



Before the
Colonial Beach Town Council

Held at
Colonial Beach Town Center
22 Washington Avenue, Colonial Beach, VA 22443

Saturday, March 10, 2018 at 8:00 a.m.
Town Council Work Session
AGENDA

1. **Call To Order**
2. **Roll Call of Members**
3. **Approval of the Agenda**
4. **Presentations: None**
5. **Old Business**
 - Discussion of development of Eleanor Trailer Park
 - Discussion of proposed amendments to Zoning Ordinance, Article 12, Signs *(Tab A)*
 - Ordinance, Amends Town Code, Chapter 21, Water & Sewer *(Tab B)*
 - Ordinance #682, Amends TC Chapter 15, Nuisances *(Tab C)*
6. **New Business**
 - Res #11-18, Changes the date for the Regular Town Council meeting to be held in March 2018 *(Tab D)*
 - Revisions to Job Description (CFO/Treasurer) *(Tab E)*
 - Discussion of Commercial Purchase Agreement dated February 26, 2018 re: 10 North Irving Avenue *(Tab F)*

7. Status Items

- **Status of Outstanding VMRC Citations in the Town (K. DeJesus)**
- **Status of No Wake Zone, Monroe Bay (K. DeJesus)**
- **Status of North End of the Boardwalk (R. Murphy)**
- **Status of Down the River Up the Bay (R. Murphy)**
- **Status of Comprehensive Parking Plan for the Town (R. Murphy)**
- **Status of Piers (Town Attorney) *(Tab G)***
- **Status of Vacant Foreclosed Property Registration (Town Attorney) *(Tab H)***
- **Status of Town Revenues for BikeFest, years 0-4 (P. Rogers) *(Tab I)***

8. Items Submitted by Council Members

- **Vehicle Parking Stickers - New placement (Submitted by B. Dellar Feb '18) (D. Plott)**

9. Closed Meeting**11. Adjournment/Recess**

Tab A

<p><u>Key</u></p> <p>Staff additions</p> <p>Staff deductions</p> <p>Additional Planning Commission Amendments</p>

**ARTICLE 12
SIGNS**

Statement of Intent

The purpose of this article is to regulate the size, location, height and construction of all signs; to protect the public health, safety, convenience and general welfare; to facilitate the creation of a convenient, attractive, and harmonious community; to protect property values; and to further the goals, objectives and policies of the Comprehensive Plan. This article is intended to promote signs that are:

- 1) Compatible with the landscape/streetscape and architecture of surrounding buildings, and promote a favorable aesthetic quality of the Town **and its unique character**;
- 2) Properly designed, constructed, installed and maintained, in order to limit driver and pedestrian distraction and otherwise to promote general public safety;
- 3) Legible, relevant and appropriate to the activity to which they pertain;
- 4) Limited in size, placement and frequency, so as to provide a fair avenue for advertisement while maintaining the general value of property.

12-1 Administration

- A. The application and enforcement of the provisions herein shall be the responsibility of the Department of Planning & Community Development. The Planning Director shall reserve the authority to designate an agent to perform these responsibilities on his/her behalf, if and where needed.
- B. The Planning Director shall have the authority to cause the immediate removal of any signs which are not constructed and maintained in accordance with the provisions of this Article or in accordance with the applicable provisions of the Virginia Uniform Statewide Building Code (USBC).
- C. Signs deemed unsafe shall be regulated by the following provisions, as prescribed in § 15.2-906 of the Code of Virginia, as amended :
 1. Whenever, in the opinion of the Planning Director, a sign becomes structurally unsafe or endangers the public safety, such sign shall be ordered to be made safe and to comply with this ordinance or removed, as the case may be. The order shall be sent by certified mail and shall be complied with within thirty (30) days from the date of receipt. Failure to comply with the order shall constitute grounds for the Director to have the sign removed, the cost of which shall be paid by the property owner.
 2. Whenever, in the opinion of the Planning Director, an unsafe sign poses an imminent threat of serious injury to person or property, and it is impracticable to give notice as required by subparagraph (1), the Director may cause the sign to be immediately made safe or removed, and the cost thereof shall be paid by the property owner.

- D. In the event that special site conditions exist, such as those related to topography, building size, location, or orientation, etc., the Planning Director shall reserve the authority to grant approval for signage so long as the subject signage meets the intent of the ordinance.

12-2 General Provisions

- A. *Definitions.* Definitions of various items pertaining to this Article are set forth in the *Definitions* section of this Zoning Ordinance.
- B. *Applicability.* The standards, procedures, exemptions and other requirements of this article shall apply to all signs constructed, erected, moved, enlarged, illuminated, or substantially altered within the municipal limits of the Town.
- C. *Construction.* In addition to the standards set forth in this article, all signs and their structures shall conform to all applicable provisions of the USBC and all amendments thereto.
- D. *Maintenance.* All signs, and their structural and/or electrical components, shall be kept in a generally maintained state at all times.
- E. *Comprehensive Plan.* This article shall be in accordance with the Goals and Objectives of the Comprehensive Plan, notably the objective to “Improve the Town’s aesthetic quality to make a positive and lasting impression on visitors to the community and enhance the quality of life for residents.”
- F. *Conflict.* In the case of conflicting regulations, the most restrictive standard shall apply.

12-3 Permit Required for Signs

- A. Except for signs exempted from regulation, every sign shall be constructed, erected, moved, enlarged, illuminated or substantially altered only in accordance with a sign permit issued by the Planning Director.
- B. Prior to the issuance of any sign permit, an application for a sign permit shall be submitted to the Department of Planning and Community Development for review. The application shall be accompanied by a rendering, or “cut sheets,” of the sign face, and a scaled drawing or survey which shows the following information:
 - 1. All dimensions of the sign and its structure, if applicable;
 - 2. The area of the actual sign face;
 - 3. The proposed location of the sign in reference to property lines, existing structures and other site characteristics;
 - 4. Proposed manner of illumination, if applicable;
 - 5. Method of construction, if applicable, to meet the requirements of the USBC.
- C. A sign permit shall become null and void if the sign is not erected within six (6) months after the date of issuance. Upon written request and for good cause shown, one (1) six-month extension may be granted, pursuant to any required permit renewal fee.

12-4 Signs Excluded from Regulation

The following signs are excluded from regulation under this article, ~~but shall conform to the provisions set forth in Article 12-7:~~

- A. Signs of a duly constituted governmental body, such as, but not limited to, traffic, warning, directional, street, regulatory signs, Red Cross (as prescribed in § 33.1-355 of the Code of Virginia, as amended), or governmental signs which are directly related to the health, safety, convenience or welfare of the community.
- B. Signs with a total area of four (4) ft² or less, **provided the signs conform to the provisions set forth in section 12-7 and** provided that multiples of such signs are not installed in a manner which resembles a larger sign.
- C. ~~Murals and various applied wall art which are purely noncommercial in nature.~~
- D. Bulletin boards, such as those commonly found at community centers, churches, and the like, as well as menu/daily special signs for eating establishments, provided they are no more than twelve (12) ft² in total area, are affixed to a building façade, are not illuminated, and only one is erected per property.
- E. Flags of the Town of Colonial Beach, Commonwealth of Virginia, United States of America, and any other flag of a government entity flown for noncommercial purposes, or a single flag displaying only a corporate logo, and any other horizontally-oriented flags which are purely ornamental and do not promote a commercial activity.
- F. Seasonal displays or decorations which do not advertise products or services. ~~Such signs shall be removed within seven (7) days following the holiday.~~
- G. Signs not visible from a public right-of-way.
- H. Signs on a currently licensed truck, bus or other vehicle while in the normal course of business and provided that such is not parked for display purposes.
- I. ~~Campaign or other political signs.~~
- J. ~~Parking lot entrance, exit, and wayfinding signs, provided that such signs do not exceed 6 (six) ft² in area per sign.~~
- K. Window signs taking up no more than 30% of the total window area.
- L. ~~Signs advertising garage sales, estate sales, and the like, provided they are removed immediately following completion of the event.~~

12-5 **Directional Off-Premise Signs**

- A. ~~Directional~~ off-premise signs which only contain the business name and a directional arrow shall be permitted.
- B. The ~~directional~~ off-premise sign shall ~~be up to not exceed~~ four (4) ft² in area and shall not be more than four (4) feet in height.
- C. The sign shall be located at least five (5) feet from the public right-of-way(s) and shall not interfere with any required sight triangles for property entrance(s) or adjacent roadways.
- D. A zoning permit is required for such signs.
- E. A notarized letter from the property owner(s) is to accompany the permit application indicating the property owner's permission to erect the directional sign on their property.

