TOWN COUNCIL WORK SESSION
Monday, September 13, 2021 @ 7:00pm
Town Hall Conference Room

1. Habitat for Humanity Waiver of Water/Sewer Tap Fees – *Steven Hicks*

2. Update on Establishment of the Building Codes and Environmental Division – *Kathleen Leidich*

3. Update on Comprehensive Plan - *Lauren Kopishke*

4. Town Code Chapter 158 Considerations Vehicles/Traffic (specifically inoperable/abandoned vehicles)– *Chief*

5. Continued Discussion on Special Events Permit Policy and Procedures – *Kathleen Leidich*

6. CLOSED MEETING – Personnel, Consultation with Legal Counsel and Acquisition of Privately-held Real Property

# Work Session Agenda Statement

**Item # 1**

## Meeting Date: September 13, 2021

**Agenda Item:** Habitat for Humanity Waiver of Water/Sewer Tap Fees

**Summary:** Staff has received a request from Habitat for Humanity of Warren County to refund the water and sewer tap fees in the amount of $9,993.00 that were required to be paid by Warren County before a permit would be issued for their new build located on Lot 3A Block 7 Hoffman Heights, 219 Orchard Street (Tax ID: 20A6 6 7 3A). Costs of $11,093.00 was paid on August 10th. Electric fee was included in that cost.

The last request from Habitat for Humanity was January 2020. Council directed Staff (legal department) to execute an agreement with the property owner(s) to place a lien on the property for the connection fees at the corner of Brown Avenue and Cherrydale Avenue. There was also a previous approval in 2014 that was also placed as a lien on the property on Cannon Street. The 2020 and 2014 requests were for a waiver of fees for water and sewer only. They did not have to be paid in advance to receive their permit.

A new letter of request is being revised. Once it is received it will be sent to Council.

**Budget/Funding**: N/A

**Staff Recommendation:** Staff recommends the refund of $9,993.00 to Habitat for Humanity and to direct the legal department to execute an agreement with the property owner(s) to place a lien on the property for the amount of $9,993.00. If Council approves it will be acted upon at Council's regular meeting on September 27th.

# Memo

## Town of Front Royal Public Works

**TO:** **Steven Hicks, Town Manager**

**FROM:** **Robert Boyer, Public Works Director**

**CC:** **Kathleen Leidich, Assistant Town Manager**

**DATE:** **September 9, 2021**

**RE:** **Warren County Habitat for Humanity – 219 Orchard St**

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The Warren County Habitat for Humanity paid their System Development Connection fees on August 10, 2021for 219 Orchard St. The water connection fee was $2,663.00 and the sewer connection fee was $7,330.00 for a total cost of $9,992.00. I have attached a copy of their signed In-Town utility application that shows the cost break down on the back page. The electric connection fee that Habitat for Humanity paid to the Town was $1,100.00, this brings the complete total of connections fees paid for 219 Orchard St to **$11,093.00.**

The cost estimate we prepared to install the water & sewer taps from the main lines to the property line for 219 Orchard St covered time, material, labor and equipment for a total price estimate of **$5,210.46.**

If you have any questions or need anything else just let me know.

# APPLICATION FOR IN-TOWN UTILITY CONNECTION

FRZMAJOR2858-2021

Town of Front Royal
Public Works
800 Crosby Rd – PO Box 1560
Front Royal VA 22630
(540) 635-7819 (O) • (540) 636-2890 (F)
www.frontroyalva.com

Application Date: 8-9-21

Owner(s) / Applicant(s) Full Name: WC Habitat for Humanity, Inc

Mailing Address: PO Box 323

City/State/Zip: Front Royal, VA 22630

Daytime Phone: 540-551-3232 Email: andrea@warrencountyhabitat.org

Property Address/Lot #: Orchard St Lot 384

**IF RESIDENTIAL:**

Type of Unit: ☒ Single Family ☐ Townhouse ☐ Duplex/Multi Family

***INSTALLING WATER/SEWER SYSTEM DEVELOPMENT CONNECTIONS (NO DEVELOPMENTS)***

☐ Town needs to provide estimate- Quote Amount $_____ Date Emailed_____
Customer Approved: Date: _____ Send to Finance: Date_____
Paid Date:_____ Receipt #_____

***Payment in full is due before work is scheduled and if additional amount is owed, will be due immediately.***

☐ Customer Declined: Contractor Name: _____
☐ *Obtain Right of Way Permit

**IF COMMERCIAL or INDUSTRIAL:**

Type of Business: _____

Number of Employees: _____ Hours of Operation: _____

Estimated Usage: _____ gallons per day

**ALL APPLICANTS**

Number of Toilets: 2 Urinals: 0 Sinks: 3 Tubs/Showers: 2

Size of Meter (Must match water service size): 3/4"

Fire Suppression Required (Yes / (No)): _____ If yes, Meter Size: _____

***TOWN APPROVAL PROCESS***

- ✓ Determination of Water/Sewer Connection Fees
- ✓ Payment of Applicable Fees with Application
- ✓ Developer provides and installs all equipment (pipes, valves, meters, etc.) For individual residential construction by property owner, the Town provides a ¾" meter upon inspection and approval of all other equipment. ***Right-of-Way Utilization Permit required for utility taps.***
- ✓ Water service provided upon establishing account with Town Finance Department.

*THIS SECTION TO BE COMPLETED BY DEPT OF ENVIRONMENTAL SERVICES*

Confirmation from Director of Finance that Taxes have been paid in full: ___ Date: _____
Signature: _____

FEES:

| | |
|---|---|
| Water Connection Fee | $ 2,663.00 |
| Water Additional Fee | $ 0.00 |
| Fire Suppression Fee | N/A |
| Sub Total (Water) | $ 2,663.00 |
| Sewer Connection Fee | $ 7,330.00 |
| Sewer Additional Fee | $ 0.00 |
| Sub Total (Sewer) | $ 7,330.00 |
| **TOTAL** | **$ 9,993.00** |

Public Works Director Signature: Robert B. Baye Date: 8-10-21

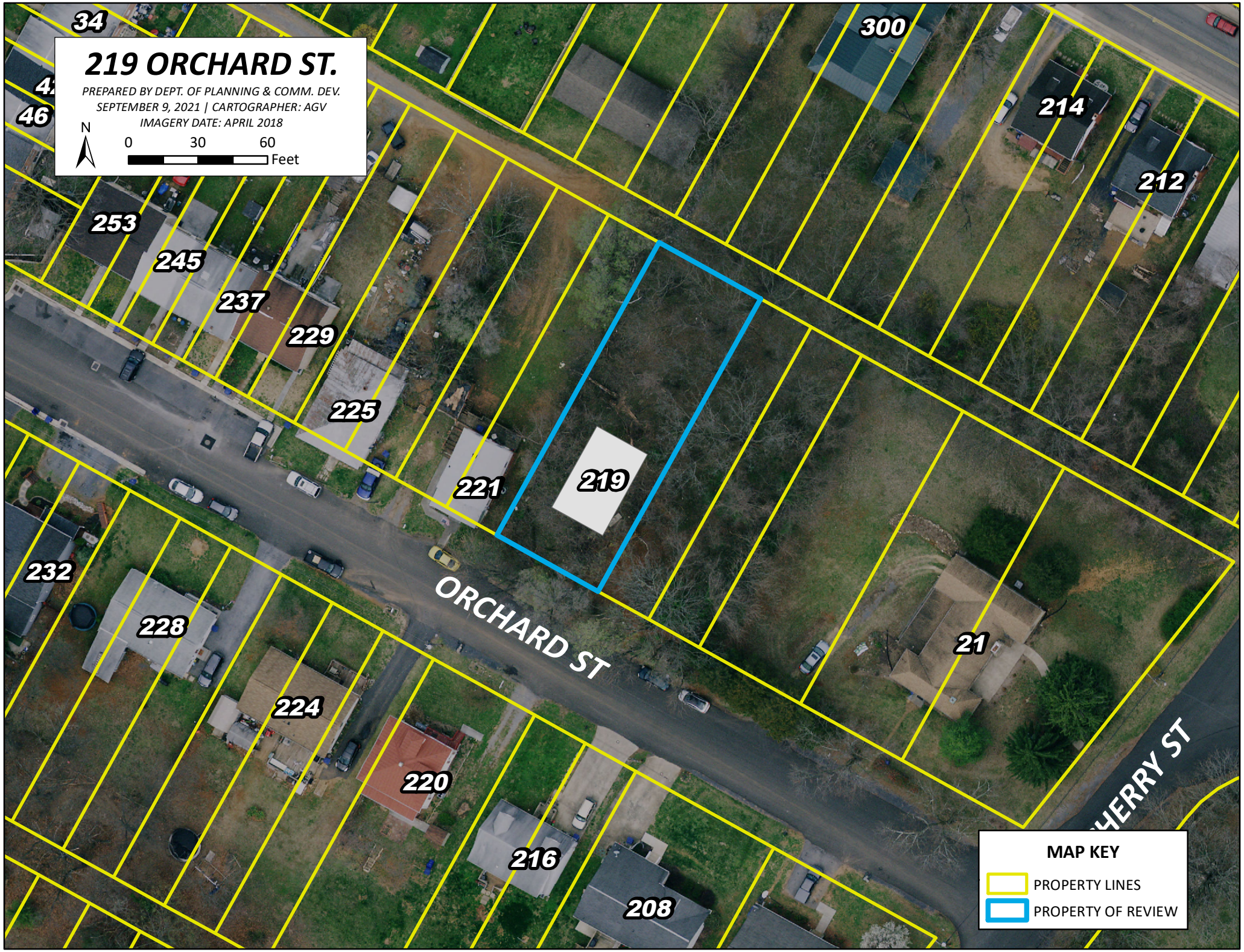
**134-71.1 PURCHASE OF WATER AND SEWER TAPS**

A. A water and sewer connection can be purchased from the Town of Front Royal only for a specific, designated building site or lot.

B. Once an application to purchase a water and sewer connection has been received, the connection shall not be transferrable to another site.

C. If the water and sewer connection is not installed within twelve (12) months from the date of purchase because the purchaser is not ready for actual installation, the purchase shall be voided and the purchase price alone shall be refunded without interest.

D. Water and sewer connection fees shall be paid upon application. However, when a single developer in a single application requests the purchase of six (6) or more water and sewer taps for six (6) or more building units, the connection fee for each tap may be paid upon actual installation of each respective tap. **(Ord. No. 2-86 Added Entire Section 2-10-86-Effective Upon Passage)**


219 ORCHARD ST.
PREPARED BY DEPT. OF PLANNING & COMM. DEV.
SEPTEMBER 9, 2021 | CARTOGRAPHER: AGV
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PROPERTY OF REVIEW

# Work Session Agenda Statement

**Item # 2**

## Meeting Date: September 13, 2021

**Agenda Item:** UPDATE- The establishment of the Building Codes and Environmental Division

**Summary:** On June 1, 2021, Town Council approved a Resolution Establishing the Building Codes and Environmental Division. The focus of the Division is to provide minimum standards of the Virginia Uniform Statewide Building Code to safeguard life or limb, health, property, and public welfare by regulating and controlling the design, construction, quality of materials, use and occupancy, location and maintenance of all buildings, structures and certain equipment within the Town. The duties of the Division include the review and the issuance of building permits and conducting the required building inspections for final approval before occupancy or use.

Staff is developing the required Request for Proposals (RFP) for advertisement to solicit proposals from qualified professionals to provide building plan review and inspection services within the Building Codes and Environmental Division.

**Budget/Funding**: N/A

**Staff Recommendation:** Staff is providing the attached work plan timeline for informational purposes only and at the September 27th regular scheduled Council meeting will be requesting authorization for the Town Manager to execute the Building and Environmental Services contract and any related documents on behalf of the Town Council.

# Building Inspection Services RFP Development Process
# Work Session
# September 13, 2021

**9/3:** RFP Development

**9/13:** Project Update at Council Work Session

**9/14:** Final review of RFP before it is released

**9/17:** RFP advertised and released

**9/27:** Resolution to Authorize Town Manager to execute contract

**10/22:** RFP Proposals Received

**November:** Final Selection process completed (interviews with top rated firms)

**November:** Initial work with consultant to develop project work plan

**December:** Project work plan finalized with consultant

**January:** Begin implementing project work plan

# Work Session Agenda Statement

**Item # 3**

**Meeting Date: September 13, 2021**

**Agenda Item:** UPDATE- Town of Front Royal Comprehensive Plan

**Summary:** On August 23, 2021, Council approved an issue to award Summit Design the contract for the completion of a Comprehensive Plan re-write and an update to the Planning and Zoning Ordinances. Since then, staff has begun working with the consultant to develop a project work plan based on the attached Scope of Work.

During the first month of the project, the consultant team will be reviewing the Town's existing long-range planning documents, its existing Comprehensive Plan and Zoning Ordinance, as well as working with staff and Council to discuss concerns and opportunities to be addressed in the updated Comprehensive Plan and Zoning/Subdivision Ordinance.

To start the process, a work session will be scheduled to provide an opportunity to align Council expectations for the comprehensive planning process, to discuss concerns and opportunities, and to identify key strategies for the comprehensive planning process. After Council provides guidance, as part of the first steps, a Joint Session with Council and the Planning Commission will be needed to share a vision for the Comprehensive Plan. This Session is referred to as the **Leadership Forum** on page 2 of the attached Scope of Work and will also include key technical staff members.

Overall, the Scope of Work is broken into two phases. **Phase 1** includes data collection and community engagement. In addition to the data review, this phase includes the development of a project website and social media outreach, completion of an existing conditions report, an on-line stakeholder survey, and facilitated public sessions. **Phase 2** includes the development of the Comprehensive Plan. In addition to establishing Town goals, priorities, and strategic growth plan, this phase includes the preparation of future land use maps, growth and development policies, along with the drafting/completion of the Comprehensive Plan update and the Zoning/Subdivision Ordinance re-write.

For general background information relating to the comprehensive planning process, a portion of the PowerPoint Presentation that was given by the Town Manager during the April 7, 2021 Council Work Session has been provided with this summary sheet.

**Budget/Funding**: N/A

**Staff Recommendation:** Staff is providing the attached Project Scope of Work for informational purposes only and respectfully requests Council to schedule a Comprehensive Plan work session with staff preceding the Joint Session with the Planning Commission (**Leadership Forum**).

August 9, 2021

Town of Front Royal Purchasing
Finance Department
P.O. Box 1560
102 East Main Street
Front Royal, Virginia 22630

Subject: Fee Proposal for Comprehensive Planning and Zoning and Subdivision Re-write Services

Dear Ms. Scott,

Summit is pleased to submit this contract agreement to provide services to update the Town's Comprehensive Plan as well as re-write the Town's Zoning and Subdivision Ordinances.

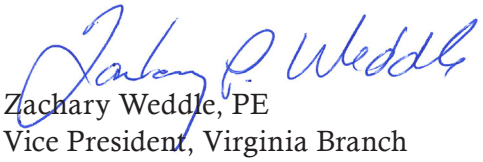
The following proposal includes the details of the services to be provided and the compensation, as well as a schedule. We have noted items in the scope that differ from our original proposal in blue text.

We anticipate a process that totals 18 months from the signing of the services contract, with the Zoning and Subdivision Ordinance rewrite project beginning as soon as the draft Future Land Use Map and Vision, Goals, Objectives and Strategies are approved by the Town Council. These plan elements will have the essential components of the Comprehensive Plan, which we will use as a guide to begin the Zoning and Subdivision Ordinance re-write. This overlap will mean that if there needs to be ample time for the Town to review and comment on the Comprehensive Plan document, it will not hold up the Zoning and Subdivision Ordinance re-write.

The enclosed scope and fee is inclusive of the services necessary to complete the above referenced projects. Also enclosed is a rate sheet for any services outside this scope as well as a standard contract for services, if the Town does not want to provide their own contract.

Please let me know if you have any further questions.

Sincerely,



Zachary Weddle, PE
Vice President, Virginia Branch

# SCOPE OF WORK

## PHASE 1 - DATA COLLECTION, ANALYSIS AND COMMUNITY ENGAGEMENT



### Get Started – Kick-Off Meetings and Planning for Community Engagement

The consultant team will hold a meeting with key staff to determine the point of contact and preferred method of communication through the process, and to gain their insight into priorities and vision for the Comprehensive Plan. At this time we will discuss any further details to the work plan, set the calendar of events, and to work out the logistics for community engagement.




### Review Previous Plans and Additional Documents

Our team will review The Town of Front Royal's existing long-range planning documents and work with staff and elected officials to determine what elements of those plans should be incorporated into this Comprehensive Plan and where the gaps may be. We will also review the existing Comprehensive Plan and any additional documents, including the existing Zoning Ordinance at this time.



### Leadership Forum

This event will provide an opportunity to align leadership expectations for the comprehensive planning process, to discuss concerns and opportunities to be addressed in this Comprehensive Plan and Zoning and Subdivision Ordinance re-write, and to identify key strategies to be re-searched and potentially included in the comprehensive plan. This forum should be held as a joint work session of the Town Council and Town Planning Commission along with key staff involved in the planning process. Please allow three hours for this event.




### Data Inventory and Research; Existing Conditions and other Mapping Data Analysis

The team will collect the relevant GIS data from the Town, census data, and any other additional data to create the initial set of maps of socioeconomic and geographic data, existing conditions of infrastructure, utilities, natural resources, and others as requested. The Summit team will conduct an on-the-ground existing land use inventory if the data does not already exist, or make necessary updates to existing datasets.




### Public Engagement Strategy #1 – Website and Social Media Outreach

The consultant team will create a new Plan website with integrated comment/questions forms as well as Facebook and Instagram accounts. These will be used to get information out about the Comprehensive Planning process and to pose questions to and create dialogue with social media participants regarding their ideas for the future of the Town of Front Royal. These means will also be used to push the Resident Survey to social media participants to encourage robust participation in the more formal survey. The map book and summary of previous plan review will be posted online for public review. Notifications about the planning process and link to new Plan website should also be posted on the Town website and in other appropriate media outlets.

