



TOWN COUNCIL WORK SESSION

June 20, 2016 @ 7:00pm
Front Royal Administration Building

Town/Staff Related Issues:

1. Front Royal Limited Partnership Proffer Amendment Request – *Director of Planning/ Zoning*
2. Special Use Permit – EDA – *Director of Planning/ Zoning*
3. Continued Discussion of Anti-Litter Signs – *Director of Planning/ Zoning*
4. Update on CDBG Downtown Revitalization Project – *Director of Planning/ Zoning*
5. Employee Handbook Revision - Work-Related Injury/Illness Reporting Policy – *Risk/ Personnel Mgr*
6. Update on Town Charter Revision – *Town Attorney*
7. Sidewalk Lease Agreement – 501 E Main Street – *Town Attorney*

Council/Mayor Related Items

8. 1st Street and Massie Street Traffic – *Councilman Connolly*
9. Council Discussion/Goals (*time permitting*)
10. Closed Meeting – Disposition of Publicly Held Property

Motion to Go Into Closed Meeting

I move that Town Council go into closed meeting for the purpose of the discussion or consideration of both the acquisition of real property for a public purpose, and of the disposition of publicly held real property, being privately owned property along Stockton Road and Washington Avenue, and a public right of way known as The Hill, pursuant to Section 2.2- 3711. A.3., where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body.

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.

1

Town of Front Royal, Virginia Work Session Agenda Form

Date: June 20, 2016

Agenda Item: Front Royal Limited Partnership (FRLP) Proffer Amendment Request
Director of Planning & Zoning

Summary:

Please find attached a Staff Report with information on the proposed proffer amendment. This report is the same as submitted to the Planning Commission, but with updates shown in red, primarily located on the last couple pages of the report. A copy of the minutes of the January 20th Planning Commission meeting are also attached.

In addition, FRLP's initial request is included, as well as the current and proposed proffers. A new submission was received by the Applicant on June 13, 2016 in regards to Section 13 of the proffers; which is also attached.

Council Discussion: This agenda item is scheduled for a work session review on June 20, 2016. The proffers were postponed at the request of the applicant until this time. A joint work session is scheduled between Town Council and the Planning Commission on June 22nd. This joint meeting is shared with the other agenda item of VDOT's presentation and recommendations for South Street.

Staff Evaluation: See the attached Staff Report.

Budget/Funding: N/A

Legal Evaluation: The Town Attorney will be available at the work session for questions.

Town Manager: The Town Manager will be available at the work session for questions.

Council Recommendation:

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

Work Session



**TOWN OF FRONT ROYAL
DEPARTMENT OF PLANNING & ZONING**



**STAFF REPORT FOR THE JANUARY 20, 2016
PLANNING COMMISSION MEETING
JUNE 14, 2016 UPDATE IN RED FONT**

APPLICATION #:

RZ09-02-64 – Proffer Amendment Request

APPLICANT:

Front Royal Limited Partnership (FRLP)

APPLICATION SUMMARY:

Front Royal Limited Partnership (FRLP) has submitted a request to amend the proffers associated with their 149-acre property that underwent a rezoning in 2009/2010. The Applicant’s request letter is provided as **Attachment 1** to this report.

The proposed changes include, but are not limited to, modifications to the Preamble, Section 7, Section 10, Section 11, Section 13, and Section 15 of the proffers. The proposed removal of Sections 11.2 and 11.3 would eliminate the development scenario where FRLP is required to build Phases 2 – 4 of the East/West Connector Road by the 199th house in exchange for the Town building Phase 5 and authorizing the credits outlined under Sections 13 and 11.3.4., such as, but not limited to a dollar-for-dollar credit against per unit cash proffers for all costs incurred by FRLP for the engineering, design and construction of Phases 2 – 4 of the East/West Connector Road, and for any combined sewer and water connection and availability fees that exceed \$10,000 on a per unit basis. The proposed modification of Section 7 includes the removal of the requirement that homes be Energy Star approved.

The original proffers are provided as **Attachment 2** with this report, and the proposed proffer revisions are provided as **Attachment 3**. **Attachment 4** includes the Applicant’s June 13, 2016 submission related to modifications to Section 13. **Attachment 5** are the 1/20/16 PC Minutes.

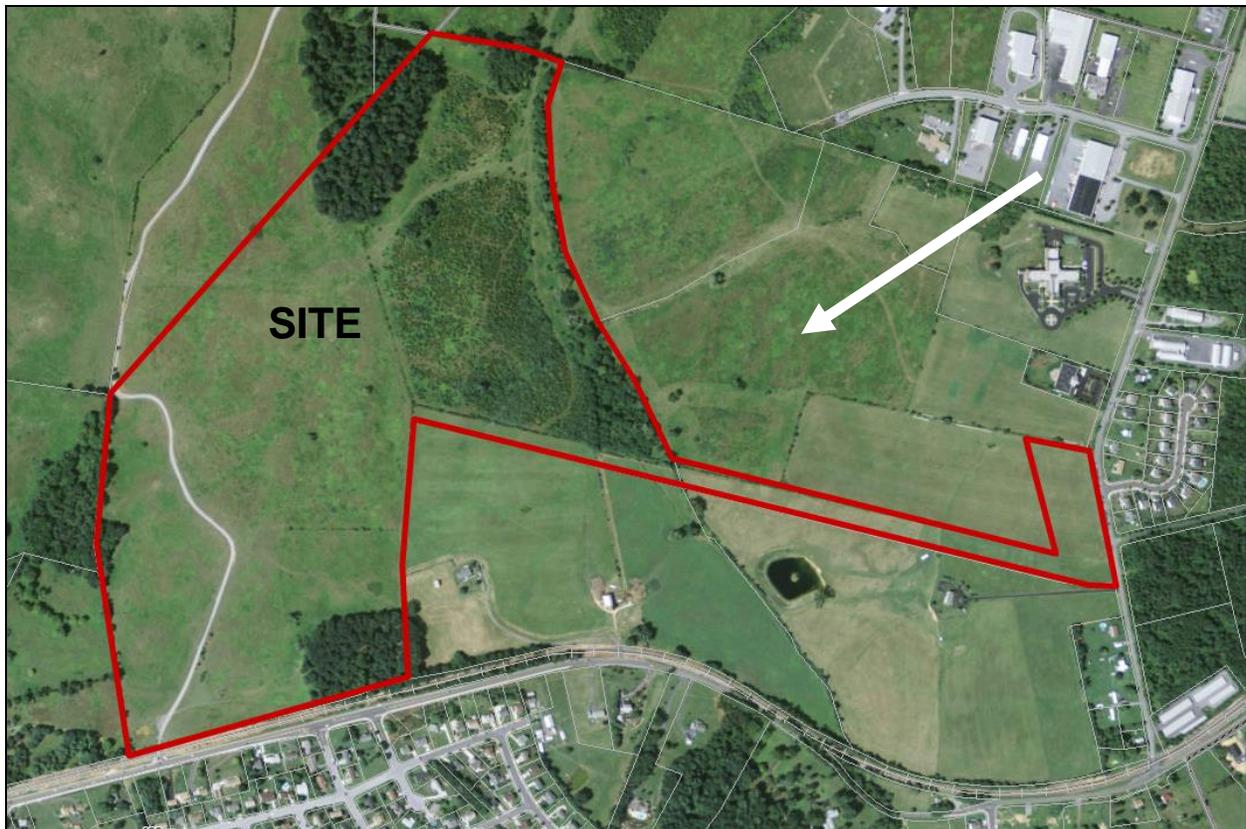
GENERAL INFORMATION:

<i>Existing Zoning</i>	R-1A (Residential District)		
<i>Proposed Zoning</i>	R-1A (Residential District)		
<i>Overlay Districts</i>	Historic Area – NO	Floodplain– NO	Entrance Corridor – NO
<i>Land Record</i>	LR06-12763		
<i>Location</i>	The property is located north of Happy Creek Road and extends to Shenandoah Shores Road. Mary’s Shady Lane traverses the property in a north/south orientation. The property is to the southeast of FRLP’s 604-acre property that was annexed in 2014.		
<i>Acres</i>	149.312		
<i>Existing Use(s)</i>	Agriculture/Vacant		
<i>Intended Use(s)</i>	Residential Subdivision – up to 320 Single-Family Detached Homes		

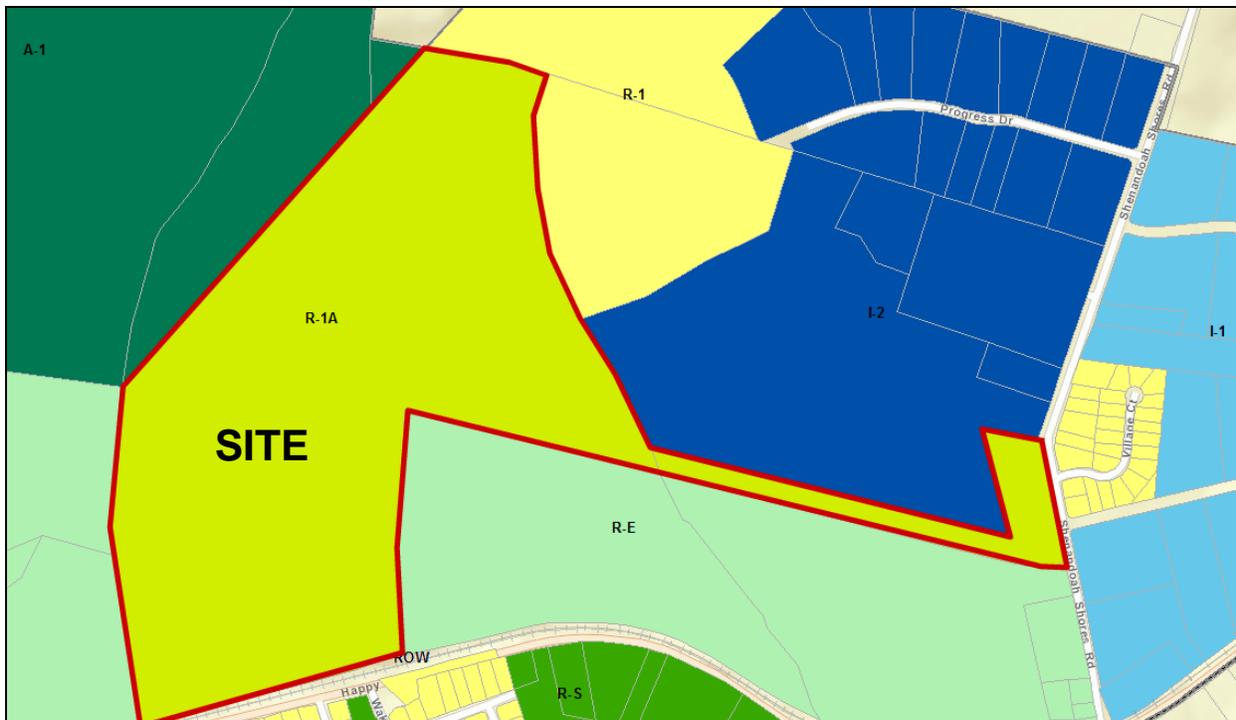
Vicinity Map (Warren County Online GIS)



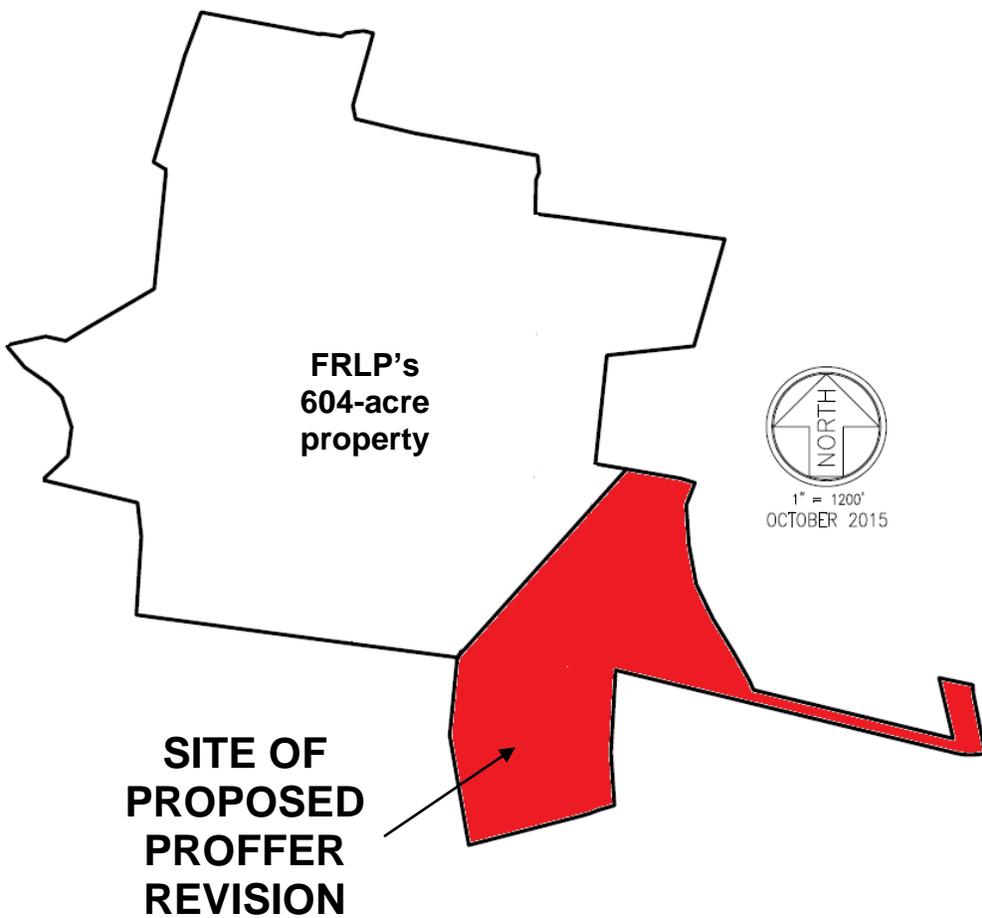
Aerial (Warren County Online GIS)



Zoning Map (Warren County Online GIS)



Illustrations of FRLP's Properties



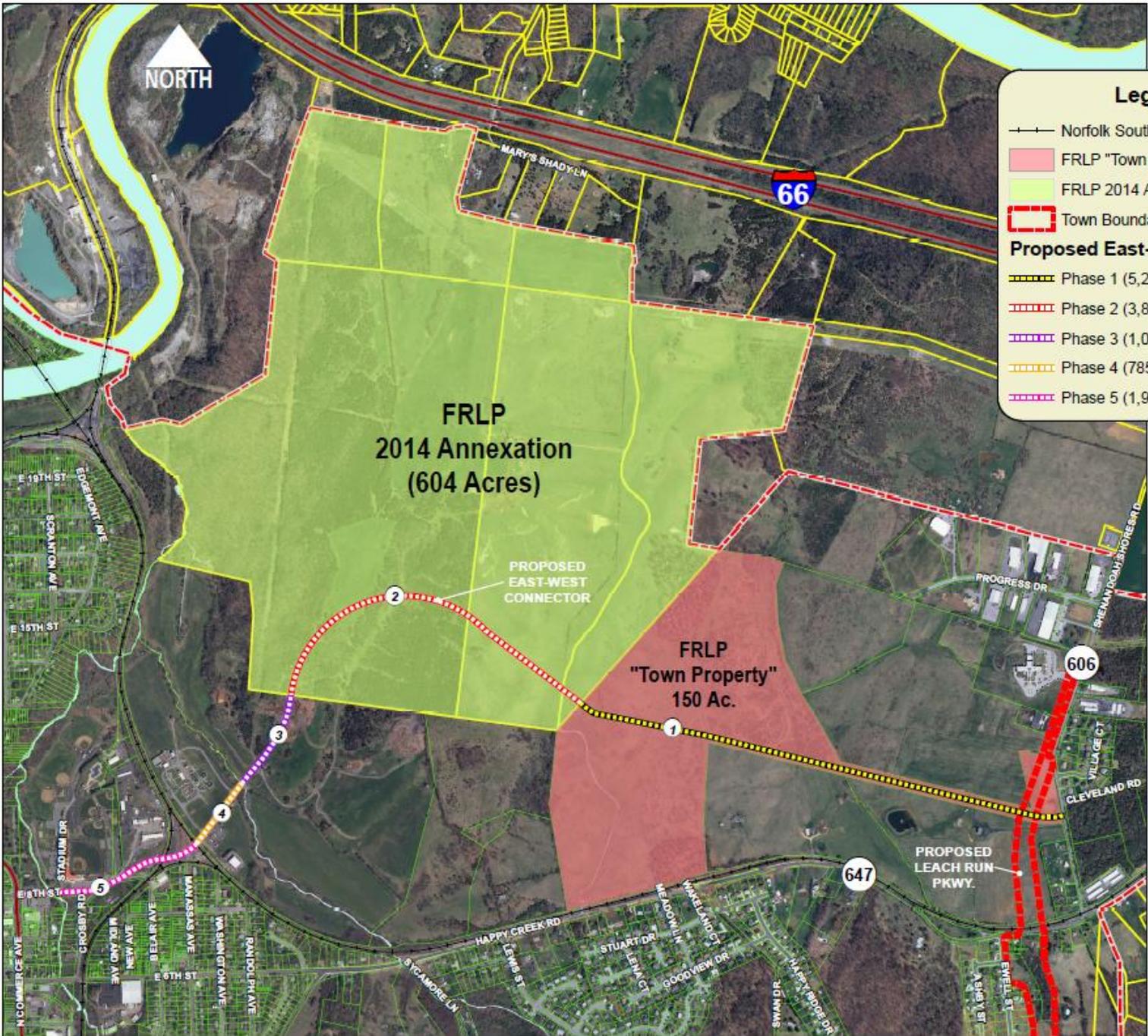


Legend

- Norfolk Southern Railway
- FRLP "Town Property"
- FRLP 2014 Annexation Area
- Town Boundary

Proposed East-West Connector

- Phase 1 (5,208 ft.)
- Phase 2 (3,896 ft.)
- Phase 3 (1,075 ft.)
- Phase 4 (785 ft.)
- Phase 5 (1,994 ft.)



AERIAL MAP SHOWING

FRLP PROPERTIES

Front Royal, Virginia



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



D.G. Merchant, Cartographer

What is a proffer?

- A proffer is a voluntary offering by a landowner during the rezoning process for the purpose of performing an act, cash donation, product, or service to justify the propriety of the proposed rezoning (*Robin, Zoning & Subdivision Law in Virginia, a Handbook, 71-72, 2nd edition*). The Virginia Code refers to a rezoning with proffers as conditional zoning (Virginia Code 15.2-2296).
- Conditional zoning (proffers) must be reasonable conditions that governs the use of property and have a connection to the impacts of the proposed development. For example, it would be unreasonable for cash proffers to be paid towards public schools for a rezoning that does not allow for more houses, such as an industrial rezoning. Similarly, it is unreasonable for a locality to accept a proffer that reduces the requirements for a development project that are not otherwise allowed by law. As the Virginia Code says, proffers must be in addition to, or the modification of, the regulations provided for in a particular zoning district. The “modification” clause in the definition of the term in Virginia Code § 15.2-2201 is not interpreted to mean that proffers may relax otherwise applicable zoning standards (*County of Albemarle Land Use Handbook, Chapter 11*).
- When proffers are accepted by the locality’s governing body, they become part of the zoning ordinance. *Jefferson Green Unit Owners Association, Inc. v. Gwinn*, 262 Va. 449, 551 S.E.2d 339 (2001).
- Cash proffers may only be accepted for projects on the localities Capital Improvement Program (CIP).
- Proffers must be consistent with the Comprehensive Plan.
- Virginia Code 15.2-2298.A. states that proffers may only be accepted if the following conditions are met: “(i) the rezoning itself gives rise to the need for the conditions; (ii) the conditions have a reasonable relation to the rezoning; and (iii) all conditions are in conformity with the comprehensive plan as defined in § 15.2-2223.”

What is an amended proffer?

- A proffer amendment is simply a change to the original proffers. Amending proffers requires the same process required for a rezoning or code amendment. If an amended proffer is accepted, it nullifies the original proffers

Quick Summary of the Current Proffers

Maximum Number of Houses: 320

Per Unit Cash Proffers: The current proffers require FRLP to pay \$19,600 per house built to be used by the Town for either Leach Run Parkway or the East/West Connector Road. The following exceptions apply:

- The first 99 houses are exempt.
- Credit for tap fees paid over \$10,000. *It is not clear in the proffers how the credit system would function from permit to permit and from phase to phase of the development. Also, it is not clear if it is legally permissible to allow tap fee credits in a proffer.*
- Credit for right-of-way dedications.
- Credit for land dedication along Shenandoah Shores Road.
- Credit for cost of construction of Phases 2 – 4 of the East/West Connector Road.

East/West Connector Road: The current proffers include the East/West Connector Road. FRLP is required to build Phases 1-4 of the East/West Connector road in the current proffers if the Town chooses to build Phase 5 of the East/West Connector Road. FRLP must build Phases 2 – 4 by the 200th permit and the Town must decide to build Phase 5 within 1-year of the first subdivision plat. The following major concerns complicate these scenarios for both parties:

- The current proffers allows development to stop at the 199th house, and under such circumstances, the requirement to build Phases 2 – 4 is eliminated, even if the Town has already built phase 5.
- The current proffers require the Town to provide FRLP with a credit for costs incurred in the construction of Phases 2 – 4 of the East/West Connector Road. This credit is applied to FRLP's per unit cash proffer noted above. However, it is not clear what will happen when the credits exceed the per unit contributions. This is a probable outcome considering the cost of the East/West Connector Road. *Could FRLP bill the Town for such additional costs for the off-site road improvements?*

Warren County: The current proffers provide a cash contribution to Warren County for public schools in the amount of \$5,500 per unit, minus a credit for a land dedication of a neighborhood park.

Shenandoah Shores/Happy Creek Road: The current proffers require FRLP to pay \$225,000 towards a traffic signal at Happy Creek Road and Shenandoah Shores Road. FRLP is also required to build a right and left turn lane onto Shenandoah Shores Road (update: left turn lane to be built with LRP/Middle School).

Other: The proffers include a number of other minor provisions, such as Energy Star Compliance Homes, Design Modifications Standards, Closure of Mary Shady Lane (if possible), Open Space, House Construction Phasing, Community Design, etc.

Quick Summary of Proposed Changes

Proffer Section Reference	Page	Summarization of the Proposed Change
Preamble	1	<i>Adds acreage, revision date and includes 604-acre property.</i>
Section 1 (Land Use)	2	<i>No change.</i>
Section 2 (Phasing)	2	<i>No Change.</i>
Section 3 (Water & Sewer)	2	<i>No change.</i>
Section 4 (Stw. Mgmt. & Env.)	2-3	<i>No change.</i>
Section 5 (Community Design)	3	<i>No change.</i>
Section 6 (Creation of HOA & POA)	3-4	<i>No change.</i>
Section 7 (Home Construction)	4	<i>Removes requirement that homes must be Energy Star approved. Appliances would remain Energy Star but the homes would not be certified. FRLP wants to remove this requirement primarily due to expenses.</i>
Section 8 (Land Dedication)	4-5	<i>No change.</i>
Section 9 (Pedestrian & Park Fac.)	5-6	<i>No change.</i>
Section 10 (ROW Dedications & Reservations)	6-7	<i>1) Added language that the ROW width can be less than 100 feet if approved; 2) Clearer terms for the dedication of Phase 2 ROW added; 3) Removed language regarding the Town's option to move the intersection of the E/W Connector and Commerce Ave. location.</i>
Section 11 (Construction of East/West Connector)	7-9	<i>Removed 11.2 & 11.3 entirely, pertaining to the construction of the E/W Connector by the Town, or by FRLP at the expense of the Town.</i>
Section 12 (Shen. Shores Rd and Happy Creek Rd)	9-10	<i>1) Added language to clarify that the westbound right turn lane on Happy Creek Rd. will be at least 50' in length; 2) Added language that the road improvement obligations are not required if done by others; 3) Added language to clarify when the funds for the traffic signal will be paid to Town.</i>
Section 13 (Cash to Town)	10-12	<i>1) Adds language to the effect that both parties agree that the tap fees serve a public purpose/benefit (drafted by Town Attorney but with an understanding that the credit concept would be removed from the proffers which was pulled by FRLP). 2) Removed the credit for costs incurred by FRLP for the construction of Phases 2 – 4 of the East/West Connector Road; 3) Removed language related to FRLP building Phases 2-4 of the E/W Connector Road at the expense of the Town; 4) Added language to clarify that the Tap Fee Credit will not exceed the cumulative amount of cash proffers. See 06/13/16 Submission from Applicant.</i>
Section 14 (Cash to County)	12	<i>No change.</i>
Section 15 (Design Modifications)	12-13	<i>Removed design modification language entirely.</i>
Section 16 (Mary's Shady Lane)	13	<i>No change.</i>
Section 17 (Miscellaneous)	13	<i>No change.</i>
Section 18 (Open Space)	13	<i>No change.</i>
Section 19 (Escalator)	13-14	<i>No change.</i>
Signatures	15	<i>No change. The Town Attorney has commented that the proffers do not include language that the conditions run with the land.</i>

Most Significant Considerations With The Proposed Revisions

- **Removal of the East/West Connector Road – Transportation Planning**

The need for more than one public access road into the development was addressed in the original rezoning with the construction of the East/West Connector Road. The road is also an important planned collector road that would serve the entire area, including the subject property and FRLP's other 604-acre property. While the current proffers do not guarantee construction of the East/West Connector with this project, it does give discretion to Town Council. This is removed with the proposed revisions with the removal of the scenario where the East/West Connector is built with this project.

- **Removal of the East/West Connector Road – W/out Removal of the Tap Fee Credits.**

It appears that for all intents and purposes, the Town accepted a tap fee credit in the original rezoning to help defray the cost FRLP would incur with the construction of Phases 2 – 4 of the East/West Connector Road. This is coupled with the credit for all costs incurred by FRLP for the cost of construction of the East/West Connector Road. The intent was that FRLP would construct Phases 1 – 4 of the East/West Connector road without any direct costs to the Town. Regardless of how the numbers play out, it appears that the legal justification for the tap fees was the public benefit of the East/West Connector Road in lieu of the credits. The proposed revision removes the road but leaves in the credits. Legal concerns exist with the Tap Fee Credits in general being in the proffers. The proposed proffers intensifies this legal concern because the road is being removed, which is at least a justification of a public purpose for the Tap Fee Credit.

The Applicant's June 13, 2016 language revision appears to address most legal concerns regarding the "tap fee credits". Under the structure of the language, the Applicant would clearly pay the full tap fees, but for any amount over 10K the per unit proffer contribution amount is reduced.

- **199 House Cap.**

The current proffers cap the development at 199 houses until the East/West Connector Road is built. The proposed revision eliminates this. As noted under page 6, the Applicant can stop development at house number 199 and not be required to build Phases 2 – 4 of the East/West Connector Road. This is a risk to the Town in building Phase 5 of the road, since there is no guarantee that the applicant will complete the road.

- **Energy Star Certification.**

The current proffers require homes in the development to be Energy Star Certified. This is proposed to be removed in the Applicant's proposed revision.

JUNE 14, 2016 UPDATE:

The Planning Commission did NOT recommend approval of the proposed proffer revision in January. A copy of the Planning Commission minutes is attached that provides full commentary of the meeting. In short summary, the Planning Commission felt that they could not support the project without a plan for a second access road into the development, namely the East/West Connector Road. This position was also consistent with their original position in 2010 when they did not recommend approval of the project without a plan for the East/West Connector Road.

September 16, 2009: The Planning Commission recommended denial of the original FRLP rezoning application on September 16, 2009. At that time, the Planning Commission's motion included a recommendation to Town Council to continue working with FRLP to attempt to create a plan for the completion of the East/West Connector Road. This followed with the creation of the current proffers.

The core issue is largely the same as in 2009/2010 – *How do we realistically pay for the construction of the East/West Connector?* Unfortunately, the current proffers create issues for both the Town and the Applicant. From the Applicant's perspective, financing the cost of building Phases 2 – 4 of the East/West Connector with only 320 houses not feasible. From the Town's perspective, to realize the full construction of the East/West Connector with the current proffers the Town must commit to Phase 5 without assurance that the Applicant will complete the road, and without assurance that the Applicant will not attempt to recover costs from the Town if the Applicant does complete the road.

The applicant has proposed to revise the proffers, including the primary change of removing the entire scenario of the East/West Connector Road. While this does alleviate the issues with building the road in the current proffers, it does not address needed transportation planning for the project.

While the Applicant has been unwilling to coordinate the proffers of the 149-acre property with the 604-acre property, this may ultimately be the only way to lay-out a "big picture" plan to build the East/West Connector Road. The Applicant is now in the process of preparing a transportation plan for the 604-acre property. A rezoning application is forthcoming in the near future, and this may be a good opportunity to work with the Applicant on a realistic plan of development that will allow both projects to move forward while ensuring the needed transportation infrastructure is added when warranted.

June 13th Submission: Language changes were submitted on June 13, 2016 by the Applicant for Section 13. These changes do not address building the East/West Connector, but were submitted to address legal concerns discussed concerning how the "tap fee credits" in the current proffers will be implemented. The new language ensures that the tap fees are paid in full at the time of permit and clarifies how the per unit proffer amount will be reduced for water and sewer utility connection fees paid in excess of 10K dollars.

ORDIS-06-224

R209-02-64
Proffer Amendment

Front Royal Limited Partnership

Mr. Jeremy Camp
Director of Planning
Town of Front Royal, VA.
Front Royal, Va. 22630

Dear Mr. Camp,

As you are well aware FRLP would like the Town to consider an amendment to its 2010 proffer statement, and an amendment to the Town's R1-A ordinance in Chapter 175.

FRLP 2010 Proffer Statement R209-02-64 Proffer Amendment

I believe our 2010 proffer statement creates such uncertainty on both sides that the most beneficial thing to do for both parties is to eliminate the ambiguous language. It is very difficult to consider moving forward with any part of our project with such uncertainty over possible interpretations, as you and I have discussed on many occasions since 2013. As such it is my hope that we may move this forward relatively quickly. My intent with this amendment request is that it might ease concerns on the part of the Town moving forward while also assuring the Town that our proffer dollars will be directed at the Leach Run Parkway project. However, as discussed we are not willing to reopen negotiations on the proffers rather we see this as an opportunity to clarify them to address staff's stated concerns on how they might be interpreted to the Town's detriment.

In support of this request please find attached 1.) a redline version of the proffer statement, and 2.) a table with a brief description of each change.

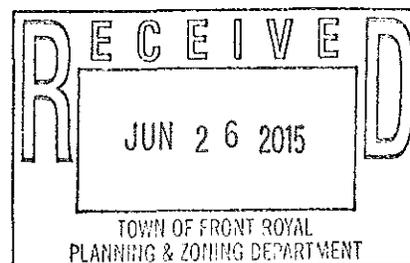
Amendment to the Town's R1-A Ordinance (Ch. 175) ORDIS-06-224

In support of this request please find attached a statement of justification in support of, and outlining the proposed changes as well as a background letter from 2010 at which time we had made these same requests.

In addition, and as you are aware, FRLP plans to submit changes to Chapter 148 as allowed under the recently updated language in the near future. However, based on our discussion with the P.C. last week I believe it might make sense to deal with these two requests first before diving back into the Chapter 148 issues. As always, any counsel you may have on the best way to move these forward, and how to do so in a timely matter, is greatly appreciated.

Best Regards,

David Vazzana
202-215-0038





COPY

OFFICIAL RECEIPT
WARREN COUNTY CIRCUIT
1 EAST MAIN STREET
FRONT ROYAL, VA 22630
540-635-2435

DEED RECEIPT

DATE: 10/13/10 TIME: 15:05:45 ACCOUNT: 187CLR100005293 RECEIPT: 10000010354
CASHIER: AMM REG: WK36 TYPE: OTHER PAYMENT: FULL PAYMENT
INSTRUMENT : 100005293 BOOK: PAGE: RECORDED: 10/13/10 AT 15:05
GRANTOR: FRONT ROYAL LIMITED PARTNERSHIP EX: N LOC: CO
GRANTEE: FRONT ROYAL LIMITED PARTNERSHIP EX: N PCT: 100%
AND ADDRESS :
RECEIVED OF : TOWN OF FRONT ROYAL
CASH: \$30.00
DESCRIPTION 1: PARCEL 5A F & R LIMITED PARTNERSHIP PAGES: 17 O/P 0
2: PROFFER STATEMENT NAMES: 0
CONSIDERATION: .00 A/VAL: .00 MAP:
PIN:
301 DEEDS 28.50 145 VSLF 1.50

TENDERED : 30.00
AMOUNT PAID: 30.00
CHANGE AMT : .00

CLERK OF COURT: JENNIFER R. SIMS

PAYOR'S COPY
RECEIPT COPY 1 OF 2

FRONT ROYAL LIMITED PARTNERSHIP – TOWN PROPERTY
TOWN OF FRONT ROYAL, VIRGINIA

REZONING: RZ09-02-64

PROPERTY: Parcel 5A as shown on "Plat Showing Vacation of Boundary Line on the Property of F&R Limited Partnership" and as recorded in the Land Records of Warren County as Instrument Number 060012763, (attached hereto and incorporated herein by reference as Exhibit 1)

PROPERTY OWNER: Front Royal Limited Partnership, a Virginia Limited partnership

APPLICANT: Front Royal Limited Partnership, a Virginia Limited Partnership

PROJECT NAME: To be determined at time of subdivision application

ORIGINAL DATE OF PROFFERS: February 20th, 2009

REVISION DATES: August 5, 2009
September 4, 2009
September 10, 2009
December 7, 2009
December 28, 2009
January 29, 2010

WARREN COUNTY, VIRGINIA
LAND RECORDS
000055 OCT 13 2009

The undersigned hereby proffers that the use and development of the subject property ("Property"), as described above, shall be in general conformance with the following conditions, which shall supersede all other proffers that may have been made prior hereto. In the event the above referenced rezoning is not granted as applied for by the Applicant ("Applicant"), these proffers shall be withdrawn and shall be invalid. In the event this application is denied by the Front Royal Town Council (the "Council"), such denial is appealed to a court of competent jurisdiction, and this rezoning application is thereafter remanded to the Council for reconsideration, then the Applicant may elect to readopt all or any portion hereof, in a writing specifically for that purpose; if no such election is made, these proffers shall be withdrawn and shall be invalid.

The headings of the proffers set forth below have been prepared for convenience or reference only and shall not control or affect the meaning or be taken as an interpretation of any provision of the proffers.

The improvements proffered herein shall be provided at the time of development of that portion of the Property adjacent to or including the improvement or other proffered requirement, unless otherwise specified herein.

The term "Applicant" as referenced herein shall include the present and all future owners and successors in interest. The term "building permit" as used herein shall mean a building permit issued for the construction of a single-family home on the Property.

1. LAND USE:

- 1.1. The Property shall be developed in general conformance with the regulations of the R1-A zoning districts, as it is set forth in the Town of Front Royal Code, or as may be otherwise approved by the Town of Front Royal or modified herein.
- 1.2. The total number of dwelling units shall not exceed 320 single-family dwellings.

2. PHASING

- 2.1. The Applicant shall construct no more than 48 single-family dwellings in any calendar year. Units not constructed in a calendar year may be constructed in subsequent years.
- 2.2. The first year in which development may commence shall be the date of approval of a preliminary plan for the Property.

3. WATER AND SEWER

- 3.1. The Property shall be connected to public water and sewer systems constructed at the Applicant's expense.

4. STORMWATER MANAGEMENT & ENVIRONMENT

- 4.1. Stormwater management on the Property shall be provided in accordance with the applicable regulations of the town of Front Royal and Warren County. In addition, Best Management Practices and low impact development technologies shall be used where reasonably practical, as determined by the Applicant, and permitted, to mitigate any adverse water quality impact on the Shenandoah River that may occur.

WARREN COUNTY, VIRGINIA
LAND RECORDS
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5. COMMUNITY DESIGN

5.1. The Applicant shall impose restrictive covenants for the overall community, which shall be recorded prior to the conveyance of the first parcel of the Property, and which shall be made available to staff upon request prior to recordation of any final subdivision plat. Among other things such covenants will address the overall continuity of design within the community through design standards for the following elements:

- 5.1.1. Custom mailbox design;
- 5.1.2. Standardized private residential fencing styles and color;
- 5.1.3. Custom designed street signage and stop signage;
- 5.1.4. Uniform site furnishing selection (trash receptacles and benches);
- 5.1.5. Standardized common area fencing style and color.
- 5.1.6. Permitted building materials.
- 5.1.7. Restrictions on the visibility of concrete block from streets within the development.

WARREN COUNTY, VIRGINIA
LAND RECORDS
000057 OCT 13 2009

6. CREATION OF HOMEOWNERS' AND PROPERTY OWNERS' ASSOCIATIONS

6.1. One or more homeowners' associations ("HOA") shall be created and shall be made responsible for the maintenance and repair of common areas, including any common open space that may be established in accordance with the requirements of the Town Zoning Ordinance or these proffers. Any such HOA shall be granted such other responsibilities, duties, and powers as are customary for such associations, or as may be required to effect the purposes for which such HOA is created. Such HOA shall be granted sufficient powers as may be necessary, by regular or special dues or assessment, to raise revenues sufficient to perform the duties assigned hereby, or by the documents creating the Association, and to perform rate studies necessary to determine dues, fees, and assessments as may be required.

6.2. In addition to any other duties and responsibilities as may be

assigned to it, the HOA shall have title to and responsibility for (i) common open space areas not dedicated to public use in accordance with these proffers and (ii) common buffer areas located outside of residential lots. It shall also have (iii) responsibility for the perpetual maintenance of any entrance feature (subdivision) signs, street, alleys and perimeter or road buffers located within any easements for those purposes to be granted to the HOA, and (iv) for maintenance of private streets and alleyways, if any.

7. HOME CONSTRUCTION

- 7.1. All homes shall be constructed using regionally appropriate Energy Star approved appliances, insulation, and windows. In addition, all homes shall qualify as an Energy Star approved home and carry the Energy Star label as determined by an independent third party approved by the United States Environmental Protection Agency.

8. LAND DEDICATION

- 8.1. The Applicant shall dedicate to the Town of Front Royal, under the conditions set forth below, a 1.75 acre site adjacent to Route 606, as such area is generally depicted on Exhibit 2 attached hereto and incorporated herein by reference, prepared by J. Duggan & Associates, dated September 4, 2009, and identified as "1.75-Acre Land Dedication" (the "Dedication Area"). A sight distance easement shall be reflected on the Dedication Plat, if required by VDOT at the time of dedication, so as not to impede or adversely affect design or approval of the Entrance Road (as defined below), and its connection to Route 606.
- 8.2. The Dedication Area shall be used by the Town and the Virginia Department of Transportation ("VDOT") for the construction of the Leach Run Parkway, or, at the Town's sole discretion, it may be further conveyed by the Town to Warren County, Virginia, for use as a fire and rescue station. If the Town elects to use the Dedication Area for construction of Leach Run Parkway and if the Town determines that additional right-of-way beyond the Dedication Area is necessary for Leach Run Parkway, the Applicant shall dedicate additional land to the Town solely for construction of Leach Run Parkway the "Additional Land Dedication"). Provided, however, that (i) such Additional Land Dedication shall not exceed two (2) acres in size and (ii) the Additional Land Dedication shall not impede or adversely affect design or approval of the Entrance Road (as

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WARREN COUNTY VIRGINIA
LAND RECORDS

defined below), and its connection to Route 606.

- 8.3. The Applicant shall execute a dedication plat within 18 months of the Town's delivery of a plat at the Town's expense, depicting by metes and bounds the Dedication Area (the "Dedication Plat"), provided that no such dedication shall be required prior to the issuance of the 25th building permit for the Property. Further, and notwithstanding the foregoing, in the event the Town does not request the aforesaid dedication prior to the issuance of the 300th building permit for the Property, the Applicant shall be relieved of its obligation to make the aforesaid dedication.

9. PEDESTRIAN AND PARK FACILITIES

9.1. Trails.

9.1.1. The Applicant shall construct a walking/jogging trail with a minimum width of 6 feet on one side of Phase 1 of the East/West Cross Connector as generally depicted on Exhibit 3 attached hereto and incorporated herein prepared by J2 Engineers, Inc. and entitled "Cross Connector Road."

9.1.2. In addition, if the Town approves all final subdivision plats for the development permitting sidewalks on one side of each street in the development, the Applicant shall construct alternative pedestrian walking trails within the development of a minimum length of .75 miles. The location of the walking trails shall be determined by the Applicant and depicted on any preliminary plat for the development of the Property. The construction of such walking trails shall occur either in phases in conjunction with the development of sections Property as depicted on the preliminary plat, or at one time, in the sole discretion of the Applicant. If such final subdivision plats are not approved with sidewalks on one side of each street of the development, the Applicant shall not be obligated to construct such additional trails, but in any event, the Applicant shall construct the trails as set forth in Proffer 9.1.1

- 9.2. Not later than the issuance of the 99th building permit for the Property, the Applicant shall construct a neighborhood park (the "Neighborhood Park") that shall consist of not less than four (4)

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acres but not more than ten (10) acres, and shall include a basketball court, a playground, and at least one multi-purpose playing field. The design and location of the Neighborhood Park and its associated amenities shall be in the sole discretion of the Applicant.

- 9.3. Alternatively and notwithstanding the foregoing, in the event the Town elects in writing prior to the issuance of the 25th building permit for the Property to require the Applicant to dedicate the Neighborhood Park to Warren County, and Warren County agrees in writing to accept such dedication and the maintenance responsibility for the Neighborhood Park and its amenities, the Applicant shall design, plat, and construct the Neighborhood Park and the amenities described above in accordance with the standards set by the Warren County Department of Parks and Recreation. In the event that the County declines to accept the aforesaid dedication, the Neighborhood Park shall be dedicated to an HOA created pursuant to Proffer 6, above.

10. RIGHT-OF-WAY DEDICATIONS AND RESERVATION

- 10.1. Entrance Road – Phase 1 of East/West Connector. The final subdivision plat (a “Record Plat”) for the first phase of the development of the Property shall include dedication of not less than 100 feet of right-of-way for an entrance road into the Property, the general location of which is depicted on the Exhibit 3 attached hereto and incorporated herein prepared by J2 Engineers, Inc. and entitled “Cross Connector Road,” with such road identified thereon as Phase 1 (hereinafter the “Entrance Road”).
- 10.2. Phase 2 of East/West Connector. Prior to the issuance of the 1st building permit, Applicant shall make a reservation of not less than 100 feet of right-of-way to connect the Entrance Road to the southwestern boundary of the Applicant’s property located in Warren County, the general location of which is depicted on Exhibit 3 and identified thereon as Phase 2.
- 10.3. The final locations of the aforesaid roads shall be subject to modifications based on final engineering and approvals thereof by the Town and/or VDOT, final lot layout, and Town Code requirements. The Town shall have the option to move the intersection of the East/West Connector and Commerce Avenue to another location, in its discretion. The Town shall also have the option to notify the Applicant prior to approval of the first

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final record plat for the subdivision that the Town will not construct Phase 5 of the East/West Connector. If the Town elects not to construct Phase 5, then the per unit monetary contributions set out in Proffer 13.1 shall be paid to the Town for the construction of Leach Run Parkway.

11. CONSTRUCTION OF EAST/WEST CONNECTOR

11.1. Entrance Road – Phase 1 of East/West Connector.

11.1.1. The Applicant shall construct two (2) lanes of the Entrance Road to the first proposed street intersection in the subdivision prior to and as a condition of the issuance of the first building permit for the property or as otherwise required by Chapter 148 of the Town Code (“Subdivision Ordinance”). The Applicant shall have completed the construction of Phase 1 of the East/West Connector to the western property boundary prior to and as a condition of the issuance of the 75th building permit.

11.1.2. No individual single-family lot shall have direct driveway access to the East/West Connector.

11.2. Completion of the East/West Connector to ^{Commerce Avenue,} ~~Marrassas Avenue or 8th Street.~~

11.2.1. Phases 2 through 5 of East/West Connector. The general location of the right-of-way for the remaining phases of the East/West Connector are depicted on Exhibit 3 and generally described as follows:

11.2.2. Phase 2. The right-of-way for Phase 2 shall connect the Entrance Road with the southwestern boundary of the Applicant’s property located in Warren County.

11.2.3. Phase 3. The right-of-way for Phase 3 shall be co-located with the existing 50 foot easement running to the benefit of the Applicant, which easement is recorded in Deed Book 207 at Page 447.

11.2.4. Phase 4. The existing right-of-way for Phase 4 shall begin at the southern terminus of Phase 3 and end at the Norfolk Southern Railroad crossing as set out in Deed Book 118 at Page 443, which shall accommodate a two-lane rural collector road that

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meets VDOT standards to the southern terminus of Phase 5.

11.2.5. Phase 5. The right-of-way for Phase 5 shall be wide enough to accommodate a two-lane urban collector road that meets VDOT standards and shall run from 8th Street to or other location approved by the Town and across the Norfolk Southern right-of-way connecting to the street that was dedicated in Deed Book 118 at Page 443, and shall include the construction of two at-grade crossings that meet all applicable VDOT and Federal Surface Transportation Board safety requirements.

11.3. Subject to the following conditions, prior to and as a condition of the issuance of the 200th building permit, the Applicant shall construct a two-lane rural connector road that meets VDOT standards in the right-of-way for Phases 2 through 4:

11.3.1. prior to the recordation of the first final plat for the development of the Property, the Town shall have notified the Applicant in writing that it desires the Applicant to construct Phases 2 through 4;

11.3.2. the existing at-grade railroad crossing at Mary's Shady Lane and Happy Creek Road will have been closed or will have been authorized for closure by a court or other competent authority, or, alternatively, consent has been given by the necessary parties and governmental agencies for the construction of an at-grade intersection of Mary's Shady Lane and the East/West Connector;

11.3.3. the Town has used its best good faith efforts to design and construct a road within the Phase 5 right-of-way and the Norfolk Southern railroad crossing that is a part of Phase 5 as described above, provided that, if the Town elects not to construct the Phase 5 road as set forth above, the Applicant shall not be obligated to construct phases 2 through 4; and

11.3.4. within twelve months from the approval of the first Final Record Plat for the Property, the Town and the Applicant have entered into a mutually satisfactory memorandum of understanding which shall, among other things, include provisions delineating i) the

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parties' responsibilities with respect to construction of Phases 2-5 of the East/West Connector, ii) the Applicant's responsibility to assign any rights it has to the crossing of the railroad tracks that is a part of Phase 5 to the Town, and iii) provided that, pursuant to §§ 134-22 (J) and 134-30 (K) of the Town Code, no connection fee for sewer or water service shall be accepted by the Town prior to the issuance of a zoning permit and the approval of a building permit application for building development or conversion upon the lot or parcel of land to be served, the Applicant shall receive a dollar for dollar credit in the amount of all costs incurred by the Applicant in the design and construction of Phases 2-4 of the East/West Connector as provided in Proffer 11.2, and the Land Dedication as provided in Proffer 8.1 (with a minimum credit of \$110,000), the right-of-way reservation as provided in Proffer 10.2 (with a minimum credit of \$462,500). Such sums shall be a credit against the Applicant's Water and Sewer Tap fees in excess of the current cost thereof of \$10,000 per such unit. If the Town increases the aforesaid Water and Sewer Tap fees, then the Applicant shall be entitled to a credit against Water and Sewer Tap Fees in the amount of any increase above \$10,000.

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12. SHENANDOAH SHORES ROAD AND HAPPY CREEK ROAD

- 12.1. The Applicant shall construct a westbound right turn lane on Happy Creek Road at Shenandoah Shores within the existing right-of-way prior to the issuance of the 25th building permit for the Property
- 12.2. The Applicant shall construct an eastbound left turn lane on Happy Creek Road at Shenandoah Shores within the existing right-of-way prior to the issuance of the 50th building permit for the Property.
- 12.3. If the Town determines that a traffic light is warranted at Route 606 and Happy Creek Road, then the Applicant shall contribute \$225,000.00 to the Town of Front Royal for the construction of such traffic light. The Applicant shall not be required to make such contribution earlier than the issuance of the 50th building permit for the Property or later than the issuance of the 225th building permit for the Property.

13. CASH CONTRIBUTIONS TO TOWN OF FRONT ROYAL

- 13.1. In the event this rezoning is approved, the Applicant will pay to the Town of Front Royal, a per unit contribution of \$19,600 for each single-family dwelling unit in excess of 99 such units, which contributions shall be used by the Town solely for the planning, design, engineering, right of way acquisition and/or construction of Leach Run Parkway or the East/West Connector above.
- 13.2. The Applicant shall receive a dollar-for-dollar credit against the aforesaid per-unit contribution for the following costs actually incurred by the Applicant:
- 13.2.1. the engineering, design and construction costs associated with constructing Phases 2 through 4 of the East/West Connector, and
 - 13.2.2. any combined sewer and water connection and availability fees that exceed \$10,000 on a per-unit basis.
- 13.3. Prior to the issuance of the 99th building permit, and at the end of each phase of the development of the Property thereafter, an accounting of the credits accrued by the Applicant shall be undertaken by the Town, in cooperation with the Applicant, and the credits available for the future phases of the development shall be determined. The Applicant's obligation to make future per-unit contributions required by Proffer 13.1 shall be adjusted according to the dollar amount of the credits earned.
- 13.4. In the event the Town elects to have the Applicant construct Phases 2 through 4 of the East/West Connector as provided above, the per unit contribution set out in Proffer 13.1 shall be placed in third party escrow (such third party escrow agent and the escrow agreement to be mutually agreed upon by the Town and the Applicant), and shall be paid over to the Applicant to reimburse it for the actual audited cost of the engineering, design, and construction of the Phase 2 through 4 improvements. The Town and the Applicant shall enter into a mutually agreeable agreement that sets out responsibilities of the parties; provided that until such agreement is entered into, the Applicant shall not be obligated to make the Phase 2 through 4 improvements nor shall it be obligated to make further per unit contributions, and provided further that the Applicant shall not unreasonably condition or withhold

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approval of such agreement. After the Applicant completes such improvements, and if the actual audited cost of the engineering, design, and construction of the Phase 2 through 4 improvements do not exceed the escrowed contribution proffers and projected future proffer payments, the remaining per-unit contributions, if any, shall be made directly to the Town of Front Royal.

14. CASH CONTRIBUTIONS TO WARREN COUNTY, VIRGINIA.

- 14.1. In the event this rezoning application is approved, the Applicant will pay to Warren County, Virginia a per unit sum of \$5,500.00, prior to and as a condition of the issuance of an occupancy permit for each single-family dwelling constructed on the Property.
- 14.2. Notwithstanding the foregoing Proffer, the audited costs of the engineering, design, and construction of the Neighborhood Park as provided in these Proffers, shall be credited against the aforesaid per unit contribution, provided further that the Applicant shall be entitled to a credit for the dedication of the land therefor in the amount of \$320,000.

