

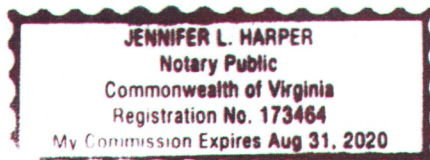
The conditions proffered above shall be binding upon the heirs, executors, administrators, assigns, and successors in the interest of the Applicant and owner. In the event the Front Royal Town Council grants this rezoning and accepts the conditions, the proffered conditions shall apply to the land rezoned in addition to other requirements set forth in the Front Royal Town Code, as the same from time to time may be amended, or their successor ordinances. This Proffer Statement supersedes any proffer statements previously submitted in connection with this application and this Property, if any.

OWNER'S SIGNATURE: Peter V. Walker, CPA 8/9/18
PRINT SIGNATURE: Peter V. Walker
TITLE: member
ADDRESS: P.O. Box 41, Front Royal, Va. 22630
WITNESS: [Signature] 8/9/2018

COMMONWEALTH OF VIRGINIA
COUNTY OF WARREN, TO- WIT:

SUBSCRIBED AND SWORN TO BEFORE ME THIS 9th DAY OF August, 2018, BY Peter V. Walker,
WHOSE SIGNATURE IS EXECUTED ABOVE TO THE FOREGOING INSTRUMENT AND
WHO HAS APPEARED THIS DAY BEFORE ME, Jennifer L. Harper,
A NOTARY PUBLIC IN AND FOR THE COMMONWEALTH OF VIRGINIA AT LARGE.

MY COMMISSION EXPIRES ON THE 31st DAY OF August, 2020.



Jennifer L. Harper
NOTARY PUBLIC

OWNER'S SIGNATURE: [Signature] 8/9/2018

PRINT SIGNATURE: Joseph P. Biggs

TITLE: Member

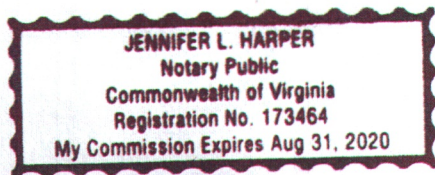
ADDRESS: 115 Chester Street, Suite E, Fort Royal VA 22630

WITNESS: [Signature] 8/9/18

COMMONWEALTH OF VIRGINIA
COUNTY OF WARREN, TO- WIT:

SUBSCRIBED AND SWORN TO BEFORE ME THIS 9th DAY OF August, 2018, BY Joseph P. Biggs,
WHOSE SIGNATURE IS EXECUTED ABOVE TO THE FOREGOING INSTRUMENT AND
WHO HAS APPEARED THIS DAY BEFORE ME, Jennifer L. Harper,
A NOTARY PUBLIC IN AND FOR THE COMMONWEALTH OF VIRGINIA AT LARGE.

MY COMMISSION EXPIRES ON THE 31st DAY OF August, 2020.



[Signature]
NOTARY PUBLIC

OWNER'S SIGNATURE: [Signature] 8/10/18

PRINT SIGNATURE: J. Franklin Brugh

TITLE: Member

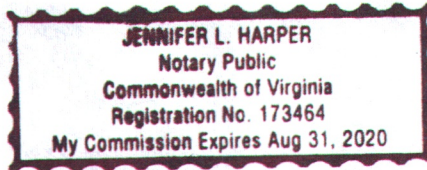
ADDRESS: 600 Scarlet Oak Ct. F.R.

WITNESS: [Signature]

COMMONWEALTH OF VIRGINIA
COUNTY OF WARREN, TO- WIT:

SUBSCRIBED AND SWORN TO BEFORE ME THIS 10th DAY OF August, 2018, BY J. Franklin Brugh,
WHOSE SIGNATURE IS EXECUTED ABOVE TO THE FOREGOING INSTRUMENT AND
WHO HAS APPEARED THIS DAY BEFORE ME, Jennifer L. Harper,
A NOTARY PUBLIC IN AND FOR THE COMMONWEALTH OF VIRGINIA AT LARGE.

MY COMMISSION EXPIRES ON THE 31st DAY OF August, 2020.



Jennifer L. Harper
NOTARY PUBLIC

OWNER'S SIGNATURE: Joseph N. McGreevy

PRINT SIGNATURE: Joseph N. McGreevy

TITLE: owner

ADDRESS: 211 Higley Church Rd, Royal Va 22630

WITNESS: Frank By

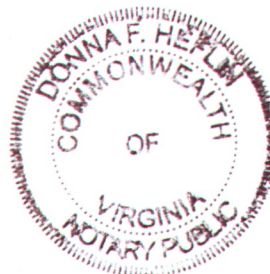
COMMONWEALTH OF VIRGINIA
COUNTY OF WARREN, TO- WIT:

SUBSCRIBED AND SWORN TO BEFORE ME THIS 10th DAY OF
August, 2018, BY Joseph N. McGreevy,
WHOSE SIGNATURE IS EXECUTED ABOVE TO THE FOREGOING INSTRUMENT AND
WHO HAS APPEARED THIS DAY BEFORE ME, Donna F. Heflin,
A NOTARY PUBLIC IN AND FOR THE COMMONWEALTH OF VIRGINIA AT LARGE.

MY COMMISSION EXPIRES ON THE 31st DAY OF July, 2020.

Donna F. Heflin
NOTARY PUBLIC

Reg # 173604



3



Work Session Agenda Form

Item # 3

DATE: December 3, 2018

AGENDA ITEM: WWTP Phase II Presentation

SUMMARY: This presentation will explain why Phase II Waste Water Treatment Plant (WWTP) upgrade may be required in future by DEQ (Department of Environmental Quality) to stay in compliance with permit(s). In order to have Phase I completed, there were components removed from Phase I to reduce costs so the project could move forward. By removing these processes, the Town saved \$16,920,000.

Presentation will review and explain these components and why they may be necessary or what can be done to delay Phase II Upgrade.

BUDGET/FUNDING: The current estimated cost for this upgrade is \$21,000,000--\$3,000,000 for Design and \$18,000,000 for Construction. 9801-Future Project

STAFF RECOMMENDATION: Timmy Fristoe, WWTP Manager, will be available

Work Session

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Work Session Agenda Form

Item # 4

DATE: December 3, 2018

AGENDA ITEM: Proposed Amendments to Town Code Chapter 70 - Electricity

SUMMARY: The Energy Services Department is requesting to make recommended changes to the Town Municipal Code Chapter 70 (Electricity) to bring it up-to-date and consistent with other areas of the Town Code.

The proposed amendments are attached.

BUDGET/FUNDING: N/A

STAFF RECOMMENDATION: It is staff's recommendation to make the changes to the Town Municipal code chapter 70- Electricity, as presented.

Work Session

Chapter 70 ELECTRICITY**Sections:****CONTRACTORS; FEES; RESPONSIBILITIES; EXCEPTIONS**

- 70-1 INSTALLATION OF WIRING TO BE BY ELECTRICAL CONTRACTOR OR OWNER**
- 70-2 BOND TO BE GIVEN BY ELECTRICAL CONTRACTOR**
- 70-3 CERTIFICATE OF LIABILITY INSURANCE**
- 70-4 TOWN MANAGER TO BE NAMED STATUTORY AGENT OF CONTRACTOR**
- 70-5 PAYMENT OF LICENSE TAX REQUIRED**
- 70-6 DISPOSITION OF EXAMINATION FEES AND FINES**
- 70-7 RESPONSIBILITY FOR DAMAGES**
- 70-8 EXCEPTIONS**
- 70-9 THROUGH 70-11 (RESERVED)**

ELECTRICAL INSPECTOR

- 70-9 APPOINTMENT; GENERAL DUTIES**
- 70-10 RESTRICTIONS ON OUTSIDE EMPLOYMENT**
- 70-11 RIGHT OF ENTRY**
- 70-12 CUTTING OFF ELECTRICITY IN EMERGENCY**
- 70-13 RECORDS (RESERVED)**

GENERAL PROCEDURES

- 70-14 NOTIFICATION AND PERMIT REQUIRED**
- 70-15 APPLICATION FOR AND ISSUANCE OF PERMIT**
- 70-16 DETAILED DRAWING REQUIRED FOR CERTAIN SERVICES**
- 70-17 INSPECTION OF WIRES PRIOR TO CONCEALMENT**
- 70-18 INSPECTION AFTER COMPLETION; CERTIFICATE OF INSPECTION**
- 70-19 FEES**
- 70-20 REVIEW OF CONDEMNATION OF ELECTRICAL INSTALLATIONS (RESERVED)**

TELEVISION AND RADIO

- 70-21 PERMIT FOR INSTALLATION OF RECEIVING OR TRANSMITTING ANTENNAS**
- 70-22 INSPECTION OF WIRING EQUIPMENT OR APPARATUS CORRECTION OF UNSAFE CONDITIONS**