# SCOPE OF WORK

Month 4

**Refine and Publish Existing Conditions Report and Community Profile**

Using initial background research and analysis, information gathered from preliminary meetings and social media input, we will compile and publish an Existing Conditions Report, Map Book and Community Profile for use in the final Comprehensive Plan and as a data brief and discussion starter for upcoming facilitated Town meetings. Data and trends to be highlighted include but are not limited to:

- Population and Demographic Profile
- Housing Assessment
- Economic Assessment
- Community Services and Facilities
- Transportation
- Existing Land Use and Development
- Natural Resources
- Public Utilities
- Historic and Cultural Resources



**Public Engagement Strategy #2 – Stakeholder Survey**

With input from Town staff, our team will develop and publish an on-line Resident Survey to be used in gathering community-wide input regarding priorities and vision for the Town of Front Royal. The survey will be posted on the new Plan website, made available through social media outlets, and also made available in print for residents who prefer to complete a paper survey or do not have easy access to a computer. The consultant team will compile and analyze the results of the survey using a program such as Survey Monkey.

Results of the survey will be posted on the Plan website.

Month 5

**Public Engagement Strategy #3 – Facilitated Town-wide Meetings**

As the COVID-19 situation allows, we will facilitate a minimum of six public input sessions hosted in various locations around the Town open to the community at different times of the day in order to encourage and enable participation as well as to make sure attendance at any one forum is not overwhelming and everyone's voice is heard. These forums will be conducted in two parts. The first part (1/2 hour) will include a presentation about the process with highlights from the Existing Conditions Report. The second part (1 hour) will utilize interactive small groups gathered around visioning, key concepts, scenarios, and community interests that have been pre-determined in advance by the consultant team in consultation with Town staff and the Steering Committee. Several Town staff will need to be available to help facilitate the table discussions. If needed, these sessions can be conducted digitally with registration in advance for one of the several scheduled sessions. Depending on the digital platform utilized, the sessions could still include break-out groups for interactive small groups.

A summary of feedback from these meetings will be posted on the Plan website.

# SCOPE OF WORK

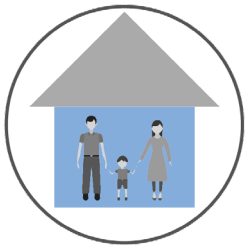
## PHASE 2 – DEVELOPING THE COMPREHENSIVE PLAN

Month 6

**Establishing Town Goals, Priorities, and Strategic Growth Plan**

We will develop a draft of goals, priorities, and a strategic growth plan based on community input:

- Pattern of Desired Growth and Development
- Transportation & Land Use Connections
- Economic and Community Development
- Preservation and Protection of Natural Resources
- Housing Availability, Type and Affordability
- Community Services and Facilities
- Public Utilities & Infrastructure
- Hazard Mitigation
- Recreation and Open Spaces
- Protection of Significant Architectural, Historic, Scenic and Cultural Resources



This draft will be posted on the Plan website for public review and comment, with accompanying social media blasts to request comment.

Month 7

**Flesh out the Plan – Objectives and Strategies**

After the Town priorities, strategic growth plan, and goals are set, our team will work with key staff to develop a detailed set of objectives and strategies that will be categorized as short-term, intermediate, or long-term recommendations. The objectives and strategies will be specifically tailored to make use of the Town's available implementation tools while complying with Section 15.2-2223 of the Code of Virginia.

Draft objectives and strategies will be posted on the Plan website for public review and comment, with accompanying social media blasts to request comment.

Month 8

**Prepare Future Land Use Map and Growth & Development Policies**

Based on the collected data, information, and community input, the consultant team will prepare the Future Land Use Map in consultation with key staff, the Planning Commission, and citizen advisory committee showing areas to which growth should be directed, and areas that should be preserved. Additionally, through the same process, an accompanying set of policies that helps steer growth to the appropriate locations, targets specific types of development, and promotes the local economy, will be developed to back up the Future Land Use Map. We will also identify where the Zoning Ordinance needs to be updated to assist in implementing the plan.

Draft Future Land Use Map and Growth and Development policies will be posted on the Plan website for public review and comment, with accompanying social media blasts to request comment.

# SCOPE OF WORK

Month 9

**Identify Development Regulations for Revision**

The consultant team will align the emerging Comprehensive Plan and Future Land Use Map with a proposed Capital Improvement Plan and existing development ordinances to create a matrix of recommendations that assist in the rewriting of these documents, with a particular focus on the Zoning Ordinance.

Month 10

**Write and Compile the Draft Comprehensive Plan**

The team will complete the full draft of the Comprehensive Plan and review it with key staff, citizen advisory committee members, the Town Council, staff working groups, citizen associations, and the Planning Commission for editing and the eventual production of the final draft.

**Begin Zoning and Subdivision Ordinance Re-write**

This process can begin before the Comprehensive Plan is adopted, provided that the draft Future Land Use Map, and Goals and Objectives are approved by Town Council (these items will all be designed as individual deliverables, posted on the Plan website, and can be presented to Town Council). The Summit team will compile a list of elements needed in the new Zoning and Subdivision Ordinances, as well as a list of elements from the existing Ordinances that should not be included in the new Ordinances. The Summit team will meet with Town staff to confirm that expectations are aligned on content and format of final document.

**Public Engagement Strategy #4 – Public Meetings**

The consultant team will develop a short, easily accessible summary of the Comprehensive Plan and a visual presentation at a Public Meeting/Hearing. The draft Plan will be posted on the Plan website for public review and comments, with accompanying social media blasts to request comment. Any input from the public will be gathered and utilized to make final edits to the Plan in consultation with key staff and the Steering Committee.

Month 12

**Complete All Edits and Present the Comprehensive Plan for Approval**

Our team will complete all edits of the Comprehensive Plan and suggested changes to the Zoning Ordinance in both hard copy and digital formats, including strong mapping and graphic communication, user friendly narrative, and a measurable implementation strategy. We will then assist staff members in presentation of the plan to the Planning Commission and Town Council for adoption. We will also provide final recommendations for changes to the Zoning Ordinance that will assist in the plan's implementation.

Month 13

**Ordinance Table of Contents**

The Summit team will create a draft Table of Contents for the Zoning and Subdivision Ordinances for approval by the Town. The Table of Contents will guide the creation of the new Zoning and Subdivision Ordinances.

# SCOPE OF WORK

### Draft Language

The Summit team will populate the documents using the approved Table of Contents. This is the most time-consuming and labor-intensive aspect of the Zoning and Subdivision Ordinance creation. The team will ensure that all new language is consistent with State Code and current best planning practices and is crafted to achieve Front Royal's land use and future development goals. During this phase we will keep in touch with Town staff to ensure that the work is consistent with Town expectations.




### Review and Comments/Changes by Town Staff and Final Editing and Formatting

The draft document will be discussed with staff, then comments and changes will be incorporated into the document before publishing the draft document on the Plan website for public comment.




### Presentations to Planning Commission and Town Council

Final draft will be presented to Planning Commission and Town Council for comments/changes and then the Final will be presented for recommendation and adoption. Summit staff can make the presentation or support Town staff to do so, as desired.

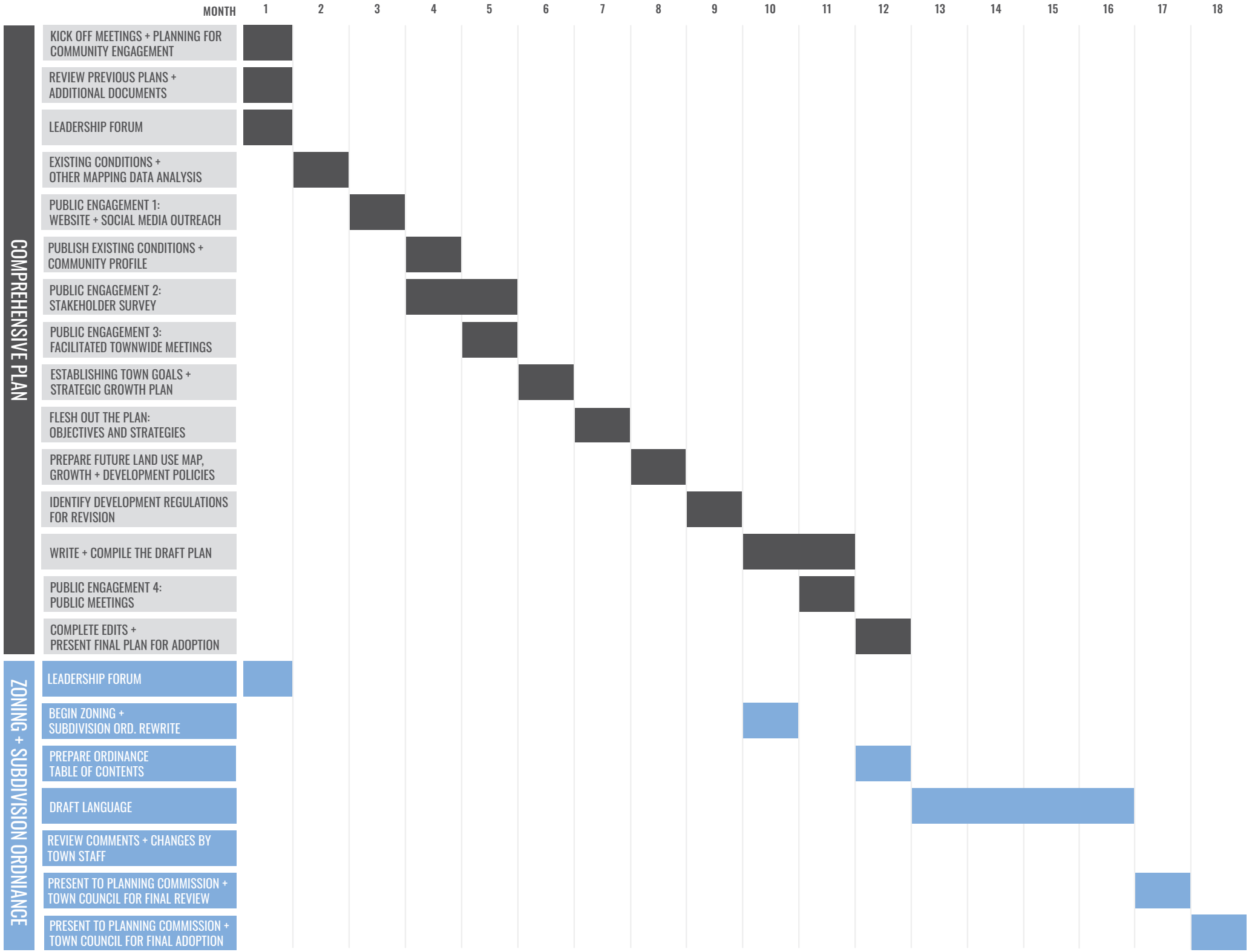
### Assumptions and Exclusions

- Traffic counts and traffic impact analysis are excluded
- Zoning Map amendments are excluded
- It is assumed that all planning processes will be conducted in accordance with State and local laws

### Client Responsibilities

It shall be the responsibility of Town staff to:

- communicate promptly and regularly, including reviewing draft documents for comment in a timely manner
- provide public notice as appropriate in accordance with State and local laws
- draft ordinances and resolutions as needed for local adoption of the Comprehensive Plan and Zoning and Subdivision Ordinances
- assist with public meetings and public outreach efforts


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COMPREHENSIVE PLAN
KICK OFF MEETINGS + PLANNING FOR COMMUNITY ENGAGEMENT
REVIEW PREVIOUS PLANS + ADDITIONAL DOCUMENTS
LEADERSHIP FORUM
EXISTING CONDITIONS + OTHER MAPPING DATA ANALYSIS
PUBLIC ENGAGEMENT 1: WEBSITE + SOCIAL MEDIA OUTREACH
PUBLISH EXISTING CONDITIONS + COMMUNITY PROFILE
PUBLIC ENGAGEMENT 2: STAKEHOLDER SURVEY
PUBLIC ENGAGEMENT 3: FACILITATED TOWNWIDE MEETINGS
ESTABLISHING TOWN GOALS + STRATEGIC GROWTH PLAN
FLESH OUT THE PLAN: OBJECTIVES AND STRATEGIES
PREPARE FUTURE LAND USE MAP, GROWTH + DEVELOPMENT POLICIES
IDENTIFY DEVELOPMENT REGULATIONS FOR REVISION
WRITE + COMPILE THE DRAFT PLAN
PUBLIC ENGAGEMENT 4: PUBLIC MEETINGS
COMPLETE EDITS + PRESENT FINAL PLAN FOR ADOPTION
ZONING + SUBDIVISION ORDNIANCE
LEADERSHIP FORUM
BEGIN ZONING + SUBDIVISION ORD. REWRITE
PREPARE ORDINANCE TABLE OF CONTENTS
DRAFT LANGUAGE
REVIEW COMMENTS + CHANGES BY TOWN STAFF
PRESENT TO PLANNING COMMISSION + TOWN COUNCIL FOR FINAL REVIEW
PRESENT TO PLANNING COMMISSION + TOWN COUNCIL FOR FINAL ADOPTION

| ACTIVITY | COST |
|---|---|
| **PHASE I - DATA COLLECTION, ANALYSIS AND COMMUNITY ENGAGEMENT** | |
| Initial Meetings, Detailed Scoping and Planning for Community Engagement | $800.00 |
| Review of Previous Plans and Additional Documents | $1,200.00 |
| Leadership Forum | $800.00 |
| Data Inventory and Research; Existing Conditions and Mapping | $8,500.00 |
| Public Engagement Strategy #1 - Website and Social Media Outreach | $2,500.00 |
| Refine and Publish Existing Conditions Report and Community Profile | $8,500.00 |
| Public Engagement Strategy #2 - Stakeholder Survey | $2,500.00 |
| Public Engagement Strategy #3 - Facilitated Town Meetings | $2,500.00 |
| **PHASE II - DEVELOPMENT OF THE COMPREHENSIVE PLAN** | |
| Establishing Town Goals, Priorities and Strategic Growth Plan | $6,500.00 |
| Flesh Out the Plan - Objectives and Strategies | $10,500.00 |
| Prepare Future Land Use Map and Growth and Development Policies | $3,500.00 |
| Identify Development Regulations for Revision | $4,200.00 |
| Write and Compile the Draft Comprehensive Plan | $8,500.00 |
| Begin Zoning and Subdivision Ordinance Rewrite | $1,500.00 |
| Public Engagement Strategy #4 - Public Meetings | $1,000.00 |
| Complete all Edits and Present the Comprehensive Plan for Approval | $1,200.00 |
| Zoning and Subdivision Ordinance Table of Contents | $5,000.00 |
| Draft Language | $37,500.00 |
| Review and Comments/Changes by Town Staff | $4,500.00 |
| Final Draft Presented to Planning Commission and Town Council for Review | $2,000.00 |
| Final Presented to Planning Commission and Town Council | $2,000.00 |
| Subtotal: Comprehensive Planning Services | $63,000.00 |
| Subtotal: Zoning and Subdivision Ordinance Re-write | $52,000.00 |
| Total - Services for Comprehensive Plan and Zoning and Subdivision Ordinance Re-write | $115,000.00 |

# SCHEDULE OF STANDARD RATES

## PLANNING SERVICES

| TITLE | UNIT RATE |
|---|---|
| Department Head | $210.00 Per Hour |
| Project Manager | $165.00 Per Hour |
| Principal Planner | $150.00 Per Hour |
| Planner III | $125.00 Per Hour |
| Planner II | $110.00 Per Hour |
| Planner I | $90.00 Per Hour |
| Planning Technician | $85.00 Per Hour |
| Senior Community Development Specialist | $105.00 Per Hour |

## MISCELLANEOUS

| | UNIT RATE |
|---|---|
| Direct Expenses | Cost + 15% |
| Admin/Clerical | $60.00 Per Hour |



SUMMIT
DESIGN AND ENGINEERING SERVICES

# Work Session Agenda Statement

**Item # 4**

**Meeting Date: September 13, 2021**

**Agenda Item:** Town Code Chapter 158 Considerations Vehicles and Traffic (specifically inoperable/abandoned vehicles)

**Summary:** This section of Town code is in need of review and revision.

Per Council's direction at their work session held on May 10, 2021, Chapter 158 has been reviewed and revised with proposed amendments. A copy of the code has been attached and areas of concern from the Police Department have been highlighted with comments in red. Below is what other localities have determined regarding what is considered inoperable.

Luray – vehicle parked on the street in violation of state code for 10 days, 4 days consecutively without moving.

Culpeper – Unlawful to park on street if in violation of state code.

Warrenton – Vehicle parked on the street in violation of state code, 4 days consecutively without moving.

Leesburg – Vehicle parked on the street in violation of state code for 10 days.

Winchester – Vehicle parked on the street in violation of state code for 48 hours

The Front Royal Police Department will enforce parking violations on public streets with Council's guidance in accordance with Town and State code. Please review the recommendations that have been made in the current code and, if necessary, revise the ordinance.

