

**BERRYVILLE TOWN COUNCIL**  
**MEETING AGENDA**  
**Regular Meeting**  
**Berryville-Clarke County Government Center**  
**101 Chalmers Court, Second Floor**  
**Main Meeting Room**  
**Tuesday, January 9, 2018**  
**7:30 p.m.**

<u>Item</u>	<u>Attachment</u>
1. <b>Call to Order</b> – Patricia Dickinson, Mayor	
2. <b>Pledge of Allegiance</b>	
3. <b>Approval of Agenda</b>	
4. <b>Public Hearings</b>	No public hearings scheduled
5. <b>Citizens' Forum</b>	
6. <b>Consent Agenda</b>	Motion 1↓ Minutes of Regular Meeting – 12/12/17 Minutes of Comm. Improvements Committee Meeting – 12/14/17
7. <b>Report of Patricia Dickinson, Mayor</b>	Resolution proclaiming 2018 as the “Year of the Veteran” 2↓  Town Council Goals and Objectives for Fiscal Year 2019 3
8. <b>Report of Harry Lee Arnold, Jr., Recorder</b>	Resolution recognizing the service of Chris Shipe as President of John H. Enders Volunteer Fire Company and Rescue Squad 4↓  Resolution recognizing the service of Harold Rohde as Chief of John H. Enders Volunteer Fire Company and Rescue Squad 5↓
9. <b>Report of Christy Dunkle, Asst. Town Manager for Community Development</b>	Monthly Report 6
10. <b>Report of Keith Dalton, Town Manager</b>	Presentation: Robinson, Farmer & Cox -Fiscal Year 2017 Audit 7  Presentation: Damron Engineering - Structural Evaluation of Livery Stable at 23 East Main Street 8  Lease for 23 East Main Street 9  Lease for 36 Smithy Lane 10

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<b>13. Report of David Tollett – Chair, Police and Security Committee</b> Report of Neal White, Chief of Police	14
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Proposed repeal and re-adoption of Chapter 10 of the Berryville Code – Motor Vehicles and Traffic	16↓
<b>14. Report of Patricia Dickinson – Chair, Streets and Utilities Committee</b> Report of David Tyrrell, Public Utilities Director  Report of Rick Boor, Public Works Director	17
<b>15. Report of Harry Lee Arnold, Jr. – Chair, Personnel Committee</b>	
<b>16. Other</b>	
<b>17. Closed Session –</b> No closed session scheduled	
<b>18. Adjourn</b>	

↓ denotes an item on which a motion for action is included in the packet

# Attachment 1

BERRYVILLE TOWN COUNCIL  
MOTION TO APPROVE CONSENT AGENDA

Date: January 9, 2018

Motion By:

Second By:

I move that the Council of the Town of Berryville approve the consent agenda.

VOTE:

Aye:

Nay:

Absent:

ATTEST:

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Harry Lee Arnold, Jr., Recorder

**MINUTES**  
**BERRYVILLE TOWN COUNCIL**  
**Berryville-Clarke County Government Center**  
**Regular Meeting**  
**December 12, 2017**  
**7:30 p.m.**

**Town Council:** Present-Patricia Dickinson, Mayor; Donna Marie McDonald; Allen Kitselman; Erecka Gibson; David Tollett; **Absent:** Harry Lee Arnold, Jr., Recorder  
**Staff:** Keith Dalton, Town Manager; Christy Dunkle, Assistant Town Manager/Planner; Chief Neal White, Berryville Police Department; Mia L. Jackson, Town Clerk  
**Press:** Cathy Kuehner, Winchester Star

1. Call to Order

Mayor Dickinson called the meeting to order at 7:30 p.m.

2. Pledge of Allegiance

3. Approval of Agenda

**On motion of Council member Kitselman, seconded by Council member Tollett, the agenda was unanimously approved as presented.**

4. Citizens' Forum

Mayor Dickinson acknowledged the following speakers during the Citizens' Forum:

Town Residents Diane Harrison, Susan Godfrey and Marilyn Pierce spoke to Council recognizing Town Manager Keith Dalton for twenty years of service and shared their appreciation for Mr. Dalton's support of the Town.

Nathan Stalvey representing Berryville Main Street, gave a report on the recent events conducted by the organization. Mr. Stalvey reviewed past events during the holiday season including the Christmas tree lighting, the Town parade, the holiday homes tour, and a local artist at the Fire House Gallery as part of the Top of Virginia Artisan Trail Initiative. Mr. Stalvey mentioned that Berryville Main Street met with the new ambassador of the Appalachian Trail. Mr. Stalvey said he is excited about this new collaboration and that they are hoping it will generate more business for the Town of Berryville. Mr. Stalvey noted Berryville Main Street is in the process of preparing their business plan and budget request due to the Town by January 1, 2018. In conclusion Mr. Stalvey thanked the Mayor for putting together the World War I event committee.

Town Resident, Dennis Couture addressed Council regarding his concerns of traffic along South Buckmarsh Street and the response from the Town regarding his concerns. Mr. Couture would like it clarified in the minutes that the words he used to describe the traffic situation were "dangerous, unnerving, disquieting and unhealthy". Mr. Couture said he has noticed that since VDOT has put up a speed monitor passenger cars have been attentive to the sign however the large trucks are still speeding. He would like the Town to contact VDOT and the Inland Port to discuss potential solutions.

5. Minutes

The minutes of the regular Town Council meeting held on 11/14/17, the minutes of Police and Security Committee held on 11/30/17 and the minutes of the Personnel Committee meeting on 12/7/17 were removed from the consent agenda and voted on individually.

**On motion of Council member McDonald, the Council of the Town of Berryville approved as amended the minutes of the Town Council meeting of 11/14/2017. Council member Gibson seconded the motion which carried as follows:**

**Aye: McDonald, Kitselman, Gibson, Tollett**

**Nay: None**

**Abstain: Dickinson**

**Absent: Arnold**

**On motion of Council member Tollett, the Council of the Town of Berryville approved as amended the minutes of the Police and Security Committee meeting held on 11/30/2017. Council member Gibson seconded the motion which carried as follows:**

**Aye: McDonald, Kitselman, Gibson, Tollett**

**Nay: None**

**Abstain: Dickinson**

**Absent: Arnold**

**On motion of Council member Gibson, the Council of the Town of Berryville approved the minutes of the Personnel committee meeting held on 12/07/2017. Mayor Dickinson seconded the motion which carried as follows:**

**Aye: McDonald, Kitselman, Gibson, Tollett, Dickinson**

**Nay: None**

**Abstain: None**

**Absent: Arnold**

6. Report of Patricia Dickinson, Mayor

Mayor Dickinson discussed the newly formed World War I committee. She stated that the committee has a good cross representation of citizens from both the Town and County. She said the next meeting will be held on January 10 where they will be deciding on the mission and some primary goals and objectives for the committee.

Mayor Dickinson thanked the first responders, Officer Shoremont and Enders Volunteer Fire and Rescue Company for their swift response and help with the recent fire on Battletown Drive. Mayor Dickinson noted that fire hydrant work that was recently completed last summer on Battletown Drive proved helpful during this time.

7. Report of Harry Lee Arnold, Jr., Recorder

Recorder Arnold, Absent, no report.

8. Report of Christy Dunkle, Assistant Town Manager for Community Development

Ms. Dunkle had two action items. The first action item to be considered is the bond release for Section 4B, Delany and Beauregard courts.

On motion of Council Member McDonald, the Council of the Town of Berryville, approved by resolution the release of the following Public Improvements and Erosion and Sediment Control bonds as follows; Section 4B (Delany and Beauregard courts) Public Improvements, \$15,269.10 and Erosion and Sediment Control, \$1,680.00. Council member Kitselman seconded the motion which carried as follows:

- Aye: McDonald, Kitselman, Gibson, Tollett
- Nay: None
- Abstain: Dickinson
- Absent: Arnold

Attest: \_\_\_\_\_  
Harry Lee Arnold, Jr.

+ + + + +

Ms. Dunkle stated that the second action item to be considered is the release of the cash surety in the name of A.C. Echols, Jr., Trustee for the Battlefield Center Trust in the amount of \$10,875 for the completion of Jackson Pond.

Council member McDonald moved to approve the release of the cash surety in the name A.C. Echols, Jr., Trustee for Battlefield Center Trust in the amount of \$10,875 for the completion of Jackson Pond.

Council member Gibson seconded the motion which carried as follows:

- Aye: McDonald, Kitselman, Gibson, Tollett
- Nay: None
- Abstain: Dickinson
- Absent: Arnold

Attest: \_\_\_\_\_  
Harry Lee Arnold, Jr.

9. Report of Keith Dalton, Town Manager

Mr. Dalton introduced the new Town Clerk, Mia Jackson.

Mr. Dalton made Council aware of the upcoming work session scheduled for December 18, 2017 and called attention to the work session packet that was distributed to Council members at tonight's meeting.

Mr. Dalton thanked the citizens of the Town for the kind gesture recognizing his twenty years of service as Town Manager. He noted it has been a pleasure serving the great citizens of the Town as well as working closely with a lot of good public servants.

10. Report of Erecka Gibson – Chair, Budget and Finance Committee

No Report. Council member Gibson noted the next meeting has been scheduled for January 23, 2018 at 10:30 a.m.

11. Report of Donna McDonald – Chair, Community Improvements Committee

No Report.

12. Report of David Tollett – Chair, Police and Security Committee

Council member Tollett noted the Police and Security Committee meeting will be on January 25, 2018 at 9:00a.m.

Council member Tollett said that at the last committee meeting, the career development program for new officers was recommended for implementation. Mr. Tollett asked Chief White to summarize the career development program which was one of primary goals that was set by the committee for 2017. Chief White reviewed details of the program. Chief White stated that the committee has been looking for ways to stay competitive within its recruitment of new officers and is hopeful this program will help achieve that goal. Chief White said that along with continued education components the program does offer some financial incentives to new officers. He also said that the objective is stay competitive and to retain high caliber officers for the Town.

Mr. Tollett noted that chapters 4 (Animals and Fowl) and 10 (Motor Vehicles and Traffic) of the Code of Ordinances for the Town of Berryville were finalized by the committee and chapter 8 (Garbage and Refuse) will be reviewed next.

Mr. Dalton stated that the Town is looking into comments received from citizens. Council member Kitselman noted specifically a comment from a citizen regarding leaves being blown into the street and creating a hazard. Mr. Dalton stated that the issue would be addressed in next fall's newsletter. Mr. Dalton said residents may comment online or in writing prior to the next Council meeting on proposed modification to the Town code. He said Council may like to have a separate section during Citizens' Forum for comments and Council agreed.

Council member McDonald said on behalf of Clarke County Social Services that the Town does have a population of underserved and underprivileged citizens and that the recent toy drive sponsored by the Berryville Police Department was fantastic and would bring lots of joy to the families. She also noted as a lifelong resident she is proud to live in this community because of the continued cohesiveness within the community.

13. Report of Patricia Dickinson – Chair, Streets and Utilities Committee

A committee meeting was not held in December however there is a meeting scheduled January 23, 2018 at 12:00 p.m.

Mayor Dickinson noted that the traffic calming on 340 is a very high priority project that will be on the agenda in January.

14. Report of Harry Lee Arnold, Jr., Chair, Personnel Committee

In Council member Arnold's absence, Council Member Gibson reviewed the Personnel Committee report. She noted there were two items addressed in the report. She said the first item, was to conduct interviews for the Berryville Area Development Authority and the second item was a discussion regarding future vacancies and term expirations that will be addressed at the next meeting. Council member Gibson noted there are openings coming up on the Architectural Review Board.

**On motion of Council Member Gibson, the Council of the Town of Berryville, approved the appointment of Mary Jo Pellerito to complete the unexpired term of Warren Dilandro on the Berryville Area Development Authority for a term that will begin on December 13, 2017 and end on June 30, 2018.**

**Council member Kitselman seconded the motion which carried as follows:**

**Aye: McDonald, Kitselman, Gibson, Tollett**

**Nay: None**

**Abstain: Dickinson**

**Absent: Arnold**

15. Other

Mr. Dalton confirmed the Committee meeting schedule as follows:

Town Council Work Session: December 18, 2017 @ 2:00 p.m.

Budget and Finance: January 23, 2018 @ 10:30 a.m.

Community Improvements: December 14, 2017 @ 4:00 p.m.

Community Improvements: January 22, 2018 @ 7:00 p.m.

Police and Security: January 25, 2018 @ 9:00 a.m.

Streets and Utilities: January 23, 2018 @ 12:00 p.m.

Personnel: January 23, 2018 @ TBD

16. Adjourn

There being no other business, upon motion of Council member Kitselman, seconded by Council member Gibson, the meeting was adjourned at 8:05 p.m.

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Harry Lee Arnold, Jr., Recorder

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Mia L. Jackson, Town Clerk

**MINUTES  
BERRYVILLE TOWN COUNCIL  
COMMUNITY IMPROVEMENTS COMMITTEE  
Berryville-Clarke County Government Center  
Called Meeting  
December 14, 2017**

**Committee members:** Present- Allen Kitselman Absent - Donna Marie McDonald, Chair

**Staff:** Keith Dalton, Town Manager

**Press:** Cathy Kuenher, *Winchester Star*

**Others:** Michael Damron, Damron Engineering and Consulting

1. Call to Order

Mr. Kitselman began the discussion at 4:00 p.m.

2. Discussion                      Structural Evaluation of Livery Stable at 23 East Main Street

Mr. Kitselman asked Mr. Damron to brief those assembled on the evaluation.

Mr. Damron reviewed his work to date. He noted that there were no glaring issues that had to be fixed immediately. He noted that his report provides for stabilization work which should be completed in the near term and as well as more extensive work that could be completed in the future.

Mr. Kitselman and Mr. Damron discussed specific details of Mr. Damron's findings and how the report would be packaged.

Mr. Kitselman noted that the final submission is due on January 4, 2018 and that Mr. Damron will make a presentation on that report at the January 9, 2018 Town Council meeting.

6. Adjourn

Mr. Kitselman closed the discussion at 5:22 p.m.

# Attachment 2

This year much of the world will be commemorating the 100<sup>th</sup> anniversary of the armistice that ended World War I. Locally, a committee is working to plan and manage events and remembrances throughout the year. Since Armistice Day became Veteran's Day in 1954, it is logical that while the community remembers and pays tribute to those who served in WWI efforts be made to honor the service of all of our veterans.

The attached resolution begins Berryville's observance of this historic year by proclaiming it the "Year of the Veteran".

BERRYVILLE TOWN COUNCIL

MOTION TO ADOPT RESOLUTION PROCLAIMING 2018  
AS THE "YEAR OF THE VETERAN"

Date: January 9, 2018

Motion By:

Second By:

I move that the Council of the Town of Berryville adopt the attached resolution proclaiming 2018 as the "Year of the Veteran".

VOTE:

Aye:

Nay:

Absent:

ATTEST:

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Harry Lee Arnold, Jr., Recorder

**TOWN COUNCIL OF THE TOWN OF BERRYVILLE  
PROCLAMATION FOR DESIGNATING 2018  
AS THE “YEAR OF THE VETERAN”**

WHEREAS, November 11, 2018 marks the 100<sup>th</sup> anniversary of the armistice that ended the Great War, which later became known as World War I, and

WHEREAS; the first observance of Armistice Day occurred on November 11, 1919 and this observance continued until 1954 when the purpose of the holiday was expanded from only recognizing those who had served in World War 1 to a day to recognize the contributions and sacrifices of all of America’s veterans, and

WHEREAS, throughout 2018 our community will be not only paying tribute to those who served in World War 1 as well as the contributions of all our nation’s veterans; and

WHEREAS, this Council recognizes the sacrifices of our nation’s veterans while in uniform; and

WHEREAS, the Council recognizes the continued service rendered by our veterans after their return to civilian life; now,

THEREFORE, BE IT RESOLVED the Council of the Town of Berryville proclaims 2018 as the “Year of the Veteran” and honors those from our community and the nation who have answered our country’s call.

By Order of the Town Council of the Town of Berryville on this the ninth day of January, 2018.

\_\_\_\_\_  
Patricia Dickinson, Mayor

\_\_\_\_\_  
Harry Lee Arnold, Jr., Recorder

# Attachment 3

On 8 January the Town Council held a work session to discuss progress on the Town Council Goals and Objectives for Fiscal Year 2018. The Council also discussed development of the goals for Fiscal Year 2019. These Goals and Objectives will assist staff and Town Council as the Fiscal Year 2019 budget process progresses.

Mayor Dickinson wants summarize yesterday's discussion for the public's benefit and provide an opportunity for Town Council members to comment further if they choose. Mayor Dickinson would also like to establish a schedule for adoption of the Goals and Objectives for Fiscal Year 2019 that works within the budget calendar.

**Staff Recommended Goals and Objectives for the Town of Berryville Fiscal Year 2019**  
(Blue – staff recommendations for FY19 Orange – for consideration in future)

**Goal 1: Improve Berryville’s commercial climate and attract businesses that fulfill the economic development goals of the Town.**

Objective: Attract a hotel to Berryville within the next eighteen months. Complete work in FY20.

Cost: TBD

Funding Source: General Fund

Objective: Work cooperatively with Clarke County to amend the annexation agreement in order to create Annexation Area C and provide for expansion of the community’s business tax base. Complete work in FY20.

Cost: TBD

Funding Source: General Fund

Objective: Update the national and local historic districts within the Town.

Cost: \$20,000

Funding Source: General Fund

**Goal 2: Improve and update facilities in Rose Hill Park**

Objective: Replace and/or rehabilitate equipment in John Rixey Moore Playground. Complete work in FY19.

Cost: \$ 45,000

Funding Source: General Fund

Objective: Renovate walking path connecting the Rose Hill Park gazebo to Main Street. Complete work in FY19.

Cost: \$ TBD

Funding Source: General Fund

**Goal 3: Ensure that the Town’s water and sewer fees, including availability and user fees, are calculated in a manner that will fund operations and capital improvement needs, while being fair and reasonable.**

Objective: Procure the services of a consulting engineer to complete a water and sewer fee analysis and adopt revised fees. This is to be completed in FY19.

Cost: \$40,000

Funding Source: Water Fund 50% and Sewer Fund 50% (\$20,000 from FY18 and \$20,000 from FY19)

**Goal 4: Ensure that the Town's salary structure is competitive.**

Objective: Complete an in house compensation study and revised classification system. This will be completed in FY19.

Cost: TBD

Funding Source: General, Water, and Sewer Funds

Objective: Fund, to the fullest extent possible, needed compensation adjustments identified in the compensation study. This is to be completed by FY21.

Cost: TBD

Funding Source: General, Water, and Sewer Funds

**Goal 5: Promote public confidence in the Berryville Police Department and promote professionalism within the department**

Objective: Obtain Virginia Law Enforcement Professional Standards Commission Accreditation

Cost: \$7,000

Funding source: General Fund

**Goal 6: Develop plans that ensure tangible and intangible assets are maintained, accounted for, and maximized to their full potential.**

Objective: Complete an asset inventory for non-enterprise fund assets.

Cost: TBD

Funding Source: General Fund

Submitted to Town Council for 1 December 2017 Work Session

# Attachment 4

**BERRYVILLE TOWN COUNCIL**

**Resolution of Appreciation for Chris Shipe and Harold Rohde**

**January 9, 2018**

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Mr. Shipe and Mr. Rohde have played significant roles in the John H. Enders Fire Company and Rescue Squad for many years. Both have completed roles as President of the Board of Directors and Chief, respectively. They have both transitioned out of these positions beginning January 1, 2018.

**Recommendation**

Approve as presented. The resolutions and motions follow this report.

**BERRYVILLE TOWN COUNCIL**

**MOTION FOR APPROVAL OF A RESOLUTION  
RECOGNITION OF SERVICE WITH JOHN H. ENDERS FIRE COMPANY  
CHRISTOPHER G. SHIPE**

Date: January 9, 2018

Motion By:

Second By:

I move that the Council of the Town of Berryville approve the attached resolution recognizing Chris Shipe's service to the community as President of the John H. Enders Fire Company and Rescue Squad.

VOTE:

Aye:

Nay:

Abstain:

Absent:

ATTEST:

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Harry Lee Arnold, Jr., Recorder



**COUNCIL OF THE TOWN OF BERRYVILLE  
RESOLUTION OF APPRECIATION AND THANKS**

**WHEREAS**, Christopher G. Shipe has been a member of the John H. Enders Fire Company and Rescue Squad since August, 2004; and

**WHEREAS**, Chris has been very active responding to fire calls and serving on a weekly ambulance duty crew; and

**WHEREAS**, Chris has continuously promoted the Company, its Officers, and its Members to the public as an ambassador of the Company and has always treated Officers and Members with respect and encouragement; and

**WHEREAS**, Chris worked tirelessly for the Company serving as its President from January, 2007 through December, 2017; and

**WHEREAS**, Chris has used his business and management skills to make daily decisions to allow the Company to improve its operations and services to the citizens of Berryville and Clarke County; and

**WHEREAS**, Chris negotiated for the expansion of a much-needed parking lot and additional storage to the firehouse; and

**WHEREAS**, Chris remains active in the Volunteer Fire Company;

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the Town of Berryville, that Chris Shipe's long and distinguished service to this community is recognized and that he is thanked for his hard work and devotion.

By Order of the Council of the Town of Berryville on this the ninth day of January, 2018.

\_\_\_\_\_  
Patricia Dickinson, Mayor

\_\_\_\_\_  
Harry Lee Arnold, Jr., Recorder

# Attachment 5

**BERRYVILLE TOWN COUNCIL**

**MOTION FOR APPROVAL OF A RESOLUTION  
RECOGNITION OF SERVICE WITH JOHN H. ENDERS FIRE COMPANY  
HAROLD L. ROHDE**

Date: January 9, 2018

Motion By:

Second By:

I move that the Council of the Town of Berryville approve the attached resolution recognizing Harold Rohde's service to the community as Chief of the John H. Enders Fire Company and Rescue Squad.

VOTE:

Aye:

Nay:

Abstain:

Absent:

ATTEST:

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Harry Lee Arnold, Jr., Recorder



## **COUNCIL OF THE TOWN OF BERRYVILLE RESOLUTION OF APPRECIATION AND THANKS**

**WHEREAS**, Harold L. Rohde has been a member of the John H. Enders Fire Company and Rescue Squad since July, 1995; and

**WHEREAS**, from January, 2010 through December, 2017, Harold executed his duties as Chief with professionalism, efficiency, and genuine concern for his fellow man; and

**WHEREAS**, Harold remains an active member in the Volunteer Fire Company; and

**WHEREAS**, Harold always worked tirelessly seeking and submitting grants for the Company and successfully obtained funding for state-of-the-art equipment and vehicles which enhance the ability of the Company, its Officers, and its members to better serve the citizens of Berryville, Clarke County, and the surrounding area;

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the Town of Berryville, that Harold Rohde's long and distinguished service to this community is recognized and that he is thanked for his hard work and devotion.

By Order of the Council of the Town of Berryville on this the ninth day of January, 2018.

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Patricia Dickinson, Mayor

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Harry Lee Arnold, Jr., Recorder

# Attachment 6

# Planning and Community Development

## ***Action Item***

Resolutions of Appreciation for Chris Shipe and Harold Rohde, John H. Enders Fire Company and Rescue Squad

## **January 9, 2018**

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### **Planning Commission**

The Planning Commission will be holding their organizational meeting on Tuesday, January 23, 2018 at 7:30pm. They will be holding public hearings for proposed text amendments to the Zoning Ordinance concerning "craft beverage manufacturing" including a definition in Article I and allowing the use by Special Permit and by right to Article VI Sections 607 and 609, respectively.

### **Berryville Area Development Authority**

The BADA will be holding their organizational meeting on Wednesday, January 24, 2018 at 7:00pm.

### **Architectural Review Board**

The Architectural Review Board did not hold a January meeting. Their next meeting is scheduled for Wednesday, February 7, 2018.

### **Board of Zoning Appeals**

The Board of Zoning Appeals has not held a meeting since the last Council meeting.

# Attachment 7

Josh Roller of Robinson, Farmer & Cox will be present at the meeting to provide a brief overview of the FY2017 Audit. After the presentation Mr. Roller will answer any questions the Town Council has regarding the report.

A copy of the audit is included in this packet.

# ROBINSON, FARMER, COX ASSOCIATES

A PROFESSIONAL LIMITED LIABILITY COMPANY

CERTIFIED PUBLIC ACCOUNTANTS

## Communication with Those Charged with Governance

To the Honorable Members of the Town Council  
Town of Berryville, Virginia

We have audited the financial statements of the governmental activities, the business-type activities, and each major fund of Town of Berryville, Virginia for the year ended June 30, 2017. Professional standards require that we provide you with information about our responsibilities under generally accepted auditing standards, *Government Auditing Standards*, as well as certain information related to the planned scope and timing of our audit. We have communicated such information in our letter to you dated June 29, 2017. Professional standards also require that we communicate to you the following information related to our audit.

### Significant Audit Findings

#### *Qualitative Aspects of Accounting Practices*

Management is responsible for the selection and use of appropriate accounting policies. The significant accounting policies used by Town of Berryville, Virginia are described in Note 1 to the financial statements. No new accounting policies were adopted and the application of existing policies was not changed during 2017. We noted no transactions entered into by the entity during the year for which there is a lack of authoritative guidance or consensus. All significant transactions have been recognized in the financial statements in the proper period.

Accounting estimates are an integral part of the financial statements prepared by management and are based on management's knowledge and experience about past and current events and assumptions about future events. Certain accounting estimates are particularly sensitive because of their significance to the financial statements and because of the possibility that future events affecting them may differ significantly from those expected. The most sensitive estimate(s) affecting the Town's financial statements was:

Management's estimate of the depreciable lives of capital assets is based on the actual lives of prior assets and industry standards. We evaluated the key factors and assumptions used to develop the depreciable lives in determining that it is reasonable in relation to the financial statements taken as a whole.

The financial statement disclosures are neutral, consistent, and clear.

#### *Difficulties Encountered in Performing the Audit*

We encountered no significant difficulties in dealing with management in performing and completing our audit.

#### *Corrected and Uncorrected Misstatements*

Professional standards require us to accumulate all known and likely misstatements identified during the audit, other than those that are clearly trivial, and communicate them to the appropriate level of management. Management has corrected all such misstatements. In addition, none of the misstatements detected as a result of audit procedures and corrected by management were material, either individually or in the aggregate, to each opinion unit's financial statements taken as a whole.

### *Disagreements with Management*

For purposes of this letter, a disagreement with management is a financial accounting, reporting, or auditing matter, whether or not resolved to our satisfaction, that could be significant to the financial statements or the auditors' report. We are pleased to report that no such disagreements arose during the course of our audit.

### *Management Representations*

We have requested certain representations from management that are included in the management representation letter dated November 9, 2017.

### *Management Consultations with Other Independent Accountants*

In some cases, management may decide to consult with other accountants about auditing and accounting matters, similar to obtaining a "second opinion" on certain situations. If a consultation involves application of an accounting principle to the entity's financial statements or a determination of the type of auditors' opinion that may be expressed on those statements, our professional standards require the consulting accountant to check with us to determine that the consultant has all the relevant facts. To our knowledge, there were no such consultations with other accountants.

### *Other Audit Findings or Issues*

We generally discuss a variety of matters, including the application of accounting principles and auditing standards, with management each year prior to retention as the entity's auditors. However, these discussions occurred in the normal course of our professional relationship and our responses were not a condition to our retention.

### Other Matters

We applied certain limited procedures to management's discussion and analysis and the schedules related to pension funding, which are required supplementary information (RSI) that supplements the basic financial statements. Our procedures consisted of inquiries of management regarding the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We did not audit the RSI and do not express an opinion or provide any assurance on the RSI. Our responsibility with respect to the budgetary comparison information, which also supplements the basic financial statements, is to evaluate the presentation of the schedules in relation to the financial statements as a whole and to report on whether it is fairly stated, in all material respects, in relation to the financial statements as a whole.

We were engaged to report on supporting schedules, which accompany the financial statements but are not RSI. With respect to this supplementary information, we made certain inquiries of management and evaluated the form, content, and methods of preparing the information to determine that the information complies with accounting principles generally accepted in the United States of America, the method of preparing it has not changed from the prior period, and the information is appropriate and complete in relation to our audit of the financial statements. We compared and reconciled the supplementary information to the underlying accounting records used to prepare the financial statements or to the financial statements themselves.

### Restriction on Use

This information is intended solely for the use of Town Council and management of Town of Berryville, Virginia and is not intended to be, and should not be, used by anyone other than these specified parties.

*Robinson, Fawcett, Cox Associates*

Charlottesville, Virginia  
November 9, 2017

TOWN OF BERRYVILLE, VIRGINIA



FINANCIAL REPORT  
FOR THE YEAR ENDED JUNE 30, 2017



**TOWN OF BERRYVILLE, VIRGINIA**

**FINANCIAL REPORT**

**YEAR ENDED JUNE 30, 2017**



**TOWN OF BERRYVILLE, VIRGINIA**

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Keith R. Dalton, Town Manager

Desiree Moreland, Assistant Town  
Manager/Treasurer

Christina Dunkle, Assistant Town  
Manager for Community Development  
and Operations/Planner

Neal White, Chief of Police

David Tyrrell, Director of Utilities

Rick Boor, Director of Public Works

Deborah Boggs, Utility Clerk

Ann Phillips, Town Clerk



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TOWN OF BERRYVILLE, VIRGINIA

Financial Report  
Year Ended June 30, 2017

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TOWN OF BERRYVILLE, VIRGINIA

Financial Report  
Year Ended June 30, 2017

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# ROBINSON, FARMER, COX ASSOCIATES

CERTIFIED PUBLIC ACCOUNTANTS

A PROFESSIONAL LIMITED LIABILITY COMPANY

## Independent Auditors' Report

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To the Honorable Members of the Town Council  
Town of Berryville, Virginia

### Report on the Financial Statements

We have audited the accompanying financial statements of the governmental activities, the business-type activities, and each major fund of the Town of Berryville, Virginia, as of and for the year ended June 30, 2017, and the related notes to the financial statements, which collectively comprise the Town's basic financial statements as listed in the table of contents.

#### *Management's Responsibility for the Financial Statements*

Management is responsible for the preparation and fair presentation of these financial statements in accordance with accounting principles generally accepted in the United States of America; this includes the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

#### *Auditors' Responsibility*

Our responsibility is to express opinions on these financial statements based on our audit. We conducted our audit in accordance with auditing standards generally accepted in the United States of America; the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States; and the *Specifications for Audits of Counties, Cities, and Towns*, issued by the Auditor of Public Accounts of the Commonwealth of Virginia. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditors' judgment, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the entity's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. Accordingly, we express no such opinion. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinions.

## *Opinions*

In our opinion, the financial statements referred to above present fairly, in all material respects, the respective financial position of the governmental activities, the business-type activities, and each major fund of the Town of Berryville, Virginia, as of June 30, 2017, and the respective changes in financial position, and, where applicable, cash flows thereof for the year then ended in accordance with accounting principles generally accepted in the United States of America.

## *Other Matters*

### *Required Supplementary Information*

Accounting principles generally accepted in the United States of America require that the management's discussion and analysis, budgetary comparison information, and schedules related to pension funding on pages 4-10, 54, and 55-57 be presented to supplement the basic financial statements. Such information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board, who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. We have applied certain limited procedures to the required supplementary information in accordance with auditing standards generally accepted in the United States of America, which consisted of inquiries of management about the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We do not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance. The budgetary comparison information has been subjected to the auditing procedures applied in the audit of the basic financial statements and, in our opinion, is fairly stated in all material respects in relation to the basic financial statements taken as a whole.

### *Other Information*

Our audit was conducted for the purpose of forming opinions on the financial statements that collectively comprise the Town of Berryville, Virginia's basic financial statements. The supporting schedules and statistical information are presented for purposes of additional analysis and are not a required part of the basic financial statements.

The supporting schedules are the responsibility of management and were derived from and relate directly to the underlying accounting and other records used to prepare the basic financial statements. Such information has been subjected to the auditing procedures applied in the audit of the basic financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the basic financial statements or to the basic financial statements themselves, and other additional procedures in accordance with auditing standards generally accepted in the United States of America. In our opinion, the supporting schedules are fairly stated in all material respects in relation to the basic financial statements as a whole.

The statistical information has not been subjected to the auditing procedures applied in the audit of the basic financial statements and, accordingly, we do not express an opinion or provide any assurance on them.

## Other Reporting Required by *Government Auditing Standards*

In accordance with *Government Auditing Standards*, we have also issued our report dated November 9, 2017, on our consideration of the Town of Berryville, Virginia's internal control over financial reporting and on our tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements and other matters. The purpose of that report is to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing, and not to provide an opinion on internal control over financial reporting or on compliance. That report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the Town of Berryville, Virginia's internal control over financial reporting and compliance.

*Robinson, Fanner, Cox Associates*

Charlottesville, Virginia

November 9, 2017

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**TOWN OF BERRYVILLE, VIRGINIA  
MANAGEMENT'S DISCUSSION AND ANALYSIS**

As management of Town of Berryville (the "Town") we offer the readers of the Town's financial statements this narrative overview and analysis of the financial activities of the Town for the fiscal year ended June 30, 2017. Please read it in conjunction with the Town's basic financial statements, which follow this section.

**Financial Highlights**

The assets and deferred outflows of resources of the Town exceeded its liabilities and deferred inflows of resources at the close of the most recent fiscal year by \$35,133,007 (net position). Of this amount, \$10,333,792 (unrestricted net position) may be used to meet the Town's ongoing obligations to citizens and creditors.

The Town's total net position increased by \$1,584,204, of which the governmental activities accounted for a \$786,301 increase and business-type activities accounted for a \$797,903 increase.

At the end of the current fiscal year, unrestricted net position for governmental activities was \$2,295,310 or 76.86% of the governmental activities expenditures less any capital outlay projects.

The unassigned ending fund balance for the Town's general fund was \$2,595,920, an increase of \$778,492 over the prior year.

The Town's total debt decreased by \$504,763 (4.13%) during the current fiscal year. The key factor in this net decrease was the payment of General Obligation Bonds.

**Overview of the Financial Statements**

This discussion and analysis is intended to serve as an introduction to the Town's basic financial statements. The Town's basic financial statements comprise three components: 1) government-wide financial statements, 2) fund financial statements, and 3) notes to the financial statements. This report also contains required and other supplementary information in addition to the basic financial statements themselves.

Government-wide financial statements

The government-wide financial statements are designed to provide the readers with a broad overview of the Town's finances, in a manner similar to a private sector business. The *statement of net position* presents information on all of the Town's assets and deferred outflows of resources and liabilities and deferred inflows of resources, with the difference reported as *net position*. Over time, increases or decreases in net position may serve as a useful indicator of how the financial position of the Town may be changing. Increases in net position may indicate an improved financial position; however, even decreases in net position may reflect a changing manner in which the Town may have previously accumulated funds.

The *statement of activities* presents information showing how the Town's net position changed during the most recent fiscal year. All changes in net position are reported as soon as the underlying event giving rise to the changes occur, regardless of the timing of related cash flows. Thus revenues and expenses are reported in this statement for some items that will only result in cash flows in future fiscal periods (e.g. uncollected taxes and earned but unused vacation leave).

Both of the government-wide financial statements distinguish functions of the Town that are principally supported by taxes and intergovernmental revenues (*governmental activities*) from other functions intended to recover all or a significant portion of their costs through user fees and charges (*business-type activities*). The governmental activities of the Town include general government administration, public safety, public works, parks, recreation and culture, and community development.

## Overview of the Financial Statements: (Continued)

### Government-wide financial statements: (Continued)

The two Proprietary (business-type) Fund financial statements provide information on the activities in the Town's Water and Sewer Funds. Activities that are funded through the Water Fund include water system administration and billing, water treatment, and maintenance of treatment, distribution, and storage facilities. Activities that are funded through the Sewer Fund include sewer system administration and billing, wastewater treatment, and maintenance of treatment and collection facilities. User fees (water and sewer bills) and availability fees comprise the income for these funds.

The Town has no separate component units (e.g. school board, industrial development authority, etc.) that would be included in its government-wide financial statements.

The government-wide financial statements can be found on pages 11 through 13 of this report.

### Fund financial statements

A *fund* is a grouping of related accounts that is used to maintain control over resources that have been segregated for specific activities or objectives. The Town, like other state and local governments, uses fund accounting to ensure and demonstrate compliance with finance related legal requirements. All of the funds of the Town can be divided into two categories: governmental funds and proprietary funds.

*Governmental funds* are used to account for essentially the same functions reported as *governmental activities* in the government-wide financial statements. However, unlike the government-wide financial statements, governmental fund financial statements focus on *near-term inflows and outflows of spendable resources*, as well as on *balances of spendable resources* available at the end of the fiscal year. Such information may be useful in evaluating a government's near-term financing requirements.

Because the focus of governmental funds is narrower than that of the government-wide financial statements, it is useful to compare the information presented for *governmental funds* with similar information presented for *governmental activities* in the government-wide financial statements. By doing so, readers may better understand the long-term affect of the Town's near-term financing decisions. Both the governmental fund balance sheet and the governmental fund statement of revenues, expenditures, and changes in fund balances provide a reconciliation to facilitate this comparison between *governmental funds and governmental activities*.

The basic governmental fund financial statements can be found on pages 14 through 17 of this report.

The Town maintains two *Proprietary Funds*. These *enterprise funds* are used to report the same functions presented as *business-type activities* in the government-wide financial statements, to account for its public utilities.

The basic proprietary fund financial statements can be found on pages 18 through 20 of this report.

The Town adopts an annual appropriated budget for its General Fund and its two Proprietary Funds. A budgetary comparison statement has been provided for these funds to demonstrate compliance with this budget.

### Notes to the financial statements

The notes provide additional information that is essential to a full understanding of the data provided in the government-wide and fund financial statements.

The notes to the financial statements can be found on pages 21 through 53 of this report.

## Overview of the Financial Statements: (Continued)

### Other information

In addition to the basic financial statements and accompanying notes, this report also presents *required supplementary information* concerning budgetary comparisons for the general fund and the schedules related to pension funding of the Town's participation in its defined benefit pension plan.

Required supplementary information can be found on pages 54 through 57 of this report.

### Government-wide Financial Analysis

As noted earlier, net position may, over time, serve as a useful indicator of a government's financial position. In the case of the Town, assets and deferred outflows of resources exceeded liabilities and deferred inflows of resources by \$35.1 million at the close of the most recent fiscal year. A large portion of the Town's net position (\$24.2 million, 68.96% of total) reflects its investment in capital assets (e.g. land, buildings, machinery, and equipment); less any related debt used to acquire those assets that are still outstanding. The Town uses these capital assets to provide services to its citizens; consequently, these assets are not available for future spending. Although the Town's investment in capital assets is reported net of related debt, it should be noted that the resources needed to repay this debt must be provided by other sources, since the capital assets themselves cannot be used to liquidate these liabilities (i.e. the Town's investment in capital assets are of a permanent nature as assets acquired are not generally sold or otherwise disposed of during their useful life).

The following table summarizes the Town's Statement of Net Position:

Town of Berryville, Virginia  
Summary of Net Position

	Governmental Activities		Business-type Activities		Total	
	2017	2016	2017	2016	2017	2016
Current and other assets	\$ 3,415,100	\$ 2,612,369	\$ 8,760,399	\$ 7,436,427	\$ 12,175,499	\$ 10,048,796
Capital assets	4,268,269	4,350,952	31,680,626	32,718,346	35,948,895	37,069,298
Total assets	<u>\$ 7,683,369</u>	<u>\$ 6,963,321</u>	<u>\$ 40,441,025</u>	<u>\$ 40,154,773</u>	<u>\$ 48,124,394</u>	<u>\$ 47,118,094</u>
Deferred outflows of resources	\$ 188,200	\$ 110,595	\$ 102,193	\$ 57,786	\$ 290,393	\$ 168,381
Long-term liabilities outstanding	\$ 2,624,249	\$ 2,592,195	\$ 9,870,565	\$ 10,306,208	\$ 12,494,814	\$ 12,898,403
Other liabilities	136,205	131,062	87,663	89,319	223,868	220,381
Total liabilities	<u>\$ 2,760,454</u>	<u>\$ 2,723,257</u>	<u>\$ 9,958,228</u>	<u>\$ 10,395,527</u>	<u>\$ 12,718,682</u>	<u>\$ 13,118,784</u>
Deferred inflows of resources	\$ 532,216	\$ 558,061	\$ 30,882	\$ 60,827	\$ 563,098	\$ 618,888
Net investment in capital assets	\$ 2,185,064	\$ 2,232,984	\$ 22,045,626	\$ 22,613,346	\$ 24,230,690	\$ 24,846,330
Restricted	98,525	86,288	470,000	940,000	568,525	1,026,288
Unrestricted	2,295,310	1,473,326	8,038,482	6,202,859	10,333,792	7,676,185
Total net position	<u>\$ 4,578,899</u>	<u>\$ 3,792,598</u>	<u>\$ 30,554,108</u>	<u>\$ 29,756,205</u>	<u>\$ 35,133,007</u>	<u>\$ 33,548,803</u>

A portion of the Town's net position is restricted for debt service in the enterprise funds (\$568,525, 1.62% of total) may be used to meet the Town's ongoing obligations to Virginia Resources Authority.

## Government-wide Financial Analysis: (Continued)

The remaining balance of unrestricted net position (\$10.3 million, 29.42% of total) may be used to meet the Town's ongoing obligations to citizens and creditors.

At the end of the current fiscal year, the Town is able to report positive balances in all categories of net position, both for the Town as a whole, as well as for its separate governmental and business-type activities.

As noted previously, the Town's net position increased by \$1,584,204 during the current fiscal year, generally attributable to construction of the new wastewater treatment plant and an increase in user fees to finance that construction.

Town of Berryville, Virginia						
Changes in Net Position						
	Governmental Activities		Business-type Activities		Total	
	2017	2016	2017	2016	2017	2016
Revenues:						
Charges for services	\$ 129,255	\$ 89,954	\$ 3,366,746	\$ 3,440,775	\$ 3,496,001	\$ 3,530,729
Opr grants & contributions	643,283	611,358	-	-	643,283	611,358
General real property taxes	1,366,546	1,285,996	-	-	1,366,546	1,285,996
Other taxes	1,066,288	983,615	-	-	1,066,288	983,615
Unrestricted revenues from the use of money & property	114,433	88,845	21,075	13,388	135,508	102,233
Grants & contributions not restricted to specific programs	300,628	302,885	-	-	300,628	302,885
Miscellaneous	155,666	43,129	-	-	155,666	43,129
<b>Total Revenues</b>	<b>\$ 3,776,099</b>	<b>\$ 3,405,782</b>	<b>\$ 3,387,821</b>	<b>\$ 3,454,163</b>	<b>\$ 7,163,920</b>	<b>\$ 6,859,945</b>
Expenses:						
General government administration	\$ 908,237	\$ 951,345	\$ -	\$ -	\$ 908,237	\$ 951,345
Public safety	670,199	691,043	-	-	670,199	691,043
Public works	1,142,586	1,082,248	-	-	1,142,586	1,082,248
Parks, recreation & cultural	51,041	45,512	-	-	51,041	45,512
Community development	131,082	183,277	-	-	131,082	183,277
Contingency	-	-	-	-	0	0
Interest on long-term debt	86,653	88,085	-	-	86,653	88,085
Water fund	-	-	744,778	755,906	744,778	755,906
Sewer fund	-	-	1,845,140	1,317,075	1,845,140	1,317,075
<b>Total Expenses</b>	<b>\$ 2,989,798</b>	<b>\$ 3,041,510</b>	<b>\$ 2,589,918</b>	<b>\$ 2,072,981</b>	<b>\$ 5,579,716</b>	<b>\$ 5,114,491</b>
<b>Change in net position</b>	<b>\$ 786,301</b>	<b>\$ 364,272</b>	<b>\$ 797,903</b>	<b>\$ 1,381,182</b>	<b>\$ 1,584,204</b>	<b>\$ 1,745,454</b>
Net position, beginning of year	3,792,598	3,428,326	29,756,205	28,375,023	33,548,803	31,803,349
<b>Net position, end of year</b>	<b>\$ 4,578,899</b>	<b>\$ 3,792,598</b>	<b>\$ 30,554,108</b>	<b>\$ 29,756,205</b>	<b>\$ 35,133,007</b>	<b>\$ 33,548,803</b>

Generally, net position changes are for the difference between revenues and expenses. A key element of this increase is the receipt of WQIF and VRA funds.

**Business-type activities** increased the Town's net position by \$797,903. Similar to how changes arise in the governmental activities, business-type activities also experience budgetary differences; however, as a public utility function comprises the Town's business-type activities there is more of a direct correlation to the revenues generated relative to the expenses incurred because of service demands. An increase in capital contributions made up of loan proceeds and an increase in expenses, primarily construction in progress, contributed to the increase in net position.

## Financial Analysis of the Town's Funds

As noted earlier, the Town uses fund accounting to ensure and demonstrate compliance with finance-related legal requirements.

**Governmental Fund:** The focus of the Town's governmental fund is to provide information on near-term inflows, outflows, and balances of *spendable* resources. Such information is useful in assessing the Town's financing requirements. In particular *unassigned fund balance* may serve as a useful measure of a government's net resources available for spending at the end of the fiscal year.

As of the end of the current fiscal year, the Town's general fund reported a fund balance of \$2,769,445, an increase of \$790,729 in comparison to the prior year, due to cash flow involved in the VDOT street maintenance project and capital projects carried over from the prior fiscal year. Of this total amount, \$2,595,920 or 93.73% constitutes unassigned fund balance, which is available for spending at the Town's discretion. The Town is required to restrict \$98,525 of fund balance for debt service obligations related to the Joint Government Center. The remaining balance of \$75,000 is restricted for proffers revenue, which was received in prior years and not spent as of June 30, 2017.

**Proprietary Funds:** The Town's proprietary funds provide the same type of information found in the government-wide financial statements, but in more detail. The total net position of the water and sewer funds was \$30,554,108. Unrestricted net position at the end of the year was \$8,038,482, an increase of \$797,903, from last year's unrestricted net position due to wastewater treatment plant construction in progress.

### General Fund Budgetary Highlights

During the fiscal year the Town's general fund revenue exceeded budget by \$409,892. Of this amount \$124,788 can be attributed to other local taxes. Also, revenues were higher than expected in general property taxes.

### Capital Asset and Debt Administration

**Capital Assets:** The Town's investment in capital assets for its governmental and business-type activities as of June 30, 2017, amounts to \$35,948,895 (net of accumulated depreciation). This investment in capital assets includes land, buildings, improvements, and machinery and equipment as well as construction in progress.

Capital assets, net of accumulated depreciation, are illustrated in the following table:

Town of Berryville, Virginia  
Capital Assets (net of accumulated depreciation)  
As of June 30, 2017

	Governmental Activities		Business-type Activities		Total	
	2017	2016	2017	2016	2017	2016
Land	\$ 93,209	\$ 93,209	\$ 76,000	\$ 76,000	\$ 169,209	\$ 169,209
Buildings & improvements	3,886,945	4,016,354	28,709,631	29,513,566	32,596,576	33,529,920
Infrastructure	47,447	54,182	2,282,556	2,472,958	2,330,003	2,527,140
Equipment	240,668	187,207	612,439	655,822	853,107	843,029
<b>Total</b>	<b>\$ 4,268,269</b>	<b>\$ 4,350,952</b>	<b>\$ 31,680,626</b>	<b>\$ 32,718,346</b>	<b>\$ 35,948,895</b>	<b>\$ 37,069,298</b>

Additional information on the Town's capital assets can be found in Note 5 on pages 29 and 30 of this report.

**Capital Asset and Debt Administration: (Continued)**

**Long-term obligations:** At the end of the current fiscal year, the Town had total outstanding obligations of \$12,494,815 and details are summarized in the following table:

**Town of Berryville, Virginia  
Outstanding Obligations  
For the Year Ended June 30, 2017**

	<u>Governmental Activities</u>		<u>Business-type Activities</u>		<u>Total</u>	
	<u>2017</u>	<u>2016</u>	<u>2017</u>	<u>2016</u>	<u>2017</u>	<u>2016</u>
Long-term obligations:						
Lease revenue bond	\$ 2,083,205	\$ 2,117,968	\$ -	\$ -	\$ 2,083,205	\$ 2,117,968
General obligation bonds	-	-	9,635,000	10,105,000	9,635,000	10,105,000
Net pension liability	350,704	231,231	185,137	150,432	535,841	381,663
Compensated absences	190,340	173,457	50,428	50,776	240,768	224,233
<b>Total</b>	<b>\$ 2,624,249</b>	<b>\$ 2,522,656</b>	<b>\$ 9,870,565</b>	<b>\$ 10,306,208</b>	<b>\$ 12,494,814</b>	<b>\$ 12,828,864</b>

Obligations associated with governmental activities increased by \$101,593 in 2017. The governmental activities obligations increase was due to the net pension liability increase of \$119,473.

The obligations associated with business-type activities decreased by \$435,642 in 2017 due to VRA loan payments.

The Town is subject to a statutory debt limitation. The legal debt margin is limited to 10% of total assessed value. The margin is computed as all bonded debt and long-term notes except for enterprise indebtedness over total value of taxed real property. The Town was in compliance with debt limitations as of June 30, 2017.

Additional information on the Town’s long-term debt and compliance can be found in Note 6.

**Economic Factors and Next Year’s Budgets and Rates**

Berryville serves as the center of commercial, residential, institutional, and industrial activity for Clarke County.

Both the Town and County are committed to preserving and enhancing Berryville’s historic downtown and maintaining Clarke County’s exquisite countryside. Preservation of our community’s charming character and natural beauty has required extraordinary effort and a high level of cooperation between the Town and County.

The Town experienced a slight increase in real property assessments in 2017 with an overall 1.22% increase. Preliminary forecasts for 2018 assessments indicate moderate but positive growth.

For tax year 2017, the Town Council adopted a .19/\$100 real estate tax rate, which did not change from tax year 2016. The personal property rate remained the same as the prior year at \$1.25/\$100. The machinery and tools tax rate remained the same as the prior year at \$1.30/\$100.

Effective March 1, 2015 the Town approved a \$.10 per pack cigarette tax.

Effective July 1, 2015 the Town implemented a Transient Occupancy Tax in the amount of 2% of the total amount paid for room or space rental to any hotel or travel campground.

## **Economic Factors and Next Year's Budgets and Rates: (Continued)**

The Town's water rate remained the same at \$8.40 per thousand gallons. This rate became effective June 24, 2015.

The Town's sewer rate was adjusted in fiscal year 2014 based on the Business Plan submitted to VRA in March of 2010. An increase of 13.63% (\$11.00 to \$12.50 TG) was effective July 1, 2010. An increase of 12% (\$12.50 to \$14.00 TG) was effective July 1, 2011. An increase of 10.71% (\$14.00 to \$15.50 TG) was effective July 1, 2012. The Town increased the rate 9.68% (\$15.50 to \$17.00 TG) effective July 1, 2013.

### **Requests for Information**

This financial report is designed to provide a general overview of the Town's Finances for all of those with an interest in the government's finances. Questions concerning any of the information provided in this report or requests for additional information should be addressed to the Town Manager, Town of Berryville, 101 Chalmers Court, Suite A, Berryville, Virginia 22611.

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## **Basic Financial Statements**

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*Government-wide Financial Statements*

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Statement of Net Position  
As of June 30, 2017

	Governmental Activities	Business-type Activities	Total
<b>Assets:</b>			
Cash and cash equivalents	\$ 2,784,058	\$ 7,848,648	\$ 10,632,706
Restricted cash and cash equivalents	98,525	470,000	568,525
Receivables, net of allowance for uncollectibles	558,826	287,888	846,714
Due from other governments	37,554	-	37,554
Prepaid items	-	90,000	90,000
Internal balances	(63,863)	63,863	-
Capital assets:			
Land	93,209	76,000	169,209
Other capital assets, net of accumulated depreciation	4,175,060	31,604,626	35,779,686
Capital assets, net	\$ 4,268,269	\$ 31,680,626	\$ 35,948,895
Total assets	\$ 7,683,369	\$ 40,441,025	\$ 48,124,394
<b>Deferred Outflows of Resources:</b>			
Post measurement date employer pension	\$ 99,981	\$ 58,765	\$ 158,746
Net difference between projected and actual earnings on plan investments	88,219	43,428	131,647
Total deferred outflows of resources	\$ 188,200	\$ 102,193	\$ 290,393
<b>Liabilities:</b>			
Accounts payable	\$ 41,293	\$ 26,952	\$ 68,245
Accrued liabilities	-	8,621	8,621
Deferred revenue	3,856	-	3,856
Accrued interest	3,580	-	3,580
Customer deposits	87,476	52,090	139,566
Long-term liabilities:			
Due within one year:			
Bonds payable	36,225	470,000	506,225
Due in more than one year:			
Compensated absences	190,340	50,427	240,767
Net pension liability	350,704	185,138	535,842
Bonds payable	2,046,980	9,165,000	11,211,980
Total liabilities	\$ 2,760,454	\$ 9,958,228	\$ 12,718,682
<b>Deferred Inflows of Resources:</b>			
Items related to measurement of net pension liability	\$ 58,586	\$ 30,882	\$ 89,468
Deferred revenue-property taxes	473,630	-	473,630
Total deferred inflows of resources	\$ 532,216	\$ 30,882	\$ 563,098
<b>Net Position:</b>			
Net investment in capital assets	\$ 2,185,064	\$ 22,045,626	\$ 24,230,690
Restricted for debt reserve	98,525	470,000	568,525
Unrestricted	2,295,310	8,038,482	10,333,792
Total net position	\$ 4,578,899	\$ 30,554,108	\$ 35,133,007

The accompanying notes to financial statements are an integral part of this statement.

TOWN OF BERRYVILLE, VIRGINIA

Statement of Activities  
 Year Ended June 30, 2017

Functions/Programs	Expenses	Program Revenues		
		Charges for Services	Operating Grants and Contributions	Capital Grants and Contributions
<b>Primary Government:</b>				
<b>Governmental activities:</b>				
General government administration	\$ 908,237	\$ -	\$ -	\$ -
Public safety	670,199	33,319	111,524	-
Public works	1,142,586	95,936	526,759	-
Parks, recreation and cultural	51,041	-	-	-
Community development	131,082	-	5,000	-
Interest on long-term debt	86,653	-	-	-
<b>Total governmental activities</b>	<b>\$ 2,989,798</b>	<b>\$ 129,255</b>	<b>\$ 643,283</b>	<b>\$ -</b>
<b>Business-type activities:</b>				
Water	\$ 744,778	\$ 1,046,830	\$ -	\$ -
Sewer	1,845,140	2,319,916	-	-
<b>Total business-type activities</b>	<b>\$ 2,589,918</b>	<b>\$ 3,366,746</b>	<b>\$ -</b>	<b>\$ -</b>
<b>Total</b>	<b>\$ 5,579,716</b>	<b>\$ 3,496,001</b>	<b>\$ 643,283</b>	<b>\$ -</b>

**General Revenues:**

- General real property taxes
- Local sales and use taxes
- Business license tax
- Cigarette tax
- Bank franchise taxes
- Consumer utility tax
- Lodging tax
- Meals tax
- Motor vehicle licenses
- Unrestricted revenues from the use of money and property
- Grants and contributions not restricted to specific programs
- Miscellaneous
- Total general revenues

Change in net position

Net position, beginning of year

Net position, end of year

The accompanying notes to financial statements are an integral part of this statement.

Exhibit 2

Net (Expense) Revenue and Changes in Net Position		
Primary Government		
Governmental Activities	Business-type Activities	Total
\$ (908,237)	\$ -	\$ (908,237)
(525,356)	-	(525,356)
(519,891)	-	(519,891)
(51,041)	-	(51,041)
(126,082)	-	(126,082)
(86,653)	-	(86,653)
<u>\$ (2,217,260)</u>	<u>\$ -</u>	<u>\$ (2,217,260)</u>
\$ -	\$ 302,052	\$ 302,052
-	474,776	474,776
<u>\$ -</u>	<u>\$ 776,828</u>	<u>\$ 776,828</u>
<u>\$ (2,217,260)</u>	<u>\$ 776,828</u>	<u>\$ (1,440,432)</u>
\$ 1,366,546	\$ -	\$ 1,366,546
226,294	-	226,294
255,132	-	255,132
43,702	-	43,702
121,840	-	121,840
98,888	-	98,888
8,382	-	8,382
206,366	-	206,366
105,684	-	105,684
114,433	21,075	135,508
300,628	-	300,628
155,666	-	155,666
<u>\$ 3,003,561</u>	<u>\$ 21,075</u>	<u>\$ 3,024,636</u>
\$ 786,301	\$ 797,903	\$ 1,584,204
<u>3,792,598</u>	<u>29,756,205</u>	<u>33,548,803</u>
<u>\$ 4,578,899</u>	<u>\$ 30,554,108</u>	<u>\$ 35,133,007</u>

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*Fund Financial Statements*

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Balance Sheet  
 Governmental Funds  
 As of June 30, 2017

	<u>General Fund</u>
<b>Assets:</b>	
Cash and cash equivalents	\$ 2,784,058
Receivables (net of allowance for uncollectibles):	
Taxes including penalties	523,656
Accounts	35,170
Due from other governments	37,554
Restricted assets:	
Cash and cash equivalents	98,525
Total assets	\$ <u>3,478,963</u>
<b>Liabilities:</b>	
Accounts payable	\$ 41,293
Deferred revenue	3,856
Deposits held	87,476
Due to other funds	63,863
Total liabilities	\$ <u>196,488</u>
<b>Deferred Inflows of Resources:</b>	
Unavailable revenue-property taxes	\$ <u>513,030</u>
<b>Fund Balance:</b>	
Restricted for proffers	\$ 75,000
Restricted for debt service	98,525
Unassigned	2,595,920
Total fund balance	\$ <u>2,769,445</u>
Total liabilities, deferred inflows of resources and fund balance	\$ <u>3,478,963</u>

The accompanying notes to financial statements are an integral part of this statement.

Reconciliation of the Governmental Funds Balance Sheet to the Statement of Net Position  
As of June 30, 2017

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Total fund balances for governmental funds (Exhibit 3) \$ 2,769,445

Total net position reported for governmental activities in the statement of net position is different because:

Capital assets used in governmental activities are not financial resources and therefore are not reported in the funds. Those assets consist of:

Land	\$	93,209	
Depreciable capital assets, net of accumulated depreciation		<u>4,175,060</u>	4,268,269

Interest on long-term debt is not accrued in governmental funds, but rather is recognized as an expenditure when due. (3,580)

Because the focus of governmental funds is on short-term financing, some assets will not be available to pay for current-period expenditures. Those assets are offset by unavailable revenues in the governmental funds and thus are not included in the fund balance. Those assets consist of:

Unavailable revenue-property taxes	\$	39,400	
Deferred inflows related to measurement of net pension liability		<u>(58,586)</u>	(19,186)

Pension contributions subsequent to the measurement date will be a reduction to the net pension liability in the next fiscal year and, therefore, are not reported in the funds. 99,981

Long-term liabilities are not due and payable in the current period and, therefore, are not reported in the funds.

Compensated absences	\$	(190,340)	
Net pension liability		(350,704)	
Bonds payable		(2,083,205)	
Deferred outflows related to measurement of net pension liability		<u>88,219</u>	<u>(2,536,030)</u>
Total net position of governmental activities	\$		<u><u>4,578,899</u></u>

The accompanying notes to financial statements are an integral part of this statement.

Statement of Revenues, Expenditures, and Changes in Fund Balances  
 Governmental Funds  
 Year Ended June 30, 2017

	<u>General Fund</u>
<b>Revenues:</b>	
General property taxes	\$ 1,356,375
Other local taxes	1,066,288
Permits, privilege fees and regulatory licenses	29,599
Fines and forfeitures	33,319
Revenue from use of money and property	114,433
Charges for services	66,337
Miscellaneous	155,666
Intergovernmental revenues:	
Commonwealth	934,444
Federal	9,467
Total revenues	<u>\$ 3,765,928</u>
<b>Expenditures:</b>	
Current:	
General government administration	\$ 809,484
Public safety	672,520
Public works	1,159,153
Parks, recreation, and cultural	13,757
Community development	133,847
Capital outlay	55,076
Contingency	9,886
Debt service	121,476
Total expenditures	<u>\$ 2,975,199</u>
Excess (deficiency) of revenues over expenditures	<u>\$ 790,729</u>
Net change in fund balances	\$ 790,729
Fund balances at beginning of year	<u>1,978,716</u>
Fund balances at end of year	<u><u>\$ 2,769,445</u></u>

The accompanying notes to financial statements are an integral part of this statement.