ELECTRIC RATE CHARGES

- 70-23 ELECTRIC CHARGES**
- 70-24 THROUGH 36 (RESERVED)**

GENERAL PROVISIONS**70-37 COMPLIANCE WITH STANDARDS AND REGULATIONS REQUIRED****70-38 THROUGH 70-41 (RESERVED)****70-38 ACCEPTABLE MATERIALS, FITTINGS AND DEVICES****70-39 FLEXIBLE CONDUIT****70-40 WATER HEATER INSTALLATION****70-41 FUSED SWITCH FOR TEMPORARY SERVICE****70-42 MASTS, ANTENNAS AND TRANSMISSION LINES****70-43 RADIO AND TELEVISION MATERIALS, DEVICES OR APPARATUS****70-44 STANDARDS FOR MATERIALS, DEVICES OR APPARATUS****70-45 IDENTIFICATION OF MAKER ON CERTAIN DEVICES****70-46 BOLTS, METER BASES AND RACKS (RESERVED)****ELECTRICAL CODE****70-47 ADOPTION OF STANDARDS****70-48 AVAILABILITY OF COPIES OF STANDARDS (RESERVED)****70-49 VIOLATIONS AND PENALTIES****GENERAL REQUIREMENTS****70-50 ELECTRICAL CONNECTION AND CHARGES****70-51 RATES FOR ELECTRICITY SUPPLIED BY THE TOWN****70-52 PAYMENT OF ELECTRIC BILLS****70-53 EXTENSION OF LINES TO PROPERTY****70-54 ATTACHING SIGNS OR OTHER MATERIALS TO POLES OR SUPPORTS
PROHIBITED****70-55 REFUSAL OF SERVICE****70-56 TYPE AND SIZE OF METER****70-57 LOCATION AND CONTROL OF METERS****70-58 UNAUTHORIZED INTERFERENCE OF BREAKING OF METER SEAL****70-59 CHARGE FOR REINSPECTION OF METER****70-60 DETERMINATION OF CONSUMPTION WHEN METER FOUND STOPPED****70-61 SALE OF ELECTRICITY RESTRICTED****70-62 LOCATION OF SERVICE ENTRANCE AND POINT OF ATTACHMENT OF
SERVICE WIRES TO BUILDING****70-63 MINIMUM ALLOWABLE AMPERAGE AND CHANGES IN LINE SERVICE
FOR THE CONVENIENCE OF THE CUSTOMER****70-64 UNDERGROUND SERVICE CONNECTIONS****70-65 AGGREGATION OF RETAIL CUSTOMER DEMAND RESPONSE****70-66 ANCILLARY SERVICES PROVIDED BY DEMAND RESPONSE RESOURCES**

CONTRACTORS; FEES; RESPONSIBILITIES; EXCEPTIONS**70-1 INSTALLATION OF WIRING TO BE BY ELECTRICAL CONTRACTOR OR OWNER**

Any alterations or additions to be made in the existing wiring of any building or the wiring of any building or the wiring of any building for the placing of any electric lights, motors, heating devices or any apparatus requiring the use of electrical current shall be done by an electrical contractor ~~qualified by the Town, in accordance with the provisions of this chapter, to do such work.~~ and inspected by an electrical inspector, hereinafter defined, (hereinafter, an "Electrical Inspector") being an individual meeting the following criteria according to the Code of Warren County, Virginia, Chapter 76, Building Construction, Electrical Inspections, as being certified by the Virginia Board of Housing, Office of Uniform Statewide Building Code, to perform electrical inspections of electrical conductors, wiring and equipment and to properly determine whether they conform to the requirements of the code; who has been designated by the Middle Department Inspection Agency, hereafter referred to as "MDIA," from among its personnel who are available to perform the duties of Electrical Inspector as provided in this the Warren County Code, in accordance with an agreement between Warren County and MDIA; and a person who bears the credentials designating them as an inspector for Warren County issued by the Warren County Building Official. There may be more than one Electrical Inspector and where the word "the" is used in the Warren County Code with reference to an Electrical Inspector, it shall refer to any Electrical Inspector as defined in the Warren County Code in accordance with the provisions of that Code to do such work. The owner of a building may do such wiring in his own building; provided however, that the wiring shall be inspected by the Electrical Inspector in accordance with the provisions of this chapter.

70-2 BOND TO BE GIVEN BY ELECTRICAL CONTRACTOR

- A. Every electrical contractor holding a certificate of competence shall give a surety bond payable to the Town in the sum of one thousand dollars (\$1,000.00), with corporate surety approved by the Town Attorney and conditioned to indemnify and save harmless the Town, as well as any other person, from all expense and damage that may be caused by any negligent, defective or inadequate work done in the Town under any contract that such person may undertake and also conditioned upon the faithful performance of, and compliance with, all of the provisions of this chapter.
- B. Such electrical contractor shall not engage in or carry on his trade or occupation until such bond has been given, nor shall any license be issued to such electrical contractor under Chapter 98 of this Code until such bond has been given.
- C. Such bond shall be for the license period and shall be renewed upon renewal of license.

D. The Electrical Inspector and Town Manager shall have authority to declare such bond forfeited. Upon declaration of forfeiture, the electrical contractor shall have the right of appeal within thirty (30) days to Town Council to determine whether such expense and damage was caused by any negligent, defective or inadequate work done in the Town under any contract with such electrical contractor and whether such electrical contractor complied with the faithful performance of, and compliance with, all of the provisions of this chapter. Town Council shall have the authority to determine the admissibility of evidence without regard to the burden of proof, or the order of presentation of evidence, so long as a full and equal opportunity is afforded to all parties for the presentation of their evidence. All evidence shall be presented in the presence of the Town Council and the parties, except by mutual consent of the parties. Documents, exhibits and lists of witnesses are to be exchanged between the parties at least three (3) days in advance of the appeals hearing. The appearance of witnesses before the Town Council at the appeals hearing is strictly voluntary. A majority decision of the Town Council acting within the scope of the appeals hearing is final and binding on the parties.

70-3 CERTIFICATE OF LIABILITY INSURANCE

An electrical contractor of whom a bond is required in Section 70-2 may give a certificate of liability insurance in lieu of such bond. Such certificate of liability insurance shall be subject to all the terms, conditions and requirements of Section 70-2.

70-4 TOWN MANAGER TO BE NAMED STATUTORY AGENT OF CONTRACTOR

- A. It shall be provided in the surety bond, given as provided in Section 70-2, that the Town Manager shall be named as statutory agent of an electrical contractor holding a certificate of competence issued under this chapter, for all purposes under the provisions of this chapter.
- B. It shall be unlawful for any such electrical contractor to fail, neglect or refuse to name the Town Manager as his statutory agent for all purposes under the provisions of this chapter.

70-5 PAYMENT OF LICENSE TAX REQUIRED

No person shall engage in or carry on the trade or occupation of an electrical contractor within the Town without having paid the requisite license tax under Chapter 98 of this Code.

70-6 DISPOSITION OF EXAMINATION FEES AND FINES

All examination fees and all fines paid or collected consequent upon violations of this Chapter shall be paid to the Town and credited to the general fund of the Town.

70-7 RESPONSIBILITY FOR DAMAGES

In no case will the ~~Electric Department~~ **Energy Services Department** be responsible for damage to walls or buildings where reasonable care has been exercised in making the service installations installed pursuant to Section 70-46.

70-8 EXCEPTIONS

The provisions of this chapter shall not apply to commercial broadcasting stations.

ELECTRICAL INSPECTOR**~~70-9 APPOINTMENT; GENERAL DUTIES~~**

~~An Electrical Inspector may be appointed by the Town Manager, who shall then enforce this chapter in accordance with its provisions and perform such other duties as may be assigned. He shall be directly responsible to the Town Manager.~~

~~70-10 RESTRICTIONS ON OUTSIDE EMPLOYMENT~~

~~The Electrical Inspector shall not engage in the occupation of electrician or electrical contractor, directly or indirectly, during his term of appointment.~~

~~70-11 RIGHT OF ENTRY~~

~~The Electrical Inspector may, during reasonable hours, enter any building in the discharge of his official duties or for the purpose of making any inspection or list of the installation of electric wiring, electric devices and of electrical material therein.~~

70-9 THROUGH 70-11 (RESERVED)**70-12 CUTTING OFF ELECTRICITY IN EMERGENCY**

The ~~Electrical Inspector~~ **Department of Energy Services** may cause the turning off of all electrical current and cut out or disconnect, in case of emergency, any wire where electrical current is dangerous to life or property or may interfere with the work of the Fire Department.

70-13 RECORDS (RESERVED)

~~The Electrical Inspector shall keep complete records of all permits issued and inspections made and other official work performed under the provisions of this chapter.~~

GENERAL PROCEDURES

70-14 NOTIFICATION AND PERMIT REQUIRED

No alterations or additions shall be made in the existing wiring of any building, nor shall any building be wired for the placing of any electric lights, motors, heating devices or any apparatus requiring the use of electrical currents, nor shall any alterations be made in wiring of any building after inspection, without first notifying the Electrical Inspector and securing a permit from Warren County therefor, except minor repair work, such as repairing flush and snap switches, replacing fuses, changing lamp sockets and receptacles, taping bare joints and repairing drop cords. This section shall not apply to the construction, maintenance or repair lines of public utility companies or other franchises of the Town.