12-6 **Real Estate, Contractor, & Financing Signs Temporary Yard Signs**

- A. ~~Real estate and contractor signs~~ **Temporary Yard Signs** are exempt from permitting requirements and are regulated as follows:
 1. ~~One (1) yard sign real estate sign and one (1) developer/contractor sign for each street frontage advertising residential real estate for sale, lease or an open house~~ provided that such sign is located on the premises, is non-illuminated, and does not exceed six (6) ft² in area. Maximum sign area of the sum of all such signs shall not exceed fifty (50) ft² in total area. ~~Such signs must be removed within seven (7) days of the sale, lease or completion of the improvement.~~ Reworded: Yard signs shall not exceed (6) ft² in area. No more than 5 yard signs shall be permitted on any property at one time.
 2. ~~Two (2) general real estate, contractor, and/or financing signs (non-residential projects).~~
 - a. ~~Such signs may advertise commercial real estate for sale or lease, contractor(s) performing the work, and source of financing.~~

- ~~b.—Maximum sign area all such signs shall not exceed fifty (50) ft² in total area.~~
- ~~c.—All such signs must be removed prior upon issuance of a Certificate of Occupancy or within seven (7) days of completion of the improvement or construction.~~

3. Signs shall be setback a minimum of three (3) feet from any property line(s) and shall not interfere with any required sight triangles for property entrance(s) or adjacent roadways.
4. Signs shall not exceed eight (8) feet in height.
5. Temporary yard signs must be temporary in nature.
6. Temporary yard signs must be removed within seven (7) days of the activity in which the sign is advertising.

12-7 Temporary Signs

- A. In addition to the provisions set forth in Articles 12-4 and 12-7, temporary signs and banners are permitted provided such signs conform to the following provisions:
 1. Temporary signs and banners are subject to a zoning permit fee, as prescribed in the adopted Town Fee Schedule.
 2. Not more than one (1) such sign shall be located on any lot, except when such lot contains multiple establishments or uses, one (1) temporary sign or banner shall be permitted for each separately identifiable establishment or use located thereon.
 3. In cases where there are multiple businesses there shall not be more than 1 temporary sign per 25-feet of road frontage with a maximum number of six (6) temporary signs
 4. No single temporary sign shall exceed eighteen ~~(18) ft²~~ (32) ft² (enlarged to make up for “advertising grand openings”, etc. as listed in strike through below) in total area nor shall the sum of all temporary signs exceed fifty (75) ft².
 5. Permitted temporary signs or banners may be erected for a period of no more than thirty (30) consecutive days, and no establishment or use may erect six (6) temporary signs or banners in a calendar year.
 6. The temporary sign shall not be illuminated.
 7. The minimum setback distance shall be ten (10) feet from the right-of-way of any state primary route; this distance shall be a minimum of three (3) feet from the right-of-way of all other roadways.
 8. Temporary signs shall be maintained in a neat, clean and orderly fashion. Tattered and torn temporary signs shall not be permitted.
 9. The sign meets all other applicable provisions of this article.

~~B.—Temporary signs/banners advertising a grand opening, soon to open business, new management, going out of business sale, and the like, are not subject to a zoning permit fee and shall be no larger than thirty two (32) ft². Such signs shall be erected for no longer than thirty (30) days.~~

- C. Temporary signs shall not be included in the computation of permitted sign area.

12-8 Signs Prohibited

Notwithstanding any other provision of this article, the following signs are prohibited and subject to immediate removal by the Town:

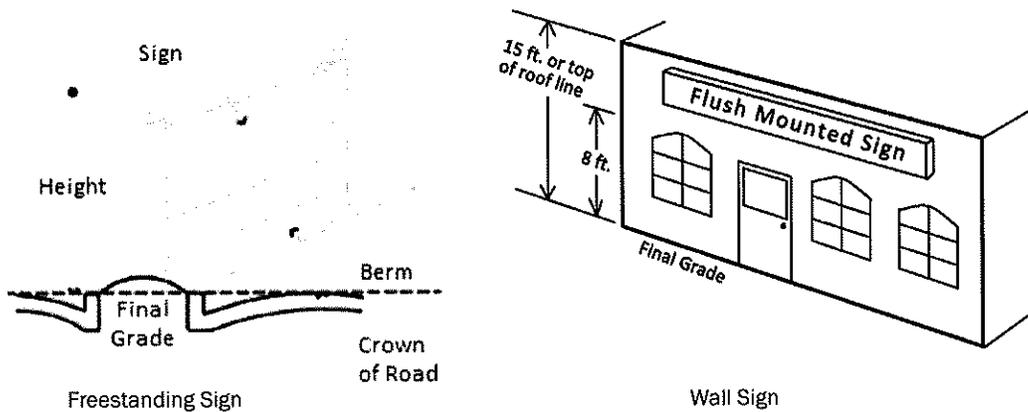
- A. Signs that flutter, rotate, or otherwise move for the purpose of attracting attention, or those which produce sound, odor, liquid or visible matter such as smoke or vapor.
- ~~B.—Off premises advertising signs including billboards.~~
- C. Signs that imitate or obscure those of a duly constituted governmental body.
- D. Any sign that is displayed on a stationary motor vehicle or trailer when the vehicle or trailer is used primarily for the purpose of, and serving the function of, a portable sign
- E. Signs which advertise illegal activities under federal, state or local laws or regulations.
- F. Temporary signs located in any public right-of-way or attached to any utility pole or structure.

- G. Signs which are placed or located so as to impede vision or contravene other requirements of applicable traffic ordinances or statutes.
- H. Signs, not being an integral part of the building design, which are fastened to, supported by, or on the roof of a building.
- I. Signs that extend over or above the roof line or parapet wall of a building.
- J. All other signs not expressly permitted in this ordinance.

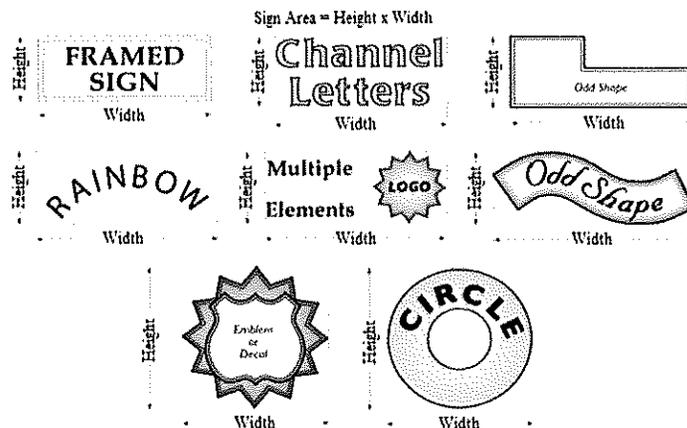
12-9 Calculation of Sign Dimensions

A. General Dimensional Standards:

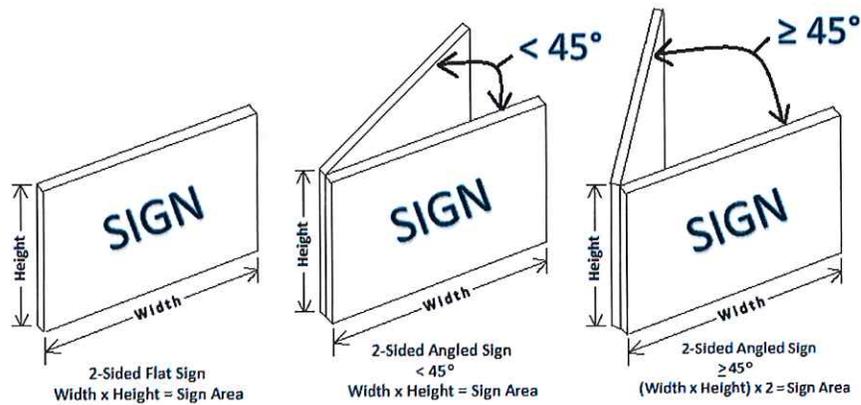
1. *Height.* The height of a sign shall be measured from the final grade around the sign to the highest physical point of the sign excluding supporting structure, framework, base, or bracing.