Reconciliation of the Statement of Revenues, Expenditures, and Changes in Fund Balances  
of Governmental Funds to the Statement of Activities  
Year Ended June 30, 2017

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Net change in fund balances - total governmental funds (Exhibit 5) \$ 790,729

Governmental activities report capital outlays as expenditures. However, in the statement of activities, the cost of those assets is allocated over their estimated useful lives and reported as depreciation expense. This is the amount by which the capital outlays exceeded depreciation in the current year.

Capital outlay	\$ 172,574	
Depreciation expense	<u>(255,257)</u>	(82,683)

Revenues in the Statement of Activities that do not provide current financial resources are not reported as revenues in the funds. The change in unavailable property taxes is reported as revenues in the governmental funds.

Property taxes	\$ 10,171	
Change in deferred inflows related to the measurement of the net pension liability	<u>22,473</u>	32,644

The issuance of long-term debt (e.g. bonds, leases, notes payable) provides current financial resources to governmental funds, while the repayment of the principal of long-term debt consumes the current financial resources of governmental funds. Neither transaction, however, has any effect on net position. Details of this item consist of principal retired on long-term debt. 34,763

Some expenses reported in the Statement of Activities do not require the use of current financial resources and, therefore, are not reported as expenditures in the governmental funds. The following is a summary of items supporting this adjustment:

Change in compensated absences	\$ (4,017)	
Change in deferred outflows - pension contributions subsequent to measurement date	(10,614)	
Change in deferred outflows - difference between projected and actual earnings	88,219	
Change in net pension liability	(62,800)	
Change in interest payable	<u>60</u>	<u>10,848</u>

Change in net position of governmental activities		\$ <u><u>786,301</u></u>
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The accompanying notes to financial statements are an integral part of this statement.

Statement of Net Position  
Proprietary Fund  
As of June 30, 2017

	Enterprise Funds		
	Water Fund	Sewer Fund	Totals
<b>Assets:</b>			
Current assets:			
Cash and cash equivalents	\$ 2,363,593	\$ 5,485,055	\$ 7,848,648
Restricted cash and cash equivalents	-	470,000	470,000
Prepaid expenses	-	90,000	90,000
Receivables (net of allowance for uncollectibles)	98,510	189,378	287,888
Due from other funds	-	66,628	66,628
Total current assets	\$ 2,462,103	\$ 6,301,061	\$ 8,763,164
Noncurrent assets:			
Land	\$ 5,000	\$ 71,000	\$ 76,000
Capital assets, net of accumulated depreciation	2,028,964	29,575,662	31,604,626
Total noncurrent assets	\$ 2,033,964	\$ 29,646,662	\$ 31,680,626
Total assets	\$ 4,496,067	\$ 35,947,723	\$ 40,443,790
<b>Deferred Outflows of Resources:</b>			
Post measurement date employer pension	\$ 21,103	\$ 37,662	\$ 58,765
Net difference between projected and actual earnings on plan investments	16,039	27,389	43,428
Total deferred outflows of resources	\$ 37,142	\$ 65,051	\$ 102,193
<b>Liabilities:</b>			
Current liabilities:			
Accounts payable	\$ 11,339	\$ 15,613	\$ 26,952
Accrued payroll and related liabilities	4,379	4,242	8,621
Due to other funds	2,765	-	2,765
Customer deposits	17,735	34,355	52,090
Current portion of long-term debt	-	470,000	470,000
Total current liabilities	\$ 36,218	\$ 524,210	\$ 560,428
Noncurrent liabilities:			
Compensated absences	\$ 23,825	\$ 26,602	\$ 50,427
Net pension liability	71,259	113,879	185,138
Long-term debt, net of current portion	-	9,165,000	9,165,000
Total noncurrent liabilities	\$ 95,084	\$ 9,305,481	\$ 9,400,565
Total liabilities	\$ 131,302	\$ 9,829,691	\$ 9,960,993
<b>Deferred Inflows of Resources:</b>			
Items related to measurement of net pension liability	\$ 11,846	\$ 19,036	\$ 30,882
<b>Net Position:</b>			
Net investment in capital assets	\$ 2,033,964	\$ 20,011,662	\$ 22,045,626
Restricted for debt reserve	-	470,000	470,000
Unrestricted	2,356,097	5,682,385	8,038,482
Total net position	\$ 4,390,061	\$ 26,164,047	\$ 30,554,108

The accompanying notes to financial statements are an integral part of this statement.

Statement of Revenues, Expenses, and Changes in Net Position  
 Proprietary Fund  
 Year Ended June 30, 2017

	Enterprise Funds		
	Water Fund	Sewer Fund	Totals
<b>Operating revenues:</b>			
Charges for services	\$ 1,046,830	\$ 2,319,916	\$ 3,366,746
<b>Operating expenses:</b>			
General administration	\$ 43,906	\$ 51,760	\$ 95,666
Supply purification	227,751	-	227,751
Transmission and distribution	202,481	-	202,481
Wastewater treatment	-	686,330	686,330
Maintenance of sewer lines	-	111,656	111,656
Fringe benefits	69,476	121,035	190,511
Depreciation	199,051	863,116	1,062,167
Contingency	2,113	11,243	13,356
Total operating expenses	\$ 744,778	\$ 1,845,140	\$ 2,589,918
Operating income (loss)	\$ 302,052	\$ 474,776	\$ 776,828
<b>Nonoperating revenues (expenses):</b>			
Interest revenue	\$ 7,284	\$ 13,791	\$ 21,075
Total nonoperating revenues (expenses)	\$ 7,284	\$ 13,791	\$ 21,075
Change in net position	\$ 309,336	\$ 488,567	\$ 797,903
Net position, beginning of year	4,080,725	25,675,480	29,756,205
Net position, end of year	\$ 4,390,061	\$ 26,164,047	\$ 30,554,108

The accompanying notes to financial statements are an integral part of this statement.

Statement of Cash Flows  
 Proprietary Fund  
 Year Ended June 30, 2017

	Enterprise Funds		
	Water Fund	Sewer Fund	Totals
<b>Cash flows from operating activities:</b>			
Receipts from customers	\$ 1,039,665	\$ 2,305,298	\$ 3,344,963
Payments to and for employees	(305,138)	(498,222)	(803,360)
Payments to suppliers	(275,466)	(570,786)	(846,252)
Net cash provided by (used for) operating activities	\$ 459,061	\$ 1,236,290	\$ 1,695,351
<b>Cash flows from investing activities:</b>			
Investment income	\$ 7,284	\$ 13,791	\$ 21,075
<b>Cash flows from capital and related financing activities:</b>			
Purchase of capital assets	\$ (12,224)	\$ (12,224)	\$ (24,448)
Principal payments on long-term debt	-	(470,000)	(470,000)
Net cash provided by (used for) capital and related financing activities	\$ (12,224)	\$ (482,224)	\$ (494,448)
<b>Cash flows from noncapital financing activities:</b>			
Net transfers from (to) other funds	\$ (12,740)	\$ 13,437	\$ 697
Net increase (decrease) in cash and cash equivalents	\$ 441,381	\$ 781,294	\$ 1,222,675
Cash and cash equivalents at beginning of year - including restricted	1,922,212	5,173,761	7,095,973
Cash and cash equivalents at end of year - including restricted	\$ 2,363,593	\$ 5,955,055	\$ 8,318,648
<b>Reconciliation of operating income (loss) to net cash provided by (used for) operating activities:</b>			
Operating income (loss)	\$ 302,052	\$ 474,776	\$ 776,828
Adjustments to reconcile operating income (loss) to net cash provided by (used for) operating activities:			
Depreciation	199,051	863,116	1,062,167
Changes in operating accounts:			
Accounts receivable	(7,165)	(14,618)	(21,783)
Prepaid expenses	-	(80,211)	(80,211)
Deferred outflow - post measurement date contributions	603	(1,582)	(979)
Deferred outflow - difference in investment experience	(16,039)	(27,389)	(43,428)
Accounts payable and accrued liabilities	(2,104)	(2,011)	(4,115)
Compensated absences	(1,108)	759	(349)
Net pension liability	14,752	19,954	34,706
Deferred inflow - net difference in pension earnings	(37,166)	7,221	(29,945)
Customer deposits	6,185	(3,725)	2,460
Net cash provided by (used for) operating activities	\$ 459,061	\$ 1,236,290	\$ 1,695,351

The accompanying notes to financial statements are an integral part of this statement.

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# TOWN OF BERRYVILLE, VIRGINIA

Notes to Financial Statements  
As of June 30, 2017

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## NOTE 1—SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES:

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### Narrative Profile:

Town of Berryville, located in central Clarke County, Virginia, approximately 60 miles west of Washington, D.C., was chartered in 1798. The town has a population of 4,297 and a land area of approximately 1.8 square miles.

Town is governed under the Council-Manager form of government. The Town engages in wide ranges of municipal services including general government administration, public safety, public works, parks, recreation and cultural and community development. Judicial administration, education, fire, library, health and welfare services are provided by Clarke County.

The financial statements of Town of Berryville, Virginia have been prepared in conformity with specifications promulgated by the Auditor of Public Accounts (APA) of the Commonwealth of Virginia, and the accounting principles generally accepted in the United States as specified by the Governmental Accounting Standards Board. The more significant of the Town's accounting policies are described below.

### A. Financial Reporting Entity

Management's Discussion and Analysis: Accounting principles require that financial statements be accompanied by a narrative introduction and analytical overview of the government's financial activities in the form of "Management's Discussion and Analysis" (MD&A). This analysis is similar to the analysis the private sector provides in their annual reports.

Government-wide Financial Statements: The reporting model includes financial statements prepared using full accrual accounting for all of the government's activities. This approach includes not just current assets and liabilities (such as cash and accounts payable) but also capital assets and long-term liabilities (such as buildings and infrastructure, including bridges and roads, and general obligation debt). Accrual accounting also reports all of the revenues and costs of providing services each year, not just those received or paid in the current year or soon thereafter.

Statement of Net Position: The Statement of Net Position is designed to display the financial position of the primary government (governmental and business-type activities) and its discretely presented component units. Governments report all capital assets, including infrastructure, in the government-wide Statement of Net Position and report depreciation expense - the cost of "using up" capital assets - in the Statement of Activities. The net position of a government will be broken down into three categories: 1) net investment in capital assets; 2) restricted; and 3) unrestricted.

Statement of Activities: The government-wide Statement of Activities reports expenses and revenues in a format that focuses on the cost of each of the government's functions. The expense of individual functions is compared to the revenues generated directly by the function (for instance, through user charges or intergovernmental grants).

**NOTE 1—SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES: (Continued)**

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**A. Financial Reporting Entity (Continued)**

Fund Financial Statements: Separate financial statements are provided for governmental funds and proprietary funds. Major individual governmental funds and major individual enterprise funds are reported as separate columns in the fund financial statements.

Budgetary Comparison Schedules: Demonstrating compliance with the adopted budget is an important component of a government's accountability to the public. Many citizens participate in the process of establishing the annual operating budgets of state and local governments, and have a keen interest in following the actual financial progress of their governments over the course of the year. The Town and many other governments revise their original budgets over the course of the year for a variety of reasons. The budgetary comparison schedules present the Town's original budget to the current comparison of final budget and actual results for its major funds.

Accounting principles generally accepted in the United States require financial statements to present the primary government and its component units, entities for which the government is considered to be financially accountable. Blended component units, although legally separate entities, are, in substance, part of the government's operations and so data from these units are combined with data of the primary government. The Town has no component units that meet the requirements for blending. Discretely presented component units, on the other hand, are reported in a separate column in the government-wide statements to emphasize they are legally separate from the primary government. The Town does not have any discretely presented component units.

**B. Government-wide and Fund Financial Statements**

The basic financial statements include both government-wide and fund financial statements. The focus is on both the Town as a whole and the fund financial statements, including the major individual funds of the governmental and business-type categories, as well as the fiduciary funds (by category) and the component units, if applicable. Both the government-wide and fund financial statements (within the basic financial statements) categorize primary activities as either governmental or business type. In the government-wide Statement of Net Position, both the governmental and business-type activities columns (a) are presented on a consolidated basis by column, and (b) are reflected, on a full accrual, economic resource basis, which incorporates long-term assets and receivables as well as long-term debt and obligations. Each presentation provides valuable information that can be analyzed and compared (between years and between governments) to enhance the usefulness of the information. The Town generally first uses restricted assets for expenses incurred for which both restricted and unrestricted assets are available. The Town may defer the use of restricted assets based on a review of the specific transaction.

**NOTE 1—SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES: (Continued)**

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**B. Government-wide and Fund Financial Statements**

The government-wide Statement of Activities reflects both the gross and net cost per functional category (public safety, public works, community development, etc.) that are otherwise being supported by general government revenues (property, sales and use taxes, certain intergovernmental revenues, fines, permits and charges, etc.). The Statement of Activities reduces gross expenses (including depreciation) by related program revenues, operating and capital grants, and contributions. The program revenues must be directly associated with the function (public safety, public works, community development, etc.) or a business-type activity. Program revenues include: 1) charges to customers or applicants who purchase, use, or directly benefit from goods, services, or privileges provided by a given function, and 2) grants and contributions that are restricted to meeting the operation or capital requirements of a particular function or segment. Taxes and other items not properly included among program revenues are reported as general revenues. The Town does not allocate indirect expenses. The operating grants include operating-specific and discretionary (either operating or capital) grants while the capital grants column reflects capital-specific grants.

Internal service charges, if applicable, are eliminated and the net income or loss from internal service activities is allocated to the various functional expense categories based on the internal charges to each function.

In the fund financial statements, financial transactions and accounts of the Town are organized on the basis of funds. The operation of each fund is considered to be an independent fiscal and separate accounting entity, with a self-balancing set of accounts recording cash and/or other financial resources together with all related liabilities and residual equities or balances, and changes therein, which are segregated for the purpose of carrying on specific activities or attaining certain objectives in accordance with special regulations, restrictions, or limitations. The fund statements are presented on a current financial resource and modified accrual basis of accounting. This is the manner in which these funds are normally budgeted. Since the governmental fund statements are presented on a different measurement focus and basis of accounting than the government-wide statements' governmental column, a reconciliation is presented which briefly explains the adjustment necessary to reconcile the fund financial statements to the governmental column of the government-wide financial statements.

Proprietary fund operating revenues consist of charges for services and related revenues. Nonoperating revenues consist of contributions, grants, investment earnings and other revenues not directly derived from the providing of services.

The accompanying financial statements are prepared in accordance with pronouncements issued by the Governmental Accounting Standards Board. The principles prescribed by GASB represent generally accepted accounting principles applicable to governmental units.

**NOTE 1—SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES: (Continued)**

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**B. Government-wide and Fund Financial Statements (Continued)**

The following is a brief description of the specific funds used by the Town in 2017.

- A. *Governmental Funds* - Governmental Funds account for the expendable financial resources, other than those accounted for in Proprietary and Fiduciary Funds. The Governmental Funds utilize the modified accrual basis of accounting where the measurement focus is upon determination of financial position and changes in financial position, rather than upon net income determination as would apply to a commercial enterprise. The individual Governmental Fund is:

*General Fund* - The General Fund is the primary operating fund of the Town. This fund is used to account for and report all financial resources except those required to be accounted for and reported in another fund. Revenues are derived primarily from property and other local taxes, state and federal distributions, licenses, permits, and interest income. The General Fund is considered a major fund for reporting purposes.

- B. *Proprietary Funds* - Proprietary Funds account for operations that are financed in a manner similar to private business enterprises. The Proprietary Funds utilize the accrual basis of accounting where the measurement focus is upon determination of net income, financial position, and cash flows. Proprietary Funds consist of the water and sewer enterprise funds.

**C. Basis of Accounting**

The accounting and financial reporting treatment applied to a fund is determined by its measurement focus. All Governmental Funds are accounted for using a current financial resources measurement focus. With this measurement focus, only current assets and current liabilities generally are included on the balance sheet. Operating statements of these funds present increases (i.e., revenues and other financing sources) and decreases (i.e., expenditures and other financing uses) in net current assets.

All proprietary funds are accounted for on a flow of economic resources measurement focus. With this measurement focus, all assets and all liabilities associated with the operation of these funds are included on the balance sheet. Proprietary fund-type operating statements present increases (e.g., revenues) and decreases (e.g., expenses) in net total assets.

1. *Governmental Funds* - Governmental funds utilize the modified accrual basis of accounting under which revenues and related assets are recorded when measurable and available to finance operations during the year. Accordingly, real and personal property taxes are recorded as revenues and receivables when billed, net of allowances for uncollectible amounts, except that property taxes not collected within 45 days after year-end are reflected as unavailable revenues. Sales and utility taxes, which are collected by the State or utilities and subsequently remitted to the Town, are recognized as revenues and receivables upon collection by the State or utility, which is generally in the month preceding receipt by the Town. Licenses, permits, fines and rents are recorded as revenues when received. Intergovernmental revenues, consisting primarily of State and other grants for the purpose of funding specific expenditures, are recognized when measurable and available or at the time of the specific expenditure.

## TOWN OF BERRYVILLE, VIRGINIA

Notes to Financial Statements  
As of June 30, 2017 (Continued)

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### NOTE 1—SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES: (Continued)

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#### C. Basis of Accounting: (Continued)

Expenditures, other than interest on long-term debt, are recorded as the related fund liabilities are incurred. Principal and interest on long-term debt is recognized when due except for amounts due on July 1, which are accrued.

2. *Proprietary Funds* - The accrual basis of accounting is used for the Enterprise Fund. Under the accrual method, revenues are recognized in the accounting period in which they are earned, while expenses are recognized in the accounting period in which the related liability is incurred.

#### D. Budgets and Budgetary Accounting

The following procedures are used by the Town in establishing the budgetary data reflected in the financial statements:

1. Prior to May 1, the Town Manager submits to the Town Council a proposed operating and capital budget for the fiscal year commencing the following July 1. The operating and capital budget includes proposed expenditures and the means of financing them.
2. Public hearings are conducted to obtain citizen comments.
3. Prior to June 30, the budget is legally enacted through passage of an Appropriations Resolution.
4. The Appropriations Resolution places legal restrictions on expenditures at the department or category level. The appropriation for each department or category can be revised only by the Town Council. The Town Administrator is authorized to transfer budgeted amounts within departments.
5. Formal budgetary integration is employed as a management control device during the year for all funds.
6. All budgets are adopted on a basis consistent with generally accepted accounting principles (GAAP).
7. Appropriations lapse on June 30 for all Town funds unless they are carried forward by a resolution of Town Council.
8. All budgetary data presented in the accompanying financial statements reflect budget reviews as of June 30.

#### E. Cash and Cash Equivalents

For purposes of the Statement of Cash Flows, cash and cash equivalents include all cash on hand and in banks, certificates of deposit, and highly liquid investments with original maturities of three months or less.

**NOTE 1—SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES: (Continued)**

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**F. Receivables and Payables**

Activities between funds that are representative of lending/borrowing arrangements outstanding at the end of the fiscal year are referred to as either “due to/from other funds” (i.e., the current portion of interfund loans) “due to/from other funds” (i.e., the current portion of interfund loans). All other outstanding balances between funds are reported as “due to/from other funds.” Any residual balances outstanding between the governmental activities and business-type activities are reported in the government-wide financial statements as “internal balances.”

**G. Allowance for Uncollectible Accounts**

The Town calculates its allowance for uncollectible accounts using historical collection data and, in certain cases, specific account analysis. The allowance amounted to approximately \$3,598 at June 30, 2017 and is comprised of property taxes and water and sewer receivables.

**H. Prepaid Items**

Certain payments to vendors represent costs applicable to future accounting periods and are recorded as prepaid items in both the government-wide and fund financial statements. The cost of prepaid items is recorded as expenditures/expenses when consumed rather than when purchased.

**I. Capital Assets**

Capital outlays are recorded as expenditures of the governmental funds of the Town, and as assets in the government-wide financial statements.

The cost of normal maintenance and repairs that do not add value to the value of the asset or materially extend the asset’s life are not capitalized. It is the town’s policy to record capital assets with a cost greater than \$5,000 and an estimated useful life in excess of one year.

Major outlays for capital assets and improvements are capitalized as projects are constructed. Interest incurred during the construction phase of capital assets of business-type activities is included as part of the capitalized value of assets constructed. The Town did not have any capitalized interest as of June 30, 2016.

Property, plant and equipment, and infrastructure purchases are stated at historical cost or estimated cost. Donated property is recorded at acquisition value at date of donation. Depreciation is recorded on capital assets on a government-wide basis or in the Proprietary Fund using the straight-line method and the following estimated useful lives:

Buildings and improvements	15-50 years
Infrastructure	20-39 years
Equipment	5-10 years

**NOTE 1—SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES: (Continued)**

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**J. Use of Estimates**

The preparation of financial statements in conformity with U.S. generally accepted accounting principles requires management to make estimates and assumptions that affect the reported amounts of assets and liabilities and disclosure of contingent assets and liabilities at the date of the financial statements and the reported amounts of revenues and expenses during the reporting period. Actual results could differ from those estimates.

**K. Net Position**

Net position is the difference between a) assets and deferred outflows of resources and b) liabilities and deferred inflows of resources. Net investment in capital assets represents capital assets, less accumulated depreciation, less any outstanding debt related to the acquisition, construction or improvement of those assets. Deferred outflows of resources and deferred inflows of resources that are attributable to the acquisition, construction, or improvement of those assets or related debt are also included in this component of net position.

**L. Net Position Flow Assumption**

Sometimes the Town will fund outlays for a particular purpose from both restricted (e.g., restricted bond or grant proceeds) and unrestricted resources. In order to calculate the amounts to report as restricted - net position and unrestricted - net position in the government-wide and proprietary fund financial statements, a flow assumption must be made about the order in which the resources are considered to be applied. It is the Town's policy to consider restricted - net position to have been depleted before unrestricted - net position is applied.

**M. Compensated Absences**

The Town accrues compensated absences (annual and sick leave benefits) when vested. The amounts include all balances earned by employees which would be paid upon employee terminations, resignations or retirements.

**N. Long-term Obligations**

In the government-wide financial statements, long-term debt and other long-term obligations are reported as liabilities in the governmental activities, business-type activities, or proprietary fund type Statement of Net Position. Bonds payable are reported net of the applicable bond premium or discount.

In the fund financial statements, governmental fund types recognize bond premiums and discounts during the current period. The face amount of debt issued is reported as other financing sources while discounts on debt issuances are reported as other financing uses.

NOTE 1—SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES: (Continued)

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O. Fund Equity

The Town reports fund balance in accordance with GASB Statement 54, *Fund Balance Reporting and Governmental Fund Type Definitions*. The following classifications describe the relative strength of the spending constraints placed on the purposes for which resources can be used:

- *Nonspendable fund balance* - amounts that are not in spendable form (such as inventory and prepaids) or are required to be maintained intact (corpus of a permanent fund);
- *Restricted fund balance* - amounts constrained to specific purposes by their providers (such as grantors, bondholders, and higher levels of government), through constitutional provisions, or by enabling legislation;
- *Committed fund balance* - amounts constrained to specific purposes by a government itself, using its highest level of decision-making authority; to be reported as committed, amounts cannot be used for any other purpose unless the government takes the same highest level action to remove or change the constraint;
- *Assigned fund balance* - amounts a government intends to use for a specific purpose; intent can be expressed by the governing body or by an official or body to which the governing body delegates the authority;
- *Unassigned fund balance* - amounts that are available for any purpose; positive amounts are only reported in the general fund.

When fund balance resources are available for a specific purpose in more than one classification, it is the Town's policy to use the most restrictive funds first in the following order: restricted, committed, assigned, and unassigned as they are needed.

Town Council establishes (and modifies or rescinds) fund balance commitments by passage of a resolution. This is typically done through adoption and amendment of the budget. A fund balance commitment is further indicated in the budget document as a designation or commitment of the fund (such as for special incentives). Assigned fund balance is established by Town Council through adoption or amendment of the budget as intended for specific purpose (such as the purchase of capital assets, construction, debt service, or for other purposes).

**NOTE 1—SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES: (Continued)**

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**P. Deferred Outflows/Inflows of Resources**

In addition to assets, the statement of financial position will sometimes report a separate section for deferred outflows of resources. This separate financial statement element, deferred outflows of resources, represents a consumption of net position that applies to a future period(s) and so will not be recognized as an outflow of resources (expense/expenditure) until then. The Town only has only one item that qualifies for reporting in this category. It is comprised of contributions to the pension plan made during the current year and subsequent to the net pension liability measurement date, which will be recognized as a reduction of the net pension liability next fiscal year. It is also comprised of certain items related to the measurement of the net pension liability. These include differences between expected and actual experience, change in assumptions, the net difference between projected and actual earnings on pension plan investments. For more detailed information on this item, reference the pension note.

In addition to liabilities, the statement of financial position will sometimes report a separate section for deferred inflows of resources. This separate financial statement element, deferred inflows of resources, represents an acquisition of net position that applies to a future period(s) and so will not be recognized as an inflow of resources (revenue) until that time. The Town has two types of items that qualify for reporting in this category. Under a modified accrual basis of accounting, unavailable revenue representing property taxes receivable is reported in the governmental funds balance sheet. This amount is comprised of uncollected property taxes due prior to June 30, 2<sup>nd</sup> half installments levied during the fiscal year but due after June 30<sup>th</sup>, and amounts prepaid on the 2<sup>nd</sup> half installments and is deferred and recognized as an inflow of resources in the period that the amount becomes available. Under the accrual basis, 2<sup>nd</sup> half installments levied during the fiscal year but due after June 30<sup>th</sup> and amounts prepaid on the 2<sup>nd</sup> half installments are reported as deferred inflows of resources. In addition, certain items related to the measurement of the net pension liability are reported as deferred inflows of resources. These include differences between expected and actual experience, change in assumptions, and the net difference between projected and actual earnings on pension plan investments. For more detailed information on the pension item, reference the pension note.

**NOTE 2—PROPERTY TAXES RECEIVABLE:**

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Property is assessed at its value on January 1. The Town bills and collects its own property taxes based on the assessed values provided by Clarke County. Real estate taxes are levied semiannually and are due June 5<sup>th</sup> and December 5<sup>th</sup>. Personal property taxes are levied annually and are due December 5<sup>th</sup>.

TOWN OF BERRYVILLE, VIRGINIA

Notes to Financial Statements  
As of June 30, 2017 (Continued)

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**NOTE 3—DEPOSITS AND INVESTMENTS:**

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Deposits:

Deposits with banks are covered by the Federal Deposit Insurance Corporation (FDIC) and collateralized in accordance with the Virginia Security for Public Deposits Act (the "Act") Section 2.2-4400 et. seq. of the Code of Virginia. Under the Act, banks and savings institutions holding public deposits in excess of the amount insured by the FDIC must pledge collateral to the Commonwealth of Virginia Treasury Board. Financial Institutions may choose between two collateralization methodologies and depending upon that choice, will pledge collateral that ranges in amounts from 50% to 130% of excess deposits. Accordingly, all deposits are considered fully collateralized.

Investments:

Statutes authorize the Town to invest in obligations of the United States or agencies thereof, obligations of the Commonwealth of Virginia or political subdivisions thereof, obligations of the International Bank for Reconstruction and Development (World Bank), the Asian Development Bank, the African Development Bank, "prime quality" commercial paper and certain corporate notes, banker's acceptances, repurchase agreements and the State Treasurer's Local Government Investment Pool (LGIP). The Town had no investments at June 30, 2017.

**NOTE 4—DUE FROM OTHER GOVERNMENTAL UNITS:**

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At June 30, 2017, the amount due from other governmental units was as follows:

	<u>Primary Government</u>
Commonwealth of Virginia:	
Sales tax	\$ <u>37,554</u>
Total	\$ <u><u>37,554</u></u>

TOWN OF BERRYVILLE, VIRGINIA

Notes to Financial Statements  
As of June 30, 2017 (Continued)

NOTE 5—CAPITAL ASSETS:

The following is a summary of changes in capital assets during the fiscal year:

Governmental Activities:

	<u>Balance</u> <u>July 1, 2016</u>	<u>Additions</u>	<u>Deletions</u>	<u>Balance</u> <u>June 30, 2017</u>
Capital assets not being depreciated:				
Land	\$ 93,209	\$ -	\$ -	\$ 93,209
Total capital assets not being depreciated	<u>\$ 93,209</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ 93,209</u>
Other capital assets:				
Buildings and improvements	\$ 5,216,877	\$ -	\$ -	\$ 5,216,877
Infrastructure	259,940	-	-	259,940
Equipment	1,232,307	172,574	125,237	1,279,644
Total other capital assets	<u>\$ 6,709,124</u>	<u>\$ 172,574</u>	<u>\$ 125,237</u>	<u>\$ 6,756,461</u>
Less: Accumulated depreciation for:				
Buildings and improvements	\$ 1,200,523	\$ 129,409	\$ -	\$ 1,329,932
Infrastructure	205,758	6,735	-	212,493
Equipment	1,045,100	119,113	125,237	1,038,976
Total accumulated depreciation	<u>\$ 2,451,381</u>	<u>\$ 255,257</u>	<u>\$ 125,237</u>	<u>\$ 2,581,401</u>
Other capital assets, net	<u>\$ 4,257,743</u>	<u>\$ (82,683)</u>	<u>\$ -</u>	<u>\$ 4,175,060</u>
Net capital assets	<u>\$ 4,350,952</u>	<u>\$ (82,683)</u>	<u>\$ -</u>	<u>\$ 4,268,269</u>

Depreciation expense has been allocated as follows:

General government administration	\$ 91,618
Public safety	17,597
Public works	108,758
Parks, recreation, and cultural	<u>37,284</u>
Total depreciation expense	<u>\$ 255,257</u>

TOWN OF BERRYVILLE, VIRGINIA

Notes to Financial Statements  
As of June 30, 2017 (Continued)

NOTE 5—CAPITAL ASSETS: (Continued)

Business-type Activities:

	Balance July 1, 2016	Additions	Deletions	Balance June 30, 2017
Water Fund				
Capital assets not being depreciated:				
Land	\$ 5,000	\$ -	\$ -	\$ 5,000
Total capital assets not being depreciated	<u>\$ 5,000</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ 5,000</u>
Other capital assets:				
Buildings and improvements	\$ 3,391,605	\$ -	\$ -	\$ 3,391,605
Infrastructure	1,574,855	-	-	1,574,855
Equipment	1,430,984	12,224	-	1,443,208
Total other capital assets	<u>\$ 6,397,444</u>	<u>\$ 12,224</u>	<u>\$ -</u>	<u>\$ 6,409,668</u>
Less: Accumulated depreciation for:				
Buildings and improvements	\$ 2,638,563	\$ 75,820	\$ -	\$ 2,714,383
Infrastructure	703,741	74,178	-	777,919
Equipment	839,349	49,053	-	888,402
Total accumulated depreciation	<u>\$ 4,181,653</u>	<u>\$ 199,051</u>	<u>\$ -</u>	<u>\$ 4,380,704</u>
Other capital assets, net	<u>\$ 2,215,791</u>	<u>\$ (186,827)</u>	<u>\$ -</u>	<u>\$ 2,028,964</u>
Net capital assets	<u>\$ 2,220,791</u>	<u>\$ (186,827)</u>	<u>\$ -</u>	<u>\$ 2,033,964</u>
Sewer Fund				
Capital assets not being depreciated:				
Land	\$ 71,000	\$ -	\$ -	\$ 71,000
Total capital assets not being depreciated	<u>\$ 71,000</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ 71,000</u>
Other capital assets:				
Buildings and improvements	\$ 29,651,554	\$ -	\$ -	\$ 29,651,554
Infrastructure	4,323,494	-	-	4,323,494
Equipment	379,664	12,224	-	391,888
Total other capital assets	<u>\$ 34,354,712</u>	<u>\$ 12,224</u>	<u>\$ -</u>	<u>\$ 34,366,936</u>
Less: Accumulated depreciation for:				
Buildings and improvements	\$ 891,030	\$ 728,115	\$ -	\$ 1,619,145
Infrastructure	2,721,650	116,224	-	2,837,874
Equipment	315,477	18,778	-	334,255
Total accumulated depreciation	<u>\$ 3,928,157</u>	<u>\$ 863,117</u>	<u>\$ -</u>	<u>\$ 4,791,274</u>
Other capital assets, net	<u>\$ 30,426,555</u>	<u>\$ (850,893)</u>	<u>\$ -</u>	<u>\$ 29,575,662</u>
Net capital assets	<u>\$ 30,497,555</u>	<u>\$ (850,893)</u>	<u>\$ -</u>	<u>\$ 29,646,662</u>

TOWN OF BERRYVILLE, VIRGINIA

Notes to Financial Statements  
As of June 30, 2017 (Continued)

**NOTE 6—LONG-TERM OBLIGATIONS:**

The following is a summary of long-term obligations for the fiscal year ended June 30, 2017:

	Balance <u>July 1, 2016</u>	<u>Increases</u>	<u>Decreases</u>	Balance <u>June 30, 2017</u>	Amounts Due Within <u>One Year</u>
Governmental Activities Obligations:					
Lease revenue bond	\$ 2,117,968	\$ -	\$ 34,763	\$ 2,083,205	\$ 36,225
Net pension liability	287,904	341,651	278,851	350,704	-
Compensated absences	186,323	4,017	-	190,340	-
Total Governmental Activities Obligations	<u>\$ 2,592,195</u>	<u>\$ 345,668</u>	<u>\$ 313,614</u>	<u>\$ 2,624,249</u>	<u>\$ 36,225</u>
Business-type Activities Obligations:					
General obligation bonds	\$ 10,105,000	-	\$ 470,000	\$ 9,635,000	\$ 470,000
Net pension liability	150,432	182,144	147,438	185,138	-
Compensated absences	50,776	-	349	50,427	-
Total Business-type Activities Obligations	<u>\$ 10,306,208</u>	<u>\$ 182,144</u>	<u>\$ 617,787</u>	<u>\$ 9,870,565</u>	<u>\$ 470,000</u>
Total Long-term Obligations	<u>\$ 12,898,403</u>	<u>\$ 527,812</u>	<u>\$ 931,401</u>	<u>\$ 12,494,814</u>	<u>\$ 506,225</u>

Annual requirements to amortize the Town's long-term obligations are as follows:

Year Ending June 30,	<u>Governmental Activities Obligations</u>		<u>Business-type Activities Obligations</u>	
	<u>Lease Revenue Bond</u>		<u>General Obligation Bonds</u>	
	<u>Principal</u>	<u>Interest</u>	<u>Principal</u>	<u>Interest</u>
2018	\$ 36,225	\$ 85,251	\$ 470,000	-
2019	37,748	83,728	470,000	-
2020	39,335	82,141	470,000	-
2021	40,988	80,488	470,000	-
2022	42,711	78,765	470,000	-
2023-2027	242,048	365,332	2,350,000	-
2028-2032	297,386	309,994	2,350,000	-
2033-2037	365,375	242,005	2,350,000	-
2038-2042	448,910	158,470	235,000	-
2043-2047	532,479	55,868	-	-
Total	<u>\$ 2,083,205</u>	<u>\$ 1,542,042</u>	<u>\$ 9,635,000</u>	<u>\$ -</u>

TOWN OF BERRYVILLE, VIRGINIA

Notes to Financial Statements  
As of June 30, 2017 (Continued)

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**NOTE 6—LONG-TERM OBLIGATIONS: (Continued)**

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Details of the Town's long-term obligations are as follows:

**Governmental Activities Obligations:**

Lease Revenue Bond:

\$10,123 beginning June 2009 through May 2047, including interest at 4.125%. This lease revenue bond was issued through the Industrial Development Authority of Clarke County, Virginia, for purposes of funding construction of the Town's municipal building.

\$ 2,083,205

Net pension liability

350,704

Compensated absences

190,340

Total governmental activities obligations

\$ 2,624,249

**Business-type Activities Obligations:**

General Obligation Bonds:

purposes of funding new wastewater treatment plant, due in semi-annual installments of \$235,000 beginning February 2013 through August 2037 with no interest.

\$ 9,635,000

Net pension liability

185,138

Compensated absences

50,427

Total business-type activities obligations

\$ 9,870,565

**NOTE 7—COMPENSATED ABSENCES:**

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In accordance with GASB Statement 16, *Accounting for Compensated Absences*, the Town has accrued the liability arising from outstanding claims and judgments and compensated absences. Town employees earn vacation and sick leave based upon length of service. The Town has outstanding accrued vacation pay totaling \$190,340 in the General Fund and \$50,428 in Enterprise Fund.

**NOTE 8—PENSION PLAN:**

*Plan Description:*

All full-time, salaried permanent employees of the Town are automatically covered by VRS Retirement Plan upon employment. This is an agent multiple-employer plan administered by the Virginia Retirement System (the System) along with plans for other employer groups in the Commonwealth of Virginia. Members earn one month of service credit for each month they are employed and for which they and their employer pay contributions to VRS. Members are eligible to purchase prior service, based on specific criteria as defined in the Code of Virginia, as amended. Eligible prior service that may be purchased includes prior public service, active military service, certain periods of leave, and previously refunded service.

The System administers three different benefit structures for covered employees - Plan 1, Plan 2, and, Hybrid. Each of these benefit structures has different eligibility criteria. The specific information for each plan and the eligibility for covered groups within each plan are set out in the table below:

RETIREMENT PLAN PROVISIONS		
PLAN 1	PLAN 2	HYBRID RETIREMENT PLAN
<p><b>About Plan 1</b> Plan 1 is a defined benefit plan. The retirement benefit is based on a member’s age, creditable service and average final compensation at retirement using a formula. Employees are eligible for Plan 1 if their membership date is before July 1, 2010, and they were vested as of January 1, 2013.</p>	<p><b>About Plan 2</b> Plan 2 is a defined benefit plan. The retirement benefit is based on a member’s age, creditable service and average final compensation at retirement using a formula. Employees are eligible for Plan 2 if their membership date is on or after July 1, 2010, or their membership date is before July 1, 2010, and they were not vested as of January 1, 2013.</p>	<p><b>About the Hybrid Retirement Plan</b> The Hybrid Retirement Plan combines the features of a defined benefit plan and a defined contribution plan. Most members hired on or after January 1, 2014 are in this plan, as well as Plan 1 and Plan 2 members who were eligible and opted into the plan during a special election window. (see “Eligible Members”)</p> <ul style="list-style-type: none"> <li>• The defined benefit is based on a member’s age, creditable service and average final compensation at retirement using a formula.</li> <li>• The benefit from the defined contribution component of the plan depends on the member and employer contributions made to the plan and the investment performance of those contributions.</li> </ul>

NOTE 8—PENSION PLAN: (Continued)

*Plan Description (Continued)*

RETIREMENT PLAN PROVISIONS (CONTINUED)		
PLAN 1	PLAN 2	HYBRID RETIREMENT PLAN
<p><b>About Plan 1 (Cont.)</b></p>	<p><b>About Plan 2 (Cont.)</b></p>	<p><b>About the Hybrid Retirement Plan (Cont.)</b></p> <ul style="list-style-type: none"> <li>• In addition to the monthly benefit payment payable from the defined benefit plan at retirement, a member may start receiving distributions from the balance in the defined contribution account, reflecting the contributions, investment gains or losses, and any required fees.</li> </ul>
<p><b>Eligible Members</b> Employees are in Plan 1 if their membership date is before July 1, 2010, and they were vested as of January 1, 2013.</p> <p><b>Hybrid Opt-In Election</b> VRS non-hazardous duty covered Plan 1 members were allowed to make an irrevocable decision to opt into the Hybrid Retirement Plan during a special election window held January 1 through April 30, 2014.</p> <p>The Hybrid Retirement Plan's effective date for eligible Plan 1 members who opted in was July 1, 2014.</p> <p>If eligible deferred members returned to work during the election window, they were also eligible to opt into the Hybrid Retirement Plan.</p>	<p><b>Eligible Members</b> Employees are in Plan 2 if their membership date is on or after July 1, 2010, or their membership date is before July 1, 2010, and they were not vested as of January 1, 2013.</p> <p><b>Hybrid Opt-In Election</b> Eligible Plan 2 members were allowed to make an irrevocable decision to opt into the Hybrid Retirement Plan during a special election window held January 1 through April 30, 2014.</p> <p>The Hybrid Retirement Plan's effective date for eligible Plan 2 members who opted in was July 1, 2014.</p> <p>If eligible deferred members returned to work during the election window, they were also eligible to opt into the Hybrid Retirement Plan.</p>	<p><b>Eligible Members</b> Employees are in the Hybrid Retirement Plan if their membership date is on or after January 1, 2014. This includes:</p> <ul style="list-style-type: none"> <li>• Political subdivision employees*</li> <li>• School division employees</li> <li>• Members in Plan 1 or Plan 2 who elected to opt into the plan during the election window held January 1-April 30, 2014; the plan's effective date for opt-in members was July 1, 2014.</li> </ul> <p><b>*Non-Eligible Members</b> Some employees are not eligible to participate in the Hybrid Retirement Plan. They include:</p> <ul style="list-style-type: none"> <li>• Political subdivision employees who are covered by enhanced benefits for hazardous duty employees.</li> </ul>

NOTE 8—PENSION PLAN: (Continued)

*Plan Description (Continued)*

RETIREMENT PLAN PROVISIONS (CONTINUED)		
PLAN 1	PLAN 2	HYBRID RETIREMENT PLAN
<p><b>Hybrid Opt-In Election (Cont.)</b> Members who were eligible for an optional retirement plan (ORP) and had prior service under Plan 1 were not eligible to elect the Hybrid Retirement Plan and remain as Plan 1 or ORP.</p>	<p><b>Hybrid Opt-In Election (Cont.)</b> Members who were eligible for an optional retirement plan (ORP) and have prior service under Plan 2 were not eligible to elect the Hybrid Retirement Plan and remain as Plan 2 or ORP.</p>	<p><b>*Non-Eligible Members (Cont.)</b> Those employees eligible for an optional retirement plan (ORP) must elect the ORP plan or the Hybrid Retirement Plan. If these members have prior service under Plan 1 or Plan 2, they are not eligible to elect the Hybrid Retirement Plan and must select Plan 1 or Plan 2 (as applicable) or ORP.</p>
<p><b>Retirement Contributions</b> Employees contribute 5% of their compensation each month to their member contribution account through a pre-tax salary reduction. Some political subdivisions and school divisions elected to phase in the required 5% member contribution but all employees are paying the full 5% as of July 1, 2016. Member contributions are tax-deferred until they are withdrawn as part of a retirement benefit or as a refund. The employer makes a separate actuarially determined contribution to VRS for all covered employees. VRS invests both member and employer contributions to provide funding for the future benefit payment.</p>	<p><b>Retirement Contributions</b> Employees contribute 5% of their compensation each month to their member contribution account through a pre-tax salary reduction. Some political subdivisions and school divisions elected to phase in the required 5% member contribution but all employees are paying the full 5% as of July 1, 2016.</p>	<p><b>Retirement Contributions</b> A member's retirement benefit is funded through mandatory and voluntary contributions made by the member and the employer to both the defined benefit and the defined contribution components of the plan. Mandatory contributions are based on a percentage of the employee's creditable compensation and are required from both the member and the employer. Additionally, members may choose to make voluntary contributions to the defined contribution component of the plan, and the employer is required to match those voluntary contributions according to specified percentages.</p>

NOTE 8—PENSION PLAN: (Continued)

*Plan Description (Continued)*

RETIREMENT PLAN PROVISIONS (CONTINUED)		
PLAN 1	PLAN 2	HYBRID RETIREMENT PLAN
<p><b>Creditable Service</b> Creditable service includes active service. Members earn creditable service for each month they are employed in a covered position. It also may include credit for prior service the member has purchased or additional creditable service the member was granted. A member's total creditable service is one of the factors used to determine their eligibility for retirement and to calculate their retirement benefit. It also may count toward eligibility for the health insurance credit in retirement, if the employer offers the health insurance credit.</p>	<p><b>Creditable Service</b> Same as Plan 1.</p>	<p><b>Creditable Service</b> <b><u>Defined Benefit Component:</u></b> Under the defined benefit component of the plan, creditable service includes active service. Members earn creditable service for each month they are employed in a covered position. It also may include credit for prior service the member has purchased or additional creditable service the member was granted. A member's total creditable service is one of the factors used to determine their eligibility for retirement and to calculate their retirement benefit. It also may count toward eligibility for the health insurance credit in retirement, if the employer offers the health insurance credit.</p> <p><b><u>Defined Contributions Component:</u></b> Under the defined contribution component, creditable service is used to determine vesting for the employer contribution portion of the plan.</p>

NOTE 8—PENSION PLAN: (Continued)

*Plan Description (Continued)*

RETIREMENT PLAN PROVISIONS (CONTINUED)		
PLAN 1	PLAN 2	HYBRID RETIREMENT PLAN
<p><b>Vesting</b> Vesting is the minimum length of service a member needs to qualify for a future retirement benefit. Members become vested when they have at least five years (60 months) of creditable service. Vesting means members are eligible to qualify for retirement if they meet the age and service requirements for their plan. Members also must be vested to receive a full refund of their member contribution account balance if they leave employment and request a refund.</p> <p>Members are always 100% vested in the contributions that they make.</p>	<p><b>Vesting</b> Same as Plan 1.</p>	<p><b>Vesting</b> <u>Defined Benefit Component:</u> Defined benefit vesting is the minimum length of service a member needs to qualify for a future retirement benefit. Members are vested under the defined benefit component of the Hybrid Retirement Plan when they reach five years (60 months) of creditable service. Plan 1 or Plan 2 members with at least five years (60 months) of creditable service who opted into the Hybrid Retirement Plan remain vested in the defined benefit component.</p> <p><u>Defined Contributions Component:</u> Defined contribution vesting refers to the minimum length of service a member needs to be eligible to withdraw the employer contributions from the defined contribution component of the plan.</p> <p>Members are always 100% vested in the contributions that they make.</p>

TOWN OF BERRYVILLE, VIRGINIA

Notes to Financial Statements  
As of June 30, 2017 (Continued)

NOTE 8—PENSION PLAN: (Continued)

*Plan Description (Continued)*

RETIREMENT PLAN PROVISIONS (CONTINUED)		
PLAN 1	PLAN 2	HYBRID RETIREMENT PLAN
Vesting (Cont.)	Vesting (Cont.)	<p>Vesting (Cont.) <u>Defined Contributions Component: (Cont.)</u> Upon retirement or leaving covered employment, a member is eligible to withdraw a percentage of employer contributions to the defined contribution component of the plan, based on service.</p> <ul style="list-style-type: none"> <li>• After two years, a member is 50% vested and may withdraw 50% of employer contributions.</li> <li>• After three years, a member is 75% vested and may withdraw 75% of employer contributions.</li> <li>• After four or more years, a member is 100% vested and may withdraw 100% of employer contributions.</li> </ul> <p>Distribution is not required by law until age 70½.</p>
<p><b>Calculating the Benefit</b> The Basic Benefit is calculated based on a formula using the member's average final compensation, a retirement multiplier and total service credit at retirement. It is one of the benefit payout options available to a member at retirement.</p>	<p><b>Calculating the Benefit</b> See definition under Plan 1.</p>	<p><b>Calculating the Benefit</b> <u>Defined Benefit Component:</u> See definition under Plan 1.</p>

TOWN OF BERRYVILLE, VIRGINIA

Notes to Financial Statements  
As of June 30, 2017 (Continued)

NOTE 8—PENSION PLAN: (Continued)

*Plan Description (Continued)*

RETIREMENT PLAN PROVISIONS (CONTINUED)		
PLAN 1	PLAN 2	HYBRID RETIREMENT PLAN
<p><b>Calculating the Benefit (Cont.)</b> An early retirement reduction factor is applied to the Basic Benefit if the member retires with a reduced retirement benefit or selects a benefit payout option other than the Basic Benefit.</p>	<p><b>Calculating the Benefit (Cont.)</b></p>	<p><b>Calculating the Benefit (Cont.)</b> <b><u>Defined Contribution Component:</u></b> The benefit is based on contributions made by the member and any matching contributions made by the employer, plus net investment earnings on those contributions.</p>
<p><b>Average Final Compensation</b> A member’s average final compensation is the average of the 36 consecutive months of highest compensation as a covered employee.</p>	<p><b>Average Final Compensation</b> A member’s average final compensation is the average of their 60 consecutive months of highest compensation as a covered employee.</p>	<p><b>Average Final Compensation</b> Same as Plan 2. It is used in the retirement formula for the defined benefit component of the plan.</p>
<p><b>Service Retirement Multiplier</b> <b>VRS:</b> The retirement multiplier is a factor used in the formula to determine a final retirement benefit. The retirement multiplier for non-hazardous duty members is 1.70%.</p> <p><b>Sheriffs and regional jail superintendents:</b> The retirement multiplier for sheriffs and regional jail superintendents is 1.85%.</p> <p><b>Political subdivision hazardous duty employees:</b> The retirement multiplier of eligible political subdivision hazardous duty employees other than sheriffs and regional jail superintendents is 1.70% or 1.85% as elected by the employer.</p>	<p><b>Service Retirement Multiplier</b> <b>VRS:</b> Same as Plan 1 for service earned, purchased or granted prior to January 1, 2013. For non-hazardous duty members the retirement multiplier is 1.65% for creditable service earned, purchased or granted on or after January 1, 2013.</p> <p><b>Sheriffs and regional jail superintendents:</b> Same as Plan 1.</p> <p><b>Political subdivision hazardous duty employees:</b> Same as Plan 1.</p>	<p><b>Service Retirement Multiplier</b> <b><u>Defined Benefit Component:</u></b> <b>VRS:</b> The retirement multiplier for the defined benefit component is 1.00%.</p> <p>For members who opted into the Hybrid Retirement Plan from Plan 1 or Plan 2, the applicable multipliers for those plans will be used to calculate the retirement benefit for service credited in those plans.</p> <p><b>Sheriffs and regional jail superintendents:</b> Not applicable.</p> <p><b>Political subdivision hazardous duty employees:</b> Not applicable.</p> <p><b><u>Defined Contribution Component:</u></b> Not applicable.</p>

TOWN OF BERRYVILLE, VIRGINIA

Notes to Financial Statements  
As of June 30, 2017 (Continued)

NOTE 8—PENSION PLAN: (Continued)

*Plan Description (Continued)*

RETIREMENT PLAN PROVISIONS (CONTINUED)		
PLAN 1	PLAN 2	HYBRID RETIREMENT PLAN
<p><b>Normal Retirement Age</b> VRS: Age 65.</p> <p><b>Political subdivisions hazardous duty employees:</b> Age 60.</p>	<p><b>Normal Retirement Age</b> VRS: Normal Social Security retirement age.</p> <p><b>Political subdivisions hazardous duty employees:</b> Same as Plan 1.</p>	<p><b>Normal Retirement Age</b> <u><b>Defined Benefit Component:</b></u> VRS: Same as Plan 2.</p> <p><b>Political subdivisions hazardous duty employees:</b> Not applicable.</p> <p><u><b>Defined Contribution Component:</b></u> Members are eligible to receive distributions upon leaving employment, subject to restrictions.</p>
<p><b>Earliest Unreduced Retirement Eligibility</b> VRS: Age 65 with at least five years (60 months) of creditable service or at age 50 with at least 30 years of creditable service.</p> <p><b>Political subdivisions hazardous duty employees:</b> Age 60 with at least five years of creditable service or age 50 with at least 25 years of creditable service.</p>	<p><b>Earliest Unreduced Retirement Eligibility</b> VRS: Normal Social Security retirement age with at least five years (60 months) of creditable service or when their age and service equal 90.</p> <p><b>Political subdivisions hazardous duty employees:</b> Same as Plan 1.</p>	<p><b>Earliest Unreduced Retirement Eligibility</b> <u><b>Defined Benefit Component:</b></u> VRS: Normal Social Security retirement age and have at least five years (60 months) of creditable service or when their age and service equal 90.</p> <p><b>Political subdivisions hazardous duty employees:</b> Not applicable.</p> <p><u><b>Defined Contribution Component:</b></u> Members are eligible to receive distributions upon leaving employment, subject to restrictions.</p>
<p><b>Earliest Reduced Retirement Eligibility</b> VRS: Age 55 with at least five years (60 months) of creditable service or age 50 with at least 10 years of creditable service.</p>	<p><b>Earliest Reduced Retirement Eligibility</b> VRS: Age 60 with at least five years (60 months) of creditable service.</p>	<p><b>Earliest Reduced Retirement Eligibility</b> <u><b>Defined Benefit Component:</b></u> VRS: Members may retire with a reduced benefit as early as age 60 with at least five years (60 months) of creditable service.</p>

TOWN OF BERRYVILLE, VIRGINIA

Notes to Financial Statements  
As of June 30, 2017 (Continued)

NOTE 8—PENSION PLAN: (Continued)

*Plan Description (Continued)*

RETIREMENT PLAN PROVISIONS (CONTINUED)		
PLAN 1	PLAN 2	HYBRID RETIREMENT PLAN
<p><b>Earliest Reduced Retirement Eligibility (Cont.)</b></p> <p>Political subdivisions hazardous duty employees: 50 with at least five years of creditable service.</p>	<p><b>Earliest Reduced Retirement Eligibility (Cont.)</b></p> <p>Political subdivisions hazardous duty employees: Same as Plan 1.</p>	<p><b>Earliest Reduced Retirement Eligibility (Cont.)</b></p> <p>Political subdivisions hazardous duty employees: Not applicable.</p> <p><u>Defined Contribution Component:</u> Members are eligible to receive distributions upon leaving employment, subject to restrictions.</p>
<p><b>Cost-of-Living Adjustment (COLA) in Retirement</b> The Cost-of-Living Adjustment (COLA) matches the first 3% increase in the Consumer Price Index for all Urban Consumers (CPI-U) and half of any additional increase (up to 4%) up to a maximum COLA of 5%.</p> <p><u>Eligibility:</u> For members who retire with an unreduced benefit or with a reduced benefit with at least 20 years of creditable service, the COLA will go into effect on July 1 after one full calendar year from the retirement date.</p> <p>For members who retire with a reduced benefit and who have less than 20 years of creditable service, the COLA will go into effect on July 1 after one calendar year following the unreduced retirement eligibility date.</p>	<p><b>Cost-of-Living Adjustment (COLA) in Retirement</b> The Cost-of-Living Adjustment (COLA) matches the first 2% increase in the CPI-U and half of any additional increase (up to 2%), for a maximum COLA of 3%.</p> <p><u>Eligibility:</u> Same as Plan 1.</p>	<p><b>Cost-of-Living Adjustment (COLA) in Retirement</b> <u>Defined Benefit Component:</u> Same as Plan 2.</p> <p><u>Defined Contribution Component:</u> Not applicable.</p> <p><u>Eligibility:</u> Same as Plan 1 and Plan 2.</p>

TOWN OF BERRYVILLE, VIRGINIA

Notes to Financial Statements  
As of June 30, 2017 (Continued)

NOTE 8—PENSION PLAN: (Continued)

*Plan Description (Continued)*

RETIREMENT PLAN PROVISIONS (CONTINUED)		
PLAN 1	PLAN 2	HYBRID RETIREMENT PLAN
<p>Cost-of-Living Adjustment (COLA) in Retirement (Cont.)</p> <p><u>Exceptions to COLA Effective Dates:</u> The COLA is effective July 1 following one full calendar year (January 1 to December 31) under any of the following circumstances:</p> <ul style="list-style-type: none"> <li>• The member is within five years of qualifying for an unreduced retirement benefit as of January 1, 2013.</li> <li>• The member retires on disability.</li> <li>• The member retires directly from short-term or long-term disability under the Virginia Sickness and Disability Program (VSDP).</li> <li>• The member is involuntarily separated from employment for causes other than job performance or misconduct and is eligible to retire under the Workforce Transition Act or the Transitional Benefits Program.</li> <li>• The member dies in service and the member’s survivor or beneficiary is eligible for a monthly death-in-service benefit. The COLA will go into effect on July 1 following one full calendar year (January 1 to December 31) from the date the monthly benefit begins.</li> </ul>	<p>Cost-of-Living Adjustment (COLA) in Retirement (Cont.)</p> <p><u>Exceptions to COLA Effective Dates:</u> Same as Plan 1.</p>	<p>Cost-of-Living Adjustment (COLA) in Retirement (Cont.)</p> <p><u>Exceptions to COLA Effective Dates:</u> Same as Plan 1 and Plan 2.</p>

TOWN OF BERRYVILLE, VIRGINIA

Notes to Financial Statements  
As of June 30, 2017 (Continued)

NOTE 8—PENSION PLAN: (Continued)

*Plan Description (Continued)*

RETIREMENT PLAN PROVISIONS (CONTINUED)		
PLAN 1	PLAN 2	HYBRID RETIREMENT PLAN
<p><b>Disability Coverage</b> Members who are eligible to be considered for disability retirement and retire on disability, the retirement multiplier is 1.7% on all service, regardless of when it was earned, purchased or granted.</p> <p>VSDP members are subject to a one-year waiting period before becoming eligible for non-work-related disability benefits.</p>	<p><b>Disability Coverage</b> Members who are eligible to be considered for disability retirement and retire on disability, the retirement multiplier is 1.65% on all service, regardless of when it was earned, purchased or granted.</p> <p>VSDP members are subject to a one-year waiting period before becoming eligible for non-work related disability benefits.</p>	<p><b>Disability Coverage</b> Employees of political subdivisions (including Plan 1 and Plan2 opt-ins) participate in the Virginia Local Disability Program (VLDP) unless their local governing body provides an employer-paid comparable program for its members.</p> <p>Hybrid members (including Plan 1 and Plan 2 opt-ins) covered under VLDP are subject to a one-year waiting period before becoming eligible for non-work-related disability benefits.</p>
<p><b>Purchase of Prior Service</b> Members may be eligible to purchase service from previous public employment, active duty military service, an eligible period of leave or VRS refunded service as creditable service in their plan. Prior creditable service counts toward vesting, eligibility for retirement and the health insurance credit. Only active members are eligible to purchase prior service. When buying service, members must purchase their most recent period of service first. Members also may be eligible to purchase periods of leave without pay.</p>	<p><b>Purchase of Prior Service</b> Same as Plan 1.</p>	<p><b>Purchase of Prior Service</b> <u>Defined Benefit Component:</u> Same as Plan 1, with the following exceptions:</p> <ul style="list-style-type: none"> <li>• Hybrid Retirement Plan members are ineligible for ported service.</li> <li>• The cost for purchasing refunded service is the higher of 4% of creditable compensation or average final compensation.</li> <li>• Plan members have one year from their date of hire or return from leave to purchase all but refunded prior service at approximate normal cost. After that one-year period, the rate for most categories of service will change to actuarial cost.</li> </ul> <p><u>Defined Contribution Component:</u> Not applicable.</p>

TOWN OF BERRYVILLE, VIRGINIA

Notes to Financial Statements  
As of June 30, 2017 (Continued)

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NOTE 8—PENSION PLAN: (Continued)

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Pension Plan Data

Information about the VRS Political Subdivision Retirement Plan is also available in the separately issued VRS 2016 Comprehensive Annual Financial Report (CAFR). A copy of the 2016 VRS CAFR may be downloaded from the VRS website at <http://www.varetire.org/Pdf/Publications/2016-annual-report-pdf>, or by writing to the System's Chief Financial Officer at P.O. Box 2500, Richmond, VA 23218-2500.

*Employees Covered by Benefit Terms*

As of the June 30, 2015 actuarial valuation, the following employees were covered by the benefit terms of the pension plan:

	<u>Number</u>
Inactive members or their beneficiaries currently receiving benefits	22
Inactive members:	
Vested inactive members	7
Non-vested inactive members	5
Inactive members active elsewhere in VRS	<u>16</u>
Total inactive members	28
Active members	<u>29</u>
Total covered employees	<u><u>79</u></u>

*Contributions*

The contribution requirement for active employees is governed by §51.1-145 of the Code of Virginia, as amended, but may be impacted as a result of funding options provided to political subdivisions by the Virginia General Assembly. Employees are required to contribute 5.00% of their compensation toward their retirement. Prior to July 1, 2012, all or part of the 5.00% member contribution may have been assumed by the employer. Beginning July 1, 2012, new employees were required to pay the 5% member contribution. In addition, for existing employees, employers were required to begin making the employee pay the 5.00% member contribution. This could be phased in over a period of up to 5 years and the employer is required to provide a salary increase equal to the amount of the increase in the employee-paid member contribution.

