

The regular meeting of the Town Council of the Town of Front Royal, Virginia was held on January 23, 2012, in the Warren County Government Center’s Board Meeting Room. Mayor Darr led Council and those attending in the Pledge of Allegiance to the flag and a Moment of Silence. The roll was called at 7:00 p.m.

PRESENT: Mayor Timothy W. Darr
Vice Mayor Chris W. Holloway
Councilman Thomas E. Conkey
Councilman Carson C. Lauder, Jr.
Councilman N. Shae Parker
Councilman Thomas H. Sayre
Councilman Hollis L. Tharpe
Town Manager Steven M. Burke, P.E.
Town Attorney Douglas W. Napier
Clerk of Council Jennifer E. Berry, CMC

(The above listed members represent the full body of Council as authorized in the Town Charter.)

Vice Mayor Holloway moved, seconded by Councilman Tharpe, that Council approve the Regular Council Meeting minutes of January 9, 2012.

Vote: Yes – Conkey, Holloway, Lauder, Parker, Tharpe and Sayre
No – N/A
Abstain – N/A
Absent – N/A
(Mayor Darr did not vote as there was no tie to require his vote)

RECEIPT OF PETITIONS OR CORRESPONDENCE FROM THE PUBLIC

Brandi Rosser, Warren County Board of Supervisors and the Warren County 175th Anniversary Committee thanked the Town for serving as a sponsor during the celebration. She presented the Town a limited edition Mort Kuntzler print depicting Stonewall Jackson in front of the old Warren County Courthouse. Ms. Rosser noted that she was looking forward to participating in the Town’s anniversary celebration next year.

Thomas H. Sayre, of 835 Shenandoah Shores, read the following into the record:

As much as I advocated against the draconian civil penalties, an unconstitutional and unjust granting to unelected officials the right to raise your taxes, sadly and unfortunately, yet again, another government body has made a bold move. A move that will test the resolve of the freedom of conscious of people of goodwill and unfortunately, court intervention might become necessary.

Some people laughed at me when I brought up the civil penalties; they said that it could not be changed. When the General Assembly and the State Government set up unelected governing bodies to raise taxes on the people I was laughed at again when I said it was unconstitutional. The Attorney General had approved it, the Governor had approved it and a General Assembly had approved it. We took

them to court and the Virginia Supreme Court ruled 7-0 in our favor. They were not laughing then.

Freedom of conscious is a sacred gift from God, not a grant from the State, no government has the right to compel its citizens to violate their conscious. The Obama administration, through its Health & Human Services has announced that religious institutions and organizations will be compelled to provide birth control and contraceptive drugs that induce abortion early in a woman's pregnancy. It is ironic that by worshipping the cult of choice, this government administration has determined that religious organizations lack the freedom to act and fidelity to their beliefs.

The White House had sold the First Amendment for a few pennies of political support from the ACLU and abortion lobby. Now again, the issue is freedom of conscious and that it is a sacred gift from God and not a grant from the State, and no government has the right to compel it's citizens to violate their conscious. Thank you for your time and God bless you.

REPORT OF THE MAYOR, COUNCIL & STAFF

Mr. Burke:

- Reported that the work continues on Royal Avenue and 17th & 18th Street for curb and gutter installation, adding that the water line contractors are due in town this week to inspect the site and may begin work within the next two weeks in the area;
- Stated that the tree removal contractor will be in place soon for the tree removal along Main Street;
- Expressed his thanks to Janice Hart with the Police Department, who has established two new Neighborhood Watch groups within the community.

Jennifer McDonald, Executive Director of the Economic Development Authority, stated that the EDA continued their work on the local connector road. She explained that recently two national developers inquired about a trip in the spring to examine sites in the area. Ms. McDonald noted that the EDA was continuing discussions with two distribution companies, a retail company and a technology company as well. She reminded Council that the EDA job bank was on their website.