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15. DESIGN MODIFICATIONS

- 15.1. If, at the time of or prior to the approval of a preliminary subdivision plat for the Property, the Town approves amendments to the Subdivision and Land Development Ordinance, or approves modifications to or waivers of the standards set forth therein so permitting, the Applicant shall construct streets without curb and gutter.
- 15.2. If, at the time of or prior to the approval of the preliminary subdivision plat for the Property, the Town approves amendments to the Subdivision and Land Development Ordinance, or approves modifications to or waivers of the standards set forth therein so permitting, the Applicant shall construct:
- i) one-way local streets with a minimum pavement width of 16 feet;
 - ii) two way collector streets without on-street parking and a minimum pavement width of 18 feet;
 - iii) pavement widths of 20' with parking on one side for local

and cul-de-sac streets: and,

iv) pavement widths of 26' with parking on both sides for local, collector, and cul-de-sac streets; and

v) sidewalks on only one side of all streets within the development.

16. MARY'S SHADY LANE

- 16.1. If the Applicant fails to relocate Mary's Shady Lane, the Applicant shall revise its then current site or subdivision plan to reflect the continued existence thereof.
- 16.2. If the Applicant successfully relocates Mary's Shady Lane, then the Applicant shall connect Mary's Shady Lane to the Entrance Road no later than the 300th building permit for the Property. At no time during the construction on or development of the Property shall access be denied to persons using Mary's Shady Lane.
- 16.3. Applicant shall not utilize Mary's Shady Lane as a construction entrance for the Property.

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17. MISCELLANEOUS

- 17.1. Prior to the commencement of any land disturbing activities on the Property, the Applicant shall perform a Phase I Archeological Study for investigation of those areas previously identified on the Property as potentially sensitive in the "Phase IA Archeological Evaluation of the 830.4 Acre Vazzana Property, Front Royal and Warren County, Virginia," dated January 2004, prepared by Thunderbird Archeological Associates, Inc.
- 17.2. Any additional archeological features identified on the Property during the Phase I study shall be further evaluated in accordance with the Virginia Department of Historical Resources ("VDHR") guidelines.

18. OPEN SPACE

- 18.1. A minimum of 30% of the Property will be used for permanent open space. Such open space shall be inclusive of passive and active open space including all park land provided hereunder and stormwater management uses.

19. ESCALATOR

- 19.1. Monetary contributions as set forth in this Proffer Statement that are paid to the Town of Front Royal and/or Warren County after 24 months from the date of rezoning approval shall be adjusted in accordance with the Urban Consumer Price Index ("CPI-U"), as published by the United States Department of Labor. The adjustment shall be calculated from the CPI-U published most nearly to and following January 1st from that date 24 months after rezoning approval and the date the contributions are paid, subject to a cap of 3% per year, non-compounded.

SIGNATURES APPEAR ON THE FOLLOWING PAGE

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DAV



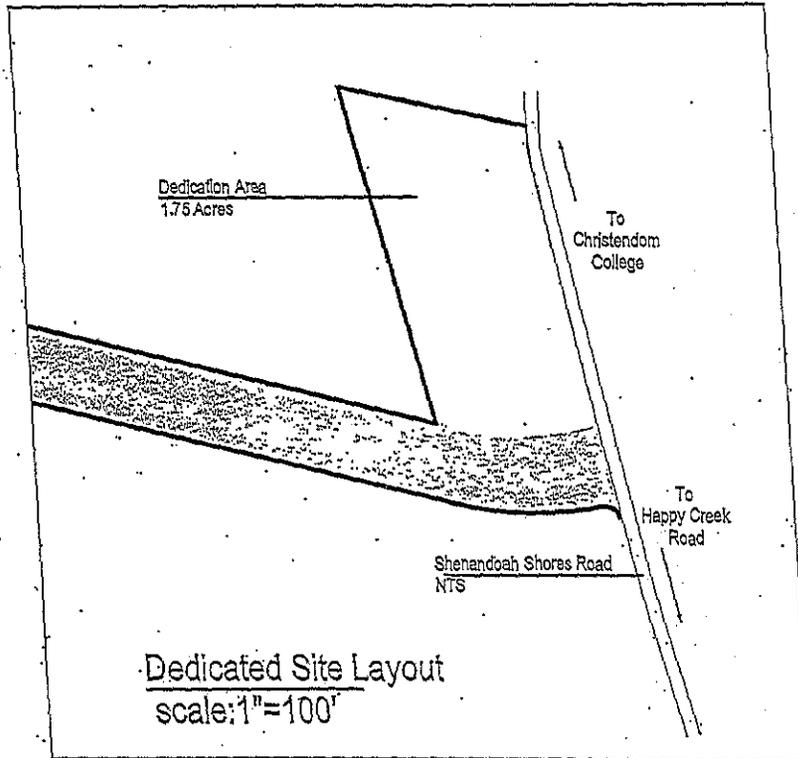
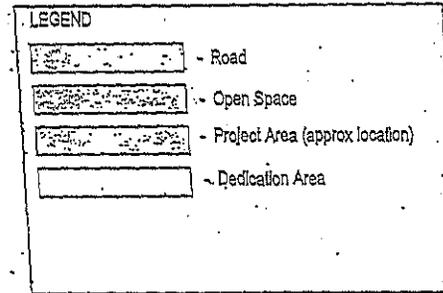
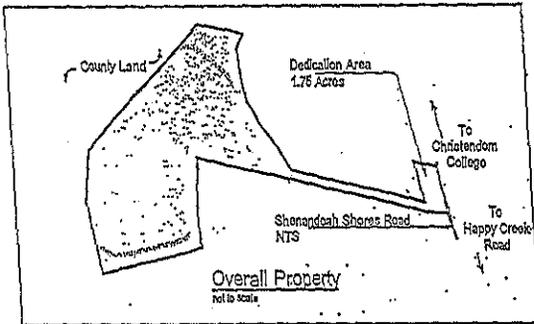
WARREN COUNTY, VIRGINIA
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Exhibit # 1

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Front Royal Limited Partnership
Rezoning
Proffer Exhibit # 2



No.	Date	Revisions
Design Firm		
J. Duggan & Associates Landscape Architects 161 Wood Hill Lane Winchester, VA 22602 (540) 674-2476		
Consultant		
Project Title		
Maplecroft		
Drawing Title		
Development Option "C"		
Project Manager		
J. Duggan, AIA		
Drawn By	Scale	as shown
TRWD		
Reviewed By	Drawing No.	
JD		
Date		
00-04-09		
CAD File		
		1 of 1
		Total Sheets

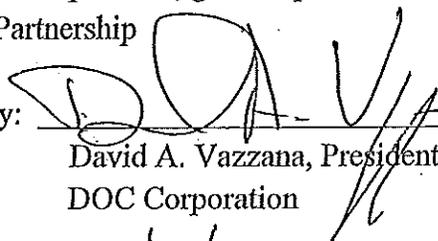
D.A.V.

OWNER:

FRONT ROYAL LIMITED PARTNERSHIP,
a Virginia Limited Partnership

By: MVA Limited Partnership, general partner of
Front Royal Limited Partnership

By: DOC Corporation, general partner of MVA
Limited Partnership

By: 
David A. Vazzana, President of
DOC Corporation

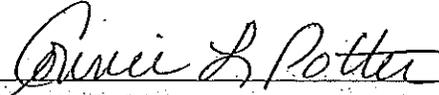
Date: 10/7/10

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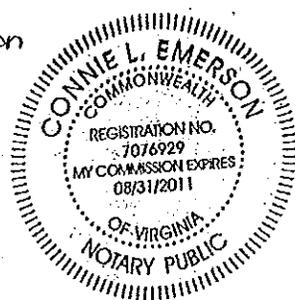
City/County of Warren
Commonwealth of Virginia

The foregoing instrument was acknowledged before me this
7th day of October, 2010 by DAVID A. VAZZANA

 I WAS COMMISSIONED
AS Connie L. Emerson
Notary Public

Notary registration number: 7076929

My commission expires: 8/31/2011



INSTRUMENT #100005293
RECORDED IN THE CLERK'S OFFICE OF
WARREN COUNTY ON
OCTOBER 13, 2010 AT 03:05PM

JENNIFER R. SIMS, CLERK
RECORDED BY: ANM

Am

Jeremy Camp

From: casador115@aol.com
Sent: Wednesday, December 2, 2015 1:17 PM
To: Jeremy Camp; Doug Napier; jsilek@lawsonandsilek.com
Subject: Proffer Redline
Attachments: Town_Proffer_Amendment_12_1_15_Clean.docx; Culpeper11.jpg

Follow Up Flag: Follow up
Flag Status: Flagged

Gentlemen,

I wanted to send a "clean" redline so to speak of the proffers. Basically I wanted to clean up formatting etc...

Attached:

1. A redline with all the same changes that were on the draft Mr. Silek circulated last week showing all the changes to the approved proffers (i.e. no highlighting etc). I made one change - 12.1 - by specifying the length of the turn lane (50') per our traffic study... We are also still open to suggestions the Town may have to improve this I just am trying to keep the intent/business terms etc. of the proffers intact... and my hope is that the legal concerns are at least met with Doug's added language...

2. Coming soon... to Main Street..?
(I couldn't help it - I just read about it in Fauquier County - and then I was in Culpeper last weekend)...

Hope everyone had a great Thanksgiving!

Dave

**FRONT ROYAL LIMITED PARTNERSHIP – TOWN PROPERTY
TOWN OF FRONT ROYAL, VIRGINIA**

REZONING: RZ09-02-64

PROPERTY: Parcel 5A, containing approximately 149.3 acres, as shown on “Plat Showing Vacation of Boundary Line on the Property of F&R Limited Partnership” and as recorded in the Land Records of Warren County as Instrument Number 060012763, (attached hereto and incorporated herein by reference as Exhibit 1)

—————In addition, and only to the extent of Proffer 10.2 and 10.3, the portion of the lands of F&R Limited Partnership, recorded as instrument number 030012690, consisting of approximately 604.8 acres, which was recently annexed into the Town of Front Royal, and is currently zoned A-1 District, and is not proposed for rezoning by the subject conditional rezoning.

PROPERTY OWNER: Front Royal Limited Partnership, a Virginia Limited partnership

APPLICANT: Front Royal Limited Partnership, a Virginia Limited Partnership

PROJECT NAME: To be determined at time of subdivision application

ORIGINAL DATE OF PROFFERS: February 20th, 2009

REVISION DATES: August 5, 2009
September 4, 2009
September 10, 2009
December 7, 2009
December 28, 2009
January 29, 2010

, 2016

The undersigned hereby proffers that the use and development of the subject property ("Property"), as described above, shall be in general conformance with the

following conditions, which shall supersede all other proffers that may have been made prior hereto. In the event the above referenced rezoning is not granted as applied for by the Applicant ("Applicant"), these proffers shall be withdrawn and shall be invalid. In the event this application is denied by the Front Royal Town Council (the "Council"), such denial is appealed to a court of competent jurisdiction, and this rezoning application is thereafter remanded to the Council for reconsideration, then the Applicant may elect to readopt all or any portion hereof, in a writing specifically for that purpose; if no such election is made, these proffers shall be withdrawn and shall be invalid.

The headings of the proffers set forth below have been prepared for convenience or reference only and shall not control or affect the meaning or be taken as an interpretation of any provision of the proffers.

The improvements proffered herein shall be provided at the time of development of that portion of the Property adjacent to or including the improvement or other proffered requirement, unless otherwise specified herein.

The term "Applicant" as referenced herein shall include the present and all future owners and successors in interest. The term "building permit" as used herein shall mean a building permit issued for the construction of a single-family home on the Property.

1. LAND USE:

- 1.1. The Property shall be developed in general conformance with the regulations of the R1-A zoning districts, as it is set forth in the Town of Front Royal Code, or as may be otherwise approved by the Town of Front Royal or modified herein.
- 1.2. The total number of dwelling units shall not exceed 320 single-family dwellings.

2. PHASING

- 2.1. The Applicant shall construct no more than 48 single-family dwellings in any calendar year. Units not constructed in a calendar year may be constructed in subsequent years.
- 2.2. The first year in which development may commence shall be the date of approval of a preliminary plan for the Property.

3. WATER AND SEWER

- 3.1. The Property shall be connected to public water and sewer systems constructed at the Applicant's expense.

4. STORMWATER MANAGEMENT & ENVIRONMENT

- 4.1. Stormwater management on the Property shall be provided in accordance with the applicable regulations of the town of Front Royal and Warren County. In addition, Best Management Practices and low impact development technologies shall be used where reasonably practical, as determined by the Applicant, and permitted, to mitigate any adverse water quality impact on the Shenandoah River that may occur.

5. COMMUNITY DESIGN

- 5.1. The Applicant shall impose restrictive covenants for the overall community, which shall be recorded prior to the conveyance of the first parcel of the Property, and which shall be made available to staff upon request prior to recordation of any final subdivision plat. Among other things such covenants will address the overall continuity of design within the community through design standards for the following elements:

- 5.1.1. Custom mailbox design;
- 5.1.2. Standardized private residential fencing styles and color;
- 5.1.3. Custom designed street signage and stop signage;
- 5.1.4. Uniform site furnishing selection (trash receptacles and benches);
- 5.1.5. Standardized common area fencing style and color.
- 5.1.6. Permitted building materials.
- 5.1.7. Restrictions on the visibility of concrete block from streets within the development.

6. CREATION OF HOMEOWNERS' AND PROPERTY OWNERS' ASSOCIATIONS

- 6.1. One or more homeowners' associations ("HOA") shall be created and shall be made responsible for the maintenance and repair of common areas, including any common open space that may be established in accordance with the requirements of the Town Zoning Ordinance or these proffers. Any such HOA shall be granted such other responsibilities, duties, and powers as are customary for such associations, or as may be required to effect the

purposes for which such HOA is created. Such HOA shall be granted sufficient powers as may be necessary, by regular or special dues or assessment, to raise revenues sufficient to perform the duties assigned hereby, or by the documents creating the Association, and to perform rate studies necessary to determine dues, fees, and assessments as may be required.

- 6.2. In addition to any other duties and responsibilities as may be assigned to it, the HOA shall have title to and responsibility for (i) common open space areas not dedicated to public use in accordance with these proffers and (ii) common buffer areas located outside of residential lots. It shall also have (iii) responsibility for the perpetual maintenance of any entrance feature (subdivision) signs, street, alleys and perimeter or road buffers located within any easements for those purposes to be granted to the HOA, and (iv) for maintenance of private streets and alleyways, if any.

7. HOME CONSTRUCTION

- 7.1. All homes shall be constructed using regionally appropriate Energy Star approved appliances, insulation, and windows. ~~In addition, all homes shall qualify as an Energy Star approved home and carry the Energy Star label as determined by an independent third party approved by the United States Environmental Protection Agency.~~

8. LAND DEDICATION

- 8.1. The Applicant shall dedicate to the Town of Front Royal, under the conditions set forth below, a 1.75 acre site adjacent to Route 606, as such area is generally depicted on Exhibit 2 attached hereto and incorporated herein by reference, prepared by J. Duggan & Associates, dated September 4, 2009, and identified as "1.75-Acre Land Dedication" (the "Dedication Area"). A sight distance easement shall be reflected on the Dedication Plat, if required by VDOT at the time of dedication, so as not to impede or adversely affect design or approval of the Entrance Road (as defined below), and its connection to Route 606.
- 8.2. The Dedication Area shall be used by the Town and the Virginia Department of Transportation ("VDOT") for the construction of the Leach Run Parkway, or, at the Town's sole discretion, it may be further conveyed by the Town to Warren County, Virginia, for use as a fire and rescue station. If the Town elects to use the Dedication Area for construction of Leach Run Parkway and if the Town determines that additional

right-of-way beyond the Dedication Area is necessary for Leach Run Parkway, the Applicant shall dedicate additional land to the Town solely for construction of Leach Run Parkway the “Additional Land Dedication”). Provided, however, that (i) such Additional Land Dedication shall not exceed two (2) acres in size and (ii) the Additional Land Dedication shall not impede or adversely affect design or approval of the Entrance Road (as defined below), and its connection to Route 606.

- 8.3. The Applicant shall execute a dedication plat within 18 months of the Town’s delivery of a plat at the Town’s expense, depicting by metes and bounds the Dedication Area (the “Dedication Plat”), provided that no such dedication shall be required prior to the issuance of the 25th building permit for the Property. Further, and notwithstanding the foregoing, in the event the Town does not request the aforesaid dedication prior to the issuance of the 300th building permit for the Property, the Applicant shall be relieved of its obligation to make the aforesaid dedication.

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9.1. Trails.

9.1.1. The Applicant shall construct a walking/jogging trail with a minimum width of 6 feet on one side of Phase 1 of the East/West Cross Connector as generally depicted on Exhibit 3 attached hereto and incorporated herein prepared by J2 Engineers, Inc. and entitled “Cross Connector Road.”

9.1.2. In addition, if the Town approves all final subdivision plats for the development permitting sidewalks on one side of each street in the development, the Applicant shall construct alternative pedestrian walking trails within the development of a minimum length of .75 miles. The location of the walking trails shall be determined by the Applicant and depicted on any preliminary plat for the development of the Property. The construction of such walking trails shall occur either in phases in conjunction with the development of sections Property as depicted on the preliminary plat, or at one time, in the sole discretion of the Applicant. If such final subdivision plats are not approved with sidewalks on one side of each street of the development, the Applicant shall not be obligated to construct such additional trails, but in any event,

the Applicant shall construct the trails as set forth in Proffer 9.1.1

- 9.2. Not later than the issuance of the 99th building permit for the Property, the Applicant shall construct a neighborhood park (the "Neighborhood Park") that shall consist of not less than four (4) acres but not more than ten (10) acres, and shall include a basketball court, a playground, and at least one multi-purpose playing field. The design and location of the Neighborhood Park and its associated amenities shall be in the sole discretion of the Applicant.
- 9.3. Alternatively and notwithstanding the foregoing, in the event the Town elects in writing prior to the issuance of the 25th building permit for the Property to require the Applicant to dedicate the Neighborhood Park to Warren County, and Warren County agrees in writing to accept such dedication and the maintenance responsibility for the Neighborhood Park and its amenities, the Applicant shall design, plat, and construct the Neighborhood Park and the amenities described above in accordance with the standards set by the Warren County Department of Parks and Recreation. In the event that the County declines to accept the aforesaid dedication, the Neighborhood Park shall be dedicated to an HOA created pursuant to Proffer 6, above.

10. RIGHT-OF-WAY DEDICATIONS AND RESERVATION

- 10.1. Entrance Road – Phase 1 of East/West Connector. The final subdivision plat (a "Record Plat") for the first phase of the development of the Property shall include dedication of not less than 100 feet of right-of-way, unless an alternative width is mutually agreed to by the Town and Applicant, for an entrance road into the Property, the general location of which is depicted on the Exhibit 3 attached hereto and incorporated herein prepared by J2 Engineers, Inc. and entitled "Cross Connector Road," with such road identified thereon as Phase 1 (hereinafter the "Entrance Road").
- 10.2. Phase 2 of East/West Connector. Prior to the issuance of the 1st building permit, Applicant shall make a reservation of not less than 100 feet of right-of-way, unless an alternative width is mutually agreed to by the Town and Applicant, to connect the Entrance Road to the southwestern boundary of the Applicant's property located in Warren County, the general location of which is depicted on Exhibit 3 and identified thereon as Phase 2. FRLP further agrees that upon notification from the Town of

the Town's intent to construct Phase 2, and the Town also having secured and allocated the necessary funding for the engineering and construction of phase 2, that FRLP shall dedicate the aforementioned right of way to the Town sufficient for the Town to construct Phase 2 of the cross connector road.

- 10.3. The final locations of the aforesaid roads shall be subject to modifications based on final engineering and approvals thereof by the Town and/or VDOT, final lot layout, and Town Code requirements. ~~The Town shall have the option to move the intersection of the East/West Connector and Commerce Avenue to another location, in its discretion. The Town shall also have the option to notify the Applicant prior to approval of the first final record plat for the subdivision that the Town will not construct Phase 5 of the East/West Connector. If the Town elects not to construct Phase 5, then the per unit monetary contributions set out in Proffer 13.1 shall be paid to the Town for the construction of Leach Run Parkway.~~

11. CONSTRUCTION OF THE ENTRANCE ROAD, THE FIRST PHASE OF THE EAST/WEST CONNECTOR

11.1. Entrance Road – Phase 1 of East/West Connector.

11.1.1. The Applicant shall construct two (2) lanes of the Entrance Road to the first proposed street intersection in the subdivision prior to and as a condition of the issuance of the first building permit for the property or as otherwise required by Chapter 148 of the Town Code (“Subdivision Ordinance”). The Applicant shall have completed the construction of Phase 1 of the East/West Connector to the western property boundary prior to and as a condition of the issuance of the 75th building permit.

11.1.2. No individual single-family lot shall have direct driveway access to the East/West Connector.

~~12.0. Completion of the East/West Connector to Manassas Avenue or 8th Street.~~

~~13.0.0. Phases 2 through 5 of East/West Connector. The general location of the right of way for the remaining phases of the East/West Connector are depicted on Exhibit 3 and generally described as follows:~~

~~14.0.0. Phase 2. The right of way for Phase 2 shall connect~~

~~the Entrance Road with the southwestern boundary of the Applicant's property located in Warren County.~~

~~15.0.0. Phase 3. The right-of-way for Phase 3 shall be co-located with the existing 50 foot easement running to the benefit of the Applicant, which easement is recorded in Deed Book 207 at Page 447.~~

~~16.0.0. Phase 4. The existing right-of-way for Phase 4 shall begin at the southern terminus of Phase 3 and end at the Norfolk Southern Railroad crossing as set out in Deed Book 118 at Page 443, which shall accommodate a two-lane rural collector road that meets VDOT standards to the southern terminus of Phase 5.~~

~~17.0.0. Phase 5. The right-of-way for Phase 5 shall be wide enough to accommodate a two-lane urban collector road that meets VDOT standards and shall run from 8th Street to or other location approved by the Town and across the Norfolk Southern right-of-way connecting to the street that was dedicated in Deed Book 118 at Page 443, and shall include the construction of two at-grade crossings that meet all applicable VDOT and Federal Surface Transportation Board safety requirements.~~

~~18.0. — Subject to the following conditions, prior to and as a condition of the issuance of the 200th building permit, the Applicant shall construct a two-lane rural connector road that meets VDOT standards in the right-of-way for Phases 2 through 4:~~

~~19.0.0. prior to the recordation of the first final plat for the development of the Property, the Town shall have notified the Applicant in writing that it desires the Applicant to construct Phases 2 through 4;~~

~~20.0.0. the existing at-grade railroad crossing at Mary's Shady Lane and Happy Creek Road will have been closed or will have been authorized for closure by a court or other competent authority, or, alternatively, consent has been given by the necessary parties and governmental agencies for the construction of an at-grade intersection of Mary's Shady Lane and the East/West Connector;~~

~~21.0.0. the Town has used its best good faith efforts to design~~

~~and construct a road within the Phase 5 right-of-way and the Norfolk Southern railroad crossing that is a part of Phase 5 as described above, provided that, if the Town elects not to construct the Phase 5 road as set forth above, the Applicant shall not be obligated to construct phases 2 through 4; and~~

~~22.0.0. within twelve months from the approval of the first Final Record Plat for the Property, the Town and the Applicant have entered into a mutually satisfactory memorandum of understanding which shall, among other things, include provisions delineating i) the parties' responsibilities with respect to construction of Phases 2-5 of the East/West Connector, ii) the Applicant's responsibility to assign any rights it has to the crossing of the railroad tracks that is a part of Phase 5 to the Town, and iii) provided that, pursuant to §§ 134-22 (J) and 134-30 (K) of the Town Code, no connection fee for sewer or water service shall be accepted by the Town prior to the issuance of a zoning permit and the approval of a building permit application for building development or conversion upon the lot or parcel of land to be served, the Applicant shall receive a dollar for dollar credit in the amount of all costs incurred by the Applicant in the design and construction of Phases 2-4 of the East/West Connector as provided in Proffer 11.2, and the Land Dedication as provided in Proffer 8.1 (with a minimum credit of \$110,000), the right-of-way reservation as provided in Proffer 10.2 (with a minimum credit of \$462,500). Such sums shall be a credit against the Applicant's Water and Sewer Tap fees in excess of the current cost thereof of \$10,000 per such unit. If the Town increases the aforesaid Water and Sewer Tap fees, then the Applicant shall be entitled to a credit against Water and Sewer Tap Fees in the amount of any increase above \$10,000.~~

23.12. SHENANDOAH SHORES ROAD AND HAPPY CREEK ROAD

23.1.12.1. The Applicant shall construct a fifty (50) foot westbound right turn lane on Happy Creek Road at Shenandoah Shores Road within the existing right-of-way prior to the issuance of the 25th building permit for the Property, unless such work is completed by others before such time, for example, as a part of the Leach Run Parkway Project and/or the Warren County Middle School

Project, and/or any other projects by the Town, County, V-DOT and/or any private entities.

23.2.12.2. The Applicant shall construct an eastbound left turn lane on Happy Creek Road at Shenandoah Shores within the existing right-of-way prior to the issuance of the 50th building permit for the Property, unless such work is completed by others before such time, for example, as a part of the Leach Run Parkway Project and/or the Warren County Middle School Project, and/or any other projects by the Town, County, V-DOT and/or any private entities.

23.3.12.3. If the Town determines that a traffic light is warranted at Route 606 and Happy Creek Road, then the Applicant shall contribute \$225,000.00 to the Town of Front Royal for the construction of such traffic light. The Applicant shall make payment of these funds within 90 days of notification from the Town of a warrant for the aforesaid traffic light, however, in no event shall the Applicant not be required to make such contribution earlier than the issuance of the 50th building permit for the Property or later than the issuance of the 225th building permit for the Property.

24.13. CASH CONTRIBUTIONS TO TOWN OF FRONT ROYAL

13.1. It is conclusively intended and agreed by the Town and the Applicant that the animating purpose of the entirety of this Section 13 and in the Proffer Statement in general is a transaction to promote the Town's governmental interests and purposes, in particular to develop and fund the East-West Connector Road and to develop residential housing and other improvements benefitting the Town's residents and visitors and Town's tax base in the Town, all at the predominant expense of the Applicant and Applicant's purchasers and successors in interest, rather than to advance and promote any private interests of the Applicant, and any expenditures, credits, offsets, or other characterizations of the transactions contained in this Section 13 and in the Proffer Statement in general are not the granting of the credit of the Town, directly or indirectly, under any device or pretense whatsoever, to the Applicant or to any successor in interest of the Applicant.

24.1.13.2. In the event this rezoning is approved, the Applicant will pay to the Town of Front Royal, a per unit contribution of \$19,600 for each single-family dwelling unit in excess of 99 such units, which contributions shall be used by the Town solely for the planning, design, engineering, right of way acquisition and/or construction of Leach Run Parkway or the East/West Connector

above.

24.2.13.3. The Applicant shall receive a dollar-for-dollar credit against the aforesaid per-unit contribution for the following costs actually incurred by the Applicant:

~~24.2.1. the engineering, design and construction costs associated with constructing Phases 2 through 4 of the East/West Connector, and~~

13.3.1. any combined sewer and water connection and availability fees that exceed \$10,000 on a per-unit basis, provided, however, that in no event shall this credit exceed the cumulative proffer amount of \$4,331,600, and adjusted according to Section 19 hereunder.;

~~24.2.2.~~

13.4. Prior to the issuance of the 99th building permit, and at the end of each phase of the development of the Property thereafter, an accounting of the credits accrued by the Applicant shall be undertaken by the Town, in cooperation with the Applicant, and the credits available for the future phases of the development shall be determined. The Applicant's obligation to make future per-unit contributions required by Proffer 13.24 shall be adjusted according to the dollar amount of the credits earned.

~~24.3. _____~~

~~24.4. In the event the Town elects to have the Applicant construct Phases 2 through 4 of the East/West Connector as provided above, the per unit contribution set out in Proffer 13.1 shall be placed in third party escrow (such third party escrow agent and the escrow agreement to be mutually agreed upon by the Town and the Applicant), and shall be paid over to the Applicant to reimburse it for the actual audited cost of the engineering, design, and construction of the Phase 2 through 4 improvements. The Town and the Applicant shall enter into a mutually agreeable agreement that sets out responsibilities of the parties; provided that until such agreement is entered into, the Applicant shall not be obligated to make the Phase 2 through 4 improvements nor shall it be obligated to make further per-unit contributions, and provided further that the Applicant shall not unreasonably condition or withhold approval of such agreement. After the Applicant completes such improvements, and if the actual audited cost of the~~

~~engineering, design, and construction of the Phase 2 through 4 improvements do not exceed the escrowed contribution proffers and projected future proffer payments, the remaining per-unit contributions, if any, shall be made directly to the Town of Front Royal.~~

25.14. CASH CONTRIBUTIONS TO WARREN COUNTY, VIRGINIA.

25.1.14.1. In the event this rezoning application is approved, the Applicant will pay to Warren County, Virginia a per unit sum of \$5,500.00, prior to and as a condition of the issuance of an occupancy permit for each single-family dwelling constructed on the Property.

25.2.14.2. Notwithstanding the foregoing Proffer, the audited costs of the engineering, design, and construction of the Neighborhood Park as provided in these Proffers, shall be credited against the aforesaid per unit contribution, provided further that the Applicant shall be entitled to a credit for the dedication of the land therefor in the amount of \$320,000.

26. DESIGN MODIFICATIONS

~~27.0. — If, at the time of or prior to the approval of a preliminary subdivision plat for the Property, the Town approves amendments to the Subdivision and Land Development Ordinance, or approves modifications to or waivers of the standards set forth therein so permitting, the Applicant shall construct streets without curb and gutter.~~

~~28.0. — If, at the time of or prior to the approval of the preliminary subdivision plat for the Property, the Town approves amendments to the Subdivision and Land Development Ordinance, or approves modifications to or waivers of the standards set forth therein so permitting, the Applicant shall construct:~~

~~i) one-way local streets with a minimum pavement width of 16 feet;~~

~~ii) two-way collector streets without on-street parking and a minimum pavement width of 18 feet;~~

~~iii) pavement widths of 20' with parking on one side for local and cul-de-sac streets; and,~~

~~iv) pavement widths of 26' with parking on both sides for local,~~

~~collector, and cul-de-sac streets; and~~

~~v) sidewalks on only one side of all streets within the development.~~

34.15. MARY'S SHADY LANE

~~34.1.15.1.~~ If the Applicant fails to relocate Mary's Shady Lane, the Applicant shall revise its then current site or subdivision plan to reflect the continued existence thereof.

~~34.2.15.2.~~ If the Applicant successfully relocates Mary's Shady Lane, then the Applicant shall connect Mary's Shady Lane to the Entrance Road no later than the 300th building permit for the Property. At no time during the construction on or development of the Property shall access be denied to persons using Mary's Shady Lane.

~~34.3.15.3.~~ Applicant shall not utilize Mary's Shady Lane as a construction entrance for the Property.

35.16. MISCELLANEOUS

~~35.1.16.1.~~ Prior to the commencement of any land disturbing activities on the Property, the Applicant shall perform a Phase I Archeological Study for investigation of those areas previously identified on the Property as potentially sensitive in the "Phase IA Archeological Evaluation of the 830.4 Acre Vazzana Property, Front Royal and Warren County, Virginia," dated January 2004, prepared by Thunderbird Archeological Associates, Inc.

~~35.2.16.2.~~ Any additional archeological features identified on the Property during the Phase I study shall be further evaluated in accordance with the Virginia Department of Historical Resources ("VDHR") guidelines.

36.17. OPEN SPACE

~~36.1.17.1.~~ A minimum of 30% of the Property will be used for permanent open space. Such open space shall be inclusive of passive and active open space including all park land provided hereunder and stormwater management uses.

37.18. ESCALATOR

~~37.1.18.1.~~ Monetary contributions as set forth in this Proffer Statement that are paid to the Town of Front Royal and/or Warren County

after 24 months from the date of rezoning approval shall be adjusted in accordance with the Urban Consumer Price Index (“CPI-U”), as published by the United States Department of Labor. The adjustment shall be calculated from the CPI-U published most nearly to and following January 1st from that date 24 months after rezoning approval and the date the contributions are paid, subject to a cap of 3% per year, non-compounded.

SIGNATURES APPEAR ON THE FOLLOWING PAGE

OWNER:

FRONT ROYAL LIMITED PARTNERSHIP,
a Virginia limited Partnership

By: MVA Limited Partnership, general partner of
Front Royal Limited Partnership

By: DOC Corporation, general partner of MVA
Limited Partnership

By: _____
David A. Vazzana, President of
DOC Corporation

Date: _____

Modified Section 13. Submitted June 13, 2016 by Applicant:

13. CASH CONTRIBUTIONS TO TOWN OF FRONT ROYAL

- 13.1. In the event this rezoning is approved, the Applicant will pay to the Town of Front Royal, a per unit contribution of \$19,600 for each single-family dwelling unit in excess of 99 such units, which contributions shall be used by the Town solely for the planning, design, engineering, right of way acquisition and/or construction of Leach Run Parkway or the East/West Connector above.
- 13.2. For the 1st house through the 99th house, any combined sewer and water connection and availability fees paid in excess of \$10,000 shall be calculated by the Town, in cooperation with the Applicant, prior to approval of the zoning permit for the 100th house, and such excess fees paid over \$10,000 for each houses 1 through 99 shall be applied proportionally so that the per unit contribution of 13.1 is reduced by an equivalent amount and proportionally for each of the remaining units.
- 13.3. The per unit amount specified above, under 13.1 and subject to the reductions in 13.2, for the 100th house to the 320th house, in the amount of \$19,600 per house, shall be reduced further at the equivalence of the amount of any combined sewer and water connection and availability fees that are paid in excess of \$10,000. Such reduction shall be calculated on a lot-by-lot basis, at the time that such sewer and water connection and availability fees are paid. For example, if any combined water and sewer connection and availability fees paid are \$15,000 at the time of application, then the Applicant would pay the required connection and availability fee of \$15,000 but only pay a per unit contribution fee to the Town in the amount of \$12,360 and minus any reductions pursuant to 13.2 (if any). Under no circumstances shall a credit be given to the Applicant if the sewer and water connection and availability fees paid in excess of \$10,000 exceeds the per unit contribution.

**Planning Commission
Town of Front Royal, Virginia**

January 20, 2016

Present: **Deborah Langfitt, Chairman**
 Douglas Jones, Vice Chairman
 Christopher Morrison, Commissioner
 Jacob Meza, Commissioner
 David Gushee, Commissioner

Staff: **Jeremy Camp, Director**
 Darryl Merchant, GIS Analyst/Planner/Surveyor
 Douglas Napier, Town Attorney
 Connie L. Potter, Sr. Administrative Assistant

The January 20, 2016 meeting of the Planning Commission for the Town of Front Royal, Virginia was called to order by Chairman Langfitt at 7:00 p.m.

CITIZEN COMMENTS

There were no speakers present.

MINUTES

Commissioner Gushee moved, seconded by Vice Chairman Jones to approve the minutes.

VOTE: Yes – Langfitt, Jones, Morrison, Meza, Gushee

PUBLIC HEARING

- **ORD15-06-224.** A draft amendment to the Town Code, titled “R-1A Cluster Development Option”, including modifications to Town Code Sections 175-18.1 through 175-18.7, and the addition of Section 175-18.8.

Mr. Camp explained this was initially submitted as a request by Front Royal Limited Partnership (FRLP). Over a series of work sessions the draft underwent modifications. It proposes a code change that would allow for a cluster development option in the R1-A Zoning District. It would allow for the option to group houses closer together on smaller lots. The design standards incorporate additional requirements if this option is chosen,

which would include the requirement of additional open space and additional recreational amenities.

There is also an alternative draft which was discussed at the work sessions as a possible alternative. It incorporates the same standards under a separate zoning district referred to as the R1-B Zoning District.

Chairman Langfitt stated that the purpose of a public hearing is not to converse or debate but to allow input from the public.

The public hearing was opened.

Chairman Langfitt noted that public speakers would be given three (3) minutes to speak.

Dave Vazzana, (FRLP) thanked Staff and the Planning Commission. Since the time the draft was submitted in June it has dramatically improved and he credited that to Jeremy Camp and Mr. Merchant.

There were no additional speakers.

The public hearing was closed.

Vice Chairman Jones moved, seconded by Commissioner Morrison to forward a motion for Town Council to adopt the proposed draft amendment, titled R1-A Cluster Development Option.

Commission members held a brief discussion regarding the R1-A and R1-B options.

VOTE: Yes – Gushee, Morrison, Langfitt, Meza, Jones

- **ORD15-10-226.** A draft amendment to the Town Code, titled I-2 District Use changes, including modifications to Town Code Sections 175-65.A. & 175-65.B.

Mr. Camp stated the draft amendment would amend the district uses allowed in the I-2 District. Specifically, it would allow business offices, professional offices, technology businesses and schools “by-right” vs. requiring a special use permit. This would largely impact the AVTEX development area and the Happy Creek Industrial Park.

The public hearing was opened.

There were no speakers present.

The public hearing was closed.

Commissioner Morrison moved, seconded by Commissioner Gushee to forward a recommendation to Town Council that the proposed changes to the I-2 District uses should be adopted.

VOTE: Yes – Meza, Jones, Morrison, Langfitt, Gushee

- **RZ15-06-72.** A proffer amendment request, submitted by Front Royal Limited Partnership (FRLP), to amend the proffers associated with rezoning application RZ09-02-64 (2009-2010).

Mr. Camp explained that this proffer amendment request was submitted by Front Royal Limited Partnership (FRLP) and applies to the 149-acre property owned by FRLP. This property underwent a rezoning in 2009/2010. The subject property is located north of Happy Creek Road and the Norfolk Southern Railroad, and it includes a pipe stem portion of the lot that extends to Shenandoah Shores Road that is planned to be the primary access point for future development of the property. It is now zoned R1-A.

A “proffer” is a voluntary offering by a landowner, and is often referred to as conditional zoning. The purpose of conditional zoning, or proffers, is to allow a landowner to make contributions (cash or noncash) to the locality that address the impacts of the proposed development. Often, proffers allow a rezoning to be approved that might not otherwise be approved due to negative impacts.

FRLP submitted the current version of the proffer amendment on December 2, 2015. The Planning Commission is tasked to provide comments to Town Council on these changes within 90 days.

The proffers do not apply to the 604-acre property recently annexed and zoned A-1, except to the extent of a proposed Right-of-Way reservation that falls on the 604-acres.

The proffers currently approved are quite lengthy and address a number of different elements. In short summary, the 7 most significant features of the current proffers include:

1. 320 maximum number of housing units;
2. Minimum 30% open space;
3. A proposed neighborhood park;
4. \$5,500 per unit to the County for public schools;
5. \$225,000 contribution towards the intersection of Shenandoah Shores Road and Happy Creek Road;

6. A right hand turn lane off of Happy Creek Road onto Shenandoah Shores Road; and
7. Contributions towards off-site transportation improvements that include two development scenarios and a complicated mix of credits and per unit cash contributions.
 - Under the first scenario, FRLP would build Phases 1-4 of the East/West Connector if the Town builds Phase 5. In this scenario FRLP would receive a number of credits that effectively eliminate any cash contributions to the Town, but the Town would receive a new connector road if FRLP chooses to build over 199 houses. The Town also must finance the construction of Phase 5 of the roadway.
 - Under the second and alternative scenario, if the Town chooses not to build Phase 5 of the East/West Connector Road the Town would receive \$19,600 per unit for houses #100-320. This is reduced by the amount of tap fees paid in excess of 10k and land dedication credits, but would provide funds to go towards the East/West Connector Road by the Town or Leach Run Parkway.

The changes proposed by FRLP in the proffer revision can be categorized into three types of changes.

1. Several language changes that add clarity to certain proffers. These changes are relatively minor in scope.
2. Elimination of the Energy Star Certification Requirement, and
3. Elimination of the East/West Connector Road scenario.

Legal concerns have been discussed in work session regarding the legality of certain aspects of the proffers, which is being evaluated by the Town Attorney. Regardless, the Planning Commission is tasked at providing review comments regarding the proposed changes to the proffers and by far the most significant change includes the elimination of the East/West Connector Road scenario. Removal of this scenario would eliminate the Town's current option of pursuing the construction of the East/West Connector Road as contemplated in the original proffers.

During the original rezoning, the Planning Commission did not recommend approval of the rezoning application at that time because the road completion was not addressed in the proffers reviewed at that time by the Planning Commission. The Planning Commission has historically stressed the importance of the East/West Connector Road as a necessary second access point to FRLP's development and a recommended transportation component of the Comprehensive Plan to provide access to the North East Planning Area of the Town.

The public hearing was opened.

Eva Challis, 646 Harris Drive, Front Royal, VA. Ms. Challis hoped that they would get the East/West Connector Road or a better transportation system. Shenandoah Shores Road is already a nightmare, because it is only one way in and out and to add more construction and more homes is hard to believe the Town is even considering this. Ms. Challis asked that the Planning Commission please caution and take their time to make sure we get safe and improved roads.

Dave Vazzana provided a summary of his comments. Those comments are below.

“First, I want to thank the Commission for the time it allowed us at its August 5th work session to present the two very different scenarios in our 2010 proffers. Although we were not expecting to present this issue that evening we did greatly appreciate the initial feedback/comments that we received and the time that was afforded us.

FRLP Perspective – and from the side of the podium – Virginia Growth....

In 2014 Virginia ranked 48th of all states in GDP growth, ahead of only Alaska and Mississippi, which saw their economic outputs drop. (Last year data is available)

Virginia lost 75,000 construction jobs during the recession. 8,000 of those jobs have been regained. (GMU, Center for Regional Analysis)

Between 1960 and 2010 the Commonwealth added an average 47,574 building permits annually – between 2009 and 2015 (thru Nov.) the Commonwealth averaged 25,976 new building permits per year. (U.S. Census)

To put these numbers in perspective, 8 of the 12 lowest years for total number of new building permits issued in the Commonwealth have occurred in the last 8 years. The three outliers are 1981-82 (16-18% interest rates) and 1960-61.

The 2009-2015 average is 46% below the 50-year (1960-2010) average and 43% below the total 1960-2015 (55-year) average of 45,342.

The absolute best business plan, or business strategy for the Town’s W&S systems, and the best way to keep rates as low as possible for existing customers is by adding new customers – and that is true even with ZERO tap fees.

The point tonight is – I believe that there are many opportunities for “win/win” outcomes for the Town in this entire N.E. planning area and with both FRLP projects – and I feel that finding them will be much more difficult in closed sessions.”

There were no additional speakers.

The public hearing was closed.

Vice Chairman Jones moved, seconded by Commissioner Morrison to approve the proposed proffer revision submitted by FLRP.

Commissioner Gushee presented a written statement. The statement reads as follows: As a member of the Planning Commission I've been involved in this proposed development for some seven years now. I think it is an important potential development; I want to look favorably on it, pending adequate resolution of the issues which we've heard about. I have come to know the applicant fairly well. I respect his integrity and I like some of his views on what he wants to see in the development as regards to lifestyle, recreational opportunities, and ecological sensitivity, among other values. He is a tough negotiator, but that's appropriate for a project whose ultimate cash flow will be around \$125 million dollars.

I think the most important variable in reviewing this application is the ultimate transportation infrastructure, as Eva has pointed out. For a development of this size, the Town ordinances require that there be two entrances to the local road network. Right now, there is only one.

When the Planning Commission reviewed the original application and associated proffers several years ago, we concluded that we would support the proposal only if it guaranteed a western-edge entrance and construction of a road parallel to Happy Creek Road to enter Town at 8th Street. The road was labeled the East-West Connector. The applicant worked hard with us to develop the appropriate proffer provisions. Unfortunately, it was not in his power to offer such a guarantee, since part of the necessary right-of-way was owned by the Town and County and would require commitment by the Town to participate in the completion of the Connector. The Planning Commission did not have the legal authority to commit the Town to any such proposal, and we don't now, so the proffer we ended up considering did not guarantee that the Connector would be built. As a result, we recommended to the Town Council that it not accept the proposed proffer.

We informed the Council in a separate communication that we would support the proffers if they included the aforesaid guarantee, the East-West Connector.

Council negotiated further with FRLP. The Planning Commission was not involved in those negotiations. Council and the Developer sought to negotiate a way to get a built-in guarantee that the Connector would be built. A scenario was added in which the Town would be required to build Phase 5 and the Developer would be required to build Phases 2 to 4. The Town would pay some of the Developer's costs for Phases 2 to 4 through a credit against the Water and Sewer Tap Fees in excess of the then-current fee of \$10,000. The tap fees are now around \$15,000 per dwelling unit and may rise further.

This description is grossly simplified compared to the actual document, but it identifies the key factor affecting my decision on the pending motion, namely that construction of the East-West Connector, in my view, should be contractually required.

It is now five years later. Preliminary efforts to implement the agreement have shown that there are lots of ambiguities in it, some of which might require court cases to resolve. The proposed proffer now before us, and the subject of this motion, was presented to the Town by the Developer in response to the ambiguities and uncertainties and, has been discussed earlier tonight, to learn more about the Town's willingness to commit to construction of the East-West Connector. The proposed proffer has removed the provision. So there would be no guarantee that there will be an East-West Connector either during build-out or even when build-out is complete. Further, there would be no commitment on the Town's part to do what it would have to do to get the Connector built. Further, the credit against the tap fees remains in this amended proffer. Not only that, but the proposal specifies that that credit could be applied to costs outside this development associated with Leach Run Parkway and thus not helpful to the connector. Those conditions are unacceptable to me. So I will vote against the motion.

Vice Chairman Jones said he has been very impressed with the complexity and difficulty of dealing with this problem. He is sympathetic to the desire to develop property in this area. He expressed his concern of not getting a 2nd access road and feels that it is a critical part in the puzzle. If we can't see our way clear of recommending a development that would go ahead without that, he could not support that either.

VOTE: No – Jones, Meza, Gushee, Morrison, Langfitt

Chairman Langfitt asked staff to forward the staff report and the comments made in the record to Town Council and to request that Town Council have a joint work session with the Planning Commission to discuss what they voted on.

- **CA15-10-01.** A comprehensive plan amendment request, submitted by FRLP to adopt the Concept Plan for FRLP's 604-acre property that was recently annexed.

Mr. Camp stated that this was also a request submitted by Front Royal Limited Partnership, requesting that the Town adopt the Concept Plan for FRLP's 604-acre property as an addendum to the Comprehensive Plan.

This is the same concept plan that was included in your packet as Exhibit A from the Voluntary Settlement Agreement (VSA). Effectively it has already been approved to some capacity by the Town. Staff does not object to its adoption in the Comprehensive Plan and recommends approval of the request.

The public hearing was opened.

Eva Challis asked if this is requesting that the 604-acres be governed by the same changes that went for the 149-acres.

Doug Napier, Town Attorney explained that this was the 604-acres that was previously approved by the VSA.

Mr. Camp stated that the Town's Comprehensive Plan, Future Land Use Map recommends certain land uses for areas of the Town. The recently annexed property is not included on that map. However, we approved the concept plan when we annexed the property. Therefore the property appears to have a vested right associated with it and the applicant is requesting that we include that map as an addendum to our Future Land Use plan in the Comprehensive Plan.

There were no additional speakers and the public hearing was closed.

Commissioner Gushee moved, seconded by Commissioner Morrison to forward a recommendation of approval to Town Council for the adoption of FRLP's concept plan for their 604-acre property. Such plan is the same as that approved as part of the Voluntary Settlement Agreement approved as part of the annexation of the property.

Vice Chairman Jones asked if this will tighten the use possibility of changing the plans if plans come along and economics appear to be going in a different direction. Does this put it in more concrete than is already there?

Mr. Camp believes the original intent was that when FRLP submits in their zoning application we would address it concurrently with that. FRLP wanted to request that ahead of time. I do not see an issue with that. As far as whether or not it makes it more concrete, we are still dealing with the same plan we approved with the annexation. To some extent we have to continue to honor that, but it would be added into the Comprehensive Plan which would be of benefit to FRLP when they come forward with a rezoning application. In Mr. Camp's opinion, it does not lock us in to changing this plan in the future if we want to do a future Comprehensive Plan Amendment and make certain changes to it.

VOTE: Yes – Morrison, Langfitt, Jones, Meza, Gushee

CONSENT AGENDA

There were no items for review on the consent agenda.

NEW BUSINESS

There were no items for new business.

OLD BUSINESS

There were no items for old business.

PLANNING DIRECTOR'S REPORT

Mr. Camp reviewed the December monthly report that was included in the meeting packets. He noted that the annual report would be presented at a later time.

A work session is scheduled for February 3, 2016 at the Town Administration Building. The agenda will include review of the draft CIP and potentially review of Front Royal Limited Partnership's request for a special exception.

At the next regular Planning Commission meeting on February 17, 2016, at 7:00 p.m. in the Warren County Government Center, the Planning Commission will hold its annual organizational meeting. This is in accordance with the Planning Commission By-Laws. During this meeting we will vote for the upcoming years Chairman and Vice Chairman.

A meeting with Staff, the Northern Shenandoah Valley Regional Commission and the Project Management Team is scheduled for 6:00 p.m., January 21, 2016. This is in regards to the Downtown Revitalization Project. During this meeting members will vote on reaching a consensus on the content of the revitalization plan and how to spend funding from the grant that was awarded for that program.

The BZA did not meet over the past month.

On Friday, January 15, 2016 the BAR met and approved plans for a new house on Virginia Avenue, conditioned that the plans be amended to include hardiplank siding in lieu of vinyl siding and the foundation be masonry to complement neighboring properties.

Commissioner Ballentine submitted his resignation from the Planning Commission today, January 20, 2016. He expressed his gratitude for the opportunity to have served on the Planning Commission. Commissioner Ballentine noted that there was a conflict in his

work that had arisen and he would be unable to attend future Planning Commission meetings.

COMMISSION MEMBER REPORTS

Commissioner Gushee said he appreciated Mr. Ballentine's service on the Planning Commission. Chairman Langfitt expressed that Mr. Ballentine would be missed.

ADJOURNMENT

Commissioner Gushee moved, seconded by Commissioner Morrison to adjourn the meeting.

VOTE: Yes – Morrison, Gushee, Langfitt, Jones, Meza

The meeting adjourned at 7:46 p.m.

Chairman Langfitt noted that there was not a work session following the regular meeting.