The Town's contractually required contribution rate for the year ended June 30, 2017 was 11.05% of covered employee compensation. This rate was based on an actuarially determined rate from an actuarial valuation as of June 30, 2015.

This rate, when combined with employee contributions, was expected to finance the costs of benefits earned by employees during the year, with an additional amount to finance any unfunded accrued liability. Contributions to the pension plan from the Town were \$158,746 and \$168,382 for the years ended June 30, 2017 and June 30, 2016, respectively.

TOWN OF BERRYVILLE, VIRGINIA

Notes to Financial Statements  
As of June 30, 2017 (Continued)

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NOTE 8—PENSION PLAN: (Continued)

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*Net Pension Liability*

The Town's net pension liability was measured as of June 30, 2016. The total pension liability used to calculate the net pension liability was determined by an actuarial valuation performed as of June 30, 2015, using updated actuarial assumptions, applied to all periods included in the measurement and rolled forward to the measurement date of June 30, 2016.

*Actuarial Assumptions - General Employees*

The total pension liability for General Employees in the Town's Retirement Plan was based on an actuarial valuation as of June 30, 2015, using the Entry Age Normal actuarial cost method and the following assumptions, applied to all periods included in the measurement and rolled forward to the measurement date of June 30, 2016.

Inflation	2.5%
Salary increases, including inflation	3.5% - 5.35%
Investment rate of return	7.0%, net of pension plan investment expense, including inflation*

\* Administrative expenses as a percent of the market value of assets for the last experience study were found to be approximately 0.06% of the market assets for all of the VRS plans. This would provide an assumed investment return rate for GASB purposes of slightly more than the assumed 7.0%. However, since the difference was minimal, and a more conservative 7.0% investment return assumption provided a projected plan net position that exceeded the projected benefit payments, the long-term expected rate of return on investments was assumed to be 7.0% to simplify preparation of pension liabilities.

Mortality rates: 14% of deaths are assumed to be service related

Largest 10 - Non-LEOS:

Pre-Retirement:

RP-2000 Employee Mortality Table Projected with Scale AA to 2020 with males set forward 4 years and females set back 2 years

Post-Retirement:

RP-2000 Combined Mortality Table Projected with Scale AA to 2020 with males set forward 1 year

Post-Disablement:

RP-2000 Disability Life Mortality Table Projected to 2020 with males set back 3 years and no provision for future mortality improvement

All Others (Non 10 Largest) - Non-LEOS:

Pre-Retirement:

RP-2000 Employee Mortality Table Projected with Scale AA to 2020 with males set forward 4 years and females set back 2 years

TOWN OF BERRYVILLE, VIRGINIA

Notes to Financial Statements  
As of June 30, 2017 (Continued)

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NOTE 8—PENSION PLAN: (Continued)

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*Actuarial Assumptions - General Employees (Continued)*

All Others (Non 10 Largest) - Non-LEOS: (Continued)

Post-Retirement:

RP-2000 Combined Mortality Table Projected with Scale AA to 2020 with males set forward 1 year

Post-Disablement:

RP-2000 Disability Life Mortality Table Projected to 2020 with males set back 3 years and no provision for future mortality improvement

The actuarial assumptions used in the June 30, 2015 valuation were based on the results of an actuarial experience study for the period from July 1, 2008 through June 30, 2012. Changes to the actuarial assumptions as a result of the experience study are as follows:

Largest 10 - Non-LEOS:

- Update mortality table
- Decrease in rates of service retirement
- Decrease in rates of disability retirement
- Reduce rates of salary increase by 0.25% per year

All Others (Non 10 Largest) - Non-LEOS:

- Update mortality table
- Decrease in rates of service retirement
- Decrease in rates of disability retirement
- Reduce rates of salary increase by 0.25% per year

*Actuarial Assumptions - Public Safety Employees*

The total pension liability for Public Safety employees in the Town's Retirement Plan was based on an actuarial valuation as of June 30, 2015, using the Entry Age Normal actuarial cost method and the following assumptions, applied to all periods included in the measurement and rolled forward to the measurement date of June 30, 2016.

Inflation	2.5%
Salary increases, including inflation	3.5% - 4.75%
Investment rate of return	7.0%, net of pension plan investment expense, including inflation*

\* Administrative expenses as a percent of the market value of assets for the last experience study were found to be approximately 0.06% of the market assets for all of the VRS plans. This would provide an assumed investment return rate for GASB purposes of slightly more than the assumed 7.0%. However, since the difference was minimal, and a more conservative 7.0% investment return assumption provided a projected plan net position that exceeded the projected benefit payments, the long-term expected rate of return on investments was assumed to be 7.0% to simplify preparation of pension liabilities.

TOWN OF BERRYVILLE, VIRGINIA

Notes to Financial Statements  
As of June 30, 2017 (Continued)

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NOTE 8—PENSION PLAN: (Continued)

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*Actuarial Assumptions - Public Safety Employees (Continued)*

Mortality rates: 60% of deaths are assumed to be service related

Largest 10 - Non-LEOS:

Pre-Retirement:

RP-2000 Employee Mortality Table Projected with Scale AA to 2020 with males set back 2 years and females set back 2 years

Post-Retirement:

RP-2000 Combined Mortality Table Projected with Scale AA to 2020 with males set forward 1 year

Post-Disablement:

RP-2000 Disability Life Mortality Table Projected to 2020 with males set back 3 years and no provision for future mortality improvement

All Others (Non 10 Largest) - Non-LEOS:

Pre-Retirement:

RP-2000 Employee Mortality Table Projected with Scale AA to 2020 with males set back 2 years and females set back 2 years

Post-Retirement:

RP-2000 Combined Mortality Table Projected with Scale AA to 2020 with males set forward 1 year

Post-Disablement:

RP-2000 Disability Life Mortality Table Projected to 2020 with males set back 3 years and no provision for future mortality improvement

The actuarial assumptions used in the June 30, 2015 valuation were based on the results of an actuarial experience study for the period from July 1, 2008 through June 30, 2012. Changes to the actuarial assumptions as a result of the experience study are as follows:

Largest 10 - LEOS:

- Update mortality table
- Decrease in male rates of disability

All Others (Non 10 Largest) - LEOS:

- Update mortality table
- Adjustments to rates of service retirement for females
- Increase in rates of withdrawal
- Decrease in male and female rates of disability

TOWN OF BERRYVILLE, VIRGINIA

Notes to Financial Statements  
As of June 30, 2017 (Continued)

NOTE 8—PENSION PLAN: (Continued)

*Long-Term Expected Rate of Return*

The long-term expected rate of return on pension System investments was determined using a log-normal distribution analysis in which best-estimate ranges of expected future real rates of return (expected returns, net of pension System investment expense and inflation) are developed for each major asset class. These ranges are combined to produce the long-term expected rate of return by weighting the expected future real rates of return by the target asset allocation percentage and by adding expected inflation. The target asset allocation and best estimate of arithmetic real rates of return for each major asset class are summarized in the following table:

<u>Asset Class (Strategy)</u>	<u>Target Allocation</u>	<u>Arithmetic Long-Term Expected Rate of Return</u>	<u>Weighted Average Long-Term Expected Rate of Return</u>
U.S. Equity	19.50%	6.46%	1.26%
Developed Non U.S. Equity	16.50%	6.28%	1.04%
Emerging Market Equity	6.00%	10.00%	0.60%
Fixed Income	15.00%	0.09%	0.01%
Emerging Debt	3.00%	3.51%	0.11%
Rate Sensitive Credit	4.50%	3.51%	0.16%
Non Rate Sensitive Credit	4.50%	5.00%	0.23%
Convertibles	3.00%	4.81%	0.14%
Public Real Estate	2.25%	6.12%	0.14%
Private Real Estate	12.75%	7.10%	0.91%
Private Equity	12.00%	10.41%	1.25%
Cash	1.00%	-1.50%	-0.02%
Total	<u>100.00%</u>		<u>5.83%</u>
		Inflation	<u>2.50%</u>
		*Expected arithmetic nominal return	<u>8.33%</u>

\* Using stochastic projection results provides an expected range of real rates of return over various time horizons. Looking at one year results produces an expected real return of 8.33% but also has a high standard deviation, which means there is high volatility. Over larger time horizons the volatility declines significantly and provides a median return of 7.44%, including expected inflation of 2.50%.

TOWN OF BERRYVILLE, VIRGINIA

Notes to Financial Statements  
As of June 30, 2017 (Continued)

NOTE 8—PENSION PLAN: (Continued)

*Discount Rate*

The discount rate used to measure the total pension liability was 7.00%. The projection of cash flows used to determine the discount rate assumed that System member contributions will be made per the VRS Statutes and the employer contributions will be made in accordance with the VRS funding policy at rates equal to the difference between actuarially determined contribution rates adopted by the VRS Board of Trustees and the member rate. Through the fiscal year ending June 30, 2018, the rate contributed by the employer for the Town Retirement Plan will be subject to the portion of the VRS Board-certified rates that are funded by the Virginia General Assembly. From July 1, 2018 on, participating employers are assumed to contribute 100% of the actuarially determined contribution rates. Based on those assumptions, the pension plan's fiduciary net position was projected to be available to make all projected future benefit payments of current active and inactive employees. Therefore the long-term expected rate of return was applied to all periods of projected benefit payments to determine the total pension liability.

*Changes in Net Pension Liability*

	Increase (Decrease)		
	Total Pension Liability (a)	Plan Fiduciary Net Position (b)	Net Pension Liability (a) - (b)
Balances at June 30, 2015	\$ 5,314,980	\$ 4,876,645	\$ 438,335
Changes for the year:			
Service cost	\$ 152,759	\$ -	\$ 152,759
Interest	366,252	-	366,252
Differences between expected and actual experience	(114,675)	-	(114,675)
Contributions - employer	-	154,359	(154,359)
Contributions - employee	-	67,595	(67,595)
Net investment income	-	87,873	(87,873)
Benefit payments, including refunds of employee contributions	(165,609)	(165,609)	-
Administrative expenses	-	(2,962)	2,962
Other changes	-	(37)	37
Net changes	\$ 238,727	\$ 141,219	\$ 97,508
Balances at June 30, 2016	\$ 5,553,707	\$ 5,017,864	\$ 535,843

TOWN OF BERRYVILLE, VIRGINIA

Notes to Financial Statements  
As of June 30, 2017 (Continued)

NOTE 8—PENSION PLAN: (Continued)

*Sensitivity of the Net Pension Liability to Changes in the Discount Rate*

The following presents the net pension liability of the Town using the discount rate of 7.00%, as well as what the Town's net pension liability would be if it were calculated using a discount rate that is one percentage point lower (6.00%) or one percentage point higher (8.00%) than the current rate:

	Rate		
	1% Decrease <u>(6.00%)</u>	Current Discount <u>(7.00%)</u>	1% Increase <u>(8.00%)</u>
Town of Berryville, Virginia Net Pension Liability (Asset)	1,293,482	535,843	(94,139)

*Pension Expense and Deferred Outflows of Resources and Deferred Inflows of Resources Related to Pensions*

For the year ended June 30, 2017, the Town recognized pension expense of \$67,803. At June 30, 2017, the Town reported deferred outflows of resources and deferred inflows of resources related to pensions from the following sources:

	Primary Government	
	Deferred Outflows of Resources	Deferred Inflows of Resources
Differences between expected and actual experience	\$ -	\$ 89,468
Net difference between projected and actual earnings on pension plan investments	131,646	-
Employer contributions subsequent to the measurement date	158,746	-
Total	<u>\$ 290,392</u>	<u>\$ 89,468</u>

\$158,746 reported as deferred outflows of resources related to pensions resulting from the Town's contributions subsequent to the measurement date will be recognized as a reduction of the Net Pension Liability in the fiscal year ended June 30, 2018. Other amounts reported as deferred outflows of resources and deferred inflows of resources related to pensions will be recognized in pension expense in future reporting periods as follows:

Year ended June 30	Primary Government
2018	\$ (43,380)
2019	(37,568)
2020	72,055
2021	51,071
2022	-
Thereafter	-

TOWN OF BERRYVILLE, VIRGINIA

Notes to Financial Statements  
As of June 30, 2017 (Continued)

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**NOTE 9—DEFERRED/UNAVAILABLE REVENUE:**

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Deferred/Unavailable revenue represent amounts for which asset recognition criteria have been met, but for which revenue recognition criteria have not been met. Under the modified accrual basis of accounting, such amounts are measurable, but not available. Unavailable revenue totaling \$513,030 is comprised of the following:

Unavailable Property Tax Revenue - Unavailable revenue representing uncollected tax billings not available for funding of current expenditures totaled \$507,127 at June 30, 2017.

Prepaid Property Taxes - Property taxes due subsequent to June 30, 2017 but paid in advance by the taxpayers totaled \$5,903 at June 30, 2017.

**NOTE 10—UPCOMING PRONOUNCEMENTS:**

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Statement No. 75, *Accounting and Financial Reporting for Postemployment Benefits Other Than Pension*, improves accounting and financial reporting by state and local governments for postemployment benefits other than pensions (other postemployment benefits or OPEB). This Statement replaces the requirements of Statements No. 45, *Accounting and Financial Reporting by Employers for Postemployment Benefits Other Than Pensions*, as amended, and No. 57, *OPEB Measurements by Agent Employers and Agent Multiple Employer Plans*, for OPEB. Statement No. 74, *Financial Reporting for Postemployment Benefit Plans Other Than Pension Plans*, establishes new accounting and financial reporting requirements for OPEB plans. This Statement is effective for fiscal years beginning after June 15, 2017.

Statement No. 77, *Tax Abatement Disclosures*, will increase the disclosure of tax abatement agreements to disclose information about the agreements. The requirements of this Statement improve financial reporting by giving users of financial statements essential information that is not consistently or comprehensively reported to the public at present. The requirements of this Statement are effective for financial statements for periods beginning after December 15, 2015.

Statement No. 81, *Irrevocable Split-Interest Agreements*, improves accounting and financial reporting for irrevocable split-interest agreements by providing recognition and measurement guidance for situations in which a government is a beneficiary of the agreement. The requirements of this Statement are effective for financial statements for periods beginning after December 15, 2016, and should be applied retroactively.

Management is currently evaluating the impact these standards will have on the financial statements when adopted.

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## Required Supplementary Information

### Note to Required Supplementary Information:

Presented Budgets were prepared in accordance with Accounting Principles Generally Accepted in the United States of America.

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Schedule of Revenues, Expenditures, and Changes in Fund Balances - Budget and Actual  
 General Fund  
 Year Ended June 30, 2017

	<u>Original Budget</u>	<u>Final Budget</u>	<u>Actual</u>	<u>Variance With Final Budget Positive (Negative)</u>
<b>Revenues:</b>				
General property taxes	\$ 1,346,700	\$ 1,346,700	\$ 1,356,375	\$ 9,675
Other local taxes	941,500	941,500	1,066,288	124,788
Permits, privilege fees and regulatory licenses	35,500	35,500	29,599	(5,901)
Fines and forfeitures	28,300	28,300	33,319	5,019
Revenue from use of money and property	84,250	84,250	114,433	30,183
Charges for services	21,000	21,000	66,337	45,337
Miscellaneous	7,000	7,000	155,666	148,666
Intergovernmental:				
Commonwealth	891,786	891,786	934,444	42,658
Federal	-	-	9,467	9,467
Total revenues	<u>\$ 3,356,036</u>	<u>\$ 3,356,036</u>	<u>\$ 3,765,928</u>	<u>\$ 409,892</u>
<b>Expenditures:</b>				
Current:				
General government administration	\$ 856,285	\$ 856,285	\$ 809,484	\$ 46,801
Public safety	750,544	750,544	672,520	78,024
Public works	1,176,987	1,176,987	1,159,153	17,834
Parks, recreation, and cultural	11,400	11,400	13,757	(2,357)
Community development	143,575	143,575	133,847	9,728
Capital outlay	86,780	86,780	55,076	31,704
Contingency	208,985	208,985	9,886	199,099
Debt service	121,480	121,480	121,476	4
Total expenditures	<u>\$ 3,356,036</u>	<u>\$ 3,356,036</u>	<u>\$ 2,975,199</u>	<u>\$ 380,837</u>
Excess (deficiency) of revenues over expenditures	<u>\$ -</u>	<u>\$ -</u>	<u>\$ 790,729</u>	<u>\$ 790,729</u>
Net change in fund balances	\$ -	\$ -	\$ 790,729	\$ 790,729
Fund balances at beginning of year	<u>-</u>	<u>-</u>	<u>1,978,716</u>	<u>1,978,716</u>
Fund balances at end of year	<u><u>\$ -</u></u>	<u><u>\$ -</u></u>	<u><u>\$ 2,769,445</u></u>	<u><u>\$ 2,769,445</u></u>

Schedule of Changes in Net Pension Liability and Related Ratios  
For the Years Ended June 30, 2017 through June 30, 2015

	<u>2016</u>	<u>2015</u>	<u>2014</u>
<b>Total pension liability</b>			
Service cost	\$ 152,759	\$ 166,211	\$ 157,906
Interest	366,252	343,686	320,296
Differences between expected and actual experience	(114,675)	(31,092)	-
Benefit payments, including refunds of employee contributions	(165,609)	(147,241)	(140,878)
<b>Net change in total pension liability</b>	<u>\$ 238,727</u>	<u>\$ 331,564</u>	<u>\$ 337,324</u>
<b>Total pension liability - beginning</b>	<u>5,314,980</u>	<u>4,983,416</u>	<u>4,646,092</u>
<b>Total pension liability - ending (a)</b>	<u><u>\$ 5,553,707</u></u>	<u><u>\$ 5,314,980</u></u>	<u><u>\$ 4,983,416</u></u>
<b>Plan fiduciary net position</b>			
Contributions - employer	\$ 154,359	\$ 119,961	\$ 136,088
Contributions - employee	67,595	69,866	73,323
Net investment income	87,873	214,380	625,028
Benefit payments, including refunds of employee contributions	(165,609)	(147,241)	(140,878)
Administrative expense	(2,962)	(2,842)	(3,286)
Other	(37)	(45)	32
<b>Net change in plan fiduciary net position</b>	<u>\$ 141,219</u>	<u>\$ 254,079</u>	<u>\$ 690,307</u>
<b>Plan fiduciary net position - beginning</b>	<u>4,876,645</u>	<u>4,622,566</u>	<u>3,932,259</u>
<b>Plan fiduciary net position - ending (b)</b>	<u><u>\$ 5,017,864</u></u>	<u><u>\$ 4,876,645</u></u>	<u><u>\$ 4,622,566</u></u>
<b>Town's net pension liability (asset) - ending (a) - (b)</b>	\$ 535,843	\$ 438,335	\$ 360,850
<b>Plan fiduciary net position as a percentage of the total pension liability</b>	90.35%	91.75%	92.76%
<b>Covered payroll</b>	\$ 1,376,791	\$ 1,407,165	\$ 1,476,761
<b>Town's net pension liability (asset) as a percentage of covered payroll</b>	38.92%	31.15%	24.44%

Schedule is intended to show information for 10 years. Information prior to the 2014 valuation is not available. However, additional years will be included as they become available.

## Schedule of Employer Contributions

For the Years Ended June 30, 2017 through June 30, 2008

Date	Contractually Required Contribution (1)	Contributions in Relation to Contractually Required Contribution (2)	Contribution Deficiency (Excess) (3)	Employer's Covered Payroll (4)	Contributions as a % of Covered Payroll (5)
2017	\$ 158,746	\$ 158,746	\$ -	\$ 1,436,612	11.05%
2016	168,382	168,382	-	1,376,791	12.23%
2015	120,453	120,453	-	1,407,165	8.56%
2014	137,043	137,043	-	1,476,761	9.28%
2013	135,666	135,666	-	1,461,916	9.28%
2012	100,632	100,632	-	1,347,150	7.47%
2011	101,160	101,160	-	1,354,220	7.47%
2010	54,243	54,243	-	1,307,066	4.15%
2009	54,298	54,298	-	1,308,373	4.15%
2008	69,829	69,829	-	1,240,305	5.63%

Current year contributions are from Town records and prior year contributions are from the VRS actuarial valuation performed each year.

Notes to Required Supplementary Information  
For the Year Ended June 30, 2017

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**Changes of benefit terms** - There have been no actuarially material changes to the System benefit provisions since the prior actuarial valuation. The 2014 valuation includes Hybrid Retirement Plan members for the first time. The hybrid plan applies to most new employees hired on or after January 1, 2014 and not covered by enhanced hazardous duty benefits. Because this was a new benefit and the number of participants was relatively small, the impact on the liabilities as of the measurement date of June 30, 2016 are not material.

**Changes of assumptions** - The following changes in actuarial assumptions were made effective June 30, 2013 based on the most recent experience study of the System for the four-year period ending June 30, 2012:

Largest 10 - Non-LEOS:

- Update mortality table
- Decrease in rates of service retirement
- Decrease in rates of disability retirement
- Reduce rates of salary increase by 0.25% per year

Largest 10 - LEOS:

- Update mortality table
- Decrease in male rates of disability

All Others (Non 10 Largest) - Non-LEOS:

- Update mortality table
- Decrease in rates of service retirement
- Decrease in rates of disability retirement
- Reduce rates of salary increase by 0.25% per year

All Others (Non 10 Largest) - LEOS:

- Update mortality table
- Adjustments to rates of service retirement for females
- Increase in rates of withdrawal
- Decrease in male and female rates of disability

*Supporting Schedules*

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Schedule of Revenues - Budget and Actual  
 General Fund  
 Year Ended June 30, 2017

Fund, Major and Minor Revenue Source	Original Budget	Final Budget	Actual	Variance with Final Budget- Positive (Negative)
<b>General Fund:</b>				
Revenue from local sources:				
General property taxes:				
Real property taxes	\$ 898,700	\$ 898,700	\$ 926,891	\$ 28,191
Personal property taxes	233,000	233,000	249,092	16,092
Machinery and tools taxes	207,000	207,000	167,998	(39,002)
Penalties	3,000	3,000	8,033	5,033
Interest	5,000	5,000	4,361	(639)
Total general property taxes	<u>\$ 1,346,700</u>	<u>\$ 1,346,700</u>	<u>\$ 1,356,375</u>	<u>\$ 9,675</u>
Other local taxes:				
Local sales and use taxes	\$ 190,000	\$ 190,000	\$ 226,294	\$ 36,294
Lodging tax	9,000	9,000	8,382	(618)
Business license tax	185,000	185,000	255,132	70,132
Cigarette tax	42,500	42,500	43,702	1,202
Bank franchise taxes	145,000	145,000	121,840	(23,160)
Consumer utility tax	90,000	90,000	98,888	8,888
Meals tax	190,000	190,000	206,366	16,366
Motor vehicle licenses	90,000	90,000	105,684	15,684
Total other local taxes	<u>\$ 941,500</u>	<u>\$ 941,500</u>	<u>\$ 1,066,288</u>	<u>\$ 124,788</u>
Permits, privilege fees and regulatory licenses:				
Licenses, zoning and subdivision permits	\$ 35,500	\$ 35,500	\$ 29,599	\$ (5,901)
Fines and forfeitures:				
Court fines and forfeitures	\$ 25,000	\$ 25,000	\$ 28,869	\$ 3,869
Parking fines	3,300	3,300	4,450	1,150
Total fines and forfeitures	<u>\$ 28,300</u>	<u>\$ 28,300</u>	<u>\$ 33,319</u>	<u>\$ 5,019</u>
Revenue from use of money and property:				
Revenue from use of money	\$ 6,000	\$ 6,000	\$ 33,127	\$ 27,127
Revenue from use of property	78,250	78,250	81,306	3,056
Total revenue from use of money and property	<u>\$ 84,250</u>	<u>\$ 84,250</u>	<u>\$ 114,433</u>	<u>\$ 30,183</u>
Charges for services:				
Charges for services - meters	\$ 11,000	\$ 11,000	\$ 14,404	\$ 3,404
Zoning and subdivision fees	10,000	10,000	51,933	41,933
Total charges for services	<u>\$ 21,000</u>	<u>\$ 21,000</u>	<u>\$ 66,337</u>	<u>\$ 45,337</u>

Schedule of Revenues - Budget and Actual  
 General Fund  
 Year Ended June 30, 2017 (Continued)

Fund, Major and Minor Revenue Source	Original Budget	Final Budget	Actual	Variance with Final Budget- Positive (Negative)
<b>General Fund: (continued)</b>				
Revenue from local sources: (continued)				
Miscellaneous:				
Miscellaneous income	\$ 7,000	\$ 7,000	\$ 155,666	\$ 148,666
Total revenue from local sources	<u>\$ 2,464,250</u>	<u>\$ 2,464,250</u>	<u>\$ 2,822,017</u>	<u>\$ 357,767</u>
Intergovernmental:				
Revenue from the Commonwealth:				
Noncategorical aid:				
Communication taxes	\$ 90,000	\$ 90,000	\$ 88,412	\$ (1,588)
Personal property tax relief act funds	209,917	209,917	209,917	-
Auto rental	-	-	444	444
Rolling stock tax	<u>2,000</u>	<u>2,000</u>	<u>1,855</u>	<u>(145)</u>
Total noncategorical aid	<u>\$ 301,917</u>	<u>\$ 301,917</u>	<u>\$ 300,628</u>	<u>\$ (1,289)</u>
Categorical aid:				
Aid to localities with police departments	\$ 84,052	\$ 84,052	\$ 88,461	\$ 4,409
Litter control grant	2,000	2,000	1,840	(160)
Street and highway maintenance	484,787	484,787	524,919	40,132
Commission of the arts	5,000	5,000	5,000	-
Fire funds	<u>14,030</u>	<u>14,030</u>	<u>13,596</u>	<u>(434)</u>
Total categorical aid	<u>\$ 589,869</u>	<u>\$ 589,869</u>	<u>\$ 633,816</u>	<u>\$ 43,947</u>
Total revenue from the Commonwealth	<u>\$ 891,786</u>	<u>\$ 891,786</u>	<u>\$ 934,444</u>	<u>\$ 42,658</u>
Revenue from the Federal government:				
Categorical aid:				
Fire funds	\$ -	\$ -	\$ 9,467	\$ 9,467
Total General Fund	<u><u>\$ 3,356,036</u></u>	<u><u>\$ 3,356,036</u></u>	<u><u>\$ 3,765,928</u></u>	<u><u>\$ 409,892</u></u>

Schedule of Expenditures - Budget and Actual  
 General Fund  
 Year Ended June 30, 2017

Fund, Function, Activity and Elements	Original Budget	Final Budget	Actual	Variance with Final Budget- Positive (Negative)
<b>General Fund:</b>				
General government administration:				
Town Council:				
Compensation	\$ 18,900	\$ 18,900	\$ 19,503	\$ (603)
Training	1,000	1,000	781	219
Miscellaneous	1,000	1,000	648	352
Dues	3,000	3,000	2,983	17
Town code supplements	2,000	2,000	900	1,100
Total town council	<u>\$ 25,900</u>	<u>\$ 25,900</u>	<u>\$ 24,815</u>	<u>\$ 1,085</u>
Town Clerk:				
Compensation	\$ 43,380	\$ 43,380	\$ 49,271	\$ (5,891)
Education/Training	1,000	1,000	959	41
Dues	200	200	50	150
Total town clerk	<u>\$ 44,580</u>	<u>\$ 44,580</u>	<u>\$ 50,280</u>	<u>\$ (5,700)</u>
Town Manager:				
Compensation	\$ 138,850	\$ 138,850	\$ 137,768	\$ 1,082
Mileage	150	150	101	49
Training	1,000	1,000	683	317
Dues	900	900	948	(48)
Total town manager	<u>\$ 140,900</u>	<u>\$ 140,900</u>	<u>\$ 139,500</u>	<u>\$ 1,400</u>
Legal and Professional:				
Professional services	\$ 20,000	\$ 20,000	\$ 25,263	\$ (5,263)
Contractual services	16,000	16,000	14,900	1,100
Engineering services	5,000	5,000	-	5,000
Total legal and professional	<u>\$ 41,000</u>	<u>\$ 41,000</u>	<u>\$ 40,163</u>	<u>\$ 837</u>
Personnel:				
Retirement	\$ 116,350	\$ 116,350	\$ 100,893	\$ 15,457
Health insurance	160,365	160,365	137,291	23,074
Life insurance	11,320	11,320	11,680	(360)
Unemployment insurance	270	270	259	11
Workers' compensation insurance	21,750	21,750	15,778	5,972
Line of Duty act	3,750	3,750	4,038	(288)
Employment screening	750	750	-	750
Total personnel	<u>\$ 314,555</u>	<u>\$ 314,555</u>	<u>\$ 269,939</u>	<u>\$ 44,616</u>

Schedule of Expenditures - Budget and Actual  
 General Fund  
 Year Ended June 30, 2017 (Continued)

Fund, Major and Minor Revenue Source	Original Budget	Final Budget	Actual	Variance with Final Budget- Positive (Negative)
<b>General Fund: (continued)</b>				
General government administration: (continued)				
Town Treasurer:				
Compensation	\$ 99,800	\$ 99,800	\$ 100,535	\$ (735)
Surety bonds	300	300	234	66
Training	1,500	1,500	550	950
Dues	300	300	175	125
Miscellaneous	2,350	2,350	1,830	520
Total town treasurer	<u>\$ 104,250</u>	<u>\$ 104,250</u>	<u>\$ 103,324</u>	<u>\$ 926</u>
Finance/Accounting:				
Compensation	\$ 69,300	\$ 69,300	\$ 70,525	\$ (1,225)
Training	500	500	184	316
Total finance/accounting	<u>\$ 69,800</u>	<u>\$ 69,800</u>	<u>\$ 70,709</u>	<u>\$ (909)</u>
Central Administration/Purchasing:				
Maintenance contracts	\$ 25,000	\$ 25,000	\$ 31,260	\$ (6,260)
Advertising	7,000	7,000	10,416	(3,416)
Postage	8,000	8,000	6,330	1,670
Telecommunications	5,400	5,400	5,894	(494)
Office supplies and equipment	14,000	14,000	14,821	(821)
Newsletter	250	250	-	250
Training	1,500	1,500	690	810
Dues	500	500	395	105
Total central administration/purchasing	<u>\$ 61,650</u>	<u>\$ 61,650</u>	<u>\$ 69,806</u>	<u>\$ (8,156)</u>
Risk Management:				
Blanket excess liability	\$ 11,000	\$ 11,000	\$ 8,009	\$ 2,991
Automobile insurance	9,000	9,000	7,229	1,771
Semi-multi peril insurance	29,150	29,150	25,710	3,440
Insurance deductibles	3,000	3,000	-	3,000
Total risk management	<u>\$ 52,150</u>	<u>\$ 52,150</u>	<u>\$ 40,948</u>	<u>\$ 11,202</u>
Elections:				
Election officials	\$ 500	\$ 500	\$ -	\$ 500
Office supplies	1,000	1,000	-	1,000
Total elections	<u>\$ 1,500</u>	<u>\$ 1,500</u>	<u>\$ -</u>	<u>\$ 1,500</u>
Total general government administration	<u>\$ 856,285</u>	<u>\$ 856,285</u>	<u>\$ 809,484</u>	<u>\$ 46,801</u>

Schedule of Expenditures - Budget and Actual  
 General Fund  
 Year Ended June 30, 2017 (Continued)

Fund, Major and Minor Revenue Source	Original Budget	Final Budget	Actual	Variance with Final Budget- Positive (Negative)
<b>General Fund: (continued)</b>				
Public safety:				
Police department:				
Compensation	\$ 575,500	\$ 575,500	\$ 511,068	\$ 64,432
Maintenance contracts	12,850	12,850	14,572	(1,722)
Communication equipment and services	4,044	4,044	4,036	8
Community relations	1,200	1,200	1,344	(144)
Office supplies	2,600	2,600	1,678	922
Gasoline oil	14,000	14,000	10,202	3,798
Repair and maintenance	14,000	14,000	11,029	2,971
Police supplies	14,500	14,500	10,527	3,973
Uniforms	4,000	4,000	2,458	1,542
Medical examinations	500	500	45	455
Training	9,500	9,500	9,954	(454)
Professional services	400	400	-	400
Employment screening	1,000	1,000	1,271	(271)
Dues	700	700	775	(75)
Total police department	<u>\$ 654,794</u>	<u>\$ 654,794</u>	<u>\$ 578,959</u>	<u>\$ 75,835</u>
Traffic control:				
Contribution - crossing guard	<u>\$ 2,500</u>	<u>\$ 2,500</u>	<u>\$ 2,500</u>	<u>\$ -</u>
Emergency services:				
Contribution - alarm	<u>\$ 2,000</u>	<u>\$ 2,000</u>	<u>\$ 2,000</u>	<u>\$ -</u>
Fire and rescue:				
Professional services - emergency medical tech.	\$ 50,000	\$ 50,000	\$ 50,000	\$ -
Contribution - JHEVFD	25,000	25,000	25,000	-
Fire fund program	<u>14,000</u>	<u>14,000</u>	<u>13,581</u>	<u>419</u>
Total fire and rescue	<u>\$ 89,000</u>	<u>\$ 89,000</u>	<u>\$ 88,581</u>	<u>\$ 419</u>
Correction and detention:				
Confinement and prisoners	\$ 250	\$ 250	\$ -	\$ 250
Public defenders fees	<u>2,000</u>	<u>2,000</u>	<u>480</u>	<u>1,520</u>
Total correction and detention	<u>\$ 2,250</u>	<u>\$ 2,250</u>	<u>\$ 480</u>	<u>\$ 1,770</u>
Total public safety	<u>\$ 750,544</u>	<u>\$ 750,544</u>	<u>\$ 672,520</u>	<u>\$ 78,024</u>
Public works:				
Maintenance of streets, bridges and sidewalks:				
General administration:				
Compensation	\$ 47,850	\$ 47,850	\$ 47,961	\$ (111)
Fuel oil/heat	3,325	3,325	1,192	2,133
Telecommunications	3,800	3,800	4,649	(849)
Office supplies	2,750	2,750	2,579	171
Vehicle repairs and maintenance	7,000	7,000	1,254	5,746
Medical exams	525	525	878	(353)
Training	<u>500</u>	<u>500</u>	<u>292</u>	<u>208</u>
Total general administration	<u>\$ 65,750</u>	<u>\$ 65,750</u>	<u>\$ 58,805</u>	<u>\$ 6,945</u>

Schedule of Expenditures - Budget and Actual  
 General Fund  
 Year Ended June 30, 2017 (Continued)

Fund, Major and Minor Revenue Source	Original Budget	Final Budget	Actual	Variance with Final Budget- Positive (Negative)
<b>General Fund: (continued)</b>				
Public works: (continued)				
Maintenance of streets, bridges and sidewalks: (continued)				
Highways, streets, bridges and sidewalks:				
Compensation	\$ 137,250	\$ 137,250	\$ 130,676	\$ 6,574
Gasoline and oil	37,400	37,400	18,192	19,208
Uniforms	3,000	3,000	2,026	974
Materials and supplies	4,000	4,000	4,225	(225)
Equipment maintenance	10,000	10,000	9,675	325
Sidewalk maintenance	6,000	6,000	-	6,000
Street maintenance	474,787	474,787	472,127	2,660
Street sign maintenance	500	500	1,066	(566)
Norfolk/Southern ROW	950	950	1,047	(97)
Total highways, streets, bridges, and sidewalks	<u>\$ 673,887</u>	<u>\$ 673,887</u>	<u>\$ 639,034</u>	<u>\$ 34,853</u>
Street lights:				
Electricity - street lights	<u>\$ 79,000</u>	<u>\$ 79,000</u>	<u>\$ 72,649</u>	<u>\$ 6,351</u>
Snow and ice removal:				
Material and supplies	<u>\$ 2,000</u>	<u>\$ 2,000</u>	<u>\$ -</u>	<u>\$ 2,000</u>
Parking meters:				
Material and supplies	<u>\$ 1,500</u>	<u>\$ 1,500</u>	<u>\$ 1,091</u>	<u>\$ 409</u>
Street and road cleaning:				
Street cleaning	<u>\$ 4,000</u>	<u>\$ 4,000</u>	<u>\$ -</u>	<u>\$ 4,000</u>
Total maintenance of streets, bridges and sidewalks	<u>\$ 826,137</u>	<u>\$ 826,137</u>	<u>\$ 771,579</u>	<u>\$ 54,558</u>
Sanitation and waste removal:				
Contractual services	\$ 182,300	\$ 182,300	\$ 181,767	\$ 533
Recycling services	54,600	54,600	53,705	895
Landfill charges	<u>20,000</u>	<u>20,000</u>	<u>28,071</u>	<u>(8,071)</u>
Total sanitation and waste removal	<u>\$ 256,900</u>	<u>\$ 256,900</u>	<u>\$ 263,543</u>	<u>\$ (6,643)</u>
Maintenance of buildings and grounds:				
General properties:				
Repair and maintenance	\$ 13,100	\$ 13,100	\$ 13,056	\$ 44
Materials and supplies	1,000	1,000	55	945
Christmas lights	<u>1,200</u>	<u>1,200</u>	<u>1,587</u>	<u>(387)</u>
Total general properties	<u>\$ 15,300</u>	<u>\$ 15,300</u>	<u>\$ 14,698</u>	<u>\$ 602</u>

Schedule of Expenditures - Budget and Actual  
 General Fund  
 Year Ended June 30, 2017 (Continued)

Fund, Major and Minor Revenue Source	Original Budget	Final Budget	Actual	Variance with Final Budget- Positive (Negative)
<b>General Fund: (continued)</b>				
Public works: (continued)				
Maintenance of buildings and grounds: (continued)				
Building services:				
Compensation	\$ 10,000	\$ 10,000	\$ 9,360	\$ 640
Contractual services	19,650	19,650	25,356	(5,706)
Electricity	18,000	18,000	24,996	(6,996)
Natural gas/heat	3,200	3,200	2,826	374
Materials and supplies	6,150	6,150	9,043	(2,893)
Water/sewer	2,650	2,650	2,664	(14)
Shared expenses - Clarke County	15,000	15,000	30,837	(15,837)
Telecommunications	4,000	4,000	4,251	(251)
Total building services	<u>\$ 78,650</u>	<u>\$ 78,650</u>	<u>\$ 109,333</u>	<u>\$ (30,683)</u>
Total maintenance of buildings and grounds	<u>\$ 93,950</u>	<u>\$ 93,950</u>	<u>\$ 124,031</u>	<u>\$ (30,081)</u>
Total public works	<u>\$ 1,176,987</u>	<u>\$ 1,176,987</u>	<u>\$ 1,159,153</u>	<u>\$ 17,834</u>
Parks, recreation and cultural:				
Christmas lights	\$ 400	\$ 400	\$ 181	\$ 219
Rose Hill improvements	5,000	5,000	7,510	(2,510)
Contributions	6,000	6,000	6,066	(66)
Total parks, recreation and cultural	<u>\$ 11,400</u>	<u>\$ 11,400</u>	<u>\$ 13,757</u>	<u>\$ (2,357)</u>
Community development:				
Planning:				
Compensation	\$ 85,500	\$ 85,500	\$ 85,359	\$ 141
Professional services	5,000	5,000	8,910	(3,910)
Office supplies	100	100	164	(64)
Printing	100	100	-	100
Mileage	750	750	425	325
Training	500	500	233	267
Dues	500	500	-	500
Total planning	<u>\$ 92,450</u>	<u>\$ 92,450</u>	<u>\$ 95,091</u>	<u>\$ (2,641)</u>
Board of zoning appeals:				
Compensation	\$ 750	\$ 750	\$ -	\$ 750
Training	750	750	-	750
Total board of zoning appeals	<u>\$ 1,500</u>	<u>\$ 1,500</u>	<u>\$ -</u>	<u>\$ 1,500</u>
Economic development:				
DBI/economic development professional services	<u>\$ 40,000</u>	<u>\$ 40,000</u>	<u>\$ 33,000</u>	<u>\$ 7,000</u>

Schedule of Expenditures - Budget and Actual  
 General Fund  
 Year Ended June 30, 2017 (Continued)

Fund, Major and Minor Revenue Source	Original Budget	Final Budget	Actual	Variance with Final Budget- Positive (Negative)
<b>General Fund: (continued)</b>				
Community development: (continued)				
Planning commission:				
Compensation	\$ 5,000	\$ 5,000	\$ 3,420	\$ 1,580
Training	1,000	1,000	500	500
Dues	250	250	-	250
Total planning commission	<u>\$ 6,250</u>	<u>\$ 6,250</u>	<u>\$ 3,920</u>	<u>\$ 2,330</u>
Berryville Area Development Authority:				
Compensation	\$ 2,500	\$ 2,500	\$ 1,292	\$ 1,208
Training	250	250	500	(250)
Dues	125	125	-	125
Total Berryville Area Development Authority	<u>\$ 2,875</u>	<u>\$ 2,875</u>	<u>\$ 1,792</u>	<u>\$ 1,083</u>
Architectural Review Board:				
Training	\$ 500	\$ 500	\$ 44	\$ 456
Total community development	<u>\$ 143,575</u>	<u>\$ 143,575</u>	<u>\$ 133,847</u>	<u>\$ 9,728</u>
Capital outlay:				
Police cruiser	\$ 43,530	\$ 43,530	\$ 46,493	\$ (2,963)
Other capital outlay	43,250	43,250	8,583	34,667
Total capital outlay	<u>\$ 86,780</u>	<u>\$ 86,780</u>	<u>\$ 55,076</u>	<u>\$ 31,704</u>
Contingency:				
Shared cost for operation of joint government center	\$ 186,838	\$ 186,838	\$ 9,886	\$ 176,952
Debt service reserve	12,147	12,147	-	12,147
PPTRA reserve	10,000	10,000	-	10,000
Total contingency	<u>\$ 208,985</u>	<u>\$ 208,985</u>	<u>\$ 9,886</u>	<u>\$ 199,099</u>
Debt service:				
Principal	\$ 35,000	\$ 35,000	\$ 34,763	\$ 237
Interest	86,480	86,480	86,713	(233)
Total debt service	<u>\$ 121,480</u>	<u>\$ 121,480</u>	<u>\$ 121,476</u>	<u>\$ 4</u>
Total General Fund	<u>\$ 3,356,036</u>	<u>\$ 3,356,036</u>	<u>\$ 2,975,199</u>	<u>\$ 380,837</u>

Schedule of Operating Expenses (With Comparative Amounts for 2016)  
 Enterprise Funds  
 Year Ended June 30, 2017

Fund, Function, Activity and Elements	2017	2016
<b>Water Fund:</b>		
General administration:		
Salaries and wages	\$ 37,195	\$ 33,856
Miss Utility	1,290	1,485
Repairs and maintenance	2,145	1,995
Postage	2,241	2,086
Office supplies	1,035	797
Total general administration	<u>\$ 43,906</u>	<u>\$ 40,219</u>
Supply purification:		
Salaries and wages	\$ 60,410	\$ 99,283
Repairs and maintenance	32,164	44,867
Electricity	55,085	65,412
Heating service	589	825
Equipment and supplies	11,625	4,461
Materials and supplies - chemicals	29,025	29,330
Sludge removal	17,302	12,520
Permits, fees and testing	10,540	8,785
Other operating expenses	11,011	11,696
Total supply purification	<u>\$ 227,751</u>	<u>\$ 277,179</u>
Transmission and distribution:		
Salaries and wages	\$ 97,613	\$ 88,401
Repairs and maintenance - water lines	70,734	66,683
Materials and supplies	34,134	29,029
Total transmission and distribution	<u>\$ 202,481</u>	<u>\$ 184,113</u>
Fringe benefits:		
Social security	\$ 2,898	\$ 5,443
Retirement	21,103	5,064
Health insurance	39,207	35,396
Group life insurance	2,327	2,175
Workers' compensation	3,928	4,756
Unemployment insurance	13	73
Total fringe benefits	<u>\$ 69,476</u>	<u>\$ 52,907</u>
Depreciation	<u>\$ 199,051</u>	<u>\$ 196,983</u>
Contingency	<u>\$ 2,113</u>	<u>\$ 4,505</u>
Total Water Fund	<u><u>\$ 744,778</u></u>	<u><u>\$ 755,906</u></u>

Schedule of Operating Expenses (With Comparative Amounts for 2016)  
 Enterprise Funds  
 Year Ended June 30, 2017 (Continued)

Fund, Function, Activity and Elements	2017	2016
<b>Sewer Fund:</b>		
General administration:		
Salaries and wages	\$ 42,250	\$ 37,535
Repairs and maintenance	2,145	1,995
Postage	6,727	6,288
Office supplies	638	1,027
Total general administration	<u>\$ 51,760</u>	<u>\$ 46,845</u>
Wastewater treatment:		
Salaries and wages	\$ 238,581	\$ 214,963
Professional services	59,474	22,847
Repairs and maintenance	148,067	101,890
Electricity	116,839	127,910
Materials and supplies - chemicals	71,790	55,851
Equipment and supplies	18,063	12,342
Permits, fees and testing	24,137	17,380
Other operating expenses	9,379	6,062
Total wastewater treatment	<u>\$ 686,330</u>	<u>\$ 559,245</u>
Maintenance of sewer lines:		
Salaries and wages	\$ 90,698	\$ 83,654
Repairs and maintenance - sewer lines	20,929	35,854
Materials and supplies	29	2,570
Total maintenance of sewer lines	<u>\$ 111,656</u>	<u>\$ 122,078</u>
Fringe benefits:		
Social security	\$ 3,105	\$ 7,126
Retirement	37,662	8,546
Health insurance	70,607	58,535
Group life insurance	4,444	3,565
Workers' compensation	17	96
Unemployment insurance	5,200	6,290
Total fringe benefits	<u>\$ 121,035</u>	<u>\$ 84,158</u>
Depreciation	<u>\$ 863,116</u>	<u>\$ 499,399</u>
Contingency	<u>\$ 11,243</u>	<u>\$ 5,350</u>
Total Sewer Fund	<u><u>\$ 1,845,140</u></u>	<u><u>\$ 1,317,075</u></u>

## Statistical Information

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Governmental Revenues by Source  
Last Ten Fiscal Years

<u>Fiscal Year</u>	<u>General Property Taxes</u>	<u>Other Local Taxes</u>	<u>Permits, Fees and Licenses</u>	<u>Fines and Forfeitures</u>	<u>Use of Money and Property</u>	<u>Charges for Services</u>	<u>Miscellaneous</u>	<u>Recovered Costs</u>	<u>Inter-governmental</u>	<u>Total</u>
2017	\$ 1,356,375	\$ 1,066,288	\$ 29,599	\$ 33,319	\$ 114,433	\$ 66,337	\$ 155,666	\$ -	\$ 943,911	\$ 3,765,928
2016	1,316,194	983,615	34,745	23,936	88,845	31,273	43,129	-	914,243	3,435,980
2015	1,165,459	934,720	30,965	35,352	98,699	34,918	34,702	-	901,393	3,236,208
2014	941,675	770,294	28,716	31,710	46,912	14,389	52,424	-	907,472	2,793,592
2013	882,457	726,993	29,433	44,245	54,830	29,326	40,884	-	845,141	2,653,309
2012	873,690	828,078	51,419	45,997	57,716	20,116	188,443	-	602,820	2,668,279
2011	874,629	726,493	90,822	40,330	66,570	17,811	195	916,399	442,654	3,175,903
2010	1,146,789	762,621	50,284	32,112	76,549	8,995	3,562	-	189,747	2,270,659
2009	1,206,692	751,709	84,766	54,918	98,463	8,193	16,339	-	112,888	2,333,968
2008	1,192,311	772,820	13,345	58,553	142,604	9,385	73,495	-	128,716	2,391,229

Governmental Expenditures by Function  
Last Ten Fiscal Years

<u>Fiscal Year</u>	<u>General Government</u>	<u>Public Safety</u>	<u>Public Works</u>	<u>Parks, Recreation, and Culture</u>	<u>Community Development</u>	<u>Capital Outlay and Contingency</u>	<u>Debt Service</u>	<u>Total</u>
2017	\$ 809,484	\$ 672,520	\$ 1,159,153	\$ 13,757	\$ 133,847	\$ 64,962	\$ 121,476	\$ 2,975,199
2016	795,715	688,324	1,054,750	8,228	186,298	104,988	121,476	2,959,779
2015	819,437	675,521	1,245,952	10,222	149,509	102,203	121,476	3,124,320
2014	811,097	676,255	885,330	7,135	126,914	101,579	121,476	2,729,786
2013	815,620	626,573	1,111,714	7,375	111,478	157,314	121,476	2,951,550
2012	900,572	676,428	660,363	248,227	116,815	374,951	121,476	3,098,832
2011	796,362	552,020	664,892	1,100,238	128,752	183,620	121,476	3,547,360
2010	794,863	658,010	641,026	13,620	133,471	377,099	121,476	2,739,565
2009	764,750	620,564	548,722	8,688	140,128	2,913,217	94,869	5,090,938
2008	726,951	637,027	540,502	10,674	142,974	155,212	16,068	2,229,408

## Compliance

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# ROBINSON, FARMER, COX ASSOCIATES

A PROFESSIONAL LIMITED LIABILITY COMPANY

CERTIFIED PUBLIC ACCOUNTANTS

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## Independent Auditors' Report on Internal Control over Financial Reporting and on Compliance and Other Matters Based on an Audit of Financial Statements Performed in Accordance with *Government Auditing Standards*

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To the Honorable Members of the Town Council  
Town of Berryville, Virginia

We have audited, in accordance with the auditing standards generally accepted in the United States of America; the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States; and the *Specifications for Audits of Counties, Cities, and Towns*, issued by the Auditor of Public Accounts of the Commonwealth of Virginia, the financial statements of the governmental activities, the business-type activities, and each major fund of Town of Berryville, Virginia, as of and for the year ended June 30, 2017, and the related notes to the financial statements, which collectively comprise Town of Berryville, Virginia's basic financial statements, and have issued our report thereon dated November 9, 2017.

### Internal Control over Financial Reporting

In planning and performing our audit of the financial statements, we considered Town of Berryville, Virginia's internal control over financial reporting (internal control) to determine the audit procedures that are appropriate in the circumstances for the purpose of expressing our opinions on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of Town of Berryville, Virginia's internal control. Accordingly, we do not express an opinion on the effectiveness of Town of Berryville, Virginia's internal control.

A *deficiency in internal control* exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct, misstatements on a timely basis. A *material weakness* is a deficiency, or a combination of deficiencies, in internal control, such that there is a reasonable possibility that a material misstatement of the entity's financial statements will not be prevented, or detected and corrected on a timely basis. A *significant deficiency* is a deficiency, or a combination of deficiencies, in internal control that is less severe than a material weakness, yet important enough to merit attention by those charged with governance.

Our consideration of internal control was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control that might be material weaknesses or, significant deficiencies. Given these limitations, during our audit we did not identify any deficiencies in internal control that we consider to be material weaknesses. However, material weaknesses may exist that have not been identified.

## Compliance and Other Matters

As part of obtaining reasonable assurance about whether Town of Berryville, Virginia's financial statements are free from material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements, noncompliance with which could have a direct and material effect on the determination of financial statement amounts. However, providing an opinion on compliance with those provisions was not an objective of our audit, and accordingly, we do not express such an opinion. The results of our tests disclosed no instances of noncompliance or other matters that are required to be reported under *Government Auditing Standards*.

### Purpose of this Report

The purpose of this report is solely to describe the scope of our testing of internal control and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the entity's internal control or on compliance. This report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the entity's internal control and compliance. Accordingly, this communication is not suitable for any other purpose.

*Robinson, Fawcett, Cox Associates*

Charlottesville, Virginia

November 9, 2017

# Attachment 8

Michael Damron will be present at the meeting to provide an overview of the *Structural Evaluation of Livery Stable at 23 East Main Street, Berryville, VA*. After the presentation Mr. Damron will answer any questions the Town Council has regarding the report.

A copy of the report is included in this packet.



# DELIVERING SOLUTIONS FOR TOMORROW'S BUILT ENVIRONMENT

## **Structural Evaluation of Livery Stable at 23 East Main Street, Berryville, VA**

*Final Submission*

To: Town of Berryville  
101 Chalmers Court, Suite A  
Berryville, VA 22611



Date: January 4, 2018

# **Report Narrative**

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Foundation Systems .....	10
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Near Term Repairs .....	11
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## Executive Summary

The Livery Stable (“The Stable”) is attached to the rear of the structure located at 23 East Main Street in Berryville, Virginia. It is a two story wood framed structure. Based on the condition of the structure and type of materials used, it is estimated that The Stable was constructed between 1860 and 1900 and has served many functions for the Town since its original construction. Currently the facility is unoccupied except for two restrooms that were recently added to the facility on the first and second levels of 23 East Main Street.

This report was issued by the Town of Berryville to accomplish the following:

- Structurally assess the condition of the framing elements
- Develop dimensioned plan drawings of the existing conditions
- Develop repair documents for items found deficient during the assessment
- Provide construction cost data for any repairs to be implemented on the facility

Damron Engineering and Consulting llc (“DEC”) performed multiple field visits to measure existing elements, document any deficiencies, and record overall condition of The Stable. Documentation was visual in nature for each visit, no demolition was performed to document conditions. Subsurface investigations were not performed to document soil conditions or gather detailed information about below grade building elements.

Overall, The Stable is structural sound and in no danger of eminent failure. There are no repairs requiring immediate attention. However, near term and far term repairs have been identified based on the conditions viewed. Near term repairs are those that should be completed within the next two to five years, far term repairs are more cosmetic in nature and could be done in conjunction with the near term items or separate as funding allows. Near term repairs recommended include interior wythe of brick masonry repairs on the east wall, floor system modifications, and addressing building envelop repairs. Far term repairs include replacement of the metal panel siding with wood and restoring the west wall framing to original condition. It is estimated that the total cost for near term repairs is \$150,347 and far term repairs estimated at \$304,692.

The following pages provide more detail on the scope of work, investigation methods, recommendations and costs associated with each item. Native CADD drawings for the facility are provided electronically to the Town Manager.

## Background Information

The exact date of construction is not known for The Stable. There are photographic images that place the structure in use as the stable at the turn of the 1900's. It was potentially in use for an extended period of time prior to taking those images. Since serving as an operating livery, the Stable and 23 East Main Street have housed town offices, served as Police storage, the Public Works office and other services for the Town of Berryville. The Stable currently is unoccupied and primarily serves as a storage facility for the town and houses the mechanical equipment for the occupied spaces of 23 East Main Street.

The barn has undergone multiple renovations and currently has both timber and masonry load bearing elements. Timber framing was the primary construction method used in the United States in the 1700's and 1800's until balloon framing began to be more popular in the mid 1800's. Timber framing uses larger wood members spaced at larger intervals and are joined with wood connections. Wood connections typically are comprised of mortise and tenon joinery. The mortise (female) is the space in timber A that receives the tenon (male) from timber B. Tenons are typically 1-2" wide and are centered on the end of the timber. Both the mortise and tenon have holes so that a trunnel (peg) is inserted to keep the two timbers joined. Figure 1 is a diagram depicting common timber frame members and their terminologies, the shaded members in the diagram all together constitute a bent. The Stable was originally constructed of two interior and two gable end bents.

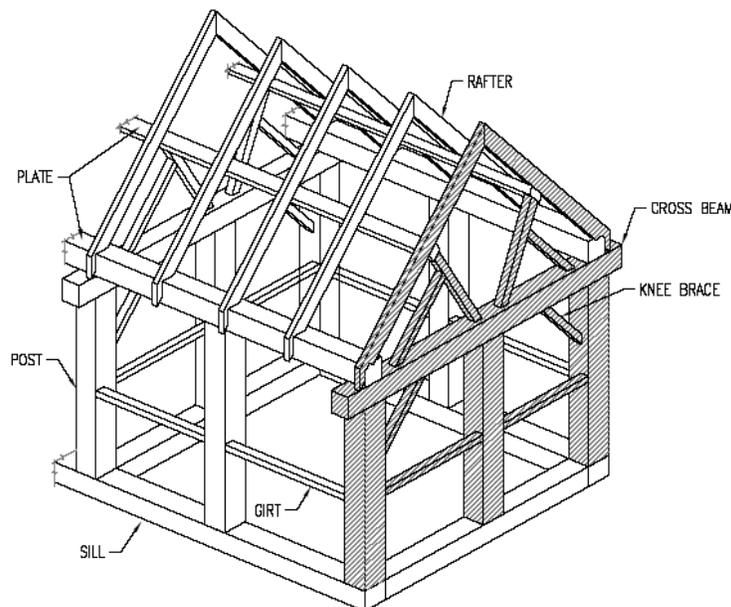


Figure 1 - Timber Frame Terminology

Several construction methods were visible in the barn. We used connection methodologies and lumber planing to aid in the dating process. The barn uses three types of wood connectors: timber frame, manufactured nails, and wire nails. The use of timber frame construction indicates a pre-1900's date. There are two types of nails used in the barn: machined and wire. Wire nails began to be used at the beginning of the 1900's. Machined nails became available in

the early 1800's. Throughout the structure, the lumber used is solid sawn, or rough planed, with no evidence of bark or rounded edges to the timbers. Planing machines were available in the early and mid 1800's, but were not widely used due to craftsman prejudices against early designs. The machines were modified and improved in the mid 1800's. Planing in the barn suggests a date later than 1860. Because of the civil war beginning in 1860 and lasting until 1865, the date of the barn is approximated as between 1870-1900.

## Methods of Investigation

Inspection, measuring, and photographic documentation of the barn occurred over several days in October and November by Damron Engineering & Consulting llc. Not only was the structural integrity examined, but also time was spent determining the best methods to create a weather-tight structure and what features could be maintained and or improved.

## Description of Structure

This section will describe the framing systems utilized and any deficiencies found during our field investigations. We will discuss the following systems: roof, floor, walls, and foundations.

### Roof System

The roof is covered with a steel crimp seamed panel system. The panels are approximately 23 inches wide and are attached to the roof framing with concealed fasteners below each seam. Light steel flashing is present where the barn abuts the 23 East Main street walls, and flashing is present surrounding the chimney penetration in the Stable. Against the abutted building the roof covering changes to a more modern pattern of steel roofing. The roof panels drain to steel gutters fastened to the roof by means of straps attached on top of the panels to the roof purlins below the panels. The panels show no signs of significant damage, but appear to have been in place longer than their anticipated useful life. The structure below shows signs of previous water leaks, but no active leaks were evident from the staining.

The roof panels are attached to longitudinal roof purlins ranging in size from solid sawn 1-inch by 6-inch boards to 1-inch by 10-inch boards. Purlins are spaced randomly, due to the variety of sizes used, not more than 16 inches on center. There are members that show water stains from previous leaks in the roof, but upon physical inspection of random samples the purlins are sound and do not need to be replaced.

Rafters make up the primary structural element for the roof system. The rafters are solid sawn 2 inch by 5 inch boards and are spaced 2 feet on center. At the peak of the roof the rafters are miter cut to the roof pitch and fastened together. To restrain lateral forces at the base of the rafter each pair is tied together with a 1 inch by 4-inch collar tie located 3 feet 10 inches below the bottom of the peak joint. Additionally, at alternating pairs the peak is reinforced with a solid sawn 1-inch by 10-inch board nailed to the southern face of the peak and a 2-inch by 4-inch vertical that runs from the peak to the floor system. The rafters bear on solid sawn beams that will be described in the wall systems.



Figure 2 - Roof framing showing rafters, collar ties, and additional framing elements

Based on the visual observations, framing members making up the roof system appear to be sound and capable of withstanding snow loads applied to the system.

### Roof Deficiencies

- a. Evidence of water infiltration present at the false ridge line on the south gable end. Flashing and roof covering should be replaced.
- b. On the main roof along the south gable, closure trim is missing or damaged that protects the ends of the roof purlins.
- c. Daylight is visible between the roof purlins along the south gable end. Will require closure to prevent moisture infiltration.
- d. Spray foam insulation has been installed to mitigate intrusion of pests into the building. This foam has the potential of trapping moisture should it get wet and could damage the wood members.
- e. Although the existing gutters are functional, the attachment of the gutters should be below the metal panel roofing to promote longevity of the system.