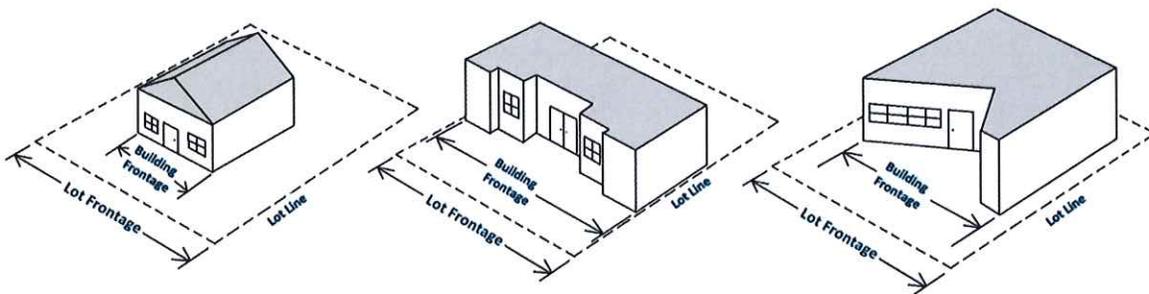
2. *Area.* The area of a sign face shall be established by determining the square footage of all text, representations, colors, emblems, and other displays contained in a sign. The area shall not include any supporting structure, framework, base, or bracing.



3. *Faces.* Where the sign faces of a double-faced sign are parallel, or the interior angle formed by the faces is less than 45°, only one (1) display face shall be used to compute the sign area. If the angle is greater than or equal to 45°, the area of both sign faces shall be used to compute the sign area. If the two (2) faces of a double faced sign unequal in area, the area of the larger face shall be used.



4. *Building/Lot Frontage.* A building's frontage is the horizontal length of a building on the side containing the primary entrance. If the wall is straight, then the frontage shall be the length of the wall. If the wall is not straight, the frontage shall be measured as a straight line from corner to corner of the front building face. The lot frontage is the linear distance between points where the side property lines meet the street right-of-way.

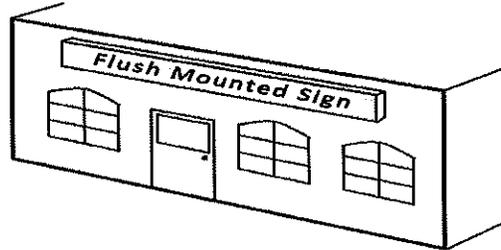


12-10 Sign Types

- A. *Wall Signs.* Permitted variations of wall signs include: flush mounted, suspended, marquee, canopy/awning.
1. *General Standards.*
 - a. Such signs are permitted on the wall(s) of the building frontage which are visible from a public right-of-way.
 - b. A building frontage may have up to two (2) of the permitted wall sign types, so long as the total aggregate sign area per frontage does not exceed seventy-five (75) ft² per establishment.
 - c. On a multi-occupancy building, each occupant with a separate outside entrance to the general public may be permitted to have one (1) separate wall sign above said entrance provided the total sign area does not exceed 75 ft².
 - d. Roofing elements within 30° of vertical, e.g. a "mansard" roof, may be considered a wall for the purposes of this ordinance.
 - e. A wall sign and/or its supporting structure may project into or above a public right-of-way no more than three (3) feet, but shall not project into or over any roadway.
 - f. Such signs shall be constructed of materials and in a manner that represents a finished appearance, e.g. no unfinished raw materials, exposed fasteners, unpainted surfaces or those otherwise unprotected from the elements, or any other aspect that may signify incomplete construction.

2. *Flush Mounted Wall Signs.* General standards for flush mounted wall signs are as follows:

- a. The area of an individual flush mounted wall sign shall be one (1) ft² for every one (1) linear foot on building frontage, up to a maximum of seventy-five (75) ft².
- b. No such sign may project outward more than one (1) foot from the building façade on which it is attached.



Zoning / Land Use	Flush Mounted Wall Signs			
	Permitted?	Maximum Sign area	Minimum Height	Maximum Height
R-1, R-2, R-2A, R-3, R-4*	✓	3 ft ²	4 ft.	8 ft.
CR	✓	75 ft ²	8 ft.	15 ft.
RC	✓	75 ft ²	8 ft.	15 ft.
C-1, C-2	✓	75 ft ²	8 ft.	15 ft.
MC	✓	75 ft ²	8 ft.	15 ft.

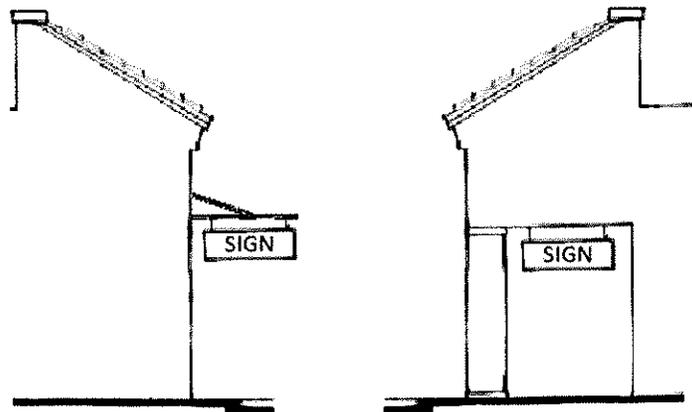
* Single-family homes are permitted one (1) wall sign only in accordance with an approved home occupation permit.

3. *Projecting Wall Signs.* General standards for projecting signs are as follows:

- a. No part of any projecting sign shall be lower than eight (8) feet from final grade.
- b. No part of any projecting sign shall project farther than three (3) feet from the building façade on which it is attached.

i. *Suspended Signs.*

- a) All suspended blade signs shall be installed 90° from the building façade on which they are attached.



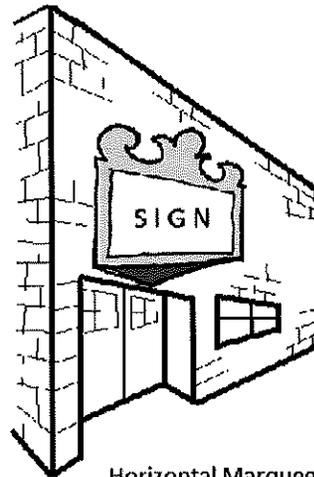
Zoning / Land Use	Suspended Signs			
	Permitted?	Maximum Sign area	Minimum Height	Maximum Height
CR	✓	15 ft ²	8 ft.	15 ft.
RC	✓	15 ft ²	8 ft.	15 ft.
C-1, C-2	✓	15 ft ²	8 ft.	15 ft.
MC	✓	15 ft ²	8 ft.	15 ft.

ii. *Marquee Signs.*

- a) All vertical marquee signs shall be installed 90° from the building façade on which it is attached.



Vertical Marquee Sign

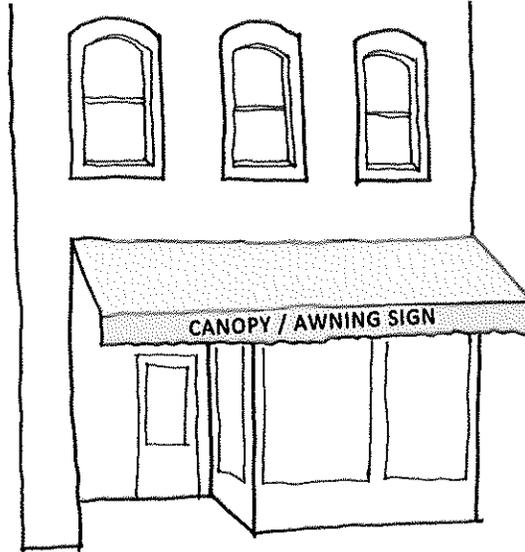


Horizontal Marquee Sign

Zoning / Land Use	Vertical Marquee Signs				Horizontal Marquee Signs			
	Permitted?	Maximum Sign area	Minimum Height	Maximum Height	Permitted?	Maximum Sign area	Minimum Height	Maximum Height
RC	✓	15 ft ²	8 ft.	15 ft.	✓	75 ft ²	8 ft.	15 ft.
C-1, C-2	✓	15 ft ²	8 ft.	15 ft.	✓	75 ft ²	8 ft.	15 ft.

iii. *Canopy/Awning Signs.*

- a) Any lettering and/or images comprising the sign area on an awning or canopy shall be located on the face of the awning or canopy, parallel to the building.
- b) Internal illumination is not permitted on canopy/awning signs.