**Budget/Funding**: N/A

**Staff Recommendation:** Staff concurs with the recommended amendments.

# Chapter 158

# VEHICLE AND TRAFFIC

**Sections:**

**HANDICAPPED PARKING**
**158-1 DISABLED PARKING SPACES - RESTRICTIONS ON USE**
**158-2 PARKING PRIVILEGES FOR DISABLED DRIVERS**

**SNOW PARKING AND SNOW EMERGENCIES**
**158-3 (RESERVED)**
**158-4 SNOW EMERGENCIES**
**158-5 VIOLATIONS AND PENALTIES; TOWING OF VEHICLES IN VIOLATION; GRACE PERIOD**

**STATE STANDARDS**
**158-6 ADOPTION BY REFERENCE OF STATE MOTOR VEHICULAR LAWS**
**158-6.1 PENALTIES FOR ORDINANCES INCORPORATING STATE MOTOR VEHICLE LAWS BY REFERENCE**

**REGULATIONS AND SCHEDULES**
**158-7 PURPOSE**
**158-8 DEFINITIONS**
**158-9 AUTHORITY TO DESIGNATE TRAFFIC SIGNS AND PARKING REGULATIONS; APPEALS**

**TRAFFIC REGULATIONS**
**158-10 SPEED LIMITS**
**158-11 ONE-WAY STREET**
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Adopted by the Town Council of the Town of Front Royal 3-11-85 *(Former Chapter 17 of the 1965 Code including 6-13-83; 4-9-84; 5-14-84)*; Ord. No. 23-99 repealed former 158-53 *"Schedule I: Speed Limits"*, 158-54 *"Schedule II: One Way Streets"*; 158-55 *"Schedule III: U-turn Prohibitions"* and 158-56 *"Schedule IV: Parking Prohibited at All Times"*; Amended 158-40 *"Establishment of Towing Advisory Board"* 1-24-00**;** Repealed 158-3 *"Snow Parking Plan"* 9-26-05; Repealed 158-40 *"Establishment of Towing Advisory Board"* 7-8-13; Other Amendments noted where applicable.

## HANDICAPPED PARKING

(Adopted 6-13-83)

### 158-1 DISABLED PARKING SPACES - RESTRICTIONS ON USE

A. No vehicles other than those displaying disabled parking license plates, organizational removable windshield placards, permanent removable windshield placards, or temporary removable windshield placards issued pursuant to Title 46.2 of the Code of Virginia or the laws of another state shall park in any parking spaces reserved for persons with disabilities.

B. No person without a disability that limits or impairs his ability to walk shall park a vehicle with disabled parking license plates, organizational removable windshield placards, permanent removable windshield placards, temporary removable windshield placards, or DV disabled parking license plates issued under Title 46.2 in a parking space reserved for persons with disabilities that limit or impair their ability to walk except when transporting a disabled person in the vehicle.

**(Amended 3-22-93-Effective Upon Passage)**

C. Enforcement.

1. The Town Manager, in his discretion, may establish a volunteer force to enforce this section of the Front Royal Code provided:

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a. Any such force is placed under the supervision of the Police Department;

b. Volunteers acting pursuant to this section shall not have the power or duty to enforce any other traffic or criminal laws of the state or Town; and

c. No volunteer acting pursuant to this section shall carry a firearm or other weapon during the course of his volunteer enforcement duties.

2. A summons or parking ticket for the offense may be issued for violation of this section by law-enforcement officers, uniformed law-enforcement department employees, or volunteers acting pursuant this ordinance without the necessity of a warrant's being obtained by the owner of any private parking area.

3. In any prosecution charging a violation of this ordinance, proof that the vehicle described in the complaint, summons, parking ticket, citation, or warrant was parked in violation of this section of the Town Code, together with proof that the defendant was at the time the registered owner of the vehicle, as required by Title 46.2 of the Code of Virginia, shall constitute prima facie evidence that the registered owner of the vehicle was the person who committed the violation.

4. No violation of this ordinance shall be dismissed for a property owner's failure to comply strictly with the requirements for disabled parking signs set forth in §36-99.1 1, provided the space is clearly distinguishable as a parking space reserved for persons with disabilities that limit or impair their ability to walk.

D. Penalties and Towing

1. Fine - Parking a vehicle in a space reserved for persons with disabilities in violation of this section shall be punishable by a fine of not less than $ 100.00 nor more than $500.00.

2. Towing

a. The owner or duly authorized agent of the owner of a parking space properly designated and clearly marked as reserved for use by persons with disabilities that limit or impair their ability to walk may have any vehicle not displaying disabled parking license plates, organizational removable windshield placards, permanent removable windshield placards, temporary removable windshield placards, or DV disabled parking license plates removed from the parking space and stored.

b. The owner of a vehicle which has been removed and stored may regain possession of his vehicle on payment to the person or persons who removed and stored the vehicle all reasonable costs incidental to the removal and storage. The owner of the vehicle, on notice to the owner or duly authorized agent of the owner of the parking space, may also petition the general district court having jurisdiction over the location where the parking occurred for an immediate determination as to whether the removal of the vehicle was lawful. If the court finds that the removal was unlawful, the court shall

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direct the owner of the parking space to pay the costs incidental to the removal and storage of the vehicle and return the vehicle to its owner.

**(Amended Entire Section 6-8-98-Effective 7-1-98)**

## 158-2 PARKING PRIVILEGES FOR DISABLED DRIVERS

A. The disabled person, vehicle owner, or volunteer for an institution or organization to which disabled parking license plates, organizational removable windshield placards, permanent windshield placards, or temporary removable windshield placards are issued or any person to whom disabled parking license plates have been issued under subsection Title 46.2 are allowed to park the vehicle on which such license plates or placards are displayed for up to four hours in metered or unmetered parking zones restricted as to length of parking time permitted and are exempted from paying parking meter fees.

B. This section shall not apply to any local ordinance which creates zones where stopping, standing, or parking is prohibited, or which creates parking zones for special types of vehicles, nor shall it apply to any local ordinance which prohibits parking during heavy traffic periods, during specified rush hours, or where parking would clearly present a traffic hazard.

**(Amended Entire Section 6-8-98-Effective 7-1-98)**

## SNOW PARKING AND SNOW EMERGENCIES

(Adopted 4-9-84)

## 158-3 (RESERVED)

## 158-4 SNOW EMERGENCIES

A. The Town Manager of Front Royal, Virginia, is hereby empowered to declare a snow emergency in the event of snow, sleet, hail, freezing rain, ice, water, flood, high wind or storm that is expected to be of a sever nature, or the threat thereof.

**(Amended 9-26-05-Effective Upon Passage)**

B. The Town Manager shall cause the announcement of a declaration of a snow emergency to be broadcast over local radio stations, and he shall provide said announcement to such other public media as, in his discretion, is necessary to adequately inform the public.

C. During a declared snow emergency, it shall be unlawful for an operator to have a motor vehicle become stuck on any street or highway within the Town limits or to otherwise obstruct or impede traffic, when such vehicle is not equipped with snow tires or chains. A "snow tire," for the purpose of this section, shall be a tire which is designated and marketed by the manufacturer specifically for use in ice and snow, whether it shall be called "snow tire," "all-weather tire" or "all-season tire." **(Amended 9-26-05-Effective Upon Passage)**

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D. Snow emergencies shall remain in effect until such time as, in the judgment of the Town Manager, the emergency weather conditions have abated, the snow removal efforts have been accomplished and the road conditions have improved to a degree to permit normal vehicular traffic without the need for snow tires and chains. At such time, the Town Manager shall furnish an announcement declaring an end to the snow emergency to local radio stations and may provide said announcement to such other media as, in his discretion, is necessary to adequately inform the public.

## 158-5 VIOLATIONS AND PENALTIES; TOWING OF VEHICLES IN VIOLATION; GRACE PERIOD

A. Violations of this Section 158-4 are punishable by a fine of not more than twenty-five dollars ($25.).

B. Any vehicle which becomes stuck, mired, is abandoned or otherwise obstructs or impedes traffic on any street within the limits of the Town of Front Royal during a declared snow emergency, and is not equipped with snow tires or chains, may be towed and stored at the direction of a Town police officer or other law enforcement officer having jurisdiction within the Town limits. The owner of said vehicle shall be responsible for all towing charges and storage costs, which shall be paid before said vehicle is released from the storage area to the owner or his agent.

C. In order that citizens shall be given sufficient opportunity to comply with the provisions of Sections 158-4 and 158-5, there shall be a one-hour grace period following the initial announcement that a snow emergency has been declared. During this one-hour grace period, the provisions of Sections 158-4 and 158-5, shall not be enforced, except for the provisions regarding the towing and storage of vehicles which are stuck, mired, abandoned or otherwise obstructing or impeding traffic, which shall remain in full force and effect.

**(Amended Entire Section 9-26-05-Effective Upon Passage)**

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# STATE STANDARDS

(Adopted 5-14-84)

## 158-6 ADOPTION BY REFERENCE OF STATE MOTOR VEHICULAR LAWS

Pursuant to the authority of Section 46.2-1313, Code of Virginia, 1950, as amended, all of the provisions and requirements of the laws of the State as of July 1, 2021, contained in Title 46.2, Code of Virginia, 1950, as amended, and Article 2 of Chapter 7 of Title 18.2, Code of Virginia, 1950, as amended, except those provisions and requirements the violation of which constitutes a felony and except those provisions and requirements which, by their very nature, can have no application to or within the Town, are adopted and incorporated by reference and made applicable within the Town. References to "highways of the state" contained in such provisions and requirements hereby adopted shall be deemed to refer to the highways and other public ways within the Town. Such provisions and requirements are hereby adopted, mutatis mutandis, and made part of this chapter as fully as those set forth at length herein; and it shall be unlawful for any person within the Town to violate or fail, neglect or refuse to comply with any provision of

Title 46.2, Code of Virginia, and Article 2 of Chapter 7 of Title 18.2, Code of Virginia, which is adopted by this section, provided that in no event shall the penalty imposed for the violation of any provision or requirement adopted exceed the penalty imposed for a similar offense under Title 46.2, Code of Virginia, and Article 2 of Chapter 7 of Title 18.2, Code of Virginia.

**(Amended 6-24-85-Effective 7-1-85; 6-9-86-Effective 7-1-86; 6-8-87-Effective 7-1-87; 5-9-88-Effective 7-1-88)**
**(Amended 6-26-89-Effective 7-1-89; 6-11-90-Effective 7-1-90; 6-10-91-Effective 7-1-91)**
**(Amended 5-25-92-Effective 7-1-92; 5-24-93 -Effective 7-1-93; 5-9-94-Effective 7-1-94)**
**(Amended 12-12-94-Effective 1-1-95; 7-10-95-Effective 7-1-95; 6-1-96-Effective 6-1-96)**
**(Amended 6-4-97-Effective 7-1-97; 7-13-98-Effective 7-1-98; 6-14-99-Effective 7-1-99)**
**(Amended 6-26-00-Effective 7-1-00; 6-11-01-Effective 7-1-01; 6-24-02-Effective 7-1-02)**
**(Amended 6-23-03-Effective 7-1-03; 6-28-04-Effective 7-1-04; 6-27-05-Effective 7-1-05)**
**(Amended 6-26-05-Effective 7-1-06; 5-14-07-Effective 7-1-07; 5-12-08-Effective 7-1-08)**
**(Amended 5-26-09-Effective 7-1-09; 6-14-10-Effective 7-1-10; 6-27-11-Effective 7-1-11)**
**(Amended 6-11-12-Effective 7-1-12; 5-28-13-Effective 7-1-13; 6-23-14-Effective 7-1-14)**
**(Amended 6-22-15-Effective 7-1-15; 6-27-16-Effective 7-1-16; 6-12-17-Effective 7-1-17)**
**(Amended 6-11-18-Effective 7-1-18; 6-10-19-Effective 7-1-19; 6-8-20-Effective 7-1-20)**
**(Amended 6-1-21-Effective 7-1-21;**

### 158-6.1 PENALTIES FOR ORDINANCE INCORPORATING STATE MOTOR VEHICLE LAWS BY REFERENCE

A. Any penalties for violation of Town Code Section 158-6, whereby the provisions of Article 2 (Section 18.2-266 et seq.) of Chapter 7 of Title 18.2 of the Virginia State Code, as amended, pertaining to driving while intoxicated, are incorporated by reference pursuant to the Town's authority under Virginia Code Section 46.2-1313, shall be and are the same as the penalties provided for the same or similar offenses under general state law, including penalties set by the provisions of Virginia Code Section 18.2-11, as amended, anything in the Charter of the Town of Front Royal to the contrary notwithstanding.

B. Any penalties for violations of Town Code Section 158-6, whereby the provisions of Title 46.2 of the Virginia State Code, as amended, pertaining to motor vehicles, are incorporated by reference pursuant to the Town's authority under Virginia Code Section 46.2-1313, wherein the incorporated section provides no specific fine but states that the offense shall be punished as a misdemeanor (whether it is Class 1, Class 2, Class 3 or Class 4 misdemeanor) shall be the penalties imposed for misdemeanors as set forth in Town Code Section 1-15. Said penalties shall not be the penalties imposed for misdemeanors under State Code Section 18.2-11, as amended.

**(Added Entire Section 6-29-90-Effective 7-1-90)**

## REGULATIONS AND SCHEDULES

### 158-7 PURPOSE

Pursuant to Section 46.1-188, Code of Virginia, as amended, the Town of Front Royal does hereby enact the following regulations for the control of traffic and the parking of vehicles on and in the streets and public places of the Town of Front Royal.

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## 158-8 DEFINITIONS

A. The words and phrases used in this Part 4 shall, for the purposes of this chapter, have the meanings respectively ascribed to them in Title 46.1, Motor Vehicles and Traffic, Code of Virginia.

B. As used in this chapter, the following terms shall have the meanings indicated:

**HIGHWAY** - Any of the streets, alleys, roads and public ways of the Town of Front Royal.

**HOLIDAYS** - In each year the first day of January (New Year's Day), the third Monday in January (Lee-Jackson Day), the third Monday in February (George Washington Day), the last Monday in May (Confederate Memorial Day), the fourth day of July (Independence Day), the first Monday in September (Labor Day), the second Monday in October (Columbus Day), the fourth Monday in October (Veterans' Day), the Tuesday next following the first Monday in November (Election Day), the fourth Thursday in November (Thanksgiving Day), the 25th day of December (Christmas Day), or whenever any of such days shall fall on Saturday, the Friday next preceding such day, or whenever any of such days shall fall on Sunday, the Monday next following such day, and any day so appointed by the Governor of this commonwealth or the President of the United States.

**TRUCK** - Every motor vehicle designed to transport property on its own structure independent of any other vehicle and having a gross weight in excess of seven thousand five hundred (7,500) pounds.

## 158-9 AUTHORITY TO DESIGNATE TRAFFIC SIGNS AND PARKING REGULATIONS; APPEALS

A. The Town Manager may designate intersections at which vehicles shall come to a full stop or yield the right-of-way and may cause to be erected with the appropriate signs or markers at such in accordance with the standards contained in the Uniform Manual for Traffic Control Devices.

**(Amended 11-22-99-Effective Upon Passage)**

B. The Front Royal Town Manager is authorized to classify vehicles with reference to parking, may designate the time, place and manner such vehicles may be allowed to park on Town streets and may make and enforce such additional rules and regulations as parking conditions may require. The Town Manager shall cause to be erected appropriate signs or markers so that an ordinarily observant person who may be affected by the parking regulation will be aware of such regulation, except that no sign shall be necessary to effectuate the parking prohibitions set forth in other areas of this Chapter.

**(Removed reference of *On-Street Parking Policy* 1-14-19-Effective Upon Passage)**

**CONFLICTS WITH 158-35 SEE THAT SECTION FOR DETAILS.**

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C. Any person, business, organization or institution shall have the right to petition the Town for a charge in parking regulations or for the imposition of new parking regulations for a specific street or location. All such petitions shall be submitted, in writing, to the Town Manager at the applicant's election. Upon receipt of a petition, the Town Manager shall investigate the parking conditions at the location in question and, shall either regulate parking, change the parking regulations or take no action. The petitioner shall be informed of the Town Manager's decision, in writing, and shall be advised of the right to appeal an adverse decision.

**(Removed reference of *On-Street Parking Policy* 1-14-19-Effective Upon Passage)**

D. Appeal procedure.

1. A decision of the Town Manager pertaining to a new parking regulation may be appealed by a petitioner under Subsection C who has received an adverse decision or by any person, business, organization or institution directly affected by a new parking regulation placed in effect. Appeals must be filed, in writing, to the Front Royal Planning Commission. Petitioners who have received an adverse decision must file their appeal within ten (10) days from the date of the written decision of the Town Manager. Those affected by a parking regulation must file their appeal within thirty (30) days from the erection of the parking sign or signs imposing said new regulation.

**(Amended 1-14-19-Effective Upon Passage)**

2. Failure to file the appeal within the required time limits shall result in the loss of the right to appeal. Upon receipt of an appeal, the Planning Commission shall place the matter on the agenda for its next meeting, shall investigate the parking conditions if it deems it necessary and shall, not later than seven (7) days after the following Planning Commission meeting, report its opinion and recommendations to the Front Royal Town Council. Upon receipt of the Planning Commission's recommendations, the Town Council shall decide the appeal at its next regularly scheduled meeting. The appealee shall be notified and shall have the right to speak and to present witnesses and evidence at said meeting before the Council votes on the appeal.

**(Removed reference of *On-Street Parking Policy* 1-14-19-Effective Upon Passage)**

E. All parking regulations placed in effect by the Town Manager shall remain in effect and shall be enforceable pending appeal.

F. All parking regulations in effect as of the date of this ordinance shall remain in effect hereafter, unless subsequently changed in accordance with the provision of this Section.

## TRAFFIC REGULATIONS

### 158-10 SPEED LIMITS

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The speed limits for both directions of traffic along the streets or parts thereof shall be set by the Town Manager in accordance with regulations as set by the Virginia Department of Transportation. **(Amended 11-22-99-Effective Upon Passage)**

## 158-11 ONE-WAY STREET

Streets or parts of streets may be designated as one-way streets as designated by the Town Manager.

**(Amended 11-22-99-Effective Upon Passage)**

## 158-12 U-TURNS

No person shall make a U-turn on any of the streets or parts of streets as designated by the Town Manager.