70-15 APPLICATION FOR AND ISSUANCE OF PERMIT

Application for a permit, as required in Section 70-14, describing the electrical work, shall be made by the person installing such work, and the permit in question, when issued, shall be issued to such applicant.

70-16 DETAILED DRAWING REQUIRED FOR CERTAIN SERVICES

No permit, as required in Section 70-14, shall be issued for an electrical installation requiring a service entrance in excess of one hundred (100) amperes unless the person applying for such permit, as provided in Section 70-15, files a detailed drawing with the Electrical Inspector allowing a reasonable time for study before such work begins. Such drawing shall show the size and location of all mains, submains and branch feeders.

70-17 INSPECTION OF WIRES PRIOR TO CONCEALMENT

All wires which are to be hidden from view shall be inspected before concealment. Any person installing such wires shall notify the Electrical Inspector of such installation, giving him a reasonable time in which to make the required inspection before such wires are concealed.

70-18 INSPECTION AFTER COMPLETION; CERTIFICATE OF INSPECTION

Upon completion of work done pursuant to a permit as required in Section 70-14, it shall be the duty of the person making the installation in question to notify the Electrical Inspector, who shall inspect the installation within a reasonable time after such notice is given, and, if it is found to be fully in compliance with this chapter and does not constitute a hazard to life or property, he shall issue to such person, for delivery to the owner, a certificate of inspection authorizing connection to the electrical service and the turning on of the current.

70-19 FEES

All fees for electrical inspections by the Electrical Inspector shall be determined by the Council Warren County by general regulation.

**70-20 REVIEW OF CONDEMNATION OF ELECTRICAL INSTALLATIONS
(RESERVED)**

~~When the Electrical Inspector condemns all or parts of any electrical installation, the owner may, within five (5) days after receiving written notice from the Electrical Inspector, file a petition in writing for the review of such action of the Electrical Inspector with the Town Manager, upon receipt of which the Town Manager shall proceed to determine whether such electrical installation complies with this chapter and shall make a decision in accordance with his findings.~~

TELEVISION AND RADIO**70-21 PERMIT FOR INSTALLATION OF RECEIVING OR TRANSMITTING ANTENNAS**

Work shall not be commenced on the installation of television or radio receiving or transmitting antennas before a permit therefor is obtained from the Electrical Inspector Warren County. An inspection fee, the amount of which shall be determined by the Council Warren County, shall be paid for each permit.

70-22 INSPECTION OF WIRING, EQUIPMENT OR APPARATUS; CORRECTION OF UNSAFE CONDITIONS

The Electrical Inspector may inspect any wiring, equipment or apparatus conducting or using electric current for television, AM, FM, amateur, receiving and transmitting antennas in the Town, and, if conductors, equipment or apparatus are found to be unsafe to life or property, the Electrical Inspector shall notify the person owning or operating the hazardous wiring or equipment to correct the condition within the time specified by the Electrical Inspector. The Electrical Inspector may reinspect, without fee, existing television antennas erected too close to high-voltage electric lines so as to present a hazardous condition. Failure to correct violations in the specified time shall be unlawful.

ELECTRIC RATE CHARGES**70-23 ELECTRIC CHARGES**

A. The base rates for electric service for residential customers shall be as follows, effective for the electric meters read on or after July 1, 2007, and continuing as stated herein:

1. Effective from July 1, 2017, facilities charge per billing cycle, as established by the Town: seven dollars and zero cents (\$7.00).
2. Effective from July 1, 2007, charges for all kilowatt hours per billing cycle, as established by the Town: \$0.0849 per kilowatt hour.

B. The base rates for electric service for commercial customers shall be as follows, effective for the electric meters read on or after July 1, 2017, and continuing as stated herein:

1. Effective from July 1, 2017, facilities charge per billing cycle, as established by the Town: seven dollars and sixteen cents (\$7.16).
2. Effective from July 1, 2007, charges for the first 700 kilowatt hours per billing cycle, as established by the Town: \$0.1151 per kilowatt hour.
3. Effective from July 1, 2007, charges for all kilowatt hours over 700 per billing cycle, as established by the Town: \$0.0756 per kilowatt hour.

When a commercial customer requires capacity over 7.5 kilowatts, the first energy block shall be increased by 53 kilowatt hours for each 1/2 kilowatt required in excess of 7.5 kilowatts. The second energy block shall then include all kilowatt hours in excess of the first energy block as adjusted for such additional energy.

C. Effective July 1, 2017, all customers billed on the rates described in subsections A and B, above, shall, in addition to the rates therein described, be subject to a Power Cost Adjustment (PCA) charge. The maximum Power Cost Adjustment amount charged for each kilowatt hour of energy sold by the Town may be adjusted according to the following formula:

$$\text{Max (PCA)} = C - (B \times S)$$

C = The estimated cost of delivered purchased power in dollars by the Town for the twelve-month period.

S = The estimated total kilowatt hours to be sold by the Town for the twelve-month period. B = The average cost of delivered purchased power per kilowatt hour purchased by the Town which is recovered in the Town's retail rate schedules.

The maximum Power Cost Adjustment (PCA) will be computed according to the above formula for a twelve-month period beginning July 1st of each year, but the Town may choose to charge less than the maximum PCA calculated by this formula. Should it appear at any time during the twelve-month period that continued use of the PCA then in effect for the remainder of the twelve-month period will result in a substantial under/over recovery of the delivered cost of power

purchased by the Town, then the Town may modify the PCA (up or down), above, to recover the applicable power cost more accurately.

D. Charges for Installation of Dusk to Dawn Light Poles.

1. Effective from July 1, 2007 the monthly rate for dusk-to-dawn lights shall be eleven dollars and seventy-eight cents (\$11.78).
2. There shall be no installation charge for dusk-to- dawn lights in the event that a utility pole is located in the immediate vicinity to which the dusk-to-dawn light can be connected.
3. In the event that no utility pole is available in the immediate vicinity on which a dusk-to-dawn light can be installed, there shall be a charge, as established by resolution, for the installation of said pole.
4. The customer requesting the dusk-to-dawn light service must maintain the service for at least one full year or pay at least a total of twelve (12) installments of the rates as described above.

~~E. Charges for Electric Surge Protection Program.~~

- ~~1. The monthly charge for a single phase four jaw meter socket surge protector shall be five dollars (\$5.00).~~
- ~~2. The monthly charge for a single phase five jaw meter socket surge protector shall be five dollars and fifty five (\$5.55).~~
- ~~3. The monthly charge for a hardwired panel protector shall be five dollars and fifty five cents (\$5.55).~~
- ~~4. The first single outlet protection plug, which is used in conjunction with the above listed equipment, shall be free. The monthly charge for each additional single outlet protection plug shall be thirty cents (\$0.30).~~
- ~~5. The purchase price for an 8AC, 2 phone plug strip shall be fifty four dollars and seventy cents (\$54.70).~~
- ~~6. The purchase price for an 8AC, 2 coax plug strip shall be fifty dollars (\$50.00).~~
- ~~7. The purchase price for an 8AC, 2 phone, 4 coax plug strip shall be sixty four dollars (\$64.00).~~
- ~~8. The purchase price for an 2AC, 2 phone (wall) plug strip shall be thirty nine dollars (\$39.00).~~

~~9. The purchase price for an 2AC, 2 coax (wall) plug strip shall be forty two dollars (\$42.00).~~

~~F.~~ E. 1. For residential temporary electrical service not to exceed 100 amperes in capacity and requiring one service drop existing distribution facilities will be charged a fee. (Chapter 12)

2. For larger residential and commercial temporary services, the charge will be at the customers' expense. The Town will perform the installation and bill the customer for the actual costs of such installation, including labor, vehicle usage and materials used, less the value of any salvageable materials recovered during the removal process of the temporary service.

70-24 THROUGH 36 (RESERVED)

GENERAL PROVISIONS

70-37 COMPLIANCE WITH STANDARDS AND REGULATIONS REQUIRED

Except as otherwise provided, all installations of electrical equipment shall be in conformity with the provisions of this chapter, with the statutes of the state, with the National Electrical Code and any orders, rules and regulations issued by authority thereof and with approved electrical standards as prescribed by this chapter or by the statutes of the state or by any orders, rules or regulations set forth by authority thereof.

~~70-38 ACCEPTABLE MATERIALS, FITTINGS AND DEVICES~~

~~The materials, fittings and devices enumerated in the List of Inspected Electrical Appliances of Underwriters' Laboratories, Inc., as revised from time to time, shall be acceptable as suitable for use.~~

~~70-39 FLEXIBLE CONDUIT~~

~~Flexible conduit can be used only where a flexible connection is necessary, and in no case shall this flexible connection exceed six (6) feet in length. In all instances where flexible conduit is used, the flexible conduit cannot be used as mechanical ground, and a bonding connection shall be provided.~~

~~70-40 WATER HEATER INSTALLATIONS~~

~~Water heater installations shall be wired with the appropriate size wire to carry the load; provided, however, that in no case shall the conductor be of less carrying capacity than that of No. 10 copper wire.~~

~~70-41 FUSED SWITCH FOR TEMPORARY SERVICE~~

~~For all temporary services, the builder or contractor shall furnish and install a fused switch of sufficient capacity to carry the load and shall mount such fused switch on a structure or building of sufficient strength and height to carry the temporary service wires.~~

70-38 THROUGH 41 (RESERVED)**70-42 MASTS, ANTENNAS AND TRANSMISSION LINES**

The provisions of this section shall apply to masts and antennas and to transmission lines, as follows:

A. Masts or antennas shall be of noncombustible and noncorrosive material, except that in the case of ground support, a wooden pole may be used when adequately treated with a wood preservative. When a mast or antenna is installed on a roof, it shall be mounted on its own platform and be securely anchored with guy wires.