Zoning / Land Use	Canopy/Awning Signs			
	Permitted?	Maximum Sign area	Minimum Height	Maximum Height
CR	✓	15 ft ²	8 ft.	15 ft.
RC	✓	15 ft ²	8 ft.	15 ft.
C-1, C-2	✓	15 ft ²	8 ft.	15 ft.
MC	✓	15 ft ²	8 ft.	15 ft.

B. *Freestanding Signs.* Permitted variations of primary freestanding signs include: double pole, hanging blade and monument. Permitted variations of secondary freestanding signs include: “a-frame” and “h-frame” as well as vertical flag signs.

1. *General Standards.*

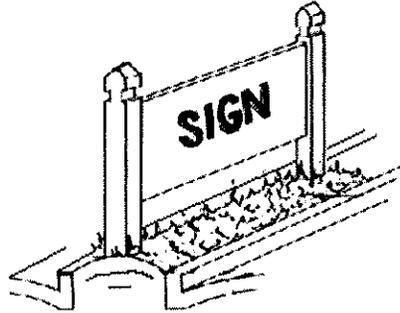
- a. Such signs may be double-sided, but the sides shall be identical.
- b. The setback distance shall be a minimum of three (3) feet from the property line, except along a state primary route for which the minimum shall be five (5) ten feet, and adequate to clear sight triangles for the property entrance(s).
- c. No part of any freestanding sign or its supporting structure may project into or above any public right-of-way.
- d. Such signs shall be constructed of materials and in a manner that represents a finished appearance, e.g. no unfinished raw materials, exposed fasteners, unpainted surfaces or those otherwise unprotected from the elements, or any other aspect that may signify incomplete construction.

2. *Primary Freestanding Signs.*

- a. No property shall be permitted more than one (1) primary freestanding sign, except if the property has a secondary entrance on a separate public road. Such a property may have one (1) additional primary freestanding sign for the secondary entrance, provided that the secondary lot frontage is at least as long as the primary lot frontage.
- b. All primary freestanding signs shall be located in a mulched and landscaped bed, exclusive of any landscaping required in Article 24 of this Ordinance.

c. Outparcels located in shopping centers shall not have a primary freestanding sign.

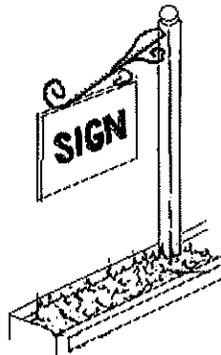
i. Double Pole Signs.



Zoning / Land Use	Double Pole Signs		
	Permitted?	Maximum Sign area	Maximum Height
Multi-Family Use*	✓	24 ft ²	6 feet
Church / Institutional	✓	32 ft ²	12 feet
CR	✓	32 ft ²	12 feet
RC	✓	32 ft ²	12 feet
C-1, C-2	✓	32 ft ²	12 feet
MC	✓	32 ft ²	12 feet
A-1, M-1	✓	32 ft ²	12 feet

* Such signs shall only be permitted to identify the business

ii. Hanging Blade Signs.



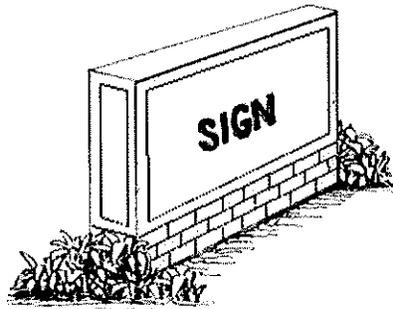
Zoning / Land Use	Hanging Blade Signs		
	Permitted?	Maximum Sign area	Maximum Height
Multi-	✓	24 ft ²	6 feet

Family Use*			
Church / Institutional	✓	24 ft ²	8 feet
CR	✓	24 ft ²	8 feet
RC	✓	24 ft ²	8 feet
C-1, C-2	✓	24 ft ²	8 feet
MC	✓	24 ft ²	8 feet
A-1, M-1	✓	24 ft ²	8 feet

* Such signs shall only be permitted to identify the business

iii. *Monument Signs.*

- a) Such signs shall be constructed with a masonry base and/or supporting structure. The materials used shall reflect the architecture of the principal structure(s) on the property.

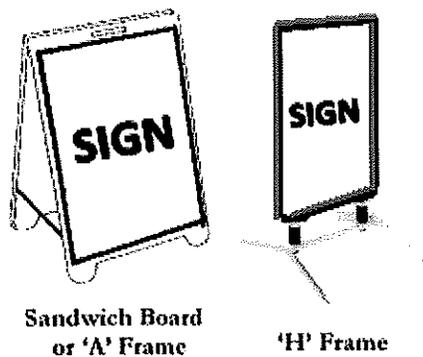


Zoning / Land Use	Monument Signs		
	Permitted?	Maximum Sign area	Maximum Height
Multi-Family Use	✓	32 ft ²	8 feet
Major Subdivision	✓	32 ft ²	8 feet
Church / Institutional	✓	32 ft ²	8 feet
PUD-R	✓	64 ft ²	8 feet
CR	✓	32 ft ²	8 feet
RC	✓	32 ft ²	8 feet
C-1, C-2*	✓	32 ft ²	8 feet
MC	✓	32 ft ²	8 feet
A-1, M-1	✓	32 ft ²	8 feet

* Shopping centers in these districts may have a monument sign with a max. height of 12 feet and a max sign area of 60 ft².

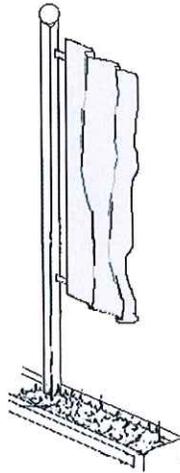
3. *Secondary Freestanding Signs.* General standards for all secondary freestanding signs are as follows:

- a. An individual property may be permitted one (1) secondary freestanding sign in addition to any primary freestanding sign as specified in part d –i below.
 - b. Such signs shall be exempt from permit requirements, but shall conform to all other applicable provisions in this article.
 - c. Such signs shall not be illuminated.
 - d. Such signs shall be removed at the end of each business day.
- i. *A-Frame & H-Frame Signs.*
 - a) Each tenant within a shopping center may erect one (1) A-Frame or H-Frame sign, provided the sign is located in front of the business, does not occupy any required parking space and provides at least thirty-six (36) inches of clearance for pedestrians.



Zoning / Land Use	A-Frame & H-Frame Signs		
	Permitted?	Maximum Sign area	Maximum Height
Multi-Family Use	✓	8 ft ²	4 feet
Major Subdivision	✓	8 ft ²	4 feet
Church / Institutional	✓	8 ft ²	4 feet
CR	✓	8 ft ²	4 feet
RC	✓	8 ft ²	4 feet
C-1, C-2	✓	8 ft ²	4 feet
MC	✓	8 ft ²	4 feet

- ii. *Vertical Flag Signs.*
 - a) Shopping centers are permitted as provided in Section 12-7 of this article



Zoning / Land Use	Vertical Flag Signs		
	Permitted?	Maximum Sign area	Maximum Height
CR	✓	24 ft ²	12 feet
RC	✓	24 ft ²	12 feet
C-1, C-2	✓	24 ft ²	12 feet
MC	✓	24 ft ²	12 feet

C. *Murals (Commercial and Non-Commercial)*. General standards for murals are as follows:

1. *Mural size shall not exceed 50% of the wall on which it is designed.*
2. *Murals shall be maintained in good repair, free from peeling paint or damage due to age, weather, vandalism or the like.*

Reworded as the following:

4. Murals (Commercial and Non-Commercial). General standards for murals are as follows:
 - a. Murals shall be restricted that, by their content, threaten the public health, safety and general welfare of the residents of Colonial Beach.
 - b. Murals shall be maintained in good repair, free from peeling paint or damage due to age.
 - c. Murals that are primarily non-commercial in nature are not subject to any size restrictions relative to the surface on which they are painted or adhered.
 - d. Murals that are primarily commercial in nature are subject to the same size restrictions as other commercial signage contained herein.

12-11 Maximum Aggregate Sign Area

- A. The maximum aggregate sign area of all permitted sign types on a single property shall be seventy-five (75) ft², except as provided for in Section 12-12. For multi-occupancy buildings and

shopping centers, this maximum area shall be per business or occupant, exclusive of any respective sign area on a shared sign structure.