Ms. McDonald stated that they were continuing to research and identify economic development grants to determine qualification for the area, and she encouraged the Town to look into the Community Development Block Grants (CDBG). She was delighted to report that ongoing talks with a developer with regard to the Happy Creek Technology Park were positive as this point and the EDA was working with the local school system as well to advise the students what it takes to be a business owner. Ms. McDonald added that they were following through with closing on the last parcel for the Leach Run Parkway, noting that additional parcels may be necessary in the future.

Councilman Lauder thanked the EDA and Ms. McDonald for her efforts, noting that it takes intense work and many hours to bring such important projects to fruition. He asked if there

was a way to begin lining up targets for when the Royal Phoenix property was available. Ms. McDonald noted that the logical next step in the process would be for interested parties to gather and decide what they would like to see at the site, so when the national developers are brought in, the EDA can be able to converse with said developers on what may work best on the site.

Councilman Parker read the following into the record:

At the last Town Council worksession, we gave a consensus to the Staff to proceed with advertising next year's Town tax rate at the current level. I was a bit surprised by my fellow councilmember's lack of support when I proposed reducing some of those rates.

When the question was presented, "How do you propose achieving this?," I rather hastily replied perhaps shifting personal property or machinery and tool taxes to real estate taxes. While my original intent was to allow at least some relief to the citizens and businesses of the community, the "off the top of my head" suggestion was by no means intended as the final or only way of achieving tax relief.

The notion of shifting the tax burden from one group of individuals to another group does not get to the root of reduced spending and in turn reduced taxes. I know I do not have all of the right answers, and cannot solve all of the Town's woes as a single individual. And with that said, I would like to challenge my fellow members of Council and the Town Staff to come up with ways to reduce the tax burden on those we represent while maintaining the level of service they have come to expect.

While my initial suggestion was hastily and ill-thought, I will propose a more formulated proposal. With the positive recent discussions with County representatives, there has been movement on them assuming funding of some items which have been deemed by some as double taxation and others relief from lost revenue in the 340/522 Corridor. While the proposals focus on a phased approach in shifting funding, this would free up some monies that the Town has allocated as part of its annual budgeting process. My proposal is simple: instead of reallocating these funds to new or existing budget items, reduce the tax rate at a proportionate level.

I encourage my colleagues to consider this proposal and come up with their own proposals to reduce the tax burden. Collectively, I believe we can achieve and provide some level of relief to our constituency and perhaps find other creative ways to provide relief in other sectors to encourage redevelopment and growth and in some small way help out with the economic recovery of our community.

Councilman Sayre noted personal property taxes were based upon the value of used cars that are purchased, and it had been set at 64 cents, and it was 60 cents before that. He stated that the

value of used cars had escalated at one point and if they had receded than perhaps Council could lessen personal property taxes.

Vice Mayor Holloway expressed his agreement with Councilman Sayre. He noted that Council discussed the matter the previous year and the majority of Council had voted for the increase in taxes. Mr. Holloway opined that the Town could decrease the tax if possible.

Mr. Burke explained that Staff was working towards the development of next year's budget with direction from Council in relation to the tax rate as well. He noted that should Council wish to have a preliminary budget preparation, discussion could be arranged. Mr. Burkes stated that mid-February they would review personnel and operation budgets, with capital projects to be discussed in March.

Mayor Darr asked for the tax rate discussion on the next worksession for Council discussion.

Councilman Conkey stated that the personal property tax rates were normalized based on the blended rates of both the new and used vehicles to which it is applied. He opined that to take one section of that and claim that Council raised the personal property tax rates is almost blatant politicking.

Councilman Conkey noted that he had no inclination what Mr. Sayre had just spoke on, adding that he was also unsure what the Town Council can do regarding oversimplified scare tactics. He stated that he could not comprehend the federal government compelling churches to distribute anything.

Councilman Conkey agreed that Council should look to normalize the tax rates, as Council does each year. He stated that the Town had raised the rates, though it had been in order to normalize the tax rates when the real estate market dropped.

Vice Mayor Holloway commented that the rates were raised by Council, not neutralized, to the best of his recollection.

Mayor Darr noted that Council needs to afford Staff the opportunity to gather their information for the budget and present matters to Council at a worksession.