**(Amended 11-22-99-Effective Upon Passage)**

## 158-13 THROUGH TRUCKS PROHIBITED

A. It shall be unlawful to operate trucks, except for the purpose of receiving loads or making deliveries, on the streets and roads of the Town of Front Royal designated as closed to through truck traffic.

B. The Town Council of Front Royal shall designate those streets and roads of the Town of Front Royal which shall be closed to through truck traffic. Those streets and roads so designated shall be plainly marked with posted signs reading NO THRU TRUCKS.

C. Royal Avenue, between its intersection with Commerce Avenue and South Street, is hereby designated as being closed to through truck traffic within the meaning of Subsection (A) hereof, and this area shall be marked as described in Subsection (B) hereof, together with appropriate signage designating both Commerce Avenue and South Street as a through truck route for U.S. Route 340.

**(Added (C) 11-10-08-Effective Upon Passage)**
**(Amended (C) by eliminating expiration date 11-8-10-Effective Upon Passage)**

D. For purposes of this section only, "truck" shall mean "commercial motor vehicle" as defined in §46.2-341.4 of the Code of Virginia (1950 as amended).

**(Added (D) 6-11-12-Effective Upon Passage)**

## 158-14 VEHICLES ON SIDEWALKS

It shall be unlawful for any person to ride or drive any vehicle, including bicycles and motorcycles, on the sidewalks of the Town. Such violation shall be punished as a traffic violation subject to the penalties in Section 158-15.

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## 158-15 VIOLATIONS AND PENALTIES

Any person, firm or corporation who or which violates any provisions of this Article shall, upon conviction, be liable to a fine not exceeding one hundred dollars ($100.).

## PARKING, STANDING AND STOPPING

## 158-16 PARKING PROHIBITED IN SPECIFIED PLACES

A. No person shall park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic control device, in any of the following places:

1. On a sidewalk.
2. In front of a public or private driveway
3. Within an intersection.
4. Within fifteen (15) feet of a fire hydrant.
5. On a crosswalk.
6. Within twenty (20) feet of a crosswalk at an intersection; provided, however, that where there is no crosswalk at an intersection, no person shall so park a vehicle within twenty (20) feet from the intersection of curblines or, if none, then within fifteen (15) feet of the intersection of property lines.
7. Within thirty (30) feet upon the approach to any flashing beacon, stop sign or traffic control signal located at the side of a roadway.
8. Between a safety zone and the adjacent curb or within thirty (30) feet of points on the curb immediately opposite the end of a safety zone, unless a different length is indicated by official signs or markings.
9. Within fifty (50) feet of the nearest rail of a railroad grade crossing.
10. Within fifteen (15) feet of a driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within seventy-five (75) feet of the entrance, when properly signposted.
11. Alongside or opposite any street excavation or obstruction when such parking would obstruct traffic.
12. On the roadway side of any vehicle parked at the edge or curb of a street.

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13. Upon any bridge or other elevated structure upon a street or highway or within a tunnel.

14. At any place where official signs prohibit parking, or at any location where the curb is officially marked with yellow paint designating no parking at any time.

**(Amended (14) 9-10-12-Effective Upon Passage)**

15. In all places designated as fire lanes by posted signs.

**(Added (15) 9-10-01-Effective Upon Passage)**

16. On the wrong side of any public street. For the purpose of this subsection the term "wrong side of any public street" means the side immediately adjacent to any traffic lane in which the flow of traffic is in the opposite direction from the direction the parked vehicle faces.

**(Added (16) 1-28-02-Effective Upon Passage)**

## 158-17 PARKING PROHIBITED AT ALL TIMES

No person shall park a vehicle at any time upon any of the streets or parts thereof as designated by the Town Manager.

**(Amended 11-22-99-Effective Upon Passage)**
**(Removed reference of *On-Street Parking Policy* 1-14-19-Effective Upon Passage)**

## 158-18 LOADING ZONES

A. Where a loading and unloading zone has been designated in accordance with the provisions of this chapter, the following regulations shall apply with respect to the use of such areas:

**(Amended (A) 3-22-93-Effective Upon Passage)**

1. No person shall stop, stand or park a vehicle for any purpose or length of time, other than for the expeditious unloading and delivery or pickup and loading of materials, in any place marked as a curb loading zone during hours when the provisions applicable to such zones are in effect. All delivery vehicles, other than regular delivery trucks, using such loading zones shall be identified by the owner's or company's name in letters three (3) inches high on both sides of the vehicle.

2. The driver of a passenger vehicle may stop temporarily in a space marked as a curb loading zone for the purpose of and while actually engaged in loading or unloading passengers or bundles when such stopping does not interfere with any vehicle used for transportation of materials, which is waiting to enter or is about to enter such loading space.

B. No vehicle shall be backed up to a curb, except during the time actually engaged in loading or unloading merchandise therefrom.

## 158-19 PARKING IN BUS STOPS AND TAXI CAB STANDS

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Where a bus stop or taxicab stand has been designated in accordance with the provisions of this chapter, the following regulations shall apply as to the use thereof: No person shall stop, stand or park a vehicle other than a bus in a bus stop or other than a taxicab in a taxicab stand when such stop or stand has been officially designated and marked with an appropriate sign, except that the driver of a passenger vehicle may temporarily stop therein for the purpose of and while actually engaged in the expeditious loading or unloading of passengers when such stopping does not interfere with any bus or taxicab waiting to enter or about to enter the designated zone.

**(Amended 3-22-93-Effective Upon Passage)**

## 158-19.1 PARKING OF TRUCKS AND TRAILERS

A. Definitions. For the purpose of this section, the following words and phrases shall have the meanings as stated herein.

**MOTOR HOME –** Every private motor vehicle with a normal seating capacity of not more than (10) persons, including the driver, designed primarily for use as living quarters for human beings. Motor homes with a registered gross weight in excess of seven thousand five hundred (7,500) pounds are also classified as trucks.

**(Added 9-26-11-Effective Upon Passage ; Amended to add (7,500) 1-28-13-Effective Upon Passage)**

**PICKUP OR PANEL TRUCK** - Every motor vehicle designed for the transportation of property with a registered gross weight of seven thousand five hundred (7,500) pounds or less.

**SEMITRAILER** - Every vehicle of the trailer type so designed and used in conjunction with a motor vehicle that some part of its own weight and that of its load rests upon or is carried by another vehicle.

**TRACTOR TRUCK** - Every motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the load and weight of the vehicle attached thereto.

**TRAILER** -Every vehicle without motive power designed for carrying property and passengers wholly on its own structure and for being drawn by a motor vehicle.

**TRUCK** - Every motor vehicle designed to transport property on its own structure independent of any other vehicle and having a registered gross weight in excess of seven thousand five hundred (7,500) pounds.

**VEHICLE –** Every device in, or on or by which any person or property is or may be transported or drawn on a highway, except devices moved by human power or used exclusively on stationary rails or tracks. For the purpose of *Chapter 8 (§46.2-800 et seq)* of this title, bicycles, electric personal assistive mobility devices, electric power-assisted bicycles, and mopeds shall be vehicles while operated on a highway.

**(Added 9-26-11-Effective Upon Passage)**

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B. Residential Zoning Districts - It shall be unlawful to park trucks, tractor trucks, trailers or semitrailers upon the public streets and alleys of the Town of Front Royal located in any residential zoning district. **(Added Title 9-26-11-Effective Upon Passage)**

C. Peyton Street Parking Lot

1. It shall be unlawful to park trucks, tractor trucks, trailers or semitrailers within the Peyton Street Parking Lot.

2. Paragraph C.1 shall not apply to any of the following vehicles parked in the Peyton Street Parking Lot between the hours of 5:00am and 12:30am:

   a. School buses, church buses and other buses engaged in public transportation
   b. Motor homes and recreational vehicles
   c. Hospital mobile units and fire and rescue vehicles
   d. Vehicles owned and operated by the Town

**(Amend "C" 9-26-11-Effective Upon Passage)**

**CONSIDER IN THE COMPREHENSIVE PLAN ADDRESSING THE LATEST PARKING STUDY AND SET LIMITS ON OUR MUNICIPAL PARKING AREAS ACCORDINGLY.**

D. Gazebo Area Parking Lot

Parking in spaces marked by green stripes shall be restricted between the hours of 10:00 p.m. and 6:00 a.m., unless otherwise approved by the Town Manager or his designee.

**(Added 9-10-12-Effective Upon Passage)**

**THIS SECTION SHOULD BE CONSIDERED FOR REMOVAL. THE "GREEN PARKING" SPACES MAKE LITTLE SENSE.**

E. This section shall not apply to the parking of pickup or panel trucks, as defined herein, or to the parking of vehicles in the course of legitimate deliveries or service calls.

**(Added Entire Section "A-D" 8-11-86-Effective 11-10-86)**
**(Amended "E" (formerly D) 9-26-11-Eff. Upon Passage)**

## 158-19.2 PENALTIES

Any person, firm or corporation who or which violates any provision of this Article shall be liable to a fine not exceeding one hundred dollars ($100.).

**(Ord. No. 14-86 Added Section 8-11-86-Effective 11-10-86)**

## 158-20 LIABILITY FOR DAMAGE TO VEHICLES IN BUSINESS LOTS

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A. No action shall lie or proceedings be brought against any person conducting any business and maintaining a parking lot at which free parking accommodations are provided for customers or employees of such business, when a motor vehicle is parked in such parking lot, for the total or partial loss of such motor vehicle by reason of theft or damage by any person other than an employee or for the total or partial loss of property left in such motor vehicle by reason of theft or damage by any person other than an employee.

B. As used in this section, "free parking accommodations" means parking accommodations for which no specific charge is made, and the patronage of the business by customers and the performance of the regular services for the business by employees shall not constitute the payment of any consideration for the use of the parking accommodations.

C. Nothing in this section shall relieve any person of liability resulting from his own wrongdoing.

## 158-21 STOPPING ON HIGHWAYS

A. No vehicle shall be stopped in such a manner as to impede or render dangerous the use of the highway by others, except in the case of an emergency as the result of an accident or mechanical breakdown, in which case a report shall be made to the nearest police officer as soon as practicable and the vehicle shall be removed from the roadway to the shoulder as soon as possible and removed from the shoulder without unnecessary delay; and, if such vehicle is not promptly removed, such removal may also be ordered by a police officer at the expense of the owner if the disabled vehicle creates a traffic hazard.

B. No person shall leave any vehicle, attended or unattended, upon the paved, improved or main traveled portion of any highway, outside of the business or residence district, when it is practicable to leave such vehicle standing off the paved, improved or main traveled portion of such highway.

C. Except upon one-way streets as provided in this chapter, or where angle parking is permitted as provided in this chapter, and when actually loading or unloading merchandise, no vehicle shall be stopped except close to and parallel to the right-hand curb. In no instance shall such vehicle be parked with the near wheels farther than six (6) inches from the curb.

D. No vehicle shall be stopped at or in the vicinity of a fire, vehicle or airplane accident or other area of emergency, in such a manner as to create a traffic hazard or interfere with the necessary procedures of police, firemen, rescue workers or others whose duty it is to deal with such emergencies. Any vehicle found unattended in the vicinity of such fire, accident or area of emergency may be removed by order of a police officer at the risk and expense, not to exceed five dollars ($5.), of the owner if such vehicle creates a traffic hazard or interferes with the necessary procedures of police, firemen, rescue workers or others whose assigned duty it is to deal with such emergencies. Vehicles being used by accredited information services, such as press, radio and television, when being used for the gathering of news, shall be exempt from the provisions of this section, except when actually obstructing the police, firemen and rescue workers dealing with such emergencies.

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$5 IS NEGLIGIBLE EITHER WAY, WHO PAYS THE TOW BILL IN THIS PARTICULAR SCENARIO?

E. The provisions of this section shall not apply to any vehicle owned or controlled by the State Department of Highways or the Town while actually engaged in the construction, reconstruction or maintenance of highways.

### 158-22 PARKING FOR CERTAIN PURPOSES PROHIBITED

A. It shall be unlawful for any person to park or place any automobile, truck, trailer or other vehicle upon or in any street, alley or parkway for the purpose of selling or offering the same for sale or rent. No sign or lettering shall be attached or placed upon any automobile, truck, trailer or other vehicle parked in or upon any public street, alley or parkway of the Town indicating that such vehicle is offered for sale or for rent. It shall also be unlawful to park any vehicle upon any street in a business district from which any merchandise is being sold.

B. It shall be unlawful to stop a vehicle at any time upon the highway for the purpose of advertising any article of any kind or to display thereon advertisements of any article or advertisement for the sale of the vehicle itself.

## MISCELLANEOUS REGULATIONS

### 158-23 UNLAWFUL OPERATION OF A MOTOR VEHICLE

A. Any person who operates a motorcycle or other motor vehicle upon the lands of another upon which signs or posters have been placed prohibiting the operation of motorcycles or other motor vehicles by others upon such land without having in his or her possession the written consent of the owner or his agent shall be guilty of a misdemeanor and punished as set forth in Section 158-27, below.

B. Any person who shall mutilate, destroy or take down any "no motor bikes, motorcycles or jeeps allowed" sign or poster or similar sign or poster on the lands of another, or who shall post such sign or poster on the lands of another, without the written consent of the landowner or his agent, shall be guilty of a misdemeanor and punished as set forth in Section 158-27, below.

### 158-24 UNLAWFUL RIDING

No person shall ride on any vehicle upon any portion thereof not designed or intended for use of passengers. This provision shall not apply to an employee engaged in the necessary discharge of a duty or to persons riding within truck bodies in space intended for merchandise.

### 158-25 PEDESTRIANS SEEKING RIDES OR BUSINESS

No person shall stand in the vehicular travel portion of any street or roadway for the purpose of soliciting a ride, employment or business from the occupant of any vehicle. Any person

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violating any of the provisions of this section shall upon conviction thereof, be fined not less than one dollar ($1.) nor more than five dollars ($5.) for each offense.

## 158-26 PARKING INOPERATIVE OR UNLICENSED VEHICLES

A. No person shall park, or permit to stand, upon any of the public streets, alleys or grounds within the Town any vehicle which is unlicensed, which fails to display a current license plate (and sticker, if applicable) for the Commonwealth of Virginia or some other lawful jurisdiction or which displays an expired license plate (and sticker, if applicable).

TOWN REQUIREMENTS FOR CURRENT REGISTRATION (AND INSPECTION) FOR PARKING SHOULD COMPORT WITH CURRENT STATE CODE REGARDING THE ABILITY FOR AN LEO TO STOP A VEHICLE.

B. No person shall park, or permit to stand, upon any of the public streets, alleys or grounds within the Town any inoperative vehicle for a period of more than ten (10) days.

THIS IS STANDARD FOR MANY SURROUNDING JURISDICTIONS BUT CONFLICTS WITH TFR CODE 158.39 A.2. WHICH DEFINES ABANDONED.

## 158-27 ENFORCEMENT; VIOLATIONS AND PENALTIES

A. It shall be the duty of the police officers of the Town, in the event that a vehicle is found parked in violation of a Town ordinance, to attach to the vehicle in question a notice to the registered owner thereof that such vehicle was parked in violation of a Town ordinance ("Notice of Violation"), and instructing such owner as follows:

1. If contest of a Notice of Violation is waived, payment of said parking violation may be made in person or by mail to the Treasurer of the Town of Front Royal in the amount provided by law (Town Code §158-53) and as indicated on the face of the Notice of Violation. Payment shall be made within seven (7) days from the date of issuance of the Notice of Violation.

2. The vehicle owner may contest a Notice Violation by submitting a Notice of Violation Contest Form to the Front Royal Police Department within seven (7) days from the date of the Notice of Violation. A court date and time will be provided to those persons contesting a Notice of Violation.

3. Failure to pay or contest within seven (7) days will result in the doubling of the fine indicated on the Notice of Violation.

B. The Clerk of the General District Court for Warren County will be provided with copies of all Notice of Violation Contest Forms.

**(Amended Entire Section 9-28-15-Effective Upon Passage)**

## METERED PARKING

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WE HAVE NO METERED PARKING. IT HAS BEEN BROUGHT UP AS PART OF THE PARKING SOLUTION. COUNCIL HAS DECLINED CONSIDERATIONS FOR AT LEAST THE PAST 4 YEARS. SHOULD THIS SECTION BE CUT FROM CODE?

## 158-28 LEASING AND INSTALLATION OF METERS

The Town Manager is hereby authorized and directed to enter into a contract for the leasing and installation of parking meters, such contract to be made subject to the conditions and in the manner provided by law, the payment of such meters and the installation thereof to be provided for solely from the receipts, funds and revenues obtained by the Town from the operation of the parking meters, without in any manner obligating the Town to pay for same from any other source.

## 158-29 DESIGNATION OF ZONES

The parking meter zones of the Town to which this Article is applicable shall be those streets and parts of streets designated as parking meter zones by the Town Council.

## 158-30 (RESERVED)

## 158-31 DESIGNATION OF PARKING METER SPACES; ERECTION OF METERS

In the parking meter zones referred to in Section 158-29, the proper officers shall cause parking meter spaces to be marked on the curb or pavement, or by other appropriate means, and in each parking meter space so marked shall erect or cause to be erected a parking meter which, upon the deposit of the requisite coin or combination of coins of the United States, will entitle the party parking his car for a limited time as is indicated on the parking meter and which will indicate the time such period has elapsed.