### Floor System

The wearing surface for the floor system is comprised of 1-inch nominal planks attached to floor joists. These planks are butted together to form a continuous surface. In the finished space for the upper level an additional layer of plywood has been installed for a smooth wearing surface. A floor hatch was installed to allow access to the at-grade level just outside the door from the finished to unfinished area of the second floor. This hatch attaches to the top side of the decking with the opening framed between two floor joists. The only deficiency noted in the floor

deck are six areas where the deck has been removed, which totals twenty-four square feet, each location is approximately 2-feet by 2-feet. These openings currently have light-gage metal or street signs covering each. Once a use has been determined for the space, these openings should be filled in with like decking material to form a more uniform wearing surface.



*Figure 3 - View of floor framing.*

The wearing surface is supported by solid sawn floor joists. Joists bearing on the east wall of the building are 2-inch by 8 7/8-inch boards that bear in joist pockets in the brick wall. Joists bearing on the west wall are 2-inch by 10-inch members bearing on a 4-inch by 6-inch beam framed into the wall system. A transition in the floor is made roughly 12 feet 5 inches from the inside face of the east wall. At this transition the joists bearing on the western wall are stacked on top of those from the east. This transition results in an 11-inch step in the floor. The floor is supported at the transition by two separate means. First, by the concrete masonry wall that forms the electric room and bathroom. And second, south of the masonry wall, a flat 2-inch by 8-inch board supported by four columns with varied spacing. An additional flat support beam was also installed four inches away from the face of brick, it is also supported by columns, five with varied spacing.

Floor Deficiencies:

- a. The fifth joist from the south gable end has forty-four (44) inches removed starting fifty-four (54) inches from the face of brick.
- b. Fourteenth (14th) joist from the south end has evidence of previous infestation where the end of the joist has deteriorated. This is on the low joist and is not in the bearing region for the joist, but affects the connection to the high joist at that location.

- c. Near the rotten joist end, the band board shows similar infestation and has resulted in member deterioration. As with the joist, it is not an active situation.
- d. At the floor transition, the flat beam is not sufficient to support the floor if you apply the minimum code required live load. It will support the dead load of the system, as it has been, but it will not support live load should the floor be used.

## Wall Systems

### **West Wall**

The west wall exhibits the characteristics of traditional timber framing. It has a continuous beam, 4-inch by 4-inch solid sawn, at the top of the wall supporting the roof rafters. This beam has mortice splice joints over the primary and secondary columns that are 4-inch by 6-inch members. Below the roof beam is a floor beam that is a 4-inch by 6-inch member, again with mortice joints at each primary and secondary column.



*Figure 4 - Typical west wall framing above floor level.*

Below the floor beam, significant modifications to the wall framing has been made. It is unclear as to the reasoning behind these modifications. Each of the columns have been cut to different lengths and propped by multiple members. Between the columns below the floor beam random wall girts have been installed. These girts, and the framing supporting the columns, are fastened with wire nails, indicating work completed since the early 1900's. All of the new members' bear on a solid sawn 2-inch by 8-inch wood plate that is attached to a cast-in-place stem wall. The concrete stem wall abuts the existing building to the north and travels south to within 12 inches of the southwest corner of the building. As with the other columns along this

wall, the corner column has been cut with multiple members attached to it and carrying it to grade where it rests on stones from an original foundation wall.



*Figure 5 - West wall framing example below floor.*

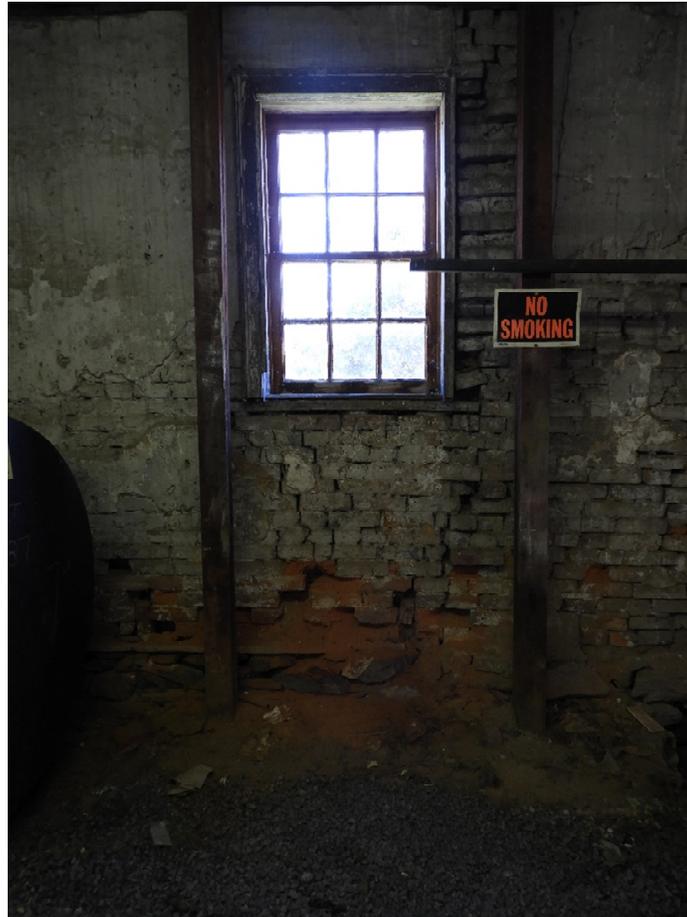
The exterior of the west wall is covered with a metal panel siding backed by solid sawn 1-inch planking. This planking and metal siding extends approximately one inch below the top of the concrete stem wall. Where the stem wall stops, additional planking has been added to grade.

The lateral bents are tied to the primary columns on this wall via morticed joints. Lateral bents are made from 4-inch by 6-inch continuous members. They are tied to the roof rafters by diagonal braces. Knee braces are attached to each primary column with wire nails. The north end abutting the adjacent building does not have a bent. The second interior bent was cut to form the finished space. This bent is nailed to the stud wall and has a larger, 1-inch by 8-inch, diagonal brace to the roof rafter.

### **East Wall**

The wall is constructed of a multi-wythe common (American) bond with a header course every six courses. The brick wall is supported by a stone foundation wall. Window openings on the at-grade level of the Stable utilize a Jack Arch to support the loads above. The window on the upper floor is flush to the rafter bearing assembly. The wall is continuous from the level of the stone foundation to rafter bearing. On the visible portions of the wall it is evident that the interior

face has been skimmed with a coating of mortar/plaster. It covers the entire exposed area of the second floor. On the at-grade level the coating is only visible on a small portion of the wall, but there are indications that it covered the entire wall at one time. The exterior surface of the wall has been painted in its entirety.



*Figure 6 - Brick deterioration on east wall below floor.*

Rafter bearing is accomplished by multiple 4-inch by 6-inch boards. The first is set flush with the outside of the wall, leaving a 4-inch ledge on the inside of the wall. The second member is set so it overhangs the outside face of brick by one inch. There is a 2-inch separation between the two members accomplished by spacer blocks randomly placed between the two. The collar beam is morticed into the lower of the two members of the assembly. No knee braces are associated with the east wall.

### **South Gable Wall**

The south gable end is timber framed and has two distinct compositions. The first is from the roof to a false roof, which is made up of floor to rafter 1-inch planking with one intermediate girt 4-feet 10-inches above the collar bent. Below the false roof an additional layer of horizontal framing pushes the wall out an additional 5-inches and is covered with 1-inch nominal vertical planking. Within this wall is framed an opening for a sliding door and passage door on the at-grade level.

### ***Interior Partitions***

On the second level the partitions are framed of solid sawn 2-inch by 4-inch members resting on a 4-inch by 6-inch bottom plate. On the at-grade level, 4-inch concrete masonry units form the interior partitions. These partitions rest on a cast-in-place concrete slab.



*Figure 7 - Interior CMU partition, settlement cracking both sides of corner.*

### **Wall System Deficiencies**

#### ***West and South Walls***

- a. Rotten sill plate located under the primary column assembly of the second interior bent from the south gable.
- b. Water damage evident on the exterior plank siding along the south gable end.
- c. Flashing replacement required on the false gable on the south wall.
- d. Condensate drain pipe from the mechanical equipment on the second floor drains to grade. This has left an area of erosion directly below the drain. Recommend this drain be routed to the gutter drain to prevent further erosion.

#### ***East Wall***

- a. Mortar/plaster skim coat above the second floor has multiple floor to top of wall cracks and shows signs of delaminating from the wall bricks.
- b. Mortar/plaster skim coat delaminating on the remaining wall surfaces that have it.
- c. Mortar joint deterioration resulting from water infiltration or salt accumulation requiring 100 square feet of joint replacement/repointing. This deterioration has resulted in bricks loosening and dislodging from the wall.
- d. Coving and crumbling of bricks on the interior wythe below the southernmost window of the wall. Most likely caused by water infiltration.

- e. Minor settlement cracks on the exterior of the brick wall south of the southern most window. Approximately 10-feet of cracking.

#### *Interior Partitions*

- a. The exterior wall of the finished area on the second floor shows evidence of animal infestation/nesting.
- b. Settlement crack visible emanating from western corner of the south concrete masonry wall.

## Foundation Systems

The original foundation system for the building would have been stone walls. It is evident that the stone foundation walls are present along the east wall and appear in good condition from the exterior. On the west wall a concrete stem wall approximately two feet tall was installed on top of the original stone wall. Rod probing was used to verify the presence of foundation walls below grade to a depth of 20 inches. Foundations for interior columns and partitions is assumed to be cast-in-place concrete, but the depth of footings and size was not able to be determined during the study.

#### Foundation System Deficiencies

- a. Along the west wall at approximately 23-feet 8-inches the stone foundation under the stem wall was not able to be verified. We are unable to assess if the original foundations were removed or damaged, but it is our opinion that the stem wall from that point on to the north bears directly on grade.
- b. Stones are loose and shifting on the interior face of the foundation wall on the east wall. This occurs from the northern edge of the southernmost window to the south gable wall.
- c. Evidence of burrowing into the soil adjacent to the foundation wall is evident between the first and second windows on the southern end of the elevation.
- d. Grade along the east and west side has little to no slope way from the building allowing for water to potentially pond against the foundation walls.

## Basis of Evaluation and Design

In order to evaluate and design repairs for the structure applicable building codes, materials, and loading requirements must be determined. The following is a list of applicable codes, possible required materials for repairs, and applicable loads on the structure as set in the building codes.

#### Codes

- a) International Building Code, 2012
- b) Virginia Uniform Statewide Building Code, VUSBC 2014
- c) ASCE 7-10, "Minimum Design Loads for Buildings and Other Structures"
- d) ACI 318-05, "Building Code Requirements for Structural Concrete"

- e) NDS, "National Design Specification for Wood Construction," 2001 Edition

#### Materials

- a) Cast-in-place Concrete, NLWT,  $F'c = 4000$  psi
- b) Timber, Mixed Oak, NELMA No. 1,  $Fb = 825$  psi

#### Loads

- a) Dead Load: self-weight +superimposed = actual+10 psf
- b) Floor Live Load: light storage = 50 psf
- c) Snow Load: ground snow load = 30 psf
- d) Wind Load: basic wind speed = 110 mph

## Repair Recommendations

Typically, we place repairs in three categories, immediate, near term, and far term. Immediate repairs are those required to maintain structural stability and protect human life. Near term repairs can be categorized as routine maintenance items required to maintain the functional aspects of the facility. Far term repairs are those that would be required to change the occupancy or improve the visual aesthetics of the facility. Based on our observations we consider the Stable to be in stable condition and repairs required fall into the near or far term category as described in this section.

### Near Term Repairs

#### **Roof System**

The primary concern with the roof system is to replace elements that have been in service beyond their useful life and to provide closure to the system. To accomplish this we recommend replacing the roof panels and providing new flashing and guttering to match the system. This will ensure protection from the elements and improve the prevention of pests from entering the building.

The replacement will involve removing the existing metal panels, flashing, and trim pieces and replacing them with a new standing seam roof system. Additionally, the eaves and end overhangs will be enhanced with soffit that matches the period. The existing gutters are assumed to be in usable condition, they will be removed and re-installed with hangers below the roof panels. While this study found no evidence of damaged roof purlins, the cost estimate and documents provide for an allowance of replacing 5% of the purlins.

#### **Floor System**

In order to carry minimum design loads required by code for the second floor we recommend replacing the flat 2-inch by 8-inch boards and columns with a traditional beam system. These beams would utilize rough sawn timbers, 8-inch by 12-in at the floor transition and 6-inch by 10-inch offset from the east wall. Each beam would be supported by solid sawn 6-inch square columns. The beams would be joined to the columns by mortice joints and be equipped with knee braces for lateral support. We propose that the columns be offset from each end to allow for economy of member sizing while maintaining as much open space as possible within the

room. The columns would bear on spread footings cast such that the top of footing would be flush with the top of the existing gravel floor.

For the beam with a section removed, we recommend attaching a member of similar size to the existing for support. This attached member would but cut so it extends 16-inches beyond each side of the section removed. It would be attached with twelve 16d nails, six on each face.

### ***Walls Systems***

The most challenging repairs required for the Stable involve the brick restoration of the east wall. This will require complete replacement of the interior wythe in some locations and reparging the entire interior surface once the repairs are completed. To accomplish the repairs it will be necessary to support the roof and floor gravity loads as well as providing lateral bracing of the exterior wythe to prevent out of plumb movement of the brick during repairs. We anticipate the contractor using scaffolding for the full height of the wall to accomplish this. Once the elements are shored, the contractor will remove bricks as necessary and replace loose bricks to the floor level. We do not anticipate removal of any brick above the floor level. Once this is completed the contractor will remove the parging on the upper level and any remaining on the at-grade level and provide a new 1/2" thick coating to the entire exposed surface of brick. It should be noted that for this repair the existing fuel tank will have to be relocated temporarily in order to complete the repairs.

Timber repairs to the south and west walls include the following. Replace the existing wood siding below the false roof line of the south gable end. Additionally, for the area on the west wall that is not covered by metal panels, we recommend the existing timbers be removed and replaced closing any gaps that would allow for pests to enter the building. Finally, along the west wall below the column supporting the second interior bent, the wood sill will be replaced in kind with like material. The column and girts will have to be shored to accomplish this task.

### ***Foundations***

Prior to repairing the interior wythe of brick on the east wall, and after the wall has been shored, we recommend the foundation stones be cleaned of any debris from the brick wall, loose stones be repositioned and secured with mortar. While this is going on, any burrow holes found should be filled with soil and terminated.

We recommend the condensate drain on the west side of the building be extended to drain into the drain pipes carrying rainwater from the gutters away from the site.

### **Far Term Restorations**

There is currently no plan for the future use of the Stable. Once a program has been established there are repairs to consider that bring the building more in line with its historic character. As these are more substantial restoration efforts, construction details have not been provided, but are reflected for budget purposes. First would be to remove the metal panel siding on the south and west walls and replace it with a more traditional board and batten system that would be typical of the period. At this point you would also restore the west and south wall framing to its original condition. This would entail removal of all the miscellaneous

bracing members and splice the existing members so that they function as originally intended without the need for multiple members.

As the occupancy is determined, in order to meet performance requirements, the concrete stem wall on the west elevation will have to bear below frost. In order to do this, we would recommend installing helical piers on the inside of the Stable attached to the bottom of the stem wall to provide the support needed. Once this has been completed we recommend evaluating grade around the Stable and regrade as necessary to provide positive drainage away from the foundations to prevent water intrusion issues.

## Cost Estimate Data

All of the repairs recommended above would be categorized as near term restorations or items that repair damage and maintain structural stability. Based on the repairs recommended it is logical to break the cost data up into three categories: masonry restoration, roof restoration, and timber restoration. The cost for each category are summarized below.

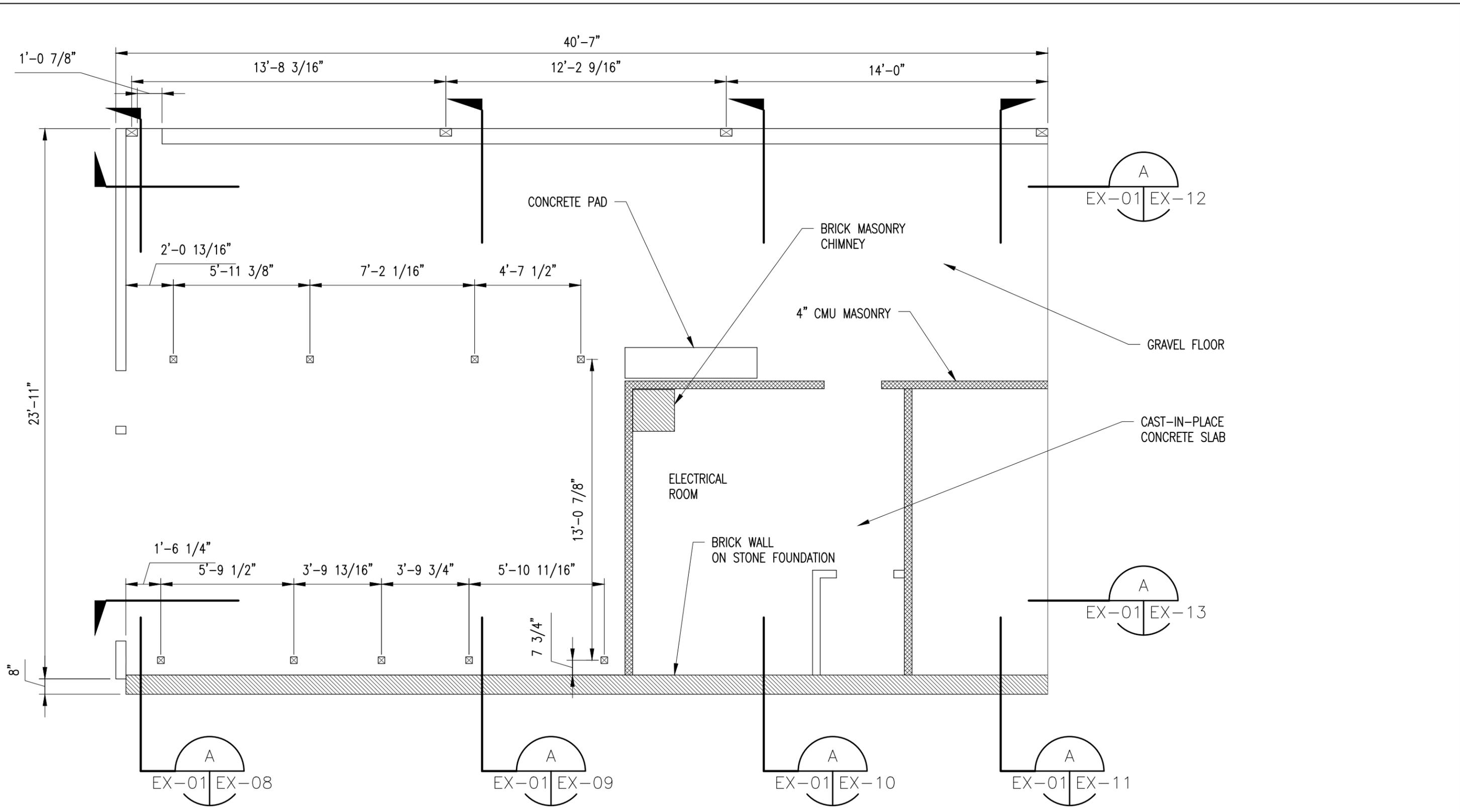
Category	Cost
Masonry Restoration	\$71,311.11
Roof Restoration	\$58,034.42
Timber Restoration	\$20,981.77

Far term repairs would take on the duties of bringing the structure entirely back to a specific time period condition with items such as removing the metal panel siding and replacing it with traditional board and baton siding. At this time, you would undertake a complete restoration of the west and south gable walls removing members not in kind and rebuilding. The next item could be to demolish the finished space on the second floor and reconstruct Bent 2 and the north gable end to their original condition. The far term items would require substantial design effort and would be estimated at \$304,692 including design and administration fees.

## Conclusion

Damron Engineering and Consulting llc has performed a comprehensive survey of the existing Livery Stable behind 23 East Main Street in Berryville, Virginia. Based on our observations we consider the Stable overall to be in stable condition with a few areas of concern. We have identified near term repairs required to maintain the integrity of the facility. Once these near term repairs have been completed we are confident that the facility can accommodate any program requirements the Town may assign to it.

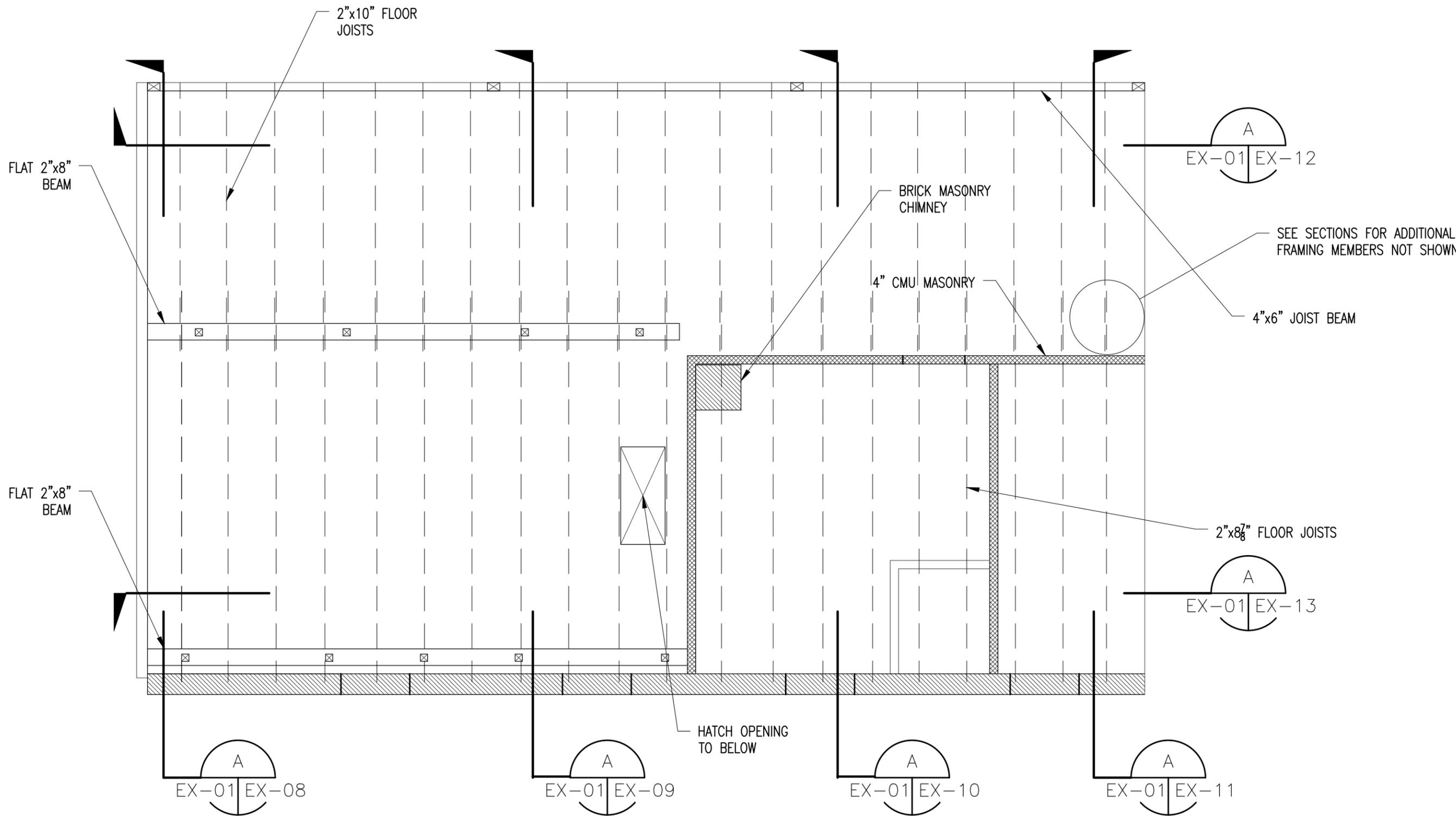
# Measured Drawings



**GRADE LEVEL PLAN**

SCALE: 1/4" = 1'-0"

	<b>DAMRON ENGINEERING &amp; CONSULTING IIC</b> 505 TAVISTOCK DRIVE WINCHESTER, VA 22602		<b>TOWN OF BERRYVILLE</b> BERRYVILLE, VA	
	DATE: 1/4/18	DRAWN: JMD	<b>STRUCTURAL EVALUATION OF LIVERY STABLE</b> <b>FINAL SUBMISSION</b>	
	JOB NO.: 17002001	DES: JMD	SCALE: AS NOTED	SHEET: <b>EX-01</b>

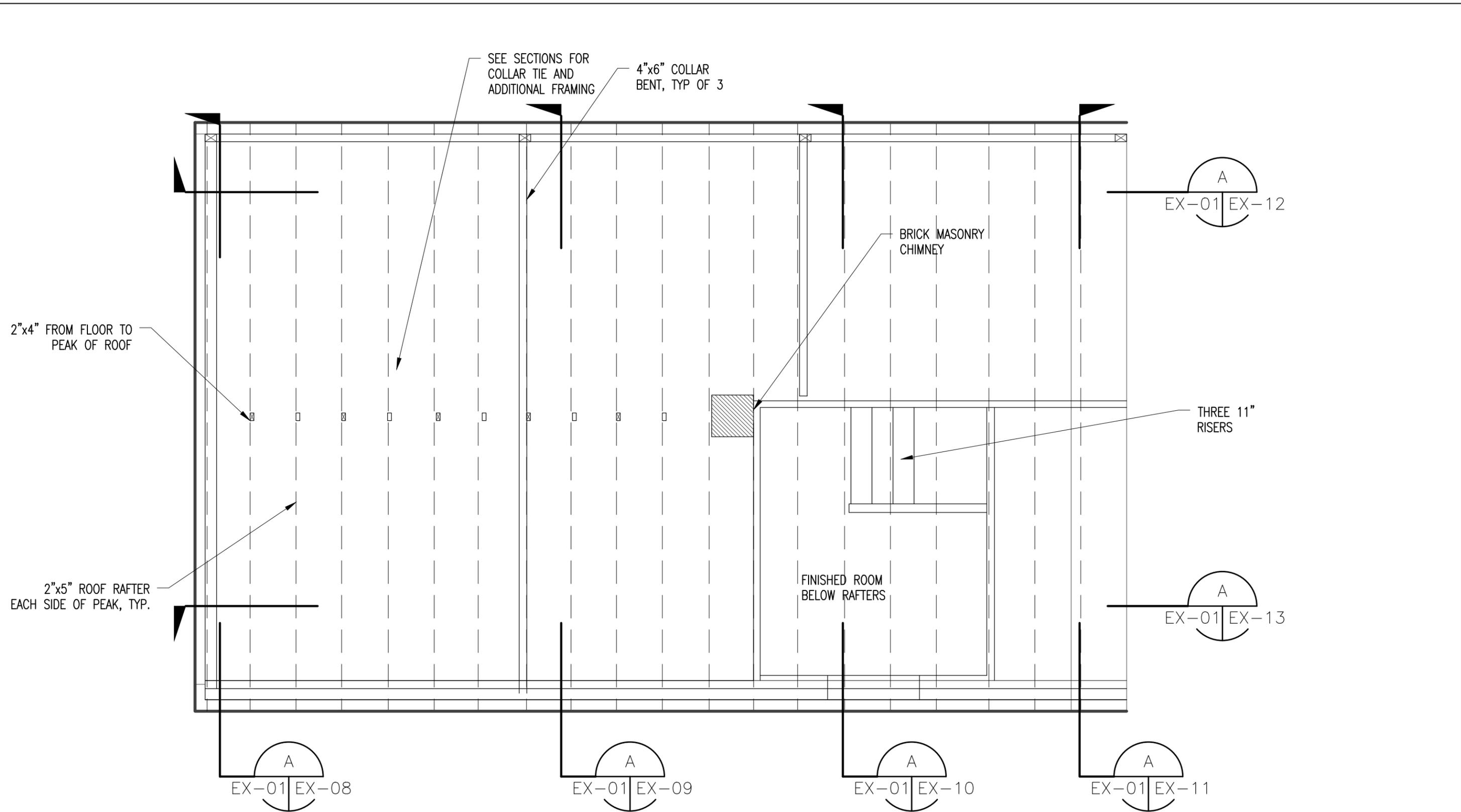


# FLOOR FRAMING PLAN

SCALE: 1/4" = 1'-0"

	<b>DAMRON ENGINEERING &amp; CONSULTING IIC</b> 505 TAVISTOCK DRIVE WINCHESTER, VA 22602		<b>TOWN OF BERRYVILLE</b> BERRYVILLE, VA	
	DATE:	1/4/18	DRAWN:	JMD
	JOB NO.:	17002001	DES:	JMD
			SCALE:	AS NOTED
			SHEET:	<b>EX-02</b>

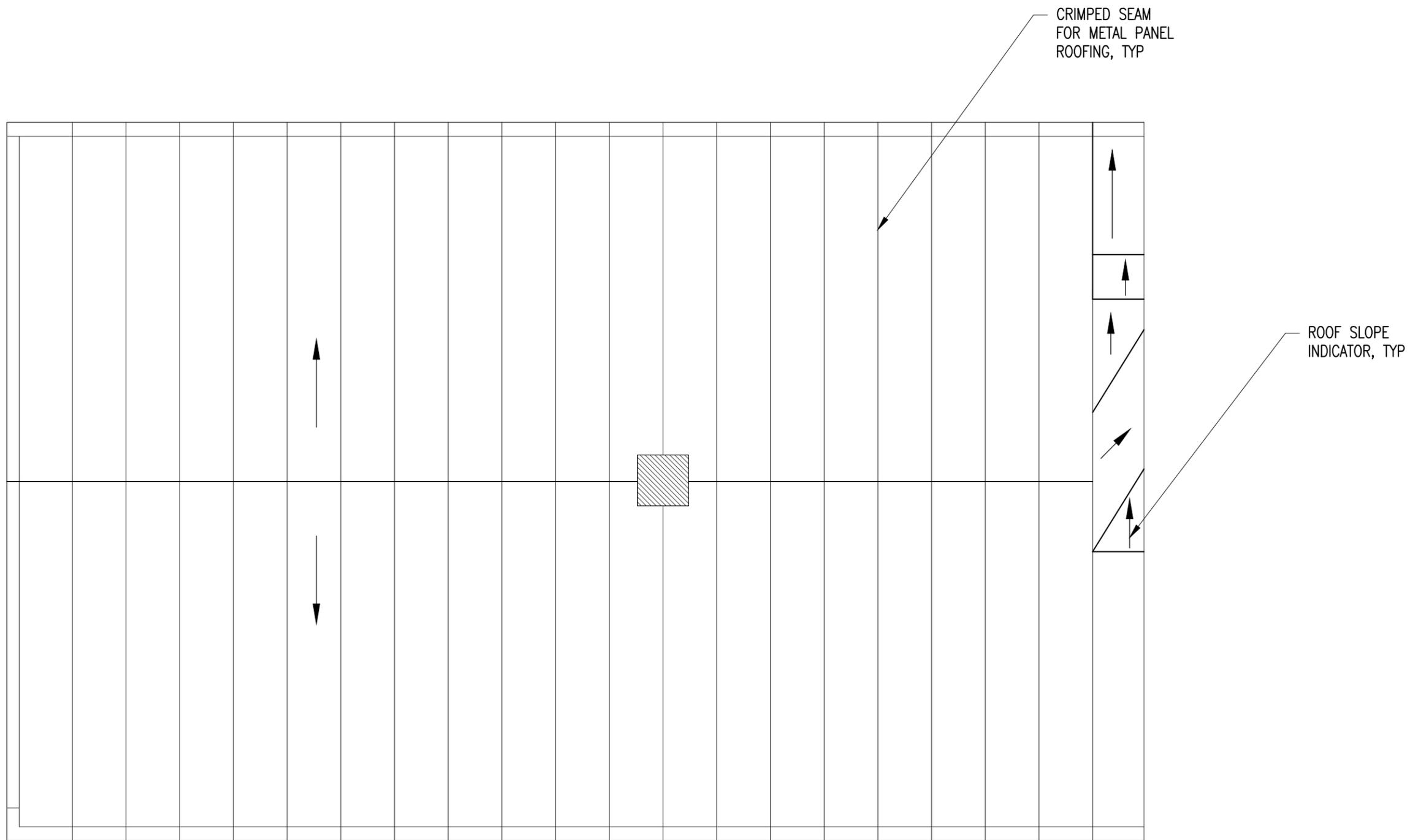
**STRUCTURAL EVALUATION OF LIVERY STABLE**  
**FINAL SUBMISSION**



# ROOF FRAMING PLAN

SCALE: 1/4" = 1'-0"

	<b>DAMRON ENGINEERING &amp; CONSULTING IIC</b> 505 TAVISTOCK DRIVE WINCHESTER, VA 22602		<b>TOWN OF BERRYVILLE</b> BERRYVILLE, VA <b>STRUCTURAL EVALUATION OF LIVERY STABLE</b> <b>FINAL SUBMISSION</b>	
	DATE:	1/4/18	DRAWN:	JMD
	JOB NO.:	17002001	DES:	JMD
SCALE:			AS NOTED	SHEET: <b>EX-03</b>

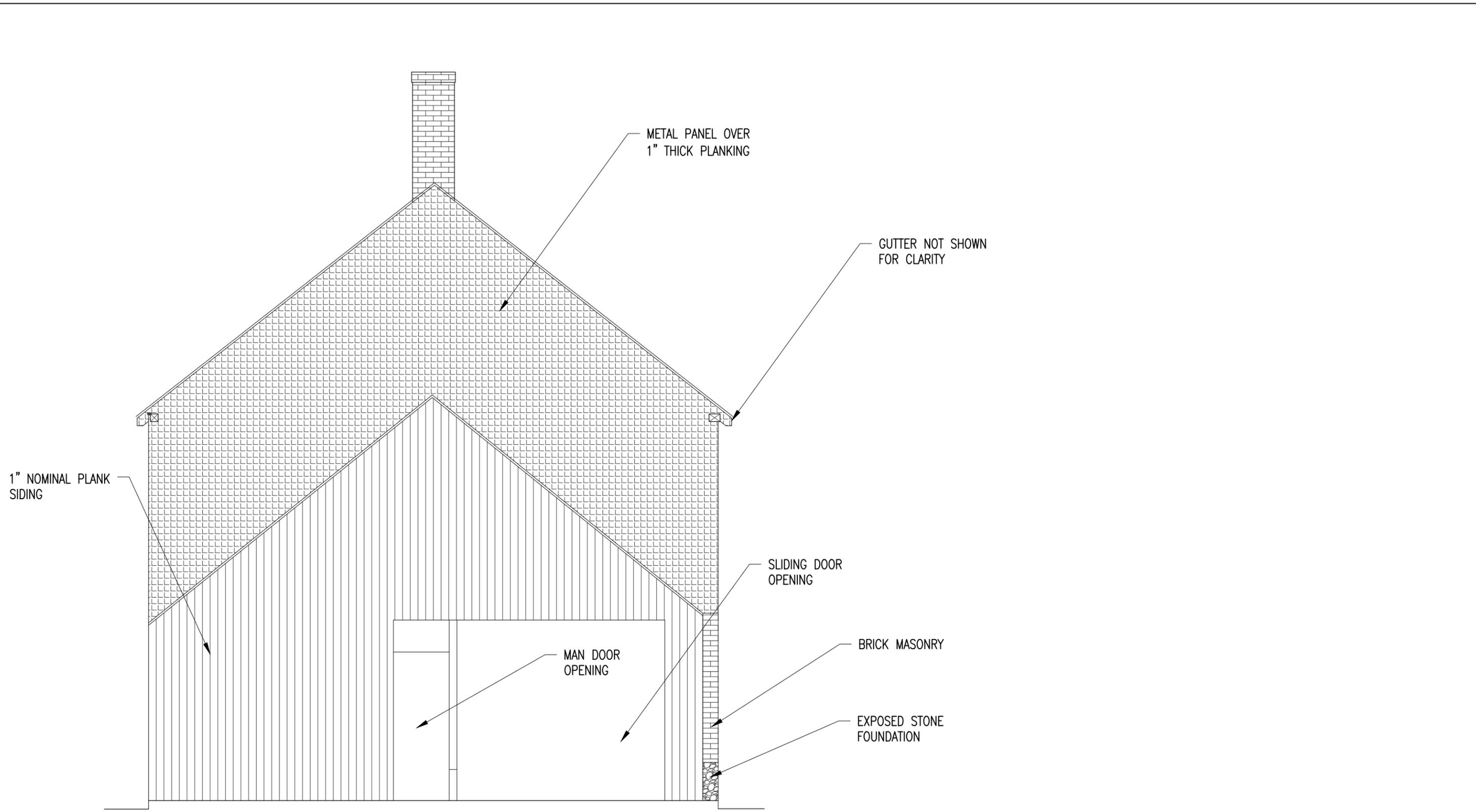


# ROOF PLAN

SCALE: 1/4" = 1'-0"

	<b>DAMRON ENGINEERING &amp; CONSULTING IIC</b>		<b>TOWN OF BERRYVILLE</b>	
	505 TAVISTOCK DRIVE WINCHESTER, VA 22602		BERRYVILLE, VA	
	DATE:	1/4/18	DRAWN:	JMD
	JOB NO.:	17002001	DES:	JMD
SCALE: AS NOTED			SHEET: <b>EX-04</b>	

**STRUCTURAL EVALUATION OF LIVERY STABLE  
FINAL SUBMISSION**

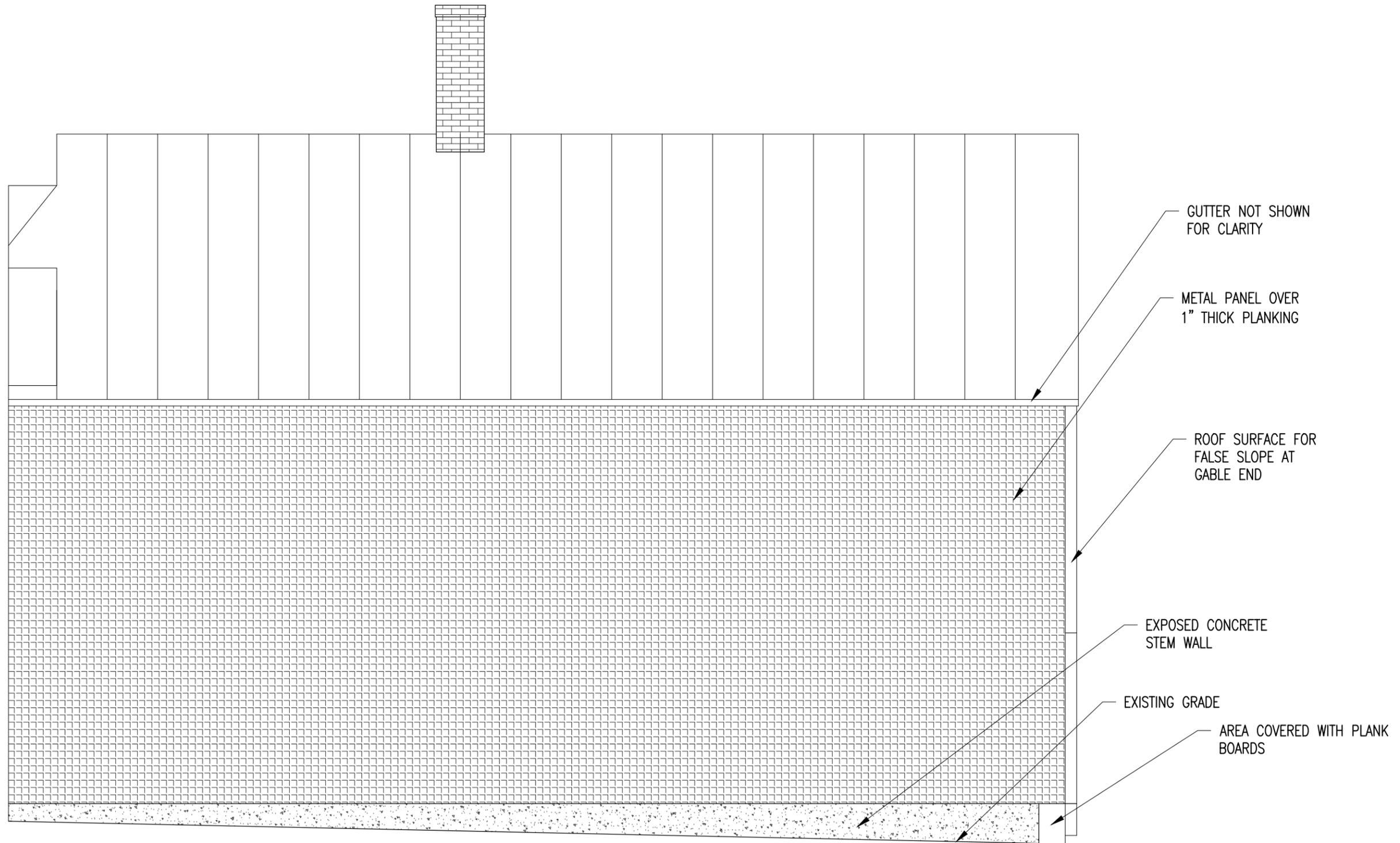


**SOUTH ELEVATION**

SCALE: 1/4" = 1'-0"

	<b>DAMRON ENGINEERING &amp; CONSULTING IIC</b> 505 TAVISTOCK DRIVE WINCHESTER, VA 22602		<b>TOWN OF BERRYVILLE</b> BERRYVILLE, VA	
	DATE:	1/4/18	DRAWN:	JMD
	JOB NO.:	17002001	DES:	JMD
	SCALE: AS NOTED		SHEET: <b>EX-05</b>	

**STRUCTURAL EVALUATION OF LIVERY STABLE  
FINAL SUBMISSION**



**WEST ELEVATION**

SCALE: 1/4" = 1'-0"

	<b>DAMRON ENGINEERING &amp; CONSULTING IIC</b> 505 TAVISTOCK DRIVE WINCHESTER, VA 22602		<b>TOWN OF BERRYVILLE</b> BERRYVILLE, VA	
	DATE:	1/4/18	DRAWN:	JMD
	JOB NO.:	17002001	DES:	JMD
			SCALE:	AS NOTED
			SHEET:	<b>EX-06</b>

GUTTER NOT SHOWN FOR CLARITY

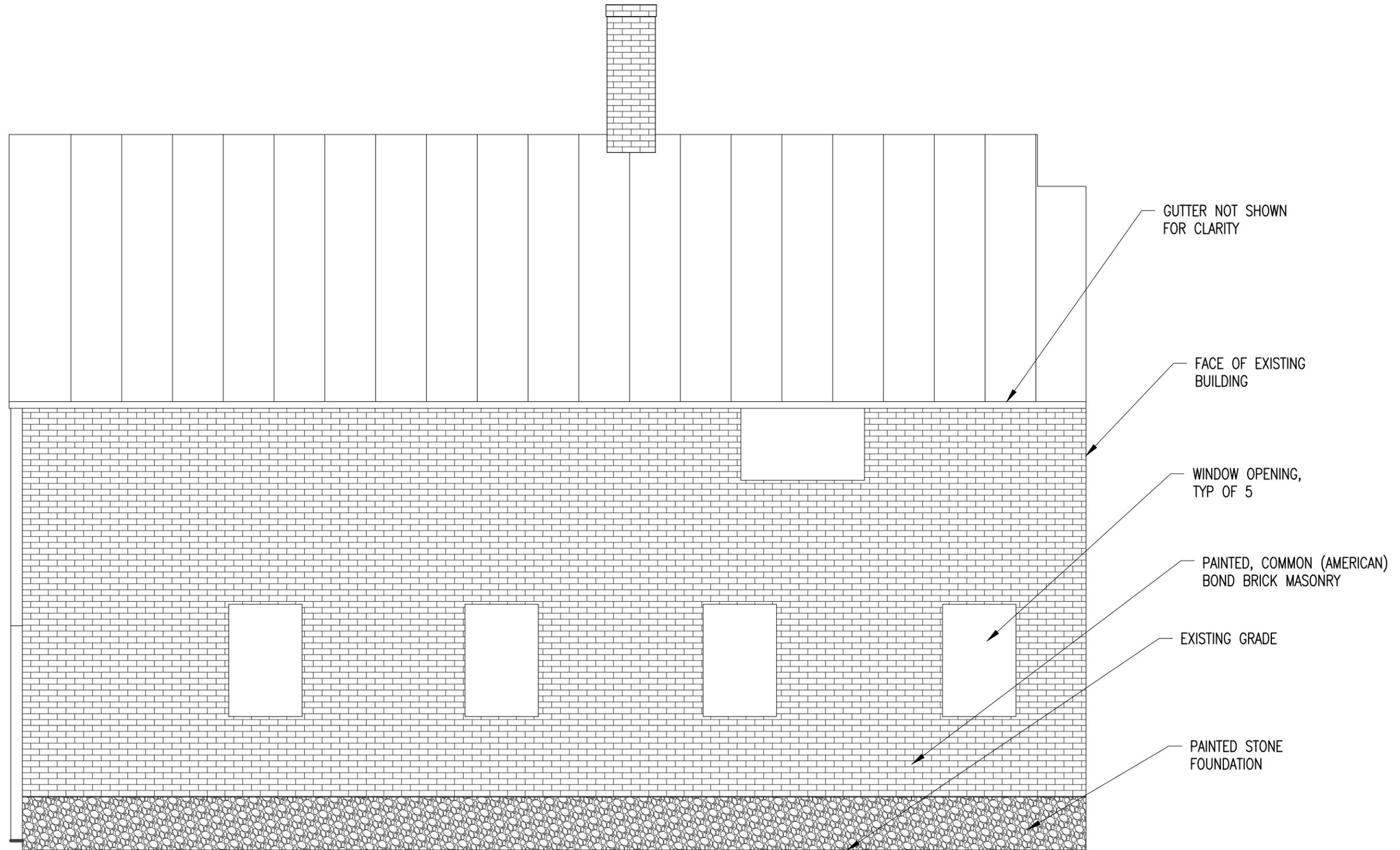
METAL PANEL OVER 1" THICK PLANKING

ROOF SURFACE FOR FALSE SLOPE AT GABLE END

EXPOSED CONCRETE STEM WALL

EXISTING GRADE

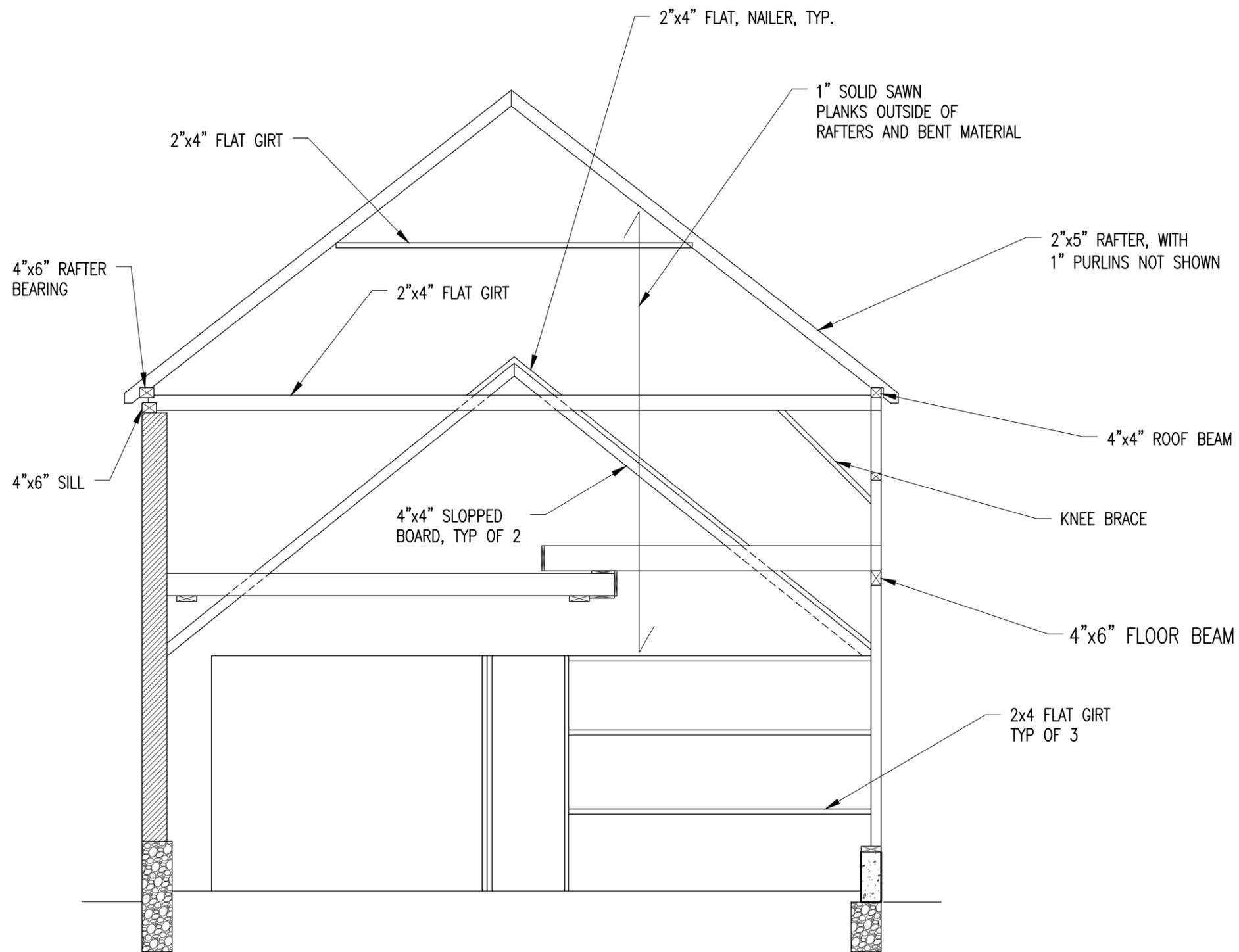
AREA COVERED WITH PLANK BOARDS



**EAST ELEVATION**

SCALE: 1/4" = 1'-0"

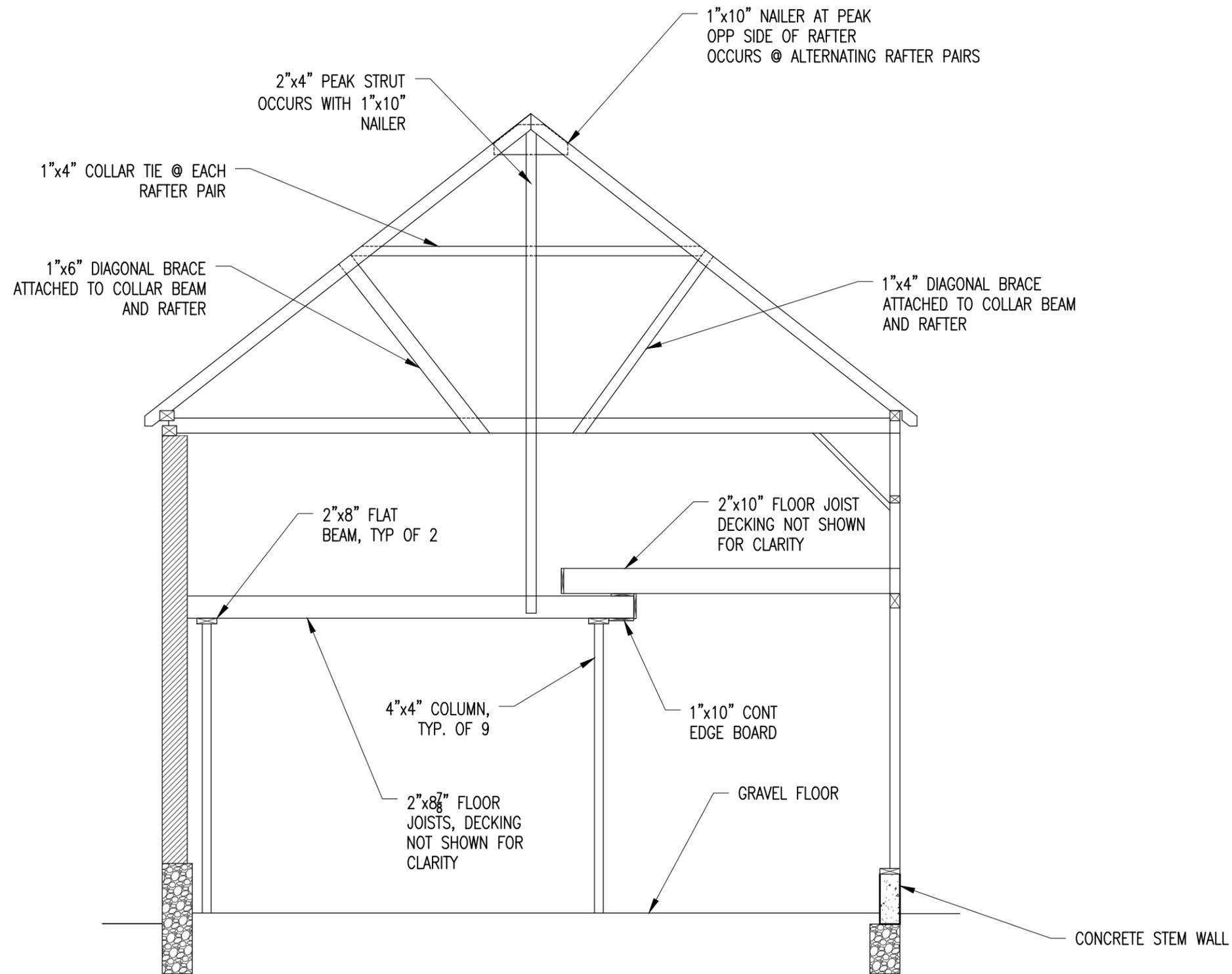
	<b>DAMRON ENGINEERING &amp; CONSULTING IIC</b> 505 TAVISTOCK DRIVE WINCHESTER, VA 22602		<b>TOWN OF BERRYVILLE</b> BERRYVILLE, VA	
	DATE: 1/4/18	DRAWN: JMD	<b>STRUCTURAL EVALUATION OF LIVERY STABLE</b> <b>FINAL SUBMISSION</b>	
JOB NO.: 17002001	DES: JMD	SCALE: AS NOTED	SHEET: <b>EX-07</b>	



### SOUTH GABLE SECTION

SCALE: 1/4" = 1'-0"

	<b>DAMRON ENGINEERING &amp; CONSULTING IIC</b>		<b>TOWN OF BERRYVILLE</b>	
	505 TAVISTOCK DRIVE WINCHESTER, VA 22602		BERRYVILLE, VA	
	DATE:	1/4/18	DRAWN:	JMD
JOB NO.:	17002001	DES:	JMD	<b>FINAL SUBMISSION</b>
SCALE:			AS NOTED	SHEET: <b>EX-08</b>

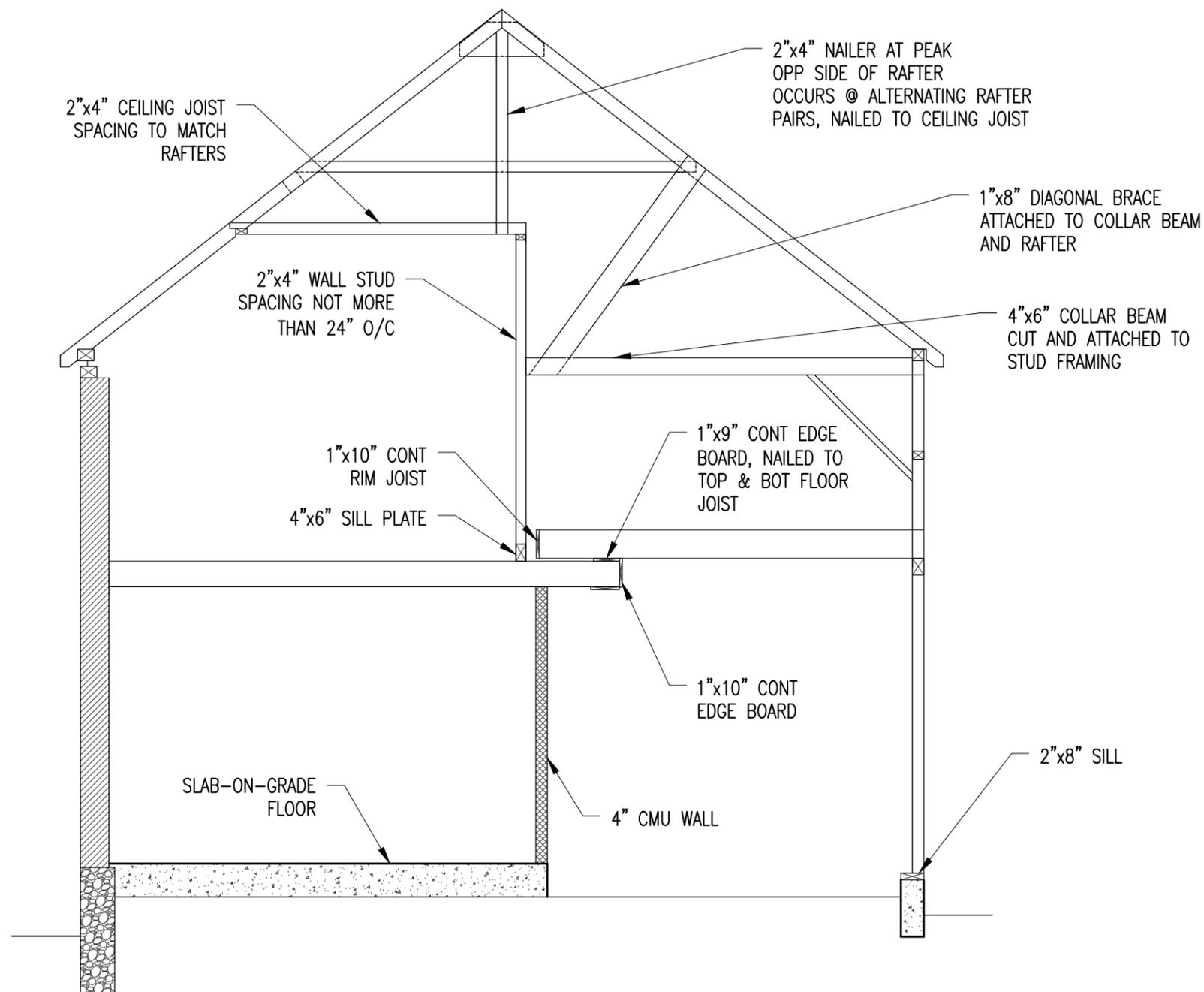


### BENT SECTION 1

SCALE: 1/4" = 1'-0"

	<b>DAMRON ENGINEERING &amp; CONSULTING IIC</b>		<b>TOWN OF BERRYVILLE</b>	
	505 TAVISTOCK DRIVE WINCHESTER, VA 22602		BERRYVILLE, VA	
	DATE:	1/4/18	DRAWN:	JMD
	JOB NO.:	17002001	DES:	JMD
SCALE: AS NOTED			SHEET: <b>EX-09</b>	