Connie L. Potter
Sr. Administrative Assistant

2

Town of Front Royal, Virginia Work Session Agenda Form

Date: June 20, 2016

Agenda Item: Special Use Permit – EDA – Royal Lane Apartments
Director of Planning & Zoning

Summary:

The Economic Development Authority (EDA), legally titled the Industrial Development Authority of Front Royal, has submitted a Special Use Permit (SUP) application (SUP16-04-264) to establish 36 apartments at the end of Royal Lane. The EDA intends to market the units as workforce housing. The site consists of approximately 3.6 acres, and is zoned C-1 (Community Business) District. Pursuant to Town Code 175-39.B., apartments with 4 or more units, or any number of apartments when located on the ground level, require an approved SUP.

The EDA has submitted a preliminary site plan with their SUP application. The preliminary site plan depicts the proposed layout of the project. There are three separate buildings proposed, each containing 12 apartment units. Utilities will need to be extended to the site from Royal Lane, and Royal Lane would also be extended to provide access to the apartments. The majority of such road extension is proposed to be a private drive, but will be recorded with a right-of-way reservation to authorize the Town to dedicate the road as a public street if determined by Town Council, such as if in the future the road is ever extended. A small portion of the proposed road is proposed to be dedicated to the Town up-front. This portion of the road is located on property owned by the adjoining lot. It was reserved for dedication to the Town in the past, and a dedication plat was submitted by the EDA’s attorney, and is attached. The Planning Commission Staff report is also attached, which include additional information on the project, including the traffic analysis information submitted by Pennoni Associates Inc. The Staff report includes 7 recommended conditions for the SUP.

The Planning Commission is scheduled to hold a public hearing on June 15th, which will be concluded prior to the Town Council Meeting.

Council Discussion: This agenda item is scheduled for a work session review on June 20, 2016, and is tentatively scheduled for the July 11th Town Regular Meeting.

Staff Evaluation: See the attached Staff Report and attachments.

Budget/Funding: N/A

Legal Evaluation: The Town Attorney will be available at the work session for questions.

Town Manager: The Town Manager will be available at the work session for questions.

Council Recommendation:

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

Work Session



**TOWN OF FRONT ROYAL
DEPARTMENT OF PLANNING & ZONING**



STAFF REPORT FOR THE JUNE 15, 2016 PLANNING COMMISSION MEETING

APPLICATION #:

SUP16-04-264

APPLICANT:

Pennoni Associates Inc.

SUMMARY OF REQUEST:

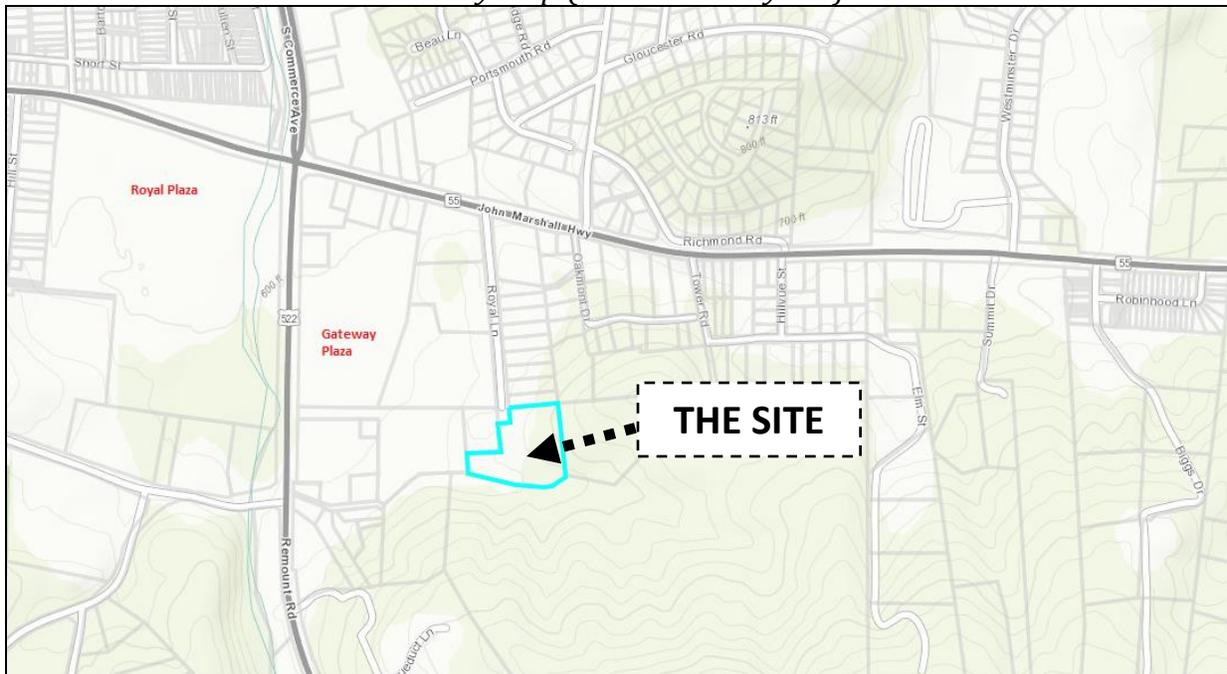
Pennoni Associates Inc., on behalf of the Economic Development Authority (EDA) has submitted this Special Use Permit Application for three 12-unit apartment buildings, including a total of 36 apartment units. The housing is intended to be owned by the EDA and rented for workforce housing in the community.

(See **Attachment 1 - Application**)

GENERAL INFORMATION:

<i>Site Addresses</i>	End of Royal Lane
<i>Property Owner(s)</i>	Walter L. Campbell (donating to EDA)
<i>Zoning District</i>	C-1 (Commercial) District
<i>Tax Identification</i>	20A17-1-14B
<i>Location</i>	The property is located at the end of Royal Lane, which is located South of John Marshall Highway between Gateway Plaza and Oakmont Drive.

Vicinity Map (Warren County GIS)

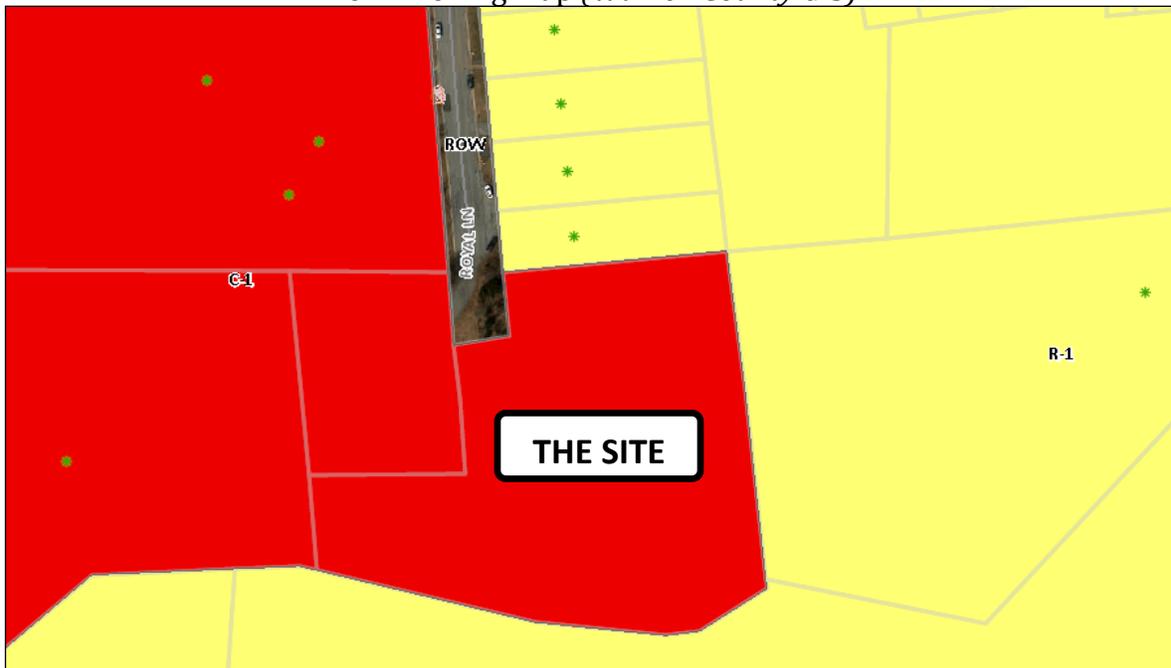


ILLUSTRATIONS

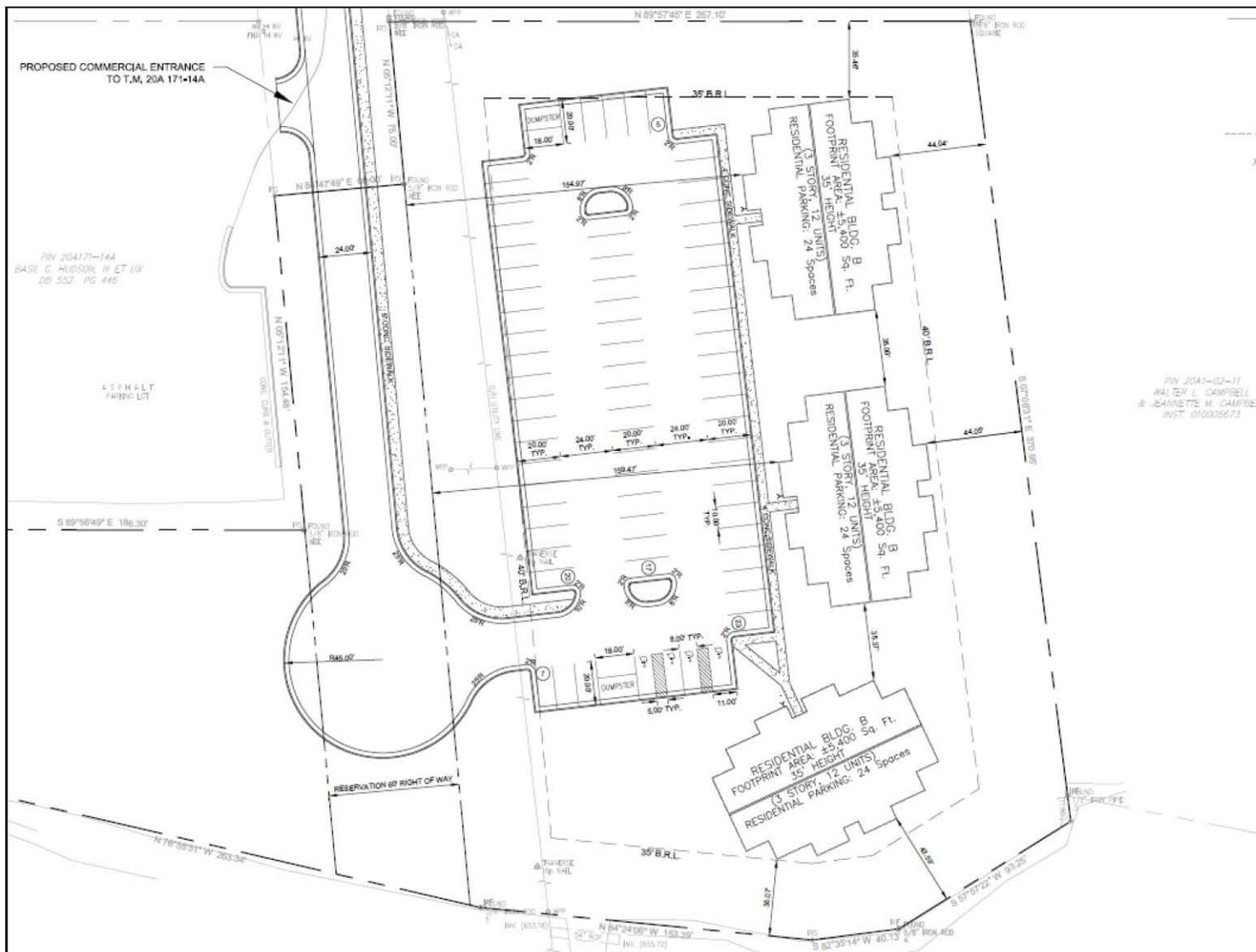
Aerial Map (Warren County GIS)

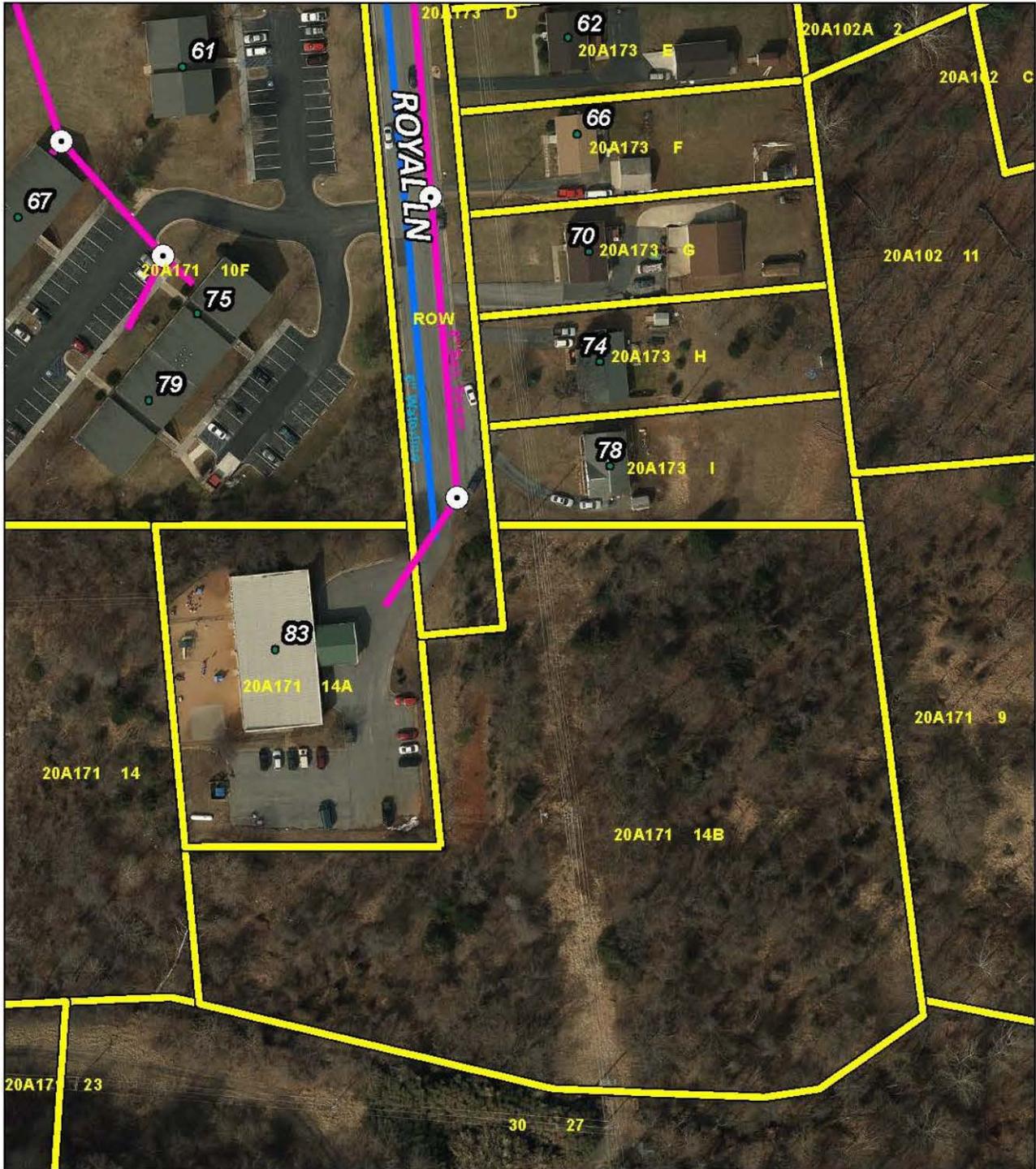


Town Zoning Map (Warren County GIS)



Preliminary Site Plan Snapshot





<p>MAY 2016</p>  <p><i>D.G. Merchant, Cartographer</i></p>		<p style="text-align: center;">Map Key</p> <ul style="list-style-type: none"> Sanitary Sewer Line Sanitary Sewer Manhole Waterline Town_Parcels_2016 	<p>AERIAL MAPPING</p> <h2 style="color: green; margin: 0;">ROYAL LANE</h2> <p>TOWN OF FRONT ROYAL, VIRGINIA</p>
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SUPPLEMENTAL INFORMATION:

Legal Review

The Town is authorized to require a special use permit for certain uses within any zoning district under the legal authority of Virginia Code §15.2-2286. Some specific uses are granted protection from regulation from localities by the Virginia Code, including agriculture uses, small scale conversion of biomass to alternative fuel, certain residential uses, private tents, farm wineries, assisted living facilities, and group homes.

The issuance of a special use permit is subject to such conditions as are deemed necessary by the Front Royal Town Council after recommendations of the Front Royal Planning Commission. Prior to an action by Town Council or a recommendation by the Planning Commission, a public hearing is required for special use permits.

A site plan application would be required prior to issuance of any permits for construction activity. The applicant has submitted a preliminary site plan with this special use permit as required by the Town Code.

Discussion of Preliminary Site Plan

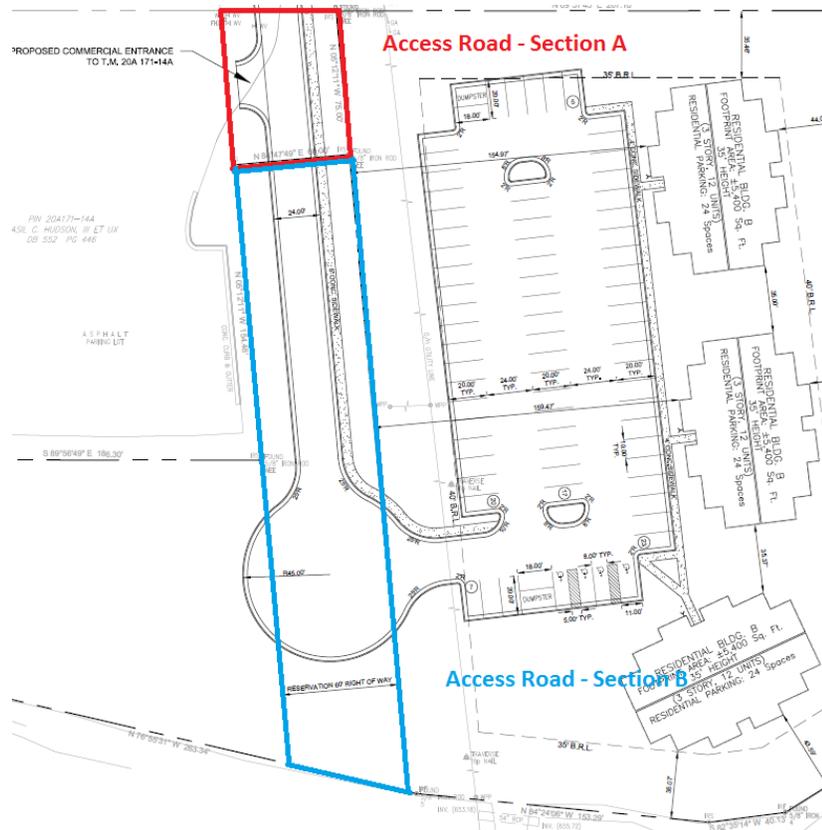
The preliminary site plan is attached with this report (See **Attachment 3**).

A bio-retention facility is proposed on the site. The location is illustrated on the preliminary site plan, but the stormwater facility still must be fully engineered for the final site plan approval. A permit from the Virginia Department of Environmental Quality (DEQ) will be required.

The Applicant's impact analysis reports that the site will require 7200 gallons per day of sewer flow, as well as water. The preliminary site plan does not include full engineering plans for the extension and service of utility connections. This will need to be completed on the final site plan and applicable connection fees will need to be addressed by the Applicant.

A sidewalk is illustrated on the east side of the proposed access road extension of Royal Lane. Curb & gutter is also included. The proposed access road extension of Royal Lane can be broken down into two sections (See illustration on the following page). The northern section, referred to herein as Section A, is illustrated as existing public right-of-way in the County and Town GIS systems. However, this section was only reserved for dedication to the Town by a plat dated March 25, 1995. Such reservation was created when the adjacent lot was subdivided from the property to create the current site of Meadowland Learning Center. With this application, the EDA has submitted a draft dedication plat to finalize the dedication of Section A (See **Attachment 2**). A new commercial entrance to the adjacent lot is also shown on the preliminary site plan within this area. The southern section of the access road, referred to herein as Section B, extends into the property and would be reserved for dedication by the Town. Such dedication to the Town would be

needed if the Town ever decides to extend Royal Lane to Remount Road to improve access and connectivity.



Town Code Section 148-820.H. prohibits dead-end streets, except as stubs to allow future extensions to adjoining land. It also limits cul-de-sac streets to a length of 800 feet in length and 25 lots. However, a Special Exception may be granted in accordance with Town Code 148-211.

The Applicant submitted an impact analysis statement prepared by Pennoni. This report shows that Royal lane is presently estimated with an average daily traffic count of 1,502 vehicles. This calculation is based on the existing uses, including 9 single family dwellings, 90 apartment dwellings, a 7,000 square foot day care facility, and a professional office building of 10,000 square feet. The proposed development is estimated to generate 252 average daily vehicle trips, bringing the total for Royal Lane to 1,754 ADT. Peak hour trips is estimated at 193 vehicles.

John Marshall Highway has a traffic count of 12,000 total trips (VDOT 2014). The Applicant's report addresses the estimated traffic at this intersection and identifies that a westbound left turn lane and right turn taper are warranted, based on VDOT's Road Design Manual. Pennoni's report identifies that the existing right-turn lane and center turn lane are adequate. The report also concludes that the traffic generated by the 36 apartment units would be significantly less than if it was developed with a commercial use, and that the residential development is more in keeping with the primarily residential character of the street.

Review Comments of the Preliminary Site Plan are noted below. A final site plan application will need to be submitted if the special use permit application is approved. The final site plan should adequately address all noted review comments.

A. PLANNING & ZONING REVIEW COMMENTS

1. **General Detail Requirements for a Site Plan.** If the SUP is approved by Town Council, a site plan application is required prior to issuance of zoning and building permits by the Town and County. The site plan is required to include the contents of Town Code 148-1020.
2. **ROW Dedication.** The area shown as right-of-way that is located on Tax map #20A171-14A (Basil C. Hudson), referred to above as Section A, should be dedicated to the Town so that the subject parcel has frontage on a public street.
3. **Electric Service.** Please show the proposed source of connection to the Town electric utility service lines, and confirm with the Department of Energy Services that existing capacity is adequate.
4. **Water & Sewer Utilities.** Please show the proposed source of connection to the Town water & sewer utility lines and confirm with the Department of Environmental Services that existing capacity is adequate. Please specify the size of the proposed water and sewer lines for review and evaluation of tap fees. Please show the location of water meters. Please seek input from the Department of Environmental Services regarding the appropriate locations for such meters.
5. **Recreational Area Details.** Please provide details of the proposed recreation area, including the amount of area and the type of amenities. Town Code 175-113.F.2 requires a minimum area based on the gross square feet of the proposed apartments. Based on the information on the site plan regarding the gross square feet, a minimum of 12,050 square feet of recreational space is needed. Town Staff would recommend a playground and sitting areas for adults. However, alternative ideas of the applicant can certainly be considered. Bicycle racks are also recommended.
6. **Building Elevation / Design.** It may be helpful for the Planning Commission and Town Council if you were to provide an illustration showing the intended design of the proposed apartment buildings.
7. **Dumpster Enclosure.** A dumpster enclosure is required around the proposed dumpsters.
8. **Building Height.** Town Code 175-113.D. stipulates a maximum height of 3 stories, but not to exceed 35 feet. The preliminary site plan shows that each building will be 35 feet, but specifies that the maximum height is 42'.
9. **Curb & Gutter Option for Parking.** Curb & Gutter is optional for the parking area perimeter.

10. **Cul-de-Sac length.** Approval of this development requires authorization of a special exception by Town Council. Such authorization would be allowed by the Town Code since the project targets affordable housing.
11. **Landscaping.** Landscaping is required, including Development Tree Plantings (156-6), Street Trees (156-7) and Parking Lot Landscaping (156-8). Please designate existing canopy areas on the site plan where trees can be preserved. This will reduce the amount of new landscaping required by 156-6.
12. **Lighting.** Please show all proposed lighting and ensure that such lighting is designed to minimize glare and is designed to meet dark-sky compliance standards or such equivalent standards.
13. **Project Narrative.** Please include a project narrative on the final site plan that explains the intent of the site to provide needed workforce to the community.
14. **Right-of-Way Reservation and Easement Area.** The reservation of the right-of-way should run with the land and authorize the Town to dedicate the right-of-way when, and if, decided by Town Council in the future. The area should also include an easement for utility and access purposes. A portion of the proposed cul-de-sac and cross slopes are located outside of the right-of-way reservation and easement area. Please extend the right-of-way reservation and easement area to include these additional areas, which would be needed if the roadway is modified and extended in the future.
15. **Fire Hydrants and Fire Suppression.** Please provide a fire hydrant(s) and fire suppression as necessary to comply with the building and fire codes. If sprinklers are required, an independent fire suppression line would be necessary and should be coordinated with the Department of Environmental Services.
16. **Roadway Width.** Royal Lane is currently between 39.5-39.6 feet in pavement width. It would be appropriate to extend the access road/potential future public right-of-way to more closely match the existing roadway. Based on the total ADTs for the road, Town Code 148-820.D.6. specifies a minimum roadway width of 36 feet, with the following specifications: *Surface Course: 1½" (SM 9.5A), Base Course: 3" (BM 25.0); and Subbase: 6" (21-B).*

B. TOWN DEPARTMENT OF ENERGY SERVICES

Staff has reviewed the plans for the proposed three (3) 12-unit Apartment buildings. Town Code 70-50.1 requires a charge of \$2,500 per building, for a total of \$7,500 for the 3 units.

C. TOWN FINANCE DEPARTMENT

Taxes are paid.

D. TOWN MANAGER

The following comments are provided for the subject SUP:

- 1) Sheet 3 – The proposed 24’ width for the street does not meet Town standards. Please refer to Town Standard Construction Detail RC-1.
- 2) Sheet 3 – Please confirm if a tot lot is to be provided.
- 3) Sheet 3 – Handicapped parking signs will be required at the designated spaces.
- 4) Sheet 3 – Provision of additional parking for visitors should be considered.
- 5) Sheet 3 – Please consider extension of sidewalk and placement of ramp for handicapped parking spaces; also include ramp at the terminus of the public sidewalk.
- 6) Sheet 4 – Please include standard typical section for extension of Royal Lane (Detail RC-1).
- 7) Sheet 4 – Please include standard typical section for sidewalk within the Right-of-Way.
- 8) Sheet 4 – Due to the elevation and planned two story design, please confirm if booster pumps are necessary to provide sufficient water pressure at the apartments.

E. TOWN DEPARTMENT OF ENVIRONMENTAL SERVICES

- A full utility plan of water and sewer is needed. Show line sizes, both existing and future. Provide water demand per unit/building.
- Provide details on needed water and sewer extension.
- Needs to meet all town standards – water, sewer and concrete.
- Concrete/Sidewalk – change 4” 21B to 6” 21B, add expansion joints every 50 feet, each side of manholes, inlets and driveways.
- Remove existing cul-de-sac and add curb.
- Include details for entrance road, including curb, concrete, sidewalk, and apron.

F. WARREN COUNTY DEPARTMENT OF FIRE & RESCUE SERVICES

4/28/15 - No notable comments.

1/12/16 – After review of the site/concept for Royal Lane Apartments (36 units) with regards to a single entrance/exit, the Department of Fire and Rescue Services provides the following comments: There is no objection with the site being restricted to a single entrance/exit. The fire apparatus access road, entrance and parking areas shall meet design standards and be approved by the Warren County Building Official and maintained in accordance with the Virginia Statewide Fire Prevention Code. Should you require additional information or further assistance, please let me know.

G. WARREN COUNTY DEPARTMENT OF BUILDING INSPECTIONS

Comments for SUP16-04-264 – Residential Apartments Royal Lane:

- Erosion and Sediment Control Items:
 - Application and permits are required for ESC permit, which would be a normal submission including a full plan review application.
 - The area of disturbance exceeds one (1) acre and requires a Stormwater permit through the Department of Environmental Quality (DEQ). Approval by DEQ is required prior to anything being issued by Warren County.
- Building Inspections Items:
 - This submission does not provide any real details of the structure that is being proposed, but the project will require permits to be obtained as normal for structure, electrical, plumbing, mechanical, etc. and it would be subject to review and approval prior to work beginning.

CONCLUSIONS & RECOMMENDED CONDITIONS:

The following conditions are recommended in association with this special use permit application. Condition #7 is a standard condition placed on all SUP applications with conditions:

- 1) The special use permit is only valid for 36 apartment units on the subject property, and includes a special exception to Town Code 148-820.H.3 for the proposed extension of Royal Lane as shown on the preliminary site plan. The apartment units shall be marketed as workforce housing.
- 2) The portion of the proposed access road extension of Royal Lane that is part of the adjacent parcel, identified as Tax Map Parcel 20A1-7-1-14A, shall be dedicated to the Town prior to issuance of any construction permits.
- 3) The remaining portion of the proposed access road extension of Royal Lane, as identified on the preliminary site plan, shall include all necessary access and utility easements, as well as a right-of-way reservation to the Town. Such reservation shall legally authorize the Town to dedicate the roadway as a public street when determined by Town Council, such as, but not limited to, when extension of the road is feasible.
- 4) All site improvements and utilities shall be constructed and paid for by the Applicant, and all applicable utility connection fees shall be paid at the time of application for a zoning permit to construct the apartments, unless otherwise waived by Town Council.
- 5) A complete final site plan application shall be submitted that adequately addresses the technical requirements of the Town Code and the review comments included in the staff report. Provided that the final site plan generally conforms to the preliminary site plan, as submitted with this application, Town Staff is authorized to approve the final site plan.
- 6) A playground, sitting area, and bicycle racks shall be provided. The playground shall meet the standards of the Public Playground Safety Handbook (2010), published by the U.S. Consumer Product Safety Commission, or comparable alternative standard approved by the Building Official and Planning Director.

7) Town Council, or other designated representative, may inspect the property at any reasonable time to ensure compliance with local regulations, including, but not limited to, the conditions placed on this special use permit. Upon inspection of the property, if it is found that the property is not in compliance with local regulations, including but not limited to, the conditions of this special use permit, the Town may revoke this special use permit after notice to the applicant and public hearing.

Attachments to Staff Report:

1) Attachment 1 – Application; 2) Draft Deed of Dedication

Town of Front Royal, Virginia

SPECIAL USE PERMIT APPLICATION MATERIALS

FOR REVIEW OF

ROYAL LANE APARTMENTS

March 2016

Prepared by:
Pennoni Associates Inc.
117 E. Piccadilly Street
Suite 200
Winchester, Virginia 22601

Phone: 540-667-2139 Fax: 540-665-0493



PENNONI ASSOCIATES INC.
CONSULTING ENGINEERS



TOWN OF FRONT ROYAL

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

Main: 540.635.4236

Fax: 540.631.2727

Internet: www.frontroyalva.com

SUP 16-04-264

SPECIAL USE PERMIT REQUEST

APPLICANT

NAME Pennoni Associates Inc. c/o Patrick Sowers PHONE 540-667-2139

ADDRESS 117 E. Piccadilly St., Suite 200, Winchester, VA 22601

E-MAIL PSowers@pennoni.com

PROPERTY DESCRIPTION

PROPERTY ADDRESS Royal Lane (vacant)

TAX MAP 20 SECTION A17 BLOCK 1 LOT 14B

SUBDIVISION NAME _____ ACREAGE 3.601

REQUEST

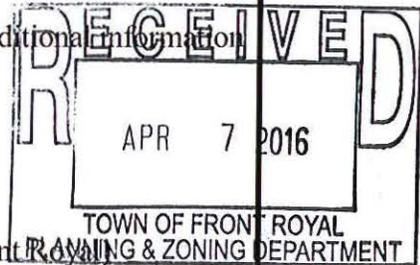
ZONING DISTRICT C-1

PROPOSED USE OF PROPERTY Residential Apartments

SPECIFIC SPECIAL USE PERMIT REQUEST Three 12 unit apartment buildings

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

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



CERTIFICATION

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

Signature [Signature] Date 4/7/16

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

Receipt # 349156 Date Paid 4-7-16

ROYAL LANE APARTMENTS – IMPACT ANALYSIS STATEMENT
March 29, 2016

The following is a summary of the proposed special use permit for Royal Lane Apartments which proposes 36 total apartment units comprised of three 3-story buildings on the vacant parcel at the existing terminus of Royal Lane within the Town of Front Royal (the "Town"). The project site totals 3.6 acres zoned C-1 (Community Business) and it identified by the Town as tax map parcel 20A171-14B (the "Property"). The development is proposed by the Economic Development Authority (the "EDA") to provide for needed workforce housing in the area. The Town of Front Royal Zoning Ordinance permits apartment developments containing four or more units within the C-1 Zoning District subject to approval of a Special Use Permit.

Proposed Development

The proposed development plan for the Property is depicted on the attached Preliminary Site Plan for Royal Lane Apartments. As shown, the project would consist of three buildings, each containing 12 apartment units, along with associated surface parking served by a southerly extension of Royal Lane. The proposed 36 apartment units represent a density of 10 dwelling units per acre. The extension of Royal Lane would be constructed to Town standards to provide for the future dedication of the roadway and its associated right of way through the Property, allowing for a extension of the roadway south of the project site at a future date, if desired.

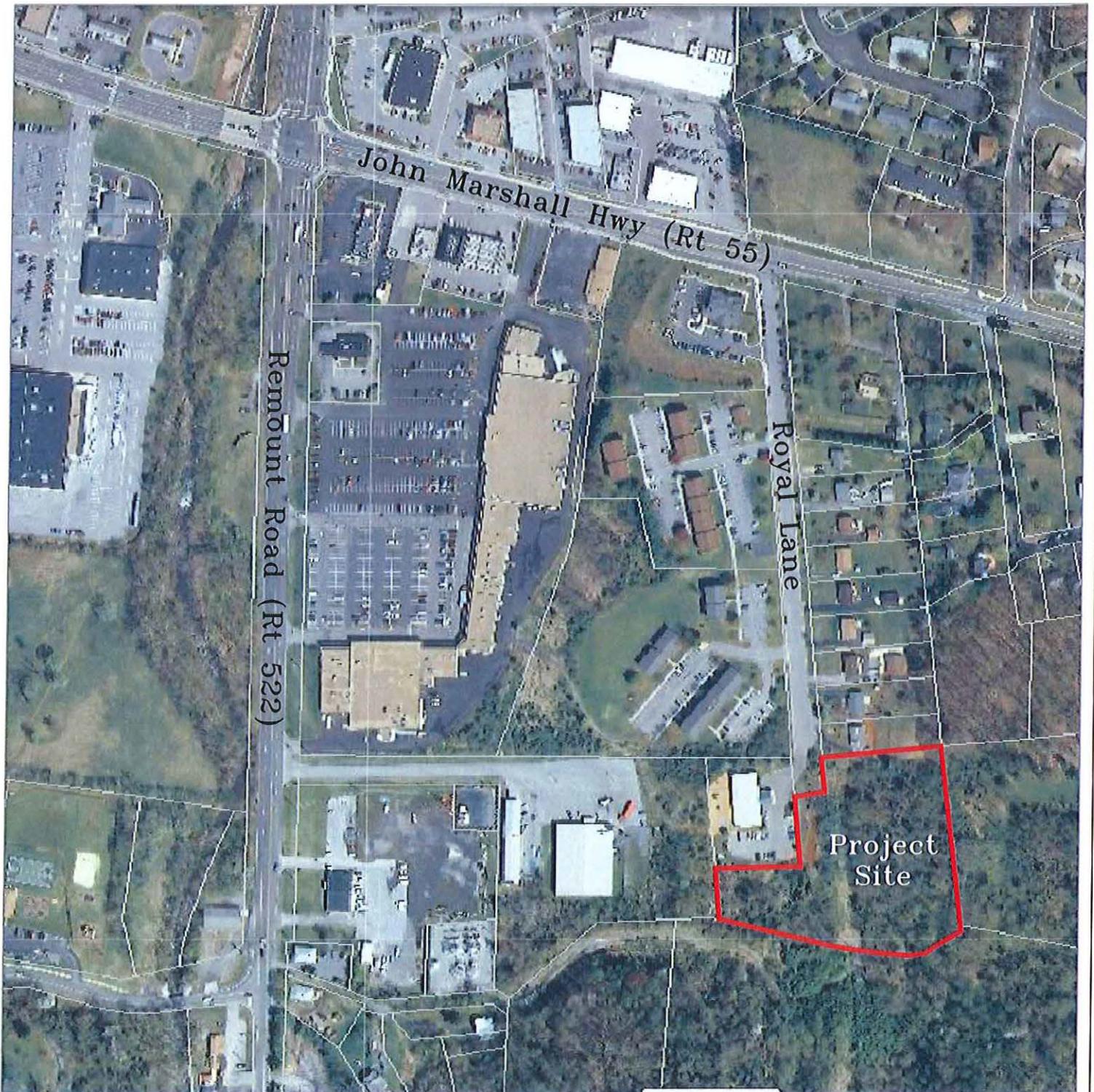
Site Location

A location map is attached as *Exhibit A*. As shown, the project is located at the existing terminus of Royal Lane approximately 1,100 feet south of the intersection of Royal Lane with John Marshall Highway (Route 55). Existing development along Royal Lane is predominantly residential in nature. Business type development on the roadway is limited to a professional office building located at Royal Lane's intersection with Route 55 as well as a day care facility located west and adjacent to the subject Property at the terminus of Royal Lane. The remaining development along Royal Lane includes apartments on the west side of the roadway and single family dwellings on the east side. The proposed apartment use for the Property would be consistent with the residential nature of Royal Lane.

A zoning map is attached as *Exhibit B*. The subject Property as well as all parcels located west of Royal Lane are zoned C-1 (Community Business) while the parcels located east of Royal Lane are zoned R-1 (Residential). Despite the commercial zoning for half the parcels fronting Royal Lane, the predominant development pattern is residential in the area. The proposed apartment use of the subject property would ensure that the project is developed in a manner that is consistent with the existing development pattern.

Site Characteristics

Sheet 2 of the attached preliminary site plan depicts the existing site conditions. The Property is currently vacant, wooded and includes an existing power line bisecting the site in a north/south direction. The Property contains sloping topography with a high elevation at its western boundary of 707 feet and a low elevation at the eastern property



Source: Warren Co. GIS

Royal Lane Apartments

Exhibit A - Location Map

TOWN OF FRONT ROYAL, VIRGINIA

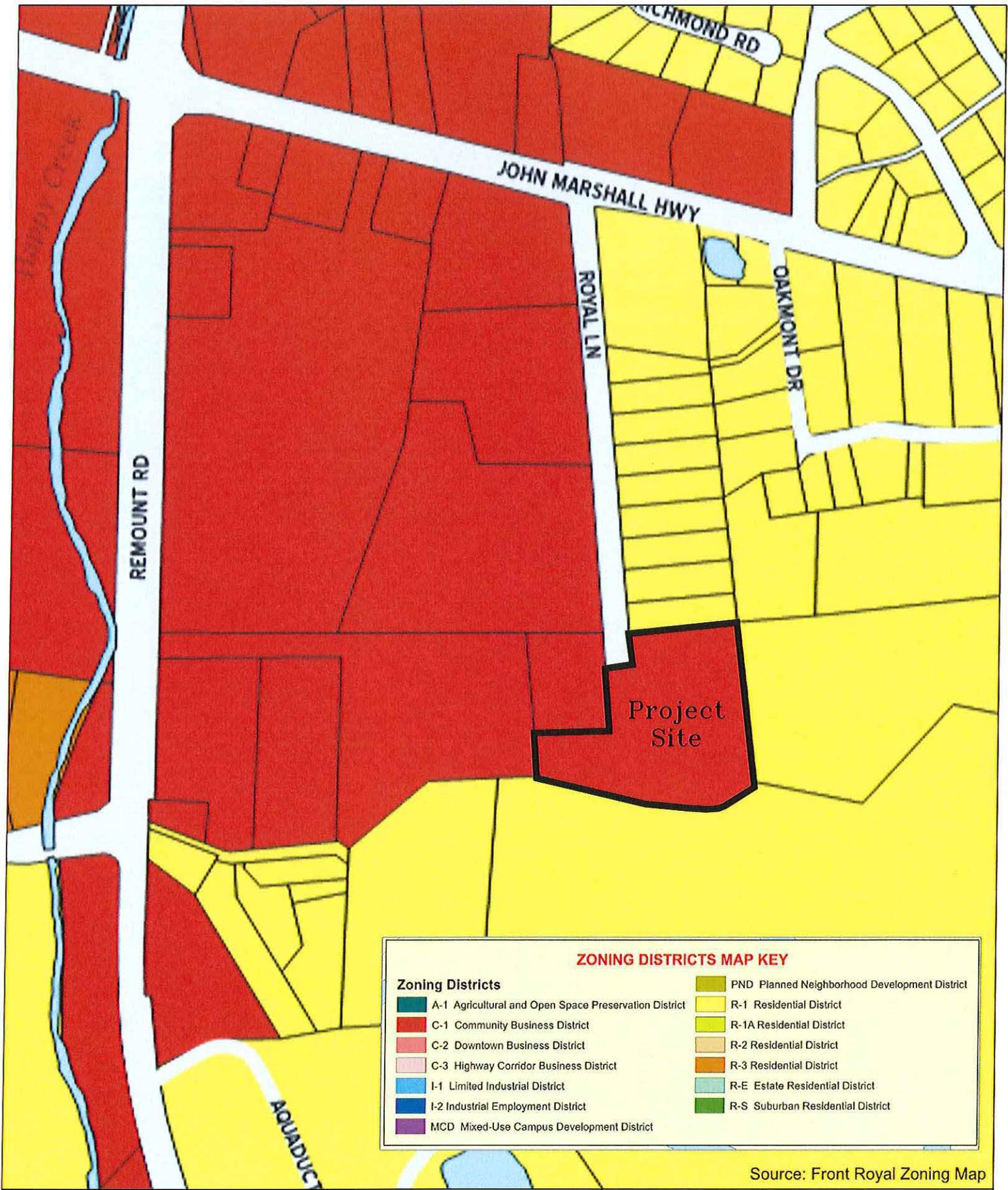
PENNONI ASSOCIATES INC.

117 E. Picadilly St. Winchester, Virginia 22601
 VOICE: (540) 667-2139 FAX: (540) 665-0493

Revised
 -

3/29/16

1"=300'



ZONING DISTRICTS MAP KEY

Zoning Districts	
 A-1 Agricultural and Open Space Preservation District	 PND Planned Neighborhood Development District
 C-1 Community Business District	 R-1 Residential District
 C-2 Downtown Business District	 R-1A Residential District
 C-3 Highway Corridor Business District	 R-2 Residential District
 I-1 Limited Industrial District	 R-3 Residential District
 I-2 Industrial Employment District	 R-E Estate Residential District
 MCD Mixed-Use Campus Development District	 R-S Suburban Residential District

Source: Front Royal Zoning Map

3/29/16
 Revised
 1"=300'

Royal Lane Apartments
Exhibit B – Zoning Map
 TOWN OF FRONT ROYAL, VIRGINIA

PENNONI ASSOCIATES INC.
 117 E. Picadilly St. Winchester, Virginia 22601
 VOICE: (540) 667-2139 FAX: (540) 665-0493

boundary of approximately 643 feet. The proposed development plan takes the sloping topography into account and would utilize a retaining wall with a maximum height of approximately 8 feet in proximity to the eastern property boundary.

Soils on the site are identified as Unison-Chagrín-Dyke soils which are characterized as deep, well drained soils that have a loamy or clayey subsoil. The specific soil type for the subject include Chester loam and Dekalb channery loam. Property. The characteristics of this soil type and any implications for site development are manageable through the site engineering process.

Pursuant to FEMA flood map numbers 51187C0116C and 51187C0118C, both with effective date June 3, 2008, the entire site is located in areas of minimal flooding outside of the 100-year and 500-year flood plain.

Access and Transportation

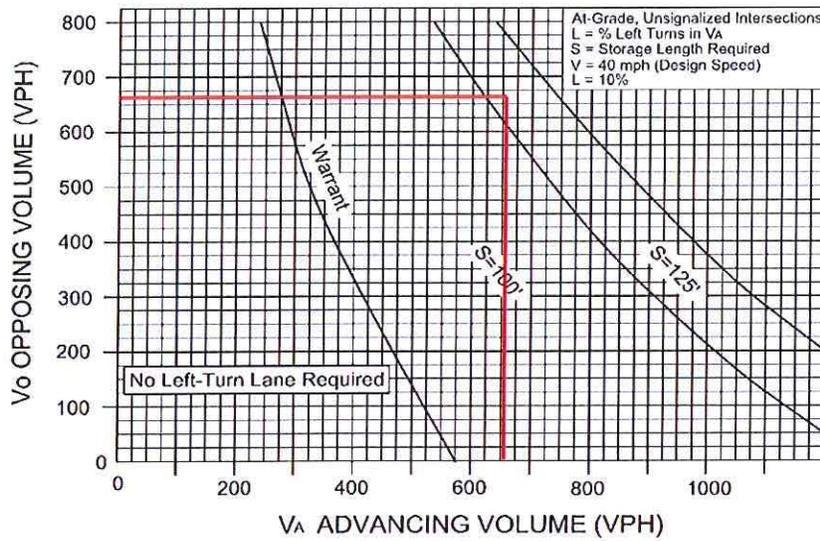
Access to the Property would be provided by an extension of Royal Lane into the Property. Currently, Royal Lane terminates at the northern property boundary. The proposed development plan would extend Royal through the Property to a cul-de-sac near the southern site boundary. A reserve area will be provided that would enable the dedication of the extension of Royal Lane through the site as a public street. The right of way reservation area extends to the southern property boundary, providing the opportunity for a future extension of Royal Lane if desired.

The proposed 36 apartment units would generate 252 average daily vehicle trips. Compared with the commercial uses that could be realized on the Property on a by-right basis, this special use permit application substantially reduces the trip generation potential for the site.

Other existing uses on Royal Lane include 9 single family dwellings, 90 apartment dwellings, a day care facility of approximately 7,000 SF, and a professional office building of approximately 10,000 SF. These existing uses would generate approximately 1,502 ADT (average daily trips). Combined with the 252 trips associated with the proposed 36 apartment units, the total traffic volume on Royal Lane would be approximately 1,754 ADT. Applying a peak hour factor of 0.11, the peak hour trips would be approximately 193 trips (97 trips in/96 trips out based on a 50/50 split of inbound and outbound movements).

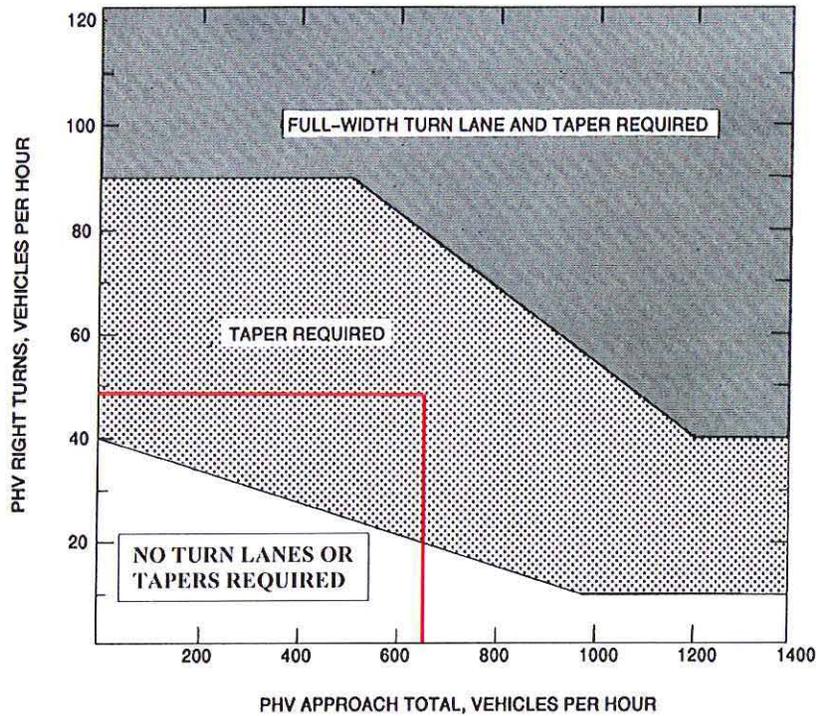
2014 VDOT traffic data identifies 12,000 total trips on John Marshall Highway at Royal Lane. Assuming a 50/50 split between eastbound and westbound trips results in 6,000 eastbound and 6,000 westbound trips resulting in 660 peak hour trips in each direction. Utilizing the VDOT Road Design Manual and 2014 VDOT Traffic Counts on John Marshall Highway (assuming a 50/50 split on eastbound and westbound trips), left and right turn lane warrants for the subject intersection are as follows:

Warrant for Left Turn Lane



Note: 125 Foot Left Turn Lane Required (Westbound Route 55).

Warrant for Right Turn Lane



Note: Right Turn Taper Required (Eastbound Route 55).

Photograph 1 and Photograph 2, provided below, depict the existing road improvements for John Marshall Highway at its intersection with Royal Lane. As shown, John Marshall Highway currently includes an eastbound right turn lane as well as a shared center turn lane which would accommodate westbound left turn movements onto Royal Lane. These existing improvements would satisfy the requirements for the right and left turn lane warrant analysis above.



Photograph 1. John Marshall Highway at Royal Lane (View facing east)



Photograph 2. John Marshall Highway at Royal Lane (View facing west)

Royal Lane is currently unstriped, but has sufficient pavement width to provide for separate turn lanes at its intersection with John Marshall Highway. *Photograph 3* depicts the existing improvements for Royal Lane at the subject intersection.



Photograph 3. Royal Lane at John Marshall Highway (View facing north).

Existing improvements are in place to accommodate the traffic generated by the proposed 36 apartment units. Moreover, the proposed special use permit would substantially diminish the traffic impact potential under the existing C-1 zoning for the Property. Accordingly, the minor trip generation associated with the proposal is manageable under existing road improvements.

Stormwater Management

Under existing conditions, the site drains from east to west. The proposed development program for the project would generally maintain the existing drainage pattern and direct stormwater flows to a stormwater management facility, likely a bio-retention filter to accommodate both stormwater quantity and quality requirements, at the southwestern limits of the project.