B. Outdoor antennas shall be of an approved type and shall not exceed the maximum height of fifty (50) feet above a roof support or seventy (70) feet above ground support. In areas where reception may be affected by the obstruction of tall buildings, antennas in excess of the above specified height may be installed only when approved by the ~~Electrical Inspector~~ **Energy Services Department**. Every antenna shall be adequately grounded for protection against lightning. In no case shall an antenna be installed nearer to a street or sidewalk than the height of the antenna plus one (1) foot, unless approved by the ~~Electrical Inspector~~ **Energy Services Department**. Anchor points for antennas, masts and guy wires shall be anchor screws or lead expansion shields drilled into solid block, concrete or other noncombustible construction. No wires, cables or guys shall cross or extend over any part of a public street, way or sidewalk.

C. Transmission lines shall be kept at least twelve (12) inches from existing telephone or light wires. Rawl plugs are approved only for supporting transmission lines. Standoff support insulators must be used at least every ten (10) feet in running the transmission line down the building.

D. Lightning arrestors shall be approved by the Underwriters' Laboratories, Inc., and both sides of the line shall be adequately protected with proper arrestors or neon lamps to remove static charges accumulated on the line. When lead-in conductors of polyethylene ribbon type are used, lightning arrestors shall be installed in each conductor. If a coaxial cable is used for the lead-in, suitable protection may be provided without lightning arrestors by grounding the exterior metal sheath.

E. Antennas shall be designed and installed in such manner as to resist a wind pressure of twenty-five (25) pounds per square foot, and in no case shall guy wires be less than three-thirty-seconds-inch five-strand cable or equivalent, galvanized. Rawl plugs shall be used for guy wires or for mounting brackets.

F. Ground wires shall be of copper wire, not smaller than No. 10 for grounding masts and lightning arrestors, and shall be installed in a mechanical manner with as few bends as possible, maintaining a clearance of a least two (2) inches from the combustible material.

G. Ground straps for grounding masts and attaching arrestors to water pipe shall be approved ground fittings.

H. Miscellaneous hardware, such as brackets, turnbuckles, thimbles, clips, etc., shall be hotdipped galvanized or similarly treated for weather protection. The turnbuckles shall be protected against turning by threading the guy wires through the turnbuckles.

70-43 RADIO AND TELEVISION MATERIALS, DEVICES OR APPARATUS

No electrical materials, devices or apparatus designed for attachment to or installation on any electrical circuit or system for television, AM, FM, amateur and commercial receiving shall be installed, used, sold or offered for sale for use in the Town unless such electrical materials, devices or apparatus are in conformity with the approved methods of construction for safety to life and property.

70-44 STANDARDS FOR MATERIALS, DEVICES OR APPARATUS

Electrical materials, devices or apparatus shall conform with the standards of the Underwriters' Laboratories, Inc., and electrical materials, devices or apparatus so conforming are hereby approved for the use in the Town.

70-45 IDENTIFICATION OF MAKER ON CERTAIN DEVICES

The maker's name, trademark or other identification symbol shall be placed on all electrical devices sold or offered for sale for use or used in the Town requiring one hundred fifteen (115) volts or more.

70-46 BOLTS, METER BASES AND RACKS (RESERVED)

~~Upon the request of an electrical contractor or owner, bolts, meter bases and racks shall be supplied by the Town for installation under the direction and supervision of the Electrical Inspector during the erection of brick or masonry walls. Such bolts, meter bases and racks shall be installed in a location agreeable to the Electric Department.~~

ELECTRICAL CODE**70-47 ADOPTION OF STANDARDS**

There is hereby adopted by reference, for the purpose of prescribing rules and regulations governing the installation and use of electrical construction and all material and appliances used in connection with electrical work and the operation of all electrical apparatus within the Town, that certain code known as the "National Electrical Code, 1975-latest Edition," being the standard of the National Board of Underwriters for electric wiring and apparatus, and such National Electrical Code, 1975-latest Edition, is hereby adopted and incorporated as fully as if set out at length herein, and from the date on which the Code of the Town of Front Royal, Virginia, shall take effect, the provisions thereof shall be controlling within the corporate limits of the Town; provided, however, that in the event of conflict or inconsistency between the provisions of the National Electrical Code hereby adopted and the provisions of any other ordinance to the Town, the more stringent provisions shall be construed to prevail.

70-48 ~~AVAILABILITY OF COPIES OF STANDARDS~~ (RESERVED)

~~Copies of the National Electrical Code, 1975 Edition, adopted by reference in Section 70-47, may be obtained at the office of the Electrical Inspector in the Town during regular business hours.~~

70-49 VIOLATIONS AND PENALTIES

Any persons failing, neglecting or refusing to comply with the National Electrical Code, 1975-latest Edition, adopted by reference in Section 70-47, shall be punished as provided in Chapter 1, Article II, Penalties, of this Code.

GENERAL REQUIREMENTS**70-50 ELECTRICAL CONNECTION AND CHARGES**

There shall be an electrical connection charge as provided below for connection with electrical lines or system.

1. In new major subdivisions of five lots or more, the developer, builder or customer shall provide excavation and installation with pull ropes of conduits for underground service. The developer, builder or customer shall provide the complete assembly of all street light poles. The connection charge for lots not exceeding one acre in size shall be two thousand five hundred dollars (\$2,500.00). The connection charge for lots of at least one acre but not exceeding two acres in size shall be five thousand dollars (\$5,000.00). The connection charge for lots of at least two but less than three acres in size shall be seven thousand five hundred dollars (\$7,500.00).

2. For the development of underground service to a single lot, to lots within a minor subdivision, or to a small, single-phase commercial user, the developer, builder or customer shall provide and

set the meter base, and shall provide excavation and installation of conduits with pull ropes for underground service from the meter base to the pole. After the building receives a satisfactory certification of the electrical inspection, the Town shall provide and install all other components of the service connection. The connection charge for such service shall be one thousand one hundred dollars (\$1,100.00) provided the service line does not exceed one hundred twenty-five feet (125') in length. For any service line exceeding one hundred twenty-five feet (125') in length, ~~there shall be an additional charge of one dollar and fifty cents (\$1.50) per foot for each foot of such excess~~ the developer, builder or customer shall be billed and shall pay to the Town on a times and materials basis for the actual time and materials expended by the Energy Services Department or its agents in performing the work.

3. For the development on overhead service to a single lot, to lots within a minor subdivision, or to a small, single-phase commercial user, the developer, builder or customer shall provide and set the meter base, service mast, weather head and the wire from the meter base to the weather head, mast bracket, including an additional thirty-six inches (36") for the entrance service. After the building receives a satisfactory certification of the electrical inspection, the Town shall provide and install the service drop and shall attach the drop to the entrance service. The connection charge for such service shall be one thousand one hundred dollars (\$1,100.00) provided the service line does not exceed one hundred twenty-five feet (125') in length. For any service line exceeding one hundred twenty-five feet (125') in length, ~~there shall be an additional charge of one dollar and fifty cents (\$1.50) per foot for each foot of such excess~~ the developer, builder or customer shall be billed and shall pay to the Town on a times and materials basis for the actual time and materials expended by the Energy Services Department or its agents in performing the work. The Town shall provide one (1) pole at no additional cost. For each additional pole required, the developer, builder or customer shall be ~~charged three hundred seventy five dollars (\$375.00).~~ billed and shall pay to the Town on a times and materials basis for the actual time and materials expended by the Energy Services Department or its agents in performing the work

4. For the development of large commercial and industrial users on three-phase service, the developer, builder or customer shall be responsible for pouring the transformer pad and installing the conduit with pull rope from the pole to the pad. The developer, builder or customer shall pay for the transformer and shall install the service entrance (conduit and conductor) from the building to the transformer pad. The Town will set the transformer and complete the connection at the pole and at both sides of the transformer. ~~The customer shall pay for and provide a back-up transformer up to a rating of 500 KVA. If a larger transformer is necessary, the developer, builder or customer shall provide the back-up transformer to the Town who shall maintain storage within its inventory.~~ The developer, builder, or customer shall pay for and provide a serviceable and appropriate transformer suitable for customer's needs at the developer's, builder's or customer's expense.