Mayor Darr thanked the Front Royal Volunteer Fire Department for their annual banquet invitation. He voiced his amazement at the vast quantity of calls the crews respond to throughout a year. Mayor Darr stated that, on average, the crews respond to about 9.5 calls per day.

Mayor Darr noted that he was honored to congratulate former dispatcher, Mark Ramey, as he became a new police officer by starting the basic law enforcement academy earlier in the day. Mayor Darr announced that he received the award for Civilian Employee of the Year from Police Department, *and* he was named Fire Fighter of the Year at the recent banquet of the Front Royal Volunteer Fire Department. Mayor Darr extended his congratulations to Mr. Ramey on his well-deserved achievements.

Mayor Darr announced that the Council Retreat had been rescheduled for Saturday, January 28th at Town Hall at 11 a.m.

Mayor Darr the following into the record:

The Town of Front Royal is pleased to announce as an indication of our commitment to and confidence in the vitality of downtown Front Royal the acquisition of two properties from BB&T, Co. The first is the BB&T Bank building located at 102 East Main Street, which is a 15,615 sf building on 0.33 acres for the cost of \$810,000. The second is the 0.49 acre parking lot at the northeast corner of Peyton Street and Royal Avenue for a cost of \$300,000. The total cost of the acquisition is \$1,110,000. Following months of negotiations, the Town was able to purchase the properties at a significantly lower cost than their 2011 assessed value of \$2,081,700.

The purchase of the building will allow the Town the option to consolidate its services into one location to better serve our citizens. The building's size will also provide the Town with the additional space to meet its office space requirements well into the future. The acquisition of the bank building will help to prevent the potential of a long term, vacant building on Main Street. The acquisition of the parking lot will ensure that use of the building will not impact existing parking within the Peyton Street Parking Lot.

The funding for this acquisition and renovation is through an internal loan from the Town's Electric Fund Balance that will be repaid over the next ten years. This financing practice was last used during the construction of the Public Works Building and the Finance Office. This acquisition will not impact our citizens through additional tax increases.

Over the next few months, the Town intends to make the necessary repairs to the building which will include the installation of an elevator, HVAC upgrades, roof repairs, and general upgrades to meet today's standards and codes. The Town anticipates utilizing local contractors at every opportunity for this work.

The Town Council will be working with staff and the Northern Shenandoah Valley Regional Commission to incorporate these purchases into the Town's Facilities Studies and Capital Improvement Plan.

Mayor Darr asked if there were any proposals for additions or deletions to the agenda.

Councilman Parker moved, seconded by Councilman Conkey, that Council discuss Silverado Consent Agenda Item as a regular matter for vote.

Vote: Yes – Conkey, Holloway, Lauder, Parker, Tharpe and Sayre
No – N/A
Abstain – N/A

Absent – N/A
(Mayor Darr did not vote as there was no tie to require his vote)

COUNCIL APPROVAL: Acceptance of the Asset Forfeiture of a Chevrolet Silverado – Police Department (use for three years)

Vice Mayor Holloway, seconded by Councilman Tharpe, that Council approve the Consent Agenda as presented.

Councilman Lauder asked if the date could be amended. Mayor Darr noted that it would not be up to Council to do so as it was a matter contained within the judgment.

Councilman Tharpe stated that should the vehicle become a costly item to operate on the roads, then it should be removed from use.

Vote: Yes – Conkey, Holloway, Lauder, Parker, Tharpe and Sayre
No – N/A
Abstain – N/A
Absent – N/A
(Mayor Darr did not vote as there was no tie to require his vote)
(By Roll Call)

PUBLIC HEARING: An Ordinance to Enact Town Code Section 4-27(C) to Regulate Social Media (1st Reading)

Mayor Darr opened the public hearing. As no one came forward to speak, the public hearing was closed.

Vice Mayor Holloway moved, seconded by Councilman Parker, that Council affirm on its first reading an Ordinance to Enact Front Royal Town Code 4-27(C) to Regulate Social Media.