Sewage Conveyance and Water Supply

Using a standard rate of 200 gallons per day/dwelling unit it is projected that the proposed development would produce up to 7,200 gallons per day of sewer flow. Water usage would be approximately equivalent to the sewer flows. The site would be served by an extension of the existing water and sanitary facilities within Royal Lane. The water system will be designed to provide adequate pressure for potable water service and fire-fighting services.

Summary

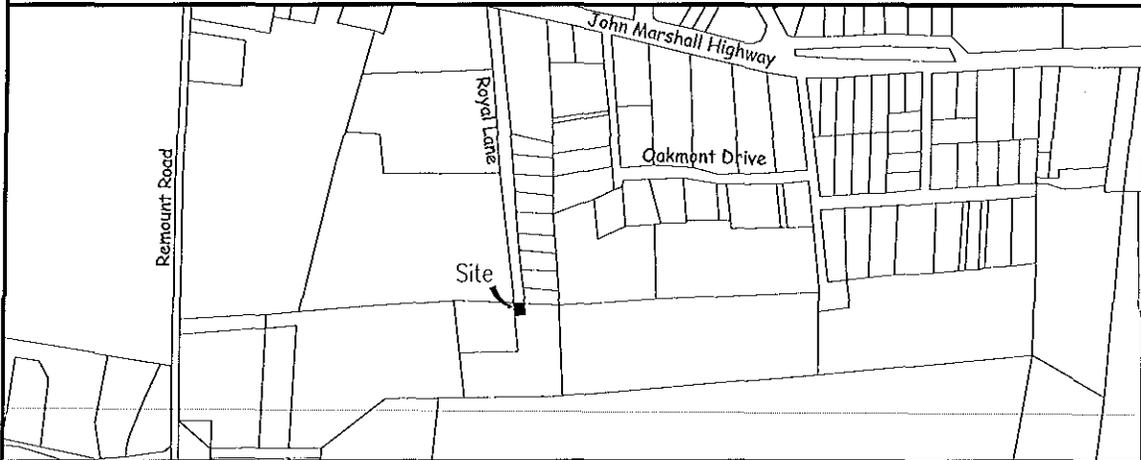
The proposed Royal Lane Apartments project would provide for the development of 36 apartment units to aid in satisfying workforce housing needs. Properties along Royal Lane are developed predominantly for residential uses despite all parcels located on the west side of the roadway being zoned for commercial uses. The proposed apartment use would continue the existing residential development pattern for the area while diminishing the traffic generation potential for the site under the existing C-1 zoning thereby minimizing impacts to the intersection of Royal Lane and John Marshall Highway.

In the case of this proposed application, the special use permit proposal would be more in keeping with surrounding properties than most of the by-right commercial uses that could occur on the Property. Therefore, the proposed special permit application for the apartments use merits favorable consideration.

Road Dedication Plat

Basil C. Hudson, III & Tana M. Hudson
TM #20A1-7-1-14A Instrument #040003033 ~ Parcel Two
43 South Cameron Street TM #193-1-M-25 Deed Book 552, Page 446
May 13, 2016
Town of Front Royal, Warren County, Virginia

Vicinity Map
1"=500'



SURVEYOR'S CERTIFICATE:

I, Michael M. Artz, a duly authorized land surveyor, do hereby certify that the land hereby dedicated is in the names of Basil C. Hudson, III & Tana M. Hudson and was acquired as stated in the Owner's Certificate. I further certify that these tracts are properly and accurately described and are within the boundaries of the original tracts.

Certified Land Surveyor

OWNER'S CERTIFICATE:

The undersigned fee simple owners hereby certify that the land herein dedicated is a portion of the property conveyed to the Basil C. Hudson, III & Tana M. Hudson by deed dated May 10, 1995 and recorded in Deed Book 552, Page 446. Said deed being of record in the Clerk's Office of the Warren County, Virginia.

This Road Dedication as it appears on the accompanying plat is with the free consent and in accordance with the desires of the undersigned owner of said land and the same is hereby confirmed and submitted for record in the Clerk's Office of Warren County, Virginia.

Basil C. Hudson, III

Tana M. Hudson

NOTARY CERTIFICATE:

STATE OF VIRGINIA; CITY/COUNTY OF _____, to-wit:

The foregoing owners consent and dedication was acknowledged before me by Basil C. Hudson, III and Tana M. Hudson this _____ day of _____, 20____.

My commission expires _____

Notary Public

CERTIFICATE OF APPROVAL

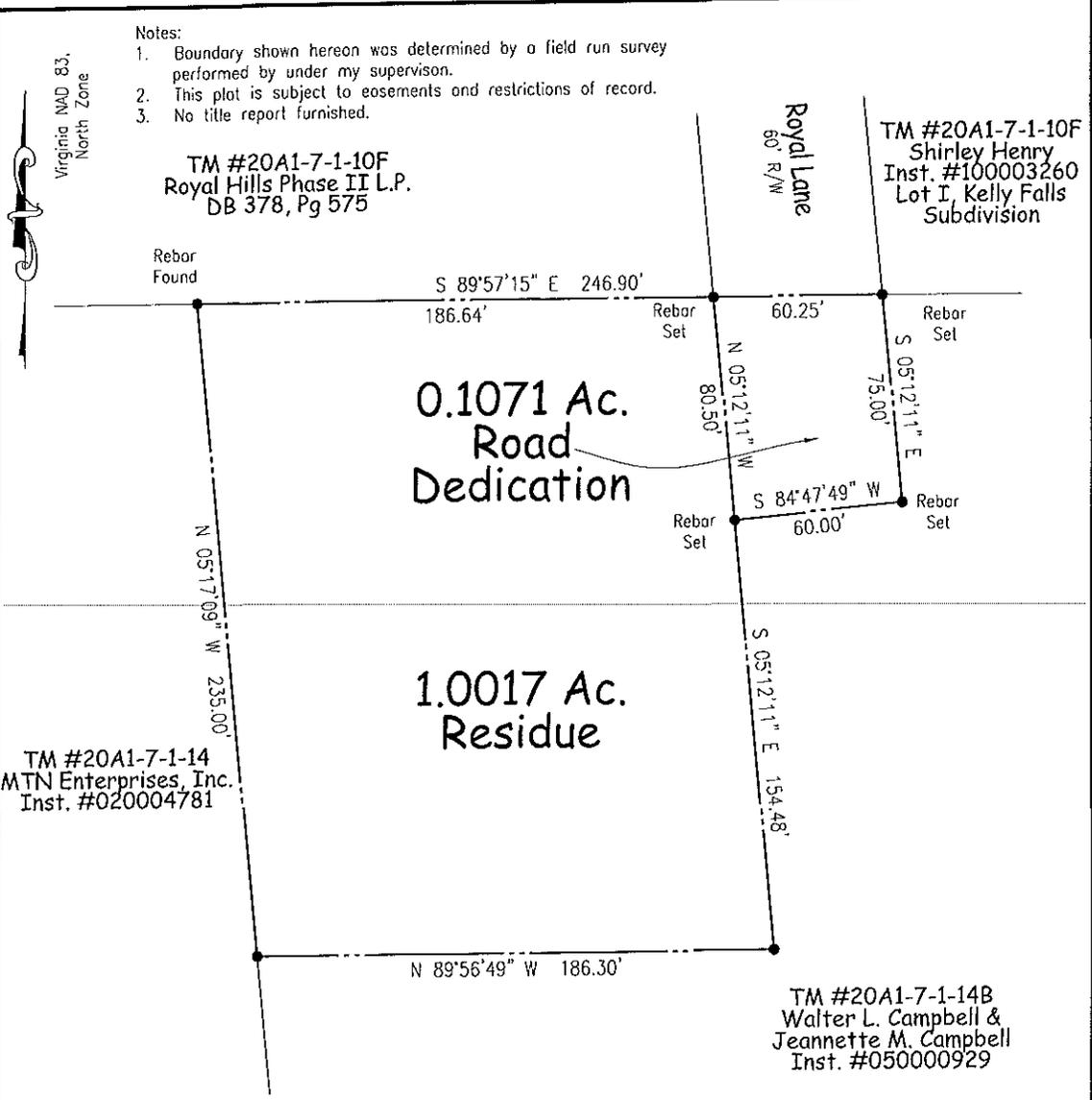
This Road Dedication is approved by the undersigned in accordance with existing subdivision regulations and may be admitted to record.

date

Town Manager

date

Director of Planning



AREA TABULATION

EXISTING:	
TM #20A1-7-1-14A	1.1088 AC.
PROPOSED:	
TM #20A1-7-1-14A	1.0017 AC.
TM #Road Dedication	0.1071 AC.



Road Dedication Plat
Hudson Property

Town of Front Royal, Warren County, Virginia
 Scale: 1" = 50' Date: May 13, 2016

Present Owner:
 Basil C. Hudson, III & Tana M. Hudson
 TM #20A1-7-1-14A Deed Book 552, Page 446

PREPARED BY:
PENNONI ASSOCIATES INC.

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

Town of Front Royal, Virginia

SPECIAL USE PERMIT APPLICATION MATERIALS

FOR REVIEW OF

ROYAL LANE APARTMENTS

March 2016

Prepared by:
Pennoni Associates Inc.
117 E. Piccadilly Street
Suite 200
Winchester, Virginia 22601

Phone: 540-667-2139 Fax: 540-665-0493



TABLE OF CONTENTS

- I. Application
 - II. Impact Analysis
 - III. Preliminary Site Plan
-
-



I.

APPLICATION





TOWN OF FRONT ROYAL

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

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

SUP _____

SPECIAL USE PERMIT REQUEST

APPLICANT

NAME Pennoni Associates Inc. c/o Patrick Sowers PHONE 540-667-2139

ADDRESS 117 E. Piccadilly St., Suite 200, Winchester, VA 22601

E-MAIL PSowers@pennoni.com

PROPERTY DESCRIPTION

PROPERTY ADDRESS Royal Lane (vacant)

TAX MAP 20 SECTION A BLOCK 171 LOT 14B

SUBDIVISION NAME _____ ACREAGE 3.601

REQUEST

ZONING DISTRICT C-1

PROPOSED USE OF PROPERTY Residential Apartments

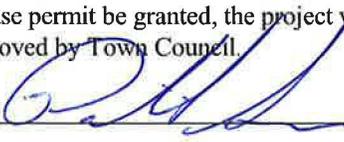
SPECIFIC SPECIAL USE PERMIT REQUEST Three 12 unit apartment buildings

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

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

CERTIFICATION

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

Signature  Date 4/7/16

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

Receipt # _____ Date Paid _____

II.

IMPACT ANALYSIS

ROYAL LANE APARTMENTS – IMPACT ANALYSIS STATEMENT
March 29, 2016

The following is a summary of the proposed special use permit for Royal Lane Apartments which proposes 36 total apartment units comprised of three 3-story buildings on the vacant parcel at the existing terminus of Royal Lane within the Town of Front Royal (the “Town”). The project site totals 3.6 acres zoned C-1 (Community Business) and it identified by the Town as tax map parcel 20A171-14B (the “Property”). The development is proposed by the Economic Development Authority (the “EDA”) to provide for needed workforce housing in the area. The Town of Front Royal Zoning Ordinance permits apartment developments containing four or more units within the C-1 Zoning District subject to approval of a Special Use Permit.

Proposed Development

The proposed development plan for the Property is depicted on the attached Preliminary Site Plan for Royal Lane Apartments. As shown, the project would consist of three buildings, each containing 12 apartment units, along with associated surface parking served by a southerly extension of Royal Lane. The proposed 36 apartment units represent a density of 10 dwelling units per acre. The extension of Royal Lane would be constructed to Town standards to provide for the future dedication of the roadway and its associated right of way through the Property, allowing for a extension of the roadway south of the project site at a future date, if desired.

Site Location

A location map is attached as *Exhibit A*. As shown, the project is located at the existing terminus of Royal Lane approximately 1,100 feet south of the intersection of Royal Lane with John Marshall Highway (Route 55). Existing development along Royal Lane is predominantly residential in nature. Business type development on the roadway is limited to a professional office building located at Royal Lane’s intersection with Route 55 as well as a day care facility located west and adjacent to the subject Property at the terminus of Royal Lane. The remaining development along Royal Lane includes apartments on the west side of the roadway and single family dwellings on the east side. The proposed apartment use for the Property would be consistent with the residential nature of Royal Lane.

A zoning map is attached as *Exhibit B*. The subject Property as well as all parcels located west of Royal Lane are zoned C-1 (Community Business) while the parcels located east of Royal Lane are zoned R-1 (Residential). Despite the commercial zoning for half the parcels fronting Royal Lane, the predominant development pattern is residential in the area. The proposed apartment use of the subject property would ensure that the project is developed in a manner that is consistent with the existing development pattern.

Site Characteristics

Sheet 2 of the attached preliminary site plan depicts the existing site conditions. The Property is currently vacant, wooded and includes an existing power line bisecting the site in a north/south direction. The Property contains sloping topography with a high elevation at its western boundary of 707 feet and a low elevation at the eastern property



Source: Warren Co. GIS

Royal Lane Apartments

Exhibit A – Location Map

TOWN OF FRONT ROYAL, VIRGINIA

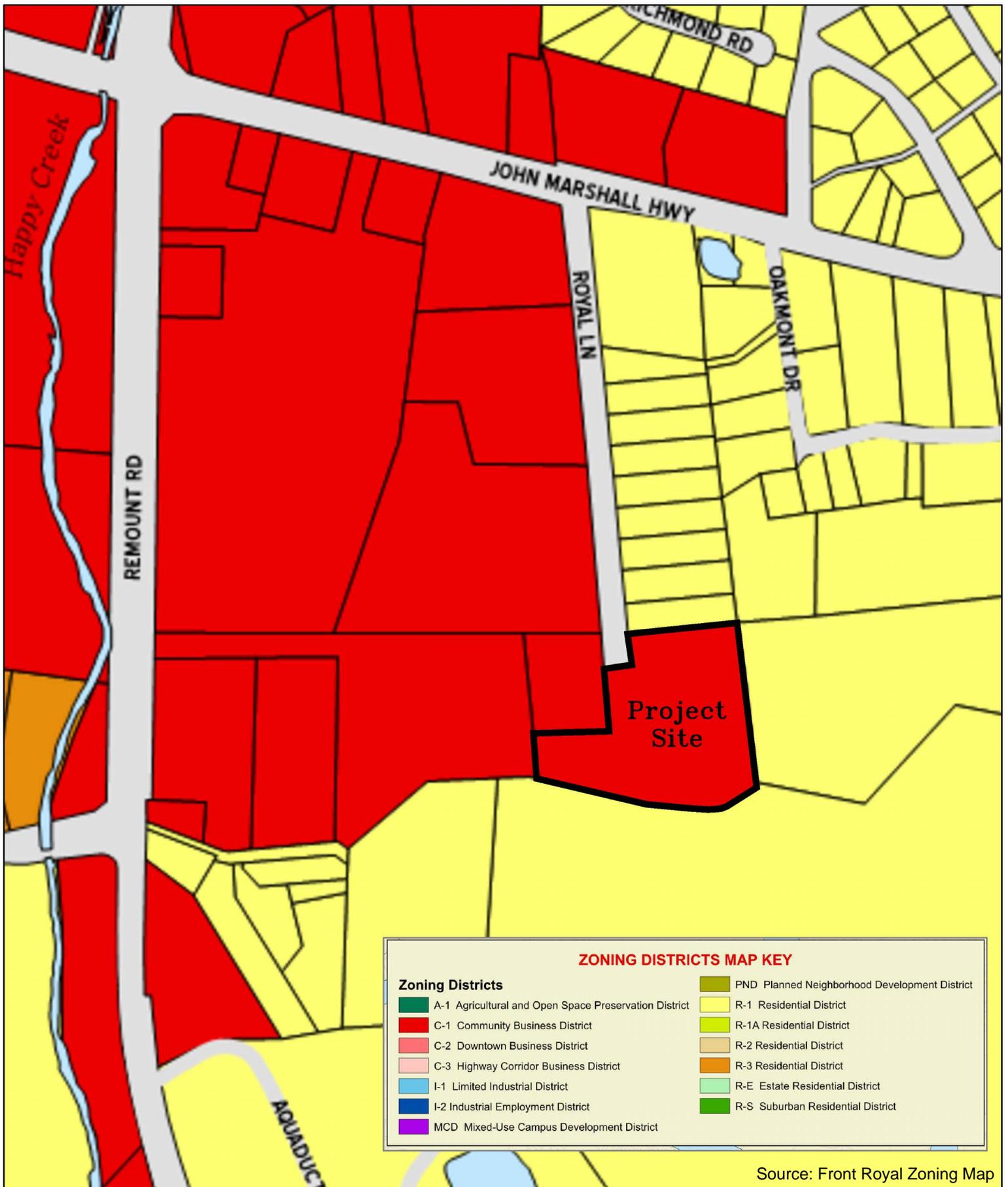
PENNONI ASSOCIATES INC.

117 E. Picadilly St. Winchester, Virginia 22601
 VOICE: (540) 667-2139 FAX: (540) 665-0493

Revised

3/29/16

1"=300'



Source: Front Royal Zoning Map

Royal Lane Apartments

Exhibit B – Zoning Map

TOWN OF FRONT ROYAL, VIRGINIA

PENNONI ASSOCIATES INC.

117 E. Picadilly St. Winchester, Virginia 22601
 VOICE: (540) 667-2139 FAX: (540) 665-0493

Revised
 3/29/16
 1"=300'

boundary of approximately 643 feet. The proposed development plan takes the sloping topography into account and would utilize a retaining wall with a maximum height of approximately 8 feet in proximity to the eastern property boundary.

Soils on the site are identified as Unison-Chagrin-Dyke soils which are characterized as deep, well drained soils that have a loamy or clayey subsoil. The specific soil type for the subject include Chester loam and Dekalb channery loam. Property. The characteristics of this soil type and any implications for site development are manageable through the site engineering process.

Pursuant to FEMA flood map numbers 51187C0116C and 51187C0118C, both with effective date June 3, 2008, the entire site is located in areas of minimal flooding outside of the 100-year and 500-year flood plain.

Access and Transportation

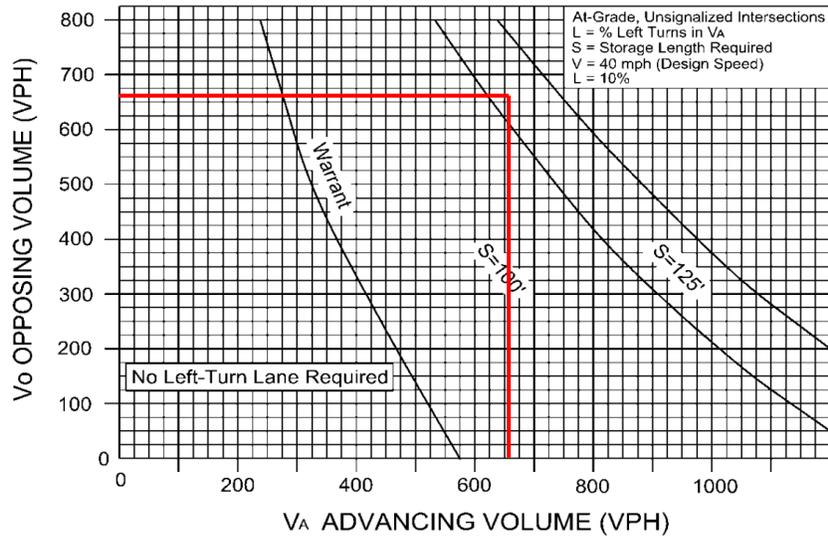
Access to the Property would be provided by an extension of Royal Lane into the Property. Currently, Royal Lane terminates at the northern property boundary. The proposed development plan would extend Royal through the Property to a cul-de-sac near the southern site boundary. A reserve area will be provided that would enable the dedication of the extension of Royal Lane through the site as a public street. The right of way reservation area extends to the southern property boundary, providing the opportunity for a future extension of Royal Lane if desired.

The proposed 36 apartment units would generate 252 average daily vehicle trips. Compared with the commercial uses that could be realized on the Property on a by-right basis, this special use permit application substantially reduces the trip generation potential for the site.

Other existing uses on Royal Lane include 9 single family dwellings, 90 apartment dwellings, a day care facility of approximately 7,000 SF, and a professional office building of approximately 10,000 SF. These existing uses would generate approximately 1,502 ADT (average daily trips). Combined with the 252 trips associated with the proposed 36 apartment units, the total traffic volume on Royal Lane would be approximately 1,754 ADT. Applying a peak hour factor of 0.11, the peak hour trips would be approximately 193 trips (97 trips in/96 trips out based on a 50/50 split of inbound and outbound movements).

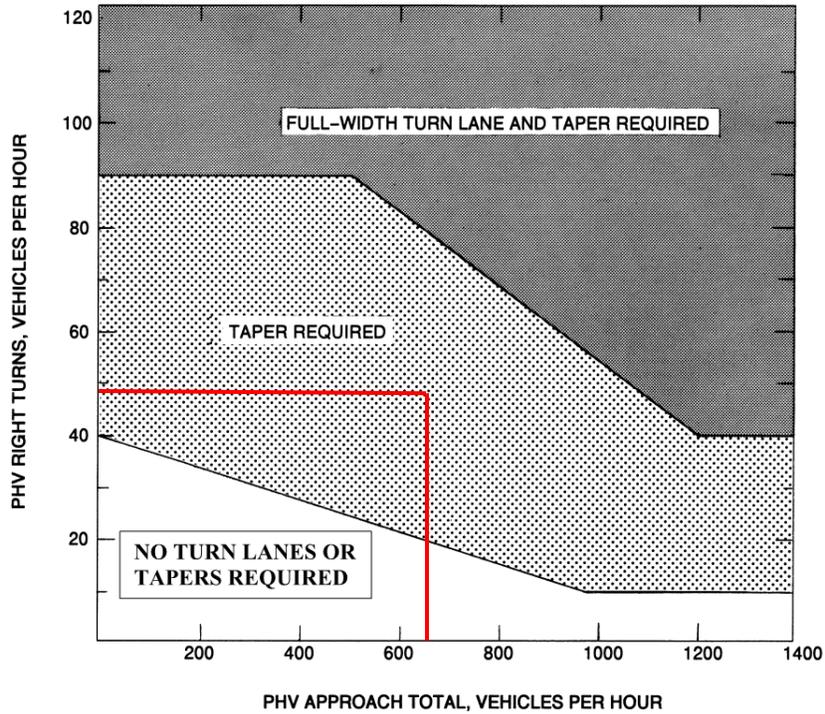
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The proposed Royal Lane Apartments project would provide for the development of 36 apartment units to aid in satisfying workforce housing needs. Properties along Royal Lane are developed predominantly for residential uses despite all parcels located on the west side of the roadway being zoned for commercial uses. The proposed apartment use would continue the existing residential development pattern for the area while diminishing the traffic generation potential for the site under the existing C-1 zoning thereby minimizing impacts to the intersection of Royal Lane and John Marshall Highway.

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III.

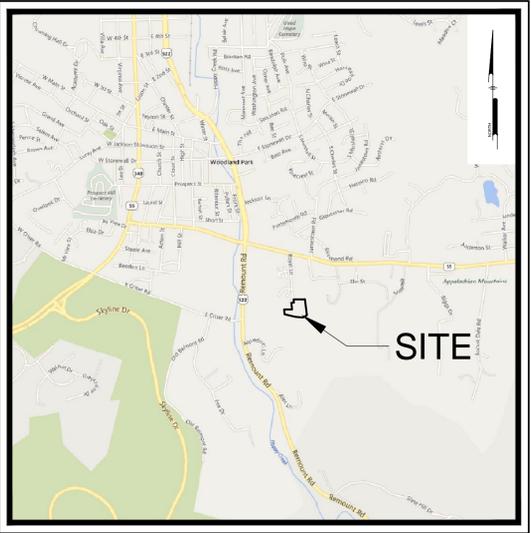
PRELIMINARY SITE PLAN

ROYAL LANE APARTMENTS PRELIMINARY SITE PLAN

TOWN OF FRONT ROYAL, VIRGINIA
MARCH 29, 2016

PREPARED FOR:
DEVELOPER
WARREN COUNTY EDA
P.O. BOX 445
FRONT ROYAL, VIRGINIA 22630
(540) 635-2182

Sheet List Table	
Sheet Number	Sheet Title
1	COVER SHEET
2	EXISTING CONDITIONS PLAN
3	SITE PLAN
4	GRADING PLAN



LOCATION MAP
Scale: 1" = 2000'

PREPARED BY:
PENNONI ASSOCIATES INC.

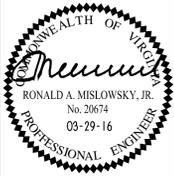


117 East Piccadilly Street
Winchester, VA 22601
T 540.667.2139
F 540.665.0493



CALL BEFORE YOU DIG
ALWAYS CALL 811 BEFORE YOU DIG IN VIRGINIA
CALL 1-800-552-7001
SECTION 56-265.17 REQUIRES THREE WORKING DAYS
NOTICE TO UTILITIES BEFORE YOU EXCAVATE, DRILL OR
BLAST VIRGINIA UTILITY PROTECTION SERVICE, INC.
TICKET NUMBER(S):

ALL DIMENSIONS MUST BE VERIFIED BY CONTRACTOR
AND OWNER MUST BE NOTIFIED OF ANY
DISCREPANCIES BEFORE PROCEEDING WITH WORK



ROYAL LANE APARTMENTS
ROYAL LANE
FRONT ROYAL, VIRGINIA
COVER SHEET
WARREN COUNTY EDA
P.O. BOX 445
FRONT ROYAL, VIRGINIA 22630

NO.	DATE	REVISIONS	BY

ALL DOCUMENTS PREPARED BY PENNONI ASSOCIATES
ARE INSTRUMENTS OF SERVICE IN RESPECT OF THE
PROJECT. THEY ARE NOT INTENDED OR REPRESENTED
TO BE SUITABLE FOR REUSE BY OWNER OR OTHERS ON
THE EXTENSIONS OF THE PROJECT OR ON ANY OTHER
PROJECT. ANY REUSE WITHOUT WRITTEN VERIFICATION
OR ADAPTATION BY PENNONI ASSOCIATES FOR THE
SPECIFIC PURPOSE INTENDED WILL BE AT OWNERS
SOLE RISK AND WITHOUT LIABILITY OR LEGAL
EXPOSURE TO PENNONI ASSOCIATE. AND OWNER SHALL
INDEMNIFY AND HOLD HARMLESS PENNONI ASSOCIATES
FROM ALL CLAIMS, DAMAGES, LOSSES AND EXPENSES
ARISING OUT OF OR RESULTING THEREFROM.

PROJECT	WRRN1402
DATE	2016-03-29
DRAWING SCALE	AS SHOWN
DRAWN BY	KLM
APPROVED BY	RMM

CS0001
SHEET 1 OF 4

K:\PROJECTS\WRRN1402\Royal Lane Apartments\CS0201_Plan\CS0201.dwg
 PLOTTED: 3/28/2016 1:07 PM BY: James Springer
 PLOTSTYLE: Pennoni VCS.ctb
 PROJECT STATUS:



LEGEND

- PROPERTY LINE
- SANITARY SEWER WITH MANHOLE
- WATERLINE
- FIRE HYDRANT ASSEMBLY
- GATE VALVE
- UTILITY POLE
- OVERHEAD UTILITIES
- CONTOURS
- SPOT ELEVATION

PENNONI ASSOCIATES INC.
 117 East Piccadilly Street
 Winchester, VA 22601
 T 540.667.2139 F 540.665.0493

ALL DIMENSIONS MUST BE VERIFIED BY CONTRACTOR AND OWNER MUST BE NOTIFIED OF ANY DISCREPANCIES BEFORE PROCEEDING WITH WORK

RONALD A. MISLOWSKY, JR.
 No. 20674
 03-29-16
 PROFESSIONAL ENGINEER

ROYAL LANE APARTMENTS
 ROYAL LANE
 FRONT ROYAL, VIRGINIA
EXISTING CONDITIONS PLAN
 WARREN COUNTY EDA
 P.O. BOX 445
 FRONT ROYAL, VIRGINIA 22630

NO.	DATE	REVISIONS	BY

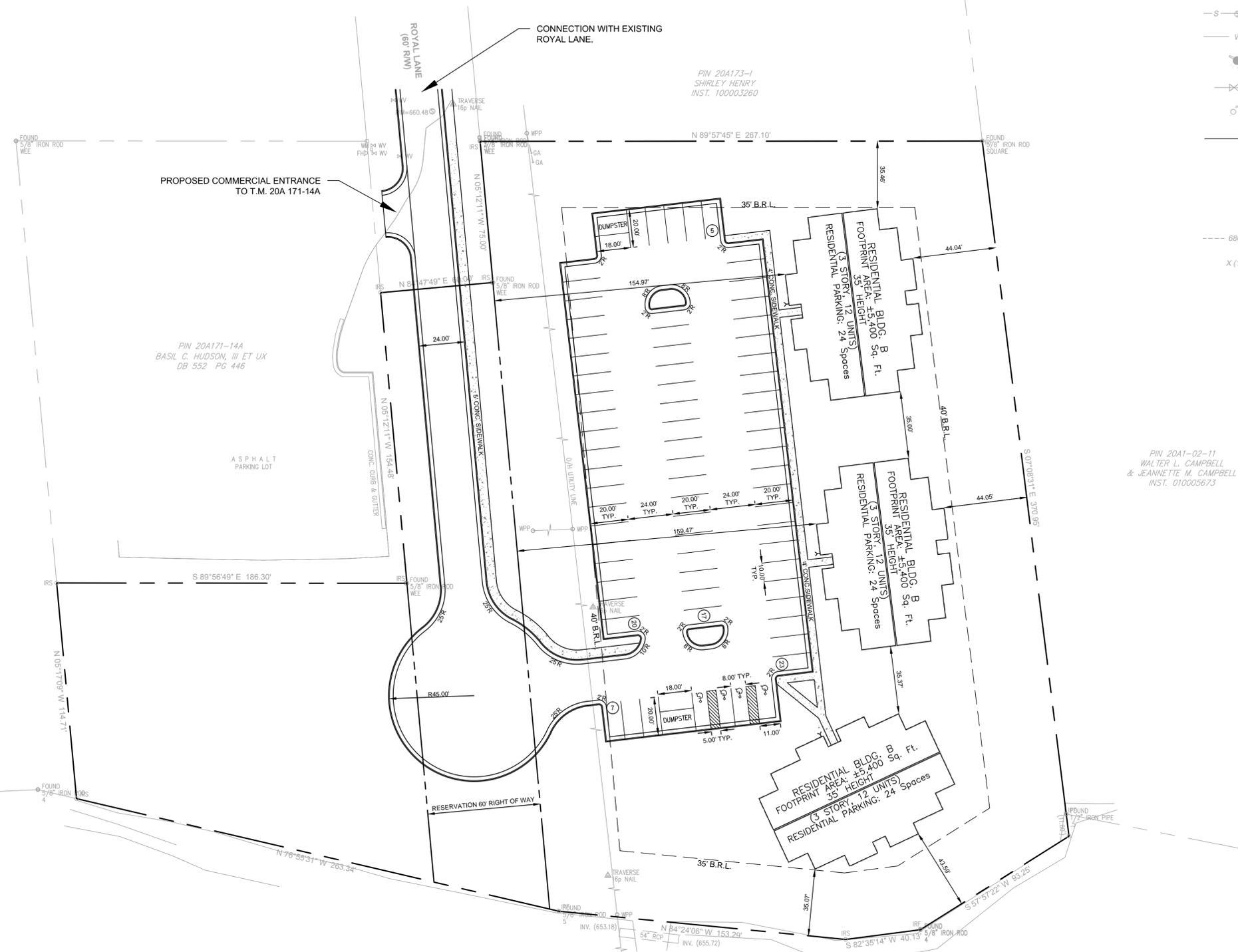
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PROJECT	WRRN1402
DATE	2016-03-29
DRAWING SCALE	AS SHOWN
DRAWN BY	KLM
APPROVED BY	RMM



LEGEND

EXISTING	NEW	DESCRIPTION
---	---	PROPERTY LINE
- - - - -	- - - - -	LIMITS OF CLEARING AND GRADING
- S -	- S -	SANITARY SEWER WITH MANHOLE
- W -	- W -	WATERLINE
⊙	⊙	FIRE HYDRANT ASSEMBLY
⊕	⊕	GATE VALVE
○	○	UTILITY POLE
⊕	⊕	OVERHEAD UTILITIES
---	---	UNDERGROUND ELECTRIC SERVICE
---	---	CONCRETE SIDEWALK
---	---	CG-6
---	---	CG-6R
---	---	CONTOURS
---	---	SPOT ELEVATION
---	---	BUILDING
---	---	SIGN POST



SITE DEVELOPMENT SUMMARY

TAX IDENTIFICATION NUMBER	20A171 14B
EXISTING ZONING	C1 - COMMUNITY BUSINESS DISTRICT
OVERALL SITE AREA	3.601 ACRES
SITE ADDRESS	ROYAL LANE
CURRENT USE	VACANT
PROPOSED USE	RESIDENTIAL APARTMENTS
PROPOSED UNITS	36 APARTMENTS
DISTURBED AREA	3.48 ACRES

YARDS/SETBACKS	REQUIRED	PROVIDED
FRONT	40'	154'+
SIDE	35'	35'+
REAR	40'	44'+

* BUILDING HEIGHT 42/3 STORIES (MAX.) 35' (3 STORIES) - BLDG. A
 35' (3 STORIES) - BLDG. B
 35' (3 STORIES) - BLDG. C

* PROPOSED BLDG FLOOR AREA 16,200 S.F. - BLDG. A
 16,200 S.F. - BLDG. B
 16,200 S.F. - BLDG. C
 48,600 S.F. TOTAL

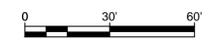
BUILDING COVERAGE PERMITTED 50% MAX.
 BUILDING COVERAGE PROVIDED 10.3%

PARKING SCHEDULE

PARKING REQUIRED: 72 SPACES
 PARKING PROVIDED: 72 SPACES

HANDICAPPED PARKING REQUIRED: 2 SPACES
 HANDICAPPED SPACES PROVIDED: 4 SPACES

VAN ACCESSIBLE SPACES PROVIDED: 1 SPACE
 VAN ACCESSIBLE PARKING REQUIRED: 1 SPACE



PENNONI ASSOCIATES INC.
 117 East Piccadilly Street
 Winchester, VA 22601
 T 540.667.2139 F 540.665.0493

ALL DIMENSIONS MUST BE VERIFIED BY CONTRACTOR AND OWNER MUST BE NOTIFIED OF ANY DISCREPANCIES BEFORE PROCEEDING WITH WORK

RONALD A. MISLOWKY, JR.
 No. 20674
 03-29-16
 PROFESSIONAL ENGINEER

ROYAL LANE APARTMENTS
 ROYAL LANE
 FRONT ROYAL, VIRGINIA

SITE PLAN

WARREN COUNTY EDA
 P.O. BOX 445
 FRONT ROYAL, VIRGINIA 22630

NO.	DATE	REVISIONS	BY

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PROJECT	WRRN1402
DATE	2016-03-29
DRAWING SCALE	1"=30'
DRAWN BY	KLM
APPROVED BY	RMM

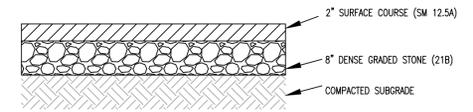
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 PROJECT STATUS:

NO.	DATE	REVISIONS	BY

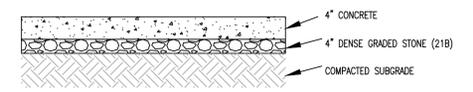
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PROJECT: **WRRN1402**
 DATE: 2016-03-29
 DRAWING SCALE: **AS SHOWN**
 DRAWN BY: **KLM**
 APPROVED BY: **RMM**

EXISTING	NEW	DESCRIPTION
---	---	PROPERTY LINE
- - -	- - -	LIMITS OF CLEARING AND GRADING
S - S	S - S	SANITARY SEWER WITH MANHOLE
W - W	W - W	WATERLINE
⊕	⊕	FIRE HYDRANT ASSEMBLY
⊕	⊕	GATE VALVE
⊕	⊕	UTILITY POLE
⊕	⊕	OVERHEAD UTILITIES
⊕	⊕	UNDERGROUND ELECTRIC SERVICE
⊕	⊕	CONCRETE SIDEWALK
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⊕	⊕	CG-6R
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---	---	SPOT ELEVATION
---	---	BUILDING
---	---	SIGN POST

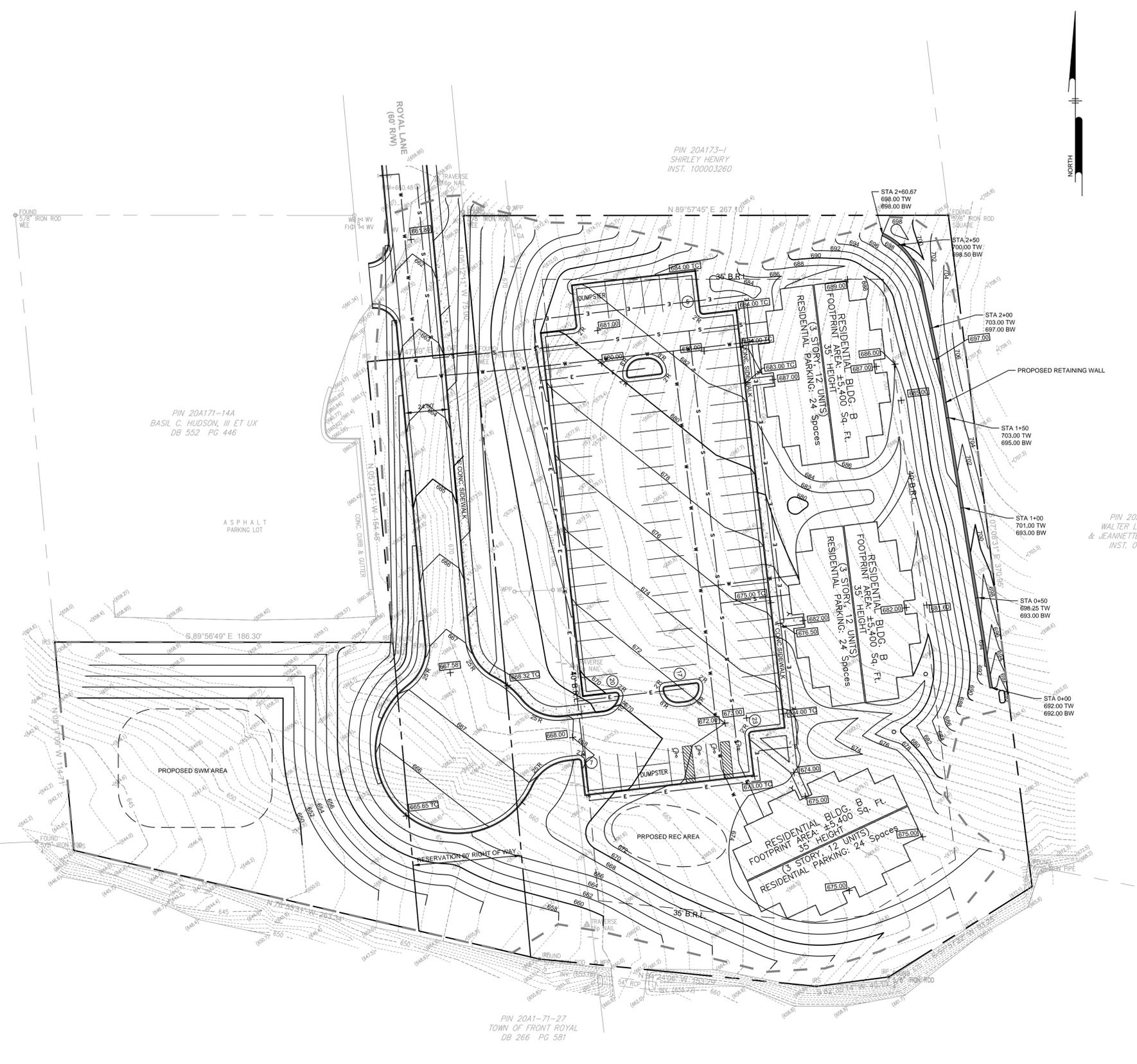


SECTION FOR STD. DUTY ASPHALT PAVEMENT
 N.T.S.



CONCRETE SIDEWALK SECTION
 N.T.S.

NOTE:
 LANDSCAPED SCREEN CONSISTING OF EVERGREEN TREES PLANTED A MAXIMUM OF 10 FT. ON CENTER SHALL BE INSTALLED ALONG THE NORTHERN AND EASTERN PROPERTY BOUNDARIES.



PIN 20A171-14
 MTN ENTERPRISES, INC.
 INST. 020004781

PIN 20A1-71-27
 TOWN OF FRONT ROYAL
 DB 266 PG 581

K:\PROJECTS\WRRN1402\Royal Lane Apartments\CS1501.dwg
 PLOTTED: 2/28/2016 1:08 PM BY: James Springer
 PROJECT STATUS: **FOOTCUTLE** Pennoni KES-48

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Town of Front Royal, Virginia Work Session Agenda Form

Date: June 20, 2016

Agenda Item: Anti-Litter Council Request for Signs - Modification
Director of Planning & Zoning

Summary:

Attached is an illustration of the proposed sign submitted by the Anti-Litter Council (ALC) with the language changes recommended by Town Council at the previous work session. A local citizen has graciously printed a large version of the sign and also made another alternative version of the sign that will be available at the meeting. When Town Council is happy with the proposed signage, the ALC is requesting that the signs be posted at the following locations:

- 1) Remount Road (Rt. 522) northbound.
Suggested location: On the east side of the road between the two existing Front Royal signs.
Suggested dimensions: 24" x 30"
- 2) John Marshall Highway (Rt. 55) westbound.
Suggested location: On the north side of the road near the intersection of Richmond Road.
Suggested dimensions: 18" x 24"
- 3) South Royal Avenue (Rt. 340) northbound.
Suggested location: On the lightpole in front of Pioneer Motel.
Suggested dimensions: 18" x 24"
- 4) Happy Creek Road (Rt. 647) westbound.
Suggested location: on the north side of the road between LRP and Ewell Street.
Suggested dimensions: 18" x 24"
- 5) Strasburg Road (Rt. 55) eastbound.
Suggested location: On the south side of the road across from Heritage Hall.
Suggested dimensions: 24" x 30"
- 6) N. Shenandoah Avenue (Rt. 340/522/55) southbound.
Suggested location: On the lightpole in front Enterprise Rental.
Suggested dimensions: 24" x 30"
- 7) Leach Run Parkway northbound and southbound (upon completion of road)
Suggested location: TBD
Suggested dimensions: 24" x 30"

Council Discussion: This agenda item is scheduled for a work session review on June 20, 2016.

Staff Evaluation: Town Staff recommends the current version of the sign with the new language.

Budget/Funding: N/A

Legal Evaluation: The Town Attorney will be available at the work session for questions.

Town Manager: The Town Manager will be available at the work session for questions.

Council Recommendation:

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

Work Session



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Town of Front Royal, Virginia Work Session Agenda Form

Date: June 20, 2016

Agenda Item: Community Development Block Grant (CDBG) - Downtown Revitalization Project
Director of Planning & Zoning

Summary:

Town Staff will report to Town Council of the status of the CDBG - Downtown Revitalization Project. This includes updates in regards to the Downtown Revitalization Plan that is being developed by the Project Management Team with grant funding awarded to the Town. The principle components of the plan will include a Façade Improvement Program and Branding Strategies, including, but not limited to, wayfinding signage. Upon completion of the Downtown Revitalization Plan at the end of this year, the project includes a goal of submitting for implementation funding next year for the March 2017 deadline.

Town Staff would also like to discuss with Town Council the current idea to work with the DRIVE Tourism group to maximize what can be accomplished for wayfinding signage. This would require working with a branding approach that will be compatible with the entire community, as well as the downtown.

Council Discussion: This agenda item is scheduled for a work session review on June 20, 2016.

Staff Evaluation: Town Staff will be present at the meeting to discuss the project.

Budget/Funding: N/A

Legal Evaluation: The Town Attorney will be available at the work session for questions.

Town Manager: The Town Manager will be available at the work session for questions.

Council Recommendation:

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

Work Session



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Town of Front Royal, Virginia Work Session Agenda Form

Date:

Agenda Item: Employee Handbook Addition: Work-Related Injury and Illness Reporting Policy

Summary: OSHA recently published its Final Rule pertaining to workplace injuries and illnesses. The rule requires employers to develop injury and illness reporting requirements that meet certain criteria. It mandates that employees are informed of the following:

- 1) Employees right to report work-related injuries and illnesses, and to do so free from retaliation.
- 2) Procedures for reporting work-related injuries and illnesses: procedures must be reasonable and not deter or discourage employees from reporting.
- 3) Employers are prohibited from any manner of discrimination or retaliation against employees for reporting work-related injuries or illnesses.

Council Discussion: Council is requested to approve the addition of the attached “Work-Related Injury and Illness Reporting Policy” to the Employee Handbook; Chapter 8, Section XVI.

Staff Evaluation: The policy will ensure compliance with OSHA regulations. It provides employees with more detailed information and explicit instruction for when a work-related injury or illness occurs.

Budget/Funding: N/A

Legal Evaluation: The Town Attorney will be available for questions.

Staff Recommendations: Staff recommends the addition of the attached policy to the Employee Handbook in order to ensure compliance with OSHA regulations.

Town Manager Recommendation:

Council Recommendation:

- Additional Work Session Regular Meeting No Action
Consensus Poll on Action: ___(Aye) ___(Nay)

Work-Related Injury & Illness Reporting Policy and Procedures

Employees have the right to report work-related injuries and illnesses. Town policy requires all employees to report on-the-job injuries as follows, no matter how slight, **immediately** following the injury.

When a work-related injury occurs:

- Notify your supervisor immediately
- Call Toll Free **1-877-234-0898** (NT24 worker's compensation work-related injury line)
- Use Member Number **230**
- 24 hours a day – 7 days a week – 365 days a year
- Injuries must be reported immediately

Upon calling the NT24 work-related injury line, you have the opportunity (not required) to speak with a Registered Nurse who will obtain a history of the injury and offer a best course of action based on the symptoms reported.

This policy does not replace calling 911 when immediate medical attention is required. When appropriate or necessary, an injured employee must seek medical attention in an emergency facility or with a physician's office that is specifically listed on our panel of physicians. The panel of physicians, as well as prescription information, is provided by your supervisor or department head. It is the employee's responsibility to attend follow-up appointments as scheduled by Occupational Health or medical office related to a work injury.

Employee's must not be deterred or discouraged from reporting injuries and illnesses. Town policy prohibits discrimination and/or retaliation against employees for reporting work-related injuries and illnesses.

Final Rule to Improve Tracking of Workplace Injuries and Illnesses

Each year, millions of workers suffer serious injuries and illnesses on the job. Under the Federal *Occupational Safety and Health Act*, employers must provide their workers with worksites free of recognized serious hazards. In order to help prevent work-related injuries and illnesses, the Occupational Safety and Health Administration (OSHA) has for decades required employers to keep track of their workers' injuries and illnesses by recording them in what is often called an "OSHA log."

Under a final rule that becomes effective January 1, 2017, OSHA will revise its requirements for recording and submitting records of workplace injuries and illnesses to require that some of this recorded information be submitted to OSHA electronically for posting to the OSHA website.

We are taking information that employers are already required to collect and using these data to help keep workers safer and make employers, the public, and the government better informed about workplace hazards. Releasing the data in standard, open formats will:

- Encourage employers to increase their efforts to prevent worker injuries and illnesses, and, compelled by their competitive spirit, to race to the top in terms of worker safety; and
- Enable researchers to examine these data in innovative ways that may help employers make their workplaces safer and healthier and may also help to identify new workplace safety hazards before they become widespread.

In addition, the final rule includes provisions that encourage workers to report work-related injuries or illnesses to their employers and prohibit employers from retaliating against workers for making those reports.

OSHA expects this new rule will help improve workplace safety through expanded access to timely, establishment-specific injury and illness information for OSHA, employers, employees, employee representatives, potential employees, customers, potential customers, and public health researchers.

The rule will also provide OSHA with data to assist the agency in improving allocation of compliance assistance — help OSHA provide to employers who want to improve their safety standards — and enforcement resources, expanding the Agency's ability to identify, target and remove safety and health hazards, thereby preventing workplace injuries, illnesses and deaths. It will also enable OSHA to conduct more rigorous evaluations of the impact of government injury prevention activities.

In addition, behavioral science suggests that public disclosure of the data will "nudge" employers to reduce work-related injuries and illnesses in order to demonstrate to investors, job seekers, customers, and the broader public that their workplaces provide safe and healthy work environments for their employees. Currently, employers cannot compare their injury experience with other businesses in their industry; they can only compare their experience with their industry as a whole. Access to establishment-specific data will enable employers to benchmark their safety and health performance against industry leaders, encouraging them to improve their safety programs.

Finally, public access to very large sets of workplace injury and illness data will provide public health researchers with unprecedented opportunities to advance the fields of injury and illness causation and prevention research.

Background

In 2013, OSHA issued a proposed rule to improve tracking of workplace injuries and illnesses through the electronic collection of establishment-specific injury and illness data

to which OSHA currently does not have direct access. The agency held a public meeting in January 2014 and received comments on the proposal. After considering public comments, OSHA is now issuing a final rule that requires certain employers to electronically submit injury and illness data.

Electronic Submission Requirements

The final rule requires certain employers to electronically submit the injury and illness information they are already required to keep under existing OSHA regulations.

The requirement applies to the following:

- Establishments with 250 or more employees that are currently required to keep OSHA injury and illness records must electronically submit information from OSHA Forms 300 — *Log of Work-Related Injuries and Illnesses*, 300A — *Summary of Work-Related Injuries and Illnesses*, and 301 — *Injury and Illness Incident Report*.
- Establishments with 20-249 employees that are classified in certain industries with historically high rates of occupational injuries and illnesses must electronically submit information from OSHA Form 300A.

The electronic submission requirements do not change an employer’s obligation to complete and retain injury and illness records.

Data submission from OSHA Forms 300 — *Log of Work-Related Injuries and Illnesses*, 300A — *Summary of Work-Related Injuries and Illnesses*, and 301 — *Injury and Illness Incident Report* for these establishments will be phased in as follows:

Submission year	Establishments with 250 or more employees	Establishments with 20-249 employees	Submission deadline
2017	Form 300A	Form 300A	July 1, 2017
2018	Forms 300A, 300, 301	Form 300A	July 1, 2018

Beginning in 2019, the submission deadline will be changed from July 1st to March 2nd. Timeliness of the data collected is important for surveillance and intervention activities. The earlier a workplace hazard can be identified, the earlier it can be removed, reducing the chances of another worker being injured or becoming ill.