5. The connection charge for such service shall be three thousand five hundred dollars (\$3,500.00) provided the service line does not exceed one hundred twenty-five feet (125') in length. For any

service line exceeding one hundred twenty-five feet (125') in length, ~~there shall be an additional charge of one dollar and fifty cents (\$1.50) per foot for each foot of such excess.~~ the developer, builder or customer shall be billed and shall pay to the Town on a times and materials basis for the actual time and materials expended by the Energy Services Department or its agents in performing the work. The Town Shall provide one (1) pole at no additional cost. For each additional pole required, the developer, builder or customer shall be ~~charged three hundred seventy-five dollars (\$375.00)~~ billed and shall pay to the Town on a times and materials basis for the actual time and materials expended by the Energy Services Department or its agents in performing the work.

70-51 RATES FOR ELECTRICITY SUPPLIED BY THE TOWN

Rates charged, as of the effective date of this chapter, by the Town, for electricity supplied by the Town shall continue in effect until changed by the Council.

70-52 PAYMENT OF ELECTRIC BILLS

Electric bills shall be paid and processed in accordance with the provisions contained in Section 134-71 of this Code.

70-53 EXTENSION OF LINES TO PROPERTY

All applicants for extensions of electric lines to property not served by such electric lines as of October 1, 2006 shall furnish the necessary right-of-way for the building of the line from the connection with the present high-voltage system to the end of the new line. The Town will build the line at the customer's expense in accordance with Section 70-50 of the Town Code, and in accordance with its plans and specifications for the building of electric lines. All pole line hardware and other equipment shall be in accordance with standard practices of the Town.

70-54 ATTACHING SIGNS OR OTHER MATERIALS TO POLES OR SUPPORTS PROHIBITED

It shall be unlawful for any person to attach any material, signs or other devices to the poles or supports used by the Town in connection with the Town electrical system.

70-55 REFUSAL OF SERVICE

The Town Manager **Department of Energy Services** may refuse electrical service when notified by the Electrical Inspector that such work is being installed not in conformity with the National Electrical Code.

70-56 TYPE AND SIZE OF METER

The type and size of electrical meters to be furnished by the Town, when the Town furnishes electric service, shall be determined by the ~~Superintendent of the Electric Department of the Town~~ **Town's Director of Energy Services**.

70-57 LOCATION AND CONTROL OF METERS

All electrical meters shall be placed in such location in or on the building as designated by the ~~Electrical Inspector~~ **Energy Services Department** and shall at all times be under the exclusive management and control of the ~~Electric Department~~ **Energy Services Department**.

70-58 UNAUTHORIZED INTERFERENCE OR BREAKING OF METER SEAL

It shall be unlawful for any person, except the duly authorized agent of the ~~Electric Department~~ **Energy Services Department**, to break the seal placed on an electrical meter or to interfere with such electrical meter in any way.

70-59 CHARGE FOR REINSPECTION OF METER

A charge of as established by resolution, shall be added to the electric bill of each consumer who, by his request, has the Town test and inspect an electric meter, when said electric meter has been tested and inspected by the Town at the request of the consumer **twice** within a previous twelve-month period. Should, however, the electric meter be found to be inaccurate or malfunctioning, the charge will not be assessed.

70-60 DETERMINATION OF CONSUMPTION WHEN METER FOUND STOPPED

At any time an electricity meter is found stopped at the reading time, the consumption for the period the meter was stopped will be the average for the past four (4) readings.

70-61 SALE OF ELECTRICITY RESTRICTED

No person shall send or offer for sale any electricity purchased from the Town or generated by other means within the Town.

70-62 LOCATION OF SERVICE ENTRANCE AND POINT OF ATTACHMENT OF SERVICE WIRES TO BUILDING

The location of the service entrance and the point at which service wires are to be attached to the building shall be determined by the ~~Electrical Inspector~~ **Energy Services Department** after consultation with the owners of the property and the electrician or electrical contractor making the installation.

70-63 MINIMUM ALLOWABLE AMPERAGE AND CHANGES IN LINE SERVICE FOR THE CONVENIENCE OF THE CUSTOMER

A. No service entrance shall be wired for less than one hundred (100) amperes unless the owner can show proof that a sixty-ampere service will be satisfactory for his total needs.

B. Electric line changes, including but not limited to service and amperage upgrades, made for the convenience and at the request of the customer, and not out of necessity, when and while allowed and subject to the approval of the Town, shall be installed, maintained, changed, relocated, replaced or repaired at the expense of the customer. The Town will perform or provide for such installation, maintenance, change, relocation, replacement or repair and bill the customer for the actual costs of such installation, maintenance, change, relocation, replacement or repair, including labor, vehicle usage and materials used, ~~less and except the value of any salvageable and re-usable materials recovered during such service change.~~

70-64 UNDERGROUND SERVICE CONNECTIONS

A. In an area served by overhead lines, when a customer desires that the service shall run underground from the pole to the building, the owner shall install the requisite service equipment. The ~~Electrical Inspector~~ **Energy Services Department** shall be consulted as to the advisability of such a service and shall specify the meter location and the pole from which the service shall be run. Either conductor suitable for underground installations in conduit or other cable approved for the purpose, installed in accordance with the utility's specifications, shall be used. ~~Where the conduit enters the ground at the pole or building, it should be enclosed in concrete to a depth of eighteen (18) inches. Such service shall be not less than three (3) conductors No. 4 and as much larger as the load requires. Such underground service shall be installed entirely at the customer's expense and maintained by the customer.~~

B. If at any time the ~~Electric Department~~ **Energy Services Department** needs to replace a pole supporting an underground service connection, installed as provided in Subsection A, the customer shall be notified of the time, and he shall have his electricians on hand to take care of the service while pole replacement is being made.

70-65 AGGREGATION OF RETAIL CUSTOMER DEMAND RESPONSE

A. The Town of Front Royal, or its authorized designee, is the sole entity permitted to bid demand response on behalf of retail electric customers served by the Town's electric system directly into any Commission-approved independent system operator's or regional transmission organization's organized electric markets.

B. Retail electric customers served by the Town of Front Royal wishing to bid their demand response into a Commission-approved independent system operator's or regional transmission organization's organized electric markets may do so by participating in the program established by

the Town of Front Royal or its authorized designee. Retail electric customers of the Town are not permitted to participate in the demand response program of any other entity without the express prior authorization of the Town of Front Royal, Virginia.

70-66 ANCILLARY SERVICES PROVIDED BY DEMAND RESPONSE RESOURCES

A. The Town of Front Royal, Virginia, or its authorized designee, is the sole entity permitted to bid demand response on behalf of retail customers served by the Town's electric system directly into any Commission-approved independent system operator's or regional transmission organization's organized markets for energy imbalance, spinning reserves, supplemental reserves, reactive power and voltage control, or regulation and frequency response ancillary services (or its functional equivalent in the Commission-approved independent system operator's or regional organization's tariff).

B. Retail customers served by the Town of Front Royal's electric system wishing to bid their demand response into a Commission-approved independent system operator's or regional transmission organization's organized markets for energy imbalance, spinning reserves, supplemental reserves, reactive power and voltage control, or regulation and frequency response ancillary services (or its functional equivalent in the Commission-approved independent system operator's or regional organization's tariff) may do so by participating in the program established by the Town of Front Royal or its authorized designee. Retail customers are not permitted to participate in the demand response program of any other entity without the express prior authorization of the Town of Front Royal.

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Work Session Agenda Form

Item # 5

DATE: December 3, 2018

AGENDA ITEM: FY2019 Budget Amendment for Community Development Block Grant

SUMMARY: Council is requested to approve a FY2019 budget amendment in the amount of \$700,000.00 for the Community Development Block Grant (CDBG)

These funds will be used to facilitate the façade improvement program, administration of the projects, public improvements, signage, and branding/marketing.

BUDGET/FUNDING:

9130-3310113	Community Development - Grant Revenue – CDBG	\$700,000.00
9130-43026	Community Development – Admin Expense	\$70,000.00
9130-47983	Community Development – Façade Improvement	\$357,500.00
9130-47984	Community Development - Public Improvements	\$130,000.00
9130-47019	Community Development – Signage	\$127,500.00
9130-43080	Community Development – Branding & Marketing	\$15,000.00

STAFF RECOMMENDATION: Staff recommends Council move forward with a public hearing on this item, an increase of greater than 1% of the original budget requires a public hearing.