12-12 Changeable Copy Signs

- A. Any primary freestanding sign may have up to an additional fifty (50) percent of its sign area as traditional changeable copy.
- B. Any secondary freestanding sign(s) are not permitted except as provided in Section 12-10 Section B-3, d ,i & ii.
- C. Digital changeable copy or digital billboard type signs shall be incorporated into a monument sign as specified in section 12-10, Section B-2-c-iii.

12-13 Sign Illumination

- A. No flashing or intermittent illumination shall be used on any sign or structure. Scrolling text may be permitted on a digital sign in accordance with Article 12-12 above.
- B. Any sign permitted by this Article may be internally or externally illuminated, provided the illumination is installed in such a manner as to prevent the undiffused light rays from being cast upon adjacent properties, upon any public right-of-way or the night sky.
- C. Illuminated signs shall require an electrical permit in addition to a standard zoning permit.

12-14 Removal of Vegetation Around Signs

- A. No person shall destroy or remove or trim any trees, shrubs or other vegetation for the purpose of increasing or enhancing the visibility of any sign if the subject vegetation is:
 - 1. Within any public right-of-way, unless the work is done by an agency having jurisdiction over such area;
 - 2. On property that is not under the ownership or control of the person responsible for such work, unless authorization is provided by the property owner where the subject vegetation is located;
 - 3. Required landscaping, as prescribed in the *Landscaping* article of this Zoning Ordinance;
 - 4. Regulated or otherwise protected under the provisions of the *Chesapeake Bay Preservation Area Overlay District* article of this Zoning Ordinance.
- D. Limbs on the underside of any tree may be pruned, i.e. "up-limbed", to a maximum height of twelve (12) feet in order to enhance visibility of any sign.
- E. No tree may be "topped," i.e. have its upper limbs removed, in order to enhance visibility of any sign.

12-15 Nonconforming Signs

- A. Any sign lawfully in existence on the date of enactment of this ordinance may be maintained as nonconforming until the related building occupant or use ceases operations in the space.
- B. No nonconforming sign may be enlarged or altered in such a manner as to expand the nonconformity, nor may illumination be added to any nonconforming sign.
- C. A nonconforming sign may not be moved or replaced except to bring the sign into complete conformity with this article.
- D. A nonconforming sign destroyed by any cause may not be repaired, reconstructed or replaced except in conformity with this article. For the purposes of this section, a nonconforming sign is destroyed if damaged to an extent that the cost of repairing the sign to its former condition or replacing it with an equivalent sign equals or exceeds the value of the sign so damaged.
- E. The message of a nonconforming sign may be changed so long as this does not create any new non-conformity.

12-16 Abandoned/Obsolete Signs

- A. Signs advertising a business or use that have been discontinued for a period of at least two (2) years shall be deemed abandoned/obsolete. Such signs shall be brought into conformity with this Article, or removed in their entirety, as prescribed in § 15.2-2307 of the Code of Virginia, as amended.

To Be Added to Article 20 Definitions:

Murals: a commercial or non-commercial painting or other work of art attached or painted to a wall.

Yard Sign: Temporary signs that are typically placed in the front yard of a residence. Examples of yard signs include but are not limited to Real Estate and Contractor signs.

Tab B

• **ARTICLE VII. - PROCEDURES AND ADMINISTRATION**

• **Sec. 21-89. - Water and sewer extensions.**

(a)

No extension of the town's ~~water or sewer system waterworks or sewage work~~ shall be made for the purpose of serving users located within or without the town limits except upon the approval of such extension by the town ~~managereouncil~~. Application for such approval shall be made to the town ~~council and filed with the~~ manager. Such application shall be accompanied by the plans and specifications which meet the standards of the town.

(b)

The approval of an extension of the ~~town's water or sewer system town waterworks or sewage works~~ shall be conditioned as follows:

(1)

The ~~town's water or sewer system town waterworks or sewage works~~ shall be extended in accordance with plans and specifications approved by the ~~town manager or his or her designee~~ council.

(2)

The applicant shall secure such easements or fee simple title, free of defects, as are necessary, prior to construction and upon completion will convey, by appropriate instrument, the completed system, easements and fee simple title to the town, free of costs.

(c)

No building permit shall be issued until the ~~town managereouncil~~ has approved the application. Nothing contained herein shall obligate the town to extend service.

Tab C

ARTICLE I. - TRASH, GARBAGE, WEEDS, GRASS

Sec. 15-1. - Unlawful conditions of trash, garbage, refuse, litter and other substances generally.

- (a) No owner of any lot or parcel of land within the town shall permit trash, garbage, refuse, litter and other substances which ~~mightare reasonably liable to~~ endanger the health or safety of ~~otherany person residents of the town or injuriously affect public health or safety~~ to remain on the lot or parcel. Trash, garbage, refuse, litter and other debris shall be disposed of in personally owned or privately owned receptacles that are provided for such use and for the use of the persons disposing of such matter or in authorized facilities provided for such purpose and in no other manner not authorized by law.
- (b) Whenever the town manager or the official designated by him or her determines that any such ~~unlawful~~ conditions as identified in subsection (a) exist, he or she shall notify the property owner of record of such determination by first class mail, ~~and certified mail, return receipt requested sent to the address listed in the real estate tax records, and shall requestiring that the such~~ property owner ~~to~~ correct the condition.
- (c) If the condition is not corrected within ~~fourteenseven~~ (147) days after the date of the mailing of the notice from the town manager or his or her designee, the town manager may order such condition to be corrected, either by town forces or by a private contractor. A property owner shall have ten (10) days from the date of the mailing of a notice to correct subsequent violation(s) of this section that occur within twelve (12) calendar months of the of the date of the mailing of a notice of first violation.

The ~~actual~~ cost or expenses of the correction of the condition of the property shall be billed to the property owner and, if not promptly paid, shall be added to and collected in the same manner as ~~the real estate taxes are collected on such property.~~ Such unpaid amounts shall constitute a lien against such property ranking on a parity with liens for unpaid local taxes and enforceable in the same manner as provided in Articles 3 (§58.1-3940 et seq.) and 4 (§58.1-3965 et seq.) of Chapter 39 of Title 58.1 of the Code of Virginia, 1950, as amended. Such liens may be waived by the town manager in order to facilitate the sale of the property. Such liens may be waived only as to a purchaser who is unrelated by blood or marriage to the owner and who has no business association with the owner. All such liens shall remain a personal obligation of the owner of the property at the time the liens were imposed.

(d) In addition, violations of this section shall be subject to a civil penalty, not to exceed \$50 for the first violation, or violations arising from the same set of operative facts. The civil penalty for subsequent violations not arising from the same set of operative facts within twelve (12) months of the first violation shall not exceed \$ 200. Each business day during which the same violation is found to have existed shall constitute a separate offense. In no event shall a series of specified violations arising from the same set of operative facts result in civil penalties that exceed a total of \$ 3,000 in a twelve (12) month period.

Sec. 15-2. - Unlawful conditions of weeds, grass, shrubbery, trees and other vegetation generally.

(a) *General prohibitions.*

- (1) No owner of any vacant developed or undeveloped property, including property upon which buildings or other improvements are located, within the boundaries of the town shall permit to remain thereon, any grass, weeds, brush or other uncontrolled vegetation in excess of twelve (12) inches in height.
- (2) No owner of any lot or parcel of land shall permit to grow or remain thereon any hedge, shrub, tree or other vegetation, the limbs, branches or other parts of which overhang, extend or protrude into any street, sidewalk or public alley in a manner which obstructs or impedes the safe and orderly movement of persons or vehicles thereon; or, in the case of trees, when the dead limbs or branches thereof are likely to fall into or across such street or sidewalk, thereby endangering such persons and vehicles.
- (3) Upon remedying any such unlawful condition, the owner shall promptly dispose of such vegetation in an appropriate manner.

(b) *Abatement and penalty.*

- (1) Whenever the town manager, or the official designated by him or her, has determined by reports, inspections or otherwise, that any such unlawful condition exists as defined in this section, he or she shall notify the owner of the land upon which the violation exists to cut or cause to be cut the grass, weeds, brush or other uncontrolled vegetation within ~~tenseven~~ (107) days of the date of the mailing of the notice. Such notice shall be in writing, shall be sent by first class mail, ~~and by certified mail, return receipt requested, to the address listed in the real estate tax records;~~

requiring such property owner to correct the condition. A property owner shall only be issued one written notice per growing season.