OSHA will post the establishment-specific injury and illness data it collects under this recordkeeping rule on its public Web site (www.osha.gov). OSHA will remove any Personally Identifiable Information (PII) before the data are released to the public.

The final rule retains the provision that allows OSHA to collect information from employers that do not submit the information to the Agency on a routine basis. These employers would only be required to submit the data requested upon written notification from OSHA or OSHA’s designee.

States that operate their own job safety and health programs, also called OSHA State Plan states, must adopt requirements that are substantially identical to the requirements in this rule within six months after publication of the final rule.

Employees’ Right to Report Free from Retaliation

These data will only be accurate if employees feel free to report injuries and illnesses without fear of retaliation. The rule therefore also contains three provisions to promote complete and accurate reporting of work-related injuries and illnesses.

- Employers must inform employees of their right to report work-related injuries and illnesses free from retaliation. This obligation may be met by posting the OSHA *Job Safety and Health — It’s The Law* worker rights poster from April 2015 or later (www.osha.gov/Publications/poster.html).
- An employer’s procedure for reporting work-related injuries and illnesses must be reasonable and must not deter or discourage employees from reporting.
- An employer may not retaliate against employees for reporting work-related injuries or illnesses.

Workers' Rights

Workers have the right to:

- Working conditions that do not pose a risk of serious harm.
- Receive information and training (in a language and vocabulary the worker understands) about workplace hazards, methods to prevent them, and the OSHA standards that apply to their workplace.
- Review records of work-related injuries and illnesses.
- File a complaint asking OSHA to inspect their workplace if they believe there is a serious hazard or that their employer is not following OSHA's rules. OSHA will keep all identities confidential.

- Exercise their rights under the law without retaliation, including reporting an injury or raising health and safety concerns with their employer or OSHA. If a worker has been retaliated against for using their rights, they must file a complaint with OSHA as soon as possible, but no later than 30 days.

For more information, see [OSHA's Workers page](#).

How to Contact OSHA

For questions or to get information or advice, to report an emergency, fatality, inpatient hospitalization, amputation, or loss of an eye, or to file a confidential complaint, contact your nearest OSHA office, visit www.osha.gov or call OSHA at 1-800-321-OSHA (6742), TTY 1-877-889-5627.

This is one in a series of informational fact sheets highlighting OSHA programs, policies or standards. It does not impose any new compliance requirements. For a comprehensive list of compliance requirements of OSHA standards or regulations, refer to Title 29 of the Code of Federal Regulations. This information will be made available to sensory-impaired individuals upon request. The voice phone is (202) 693-1999; teletypewriter (TTY) number: (877) 889-5627.

For assistance, contact us. We can help. It's confidential.



www.osha.gov (800) 321-OSHA (6742)



U.S. Department of Labor

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Town of Front Royal, Virginia
Work Session Agenda Form

Date: June 20, 2016

Agenda Item: Proposed Town Charter Amendments

Summary: On November 26, 2012, Town Council passed the attached proposed Town Charter amendments (the proposed additions are underlined, and the proposed deletions are ~~interlined~~) which Council requested the General Assembly to pass at the upcoming 2013 Session. The most significant of these proposed changes are as contained in the attached letter dated November 30, 2012, to the Town's then General Assembly Senator and Delegates, and include: The change in the Town's elections for Town Council and Mayor from the first Tuesday in May in even numbered years, to the general election day in November in even numbered years (this has now been codified in the Town Code in Section 10-1; however, the General Assembly can undo this by change to State Code). Other proposed changes to the Town Charter include: Allowing the Town Council to designate additional Town officers by ordinance; to cause elections to Town Council and Mayor to be non-partisan (so that federal employees, such as our present Mayor, to be able to hold local public office—historically, all Town elections, as most local elections nation-wide, have always been non-partisan); to allow minutes to be kept in electronic format in lieu of hard-copy minute books; to allow the publication of proposed ordinances and other notices by any method allowed by law; to combine the duties of the town treasurer with that of town manager or town finance director; and for the provision of a number of other minor or clerical amendments to the Charter.

A copy of the black-lined proposed Charter amendments that was sent to the Town's General Assembly delegation, together with the letter dated November 30, 2012, sent to the Town's General Assembly delegation, are attached.

Unfortunately, for reasons that are not completely clear, while in committee in the House of Delegates, the Town's proposed Charter amendments were significantly altered, to the extent that it completely defeated what the Town wanted to see happen, so the Town caused the House of Delegates to "pull" the proposed Charter amendments from further consideration during that Session of the General Assembly.

Council Discussion: Town Council is requested to consider and discuss any other amendments it would like to see to the Town's Charter. Consideration might include whether the Town wishes to be able to retain its zoning authority over any State directives regarding Airbnb; more local control over cleaning up derelict properties; cleaning up the present Charter provisions regarding zoning and planning, as they are outdated and conflict with current State law and current zoning and planning best practices; provisions for more local flexibility on taxation; etc.

Staff Evaluation: Staff might be requested to evaluate the Town Charter and give its recommendations to Town Council as to what staff recommends might be considered amended.

Budget/Funding: No recommendations or impacts expected at this time.

Work Session

Legal Evaluation: Legal evaluation of proposed Charter amendments will be on-going as they are proposed.

Staff Recommendations: See above. This would be a good time to begin work on proposed Charter amendments, as final proposals could be sent to our General Assembly representatives in time for the 2017 Session.

Town Manager Recommendation: See above.

Council Recommendation:

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

VERSION 3- EVEN YEAR ELECTIONS BEGINNING 2014

(FINAL)

Chapter 200 CHARTER

Section 200-1 CHARTER OF THE TOWN OF FRONT ROYAL, VIRGINIA

An Act to provide a new charter for the Town of Front Royal, Warren County, Virginia, approved March 11, 1916. Chapter 44 of the Acts of Assembly, Extra Session (ES) of 1936-1937 was amended/reenacted/approved January 18, 1937. A new section numbered 11-a, authorizing the appointment of a civil police justice for the said Town, approved April 1, 1940.

[The following Charter of the Town of Front Royal is as contained in an Act of the General Assembly of Virginia, approved January 18, 1937, and, unless otherwise noted, the provisions of said Charter are unchanged from the above-mentioned Act of the General Assembly. A ~~Scheme~~ Summary listing the various sections contained in said Charter has been added for convenience.]

For all purposes of this Charter, a word used in the masculine includes the feminine and neuter, as appropriate.

CHAPTER I. CORPORATE EXISTENCE; ADMINISTRATION GENERALLY

SEC.1. CORPORATE ENTITY; POWERS AS A CORPORATION; POWERS DELEGATED TO INCORPORATED TOWNS UNDER STATE CONSTITUTION OR LAWS.

SEC. 2. DEFINITION OF CORPORATE LIMITS.

SEC. 3. VESTING OF TOWN POWERS, ADMINISTRATION AND GOVERNMENT.

SEC. 4. ENUMERATION OF TOWN OFFICERS; WHAT OFFICERS TO BE ELECTED AND WHAT TO BE APPOINTED.

SEC. 5. POWERS AND AUTHORITY OF COUNCILMEN GENERALLY.

SEC. 6. ELECTION TERM, QUALIFICATIONS AND SALARY OF MAYOR AND COUNCILMEN; FILLING VACANCY IN MEMBERSHIP OF COUNCIL.

SEC. 7. TOWN OFFICERS TO BE SWORN IN; EFFECT OF FAILURE TO TAKE OATH OR TO GIVE REQUIRED BOND.

CHAPTER II. MAYOR AND VICE MAYOR

SEC. 8. POWERS AND DUTIES OF MAYOR GENERALLY.

SEC. 9. ELECTION, POWERS AND DUTIES OF VICE MAYOR; FILLING VACANCY IN OFFICE OF MAYOR.

CHAPTER III. COUNCIL

SEC. 10. COMPOSITION AND ELECTION.

SEC. 11. MEETING; EFFECT OF VOLUNTARY ABSENCE OF COUNCILMAN FROM THREE CONSECUTIVE REGULAR MEETINGS.

SEC. 12. APPOINTMENT OF CLERK OF COUNCIL; POWERS OF COUNCIL WITH REFERENCE TO PROCEEDINGS AND TRANSACTION OF BUSINESS; APPOINTMENT, POWERS AND DUTIES OF TOWN CLERK; MINUTE BOOK.

SEC. 13. QUORUM; ORDINANCES APPROPRIATING MONEY OR LEVYING TAXES OR LICENSES; RECONSIDERATION OF MATTERS AT SPECIAL MEETINGS.

CHAPTER IV. TOWN MANAGER

SEC. 14. APPOINTMENT, QUALIFICATIONS, TERM, REMOVAL OR SUSPENSION; ELECTION OF MEMBER OF COUNCIL AS TOWN MANAGER.

SEC. 15. POWERS AND DUTIES GENERALLY; COUNCIL TO APPOINT CHIEF CONSERVATOR OF THE PEACE AND TO SEE THAT ORDINANCES AND LAWS ARE ENFORCED.

SEC. 16. POWERS AS TO TOWN OFFICERS, EMPLOYEES, ETC.

CHAPTER V. POWERS OF COUNCIL

SEC. 17. AS TO TOWN OFFICERS AND EMPLOYEES.

SEC. 18. CONTROL OF TOWN AFFAIRS AND PROPERTY; ENUMERATION OF POWERS.

SEC. 19. CEMETERY.

SEC. 20. SINKING FUNDS.

SEC. 21. PENALTY FOR VIOLATION OF ORDINANCES; IMPRISONMENT FOR FAILURE TO PAY FINE.

SEC. 22. ACQUISITION OF PRIVATE PROPERTY FOR PUBLIC PURPOSES; EMINENT DOMAIN.

SEC. 23. REMOVAL OF ENCROACHMENTS ON STREETS; SETTLEMENT OF DISPUTE AS TO LOCATION OF STREET LINE; ENCROACHMENT NOT TO CONSTITUTE ADVERSE POSSESSION OR TO CONFER RIGHTS.

SEC. 24. DEDICATION OF STREETS.

SEC. 25. BOARD OF SINKING FUND COMMISSIONERS; INVESTMENT OF SINKING FUNDS; DUTIES OF BOARD; MEMBERS OF BOARD TO GIVE BOND.

SEC. 26. APPOINTMENT AND COMPENSATION OF TOWN ATTORNEY;

SEC.26.A. APPOINTMENT, DUTIES AND COMPENSATION OF ADDITIONAL OFFICERS AND CLERKS; OFFICERS MAY BE REQUIRED TO GIVE BOND.

SEC. 27. DUTIES OF THE CLERK OF THE COUNCIL.

SEC. 28. ANNUAL TAX LEVY.

SEC. 29. SPECIAL OR LOCAL ASSESSMENTS FOR LOCAL IMPROVEMENTS.

SEC. 30. TAXES OR LICENSES MAY BE REQUIRED OF TRADES, BUSINESSES, ETC.

SEC. 31. CREDIT OF DELINQUENT TAXES PAID BY TENANT.

SEC. 32. LICENSES FOR MOTOR VEHICLES, TRAILERS AND SEMITRAILERS.

SEC. 33. DISTRAINT AND SALE OF GOODS AND CHATTELS FOR TAXES.

SEC. 34. MAJORITY VOTE REQUIRED FOR LEVY OF TAX OR FOR CONTRACTING DEBT ABOVE ONE HUNDRED DOLLARS; EXCEPTION.

SEC. 35. LIEN ON REAL ESTATE FOR TOWN TAXES; SALE OF REAL ESTATE FOR NONPAYMENT OF TAXES; REDEMPTION OF REALTY SO SOLD.

SEC. 36. FIRE DEPARTMENT.

SEC. 37. FIRE LIMITS; BUILDING REGULATIONS; UNSAFE BUILDINGS; ZONING REGULATIONS; DISPOSITION OF GARBAGE AND WASTE; FIRE PROTECTION; REMOVAL OF UNLAWFUL BUILDINGS; PUBLIC HEALTH AND SAFETY.

SEC. 38. EFFECTIVE DATE OF ORDINANCES AND RESOLUTIONS GENERALLY; EMERGENCY ORDINANCES.

SEC. 39. PUBLICATION OF PENAL ORDINANCES; ORDINANCES IN EVIDENCE; CODIFICATION OF ORDINANCES.

SEC. 40. POLICE POWERS; POLICE FORCE.

SEC. 41. CONTRACTING DEBTS, ISSUING BONDS, ETC., BORROWING MONEY; GRANTING CREDIT OF TOWN.

CHAPTER VI. TOWN OFFICERS

SEC. 42. COMBINING OFFICES.

SEC. 43. SALARIES AND COMPENSATION.

SEC. 44. PROPERTY, BOOKS AND PAPERS BELONGING TO TOWN OR APPERTAINING TO TOWN OFFICE.

SEC. 45. ELECTION AND TERMS OF ELECTIVE CHARTER OFFICERS.

SEC. 46. APPLICATION OF LAW TO TOWN AND OFFICERS.

SEC. 47. APPOINTMENT OR ELECTION OF MEMBER OF COUNCIL TO OFFICE UNDER JURISDICTION OF COUNCIL; EXCEPTION.

SEC. 48. JURISDICTION BEYOND CORPORATE LIMITS.

CHAPTER VII. TOWN TREASURER

SEC. 49. BONDS; DUTIES; APPOINTMENT AND DUTIES OF TOWN COLLECTOR.

SEC. 50. TREASURER TO RECEIVE, PAY OUT, KEEP AND ACCOUNT FOR TOWN MONEY.

SEC. 51. DEPOSITORIES OF TOWN FUNDS; ACCOUNTS; PROHIBITED USES OF TOWN MONEY.

SEC. 52. INSPECTION OF BOOKS, ETC.; TRANSFER OF BOOKS, BALANCES TO SUCCESSOR OR TO COUNCIL.

SEC. 53. MONTHLY REPORT TO COUNCIL.

SEC. 54. ANNUAL REPORT TO COUNCIL.

SEC. 55. HOW MONEY RECEIVED TO BE CREDITED; HOW MONEY TO BE DISBURSED.

SEC. 56. HOW ACCOUNTS TO BE KEPT; POWER OF COUNCIL AS TO MANNER OF DEPOSIT AND DISBURSEMENT.

SEC. 57. SPECIAL ASSESSMENT FUNDS.

SEC. 58. ADDITIONAL DUTIES.

SEC. 59. COMPENSATION.

SEC. 60. DUTIES MAY BE COMBINED WITH THOSE OF TOWN MANAGER.

CHAPTER VIII. TOWN PLANNING

SEC. 61. ADOPTION OF TOWN PLAN.

SEC. 62. PLANNING COMMISSION.

SEC. 63. AMENDMENT OF PLAN.

SEC. 64. PLATS TO BE APPROVED BY COUNCIL; DUTIES OF PLANNING COMMISSION AS TO PLATS; STREETS AND PARKS; REGULATIONS AS TO FILING PLATS.

SEC. 64a. PREREQUISITES TO APPROVAL OF PLAT BY COUNCIL.

SEC. 65. ERECTION OF BUILDINGS WITHIN STREET LINES.

SEC. 66. PLACING STREETS ON PLAN PREREQUISITE TO LAYING PUBLIC UTILITIES, GRADING, PAVING OR BUILDING HOUSE ADJACENT THERETO.

CHAPTER IX ZONING

SEC. 67. GENERALLY.

CHAPTER X. GENERAL PROVISIONS

SEC. 68. CERTAIN OFFICERS MAY ADMINISTER OATHS, ETC.

SEC. 69. INVESTIGATIONS INTO TOWN AFFAIRS.

SEC. 70. CHANGE OF PLAN OF GOVERNMENT.

SEC. 70a. EDUCATIONAL SYSTEM IN EVENT OF ESTABLISHMENT AS CITY.

SEC. 71. NO CONFLICT WITH ALCOHOLIC BEVERAGE CONTROL ACT.

SEC. 72. PROHIBITED TAX LEVIES.

SEC. 73. SEPARABILITY OF PROVISIONS OF CHARTER.

SEC. 74. REPEAL OF ACTS CONFLICTING WITH CHARTER.

SEC. 75. EFFECTIVE DATE OF CHARTER.

AN ACT TO PROVIDE A NEW CHARTER FOR THE TOWN OF FRONT ROYAL, VIRGINIA, AND TO REPEAL ALL ACTS AND PARTS OF ACTS IN CONFLICT WITH THIS ACT

Be it enacted by the General Assembly of Virginia, as follows:

Section 200-1 CHARTER OF THE TOWN OF FRONT ROYAL, VIRGINIA

CHAPTER I CORPORATE EXISTENCE; ADMINISTRATION GENERALLY.

SEC 1 CORPORATE ENTITY; POWERS AS A CORPORATION; POWERS DELEGATED TO INCORPORATED TOWNS UNDER STATE CONSTITUTION OR LAWS.

The inhabitants of the Town of Front Royal, Warren County, Virginia, as its limits now are, or hereafter may be established in the manner provided by law, shall continue to be a body corporate and politic by name the Town of Front Royal, and under that name shall have perpetual succession; may use a corporate seal of such kind as it may adopt; may sue and be sued; may acquire property within or without its boundaries for any municipal purpose, in fee simple or lesser interest or estate, by purchase, gift, devise, lease or condemnation, and may sell, lease, hold, manage and control such property as its interests may require; and, except as

prohibited by the Constitution of Virginia or restricted by this Charter, the Town of Front Royal shall have and may exercise all municipal powers, functions, rights, privileges and immunities which are now, or may be hereafter, conferred upon or delegated to incorporated towns under the Constitution and laws of Virginia, as fully and completely as if herein enumerated in detail, and no enumeration of particular powers in this Charter shall be held exclusive.

The original Charter for the Town of Front Royal, then located in the County of Frederick, was granted by the General Assembly on November 15, 1788.

SEC 2 DEFINITION OF CORPORATE LIMITS*.

The corporate limits of the Town of Front Royal, Virginia, as heretofore established, are hereby reestablished, as follows:

[NOTE: THIS DESCRIPTION OF THE TOWN'S BOUNDARIES IS UNDOUBTEDLY INCORRECT. THE CURRENT LAW ON THIS POINT IS AS FOLLOWS:

§ 15.2-207. Boundaries of municipal corporations continued; charters not to contain metes and bounds; incorporated by reference. — The boundaries of municipal corporations remain as now established unless changed as provided in this title. No charter of any municipal corporation shall contain the metes and bounds of such municipal corporation, but the boundaries shall be incorporated therein by reference to the recordation in the clerk's office of the court where deeds are admitted to record of the final decree or order of the court establishing such boundaries or the act of the General Assembly by which they are defined. The part of the charter of a municipal corporation defining its boundaries hereafter amended shall not contain the metes and bounds of the municipal corporation, but the boundaries shall be incorporated therein by reference to the recordation of a final decree or order of court or to a General Assembly act. (Code 1950, § 15.1-908; 1958, c. 328; 1962, c. 623, § 15.1-836.2; 1979, c. 297; 1997, c. 587.)]

~~Beginning at a point where the west bank of Happy Creek and north lane of Eighth Street intersect, thence along the north side of Eighth Street to east side of Royal Avenue, thence along east line of Royal Avenue to a point opposite north line Eighth Street extended, thence crossing Royal Avenue and following north side of Eighth to east side of Shenandoah Avenue, thence along east side of Shenandoah Avenue to north side of Kendrick Lane, thence southeast along the north side of Kendrick Lane to west side of Villa Avenue, thence crossing Kendrick's Lane and following the line of Colonel Millar's property, and Randolph Macon property to Mistress Katie Buck's property, thence westward along line between Mistress Buck and Randolph Macon for one hundred and thirty two feet, thence crossing Mistress Buck's property south thirty four west five hundred and twenty eight feet to a point opposite her house, thence south forty one west three hundred and seventy three feet to north side of road leading to Doctor Garrison's property, thence eastward along north side of road four hundred and twelve feet to a point opposite corner E.H. Hoffman's property, thence along his line to corner Doctor White's property, thence along Doctor White's line to Mister Thornton Leach's property, thence along~~

~~Mister Leach's line to corner Mistress Davis Roy's lot a large white oak tree formerly known as Beecher's corner, thence along line between Mistress Roy and E.H. Hoffman to center of lane between Mistress Roy and Druid Hill property, thence southward with center of lane to Luray Road, thence crossing Luray Road and continue line south twenty five east five hundred and fifty feet to a small sassafras tree in cemetery line, thence following the eastern boundary of cemetery by its several courses to Beatty Lane, thence east along north side of Beatty's Lane, cross Manor Avenue, extended, a distance of nine hundred and thirty nine feet to a point opposite Beeden's Lane, thence with Beeden's Lane south seven hundred and forty five west one thousand and seventy eight feet to the northern boundary of a road, thence with the northern boundary of said road and through the lands of John Carter south eighty fifteen minutes east eight hundred and sixteen feet to western boundary of W.E. Rudacille's land, thence with the western boundary of said W.E. Rudacille's land north ten and forty five minutes east one thousand and sixty four feet to the northern boundary of Beatty's Lane, continued, thence with northern boundary of Beatty's Lane in an easterly direction twelve hundred and twenty one feet to the west bank of Happy Creek, thence continuing along west bank of Happy Creek to the beginning.~~

SEC 3 VESTING OF TOWN POWERS, ADMINISTRATION AND GOVERNMENT.

Except as may be otherwise provided in this Charter, all powers of the town and the administration and government of the said town shall be vested in the council of the Town of Front Royal and in such boards and officers as are hereafter mentioned, or may be by law otherwise provided.

SEC 4 ENUMERATION OF TOWN OFFICERS; WHAT OFFICERS TO BE ELECTED AND WHAT TO BE APPOINTED.

The municipal officers of said Town shall, beginning with the effective date of this Act and thereafter, consist of a mayor, six Councilmen, a Town Manager, a Town Treasurer (who may, by ordinance duly enacted, be the Town's Finance Director), and a Town Clerk (who will be the Clerk of Council), and such other officers as may be designated by ordinance duly enacted from time to time. The Mayor and Councilmen shall be elected by the qualified voters of said Town. The Town Manager, Town Treasurer and Town Clerk shall be appointed by the Council as is herein provided. (Acts 1993, ch. 479, p. 572)

SEC 5 POWERS AND AUTHORITY OF COUNCILMEN GENERALLY.

The power and authority of the councilmen shall, in addition to those mentioned and authorized by this Act be such as are mentioned and prescribed by law.

SEC 6 ELECTION TERM, QUALIFICATIONS AND SALARY OF MAYOR AND COUNCILMEN; FILLING VACANCY IN MEMBERSHIP OF COUNCIL.

~~A. — The present Mayor and Town Council members shall continue in office until the expiration of the terms for which they were respectively elected. The positions of three (3) Town Council members, whose present terms were to end, prior to adoption of this present Charter, on June 30, 2014, shall be elected on the first Tuesday in May, 2014 for a single term of office to begin July 1, 2014, and to end December 31, 2014, and such three (3) Town Council members positions thereafter shall be elected on the November, 2014 general election date and every four (4) years thereafter. The positions of three (3) Town Council members, those whose terms were to end, prior to adoption of this present Charter, on June 30, 2016, shall be elected on the first Tuesday of May, 2016, for a single term of office to begin on the first day of July, 2016, and to end on December 31, 2016, and such three (3) Town Council members positions thereafter shall be elected on the November, 2016 election date and every four (4) years thereafter. The Mayor shall be elected on the first Tuesday in May, 2014, for a term of office to end on December 31, 2014 and the Mayor thereafter shall be elected on the November, 2014 election date and every two (2) years thereafter.~~

A. The Mayor and Town Council shall be elected on the Tuesday following the first Monday in November in even numbered years in the manner provided by Virginia general election laws, except insofar as they are otherwise herein provided by this Charter. The Mayor and members of Town Council in office at the effective date of this Charter amendment shall have their terms extended and shall continue in office until December 31 of the year in which their respective terms were to expire.

B. The terms of office for all Town Council members shall begin on the first day of January next following their election, and each shall serve for a term of four (4) years or until his or her successor shall have been elected and qualified. The term of office for the Mayor shall begin on the first day of January next following his or her election, and the Mayor shall serve for a term of two (2) years. The Town Council members and Mayor may succeed themselves as often as the voters may choose.

C. Candidates for Town Council and Mayor shall be nominated only by petition in the manner prescribed by general law. Candidates for Town Council and Mayor shall not be nominated or identified on the ballot by political party affiliation or in any other manner that would disqualify them for candidacy under any law of the United States or the Commonwealth of Virginia.

~~*The present* Mayor and Town Councilmen shall continue in office until the expiration of the terms for which they were respectively elected. On the first Tuesday in May, nineteen hundred ninety four, there shall be elected by the qualified voters of the Town of Front Royal, four Councilmen, who shall be electors of the Town, and whose terms of office shall begin on the first day of July, succeeding their respective elections. The three elected Councilmen with the highest vote totals shall serve for a terms of four (4) years, and until their duly elected successors shall have qualified. The fourth elected Councilman with fewer votes than the other~~

~~three Councilmen so elected, shall serve a term of two (2) years, and until his duly elected successor shall have qualified.~~

~~In the event that the fourth elected Councilman cannot be determined because of a tie in the vote, the Councilmen who have tied in the votes received shall draw lots to determine who shall serve the two-year term.~~

~~On the first Tuesday in May, nineteen hundred ninety-six, and every two (2) years thereafter, there shall be elected by the qualified voters of the Town of Front Royal, three (3) Councilmen, who shall be electors of the Town, and whose terms of office shall begin on the first day of July, succeeding their respective elections and shall continue for four (4) years thereafter, and until their duly elected successors shall have qualified.~~

~~On the first Tuesday in May, nineteen hundred ninety-six, , and every two (2) years thereafter, there shall be elected by the qualified voters of the Town of Front Royal, a Mayor, who shall be one of the electors of the Town, and whose term of office shall begin on the first day of July, succeeding his election and continue for two (2) years thereafter, and until his duly elected successor has qualified.~~

D. The Council may fill any vacancy that occurs in the membership of the Council for the unexpired term, **provided that such vacancy is taken within 45 days of the office becoming vacant. If a majority of the remaining members of the Council cannot agree, or do not act, the judges of the circuit court having jurisdiction shall make the appointment. The person so appointed shall hold office only until the qualified voters of the Town fill the vacancy by special election pursuant to Virginia Code § 24.2-682, 1950, as amended, or its successor enactment(s), and the person so elected has qualified. Any person so appointed shall hold office the same as an elected person and shall exercise all powers of the elected office.**

If a majority of the seats on the Council are vacant, the remaining members shall not make interim appointments and the vacancies shall be filled as provided in Virginia Code § 24.2-227, 1950, as amended, or its successor enactment(s).

E. Each member of the Council shall receive a salary in an amount established by Council, payable as the Council may direct, **provided that no increase in salary of a Council member shall take effect during the incumbent council member's current term in office,** but this restriction shall not apply when the council members are elected for staggered terms.

F. The Mayor shall receive a salary in an amount established by Council, payable as the Council may direct, **but no increase in the Mayor's salary shall take effect during the incumbent mayor's current term in office.** (Acts E.S. 136-37, ch. 44, p. 143; Acts 1944, ch. 209, p. 300; Acts 1954, ch. 405, p. 495; Acts 1975, ch. 348, p. 579; Acts 1987, ch. 235, p. 315; Acts 1993, ch. 479, p. 572)

SEC 7 TOWN OFFICERS TO BE SWORN IN; EFFECT OF FAILURE TO TAKE OATH OR TO GIVE REQUIRED BOND.

All municipal offices of the town, before entering upon the duties of their respective offices, shall be sworn in accordance with the laws of the state by any one authorized to administer oaths under the laws of the state. If any person elected or appointed to any office in said town shall neglect to take such oath on or before the day on which he is to enter upon the discharge of the duties of his office, or shall for twenty days after the beginning of his term of office fail to give such bond as may be required of him by the council, a vacancy in said office shall then exist.

CHAPTER II MAYOR AND VICE MAYOR.

SEC 8 POWERS AND DUTIES OF MAYOR GENERALLY.

The mayor shall preside at the meetings of the council and perform such other duties as may be prescribed by this Charter and by general law, and such as may be imposed by the council, consistent with his office. He shall be recognized as the official head of the town for all ceremonial purposes, by the courts for the purpose of serving civil process, and by the governor for military purposes. In time of public danger or emergency, he may take command of the police, maintain order and enforce the law. Such course of action shall be subject to review by the council.

The mayor shall have no right to vote in the council except that in every case of a tie vote of the council, the mayor shall be entitled to vote and his vote in case of a tie only shall have the same weight and effect as the vote of a councilman.

The mayor shall have no power to suspend, remove or discharge any officer, agent or employee of the town nor shall he have any power or authority to appoint or employ any officer, agent or employee of the town nor to fix the term of office or employment, or the compensation, or to increase or decrease the power and authority of any officer, agent or employee of the town, but the mayor shall have such powers with respect to the chief of police, the policemen and employees of the police force when and if the mayor is given the control and supervision of the chief of police, the policemen and employees of the police force as is provided in section 40(a) hereof.

SEC 9 ELECTION, POWERS AND DUTIES OF VICE-MAYOR; FILLING VACANCY IN OFFICE OF MAYOR.

The council shall at its first meeting ~~after the effective date of this Act choose one of its members as vice mayor who shall serve until August thirty first, nineteen hundred and thirty eight; and at its first meeting in September, nineteen hundred and thirty eight,~~ in **January**, following the regular municipal election, and biennially thereafter, shall choose one of its members as vice-mayor. The vice-mayor shall perform the duties of the mayor during his absence or disability. In the event of the death, removal or resignation of the mayor, the council shall choose one of

the councilmen or some other qualified voter of the Town of Front Royal who shall serve as mayor until the next succeeding municipal election, at which time a successor shall be elected by the qualified voters of the Town of Front Royal to fill the office of mayor for the remainder of the unexpired term.

Should a member of the council be chosen to serve as mayor until the next municipal election such councilman shall be deemed to have surrendered his office as councilman forthwith upon his qualification as mayor and his office of councilman shall thereupon be vacant. The vacancy thereby created in the council shall be filled by the council as provided in section six hereof.

The member of the council who shall be chosen vice-mayor shall continue to have all of the rights, privileges, powers, duties and obligations of councilman even when performing the duties of mayor during the absence or disability of the mayor of the town.

CHAPTER III COUNCIL

~~SEC 10 COMPOSITION AND ELECTION~~

~~The Council of the Town shall be composed of four (4) members. Effective July 1, 1994, the Council of the Town shall be composed of six (6) members. Council members shall be elected by the popular vote of the qualified voters of the Town, as provided in Section 6 hereof. (Acts 1993, ch. 479, p. 572)~~

SEC 10 MEETINGS; EFFECT OF VOLUNTARY ABSENCE OF COUNCILMAN FROM THREE CONSECUTIVE REGULAR MEETINGS.

The Council shall, by ordinance, fix the time for their stated meetings. Special meetings shall be called by the Clerk of the Council upon the written request of the Mayor, or any ~~three~~ four (4) members of the Council. ~~Effective July 1, 1994, special meetings shall be called by the Clerk of the Council upon the written request of the Mayor, or any four (4) members of the Council.~~ No business shall be transacted at any special meeting but that for which it shall be called, unless the Council be unanimous. The meetings of the Council shall be open to the public, except when the public welfare shall require executive sessions.

If any member of said Council shall be voluntarily absent from three (3) regular meetings of Council consecutively, his seat may be deemed vacant by resolution of the Council, and thereupon his unexpired term shall be filled according to the provisions of this Act. (Acts 1993, ch. 479, p. 572)

SEC 12 APPOINTMENT OF CLERK OF COUNCIL; POWERS OF COUNCIL WITH REFERENCE TO PROCEEDINGS AND TRANSACTION OF BUSINESS; APPOINTMENT, POWERS AND DUTIES OF TOWN CLERK; MINUTE BOOK.

The council shall appoint a clerk to serve at the will of the council, and shall have authority to adopt such rules and appoint such officers and committees as they may deem proper for the regulation of their proceedings and for the convenient transaction of business; to compel the attendance of absent members; and enforce orderly conduct at meetings.

The council may appoint one of the members of the council, other than the member appointed town treasurer, as town clerk, if in the judgment of a majority of the members of the council it is proper so to do, and the member appointed town clerk shall have all of the duties and powers of town clerk as herein provided and he shall continue to have all of the powers, duties, authority, jurisdiction, responsibilities and obligations of a councilman.

The council shall keep a minute book, or its electronic equivalent, in which the clerk shall note the proceedings of the council, and shall record said proceedings at large on the record book, and keep the same properly indexed.

SEC 13 QUORUM; ORDINANCES APPROPRIATING MONEY OR LEVYING TAXES OR LICENSES; RECONSIDERATION OF MATTERS AT SPECIAL MEETINGS.

A majority of the members of Council shall constitute a quorum for the transaction of business.

~~Effective July 1, 1994, no~~ No ordinance shall be passed or resolution adopted having for its object the appropriation of money, or the levy of taxes and licenses, except by the concurrence of at least ~~three (3)~~ four (4) members, one of whom may be the Mayor in case of a tie vote as provided in Section 8 hereof. No vote or question decided at a stated meeting shall be reconsidered at a special meeting unless all members are present, and ~~three (3)~~ four (4) of them concur. (Acts 1993, ch. 479, p. 572)

CHAPTER IV TOWN MANAGER.

SEC 14 APPOINTMENT, QUALIFICATIONS, TERM, REMOVAL OR SUSPENSION; ELECTION OF MEMBER OF COUNCIL AS TOWN MANAGER.

The council shall appoint a town manager who shall be the chief administrative officer of the town. The town manager shall be chosen by the council solely on the basis of his executive and administrative qualifications and need not, when appointed, be a resident of the town or the state, but during his term of office he shall reside within the town. No member of the council shall, during the time for which elected, be chosen as town manager. The town manager shall be appointed for a term acceptable to the town council and the town manager. He shall be removable by the town council for cause. Before the town manager may be removed, he shall, if he so demand, be given a written statement of the reasons alleged for his removal and the right to be heard publicly thereon at a meeting of the council prior to the final vote on the question of his removal, but pending and during such hearing the council may suspend him from office. The

action of the council in suspending or removing the town manager shall be final, it being the intention of this Charter to vest all authority and fix all responsibility for such suspension or removal in the council. In case of the absence or disability of the town manager the council may designate some qualified person to perform the duties of the office during such absence or disability.

SEC 15 POWERS AND DUTIES GENERALLY; COUNCIL TO APPOINT CHIEF CONSERVATOR OF THE PEACE AND TO SEE THAT ORDINANCES AND LAWS ARE ENFORCED.

It shall be the duty of the town manager to supervise the administration of the affairs of the town; to make such recommendations to the council concerning the affairs of the town as may seem to him desirable; to keep the council advised of the financial condition and future needs of the town; to prepare and submit to the council the annual budget estimate; to prepare and submit to the council such reports as may be required by that body; and to perform such other duties as may be prescribed by this Charter or required of him by order of resolution of the council, not inconsistent with this Charter.

The council shall have power to appoint either the mayor or town manager as chief conservator of the peace within the town and to see that the ordinances of the town and the laws of the State are enforced.

SEC 16 POWERS AS TO TOWN OFFICERS, EMPLOYEES, ETC.

Except as otherwise provided in this Charter, the town manager, subject to the consent of the town council, may appoint or employ and he may remove or discharge such officers, employees and assistants as may be necessary to carry on the work in those departments of the town committed to him by ordinance, in all of their respective details, in an economical and satisfactory manner. The salaries and terms of office or employment of such officers, employees and assistants shall be fixed by the town manager subject to the approval of the town council. His action in all respects shall be subject to review by the council and he shall be accountable to the town council only.

CHAPTER V POWERS OF COUNCIL.

SEC 17 AS TO TOWN OFFICERS AND EMPLOYEES.

The council of the town shall have general power over all officers and employees of the town as provided in this Charter.

SEC 18 CONTROL OF TOWN AFFAIRS AND PROPERTY; ENUMERATION OF POWERS.

The council of the town shall have, subject to the provisions of this Act, the control and management of the fiscal and municipal affairs of the town and of all property, real and personal,

belonging to said town and may make such ordinances and bylaws relating to the same as they shall deem proper. The council shall in addition to other powers given by law, have power to make such ordinances, orders, bylaws and regulations as they may deem proper and necessary to carry out the following powers, which are hereby vested in them:

1. Market. To establish a market or markets in and for said town, provide for the appointment of proper officers therefor, prescribe the time and places for holding the market, provide suitable grounds and buildings therefor, and enforce such regulations as shall be necessary and proper to prevent ~~hawkstering, forestalling, or regrating~~ **illegal or unsanitary conditions or activity therein.**

2. Public improvements, municipal buildings, etc. To construct, maintain, regulate and operate public improvements of all kinds, including municipal and other buildings, armories, jails and all buildings and structures necessary or appropriate for the use and proper operation of the various departments of the town and performance of its duties and functions.

3. Waterworks and sewer systems. To establish, maintain, and operate waterworks and sewer systems within and without the town; to purchase water therefor; to contract and agree with the owners of any land, springs or water supplies for the use of or purchase thereof, or have same condemned according to law, for the location, extension, or enlargement of the said waterworks, or sewer system, either or both, the pipes connected therewith, and the fixtures or appurtenances thereof; and to protect from injury by ordinance, prescribing adequate penalties, the said waterworks, water supplies, sewer systems, pipes, fixtures, and land, or anything connected therewith, whether within or without the limits of the town.

3. A. Electric light works and gas works; purchase and sale of electricity and gas. To own, operate and maintain electric light and/or gas works, either within or without the corporate limits of the said town for the generating of electricity and/or the manufacture of gas for illuminating, power and other purposes, and to supply the same, whether said gas and/or electricity be generated or purchased by said town, to its customers and consumers both within and without the corporate limits of the said town, at such price and upon such terms as it may prescribe, and to that end it may contract with owners of land and water power for the use thereof, or may have the same condemned, and to purchase such electricity and/or gas from the owners thereof, and to furnish the same to its customers and consumers, both within and without the corporate limits of the said-city at such price and on such terms as it may prescribe.

3. B. Rates and charges for water, gas, electric and sewer service, etc.; deposit as prerequisite to service. To establish, impose and enforce water, gas, electricity, and sewerage rates and rates and charges for public utilities or other service, products or conveniences, operated, rendered or furnished by the town; and to assess, or cause to be assessed, water, gas, electricity and sewerage rates and charges against the proper tenant or tenants or such persons, firms or corporations as may be legally liable therefor; and the council may by ordinance require a deposit of such reasonable amount as it may by such ordinance prescribe, before furnishing any of said services to any person, firm or corporation. **When the town furnishes water, gas, electric, sewer, or other utility services to users thereof located outside the town's corporate limits, notwithstanding**

any provision of law to the contrary, the town may collect such compensation and service fees therefor as may be contracted for between the town and such user, and the town shall not thereby be obligated to provide such utility services to any other users outside its corporate boundaries. Any compensation and service fees received by the town for the furnishing of such utility services to users outside the town's corporate limits may, in the discretion of the town council, be paid into the town's general fund.

4. Streets and sidewalks-Generally. To open, extend, widen, or narrow, lay out, graduate, curb, and pave and otherwise improve streets, sidewalks, and public alleys in said town, and have them in good order and properly lighted; in order to properly light the streets of said town, the council may erect and operate such number of lamps and fixtures thereto belonging as they may deem necessary; they may build bridges in and culverts under said streets, and may prevent or remove any structure, obstruction, or encroachment over, or under, or in any street, sidewalk, or alley in said town, and may **cause to be planted or** permit shade trees **or other plants** to be planted along said streets; but no person shall occupy with his works, or any appurtenances thereof, the streets, sidewalks, or alleys of the town, without the consent of the council, duly entered upon its records; provided that so long as the said town shall, at its own expense, maintain and keep its streets in good order and repair, it shall be exempt from all labor and tax for county road purposes.

5. Same-Prevention of cumbering. To prevent the cumbering **or blockage** of, **or encroachment upon** streets, sidewalks, alleys, lanes, or bridges in the town in any manner whatever.

6. Route and grade of public utilities. To determine and designate the route and grade of any public utility laid out in said town.

7. Weights and measures. To make provision for and regulate weights, measures and standards.

8. Contagious diseases; hospitals; board of health. To secure the inhabitants from contagious, infectious, or other dangerous diseases; to establish, erect, and regulate hospitals **or other medical or health-related facilities**; to provide for and enforce the removal of patients to said hospitals **or other medical or health-related facilities**; to appoint and organize a board of health for said town, with the necessary authority for the prompt and efficient performance of its duties.

9. Nuisances; dangerous, offensive, etc., ~~business~~ **activities or enterprises**, etc.; transportation of coal, explosives, garbage, etc., through streets; speed of locomotives. To require and compel the abatement and removal of all nuisances within the said town, at the expense of the person or persons causing the same or the owner or owners of the ground where on the same shall be; ~~to regulate or prevent soap factories and candle factories within the town,~~ and the exercise of any dangerous, offensive or unhealthy **activity, enterprise,** business, trade or employment therein; and to regulate the transportation of coal, explosives, garbage and other articles through the

streets of the town, and to restrain and regulate the speed of locomotive engines and cars upon the railroads within the town.

10. Collections of stagnant water or offensive or unwholesome substances. If any ground in said town shall be subject to be covered with stagnant water, or if the owner or owners, occupier or occupiers thereof shall permit any offensive or unwholesome substance to remain or accumulate thereon, the council may cause such grounds to be filled, raised, or drained, or may cause such substance to be covered or to be removed therefrom, and may collect the expense of so doing from the owner or owners, occupier or occupiers, or any of them (except in cases where such nuisance is caused by the action of the town authorities or their agents, or by natural causes beyond the control of the owner or occupant, in which case the town shall pay the expense of abating the same), by distress and sale in the same manner in which taxes levied upon real estate for the benefit of said town are authorized to be collected; provided, that reasonable notice and an opportunity to be heard shall be first given to said owners or their agents. In case of nonresident owners who have no agent in said town, such notice shall be given by publication at least once a week for not less than four consecutive weeks in any newspaper having general circulation in the said town.

11. Gunpowder, explosives, combustibles, kerosene oil, gasoline, fireworks; discharge of firearms; lights in barns, etc.; bonfires. To regulate and direct the location and construction of all buildings for the storage of gunpowder, explosives and combustible substances; to regulate the sale and use of gunpowder, explosives, firecrackers, fireworks, kerosene oil, gasoline, or other combustible material; to regulate or prohibit the exhibition of fireworks, the discharge of firearms, the use of lights, fires, ~~or candles in barns and stables and other outbuildings~~ buildings and structures within the town, and to restrain and regulate the making of bonfires or other outdoor fires within the town.

12. Animals at large; keeping hogs. To prevent hogs, cows, horses, dogs, and other animals from running at large in the said town, and to subject the same to such confiscation, regulations, licenses, fees, and taxes as they may deem proper, and to prevent the keeping of ~~hogs~~ such livestock or other animals as by ordinance may be prohibited within the limits of the town.

13. Riding and driving animals; operation of vehicles; dangerous or annoying sports; cruelty to animals. To regulate the riding and driving of horses and other animals and the operation of motor and other vehicles, but not in conflict with state law; to prevent the throwing of stones or other objects or engaging in any employment or sport on the streets, sidewalks or public alleys, dangerous or annoying to persons; and to prohibit and punish the abuse or cruel treatment of horses and other animals in said town.

14. Drunkards, etc.; preservation of peace and prevention of vice; houses of ill-fame and gambling houses; lewd, etc., conduct. To restrain and punish drunkards, vagrants, and street beggars; to prevent vice and immorality; to preserve the public peace and good order; to prevent and quell riots, disturbances and disorderly assemblages; to suppress houses of ill-fame and gambling houses, and to prevent and punish lewd, indecent, and disorderly conduct or exhibitions in said town.

15. Keeping certain persons out of town. To prevent the coming into the town of persons having no ostensible means of support, and of persons who may be dangerous to the peace and safety of the town.

16. Acquisition of aircraft landing fields. To acquire, by condemnation, purchase or otherwise, provide for, maintain, operate and protect aircraft landing fields either within or without the corporate limits of the town.

17. **[NOTE: THIS PARAGRAPH HAS BEEN MOVED TO BECOME PARAGRAPH 3.A---PARAGRAPHS AND SECTIONS WILL BE RENUMBERED APPROPRIATELY WHEN TOWN COUNCIL HAS AGREED UPON A VERSION IT WISHES TO VOTE ON]**

18. **[NOTE: THIS PARAGRAPH HAS BEEN MOVED TO BECOME PARAGRAPH 3. B.]**

19. Franchises. Subject to the provisions of the Constitution of Virginia and of this Charter, to grant franchises for public utilities under terms and conditions to be fixed by the council.

20. Diversion of creeks and streams. To divert the channels of creeks and flowing streams and for that purpose to acquire property by condemnation.

21. Contracting debts, borrowing money, issuing bonds, etc. Subject to the provisions of the Constitution of Virginia and of this Charter, to contract debts, borrow money and make and issue bonds and other evidences of indebtedness.

22. Expenditure of town money. To expend the moneys of the town for all lawful purposes.

23. Eminent domain. To exercise the power of eminent domain within this state with respect to lands and improvements thereon, machinery and equipment for any lawful purpose of the said town.

24. Inspection of meat and milk; slaughterhouses. To provide by ordinance for a system of meat, and milk inspection and to appoint meat and milk inspectors, agents or officers to carry the same into effect, within or without the corporate limits of the town; to license, regulate, control and locate slaughterhouses within or without the corporate limits of the town; and for such services of inspection to make reasonable charges therefor; and to provide reasonable penalties for the violation of such ordinances.

25. General grant. To do all things whatsoever necessary or expedient, and to pass all ordinances, resolutions and by-laws for promoting or maintaining the security, general welfare, comfort, education, morals, peace, government, health, trade, commerce and industries of the town, or its inhabitants, not in conflict with the Constitution of the state, or the Constitution of the United States.

26. Control and regulation of municipal public utilities; sale of electricity within distance of fifteen miles; sewer connection and operation of sewer system; election on question of proposed sale of public utilities. The council shall have full control and regulation over the public utilities now owned or that may hereafter be acquired by the said town, and to this end it shall have full authority to employ from time to time such **employees, agents, and consultants** as it deems necessary to properly maintain, conduct and operate the same; and it shall have full authority to incur indebtedness, unless otherwise prohibited by law, whenever the said council may deem it necessary for the proper conduct, management and maintenance of the public utilities now owned by the said town, or such as may hereafter be acquired by it; and the council is hereby authorized and empowered to supply electric current to persons, firms, associations and corporations not further distant than fifteen miles from the corporate limits of the town, and to charge therefor for which purpose the said council is specifically authorized and empowered to construct, purchase, lease or otherwise acquire necessary transmission lines, and to purchase, lease or otherwise acquire such rights of ways as may be necessary for such purposes.

The said council shall likewise have authority, by ordinance duly enacted, to compel all owners of real estate within the corporate limits of said town to connect with such sewerage pipes or connections as may hereafter be installed or constructed by the said town, upon such reasonable terms as may be prescribed by said council, together with all other authority necessary to a proper maintenance and operation of an effective sewerage system.

The said council, however, shall have no authority to sell its public utilities, without first submitting the question of such sale at a special election to be called for that purpose only, to the qualified voters of the Town of Front Royal, which election shall be conducted as now provided by general law governing special elections. The circuit court of Warren County, or the judge thereof in vacation, shall order such special election upon the petition of two hundred qualified voters of the Town of Front Royal, or upon a resolution passed by a majority of the council of said town. For a period of not less than four weeks prior to said special election, the substantial terms of any proposed sale shall be published over the signature of the clerk of the said town, once a week for four successive weeks in some newspaper **published of general circulation within the County of Warren, or by publication for not less than once per week for four successive weeks in some other manner permitted by the general laws of the Commonwealth** of Virginia for the publication of proposed ordinances of the town. The qualifications of voters in said special election shall be determined by existing statutes governing other special elections.

SEC 19 CEMETERY.

The council is empowered to acquire, by purchase, gift, devise or condemnation or otherwise, lands to be used as a place for the burial of the dead. The said council shall have the power to prescribe and enforce all needful rules and regulations not inconsistent with the laws of the state for the use, protection, and ornamentation of the cemetery; to set aside, at their discretion, by metes and bounds, any portion thereof for the interment of strangers and the indigent poor; to divide the remainder into burial lots, and sell or lease the same, and to execute all proper deeds

or other writings in evidence of such sale or lease, and to prescribe what class or conditions of persons shall be admitted to interment in the cemetery. The cemetery, when established and enclosed, with the property included in it, shall be exempt from all state, county, and municipal taxation.

SEC 20 SINKING FUNDS.

The council shall set aside, or cause to be set aside, a sufficient portion of the revenues of the town, during each fiscal year to meet the sinking fund requirements for that year of the respective town ordinances, both those now in effect and such as may be passed in the future, authorizing the issuance of bonds by the town. Unless otherwise provided in the ordinances passed prior to the effective date of this Charter authorizing the issuance of bonds, all sinking funds of the town shall be administered by the board of sinking fund commissioners created by Section 25 of this Charter, who shall collect, maintain, and handle the same in the manner provided by Section 25 hereof. None of the sinking funds of the town shall be appropriated or used for any purpose other than the retirement of the bonded indebtedness of the town.

SEC 21 PENALTY FOR VIOLATION OF ORDINANCES; IMPRISONMENT FOR FAILURE TO PAY FINE.

Where the council has authority to pass ordinances on any subject, it may prescribe any penalty not exceeding twelve months in jail or a fine not exceeding two thousand five hundred dollars and for a person convicted for a third or subsequent offense involving the same property committed within ten years of an offense under the Uniform Statewide Building Code's Property Maintenance Code, not to exceed five thousand dollars, either or both, for a violation thereof, provided that such penalty shall not exceed the penalty prescribed by general law for a like offense. (Acts 1985, ch. 53) R-29-01 Amended 12-17-01. Approved by General Assembly 3-2002. Change Effective 7-1-02.

SEC 22 ACQUISITION OF PRIVATE PROPERTY FOR PUBLIC PURPOSES; EMINENT DOMAIN.

The town council shall not take or use any private property for streets or other public purposes except by gift or by dedication as hereinafter is provided, without making the owner thereof just compensation for the same; but in cases where the council cannot by agreement obtain title to the ground for such purposes, the council may exercise the power of eminent domain, as provided by law.

SEC 23 REMOVAL OF ENCROACHMENTS ON STREETS; SETTLEMENT OF DISPUTE AS TO LOCATION OF STREET LINE; ENCROACHMENT NOT TO CONSTITUTE ADVERSE POSSESSION OR TO CONFER RIGHTS.