Vote: Yes – Conkey, Holloway, Lauder, Parker, Sayre and Tharpe
No – N/A
Abstain – N/A
Absent – N/A
(Mayor Darr did not vote as there was no tie to require his vote)
(BY ROLL CALL)

PUBLIC HEARING: An Ordinance to Enact Town Code Section 142-20 to Regulate Town Banner Poles (1st Reading)

Mayor Darr opened the public hearing. As no one came forward to speak, the public hearing was closed.

Vice Mayor Holloway moved, seconded by Councilman Parker, that Council affirm on its first reading an ordinance to enact Front Royal town Code 142-20 to regulate Town Banner Poles.

Councilman Sayre noted that he examined the old resolution on file and it had noted that within 24 hours of the Town’s first business day, calls by organizations were to be made. He inquired why the change to five days for a call to the Town offices.

Mr. Burke explained that in the current year the Town had holidays that would conflict with the 24 hour period, whereas having the five business day wording would have sufficed.

Councilman Parker asked if Staff could look into the relocation of the John Marshall Highway poles to a preferred site. Mr. Burke noted that the Electric Department continues to investigate other locations, though they were limited in the placement of said poles.

Vote: Yes – Conkey, Holloway, Lauder, Parker, Sayre and Tharpe
No – N/A
Abstain – N/A
Absent – N/A
(Mayor Darr did not vote as there was no tie to require his vote)
(BY ROLL CALL)

COUNCIL APPROVAL: An Ordinance to Repeal Town Code Chapter 114 and Amend & Re-Enact Town Code Chapter 72 to Regulate Special Events (2nd Reading)

Vice Mayor Holloway moved, seconded by Councilman Conkey, that Council adopt on its second and final reading an ordinance to repeal Front Royal Town Code Chapter 114 (Parades & Processions) and amend and re-enact Front Royal Town Code Chapter 72 to regulate Special Events (formerly Entertainment Festivals).

Councilman Tharpe asked if the Town had received any negative comments on the change. Mr. Burke explained to Council that they had not.

Vote: Yes – Conkey, Holloway, Lauder, Parker, Sayre and Tharpe
No – N/A
Abstain – N/A
Absent – N/A
(Mayor Darr did not vote as there was no tie to require his vote)
(BY ROLL CALL)

ORDINANCE: SPECIAL EVENTS

An Ordinance To Repeal Town Code Chapter 114 And To Amend And Re-Enact Front Royal Town Code Chapter 72 To Regulate Special Events

WHEREAS, the Town oversees the public Right-of-Way, and;

WHEREAS, the Town has met with citizens to discuss the issues associated with the closure of Right-of-Way for festivals and events, and;

WHEREAS, said closure results in disruption to commerce, tourism, and transportation, and;

WHEREAS, the Town Council has received requests and comments, and considered the issues associated with closure of the Right-of-Way

for festivals, parades, processions and events, and determined that it is in the best interests of the Town to establish further regulation for said closure.

NOW THEREFORE, BE IT ENACTED by the Town Council of the Town of Front Royal, Virginia that Chapter 114 of the Front Royal Town Code is repealed and Chapter 72 of the Front Royal Town Code is hereby amended and re-enacted as follows:

**Chapter 72
SPECIAL EVENTS**

72-1 Purpose of Chapter

- A. The Town Council enacts this Chapter for the purpose of regulating the time, place and manner of special events and demonstrations within the Town and to accommodate competing demands for the public use of streets, sidewalks and public places. Regulation is necessary to preserve the public peace and safety, to permit free expression on issues of public concern, to protect persons and property, to maintain acceptable conditions of traffic flow upon the streets and sidewalks and to prevent, control or eliminate any illegal, injurious or dangerous effects of this lawful activity.
- B. The Town Council does not enact this Chapter, or seek through its enforcement, to deny or abridge any person's rights of assembly and free speech or the opportunity for communication of thought and discussion of public questions in public places.

72-2 Special Events; Permit Required

- A. Events for which permit required. No person or entity shall conduct any of the following special events or activities unless a permit has been granted by the Town:
 - 1. Any gathering of individuals or groups comprising of fifty (50) or more persons for the purpose of listening to or participating in entertainment and/or commemorative festivals or parades with or without music and with or without the use of microphones and amplifiers conducted in open spaces not within an enclosed structure.
 - 2. Any planned gathering that results in the closing of any part of any public street or sidewalk to accommodate persons attending the gathering.