**STRUCTURAL EVALUATION OF LIVERY STABLE  
FINAL SUBMISSION**

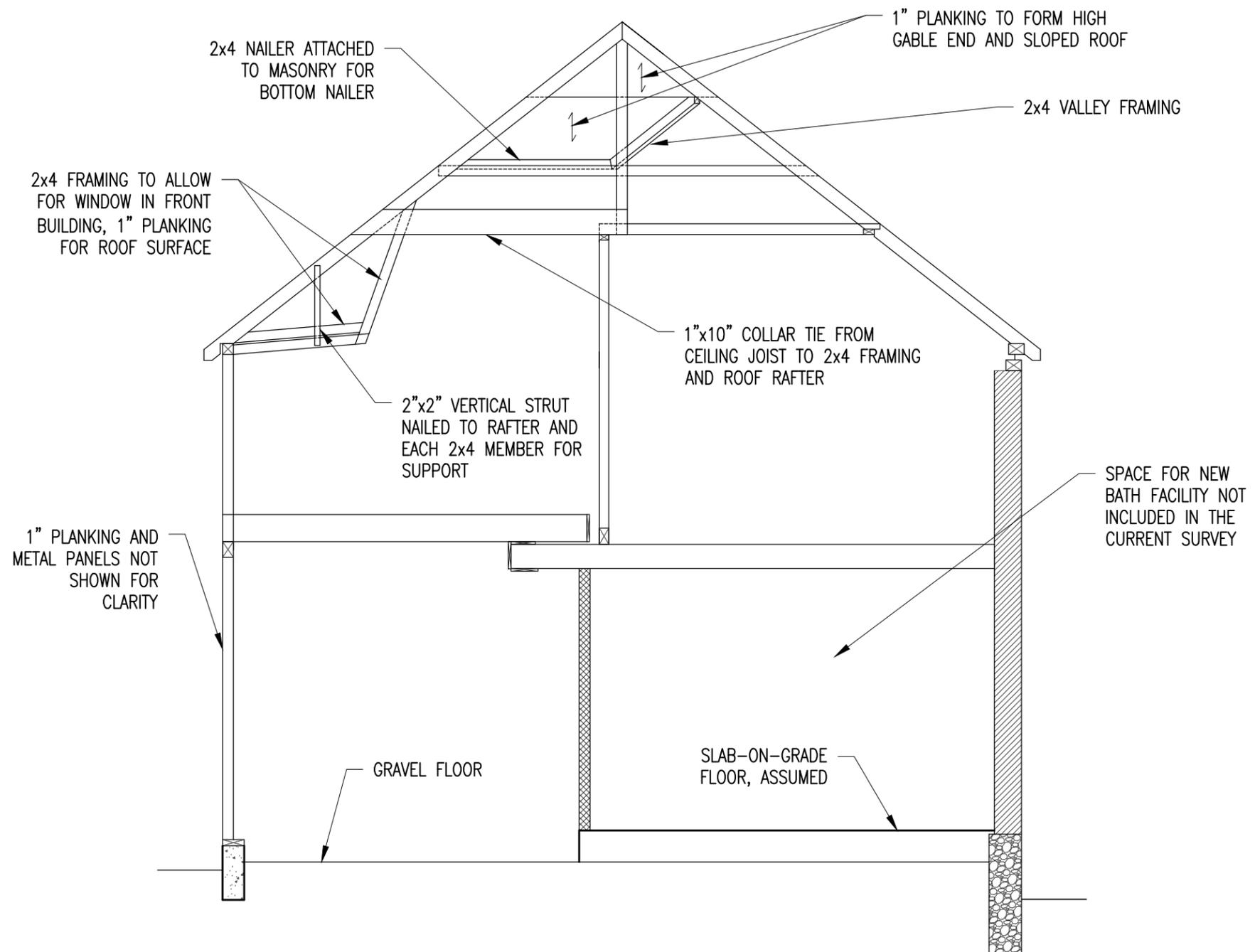


**BENT SECTION 2**

SCALE: 1/4" = 1'-0"

	<b>DAMRON ENGINEERING &amp; CONSULTING IIC</b>		<b>TOWN OF BERRYVILLE</b>	
	505 TAVISTOCK DRIVE WINCHESTER, VA 22602		BERRYVILLE, VA	
	DATE:	1/4/18	DRAWN:	JMD
	JOB NO.:	17002001	DES:	JMD
SCALE: AS NOTED			SHEET: <b>EX-10</b>	

**STRUCTURAL EVALUATION OF LIVERY STABLE  
FINAL SUBMISSION**

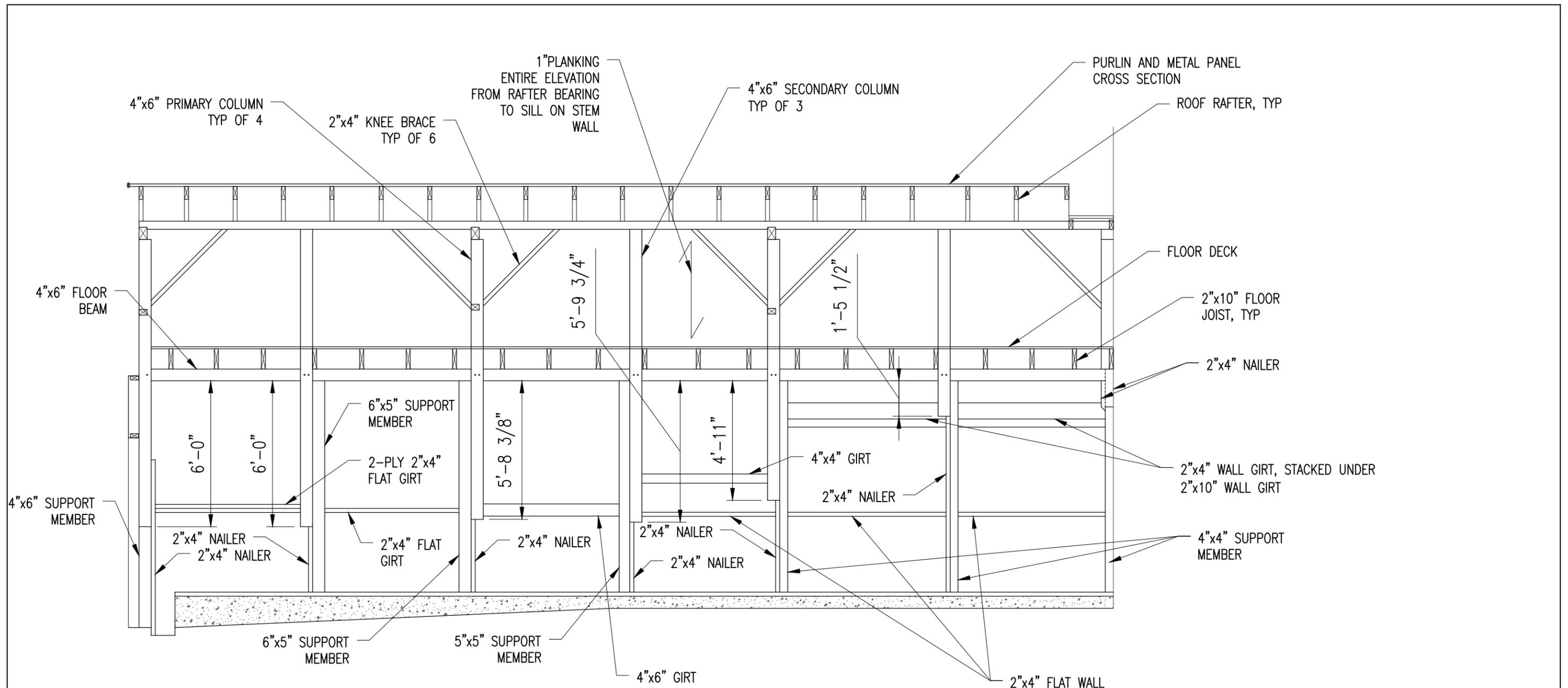


**NORTH GABLE SECTION**

SCALE: 1/4" = 1'-0"

	<b>DAMRON ENGINEERING &amp; CONSULTING IIC</b>		<b>TOWN OF BERRYVILLE</b>	
	505 TAVISTOCK DRIVE WINCHESTER, VA 22602		BERRYVILLE, VA	
	DATE:	1/4/18	DRAWN:	JMD
	JOB NO.:	17002001	DES:	JMD
SCALE: AS NOTED			SHEET: <b>EX-11</b>	

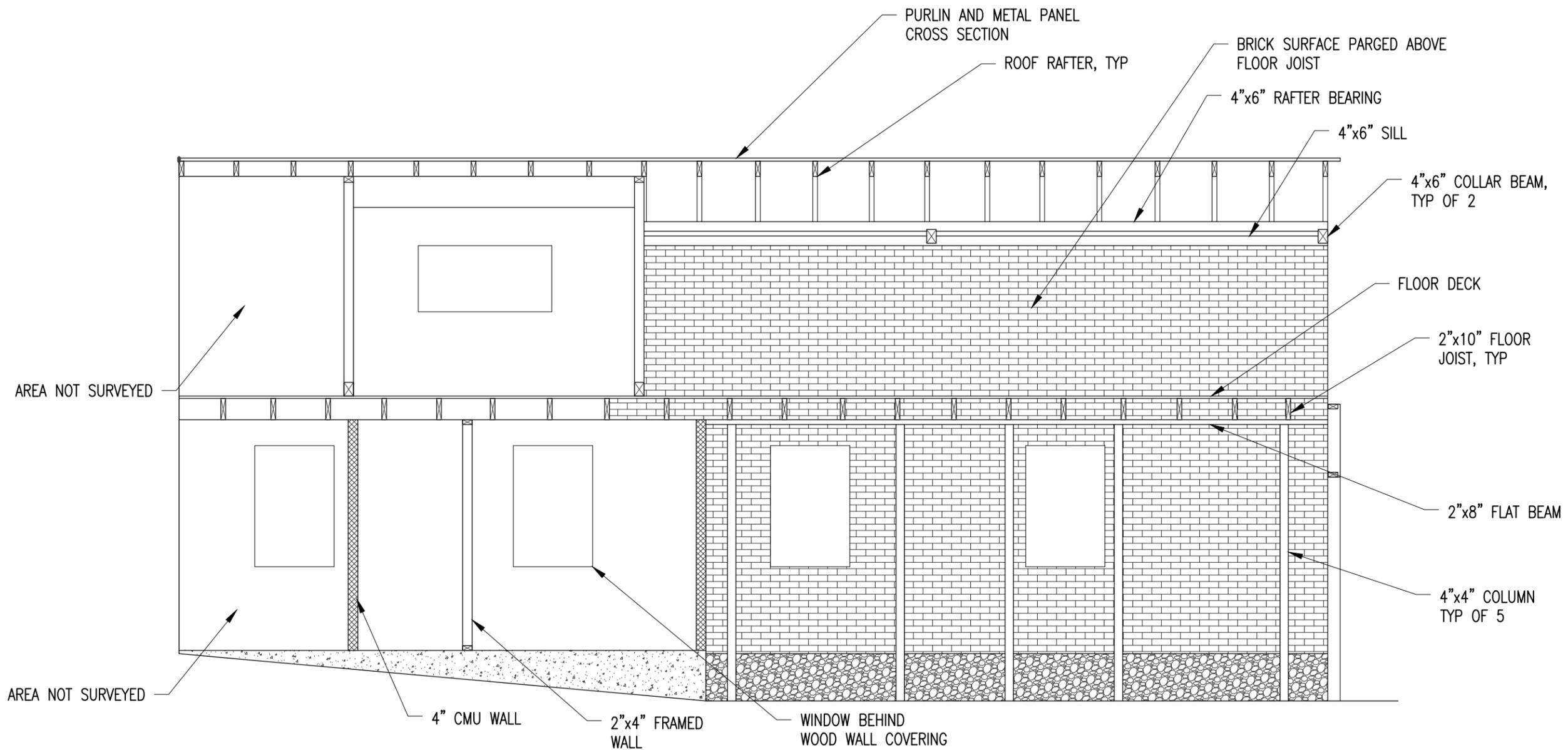
**STRUCTURAL EVALUATION OF LIVERY STABLE  
FINAL SUBMISSION**



**WEST FRAMING ELEVATION**

SCALE: 1/4" = 1'-0"

	<b>DAMRON ENGINEERING &amp; CONSULTING IIC</b>		<b>TOWN OF BERRYVILLE</b>	
	505 TAVISTOCK DRIVE WINCHESTER, VA 22602		BERRYVILLE, VA	
	DATE:	1/4/18	DRAWN:	JMD
	JOB NO.:	17002001	DES:	JMD
			SCALE:	AS NOTED
			SHEET:	<b>EX-12</b>



### EAST FRAMING ELEVATION

SCALE: 1/4" = 1'-0"

	<b>DAMRON ENGINEERING &amp; CONSULTING IIC</b>		<b>TOWN OF BERRYVILLE</b>	
	505 TAVISTOCK DRIVE WINCHESTER, VA 22602		BERRYVILLE, VA	
	DATE:	1/4/18	DRAWN:	JMD
	JOB NO.:	17002001	DES:	JMD
SCALE: AS NOTED			SHEET: <b>EX-13</b>	

# Attachment 9

The property at 23 East Main Street was purchased by the Town of Berryville in 1935. A fire station was constructed on the site in 1936 and it was the home of John H. Enders Volunteer Fire Company from that time until it moved to its current location in 1958. Various Town functions were housed on the site including the Town Office, Police Department, and Public Works Department. The Town's Public Works Department moved from the site in 1988 and the Town Office and Police Department moved out of the space in 2008. The first floor space was renovated in 2009 and has been the home of Berryville Main Street and the Fire House Gallery since that time. In 2011, the lease between the Town and Berryville Main Street was amended to include the second floor. In that agreement the Town agreed to allow Berryville Main Street to lease the second floor with the express purpose of them subleasing the space as a business incubator.

The lease between the Town and Berryville Main Street for rental of 23 East Main Street has expired.

Berryville Main Street has been very pleased with the space and wants to continue leasing 23 East Main Street. The Town has found Berryville Main Street to be an excellent tenant.

Berryville Main Street asks that the Town consider reducing its responsibility for repair costs. The current lease requires the tenant to be responsible for the first \$500 in repairs. Berryville Main Street requests that the Council consider eliminating the requirement in question or that an annual cap be established in the new lease.

At present the Berryville Main Street is paying \$500 per month and is responsible for payment of all utility bills.

A copy of the draft lease is attached.

Issues to be discussed in order to complete the draft lease (to the fullest extent possible) and move to the required public hearing are:

- Rent amount
- Term of Lease and renewal
- Repairs by Lessee and Operation/Repair/Maintenance by Lessee - responsibility limits

With regard to rent amount, it is important to note that efforts are underway to determine the fair market rent for the property. It is expected that this evaluation will be available at the meeting.

With regard to legal review of the lease agreement, staff will submit the draft to legal counsel after the Town Council has provided its input on the draft.

Staff requests that the Town Council provide guidance as to how it wants to proceed on items enumerated above so that a draft lease can be completed (to the fullest extent possible) and a public hearing on the lease scheduled. Staff requests that the public hearing be scheduled for 13 February 2018.

THIS LEASE, dated the \_\_\_\_\_ day of \_\_\_\_\_, 2018,  
by and between the TOWN OF BERRYVILLE, VIRGINIA, hereinafter called  
the Lessor, and DOWNTOWN BERRYVILLE, INC., a Virginia nonstock  
corporation, dba Berryville Main Street, hereinafter called the Lessee.

W I T N E S S E T H:

The Lessor agrees to lease to the Lessee, and the Lessee agrees to lease  
from the Lessor, the following described property under the following terms  
and conditions:

1. DESCRIPTION:

The portion of the first floor of the building located at 23 E.  
Main Street as shown on attached Exhibit A, together with a 70' by 25.33'  
parking area as generally shown on attached Exhibit B ("the property" or "the  
premises").

2. TERM:

The term of this lease shall be for \_\_\_\_\_ years,  
beginning on the \_\_\_\_\_ day of \_\_\_\_\_, 2018, and ending on the \_\_\_\_\_ day of  
\_\_\_\_\_, \_\_\_\_\_.

3. RENT:

A. As rental for the property, the Lessee shall pay the

Lessor the sum of \$ \_\_\_\_\_ per month:

B. Rent shall be payable in advance on the first day of each month, beginning \_\_\_\_\_, 2018.

C. If any rental payment is paid after the fifth (5th) day of the month but by the tenth (10th) day of the month, a penalty equal to five percent (5%) of the rental amount shall be due and payable to Lessor in addition to the rental payment. If any rental payment is not made by the tenth (10th) day of the month, a penalty equal to ten percent (10%) of the rental amount shall be due and payable to Lessor in addition to the rental payment. If any rental payment is not paid within thirty (30) days of the due date, the rental amount and penalty amount shall carry interest at ten percent (10%) per annum from the tenth (10th) day of the month in which the rental payment was due, and, in addition, the Lessor shall have the remedies set forth in Paragraph 16 of this Lease.

4. SECURITY DEPOSIT:

Lessor agrees not to require Lessee to pay a security deposit.

5. ASSIGNMENT:

The Lessee shall not assign this lease or sublet the leased premises or any part thereof without the written consent of the Lessor.

The Lessee may, without prior written consent of the Lessor, sublet second floor space to businesses for the purpose of business incubation and development provided that no such business may lease space for more than \_\_\_\_\_ months.

6. USE:

It is expressly agreed that this lease is executed in order that the Lessee may use the premises for Berryville Main Street offices and other activities to promote Berryville's downtown and the economic development of the Town of Berryville, and the property shall not be put to any other use without the written consent of the Lessor.

7. UTILITIES:

Lessee shall pay all utilities for the building including, but not limited to, water and sewer charges, electric service charges, internet service charges, and phone service charges. Lessee shall also pay all charges for heating oil.

8. REPAIRS BY LESSOR:

A. The Lessor agrees that during the term of this lease and any renewal thereof, Lessor shall do the following:

(1) Keep the outer walls in proper and substantial repair;

- (2) Keep the roof in proper and substantial repair;
- (3) Make necessary major repairs (repairs in excess of \$ \_\_\_\_\_ each) to the heating and air conditioning systems.
- (4) Maintain the exterior appearance of the building, except as herein provided.

B. It is agreed by the parties that Lessor is not an insurer and that Lessor's responsibility and liability for each of the items of maintenance and repair set forth above shall be to make the proper repairs within a reasonable time after the necessity, nature, and location thereof has been called to Lessor's attention by Lessee.

9. OPERATION/REPAIR/MAINTENANCE BY LESSEE:

In regard to the use and occupancy of the premises, Lessee shall (i) maintain the premises in good condition; (ii) except such repairs as is the responsibility of the Lessor as set forth above, make all necessary repairs to the premises, including, without limitation, plumbing repairs and minor repairs (repairs up to \$ \_\_\_\_\_ each) to the heating and air conditioning systems; (iii) be responsible for prompt snow and ice removal from the sidewalk in front of the premises; and the leased parking area; (iv) keep the inside and outside of all glass in the doors and windows of the premises clean; (v) keep all exterior store front surfaces of the premises clean; (vi) replace promptly, at Lessee's

expense, any cracked or broken plate or window glass of the premises with glass of like kind and quality; (vii) maintain the premises in a clean, orderly and sanitary condition and free of insects, rodents, vermin and other pests; (viii) keep any garbage, trash, rubbish or refuse in closed containers; (ix) repair promptly at its expense any damage to the premises caused by bringing into the premises any property for Lessee's use, or by the installation or removal of such property, or caused by any act or omission of Lessee, their agents, employees, contractors or invitees; (x) keep all mechanical apparatus free of vibration and noise which may be transmitted beyond the premises; (xi) comply with all laws, ordinances, rules and regulations of governmental authorities and all recommendations of the Fire Underwriters Rating Bureau now or hereafter in effect; and (xii) conduct Lessee's business in all respects in a dignified manner.

10. EXTERIOR DESIGN AND SIGNS:

The Lessor shall have control of the exterior design of the premises and Lessee shall not paint or decorate any part of the exterior of the premises without first obtaining the written approval of Lessor. The Lessee shall have the right to erect and maintain on the exterior of the premises, at Lessee's own expense, signs, advertising matter, or a logo, including lettering or other advertising matter on the glass of the premises, necessary or

appropriate to the conduct of the business of Lessee; provided, however, that no such signs or other matters shall be erected without the prior approval of Lessor as to design, size, color, and location, and without any necessary approval from the appropriate agency of the Town of Berryville.

11. ALTERATIONS AND IMPROVEMENTS BY LESSEE:

A. Lessee, prior to making any improvements or alterations to the premises, shall submit to the Lessor plans and specifications for such work (the "Construction Documents"), including, but not limited to, all electrical, plumbing, mechanical, and architectural plans and specifications. Lessor shall review the Construction Documents submitted by the Lessee, and, if same are approved by Lessor, Lessee shall submit such Construction Documents to the appropriate governmental agencies together with an application for all permits and licenses necessary to commence such construction work. Lessor shall not be liable for any delay in obtaining such permits or licenses. The cost of any such permits or licenses shall be the responsibility of Lessee. Lessee shall be entitled to commence work in the premises upon receipt of all necessary permits and licenses.

B. In the event the Construction Documents submitted by Lessee are not acceptable to the Lessor or the appropriate governmental agencies for any reason, Lessor and Lessee shall cooperate in revising such

Construction Documents to a point where they will be acceptable to Lessor and the appropriate governmental agency.

C. All improvements made by Lessee shall be considered a part of the real estate and as such the property of Lessor, except for items of tangible personal property not affixed to the demised premises.

12. PROCEDURES FOR LESSEE'S ALTERATION AND IMPROVEMENT WORK:

A. Prior to the commencement of any improvement work in the premises, Lessee shall:

(1) Obtain Lessor's written approval of the Construction Documents as set forth above;

(2) Have in its possession the permits and licenses necessary for the improvement work;

B. Lessee shall conduct the improvement work in the premises in accordance with reasonable rules and regulations promulgated by Lessor or its agent, including, but not limited to, the following:

(1) All work by Lessee shall conform to the Construction Documents as approved by Lessor and shall conform to all local, state, and national codes, laws, rules and regulations;

(2) Lessee shall not permit its construction activities to interfere with the quiet enjoyment of the building in which the demised premises are located, or of the adjoining buildings.

(3) Lessee shall, at Lessee's expense, remove from the premises and adjoining areas all trash and debris as same accumulates;

(4) Lessee shall not use or permit the use of any areas outside the premises for any construction activities unless expressly consented to in writing by Lessor; and

(5) Lessee shall, at all times, enforce strict discipline and good order among their contractors, subcontractors, and employees.

C. In the event Lessee shall fail to perform the improvement work in accordance with the rules and regulations of Lessor, Lessor shall have the right to either (a) perform the obligation which Lessee have failed to perform, or (b) repair any damage caused by Lessee's failure to comply, including, without limitation, the correction of any deviation from the Construction Documents and the correction of any defects, and Lessee shall pay to Lessor on demand, all of Lessor's costs associated therewith. Lessee shall be responsible and liable for any and all damage to the premises caused either directly or indirectly by Lessee's construction activities.

13. DEFAULT:

A. If any rent shall be due or unpaid for a period of thirty (30) days, or if default shall be made in any of the conditions or covenants herein contained, or if the said premises or any part thereof shall be vacated by the Lessee during the term granted by this lease, the Lessor may recover and resume possession of said property, either by force or otherwise, without being liable to prosecution therefor, remove all persons and property therefrom, relet the said premises as agent for the Lessee, receive and collect the rents thereof, applying the same first to the payment of such expenses as the Lessor may have incurred in recovering the possession of the said property and reletting the same, secondly to the payment of any costs or expenses that the Lessor may have incurred, either for repairs or by reason of any condition or covenant being unfulfilled on the part of the Lessee, and then to the payment of any rent due or to become due under the terms of this lease, with interest, and the Lessee agrees to pay any deficiency which may arise.

B. Any and all remedies provided to Lessor for the enforcement of the provisions of this Lease are cumulative and not exclusive, and Lessor shall be entitled to pursue either the rights enumerated in this Lease or remedies authorized by law, or both. Lessee shall be liable for any breach of this Lease and for any costs or expenses, including attorneys fees, incurred

by Lessor in enforcing the terms of this Lease, or in pursuing any legal action for the enforcement of Lessor's rights.

14. LIABILITY:

The Lessor shall not be liable for any injuries to any person or for any damages to any property on or about the demised premises. The foregoing shall apply to injuries or damages to any property of Lessee, except such injuries or damages as directly result from Lessor's failure to comply with the provisions of Paragraph 8 of this lease.

15. INDEMNITY:

Lessee shall indemnify Lessor against all expenses, liabilities, and claims of every kind, including reasonable counsel fees, by or on behalf of any person or entity arising out of either (1) a failure by Lessee to perform any of the terms or conditions of this lease, (2) any injury or damage happening on or about the demised premises, (3) failure to comply with any law of any governmental authority, or (4) any mechanic's lien or security interest filed against the demised premises or equipment, materials, or alterations of buildings or improvements thereon, for property owned by or work done by Lessee.

16. DAMAGE OR DESTRUCTION:

If the demised premises shall, without fault of Lessee, be

destroyed or be so damaged as to become wholly or partially untenable by fire or by providential means, then, if the Lessor shall elect to rebuild or repair, this Lease shall remain in force and Lessor shall rebuild or repair the premises within a reasonable time after such election, putting premises in as good condition as they were at time of destruction or damage, and for that purpose they may enter said premises, and rent shall abate during time the premises are untenable; but if Lessor does not elect as aforesaid to rebuild or repair, then Lessor shall have possession of the premises hereby let, and Lessee shall deliver and surrender to Lessor such possession, and this Lease shall become void and the term hereby created end; and on such delivery and surrender being made or on the recovery of said premises by Lessor the obligation to pay rent shall cease, but until such delivery and surrender or recovery the obligation to pay rent shall not cease.

17. INSPECTION AND ACCESS:

The Lessor and its agents shall have the right during the term of this Lease to visit, inspect, and make necessary repairs to the property at any reasonable hour.

The Lessor shall have the right during the term of the Lease to access the site in order to enter portions of the building no subject to the lease. Lessee agrees that such access must occur through leased space and

agrees to provide access at any reasonable hour. The Lessee agrees to park only in identified spaces and not to block access to the rear of the building.

18. INSURANCE:

Minimum Insurance Coverage Requirements: Lessee shall, at its own expense, keep in full force and effect during the term of this lease, and during the term of any extension of this lease, insurance coverage's in the following amounts:

Commercial General Liability:

\$1,000,000 each occurrence (Bodily Injury and Property Damage)

\$2,000,000 General Aggregate

\$2,000,000 Products/Completed Operations Aggregate

\$1,000,000 per person or organization (Personal and Advertising Injury)

\$1,000,000 each (CGL/AL/EL) occurrence/\$2,000,000 Annual Policy  
Aggregate

Workers Compensation as required by Code of Virginia.

The Town shall be named as an additional insured on any policy obtained by Lessee pursuant to this paragraph. Lessee shall furnish the Town with a Certificate of Insurance that indicates adequate insurance coverage has been obtained.

19. ENTIRE AGREEMENT:

This Lease constitutes the entire agreement among the parties and may not be amended except by written instruments executed by

each of the parties.

20. CONSTRUCTION OF THE LEASE:

This Lease shall be construed and interpreted according to the laws of the Commonwealth of Virginia.

21. COMPUTATION OF TIME:

If the time period or date by which any right, option, or election provided under this Lease must be exercised, or by which any act required hereunder must be performed, expires or occurs on a Saturday, Sunday, or legal, bank, or Clarke County Circuit Court Clerk's Office holiday, then such time period or date shall be automatically extended through the close of business on the next regularly scheduled business day.

22. BINDING:

The Lease shall inure to the benefit of, and be binding upon, the successors and assigns of the parties.

23. RIGHT TO RE-LEASE:

If the demised premises is to be available for lease by Lessor at the expiration of the \_\_\_\_\_ year term of this Lease, or at the expiration of any subsequent one-year term, the Lessor shall give the Lessee the first right to re-lease the premises for a term of one (1) year, upon the same conditions, except the amount of rent, as contained in this Lease. If Lessee

should desire to re-lease the premises at the expiration of the \_\_\_\_\_ year term or any subsequent one-year term, Lessee shall so notify the Lessor in writing at least ninety (90) days prior to the expiration of term, and upon being so notified the Lessor shall inform the Lessee in writing at least sixty (60) days prior to the expiration of said term of the amount of rent for the new term. The Lessee shall then notify the Lessor in writing at least thirty (30) days prior to the expiration of said term as to whether or not the Lessee will elect to re-lease the premises.

TOWN OF BERRYVILLE, VIRGINIA, Lessor

BY: \_\_\_\_\_(SEAL)  
Keith R. Dalton, Town Manager

DOWNTOWN BERRYVILLE, INC, Lessee

BY: \_\_\_\_\_(SEAL)

# Attachment 10

The property that is now known as Rose Hill Park was given to the Town of Berryville by Horace Smithy in July 1964. Only three of structures that were on the property at the time of the gift survive today. The two 1920's dairy barns have been renovated and are now known as the Barns of Rose Hill. A house located at 36 Smithy Lane (known as the Smithy Cottage), has been used as a dwelling but for the past five years it has served as an office for the Barns of Rose Hill.

The lease between the Town and the Barns of Rose Hill for rental of the Smithy Cottage has expired.

The Barns of Rose Hill has been very pleased with the space and wants to continue leasing the Smithy Cottage. The Town has found the Barns of Rose Hill to be an excellent tenant.

The Barns of Rose Hill, as it has several times in the past, asks that the Town Council consider providing the space free of rent.

At present the Barns of Rose Hill is paying \$500 per month and is responsible for payment of all utility bills. At present, Town crews perform yard maintenance and maintain Smithy Lane.

A copy of the draft lease is attached.

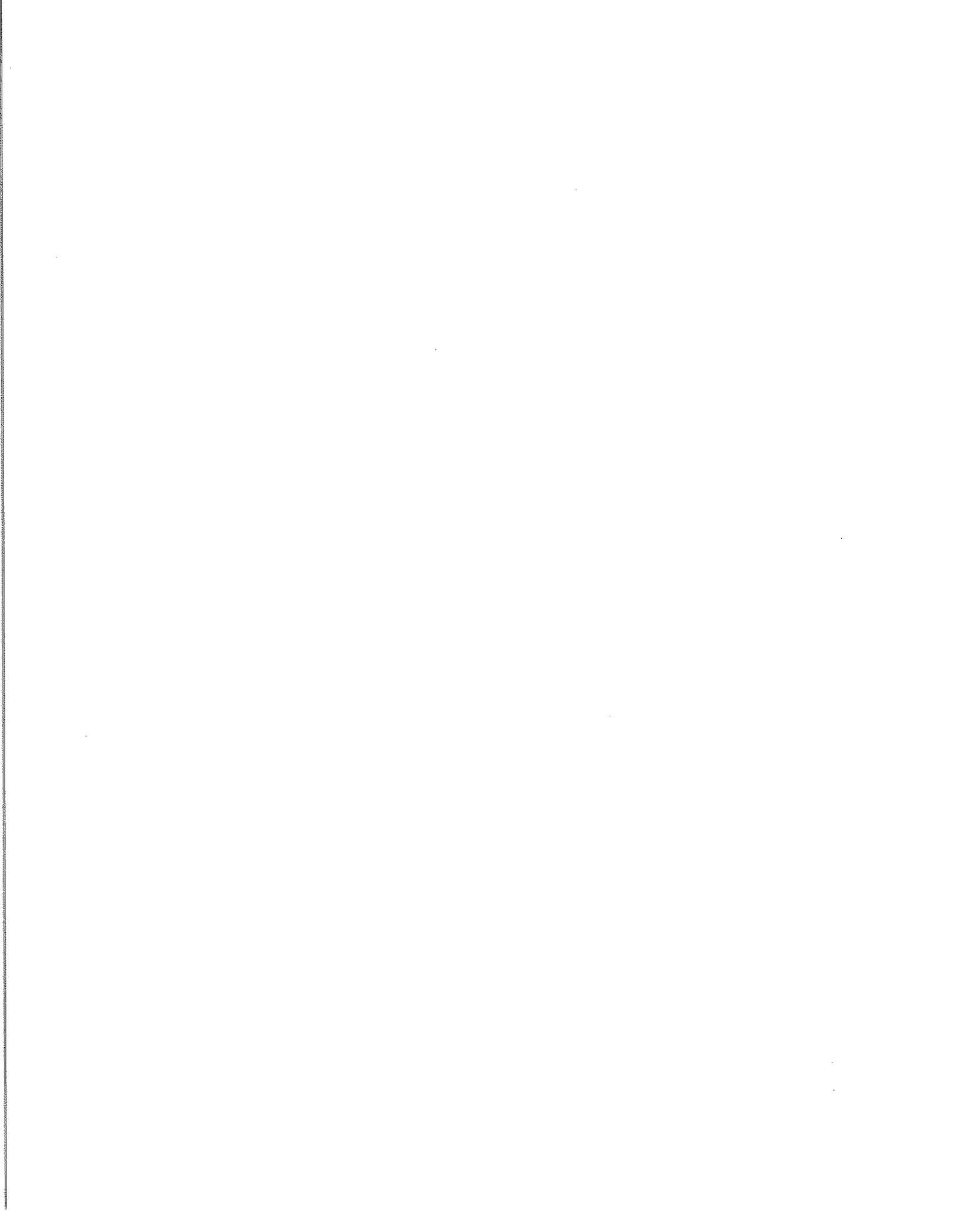
Issues to be discussed in order to complete the draft lease (to the fullest extent possible) and move to the required public hearing are:

- Rent amount
- Term of Lease and renewal
- Repairs by Lessee and Operation/Repair/Maintenance by Lessee - responsibility limits

With regard to rent amount, it is important to note that efforts are underway to determine the fair market rent for the cottage. It is expected that this evaluation will be available at the meeting.

With regard to legal review of the lease agreement, staff will submit the draft to legal counsel after the Town Council has provided its input on the draft.

Staff requests that the Town Council provide guidance as to how it wants to proceed on items enumerated above so that a draft lease can be completed (to the fullest extent possible) and a public hearing on the lease scheduled. Staff requests that the public hearing be scheduled for 13 February 2018.



THIS LEASE, dated the \_\_\_\_\_ day of \_\_\_\_\_, 2018, by and between the TOWN OF BERRYVILLE, VIRGINIA, hereinafter called the Lessor, and THE BARNS OF ROSE HILL, INC., a Virginia nonstock corporation, hereinafter called the Lessee.

WITNESSETH:

The Lessor agrees to lease to the Lessee, and the Lessee agrees to lease from the Lessor, the following described property under the following terms and conditions:

1. DESCRIPTION:

The building with an address of 36 Smithy Lane in the Town of Berryville, Virginia, together with an area surrounding the building as more particularly described on attached Exhibit A, and also together with non-exclusive access from Smithy Lane as generally shown on attached Exhibit A.

2. TERM:

The term of this lease shall be for \_\_\_\_\_ years, beginning on the \_\_\_\_\_ day of \_\_\_\_\_, 2018, and ending on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

3. RENT:

A. As rental for the property, the Lessee shall pay the Lessor the sum of \$ \_\_\_\_\_ per month:

B. Rent shall be payable in advance on the first day of each month, beginning \_\_\_\_\_, 2018.

C. If any monthly rental payment is made after the fifth (5th) day of the month but by the tenth (10<sup>th</sup>) day of the month, a penalty equal to five percent (5%) of the rental amount shall be due and payable to Lessor in addition to the rental payment. If any monthly rental payment is not made by the tenth (10<sup>th</sup>) day of the month, a penalty equal to ten percent (10%) of the rental amount shall be due and payable to Lessor in addition to the rental payment. If any monthly rental payment is not paid within thirty (30) days of the due date, the rental amount and penalty amount shall carry interest at ten percent (10%) per annum from the tenth (10<sup>th</sup>) day of the month in which the rental payment was due, and, in addition, the Lessor shall have the remedies set forth in Paragraph 14 of this Lease.

4. SECURITY DEPOSIT:

No security deposit shall be required under this lease.

5. ASSIGNMENT:

The Lessee shall not assign this lease or sublet the leased premises or any part thereof without the written consent of the Lessor.

6. USE:

It is expressly agreed that this lease is executed in order that the

Lessee may use the premises for offices and/or a residence for an “artist in residence”, and the property shall not be put to any other use without the written consent of the Lessor. In any event, no dogs, cats, or other animals shall be kept in or about the leased property by Lessee or Lessee’s subtenants or guests.

7. UTILITIES:

The Lessee shall be responsible for the payment of all utility services to the premises including, but not limited to electric, phone, cable, water and sewer.

8. REPAIRS BY LESSOR:

A. The Lessor agrees that during the term of this lease and any renewal thereof, Lessor shall be responsible for the following:

(1) Keep the outer walls in proper and substantial repair;

(2) Keep the roof in proper and substantial repair;

(3) Make necessary major repairs (repairs in excess of \$\_\_\_\_\_ each) to the heating and air conditioning systems.

(4) Maintain the exterior appearance of the building, except as herein provided.

B. It is agreed by the parties that Lessor is not an insurer

and that Lessor's responsibility and liability for each of the items of maintenance and repair set forth above shall be to make the proper repairs within a reasonable time after the necessity, nature, and location thereof has been called to Lessor's attention by Lessee.

9. OPERATION/REPAIR/MAINTENANCE BY LESSEE:

In regard to the use and occupancy of the premises, Lessee shall (i) maintain the premises in good condition; (ii) except such repairs as is the responsibility of the Lessor as set forth above, make all necessary repairs to the premises, including, without limitation, plumbing repairs and minor repairs (repairs up to \$ \_\_\_\_\_ each) to the heating and air conditioning systems; (iii) replace promptly, at Lessee's expense, any cracked or broken plate or window glass of the premises with glass of like kind and quality; (iv) maintain the premises in a clean, orderly and sanitary condition and free of insects, rodents, vermin and other pests; (v) keep any garbage, trash, rubbish or refuse in closed containers; (vi) repair promptly at its expense any damage to the premises caused by bringing into the premises any property for Lessee's use, or by the installation or removal of such property, or caused by any act or omission of Lessee, their agents, employees, contractors or invitees; and (vii) comply with all laws, ordinances, rules and regulations of governmental authorities and all

recommendations of the Fire Underwriters Rating Bureau now or hereafter in effect.

10. EXTERIOR DESIGN AND SIGNS:

The Lessor shall have control of the exterior design of the premises and Lessee shall not paint or decorate any part of the exterior of the premises without first obtaining the written approval of Lessor. The Lessee shall have the right to erect and maintain on the exterior of the premises, at Lessee's own expense, signs, advertising matter, or a logo, including lettering or other advertising matter on the glass of the premises, necessary or appropriate to the conduct of the business of Lessee; provided, however, that no such signs or other matters shall be erected without the prior approval of Lessor as to design, size, color, and location, and without any necessary approval from the appropriate agency of the Town of Berryville.

11. INITIAL IMPROVEMENTS BY LESSEE:

Lessee shall make, at its cost, any improvements to the premises necessary to comply with the Building Code and any other applicable ordinances or regulations for Lessee's use of the premises.

12. ALTERATIONS AND IMPROVEMENTS:

A. Lessee, prior to making any initial improvements or subsequent alterations to the premises, shall submit to Landlord plans and specifications for such work (the "Construction Documents"), including, but not limited to, all electrical, plumbing, mechanical, and architectural plans and specifications. Lessor shall review the Construction Documents submitted by Lessee, and, if same are approved by Lessor, Lessee shall submit such Construction Documents to the appropriate governmental agencies together with an application for all permits and licenses necessary to commence such construction work. Lessor shall not be liable for any delay in obtaining such permits or licenses. The cost of any such permits or licenses shall be the responsibility of Lessee. Lessee shall be entitled to commence work in the premises upon receipt of all necessary permits and licenses.

B. In the event the Construction Documents submitted by Lessee are unacceptable to Lessor or to the appropriate governmental agencies for any reason, Lessor and Lessee shall cooperate in revising such Construction Documents to a point where they will be acceptable to Lessor and to the appropriate governmental agency.

C. All improvements made by Lessee shall be considered a part of the real estate and as such the property of Lessor, except for items of

tangible personal property not affixed to the demised premises.

13. PROCEDURES FOR LESSEE'S ALTERATION AND IMPROVEMENT WORK:

A. Prior to the commencement of any improvement work in the premises, Lessee shall:

(1) Obtain Lessor's written approval of the Construction Documents as set forth above;

(2) Have in its possession the permits and licenses necessary for the improvement work.

B. Lessee shall conduct the improvement work in the premises in accordance with reasonable rules and regulations promulgated by Lessor or its agent, including, but not limited to, the following:

(1) All work by Lessee shall conform to the Construction Documents as approved by Lessor and shall conform to all local, state, and national codes, laws, rules and regulations;

(2) Lessee shall not permit its construction activities to interfere with the quiet enjoyment of the building in which the demised premises are located, or of the adjoining buildings.

(3) Lessee shall, at Lessee's expense, remove from

the premises and adjoining areas all trash and debris as same accumulates;

(4) Lessee shall not use or permit the use of any areas outside the premises for any construction activities unless expressly consented to in writing by Lessor; and

(5) Lessee shall, at all times, enforce strict discipline and good order among their contractors, subcontractors, and employees.

C. In the event Lessee shall fail to perform the improvement work in accordance with the rules and regulations of Lessor, Lessor shall have the right to either (a) perform the obligation which Lessee have failed to perform, or (b) repair any damage caused by Lessee's failure to comply, including, without limitation, the correction of any deviation from the Construction Documents and the correction of any defects, and Lessee shall pay to Lessor on demand, all of Lessor's costs associated therewith. Lessee shall be responsible and liable for any and all damage to the premises caused either directly or indirectly by Lessee's construction activities.

14. DEFAULT:

A. If any rent shall be due or unpaid for a period of thirty (30) days, or if default by Lessee shall be made in any of the conditions or covenants herein contained, or if the said premises or any part thereof shall be

vacated by the Lessee, the Lessor may recover and resume possession of said property, either by force or otherwise, without being liable to prosecution therefor, remove all persons and property therefrom, and, for any renewal term, relet the said premises as agent for the Lessee, receive and collect the rents thereof, applying the same first to the payment of such expenses as the Lessor may have incurred in recovering the possession of the said property and reletting the same, secondly to the payment of any costs or expenses that the Lessor may have incurred, either for repairs or by reason of any condition or covenant being unfulfilled on the part of the Lessee, and then to the payment of any rent due or to become due under the terms of this lease, with interest, and the Lessee agrees to pay any deficiency which may arise.

B. Any and all remedies provided to Lessor for the enforcement of the provisions of this Lease are cumulative and not exclusive, and Lessor shall be entitled to pursue either the rights enumerated in this Lease or remedies authorized by law, or both. Lessee shall be liable for any breach of this Lease and for any costs or expenses, including attorney's fees, incurred by Lessor in enforcing the terms of this Lease, or in pursuing any legal action for the enforcement of Lessor's rights.

15. LIABILITY:

The Lessor shall not be liable for any injuries to any person or for any damages to any property on or about the demised premises. The foregoing shall apply to injuries or damages to any property of Lessee, except such injuries or damages as directly result from Lessor's failure to comply with the provisions of Paragraph 8 of this lease.

16. INDEMNITY:

Lessee shall indemnify Lessor against all expenses, liabilities, and claims of every kind, including reasonable counsel fees, by or on behalf of any person or entity arising out of either (1) a failure by Lessee to perform any of the terms or conditions of this lease, (2) any injury or damage happening on or about the demised premises not caused by Lessor or Lessor's breach of this lease, (3) failure to comply with any law of any governmental authority, or (4) any mechanic's lien or security interest filed against the demised premises or equipment, materials, or alterations of buildings or improvements thereon for property owned by or work done by Lessee.

17. DAMAGE OR DESTRUCTION:

If the demised premises shall, without fault of Lessee, be destroyed or be so damaged as to become wholly or partially untenable by fire or by providential means, then, if the Lessor shall elect to rebuilt or repair, this Lease

shall remain in force and Lessor shall rebuild or repair the premises within a reasonable time after such election, putting premises in as good condition as they were at time of destruction or damage, and for that purpose they may enter said premises, and rent shall abate during time the premises are untenable; but if Lessor does not elect as aforesaid to rebuild or repair, then Lessor shall have possession of the premises hereby let, and Lessee shall deliver and surrender to Lessor such possession, and this Lease shall become void and the term hereby created end; and on such delivery and surrender being made or on the recovery of said premises by Lessor the Lessee shall receive a pro rata refund of prepaid rent, or the obligation to pay rent shall cease, as applicable.

18. INSPECTION:

The Lessor and its agents shall have the right during the term of this Lease to visit, inspect, and make necessary repairs to the property at any reasonable hour.

19. INSURANCE:

Minimum Insurance Coverage Requirements: Lessee shall, at its own expense, keep in full force and effect during the term of this lease, and during the term of any extension of this lease, insurance coverage's in the following amounts:

Commercial General Liability:

\$1,000,000 each occurrence (Bodily Injury and Property Damage)

\$2,000,000 General Aggregate

\$2,000,000 Products/Completed Operations Aggregate

\$1,000,000 per person or organization (Personal and Advertising Injury)

\$1,000,000 each (CGL/AL/EL) occurrence/\$2,000,000 Annual Policy Aggregate

Workers Compensation as required by the Code of Virginia.

The Town shall be named as an additional insured on any policy obtained by Lessee pursuant to this paragraph. Lessee shall furnish the Town with a Certificate of Insurance that indicates adequate insurance coverage has been obtained.

20. ENTIRE AGREEMENT:

This Lease constitutes the entire agreement among the parties and may not be amended except by written instruments executed by each of the parties.

21. CONSTRUCTION OF THE LEASE:

This Lease shall be construed and interpreted according to the laws of the Commonwealth of Virginia.

22. COMPUTATION OF TIME:

If the time period or date by which any right, option, or election provided under this Lease must be exercised, or by which any act required hereunder must be performed, expires or occurs on a Saturday, Sunday, or legal, bank, or Clarke County Circuit Court Clerk's Office holiday, then such time period or date shall be automatically extended through the close of business on the next regularly scheduled business day.

23. BINDING:

The Lease shall inure to the benefit of, and be binding upon, the successors and assigns of the parties.

24. RIGHT TO RE-LEASE:

If the demised premises is to be available for lease by Lessor at the expiration of the \_\_\_\_\_ year term of this Lease, or at the expiration of any subsequent one-year term, the Lessor shall give the Lessee the first right to re-lease the premises for a term of one (1) year, upon the same conditions, except the amount of rent, as contained in this Lease. If Lessee should desire to re-lease the premises at the expiration of the \_\_\_\_\_ year term or any subsequent one-year term, Lessee shall so notify the Lessor in writing at least ninety (90) days prior to the expiration of the term, and upon being so notified the Lessor shall inform the Lessee in writing at least sixty (60) days prior to the expiration of said term of the

amount of rent for the new term; provided, however, the rent for the renewal term shall not increase the rent over the immediately preceding term by more than five percent (5%). The Lessee shall then notify the Lessor in writing at least thirty (30) days prior to the expiration of said term as to whether or not the Lessee will elect to re-lease the premises. Notwithstanding the foregoing, the Lessee's right to re-lease the premises shall be limited to three (3) one-year renewal terms.

25. NOTICES:

All notices, demands, or other communications that may be necessary or proper hereunder shall be deemed duly given if personally delivered, sent via certified mail, return receipt requested, or sent overnight courier service, such as Federal Express, UPS, or Airborne, addressed respectively as follows:

If to Lessor:

Town of Berryville, Virginia  
ATTN: Town Manager  
101 Chalmers Court, Suite A  
Berryville, VA 22611

If to Lessee:

The Barns of Rose Hill, Inc.  
ATTN: \_\_\_\_\_  
95 Chalmers Court  
Berryville, VA 22611

# Attachment 11

9 January 2018  
Discussion

Agreement between the Town of Berryville and the Clarke County  
Farmers Market

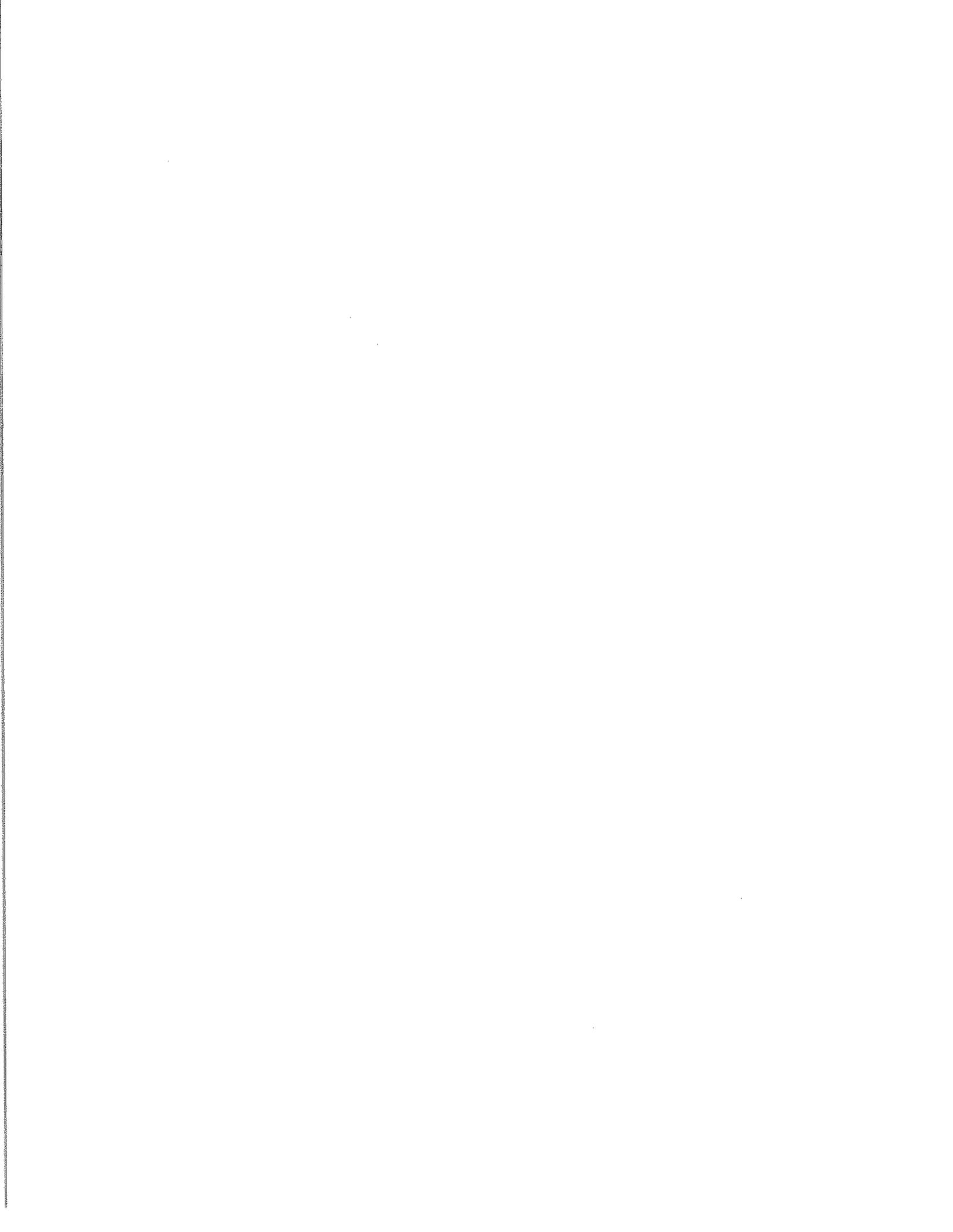
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For many years the Clarke County Farmers Market has operated in the John Rixey Moore Parking Lot (owned by the Town) on South Church Street. The arrangement between the Town and the Clarke County Farmers Market has been informal but both parties have decided that it is time to adopt a formal agreement for use of the property.

The agreement deals with issues such as signage, structures, hours of operation, pedestrian right of access across the property, insurance, and the like.

The draft agreement attached to this report has been reviewed by the Clarke Farmers Market and the Town's legal counsel.

Staff asks that this matter be included in the public hearings held in February.



AGREEMENT  
FOR USE OF THE JOHN RIXEY MOORE PARKING LOT  
FOR A FARMERS MARKET

This Agreement is made and entered into this \_\_\_\_ day of \_\_\_\_\_, 2018, between the Town of Berryville, a political subdivision of the Commonwealth of Virginia and a Virginia municipal corporation (the "Town") and the Clarke County Farmers Market Association, a non-profit 501-(c)- 6 organization (the "CCFMA").

RECITALS:

WHEREAS, the Town owns a property located at 100 South Church Street, also identified as Clarke County Tax Map Parcel 14A5-((A))-73 (the "Property"); and

WHEREAS, the Property, which was donated to the Town of Berryville in memory of John Rixey Moore, has been developed as a municipal parking lot; and

WHEREAS, the Town has for many years permitted the CCFMA to use the Property as the site of the Clarke County Farmers Market ("Farmers Market"); and

WHEREAS, the Town recognizes and appreciates the benefits that accrue to local residents and businesses from the operation of the Farmers Market; and

WHEREAS, the CCFMA recognizes and appreciates the Town's willingness to permit use Property at no cost; and

WHEREAS, the Town and the CCFMA desire to formalize the terms and conditions under which the Property can be used for the Farmers Market;

NOW, THEREFORE, the Town and CCFMA agree that CCFMA may utilize the Property for the purpose of operating the Farmers Market in accordance with the following provisions:

1. The CCFMA may, on each Saturday from May 1 to October 31 of a given year, have use of the Property for a Farmers Market between the hours of 5 am and 2 pm; provided that, the Town reserves the right to utilize the Property for municipal purposes at any time, including scheduled Farmers Market hours, upon the Town's determination that the Property must be used for municipal purposes necessitated by an emergency or other unusual circumstance.

2. Permission for the CCFMA to extend hours for special events may be granted by the Town. Requests for extended hours must be forwarded to the Town Manager no less than thirty (30) days before the planned event. Approval, conditional approval, or denial of the request will be issued in writing by the Town Manager not less than fifteen (15) days before the planned event.
3. No event or operations may extend onto the Rose Hill Park property without prior written permission from the Town. No commercial operations may occur on Rose Hill Park property.
4. The CCFMA shall operate the Farmers Market as a not-for profit operation consistent with its articles of incorporation and bylaws and shall perform its duties in the operation of the Farmers Market in a businesslike and professional manner for the benefit of farmers, producers, consumers, and the community as a whole.
5. The CCFMA shall be responsible for requiring that all individuals and groups utilizing the Farmers Market abide by its rules and regulations and shall be responsible for the enforcement of such rules and regulations. The General Manager or Market Manager, or designee, serving as the individual to which authority is given for the administration and management of the day to day activities of the Farmers Market, shall be responsible for enforcement of the CCFMA's rules and regulations.
6. The CCFMA shall be responsible for adequate cleanup of the property after each day the Farmers Market operates. Said cleanup shall include the removal of all litter, trash, refuse, recyclables, and the like.
7. The Town grants the CCFMA exclusive use of the property during the times identified in Section 1 of the Agreement, provided that the pedestrian access for the general public across the Property to Rose Hill Park is reserved by the Town and may not be restricted or impeded by the CCFMA.
8. The CCFMA may, at its own expense, erect a permanent sign on the Property; provided that such sign is approved in advance by the Town Architectural Review Board and Zoning Administrator. Temporary signs may be erected in accordance with the Town of Berryville Zoning Ordinance.
9. The CCFMA shall be responsible for enforcement of parking restrictions on the Property while it has exclusive use.
10. The CCFMA may utilize existing electrical service on the Property, provided that if the Town, in its sole discretion, deems the level of use to be excessive, then it may charge CCFMA for usage beyond the cost of providing lighting on the Property. Failure to pay the cost of billed electrical use may result in revocation of permission to use the electrical service and/or termination of this Agreement.
11. The CCFMA may not erect any permanent structure on the Property without prior written approval from the Town. If portable toilets are required or desired



standards or maintain insurance coverage required in Section 14 of this Agreement. In the event CCFMA's use of the Property is suspended, the Town Manager will provide written notice of the suspension, including reason(s) for the suspension, to both the CCFMA and the Town Council. The CCFMA may appeal any such suspension to the Town Council.

17. Notices made in accordance with this Agreement shall be sent to:

<u>Town</u>	<u>CCFMA</u>
Town of Berryville	Clarke County Farmers Market Assoc.
Attention: Town Manager	Attention: Market Manager
101 Chalmers Court	Post Office Box 1266
Berryville, VA 22611	Berryville, VA 22611

IN WITNESS WHEREOF, the parties have executed this Agreement.

TOWN OF BERRYVILLE

By: \_\_\_\_\_

Its: Town Manager Date

CLARKE COUNTY FARMERS MARKET ASSOCIATION

By: \_\_\_\_\_

Its: \_\_\_\_\_ Date

# Attachment 12

The Battletown Subdivision is a neighborhood of 144 townhouses that was developed in the 1970's and 1980's while the property was outside of the Town's corporate limits. The original development plan did not include dumpster sites. Accordingly, the Town provides curbside refuse and recyclables collection to each of the 144 townhouses weekly.

Since the Town adopted automated refuse collection several years ago, the Battletown Homeowners Association (HOA) has observed that the toters present some problems for the residents. Some residents would have to roll their toters from their back yards through their homes to place them for collection: instead, these residents typically store the toters in front of their units. In some areas of the neighborhood the individual toter collection occurs in parking lots, which presents challenges for collection. It has also been noted that refuse and recyclables collection in the neighborhood is particularly difficult after snow events.

The HOA contacted the Town to propose a change to the way refuse and recyclables are collected within the neighborhood. They propose that the Town agree to collect the neighborhood's waste and recyclables from 6 locations two times per week.

The HOA proposes:

- HOA would construct and maintain six collection sites in the development
- Town would eliminate all curbside collection within the neighborhood
- Town would have its contractor service the dumpster sites two times per week

The HOA contends that the new collection approach would eliminate clutter and reduce conflicts. Further, when examined by the Town's current refuse collection contractor, the proposal resulted in a slight savings to the Town.

The HOA would like approval of this collection approach and the collection sites. With that approval in hand, the HOA would have the sites constructed. Once the sites were constructed, the collection sites would be opened and curbside collection would be ended.

Please find attached the packet provided by the HOA.

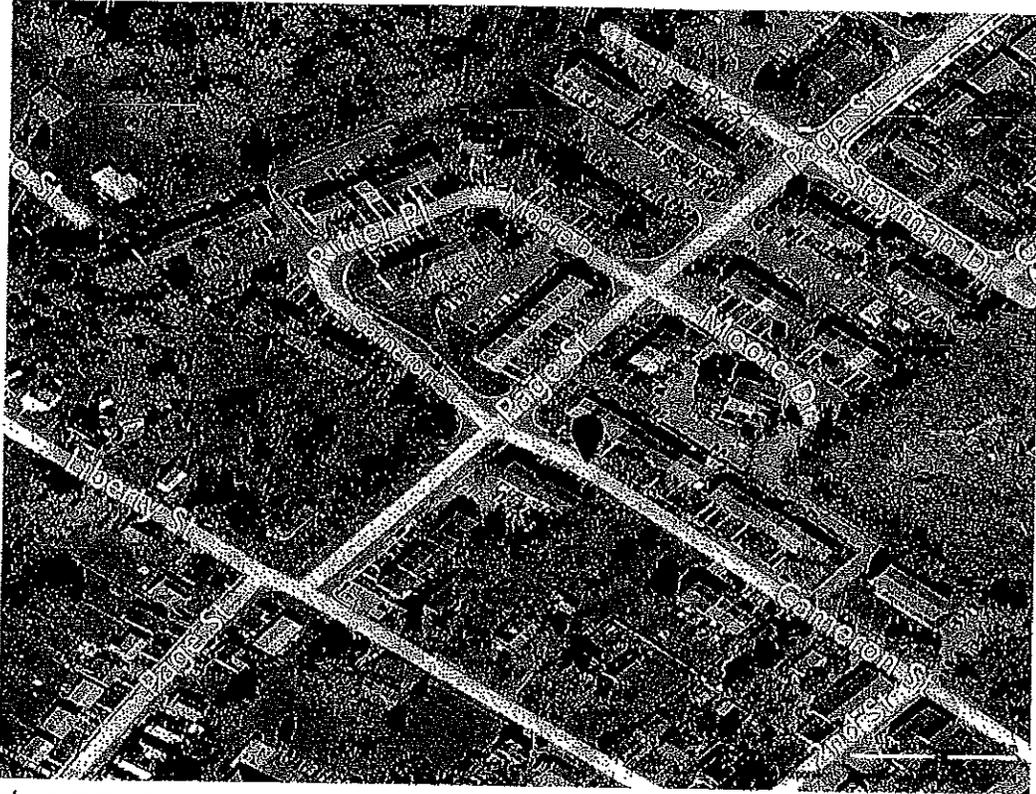
If the Town Council agrees to consider this request, then staff recommends that a public input session be scheduled for the February meeting.