In every case where a street in said town has been, or shall be, encroached upon by any fence, building or otherwise, the council may require the owner to remove the same, and if such removal be not made within the time prescribed by the council, they may impose such penalty as

they may deem proper for each and every day it is allowed to continue thereafter, and may cause the encroachment to be removed, and collect from the owner all reasonable charges therefor, with costs by the same process that they are hereinafter empowered to collect taxes.

Except, in any case where there is a bona fide dispute as to the true boundary line or the location of the true street line (and if passage over such street is not seriously impeded) the same shall first be established and determined by an adjudication of a court of competent jurisdiction in a proceeding instituted by either the town or the property owner for that purpose before the said town shall take any steps to remove the said obstruction or encroachment, or to impose any penalty therefor. No encroachment upon any street, however long continued, shall constitute any adverse possession to or confer any rights upon the persons claiming thereunder as against the said town.

SEC 24 DEDICATION OF STREETS.

Dedication of any street, alley or lane in said town may be made by plat or deed. Any street or alley reserved in the division or subdivision into lots of any portion of the territory within the corporate limits of said town, by a plan or plot of record, shall be deemed and held to be dedicated to public use, unless it appears by said record that the street or alley so reserved is designated for private use. The council shall have the right to elect, by resolution entered on its minutes whether it will, or will not accept the dedication of any street or alley.

SEC 25 BOARD OF SINKING FUND COMMISSIONERS; INVESTMENT OF SINKING FUNDS; DUTIES OF BOARD; MEMBERS OF BOARD TO GIVE BOND.

Whenever by act of the assembly or by ordinance of the council, the necessity of collecting, maintaining and handling a sinking fund for the retirement of town obligations may arise, the mayor, two members of the council and the town treasurer, shall be, and the same are hereby, constituted a board of sinking fund commissioners, who are authorized to invest such sinking fund in bonds of the United States government, those of the Town of Front Royal, and such other municipal or county bonds issued by the cities or counties in Virginia as shall meet the approval of the council, and to collect, care for, and reinvest the interest or income accruing from the same as may be directed by the town council by resolution or ordinance. Subject to the provisions of this Charter and of the general law of the state, any action which the board of sinking fund commissioners shall take shall be controlled by the affirmative vote of at least two members thereof. No fees or commissions shall be paid to any officers for the handling and control of the sinking fund.

The board of sinking fund commissioners shall have complete charge of all insurance funds, pension and relief funds, and all other funds, which may be created under authority of the council. The sinking fund commissioners shall each give bonds payable to the Town of Front Royal in such amount as the council shall prescribe and with sufficient security to be approved by the council, for the faithful discharge of their duties as sinking fund commissioners before entering upon their duties. (Acts 1975, ch. 348, p. 580)

SEC 26 APPOINTMENT AND COMPENSATION OF TOWN ATTORNEY;

The council may appoint a duly licensed attorney as town attorney, whose compensation shall be fixed by the council and who shall serve during the pleasure of the council-

SEC 26. A. APPOINTMENT, DUTIES AND COMPENSATION OF ADDITIONAL OFFICERS AND CLERKS; OFFICERS MAY BE REQUIRED TO GIVE BOND.

The council may appoint ~~and in addition to those herein provided for,~~ such officers and clerks as they may deem necessary, and define their powers, prescribe their duties and fix their compensation. The council may take from any officer, whether elected or appointed by them, a bond, with surety, to be approved by the council, in such penalty as it may deem proper payable to the town, with condition for the faithful discharge by the said officer of the duties of his office.

SEC 27 DUTIES OF THE CLERK OF THE COUNCIL.

The clerk of the council shall attend the meetings of the council, shall keep a record of its proceedings, and shall have the custody of the seal of the said town. He shall keep all papers that by the provisions of this Act, or the direction of the council, are required to be filed with or kept by him. Immediately after the close of each session of the town council, he shall make and present to the mayor and town manager a transcript of every ordinance, resolution or order concerning any public improvement, or for the payment of money, and every ordinance, resolution, order and act of legislative character passed by the town council at such session. He shall, in like manner, give notice to all persons presenting communications or petitions to the town council of the final action of the council on such communications or petitions. He shall publish such reports and ordinances as the town council may direct, and shall in general perform such other acts and duties as the council may from time to time require of him.

SEC 28 ANNUAL TAX LEVY.

In addition to all the other powers mentioned in this Charter, the town shall have power to raise annually, **semi-annually, or such other periods permitted by general law,** by taxes and assessments in said town on all subjects the taxation of which by incorporated towns is not forbidden by general law, such sums of money as the council herein provided for shall deem necessary for the purposes of said town, and in such manner as said council shall deem expedient, in accordance with the Constitution and laws of this state and of the United States.

SEC 29 SPECIAL OR LOCAL ASSESSMENTS FOR LOCAL IMPROVEMENTS.

The town council is hereby vested with power to impose special or local assessments for local improvements and enforce payment thereof, subject, however, to such limitations prescribed by the Constitution and laws of Virginia as may be in force at the time of the imposition of such special or local assessments.

SEC 30 TAXES OR LICENSES MAY BE REQUIRED OF TRADES,

BUSINESSES, ETC.

The town council may levy a tax or a license on any person, firm, or corporation pursuing or conducting any trade, business, profession, occupation, employment or calling whatsoever within the boundaries of the town, whether a license may be required therefor by the state or not, and may exceed the state license, if any be required, except when prohibited by general law.

SEC 31 CREDIT OF DELINQUENT TAXES PAID BY TENANT.

Any payment of delinquent taxes made by the tenant, unless under an expressed contract contained in his lease, shall be a credit against the person to whom he owes the rent.

SEC 32 LICENSES FOR MOTOR VEHICLES, TRAILERS AND SEMITRAILERS.

The council may require of owners of motor vehicles, trailers, and semitrailers, licenses for the privilege of keeping and operating such vehicles in the town, and may levy and assess taxes and charge license fees upon such vehicles. (Acts 1968, ch. 507, Section 1.)

SEC 33 DISTRAINT AND SALE OF GOODS AND CHATTELS FOR TAXES.

All goods and chattels wheresoever found, may be distrained and sold for taxes assessed and due thereon, and no deed of trust nor mortgage upon goods and chattels shall prevent the same from being distrained and sold for taxes.

SEC 34 MAJORITY VOTE REQUIRED FOR LEVY OF TAX OR FOR CONTRACTING DEBT ABOVE ONE HUNDRED DOLLARS; EXCEPTION.

No tax shall be levied or corporate debt in excess of one hundred dollars be contracted unless by a resolution passed by a recorded vote of a majority of the council, provided however that all expenditures provided for in the budget passed by the town council shall be excepted from this provision of this Act.

SEC 35 LIEN ON REAL ESTATE FOR TOWN TAXES; SALE OF REAL ESTATE FOR NONPAYMENT OF TAXES; REDEMPTION OF REALTY SOLD.

There shall be a lien on real estate for the town taxes as assessed thereon from the commencement of the year for which they were assessed. The council may require real estate in the town delinquent for the nonpayment of town taxes to be sold for said taxes, with interest thereon at the rate of six per centum per annum, and such per centum as the council may prescribe for charges. Such real estate may be sold and may be redeemed in the manner provided by law; provided that at any such sale, where no person bids the amount chargeable on any such real estate, it shall be lawful for the treasurer to purchase the same for the benefit of the town upon the same terms and conditions prescribed by general law, for the purchase of delinquent real estate by the treasurer for the benefit of a city or town, respectively.

SEC 36 FIRE DEPARTMENT.

The town council may create and maintain a fire department for the town and it shall be the duty of the employees of this department to stand ready at all times to answer alarms of fire and make every effort to extinguish fires and to protect lives and property. It shall also be the duty of the employees of the fire department to make periodic inspections of the buildings and premises in the town for fire hazards, and to have corrected any situation tending to create a fire hazard, when ordered so to do by the council or the town manager. The employees of the fire department shall have special police powers when responding to alarms of fire and when making inspection for fire hazards. The town council may provide and maintain all necessary fire fighting apparatus, equipment, and alarm systems, and make such ordinances as it may deem proper and necessary to extinguish and prevent fire, to regulate the operation of the fire department, and may require citizens to render assistance to the fire department in case of need.

SEC 37 FIRE LIMITS; BUILDING REGULATIONS; UNSAFE BUILDINGS; ZONING REGULATIONS; DISPOSITION OF GARBAGE AND WASTE; FIRE PROTECTION; REMOVAL OF UNLAWFUL BUILDINGS; PUBLIC HEALTH AND SAFETY.

For the purpose of guarding against the calamities of fire, and based upon the advice of a fire marshall or building official or other person with expertise in the prevention of fires or explosion, the town council may, from time to time, designate such portions and parts of the town as it deems proper within which buildings ~~of wood~~ or other structures deemed by town council as unreasonably dangerous from or susceptible to fire or explosion, may or may not be erected. It may prohibit the erection of ~~wooden buildings or~~ buildings or structures or additions of inflammable material in any portion of the town without its permission, and may provide for the removal of such buildings or structures or additions which shall be erected contrary to such prohibition at the expense of the builder or owner thereof; or if any building in process of erection or already built appears clearly to be unsafe the council may cause such building to be taken down, after reasonable notice to the owner; and the council may, by proper ordinance, divide the town into zones; specify the kind and character of buildings which may be erected in the different zones; provide for the disposition of garbage and waste; provide precautionary measures against danger from fires; provide for the removal of buildings or structures of any kind, erected in violation of ordinances, at the expense of the builder or owner; and may do all other things lawful to be done, looking to the health and safety of the inhabitants of the town.

SEC 38 EFFECTIVE DATE OF ORDINANCES AND RESOLUTIONS GENERALLY; EMERGENCY ORDINANCES.

Ordinances making the annual tax levy, appropriation ordinances, ordinances and resolutions pertaining to local improvements and assessments, ordinances and resolutions providing for or directing any investigation of Town affairs, resolutions requesting information from administrative bodies, or directing administrative action and emergency measures shall take effect at the time indicated in such ordinances. Except as otherwise prescribed in this Charter, all

other ordinances and resolutions passed by the Council shall take effect at the time indicated in such ordinances, but in the event no effective date shall be set forth in any such ordinance, resolution, or bylaw passed by the Council, the same shall become effective thirty (30) days from the date of its passage.

An emergency measure is an ordinance or resolution to provide for immediate preservation of the public peace, property, health or safety, in which the emergency claimed is set forth and defined in a preamble thereto. The affirmative vote of at least four (4) members of the Council shall be required to pass any ordinance or resolution as an emergency measure. In case there shall be a tie vote among the members of Council, the vote of the Mayor, in the event of such tie, shall be controlling. (Acts 1993, ch. 479, p. 572)

SEC 39 PUBLICATION OF PENAL ORDINANCES; ORDINANCES IN EVIDENCES; CODIFICATION OF ORDINANCES.

All ordinances hereafter passed by the council for the violation of which any penalty is imposed, shall be published once, at least, in one of the newspapers of general circulation in said town, to be designated by the council, or shall be published in any other manner permitted by general law for the publication of proposed ordinances. A record or entry made by the clerk of said council, or a copy of said record or entry, duly certified to by him, shall be prima facie evidence of the publication of any such ordinance; and all laws, regulations and ordinances of the council may be read in evidence in all courts of justice, and in all proceedings before any officer, body or board in which it shall be necessary to refer thereto, from a copy thereof, certified by the clerk of said council, provided, however, that whenever, the council of the town of Front Royal shall codify, in whole or in part, and print at one time, or from time to time, in book or pamphlet form, the general ordinances of the Town of Front Royal, or any part thereof, it shall be unnecessary to publish any new or changed ordinances therein contained, or such codification, or codifications, in a newspaper or otherwise, ~~and all new or changed ordinances therein contained, and such codification or codifications, shall take effect at such time, but not less than thirty days after such codification or codifications shall have been printed in book or pamphlet form, as may be prescribed by the council by ordinance;~~ provided, notice of such publication and the availability of such book or pamphlet at the town hall is published in a newspaper as hereinabove required. (Acts E.S. 1936-37, ch. 44, p. 143, Acts 1964, ch. 105.)

SEC 40 POLICE POWERS; POLICE FORCE.

a. The council may exercise full police powers and it may establish and maintain a police force for the Town of Front Royal with such number of policemen and employees as the council may deem necessary and with the head of such force to be known as the chief of police. The chief of police and the policemen and employees of the police force shall be under the control and supervision of the town manager or the mayor as the council may deem expedient. The compensation and terms of office or employment of the chief of police and such policemen and employees of the police force as the council shall deem proper shall be fixed and determined by the council.

b. Each member of the police force and the chief of police are hereby made and constituted a conservator of the peace and endowed with all the powers of a constable in criminal cases and all other powers which under the laws of the State of Virginia and the ordinances and resolutions of the town may be necessary to enable him to discharge the duties of his office.

SEC 41 CONTRACTING DEBTS, ISSUING BONDS, ETC., BORROWING MONEY; GRANTING CREDIT OF TOWN.

a. The council may, in the name of and for the use of the town, contract debts and make and issue, or cause to be made and issued, as evidence thereof, bonds, notes or other obligations, upon the credit of the town, or solely upon the credit of specific property owned by the town, or solely upon the credit of income derived from property used in connection with any public utility owned and operated by the town.

b. Pending the issuance and sale of any bonds, notes or other obligations by this Act authorized, or in anticipation of the receipt of taxes and revenues of the current fiscal year, it shall be lawful for the town to borrow money temporarily and to issue notes or other evidences of indebtedness therefor, and from time to time to renew such temporary loans or to use current funds to be ultimately repaid from the proceeds of the said bonds, notes or other obligations or from the town taxes and revenues, as the case may be.

c. The credit of the town shall not, directly or indirectly, under any device or pretense whatsoever, be granted to or in aid of any person, firm, association or corporation.

d. Every ordinance authorizing the issuance of bonds shall specify the purpose or purposes for which they are to be issued, the aggregate amount of the bonds, the term for which they shall be issued, and the maximum rate of interest to be paid thereon. Any such ordinance may be amended by ordinance at any time before the bonds to be affected by such amendment have been sold; provided, however, if there shall be omitted from this Act any provision essential to the valid authorization, sale, execution and issuance of any of the bonds of said town, the provisions of general law with reference to similar bonds shall supply said omission.

e. Any bonds issued by the town under this Act shall be signed by the mayor and attested by the clerk under the seal of the town, and shall be made payable in the office of the town treasurer or such other place in or out of the state as the council may provide in the ordinance authorizing the issuance of the particular bonds. Such bonds shall be advertised by the mayor and sold by the town treasurer, or by the town manager as may be provided in such ordinance, under supervision of the mayor, town manager and clerk, and the sale reported to and approved by the council, and the proceeds from said sale shall be paid to the town treasurer.

CHAPTER VI TOWN OFFICERS.

SEC 42 COMBINING OFFICES.

The town council may combine offices when not expressly prohibited, except that the assessing and collecting officers shall not be the same person.

SEC 43 SALARIES AND COMPENSATION.

The town council shall grant and pay to all town officers and employees such salaries or compensation, if any, as the said council may from time to time deem just and proper, or which shall be fixed by this Act, except as such salaries or compensation may be fixed by general law.

SEC 44 PROPERTY, BOOKS AND PAPERS BELONGING TO TOWN OR APPERTAINING TO TOWN OFFICE.

If any person, having been an officer of such town, shall not within ten days after he shall have vacated, or removed from office, and upon notification or request of the clerk of the council, or within such time thereafter as the town council shall allow, deliver over to his successor in office all property, books, and papers belonging to the town, or appertaining to such office in his possession or under his control, he shall forfeit and pay to the town the sum of five hundred dollars, ~~to~~ **and may** be sued **therefor** in the name of the town and recovered with costs; and all books, records and documents used in any such office by virtue of any provision of this Act, or of any ordinance or order of the town council, or any superior officer of the said town, shall be deemed the property of the said town and appertaining to said office, and the chief officer thereof shall be responsible therefor.

SEC 45 ELECTION AND TERMS OF ELECTIVE CHARTER OFFICERS.

All officers hereafter elected under this Act, shall be elected at the times and for the terms as hereinbefore provided, and shall enter upon the discharge of their duties, in accordance with the provisions of the general laws of this state concerning town officers.

SEC 46 APPLICATION OF LAW TO TOWN AND OFFICERS.

The Town of Front Royal and the officers thereof, elected or appointed in accordance with the provisions of this Act, shall be clothed with all the powers, and be subject to all the provisions of law not in express conflict with the provisions of this Act.

SEC 47 APPOINTMENT OR ELECTION OF MEMBER OF COUNCIL TO OFFICER UNDER JURISDICTION OF COUNCIL; EXCEPTION.

No member of the council of the Town of Front Royal shall be appointed or elected to any office under the jurisdiction of the council while he is a member of the council, or for one year thereafter, except that the council may appoint one of the members of the council as town treasurer with all or any part of the duties, powers, obligations and responsibilities of the town treasurer provided by this Act.

SEC 48 JURISDICTION BEYOND CORPORATE LIMITS.

The mayor, the town councilmen, the town manager, the chief of police and the members of the police force of the town shall have jurisdiction, power and authority in criminal and police matters for one mile from the corporate limits of the said town.

CHAPTER VII TOWN TREASURER.

SEC 49 BONDS; DUTIES; APPOINTMENT AND DUTIES OF TOWN COLLECTOR.

The town treasurer shall, before entering upon the duties of his office, give bond with sufficient surety to be approved by the council, in a penalty of such amount as may be fixed by the council from time to time, payable to the Town of Front Royal, conditioned for the true and faithful performance of the duties of his office. The treasurer shall be responsible for the collection of all taxes, licenses and levies except charges for services furnished by the public utilities of the town.

The council shall have authority to place in the hands of a town collector to be appointed by it the collection of any taxes, licenses and other levies at any time before they become delinquent, if in the discretion of the council it shall be proper so to do.

SEC 50 TREASURER TO RECEIVE, PAY OUT, KEEP AND ACCOUNT FOR TOWN MONEY.

The town treasurer shall receive all moneys belonging to the town which it is his duty to collect from persons owing the same to the town, or which it is the duty of other officers of the town to collect and pay over to him, and pay the same out as the ordinances of the town may prescribe; to keep such moneys safely and account therefor, and to pay all drafts or orders made on him in conformity with the ordinances of the town.

SEC 51 DEPOSITORIES OF TOWN FUNDS; ACCOUNT; PROHIBITED USES OF TOWN MONEY.

The funds of the town shall be deposited by the treasurer in such bank or banks as the council may direct, and such bank or banks shall give bond in such sum or sums as the council shall fix. He shall keep books showing accurately the state of his accounts and the money of the town shall be kept distinct and separate from his own money and he is hereby expressly prohibited from using directly or indirectly the town's money, checks or warrants in his custody and keeping for his own use and benefit, or that of any person or persons whomsoever, and any violation of this provision shall subject him to immediate removal from office.

SEC 52 INSPECTION OF BOOKS, ETC.; TRANSFER OF BOOKS, BALANCES TO SUCCESSOR OR TO COUNCIL.

The books and accounts of the town treasurer and all papers relating to the accounts and transactions of the town, shall be at all times subject to the inspection of the mayor, the town council, and such other persons as the council may appoint, to examine the same, and all such

books and accounts, together with any balance or moneys on hand, shall be transferred by the treasurer to his successor at every new appointment, or delivered up as the council may at any time require.

SEC 53 MONTHLY REPORT TO COUNCIL.

The town treasurer shall, on the first day of each month, render an account to the council showing the state of the treasury on the day previous and the balance of money on hand. He shall also, if required so to do by the council, accompany such account with a statement of all money received by him and on what account, with a list of all checks paid by him during the month then closed, and shall furnish such other information, accounts and statements as the town council may direct.

SEC 54 ANNUAL REPORT TO COUNCIL.

The town treasurer shall annually submit to the town council, within fifteen days after the close of the fiscal year, a full and detailed account of all receipts and disbursements made during the fiscal year just closed.

SEC 55 HOW MONEY RECEIVED TO BE CREDITED; HOW MONEY TO BE DISBURSED.

All taxes, levies or other sums of money of whatever nature received by the town treasurer belonging to the Town of Front Royal, shall be credited by the treasurer on his books to the Town of Front Royal and shall be paid out by him only on a warrant of the clerk of the council, countersigned by the mayor.

SEC 56 HOW ACCOUNTS TO BE KEPT; POWER OF COUNCIL AS TO MANNER OF DEPOSIT AND DISBURSEMENT.

The treasurer shall keep a separate account of each fund and appropriation and the debits and credits belonging thereto; provided, however, that the council shall have the right to require all town funds to be deposited to the credit of the town and may prescribe by resolution or ordinance such other method of disbursement as it shall from time to time deem proper.

SEC 57 SPECIAL ASSESSMENT FUNDS.

All moneys received on all special assessments shall be held by the treasurer as a special fund, to be applied to the payment of the matter for which the assessment was made and said moneys shall be used for no other purpose.

SEC 58 ADDITIONAL DUTIES.

The treasurer shall perform such additional duties as may be required of him by the council not inconsistent with the laws of the state.

SEC 59 COMPENSATION.

The town treasurer shall receive for his services such compensation, if any, as the council may deem proper.

SEC 60 DUTIES MAY BE COMBINED WITH THOSE OF TOWN MANAGER.

The council may at any time in its discretion combine the duties of town treasurer, or any part of such duties, with those of the duties of town manager, **or with the town's finance director**, and if and when the council places the duties of the town treasurer, or any part of such duties, upon the town manager **or with the finance director**, the town manager, **or the finance director, as the case may be**, shall have all of the power, authority, duties, obligations and responsibilities which are set forth in this Act for the town treasurer to the extent of the combination of the duties of town treasurer with the duties of town manager by the town council.

CHAPTER VIII TOWN PLANNING.

SEC 61 ADOPTION OF TOWN PLAN.

The council may adopt a town plan, showing the streets, highways, and parks heretofore laid out, adopted, and established, and such town plan shall be final with respect to the location, length, and width of such streets and highways, and the location and dimensions of such parks. Such town plan is hereby declared to be established for the promotion of the health, safety, and general welfare. Upon the adoption of the town plan, or any amendment thereto, a certificate to that effect, together with a plat, shall be filed immediately with the clerk of every county affected by such town plan or amendment.

SEC 62 PLANNING COMMISSION.

The council is hereby authorized to appoint a town planning commission, fix the number and terms of members, remove any member for cause, fill any vacancies, which may occur, and provide for the powers and duties of such commission, not in conflict with the provisions of this Act.

SEC 63 AMENDMENT OF PLAN.

The council may at any time, after a public hearing, amend the town plan, **including, but not limited to**, by widening, relocating, or closing existing streets and highways, and by altering any existing park or by laying out new streets and highways and establishing new parks. Before amending the town plan, the council shall refer the proposed amendment to the town planning commission for a report thereon, and shall not act on such amendment until a report has been received from said commission, unless a period of thirty days has elapsed after the date of reference to the commission. Any amendment of the town plan, upon its adoption by the council, shall be final unless changed as herein provided as to the location, length, and width of

any street and highway, and the location and dimension of any park. Any widening, relocation, closing or laying out of streets and highways proposed under the provisions of law other than those contained in this article shall be deemed an amendment of the town plan, and shall be subject in all respects to the provisions of this chapter.

SEC 64 PLATS TO BE APPROVED BY COUNCIL; DUTIES OF PLANNING COMMISSION AS TO PLATS; STREETS AND PARKS; REGULATIONS AS TO FILING PLATS.

No plat showing a new street or highway within the town, shall be filed or recorded in the office of the clerk of the town or of any county until such plat has been approved by the council. Before giving any approval, the council shall refer every such plat to the town planning commission for a report, and shall not act on any plat so referred until a report has been received from the commission, unless a period of forty-five days has elapsed after the date of reference to the commission. Before reporting to the council on any plat, the commission shall hold a public hearing thereon. If any plat is disapproved by the commission, it shall report the reasons for such disapproval to the council. The council shall not approve any plat unless the streets and highways provided in such plats are of sufficient width, of proper grades, and suitably located to meet the probable traffic needs; to afford adequate light, air, and access of fire apparatus to such buildings as may be erected along the proposed streets and highways; and to insure healthful conditions on the land adjacent to such streets and highways. The council may, in appropriate cases, require that a plat, before being approved, shall provide adequate open spaces for parks, playgrounds, or other recreational uses; but the inclusion of such open spaces upon a plat does not require their dedication to public use. After a plat has been approved by the council, the streets, highways, parks, and other open spaces shall be a part of the town plan. The council, after a public hearing, may adopt general regulations in regard to the filing of plats.

SEC 64-A PREREQUISITES TO APPROVAL OF PLAT BY COUNCIL.*

a. Before approving such plat, and thereby accepting the dedication of the streets, alleys, parks and public places thereon, the council shall require that the streets and alleys thereon shall be properly laid out and located with reference to the topography of the land so platted and the adjoining lands, both as to connections and widths, which widths of such streets and alleys shall be plainly marked in figures or written on such plat, and which streets and alleys shall be laid out in harmony with the general plan of the town.

b. ~~And,~~ Before approving such plat, and thereby accepting the dedication of the streets and alleys thereon, the council shall require the owner thereof to execute and deliver to the Town of Front Royal, a release and waiver of any claim or claims for damages which such owner, his heirs, successors or assigns may have or acquire against the Town of Front Royal by reason of establishing proper grade lines on and along such streets and alleys and by reason of doing necessary grading or filling for the purpose of placing such streets and alleys upon the proper grade and releasing the Town of Front Royal from building any retaining wall or walls along the streets and alleys and property lines; and the council may require such release and waiver to be

written and executed on said plat and recorded therewith or by an instrument of writing to be executed and recorded in the clerk's office of the circuit court of Warren County.

~~And~~ The council may in its discretion, require the owner of such platted lands to submit profiles of such streets and alleys, showing the contour thereof, together with the proper grade lines laid thereon, and if and when the council is satisfied that the proper grade lines are laid on such profiles, the profiles shall be approved by the council and recorded by the owner or at his expense in the record of the profiles of the streets and alleys of the town, and the council may, in its discretion, require such release and waiver to be made with reference thereto.

c. Before approving any such plat of any subdivision of lots or lands the town council may, at its discretion, require the owner of such lots or lands to grade the streets and alleys therein, according to grade lines approved and established by the council.

SEC 65 ERECTION OF BUILDINGS WITHIN STREET LINES.

For the purpose of preserving the integrity of the plan, no permit shall hereafter be issued for the construction of any building within the street lines of any mapped street or highway, as laid down in the town plan, within the town. ~~Provided, however, if the land within any mapped street or highway is not yielding a fair return to the owner, the board of appeals, provided for in chapter nine hereof, by a majority vote of all its members, may issue a permit for a building within the street line of such street or highway, upon such conditions as will increase as little as possible the cost of opening such street or highway, and will protect as far as possible the rights of the public and the integrity of the town plan. The board of appeals, hereinafter authorized, before taking any action under the provisions of this section, shall hold a public hearing, of which adequate notice shall be given to all persons deemed to be affected. Any decision by the board of appeals, rendered under the provisions of this section, shall be subject to the same court review as provided for zoning decisions of the board.~~

SEC 66 PLACING STREETS ON PLAN PREREQUISITE TO LAYING PUBLIC UTILITIES, GRADING, PAVING OR BUILDING HOUSE ADJACENT THERETO.

If such town plan is adopted, no public sewer, water pipe, or other public utility shall be laid and no grading or paving shall be done by the town in any street or highway in the town, unless such street or highway has been placed upon the town plan by the council. No permit shall be issued for any building in the town unless such building is located adjacent to a street or highway which has been placed upon the town plan by the council. Provided, however, where the literal enforcement of the provisions of this section would result in practical difficulty or unnecessary hardship, or where the nature or use of the proposed building does not require its location to be adjacent to a street or highway, the board of appeals, by a majority vote of all its members, may issue a permit for a building, upon such condition as the board may deem necessary to preserve the integrity of the town plan and to insure the proper location of future streets and highways in the town and the surrounding area. Any decisions of the board of appeals, rendered under the provisions of this section, shall be subject to the same court review as provided for zoning decisions of the board.

CHAPTER IX ZONING.

SEC 67 GENERALLY.

For the purposes stated in Chapter 197 of the Acts of Assembly, approved March eighteenth, nineteen hundred and twenty-six, the town council is hereby empowered to pass zoning ordinances in conformity with the said Act, as amended, subject, however, to the following modifications thereto:

a. The council shall not adopt any zoning ordinance or map until it shall have appointed a town planning commission, as provided for in chapter eight hereof and shall have received from said commission its recommendations as to a zoning ordinance and map, and shall have held a public hearing thereon.

b. Any zoning ordinance, regulations, restrictions, and boundaries of districts may be changed from time to time by the council, either upon its own motion or upon petition, under such conditions as the council may prescribe, after a public hearing and adequate notice to all owners and parties affected. ~~If a protest or protests be filed with the council, signed by the owners of twenty per centum or more of the area of the land included in the proposed change, or by the owners of twenty per centum or more of the area of the land immediately adjacent to the land included in the proposed change, within a distance of one hundred feet therefrom, or by the owners of twenty per centum or more of the area of the land directly opposite across any streets or streets from the land included in the proposed change, within a distance of one hundred feet from the street lines directly opposite, then no such change shall be made except by the majority vote of all of the members of the council.~~ No change shall be made by the council in any zoning ordinance or map until such change has been referred to the town planning commission for a report thereon, and no action shall be taken by the council until a report has been received from the commission, unless a period of thirty days has elapsed after the date of reference to the commission.

~~c. Within thirty days after the adoption of any zoning ordinance and map, the council shall appoint a board of appeals, consisting of five members, none of whom shall hold any other positions with the town.~~

~~—The council may remove any member of the board for cause, after a public hearing. If a vacancy occurs otherwise than by the expiration of the term of the different members, it shall be filled by the council for the unexpired term.~~

~~—Unless the council designates some member of the board as chairman, the board shall select a chairman from among its own members, and may create and fill such other offices as it may choose. The board may employ such persons as the council may approve, and may expend such sums as are appropriated by the council for its work.~~

CHAPTER X GENERAL PROVISIONS.

SEC 68 CERTAIN OFFICERS MAY ADMINISTER OATHS, ETC.

The mayor, town clerk, town treasurer, and town manager shall have power to administer oaths and to take and sign affidavits in the discharge of their respective official duties.

SEC 69 INVESTIGATIONS INTO TOWN AFFAIRS.

The council, mayor, and any officer, board or commission authorized by the council, shall have power to make investigations as to town affairs and for that purpose to subpoena witnesses, administer oaths and compel the production of books and papers.

Any person refusing or failing to attend or to testify or to produce such books and papers may, by summons issued by such officer or board or the town council, be summoned before the mayor of said town by the board, official or council making such investigation and upon his failure to give satisfactory explanation of such failure or refusal, may be fined by the mayor not exceeding one hundred dollars or imprisoned not exceeding thirty days, and such person shall have the right to appeal to the circuit court of Warren County. Any person who shall give false testimony under oath at any such investigation shall be liable to prosecution for perjury.

SEC 70 CHANGE OF PLAN OF GOVERNMENT.

The plan of government provided by this Charter may be changed to any other plan provided for the government of incorporated towns in the manner provided by general law therefor; and if and when the Town of Front Royal shall become a city of the second class in the manner provided by general law, the plan of government provided by this Charter shall continue so far as applicable, but such plan of government may be changed to any other plan provided for the government of cities of the second class at any time in the manner provided by general law.

SEC 70-a EDUCATIONAL SYSTEM IN EVENT OF ESTABLISHMENT AS CITY.

In the event the Town of Front Royal is established as a city, it is hereby authorized to enter into contract with the county school board of Warren County, Virginia, for furnishing public school facilities for the city, in which event, with the approval of the state board of education, the county and city shall be constituted as one school system for the establishment, operation, maintenance and management of the public schools within the county and city; and provided further that representation on the county school board of Warren County for the City of Front Royal shall consist of one representative from each magisterial district (or ward) of the City of Front Royal to be appointed as provided in Section 653-al and 653-a2, Acts 1942, chapter 422. (Acts 1944, ch. 209, p. 301.)

SEC 71 NO CONFLICT WITH ALCOHOLIC BEVERAGE CONTROL ACT.

Nothing in this Act shall authorize any ordinance in conflict with any provisions of the Virginia Alcoholic Beverage Control Act.

SEC 72 PROHIBITED TAX LEVIES.

The town shall not levy any tax which is prohibited by the Constitution of Virginia or by general law.

SEC 73 SEPARABILITY OF PROVISIONS OF CHARTER.

If any clause, sentence, paragraph or part of this Act shall, for any reason, be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of said Act, but shall be confined in its operation to the clause, sentence, paragraph or part thereof which is so held invalid.

SEC 74 REPEAL OF ACTS CONFLICTING WITH CHARTER.

All Acts and parts of Acts in conflict with any of the provisions of this Act are hereby repealed.

SEC 75 EFFECTIVE DATE OF CHARTER.

It being desirable to put into operation certain provisions of this Charter without delay, an emergency is declared to exist and this Act shall be in force and effect from and after the date of its passage *****.

*** Editor's Note: By virtue of an order entered on December 31, 1948, in the Circuit Court of Warren County, certain territory was annexed to the Town of Front Royal. Consequently, this section does not describe the corporate limits as they presently exist. This order, containing a description of the territory annexed, effective January 1, 1949, is recorded in Law Order Book H, beginning on Page 284, in the office of the Clerk of the Circuit Court of Warren County.**

**** E ditor's Note: It is provided in Acts 1946, Ch. 31, as follows: "The Boards of Supervisors of the Counties of Giles, Bland, Mecklenburg, Brunswick, Page, Warren, Washington, Campbell, Amherst, Bedford and Orange, and the Councils of the Towns of Front Royal, Luray, Abingdon, Glade Spring, Damascus and Orange, be and they are hereby authorized to make gifts and donations of property, real or personal, and of money to be appropriated from their respective treasuries, to charitable institutions and associations conducting hospitals or voluntary fire-fighting services within the boundaries of their respective counties. Said donations of money or property to said charitable hospital institutions or associations may be made either for the purpose of aiding in the construction of said hospitals or the operation of same, or both".**

*****Editor's Note: There are two sections numbered 64 in Acts E.S. 1936-37, ch. 44. This section, the second of the two, has been numbered Sec. 64-a for clarity.**

******Editor's Note: This Act was approved January 18, 1937.**

Chapter 200 CHARTER

Section 200-1 CHARTER OF THE TOWN OF FRONT ROYAL, VIRGINIA

An Act to provide a new charter for the Town of Front Royal, Warren County, Virginia, approved March 11, 1916. Chapter 44 of the Acts of Assembly, Extra Session (ES) of 1936-1937 was amended/reenacted/approved January 18, 1937. A new section numbered 11-a, authorizing the appointment of a civil police justice for the said Town, approved April 1, 1940.

[The following Charter of the Town of Front Royal is as contained in an Act of the General Assembly of Virginia, approved January 18, 1937, and, unless otherwise noted, the provisions of said Charter are unchanged from the above-mentioned Act of the General Assembly. A summary listing the various sections contained in said Charter has been added for convenience.]

For all purposes of this Charter, a word used in the masculine includes the feminine and neuter, as appropriate.

CHAPTER I. CORPORATE EXISTENCE; ADMINISTRATION GENERALLY

SEC.1. CORPORATE ENTITY; POWERS AS A CORPORATION; POWERS DELEGATED TO INCORPORATED TOWNS UNDER STATE CONSTITUTION OR LAWS.

SEC. 2. DEFINITION OF CORPORATE LIMITS.

SEC. 3. VESTING OF TOWN POWERS, ADMINISTRATION AND GOVERNMENT.

SEC. 4. ENUMERATION OF TOWN OFFICERS; WHAT OFFICERS TO BE ELECTED AND WHAT TO BE APPOINTED.

SEC. 5. POWERS AND AUTHORITY OF COUNCILMEN GENERALLY.

SEC. 6. ELECTION TERM, QUALIFICATIONS AND SALARY OF MAYOR AND COUNCILMEN; FILLING VACANCY IN MEMBERSHIP OF COUNCIL.

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SEC. 8. POWERS AND DUTIES OF MAYOR GENERALLY.

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SEC. 11. MEETING; EFFECT OF VOLUNTARY ABSENCE OF COUNCILMAN FROM THREE CONSECUTIVE REGULAR MEETINGS.

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SEC. 13. QUORUM; ORDINANCES APPROPRIATING MONEY OR LEVYING TAXES OR LICENSES; RECONSIDERATION OF MATTERS AT SPECIAL MEETINGS.

CHAPTER IV. TOWN MANAGER

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SEC. 15. POWERS AND DUTIES GENERALLY; COUNCIL TO APPOINT CHIEF CONSERVATOR OF THE PEACE AND TO SEE THAT ORDINANCES AND LAWS ARE ENFORCED.

SEC. 16. POWERS AS TO TOWN OFFICERS, EMPLOYEES, ETC.

CHAPTER V. POWERS OF COUNCIL

SEC. 17. AS TO TOWN OFFICERS AND EMPLOYEES.

SEC. 18. CONTROL OF TOWN AFFAIRS AND PROPERTY; ENUMERATION OF POWERS.

SEC. 19. CEMETERY.

SEC. 20. SINKING FUNDS.

SEC. 21. PENALTY FOR VIOLATION OF ORDINANCES; IMPRISONMENT FOR FAILURE TO PAY FINE.

SEC. 22. ACQUISITION OF PRIVATE PROPERTY FOR PUBLIC PURPOSES; EMINENT DOMAIN.

SEC. 23. REMOVAL OF ENCROACHMENTS ON STREETS; SETTLEMENT OF DISPUTE AS TO LOCATION OF STREET LINE; ENCROACHMENT NOT TO CONSTITUTE ADVERSE POSSESSION OR TO CONFER RIGHTS.

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SEC. 26. APPOINTMENT AND COMPENSATION OF TOWN ATTORNEY;

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SEC. 27. DUTIES OF THE CLERK OF THE COUNCIL.

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CITY.

SEC. 71. NO CONFLICT WITH ALCOHOLIC BEVERAGE CONTROL ACT.

SEC. 72. PROHIBITED TAX LEVIES.

SEC. 73. SEPARABILITY OF PROVISIONS OF CHARTER.

SEC. 74. REPEAL OF ACTS CONFLICTING WITH CHARTER.

SEC. 75. EFFECTIVE DATE OF CHARTER.

AN ACT TO PROVIDE A NEW CHARTER FOR THE TOWN OF FRONT ROYAL, VIRGINIA, AND TO REPEAL ALL ACTS AND PARTS OF ACTS IN CONFLICT WITH THIS ACT;

BE IT ENACTED by the General Assembly of Virginia, as follows:

SECTION 200-1 CHARTER OF THE TOWN OF FRONT ROYAL, VIRGINIA

CHAPTER I CORPORATE EXISTENCE; ADMINISTRATION GENERALLY.

SECTION 1 CORPORATE ENTITY; POWERS AS A CORPORATION; POWERS DELEGATED TO INCORPORATED TOWNS UNDER STATE CONSTITUTION OR LAWS.

The inhabitants of the Town of Front Royal, Warren County, Virginia, as its limits now are, or hereafter may be established in the manner provided by law, shall continue to be a body corporate and politic by name the Town of Front Royal, and under that name shall have perpetual succession; may use a corporate seal of such kind as it may adopt; may sue and be sued; may acquire property within or without its boundaries for any municipal purpose, in fee simple or lesser interest or estate, by purchase, gift, devise, lease or condemnation, and may sell, lease, hold, manage and control such property as its interests may require; and, except as prohibited by the Constitution of Virginia or restricted by this Charter, the Town of Front Royal shall have and may exercise all municipal powers, functions, rights, privileges and immunities which are now, or may be hereafter, conferred upon or delegated to incorporated towns under the Constitution and laws of Virginia, as fully and completely as if herein enumerated in detail, and no enumeration of particular powers in this Charter shall be held exclusive.

The original Charter for the Town of Front Royal, then located in the County of Frederick, was granted by the General Assembly on November 15, 1788.

SECTION 2 DEFINITION OF CORPORATE LIMITS*.

NOTE: THIS DESCRIPTION OF THE TOWN'S BOUNDARIES IS UNDOUBTEDLY INCORRECT. THE CURRENT LAW ON THIS POINT IS AS FOLLOWS:

§ 15.2-207. Boundaries of municipal corporations continued; charters not to contain metes and bounds; incorporated by reference. — The boundaries of municipal corporations remain as now established unless changed as provided in this title. No charter of any municipal corporation shall contain the metes and bounds of such municipal corporation, but the boundaries shall be incorporated therein by reference to the recordation in the clerk's office of the court where deeds are admitted to record of the final decree or order of the court establishing such boundaries or the act of the General Assembly by which they are defined. The part of the charter of a municipal corporation defining its boundaries hereafter amended shall not contain the metes and bounds of the municipal corporation, but the boundaries shall be incorporated therein by reference to the recordation of a final decree or order of court or to a General Assembly act. (Code 1950, § 15.1-908; 1958, c. 328; 1962, c. 623, § 15.1-836.2; 1979, c. 297; 1997, c. 587.)

SECTION 3 VESTING OF TOWN POWERS, ADMINISTRATION AND GOVERNMENT.

Except as may be otherwise provided in this Charter, all powers of the town and the administration and government of the said town shall be vested in the council of the Town of Front Royal and in such boards and officers as are hereafter mentioned, or may be by law otherwise provided.

SECTION 4 ENUMERATION OF TOWN OFFICERS; WHAT OFFICERS TO BE ELECTED AND WHAT TO BE APPOINTED.

The municipal officers of said Town shall, beginning with the effective date of this Act and thereafter, consist of a mayor, six Councilmen, a Town Manager, a Town Treasurer (who may, by ordinance duly enacted, be the Town's Finance Director), and a Town Clerk (who will be the Clerk of Council), and such other officers as may be designated by ordinance duly enacted from time to time. The Mayor and Councilmen shall be elected by the qualified voters of said Town. The Town Manager, Town Treasurer and Town Clerk shall be appointed by the Council as is herein provided. (Acts 1993, ch. 479, p. 572)

SECTION 5 POWERS AND AUTHORITY OF COUNCILMEN GENERALLY.

The power and authority of the councilmen shall, in addition to those mentioned and authorized by this Act be such as are mentioned and prescribed by law.

SECTION 6 ELECTION TERM, QUALIFICATIONS AND SALARY OF MAYOR AND COUNCILMEN; FILLING VACANCY IN MEMBERSHIP OF COUNCIL.

A. The Mayor and Town Council shall be elected on the Tuesday following the first Monday in November in even numbered years in the manner provided by Virginia general election laws, except insofar as they are otherwise herein provided by this Charter. The Mayor and members of Town Council in office at the effective date of this Charter amendment shall have their terms extended and shall continue in office until December 31 of the year in which their respective terms were to expire.

B. The terms of office for all Town Council members shall begin on the first day of January next following their election, and each shall serve for a term of four (4) years or until his or her successor shall have been elected and qualified. The term of office for the Mayor shall begin on the first day of January next following his or her election, and the Mayor shall serve for a term of two (2) years. The Town Council members and Mayor may succeed themselves as often as the voters may choose.

C. Candidates for Town Council and Mayor shall be nominated only by petition in the manner prescribed by general law. Candidates for Town Council and Mayor shall not be nominated or identified on the ballot by political party affiliation or in any other manner that would disqualify them for candidacy under any law of the United States or the Commonwealth of Virginia.

D. The Council may fill any vacancy that occurs in the membership of the Council for the unexpired term, provided that such vacancy is taken within 45 days of the office becoming vacant. If a majority of the remaining members of the Council cannot agree, or do not act, the judges of the circuit court having jurisdiction shall make the appointment. The person so appointed shall hold office only until the qualified voters of the Town fill the vacancy by special election pursuant to Virginia Code § 24.2-682, 1950, as amended, or its successor enactment(s), and the person so elected has qualified. Any person so appointed shall hold office the same as an elected person and shall exercise all powers of the elected office.

If a majority of the seats on the Council are vacant, the remaining members shall not make interim appointments and the vacancies shall be filled as provided in Virginia Code § 24.2-227, 1950, as amended, or its successor enactment(s).

E. Each member of the Council shall receive a salary in an amount established by Council, payable as the Council may direct, provided that no increase in salary of a Council member shall take effect during the incumbent council member's current term in office.

F. The Mayor shall receive a salary in an amount established by Council, payable as the Council may direct, but no increase in the Mayor's salary shall take effect during the incumbent mayor's current term in office. (Acts E.S. 136-37, ch. 44, p. 143; Acts 1944, ch. 209, p. 300; Acts 1954, ch. 405, p. 495; Acts 1975, ch. 348, p. 579; Acts 1987, ch. 235, p. 315; Acts 1993, ch. 479, p. 572)

SECTION 7 TOWN OFFICERS TO BE SWORN IN; EFFECT OF FAILURE TO TAKE OATH OR TO GIVE REQUIRED BOND.

All municipal offices of the town, before entering upon the duties of their respective offices, shall be sworn in accordance with the laws of the state by any one authorized to administer oaths under the laws of the state. If any person elected or appointed to any office in said town shall neglect to take such oath on or before the day on which he is to enter upon the discharge of the duties of his office, or shall for twenty days after the beginning of his term of office fail to give such bond as may be required of him by the council, a vacancy in said office shall then exist.

CHAPTER II MAYOR AND VICE MAYOR.

SECTION 8 POWERS AND DUTIES OF MAYOR GENERALLY.

The mayor shall preside at the meetings of the council and perform such other duties as may be prescribed by this Charter and by general law, and such as may be imposed by the council, consistent with his office. He shall be recognized as the official head of the town for all ceremonial purposes, by the courts for the purpose of serving civil process, and by the governor for military purposes. In time of public danger or emergency, he may take command of the police, maintain order and enforce the law. Such course of action shall be subject to review by the council.

The mayor shall have no right to vote in the council except that in every case of a tie vote of the council, the mayor shall be entitled to vote and his vote in case of a tie only shall have the same weight and effect as the vote of a councilman.

The mayor shall have no power to suspend, remove or discharge any officer, agent or employee of the town nor shall he have any power or authority to appoint or employ any officer, agent or employee of the town nor to fix the term of office or employment, or the compensation, or to increase or decrease the power and authority of any officer, agent or employee of the town, but the mayor shall have such powers with respect to the chief of police, the policemen and employees of the police force when and if the mayor is given the control and supervision of the chief of police, the policemen and employees of the police force as is provided in section 40(a) hereof.

SECTION 9 ELECTION, POWERS AND DUTIES OF VICE-MAYOR; FILLING VACANCY IN OFFICE OF MAYOR.

The council shall at its first in January, following the regular municipal election, and biennially thereafter, shall choose one of its members as vice-mayor. The vice-mayor shall perform the duties of the mayor during his absence or disability. In the event of the death, removal or resignation of the mayor, the council shall choose one of the councilmen or some other qualified voter of the Town of Front Royal who shall serve as mayor until the next succeeding municipal election, at which time a successor shall be elected by the qualified voters of the Town of Front Royal to fill the office of mayor for the remainder of the unexpired term.

Should a member of the council be chosen to serve as mayor until the next municipal election such councilman shall be deemed to have surrendered his office as councilman forthwith upon his qualification as mayor and his office of councilman shall thereupon be vacant. The vacancy thereby created in the council shall be filled by the council as provided in section six hereof.

The member of the council who shall be chosen vice-mayor shall continue to have all of the rights, privileges, powers, duties and obligations of councilman even when performing the duties of mayor during the absence or disability of the mayor of the town.

CHAPTER III COUNCIL

SECTION 10 MEETINGS; EFFECT OF VOLUNTARY ABSENCE OF COUNCILMAN FROM THREE CONSECUTIVE REGULAR MEETINGS.

The Council shall, by ordinance, fix the time for their stated meetings. Special meetings shall be called by the Clerk of the Council upon the written request of the Mayor, or any four (4) members of the Council. No business shall be transacted at any special meeting but that for which it shall be called, unless the Council be unanimous. The meetings of the Council shall be open to the public, except when the public welfare shall require executive sessions.

If any member of said Council shall be voluntarily absent from three (3) regular meetings of Council consecutively, his seat may be deemed vacant by resolution of the Council, and thereupon his unexpired term shall be filled according to the provisions of this Act. (Acts 1993, ch. 479, p. 572)

SECTION 12 APPOINTMENT OF CLERK OF COUNCIL; POWERS OF COUNCIL WITH REFERENCE TO PROCEEDINGS AND TRANSACTION OF BUSINESS; APPOINTMENT, POWERS AND DUTIES OF TOWN CLERK; MINUTE BOOK.

The council shall appoint a clerk to serve at the will of the council, and shall have authority to adopt such rules and appoint such officers and committees as they may deem proper for the regulation of their proceedings and for the convenient transaction of business; to compel the attendance of absent members; and enforce orderly conduct at meetings.

The council may appoint one of the members of the council, other than the member appointed town treasurer, as town clerk, if in the judgment of a majority of the members of the council it is proper so to do, and the member appointed town clerk shall have all of the duties and powers of town clerk as herein provided and he shall continue to have all of the powers, duties, authority, jurisdiction, responsibilities and obligations of a councilman.

The council shall keep a minute book, or its electronic equivalent, in which the clerk shall note the proceedings of the council, and shall record said proceedings at large on the record book, and keep the same properly indexed.

SECTION 13 QUORUM; ORDINANCES APPROPRIATING MONEY OR LEVYING TAXES OR LICENSES; RECONSIDERATION OF MATTERS AT SPECIAL MEETINGS.

A majority of the members of Council shall constitute a quorum for the transaction of business.

No ordinance shall be passed or resolution adopted having for its object the appropriation of money, or the levy of taxes and licenses, except by the concurrence of at least four (4) members, one of whom may be the Mayor in case of a tie vote as provided in Section 8 hereof. No vote or question decided at a stated meeting shall be reconsidered at a special meeting unless all members are present, and four (4) of them concur. (Acts 1993, ch. 479, p. 572)

CHAPTER IV TOWN MANAGER.

SECTION 14 APPOINTMENT, QUALIFICATIONS, TERM, REMOVAL OR SUSPENSION; ELECTION OF MEMBER OF COUNCIL AS TOWN MANAGER.

The council shall appoint a town manager who shall be the chief administrative officer of the town. The town manager shall be chosen by the council solely on the basis of his executive and administrative qualifications and need not, when appointed, be a resident of the town or the state, but during his term of office he shall reside within the town. No member of the council shall, during the time for which elected, be chosen as town manager. The town manager shall be appointed for a term acceptable to the town council and the town manager. He shall be removable by the town council for cause. Before the town manager may be removed, he shall, if he so demand, be given a written statement of the reasons alleged for his removal and the right to be heard publicly thereon at a meeting of the council prior to the final vote on the question of his

removal, but pending and during such hearing the council may suspend him from office. The action of the council in suspending or removing the town manager shall be final, it being the intention of this Charter to vest all authority and fix all responsibility for such suspension or removal in the council. In case of the absence or disability of the town manager the council may designate some qualified person to perform the duties of the office during such absence or disability.