- (2) If such grass, weeds, brush or other uncontrolled vegetation as prohibited by paragraph (a)(1) are not cut within the required time, the town manager or his or her designee shall cause them to be cut and the costs and expenses thereof shall be billed to the property owner and, if not promptly paid, shall be added to and collected in the same manner as the real estate taxes are collected on such property. Such unpaid amounts shall constitute a lien against such property ranking g on a parity with liens for unpaid local taxes and enforceable in the same manner as provided in Articles 3 (§58.1-3940 et seq.) and 4 (§58.1-3965 et seq.) of Chapter 39 of Title 58.1 of the Code of Virginia, 1950, as amended. Such liens may be waived by the town manager in order to facilitate the sale of the property. Such liens may be waived only as to a purchaser who is unrelated by blood or marriage to the owner and who has no business association with the owner. All such liens shall remain a personal obligation of the owner of the property at the time the liens were imposed.

- (c) In addition, violations of this section shall be subject to a civil penalty, not to exceed \$50 for the first violation, or violations arising from the same set of operative facts. The civil penalty for subsequent violations not arising from the same set of operative facts within twelve (12) months of the first violation shall not exceed \$ 200. Each business day during which the same violation is found to have existed shall constitute a separate offense. In no event shall a series of specified violations arising from the same set of operative facts result in civil penalties that exceed a total of \$ 3,000 in a twelve (12) month period.

~~(3)~~

~~Any owner who violates this section shall be guilty of a class 4 misdemeanor.~~

Tab D

COUNCIL PAPER

At the regular meeting held on Saturday, March 10, 2018 at the Colonial Beach Town Center

RESOLUTION #11-18, Changes the date for regular Town Council meeting to be held in March 2018

WHEREAS, Section 15.2-1416 of the Code of Virginia requires that the Town Council establish its regular meeting schedule by resolution; and

WHEREAS, Resolution #08-18 adopted on February 21, 2018 established Wednesday, March 21, 2018 for the March Regular Town Council regular meeting; and

WHEREAS, the Mayor has requested and the Town Council has agreed to change the date from Wednesday, March 21, 2018 to Friday, March 23, 2018 at 6:00 p.m.

NOW THEREFORE BE IT RESOLVED, that the March Regular Town Council meeting be held on Friday, March 23, 2018 at 6:00 p.m. in the Colonial Beach Town Center, 22 Washington Avenue, Colonial Beach, Virginia.

Moved By _____ Secoded By _____

	AYE	NAY		AYE	NAY
Mayor Eddie Blunt	___	___	Steve Cirbee	___	___
Dallas Leamon	___	___	Bill Dellar	___	___
Frank Alger III	___	___	Burkett Lyburn	___	___
			Phil Rogers	___	___

Adopted _____ Tabled _____

Tab E

BE IT ORDAINED by the Colonial Beach Town Council that Article X, "Chief Financial Officer" shall be removed from the Colonial Beach Town Code as follows:

~~"ARTICLE X.—CHIEF FINANCIAL OFFICER~~

~~Sec. 2-121.—Office and general duties.~~

~~The chief financial officer shall keep an office in such place as is provided by the town council, and in addition to those duties enumerated in the Colonial Beach Town Code, the chief financial officer shall receive all taxes and other revenues and moneys from persons owing the same to the town, or which it is the duty of other officers of the town to collect and pay over to the town; disburse all moneys collected and received for the town in accordance with such ordinances and resolutions as the council may prescribe; and perform such other duties as the council may from time to time prescribe.~~

~~Sec. 2-122.—Books required to be kept.~~

~~The chief financial officer shall keep a cashbook showing all receipts and disbursements made. The chief financial officer shall also keep a book showing the condition of the school fund and other funds of the town, the condition and amount of the bonded and floating debt of the town, and all other accounts town council deems necessary to an accurate understanding of the financial affairs of the town.~~

~~Sec. 2-123.—Books and accounts subject to inspection and to be delivered to successor.~~

~~The books and accounts of the chief financial officer, and all papers relating to the accounts and transactions of the town, shall be at all times subject to the inspection of council, the town manager, town attorney, and such persons as the town council may appoint or employ to examine the same, and, together with any balance of moneys on hand, shall be transferred by the chief financial officer to the designated successor when the office is vacated.~~

~~Sec. 2-124.—Statements to council.~~

~~The chief financial officer shall render to the council such statements concerning the financial affairs of the town as the council may at any time require."~~

Job Description

Title: ~~Treasurer~~ **Accounting Manager**
Reports To: ~~Town Manager~~ **Chief Financial Officer**
Classification: ~~Non-Exempt~~
Grade:

Formatted: Highlight

I. Primary Function/General Purpose:

Manages the financial activities, accounting functions and computer operations. Performs difficult and complex statistical analyses and assists with annual budget preparation. Under direction, leads, oversees and participates in the more complex and difficult work of staff responsible for performing a wide variety of clerical and technical accounting work. Provides information and assistance to the general public and Town Departments. Required to be fully trained in all procedures and able to perform the full scope of duties of the Department.

II. Employment Qualifications:

- High School Diploma or GED; additional college level course work in accounting, finance or related field is preferred
- Minimum of one year experience in a related accounting type position
- Strong knowledge of office terminology, procedures and equipment
- Intermediate level of computer skills to include MS Office Suite/Windows XP as well as financial and statistical software
- Ability to maintain confidentiality
- Ability to handle cash and checks with accuracy and accountability
- Ability to communicate with the public in a verbal or written capacity exercising courtesy, discretion and sound judgment
- Thorough understanding of principles, procedures, and methods used in the performance of clerical and technical accounting duties, financial record keeping, reporting and filing
- Thorough understanding of advanced methods and techniques of coding, verifying, balancing and reconciling accounting records
- Thorough understanding of customer service techniques and proper phone etiquette
- Ability to prepare basic reports
- Ability to perform mathematical calculations quickly and accurately
- Ability to work under steady pressure with frequent interruptions and a high degree of public contact
- Ability to type and enter data at a speed necessary for successful job performance
- Ability to establish and maintain effective working relationships with peers

III. Essential Job Functions:

- Complete process ownership and responsibility for end to end completion and accountability of the specific function
- Full understanding of the end to end process and ability to take over in the absence of the primary responsible party
- Maintain working knowledge of Town Code of Ordinances as they relate to the ~~Treasurer's~~ ~~Chief Financial Officer's~~ Office.
- Maintain current knowledge of all processes and functions within the ~~Treasurer's~~ ~~Chief Financial Officer's~~ Office
- Daily conduct must meet the Code of Ethics and Standards of Performance as a member of the Treasurer's Association of Virginia
- Provide timely response to all facsimile and telephone requests for information
- Assists with annual budget preparation
- Develops and distributes internal financial reports
- Perform a variety of accounting, fiscal and statistical record keeping duties including preparation, maintenance and reconciliation of a variety of records and files
- Ability to lead, organize and review the work of staff as needed
- Independently perform advanced level accounting clerical work in assigned area
- Responsible for collection of overdue/unpaid accounts for all services/taxes
- Implementation and maintenance of filing systems
- Ability to read, understand and review documents for accuracy and relevant information
- Perform cashier duties as they relate to accepting payments, posting accounts, providing customer receipts, completing end of day edits and closing cash register
- Responsible for all Town and School/Cafeteria bank account reconciliation
- Responsible for Fund Balance management
- Responsible for preparation of yearly audit documentation and APA transmittal submission
- Responsible for bi-weekly payroll preparation and all related payroll functions
- Works closely with human resources representative to ensure accurate payroll data is maintained
- Responsible for Fringe benefits and Miscellaneous Deductions payments
- Responsible for State and Federal Tax payments and Employment Tax Reconciliation
- Responsible for Quarterly/yearly Federal and State tax filings
- Responsible for preparation and issuance of W2's and 1099's
- Oversee and participate in preparing, maintaining and/or verifying a variety of accounting, financial and statistical records, ledgers, logs and files; gather, assemble, tabulate, enter, check, verify, balance, adjust, record and file financial data; codes data according to prescribed accounting procedures; reviews information to ensure accurate reporting; resolve discrepancies; establish and maintain various files and records

- Prepare financial, accounting and statistical statements, analyses, documents and reports; assist other accounting staff and departmental management in the preparation of reports; gather and organize data
- Oversee and participate in preparing daily Town cash management and post appropriate journal entries
- Perform special projects, studies and collect and compile statistical and financial data for special reports, as directed
- Responsible for insuring that the auditor files Federal Clearinghouse paperwork on time and with accuracy
- Responsible for the Town's Virginia Retirement System account
- Responsible for General Ledger management
- Responsible for Service Awards notification to Town Manager