Work Session

BUDGET LINE ITEM	TOTAL BUDGET	CDBG-BUDGET (4MIL)	CDBG BUDGET (700K)	TOWN BUDGET
ADMINISTRATION				
Execution of DHCD Contract	10,000.00	8,400.00	7,500.00	2,500.00
Execution of Project Contracts	10,000.00	12,400.00	10,000.00	0.00
Execution of Project Contract (Public Improvements)	3,000.00	4,000.00	3,000.00	0.00
Contract Monitoring (Mtgs & Financial Tracking for 24 Mos)	21,000.00	24,000.00	21,000.00	0.00
Construction Completion	10,500.00	12,400.00	10,500.00	0.00
Construction Completion (Public Improvements)	3,500.00	4,000.00	3,500.00	0.00
Achievement of Benefits (Monthly Reporting) (24 Mos @ \$75 each)	1,700.00	1,800.00	1,700.00	0.00
Achievement of Benefits (Annual Reporting) (2 @ \$400 each)	800.00	800.00	800.00	0.00
Satisfactory Compliance Reviews (2 @ 2,000 each)	4,000.00	4,000.00	4,000.00	0.00
Administrative Project Closeout	2,000.00	2,000.00	2,000.00	0.00
Labor Compliance	6,000.00	6,000.00	6,000.00	0.00
Workshops	1,500.00	0.00	0.00	1,500.00
Avertising	1,250.00	0.00	0.00	1,250.00
Legal	1,400.00	0.00	0.00	1,400.00
Deed of Trust Recordations	1,500.00	0.00	0.00	1,500.00
SUBTOTAL	78,150.00	79,800.00	70,000.00	8,150.00
ADMINISTRATION TOTAL	78,150.00	79,800.00	70,000.00	8,150.00
FAÇADE IMPROVEMENTS				
Architect/ Engineer/ Design	32,500.00	35,000.00	32,500.00	0.00
Inspection	0.00	0.00	0.00	0.00
Construction/Improvements	650,000.00	350,000.00	325,000.00	325,000.00
SUBTOTAL	682,500.00	385,000.00	357,500.00	325,000.00
FAÇADE IMPROVEMENT PROGRAM TOTAL	682,500.00	385,000.00	357,500.00	325,000.00
PHYSICAL IMPROVEMENTS				
Public Restroom & Drinking Fountain				
Engineering and Inspections	0.00	12,500.00	0.00	0.00
Labor	0.00	37,500.00	0.00	0.00
Material	0.00	75,000.00	0.00	0.00
Maintenance/Sustainability	0.00	0.00	0.00	0.00
Permitting	0.00	0.00	0.00	0.00
SUBTOTAL	0.00	125,000.00	0.00	0.00
Multi-Purpose Open Air Gathering Space				
Engineering and Inspections	0.00	25,000.00	0.00	0.00
Labor	0.00	37,500.00	0.00	0.00
Material	0.00	75,000.00	0.00	0.00
Maintenance/Sustainability	0.00	0.00	0.00	0.00
Permitting	0.00	0.00	0.00	0.00
SUBTOTAL	0.00	137,500.00	0.00	0.00
Town Plaza				
Engineering and Inspections	15,000.00		0.00	15,000.00
Labor	69,000.00		45,000.00	24,000.00
Material	109,500.00		85,000.00	24,500.00
Maintenance/Sustainability	5,000.00		0.00	5,000.00
Permitting	21,180.00		0.00	21,180.00
SUBTOTAL	219,680.00		130,000.00	89,680.00
Streetscape Improvement Planning & Design				
Engineering and Inspections	20,000.00	25,000.00	0.00	20,000.00
Labor (crosswalks, trash cans, benches - refurbish)	5,100.00	0.00	0.00	5,100.00
Material (crosswalks, trash cans, benches - refurbish)	3,400.00	0.00	0.00	3,400.00
Permitting	0.00	0.00	0.00	0.00
SUBTOTAL	28,500.00	25,000.00	0.00	28,500.00
Parking & Alley Improvements				
Engineering and Inspections	50,000.00	40,000.00	0.00	50,000.00
Labor	2,100.00	0.00	0.00	2,100.00
Murals	3,000.00	0.00	0.00	3,000.00
Material	1,400.00	0.00	0.00	1,400.00
SUBTOTAL	56,500.00	40,000.00	0.00	56,500.00
Royal Shenandoah Greenway - Criser Road Trail Link				
Engineering and Inspections	40,000.00	0.00	0.00	40,000.00
Labor	120,000.00	0.00	0.00	120,000.00
Material	230,000.00	0.00	0.00	230,000.00
Permitting	10,000.00	0.00	0.00	10,000.00
SUBTOTAL	400,000.00	0.00	0.00	400,000.00
PUBLIC IMPROVEMENTS TOTAL	704,680.00	327,500.00	130,000.00	574,680.00
SIGNAGE				
Engineering/ Design and Inspections	21,500.00	18,500.00	15,000.00	6,500.00
Labor	15,000.00	0.00	0.00	15,000.00
Material	124,500.00	137,500.00	112,500.00	12,000.00
Permitting	1,000.00	0.00	0.00	1,000.00
SUBTOTAL	162,000.00	156,000.00	127,500.00	34,500.00
SIGNAGE TOTAL	162,000.00	156,000.00	127,500.00	34,500.00
BRANDING & MARKETING				
Social Media & Digital Advertisements	4,000.00	15,000.00	4,000.00	0.00
Marketing Documents & Brochures	10,500.00	0.00	0.00	13,400.00
Website Strategy	11,000.00	0.00	11,000.00	0.00
Refurbish Brochure Racks	2,200.00	0.00	0.00	6,000.00
Visitor Center Update	16,700.00	16,700.00	0.00	10,000.00
Branded Campaigns	0.00	20,000.00	0.00	0.00
SUBTOTAL	44,400.00	51,700.00	15,000.00	29,400.00
BRANDING AND MARKETING TOTAL	44,400.00	51,700.00	15,000.00	29,400.00
TOTAL	1,671,730.00	1,000,000.00	700,000.00	971,730.00

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Work Session Agenda Form

Item # 6

DATE: December 3, 2018

AGENDA ITEM: Consideration of a request from Shentel Communications, LLC to amend prior franchise agreement for telecommunications services to extend term through August 14, 2019.

SUMMARY: In 2011, Shenandoah Telephone Company ("Shentel") entered into a five-year franchise agreement with the Town to use the public ways to construct, operate and maintain a fiber optic telecommunications system, the term of which was extended through August 14, 2017. The franchise was limited in scope to individual fiber build projects, with the scope of the franchise to be expanded for additional fiber builds on a case-by-case basis pursuant to administrative review and approval. Shentel Communications, LLC now seeks to extend the term through August 14, 2019, allowing Shentel to continue servicing customers while the Town considers advertising for bids for new, fifteen (15) year, Town-wide, fiber optic telecommunications franchise(s).

Town Council is asked to consider an amendment to Shentel Communications, LLC's prior fiber optic telecommunications franchise with the Town, extending the term through August 14, 2019.

Shentel provides telecommunications services via its installed fiber optic cable system to limited customers in limited areas of the Town. The proposed amendment would extend the franchise term through August 14, 2019. The Town is desirous of having high speed internet services be of wider availability in Town. Shentel and other fiber optic telecommunication providers seek ten (10) year to fifteen (15) year Town-wide franchises. Franchises for a term in excess of five years must be advertised for bids pursuant to Virginia Code §15.2-2100 (B).

BUDGET/FUNDING: None

STAFF RECOMMENDATION: Staff recommends

Work Session

SECOND AMENDMENT TO FRANCHISE AGREEMENT

THIS SECOND AMENDMENT TO FRANCHISE AGREEMENT ("Second Amendment") is made effective as of August 14, 2017 ("Effective Date") by and between the Town of Front Royal ("Town") and Shenandoah Telephone Company ("Shentel"), collectively "the parties".

WHEREAS, the Town and Shentel entered into the Franchise Agreement for Fiber Optic Services dated as of February 14, 2011 (the "Franchise"); and

WHEREAS, pursuant to Section 2 of the Franchise, the rights and obligations set forth therein were granted to Shentel for a five-year period commencing on February 14, 2011; and

WHEREAS, the Town and Shentel previously executed Amendment to Franchise Agreement ("First Amendment") which extended the term of the Franchise from February 14, 2017 through August 14, 2017 to allow for negotiation of a replacement franchise permitting Shentel to use the public rights of way throughout the Town for the provision of fiber optic telecommunication services; and

WHEREAS, Shentel's facilities have remained in place in the streets of the Town, and Shentel has continued to pay all franchise fees and pole attachment/conduit fees required under the Franchise during the period from the Effective Date through and including the date of execution of this Second Amendment; and

WHEREAS, the Town and Shentel wish to extend the term of the Franchise for an additional two (2) year period, effective and commencing August 14, 2017 and continuing through August 14, 2019, allowing Shentel to apply for additional usage area pursuant to Section 2 of the Franchise, and for the Town to advertise for bids for new, long-term, non-exclusive, Town-wide fiber optic telecommunications system franchises pursuant to §§15.2-2100 – 2103, Code of Virginia, as amended.

NOW, THEREFORE, in consideration of the foregoing, the parties hereby agree as follows:

1. Definitions. Except as otherwise defined herein, capitalized terms shall have the definitions set forth in the Franchise.
2. Extension of Term. The first sentence of Section 2 of the Franchise, as amended by paragraph 2 of the First Amendment, is hereby further amended to read in its entirety as follows:

Subject to the provisions, conditions and restrictions set forth in this Agreement or herein referred to, there is hereby granted to Grantee, for a period beginning on the effective date of this Agreement and continuing through August 14, 2019, the non-exclusive right to use the streets of the Town to operate and maintain a fiber optic telecommunication system within and along the streets of the Town, and, for these purposes, to construct, erect, maintain and use and, if now constructed, to

continue to maintain and use and operate, its fiber optic equipment, including necessary manholes, in, under, across, over and along the streets within the corporate limits of the Town provided, however, that initially Grantee shall only be permitted to use the streets identified and particularly described and set forth as "Exhibit A", attached hereto and incorporated by reference herein.