3. Parades, processions, marathons, bicycle races and other events utilizing the sidewalks or vehicular travel portion of Town streets.
4. Motion picture, video or broadcast television productions, other than news media, involving the staging of vehicles, equipment, props or personnel on public property, including buildings, streets and sidewalks, or requiring the use of Town equipment or services.

B. Application contents and fee. An application for any permit required by this Chapter shall be made to the Town Manager or the Manager's designee. The application shall be submitted not less than thirty (30) days nor more than six (6) months prior to the date of the proposed activity. An application for a major event (one involving the closure of more than three (3) blocks or which will last more than two (2) days) shall be filed not less than sixty (60) days nor more than six (6) months before the first date of the proposed activity. The application shall contain the following information, utilizing a form provided by the Town Manager:

1. Description of the proposed activity;
2. Date, time and location/route of proposed activity and the anticipated number of participants and spectators;
3. Provisions for sanitation facilities, crowd, noise, parking, and traffic control, ADA compliance, parking and loudspeaker placement. Plans for control shall meet all state and local requirements, ordinances, and regulations;
4. Food and beverages to be sold or distributed. Plans for sale or distribution shall meet all state and local requirements, ordinances, and regulations;
5. The designation of an individual or individuals who shall be responsible for ensuring compliance with the provisions of this Chapter and the conditions of the permit;
6. Proposed equipment, vehicles, staging, bleachers, shelters, lighting and electricity requirements;
7. If revenue is anticipated to be generated by the activity, the individuals or entity that will benefit therefrom, and a list of anticipated vendors;

8. If animals such as horses are to be included in the event, provision of waste collection shall be provided by the event coordinator;
9. If pets are to be excluded from the event and how this shall be communicated to attendees;
10. Placement of temporary signage stating proposed closure of road; and
11. Such additional information or assurances as the Town Manager may require.

C. Application submission and processing requirements.

1. A completed application shall be processed and either granted or denied within a reasonable time of receipt, but not more than thirty (30) days from the receipt of any application requiring sixty (60) days' advance filing or fifteen (15) days from the receipt of any application requiring thirty (30) days' advance filing. Such decision shall be in writing, setting forth the conditions of the permit, if granted, or the reasons for denial. The decision shall be provided to the applicant at the address stated in the application.
2. If an application is submitted after the filing deadline set forth in Subchapter B, the Town Manager or the Manager's designee may waive the requirements of Subchapters A and B upon a demonstration by the applicant, in writing, that circumstances giving rise to the proposed event did not reasonably allow the applicant to apply for a permit within the time prescribed.

D. Permit approval process.

1. The permit shall be granted by the Town Manager if the following conditions are met:
 - a. Any proposed use of public property, right-of-way, or facilities will have a public benefit and not unreasonably interfere with the normal use of the property, right-of-way or facility by the Town or the general public;
 - b. The proposed activity does not present a safety or health risk to participants, spectators or the public, or an environmental hazard;
 - c. The proposed activity is compatible with the surrounding area or neighborhood, in consideration of anticipated noise, traffic, crowd capacity and other identifiable factors;

- d. Should the proposed activity include music or entertainment, provision of such entertainment shall not exceed twelve hours in any twenty-four hour period from the first gathering of participants.
- e. Race events shall be responsible to provide traffic cones along affected routes to keep participants within coned boundaries, place race marshals at the start/finish and at every intersection along the coned route.
- f. The applicant has provided proof of liability insurance 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 in amounts consistent with a standard schedule approved by the Town Manager, based upon risks associated with each type of event, in consideration of anticipated attendance. The Certificate of Liability Insurance to cover the event shall name the Town as an "Additional Insured";
- g. The proposed activity conforms to the Town's Zoning Ordinance;
- h. Should the proposed activity take place within the Historic Downtown area, the following restrictions shall be met:
 - [1] Events with less than 750 attendees shall be restricted to the Gazebo area and Parking Lot;
 - [2] Events with less than 3,000 attendees shall be restricted to the Gazebo area and Parking Lot, Chester Street, and Laura Virginia Hale, and a partial closure of Main Street from Chester Street to Blue Ridge Avenue after 5:00 pm;
 - [3] Events with 3,000 or more attendees can request closure of Main Street from Royal Avenue to Blue Ridge Avenue;
 - [4] Partial closure of Main Street, prior to 5:00 pm, shall be permitted once per month;
 - [5] Full closure of Main Street, prior to 5:00 pm, shall be permitted four times per calendar year; and
 - [6] The Town Manager shall determine the number of attendees based on the information provided by the applicant, but shall not be limited