## 158-32 OPERATION OF METERS; OVERTIME PARKING

In order that the police officers may properly compute the time during which a vehicle is parked, the owner or operator of such vehicle shall, upon entering a parking meter space, designated as provided in Section 158-31, during the time of limited parking, immediately deposit a coin or combination of coins of the United States in the parking meter situated at the side of each parking meter space, and operate such parking meter according to instructions thereon. Failure to do so shall constitute a violation of this section. Upon the deposit of such coin, and placing the parking meter space may be lawfully occupied by such vehicle during the period of parking time, which has been prescribed for the particular amount deposited. The parking meters, when installed and properly operated, shall be so adjusted that the requisite coin or combination of coins may be deposited. If such vehicle shall remain parked in any such parking meter space for such length of time that the parking meter shall indicate by a proper signal that the lawful parking period has expired, such vehicle shall be considered as parking overtime, and the parking of a vehicle shall be unlawful; provided, however, that no vehicle shall remain in such parking meter space for a period longer than one (1) hour during the time of limited parking.

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## 158-33 PARKING WITHIN PARKING METER SPACE

It shall be unlawful to park any vehicle within a parking meter space designated as provided in Section 158-31 across any line or marking designating a parking meter space, or to park such vehicles in any way that the same shall not be wholly within a parking space as designated by such lines or markings.

## 158-34 DEFACING, OPENING OR DAMAGING METERS

It shall be unlawful for any person to deface, tamper with, damage, open or willfully break, destroy or impair the usefulness of any parking meter installed under the terms of this Article. Any person violating this section shall be punished as provided in Section 158-38.

## 158-35 LOADING ZONES, BUS STOPS & OTHER PROHIBITED PARKING AREAS

The Town Council may set apart, with the parking meter zones, spaces for loading zones, bus stops and other places in which no parking shall be permitted at any time unless otherwise specified by the Town Council.

CONFLICTS WITH 158-9 WHICH GIVES THE TM AUTONOMY IN AUTHORITY FOR ASSESSING AND ADDRESSING PARKING SIGNS AND ZONES.

## 158-36 RESPONSIBILITY OF OWNER.

The owner or operator of any vehicle parked in violation of this Article shall be prima face guilty of such violation.

## 158-37 ENFORCEMENT

A. It shall be the duty of the police officers of the Town, acting in accordance with the instructions issued by the Town Manager, in the event that a vehicle is found occupying a parking meter space, designed as provided in Section 158-29, to report:

   1. The number of each parking meter which indicates that the vehicle occupying the parking meter space adjacent to such parking meter is or has been parked in violation of any of the provisions of this Article.

   2. The state license number of such vehicle.

   3. Any other facts, a knowledge of which is necessary to a thorough understanding of the circumstances attending such violation.

B. Each such police officer shall attach to such vehicle a notice to the owner or operator thereof that such vehicle has been parked in violation of a provision of this Article and instructing such owner or operator to report to the Town Hall of the Town in regard to such violation.

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C. Each such owner or operator may, within forty-eight (48) hours of time when such notice was attached to such vehicle, pay to the person in charge at Town Hall a penalty for and in full satisfaction of such violation, the sum of one dollar ($1.) for each hour, or fraction thereof, during which such vehicle occupied such parking meter space in violation of any provisions of this Article. The failure of such owner or operator to make such payment at the Town Hall within such forty-eight (48) hours shall render such owner or operator subject to a fine of five dollars ($5.) prior to trial of such violation.

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**158-38 VIOLATIONS AND PENALTIES**

Except as otherwise provided in this Article, any person violating the provisions of this Article or failing to pay fines prior to trial or aiding, abetting or assisting in the violation of such provisions shall, upon conviction, be fined not less than ten dollars ($10.) nor more than fifty dollars ($50.) for each offense.

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**ABANDONED AND INOPERATIVE VEHICLES; VEHICLE REMOVALS**

**158-39 REMOVAL AND DISPOSITION OF UNATTENDED, DAMAGED, ABANDONED, OR ILLEGALLY STOPPED VEHICLES.**

A. Any motor vehicle, trailer or semitrailer may be removed for safekeeping by or under the direction of a police officer to a storage garage or area:

1. Whenever such motor vehicle, trailer or semi-trailer is found on the streets of the Town or Public grounds, unattended by the owner or operator and constitutes a hazard to traffic or is parked in such manner as to be in violation of the law; or

2. Whenever such motor vehicle, trailer or semi-trailer is left abandoned for more than forty-eight (48) hours upon any street or publicly owned property; or

CONFLICTS WITH 158-26 B

3. Whenever such motor vehicle, trailer or semi-trailer involved in any accident is found upon the highways or streets in the Town and is so located as to impede the orderly flow of traffic, the police may at no cost to the owner or operator remove such motor vehicle, trailer or semi-trailer from the highways or streets to some point in the vicinity where such motor vehicle, trailer or semi-trailer will not impede the flow of traffic; or

NO COST TO THE OWNER? TYPICALLY INSURANCE SHOULD HANDLE THIS OR IT WOULD FALL TO THE OWNER AT FAULT TO PROVIDE PAYMENT FOR THE TOW. TOW COMPANIES DO NOT OPERATE FOR FREE.

4. Whenever such motor vehicle, trailer or semi-trailer is on privately owned property other than the property of the owner of such motor vehicle, trailer or semi-trailer, within the

Town, or is abandoned upon such privately owned property without the permission of the owner, lessee or occupant thereof, provided that no such vehicle shall be so removed from privately owned premises without the written request of the owner, lessee, or occupant thereof. When the owner, lessee or occupant of such privately owned property requests such removal, he shall be required to indemnify the Town against any loss or expense involved by reason of removal, storage or sale thereof.

ANY VEHICLE TOWED FROM PRIVATE PROPERTY IS THE RESPONSIBILITY OF THE PROPERTY OWNER, NOT THE TOWN.

B. It shall be presumed that a motor vehicle, trailer or semi-trailer, or part thereof, is abandoned if it lacks either a current license plate, a current county, city or Town plate or sticker, or a valid state inspection certificate or sticker; and it has been in a specific location for ten (10) days without being moved.

10 DAYS OR 48 HOURS? WE ALSO NEED TO MAKE SURE TOWN CODE ON PARKING COMPORTS WITH CURRENT VA CODE FOR STOPPING A VEHICLE (GRACE PERIODS FOR REGISTRATION/INSPECTIONS)

C. Each removal shall be reported to the Chief of Police, and notice thereof given to the owner of the motor vehicle, trailer or semi-trailer as promptly as possible. The owner of such vehicle, trailer, or semi-trailer, before obtaining possession thereof, shall pay to the approved towing company all reasonable costs incidental to the removal, storage and locating the owner of the motor vehicle, trailer or semi-trailer before the vehicle shall be release.

**(Amended Entire Section 1-24-00-Effective Upon Passage)**

## 158-39.1 REMOVAL OF IMMOBILIZATION OF MOTOR VEHICLES WITH MORE THAN TWO (2) OUTSTANDING PARKING VIOLATIONS

SHOULD READ "REMOVAL OR IMMOBILIZATION" IMMOBILIZATION REFERS TO "BOOTING" WE HAVE NO BOOTS NOR HAVE I EVER SEEN ANY IN THE TOWN OF FRONT ROYAL

A. Any motor vehicle parked on the public highways or public grounds against which there are three (3) or more unpaid or otherwise unsettled parking violation notices may be removed to a place within the Town of Front Royal or in Warren County designated by the chief law enforcement officer for the temporary storage of the vehicle, or the vehicle may be immobilized in a manner which will prevent its removal or operation except by authorized law enforcement personnel. Removal shall be carried out by or under the direction of a law enforcement officer.

B. It shall be the duty of the law enforcement personnel removing or immobilizing the motor vehicle or under whose direction such vehicle is removed or immobilized, to inform as soon as practicable the owner of the removed or immobilized vehicle of the nature and circumstances of the prior unsettled parking violation notices for which the vehicle was removed or immobilized. As promptly as possible, each removal also shall be reported to the Town Manager.

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C. The owner of the removed or immobilized motor vehicle, or other person acting on his behalf, shall be permitted to repossess or to secure the release of the vehicle by payment of the outstanding parking violation notices for which the vehicle was removed or immobilized and by payment of all costs incidental to the immobilization, removal, and storage of the vehicle, and the efforts to locate the owner of the vehicle.

D. Should the owner fail or refuse to pay such fines and costs, or should the identity or whereabouts of the owner be unknown and unascertainable, the motor vehicle may be sold in accordance with the procedures set forth below.

E. The Chief of Police shall, within fifteen (15) days, by registered or certified mail, return receipt requested, notify the owner of record of the motor vehicle and all persons having security interests in the vehicle of record that it has been taken into custody. The notice shall (i) state the year, make, model, and serial number of the abandoned motor vehicle; (ii) set forth the location of the facility where it is being held; and (iii) inform the owner and any persons, having security interests of their right to reclaim it within fifteen (15) days after the date of the notice after payment of all towing, preservation, and storage charges resulting from placing the vehicle in custody. The notice shall state that the failure of the owner or persons having security interests to reclaim the vehicle within the time provided shall constitute (i) a waiver by the owner and all persons having any security interests of all right, title, and interest in the vehicle and (ii) consent to the sale of the abandoned motor vehicle at a public auction.

   If records of the Department of Motor Vehicles contain no address for the owner or no address of any person shown by the Department's records to have a security interest, or if the identity and addresses of the owner and all persons having security interests cannot be determined with reasonable certainty, notice by publication once in a newspaper of general circulation in the area from where the motor vehicle was removed shall be sufficient to meet all requirements of notice.

F. If a motor vehicle removed pursuant to this Section is not reclaimed as provided in this section, the Chief of Police shall sell it at public auction. The purchaser of the motor vehicle shall take title to the motor vehicle free of all liens and clams of ownership of others, shall receive a sales receipt at the auction, and shall be entitled to apply to and receive from the Department of Motor Vehicles a certificate of title and registration card for the vehicle.

   From the proceeds of the sale of such removed motor vehicle the Town or its authorized agent shall reimburse itself for the expenses of the auction, the cost of towing, preserving, and storing the vehicle which resulted from placing the motor vehicle in custody, and all notice and publication costs incurred pursuant to this section. Any remainder from the proceeds of a sale shall be held for the owner of the motor vehicle or any person having security interests in the vehicle, as their interests may appear, for ninety (90) days, and then be deposited into the treasury of the Town.

**(Added Entire Section 9-10-01-Effective Upon Passage)**

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**158-40 (RESERVED)**

**158-41 ASSESSMENT OF COSTS AGAINST OWNER OF VEHICLE TOWED OR STORED BY POLICE DEPARTMENT OR AT DEPARTMENT'S REQUEST**

THIS ENTIRE SECTION IS DATED AND INCORRECT. MUCH OF IT IS GOVERNED BY SECTIONS 158-54 THROUGH 69 AND IS MANAGED BY THE TOW BOARD. THE TOWN, NOR THE TOW BOARD, SETS FEES OR PRICING FOR TOWING SERVICES.

1. Towing: Under this Chapter, a towing charge shall not exceed seventy-five ($75.00) for light vehicles weighing up to eight thousand eight hundred (8,800) pounds gross vehicle weight. The towing charge shall not exceed one hundred twenty-five dollars ($125.00) for towing any mid-size vehicle having a gross vehicle weight greater than eight thousand eight hundred (8,800) pounds and not more than twenty-six thousand (26,000) pounds gross vehicle weight; and the towing charge shall not exceed one hundred seventy-five dollars ($175.00) for towing any vehicle having a gross vehicle weight above twenty-six thousand (26,000) pounds.

2. Storage: There shall be no storage charge if the vehicle is reclaimed within the first twenty-four (24) hour period after a tow. Storage charges shall be assessed at a rate not to exceed fifty dollars ($50.00) per storage day for trucks having a gross vehicle weight above twenty-six thousand (26,000) pounds and a rate not to exceed twenty-six dollars ($26.00) per storage day for all other vehicles. For purposes of this subsection, each twenty-four (24) hour period shall constitute one (1) storage day.

3. Other costs: Charges for recovery (winching, uprighting, etc.), clean-up of an accident site, and notifications required by state law may be recovered. Such charges shall not exceed the reasonable costs incurred by the Town or the operator of the approved towing company.

4. Pre-tow release: If the owner or custodian of any vehicle unlawfully parked returns after a tow truck has arrived and is engaged in hooking up or has attached the vehicle to tow the vehicle, or is attached to the subject vehicle, he may reclaim the vehicle upon payment of a service fee not to exceed thirty-five dollars ($35.00), plus payment of the administrative charge imposed by subsection (3) above. No fee in excess of thirty-five dollars ($35.00), plus the administrative charge, shall be charged if the vehicle has not been moved from the lot or block where it was unlawfully parked. Payment of the fee provided by this subsection shall not relieve any vehicle owner from paying the fine imposed for having unlawfully parked said vehicle.

5. The Police Department shall make a reasonable effort to notify and advise any vehicle owner of the costs provided for in this section when such person's vehicle has been towed at the request of the Police Department.

**(Ord. No. 3-2000 Amended Entire Section 1-24-00 and 6-13-05-Effective Upon Passage)**

## VEHICULAR EQUIPMENT

**158-42 USE OF FLARES**

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Whenever any bus, truck, trailer, house trailer or mobile home is disabled and stops upon any portion of the traveled portion of any street or highway in this Town, except upon streets or highways which are artificially lighted at night, at any time during which lights are required upon motor vehicles, the operator of such bus, truck, trailer, house trailer or mobile home shall place or cause to be placed on the roadway three (3) red reflector flares or torches of a type approved by the Superintendent. One (1) of the flares or torches shall be placed in the center of the lane of traffic occupied by the disabled bus, truck, trailer, house trailer or mobile home and not less than one hundred (100) feet therefrom in the direction of traffic approaching in that lane, one (1) not less than one hundred (100) feet from such bus, truck, trailer, house trailer or mobile home in the opposite direction and one (1) at the traffic side of such bus, truck, trailer, house trailer or mobile home not closer than ten (10) feet from the front or rear thereof, provided that if such bus, truck, trailer, house trailer or mobile home is disabled within five hundred (500) feet of curve or crest of a hill or other obstruction to view, the flares or torches in that direction shall be so placed as to afford ample warning to other users of the street or highway, but in no case less than five hundred (500) feet from the disabled vehicle.

## 158-43 REFLECTOR FLARES; RED LANTERNS

If any vehicle referred to in the preceding section is used for the transportation of flammable liquids in bulk, whether loaded or empty, or for transporting flammable gases, red reflector flares or red electric lanterns of a type approved by the Superintendent shall be used. Such reflectors or lanterns shall be lighted and placed upon the roadway in the manner provided in the preceding section.

## 158-44 USE OF RED FLAGS INSTEAD OF FLARES

During such time as lights on motor vehicles are not required, red flags not less than twelve (12) inches both in length and width shall be used in the place of flares, torches, reflectors or lanterns. The flags shall be placed upon the roadway in the manner prescribed in Sections 158-42 and 158-43 for flares, torches, reflectors and lanterns, except that no flags shall be required to be placed at the side of such vehicle, but if the disablement of such vehicle continues into the period when lights on motor vehicles are required, flares, torches, reflectors or lanterns shall be placed as required by Section 158-43.

## 158-45 SLOW-MOVING-VEHICLE EMBLEMS

A. Every farm tractor and every self-propelled unit of farm equipment or implement of husbandry, and any other vehicle designed for operation at speeds not in excess of twenty-five (25) miles per hour or normally operated at speeds not in excess of twenty-five (25) miles per hour, shall display a triangular, slow-moving-vehicle emblem on the rear of the vehicle when traveling on a public highway during day or night.

B. Should a slow-moving vehicle tow a unit on a public highway, the towing vehicle or the towed unit shall be equipped with a slow-moving-vehicle emblem, as follows:

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1. If the towed unit or any load thereon obscures the slow-moving-vehicle emblem on the towing vehicle, the towed unit shall be equipped with a slow-moving-vehicle emblem, in which case the towing vehicle need not display such emblem.

2. If the slow-moving-vehicle emblem on the towing vehicle is not obscured by the towed unit or any load thereon, either or both such vehicles may be equipped with such emblem.

C. The Department of State Police shall adopt standards and specifications for the slow-moving-vehicle emblem and the position of mounting of the emblem to correlate with and, so far as possible, conform with those adopted by the American Society of Automotive Engineers.

D. The use of the slow-moving-vehicle emblem shall be restricted to the uses specified in Subsections A and B of this section, and their use on any other type of vehicle or on stationary objects is prohibited.

## 158-46 TAILGATES ON VEHICLES

It shall be unlawful for the operator of any truck, trailer or other vehicle equipped with a tailgate to lower or open the tailgate thereon, or to suffer or permit such tailgate to be lowered or opened, except during the time the vehicle is being loaded or unloaded, and except during the time the load on the vehicle necessitates a lowered or opened tailgate as a support for the load. It shall be the duty of the operator of any such vehicle to see that the tailgate on such vehicle is kept closed or raised, except during the times hereinbefore specified. Any person who shall violate the provisions of this section shall be punished by a fine of not less than five dollars ($5.) nor more than twenty dollars ($20.) for each offense.

## 158-47 WARNING DEVICES ON BICYCLES

It shall be unlawful for any person to ride a bicycle along the streets within the Town without having a bicycle equipped with a warning device. Such device shall be sounded when approaching a street crossing.

## 158-47.1 BICYCLISTS REQUIRED TO WEAR SAFETY HELMETS

Every person fourteen (14) years of age or younger shall wear a protective helmet that meets the standards promulgated by the American National Standards Institute or the Snell Memorial Foundation whenever riding, or being carried on a bicycle on any highway (as defined in Virginia Code Section 46.2-100), sidewalk, or public bicycle path within the corporate limits of the Town of Front Royal.

Persons of any age shall wear protective helmet that meets the standards promulgated by the American National Standards Institute or approved by the Superintendent of the Virginia Department of State Police whenever riding or being carried on a moped on any highway [as defined in Virginia Code Section 46.2-100], within the corporate limits of the Town of Front Royal.