3. Ratification of Expansion. The parties hereby agree that the franchise usage area, as expanded pursuant to the Application to Expand Franchise Agreement for Fiber Optic Services executed by Shentel on May 26, 2017 and by the Town on June 5, 2017, is hereby ratified and confirmed in all respects, and that Exhibit A attached hereto, showing "fiber route as of 8/13/18", correctly reflects the franchise usage area for installed fiber optic cable on the date of this Second Amendment.
4. Use of Town Poles, Conduits. Paragraph 5(i) of the Franchise is amended to provide for a rental rate of [[TWENTY-FIVE DOLLARS (\$25.00)]] per attachment, per pole, per year. Shentel will make a "true-up" payment to the Town for all pole attachment fees back to the Effective Date. As of the Effective Date of this Second Amendment, Shentel maintained [[145]] attachments to Town poles, and has [[148]] attachments as of the execution date of this Second Amendment.
5. No Default. Each of the parties hereby agrees that the Franchise, as amended hereby, remains in full force and effect, and that neither of the parties is aware of a default by the other party or otherwise deemed to be in default thereunder. Without limiting the foregoing, the parties acknowledge that the Effective Date was specifically determined by the parties so that there would be no lapse in the effectiveness of the Franchise.
6. No Other Amendments. Except as specifically set forth in this Second Amendment, and in any replacement to Exhibit A to the Franchise that may be agreed by the parties from time to time, all provisions of the Franchise shall remain as set forth therein.
7. Acceptance. The undersigned, Shenandoah Telephone Company, hereby accepts the grant and each and all of the provisions, conditions and limitations of this Second Amendment and hereby covenants and agrees that it will perform and discharge each and all of the duties and obligations imposed upon it under this Second Amendment and as Grantee in and under the Franchise, and that it will be bound by each and all of the terms, conditions and provisions herein and therein contained.

IN WITNESS WHEREOF each of the parties has caused this Second Amendment to be executed in its name on the date set forth below, effective as of the date above first written.

SHENANDOAH TELEPHONE COMPANY

Date: _____

By: _____

Edward H. McKay

Senior Vice President – Wireline and Engineering

TOWN OF FRONT ROYAL, VIRGINIA

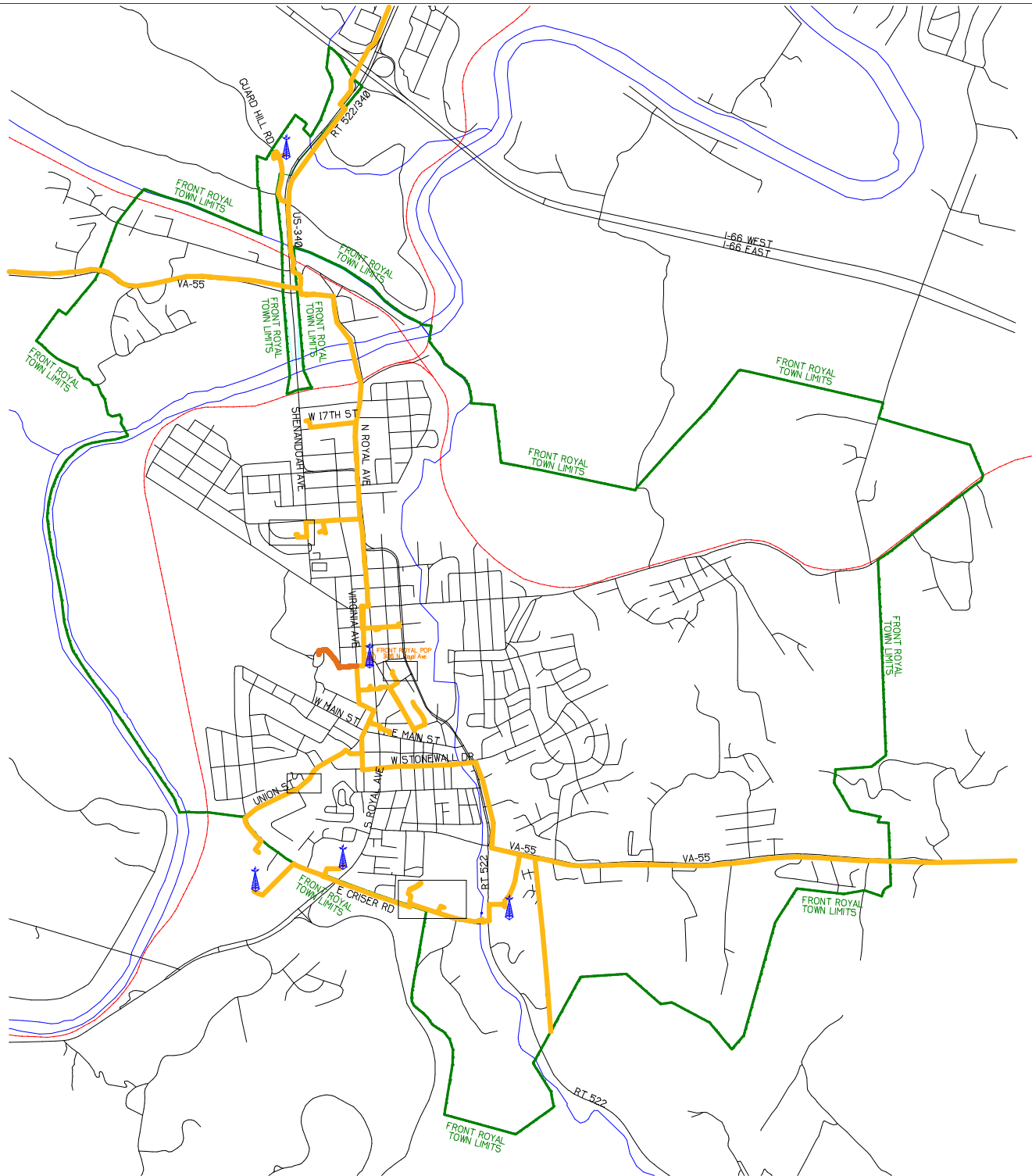
Date: _____

By: _____

APPROVED AS TO FORM:

Douglas W. Napier, Town Attorney

EXHIBIT " A "



SHENTEL FIBER ROUTES WITHIN FRONT ROYAL TOWN LIMITS

FRONT ROYAL TOWN LIMITS

RAILROAD

RIVER

ROAD CENTERLINE

FIBER ROUTE AS OF 8/13/18

PROPOSED FIBER ROUTE



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Work Session Agenda Form

Item # 7

DATE: December 3, 2018

AGENDA ITEM: Property Maintenance Code (Building/Maintenance Code) Update

SUMMARY:

Adoption of the Virginia Maintenance Code was the first necessary step in order to implement a property maintenance program within the Town. As described within this new ordinance of the Town Code, and as required by the Virginia Maintenance Code, enforcement of the new maintenance code ordinances requires the Town to appoint a Maintenance Code Official and Board of Appeals. Below is the simplified language from Town Code 9-200.B. and C that describes these requirements.

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.

BUDGET/FUNDING: TBD

STAFF RECOMMENDATION:

The possible options for appointment of a building code official include the following:

- a) Hire a new employee as the Code Official. The benefit of this approach is that the employee would work exclusively for the Town which would be more effective in regards to productivity and implementation of policies for administration.
- b) Sharing an Employee. Continue discussions with the Town of Strasburg and NSVRC to determine if cost sharing for a new Code Official position is possible. This approach would be less costly than a) but the employee would not work for the Town exclusively.
- c) Outsourcing. Outsource the position to a business firm with the property credentials. This position has the potential to be the least costly or most costly, depending on the volume of work. For example, if Town Council only wants to focus on derelict structures at first, this may be the best option in the short term. Ultimately, if a full-scale program is implemented, an employee of the Town would likely be more efficient and effective for the Town.
- d) Warren County. Warren County Building Inspections could also be used to administer/enforce the Town's maintenance code.

In regards to appointment of a Board of Appeals. Staff would recommend having discussions with Warren County to see if an agreement can be reached to use their existing Board of Appeals for the Town's Property Maintenance Code purposes.

AN ORDINANCE TO REPEAL CHAPTER 9, BUILDINGS, OF THE FRONT ROYAL TOWN CODE AND ENACT CHAPTER 9, BUILDING AND MAINTENANCE CODES; AND RELOCATE CHAPTER 9-2, REMOVAL, REPAIR, ETC OF BUILDINGS AND OTHER STRUCTURES HARBORING ILLEGAL DRUG USE, TO CHAPTER 145-4

Chapter 9

BUILDINGS BUILDING AND MAINTENANCE CODES

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.
 - (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: GENERAL**9-300 NONLIABILITY OF PERSONNEL ENFORCING CHAPTER.**

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

responsibility by reason of inspections authorized by this chapter or certificates of approval issued by the building official or property maintenance code official.

9-301 VIOLATIONS

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

9-302 PERMIT FEES.