to that information when the estimate provided by the applicant is determined to be unrealistic.

2. Town or County sponsored events shall have priority in use of any downtown public property or Right-of-Way. For events not sponsored by the Town or County, applicants who have held a quality event in the previous year and remain in good standing with the Town shall have priority for the same time and location the following year. All other applications are processed in order of receipt.
3. Prior to the final denial of any application, the applicant shall be apprised of the reason therefore and shall be able to appeal to the Town Council.

E. Permit requirements. The Town Manager or the Manager's designee may impose, as conditions to granting a permit, such further requirements and restrictions as will reasonably protect the public health, safety, welfare, peace and order. Such conditions may include, but are not limited to the following:

1. The payment of a reasonable fee for the use of Town utilities in connection with the proposed activity. Fees shall be as follows:

| <u>Service</u> | <u>Fee</u> |
|------------------|----------------------|
| Electric Service | \$25.00 per day |
| Water Service | Current metered rate |

2. The applicant can request the use of Town equipment and personnel at an event. Provision of these services by the Town are unplanned expenses, and an event coordinator should consider reimbursing the Town for such efforts. Expenses are typically as follows:

| <u>Service</u> | <u>Fee</u> |
|---|-------------------|
| Police Service (less than 750 attendees) | \$50.00 per hour |
| Police Service (750 to 2,999 attendees) | \$125.00 per hour |
| Police Service (3,000 or more attendees) | \$250.00 per hour |
| Solid Waste Service (less than 750 attendees) | \$40.00 per hour |
| Solid Waste Service (750 to 2,999 attendees) | \$75.00 per hour |
| Solid Waste Service | \$120.00 per |

| | |
|---------------------------|------|
| (3,000 or more attendees) | hour |
|---------------------------|------|

3. The provision of adequate crowd, parking, and traffic control, security, emergency services and fire protection, food handling, waste and refuse disposal, and noise restrictions.
4. By acceptance of the issuance of this permit, the applicant provides the Town Manager, the Manager’s designee, and/or duly constituted law enforcement officers full access to the event for the purpose of determine compliance with the provisions of this Chapter.
5. Event Coordinators shall make every effort to promote the following and communicate to all organizers, vendors, entertainers, or participants other than attendees the following suggested actions:
 - a. Event organizer, vendor, entertainer, and participant parking should be in locations other than the Peyton Street Parking Lot. The Event Coordinators shall seek permission from off-site property owners for participant parking.
 - b. Participants in events associated with road closures shall confine exhibits, equipment, and supplies to road area only. Blocking of sidewalks is prohibited.
 - c. Event Coordinators shall provide first right of refusal for one space adjacent to each merchant’s business up to six (6) weeks in advance of the event. Event Coordinators are encouraged to provide reduced rates for this space.
 - d. Event Coordinators shall place vendor booths on alternating sides of the road or shall alternate sides of the road each year for successive events.
 - e. Pedestrian access paths shall be provided to the sidewalk at a rate of one ten (10’) foot space every forty (40) feet of vendor booths. All sidewalk access points shall be free from vendor booths.
 - f. Exceptions for special event activities - This Chapter shall not apply to:
 1. Gatherings on residentially-zoned property for the celebration of birthdays, anniversaries, or family reunions;
 2. Sporting events on any publicly-owned property; or