IV. Other Job Functions:

- Performs other job duties as assigned by the [Town Manager, CFO](#)
- Provides backup support for daily change box management and petty cash
- Provides backup support for electronic check deposit
- Provides backup support for Town monthly, quarterly and annual invoices/debt payments
- Provides backup support for Cigarette Stamp management
- Provides backup support for Debt payments and schedules
- Provides backup support for scheduling/ensuring IBM AS400 server is backed-up on a daily basis and schedules a monthly system back-up. Insures that tapes are appropriately marked and stored in vault.
- Provides backup support for Accounts Payable parts 1, 2,3, 4 and 5
- Provides back up support for School Revenue miscellaneous deposits
- Must establish and maintain detailed instructions for performing all assigned job functions for any other team member to utilize and perform accurately any job function designated as primary for this position
- Must participate in cross-training other members of our staff on this positions primary functions

V. Physical Demands:

- The conditions herein are representative of those that must be met by an employee to successfully perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential job functions.
- While performing the duties of this job, the employee is required to work inside in an office setting

- The employee is required to stand or sit for prolonged periods of time; to occasionally stoop, bend, kneel, crouch, reach, and twist; to lift, carry, push, and/or pull light to moderate amounts of weight up to 30 pounds and to operate office equipment requiring repetitive hand movement and fine coordination including use of a computer keyboard.
- The employee is required to verbally communicate to exchange information.
- The employee is required to see in the normal visual range with or without correction.
- The employee is required to hear in the normal audio range with or without correction.

VI. Work Environment:

- The work environment characteristics described here are representative of those an employee encounters while performing the essential functions of this job. The duties listed are intended only as illustrations of the various types of work that may be performed. The omission of specific statements of duties does not exclude them from the position if the work is similar, related or a logical assignment of the position.
- While performing the duties of this job, the employee is required to work inside in an office setting.
- The noise level in the work environment is usually moderate.
- This job description does not constitute an employment agreement between the employer and employee and is subject to change by the employer as the needs of the employer and requirement of the job change.

This description is intended to indicate the kinds and levels of work difficulty that will be required of the position that will be given the title and shall not be construed as declaring what specific duties and responsibility of any particular position shall be. It is not intended to limit or in any way modify the right of the supervisor to assign, direct, and control the work of employees under supervision. The use of a particular expression or illustration describing duties shall not be held to exclude other duties mentioned that are of a similar kind or level of difficulty.

Tab F

MAYOR
Eddie Blunt

TOWN COUNCIL

Dallas Leamon—Vice Mayor
Frank Alger III
Steve Cirbee
Bill Dellar
Burkett Lyburn
Phil E. Rogers



TOWN OF COLONIAL BEACH
315 Douglas Ave.
Colonial Beach, Virginia 22443
(804) 224-7181 FAX (804) 224-7185

TOWN MANAGER
Quinn Robertson

DEPUTY TOWN MANAGER
Rob Murphy

TOWN ATTORNEY
Andrea G. Erard

TOWN CLERK
Kathleen Flanagan

RE: Commercial Purchase Agreement, dated February 26, 2018 for 10 N Irving Avenue

A Commercial Purchase Agreement was received on February 26, 2018 for the property located at 10 N Irving Avenue.

The proposed Purchase Price listed is \$105,000 with settlement of property to be made on April 27, 2018. The Assessed Value is \$241,400. The Appraised Value is \$125,000.

Tab G

Agenda Item: Piers

Background information from state law:

§ 15.2-2100. Restrictions on selling certain municipal public property and granting franchises.

A. No rights of a city or town in and to its waterfront, wharf property, public landings, wharves, docks, streets, avenues, parks, bridges, or other public places, or its gas, water, or electric works shall be sold except by an ordinance passed by a recorded affirmative vote of three-fourths of all the members elected to the council, notwithstanding any contrary provision of law, general or special, and under such other restrictions as may be imposed by law. Notwithstanding any contrary provision of law, general or special, in case of a veto by the mayor of such an ordinance, it shall require a recorded affirmative vote of three-fourths of all the members elected to the council to override the veto.

B. No franchise, lease or right of any kind to use any such public property or any other public property or easement of any description, in a manner not permitted to the general public, shall be granted for a period longer than forty years, except for air rights together with easements for columns for support, which may be granted for a period not exceeding sixty years.

Before granting any such franchise or privilege for a term in excess of five years, except for a trunk railway, the city or town shall, after due advertisement, publicly receive bids therefor, in such manner as is provided by § 15.2-2102, and shall then act as may be required by law.

Such grant, and any contract in pursuance thereof, may provide that, upon the termination of the grant, the plant as well as the property, if any, of the grantee in the streets, avenues and other public places shall thereupon, without compensation to the grantee, or upon the payment of a fair valuation become the property of the city or town; but the grantee shall be entitled to no payment by reason of the value of the franchise. Any such plant or property acquired by a city or town may be sold or leased or, if authorized by general law, maintained, controlled, and operated by such city or town. Every such grant shall specify the mode of determining any valuation therein provided for and shall make adequate provisions by way of forfeiture of the grant, or otherwise, to secure efficiency of public service at reasonable rates and the maintenance of the property in good order throughout the term of the grant.

C. Any additional restriction now required in any existing municipal charter relating to the powers of cities and towns in selling or granting franchises or leasing any of their property is hereby superseded; however, nothing herein contained shall be construed as affecting the term of any existing franchise, lease or right. The requirement of an affirmative three-fourths vote of council shall apply only to the

sale of the listed properties and not to their franchise, lease or use.

D. The provisions of this section shall only apply to cities or towns and shall not apply to counties or other political subdivisions.

§ 15.2-2101. Ordinance proposing grant of franchise, etc., to be advertised.

A. Before granting any franchise, privilege, lease or right of any kind to use any public property described in § 15.2-2100 or easement of any description, for a term in excess of five years, except in the case of and for a trunk railway, the city or town proposing to make the grant shall advertise a descriptive notice of the ordinance proposing to make the grant once a week for two successive weeks in a newspaper having general circulation in the city or town. The descriptive notice of the ordinance may also be advertised as many times in such other newspaper or newspapers, published outside the city, town or Commonwealth, as the council may determine. The advertisement shall include a statement that a copy of the full text of the ordinance is on file in the office of the clerk of the city or town council.

B. The advertisement shall invite bids for the franchise, privilege, lease or right proposed to be granted in the ordinance. The bids shall be in writing and delivered upon the day and hour named in the advertisement and shall be opened in public session and marked for identification by the person designated in the advertisement to receive such bids. The cost of the required advertisement shall be paid by the city or town which shall be reimbursed by the person to whom the grant is made. The city or town shall have the right to reject any and all bids and shall reserve this right in the advertisement.

§ 15.2-2102. How bids received and to whom franchise awarded.

The presiding officer shall read aloud, or cause to be read aloud, a brief summary of each of the bids that have been received, for public information, and shall then inquire if any further bids are offered. If further bids are offered, they shall be received. The presiding officer shall thereafter declare the bidding closed. The presiding officer shall receive recommendations from the staff relative to any bids received in advance and staff's recommendations, if any, on any bids received at the advertised council meeting. After such other investigation as the council sees fit to make, the council shall accept the highest bid from a responsible bidder and shall adopt the ordinance as advertised, without substantial variation, except to insert the name of the accepted bidder. However, the council, by a recorded vote of a majority of the members elected to the council, may reject a higher bid and accept a lower bid from a responsible bidder and award the franchise, right, lease or privilege to the lower bidder, if, in its opinion, some reason affecting the interest of the city or town makes it advisable to do so, which reason shall be expressed in the body of the subsequent ordinance granting the franchise, right, lease or privilege. The process described in this section may run concurrently with any other advertisement or

public ordinance requirements of this title, or such requirements as may be contained in charters of such cities or towns.

§ 15.2-2103. Award when no satisfactory bid received.

If, after such advertisements, no bid, or no satisfactory bid, is made, the council may advertise for further bids, and in case no bid at all is made, the council, if it sees fit to do so, may adopt an ordinance in the manner required by law granting such franchises, rights, leases or privileges to any person making application therefor.