GET THE APP 

MY RE/MAX 

     
SAVE ALERTS PLACES SHARE

Homes For Sale > Berryville, VA



# BATTLETOWN TRASH DUMPSTER PROJECT

REPUBLIC SERVICES - JERRY WILSON, (540) 877-3813, [jwilson6@republicservices.com](mailto:jwilson6@republicservices.com)

PROPOSED LOCATIONS:	# TOWNHOUSES	COMMENTS
DUMPSTER #1 - PAGE STREET	14	NEED TO CUT INTO EMBANKMENT TO CREATE A LEVEL AREA
DUMPSTER #2 - MOORE DRIVE	30	GRASS AREA UNDER LIGHT POLE
DUMPSTER #3 - W. FAIRFAX ST.	24	COMMON AREA IN FRONT OF PLAYGROUND FENCE
DUMPSTER #4 - E. FAIRFAX ST.	27	END OF PARKING LOT IN COMMON AREA
DUMPSTER #5 - RITTER PLACE	24	END OF PARKING LOT IN COMMON AREA
DUMPSTER #6 - CAMERON ST.	25	CREATE AREA AT END OF PARKING LOT IN GRASS AREA
TOTAL TOWNHOUSES	144	

**EXISTING TOWN COSTS:**

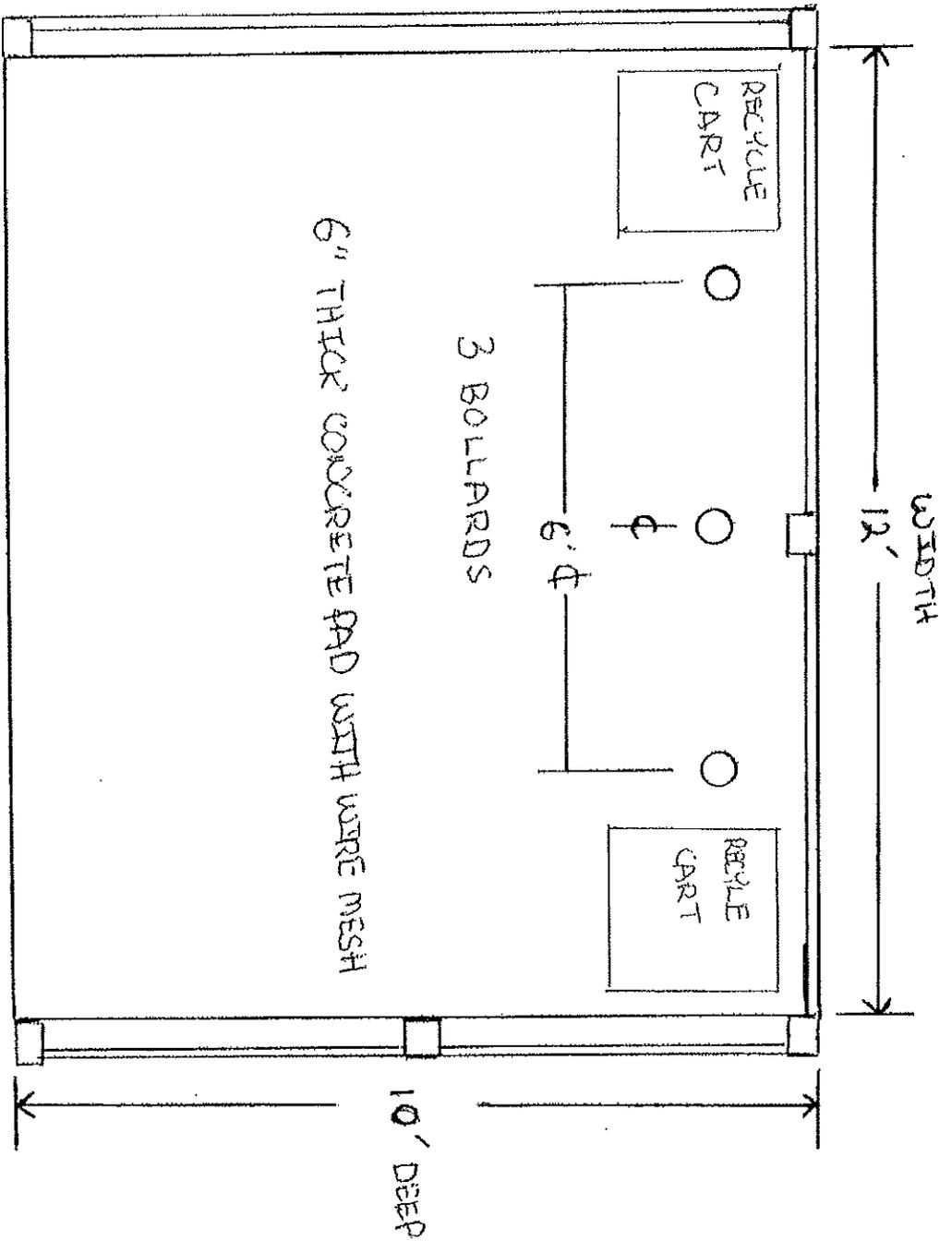
RESIDENTIAL TRASH BIN	\$8.59	PER TRASH BIN PER MONTH FOR A ONCE A WEEK PICK-UP
RECYCLE BINS	\$3.03	PER BIN PER MONTH FOR A ONCE A WEEK PICK-UP
8 CUBIC YARD DUMPSTER	\$247.00	PER DUMPSTER PER MONTH FOR A ONCE A WEEK PICK-UP

**BATTLETOWN HOA EXISTING COST TO TOWN:**

	X	144	\$1,236.96	(144) RESIDENTIAL TRASH BINS
	X	144	436.32	(144) RECYCLE BINS
			\$1,673.28	

**BATTLETOWN HOA NEW PROPOSAL TO TOWN:**

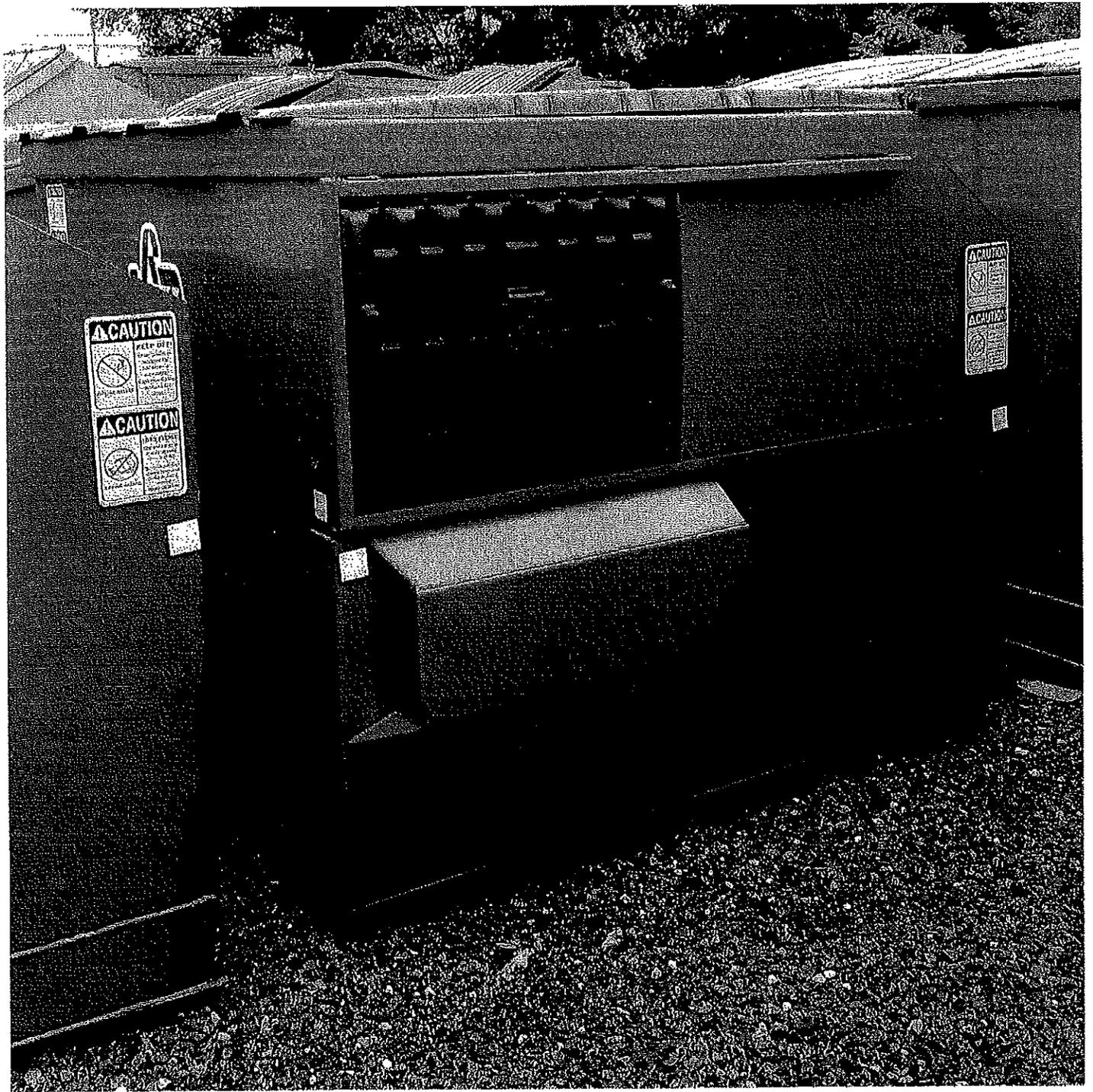
	X	6	\$1,482.00	REPUBLIC SERVICES QUOTE ON 9/11/2017
	X	12	\$103.08	(6) 6 CUBIC YARD DUMPSTERS - GOING TWO TIMES A WEEK (MONDAY & FRIDAY) COSTING \$247 PER MTH EA = 72 YARDS PER WK (SAME YARDAGE)
			<b>\$1,585.08</b>	(12) 96 GALLON RECYCLE CARTS - GOING ONE TIME A WEEK COSTING \$8.59 PER MTH EA = LESS VOLUME DUE TO 43% PARTICIPATION RATE



6" THICK CONCRETE PAD WITH WIRE MESH

FRONT OF CONTAINER PAD

IF YOU PUT GATES ON ENCLOSURE YOU MUST HAVE OPENINGS ON EACH SIDE FOR RESIDENTS ACCESS



Huntley, Nyco & Associates, Ltd.  
 101 PLEASANT HILL, SUITE 200  
 CLARKE COUNTY, VIRGINIA 22123  
 PHONE: (540) 861-1110  
 FAX: (540) 861-1110  
 www.huntleynyco.com

OWNER/DEVELOPER  
 (Name and address field)

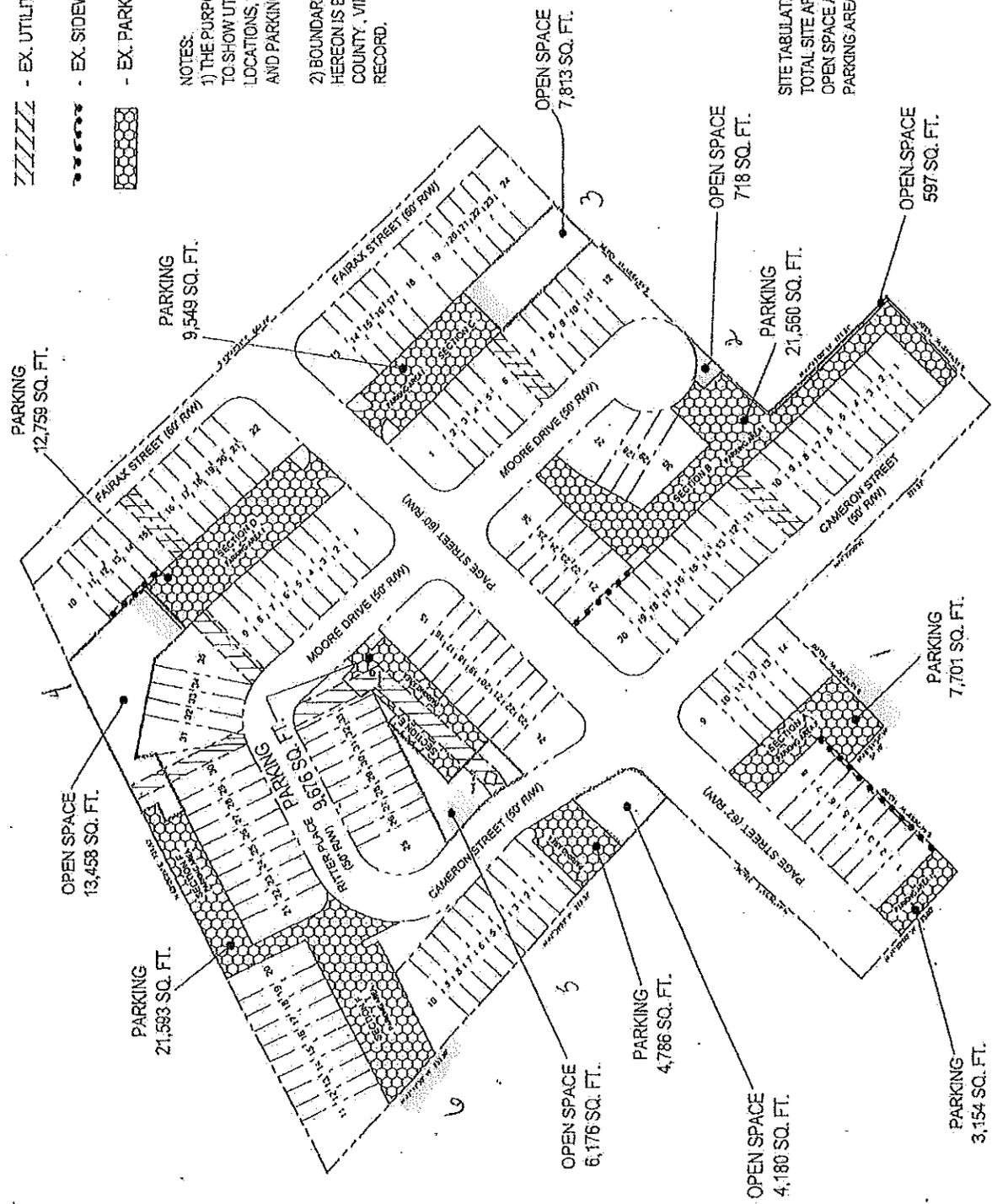
DATE: 11/11/11  
 SHEET: 1 OF 1  
 FILE: 43-4-00118

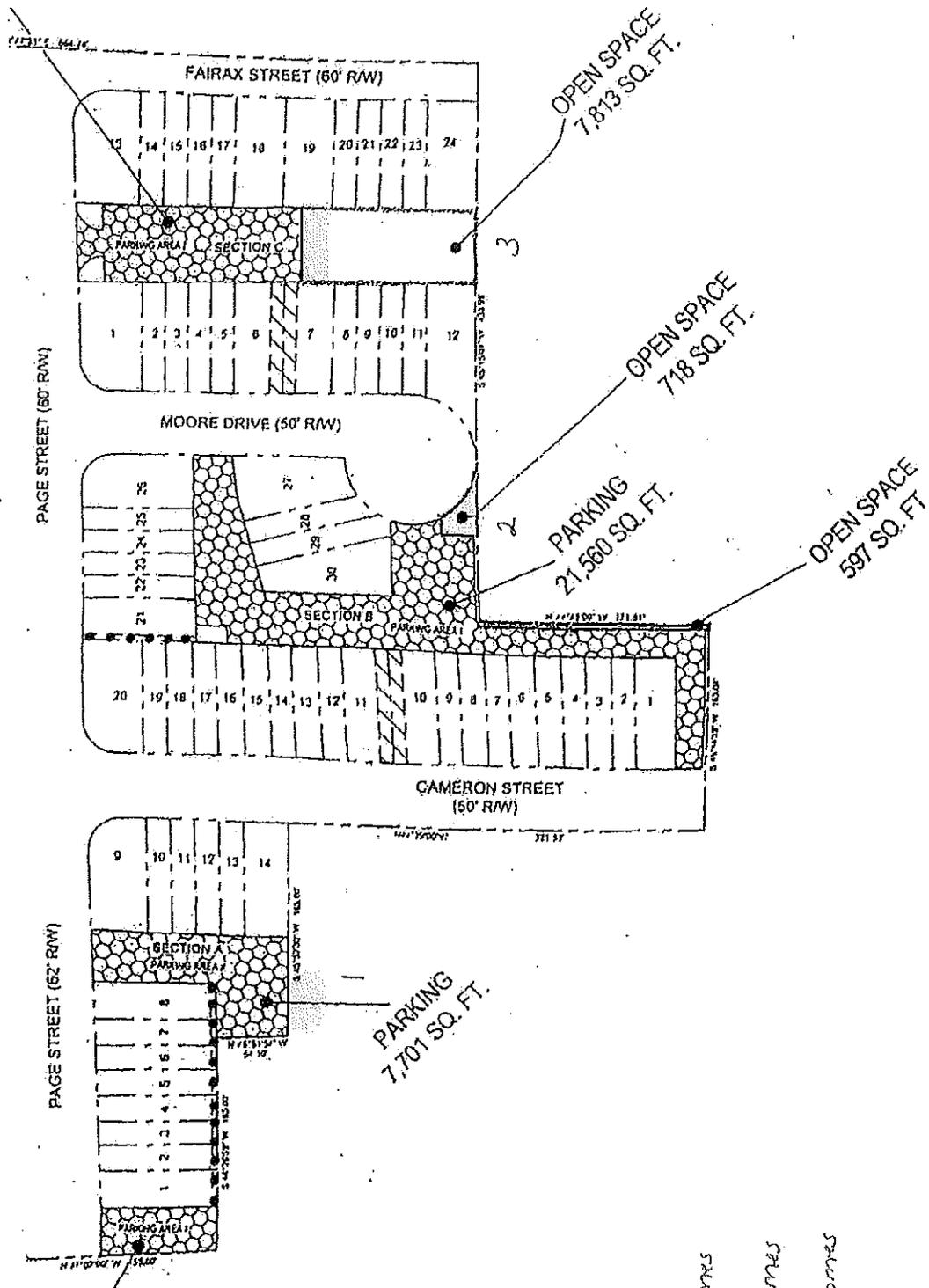
BATTLETOWN SUBDIVISION - SECTIONS A-F  
 TOWN OF BERTHA  
 CLARKE COUNTY, VIRGINIA  
 EXHIBIT SHOWING - OPEN SPACE, PARKING AREAS AND UTILITY EASEMENTS

DATE: 11/11/11	SHEET: 1 OF 1	FILE: 43-4-00118
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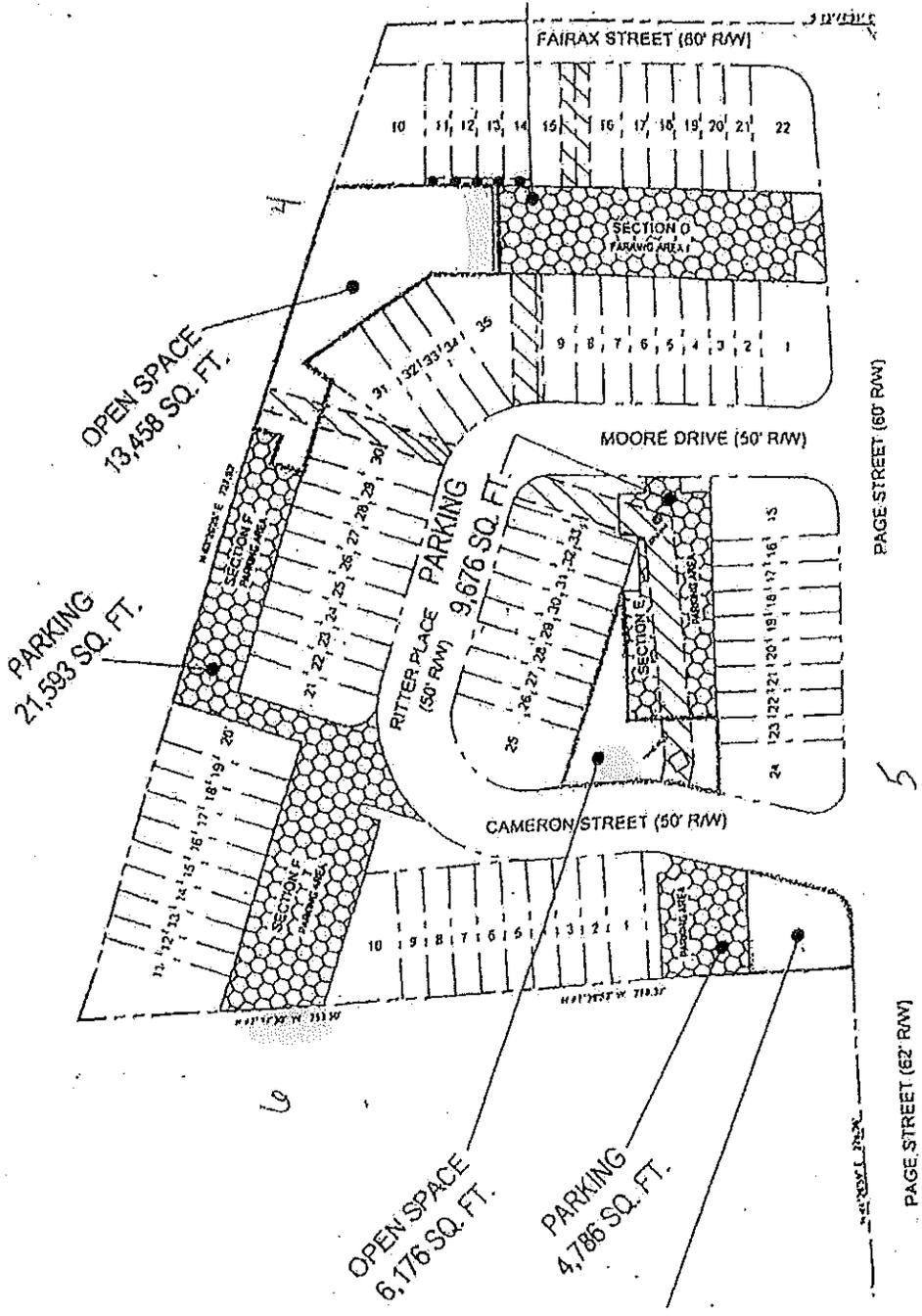
- ZZZZZZ - EX. UTILITY EASEMENT  
 - - - - - EX. SIDEWALK EASEMENT  
 [Pattern] - EX. PARKING AREAS
- NOTES:  
 1) THE PURPOSE OF THIS EXHIBIT IS TO SHOW UTILITY EASEMENT LOCATIONS, AREAS OF OPEN SPACE, AND PARKING AREAS.  
 2) BOUNDARY INFORMATION SHOWN HEREON IS BASED UPON CLARKE COUNTY, VIRGINIA PLATS OF RECORD.

SITE TABULATION:  
 TOTAL SITE AREA - 585,805 SQ. FT.  
 OPEN SPACE AREA - 32,942 SQ. FT.  
 PARKING AREA - 90,778 SQ. FT.





- 1- 14 Townhomes
- 2- 30 Townhomes
- 3- 24 Townhomes



- 4 - 27 Townhomes
- 5 - 24 Townhomes
- 6 - 25 Townhomes

## Dale Coumes

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**To:** Wilson, Jerry  
**Subject:** RE: Trash service at the townhouses in Berryville, VA

**From:** Wilson, Jerry [mailto:JWilson6@republicservices.com]  
**Sent:** Friday, September 15, 2017 2:33 PM  
**To:** Dale Coumes  
**Cc:** Allen Grimm  
**Subject:** RE: Trash service at the townhouses in Berryville, VA

Dale, please see attached. I sketched a picture of the enclosure. I also took a picture of the style 6 yard container that would best suit the residents. It has side doors so they don't have to lift the trash above 5' as most people can't. I may put a lock bar on the top that would prevent residents from thrown mattresses or other large items into the container. Trash pickup days would more than likely be Monday Friday. I find that the weekend is usually the heaviest volume.

**Jerry Wilson**  
Division Manager

403 Lenoir Drive Winchester Virginia 22603  
e jwilson6@republicservices.com  
o 540-877-3813 c 540-974-7707  
f 540-722-9170 w www.RepublicServices.com



We'll handle it from here.™



**From:** Wilson, Jerry [mailto:JWilson6@republicservices.com]  
**Sent:** Monday, September 11, 2017 3:03 PM  
**To:** Dale Coumes  
**Subject:** RE: Trash service at the townhouses in Berryville, VA

Dale, I tried to get the most competitive pricing based on the actual service level and size of container currently being used. (Total yards per week)

A 6 yard container going 2 times a week = 12 yards. 12 yards times 6 containers = 72 yards per week

A 95 gallon trash cart = .5 yards. 144 carts times .5 of a yard = 72 yards per week

I held the price of \$247 per 6 yard container even though I'm actually dumping an additional 4 yards per site per week

I estimate you would need at least 2 -96 gallon recycling carts per each of the 6 proposed sites.

18 gallon recycling bins X 144 residents = 2592 gallons

2592 divided by 95 gallon cart = 27.28 carts. However my driver said that he estimates that you only have around a 43 % recycling participation rate so 2 - 96 gallon recycling carts should be sufficient.

Proposed rates:

6 – 6 yard Front Load containers going 2 X a week costing 247.00 per month each = \$1,482.00 (same yardage, 72 yard per week)  
12 – 96 gallon recycle carts going one time a week costing 8.59 per month each = \$103.08 (a lot less volume due to 43% participation rate)  
Total = \$1,585.08

Let me know if I can provide you anything else.

**Jerry Wilson**  
Division Manager

403 Lenoir Drive Winchester Virginia 22603  
e [jwilson6@republicservices.com](mailto:jwilson6@republicservices.com)  
o 540-877-3813 c 540-974-7707  
f 540-722-9170 w [www.RepublicServices.com](http://www.RepublicServices.com)



We'll handle it from here."



**From:** Wilson, Jerry [<mailto:JWilson6@republicservices.com>]  
**Sent:** Wednesday, July 19, 2017 7:36 AM  
**To:** Dale Coumes  
**Subject:** RE: Trash service at the townhouses in Berryville, VA

Dale, I will be leaving later today for vacation and will be back to work on 7-31-17. Could you meet this morning in Berryville around 10:00 to 10:30?

**Jerry Wilson**  
Division Manager

403 Lenoir Drive Winchester Virginia 22603  
e [jwilson6@republicservices.com](mailto:jwilson6@republicservices.com)  
o 540-877-3813 c 540-974-7707  
f 540-722-9170 w [www.RepublicServices.com](http://www.RepublicServices.com)



We'll handle it from here."

**From:** Dale Coumes [<mailto:dalecoumes@e-elec.com>]  
**Sent:** Tuesday, July 18, 2017 1:08 PM  
**To:** Wilson, Jerry  
**Subject:** Trash service at the townhouses in Berryville, VA

Hello Mr. Wilson,

The town business office gave me your name and contact info as the rep. for the Town of Berryville. I would like to meet with you and would like to know if Friday afternoon would work with you?

Thank you,

*Dale L. Coumes*

Battletown Homeowners Association  
Secretary/Treasurer

Vice President  
"E" Electric & Telecom, Inc.  
345 McDonald Road  
Winchester, VA 22602  
Ph (703) 999-3395  
Fx (540) 877-3348  
[dalecoumes@e-elec.com](mailto:dalecoumes@e-elec.com)

# Attachment 13

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**FINANCE AND ADMINISTRATION STAFF REPORT**

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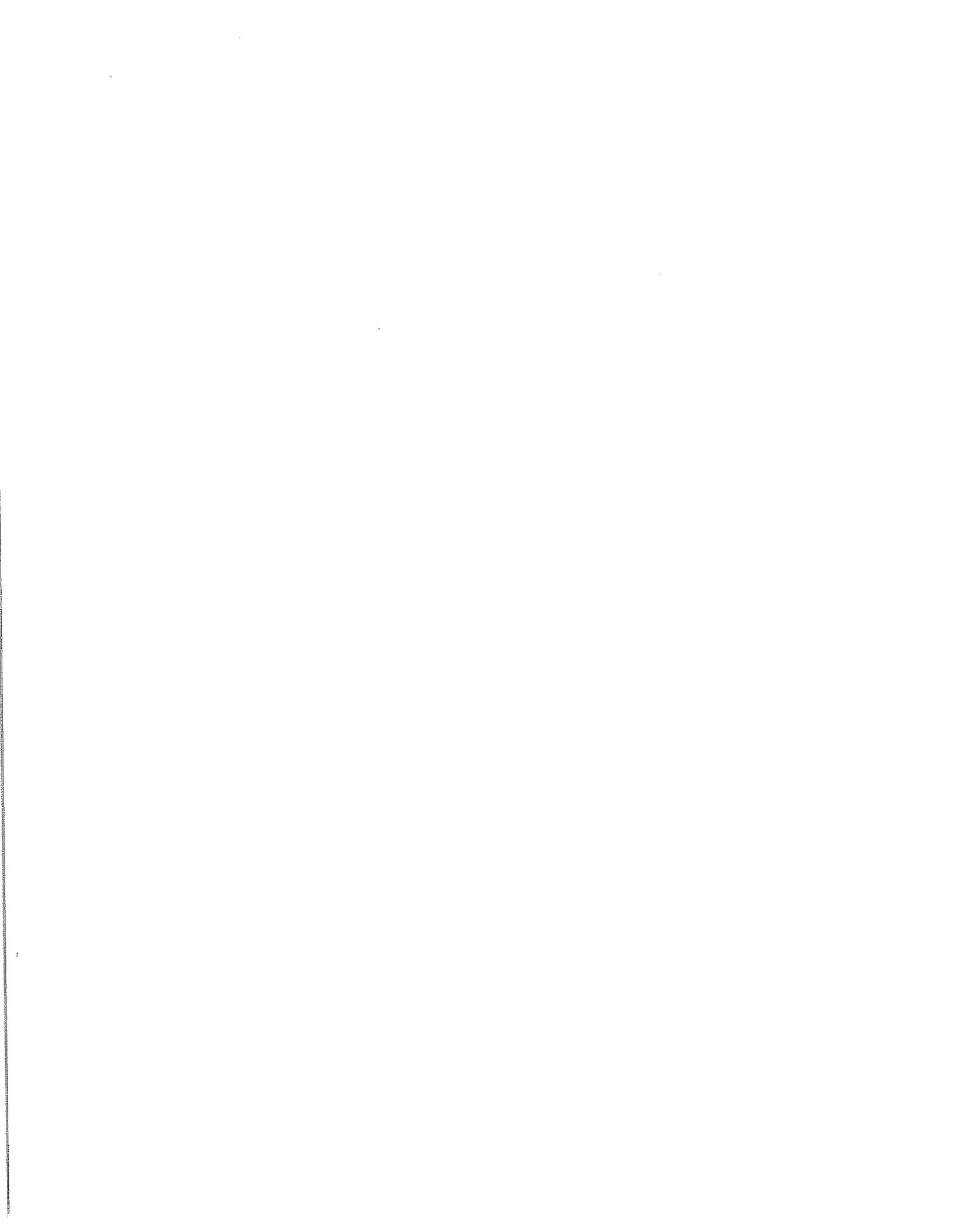
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**TO:** TOWN COUNCIL  
**FROM:** DESIREE MORELAND, TREASURER  
**SUBJECT:** MONTHLY REPORTS  
**DATE:** 1/4/2018  
**CC:** KEITH DALTON, TOWN MANAGER

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**A/P Check Listing**  
Checks issued in December 2017.

**Bank of America/P-Card Statement**  
November 2017 P-Card Purchases that were paid on December 25, 2017.



## A/P Check Listing

Vendor Range - 1105 MEDIA EVENTS' - 'ZION BAPTIST CHURCH  
Date From - 12/1/2017 Date To - 12/31/2017

Town of Berryville  
01/04/2018 11:47 AM

Page: 1 of 4

Check Number	Bank	Vendor	Date	Amount
4503	1	- Core & Main	12/14/2017	\$4,510.01
4504	1	- USPS	12/14/2017	\$368.74
4505	1	- Douglas A. Shaffer	12/14/2017	\$115.00
4506	1	- Gwen Malone	12/14/2017	\$40.00
4507	1	- Alton Echols	12/14/2017	\$10,875.00
4508	1	- SKYVIEW TREE EXPERTS	12/14/2017	\$2,350.00
4509	1	- Debra Zimmerman	12/14/2017	\$40.00
4510	1	- Rappahannock Electric Cooperative	12/14/2017	\$4,618.64
4511	1	- Kim S. Kemp	12/14/2017	\$40.00
4512	1	- VUPS	12/14/2017	\$64.05
4513	1	- Waterloo Electric Services	12/14/2017	\$1,086.63
4514	1	- REYES CONCRETE CO., LLC	12/14/2017	\$3,486.00
4515	1	- Sheryl Reid	12/14/2017	\$40.00
4516	1	- Dale A. Barton	12/14/2017	\$40.00
4517	1	- H2O Pipe Cleaning LLC	12/14/2017	\$3,600.00
4518	1	- Lincoln Financial Group	12/14/2017	\$737.80
4519	1	- Michelle K. Marino	12/14/2017	\$40.00
4520	1	- MT Electronics, Inc.	12/14/2017	\$481.10
4521	1	- Michelle M. Jones	12/14/2017	\$1,155.00
4522	1	- Sturgis Web Services	12/14/2017	\$360.00
4523	1	- Hall, Monahan, Engle, Mahan & Mitchell	12/14/2017	\$3,557.50
4524	1	- Treasurer of Frederick County	12/14/2017	\$3,724.62
4525	1	- The Winchester Star	12/14/2017	\$60.00
4526	1	- UNITED RENTALS	12/14/2017	\$273.50
4527	1	- Herbert L. Beskin, Trustee	12/14/2017	\$115.00
4528	1	- Krishan Mathur	12/14/2017	\$40.00
4529	1	- Bureau for Child Support Enforcement	12/14/2017	\$875.00
4530	1	- Lakeside Equipment Corporation	12/14/2017	\$5,697.00
4531	1	- Anderson's Nursery	12/14/2017	\$275.00
4532	1	- Berryville Auto Parts	12/14/2017	\$375.74

## A/P Check Listing

Vendor Range - 1105 MEDIA EVENTS' - 'ZION BAPTIST CHURCH  
Date From - 12/1/2017 Date To - 12/31/2017

Town of Berryville  
01/04/2018 11:47 AM

Page: 2 of 4

Check Number	Bank	Vendor	Date	Amount
4533	1	- Keith Dalton	12/14/2017	\$50.00
4534	1	- Nationwide Retirement Solutions	12/14/2017	\$1,030.00
4535	1	- VCFS AUTO LEASING COMPANY 1728	12/14/2017	\$36.88
4536	1	- FREEMAN NORMAN JR 2316	12/14/2017	\$34.42
4537	1	- HECTOR M HURTADO	12/14/2017	\$174.20
4538	1	- The Hall Company	12/28/2017	\$153.87
4539	1	- USPS	12/28/2017	\$751.53
4540	1	- Rappahannock Electric Cooperative	12/28/2017	\$22,485.08
4541	1	- ATTN; REFUND DEPARTMENT CORELOGIC REAL ESTATE TAX	12/28/2017	\$1,416.05
4542	1	- PENNONI ASSOCIATES INC	12/28/2017	\$202.50
4543	1	- PENNONI ASSOCIATES INC	12/28/2017	\$1,102.50
4544	1	- Lewin Asphalt, Inc	12/28/2017	\$808.26
4545	1	- Philip E. Pate, PhD	12/28/2017	\$300.00
4546	1	- Minnesota Life Insurance Co.	12/28/2017	\$140.52
4547	1	- Bureau for Child Support Enforcement	12/28/2017	\$875.00
4548	1	- Tyler Technologies	12/28/2017	\$11,400.00
4549	1	- Fuog/Interbuild, Inc.	12/28/2017	\$166,826.38
4550	1	- Virasec, LLC	12/28/2017	\$1,528.54
4551	1	- HOMEAMERICAN	12/28/2017	\$42.75
4552	1	- Carroll Construction Co.	12/28/2017	\$225.00
4553	1	- Nationwide Retirement Solutions	12/28/2017	\$705.00
4554	1	- OCC Health Service Winchester	12/28/2017	\$90.00
4555	1	- Sheehy Auto Stores	12/28/2017	\$45,248.73
4556	1	- SINGH AVTAR & SUKHVINDER 1099	12/28/2017	\$91.77
4557	1	- GARCIA JOSE C 1747	12/28/2017	\$26.68
4558	1	- BOWMAN STELLA L 1868	12/28/2017	\$29.69
4559	1	- WAGNER MICHAEL V 1918	12/28/2017	\$28.10
4560	1	- HAGBERG BRYAN WALTER 2320	12/28/2017	\$27.17
4561	1	- BARNETT LINDA J 2332	12/28/2017	\$30.84

## A/P Check Listing

Vendor Range - 1105 MEDIA EVENTS' - 'ZION BAPTIST CHURCH  
Date From - 12/1/2017 Date To - 12/31/2017

Town of Berryville  
01/04/2018 11:47 AM

Page: 3 of 4

Check Number	Bank	Vendor	Date	Amount
4562	1	- DILANDRO KEVIN JAMES 2425	12/28/2017	\$25.48
4563	1	- CONDREY JOSEPH B 2496	12/28/2017	\$25.45
4564	1	- BURZIO CATHERINE A 2551	12/28/2017	\$30.39
4565	1	- MILLER THOMAS REX 2577	12/28/2017	\$14.34
4566	1	- JONES CHERYL S 2892	12/28/2017	\$25.00
4567	1	- PLACE M DREW 3086	12/28/2017	\$55.18
4568	1	- WRIGHT DONALD GARY 3205	12/28/2017	\$30.07
4569	1	- ECHEVERRIA GOMEZ E 3376	12/28/2017	\$31.43
4570	1	- SCHULZ JOHN O 3469	12/28/2017	\$27.84
4571	1	- STEWART TERRY W 3495	12/28/2017	\$26.69
4572	1	- BRYDEN KELLY M 3646	12/28/2017	\$25.78
4573	1	- RAVENSCROFT DAVID CURTIS 3752	12/28/2017	\$28.88
4574	1	- HICKS SUE E 3844	12/28/2017	\$26.03
4575	1	- ROUX MATTHEW G 4108	12/28/2017	\$25.84
4576	1	- LINSTER HENRY 4346	12/28/2017	\$27.13
4577	1	- HUTCHINSON IRA E JR 4378	12/28/2017	\$27.19
4578	1	- CIE INTERNATIONAL LLC 4484	12/28/2017	\$52.16
4579	1	- BROADWAY SUSAN E 4630	12/28/2017	\$109.64
4580	1	- DILANDRO WARREN 4691	12/28/2017	\$25.67
4581	1	- ARELLANO ELIZABETH G 4897	12/28/2017	\$45.32
4582	1	- GABLE BRADLEY J & MELINDA 5431	12/28/2017	\$84.55
4583	1	- GABLE BRADLEY JAMES & MELINDA D 5434	12/28/2017	\$84.74
4584	1	- GABLE BRADLEY JAMES & MELINDA D 5435	12/28/2017	\$84.55
4585	1	- RICHMOND AMERICAN HOMES 5519	12/28/2017	\$42.75
4586	1	- RICHMOND AMERICAN HOMES 5539	12/28/2017	\$85.50
4587	1	- QUICENO HENRY & JAMIE LYNN 5671	12/28/2017	\$31.73
4588	1	- CLARKE KATHLEEN D 5757	12/28/2017	\$67.76
4589	1	- O'MEARA EDWIN H 5962	12/28/2017	\$29.21
4590	1	- SAGER THOMAS EDWARD JR 6018	12/28/2017	\$40.83
4591	1	- CRAIG CONTRACTING INC 6163	12/28/2017	\$155.29

## A/P Check Listing

Vendor Range - 1105 MEDIA EVENTS' - 'ZION BAPTIST CHURCH  
Date From - 12/1/2017 Date To - 12/31/2017

Town of Berryville  
01/04/2018 11:47 AM

Page: 4 of 4

Check Number	Bank	Vendor	Date	Amount
4592	1	PLACE MARTIN D 6205	12/28/2017	\$39.22
4593	1	ELSEA BRENDA & LINDA POSTON 6273	12/28/2017	\$38.57
4594	1	SCHILLING EDWARD L & JOANNA CHOPSK 6339	12/28/2017	\$280.64
4595	1	FOLEY CHRISTOPHER J 6609	12/28/2017	\$25.96
4596	1	HYRE JEFFREY S 6652	12/28/2017	\$310.41
4597	1	HYRE SANDRA K 6653	12/28/2017	\$191.56
4598	1	OLSEN DAVID ALAN 6726	12/28/2017	\$26.99
4599	1	VILLANUEVA INGRID MARISOL 6808	12/28/2017	\$28.79
4600	1	DAVID BROWN	12/28/2017	\$29.70
98		Checks Totaling -		\$307,267.05

### Totals By Fund

	Checks	Voids	Total
100	\$215,025.57		\$215,025.57
501	\$43,074.00		\$43,074.00
502	\$49,167.48		\$49,167.48
<b>Totals:</b>	<b>\$307,267.05</b>		<b>\$307,267.05</b>



BERRYVILLE TOWN OF  
DESIRÉE MORELAND  
XXXX-XXXX-XXXX

November 01, 2017 - November 30, 2017

### Purchasing Card

### Company Statement

Account Information
<b>Mail Billing Inquiries to:</b> BANKCARD CENTER PO BOX 982238 EL PASO, TX 79998-2238
<b>Customer Service:</b> 1.888.449.2273 24 Hours
<b>TTY Hearing Impaired:</b> 1.800.222.7365 24 Hours
<b>Outside the U.S.:</b> 1.509.353.6656 24 Hours
<b>For Lost or Stolen Card:</b> 1.888.449.2273 24 Hours

Payment Information
Statement Date ..... 11/30/17
Payment Due Date ..... 12/25/17
Days in Billing Cycle ..... 30
Credit Limit ..... \$500,000
Cash Limit ..... \$0
<b>Total Payment Due ..... \$52,432.70</b>

Account Summary
Previous Balance ..... \$86,825.32
Payments ..... -\$86,825.32
Credits ..... -\$8.90
Cash ..... \$0.00
Purchases ..... \$52,441.60
Other Debits ..... \$0.00
Overlimit Fee ..... \$0.00
Late Payment Fee ..... \$0.00
Cash Fees ..... \$0.00
Other Fees ..... \$0.00
Finance Charge ..... \$0.00
<b>Current Balance ..... \$52,432.70</b>

**Important Messages**  
 Please do not send payment. Your automatic payment is scheduled to be credited to this account on 12/22/17.

Cardholder Activity Summary				
Account Number	Credits	Cash	Purchases and Other Debits	Total Activity
<b>BOOR, RICK</b> XXXX-XXXX-XXXX-15,000	0.00	0.00	4,015.56	4,015.56
<b>BOOTH, KEVIN</b> XXXX-XXXX-XXXX-1,000	0.00	0.00	121.33	121.33

8682532 5243270 5243270 4715291201837237



BANK OF AMERICA  
PO BOX 15731  
WILMINGTON, DE 19886-5731



BERRYVILLE TOWN OF  
DESIRÉE MORELAND  
STE A  
101 CHALMERS CT  
BERRYVILLE, VA 22611-1387

\*\*N0021170

Account Number: XXXX-XXXX-XXXX-  
November 01, 2017 - November 30, 2017

**Total Payment Due ..... \$52,432.70**  
**Payment Due Date ..... 12/25/17**

Enter payment amount

\$

Check here for a change of mailing address or phone numbers.  
Please provide all corrections on the reverse side.

Mail this coupon along with your check payable to:  
BANK OF AMERICA

549990011:00051201837237



**Cardholder Activity Summary**

Account Number Credit Limit	Credits	Cash	Purchases and Other Debits	Total Activity
<b>BUSSERT, ERNIE</b> XXXX-XXXX-XXXX- 500	0.00	0.00	209.23	209.23
<b>DORSEY, DANIEL</b> XXXX-XXXX-XXXX- 500	0.00	0.00	8.63	8.63
<b>DUNKLE, CHRISTY</b> XXXX-XXXX-XXXX- 500	0.00	0.00	6.59	6.59
<b>ELLIOTT, RALPH</b> XXXX-XXXX-XXXX- 5,000	0.00	0.00	2,592.03	2,592.03
<b>FIDDLER, HEATHER</b> XXXX-XXXX-XXXX- 15,000	0.32	0.00	287.39	287.07
<b>LICKEY, PATRICK</b> XXXX-XXXX-XXXX- 500	0.00	0.00	54.00	54.00
<b>LILLY, STEPHEN</b> XXXX-XXXX-XXXX- 14,999	1.00	0.00	5,460.95	5,459.95
<b>MCCORMICK, HARRY</b> XXXX-XXXX-XXXX- 500	0.00	0.00	282.01	282.01
<b>MORELAND, DESIREE</b> XXXX-XXXX-XXXX- 50,000	0.00	0.00	23,719.07	23,719.07
<b>PHILLIPS, ANN W</b> XXXX-XXXX-XXXX- 1	7.58	0.00	144.32	136.74
<b>REYNOLDS, CHARLES</b> XXXX-XXXX-XXXX- 500	0.00	0.00	495.92	495.92
<b>STOVER, KEITH</b> XXXX-XXXX-XXXX- 1,000	0.00	0.00	606.53	606.53
<b>TYRRELL, DAVE</b> XXXX-XXXX-XXXX- 20,000	0.00	0.00	10,655.66	10,655.66
<b>WEAVER, PAUL</b> XXXX-XXXX-XXXX- 500	0.00	0.00	31.56	31.56
<b>WHITE, NEAL</b> XXXX-XXXX-XXXX- 15,000	0.00	0.00	3,750.82	3,750.82

**Transactions**

Posting Transaction Date Date	Description	Reference Number	MCC	Charge	Credit
					<b>Total Activity</b>
<b>BERRYVILLE TOWN OF</b>					<b>-\$86,825.32</b>
Account Number: XXXX-XXXX-XXXX-					<b>86,825.32</b>
11/24	11/24	AUTO PAYMENT DEDUCTION	0071		
					<b>Total Activity</b>
<b>BOOR, RICK</b>					<b>4,015.56</b>
Account Number: XXXX-XXXX-XXXX-					
11/03	11/02	MCCARTHY TIRE #28 WINCHESTER VA	24323007306286632900172	5532	260.28
11/03	11/02	MCCARTHY TIRE #28 WINCHESTER VA	24323007306286632900206	5532	285.49
11/07	11/06	ECONO SIGN AND BARRICADE 270-782-6512 KY	24388987310027015090754	5099	330.40
11/08	11/06	Johnny blue, inc. 540-665-0988 VA	24828247311030030960197	7394	82.00
11/08	11/07	LOWES #02724* WINCHESTER VA.	24692167311200947631040	5200	399.60
11/09	11/07	PMSI 703-723-2899 VA	24632697312500479158439	7342	74.00
11/15	11/14	JOINER MICRO LABORATORIE WARRENTON VA	24435657319200389400015	7399	110.00
11/22	11/21	LOWES #02724* WINCHESTER VA	24692167325100205037134	5200	299.10
11/24	11/21	BROY & SON PUMP SERVICE BERRYVILLE VA	24073147326900014900012	1799	700.00
11/28	11/27	BERRYVILLE TRUE VALUE BERRYVILLE VA	24801977332091400000194	5251	4.69
11/30	11/29	CORE & MAIN LP 514 3042636986 WV	24792627333206122500054	5039	1,470.00



**Transactions**

Posting Date	Transaction Date	Description	Reference Number	MCC	Charge	Credit
<b>BOOTH, KEVIN</b>						
Account Number: XXXX-XXXX-XXXX-						
11/03	11/02	FISHER AUTO PARTS 009 BERRYVILLE VA	24431067307200824200012	5533	8.65	
11/08	11/06	ANDERSON'S NURSERY BERRYVILLE VA	24061067311016022432806	5261	54.00	
11/14	11/13	BERRYVILLE TRUE VALUE BERRYVILLE VA	24801977318091407000211	5251	58.68	
						<b>Total Activity</b>
						<b>121.33</b>
<b>BUSSERT, ERNIE</b>						
Account Number: XXXX-XXXX-XXXX-						
11/01	10/30	MCMASTER-CARR 630-834-9600 IL	24789307304969000064811	5085	81.18	
11/10	11/09	LOWES #02724* WINCHESTER VA	24692167313200166914737	5200	25.20	
11/14	11/13	LOWES #02724* WINCHESTER VA	24692167317200709201309	5200	79.00	
11/17	11/16	USPS PO 5107560300 BERRYVILLE VA	24445007321000941162331	9402	23.85	
						<b>Total Activity</b>
						<b>209.23</b>
<b>DORSEY, DANIEL</b>						
Account Number: XXXX-XXXX-XXXX-						
11/10	11/08	BERRYVILLE AUTO PARTS INCBERRYVILLE VA	24767897313028400392390	5533	8.63	
						<b>Total Activity</b>
						<b>8.63</b>
<b>DUNKLE, CHRISTY</b>						
Account Number: XXXX-XXXX-XXXX-						
11/30	11/29	USPS PO 5107560300 BERRYVILLE VA	24445007334001034029887	9402	6.59	
						<b>Total Activity</b>
						<b>6.59</b>
<b>ELLIOTT, RALPH</b>						
Account Number: XXXX-XXXX-XXXX-						
11/06	11/03	KORMAN SIGNS INC 999-9999999 VA	24073147309900012200028	5099	1,177.77	
11/08	11/07	LOWES #02724* WINCHESTER VA	24692167311200947631115	5200	166.82	
11/09	11/08	JOINER MICRO LABORATORIE WARRENTON VA	24435657313200389000019	7399	110.00	
11/09	11/08	ALTMED MEDICAL CTR- FR FRONT ROYAL VA	24493987312286693900193	8011	85.00	
11/15	11/14	BERRYVILLE TRUE VALUE BERRYVILLE VA	24801977319091408000144	5251	31.43	
11/20	11/16	A SIGN PLACE/PERSONALIZE WINCHESTER VA	24223697321030030783834	5099	223.05	
11/29	11/27	THE BLOSSMAN COMPANIES INOCEAN SPRINGSMS	24247607332100369586591	5983	797.96	
						<b>Total Activity</b>
						<b>2,592.03</b>
<b>FIDDLER, HEATHER</b>						
Account Number: XXXX-XXXX-XXXX-						
11/01	10/30	DOLLAR-GENERAL #0394 BERRYVILLE VA	24445007304100173661207	5331	20.45	
11/03	11/03	Amazon web services aws.amazon.coVA	24692167307200050789953	7399	0.62	
11/08	11/07	USPS PO 5107560300 BERRYVILLE VA	24445007312000907177605	9402	266.00	
11/10	11/09	PP*TOWNOFBERRYVILLE VA BERRYVILLE VA	24492157313894126169540	9399	0.32	
11/10	11/09	PP*TOWNOFBERRYVILLE VA BERRYVILLE VA	74492157313894126324736	9399		0.32
						<b>Total Activity</b>
						<b>54.00</b>
<b>LICKEY, PATRICK</b>						
Account Number: XXXX-XXXX-XXXX-						
11/08	11/06	ANDERSON'S NURSERY BERRYVILLE VA	24061067311016022432814	5261	54.00	
						<b>Total Activity</b>
						<b>54.00</b>
<b>LILLY, STEPHEN</b>						
Account Number: XXXX-XXXX-XXXX-						
11/17	11/15	WINCHESTER METALS INC WINCHESTER VA	24073147320900011300105	5051	2,249.05	
11/20	11/17	BERRYVILLE TRUE VALUE BERRYVILLE VA	24801977322091404000143	5251	18.11	
11/22	11/13	COYNE CHEMICAL 215-785-3000 PA	24224437326101031790782	5169	996.32	
11/22	11/21	COYNE CHEMICAL 215-785-3000 PA	24224437326101031790824	5169	96.00	
11/22	11/21	COYNE CHEMICAL 215-785-3000 PA	24224437326101031790840	5169	464.39	
11/22	11/21	COYNE CHEMICAL 215-785-3000 PA	74224437326101031790902	5169		1.00
11/29	11/17	COYNE CHEMICAL 215-785-3000 PA	24224437333101027358272	5169	306.00	
11/30	11/29	COYNE CHEMICAL 215-785-3000 PA	24224437334101027427027	5169	1,331.08	
						<b>Total Activity</b>
						<b>282.01</b>
<b>MCCORMICK, HARRY</b>						
Account Number: XXXX-XXXX-XXXX-						
11/03	11/02	SNS EAST -2871 BERRYVILLE VA	24427337306720038002767	5411	35.12	
11/16	11/14	HACH COMPANY 9706631377 CO	24801997319018010562078	5085	246.89	
						<b>Total Activity</b>
						<b>23,719.07</b>
<b>MORELAND, DESIREE</b>						
Account Number: XXXX-XXXX-XXXX-						
11/13	11/10	TelRite Corporation COVINGTON GA	24393497315003813156830	4814	12.36	
11/21	11/20	VERIZON*ONETIMEPAYMENT 800-VERIZON FL	24692167324100694362457	4899	186.46	
11/21	11/20	VERIZON*ONETIMEPAYMENT 800-VERIZON FL	24692167324100694362465	4899	376.64	
11/21	11/20	VERIZON*ONETIMEPAYMENT 800-VERIZON FL	24692167324100694362473	4899	160.78	
11/21	11/21	COMCAST 800-COMCAST MD	24692167325100957408269	4899	75.69	
11/21	11/20	VA DMV ONLINE BILLING PAY804-3670595 VA	24755427325123258032051	9399	475.00	
11/22	11/21	VZWRSS*MY VZ VB P 800-922-0204 FL	24692167325100022386920	4814	711.21	
11/22	11/21	REPUBLIC SERVICES TRASH 866-576-5548 AZ	24431057325083703115116	4900	19,567.54	
11/22	11/21	REPUBLIC SERVICES TRASH 866-576-5548 AZ	24431057325083759207585	4900	100.00	
11/22	11/21	REPUBLIC SERVICES TRASH 866-576-5548 AZ	24431057325083753194425	4900	2,053.39	
						<b>Total Activity</b>
						<b>136.74</b>
<b>PHILLIPS, ANN W</b>						
Account Number: XXXX-XXXX-XXXX-						
11/03	11/02	CROWN TROPHY WINCHESTER VA	24755427306273066747391	5999	85.00	
11/09	11/08	STAPLS7186536856000001 877-8267755 NJ	24164077312105074312067	5111	55.53	
11/15	11/14	STAPLS7186536856001001 SOUTH HACKENS NJ	74164077318105074312066	5111		3.79

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**Transactions**

Posting Transaction				Reference Number	MCC	Charge	Credit	
Date	Date	Description						
11/16	11/15	STAPLS7186536856002001	877-8267755 NJ	24164077319105139332897	5111	3.79		
11/20	11/17	STAPLS7186536856003001	SOUTH HACKENS NJ	74164077321105139332898	5111		3.79	
<b>REYNOLDS, CHARLES</b>							<b>Total Activity</b>	<b>495.82</b>
Account Number: XXXX-XXXX-XXXX-								
11/09	11/08	ALTMED MEDICAL CTR- FR	FRONT ROYAL VA	24493987312286693900136	8011	85.00		
11/10	11/09	JNO. S SOLENBERGER AND C	WINCHESTER VA	24138297314400000787234	5251	186.53		
11/14	11/13	EBERT REPRODUCTION	WINCHESTER VA	24224437318101007434464	5999	63.84		
11/28	11/27	BERRYVILLE TRUE VALUE	BERRYVILLE VA	24801977332091400000020	5251	21.46		
11/28	11/27	BERRYVILLE TRUE VALUE	BERRYVILLE VA	24801977332091400000236	5251	94.03		
11/30	11/29	BERRYVILLE TRUE VALUE	BERRYVILLE VA	24801977334091404000024	5251	45.06		
<b>STOVER, KEITH</b>							<b>Total Activity</b>	<b>606.83</b>
Account Number: XXXX-XXXX-XXXX								
11/01	10/30	BERRYVILLE AUTO PARTS INC	BERRYVILLE VA	24767897304969200456599	5533	2.81		
11/06	11/02	BERRYVILLE AUTO PARTS INC	BERRYVILLE VA	24767897307989500513383	5533	27.92		
11/06	11/02	BERRYVILLE AUTO PARTS INC	BERRYVILLE VA	24767897307989500513391	5533	20.11		
11/06	11/02	JIM PRICE CHEVROLET	CHARLOTTE SVILVA	24690297307030025556105	5511	76.38		
11/07	11/06	BERRYVILLE TRUE VALUE	BERRYVILLE VA	24801977311091406000037	5251	40.11		
11/10	11/09	LOWES #02724*	WINCHESTER VA	24692167313200261321648	5200	189.10		
11/14	11/13	BERRYVILLE TRUE VALUE	BERRYVILLE VA	24801977318091407000021	5251	5.06		
11/15	11/14	BERRYVILLE TRUE VALUE	BERRYVILLE VA	24801977319091408000250	5251	94.02		
11/16	11/14	GRAND RENTAL STATION	540-8671400 VA	24073147319900015500018	7394	80.85		
11/21	11/20	FISHER AUTO PARTS 009	BERRYVILLE VA	24431067325200824700175	5533	70.17		
<b>TYRRELL, DAVE</b>							<b>Total Activity</b>	<b>10,655.86</b>
Account Number: XXXX-XXXX-XXXX								
11/07	10/31	COYNE CHEMICAL	215-785-3000 PA	24224437311101027785785	5169	1,306.08		
11/07	11/06	COYNE CHEMICAL	215-785-3000 PA	24224437311101027785892	5169	360.00		
11/07	11/01	COYNE CHEMICAL	215-785-3000 PA	24224437311101027785793	5169	653.04		
11/07	11/06	COYNE CHEMICAL	215-785-3000 PA	24224437311101027785918	5169	691.00		
11/07	11/06	VA DEPARTMENT OF STATE	PO804-6742000 VA	24755427310163101068685	9399	20.00		
11/14	11/13	JOINER MICRO LABORATORIE	540-347-7212 VA	24435657318200389300083	7399	2,470.00		
11/15	11/14	USA BLUE BOOK	800-548-1234 IL	24326847318636000083864	5085	141.84		
11/16	11/15	CONTROL EQUIPMENT COMPANY	540-4440386 VA	24000977319071601158823	5074	640.70		
11/17	11/15	RIDDLEBERGER BROTHERS	540-434-1731 VA	24638187320017032929046	1711	332.00		
11/22	11/21	COYNE CHEMICAL	215-785-3000 PA	24224437326101031790865	5169	376.00		
11/28	11/27	SHERWOOD-LOGAN & ASSOCIA	410-841-6810 MD	24435657331206649600017	5251	3,665.00		
<b>WEAVER, PAUL</b>							<b>Total Activity</b>	<b>31.56</b>
Account Number: XXXX-XXXX-XXXX								
11/10	11/09	BERRYVILLE TRUE VALUE	BERRYVILLE VA	24801977314091400000162	5251	31.56		
<b>WHITE, NEAL</b>							<b>Total Activity</b>	<b>3,750.82</b>
Account Number: XXXX-XXXX-XXXX								
11/03	11/03	GALLS	859-266-7227 KY	24435657307801033248736	5964	294.26		
11/06	11/02	BERRYVILLE AUTO PARTS INC	BERRYVILLE VA	24767897307989500635525	5533	19.70		
11/06	11/03	DALY COMPUTERS INC	301-6700381 MD	24275397307900012036843	5045	703.50		
11/13	11/09	BERRYVILLE AUTO PARTS INC	BERRYVILLE VA	24767897314035100460541	5533	923.98		
11/13	11/09	BERRYVILLE AUTO PARTS INC	BERRYVILLE VA	24767897314035100546182	5533	9.67		
11/15	11/14	USPS PO 5107560300	BERRYVILLE VA	24445007319000920662651	9402	7.20		
11/17	11/16	PHOENIX DISTRIBUTORS	FEASTERVILLE PA	24013397320003433042555	5099	935.00		
11/20	11/17	USPS PO 5107560300	BERRYVILLE VA	24445007322001037040299	9402	8.13		
11/30	11/29	VISTAPR*VistaPrint.com	866-8936743 MA	24692167333100223785755	2741	84.38		
11/30	11/29	SQ *CW SECURITY SOL	877-417-4551 VA	24492157333740309213736	8999	765.00		

**Finance Charge Calculation**

Your Annual Percentage Rate (APR) is the annual interest rate on your account.