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Any violation of this ordinance shall be punishable by a fine of twenty-five dollars ($25.00). However, such fine shall be suspended (i) for first-time violators and (ii) for violators who, subsequent to the violation, but prior to imposition of the fine, purchase helmets of the type required by this ordinance.

Violation of this ordinance shall not constitute negligence, assumption of risk, be considered in mitigation of damages of whatever nature, be admissible in evidence, or be the subject of comment by counsel in any action for the recovery of damages arising out of the operation of any bicycle or moped, nor shall anything in this section change any existing law, rule, or procedure pertaining to any civil action.

**(Added Section 6-13-96-Effective Upon Passage 7-1-96 ; Amended 12-20-99-Effective Upon Passage)**

### 158-48 LIGHTS ON PARKED VEHICLES

Whenever a vehicle is parked or stopped upon a highway, whether attended or unattended, during the period from one-half (1/2) hour after sunset or one-half (1/2) hour before sunrise, no lights need be displayed upon such vehicle, if it is parked or stopped in accordance with the provisions of this chapter and other ordinances of the Town.

## GRANT OF EXCEPTIONS; SPECIAL PERMITS

### 158-49 RELIEF FROM ONE-WAY RESTRICTIONS

When it can be demonstrated to the satisfaction of the Chief of Police or his duly authorized representative that the strict enforcement of Section 158-11 will cause an unreasonable hardship on some particular person or persons relative to the loading or unloading of trucks or other vehicles on such one-way streets, then in such event the Chief of Police, or his duly authorized representative, is authorized to issue a special permit to such person or persons permitting a variance from the provisions of Section 158-11. Any such special permit shall be in writing and shall specify the nature of such variance and the place and period of time when such variance shall be permitted. Such permit shall only be issued when it can be demonstrated to the satisfaction of the Chief of Police, or his duly authorized representative, that the granting of such permit will alleviate a clearly demonstrable hardship as distinguished form a special privilege or convenience to the person or persons who seek such permit.

### 158-50 TRACTION ENGINES AND TRACTORS

The Chief of Police may issue special permits limited to such time as he may deem proper, authorizing the operation upon a highway of traction engines or tractors having movable tracks with transverse corrugations upon the periphery of such movable tracks. A fee of two dollars ($2.) shall be charged for each permit at the time of issuance.

### 158-51 VEHICLES OF EXCESSIVE SIZE AND WEIGHT

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The Chief of Police may, in his discretion, upon application in writing and good cause being shown therefor, issue a special permit, in writing, authorizing the applicant to operate or move a vehicle upon the highways of a size or weight exceeding the maximum specified of this Article. Every such permit may designate the route to be traversed and contain any other restrictions or conditions deemed necessary by the Chief of Police; provided, however, that the Chief of Police, upon application in writing made by the owner or operator of three-axle trucks hauling road construction materials and having a gross weight not exceeding forty-three thousand nine hundred (43,900) pounds, a single-axle weight not exceeding eighteen thousand (18,000) pounds and a tandem-axle weight not exceeding thirty-two thousand (32,000) pounds, shall issue to such owner or operator, without cost, a permit in writing authorizing the operation of such vehicles upon the highways. No such permit shall designate the route to be traversed or contain restrictions or conditions not applicable to other vehicles in their general use of the highways. The Chief of Police or other designated official, upon application in writing made by the owner or operator of three-axle vehicles used exclusively for the mixing of concrete in transit and having a gross weight not exceeding fifty thousand (50,000) pounds, a single-axle weight not exceeding eighteen thousand (18,000) pounds and a tandem-axle weight not exceeding thirty-six thousand (36,000) pounds, shall issue to such owner or operator, without cost, a permit in writing authorizing the operation of such vehicles upon the highways. No such permit shall designate the route to be traversed or contain restrictions or conditions not applicable to other vehicles of this weight in their general use of the highways. No permit issued under this section providing for a tandem-axle weight in excess of thirty-two thousand (32,000) pounds shall be issued to include travel on federal interstate system of highways. Every such permit shall be carried in the vehicle in which it refers and shall be open to inspection by any officer and any person violating any condition of the permit shall be guilty of a violation of this Part 4.

## 158-52 PERMIT TO BE CARRIED IN VEHICLE; INSPECTION; PENALTY

Every permit required by Sections 158-49, 158-50 or 158-51 shall be carried in the vehicle to which it refers and shall be open to inspection by any police officer, and any person violating any of the terms or conditions of such special permit shall be punished as provided in Sections 158-49, 158-50 or 158-51.

## 158-53 UNIFORM FINES AND COSTS FOR TRAFFIC AND PARKING VIOLATIONS

Fines assessed for parking in violation of Town parking ordinances shall be in accordance with the following fine schedule:

| Description of Violation | Town Ordinance | Fine | Double Fine |
|---|---|---|---|
| Parking in Handicapped Space | 158-1 | $100.00 | $200.00 |
| Parking on Sidewalk | 158-16(A)(1) | $25.00 | $50.00 |
| Interfering with Driveway | 158-16(A)(2) | $25.00 | $50.00 |
| Parking within an intersection | 158-16(A)(3) | $25.00 | $50.00 |
| Parking within 15’ of fire hydrant | 158-16(A)(4) | $25.00 | $50.00 |
| Parking on a crosswalk | 158-16(A)(5) | $25.00 | $50.00 |
| Parking within 20’ of corner/crosswalk | 158-16(A)(6) | $25.00 | $50.00 |
| Parking within 30’ of stop sign/ traffic signal | 158-16(A)(7) | $25.00 | $50.00 |
| Parking within 50’ of railroad grade crossing | 158-16(A)(9) | $25.00 | $50.00 |

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| | | | |
|---|---|---|---|
| Double Parking | 158-16(A)(12) | $25.00 | $50.00 |
| Parking upon a bridge | 158-16(A)(13) | $25.00 | $50.00 |
| Official Sign prohibiting parking / yellow paint | 158-16(A)(14) | $25.00 | $50.00 |
| Parking in Fire Lane | 158-16(A)(15) | $25.00 | $50.00 |
| Failure to park right wheels to curb | 158-16(A)(16) | $25.00 | $50.00 |
| Parking trucks, trailers (residential) | 158-19.1(B) | $25.00 | $50.00 |
| Stopping on highway / Obstructing traffic | 158-21 | $25.00 | $50.00 |
| Failure to display current VA plates | 158-26(A) | $25.00 | $50.00 |
| Parking inoperative vehicle over 10 days | 158-26(B) | $25.00 | $50.00 |
| Failure to display Town auto sticker | 160-10(D) | $25.00 | $50.00 |
| Invalid State Inspection | | $25.00 | $50.00 |

**(Added Entire Section 9-10-01 and 9-28-15-Effective Upon Passage)**

## LAW ENFORCEMENT REQUESTED TOWING

**(Added Sections 158-54 – 158-69 11-27-17)**

### 158-54 PURPOSE

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

### 158-55 DEFINITIONS

**APPLICATION** means an application for towing service within Warren County.

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

**COUNTY** means Warren County, Virginia.

**DMV** means Commonwealth of Virginia Division of Motor Vehicles.

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

**JOINT TOWING BOARD** means the Joint Advisory Board on Towing which consists of seven (7) members: three (3) law enforcement officers, including one from the Sheriff's Office, one from the Police Department and one from Virginia State Police, three (3) representatives of Towing and Recovery Businesses and one (1) citizen.

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**LAW ENFORCEMENT PERSONNEL OR LAW ENFORCEMENT AGENCY** means a law enforcement officer of Warren County, Town of Front Royal, Virginia State Police or agency of such officers or other law enforcement agency assigned to Warren County.

**POLICE DEPARTMENT** means the Town of Front Royal Police Department.

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

**SCC** means Commonwealth of Virginia State Corporation Commission.

**SHERIFF'S OFFICE** means the Warren County Sheriff's Office.
**SUSPENSION** means temporary removal from the Towing List for a violation of this article or breach of the towing service agreement.

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

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

**TOWING OPERATORS** means those who own, lease, or operate a Towing Recovery Business.

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

**TOWING SERVICE AGREEMENT** means the agreement between the Joint Towing Board and the Towing Operator.

**TOWN** means the Town of Front Royal, Virginia.

**158-56 GENERAL MINIMUM REQUIREMENTS**

A. Required Vehicles and Equipment.

1. The Towing Recovery Business shall have available at least one (1) of the following vehicles with valid Virginia license plates, inspection sticker and SCC/DMV license.

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a. Tow Truck equipped with a wrecking crane capable of lifting a minimum of 8,000 pounds and up to a maximum of 10,000 pounds or the gross vehicle weight rating. Tow truck must be equipped with a wheel lift capable of lifting a minimum of 1,500 pounds.

b. Flatbed Wrecker with at least an 8,000-pound winch and capable of transporting a maximum of 7,000 pounds or the gross vehicle weight rating.

2. Each of the vehicles above shall be originally designed as tow trucks.

3. Each of the vehicles above shall be equipped with the following:

a. A chassis rated with sufficient gross vehicle weight to match the maximum capacity of the crane mounted thereon;

b. All-weather tires on the rear wheels;

c. At least one (1) fire extinguisher;

d. At least two (2) operable amber revolving or flashing emergency lights, mounted on the highest part of the vehicle and visible from all sides;

e. One (1) operable air tank, when not equipped with air brakes. Flatbed Wreckers are exempt from this requirement;

f. One (1) heavy-duty street broom and one (1) shovel;

g. Dollies, scotch blocks and snatch block;

h. Gas and oil absorbent material;

i. Reflective vest, shirt or jacket; and

j. Vehicle tow lights.

4. Heavy Duty Wreckers.

a. For those Towing Operators who desire to be on the heavy-duty wrecker list, they shall own or lease a minimum of two (2) towing/recovery trucks and at least one (1) road tractor. One (1) truck shall have a minimum of 60,000 pounds rating and the second truck shall have a minimum 40,000 pounds rating. All units shall have winches rated at a minimum of 20,000 pounds. All units must have a boom that raises and lowers, extends and retracts by hydraulics. All units must have a hydraulic under-lift rated to raise 12,000 pounds at full extension.

b. Towing Operators shall own, lease or have a written agreement with a subcontractor for the following:

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(i) Lowboy hydraulic operated trailer capable or transporting a wrecked or disabled road tractor and/or debris;

(ii) Trailer forty-five (45) foot or longer box trailer;

(iii) Dump truck, dump trailer or container;

(iv) Air cushions designed for and capable of up righting a loaded tractor and trailer;

(v) A skid steer loader, forklift or wheel loader capable of moving cargo and/or debris from the highway; and

(vi) Adequate personnel to off-load cargo.

c. All loads must be secured with two-wheeled straps or safety chains.

d. All equipment must be equipped with legally required light and safety equipment.

e. All equipment must be in good working order with all equipment required in this article.

B. Storage and Security of Vehicles

1 All Towing Operators shall have a secured lot for vehicles towed under this article. Vehicles shall be stored at all times in said storage lot, storage facility or building or an adjacent service bay.

2 A Towing Operator shall maintain and own or lease a dedicated storage area able to contain all towed vehicles towed by the operator. Storage area shall be fully enclosed by a commercial grade fence which is at least six (6) feet tall, or enclosed by a permanent structure, have adequate lighting and remain reasonably clear of debris. Towing Operators shall not share storage lots unless the shared storage lot is divided by a six-foot high stationary fence with a separate locked entranced to each storage area.

3 The storage lot shall have a sign posted identifying the firm's name and telephone number. Wrecker service facilities and equipment, including vehicles, office, telephone lines, office equipment and storage facilities may not be shared with another wrecker service. Vehicles towed at the request of Law Enforcement Personnel must be placed in storage owned or leased and operated by the wrecker service on the Towing List.

4 The storage lot shall have a graveled or paved surface.

C. Insurance

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1. No Towing Service Agreement shall be signed until the Towing Operator has provided evidence of the following insurance coverage for the duration of the Towing Service Agreement by a company or companies licensed to do business in the commonwealth. Any changes or lapses in insurance coverage shall immediately be reported to the Joint Towing Board.

   a. The Towing Operator shall be required to carry garage keeper's legal liability insurance in the minimum amount of seventy-five thousand dollars ($75,000.00) to cover fire, theft, windstorm, vandalism and explosion for each lot. Towing Operators on the heavy-duty wrecker list shall be required to carry garage keeper's legal liability insurance in the minimum amount of two hundred thousand dollars ($200,000.00).

   b. Insurance sufficient to protect itself from any and all claims of loss, damage or bodily injury, resulting from its acts or incurred in the operation of the Towing Operator's business equipment and vehicles pursuant to the Towing Service Agreement in the amount of seven hundred fifty thousand dollars ($750,000.00) or the amount required by the state (vehicle liability policy).

   c. Insurance sufficient to cover claims under the Worker's Compensation Act, if applicable, for all of its employees. If any work is sublet, the subcontractor shall provide similar coverage.

2. The Towing Operator shall indemnify and hold harmless the Sheriff's Office, Police Department, Virginia State Police, Warren County and Town of Front Royal, all other law enforcement agencies assigned to Warren County including their agents, employees and representatives from any and all claims, casualties, damages or injuries arising out of its actions pursuant to the agreement.

**158-57 APPLICATION FOR AGREEMENT**

A. Any Towing Operator desiring to perform towing work at the request a Law Enforcement Agency shall submit an application for towing service in duplicate to the Joint Towing Board. Prior performance and reputation in the community, as reported through the office of citizen and consumer affairs and criminal history record information as supplied by applicant, will be considered when a Towing Operator applies to perform towing services under the Towing Service Agreement.

B. In order to be qualified for towing under this article, a Towing Operator shall operate the Towing Recovery Business at said location within Warren County for a minimum of six (6) months prior to applying for towing under this article. The six-month waiting period may be waived for applicants who are currently authorized to tow under this article.

C. A Towing Operator may not make any changes that alter the information that was submitted in the application unless first notifying the Joint Towing Board.

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D. The Application shall be submitted on forms provided by the Joint Towing Board and includes the following information:

1. The name of the Towing Recovery Business to include the owners, members and/or corporate officers.

2. The home and business addresses and phone numbers of the Towing Recovery Business, owners, members and/or officers.

3. The location, size and security features of the storage lot on which the towed vehicles will be stored. The storage facility shall be described in detail to include the size, the lighting and the separate entrance. The storage facility may be a building or a lot which shall be a minimum of one thousand five hundred (1,500) square feet for regular Towing Operators or a minimum of three thousand (3,000) square feet for heavy-duty Towing Operators.

4. The location in which the public must go to in order to claim stored vehicles.

5. A statement of availability to provide towing service on a continuous twenty-four-hours-a-day basis each day of the year.

6. A list of the towing equipment, its size and capacity. Towing Operators shall maintain and register all trucks. A copy of property taxes showing taxes paid on trucks and equipment domiciled within the county or town and each vehicle registration must be submitted on an annual basis with application or reapplication.

7. A complete list of insurance policies, carriers and agents which would be in effect upon execution of the Towing Services Agreement. Proof of the policy will be filed with the Joint Towing Board. This information will include amount of coverage limits and include worker's compensation, if applicable.

8. A statement that the Towing Operator accepts reasonable responsibility for any personal property left in towed and stored vehicles, as may be otherwise determined by law, along with a description of the secure place which will be used to store the property left in towed or stored vehicles. A statement that the Towing Operator accepts reasonable responsibility for a towed vehicle from the time hookup starts, until vehicle reaches the intended destination.

9. Towing Operators must list two (2) telephone numbers at which they can be reached on a twenty-four-hour-a-day basis. Specific times and days denoting business hours versus nonbusiness hours must accompany the telephone number. Name of business and telephone number must be posted in a conspicuous place at the place of business.

10. A statement from the zoning office of the local government entity in which the Towing Recovery Business is located that the storage lot listed on the application meets all required zoning requirements.

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11. A statement from the Treasurer and/or the town finance office that all financial obligations are paid. All Towing Operators must be current in all financial obligations to the County and/or Town.

12. A copy of declaration of personal property or business personal property on registered equipment must be submitted annually.

13. All applicants shall pay an application fee, as established by the Joint Towing Board, remitted to and collected by the Joint Towing Board.

**158-58 INSPECTIONS OF TOWING OPERATOR**

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

B. There shall be an annual inspection fee, as established by the Joint Towing Board, remitted to and collected by the Joint Towing Board.

C. The Joint Towing Board shall give the Towing Operator written notice when the equipment or storage facility is found to be unacceptable.

D. Tow trucks and equipment or storage facilities that fail the inspection shall not be used by a Towing Operator in the performance of its obligations under a Towing Services Agreement until they pass inspection.

E. Failure to comply with any of the conditions stated above will result in suspension of the Towing Operator from the Towing List until the corrections have been made. If the corrections are not made within ten (10) calendar days, the Towing Operator shall be terminated from the Towing List.

F. All applications for new Towing Operators to be included on the Towing List or applications for renewals of Towing Operators shall be submitted to and shall only be received and processed by the Joint Towing Board from May 1 to May 30 of each calendar year. The calendar year for the application of this article shall be July 1 to June 30.

**158-59 APPLICATION APPROVAL**

A. The Joint Towing Board shall conduct an investigation to determine the accuracy of the information contained in the application and shall inspect the storage lot and equipment to be used.

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B. Upon completion of the investigation, the Joint Towing Board shall determine whether the applicant meets the requirements of this article. If the Joint Towing Board finds the applicant qualified, he shall approve and sign the Towing Services Agreement. The applicant's name shall be placed on the Towing List in a rotating order.

C. If the Joint Towing Board finds the applicant unqualified, it shall indicate in writing the reasons and return the application to the applicant.

**158-60 DUTIES AND REQUIREMENTS OF TOWING OPERATORS**

A. Towing Operators shall, at the request of and as directed by Law Enforcement Personnel, tow vehicles in the County or Town in a manner that is damage-free to the vehicle being towed. Towing Operators shall comply with all applicable federal, state and local laws and regulations, including but not limited to, the securing of all necessary federal, state and local licenses. All Towing Operators shall display a WT-Tag (tow truck for hire) and/or an IRP-Tag (international registration plan).