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

amendment to such a permit be approved until any additional fee, if any, due to an increase in the estimated cost of the building or structure, shall also have been paid.

9-303 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.

9-304 THROUGH 9-309. *Reserved*

9-310 DEFINITIONS.

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

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

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

Day means a calendar day.

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

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

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

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

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

Chapter 145

STRUCTURES, DANGEROUS

Sections:

145-1 REMOVAL OR REPAIR BY OWNER**145-2 REMOVAL OR REPAIR BY TOWN UPON OWNER'S FAILURE TO DO SO****145-3 RESPONSIBILITY FOR COSTS**

Adopted by the Town Council of the Town of Front Royal 8-12-68. Amendments noted where applicable.

145-1 REMOVAL OR REPAIR BY OWNER

The owners of property within the Town shall, at such time or times as the Town Council may prescribe, 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.

145-2 REMOVAL OR REPAIR BY TOWN UPON OWNER'S FAILURE TO DO SO

The Town Council, 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 when the owner of such property, after reasonable notice and a reasonable time to do so, has failed to remove, repair or secure such building, wall or other structure.

145-3 RESPONSIBILITY FOR COSTS

The costs or expenses thereof shall be chargeable to and paid by the owner of such property and may be collected as taxes and levies are collected. Every such charge which remains unpaid shall constitute a lien against such property.

**(145-4) 9-2 REMOVAL, REPAIR, ETC., OF BUILDINGS AND OTHER STRUCTURES
HARBORING ILLEGAL DRUG USE**

1. As used in this Section:

"Affidavit" means the affidavit prepared by the Town in accordance with Subsection (2) hereof.

"Controlled Substance" means illegally obtained controlled substances or marijuana, as defined in 54.1-3401 of the Code of Virginia 1950, as amended.

"Corrective Action" means the taking of steps which are reasonably expected to be effective to abate drug blight on real property, such as removal, repair, or securing of any building, wall, or other structure.

"Drug Blight" means a condition existing on real property which tends to endanger the public health or safety of residents of a locality and is caused by the regular presence on the property of persons under the influence of controlled substances or the regular use of the property for the purpose of illegally possessing, manufacturing, or distributing controlled substances.

"Owner" means the record owner of real property.

"Property" means real property.

2. The procedures for corrective action with respect to property shall be as follows:

A. Any law enforcement officer, as such terms are defined in Section 9.1-101 of the Code of Virginia 1950, as amended, may execute and file an affidavit with the Council, citing this Section of the Town Code, to the effect that (i) drug blight exists on a particular property within the Town, specifying the location of the property and the nature of the blight; (ii) that the Town has used diligence without effect to abate the drug blight; and (iii) the drug blight constitutes a present threat to the public's health, safety or welfare.

B. The Council shall then cause a Notice to be sent to the owner of the property by regular mail to the last address listed on the Town's tax assessment records, together with a copy of the foregoing affidavit, advising that (i) the owner has up to thirty (30) days from the date of the Notice to undertake corrective action to abate the drug blight described in the affidavit and (iii) the Town will, if requested to do so, assist the owner in determining and coordinating the appropriate corrective action to abate the drug blight described in such affidavit.

C. If no corrective action is undertaken during such thirty (30) - day period, the Town Manager shall send by regular mail an additional notice to the owner of the property, at the address stated in the preceding subdivision, stating the date on which the Town may commence corrective action to abate the drug blight on the property, which date shall be no earlier than fifteen (15) days after the date of mailing of the Notice. Such additional Notice shall also reasonably describe the corrective action contemplated to be taken by the Town. Upon receipt of such additional Notice, the owner shall have a right, upon reasonable notice to the Town, to seek equitable relief, and the Town shall initiate no corrective action while a proper petition for relief is pending before a court of competent jurisdiction.

3. If the Town undertakes corrective action with respect to the property after complying with the provisions of Subsection (2) hereof, the costs and expenses thereof shall be chargeable to and paid by the owner of such property and may be collected by the locality as taxes are collected.

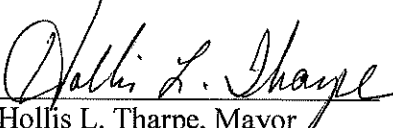
4. Every charge authorized by this Section with which the owner of any such property has been assessed and which remains unpaid shall constitute a lien against such property with the same priority as liens for unpaid Town real estate taxes and enforceable in the same manner as provided in Articles 3 and 4 of Chapter 39 of Title 58.1 of the Code of Virginia, 1950, as amended.

5. If the owner of such property takes timely corrective action pursuant to this Section, the Council shall, by Resolution, deem the drug blight abated, shall close the proceeding without any charge or cost to the owner, and shall forward a copy of such Resolution to the owner, thereby certifying that the proceeding has been terminated satisfactorily. The closing of the proceeding shall not bar the Town from initiating a subsequent proceeding if the drug blight recurs.

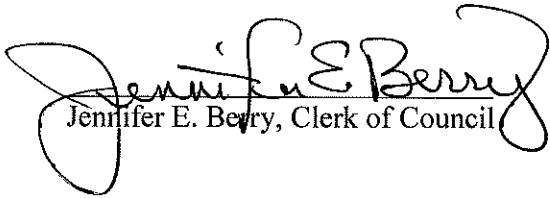
6. Nothing in this Section shall be construed to abridge or waive any rights of remedies of an owner of property at law or in equity.

This ordinance shall become effective upon passage.

APPROVED:


Hollis L. Tharpe, Mayor

ATTEST:

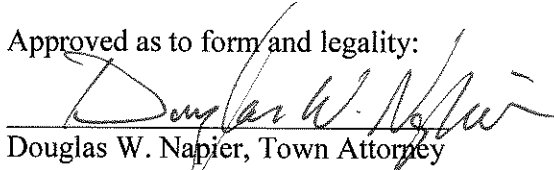

Jennifer E. Berry, Clerk of Council

THIS ORDINANCE was approved at the Regular Meeting of the Town of Front Royal, Virginia on its second reading, conducted 10-22- 2018, 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 10-9- 2018, having been advertised in the Northern Virginia Daily on 9-22- 2018, and 9-29- 2018. The Ordinance was enacted at the Regular Meeting of the Town Council held 10-22- 2018, to become effective immediately.

Approved as to form and legality:


Douglas W. Napier, Town Attorney

Date: 10/24/2018

Excerpt of Minutes of October 22, 2018

COUNCIL APPROVAL – Ordinance Amendment to Repeal Chapter 9-1 and Re-Enact in its place “Buildings and Maintenance Codes” and Amend Chapter 145 by Relocating Chapter 9-2 (2nd Reading)

Summary: Council is requested to adopt on its second and final reading an Ordinance to Repeal Chapter 9-1 “*Removal, Repair, etc. of Certain Buildings and Structures*” and Re-Enact in its place “*Buildings and Maintenance Codes*” and Amend Chapter 145 “*Structures, Dangerous*” by Relocating Chapter 9-2 “*Removal, Repair Etc of Buildings and Other Structures Harboring Illegal Drug Use*” to 145-4, as presented. If approved, Chapter 9-1 would be amended in its entirety, replacing it with: Article 1: Building Code Regulations, providing for the administration and enforcement of the mandatory provisions of the Uniform Statewide Building Code including Part 1 (Construction Code) and Part II (Rehabilitation Code); Article 2:

Maintenance Code Regulations, adopting optional provisions of the Uniform Statewide Building Code including the Part III (Virginia Maintenance Code) without a rental inspection program; and Article 3: General, containing general administration and enforcement provisions of Chapter 9. This amendment reserves the Town’s right to establish a Town Building Department and a Local Board of Building Code Appeals (LBBCA); and designates the County of Warren to administer the building code, as previously established by an agreement in 1983, until such time that the Town may establish a building department. Chapter 9 would be further amended by relocating Article 9-2 “*Removal, Repair Etc. of Buildings and Other Structures Harboring Illegal Drug Use*” to Chapter 145-4.

Councilman Connolly moved, seconded by Councilman Meza, that Council adopt on its second and final reading an Ordinance to Repeal Chapter 9-1 “Removal, Repair, etc. of Certain Buildings and Structures” and Re-Enact in its place “Buildings and Maintenance Codes” and Amend Chapter 145 “Structures, Dangerous” by Relocating Chapter 9-2 “Removal, Repair Etc. of Buildings and Other Structures Harboring Illegal Drug Use” as 145-4 as presented.

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

No – Tewalt

Abstain – N/A

Absent – N/A

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

(By Roll Call)

8



Work Session Agenda Form

Item # 8

DATE: December 3, 2018

AGENDA ITEM: Liaison Committee Agenda Items

SUMMARY: Council is requested to add items to the Liaison Committee Agenda for January 17, 2019. The Agenda from October 18, 2018 is attached.

BUDGET/FUNDING: N/A

STAFF RECOMMENDATION: Council takes desired action

Work Session



AGENDA TOWN/COUNTY LIAISON COMMITTEE MEETING

Warren County Government Center

October 18, 2018

6:00 PM



- **Call to Order – Tony F. Carter, Chairman 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) **Septage Receiving Facility Issues Update – 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**
- **Adjournment**