	Annual Percentage Rate	Balance Subject to Interest Rate	Finance Charges by Transaction Type
PURCHASES	0.00%	\$0.00	\$0.00
CASH	0.00%	\$0.00	\$0.00

V = Variable Rate (rate may vary), Promotional Balance = APR for limited time on specified transactions.



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# Attachment 14



# Berryville Police Department

101 Chalmers Ct., Suite A, Berryville, Virginia 22611

[policeadmin@berryvilleva.gov](mailto:policeadmin@berryvilleva.gov)

(540) 955-3863 (540) 955-0207 (Fax)

W. Neal White – Chief of Police

## MEMO

**DATE: 12/22/2017**

**TO: Town Council**

**FROM: Chief W. Neal White**

**CC:**

**RE: Police Department Monthly Report – 01/09/2018**

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### **Monthly Activity Report**

The activity report for the month of December 2017 is attached to this memo.

### **Police and Security Committee**

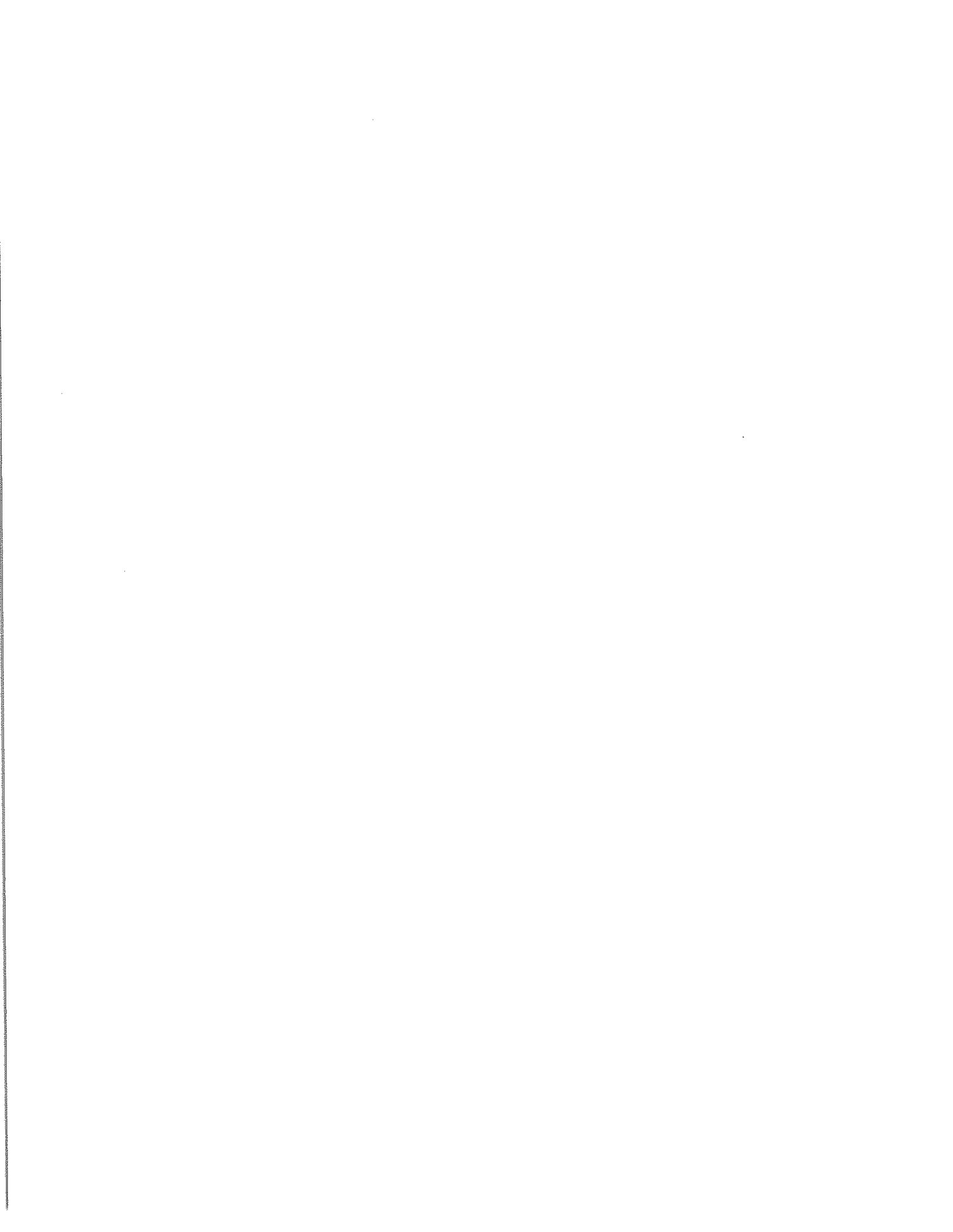
The Police and Security Committee did not meet in the month of December 2017. The next scheduled meeting for the Committee is January 25, 2017 at 9:00 am in the A/B meeting room.

### **Fleet Vehicle**

The new 2017 Ford Police Utility vehicle arrived December 15, 2017 and is now in service. The department now has three Police Utility vehicles in the fleet that are equipped with all-wheel drive for inclement weather situations.

### **Holiday Toy Drive**

The holiday toy drive was again a huge success this year with three car loads of toys being delivered to Clarke County Social Services for distribution to those children in the community who may have otherwise not had much under the Christmas tree. Thank you to all of those in the community who helped to make this event a success. Thanks also go to Officer Shoremount for spearheading this community event.





# Berryville Police Department

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W. Neal White – Chief of Police

## Police and Security Report

	Year To Date	December	November
Month: December	2017	2017	2017
Year: 2017			
<b><u>Complaints Answered</u></b>			
911 Hang Up:	45	3	3
Alarms:	138	14	13
Animal Complaint:	127	19	8
Assault and Battery:	7	1	0
Assist County:	45	8	3
Auto Larceny:	2	0	0
Burglary:	8	1	0
Civil Complaints:	67	6	7
Disturbance (Non Violent):	28	3	1
Domestic Disturbance:	30	5	1
Drunk In Public:	7	1	0
Forgery & Uttering:	0	0	0
Fraud:	34	2	0
Grand Larceny:	15	3	1
Harassment/Intimidation:	31	2	4
Homicide:	0	0	0
Juvenile Related:	43	1	5
Noise:	47	1	5
Petty Larceny:	22	3	0
Public Service:	35	2	6
Rape:	0	0	0
Robbery:	0	0	0
Runaway:	1	0	0
Shoplifting:	1	0	0
Suspicious Activity:	207	22	12
Trespassing:	7	0	1
Vandalism:	36	3	6
Welfare Check:	146	11	16
Miscellaneous Complaints:	434	49	55
<b>Total Complaints Answered:</b>	<b>1563</b>	<b>160</b>	<b>147</b>



# Berryville Police Department

101 Chalmers Ct., Suite A, Berryville, Virginia 22611

[policeadmin@berryvilleva.gov](mailto:policeadmin@berryvilleva.gov)

(540) 955-3863 (540) 955-0207 (Fax)

W. Neal White – Chief of Police

## Police and Security Report (Continued)

	Year To Date	December	November
	2017	2017	2017
<b><u>Traffic</u></b>			
Accidents Investigated:	64	4	2
Assist Motorist:	37	1	2
Child Safety Seat Install:	22	1	1
Funeral Escort:	40	4	2
Hit & Run:	10	0	0
Parking Tickets:	178	4	14
Traffic Warnings:	484	59	81
<b><u>Traffic Summons Issued</u></b>			
Defective Equipment:	2	1	0
Driving Suspended:	5	0	1
Expired Inspection:	49	12	9
Expired Registration:	10	1	1
Fail to Obey Highway Sign:	95	7	5
Fail to Obey Traffic Signals:	8	1	1
Fail to Stop/Lights & Siren:	0	0	0
Fail to Yield Right of Way:	6	1	0
Hit and Run:	0	0	0
No Liability Insurance:	0	0	0
No Operator's License:	17	1	5
No Seat Belt:	1	0	0
Reckless Driving:	18	3	0
Speeding:	290	18	15
Miscellaneous Summons:	35	6	3
<b>Total Traffic Summons Issued:</b>	<b>536</b>	<b>51</b>	<b>40</b>
<b><u>Found Open at Businesses in Town</u></b>			
Doors:	26	3	0
Windows:	0	0	0
Garage Doors:	0	0	0



# Berryville Police Department

101 Chalmers Ct., Suite A, Berryville, Virginia 22611

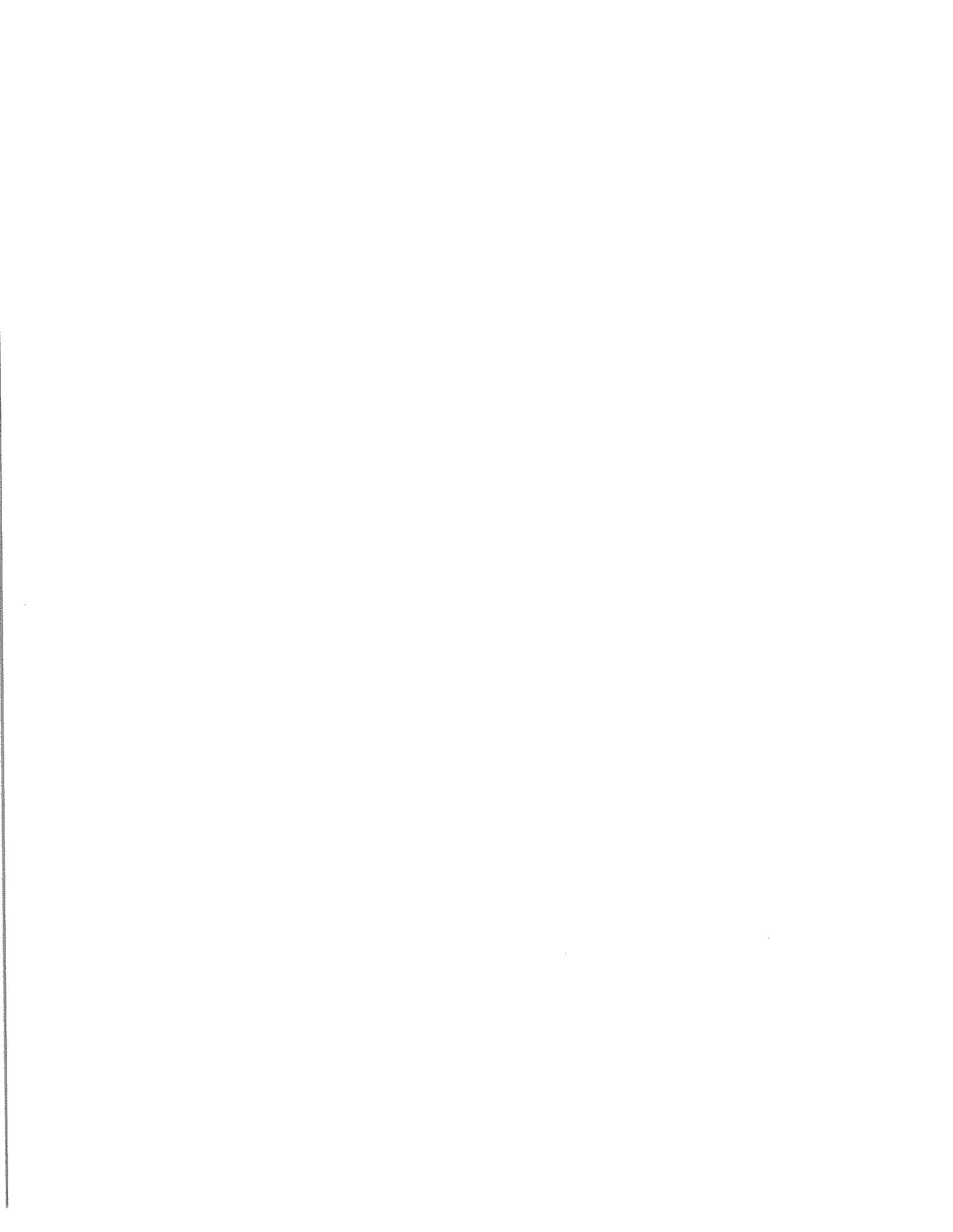
[policeadmin@berryvilleva.gov](mailto:policeadmin@berryvilleva.gov)

(540) 955-3863 (540) 955-0207 (Fax)

W. Neal White – Chief of Police

## Police and Security Report (Continued)

	Year To Date 2017	December 2017	November 2017
<b><u>Criminal Arrests Made</u></b>			
Abduction:	1	0	0
Arson:	0	0	0
Assault and Battery:	5	0	0
Assault and Battery on Police Officer:	0	0	0
Auto Larceny:	0	0	0
Breaking and Entering:	0	0	0
Capias:	6	1	3
Disorderly Conduct:	0	0	0
Driving While Intoxicated:	5	0	1
Drunk In Public:	8	1	1
Fail to Obey Police Officer:	0	0	0
Fail to Pay Parking Ticket:	10	0	0
Forgery:	0	0	0
Fraud:	1	0	0
Grand Larceny:	7	0	1
Homicide:	0	0	0
Illegal Drugs/Paraphernalia:	13	4	0
Petty Larceny:	0	0	0
Possess Alcohol Underage:	0	0	0
Protective Order Violations:	2	0	0
Rape:	0	0	0
Resisting Arrest:	0	0	0
Robbery:	0	0	0
Shoplifting:	1	0	0
Trespassing:	0	0	0
Vandalism:	1	0	0
Weapons Violation:	0	0	0
Miscellaneous Criminal Arrests:	32	1	6
<b>Juvenile Arrest Total:</b>	0	0	0
<b>Total Criminal Arrests:</b>	92	7	12



# Attachment 15

Please find attached the following:

- Staff report from 14 November 2017 Town Council meeting
- Current version of Chapter 4
- Proposed version of Chapter 4
- Citizen comments submitted in advance of this meeting
- Motion

At its November meeting the Town Council determined that it wanted to hear public comment on this proposal before taking any action. Staff was to provide notice on the Town's website that the Council would be accepting comments on the proposal. Comments could be provided in writing in advance of the meeting or at the next Town Council meeting. The notice did not get posted in a timely manner; therefore, the Council delayed review of this matter until the January meeting.

The Town has received comments on this matter from ~~six~~<sup>7</sup> individuals (see attachments).

A comment period will be provided at the meeting.

The Police and Security Committee began review of Chapter 4 in January 2014. The impetus for the review was investigating the impact of allowing backyard laying hens in town. What was also discovered in discussions was that many of the sections within the chapter concerning animals mirrored Virginia State Code laws, and therefore would create confusion and potentially undue expense to the town concerning the prosecution of violations.

Revisions were made to the Chapter in 2014 and reviewed in committee. The matter of laying hens was discussed by full Council and a determination by vote not to amend the chapter to allow laying hens. Since the chapter was not revised on the issue of the laying hens, the other proposed revisions to the remainder of the chapter were not codified.

The matter of laying hens again was directed to be discussed by the Police and Security Committee at the request of the Council. The Committee has completed the review and presents a recommendation to the Council with the latest draft version presented tonight. The draft version presented has been reviewed by legal counsel. Also included is the current version of the chapter for comparison.

A summary of key revisions are as follows:

- Section 4-1 has been reworked to allow the keeping of laying hens. It prescribes the number of hens and other permitted livestock based upon the lot size of a parcel. It also addresses maintenance, containment, and enforcement of violations.
- Section 4-6 has been revised to change language from destructive cats to "animals".
- Sections 4-7, 4-8, 4-9, 4-41, 4-50, and 4-51 have all been recommended for repeal as they are part of Virginia Code and routinely prosecuted under Virginia Code.

The Police and Security Committee Chairman would like to have these proposed revisions posted on the Town of Berryville Website for public input followed by further discussion at the December 12, 2017 Council meeting.

# **Chapter 4**

## **Current Version**

Chapter 4 - ANIMALS AND FOWL

FOOTNOTE(S):

--- (1) ---

**Cross reference**— Noisy animals and fowl, § 11-16.

**State Law reference**— General authority of town to regulate animals and fowl, Code of Virginia, § 15.1-870.

ARTICLE I. - IN GENERAL

Sec. 4-1. - Fowl and certain animals prohibited.

- (a) It shall be unlawful and a Class 3 misdemeanor for any person to keep or maintain any hog, pig, swine, horse, mule, goat, or any other animal of the livestock kind, or any chicken, goose or other domestic fowl within the corporate limits of the town; except that horses, mules, cattle or goats may be maintained on parcels larger than ten (10) acres in size, provided that the number of such animals does not exceed one (1) animal per each four acres.
- (b) Each day upon which a violation of this section shall continue shall constitute a separate violation enforceable and punishable by law.

(Ord. of 9-8-92; Ord. of 4-11-00)

**Editor's note**— Ord. of Sept. 8, 1992, repealed §§ 4-1—4-5 and enacted new provisions designated as §§ 4-1 and 4-2 to read as herein set out. Former §§ 4-1—4-5, pertained to permit to keep livestock; maintenance of premises where livestock kept; keeping of swine prohibited; livestock or fowl running at large; county public nuisance dog ordinance applicable within town. See the Code Comparative Table.

Sec. 4-2. - Commercial kennels and breeding operations prohibited; limitation of dogs kept or maintained.

- (a) It shall be unlawful and a Class 3 misdemeanor for any person to keep or maintain any outdoor commercial boarding and/or breeding kennel or other commercial breeding operation or business, or keep or maintain more than four (4) dogs of more than four (4) months of age within the corporation limits of the town. This prohibition shall not apply to any otherwise lawful pet shop or store located within a fully enclosed structure in a commercial zoning district.
- (b) Each day upon which a violation of this section shall continue shall constitute a separate violation enforceable and punishable by law.

(Ord. of 9-8-92)

**Note**— See the editor's note at § 4-1.

Secs. 4-3—4-5. - Reserved.

**Note**— See the editor's note at § 4-1.

Sec. 4-6. - Destructive cats running at large.

- (a) For the purposes of this section, a "destructive cat" is a cat which injures, damages or destroys property of any person other than the owner or custodian of the cat or which disturbs or scatters garbage or trash canned or bagged for disposal.
- (b) It shall be unlawful for any person to permit a destructive cat owned by him or in his possession or under his control to run at large within the town.
- (c) Upon complaint being made to the chief of police that the provisions of this section are being violated, such officer may, after investigation, give notice of such complaint to the owner or person in possession of such cat and order such owner or person to confine or dispose of such cat. It shall be unlawful for any person to fail to comply with such order.
- (d) A violation of this section shall constitute a Class 4 misdemeanor.

(Ord. of 4-9-74)

**Cross reference**— Penalty for Class 4 misdemeanor, § 1-11.

Sec. 4-7. - Cruelty to animals.

- (a) Any person who:
  - (1) Overrides, overdrives, overloads, tortures, ill-treats, abandons (except as provided in section 4-8), willfully inflicts inhumane injury or pain not connected with bona fide scientific or medical experimentation to, or cruelly or unnecessarily beats, maims, mutilates or kills any animal, whether belonging to him or another, or deprives any animal of necessary sustenance, food, drink or shelter, or causes any of the above things or, being the owner of such animal, permits such acts to be done by another; or
  - (2) Willfully sets on foot, instigates, engages in or in any way furthers any act of cruelty to any animal; or
  - (3) Shall carry or caused to be carried, in or upon any vehicle or vessel or otherwise, any animal in a cruel, brutal or inhumane manner, so as to produce torture or unnecessary suffering.

shall be guilty of a Class 1 misdemeanor.

- (b) Nothing in this section shall be construed to prohibit the dehorning of cattle.

(Code 1971, § 4-6)

**Cross reference**— Penalty for Class 4 misdemeanor, § 1-11.

**State Law reference**— Similar provisions, Code of Virginia, § 18.2-392; general authority of town to prevent cruelty to animals, § 15.1-870; specific authority to adopt above section, § 15.1-29.1:1.

Sec. 4-8. - Abandoning domesticated animals in public place or on property of another.

Any person who shall abandon any dog, cat or other domesticated animal in any public place, including the right-of-way of any public highway, road or street, or on the property of another shall be guilty of a Class 3 misdemeanor.

**Cross reference**— Penalty for Class 3 misdemeanor, § 1-11.

**State Law reference**— Similar provisions, Code of Virginia, § 18.2-392; general authority of town to prevent cruelty to animals, § 15.1-870; specific authority to adopt above section, § 15.1-29.1:1.

Sec. 4-9. - Application of sections 4-7 and 4-8 to birds and fowl..

The word "animal," as used in sections 4-7 and 4-8, shall be construed to include birds and fowl.

(Code 1971, § 4-6)

**State Law reference**— Similar provisions, Code of Virginia, § 18.2-396.

Sec. 4-10. - Disposition of dead animals and fowl.

- (a) The owner of any animal or grown fowl which has died, when he knows of such death, shall be forthwith have its body cremated or buried. If he fails to do so, then, pursuant to section 18.2-510 of the Code of Virginia, any judge of a general district court, after notice to the owner, if he can be ascertained, shall cause any such dead animal or fowl to be cremated or buried by an officer, or other person designated for the purpose, and the officer or other person shall be entitled to recover of the owner of every such animal so cremated or buried, the actual cost of the cremation or burial, not to exceed seventy-five dollars (\$75.00), and of the owner of every such fowl so cremated or buried, the actual cost of the cremation or burial, not to exceed five dollars (\$5.00), to be recovered in the same manner as officers' fees are recovered, free from all exemptions in favor of such owner.
- (b) Any person violating the provisions of this section shall be guilty of a Class 4 misdemeanor.
- (c) Nothing in this section shall be deemed to require the burial or cremation of the whole or portions of any animal or fowl which is to be used for food or in any commercial manner.

**Cross reference**— Penalty for Class 4 misdemeanor, § 1-11.

**State Law reference**— Similar provisions, Code of Virginia, § 18.2-510; burial or cremation of dead dogs, Code of Virginia, § 29-213.27.

Secs. 4-11—4-20. - Reserved.

ARTICLE II. - DOGS

FOOTNOTE(S):

--- (2) ---

**Editor's note**—Ord. of June 18, 1992, amended the Code by adding provisions designated as Ch. 21. For the purpose of classification and indexing, said provisions have been redesignated as Art. II, §§ 4-21—4-30, at the discretion of the editor.

**State Law reference**— Authority for above article, Code of Virginia, § 15.1-839; general grant of powers necessary or desirable to secure and promote the general welfare of the inhabitants of the Town of

Berryville and the safety, health, peace, good order and comfort of the inhabitants of the Town of Berryville.

Sec. 4-21. - Running at large.

During all months of the year, it shall be unlawful for the owner of any dog to permit his dog to run at large within the town.

For the purposes of this article running at large shall mean the act of roaming, running or self-hunting off the property of its owner or custodian and not under the immediate control of its owner or custodian.

(Ord. of 6-18-92)

**State Law reference**— Authority for above section, Code of Virginia, § 3.1-796.93.

Sec. 4-22. - License.

It shall be unlawful for any person to own a dog unless such dog is licensed as required by the Code of the County of Clarke, Virginia. Any dog not wearing a collar bearing a license tag of the proper calendar year shall prima facie be deemed to be unlicensed and the burden of proof of the fact that such dog has been licensed, or is not otherwise required to bear a tag at the time, shall be on the owner of the dog.

(Ord. of 6-18-92)

**State Law reference**— Authority for above section, Code of Virginia, § 3.1-796.94; authorizing the adoption of ordinances which parallel Code of Virginia, §§ 3.1-796.85, § 3.1-796.89.

Sec. 4-23. - Displaying license receipts; dogs to wear tags.

Dog license receipts shall be carefully preserved by the licensees and exhibited promptly on request for inspection by any animal warden or other officer. Dog license tags shall be securely fastened to a substantial collar by the owner or custodian and worn by such dog. The owner of the dog may remove the collar and license tag required by this section when (i) the dog is competing in a dog show, (ii) the dog is confined, or (iii) the dog is under the immediate control of its owner.

(Ord. of 6-18-92)

**State Law reference**— Authority for the above section, Code of Virginia, § 3.1-796.94; authorizing the adoption of ordinances which parallel Code of Virginia, § 3.1-796.92.

Sec. 4-24. - Leash law.

- (a) It shall be unlawful for the owner, custodian or any person having a dog in his possession to fail to keep and maintain the dog under restraint and control at all times.
- (b) For the purposes of this section, a dog is deemed under restraint and control only when:
  - (1) The dog is securely confined within a parked or moving motor vehicle; or
  - (2) The dog is properly confined within a secure enclosure with the permission of the owner of the property where the enclosure is located; or

- (3) The dog is securely restrained by a secure collar and leash or other device, not harmful to the dog, having a minimum tensile strength sufficiently in excess of that required to restrict the dog's movements to a radius of no more than three (3) feet of the person owning, having custody of or possessing the dog who shall be physically capable of restricting the dog's movements.
- (c) This section shall not apply to any person whose dog is under the direct supervision while such dog is participating in a supervised dog show or exhibition, or in a formal dog obedience training class or program.

(Ord. of 6-18-92; Ord. of 7-14-92)

**State Law reference**— Authority for the above section, Code of Virginia, § 3.1-796.94; authorizing the adoption of ordinances which parallel Code of Virginia, § 3.1-796.95.

Sec. 4-25. - Unlawful to allow dogs to urinate or defecate on public or private property; exception.

It shall be unlawful for any owner or person in custody of a dog to:

- (1) Knowingly or willfully allow the dog to urinate or defecate on the private property of other persons without the consent of such persons.
- (2) Knowingly or willfully allow the dog to urinate or defecate on public property, except that defecation by a dog on public property shall not constitute a violation of this section if the owner or person in custody of the dog immediately removes the material defecated and disposes of it in a safe and sanitary manner.

(Ord. of 6-18-92)

Sec. 4-26. - Barking dogs to be controlled; citizen cooperation; direction by a law enforcement officer.

- (a) It shall be unlawful for any owner of a dog to keep a dog without exercising proper care and control of such dog to prevent it from disturbing the peace of others by unprovoked barking in a continuous or untimely manner, after the owner has been notified of such disturbance. Owners of dogs shall be responsible for exercising control of such dog under this section.
- (b) For the purpose of this section, a continuous manner shall be deemed a dog barking for an uninterrupted period of thirty (30) minutes.
- (c) For the purpose of this section, an untimely manner shall be deemed between the hours of 11:00 p.m. and 7:00 a.m.
- (d) Citizens affected by a barking dog are requested to contact the dog's owner, prior to contacting the town to attempt to resolve differences and objections with the owner of the barking dog.
- (e) A law enforcement officer may direct the owner of a dog found barking in a loud, continuous or untimely manner to exercise proper control and care of such dog to prevent it from barking in such manner. A law enforcement officer assigned to investigate a violation of this section shall record all initial violations through the use of a compliance notice. Any subsequent violations that occur twenty-four (24) hours after a compliance notice is issued will cause a law enforcement officer on behalf of the town to institute a criminal or civil proceeding against any person he finds in violation of this section.
- (f) Citizens may institute their own criminal or civil proceeding to resolve a barking dog problem.

(Ord. of 6-18-92; Ord. of 9-8-92; Ord. 11-8-11)

Sec. 4-27. - Confinement in case of hydrophobia.

Whenever there may be a case of hydrophobia in the town, the town manager, chief of police, animal control officer and/or health department official shall have the power to direct that all dogs be confined for a reasonable length of time. Upon issuance of a declaration of confinement of all dogs, all dogs shall be confined in accordance with the terms thereof.

(Ord. of 6-18-92; Ord. of 9-8-92)

**State Law reference**— Authority for above section, Code of Virginia, § 3.1-796.94; authorizing the adoption of ordinances which parallel Code of Virginia, § 3.1-796.100.

Sec. 4-28. - Duties and liabilities of parents or other persons standing in loco parentis.

Any custodial parent or other person standing in loco parentis to a child who has knowledge that such child owns, possesses, harbors, has custody of or is sheltering a dog shall be subject to all the duties, liabilities and responsibilities imposed by this chapter as if such parent or person were the owner of such dog.

(Ord. of 6-18-92)

Sec. 4-29. - Severability.

If any section, sentence, clause, phrase or provision of this article or the application thereof to any person or circumstance is held invalid or unconstitutional by any court of competent jurisdiction, that holding or decision shall not affect other provisions or applications of this article which can be given effect without the invalid provisions or application, and to this end the provisions of this article are severable.

(Ord. of 6-18-92)

Sec. 4-30. - Violation of article.

Any violation of the provisions of this article shall constitute and be punishable as a Class 4 misdemeanor.

(Ord. of 6-18-92)

**Cross reference**— Penalty for misdemeanors, § 1-11.

**State Law reference**— Authority for above section, Code of Virginia, § 15.1-901; authorizing municipalities to impose penalties for the violation of ordinances.

Secs. 4-31—4-40. - Reserved.

ARTICLE III. - DANGEROUS OR VICIOUS DOGS

FOOTNOTE(S):

--- (3) ---

**Editor's note**—Ord. of June 19, 1992, amended the Code by adding provisions designated as Ch. 22. For the purposes of classification and indexing, said provisions have been redesignated as Art. III, §§ 4-41—4-52 at the discretion of the editor.

Sec. 4-41. - Dangerous or vicious dogs.

- (a) As used in this article, dangerous dog means a canine or canine crossbreed which has bitten, attacked, or inflicted injury on a person or companion animal, other than a dog, or killed a companion animal, and vicious dog means a canine or canine crossbreed which has:
- (1) Killed a person;
  - (2) Inflicted serious injury to a person, including multiple bites, serious disfigurement, serious impairment of health, or serious impairment of bodily function; or
  - (3) Continued to exhibit the behavior which resulted in a previous finding by a court that it is a dangerous dog, provided that its owner has been given notice of that finding.
- (b) Any animal control officer who has reason to believe that a canine or canine crossbreed within his jurisdiction is a dangerous dog or vicious dog shall apply to a magistrate of the jurisdiction for the issuance of a summons requiring the owner or custodian, if known, to appear before a general district court at a specified time. The summons shall advise the owner of the nature of the proceeding and the matters at issue. The animal control officer shall confine the animal until such time as evidence shall be heard and a verdict rendered. If the animal control officer determines that the owner or custodian can confine the animal in a manner that protects the public safety, he may permit the owner or custodian to confine the animal until such time as evidence shall be heard and a verdict rendered. The court, through its contempt powers, may compel the owner, custodian or harbinger of the animal to produce the animal. If, after hearing the evidence, the court finds that the animal is a dangerous dog, the court shall order the animal's owner to comply with the provisions of this section. If, after hearing the evidence, the court finds that the animal is vicious dog, the court shall order the animal euthanized in accordance with the provisions of § 3.1-796.119 of the Code of Virginia.
- (c) No canine or canine crossbreed shall be found to be a dangerous dog or vicious dog solely because it is a particular breed, nor shall the local governing body prohibit the ownership of a particular breed of canine or canine crossbreed. No animal shall be found to be dangerous dog or vicious dog if the threat, injury or damage was sustained by a person who was:
- (1) Committing, at the time, a crime upon the premises occupied by the animal's owner or custodian;
  - (2) Committing, at the time, a willful trespass or other tort upon the premises occupied by the animal's owner or custodian; or
  - (3) Provoking, tormenting, or physically abusing the animal, or can be shown to have repeatedly provoked, tormented, abused, or assaulted the animal at other times.

No police dog which was engaged in the performance of its duties as such at the time of the acts complained of shall be found to be a dangerous or vicious dog. No animal which, at the time of the acts complained of, was responding to pain or injury, or was protecting itself, its kennel, its offspring, or its owner or owner's property, shall be found to be a dangerous or a vicious dog.

- (d) The owner of any animal found to be a dangerous dog shall, within ten (10) days of such finding, obtain a dangerous dog registration certificate from the local animal control officer for a fee of fifty dollars (\$50.00) in addition to other fees that may be authorized by law. The local animal control officer shall also provide the owner with a uniformly designed tag which identifies the animal as a dangerous dog. The owner shall affix the tag to the animal's collar and ensure that the animal wears

the collar and tag at all times. All certificates obtained pursuant to this subdivision shall be renewed annually for the same fee and in the same manner as the initial certificate was obtained.

(e) All certificates or renewals thereof required to be obtained under this section shall only be issued to persons eighteen (18) years of age or older who present satisfactory evidence:

- (1) Of the animal's current rabies vaccination, if applicable; and
- (2) That the animal is and will be confined in a proper enclosure or is and will be confined inside the owner's residence or is and will be muzzled and confined in the owner's fenced-in yard until the proper enclosure is constructed.

In addition, owners who apply for certificates or renewals thereof under this section shall not be issued a certificate or renewal thereof unless they present satisfactory evidence that:

- (3) Their residence is and will continue to be posted with clearly visible signs warning both minors and adults of the presence of a dangerous dog on the property; and
  - (4) The animal has been permanently identified by means of a tattoo on the inside thigh or by electronic implantation.
- (f) While on the property of its owner, an animal found to be a dangerous dog shall be confined indoors or in a securely enclosed and locked structure of sufficient height and design to prevent its escape or direct contact with or entry by minors, adults, or other animals. The structure shall be designed to provide the animal with shelter from the elements of nature. When off its owner's property, an animal found to be a dangerous dog shall be kept on a leash and muzzled in such a manner as not to cause injury to the animal or interfere with the animal's vision or respiration, but so as to prevent it from biting a person or another animal.
- (g) If the owner of an animal found to be a dangerous dog is a minor, the custodial parent or legal guardian shall be responsible for complying with all requirements of this section.
- (h) After an animal has been found to be a dangerous dog, the animal's owner shall immediately, upon learning of same, notify the local animal control authority if the animal:
- (1) Is loose or unconfined;
  - (2) Bites a person or attacks another animal;
  - (3) Is sold, given away, or dies; or
  - (4) Has been moved to a different address.
- (i) The owner of any animal which has been found to be a dangerous dog who willfully fails to comply with the requirements of this section shall be guilty of a Class 1 misdemeanor.
- (j) All fees collected pursuant to this section, less the costs incurred by the animal control authority in producing and distributing the certificates and tags required by the section, shall be paid into a special dedicated fund in the treasury of the locality for the purposes of paying the expenses of any training course required under § 3.1-796.104:1 of the Code of Virginia.

(Ord. of 6-18-92; Ord. of 10-9-01(1))

**State Law reference**— Authority for above section, Code of Virginia, § 3.1-796.93:1

Secs. 4-42—4-49. - Reserved.

**Editor's note**— An ordinance adopted on Oct. 9, 2001, repealed §§ 4-42—4-49. Former §§ 4-42—4-49 pertained to dangerous animals and derived from an ordinance adopted on June 18, 1992.

Sec. 4-50. - Exceptions.

- (a) This article shall not apply to ownership of dangerous animals in conjunction with the conduct in the town of a lawful, licensed business.
- (b) This article shall not apply to any dangerous animal within the town in connection with a circus; carnival; wildlife exhibit or educational program; humane society operation; bona fide scientific endeavor or exhibit; public amusement; religious observance; or the like.
- (c) This article shall not apply to any dangerous animal exhibit within the town in connection with the work or activity of a licensed wildlife rehabilitator.
- (d) This article to any animal used in conjunction with any police department activity.

(Ord. of 6-18-92)

Sec. 4-51. - Severability.

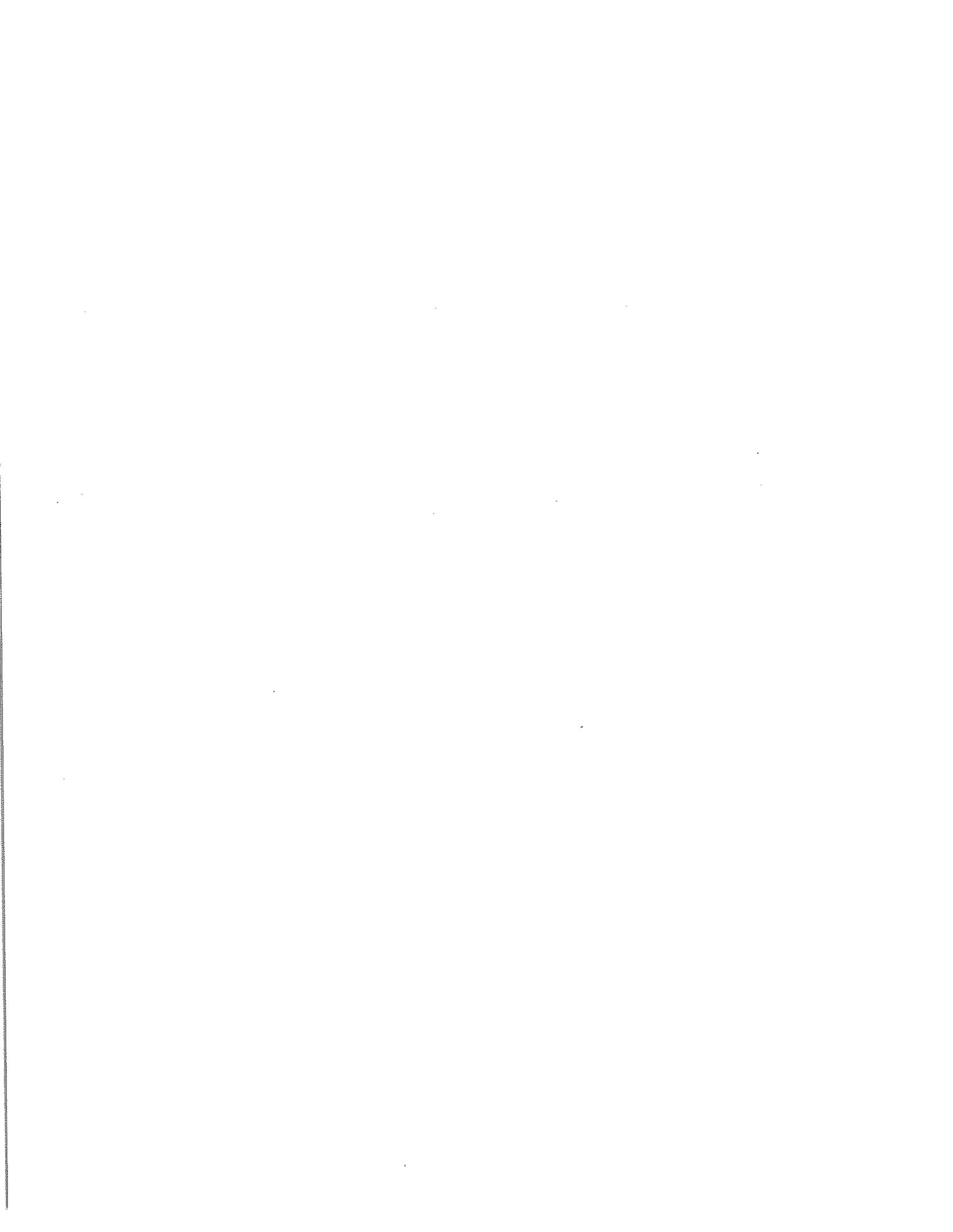
If any section, sentence, clause, phrase or provisions of this article or the application thereof to any person or circumstance is held invalid or unconstitutional by any court of competent jurisdiction, that holding or decision shall not affect other provisions or applications of the article which can be given effect without the invalid provision or application, and to this end the provision of this article are severable.

(Ord. of 6-18-92)

Sec. 4-52. - Reserved.

**Editor's note**— An ordinance adopted on Oct. 9, 2001, repealed § 4-52. Former § 4-52 pertained to violations of this chapter and derived from an ordinance adopted on June 18, 1992.

**Chapter 4**  
**Draft Version**



## Chapter 4 - ANIMALS AND FOWL

FOOTNOTE(S):

-- (1) --

**Cross reference**— Noisy animals and fowl, § 11-16.

**State Law reference**— General authority of town to regulate animals and fowl, Code of Virginia, § 15.1-870.

### ARTICLE I. - IN GENERAL

**Editor's note**— Ord. of Sept. 8, 1992, repealed §§ 4-1—4-5 and enacted new provisions designated as §§ 4-1 and 4-2 to read as herein set out. Former §§ 4-1—4-5 pertained to permit to keep livestock; maintenance of premises where livestock kept; keeping of swine prohibited; livestock or fowl running at large; county public nuisance dog ordinance applicable within town. See the Code Comparative Table.

#### Sec. 4-1. - Fowl and certain animals prohibited.

(a) It shall be unlawful for any person to keep and maintain any hog, pig, swine, horse, mule, donkey, llama, alpaca, goat, or other animal of the livestock kind, or any chicken, goose, duck or other domestic fowl within the corporate limits of the town; except that with a valid livestock, animal/fowl permit:

1. horses, mules, donkeys, cattle, llamas, alpacas, or goats may be maintained on residentially zoned parcels larger than ten (10) acres in size, provided that the total number of such animals complies with the requirements of Sections 4-1 (b) and 4-1 (d) of this Code, and
2. chicken hens may be maintained on residentially zoned parcels larger than 2/10 of an acre in size, provided that the total number of such animals complies with the requirements of Sections 4-1 (b) and 4-1 (d) of this Code.

(b) The number of animals kept within the corporate limits of the town in accordance with Sections 4-1 (a) 1 and 4-1 (a) 2 of this Code may not exceed:

1. The total number of horses, mules, donkeys, cattle, llamas, alpacas or goats may not exceed one (1) animal per each two (2) acres.
2. The total number of chicken hens may not exceed the number enumerated below for the size of the parcel on which the chicken hens are maintained:

06 hens on parcels between 2/10 of an acre and 1 acre  
12 hens on parcels larger than 1 acre in size

(c) Any person keeping an animal in accordance with Sections 4-1 (a) 1 and 4-1 (a) 2 of this Code shall maintain the animals and the property on which they are kept in accordance with the following standards and in accordance with other applicable code requirements:

1. No owner or custodian of animals shall cause or allow animals to run free in the Town outside of the boundaries of the owner's or custodian's property.
2. No owner or custodian of animals shall keep or harbor any animal which causes, or emits or gives to vent incessant noises or odors of such a kind or character as to disturb any inhabitant of the Town in the reasonable use and enjoyment of his property, or cause any person of ordinary sensibilities any actual physical discomfort.
3. No owner or custodian of animals shall allow property or enclosures to become unsanitary and must keep property and enclosures free from excrement and other unsanitary or offensive substances or liquids.
4. No owner or custodian of animals shall feed said animals or fowl or store feed materials in a manner that attracts rodents or other vermin.
5. No owner or custodian of fowl shall erect or maintain any coop, pen, or other such enclosures within five (5) feet of any property line, within forty (40) feet of any principal structure on adjoining parcels, within ten (10) feet of the centerline of a defined channel, drainage ditch, or swale, or at any point between a street and the rear wall of the principal structure on the parcel in question. No coop, pen or other such enclosure may exceed six (6) feet in height.

(d) Permits

1. A livestock, animal/fowl permit shall be obtained by a property owner prior to keeping any animals regulated under this section. The permit shall, at a minimum, provide certification by the owner of the property on which the animals will be maintained that the owner and any tenants will abide by all provisions of this Chapter.
2. The Council may establish a permit fee.
3. Livestock, animal/fowl permits, once issued, will remain valid until and unless the material facts provided as a part of the permitting change or such permit is revoked for non-compliance with provisions of this section.
4. No livestock, animal/fowl permit may be issued to maintain permitted animals to any individual on any property for which a livestock animal/fowl permit has been revoked in the preceding twelve (12) months.

5. Citizens may initiate their own criminal or civil proceeding to resolve a violation of this section by entering a complaint by a warrant issued against the owner of the animals involved.

(e) Enforcement

1. Violation of this section shall constitute a Class 3 misdemeanor.
2. Each day upon which a violation of this section shall continue shall constitute a separate violation enforceable and punishable by law.
3. In addition to initiation of enforcement remedies, upon the permit holder's failure to bring their property and animals in to compliance with this section within 15 days of the date of the issuance of a non-compliance notice, the Town shall also revoke livestock animal/fowl permit.

**Sec. 4-2. - Commercial kennels and breeding operations prohibited; limitation of dogs kept or maintained.**

- (a) It shall be unlawful and a Class 3 misdemeanor for any person to keep or maintain any outdoor commercial boarding and/or breeding kennel or other commercial breeding operation or business, or keep or maintain more than four (4) dogs of more than four (4) months of age within the corporation limits of the town. This prohibition shall not apply to any otherwise lawful pet shop or store located within a fully enclosed structure in a commercial zoning district.
- (b) Each day upon which a violation of this section shall continue shall constitute a separate violation enforceable and punishable by law.

(Ord. of 9-8-92)

**Note**— See the editor's note at § 4-1.

**Secs. 4-3—4-5. - Reserved.**

**Note**— See the editor's note at § 4-1.

**Sec. 4-6. - Destructive animals.**

- (a) No owner of an animal shall cause or allow an animal to go upon the land of another person and damage or destroy any garden, shrub, grass, or other property thereon or scatters garbage canned for disposal.
- (b) Any person owning property which is damaged or destroyed by any violation described in this section may initiate their own criminal or civil action by entering a complaint by a warrant issued against the owner of the animal involved.

- (c) A violation of this section shall constitute a Class 4 misdemeanor. Upon a second conviction within one (1) year of a violation of this section involving the same animal, in addition to imposing a fine for the violation, the judge may order the owner of the animal to take it into custody and to confine it in such a way that it will not be allowed to run at large at any time.

(Ord. of 4-9-74)

**Cross reference**— Penalty for Class 4 misdemeanor, § 1-11.

**Sec. 4-7. - Repeal**

**Sec. 4-8. - Repeal.**

**Sec. 4-9. - Repeal**

(Code 1971, § 4-6)

**State Law reference**— Similar provisions, Code of Virginia, § 18.2-396.

**Sec. 4-10. - Disposition of dead animals and fowl.**

- (a) The owner of any animal or grown fowl which has died, when he knows of such death, shall forthwith have its body cremated or buried. If he fails to do so, then, pursuant to section 18.2-510 of the Code of Virginia, any judge of a general district court, after notice to the owner, if he can be ascertained, shall cause any such dead animal or fowl to be cremated or buried by an officer, or other person designated for the purpose, and the officer or other person shall be entitled to recover of the owner of every such animal so cremated or buried, the actual cost of the cremation or burial, not to exceed seventy-five dollars (\$75.00), and of the owner of every such fowl so cremated or buried, the actual cost of the cremation or burial, not to exceed five dollars (\$5.00), to be recovered in the same manner as officers' fees are recovered, free from all exemptions in favor of such owner.
- (b) Any person violating the provisions of this section shall be guilty of a Class 4 misdemeanor.
- (c) Nothing in this section shall be deemed to require the burial or cremation of the whole or portions of any animal or fowl which is to be used for food or in any commercial manner.

**Cross reference**— Penalty for Class 4 misdemeanor, § 1-11.

**State Law reference**— Similar provisions, Code of Virginia, § 18.2-510; burial or cremation of dead dogs, Code of Virginia, § 29-213.27.

**Secs. 4-11—4-20. - Reserved.**

## ARTICLE II. - DOGS

FOOTNOTE(S):

-- (2) --

**Editor's note**—Ord. of June 18, 1992, amended the Code by adding provisions designated as Ch. 21. For the purpose of classification and indexing, said provisions have been redesignated as Art. II, §§ 4-21—4-30, at the discretion of the editor.

**State Law reference**— Authority for above article, Code of Virginia, § 15.1-839; general grant of powers necessary or desirable to secure and promote the general welfare of the inhabitants of the Town of Berryville and the safety, health, peace, good order and comfort of the inhabitants of the Town of Berryville.

### **Sec. 4-21. - Running at large.**

During all months of the year, it shall be unlawful for the owner of any dog to permit his dog to run at large within the town.

For the purposes of this article running at large shall mean the act of roaming, running or self-hunting off the property of its owner or custodian and not under the immediate control of its owner or custodian.

(Ord. of 6-18-92)

**State Law reference**— Authority for above section, Code of Virginia, § 3.1-796.93.

### **Sec. 4-22. - License.**

It shall be unlawful for any person to own a dog unless such dog is licensed as required by the Code of the County of Clarke, Virginia. Any dog not wearing a collar bearing a license tag of the proper calendar year shall prima facie be deemed to be unlicensed and the burden of proof of the fact that such dog has been licensed, or is not otherwise required to bear a tag at the time, shall be on the owner of the dog.

(Ord. of 6-18-92)

**State Law reference**— Authority for above section, Code of Virginia, § 3.1-796.94; authorizing the adoption of ordinances which parallel Code of Virginia, §§ 3.1-796.85, § 3.1-796.89.

### **Sec. 4-23. - Displaying license receipts; dogs to wear tags.**

Dog license receipts shall be carefully preserved by the licensees and exhibited promptly on request for inspection by any animal warden or other officer. Dog license tags shall be securely fastened to a substantial collar by the owner or custodian and worn by such dog. The owner of the dog may remove the collar and license tag required by this section when (i) the dog is competing in a dog show, (ii) the dog is confined, or (iii) the dog is under the immediate control of its owner.

Reviewed by P&S Committee 09/29/2017

(Ord. of 6-18-92)

**State Law reference**— Authority for the above section, Code of Virginia, § 3.1-796.94; authorizing the adoption if ordinances which parallel Code of Virginia, § 3.1-796.92.

**Sec. 4-24. - Leash law.**

- (a) It shall be unlawful for the owner, custodian or any person having a dog in his possession to fail to keep and maintain the dog under restraint and control at all times.
- (b) For the purposes of this section, a dog is deemed under restraint and control only when:
  - (1) The dog is securely confined within a parked or moving motor vehicle; or
  - (2) The dog is properly confined within a secure enclosure with the permission of the owner of the property where the enclosure is located; or
  - (3) The dog is securely restrained by a secure collar and leash or other device, not harmful to the dog, having a minimum tensile strength sufficiently in excess of that required to restrict the dog's movements to a radius of no more than three (3) feet of the person owning, having custody of or possessing the dog who shall be physically capable of restricting the dog's movements.
- (c) This section shall not apply to any person whose dog is under the direct supervision while such dog is participating in a supervised dog show or exhibition, or in a formal dog obedience training class or program.

(Ord. of 6-18-92; Ord. of 7-14-92)

**State Law reference**— Authority for the above section, Code of Virginia, § 3.1-796.94; authorizing the adoption if ordinances which parallel Code of Virginia, § 3.1-796.95.

**Sec. 4-25. - Unlawful to allow dogs to urinate or defecate on public or private property; exception.**

It shall be unlawful for any owner or person in custody of a dog to:

- (1) Knowingly or willfully allow the dog to urinate or defecate on the private property of other persons without the consent of such persons.
- (2) Knowingly or willfully allow the dog to urinate or defecate on public property, except that defecation by a dog on public property shall not constitute a violation of this section if the owner or person in custody of the dog immediately removes the material defecated and disposes of it in a safe and sanitary manner.
- (3) Any person owning property on which a dog is permitted to urinate or defecate without their consent may enter a complaint by a warrant issued against the owner of the dog involved.

(Ord. of 6-18-92)

**Sec. 4-26. - Barking dogs to be controlled; citizen cooperation; direction by a law enforcement officer.**

- (a) It shall be unlawful for any owner of a dog to keep a dog without exercising proper care and control of such dog to prevent it from disturbing the peace of others by unprovoked barking in a continuous or untimely manner, after the owner has been notified of such disturbance. Owners of dogs shall be responsible for exercising control of such dog under this section.
- (b) For the purpose of this section, a continuous manner shall be deemed a dog barking for an uninterrupted period of thirty (30) minutes.
- (c) For the purpose of this section, an untimely manner shall be deemed between the hours of 11:00 p.m. and 7:00 a.m.
- (d) Citizens affected by a barking dog are requested to contact the dog's owner, prior to contacting the town to attempt to resolve differences and objections with the owner of the barking dog.
- (e) A law enforcement officer may direct the owner of a dog found barking in a loud, continuous or untimely manner to exercise proper control and care of such dog to prevent it from barking in such manner. A law enforcement officer assigned to investigate a violation of this section shall record all initial violations through the use of a compliance notice. Any subsequent violations that occur twenty-four (24) hours after a compliance notice is issued will cause a law enforcement officer on behalf of the town to institute a criminal or civil proceeding against any person he finds in violation of this section.
- (f) Citizens may institute their own criminal or civil proceeding to resolve a barking dog problem by entering a complaint by a warrant issued against the owner of the dog involved.

(Ord. of 6-18-92; Ord. of 9-8-92; Ord. 11-8-11)

**Sec. 4-27. - Confinement in case of hydrophobia.**

Whenever there may be a case of hydrophobia in the town, the town manager, chief of police, animal control officer and/or health department official shall have the power to direct that all dogs be confined for a reasonable length of time. Upon issuance of a declaration of confinement of all dogs, all dogs shall be confined in accordance with the terms thereof.

(Ord. of 6-18-92; Ord. of 9-8-92)

**State Law reference**— Authority for above section, Code of Virginia, § 3.1-796.94; authorizing the adoption of ordinances which parallel Code of Virginia, § 3.1-796.100.

**Sec. 4-28. - Duties and liabilities of parents or other persons standing in loco parentis.**

Any custodial parent or other person standing in loco parentis to a child who has knowledge that such child owns, possesses, harbors, has custody of or is sheltering a dog shall be subject to all the duties, liabilities and responsibilities imposed by this chapter as if such parent or person were the owner of such dog.

(Ord. of 6-18-92)

**Sec. 4-29. - Severability.**

If any section, sentence, clause, phrase or provision of this article or the application thereof to any person or circumstance is held invalid or unconstitutional by any court of competent jurisdiction, that holding or decision shall not affect other provisions or applications of this article which can be given effect without the invalid provisions or application, and to this end the provisions of this article are severable.

(Ord. of 6-18-92)

**Sec. 4-30. - Violation of article.**

Unless otherwise provided, any violation of the provisions of this article shall constitute and be punishable as a Class 4 misdemeanor.

(Ord. of 6-18-92)

**Cross reference**— Penalty for misdemeanors, § 1-11.

**State Law reference**— Authority for above section, Code of Virginia, § 15.1-901; authorizing municipalities to impose penalties for the violation of ordinances.

**Secs. 4-31—4-40. - Reserved.**

**ARTICLE III. - Repeal**

FOOTNOTE(S):

-- (3) --

**Editor's note**—Ord. of June 19, 1992, amended the Code by adding provisions designated as Ch. 22. For the purposes of classification and indexing, said provisions have been redesignated as Art. III, §§ 4-41—4-52 at the discretion of the editor.

**Sec. 4-41. - Repeal**

**Secs. 4-42—4-49. - Reserved.**

Reviewed by P&S Committee 09/29/2017

**Editor's note**— An ordinance adopted on Oct. 9, 2001, repealed §§ 4-42—4-49. Former §§ 4-42—4-49 pertained to dangerous animals and derived from an ordinance adopted on June 18, 1992.

**Sec. 4-50. - Repeal**

(Ord. of 6-18-92)

**Sec. 4-51. - Repeal**

(Ord. of 6-18-92)

**Sec. 4-52. - Reserved.**

**Editor's note**— An ordinance adopted on Oct. 9, 2001, repealed § 4-52. Former § 4-52 pertained to violations of this chapter and derived from an ordinance adopted on June 18, 1992.

DRAFT

**Mia L. Jackson**

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**From:** Renee Konopa [REDACTED]  
**Sent:** Tuesday, January 02, 2018 3:14 PM  
**To:** Mia L. Jackson  
**Subject:** Backyard Chickens (Ch. 4) & Vehicle Stickers (Ch. 10)

Berryville Town Council:

I am a resident of Berryville, residing at 205 Taylor Street.

I am **STRONGLY OPPOSED** to the allowance of keeping backyard chickens within the Town of Berryville. Chickens will bring unwanted prey into town including; snakes, raccoons, coyotes, rats and many others. If the chicken coops are not properly maintained, they will SMELL. Is the Town of Berryville prepared to endure the expense of animal control? If there are so many people against backyard chickens, if allowed, won't that lower my property value? Most people do NOT want to live next to chickens!

I say NO to backyard chickens in the Town of Berryville. Especially on properties at are smaller than 5 acres.

I have only lived in Berryville for 3 years. I do not understand the point of having a "Town Sticker", other than to generate more revenue for Berryville. What is its purpose and how does it help the citizens of Berryville? I believe the mandatory payment and placement of stickers in vehicles should be abolished.

Thank you

Renee Konopa  
[REDACTED]  
[REDACTED]

## Keith Dalton

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**From:** Myron Altman [REDACTED]  
**Sent:** Monday, January 01, 2018 11:11 AM  
**To:** Erecka Gibson; Keith Dalton; Mia L. Jackson  
**Subject:** Chickens and Town Decals

Chickens draw in all kinds of unwanted animals such as raccoons, skunks and fox looking for an easy meal. All of those animals are known to carry rabies. As you all know, town residents are forbidden by state law to protect our property from those animals. If chickens are allowed, that would be another ordinance that our overworked police department would have to enforce. The Town of Leesburg allows chickens and the residents are having issues with varmint animals. Some residents are having to hire companies to come in to trap these animals. That is just another added expense to the residents.

In regards to the town decal we feel that the sticker needs to go away. They serve no purpose. Especially since the state safety inspection has now been moved to the left hand corner of the windshield. The reason the state inspection sticker was moved to the left was because of sensors that are located in the center of the dash. These stickers have been interfering with the automatic headlight control sensors on General Motors vehicles for years.

Thank you,

Myron and Gail Altman

## Keith Dalton

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**From:** Ann Phillips  
**Sent:** Thursday, December 07, 2017 12:08 PM  
**To:** Neal White  
**Cc:** Keith Dalton; Christy Dunkle  
**Subject:** FW: Input on changes to code - Chickens & Decal

FYI

Leslie

*Ann W. Phillips, Town Clerk  
Town of Berryville  
101 Chalmers Court, Suite A  
Berryville, VA 22611  
[www.berryvilleva.gov](http://www.berryvilleva.gov)  
540-955-1099*

**From:** [REDACTED]  
**Sent:** Thursday, December 07, 2017 10:22 AM  
**To:** Ann Phillips <[townclerk@berryvilleva.gov](mailto:townclerk@berryvilleva.gov)>  
**Subject:** Input on changes to code - Chickens & Decal

Hello,

Thank you for asking for the communities feedback on the changes to the code.  
My feedback is as follows.

1. Chickens: I can support chickens within the town limit with certain restrictions, for example
  - Limited number of hens. No roosters (noise concerns)
  - general noise restrictions
  - Enclosure restrictions - enclosure should be clean, well built and not an eyesore
2. City decals - I support removing the need to purchase/display decals

Thank you,

Dionya Zollicoffer

**Keith Dalton**

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**From:** Desi Moreland  
**Sent:** Friday, January 05, 2018 8:19 AM  
**To:** Keith Dalton  
**Cc:** Mia Jackson [REDACTED]  
**Subject:** FW: Online Form Submittal: Contact Form - Chickens

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**From:** noreply@civicplus.com [mailto:noreply@civicplus.com]  
**Sent:** Friday, January 05, 2018 8:06 AM  
**To:** Desi Moreland; Customer Service  
**Subject:** Online Form Submittal: Contact Form

**Contact Form**

First Name	Rives
Last Name	Bacon
Email	[REDACTED]
Address1	219 Academy St
City	Berryville
State	VA
Zip	22611
Phone	5409550721
Contact me by:	Email

**Message** As a longtime resident of Berryville, I would like to express my support for allowing chickens within town limits. I have raised chickens before in a residential setting and have found them to be easy to keep. Chickens fertilize the garden, eat insects, and are less problem to neighbors than dogs and cats. This would be a wonderful addition to our beautiful town!