Tab H

Agenda Item: Vacant Foreclosed Property Registration

The Code of Virginia does not contain any authority for the Town to require that vacant, foreclosed properties be registered with the Town. Here is the only provision in state law that comes close:

§ 15.2-1127. Vacant building registration; penalty.

The Town of Clifton Forge, the Town of Pulaski, in a conservation and rehabilitation district of the town, and any city, by ordinance, may require the owner or owners of buildings that have been vacant for a continuous period of 12 months or more, and which meet the definition of "derelict building" under § 15.2-907.1, to register such buildings on an annual basis and may impose an annual registration fee not to exceed \$100 to defray the cost of processing such registration. The registration of buildings shall be on forms designated by the locality and filed with the agency designated by the locality. Failure to register shall be a \$200 civil penalty; however, failure to register in conservation and rehabilitation districts designated by the governing body, or in other areas designated as blighted pursuant to § 36-49.1:1, shall be punishable by a civil penalty not exceeding \$400. Notice shall be mailed to the owner or owners, at the address to which property tax notices are sent, at least 30 days prior to the assessment of the civil penalty.

By way of information, here is what is contained in the Town Code:

ARTICLE IV. - RENTAL HOUSING INSPECTION AND LICENSING PROGRAM

Sec. 7-50. - Definitions.

As used in this article, the following terms shall have the meanings indicated:

Code violations. Violations of any applicable federal, state or local statute, ordinance or regulation, including but not limited to the Code of Virginia (1950) as amended, the Uniform Statewide Building Code, the Colonial Beach Code of Ordinances and the Colonial Beach Zoning Ordinance.

Person. An individual, group of individuals, partnership, joint venture, corporation, association and any other entity, however named or called.

Rental housing unit. Any space in any building which, for a consideration, is made available by any person to another for dwelling purposes. A rental housing unit shall not include space in any building operated as a hotel, motel, bed and breakfast, tourist home, or rooming house in accordance with the provisions of the Colonial Beach Zoning Ordinance.

(Ord. No. 466)

Sec. 7-51. - Purpose.

The purpose of this article is to assure compliance with all laws, ordinances and regulations applicable to rental housing units within the corporate limits of the town. It is further the purpose of this article to promote the health, safety and welfare of the residents of the town by ensuring safe, healthy and habitable housing conditions in rental housing units, to prevent deterioration of rental housing units and to encourage responsible management, maintenance and use of rental housing units through the inspection of these units.

(Ord. No. 466)

Sec. 7-52. - Enforcement.

The town may initiate proceedings in the circuit court for Westmoreland County or any other court of competent jurisdiction to enforce the provisions of this article.

(Ord. No. 466)

Sec. 7-53. - License required.

Any person renting for habitation any rental housing unit shall obtain a rental license. The holder of a license shall be the owner of the rental housing unit. Application for a rental license shall be on forms prescribed by the town. If applicable, all owners shall certify to the town the name, address and telephone number of an agent qualified to accept notice and authorize repairs on behalf of the owner. The application shall contain a consent to inspection for building code violations during reasonable hours for the entire term of the license.

(Ord. No. 466)

Sec. 7-54. - Review of license application.

The town clerk shall receive all applications and coordinate a review process involving the building official, zoning administrator, fire marshall and other appropriate local or state agencies. All rental licenses shall be issued or denied within fourteen (14) days of the receipt of an application. A denial shall be in writing, setting forth the code violation(s) and reason(s) for such denial. The issuance of a license is not to be construed as proof or acknowledgment that the subject property complies with codes.

(Ord. No. 466)

Sec. 7-55. - Inspection of rental housing units.

(a) An inspection of the property for which application has been made may be conducted by the building official prior to the issuance of a license upon recommendation of any

reviewing agency. If an inspection indicates that a rental facility is not in compliance with all applicable laws, the license application may be denied until the violation(s) are abated.

- (b) The building official upon recommendation of any appropriate local or state agency or official, shall cause the inspection of a rental housing unit when there exists the belief that a property is not in compliance with all applicable laws. Inspection procedures as set forth in the Uniform Statewide Building Code shall be followed. Refusal to permit an inspection shall be grounds for immediate revocation of the rental license. If an inspection indicates that a rental housing unit is not in compliance with all applicable laws and codes, the license may be subject to revocation or other remedial action as determined by the building official. A license may be revoked or suspended if the landlord, after ten days' written notice, fails to eliminate or initiate bona fide efforts to eliminate code violations. Revocation or suspension of a license shall be in addition to and not substitution for such other penalties as may be provided for in other laws or ordinances.
- (c) Any inspection performed under the authority of this section shall be conducted at reasonable times and upon reasonable notice.
- (d) Inspections shall be conducted in accordance with the Uniform Statewide Building Code under which, as a general rule, structures, additions, or alterations thereto must comply with the Building Code in affect at the time the structure, addition, or alteration was constructed, subject to the minimum building regulations for existing buildings to ensure the protection of public health, safety and welfare.

(Ord. No. 466)

Sec. 7-56. - Mandatary penalty for over-occupancy.

If an inspection indicates that a rental housing unit is not in compliance with the maximum occupancy as determined by the Property Maintenance Code as incorporated by the Uniform Statewide Building Code, the building official shall charge the owner of said rental housing unit with a violation of § 36.106 of the Code of Virginia (1950) as amended.

(Ord. No. 466)

State Law reference— Section 36-106 of the Code of Virginia provides that violations of the Building Code are a misdemeanor punishable with fines up to twenty-five hundred dollars (\$2,500.00). However, there is a minimum fine for subsequent convictions, eventually reaching a minimum fine of fifteen hundred dollars (\$1,500.00) for the third conviction within ten (10) years.

Sec. 7-57. - Term of license; fee

Licenses shall be issued for a term of one year subject to payment of a license fee to help defray the costs of administrating the rental housing licensing procedures. The yearly

license fee shall be twenty-five dollars (\$25.00) for the first rental housing unit owned plus five dollars (\$5.00) for each additional rental housing unit hereafter.

(Ord. No. 466)

Sec. 7-58. - Display of license.

A copy of the license shall be kept on the premises and made available for review during the entire period it is effective. The maximum occupancy as determined by the Property Maintenance Code as incorporated by the Uniform Statewide Building Code shall be stated on the face of the license.

(Ord. No. 466)

Sec. 7-59. - Transfer of license.

Licenses issued hereunder shall not be transferable, and subsequent title holders of a rental housing unit shall be required to obtain a separate license. The continued rental by the subsequent owner without a new license shall be deemed to be a consent to the terms and conditions hereunder, including the consent to inspection.

(Ord. No. 466)

Sec. 7-60. - Violations of article generally.

It shall be unlawful for any person to violate any of the provisions of this article. Unless otherwise provided, any such violation shall constitute a class 4 misdemeanor. Any day any such violation shall continue shall constitute a separate offense.

(Ord. No. 466)

Tab I

Analysis of bikefest

<u>Item Description</u>	Pre-Bikefest					
	<u>2013</u>	<u>2014</u>	<u>2015</u>	<u>2016</u>	<u>2017</u>	
Additional Police shift coverage for October Bikefest	\$ -	\$ 4,975	\$ 6,580	\$ 6,034	\$ 2,870	
<u>Meals Tax</u>						
Month Prior		\$ 33,519	\$ 42,845	\$ 43,371	\$ 44,245	
October	\$ 25,492	\$ 33,724	\$ 38,847	\$ 38,459	\$ 38,846	
Month After		\$ 25,585	\$ 26,511	\$ 28,452	\$ 26,330	
<u>Lodging Tax</u>						
Month Prior		\$ 4,566	\$ 5,030	\$ 4,815	\$ 4,357	
October	\$ 2,837	\$ 3,280	\$ 3,904	\$ 3,703	\$ 3,275	
Month After		\$ 1,135	\$ 3,409	\$ 1,473	\$ 1,203	
<u>Local Sales Tax</u>						
Month Prior		\$ 16,447	\$ 18,817	\$ 19,184	\$ 20,932	
October	\$ 10,499	\$ 17,249	\$ 15,925	\$ 20,421	\$ 19,695	
Month After		\$ 15,157	\$ 18,030	\$ 17,013	\$ 17,201	
<u>Vendor Tax</u>	\$ -	\$ 1,130	\$ 3,204	\$ 1,415	\$ -	
<u>Chamber</u>	\$ -	\$ 650	\$ 1,345	\$ 606	\$ 1,125	