B. All Towing Operators shall have the Towing Recovery Business' name, town, state and telephone numbers printed on both sides of the towing vehicle in letters and numerals of such size, shape and color as to be readily legible during daylight hours from a distance of fifty (50) feet while the vehicle is not in motion. No magnetic sign shall be used on vehicles. Decals are permissible. The Towing Operator shall provide a business card to Law Enforcement Personnel before leaving the scene. Each Towing Operator must be registered with the Virginia Department of Motor Vehicles in the name of the Towing Recovery Business and insured by the Towing Recovery Business.

C. Towing Operators shall provide twenty-four-hours-per-day towing service each day of the year.

D. Towing Operators shall have available at all times sufficient and qualified personnel to receive calls and execute the towing.

E. If a Towing Operator determines additional equipment is needed, the Law Enforcement Personnel shall contact a different Towing Operator on the Towing List.

F. Towing Operators shall notify all Law Enforcement Agencies during normal business hours forty-eight (48) hours prior to a change in their phone number. No answering service is allowed.

G. The Towing Operator agrees to arrive on the scene within thirty (30) minutes of receiving a call. If the Towing Operator fails to meet the specified time limit, the Law Enforcement Personnel will notify a second Towing Operator. Once the second Towing Operator has been requested, services from the first Towing Operator are considered canceled and the first Towing Operator is not due any payment. Heavy-duty Towing Operators will have a forty-five (45) minute time limit to arrive on scene.

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H. If in the judgment of the Joint Towing Board, excessive delays are caused by circumstances within the Towing Operator's control, the Joint Towing Board may recommend the Towing Operator be suspended/terminated from the Towing List.

I. Towing Operators shall have only those tow trucks owned or lease purchased by them responding to calls for service.

J. If a tow truck is not available, then the Towing Operator shall immediately indicate to the dispatcher that it cannot respond and the reason why. The dispatcher shall then notify the next Towing Operator on the list.

K. Towing Operators may use crossovers located on the interstates or public highways that are prohibited when directed to do so by Law Enforcement Personnel pursuant to Code of Virginia, § 46.2-920.1.

L. All Towing Operators must possess a valid Virginia driver's license or commercial driver's license, and medical certificate as may be required and be qualified to operate the tow vehicle and its equipment.

M. All Towing Operators shall decline a service call if they consumed alcohol and or used any drug or narcotic, either by a doctor's prescription or of their own free will within eight (8) hours prior to a call for service.

N. Towing Operators shall remove all litter, glass and debris caused by the incident which necessitated towing, including ordinary and reasonable quantities of oil and gas spillage as determined by the Law Enforcement Personnel on the scene. If circumstances warrant additional charges, they will be thoroughly documented and itemized.

O. All Towing Operators shall have the capability to accept cash and credit card as payment for services under the agreement in the field at the time services are rendered.

P. The Towing Operator shall tow vehicles to any destination requested by the vehicle owner or any Law Enforcement Personnel, after financial obligations have been finalized. The Towing Operator shall not tow vehicles outside of the Warren County limits.

Q. Any Towing Operator permanently ceasing to provide towing/recovery services shall, within fifteen (15) days, notify the Joint Towing Board in writing.

## 158-61 RESPONSIBILITIES AND RECORDS OF TOWING OPERATORS

A. If an owner or lien holder fails to claim any vehicle or if the Towing Operator wants to satisfy any lien which it has on a vehicle, it shall be the Towing Operator's responsibility to dispose of or sell the vehicle in compliance with the Virginia State Code.

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B. The Towing Operator shall be reasonably responsible for vehicles towed and any contents from the time the vehicle is towed until one (1) of the following events occur:

1. The vehicle is delivered to a location specified by the owner or other authorized person;

2. The vehicle and property is released to and accepted by the owner or authorized person in the same condition as originally towed; or

3. The vehicle is otherwise disposed of according to law.

C. Towing Operators shall secure all personal property at the scene of a collision to the extent possible and preserve personal property in a vehicle which is about to be towed.

D. The Towing Recovery Business shall keep records of all vehicles which have been towed pursuant to the Towing Services Agreement. These records shall include, at a minimum, the date and time of tow, the vehicle's license number and state of issue, the vehicle's identification number, the year, make, model and color of the vehicle, the location from which it was towed, the charges for towing and storage, the disposition of vehicle and date of disposition.

1. Such records shall be available for inspection by the Joint Towing Board during the Towing Recovery Business' normal business hours.

2. The Towing Recovery Business shall retain a copy of these records for a period of at least twelve (12) months from the date of the tow.

E. Towing Operators shall promptly arrange for the release of vehicles towed or stored pursuant to this article. There shall be an attendant available from the hours of 8:00 a.m. through 5:00 p.m., except on weekends and state holidays, for the purpose of permitting inspections or releasing stored vehicles. After hours the owner or attendant must be available by telephone. The owner or attendant must be available twenty-four-hours-a-day, each day of the year for the purpose of releasing stored vehicles.

1. Towing Operators, upon receiving a request to release or permitting an inspection of a stored or seized vehicle from the owner, operator or other authorized person, shall release that vehicle to the owner or other authorized person between the hours 8:00 a.m. and 5:00 p.m. within a thirty-minute timeframe.

2. Towing Operators, upon receiving a request to release or permit an inspection of a stored vehicle by an owner or authorized person during other than normal business hours, shall allow and otherwise require two (2) hours-notice for the release of such motor vehicle. The foregoing notice provision shall apply likewise for the release of personal property and contents within the vehicle. All fees charged for any off-hour release/inspection shall be no more than one (1) day of storage.

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3. Upon request, Towing Operators shall distribute to the owner, operator or authorized agent a copy of the complaint procedures form.

4. Towing Operators shall not release any vehicle designated as "seized" or "seized for forfeiture" by a Law Enforcement Agency until the Towing Operator obtains permission from the requesting agency. The Towing Operator shall bill the requesting agency for the cost of the tow.

F. Towing Operators shall not release any vehicle that has a "hold" on property contained within such vehicle without first obtaining authorization from the requesting Law Enforcement Agency.

G. Whenever the Towing Operator is requested to remove a vehicle and the owner of the vehicle, or their authorized agent or driver, is not at the scene at the time of the tow, Law Enforcement Personnel is requested to complete a tow sheet form that includes the following:

1. Owners name and address, if known;

2. Description of the vehicle and any visible prior damage;

3. Storage facility name and address;

4. Inventory of accessible contents of the vehicle; and

5. One (1) copy shall be given to the Towing Operator, one (1) copy to the owner of the vehicle and one (1) copy retained by the Law Enforcement Agency.

H. All records relating to Towing Operator's application and insurance shall be made available for inspection by the Joint Towing Board after a Freedom of Information Act request is filed.

**158-62 ROTATION SYSTEM**

A. The Joint Towing Board shall ensure that Towing Operators are called on a rotating basis according to the Towing List. Being placed on the Towing List does not guarantee a particular number or quantity of calls; does not guarantee an equivalent number of calls to every Towing Operator on the list; nor entitle any Towing Operator on the list to any compensation as a consequence for not being called in accordance with the Towing List or when removed from the Towing List.

B. The owner or operator of a vehicle to be towed shall be asked to specify the Towing Operator of his choice, whether or not authorized by Law Enforcement Personnel, unless the vehicle constitutes a traffic hazard and the requested Towing Operator will have an unacceptable response time. If the owner or operator requests a specific Towing Operator, the Law Enforcement Personnel shall complete an owner request form which shall be signed by the owner or operator of the vehicle.

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C. The Law Enforcement Personnel shall not call any Towing Operator who does not have a Towing Services Agreement unless all Towing Operators on the Towing List are unavailable or an Emergency exists. In the event of an emergency or no availability of Towing Operators on the Towing List, Law Enforcement Personnel and the Virginia Department of Motor Vehicles (VDOT) can request Towing Recovery Businesses outside of Warren County.

D. In an emergency, a supervisor of a Law Enforcement Agency may call a Towing Operator out of sequence in order to shorten response time to the scene of the incident. However, any Towing Operators which are randomly used during suspensions of the Towing List must be reported to communications for record purposes.

E. Law Enforcement Personnel at the scene may reject the services of the Towing Operator dispatched when the Towing Operator arrives with inadequate equipment to perform the tow. Unfitness shall include, but not limited to, possession of inadequate equipment to perform the tow, or operated by personnel who, due to drugs, alcohol or other incapacity, are not likely to perform the tow safely. In the event that the Towing Operator is determined to be unfit, Law Enforcement Personnel shall notify communications to dispatch the next Towing Operator on the Towing List and shall file a written report with the Joint Towing Board

F. Law Enforcement Personnel will call another Towing Operator if the first Towing Operator fails to answer the telephone or receives a busy signal after two (2) attempts.

G. If the Towing Operator does not answer the telephone or refuses the call, the Towing Operator loses that turn in rotation and will not be called until the Towing List rotates to their name again. If the Towing Operator responds to a call, it shall be placed at the bottom of the Towing List, unless the Towing Operator through no fault of its own is not used and receives no compensation for the call. In that event, it shall be placed back at the top of the Towing List.

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**158-63 COMPENSATION**

A. All costs incident to towing and storage shall be paid by the owner or other authorized person of the towed and stored vehicle to the Towing Operator. In those cases involving "seized" vehicles, the owner shall reimburse the requesting Law Enforcement Agency for the towing costs.

B. The towing and storage fees charged by the Towing Operator shall be reasonable in light of those charged by other Towing Operators in the county for comparable service. There shall be no additional charges for mileage. No charges imposed for the storage of vehicles for a period of twenty-four (24) hours or less shall exceed charges imposed for one (1) day of storage.

C. An itemized receipt for payment, which sets forth the cost of towing, excessive cleanup, storage, and repairs shall be issued to the owner/operator or other authorized person. Said receipt shall also include a signature line for the owner/operator or other authorized person acknowledging receipt of the vehicle.

D. All Towing Operators shall submit their current pricing to the Joint Towing Board related to towing, recovery, winching, storage charges and administrative charges. No administrative charges shall be incurred for the first twenty-four (24) hours of storage and no administrative fee or charge shall exceed ninety-five dollars ($95.00). Written notice of these fees shall be available at the request of the owner or operator of the vehicle's request.

**158-64 SOLICITATION BY TOWING OPERATORS**

A. No Towing Operator shall respond to an accident, scene of an emergency or mechanical breakdown for the purpose of towing vehicles unless specifically called there by Law Enforcement Personnel, or the person involved in the accident or emergency. Violation of this section shall result in suspension from the Towing List for thirty (30) days for the first offense, sixty (60) days for the second offense, and termination from the Towing List for a third offense for a period of twelve (12) months.

1. The Law Enforcement Personnel shall direct the Towing Operator to leave even if the Towing Operator would otherwise have been called to the location.

2. The Law Enforcement Personnel may direct the Towing Operator to provide necessary services in such instances when immediate assistance is necessary to protect persons or property.

B. Towing Operators are prohibited from soliciting business at the scene of accidents, emergencies or mechanical breakdowns.

**158-65 PROHIBITED PRACTICES**

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

1. Deliberate failure of a Towing Operator to respond to calls;

2. Securing a Towing Services Agreement by fraud or concealment of a material fact;

3. Violation of the Towing Services Agreement;

4. Chronic or repeated violations of this article;

5. A single violation of this article including not limited to:
   a. Running unauthorized calls;

   b. Overcharges;

   c. Alcohol or drug use;

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d. Tardiness more than five (5) times in a six-month period;

e. Failure to notify the Joint Towing Board with immediate changes regarding insurance, taking on new members, owners, corporate officers or any other changes regarding anything listed in the Application;

f. Fraudulent acts with respect to this article;
g. Failure to comply with the rules and regulations of Code of Virginia § 46.2-2820 et seq.; or

h. Violate any laws of the Commonwealth of Virginia, the County of Warren, or the Town of Front Royal, which are considered a felony or misdemeanor.

**158-66 COMPLAINTS**

A. Any Towing Operator who believes he has been unfairly treated by Law Enforcement Personnel may file a written complaint with the Joint Towing Board.

B. Any person who believes a violation of this article has occurred may file a complaint against a Towing Operator. Joint Towing Board will provide the complainant with a complaint form to be filled out and returned to the Joint Towing Board. The complaints shall be investigated by the Joint Towing Board.

C. After an investigation of the complaint, the Joint Tow Board shall notify the complainant of the results of the investigation and any action as a result of the complaint.

D. The local office of the Virginia State Police shall use the Towing List on law enforcement requested calls in Warren County. By agreement with the local office of the Virginia State Police, the Joint Towing Board shall investigate towing complaints for both state and county calls. Any imposed disciplinary action shall be binding on all law enforcement initiated calls for towing service.

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**158-67 SUSPENSION OR TERMINATION OF TOWING OPERATORS**

A. Any Law Enforcement Agency, upon investigation of the facts, may recommend that a Towing Operator be heard by the Joint Towing Panel for any violation of the provisions of this article.

B. The Joint Towing Board shall provide the Towing Operator with written notice of said violation. Notification of the date, time and location of a hearing on the violation shall also be provided.

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

## 158-68 APPEALS PROCESS AND HEARING

A. In the event that a representative from a Towing and Recovery Business that sits on the Joint Towing Panel lodges a complaint against another Towing Operator, said representative shall abstain from the hearing.

B. The Law Enforcement Personnel involved in the incident shall be responsible for presenting the allegations against a Towing Operator to the Joint Towing Panel members and may call witnesses and ask questions of any witness.

C. If complainant is not present, the complaint form will be presented to the Joint Towing Panel as complainant's evidence/testimony.

D. The Towing Operator shall be allowed an opportunity to attend the hearing and bring any witnesses that were directly involved in the incident where the accused Towing Operator was charged with a violation of this article. The Towing Operator will be allowed to present evidence/testimony supporting his/her case to the Joint Towing Panel. The Towing Operator may make an opening statement, ask witnesses questions and make a closing statement.

E. No attorneys will be allowed to attend this administrative hearing on behalf of a complainant or defendant.

F. No witnesses, except for those being questioned, will be allowed in the room during the administrative hearing.

G. The Joint Towing Panel, after hearing evidence presented, shall render a decision. If the accused Towing Operator is present, the chairman presiding over the hearing shall immediately verbally notify the accused of the decision. A written notification shall be prepared and sent to the Towing Operator through first class postage with the U.S. Postal Service and a copy of the decision will be sent to each Law Enforcement Agency. If the Towing Operator is not present at the conclusion of the hearing to receive the verbal notification of the panel, the Towing Operator shall waive the right to immediate notification of the decision.

H. The decision of the Joint Towing Panel is final.

## 158-69 AMENDMENTS TO ORDINANCE

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

B. All proposed revisions shall be discussed with the Joint Towing Board and their input will be considered in each proposed revision.

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C. Revisions shall be in effect from the date on which the amendments to the Town and County Code with identical language are adopted by the Warren County Board of Supervisors and the Front Royal Town Council.

D. Towing Operators on the Towing List shall be given written notification of any amendments ten (10) days prior to the revision being adopted.

**(Added Sections 158-54 – 158-69 *"Law Enforcement Requested* Towing" 11-27-17-Effective Upon Passage)**

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# Work Session Agenda Statement

**Item # 5**

# Meeting Date: September 13, 2021

**Agenda Item:** Continued Discussion of the Special Events Permit Policy and Procedures

**Summary:** Council approved a motion to move the item of Special Events Permit Policies and Procedures to a future work session at their regular meeting held July 26, 2021, for further discussion. Staff has made the following revisions since that meeting:

- Revised Definition of Gathering *(page 1)*
- Added *"matrix does not apply to parades, races/walks, processions, Town events, Town co-sponsored events or any event the Town Manager or his designee determines is an exception"* *(page 3)*
- Removed *"permit will be issued within 15 days of event"* *(page 3 & 4)*
- Revised the # of people from 500 – 1000 for Community and Tourism Events *(page 3 & 4)*
- CLOSURES have their own section in the policy/procedures *(page 5)*
- Added the process on how to notify businesses *(page 4 & 5)*
- Clarified when permits are not required *(page 6)*
- Incorporated criteria and components based on community member input into the Special Event Matrix design

All the feedback that Council and staff received since the July 26th regular Council meeting has been taken into consideration in the above revisions. All the feedback that staff received from the community member work session on August 10th has been taken into consideration as well.

*NOTE:*
*Council held a work session on June 14th.*
*Staff held two information sessions on June 17th and June 21st.*
*Council held a public hearing to receive public comments on June 28th.*
*Council listened to continued feedback at their regular meeting held on July 26th.*
*Staff held a work session with community members on August 10th.*

Due to the delay of approving the Special Events Permit Policy and Procedures, staff is requesting an effective date of November 1, 2021, if approved at the September 27th regular meeting. This allows sufficient time to complete the new application, the after-action report and other required documents.

**Budget/Funding**: N/A

**Staff Recommendation:** Staff recommends approval of the Special Events Permit Policy and Procedures as presented. If recommended, it will be added to the September 27th agenda for formal approval, with effective date November 1, 2021.

# SPECIAL EVENT PERMIT POLICIES AND PROCEDURES



## DEFINITIONS

**AFTER ACTION REPORT** – analyzing *what* happened, *why* it happened, and *how* it can be done better by the participants and those responsible for the project or event in subsequent years.

**AMPLIFY** – increase the volume of the noise coming through a microphone and/or speakers so that everyone in the vicinity of you can hear.

**CERTIFICATE OF LIABILITY INSURANCE (COI)** – a document that verifies the existence of general liability insurance coverage and summarizes the key aspects and conditions of the policy. The Virginia Risk Sharing Association (VRSA) Tenant Use Liability Insurance Program is available.