SECTION 15 POWERS AND DUTIES GENERALLY; COUNCIL TO APPOINT CHIEF CONSERVATOR OF THE PEACE AND TO SEE THAT ORDINANCES AND LAWS ARE ENFORCED.

It shall be the duty of the town manager to supervise the administration of the affairs of the town; to make such recommendations to the council concerning the affairs of the town as may seem to him desirable; to keep the council advised of the financial condition and future needs of the town; to prepare and submit to the council the annual budget estimate; to prepare and submit to the council such reports as may be required by that body; and to perform such other duties as may be prescribed by this Charter or required of him by order of resolution of the council, not inconsistent with this Charter.

The council shall have power to appoint either the mayor or town manager as chief conservator of the peace within the town and to see that the ordinances of the town and the laws of the State are enforced.

SECTION 16 POWERS AS TO TOWN OFFICERS, EMPLOYEES, ETC.

Except as otherwise provided in this Charter, the town manager, subject to the consent of the town council, may appoint or employ and he may remove or discharge such officers, employees and assistants as may be necessary to carry on the work in those departments of the town committed to him by ordinance, in all of their respective details, in an economical and satisfactory manner. The salaries and terms of office or employment of such officers, employees and assistants shall be fixed by the town manager subject to the approval of the town council. His action in all respects shall be subject to review by the council and he shall be accountable to the town council only.

CHAPTER V POWERS OF COUNCIL.

SECTION 17 AS TO TOWN OFFICERS AND EMPLOYEES.

The council of the town shall have general power over all officers and employees of the town as provided in this Charter.

SECTION 18 CONTROL OF TOWN AFFAIRS AND PROPERTY; ENUMERATION OF POWERS.

The council of the town shall have, subject to the provisions of this Act, the control and management of the fiscal and municipal affairs of the town and of all property, real and personal, belonging to said town and may make such ordinances and bylaws relating to the same as they shall deem proper. The council shall in addition to other powers given by law, have power to make such ordinances, orders, bylaws and regulations as they may deem proper and necessary to carry out the following powers, which are hereby vested in them:

1. Market. To establish a market or markets in and for said town, provide for the appointment of proper officers therefor, prescribe the time and places for holding the market, provide suitable grounds and buildings therefor, and enforce such regulations as shall be necessary and proper to prevent illegal or unsanitary conditions or activity therein.
2. Public improvements, municipal buildings, etc. To construct, maintain, regulate and operate public improvements of all kinds, including municipal and other buildings, armories, jails and all buildings and structures necessary or appropriate for the use and proper operation of the various departments of the town and performance of its duties and functions.
3. Waterworks and sewer systems. To establish, maintain, and operate waterworks and sewer systems within and without the town; to purchase water therefor; to contract and agree with the owners of any land, springs or water supplies for the use of or purchase thereof, or have same condemned according to law, for the location, extension, or enlargement of the said waterworks, or sewer system, either or both, the pipes connected therewith, and the fixtures or appurtenances thereof; and to protect from injury by ordinance, prescribing adequate penalties, the said waterworks, water supplies, sewer systems, pipes, fixtures, and land, or anything connected therewith, whether within or without the limits of the town.
3. A. Electric light works and gas works; purchase and sale of electricity and gas. To own, operate and maintain electric light and/or gas works, either within or without the corporate limits of the said town for the generating of electricity and/or the manufacture of gas for illuminating, power and other purposes, and to supply the same, whether said gas and/or electricity be generated or purchased by said town, to its customers and consumers both within and without the corporate limits of the said town, at such price and upon such terms as it may prescribe, and to that end it may contract with owners of land and water power for the use thereof, or may have the same condemned, and to purchase such electricity and/or gas from the owners thereof, and to furnish the same to its customers and consumers, both within and without the corporate limits of the said town at such price and on such terms as it may prescribe.

3. B. Rates and charges for water, gas, electric and sewer service, etc.; deposit as prerequisite to service. To establish, impose and enforce water, gas, electricity, and sewerage rates and rates and charges for public utilities or other service, products or conveniences, operated, rendered or furnished by the town; and to assess, or cause to be assessed, water, gas, electricity and sewerage rates and charges against the proper tenant or tenants or such persons, firms or corporations as may be legally liable therefor; and the council may by ordinance require a deposit of such reasonable amount as it may by such ordinance prescribe, before furnishing any of said services to any person, firm or corporation.
4. Streets and sidewalks-Generally. To open, extend, widen, or narrow, lay out, graduate, curb, and pave and otherwise improve streets, sidewalks, and public alleys in said town, and have them in good order and properly lighted; in order to properly light the streets of said town, the council may erect and operate such number of lamps and fixtures thereto belonging as they may deem necessary; they may build bridges in and culverts under said streets, and may prevent or remove any structure, obstruction, or encroachment over, or under, or in any street, sidewalk, or alley in said town, and may cause to be planted or permit shade trees or other plants to be planted along said streets; but no person shall occupy with his works, or any appurtenances thereof, the streets, sidewalks, or alleys of the town, without the consent of the council, duly entered upon its records; provided that so long as the said town shall, at its own expense, maintain and keep its streets in good order and repair, it shall be exempt from all labor and tax for county road purposes.
5. Same-Prevention of cumbering. To prevent the cumbering or blockage of, or encroachment upon streets, sidewalks, alleys, lanes, or bridges in the town in any manner whatever.
6. Route and grade of public utilities. To determine and designate the route and grade of any public utility laid out in said town.
7. Weights and measures. To make provision for and regulate weights, measures and standards.
8. Contagious diseases; hospitals; board of health. To secure the inhabitants from contagious, infectious, or other dangerous diseases; to establish, erect, and regulate hospitals or other medical or health-related facilities; to provide for and enforce the removal of patients to said hospitals or other medical or health-related facilities; to appoint and organize a board of health for said town, with the necessary authority for the prompt and efficient performance of its duties.
9. Nuisances; dangerous, offensive, etc., activities or enterprises, etc.; transportation of coal, explosives, garbage, etc., through streets; speed of locomotives. To require and compel the abatement and removal of all nuisances within the said town, at the expense of the person or persons causing the same or the owner or owners of the ground where on the same shall be; and the exercise of any dangerous, offensive or unhealthy activity, enterprise, business, trade or employment therein; and to regulate the transportation of coal, explosives, garbage and other articles through the streets of the town, and to restrain and regulate the speed of locomotive engines and cars upon the railroads within the town.

10. Collections of stagnant water or offensive or unwholesome substances. If any ground in said town shall be subject to be covered with stagnant water, or if the owner or owners, occupier or occupiers thereof shall permit any offensive or unwholesome substance to remain or accumulate thereon, the council may cause such grounds to be filled, raised, or drained, or may cause such substance to be covered or to be removed therefrom, and may collect the expense of so doing from the owner or owners, occupier or occupiers, or any of them (except in cases where such nuisance is caused by the action of the town authorities or their agents, or by natural causes beyond the control of the owner or occupant, in which case the town shall pay the expense of abating the same), by distress and sale in the same manner in which taxes levied upon real estate for the benefit of said town are authorized to be collected; provided, that reasonable notice and an opportunity to be heard shall be first given to said owners or their agents. In case of nonresident owners who have no agent in said town, such notice shall be given by publication at least once a week for not less than four consecutive weeks in any newspaper having general circulation in the said town.

11. Gunpowder, explosives, combustibles, kerosene oil, gasoline, fireworks; discharge of firearms; lights in barns, etc.; bonfires. To regulate and direct the location and construction of all buildings for the storage of gunpowder, explosives and combustible substances; to regulate the sale and use of gunpowder, explosives, firecrackers, fireworks, kerosene oil, gasoline, or other combustible material; to regulate or prohibit the exhibition of fireworks, the discharge of firearms, the use of lights, fires, ~~or~~ candles in buildings and structures within the town, and to restrain and regulate the making of bonfires or other outdoor fires within the town.

12. Animals at large; keeping hogs. To prevent hogs, cows, horses, dogs, and other animals from running at large in the said town, and to subject the same to such confiscation, regulations, licenses, fees, and taxes as they may deem proper, and to prevent the keeping of such livestock or other animals as by ordinance may be prohibited within the limits of the town.

13. Riding and driving animals; operation of vehicles; dangerous or annoying sports; cruelty to animals. To regulate the riding and driving of horses and other animals and the operation of motor and other vehicles, but not in conflict with state law; to prevent the throwing of stones or other objects or engaging in any employment or sport on the streets, sidewalks or public alleys, dangerous or annoying to persons; and to prohibit and punish the abuse or cruel treatment of horses and other animals in said town.

14. Drunkards, etc.; preservation of peace and prevention of vice; houses of ill-fame and gambling houses; lewd, etc., conduct. To restrain and punish drunkards, vagrants, and street beggars; to prevent vice and immorality; to preserve the public peace and good order; to prevent and quell riots, disturbances and disorderly assemblages; to suppress houses of ill-fame and gambling houses, and to prevent and punish lewd, indecent, and disorderly conduct or exhibitions in said town.

15. Keeping certain persons out of town. To prevent the coming into the town of persons having no ostensible means of support, and of persons who may be dangerous to the peace and safety of the town.

16. Acquisition of aircraft landing fields. To acquire, by condemnation, purchase or otherwise, provide for, maintain, operate and protect aircraft landing fields either within or without the corporate limits of the town.
17. **[NOTE: THIS PARAGRAPH HAS BEEN MOVED TO BECOME PARAGRAPH 3.A]**
18. **[NOTE: THIS PARAGRAPH HAS BEEN MOVED TO BECOME PARAGRAPH 3. B.]**
19. Franchises. Subject to the provisions of the Constitution of Virginia and of this Charter, to grant franchises for public utilities under terms and conditions to be fixed by the council.
20. Diversion of creeks and streams. To divert the channels of creeks and flowing streams and for that purpose to acquire property by condemnation.
21. Contracting debts, borrowing money, issuing bonds, etc. Subject to the provisions of the Constitution of Virginia and of this Charter, to contract debts, borrow money and make and issue bonds and other evidences of indebtedness.
22. Expenditure of town money. To expend the moneys of the town for all lawful purposes.
23. Eminent domain. To exercise the power of eminent domain within this state with respect to lands and improvements thereon, machinery and equipment for any lawful purpose of the said town.
24. Inspection of meat and milk; slaughterhouses. To provide by ordinance for a system of meat, and milk inspection and to appoint meat and milk inspectors, agents or officers to carry the same into effect, within or without the corporate limits of the town; to license, regulate, control and locate slaughterhouses within or without the corporate limits of the town; and for such services of inspection to make reasonable charges therefor; and to provide reasonable penalties for the violation of such ordinances.
25. General grant. To do all things whatsoever necessary or expedient, and to pass all ordinances, resolutions and by-laws for promoting or maintaining the security, general welfare, comfort, education, morals, peace, government, health, trade, commerce and industries of the town, or its inhabitants, not in conflict with the Constitution of the state, or the Constitution of the United States.
26. Control and regulation of municipal public utilities; sale of electricity within distance of fifteen miles; sewer connection and operation of sewer system; election on question of proposed sale of public utilities. The council shall have full control and regulation over the public utilities now owned or that may hereafter be acquired by the said town, and to this end it shall have full authority to employ from time to time such employees, agents, and consultants as it deems necessary to properly maintain, conduct and operate the same; and it shall have full authority to incur indebtedness, unless otherwise prohibited by law, whenever the said council may deem it

necessary for the proper conduct, management and maintenance of the public utilities now owned by the said town, or such as may hereafter be acquired by it; and the council is hereby authorized and empowered to supply electric current to persons, firms, associations and corporations not further distant than fifteen miles from the corporate limits of the town, and to charge therefor for which purpose the said council is specifically authorized and empowered to construct, purchase, lease or otherwise acquire necessary transmission lines, and to purchase, lease or otherwise acquire such rights of ways as may be necessary for such purposes.

The said council shall likewise have authority, by ordinance duly enacted, to compel all owners of real estate within the corporate limits of said town to connect with such sewerage pipes or connections as may hereafter be installed or constructed by the said town, upon such reasonable terms as may be prescribed by said council, together with all other authority necessary to a proper maintenance and operation of an effective sewerage system.

The said council, however, shall have no authority to sell its public utilities, without first submitting the question of such sale at a special election to be called for that purpose only, to the qualified voters of the Town of Front Royal, which election shall be conducted as now provided by general law governing special elections. The circuit court of Warren County, or the judge thereof in vacation, shall order such special election upon the petition of two hundred qualified voters of the Town of Front Royal, or upon a resolution passed by a majority of the council of said town. For a period of not less than four weeks prior to said special election, the substantial terms of any proposed sale shall be published over the signature of the clerk of the said town, once a week for four successive weeks in some newspaper of general circulation within the County of Warren, or by publication for not less than once per week for four successive weeks in some other manner permitted by the general laws of the Commonwealth of Virginia for the publication of proposed ordinances of the town. The qualifications of voters in said special election shall be determined by existing statutes governing other special elections.

SECTION 19 CEMETERY.

The council is empowered to acquire, by purchase, gift, devise or condemnation or otherwise, lands to be used as a place for the burial of the dead. The said council shall have the power to prescribe and enforce all needful rules and regulations not inconsistent with the laws of the state for the use, protection, and ornamentation of the cemetery; to set aside, at their discretion, by metes and bounds, any portion thereof for the interment of strangers and the indigent poor; to divide the remainder into burial lots, and sell or lease the same, and to execute all proper deeds or other writings in evidence of such sale or lease, and to prescribe what class or conditions of persons shall be admitted to interment in the cemetery. The cemetery, when established and enclosed, with the property included in it, shall be exempt from all state, county, and municipal taxation.

SECTION 20 SINKING FUNDS.

The council shall set aside, or cause to be set aside, a sufficient portion of the revenues of the town, during each fiscal year to meet the sinking fund requirements for that year of the respective town ordinances, both those now in effect and such as may be passed in the future, authorizing the issuance of bonds by the town. Unless otherwise provided in the ordinances passed prior to the effective date of this Charter authorizing the issuance of bonds, all sinking funds of the town shall be administered by the board of sinking fund commissioners created by Section 25 of this Charter, who shall collect, maintain, and handle the same in the manner provided by Section 25 hereof. None of the sinking funds of the town shall be appropriated or used for any purpose other than the retirement of the bonded indebtedness of the town.

SECTION 21 PENALTY FOR VIOLATION OF ORDINANCES; IMPRISONMENT FOR FAILURE TO PAY FINE.

Where the council has authority to pass ordinances on any subject, it may prescribe any penalty not exceeding twelve months in jail or a fine not exceeding two thousand five hundred dollars and for a person convicted for a third or subsequent offense involving the same property committed within ten years of an offense under the Uniform Statewide Building Code's Property Maintenance Code, not to exceed five thousand dollars, either or both, for a violation thereof, provided that such penalty shall not exceed the penalty prescribed by general law for a like offense. (Acts 1985, ch. 53) R-29-01 Amended 12-17-01. Approved by General Assembly 3-2002. Change Effective 7-1-02.

SECTION 22 ACQUISITION OF PRIVATE PROPERTY FOR PUBLIC PURPOSES; EMINENT DOMAIN.

The town council shall not take or use any private property for streets or other public purposes except by gift or by dedication as hereinafter is provided, without making the owner thereof just compensation for the same; but in cases where the council cannot by agreement obtain title to the ground for such purposes, the council may exercise the power of eminent domain, as provided by law.

SECTION 23 REMOVAL OF ENCROACHMENTS ON STREETS; SETTLEMENT OF DISPUTE AS TO LOCATION OF STREET LINE; ENCROACHMENT NOT TO CONSTITUTE ADVERSE POSSESSION OR TO CONFER RIGHTS.

In every case where a street in said town has been, or shall be, encroached upon by any fence, building or otherwise, the council may require the owner to remove the same, and if such removal be not made within the time prescribed by the council, they may impose such penalty as they may deem proper for each and every day it is allowed to continue thereafter, and may cause

the encroachment to be removed, and collect from the owner all reasonable charges therefor, with costs by the same process that they are hereinafter empowered to collect taxes.

Except, in any case where there is a bona fide dispute as to the true boundary line or the location of the true street line (and if passage over such street is not seriously impeded) the same shall first be established and determined by an adjudication of a court of competent jurisdiction in a proceeding instituted by either the town or the property owner for that purpose before the said town shall take any steps to remove the said obstruction or encroachment, or to impose any penalty therefor. No encroachment upon any street, however long continued, shall constitute any adverse possession to or confer any rights upon the persons claiming thereunder as against the said town.

SECTION 24 DEDICATION OF STREETS.

Dedication of any street, alley or lane in said town may be made by plat or deed. Any street or alley reserved in the division or subdivision into lots of any portion of the territory within the corporate limits of said town, by a plan or plot of record, shall be deemed and held to be dedicated to public use, unless it appears by said record that the street or alley so reserved is designated for private use. The council shall have the right to elect, by resolution entered on its minutes whether it will, or will not accept the dedication of any street or alley.

SECTION 25 BOARD OF SINKING FUND COMMISSIONERS; INVESTMENT OF SINKING FUNDS; DUTIES OF BOARD; MEMBERS OF BOARD TO GIVE BOND.

Whenever by act of the assembly or by ordinance of the council, the necessity of collecting, maintaining and handling a sinking fund for the retirement of town obligations may arise, the mayor, two members of the council and the town treasurer, shall be, and the same are hereby, constituted a board of sinking fund commissioners, who are authorized to invest such sinking fund in bonds of the United States government, those of the Town of Front Royal, and such other municipal or county bonds issued by the cities or counties in Virginia as shall meet the approval of the council, and to collect, care for, and reinvest the interest or income accruing from the same as may be directed by the town council by resolution or ordinance. Subject to the provisions of this Charter and of the general law of the state, any action which the board of sinking fund commissioners shall take shall be controlled by the affirmative vote of at least two members thereof. No fees or commissions shall be paid to any officers for the handling and control of the sinking fund.

The board of sinking fund commissioners shall have complete charge of all insurance funds, pension and relief funds, and all other funds, which may be created under authority of the council. The sinking fund commissioners shall each give bonds payable to the Town of Front Royal in such amount as the council shall prescribe and with sufficient security to be approved

by the council, for the faithful discharge of their duties as sinking fund commissioners before entering upon their duties. (Acts 1975, ch. 348, p. 580)

SECTION 26 APPOINTMENT AND COMPENSATION OF TOWN ATTORNEY.

The council may appoint a duly licensed attorney as town attorney, whose compensation shall be fixed by the council and who shall serve during the pleasure of the council-

SECTION 26. A. APPOINTMENT, DUTIES AND COMPENSATION OF ADDITIONAL OFFICERS AND CLERKS; OFFICERS MAY BE REQUIRED TO GIVE BOND.

The council may appoint such officers and clerks as they may deem necessary, and define their powers, prescribe their duties and fix their compensation. The council may take from any officer, whether elected or appointed by them, a bond, with surety, to be approved by the council, in such penalty as it may deem proper payable to the town, with condition for the faithful discharge by the said officer of the duties of his office.

SECTION 27 DUTIES OF THE CLERK OF THE COUNCIL.

The clerk of the council shall attend the meetings of the council, shall keep a record of its proceedings, and shall have the custody of the seal of the said town. He shall keep all papers that by the provisions of this Act, or the direction of the council, are required to be filed with or kept by him. Immediately after the close of each session of the town council, he shall make and present to the mayor and town manager a transcript of every ordinance, resolution or order concerning any public improvement, or for the payment of money, and every ordinance, resolution, order and act of legislative character passed by the town council at such session. He shall, in like manner, give notice to all persons presenting communications or petitions to the town council of the final action of the council on such communications or petitions. He shall publish such reports and ordinances as the town council may direct, and shall in general perform such other acts and duties as the council may from time to time require of him.

SECTION 28 ANNUAL TAX LEVY.

In addition to all the other powers mentioned in this Charter, the town shall have power to raise annually, semi-annually, or such other periods permitted by general law, by taxes and assessments in said town on all subjects the taxation of which by incorporated towns is not forbidden by general law, such sums of money as the council herein provided for shall deem necessary for the purposes of said town, and in such manner as said council shall deem expedient, in accordance with the Constitution and laws of this state and of the United States.

SECTION 29 SPECIAL OR LOCAL ASSESSMENTS FOR LOCAL IMPROVEMENTS.

The town council is hereby vested with power to impose special or local assessments for local improvements and enforce payment thereof, subject, however, to such limitations prescribed by the Constitution and laws of Virginia as may be in force at the time of the imposition of such special or local assessments.

SECTION 30 TAXES OR LICENSES MAY BE REQUIRED OF TRADES, BUSINESSES, ETC.

The town council may levy a tax or a license on any person, firm, or corporation pursuing or conducting any trade, business, profession, occupation, employment or calling whatsoever within the boundaries of the town, whether a license may be required therefor by the state or not, and may exceed the state license, if any be required, except when prohibited by general law.

SECTION 31 CREDIT OF DELINQUENT TAXES PAID BY TENANT.

Any payment of delinquent taxes made by the tenant, unless under an expressed contract contained in his lease, shall be a credit against the person to whom he owes the rent.

SECTION 32 LICENSES FOR MOTOR VEHICLES, TRAILERS AND SEMI-TRAILERS.

The council may require of owners of motor vehicles, trailers, and semi-trailers, licenses for the privilege of keeping and operating such vehicles in the town, and may levy and assess taxes and charge license fees upon such vehicles. (Acts 1968, ch. 507, Section 1.)

SECTION 33 DISTRAINT AND SALE OF GOODS AND CHATTELS FOR TAXES.

All goods and chattels wheresoever found, may be distrained and sold for taxes assessed and due thereon, and no deed of trust nor mortgage upon goods and chattels shall prevent the same from being distrained and sold for taxes.

SECTION 34 MAJORITY VOTE REQUIRED FOR LEVY OF TAX OR FOR CONTRACTING DEBT ABOVE ONE HUNDRED DOLLARS; EXCEPTION.

No tax shall be levied or corporate debt in excess of one hundred dollars be contracted unless by a resolution passed by a recorded vote of a majority of the council, provided however that all expenditures provided for in the budget passed by the town council shall be excepted from this provision of this Act.

SECTION 35 LIEN ON REAL ESTATE FOR TOWN TAXES; SALE OF REAL ESTATE FOR NONPAYMENT OF TAXES; REDEMPTION OF REALTY SOLD.

There shall be a lien on real estate for the town taxes as assessed thereon from the commencement of the year for which they were assessed. The council may require real estate in the town delinquent for the nonpayment of town taxes to be sold for said taxes, with interest thereon at the rate of six per centum per annum, and such per centum as the council may prescribe for charges. Such real estate may be sold and may be redeemed in the manner provided by law; provided that at any such sale, where no person bids the amount chargeable on any such real estate, it shall be lawful for the treasurer to purchase the same for the benefit of the town upon the same terms and conditions prescribed by general law, for the purchase of delinquent real estate by the treasurer for the benefit of a city or town, respectively.

SECTION 36 FIRE DEPARTMENT.

The town council may create and maintain a fire department for the town and it shall be the duty of the employees of this department to stand ready at all times to answer alarms of fire and make every effort to extinguish fires and to protect lives and property. It shall also be the duty of the employees of the fire department to make periodic inspections of the buildings and premises in the town for fire hazards, and to have corrected any situation tending to create a fire hazard, when ordered so to do by the council or the town manager. The employees of the fire department shall have special police powers when responding to alarms of fire and when making inspection for fire hazards. The town council may provide and maintain all necessary fire-fighting apparatus, equipment, and alarm systems, and make such ordinances as it may deem proper and necessary to extinguish and prevent fire, to regulate the operation of the fire department, and may require citizens to render assistance to the fire department in case of need.

SECTION 37 FIRE LIMITS; BUILDING REGULATIONS; UNSAFE BUILDINGS; ZONING REGULATIONS; DISPOSITION OF GARBAGE AND WASTE; FIRE

PROTECTION; REMOVAL OF UNLAWFUL BUILDINGS; PUBLIC HEALTH AND SAFETY.

For the purpose of guarding against the calamities of fire, and based upon the advice of a fire marshal or building official or other person with expertise in the prevention of fires or explosion, the town council may, from time to time, designate such portions and parts of the town as it deems proper within which buildings or other structures deemed by town council as unreasonably dangerous from or susceptible to fire or explosion, may or may not be erected. It may prohibit the erection of buildings or structures or additions of inflammable material in any portion of the town without its permission, and may provide for the removal of such buildings or structures or additions which shall be erected contrary to such prohibition at the expense of the builder or owner thereof; or if any building in process of erection or already built appears clearly to be unsafe the council may cause such building to be taken down, after reasonable notice to the owner; and the council may, by proper ordinance, divide the town into zones; specify the kind and character of buildings which may be erected in the different zones; provide for the disposition of garbage and waste; provide precautionary measures against danger from fires; provide for the removal of buildings or structures of any kind, erected in violation of ordinances, at the expense of the builder or owner; and may do all other things lawful to be done, looking to the health and safety of the inhabitants of the town.

**SECTION 38 EFFECTIVE DATE OF ORDINANCES AND RESOLUTIONS
GENERALLY; EMERGENCY ORDINANCES.**

Ordinances making the annual tax levy, appropriation ordinances, ordinances and resolutions pertaining to local improvements and assessments, ordinances and resolutions providing for or directing any investigation of Town affairs, resolutions requesting information from administrative bodies, or directing administrative action and emergency measures shall take effect at the time indicated in such ordinances. Except as otherwise prescribed in this Charter, all other ordinances and resolutions passed by the Council shall take effect at the time indicated in such ordinances, but in the event no effective date shall be set forth in any such ordinance, resolution, or bylaw passed by the Council, the same shall become effective thirty (30) days from the date of its passage.

An emergency measure is an ordinance or resolution to provide for immediate preservation of the public peace, property, health or safety, in which the emergency claimed is set forth and defined in a preamble thereto. The affirmative vote of at least four (4) members of the Council shall be required to pass any ordinance or resolution as an emergency measure. In case there shall be a tie vote among the members of Council, the vote of the Mayor, in the event of such tie, shall be controlling. (Acts 1993, ch. 479, p. 572)

**SECTION 39 PUBLICATION OF PENAL ORDINANCES; ORDINANCES IN
EVIDENCES; CODIFICATION OF ORDINANCES.**

All ordinances hereafter passed by the council for the violation of which any penalty is imposed, shall be published once, at least, in one of the newspapers of general circulation in said town, to be designated by the council, or shall be published in any other manner permitted by general law for the publication of proposed ordinances. A record or entry made by the clerk of said council, or a copy of said record or entry, duly certified to by him, shall be prima facie evidence of the publication of any such ordinance; and all laws, regulations and ordinances of the council may be read in evidence in all courts of justice, and in all proceedings before any officer, body or board in which it shall be necessary to refer thereto, from a copy thereof, certified by the clerk of said council, provided, however, that whenever, the council of the town of Front Royal shall codify, in whole or in part, and print at one time, or from time to time, in book or pamphlet form, the general ordinances of the Town of Front Royal, or any part thereof, it shall be unnecessary to publish any new or changed ordinances therein contained, or such codification, or codifications, in a newspaper or otherwise, provided, notice of such publication and the availability of such book or pamphlet at the town hall is published in a newspaper as hereinabove required. (Acts E.S. 1936-37, ch. 44, p. 143, Acts 1964, ch. 105.)

SECTION 40 POLICE POWERS; POLICE FORCE.

a. The council may exercise full police powers and it may establish and maintain a police force for the Town of Front Royal with such number of policemen and employees as the council may deem necessary and with the head of such force to be known as the chief of police. The chief of police and the policemen and employees of the police force shall be under the control and supervision of the town manager or the mayor as the council may deem expedient. The compensation and terms of office or employment of the chief of police and such policemen and employees of the police force as the council shall deem proper shall be fixed and determined by the council.

b. Each member of the police force and the chief of police are hereby made and constituted a conservator of the peace and endowed with all the powers of a constable in criminal cases and all other powers which under the laws of the State of Virginia and the ordinances and resolutions of the town may be necessary to enable him to discharge the duties of his office.

SECTION 41 CONTRACTING DEBTS, ISSUING BONDS, ETC., BORROWING MONEY; GRANTING CREDIT OF TOWN.

a. The council may, in the name of and for the use of the town, contract debts and make and issue, or cause to be made and issued, as evidence thereof, bonds, notes or other obligations, upon the credit of the town, or solely upon the credit of specific property owned by the town, or solely upon the credit of income derived from property used in connection with any public utility owned and operated by the town.

b. Pending the issuance and sale of any bonds, notes or other obligations by this Act authorized, or in anticipation of the receipt of taxes and revenues of the current fiscal year, it shall be lawful for the town to borrow money temporarily and to issue notes or other evidences of indebtedness therefor, and from time to time to renew such temporary loans or to use current funds to be ultimately repaid from the proceeds of the said bonds, notes or other obligations or from the town taxes and revenues, as the case may be.

c. The credit of the town shall not, directly or indirectly, under any device or pretense whatsoever, be granted to or in aid of any person, firm, association or corporation.

d. Every ordinance authorizing the issuance of bonds shall specify the purpose or purposes for which they are to be issued, the aggregate amount of the bonds, the term for which they shall be issued, and the maximum rate of interest to be paid thereon. Any such ordinance may be amended by ordinance at any time before the bonds to be affected by such amendment have been sold; provided, however, if there shall be omitted from this Act any provision essential to the valid authorization, sale, execution and issuance of any of the bonds of said town, the provisions of general law with reference to similar bonds shall supply said omission.

e. Any bonds issued by the town under this Act shall be signed by the mayor and attested by the clerk under the seal of the town, and shall be made payable in the office of the town treasurer or such other place in or out of the state as the council may provide in the ordinance authorizing the issuance of the particular bonds. Such bonds shall be advertised by the mayor and sold by the town treasurer, or by the town manager as may be provided in such ordinance, under supervision of the mayor, town manager and clerk, and the sale reported to and approved by the council, and the proceeds from said sale shall be paid to the town treasurer.

CHAPTER VI TOWN OFFICERS.

SECTION 42 COMBINING OFFICES.

The town council may combine offices when not expressly prohibited, except that the assessing and collecting officers shall not be the same person.

SECTION 43 SALARIES AND COMPENSATION.

The town council shall grant and pay to all town officers and employees such salaries or compensation, if any, as the said council may from time to time deem just and proper, or which shall be fixed by this Act, except as such salaries or compensation may be fixed by general law.

SECTION 44 PROPERTY, BOOKS AND PAPERS BELONGING TO TOWN OR APPERTAINING TO TOWN OFFICE.

If any person, having been an officer of such town, shall not within ten days after he shall have vacated, or removed from office, and upon notification or request of the clerk of the council, or within such time thereafter as the town council shall allow, deliver over to his successor in office all property, books, and papers belonging to the town, or appertaining to such office in his possession or under his control, he shall forfeit and pay to the town the sum of five hundred dollars and may be sued therefor in the name of the town and recovered with costs; and all books, records and documents used in any such office by virtue of any provision of this Act, or of any ordinance or order of the town council, or any superior officer of the said town, shall be deemed the property of the said town and appertaining to said office, and the chief officer thereof shall be responsible therefor.

SECTION 45 ELECTION AND TERMS OF ELECTIVE CHARTER OFFICERS.

All officers hereafter elected under this Act, shall be elected at the times and for the terms as hereinbefore provided, and shall enter upon the discharge of their duties, in accordance with the provisions of the general laws of this state concerning town officers.

SECTION 46 APPLICATION OF LAW TO TOWN AND OFFICERS.

The Town of Front Royal and the officers thereof, elected or appointed in accordance with the provisions of this Act, shall be clothed with all the powers, and be subject to all the provisions of law not in express conflict with the provisions of this Act.

SECTION 47 APPOINTMENT OR ELECTION OF MEMBER OF COUNCIL TO OFFICE UNDER JURISDICTION OF COUNCIL; EXCEPTION.

No member of the council of the Town of Front Royal shall be appointed or elected to any office under the jurisdiction of the council while he is a member of the council, or for one year thereafter, except that the council may appoint one of the members of the council as town treasurer with all or any part of the duties, powers, obligations and responsibilities of the town treasurer provided by this Act.

SECTION 48 JURISDICTION BEYOND CORPORATE LIMITS.

The mayor, the town councilmen, the town manager, the chief of police and the members of the police force of the town shall have jurisdiction, power and authority in criminal and police matters for one mile from the corporate limits of the said town.

CHAPTER VII TOWN TREASURER.

SECTION 49 BONDS; DUTIES; APPOINTMENT AND DUTIES OF TOWN COLLECTOR.

The town treasurer shall, before entering upon the duties of his office, give bond with sufficient surety to be approved by the council, in a penalty of such amount as may be fixed by the council from time to time, payable to the Town of Front Royal, conditioned for the true and faithful performance of the duties of his office. The treasurer shall be responsible for the collection of all taxes, licenses and levies except charges for services furnished by the public utilities of the town. The council shall have authority to place in the hands of a town collector to be appointed by it the collection of any taxes, licenses and other levies at any time before they become delinquent, if in the discretion of the council it shall be proper so to do.

SECTION 50 TREASURER TO RECEIVE, PAY OUT, KEEP AND ACCOUNT FOR TOWN MONEY.

The town treasurer shall receive all moneys belonging to the town which it is his duty to collect from persons owing the same to the town, or which it is the duty of other officers of the town to collect and pay over to him, and pay the same out as the ordinances of the town may prescribe; to keep such moneys safely and account therefor, and to pay all drafts or orders made on him in conformity with the ordinances of the town.

SECTION 51 DEPOSITORIES OF TOWN FUNDS; ACCOUNT; PROHIBITED USES OF TOWN MONEY.

The funds of the town shall be deposited by the treasurer in such bank or banks as the council may direct, and such bank or banks shall give bond in such sum or sums as the council shall fix. He shall keep books showing accurately the state of his accounts and the money of the town shall be kept distinct and separate from his own money and he is hereby expressly prohibited from using directly or indirectly the town's money, checks or warrants in his custody and keeping for his own use and benefit, or that of any person or persons whomsoever, and any violation of this provision shall subject him to immediate removal from office.

SECTION 52 INSPECTION OF BOOKS, ETC.; TRANSFER OF BOOKS, BALANCES TO SUCCESSOR OR TO COUNCIL.

The books and accounts of the town treasurer and all papers relating to the accounts and transactions of the town, shall be at all times subject to the inspection of the mayor, the town council, and such other persons as the council may appoint, to examine the same, and all such books and accounts, together with any balance or moneys on hand, shall be transferred by the treasurer to his successor at every new appointment, or delivered up as the council may at any time require.

SECTION 53 MONTHLY REPORT TO COUNCIL.

The town treasurer shall, on the first day of each month, render an account to the council showing the state of the treasury on the day previous and the balance of money on hand. He shall also, if required so to do by the council, accompany such account with a statement of all money received by him and on what account, with a list of all checks paid by him during the month then closed, and shall furnish such other information, accounts and statements as the town council may direct.

SECTION 54 ANNUAL REPORT TO COUNCIL.

The town treasurer shall annually submit to the town council, within fifteen days after the close of the fiscal year, a full and detailed account of all receipts and disbursements made during the fiscal year just closed.

SECTION 55 HOW MONEY RECEIVED TO BE CREDITED; HOW MONEY TO BE DISBURSED.

All taxes, levies or other sums of money of whatever nature received by the town treasurer belonging to the Town of Front Royal, shall be credited by the treasurer on his books to the Town of Front Royal and shall be paid out by him only on a warrant of the clerk of the council, countersigned by the mayor.

SECTION 56 HOW ACCOUNTS TO BE KEPT; POWER OF COUNCIL AS TO MANNER OF DEPOSIT AND DISBURSEMENT.

The treasurer shall keep a separate account of each fund and appropriation and the debits and credits belonging thereto; provided, however, that the council shall have the right to require all town funds to be deposited to the credit of the town and may prescribe by resolution or ordinance such other method of disbursement as it shall from time to time deem proper.

SECTION 57 SPECIAL ASSESSMENT FUNDS.

All moneys received on all special assessments shall be held by the treasurer as a special fund, to be applied to the payment of the matter for which the assessment was made and said moneys shall be used for no other purpose.

SECTION 58 ADDITIONAL DUTIES.

The treasurer shall perform such additional duties as may be required of him by the council not inconsistent with the laws of the state.

SECTION 59 COMPENSATION.

The town treasurer shall receive for his services such compensation, if any, as the council may deem proper.

SECTION 60 DUTIES MAY BE COMBINED WITH THOSE OF TOWN MANAGER.

The council may at any time in its discretion combine the duties of town treasurer, or any part of such duties, with those of the duties of town manager, or with the town's finance director, and if and when the council places the duties of the town treasurer, or any part of such duties, upon the town manager or with the finance director, the town manager, or the finance director, as the case may be, shall have all of the power, authority, duties, obligations and responsibilities which are set forth in this Act for the town treasurer to the extent of the combination of the duties of town treasurer with the duties of town manager by the town council.

CHAPTER VIII TOWN PLANNING.

SECTION 61 ADOPTION OF TOWN PLAN.

The council may adopt a town plan, showing the streets, highways, and parks heretofore laid out, adopted, and established, and such town plan shall be final with respect to the location, length, and width of such streets and highways, and the location and dimensions of such parks. Such town plan is hereby declared to be established for the promotion of the health, safety, and general welfare. Upon the adoption of the town plan, or any amendment thereto, a certificate to that effect, together with a plat, shall be filed immediately with the clerk of every county affected by such town plan or amendment.

SECTION 62 PLANNING COMMISSION.

The council is hereby authorized to appoint a town planning commission, fix the number and terms of members, remove any member for cause, fill any vacancies, which may occur, and provide for the powers and duties of such commission, not in conflict with the provisions of this Act.

SECTION 63 AMENDMENT OF PLAN.

The council may at any time, after a public hearing, amend the town plan, including, but not limited to, ~~by~~ widening, relocating, or closing existing streets and highways, and by altering any existing park or by laying out new streets and highways and establishing new parks. Before amending the town plan, the council shall refer the proposed amendment to the town planning commission for a report thereon, and shall not act on such amendment until a report has been received from said commission, unless a period of thirty days has elapsed after the date of reference to the commission. Any amendment of the town plan, upon its adoption by the council, shall be final unless changed as herein provided as to the location, length, and width of any street and highway, and the location and dimension of any park. Any widening, relocation, closing or laying out of streets and highways proposed under the provisions of law other than those contained in this article shall be deemed an amendment of the town plan, and shall be subject in all respects to the provisions of this chapter.

SECTION 64 PLATS TO BE APPROVED BY COUNCIL; DUTIES OF PLANNING COMMISSION AS TO PLATS; STREETS AND PARKS; REGULATIONS AS TO FILING PLATS.

No plat showing a new street or highway within the town, shall be filed or recorded in the office of the clerk of the town or of any county until such plat has been approved by the council. Before giving any approval, the council shall refer every such plat to the town planning commission for a report, and shall not act on any plat so referred until a report has been received from the commission, unless a period of forty-five days has elapsed after the date of reference to the commission. Before reporting to the council on any plat, the commission shall hold a public hearing thereon. If any plat is disapproved by the commission, it shall report the reasons for such disapproval to the council. The council shall not approve any plat unless the streets and highways provided in such plats are of sufficient width, of proper grades, and suitably located to meet the probable traffic needs; to afford adequate light, air, and access of fire apparatus to such buildings as may be erected along the proposed streets and highways; and to insure healthful conditions on the land adjacent to such streets and highways. The council may, in appropriate cases, require that a plat, before being approved, shall provide adequate open spaces for parks, playgrounds, or other recreational uses; but the inclusion of such open spaces upon a plat does not require their dedication to public use. After a plat has been approved by the council, the streets, highways, parks, and other open spaces shall be a part of the town plan. The council, after a public hearing, may adopt general regulations in regard to the filing of plats.

SECTION 64-A PREREQUISITES TO APPROVAL OF PLAT BY COUNCIL.*

a. Before approving such plat, and thereby accepting the dedication of the streets, alleys, parks and public places thereon, the council shall require that the streets and alleys thereon shall be properly laid out and located with reference to the topography of the land so platted and the adjoining lands, both as to connections and widths, which widths of such streets and alleys shall be plainly marked in figures or written on such plat, and which streets and alleys shall be laid out in harmony with the general plan of the town.

b. Before approving such plat, and thereby accepting the dedication of the streets and alleys thereon, the council shall require the owner thereof to execute and deliver to the Town of Front Royal, a release and waiver of any claim or claims for damages which such owner, his heirs, successors or assigns may have or acquire against the Town of Front Royal by reason of establishing proper grade lines on and along such streets and alleys and by reason of doing necessary grading or filling for the purpose of placing such streets and alleys upon the proper grade and releasing the Town of Front Royal from building any retaining wall or walls along the streets and alleys and property lines; and the council may require such release and waiver to be written and executed on said plat and recorded therewith or by an instrument of writing to be executed and recorded in the clerk's office of the circuit court of Warren County.

The council may in its discretion, require the owner of such platted lands to submit profiles of such streets and alleys, showing the contour thereof, together with the proper grade lines laid thereon, and if and when the council is satisfied that the proper grade lines are laid on such profiles, the profiles shall be approved by the council and recorded by the owner or at his expense in the record of the profiles of the streets and alleys of the town, and the council may, in its discretion, require such release and waiver to be made with reference thereto.

c. Before approving any such plat of any subdivision of lots or lands the town council may, at its discretion, require the owner of such lots or lands to grade the streets and alleys therein, according to grade lines approved and established by the council.

SECTION 65 ERECTION OF BUILDINGS WITHIN STREET LINES.

For the purpose of preserving the integrity of the plan, no permit shall hereafter be issued for the construction of any building within the street lines of any mapped street or highway, as laid down in the town plan, within the town.

SECTION 66 PLACING STREETS ON PLAN PREREQUISITE TO LAYING PUBLIC UTILITIES, GRADING, PAVING OR BUILDING HOUSE ADJACENT THERETO.

If such town plan is adopted, no public sewer, water pipe, or other public utility shall be laid and no grading or paving shall be done by the town in any street or highway in the town, unless such street or highway has been placed upon the town plan by the council. No permit shall be issued for any building in the town unless such building is located adjacent to a street or highway which has been placed upon the town plan by the council. Provided, however, where the literal enforcement of the provisions of this section would result in practical difficulty or unnecessary hardship, or where the nature or use of the proposed building does not require its location to be adjacent to a street or highway, the board of appeals, by a majority vote of all its members, may issue a permit for a building, upon such condition as the board may deem necessary to preserve the integrity of the town plan and to insure the proper location of future streets and highways in the town and the surrounding area. Any decisions of the board of appeals, rendered under the provisions of this section, shall be subject to the same court review as provided for zoning decisions of the board.

CHAPTER IX ZONING.

SECTION 67 GENERALLY.

For the purposes stated in Chapter 197 of the Acts of Assembly, approved March eighteenth, nineteen hundred and twenty-six, the town council is hereby empowered to pass zoning ordinances in conformity with the said Act, as amended, subject, however, to the following modifications thereto:

a. The council shall not adopt any zoning ordinance or map until it shall have appointed a town planning commission, as provided for in chapter eight hereof and shall have received from said

commission its recommendations as to a zoning ordinance and map, and shall have held a public hearing thereon.

b. Any zoning ordinance, regulations, restrictions, and boundaries of districts may be changed from time to time by the council, either upon its own motion or upon petition, under such conditions as the council may prescribe, after a public hearing and adequate notice to all owners and parties affected. No change shall be made by the council in any zoning ordinance or map until such change has been referred to the town planning commission for a report thereon, and no action shall be taken by the council until a report has been received from the commission, unless a period of thirty days has elapsed after the date of reference to the commission.

CHAPTER X GENERAL PROVISIONS.

SECTION 68 CERTAIN OFFICERS MAY ADMINISTER OATHS, ETC.

The mayor, town clerk, town treasurer, and town manager shall have power to administer oaths and to take and sign affidavits in the discharge of their respective official duties.

SECTION 69 INVESTIGATIONS INTO TOWN AFFAIRS.

The council, mayor, and any officer, board or commission authorized by the council, shall have power to make investigations as to town affairs and for that purpose to subpoena witnesses, administer oaths and compel the production of books and papers.

Any person refusing or failing to attend or to testify or to produce such books and papers may, by summons issued by such officer or board or the town council, be summoned before the mayor of said town by the board, official or council making such investigation and upon his failure to give satisfactory explanation of such failure or refusal, may be fined by the mayor not exceeding one hundred dollars or imprisoned not exceeding thirty days, and such person shall have the right to appeal to the circuit court of Warren County. Any person who shall give false testimony under oath at any such investigation shall be liable to prosecution for perjury.

SECTION 70 CHANGE OF PLAN OF GOVERNMENT.

The plan of government provided by this Charter may be changed to any other plan provided for the government of incorporated towns in the manner provided by general law therefor; and if and when the Town of Front Royal shall become a city of the second class in the manner provided by general law, the plan of government provided by this Charter shall continue so far as applicable, but such plan of government may be changed to any other plan provided for the government of cities of the second class at any time in the manner provided by general law.

SECTION 70-A EDUCATIONAL SYSTEM IN EVENT OF ESTABLISHMENT AS CITY.

In the event the Town of Front Royal is established as a city, it is hereby authorized to enter into contract with the county school board of Warren County, Virginia, for furnishing public school facilities for the city, in which event, with the approval of the state board of education, the county and city shall be constituted as one school system for the establishment, operation, maintenance and management of the public schools within the county and city; and provided further that representation on the county school board of Warren County for the City of Front Royal shall consist of one representative from each magisterial district (or ward) of the City of Front Royal to be appointed as provided in Section 653-al and 653-a2, Acts 1942, chapter 422. (Acts 1944, ch. 209, p. 301.)

SECTION 71 NO CONFLICT WITH ALCOHOLIC BEVERAGE CONTROL ACT.

Nothing in this Act shall authorize any ordinance in conflict with any provisions of the Virginia Alcoholic Beverage Control Act.

SECTION 72 PROHIBITED TAX LEVIES.

The town shall not levy any tax which is prohibited by the Constitution of Virginia or by general law.

SECTION 73 SEPARABILITY OF PROVISIONS OF CHARTER.

If any clause, sentence, paragraph or part of this Act shall, for any reason, be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of said Act, but shall be confined in its operation to the clause, sentence, paragraph or part thereof which is so held invalid.

SECTION 74 REPEAL OF ACTS CONFLICTING WITH CHARTER.

All Acts and parts of Acts in conflict with any of the provisions of this Act are hereby repealed.

SECTION 75 EFFECTIVE DATE OF CHARTER.

It being desirable to put into operation certain provisions of this Charter without delay, an emergency is declared to exist and this Act shall be in force and effect from and after the date of its passage *****.

*** Editor's Note: By virtue of an order entered on December 31, 1948, in the Circuit Court of Warren County, certain territory was annexed to the Town of Front Royal. Consequently, this section does not describe the corporate limits as they presently exist. This order, containing a description of the territory annexed, effective January 1, 1949, is recorded in Law Order Book H, beginning on Page 284, in the office of the Clerk of the Circuit Court of Warren County.**

**** Editor's Note: It is provided in Acts 1946, Ch. 31, as follows: "The Boards of Supervisors of the Counties of Giles, Bland, Mecklenburg, Brunswick, Page, Warren, Washington, Campbell, Amherst, Bedford and Orange, and the Councils of the Towns of Front Royal, Luray, Abingdon, Glade Spring, Damascus and Orange, be and they are hereby authorized to make gifts and donations of property, real or personal, and of money to be appropriated from their respective treasuries, to charitable institutions and associations conducting hospitals or voluntary fire-fighting services within the boundaries of their respective counties. Said donations of money or property to said charitable hospital institutions or associations may be made either for the purpose of aiding in the construction of said hospitals or the operation of same, or both".**

*****Editor's Note: There are two sections numbered 64 in Acts E.S. 1936-37, ch. 44. This section, the second of the two, has been numbered Sec. 64-a for clarity.**

******Editor's Note: This Act was approved January 18, 1937.**

November 30, 2012

Honorable C. Todd Gilbert
Member, Virginia House of Delegates
P.O. Box 309
Woodstock, VA 22664 (*via mail*)

35 North Royal Avenue
Front Royal, VA 22630 (*via hand delivery*)
DelTGilbert@house.virginia.gov (*via e-mail*)

Honorable Beverly J. Sherwood
Member, Virginia House of Delegates
P.O. Box 2014
Winchester, VA 22604 (*via mail*)
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Honorable Michael J. Webert
Member, House of Delegates
P.O. Box 631
Marshall, VA (*via mail*)
DelMWebert@house.virginia.gov (*via e-mail*)

Honorable Mark D. Obenshain
Senator, Senate of Virginia
P.O. Box 555
Harrisonburg, VA 22803 (*via mail*)
District126@senate.virginia.gov (*via e-mail*)

Dear Delegates Gilbert, Sherwood and Webert, and Senator Obenshain:

The Town Council of the Town of Front Royal passed several proposed amendments to its Town Charter at its November 26, 2012 regular meeting, which it respectfully requests the General Assembly to enact at its upcoming session. In order to assist the General Assembly in following the progression of the proposed changes to the Town's charter, please find enclosed copies of the following: The existing Town Charter, headed "*Section 200-1 Charter of the Town of Front Royal, Virginia*"; a black-lined copy of the proposed Charter changes the Front Royal Town Council passed, titled "*Version 3-Even Year Elections Beginning 2014 (Final)*", showing the portions removed as ~~interlined~~, and the amended portions underlined; and finally, a clean version of what Town Council passed, titled "*11-27-12 Final Version, Charter Amendments*"

2012”.

The most significant proposed amendment is the change in its elections for Town Council and Mayor from the first Tuesday in May in even numbered years, to the general election day in November in even numbered years.

There are a few other changes as well; generally, they are:

To allow the Town Council to designate additional Town officers by ordinance; to cause elections to Town Council and Mayor to be non-partisan (so that federal employees, such as our present Mayor, the Honorable Timothy W. Darr, who is employed by the United States Department of Defense as Supervisor Physical Security Specialist for the Pentagon Force Protection Agency, to be able to hold local public office—historically, all Town elections have always been non-partisan); to allow minutes to be kept in electronic format in lieu of hard-copy minute books; to allow the publication of proposed ordinances and other notices by any method allowed by law; to combine the duties of the town treasurer with that of town manager or town finance director; and for the provision of a number of other minor or clerical amendments to the Charter.

The Town of Front Royal asks our Delegates help the Town sponsor these amendments to its Town Charter at the upcoming session of the General Assembly. As each one of you Honorable Delegates and Senator have been responsive and effective representatives for the Town of Front Royal, the Town would be very pleased if you would lend your support and assistance to sponsor the Town’s obtaining passage of these amendments to its Charter.