3. Gatherings or events on Warren County or school-owned property with the permission of the County or School Board.
 4. Gatherings or events on Randolph Macon Academy or school-owned property
- F. The Town Manager, or the Manager's designee, shall be authorized to revoke or suspend any permit previously granted:
1. For violation of any provisions of this Chapter or of any condition of the permit;
 2. For any material misrepresentation, intentional or otherwise, made in connection with the application;
 3. When weather conditions render the subject activity unsafe; and
 4. When otherwise required in the interest of public health, safety and welfare or environmental considerations. In the event a permit is revoked or suspended, the permittee shall immediately discontinue, or cause to be discontinued, the activity for which the permit was granted, but shall thereafter be entitled to a hearing concerning the revocation or suspension decision as provided by Subchapter D.3.
- g. Any permit granted under the provisions of this Chapter shall remain in effect for the duration of the proposed activity.
 - h. The granting of any permit required by this Chapter shall not eliminate any requirement for any business license, any other permit(s) which may be prescribed by any other federal, state or local statutes, ordinances, rules or regulations, or compliance with any other applicable federal, state or local statutes, ordinances, rules or regulations.
 - i. Vendors associated with special events permitted through this Chapter shall not be subject to Town business license requirements.
 - j. The Town Manager may designate one (1) or more officers or employees of the Town to administer the provisions of this Chapter.

- k. Any person who shall violate any provision of this Chapter shall be guilty of a Class 3 misdemeanor.

72-3 Permit Processing Fee

A nonrefundable processing fee, as follows, shall be submitted with the completed application for a special event:

All special event permits shall be processed at no cost.

COUNCIL APPROVAL: As Ordinance to Amend and Re-Enact Town Code Chapter 167 to Regulate Weapons (2nd Reading)

Vice Mayor Holloway moved, seconded by Councilman Tharpe, that Council adopt on its second and final reading an ordinance to amend and re-enact Front Royal Town Code Chapter 167 to regulate weapons within the Town.

Councilman Parker asked the Town Attorney to keep an eye on the matter in Richmond, and bring any legislative changes to the Town Council should their review be needed.

Councilman Sayre noted that he had reservations regarding youth that may throw stones at one another, for example. He expressed hope that the Police Department and the Commonwealth's Attorney would use good judgment in events regarding children.

Councilman Parker asked about previous slingshot and air powered rifle incidents. Chief Furr noted that they had not taken place. Councilman Parker stated that while he understood Mr. Sayre's comments, he fully sees the public safety issue at hand which needs to be addressed. Councilman Sayre described a past incident regarding a BB gun which caused large chaos and great concern. Councilman Sayre noted that there were always two sides to every issue and it takes just one bad apple to ruin the bunch.

Vote: Yes – Conkey, Holloway, Lauder, Parker, Sayre and Tharpe
 No – N/A
 Abstain – N/A
 Absent – N/A
 (Mayor Darr did not vote as there was no tie to require his vote)
 (BY ROLL CALL)

⌘ ORDINANCE: REGULATE WEAPONS ⌘
An Ordinance To Amend And Re-Enact Front Royal Town Code Section 167, To Regulate Weapons Within The Town

WHEREAS, the Town has been enabled to regulate Weapons with the Town, and;

WHEREAS, the Commonwealth has recently adopted amendments related to pneumatic guns, and;

WHEREAS, the Town Council desires to continue to promote safety and domestic tranquility within the Town.

NOW THEREFORE, BE IT ENACTED by the Town Council of the Town of Front Royal, Virginia, that Section 167 of the Front Royal Town Code is hereby amended and re-enacted, as follows:

**Chapter 167
WEAPONS**

167-1 Definitions

ARROW – A shaft-like projectile intended to be shot from a bow.

AMMUNITION – A cartridge, pellet, ball, missile, or projectile adapted for use in a weapon.

BOW – Any longbow, recurve bow, compound bow, or crossbow having a peak draw of 10 pounds or more, intended and capable of shooting an arrow. The “bow” does not include bows that have a peak draw of less than 10 pounds or are intended to be used principally as toys.