**CODE OF CONDUCT** – posted in Town of Front Royal public space/property for all the public to adhere to at all times.

**DECORATIONS/STRUCTURES** – props, displays, tents, inflatables, amusement rides, booths, wagons, carts, and all similar types of property which might tend to harm town land or street areas, including aesthetic interests.

**DOWNTOWN AREA** – includes Main Street, Chester Street, Crescent Street, Peyton Street, Laura Virginia Hale, High Street, Kidd Lane, Water Street, Jackson Street and portions of Church Street and Blue Ridge Avenue, and the Town Commons Area Parking Lot. This area also includes the Town Commons Area that includes the Gazebo, Pavilion, Parking Lot, and Visitor Center.

**EVENT ORGANIZER** – the individuals(s) who signs, or whose authorized representative(s), an application for an event permit and who will be responsible under the permit, if issued, for ensuring that the event will be conducted in accordance with these regulations. Also referred to as the "applicant".

**GATHERING** – an assembly or meeting of less than twenty-five (25) individuals, held for a specific purpose.

**PARADE** – procession, with or without vehicles, requiring closure of town streets to normal traffic; any march, demonstration, procession, or motorcade upon public space that interferes with or presents a significant probability of interfering with the normal flow or regulation of pedestrian or vehicular traffic upon public space.

**PUBLIC SPACE/PROPERTY/RIGHT-OF-WAY** – any street, sidewalk, alley, or any other property of the Town which is open to the public.

**RACES/WALKS** – a long-distance race or walk organized as a fundraising event.

**RECURRING EVENT** – occurring again periodically or repeatedly within the same day, week, or month.

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**SPECIAL EVENT** – an outdoor event where a public forum of expressive activity occurs on any public space/properties/right-of-way during a particular interval of time hosted outside of the event organizers' normal business or organization programs or activities, where the public is invited.

**SPONTANEOUS GATHERING** – an unplanned or unannounced coming together of persons which may occur in response to unforeseen circumstances.

**SPONSOR** – an individual or organization that pays some or all of the costs involved in staging a special event in return for advertising or similar recognition.

**TOWN SPONSORED OR CO-SPONSORED EVENTS** – all events the Town of Front Royal sponsors entirely or in conjunction with another organization.

## APPLICATIONS TO RESERVE PUBLIC SPACE/PROPERTY/RIGHT-OF-WAY

The Town of Front Royal has made available to civic organizations, the ability to reserve a public property/space/right-of-way by submitting a completed application in accordance with the below policies and procedures to the Town Manager's Office, or Manager's designee for review. Information on the application will be used to define and determine permit eligibility through measurable criteria.

A separate application is required for Parades, Races/Walks, and Processions, or similar. Matrix does not apply.

## SPECIAL EVENTS MATRIX CRITERIA

All applications will be reviewed by the Town Manager, or Manager's designee on the basis of the following criteria to determine the appropriate event category and assist in the decision to approve the application.

1. Purpose ~~– Community & Destination Benefit~~
2. Demonstrated History of Event ~~Success~~
3. Evidence of Partnership - multiple businesses/**vendors** participating.
4. **Anticipated** Attendance Figures
5. Organizational Structure & Management ~~Capability~~ **(support staff)**
6. ~~Business Benefit – Direct Spending~~
7. ~~Funding Capacity~~
8. ~~Overnight Stays / Room Nights~~
9. Target Market **Budget for the Event** ~~Alignment~~
10. ~~Evaluation & Measurement Plan~~

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- Events scoring below ~~33~~ **15** are categorized as a Community Gathering.
- Events scoring between ~~33 and 42~~ **16 – 29** are categorized as a Community Special Event.
- Events scoring ~~43 and above~~ **30** are categorized as a Tourism Special Event.
- **Matrix does not apply to Parades, Races/Walks, Processions, Town Events, Town Co-sponsored events or any event the Town Manager or his designee determines is an exception.**

## SPECIAL EVENTS CATEGORIES THAT REQUIRE A PERMIT IDENTIFIED BY THE MATRIX

### COMMUNITY GATHERING

An outdoor event where a public forum of expressive reserved activity occurs on public property, where the public is invited, and is anticipated by the event organizer to draw approximately 25 people or less.

- Applications accepted between twelve (12) months and thirty (30) days prior to event.
- Reservation Fee: $50.00 (non-refundable) This includes use of electricity and water. If these services are not applicable, the reservation fee is $25.00. Refundable if cancelled within 24 – 48 hours.
- Reservation Date accepted upon written request to Town Manager, or Manager's designee
- Applicants responsible for a completed application 30 days prior to event including payment of fees and Certificate of Liability Insurance.
- No applications accepted if received less than 30 days before event.
- ~~Permit will be issued within 15 days of event.~~ **Once approved**, no changes to the permit will be allowed unless specifically authorized by the Town Manager, or designee
- Each civic organization is allowed eight (8) permits in a calendar year.
- Each event is permitted for up to six (6) hours per event.
- Unlimited events are granted throughout the year.
- Closures of streets/parking lots will not be allowed
- Recurring events are not allowed

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### COMMUNITY

An outdoor event where a public forum of expressive activity occurs on public property, where the public is invited, and that is anticipated by the event organizer to draw up to approximately ~~500~~ **1000** people.

- Applications accepted between twelve (12) months and thirty (30) days prior to event.
- Reservation Fee: $100.00 (non-refundable) This includes use of electricity, water and public works. If services are not applicable, reservation Fee: $50.00. Refundable if event is cancelled within 24-48 hours.
- Reservation Date accepted upon written request to Town Manager, or Manager's designee

- Applicants responsible for a completed application 30 days prior to event including payment of fees and Certificate of Liability Insurance.
- No applications accepted if received less than 30 days before event.
- ~~Permit will be issued within 15 days of event.~~ No changes to the permit will be allowed unless specifically authorized by the Town Manager, or Manager's designee
- Each civic organization is allowed four (4) permits in a calendar year.
- Each event is permitted, regardless of closure, up to ten (10) hours per day per event.
- Unlimited events are granted throughout the year.
- No full closure of streets will be allowed; however, the closures of partial streets/parking lots will be considered **(see Closures in this Policy)** ~~with payment of the following fees:~~
    - ~~Closure of Partial Street/Town Commons Parking Lot - $100.00*~~
    - ~~Closure of Town Commons Parking Lot - $50.00*~~
- Event Organizers shall notify business and residents of the scheduled event and closures no longer than 10 days before the event **by signing an Agreement to Notify all Adjacent Businesses and Residents form that will include a template of a letter for the Event Organizer to give out to those affected by the special event closures.**
- Recurring Events are not allowed

~~*in addition to reservation fee (non-refundable). Refundable if cancelled within 24-48 hours.~~

## TOURISM

An outdoor event where a public forum of expressive activity occurs on public property, where the public is invited, and that is anticipated by the event organizer to draw more than ~~500~~ **1000** people.

- Applications accepted between twelve (12) months and six (6) months prior to event
- Reservation Fee: $200.00 (non-refundable) This includes use of electricity, water and public works. Refundable if event is cancelled within 24-48 hours.
- Reservation Date accepted upon written request to Town Manager, or Manager's designee
- Applicants responsible for a completed application forty-five (45) days prior to event (including payment of fees and Certificate of Liability Insurance).
- No applications accepted if received less than six (6) months before event.
- ~~Permit will be issued within thirty (30) days of event.~~ **Once approved,** no changes to the permit will be allowed unless specifically authorized by the Town Manager, or Manager's designee
- Each event is permitted, regardless of closure, up to twelve (12) hours per day per event.
- A maximum amount of two (2) permits shall be allowed per year, per civic organization
- Full and partial closure of streets/parking lots will be ~~allowed~~ **considered (see Closures in this Policy)** ~~with payment of the following fees~~:
    - ~~Closure of Full Street - $100.00*~~
    - ~~Closure of Full Street/Parking Lot - $150.00*~~

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- ~~Closure of Partial Street/Town Commons Parking Lot - $100.00*~~
- ~~Closure of Partial Street/Town Parking Lot - $50.00*~~

- Event Organizer shall notify business/residents of the scheduled event and closures no longer than thirty (30) days before the event **by signing an Agreement to Notify all Adjacent Businesses and Residents form that will include a template of a letter for the Event Organizer to give out to those affected by the special event closures.**
- Recurring Events are not allowed

~~Combinations of partial and full street closures are limited to two (2) per month per civic organization in the Downtown Area.~~

~~*in addition to reservation fee (non-refundable). Refundable if cancelled within 24-48 hours.~~

## CLOSURES OF STREETS/ALLEYS/PARKING LOTS/SIMILAR PUBLIC AREAS

**Closures are allowed** for matrix-determined **Community and Tourism** events as well as parades, races/walks and all other areas of **Town-owned property** that is not determined as being in the Downtown Area.

Closure of Full Street - $100.00*
For Downtown Area this includes the adjoining streets
No longer than 12 hours per event **per day**
**Tourism Events, Parades, Race/Walks, Processions only**

Closure of Full Street/**Town Commons** Parking Lot - $150.00*
For Downtown Area this includes the adjoining streets
No longer than 12 hours per event **per day**
**Tourism Events, Parades, Race/Walks, Processions only**

Closure of Partial Street - $50.00*
For Downtown Area this includes the adjoining streets
No longer than 10 hours per event
**Community and Tourism Events only**

Closure of Partial Street/Town Commons Parking Lot - $100.00*
No longer than 10 hours per event
**Community and Tourism Events only**

Closure of Town Commons Parking Lot - $50.00*
No longer than 10 hours per event
**Community and Tourism Events only**

**in addition to Reservation Fee. Refundable if cancelled within 24 hours*

No more than two (2) complete street closures per month in the Downtown Area are allowed.

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Combinations of partial and full street closures are limited to two (2) per month per civic organization in the Downtown Area.

## CERTIFICATE OF LIABILITY INSURANCE REQUIREMENT

A certificate of liability insurance is required for all permitted special events held on any public space/properties/right-of-way. All applicants are to provide a *CERTIFICATE OF LIABILITY INSURANCE* listing insured civic organization, underwritten by insurers acceptable to the Town, indemnifying the Town against any perils, suits, claims and losses which may arise in connection with the proposed activity. Such coverage shall be based upon risks associated with the requested special event, in consideration of anticipated attendance and closure(s) of a specific public space/property/right-of-way. The Certificate of Liability Insurance shall list the following directly on the certificate:

1. Event Name
2. Event Date
3. Event Location and any specific closures.
4. Town listed as "Additional Insured."
5. Minimum $1,000,000 (depending on event)

## PERMITS NOT REQUIRED ON PUBLIC SPACE/PROPERTY/RIGHT-OF-WAY

All public space/properties/right-of-way are public gathering places are open to all residents and visitors in the community to enjoy at any time without a reservation. The Code of Conduct posted at all these areas must be followed by attendees **at all times. Any gatherings requesting a reservation of Town public space** ~~over 25 or more individuals gathered for specific event,~~ will require a special event permit.

Spontaneous Events as defined in these policy and procedures, do not require a permit. The Code of Conduct applies to all attendees of these events.

Town Sponsored or Co-Sponsored events as defined in these policy and procedures take precedence over all special events. An application is required for co-sponsored events from the civic organization who is the co-sponsor with the Town. Matrix and fees do not apply.

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| Event Name: | 0 Points | 1 Point | 2 Points | 3 Points | 4 Points | 5 Points | TOTAL |
|---|---|---|---|---|---|---|---|
| **Event Applicant/Organizer:** | | | | | | | |
| **Event Criteria** | | | | | | | |
| 1. Purpose | Non-Specific | Tourism | Cultural | Community | Fundraiser for one | Fundraiser for 1+ | |
| 2. Demonstrated History of Event | Never | 1-2 years | 3-5 years | 6-10 years | 11-15 years | 16+ years | |
| 3. Evidence of Partnership (multiple businesses/vendors participating | None | 1 - 5 | 6 - 15 | 16 - 35 | 35 - 75 | 75+ | |
| 4. Anticipated Attendance Figures | <100 | 101 - 500 | 501 - 1500 | 1501 - 3000 | 3001 - 5000 | 5001+ | |
| 5. Organizational Structure & Management (support staff) | None | 1 - 5 | 6 - 10 | 11 - 25 | 26 - 50 | 50+ | |
| 6. Target Market Budget for the Event | None | $1 - $100 | $101 - $250 | $251 - $500 | $501 - $1,000 | $1001+ | |
| **Event Score:** | | | | | | | |

< 15 are categorized as a COMMUNITY GATHERING
16 - 29 categorized as a COMMUNITY SPECIAL EVENT
30 categorized as a TOURISM SPECIAL EVENT

CLOSED

# Chapter 72

## SPECIAL EVENTS HELD ON TOWN STREETS AND PUBLIC PROPERTY

**72-1 PURPOSE OF CHAPTER**
**72-2 TOWN STREETS AND PUBLIC PROPERTY REQUESTED FOR USE**
**72-3 APPLICATION, POLICY AND PROCEDURES AND PERMIT**
**72-4 PERMIT EXCEPTIONS**
**72-5 PERMIT REVOCATIONS/SUSPENSION**
**72-6 PROVISIONS OF THIS CHAPTER**
**72-7 VIOLATIONS OF THIS CHAPTER**
**72-8 APPEALS**

Adopted by the Town Council of the Town of Front Royal 3-11-85 *(formerly adopted 11-26-73. Section 72-8 added at time of adoption of Code.* Amended 3-13-06, 8-27-07 AND 1-14-10. Entire Chapter was amended 1-23-12 *(formerly Entertainment Festival)*.; Revised/Reorganized Content and Added Subsections 1-14-19. Amended in its entirety 6-1-21 to remove reference to policy and procedures. Other amendments noted where applicable.

### 72-1 PURPOSE OF CHAPTER

The purpose of this chapter is to accommodate competing demands for the public use of Town streets, and public property that are requested to be used for a special event. Policy and Procedures regulating these areas of demand is necessary to maintain public peace, safety, acceptable conditions of traffic flow and prevention of any illegal or unlawful activity.

### 72-2 TOWN STREETS AND PUBLIC PROPERTY REQUESTED FOR USE

Town streets and public property may be requested for public use in the following areas.

1. Downtown Area that includes Main Street, Chester Street, Crescent Street, Peyton Street, Laura Virginia Hale, High Street, Kidd Lane, Water Street, Jackson Street and portions of Church Street and Blue Ridge Avenue. This area also includes the Town Commons Area that includes the Gazebo, Pavilion, Parking Lot and Visitor Center.

2. All Other Areas that are not included in the Downtown Area mentioned in 72.2.1 but are Town Streets or a public place.

### 72-3 APPLICATION, POLICY AND PROCEDURES AND PERMIT

No special events shall be held on Town streets and public property without an authorized permit from the Town Manager or his designee. Policy and Procedures including the application shall be found in the Town Manager's Office or on the Town's website.

### 72-4 PERMIT EXCEPTIONS

This Chapter shall not apply to:

1. Gatherings or events on private property;

2. Gatherings or events on Warren County owned property located within the Town's corporate limits;

3. Gatherings or events on public or privately owned school property;

4. Activities the Town Manager or his designee deem acceptable as an exception.

## 72-5 PERMIT REVOCATIONS/SUSPENSION

The Town Manager or his designee shall be authorized to revoke or suspend any permit previously granted:

1. For violation of any provisions of this Chapter;

2. For any material misrepresentation, intentional or otherwise, made in connection with the application or the permit;

3. When weather conditions render the subject activity unsafe;

4. When otherwise required in the interest of public health, safety and welfare or environmental considerations.

## 72-6 PROVISIONS OF THIS CHAPTER

The Town Manager may designate one or more officers and/or employees of the Town to administer the provisions of this Chapter and be the final authority for all events held on Town streets and public property.

## 72-7 VIOLATIONS OF THIS CHAPTER

Any person who shall violate any provision of this Chapter shall be suspended from having any future events for one year from time of event or as the Town Manager or designee deems appropriate based on the violation.

## 72-8 APPEALS OF ANY DECISIONS

Appeals of any decisions made by the Town Manager or his designee must be made to the Town Council within thirty days of decision.

**(Entire Chapter Amended 6-1-21-Effective Upon Passage)**

**Work Session Agenda Statement**

**Item # 6**

**Meeting Date: September 13, 2021**

# CLOSED MEETING

**Motions to Go Into Closed Meeting**

I move that Town Council go into Closed Meeting pursuant to Section 2.2-3711.A. of the Code of Virginia for the following reasons:

(1) The discussion, consideration, or interviews of prospective candidates for appointment to boards for which Town Council has the power of appointment, as well as the assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers, appointees, or employees of the Town, pursuant to Subsection 1. of that Code.

(2) Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, regarding the Warren County EDA and Jennifer McDonald, where such consultation or briefing in Open Meeting would adversely affect the negotiating or litigating posture of the public body, pursuant to Subsection A.7; as well as for the purpose of consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel, regarding those same subjects and regarding a potential rezoning matter within the Town that may involve litigation, both pursuant to Subsection A. 8.

(3) Discussion or consideration of the acquisition of privately-held real property for a public purpose, which property is located within the corporate limits of the Town, as well as the discussion or consideration of the disposition of Town-held real property located outside the Town's corporate limits, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body, all pursuant to subsection. A.3.; as well as consultation with legal counsel employed or retained by the public body regarding specific legal matters requiring the provision of legal advice by such counsel in connection therewith, pursuant to Subsection A. 8.

(4) Consultation with legal counsel employed or retained by a Town Council regarding specific legal matters requiring the provision of legal advice by such counsel, specifically, to discuss contractual and programic matters related to a contract the Town is a party to which has become problematic, pursuant to Subsection A. 8.

**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.