In accordance with the relevant provisions of Va. Code § 15.2-202, you will also find enclosed the publishers’ certificates of publications showing that the public hearing was properly advertised, and a certified copy of the Front Royal Town Council’s minutes taken at the advertised public hearing on this matter.

On behalf of the Mayor, Town Council, and citizens of the Town of Front Royal, I will be honored and delighted to answer any questions you or your staff, or any member of the General Assembly or any member of their staff, assist in any manner, obtain any other documentation, or otherwise help facilitate the process of securing passage of these proposed Charter amendments.

With kind regards,

Sincerely,

Douglas W. Napier

cc: Mayor, Members of Town Council

and Town Manager,
Town of Front Royal, Virginia

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Town of Front Royal, Virginia Work Session Agenda Form

Date: June 20, 2016

Agenda Item: Lease of Sidewalk Space on Church Street, for Business located at 501 East Main St

Summary: Katie Mac, L.L.C., comprised of Katie Tewell and Mac McIntyre, the daughter and son, respectively, of George McIntyre, requests that their company be able to install three 100 gallon propane gas tanks in the public sidewalk along Church Street near its intersection at 501 East Main Street in conjunction with a new business their company proposes opening in a currently vacant building. The reasons for this request is more fully set forth in that attached letter dated September 2, 2015, from Blossman Propane Gas & Appliance to Jeremy F. Camp, Director of Planning & Zoning. Summarized, the reasons are that it is safer that the propane tanks are not placed underground; that it is easier to replace above ground tanks if there is a problem with the tanks; and that there are reports that the water table is approximately 16” below grade in this area, so that underground tanks would be sitting in water. Mr. Camp has received confirmation from the Warren County Building Official (David Beahm) that the project would comply with the Building Code. The Town’s Risk Manager verified with VML (the Town’s insurance carrier) that the Town should have the lessee sign a hold harmless agreement and insurance coverage, and to use normal procedures. Notice was also sent to the Fire Marshal, and the Town should have confirmation of his positive response prior to the Town entering into a lease with Katie Mac, L.L.C.

Attached are the following: A proposed Lease Agreement dated May 24, 2016 signed by a Member (“Partner”) of Katie Mac, L.L.C., , with attached Exhibits “A”, “B”, “C”, “D”, “E”, “ and “F”; a letter from Blossman Propane Gas & Appliance to Jeremy F. Camp, dated September 2, 2015; photos of proposed sidewalk lease site; sketch drawing of site; document titled “Fencing: A Guide to the Options”; email message from David Beahm dated September 10, 2015, to Jeremy Camp; email from Jeremy Camp dated September 10, 2015, to David Beahm; email message from Sue McIntosh (Town’s former Risk Manager) dated September 14, 2015, to Jeremy Campbell; email message from Karen Nuckols of VML dated September 14, 2015, to Sue McIntosh; email message from Sue McIntosh dated September 11, 2015, to Karen Nuckols of VML; email message from Jeremy dated September 10, to Gerry Miatico, Fire Marshall of Warren County; and email message from Laura Glavis of Blossman Gas & Appliance dated September 4, 2015, to Jeremy Camp.

The proposed lease appears to allow sufficient room, four feet, for pedestrian travel around the propane tanks.

Council Discussion: Council is requested considering leasing sidewalk space for the placement of three 100 gallon above ground propane gas tanks on Church Street to service this new business located on 501 East Main Street.

Staff Evaluation: Staff believes it has requested and obtained the relevant information from the appropriate authorities, including the Building Official, the Fire Marshall, and the Town’s insurance Carrier, the Virginia Municipal League, to ensure that, if Town Council agrees to allow a lease of the

sidewalk to Katie Mac L.L.C., that it can be done safely and consistent with public convenience. The Planning/Zoning Director comments are below:

- 1) The placement of the tanks shall not interfere with the egress from the building if the sidewalk area is used as the part of the exit discharge. (could not tell from the pictures)
- 2) Vehicle impact protections shall be provided in accordance with the Building/Fire Code or as approved with the Warren County Building Official.
- 3) The installation of the above ground containers shall be in accordance with the Virginia Statewide Fire Prevention Code Table 6104.3 (footnote E)

Budget/Funding: None required on the part of the Town. A nominal lease amount of \$1.00 per year is proposed in order to get a currently vacant building into a commercially viable business.

Legal Evaluation: It is recommended that the lease term be for five (5) years or less because of the following Constitutional and statutory provision:

The Constitution of Virginia [1971]

Article 7 Local Government

Section 9. Sale of property and granting of franchises by cities and towns....Before granting any such franchise or privilege for a term in excess of five years, ... except for a trunk railway, the city or town shall, after due advertisement, publicly receive bids therefor.

Va. Code § 15.2-2100. Restrictions on selling certain municipal public property and granting franchises. — ...Before granting any such franchise or privilege for a term in excess of five years, except for a trunk railway, the city or town shall, after due advertisement, publicly receive bids therefor, in such manner as is provided by § 15.2-2102 [Va. Code § 15.2-2102. How bids received and to whom franchise awarded. — The presiding officer shall read aloud, or cause to be read aloud, a brief summary of each of the bids that have been received, for public information, and shall then inquire if any further bids are offered. If further bids are offered, they shall be received. The presiding officer shall thereafter declare the bidding closed. The presiding officer shall receive recommendations from the staff relative to any bids received in advance and staff's recommendations, if any, on any bids received at the advertised council meeting. After such other investigation as the council sees fit to make, the council shall accept the highest bid from a responsible bidder and shall adopt the ordinance as advertised, without substantial variation, except to insert the name of the accepted bidder. However, the council, by a recorded vote of a majority of the members elected to the council, may reject a higher bid and accept a lower bid from a responsible bidder and award the franchise, right, lease or privilege to the lower bidder, if, in its opinion, some reason affecting the interest of the city or town makes it advisable to do so, which reason shall be expressed in the body of the subsequent ordinance granting the franchise, right, lease or privilege. The process described in this section may run concurrently with any other advertisement or public ordinance requirements of this title, or such requirements as may be contained in charters of such cities or towns.], and shall then act as may be required by law.

Staff Recommendations: Staff has no objection to this lease, as it would allow a business to be established at 501 East Main Street where currently there is a vacant building.

Town Manager Recommendation: Town Manager concurs with Staff.

Council Recommendation:

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

LEASE AGREEMENT

THIS LEASE AGREEMENT, is made and entered into this 24th day of May, ~~2015~~ ²⁰¹⁶ by and between the **TOWN OF FRONT ROYAL, VIRGINIA**, a municipal corporation, hereinafter referred to as the "Town", and **KATIE MAC, L.L.C.**, a Virginia Limited Liability Company, dba Apple House Deli, hereafter referred to as the "Lessee".

That for and in consideration of the sum of **ONE DOLLAR (\$1.00) per annum**, paid by the Lessee to the Town, the parties do hereby agree as follows:

1. **PREMISES** – The Town agrees to lease to the Lessee the area situated atop the pedestrian sidewalk located on Blue Ridge Avenue adjacent to the exterior western wall of the building at the street address of 501 East Main Street, Front Royal, Virginia, with approximate dimensions of _____ . Such area, which is hereafter referred to as the "Premises", is as generally shown on the drawing marked Exhibit "A", attached hereto and made a part of this Lease. The Premises area is also generally depicted in those photographs of the pedestrian sidewalk marked Exhibit "B" and Exhibit "C", copies of which are attached hereto and made a part of this Lease.

2. **LEASE PURPOSE** – The Town grants a lease of these Premises for the express purpose of the installation, placement, and maintenance of above-ground propane gas tanks as are depicted in the drawing marked Exhibit "A", and as are further described in a letter dated September 2, 2015 from Blossman Propane Gas & Appliance, which is marked Exhibit "E" and is attached hereto and made a part of this Lease. The lease purpose shall also include the installation, placement and maintenance of

any associated hoses, pipes and equipment related to the use of the propane tanks, plus the fencing and the bollards as are further described herein in section 5.

3. **TERM OF LEASE** - The term of the Lease is for a period of (_____) years, commencing on the 1st day of __, 2016, and ending on the _____ day of 20 _____.

4. **PAYMENT OF RENT** - Lessee shall pay to the Town an annual rental payment of **One Dollar (\$1.00)**. The rental payment shall be paid in advance beginning on the 1st day of _____, 2016, and on an annual basis thereafter for the term of this Lease and any extensions hereunder.

5. **FENCING AND BOLLARDS** - The Lessee shall be responsible for erecting and effectively maintaining at all times, in a safe and sightly manner, fencing which shall be substantially similar in type and appearance, and in size and effectiveness, as is shown on the advertisement marked Exhibit "D" attached hereto and made a part of this Lease. The fencing shall be installed and maintained so as to allow an approximately five foot (5') width for sidewalk pedestrian traffic on the west side of the fence as shown in the drawing marked Exhibit 'A'. The purpose of the fence shall be to screen the aforementioned propane tanks from the casual view of passers-by. The fence shall include an access gate as shown in Exhibit "A". Said gate shall remain locked at all times, except when said propane tanks and their surrounds are being inspected, serviced or otherwise maintained. Access to the Premises and the propane tanks shall at all times be afforded by the Lessee to Town employees, officers, agents, and all emergency responders. The Lessee shall furnish to the Town a key or combination to the gate lock to assure accessibility during times when the Lessee may not be at this place of business.

Lessee will also install bollards as described in Exhibit "E" around the dimensions of the Premises in such numbers and in such locations as shall be in compliance with building code regulations, to the satisfaction of Warren County's Building Inspector.

6. RELEASE AND HOLD HARMLESS - Lessee hereby agrees to hold the Town, its officers, employees, agents, and invitees harmless from any liability pertaining to Lessee's, Lessee's customers', employees', agents', officers', and invitees' use and/or occupancy of the Premises. Lessee agrees to execute the "EASEMENT-HOLD HARMLESS LETTER TOWN OF FRONT ROYAL, VIRGINIA DEPARTMENT OF PLANNING & ZONING" document, marked Exhibit "F" which is attached hereto and made a part of this lease.

7. USE OF PREMISES - The Lessee shall not assign this Lease or sublet the Premises without the express written consent of the Town. The Lessee shall not permit or allow any dangerous practices or hazardous conditions to occur on the Premises, shall not violate any State, Federal, or local law concerning the use of the Premises, or permit any illegal activity to occur thereon. The Lessee shall not create or allow any nuisance to be or to remain upon the Premises.

8. ALTERATIONS OR IMPROVEMENTS - Any alterations, additions, or improvements to the Premises, other than those associated with the servicing, maintenance or replacement of the propane tanks, any related equipment or appurtenances, the fencing and bollards, shall not be permitted without the written consent of the Town. Any permitted alterations, additions, or improvements to the Premises shall be performed at the sole expense of the Lessee by reputable workmen and licensed contractors. All alterations, additions, or improvements to the Premises shall be and remain the sole property of the Town, except as may be provided herein.

9. **MAINTENANCE** - The Lessee shall maintain the Premises in a proper and safe condition of good repair. At the conclusion of the Lease, if so requested by the Town, the Lessee shall remove all installed fixtures, equipment and other property from the Premises, and surrender the Premises to the Town in the same condition and repair as existed at the commencement of the Lease. The Lessee accepts the Premises "as is", and "where is". It is specifically understood that the Town has no obligation to the Lessee to make any repairs, improvements, or to make replacements of any sort whatsoever to the Premises during the period of the Lease. The Town does not warrant or guarantee as to the suitability of the Premises for any particular purpose.

10. **TERMINATION** - This Lease may be terminated by either party for any reason six (6) months from the date of mailing or hand delivery a written notice of termination to the other party. For the purposes of this Lease, all notices shall be made in writing and shall be delivered by first class mail or hand delivered to the parties at the addresses stated herein, to-wit:

TOWN OF FRONT ROYAL

***c/o* Front Royal Town Manager**

102 East Main Street

Front Royal, Virginia 22630

KATIE MAC LLC

400 Luray Avenue,

Front Royal, Virginia 22630

In the event of termination by the Town prior to the scheduled expiration of the Lease, Lessee shall be given a reasonable time to remove any of its personal property left upon the Premises. For the

purpose of this Lease, personal property shall include, but not be limited to the propane gas tanks, associated hoses and equipment, fencing and bollards. In the event that public necessity requires an immediate recovery of the Premises by the Town, and Lessee is unable to immediately remove its personal property from the Premises, the parties shall agree as to reasonable compensation to be paid to the Lessee for any loss occasioned by Lessee, and in the event the parties are unable to so agree, the parties may utilize mediation, arbitration, or litigation, with the reasonable expenses thereof to be borne by the Town.

Except as provided herein, any personal property which remains upon the Premises more than 30 days following the termination or expiration of the Lease shall become the sole property of the Town.

11. INSURANCE-

A. As a condition to this Lease becoming and remaining in effect, Lessee shall procure and continuously maintain a policy of general liability insurance, with the Town named as an Additional Insured, for protection from claims caused by negligent, reckless, or willful error, omission or act for which Lessees are legally liable, for Lessee's use of the Town's sidewalk, or for servicing the equipment or other personal property on the Town's sidewalk. Lessee shall deliver to the Town, upon execution of this Lease Agreement, a certificate of such insurance. Insurance shall provide for coverage effective through the date of the end of the Project. Such certificate of insurance shall provide that such insurance coverage shall not be cancellable without thirty (30) days' prior written notice in advance to the Town. In the event Lessee shall fail to obtain or continuously maintain such insurance, the Town may do so at the expense of Lessee, or at the option of the Town, may cancel this Lease, without further notice to Lessee.

B. Amount of Insurance Required:

- 1) Comprehensive General Liability Insurance \$1,000,000 Minimum per Occurrence.
- 2) Worker's Compensation – As required by the Commonwealth of Virginia.

12. AUTHORITY- All parties and signatories hereto affirmatively represent that by signing this Lease with all Exhibits hereto, that they have all necessary and appropriate authority of their representative organizations to do so and legally bind their organizations hereto.

13. INTERPRETATION - The interpretation of the provisions of this Lease Agreement shall be in accordance with the laws of the Commonwealth of Virginia.

14. MODIFICATION AND EXTENSIONS - Modification of the terms and conditions of this Lease Agreement and extensions or renewals of this Lease Agreement shall not be permitted, unless agreed to in writing and executed with the same formality as this Agreement.

GIVEN under our hands this _____ day of _____, 2016.

TOWN OF FRONT ROYAL, VIRGINIA (SEAL)

BY: _____

Steven M. Burke, Town Manager

KATIE MAC L.L.C. (SEAL)

BY: Katie Jewell / Partner
Name/Title

APPROVED AS TO FORM:

Douglas

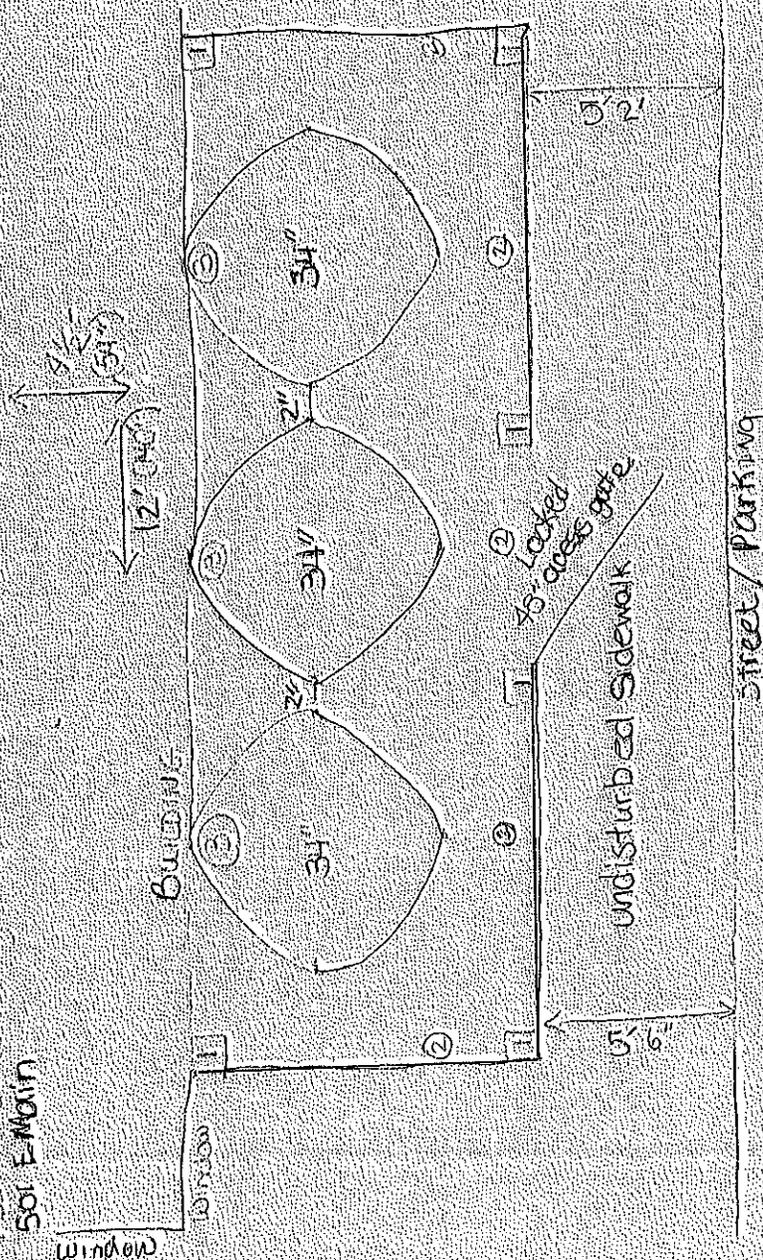
W.

Napier,

Town

Attorney

EXHIBIT "A"



501 E. MAIN

Map 101

- ① 4x4 posts
- ② 6x6 posts - 4' diam.
- ③ 100 gal Above ground tank

Fencing Height
4' 1/2'
2' off sidewalk for ventilation

EXHIBIT "B"

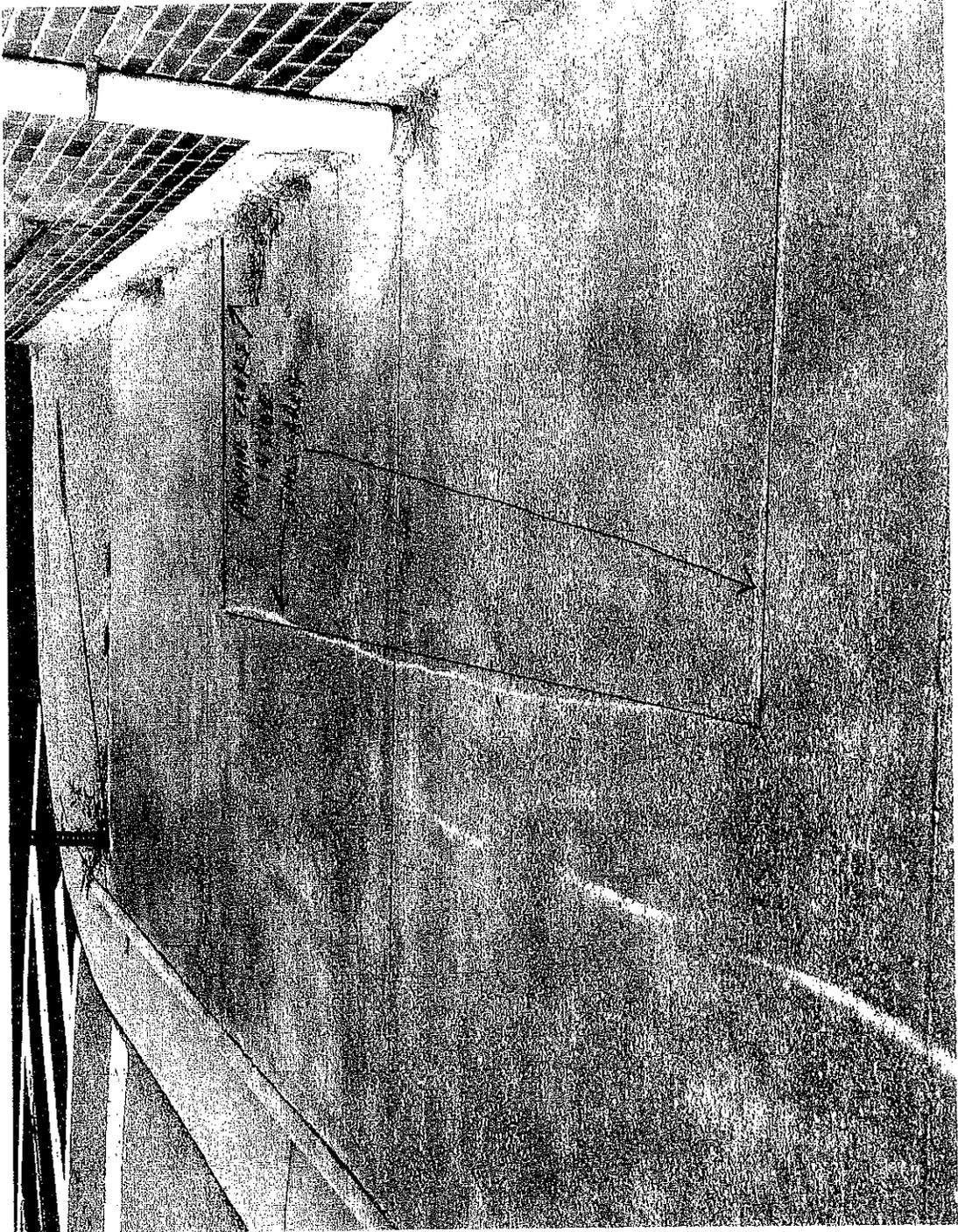


EXHIBIT "C"

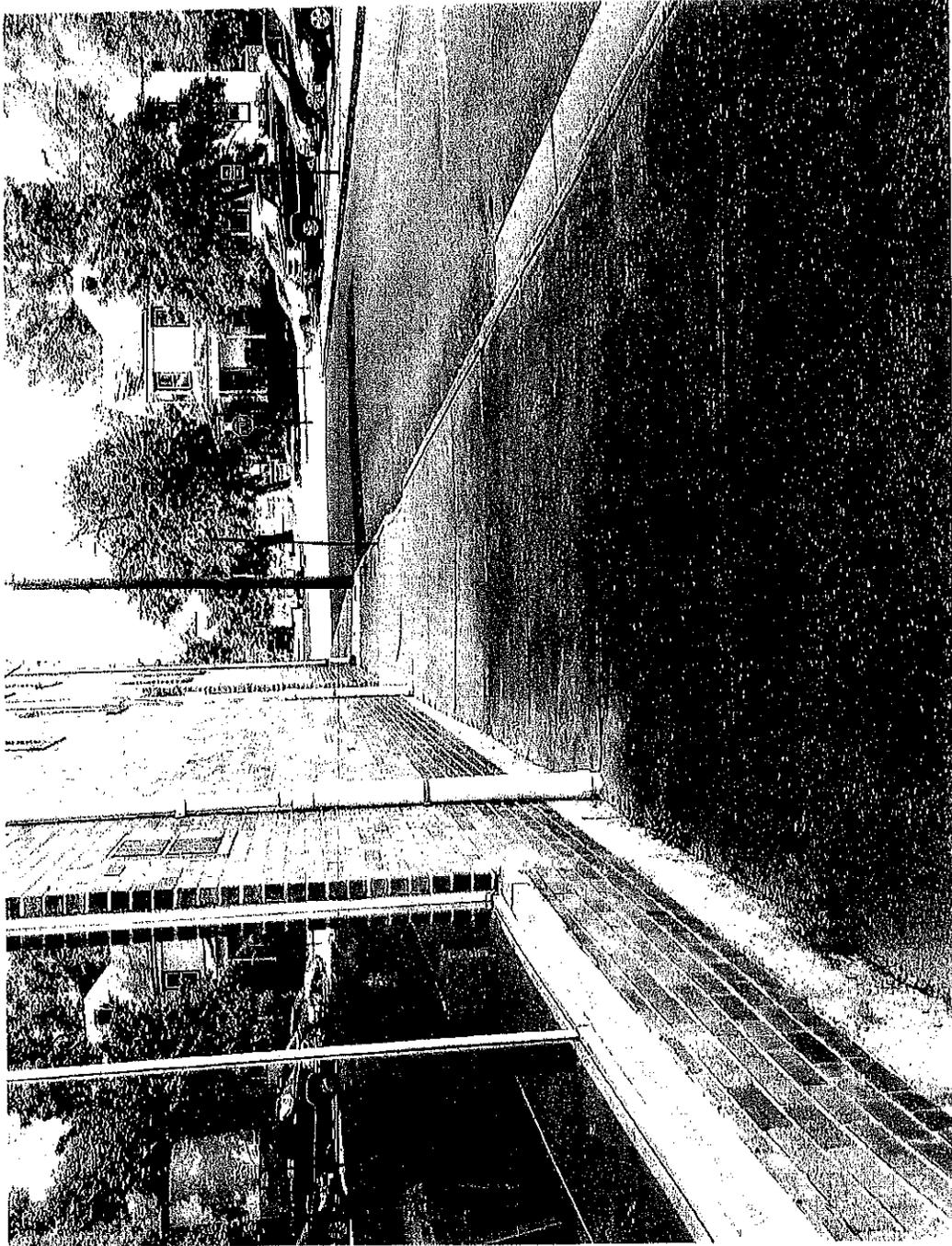
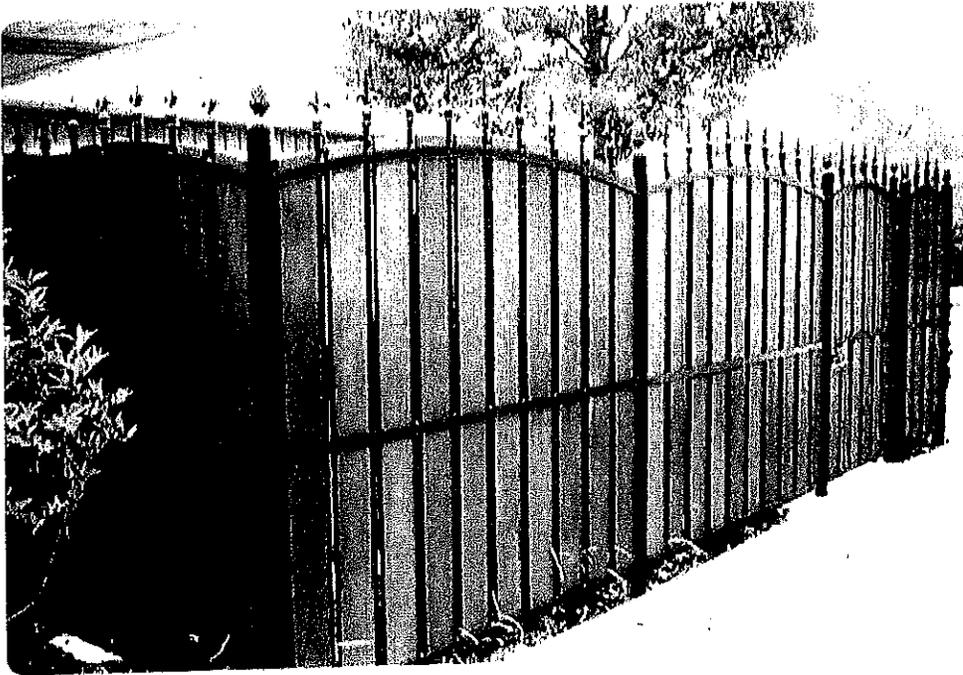


EXHIBIT "D"

Fencing: A Guide to the Options



Article from
HouseLogic

Read it

When shopping for a fence, you need to consider everything from style to function to how much maintenance it'll require.

EXHIBIT "E"



September 2, 2015

Jeremy F Camp
Director of Planning & Zoning
102 E Main Street
Front Royal, VA 22630

Reference: 501 E Main Street, Front Royal VA

Mr. Camp,

I am seeking permission to use the side walk on the side of 501 E Main Street to place 3-100 gallon above ground tanks for The Apple House Deli/Pauline's. Please refer to the enclosed rough drawing with measurements as well as pictures of the area we are seeking to utilize. With the proposed enclosed area, there still will be the width of 4 feet of sidewalk left for the use of pedestrian foot traffic.

I understand that the town's preference for tank placement is entirely underground, however from a safety standard this is not an option. Propane becomes a gas, instead of a staying a liquid like heating oil. Trapping gas underground would be hazardous to a passing pedestrian lighting a cigarette, as well as the building and all occupants of the building, if there were a leak. Also in the event of a problem with one of the aboveground tanks, they can be easily replaced.

Another reason against underground placement would be that it has been reported there is a water table approx. 16" below grade in this area. Underground tanks are buried approx. 4' in the ground, which means the tanks would be sitting in water.

I also understand the town's reluctance for above ground tanks are because of aesthetics. However if I may direct your attention to the attached picture of the proposed fencing that The Apple House Deli/Pauline's are willing to install which would screen vision of the propane tanks. You will see that the proposed fencing blends well with the brick work as well as displaying a historical look that downtown is striving for.

I have also spoken with Mr. Beahm, Warren County's Building Official, in reference to the bollard placement. Mr. Beahm, said he would approve 1 foot of distance between tanks and bollards, because the tanks would be on a sidewalk instead of in the street/parking area.

Please do not hesitate to call if I have overlooked any concern, or if we need to address any other issues. Thank you for your assistance in this matter. Hopefully we can proceed forward in a timely fashion so that the Apple House Catering can be a vibrant part of our wonderful downtown area in this beautiful spot.

Respectfully,

A handwritten signature in cursive script that reads "Laura".

Laura Gavls

107 West Main Street • Berryville, VA • 22611 • 540-955-4677 • FAX 540-955-4652 • www.blossmanngas.com

EXHIBIT "F"

EASEMENT - HOLD HARMLESS LETTER

TOWN OF FRONT ROYAL, VIRGINIA

DEPARTMENT OF PLANNING & ZONING

PROPERTY REFERENCE:

Tax Map Identification Number: 51187 C 0112C
Subdivision (if applicable): Main St. - Historic
Street Address: 501 E. Main St. Front Royal, VA 22630

Please be advised that the undersigned has requested permission to construct

Fence
(Improvements hereinafter referred to as "the Improvements") within an area designated and consisting of a utility and/or drainage easement area within the Town of Front Royal, Warren County, Virginia. The undersigned shall construct the Improvements subject to the following terms and conditions:

- The location of the improvements will not interfere with the use, operation or maintenance of any Town utility or drain.
- If an underground utility is located within the easement, the proposed structure shall not include any construction below grade.
- The applicant shall obtain the approval of all private utilities with facilities within the easement.
- The location, design and construction of the structure otherwise complies with the Town of Front Royal Design and Construction standards and all other applicable ordinances, regulations, and laws.

Additionally, the undersigned acknowledges and affirms that the Town has agreed to permit construction of the Improvements, subject to the following conditions:

In General

The undersigned agrees to, and hereby does, release, indemnify, and hold harmless the Town of Front Royal from any and all claims, demands, causes of action, or damages of any kind or nature against the Town, its consultants, employees, agents, representatives, or designees (hereinafter collectively "the Town"), brought by the undersigned or others, arising by reason of, or in any way associated with, the Town's permission to construct the Improvements within utility or drainage easement areas. This includes, without limitation, claims, demands, costs, or judgments against the Town whether such liability, loss, or damage is due or claimed to be due to the negligence of the undersigned, its subcontractors, the Town of Front Royal, its consultants, officers, agents, and employees.

In Respect to the Improvements

The undersigned also agrees to, and hereby does, release, indemnify, and hold harmless the Town and accepts all risks of loss associated with respect to the improvements themselves, as a result of constructing them within the utility or drainage easement area. The undersigned further holds harmless the Town for any and all damages which may be sustained to the subject of the Improvements, if the Town damages, removes, or destroys said improvements in the maintenance and repair of the facilities under, in, upon, over, and/or across the utility or drainage easement

area. In this regard, but not in limitation of the foregoing provision, the undersigned understands and agrees that, at any time, the Town, shall have the unrestricted superior right to demolish and remove all or any portion of the Improvements from the utility or drainage easement area should the Town desire or need, in its sole discretion, to gain access to or use the utility or drainage system facilities within the easement area. In such event, the Town shall not in any way, be liable or responsible to reimburse the undersigned for the Improvements, damage to the Improvements, replacement costs or otherwise. The construction and use of the utility or drainage easement area is at the undersigned's own risk of loss, which risk is accepted by the undersigned.

The undersigned acknowledges that the Town is under no obligation, in law or equity, to permit the activity contemplated hereunder. Permission is based upon the unique circumstances of this application and shall have no bearing or effect on the Town's rights or authority with respect to any other requests by the undersigned or any other property owner within the Town.

The undersigned agrees, as owner of the above-described Property, that this document may be recorded and that the representations and obligations herein are binding upon its successors and assigns.

SIGNATURE: Katie Jewell Katie Jewell
Print Signature Name

TITLE: Partner COMPANY: Katie Mae, LLC
ADDRESS: _____

WITNESS: _____
Signature Print Signature Name

COMMONWEALTH OF VIRGINIA
COUNTY OF WARREN, TO-WIT:

SUBSCRIBED AND SWORN TO BEFORE ME THIS 24 DAY OF May,
2016, BY Katie Jewell WHOSE SIGNATURE IS
EXECUTED ABOVE TO THE FOREGOING INSTRUMENT AND WHO HAS APPEARED THIS DAY
BEFORE ME, Pamela L. Ripple, A NOTARY PUBLIC
IN AND FOR THE COMMONWEALTH OF VIRGINIA AT LARGE.

MY COMMISSION EXPIRES ON THE 31 DAY OF August, 2019.
Pamela L. Ripple
NOTARY PUBLIC
283867
Registration Number

[SIGNATURES AND ACKNOWLEDGMENT CONTINUED NEXT PAGE, IF NEEDED]



SIGNATURE: _____
Print Signature Name

TITLE: _____ COMPANY: _____
ADDRESS: _____

WITNESS: _____
Signature Print Signature Name

COMMONWEALTH OF VIRGINIA
COUNTY OF WARREN, TO-WIT:

SUBSCRIBED AND SWORN TO BEFORE ME THIS ____ DAY OF _____
20____, BY _____, WHOSE SIGNATURE IS
EXECUTED ABOVE TO THE FOREGOING INSTRUMENT AND WHO HAS APPEARED THIS DAY
BEFORE ME, _____, A NOTARY PUBLIC
IN AND FOR THE COMMONWEALTH OF VIRGINIA AT LARGE.

MY COMMISSION EXPIRES ON THE ____ DAY OF _____.

NOTARY PUBLIC

Registration Number

Signature: _____ Date: _____
Steve Burke, Town Manager

Jeremy Camp

From: Laura Gavis <lgavis@blossmangas.com>
Sent: Sunday, September 6, 2015 5:58 PM
To: Jeremy Camp
Subject: FW: 501 E Main Street request
Attachments: image2015-09-04-082506.pdf

Laura Gavis
Cell 540-431-9443

We have a great promo right now for an installed Rinnai \$29.95/60 months interest free "Thank you for Becoming Part of Our Blossman Family!"

From: Laura Gavis
Sent: Friday, September 04, 2015 9:25 AM
To: jcamp@frontroyal.com
Cc: dbeahm@warrencountyva.net; applehousecatering@hotmail.com
Subject: 501 E Main Street request

Good Morning Mr. Camp,

Attached please find our letter, and pictures requesting that we can put 3-100 gallon tanks on the sidewalk beside the 501 E Main Street building.

If you have any questions, please feel free to call me.

Your assistance in this matter is greatly appreciated.

With regards,

Laura Gavis

107 W. Main Street
Berryville, VA 22611

540-955-4677

Cell number 540-431-9443

"Thank you for being part of our Blossman Family!"



Blossman *Propane Gas & Appliance*

September 2, 2015

Jeremy F Camp

Director of Planning & Zoning

102 E Main Street

Front Royal, VA 22630

Reference: 501 E Main Street, Front Royal VA

Mr. Camp,

I am seeking permission to use the side walk on the side of 501 E Main Street to place 3-100 gallon above ground tanks for The Apple House Deli/Pauline's. Please refer to the enclosed rough drawing with measurements as well as pictures of the area we are seeking to utilize. . With the proposed enclosed area, there still will be the width of 4 feet of sidewalk left for the use of pedestrian foot traffic.

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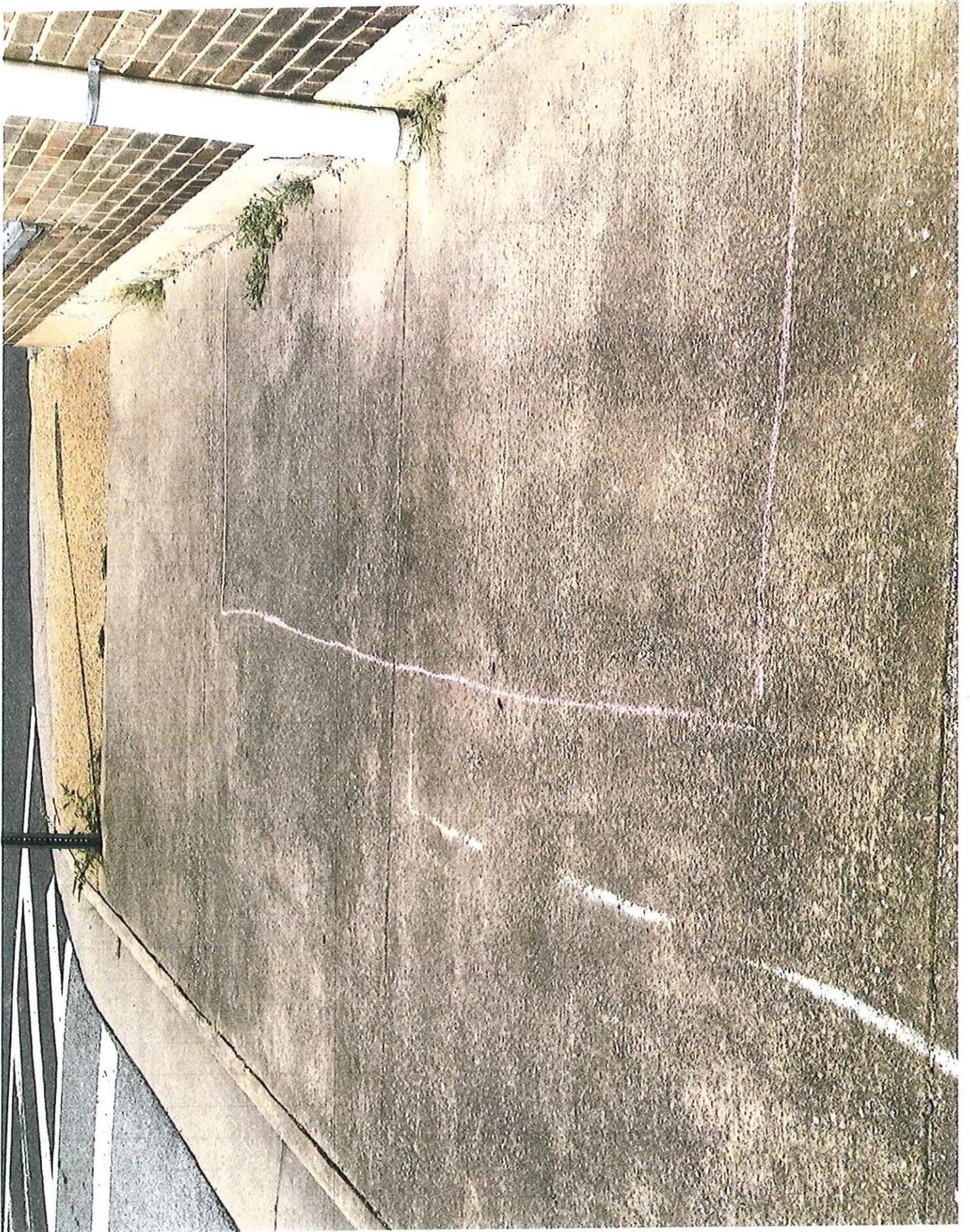
Please do not hesitate to call if I have overlooked any concern, or if we need to address any other issues. Thank you for your assistance in this matter. Hopefully we can proceed forward in a timely fashion so that the Apple House Catering can be a vibrant part of our wonderful downtown area in this beautiful spot.

Respectfully,

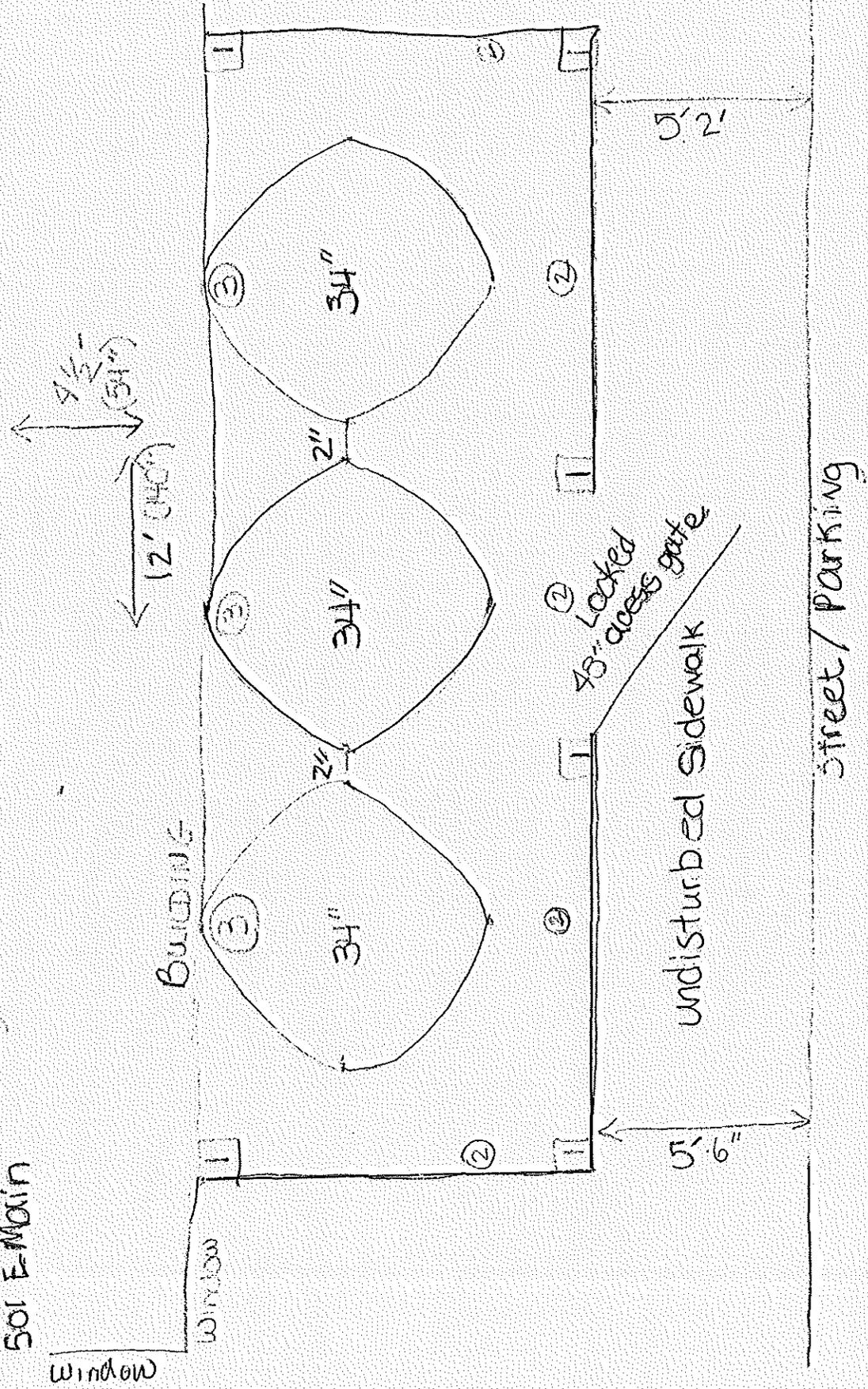


Laura Gavis





123456789
 501 E MAIN



- 1 4x4 posts
 - 2 Boundary - 4" diam.
 - 3 100 gal Above ground tank
- Fencing Height
 4 1/2'
 2" off sidewalk for ventilation

Fencing: A Guide to the Options



4 1/2'
tall



Article from
Houselogic

Read it

When shopping for a fence, you need to consider everything from style to function to how much maintenance it'll require.

Jeremy Camp

From: David Beahm <Dbeahm@warrencountyva.net>
Sent: Thursday, September 10, 2015 6:13 PM
To: Jeremy Camp
Subject: RE: 501 E Main Street request

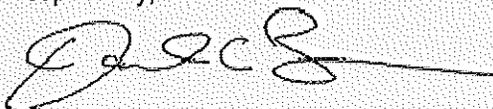
Jeremy,

What is proposed is acceptable and does not appear to have changed much from what was shown to me previously.

I would have no comments, other than it would require the appropriate permits for when the work was to be completed.

Let me know if that covers what you needed.

Respectfully,



David C. Beahm, CBO
Building Official
County of Warren
Second Vice President
Virginia Building Code Officials Association
540-636-9973
Fax 540-636-4698
dbeahm@warrencountyva.net
www.warrencountyva.net

THIS MESSAGE IS INTENDED SOLELY FOR THE INDIVIDUAL(S) NAMED IN THE HEADER. THIS MESSAGE MAY CONTAIN MATERIAL THAT IS PRIVILEGED OR CONFIDENTIAL. IF YOU ARE NOT ONE OF THE INTENDED RECIPIENTS, PLEASE DO NOT READ, COPY, USE, OR DISCLOSE THIS MESSAGE TO OTHERS; PLEASE NOTIFY THE SENDER BY REPLYING TO THIS MESSAGE; AND THEN PLEASE DELETE THIS MESSAGE FROM YOUR SYSTEM. THANK YOU.

From: Jeremy Camp [mailto:jbcamp@frontroyalva.com]
Sent: Thursday, September 10, 2015 4:44 PM
To: David Beahm <Dbeahm@warrencountyva.net>
Subject: FW: 501 E Main Street request

Hello David,

Could you review proposal? It is a request by Blossman Propane Gas & Appliance for Apple House to add 3 100-gallon gas tanks in the public sidewalk. The Town is reviewing this request. It will be going to Town Council for their consideration. I would like to get your comments.

Thank you for your assistance.

Sincerely,
Jeremy

Jeremy Camp

From: Sue McIntosh
Sent: Monday, September 14, 2015 9:31 AM
To: Jeremy Camp
Subject: FW: VML Insurance Programs - Question/Concern

Jeremy,
Below is VML's response to the gas tanks for the Deli request.

Sue

Sue McIntosh

Town of Front Royal, VA
Risk Management/Human Resources
Office: 540-631-2736
Fax: 540-631-9006
[*smcintosh@frontroyalva.com*](mailto:smcintosh@frontroyalva.com)

From: Karen Nuckols [mailto:knuckols@vmlins.org]
Sent: Monday, September 14, 2015 9:26 AM
To: Sue McIntosh <smcintosh@frontroyalva.com>
Subject: VML Insurance Programs - Question/Concern

Hi Sue,
I would recommend you request insurance coverage from the owner and the hold harmless agreement.
Whatever the Town decides to do with, allowing or not, the zoning for the gas tanks, it needs to be consistent with what has done been in the past and will do in the future.
You will want to avoid issues in the future with other request of the same nature.
Please let me know if you have any questions. Thank you.

Karen Nuckols , ARM
Sr. Underwriter
VML Insurance Programs
(800) 963-6800 (Toll Free)
804-237-7321 (Direct)
804-968-4662 (Fax)
www.vmlins.org

From: Sue McIntosh [mailto:smcintosh@frontroyalva.com]
Sent: Friday, September 11, 2015 8:53 AM
To: Karen Nuckols
Subject: Question/Concern

Hi Karen,

Question, Our Planning & Zoning Office has received a request to have 3-100 gal. gas tanks placed on public sidewalk beside a building that will become a Deli. Attached is the request and how the gas Co. will approach this. Our questions is, should we require insurance coverage from owner, a "hold harmless agreement"..... ???

Thanks,
Sue

Sue McIntosh

Town of Front Royal, VA

Risk Management/Human Resources

Office: 540-631-2736

Fax: 540-631-9006

smcintosh@frontroyalva.com

Jeremy Camp

From: Jeremy Camp
Sent: Thursday, September 10, 2015 4:52 PM
To: 'Gerry Maiatico'
Subject: FW: 501 E Main Street request
Attachments: image2015-09-04-082506.pdf

Gerry,

Could you review the attached request from Laura Gavis (Blossman Propane) for Apple House? Apple House is looking to move their restaurant to a bigger venue at 501 E Main Street. They have requested to place 3 100-gallon gas tanks in the public right-of-way. This is requested because they have very few options with no land. I am also forwarding this to David Beahm for his comments regarding the building code. If you have any specific concerns or recommendations regarding fire safety, or anything else, your comment would be appreciated.

Thanks,
Jeremy

THE TOWN OF FRONT ROYAL
P.O. Box 1560
Town Administration Building
102 East Main Street
Front Royal, Virginia 22630-1560
(540) 631-2787 (Direct Line)
(540) 635-4236 (Office)
(540) 631-2727 (Fax)
jcamp@frontroyalva.com (email)
www.frontroyalva.com (website)

Disclaimers: The information contained in this communication may be otherwise privileged, confidential, and/or protected from disclosure. If the reader of this communication is not the intended recipient, or any employee or agent responsible for delivering this message to the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by replying to the message and deleting it from your computer. Unless expressly stated otherwise, the information within this communication is not intended to represent a zoning determination. Furthermore, any zoning information provided within this communication is based on existing laws that are subject to change by Town Council. Thank you.

-----Original Message-----

From: Laura Gavis [mailto:lgavis@blossmangas.com]
Sent: Sunday, September 6, 2015 5:58 PM
To: Jeremy Camp <jcamp@frontroyalva.com>
Subject: FW: 501 E Main Street request

Laura Gavis
Cell 540-431-9443

We have a great promo right now for an installed Rinnai \$29.95/60 months interest free "Thank you for Becoming Part of Our Blossman Family!"

From: Laura Gavis
Sent: Friday, September 04, 2015 9:25 AM
To: jcamp@frontroyal.com
Cc: dbeahm@warrencountyva.net; applehousecatering@hotmail.com
Subject: 501 E Main Street request

Good Morning Mr. Camp,

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If you have any questions, please feel free to call me.

Your assistance in this matter is greatly appreciated.

With regards,

Laura Gavis

107 W. Main Street
Berryville, VA 22611

540-955-4677

Cell number 540-431-9443

"Thank you for being part of our Blossman Family!"

8

9