FIREARM – Any weapon which will, or is designed to, or may be readily converted to, expel a projectile, or in which ammunition may be used or discharged by explosion; provided, however, that stud nailing guns, rivet guns, and similar construction equipment neither designed nor intended as weapons, shall not be deemed firearms..

PNEUMATIC GUN – Any implement designed as a gun that will expel a BB, pellet, or other ammunition by action of pneumatic pressure. This definition shall include a paintball gun that expels by action of pneumatic pressure plastic balls filled with paint for the purpose of marking the point of impact.

REASONABLE CARE - The use of pneumatic guns such that the gun is being discharged so that its BBs, pellets, or other ammunition will be contained on the property by a backstop, earthen embankment or fence. The discharge of BBs, pellets, or other ammunition across or over the bounds or property shall create the rebuttable presumption that the use of the pneumatic gun was not conducted with reasonable care.

TOWN COUNCIL – The Town Council of the Town of Front Royal, Virginia

167-2 Discharge of Firearms

- A. No person shall discharge a firearm of any description within the Town, with the exception of the following:
 - 1. Any law enforcement officer in the performance of official duties;
 - 2. Any other person whose said willful act is otherwise justified or excusable at law in the protection of life or property, or is otherwise is specifically authorized by law;

3. Any otherwise lawful discharge while actually engaged in target practice on shooting ranges or other facilities lawfully established and maintained, or;
4. The use of blank ammunition at athletic events, military funerals, theatrical performances, or events of similar character.
5. Lawfully hunting deer pursuant to a specific grant of authority under a Deer Management Plan adopted by the Virginia Board of Game and Inland Fisheries and the Town Council.

167-3 Discharge of Pneumatic Guns

- A. It shall be unlawful for any person to discharge any pneumatic gun in the Town that are in the opinion of the Town Council so heavily populated as to make such conduct dangerous to the inhabitants thereof:
 1. In or within 300 feet of any dwelling, commercial building, or shelter for animals, with the exception of the following:
 - a. Any otherwise lawful discharge while actually engaged in target practice on shooting ranges or other facilities lawfully established and maintained, or;
 - b. On other property where firearms may be legally discharged, or;
 - c. On private property with permission of the owner or legal possessor thereof when conducted with reasonable care to prevent a projectile from crossing the bounds of the property.
- B. It shall be unlawful for any minor under the age of 16 to use a pneumatic gun unless such minor is under the supervision of a parent, guardian, or other adult supervisor approved by a parent or guardian of such minor. Minors above the age of 16 may, with the written consent of a parent or guardian, use a pneumatic gun on private property with the consent of the owner. Any minor, whether permitted by a parent or guardian to use a pneumatic gun or not, shall be responsible for obeying all laws, regulations, and restrictions governing such use.

167-4 Discharge of Missile Projecting Weapons

- A. It shall be unlawful to discharge any non-firearm or non-pneumatic missile projecting gun or weapons to include bows, crossbows, and slingshots within the Town, with the exception of the following:
 1. Any law enforcement officer in the performance of official duties;

2. Any other person whose said willful act is otherwise justified or excusable at law in the protection of life or property, or is otherwise is specifically authorized by law
3. Any otherwise lawful discharge while actually engaged in target practice on shooting ranges or other facilities lawfully established and maintained.
4. Lawfully hunting deer pursuant to a specific grant of authority under a Deer Management Plan adopted by the Virginia Department of Game and Inland Fisheries and the Town Council.

167-5 Throwing of Stones

- A. It shall be unlawful for any person to throw a stone or other missile in the streets or public property with the intent to do harm to people, animals, or property.

167-6 Violations

- A. Violations of this Section involving firearms shall constitute a Class 3 misdemeanor punishable by a fine of not more than five hundred dollars (\$500.00).
 - B. Violations of this Section involving pneumatic guns, missile projecting weapons, or throwing stones shall constitute a Class 4 misdemeanor punishable by a fine of not more than two hundred fifty dollars (\$250.00).
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There being no further business, the Mayor declared the meeting adjourned at 7:38 p.m.

APPROVED:

Jennifer E. Berry
Clerk of Council