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Attach file or photo (optional) *Field not completed.*

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Attach file or photo (optional) *Field not completed.*

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Email not displaying correctly? [View it in your browser.](#)

## Keith Dalton

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**From:** Ann Phillips  
**Sent:** Friday, December 08, 2017 12:12 PM  
**To:** Neal White; Christy Dunkle; Keith Dalton  
**Subject:** FW: Proposed Changes to Ch 4 of Town Code

Sending your way----

Leslie

*Ann W. Phillips, Town Clerk  
Town of Berryville  
101 Chalmers Court, Suite A  
Berryville, VA 22611  
[www.berryvilleva.gov](http://www.berryvilleva.gov)  
540-955-1099*

**From:** Bradly Braithwaite [REDACTED]  
**Sent:** Friday, December 08, 2017 9:14 AM  
**To:** Ann Phillips <townclerk@berryvilleva.gov>  
**Subject:** Proposed Changes to Ch 4 of Town Code

Good morning,  
I have lived in Clarke County my entire life, living most of it on Triple J Rd, surrounded by pastures of grazing cattle, sheep, and other animals. Now, we live in town, and do quite a bit of gardening in our backyard. It would be wonderful if the town of Berryville would consider changing chapter 4 of the town code to allow backyard chicken raising. There is nothing more satisfying or more "farm fresh" than walking out in your backyard and gathering fresh fruits and vegetables. Being able to walk to a coop in the backyard and gather fresh eggs would be fantastic- not to mention fresh fertilizer to mix into the compost. Please consider allowing chickens in town. Berryville wouldn't exist without our rich history of family farming. Its time to allow the townspeople to get back to their roots with the backyard keeping of chickens.

Thank you  
Bradly Braithwaite  
[REDACTED]  
[REDACTED] Berryville, VA 22611

**Keith Dalton**

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**From:** Ann Phillips  
**Sent:** Thursday, December 07, 2017 12:11 PM  
**To:** Neal White  
**Cc:** Keith Dalton; Christy Dunkle  
**Subject:** FW: Chickens

FYI-

Leslie

*Ann W. Phillips, Town Clerk  
Town of Berryville  
101 Chalmers Court, Suite A  
Berryville, VA 22611  
[www.berryvilleva.gov](http://www.berryvilleva.gov)  
540-955-1099*

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**From:** Cynthia [REDACTED]  
**Sent:** Thursday, December 07, 2017 11:02 AM  
**To:** Ann Phillips <townclerk@berryvilleva.gov>  
**Cc:** Tanya Barton [REDACTED]  
**Subject:** Chickens

Dear Town Council,

I object to the keeping of chickens anywhere in the town limits of Berryville.

Cynthia Shimp  
[REDACTED]  
Berryville, VA 22611  
December 7, 2017  
[REDACTED]

Happy Connecting. Sent from my Sprint Samsung Galaxy S® 5

## Mia L. Jackson

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**From:** Kathleen Shifflett <[REDACTED]>  
**Sent:** Friday, January 05, 2018 12:17 PM  
**To:** Mia L. Jackson  
**Subject:** Proposed change regarding chickens.

I own my property at [REDACTED]. I am opposed to chickens being kept in town. I think there will be families who comply with the rules and others who will keep them as a novelty. When that novelty wears off, the issues begin. I didn't move to town where I pay two sets of taxes to potentially live near farm animals.

Sincerely,  
Kathleen Shifflett

TOWN OF BERRYVILLE  
TOWN COUNCIL

AN ORDINANCE REPEALING AND READOPTING CHAPTER 4 OF THE  
BERRYVILLE CODE

Date: January 9, 2018

Motion By:

Second By:

BE IT ORDAINED, by the Council of the Town of Berryville, Virginia, that the  
Berryville Code, Chapter 4, be repealed and readopted as attached.

VOTE:

Ayes:

Nays:

Absent:

SIGNED: \_\_\_\_\_ Date: January 9, 2018  
Patricia Dickinson, Mayor

ATTEST: \_\_\_\_\_ Date: January 9, 2018  
Harry Lee Arnold, Jr., Recorder

BERRYVILLE TOWN COUNCIL  
MOTION TO REPEAL AND RE-ADOPT CHAPTER 4, ANIMALS AND FOWL,  
OF THE CODE OF TOWN OF BERRYVILLE

Date: January 9, 2018

Motion By:

Second By:

I move that the Council of the Town of Berryville adopt the attached ordinance amending the Code of the Town of Berryville to repeal and re-adopt Chapter 4, Animals and Fowl, as attached.

VOTE:

Aye:

Nay:

Absent:

Attest: \_\_\_\_\_  
Harry L. Arnold, Jr., Recorder

Date: \_\_\_\_\_

# Attachment 16

9 January 2018  
Discussion

Repeal and re-adoption of Chapter 10 of the Berryville Code – Motor  
Vehicles and Traffic

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Please find attached the following:

- Staff report from 14 November 2017 Town Council meeting
- Current version of Chapter 10
- Proposed version of Chapter 10
- Citizen comments submitted in advance of this meeting
- Motion

At its November meeting the Town Council determined that it wanted to hear public comment on this proposal before taking any action. Staff was to provide notice on the Town's website that the Council would be accepting comments on the proposal. Comments could be provided in writing in advance of the meeting or at the next Town Council meeting. The notice did not get posted in a timely manner; therefore, the Council delayed review of this matter until the January meeting.

The Town has received comments on this matter from three individuals (see attachments).

A comment period will be provided at the meeting.

The Police and Security Committee has reviewed Chapter 10 as part of an ongoing review of the Town Code. What is presented tonight is a draft version of Chapter 10 which has been reviewed in committee and also undergone a review by legal counsel. A current version of the chapter is also supplied for comparison.

Chapter 10 includes language concerning motor vehicle decal tax fees in Article II. Currently the town issues a decal as proof that the tax has been paid. In addition, the town utilizes a process known as a DMV stop which prohibits an individual from renewing their motor vehicle registration when the tax has not been paid. The DMV stop has proven to be a more effective collection tool than law enforcement officers citing individuals for not displaying a decal. The recommendation of the committee was to repeal sections of Article II of this chapter which require the issuance and display of a decal, but the tax would still be administered and collected using the DMV stop as a collection mechanism for unpaid taxes.

A large number of localities in the area have already done away with the decal as proof of tax payment in lieu of utilizing DMV stops. The other matter that was discussed within committee was the utilization of the decal as proof of residency to utilize regional landfills. This use was not deemed a significant reason to keep the decal as proof of residency can be determined with a driver's license or current vehicle registration.

Other recommended revisions to the chapter of note include:

- Addition of language in sec. 10-7 (g) to prohibit the installation of signs that mimic and confuse official State and Town signs on private property.
- Corrections and updates of State law references throughout the chapter.
- Addressed parking concerns in the Rixey-Moore Parking lot during special events in sec. 10-65.

The Police and Security Committee Chairman would like to have these proposed revisions posted on the Town of Berryville Website for public input followed by further discussion at the December 12, 2017 Council meeting.

As a revision to this chapter, specifically Article II, would impact tax billing it is recommended that any revisions not take effect until January 1, 2018.

# **Chapter 10**

## **Current Version**

Chapter 10 - MOTOR VEHICLES AND TRAFFIC

FOOTNOTE(S):

--- (1) ---

**Cross reference**— Noise from vehicles, § 11-7 et seq.; sound trucks, § 11-27 et seq.; obstructing traffic, § 13-11.1; using vehicle to promote prostitution or unlawful sexual intercourse, § 13-17; injuring, tampering with, etc., vehicles, § 13-23; open storage of inoperative vehicles in certain zoning districts, § 13-30; streets and sidewalks, Ch. 15; washing, greasing, etc., vehicle on street or sidewalk, § 15-14; zoning ordinance, App. A.

**State Law reference**— Motor vehicles and traffic generally, Code of Virginia, title 46.2 general authority of town to regulate traffic, §§ 15.1-891, 46.2-1300—46.2-1313.

ARTICLE I. - IN GENERAL

FOOTNOTE(S):

--- (2) ---

**Cross reference**— Penalty for Class 1 misdemeanor, § 1-11

Sec. 10-1. - Compliance with chapter; general penalty for violations.

It shall be unlawful for any person to refuse, fail or neglect to comply with any of the provisions of this chapter or any rule or regulation promulgated pursuant thereto. Unless otherwise specifically provided, a violation of this chapter or any such rule or regulation shall constitute a traffic infraction punishable by a fine of not more than one hundred dollars (\$100.00).

(Code 1971, § 11-35)

Sec. 10-2. - Arrest procedure for violations of chapter—Generally.

- (a) Whenever any person is detained by or in the custody of an arresting officer, including an arrest upon a warrant, for a violation of any provision of this chapter, except section 10-6, the arresting officer shall, except as otherwise provided in section 10-3, take the name and address of such person and the license number of his motor vehicle and issue a summons or otherwise notify him in writing to appear, at a time and place to be specified in such summons or notice, such time to be at least five (5) days after such arrest, unless the person arrested shall demand an earlier hearing, and such person shall, if he so desires, have a right to an immediate hearing or a hearing within twenty-four (24) hours, at a convenient hour and before the court having jurisdiction. Upon the giving by such person of his written promise to appear at such time and place, the officer shall forthwith release him from custody.
- (b) Any person refusing to give such written promise to appear under the provisions of this section shall be taken immediately by the arresting officer before a magistrate or other issuing officer having jurisdiction, who shall proceed according to the provisions of section 10-3.
- (c) Any person who willfully violates a written promise to appear, given in accordance with this section, shall be guilty of a Class 1 misdemeanor and shall be treated in accord with the provisions of section 46.2-938 of the Code of Virginia. [2]

- (d) Any officer violating any of the provisions of this section shall be guilty of misconduct in office and subject to removal therefrom upon complaint filed by any person in a court of competent jurisdiction. This section shall not be construed to limit the removal of a police officer for other misconduct in office.

**Cross reference**— Use of above section in making arrests for littering, § 8-3.

**State Law reference**— Similar provisions, Code of Virginia, §§ 46.2-936.

Sec. 10-3. - Same—When arrested person to be taken before issuing officer.

If any person arrested for a violation of this chapter is believed by the arresting officer to be likely to disregard a summons issued under section 10-2, or refuses to give a written promise to appear under the provisions of such section, the arresting officer shall take such person forthwith before a magistrate or other issuing officer having jurisdiction, who shall determine whether or not probable cause exists that such person is likely to disregard a summons, and may issue either a summons or warrant, as is determined proper.

**State Law reference**— Similar provisions, Code of Virginia, § 46.2-940.

Sec. 10-4. - Same—Traffic infractions treated as misdemeanors for arrest purposes.

For purposes of arrest, traffic infractions shall be treated as misdemeanors. Except as otherwise provided by this chapter or state law, the authority and duties of arresting officers shall be the same for traffic infractions as for misdemeanors.

**State Law reference**— Similar provisions, Code of Virginia, § 46.2-937.

Sec. 10-5. - Adoption of state law generally.

- (a) Pursuant to the authority of section 46.2-1313 of the Code of Virginia, 1950 as amended, all of the provisions and requirements of the laws of the state contained in title 46.2 of the Code of Virginia, and in effect on and after July 1, 1994, including the section numbers assigned in said title 46.2 to such provisions and requirements, except, however, those provisions and requirements which, by their very nature, can have no application to or within the town, are hereby adopted and incorporated by this chapter by reference and made applicable within the town. Reference to "highways of the state" contained in such provisions and requirements hereby adopted shall be deemed to refer to the streets, highways and other public ways within the town. Such provisions and requirements are hereby adopted, mutatis mutandis, and made a part of this chapter as fully as though set forth at length herein, and it shall be unlawful for any person within the town to violate or fail, neglect or refuse to comply with any provisions of title 46.2 of the Code of Virginia, which is adopted by this section, provided that in no event shall the penalty imposed for the violation of any provision or requirement hereby adopted exceed the penalty imposed for a similar offense under title 46.2 of the Code of Virginia.
- (b) All definitions of words and phrases contained in the state law hereby adopted shall apply to such other words and phrases, when used in this chapter, unless indicated to the contrary.
- (c) Pursuant to the authority of section 1-13.39:2 of the Code of Virginia, 1950, as amended, it is specifically intended and stated that this section adopting the foregoing state statutes shall include all future amendments to such state statutes.

(Code 1971, § 11-2; Ord. of 9-12-78; Ord. No. 7-10-84; Ord. of 7-18-85; Ord. of 9-8-87; Ord. of 7-12-88; Ord. of 7-11-89; Ord. of 10-10-89; Ord. of 7-10-90; Ord. of 4-9-91; Ord. of 7-9-91; Ord. of 6-9-92; Ord. of 6-8-93; Ord. of 6-14-94)

Sec. 10-6. - Adoption of state law as to driving while under influence of alcohol or drugs.

Pursuant to the authority of section 46.2-1313, and section 18.2-268.12 of the Code of Virginia, 1950, as amended, all of the provisions of the laws of the Commonwealth of Virginia contained in Article 2 (Section 18.2-266 et seq.) of Chapter 7 of Title 18.2 of the Code of Virginia, including the section numbers assigned to such provisions in said Article 2, of Chapter 7 of Title 18.2 of the Code of Virginia, and in effect on and after September 12, 1995, are hereby adopted and incorporated in this chapter by reference and made applicable within the town. Reference to "highways of the state" contained in such provisions and requirements shall be deemed to refer to the streets, highways and other public ways within the town. Such provisions and requirements are hereby adopted, mutatis mutandis, and made a part of this chapter as fully as though set forth at length herein, and it shall be unlawful for any person within the town to violate or fail, neglect or refuse to comply with any such provision or requirement, provided, however, that the provisions of § 18.2-270 of the Code of Virginia pertaining to offenses of driving while intoxicated that constitute felonies are not incorporated into or made a part of this section. Pursuant to the authority of section 1-13.39:2 of the Code of Virginia, 1950, as amended, it is specifically intended and stated that this Ordinance adopting the foregoing state statutes shall include all future amendments to such state statutes. This ordinance shall be effective July 13, 1999.

(Ord. of 9-12-78; Ord. of 7-10-84; Ord. of 7-18-85; Ord. of 9-8-87; Ord. of 7-12-88; Ord. of 7-11-89; Ord. of 10-10-89; Ord. of 7-10-90; Ord. of 4-9-91; Ord. of 7-9-91; Ord. of 6-9-92; Ord. of 6-8-93; Ord. of 6-14-94; Ord. of 9-12-95; Ord. of 7-13-99)

Sec. 10-6.1. - Reserved.

**Editor's note**— Ord. of March 9, 1993, repealed § 10-6.1, which pertained to penalties for ordinances incorporating state motor vehicle laws by reference. See the Code Comparative Table.

Sec. 10-7. - General authority of town manager relative to traffic.

- (a) The town manager, except as otherwise provided by this chapter and except as otherwise directed, from time to time, by the council, shall have the power and is hereby authorized to regulate the operation and parking of vehicles within the corporate limits of the town by the erection or placing of proper signs or markers indicating prohibited or limited parking, angle parking, the parking of buses, trucks and other vehicles of various weights, "U" turns, turning at intersections, hazardous intersections, school zones, hospital zones, loading and unloading zones, quiet zones, traffic-control signals exhibiting colored lights or the words "go," "caution" or "stop" and other signs or markers indicating the place and manner of operating or parking vehicles in the town.
- (b) The town manager shall also have the power and is hereby authorized:
- (1) To regulate the movement of pedestrians upon the streets and sidewalks of the town by the erection or placing of proper signs or markers indicating the flow of pedestrian traffic.
  - (2) To designate bus stops and to erect signs prohibiting the parking of vehicles other than buses at such stops.
  - (3) To mark off traffic lanes on streets and parts of streets indicating and directing the flow of traffic.
  - (4) To designate and mark fire lanes on private property, including alleys in which lanes the parking of vehicles shall be prohibited.

- (c) On proper application, the town manager may assign to taxicab operators such space along the public streets of the town for parking vehicles actively in service in such business as the town manager may deem best suited and to the interest of the public, provided permission of the abutting property owner is secured. Fees for the use of such space shall be as prescribed, from time to time, by the council.
- (d) The town is authorized to secure all signs, signals or markers to be erected or placed on any street or part of a street in order to carry out the purposes of this section.
- (e) The existence of signs, signals or markers referred to in this section at any place within the corporate limits of the town shall be prima facie evidence that such signs, signals or markers were erected or placed by and at the direction of the town manager in accordance with the provisions of this section and it shall be unlawful for any person to disobey the directions of any such sign, signal or marker.
- (f) No sign, signal or marker referred to in this section shall be erected or placed on any street which is a part of the state highway system, without the approval of the state department of highways and transportation.

(Code 1971, §§ 11-3, 11-38, 11-58)

Sec. 10-8. - Designation of stop and yield intersections.

The town manager, except as otherwise provided by this chapter and except as otherwise directed from time to time by the council, may designate intersections, other than intersections at which one or more of the intersecting streets has been designated as a part of the state highway system, at which vehicles shall come to a full stop or yield the right-of-way. The town manager shall secure all necessary signs, signals or markers to indicate such designations and shall have them erected or placed on or at such intersections, so that an ordinarily observant person, who may be affected by such regulation, may be aware of such regulation. The existence of such signs, signals or markers at any place within the corporate limits of the town shall be prima facie evidence that such signs, signals or markers were erected or placed by or at the direction of the town manager in accordance with the provisions of this section.

(Code 1971, § 11-4)

**State Law reference**— Authority for above section, Code of Virginia, § 46.2-1301.

Sec. 10-9. - Authority of fire department officers to direct traffic.

Officers of the fire department may direct or assist the police in directing traffic at or in the immediate vicinity of a fire and, while so acting, shall have all the authority of police officers.

(Code 1971, § 11-5)

Sec. 10-10. - Special speed limit on certain streets.

Upon the following streets or parts of streets within the town, the maximum speed limit is hereby established at fifteen (15) miles per hour and no person shall drive a vehicle upon such streets or parts of streets in excess of such maximum speed limit:

- (1) Page Street, the part north of East Main Street maintained by the town.
- (2) Virginia Avenue.

(Code 1971, § 11-19)

**State Law reference**— Maximum speed limits and authority of town to modify limits prescribed by state law, Code of Virginia, §§ 46.2-870—46.2-878.

Sec. 10-11. - Reserved.

**Editor's note**— An ordinance adopted August 13, 1991, repealed § 10-11. Formerly, § 10-11 pertained to permits for parades and derived from § 11-8 of the 1971 Code.

Sec. 10-12. - Driving through funeral or other processions; manner of driving in funeral processions.

- (a) No operator of a vehicle shall drive between the vehicles, persons or animals comprising a funeral or other authorized procession, except when otherwise directed by a police officer. This provision shall not apply to operators of authorized emergency vehicles meeting the requirements of section 46.2-920 of the Code of Virginia.
- (b) Each driver in a funeral procession shall drive as near to the right-hand edge of the roadway as is practicable and shall follow the vehicle ahead as close as is practicable and safe.

(Code 1971, § 11-9)

**State Law reference**— Right-of-way of funeral processions under police escort, Code of Virginia, § 46.2-828.

Sec. 10-13. - Boarding or alighting from moving vehicle.

No person shall board or alight from any vehicle while such vehicle is in motion.

(Code 1971, § 11-11)

Sec. 10-14. - Riding on portion of vehicle not intended for passengers.

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

(Code 1971, § 11-12)

Sec. 10-14.1. - Use of roller skates and skateboards on sidewalks; operation of bicycles on sidewalks and crosswalks.

- (a) It shall be unlawful for any person to use roller skates or skateboards and/or ride a bicycle on designated sidewalks or crosswalks, including those of any church, school, recreational facility or any business property open to the public where such activity is prohibited. Signs indicating such prohibition shall be conspicuously posted in general areas where use of roller skates and skateboards and/or bicycle riding is prohibited.
- (b) A person riding a bicycle on a sidewalk, or across a roadway on a crosswalk, shall yield the right-of-way to any pedestrian and shall give an audible signal before overtaking and passing any pedestrian.
- (c) No person shall ride a bicycle on a sidewalk, or across a roadway on a crosswalk where such use of bicycles is prohibited by official traffic control devices.

- (d) A person riding a bicycle on a sidewalk, or across a roadway on a crosswalk, shall have all the rights and duties of a pedestrian under the same circumstances.
- (e) Any violation of this section shall be punishable by a civil penalty of not more than fifty dollars (\$50.00).

(Ord. of 8-12-86; Ord. of 7-13-99)

**State Law reference**— Authority for above section, Code of Virginia, §§ 46.2-904, 46.2-1300.

Sec. 10-14.2. - Helmets required for bicycle riders fourteen years of age or younger.

- (a) Every person fourteen years of age or younger shall wear a protective helmet that meets the standards promulgated by the American National Standards Institute or Snell Memorial Foundation whenever riding or being carried on a bicycle on any highway as defined in § 46.2-100 of the Code of Virginia, sidewalk, or public bicycle path.
- (b) Violation of this section shall be punishable by a fine of twenty-five dollars. However, such fine shall be suspended (i) for first-time violators and (ii) for violators who, subsequent to the violation but prior to the imposition of the fine, purchase helmets of the type required by this section.
- (c) Violation of this section shall not constitute negligence, assumption of risk, be considered in mitigation of damages of whatever nature, be admissible in evidence, or be the subject of comment by counsel in any action for the recovery of damages arising out of the operation of any bicycle, nor shall anything in this section change existing law, rule or procedure pertaining to any civil action.

(Ord. of 8-12-97)

**State Law reference**— Authority for above section, Code of Virginia § 46.2-906.1.

Sec. 10-14.3. - Safety equipment for mopeds; effect of violation; penalty.

Every person operating a moped, as defined in Sec. 46.2-100, Code of Virginia, 1950, as amended, on a public street or highway shall wear a face shield, safety glasses, or goggles of a type approved by the Superintendent of the Department of State Police of the Commonwealth or have his moped equipped with safety glass or a windshield at all times while operating such vehicle, and operators and passengers thereon, if any, shall wear protective helmets of a type approved by the Superintendent. Pursuant to Section 46.2-915.2, Code of Virginia, 1950, as amended, violation of this section shall not constitute negligence, be considered in mitigation of damages of whatever nature, be admissible in evidence or be the subject of comment by counsel in any action for the recovery of damages arising out of the operation, ownership, or maintenance of a moped or motor vehicle, nor shall anything in this section change any existing law, rule, or procedure pertaining to any such civil action. Any person who knowingly violates this section shall be guilty of a traffic infraction and be subject to a fine of not more than fifty dollars.

(Ord. of 8-12-97)

**State Law reference**— Authority for above section, Code of Virginia § 46.2-915.2

Sec. 10-15. - Blocking intersection.

No operator of a vehicle shall enter an intersection or a marked crosswalk unless there is sufficient space beyond such intersection or crosswalk in the direction in which such vehicle is proceeding to

accommodate the vehicle without obstructing the passage of other vehicles or pedestrians, notwithstanding any traffic-control signal indication to proceed.

(Code 1971, § 11-21)

Sec. 10-16. - Authority to provide for temporary removal and disposition of vehicles involved in accidents.

Whenever a motor vehicle, trailer or semitrailer involved in an accident is so located as to impede the orderly flow of traffic, the police may (i) at no cost to the owner or operator remove the motor vehicle, trailer or semitrailer to some point in the vicinity where it will not impede the flow of traffic or (ii) have the vehicle removed to a storage area for safekeeping and shall report the removal to the department of motor vehicles and to the owner of the vehicle as promptly as possible. If the vehicle is removed to a storage area under clause (ii), the owner shall pay to the parties entitled thereto all costs incidental to its removal and storage.

(Code 1971, § 11-33; Ord. of 3-3-93)

**State Law reference**— Authority for above section, Code of Virginia, § 46.2-1212.

Sec. 10-17. - Use of engine brakes prohibited.

- (a) It shall be unlawful for the driver of any motor vehicle to apply engine brakes within the limits of the town, except when responding to a bona fide emergency.
- (b) Any violation of this section shall be punishable by a civil penalty of not more than two hundred dollars (\$200.00).

(Ord. of 10-8-02)

Sec. 10-18. - Display of valid state license plates and valid state inspection certificate.

- (a) It shall be unlawful for any person to operate or park any motor vehicle, trailer or semi-trailer on any public street or public property unless the same shall display thereon a valid state license and a valid state inspection certificate.
- (b) Violations of this section shall be punishable by a fine of twenty-five dollars (\$25.00).

(Ord. of 3-9-04(1))

**State Law reference**— Code of Virginia, §§ 46.2-613, 46.2-1157 and 46.2-1220.

Sec. 10-19. - Operation of vehicles powered by engines or electricity on public property, public rights-of-way, bike paths, etc., not open to the public for vehicular use.

- (a) It shall be unlawful for any person to operate or permit to be operated any motor vehicle, motorcycle, mini-bike, moped, go- cart, ATV, golf cart, motor scooter or other form of transportation propelled by an internal combustion engine or electricity with the exception of electric powered personal assistive mobility devices, upon public property, public rights-of-way on private property, bicycle paths or trails which are not held open to the public for vehicular use. This section shall not apply to the following:
  - (1) The operation of emergency vehicles and governmental vehicles upon such property.

- (b) Violation of this section shall be a class 4 misdemeanor with a minimum fine of fifty dollars (\$50.00). If life and limb or property of anyone lawfully using such public property, public rights-of-way on private property, bicycle paths or trails is endangered by persons engaged in unlawful acts in violation of this section, the violation will then be punished as a class 1 misdemeanor.

(Ord. of 7-11-06(2))

**State Law reference**— Regulation of traffic, Code of Virginia, § 15.2-2028; regulation of trails, Code of Virginia, § 15.2-1806(B); definition of electric personal assistive mobility device, Code of Virginia, § 46.2-100.

Secs. 10-20—10-26. - Reserved.

## ARTICLE II. - VEHICLE LICENSE

### FOOTNOTE(S):

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**Editor's note**—An Ord. of 9-13-11(2) amended former Art. II, §§ 10-27—10-39, in its entirety to read as herein set out. Former Art. II pertained to similar subject matter and derived from the Code of 1971 and the following: Ord. of 12-11-73; Ord. of 12-12-78; Ord. of 7-8-86; Ord. of 7-11-89; Ord. of 3-9-93; Ord. of 8-14-90; Ord. of 3-14-95; Ord. of 2-6-96; Ord. of 9-9-97; Ord. of 4-12-05; Ord. of 9-8-09(1), Ord. of 9-8-09(2); Ord. of 4-10-01(1).

**Cross reference**— Licenses generally, Ch. 9.

Sec. 10-27. - License tax imposed.

Except as provided by state law, there is hereby imposed upon all vehicles, all motor vehicles, trailers, or semitrailers normally garaged, stored, or parked in the town a license fee pursuant to this article. If it cannot be determined where any motor vehicle, trailer, or semitrailer is normally garaged, stored, or parked, the situs for the imposition of licensing fees under this article shall be the domicile of its owner.

(Ord. of 9-13-11(2))

**State Law reference**— Local license taxes on vehicles, Code of Virginia, § 46.2-752A.

Sec. 10-28. - Tax levied.

There is hereby levied, assessed and charged, upon all motor vehicles, trailers and semitrailers required to be licensed under this article annual license taxes as follows:

- (1) Upon each automobile, station wagon, motor home, truck or tractor, twenty-five dollars (\$25.00).
- (2) Upon each motorcycle, twelve dollars (\$12.00).
- (3) Upon each trailer or semitrailer, eight dollars (\$8.00).
- (4) If any license tax imposed by this article is not paid by December 5 of each year or the due date as indicated on the personal property tax bill of any license year, there shall be added to such license fee a delinquent charge of \$10.00 to be assessed and paid along with the license fee.

(Ord. of 9-13-11(2))

**Cross reference**— Taxation generally, Ch. 16.

**State Law reference**— Authority for above tax of Virginia, § 46.2-752.

Sec. 10-29. - Proration of taxes.

Should a vehicle be acquired or newly garaged in town after July 1, the fee shall be one-half ( $\frac{1}{2}$ ) the rate set forth in this article.

(Ord. of 9-13-11(2))

Sec. 10-30. - Payment of personal property taxes as prerequisite to licensing.

No motor vehicle, trailer or semitrailer shall be licensed under this article unless and until the applicant for such license shall have produced satisfactory evidence that all personal property taxes upon the vehicle to be licensed have been paid and satisfactory evidence that any delinquent motor vehicle, trailer, or semitrailer personal property taxes, which have been properly assessed or are assessable against the applicant by the town, have been paid.

(Ord. of 9-13-11(2))

**State Law reference**— Authority for above section, Code of Virginia, § 46.2-752.

Sec. 10-31. - Issuance of decal.

Any person owning a motor vehicle, trailer or semitrailer required to be licensed under this article, with reference to which there has been issued a state license, and regardless of the month in which issued by the state, shall present the state registration card for the vehicle to the town treasurer upon acquisition or garaging of a vehicle. Upon such presentation and upon payment of the tax prescribed by this article and compliance with section 10-30, the town shall issue to such person a town license decal for the vehicle covered by the state registration card so presented.

(Ord. of 9-13-11(2))

Sec. 10-32. - Contents of decal.

Each decal issued pursuant to this article shall, at a minimum, contain the name of the town and the number assigned the vehicle for which issued.

(Ord. of 9-13-11(2))

Sec. 10-33. - Display of decal generally.

A license decal issued under this article shall be securely attached to the vehicle for which issued in such a manner that it shall be clearly visible from the rear thereof, except a vehicle with a windshield, in which case the decal shall be placed on the windshield to the right and adjacent to the state inspection sticker, no higher than three (3) inches from the bottom of the windshield of such vehicle.

(Ord. of 9-13-11(2))

Sec. 10-34. - Failure to display license; display of expired license.

It shall be unlawful for any owner or operator of a motor vehicle, trailer or semitrailer to fail to obtain and display the license or decal required by this article or to display upon such motor vehicle, trailer or semitrailer any license of the town after its expiration dated. Any violation of this section shall constitute a misdemeanor punishable by a fine not exceeding the penalty for a violation of a Class 4 misdemeanor. Officers of the Berryville Police Department, in addition to any other law enforcement officers authorized by law, are authorized to issue citations, summonses, parking tickets, or uniform traffic summonses for violations of this section. A violation of this section may not be discharged by payment of the fine except upon presentation of satisfactory evidence that the required license has been obtained.

Any such violation of this section may be satisfied, in full, by payment to the town treasurer of twenty-five dollars (\$25.00) within fifteen (15) days of such violation, thirty-five dollars (\$35.00) within thirty (30) days of such violation or forty-five dollars (\$45.00) after thirty (30) days of such violation provided further, that, in each such case, such person provide satisfactory evidence that the local license required by section 10-34, or the license of another locality required under ordinance enacted pursuant to § 46.2-752 of the Code of Virginia, has been obtained.

(Ord. of 9-13-11(2))

Sec. 10-35. - Replacement decals.

For each replacement vehicle license decal, where the original decal has become mutilated, the applicant shall pay to the town the sum of one dollar (\$1.00).

(Ord. of 9-13-11(2))

Sec. 10-36. - Transfer of decal.

License decals issued under this article may not be transferred from one vehicle to another, unless the vehicles are owned by the same applicant and the applicant notifies the town treasurer of his intention to so transfer such plate or decal. A fee of one dollar (\$1.00) shall be paid for each such transfer.

(Ord. of 9-13-11(2))

Sec. 10-37. - Reserved.

Sec. 10-38. - License tax exemption for certain volunteer members of fire departments and rescue squads.

- (a) The town treasurer shall issue a decal without charging a tax for one (1) motor vehicle which is regularly used by each active volunteer rescue squad member or active volunteer fire department member to respond to calls or to perform other duties for the John H. Enders Volunteer Fire Company and Rescue Squad, provided that all other requirements of the ordinance are met and that such active volunteer shall furnish to the treasurer a certification by the chief or head of the volunteer organization that the said active volunteer is an active member of the volunteer rescue squad or volunteer fire department who regularly responds to calls or regularly performs other duties for the rescue squad or fire department, and the motor vehicle is identified as regularly used for such purposes. For purposes of this section an "active volunteer member" shall be defined as one meeting specified eligibility standards for such designation as determined by the volunteer organization and as approved by the town treasurer.

- (b) Application by an active volunteer for such exempt tax license shall be made between March 15th and April 15th or within thirty (30) days of registration with the Commonwealth of Virginia. The treasurer shall not issue such tax exempt license to applicants who fail to apply within this prescribed period.
- (c) The prerequisites set forth in section 10-30 herein shall apply to any motor vehicle license issued pursuant to these provisions.

(Ord. of 9-13-11(2))

**State Law reference**— Similar provisions, Code of Virginia, § 46.2-752.A.

Sec. 10-39. - Regional compact for cross-jurisdictional enforcement of local motor vehicle licensing requirements.

Pursuant to § 46.2-752.K of the Code of Virginia, the Town of Berryville shall be a member of the Regional Compact for Cross-Jurisdictional Enforcement of Local Motor Vehicle Licensing Requirements with the City of Winchester, the Counties of Clarke and Frederick, and the Towns of Boyce, Middletown and Stephens City.

(Ord. of 9-13-11(2))

Secs. 10-40—10-47. - Reserved.

ARTICLE III. - STOPPING, STANDING AND PARKING

FOOTNOTE(S):

--- (4) ---

**State Law reference**— General authority of town to regulate parking, Code of Virginia, § 46.2-1220.

DIVISION 1. - GENERALLY

FOOTNOTE(S):

--- (5) ---

**Cross reference**— Standing vehicle on tracks so as to hinder or endanger moving train, § 14-3.

Sec. 10-48. - Parking prohibited in specified places.

- (a) No person shall park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic-control device, in any of the following places:
  - (1) On a sidewalk.
  - (2) In front of a public or private driveway.
  - (3) Within an intersection, or within twenty (20) feet from the intersection of curb lines, or if none, then within fifteen (15) feet of the intersection of property lines at an intersection of streets.

- (4) Within fifteen (15) feet of a fire hydrant.
  - (5) On a crosswalk.
  - (6) Within twenty (20) feet of a crosswalk at an intersection; provided, that where there is no crosswalk at an intersection, no person shall park a vehicle within twenty (20) feet from the intersection of curb lines or, if none, within fifteen (15) feet of the intersection of property lines.
  - (7) Within thirty (30) feet upon the approach to any flashing beacon, stop sign or traffic-control signal located at the side of a roadway.
  - (8) Between a safety zone and the adjacent curb or within thirty (30) feet of points on the curb immediately opposite the ends of a safety zone, unless a different length is indicated by official signs or markings.
  - (9) Within fifty (50) feet of the nearest rail of a railroad grade crossing.<sup>151</sup>
  - (10) Within fifteen (15) feet of the driveway entrance to any fire station and, on the side of a street opposite the entrance to any fire station, within seventy-five (75) feet of the entrance when properly signposted.
  - (11) Alongside or opposite any street excavation or obstruction when such parking would obstruct traffic.
  - (12) On the roadway side of any vehicle parked at the edge or curb of a street.
  - (13) Upon any bridge or other elevated structure on a street or highway or within a tunnel.
  - (14) At any place where official signs prohibit parking.
  - (15) In any duly-identified parking space reserved for the handicapped by a vehicle which does not display a license plate, decal or special parking permit issued under sections 46.2-731, 46.2-739 or 46.2-1238 of the Code of Virginia, 1950, as amended.
  - (16) No person shall leave any vehicle, attended or unattended, or a portion or part thereof, upon the paved, improved or main-travelled portion of any highway when it is practicable to leave such vehicle standing off the paved, improved or main-travelled portion of such highway. If it is not practicable to leave such vehicle standing off the paved, improved or main-travelled portion of such highway, then such vehicle shall not be stopped or parked except close to and parallel to the right-hand edge of the curb or roadway; except that a vehicle may be stopped close to and parallel to the left-hand curb or edge of the road on one-way streets or may be parked at an angle where permitted by the State Highway and Transportation Board or the Town of Berryville with respect to streets and highways under their jurisdiction.
  - (17) It shall be unlawful for any person to park any vehicle across any line or marking designating a parking meter space, or to park any vehicle in any way that such vehicle shall not be wholly within a parking meter space as designated by such lines or markings.
- (b) No person, other than a police officer, shall move a vehicle into any such prohibited area or away from a curb such distance as is unlawful.

(Code 1971, § 11-36; Ord. of 5-13-86; Ord. of 12-9-86; Ord. of 2-5-91; Ord. of 3-12-91)

**State Law reference**— Parking in front of driveways, near fire hydrants, etc, Code of Virginia, § 46.2-1239.

Sec. 10-49. - Parking of commercial vehicles in residential areas.

- (a) No person shall park or leave standing any commercial vehicle in any residentially zoned area of the town; provided that, during regularly scheduled school hours, school buses may be parked in such residentially zoned areas by their drivers for a continuous period not to exceed six (6) hours.

- (b) No vehicle intended or designed to transport caustic, flammable, explosive or otherwise dangerous or hazardous materials shall be permitted to be parked or left standing in any residentially zoned area.
- (c) This section shall not be applicable to commercial vehicles picking up or discharging passengers or merchandise or pursuant to performance of work or service in residential areas.
- (d) For the purpose of this section, the term "commercial vehicle" shall mean a motor vehicle:
  - (1) In excess of twenty-two (22) feet in length; or
  - (2) In excess of ten (10) feet in height; or
  - (3) With a gross weight (GW), registered gross weight (RGW), empty weight (EW), or curb weight (CW) in excess of ten thousand (10,000) pounds; or
  - (4) With a manufacturers gross vehicle weight rating (MGVWR), gross vehicle weight rating (GVWR), or gross combined weight rating (GCWR) in excess of twenty thousand (20,000) pounds.
  - (5) The term shall include any semitrailers, construction equipment, cranes, well drilling apparatus and other heavy equipment; however, this section shall not prohibit parking of such equipment if being used for construction activities at sites where valid building or land disturbance permits are in force or such activity is otherwise allowed.
- (e) Any violation of this section shall constitute a misdemeanor punishable by a fine not exceeding one hundred dollars (\$100.00).

(Ord. of 6-10-97; Ord. of 12-8-09; Ord. of 2-14-12(1))

Sec. 10-50. - Parking and storage of travel trailers, boats etc., in residential areas.

Any owner of a travel trailer, motor home, boat and/or boat trailer, utility or cargo trailer in excess of ten (10) feet in length, truck camper, habitable bus or recreational vehicle may park or store such equipment in any residentially zoned area of the town provided that:

- (1) The vehicle has displayed all required licenses;
- (2) The vehicle is located no closer to any street than the principal structure; except that said vehicle may be parked closer to the street than the principle structure for a period not to exceed forty-eight (48) hours when the owner of the vehicle is a resident of the street and is arriving or departing on a journey in the vehicle;
- (3) The vehicle does not exceed thirty-two (32) feet in length or nine (9) feet in height, and
- (4) The vehicle is not inhabited while parked in said residentially zoned area.

Any violation of this ordinance shall constitute a misdemeanor punishable by a fine not to exceed twenty-five dollars (\$25.00).

(Ord. of 6-10-97; Ord. of 2-14-12(2))

Sec. 10-51. - Angle parking.

Upon those streets which have been marked for angle parking, as authorized in section 10-7, no person shall park a vehicle other than at the angle to the curb or edge of the roadway indicated by such markings.

(Ord. of 6-10-97)

Sec. 10-52. - Lights on parked vehicles.

No lights need be displayed upon any vehicle when parked in the town in accordance with all applicable provisions of this chapter and other ordinances.

(Code 1971, § 11-47; Ord. of 6-10-97)

**State Law reference**— Authority for above section, Code of Virginia, § 46.2-1037.

Sec. 10-53. - Backing to curb.

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

(Code 1971, § 11-38; Ord. of 6-10-97)

Sec. 10-54. - Manner of using loading zones.

Where a loading and unloading zone has been set apart pursuant to section 10-7, the following regulations shall apply with respect to the use of such zone:

- (1) No person shall stop, stand or park a vehicle for any purpose or length of time, other than for the expeditious unloading and delivery or pickup and loading of materials, in any place marked as a curb loading zone during hours when the provisions applicable to such zone are in effect. All delivery vehicles other than regular delivery trucks using such loading zone shall be identified by the owner's or company's name in letters three (3) inches high on both sides of the vehicle.
- (2) The driver of a passenger vehicle may stop temporarily in a space marked as a curb loading zone for the purpose of, and while actually engaged in, loading or unloading passengers or bundles when such stopping does not interfere with any vehicle used for the transportation of materials which is waiting to enter or is about to enter such loading space.

(Code 1971, § 11-40, Ord. of 6-10-97)

Sec. 10-55. - Manner of using bus stops and taxicab stands.

Where a bus stop or taxicab stand has been set apart pursuant to section 10-7, no person shall stop, stand or park a vehicle, other than a bus, in a bus stop or other than a taxicab in a taxicab stand, when such stop or stand has been officially designated and appropriately signed, except that the driver of a passenger vehicle may temporarily stop therein, for the purpose of and while actually engaged in, the expeditious loading or unloading of passengers, when such stopping does not interfere with any bus or taxicab to enter or about to enter such zone.

(Code 1971, § 11-41; Ord. of 6-10-97)

Sec. 10-56. - Standing or parking on private property.

No person shall stand or park a vehicle on any private lot or lot area without the express or implied consent of the owner thereof. Whenever signs or markings have been erected on any lot or lot area contiguous or adjacent to a street or alley, indicating that no vehicles are permitted to stand or park thereon, it shall be unlawful for any person to drive a vehicle across any curb or lot line or over any

driveway from a street or alley into such lot or area for the purpose of standing or parking such vehicle, or for any person stop, stand or park any vehicle in such lot or lot area.

(Code 1971, § 11-45; Ord. of 6-10-97)

**Sec. 10-57. - Removal and disposition of unattended vehicles or immobile vehicles—Generally.**

- (a) Whenever any motor vehicle, trailer, semitrailer, or parts thereof, are left unattended on a public highway or other public property and constitutes a traffic hazard or it is parked illegally, or it is left unattended for more than ten (10) days either on public property or private property, without the permission of the owner, lessee or occupant, or it is immobilized on a public roadway by weather conditions or other emergency situation, such motor vehicle, trailer, semitrailer, or parts thereof, may be removed for safekeeping by or under the direction of a police officer to a storage area; provided, however, that no such vehicle shall be so removed from privately owned premises without the written request of the owner, lessee or occupant thereof.
- (b) The person at whose request a motor vehicle, trailer, semitrailer, or parts thereof are removed from private property under this section shall indemnify the town against any loss or expense incurred by reason of the removal, storage or sale thereof.
- (c) For the purposes of this section, it shall be presumed that a motor vehicle, trailer or semitrailer, or part thereof, is abandoned, if it (i) lacks either a current license plate or a current town license plate or sticker or a valid state inspection certificate or sticker and (ii) has been in a specific location for four (4) days without being moved.
- (d) Each removal under this section shall be reported immediately to the police department and to the owner of the motor vehicle, trailer or semitrailer as promptly as possible. The owner of such vehicle or trailer, semitrailer, or part thereof, before obtaining possession thereof, shall pay to the parties entitled thereto all costs incidental to its removal and storage and locating the owner of such motor vehicle, trailer or semitrailer. Should such owner fail or refuse to pay the cost, or if his identity or whereabouts is unknown and unascertainable, after a diligent search has been made and after notice to him at his last known address and to the holder of any lien of record with the office of the Department of Motor Vehicles against the motor vehicle, trailer or semitrailer, or part of a motor vehicle, trailer, or semitrailer, the vehicle shall be treated as an abandoned vehicle under the provisions of Article IV (sections 10-72, et seq.) of this chapter.

(Code 1971, § 11-42; Ord. of 3-9-93; Ord. of 6-10-97)

**State Law reference**— Authority for above section, Code of Virginia, §§ 46.2-1213, 46.2-1217.

**Sec. 10-58. - Same—Contracts with private persons for removal and storage.**

The town shall have the power to enter into contracts with the owners or operators of garages or other places for the removal or storage of vehicles referred to in section 10-55. The contracts shall provide for the payment, by the town, of reasonable charges for the removal and storage of such vehicles, shall require such owners or operators to deliver such vehicles to the owners thereof or their agents upon demand therefor, upon furnishing satisfactory evidence of identity and ownership or agency and upon payment of such removal and storage charges, and that the owners or operators of such garages or places of storage will indemnify the owners of such vehicles for injury or damage thereto resulting from the negligent removal or storage thereof, and such owners or operators shall be required to provide themselves with adequate liability insurance to cover such indemnity.

(Code 1971, § 11-43; Ord. of 6-10-97)

Sec. 10-59. - Same—Sale of personal property found in vehicle.

Any personal property found in any unattended or abandoned motor vehicle, trailer or semitrailer may be sold incident to the sale of any such vehicle as authorized in section 10-55.

(Code 1971, § 11-44; Ord. of 6-10-97)

**State Law reference**— Similar provisions, Code of Virginia, § 46.2-1214.

Sec. 10-60. - Same—Additional procedure for removal from private property.

- (a) In addition to the provisions of section 10-57, upon complaint of the owner of property on which a motor vehicle, trailer or semitrailer, or part thereof, has been abandoned for more than five (5) days, such motor vehicle, trailer or semitrailer, or part thereof, may be removed by or under the direction of a police officer to a storage garage or area; provided, that the person at whose request such motor vehicle, trailer or semitrailer, or part thereof, is so removed shall indemnify the town against any loss or expense incurred by reason of the removal, storage or sale thereof.
- (b) In the case of the removal of a motor vehicle, trailer or semitrailer, or part thereof, from private property under this section, when the same cannot be readily sold, such motor vehicle, trailer or semitrailer, or part thereof, may be disposed of in such manner as the town council may provide. In all other respects, the provisions of section 10-57 shall apply to such removals; provided, that the disposal of a motor vehicle, trailer or semitrailer may, at the option of the council be carried out under either the provisions of section 10-57 or under the provisions of this section, after a diligent search for the owner, after notice to him at his last known address and to the holder of any lien of record in the office of the division of motor vehicles of this state against such motor vehicle, trailer or semitrailer, and after the motor vehicle, trailer or semitrailer has been held at least sixty (60) days.

(Code 1971, § 11-46; Ord. of 6-10-97)

**State Law reference**— Authority for above section, Code of Virginia, §§ 46.2-1215, 46.2-1233.

Sec. 10-61. - Same—State to be notified of removal.

The state division of motor vehicles shall be notified of the disposition of any motor vehicle, trailer or semitrailer under section 10-55 or 10-58.

(Code 1971, § 11-46; Ord. of 6-10-97)

**State Law reference**— Similar provisions, Code of Virginia, §§ 46.2-1215, 46.2-1233.

Sec. 10-62. - General penalty for parking violations; certification of contest of parking citation.

- (a) Unless otherwise provided, any person violating the provision of section 10-70 relating to parking in metered spaces shall be guilty of a traffic infraction and punished as prescribed in section 10-1; provided, however, that any such violation may be satisfied, in full, by payment to the town treasurer of five dollars (\$5.00) within twenty-four (24) hours of such violation, or seven dollars (\$7.00) within fifteen (15) days of such violation. If payment for such violation is not received within fifteen (15) days, the fine shall be assessed at thirty dollars (\$30.00).
- (b) Unless otherwise provided, any person violating the provision of section 10-48(a)(1), (2), (3), (4), (5), (6), (7), (8), (9), (10), (11), (12), (13), (14), (16) or (17) shall be guilty of a traffic infraction and

punished as prescribed in section 10-1; provided however, that any such violation may be satisfied, in full, by payment to the town treasurer of ten dollars (\$10.00) within five (5) days of such violation.

- (c) Unless otherwise provided, any person violating the provisions of section 10-18(a) shall be guilty of a traffic infraction and punished as prescribed in section 10-1; provided, however, that any such violation may be satisfied, in full, by payment to the town treasurer of twenty-five (\$25.00) within five (5) days of such violation.
- (d) Any person violating section 10-34 shall be guilty of a Class 4 misdemeanor provided, however, that any such violation may be satisfied, in full, by payment to the town treasurer of twenty-five dollars (\$25.00) within fifteen (15) days of such violation, thirty-five dollars (\$35.00) within thirty (30) days of such violation or forty-five dollars (\$45.00) after thirty (30) days of such violation provided further, that in each such case, such person provide satisfactory evidence that the local license required by section 10-34, or the license of another locality required under ordinance enacted pursuant to Section 46.2-752 of the Code of Virginia, has been obtained.
- (e) All uncontested parking citations paid under this section shall be accounted for by the town treasurer.

(Code 1971, §§ 11-34, 11-56; Ord. of 7-9-74; Ord. of 12-12-78; Ord. of 5-13-86; Ord. of 12-9-86; Ord. of 2-5-91; Ord. of 6-10-97; Ord. of 4-14-98; Ord. of 4-10-01(2); Ord. of 3-9-04(2); Ord. of 12-9-14(2))

**Note**— State Law Reference Sec. 46.2-613, 46.2-1157 and 46.2-1220.

**Note**— The penalty for unauthorized parking in spaces reserved for the handicapped is provided in Code section 10-64 and is authorized by Sec. 46.2-1242 B.1 of the Code of Virginia.

Sec. 10-63. - Procedure for delinquent parking citations.

- (a) The town manager shall cause a complaint or summons to be issued for delinquent parking citations.
- (b) Notwithstanding the provisions of subsection (a) above, before any summons shall issue for the prosecution of a violation of this Code or other ordinance or regulation of the town regulating parking, the violator shall have been first notified, by mail at his last known address or at the address shown for such violator on the records of the state division of motor vehicles, that he may pay the fine provided by law for such violation, within five (5) days of receipt of such notice, and the chief of police shall be notified that the violator has failed to pay such fine within such time. The notice to the violator, required by the provisions of this section, shall be contained in an envelope bearing the words "Law Enforcement Notice" stamped or printed in the face thereof in type at least one-half inch in height.

(Ord. of 2-5-91; Ord. of 6-10-97)

**State Law reference**— Similar provisions, Code of Virginia, §§ 46.2-941, 46.2-1225—46.2-1229.

Sec. 10-64. - Parking in spaces reserved for persons with disabilities; issuance of summons by law-enforcement personnel.

- (a) It shall be unlawful for a vehicle not displaying disabled parking license plates, an organizational removable windshield placard, a permanent removable windshield placard, or a temporary removable windshield placard issued under section 46.1-731 of the Code of Virginia or DV disabled license plates issued under subsection B of section 46.2-739 of the Code of Virginia to be parked in a parking space reserved for persons with disabilities that limit or impair their ability to walk or for a

person who is not limited or impaired in his ability to walk to park a vehicle in a parking space so designated except when transporting a person with such a disability in the vehicle. A summons or a parking ticket for violation of this section may be issued by town police officers and other uniformed personnel employed by the town to enforce parking regulations without the necessity of a warrant's being obtained by the owner of any private parking area.

- (b) The penalty for violation of this section shall be punishable by a fine of not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00).

(Ord. of 5-13-86; Ord. of 8-15-95; Ord. of 6-10-97; Ord. of 9-9-97)

**Editor's note**— The provisions of a nonamendatory ordinance adopted May 13, 1986, have been included herein at the discretion of the editor as § 10-62.

Sec. 10-65. - Parking restrictions in the Rixey Moore parking lot.

Parking restrictions in the Rixey Moore parking lot are as follows:

- (1) All vehicles shall be parked within designated parking spaces only. No vehicles may be parked in a manner that occupies more than one (1) parking space. Parking in the travel way or in landscaped areas is prohibited.
- (2) No vehicle may be parked for a period exceeding nine (9) consecutive hours.
- (3) Any violation of this section shall be punishable by a fine of twenty-five dollars (\$25.00) and the vehicle subject to towing at the owner's expense.

(Ord. of 2-14-06)

Sec. 10-66. - Reserved.

DIVISION 2. - PARKING METERS

FOOTNOTE(S):

--- (6) ---

**State Law reference**— General authority of town to install and maintain parking meters, Code of Virginia, § 46.2-1220.

Sec. 10-67. - Establishment of meter zones and parking meter rates.

For the purpose of this division, the parking meter zones and parking meter rates shall be as established by resolution by the town council.

(Code 1971, § 11-48; Ord. of 12-9-14(2))

**Editor's note**— An ordinance adopted Dec. 9, 2014, changed the title of § 10-67 from "Establishment of meter zones" to read as herein set out.

Sec. 10-68. - Marking of metered spaces and installation of meters; meter indications.

On streets designated as parking meter zones, the town manager shall cause parking meter spaces to be marked on the pavement or curb or by other appropriate measures and shall install, or cause to be installed, parking meters in such spaces. Each such meter shall indicate the lawful time limit for parking in the space for which it is installed and the denomination of coins required to be deposited thereon.

(Code 1971, § 11-50)

Sec. 10-69. - Reserved.

**Editor's note**— An ordinance adopted February 5, 1991, repealed § 10-69. Prior to being repealed, said section pertained to vehicles parked entirely within metered spaces and derived from § 11-52 of the 1971 Code.

Sec. 10-70. - Deposit of coin money required; overtime parking.

- (a) When any vehicle shall be parked in any parking space adjacent to a parking meter installed under this division, the operator of such vehicle shall, upon entering such parking space, immediately deposit, or cause to be deposited, in such parking meter, a coin or coins money of the United States, the denominations of which shall be indicated on the meter which shall put such meter in operation for the time prescribed on the meter. Failure to so deposit such coin or coins money and to put the meter in operation, the parking space may be lawfully occupied by such vehicle during the period of time prescribed for the particular amount deposited shall constitute a violation of this section. If such vehicle shall remain in such parking space beyond the prescribed time limit for the particular amount deposited, and the parking meter shall indicate illegal parking, violation, or expired, such vehicle shall be considered as being parked overtime and beyond the prescribed period of legal parking time. It shall be unlawful for any person to cause, allow, permit, or suffer any vehicle owned or operate by him to be parked overtime or beyond the period of legal parking time in any parking meter zone established under this division.
- (b) In the event a vehicle parked overtime in violation of this section remains so parked overtime in the same space for more than one hour, each additional hour, or fraction thereof, during which the vehicle is so parked shall constitute a separate violation.
- (c) The provisions of this section shall be in effect from 8:00 a.m. to 5:00 p.m. of each day, except Saturdays, Sundays and holidays observed by the town government.

(Code 1971, §§ 11-49, 11-51, 11-55, 11-56; Ord. of 7-9-74; Ord. of 12-12-78; Ord. of 2-5-91; Ord. of 12-9-14(2))

**Editor's note**— An ordinance adopted Dec. 9, 2014, changed the title of § 10-70 from "Deposit of coin required; overtime parking" to read as herein set out.

Sec. 10-71. - Defacing, damaging, etc., meters.

It shall be unlawful for any person to deface, tamper with, damage, open or willfully break, destroy or impair the usefulness of any parking meter installed under the terms of this division. Any person violating this section shall be guilty of a Class 1 misdemeanor.

**Cross reference**— Penalty for Class 1 misdemeanor, § 1-11; damaging property generally, § 13-22 et seq.

ARTICLE IV. - ABANDONED VEHICLES

FOOTNOTE(S):

--- (7) ---

**Cross reference**— Open storage of inoperative vehicles in certain zoning districts, § 13-30.

Sec. 10-72. - Definitions.

As used in this article:

- (1) Abandoned motor vehicle means a motor vehicle, trailer, or semitrailer or part of a motor vehicle, trailer, or semitrailer that:
  - a. In inoperable and is left unattended on public property for more than forty-eight (48) hours, or
  - b. Has remained illegally on public property for more than forty-eight (48) hours, or
  - c. Has remained for more than forty-eight (48) hours on private property without the consent of the property's owner, regardless of whether it was brought onto the private property with the consent of the owner or person in control of the private property.
- (2) Inoperable abandoned motor vehicle means an abandoned motor vehicle which is inoperable and whose fair market value, as determined by the Clarke County official responsible for assessing motor vehicles under section 58.1-3503, Code of Virginia, 1950, as amended, is less than the cost of its restoration to an operable condition.

(Ord. of 9-12-89; Ord. of 11-13-90)

**State Law reference**— Similar provisions, Code of Virginia, § 46.2-1200.

Sec. 10-73. - Town authorized to take abandoned vehicles into custody.

Pursuant to this article and the authority of section 46.2-1201, Code of Virginia, 1950, as amended, the town may take into custody any abandoned motor vehicle. The town may employ its own personnel, equipment and facilities or hire persons, equipment and facilities or firms or corporations who may be independent contractors for removing, preserving and storing abandoned motor vehicles.

(Ord. of 9-12-89; Ord. of 11-13-90)

Sec. 10-74. - Notice to owner of vehicle taken into custody.

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

- (b) If records of the Virginia Department of Motor Vehicles contain no address for the owner or no address of any person shown by such records to have a security interest, or if the identity and addresses of the owner and all persons having security interests cannot be determined with reasonable certainty, notice by publication once in a newspaper of general circulation in the area where the motor vehicle was abandoned shall be sufficient to meet all requirements of notice pursuant to this article as to any person who cannot be notified pursuant to the provisions of subsection (a) of this section. Such notice by publication may contain multiple listings of abandoned motor vehicles. Any such notice shall be within the time requirements prescribed by this section for notice by mail and shall have the same contents required for a notice by mail.
- (c) The consequences of failure to reclaim an abandoned motor vehicle shall be as set forth in a notice given in accordance with and pursuant to this section.

(Ord. of 9-12-89; Ord. of 11-13-90)

**State Law reference**— Authority for above section, Code of Virginia, § 46.2-1202.

Sec. 10-75. - Sale of vehicle at public auction; disposition of proceeds.

If an abandoned motor vehicle has not been reclaimed as provided for in section 10-74, the town, or its authorized agent, shall notwithstanding the provisions of section 46.2-617, Code of Virginia, 1950, as amended, sell it at public auction. The purchaser of the motor vehicle shall take title to the motor vehicle free of all liens and claims of ownership of others, shall receive a sales receipt at the auction and shall be entitled to apply to and receive from the Virginia Department of Motor Vehicles a certificate of title and registration card for the vehicle. The sales receipt from the sale shall be sufficient title only for the purposes of transferring the vehicle to a demolisher for demolition, wrecking, or dismantling, and in that case no further titling of the vehicle shall be necessary. From the proceeds of the sale of an abandoned motor vehicle, the town, or its authorized agent, shall reimburse itself for the expenses of the auction, the cost of towing, preserving and storing the vehicle which resulted from placing the abandoned motor vehicle in custody, and all notice and publication costs incurred pursuant to section 10-74. Any remainder from the proceeds of a sale shall be held for the owner of the abandoned motor vehicle or any person having security interests in the vehicle, as their interests may appear, for ninety (90) days, and then shall be deposited into the treasury of the town wherein such abandoned motor vehicle was abandoned.

(Ord. of 9-12-89; Ord. of 11-13-90)

**State Law reference**— Similar provisions, Code of Virginia, § 46.2-1203.

Sec. 10-76. - Vehicles abandoned in garages.

Notwithstanding section 10-72, any motor vehicle, trailer, semitrailer, or part thereof shall be considered abandoned and may be reported by the garagekeeper to the town if it has been left in a garage for more than ten (10) days or for more than ten (10) days beyond the period the vehicle was to remain on the premises pursuant to a contract, after notice by registered or certified mail, return receipt requested, to the owner of record and all persons having security interests of record therein, to reclaim the vehicle within fifteen (15) days of the notice. Any abandoned motor vehicle left in a garage may be taken into custody by the town in accordance with section 10-73 and shall be subject to the notice and sale provisions contained in sections 10-74 and 10-75. If, however, the vehicle is reclaimed in accordance with section 10-74, the person reclaiming it, in addition to the other charges required to be paid, shall pay the reasonable charges of the garagekeeper, unless otherwise provided by contract or ordinance. If the vehicle is sold pursuant to section 10-75, and garagekeeper's charges shall be paid from, and to the extent of, the excess of the proceeds of sale after paying the expenses of the auction, the costs of towing, preserving, and storing the vehicle which resulted from placing the vehicle in custody and all notice and publication costs incurred pursuant to section 10-74. Except as otherwise provided in this article, nothing

in this section shall restrict any rights conferred on any persons under sections 43-32 through 43-36, Code of Virginia, 1950, as amended.

For purposes of this section, "garage" means any commercial parking place, motor vehicle storage facility, or establishment for the servicing, repair, maintenance, or sale of motor vehicles whether or not the vehicle had been brought to that location with the consent of the owner or person in control of the premises and "garagekeeper" means the operator of a garage.

(Ord. of 9-12-89; Ord. of 11-13-90)

**State Law reference**— Similar provisions, Code of Virginia, § 46.2-1204.

Sec. 10-77. - Disposition of inoperable abandoned vehicles.

Notwithstanding any other provisions of this article, any inoperable motor vehicle, trailer, semitrailer, or part of a motor vehicle, trailer, or semitrailer which has been taken into custody pursuant to the provisions of this article may be disposed of to a demolisher, without this title and without the notification procedures, by the person or town on whose property or in whose possession the motor vehicle, trailer, or semitrailer is found. The demolisher, on taking custody of the inoperable abandoned motor vehicle, shall notify the Department of Motor Vehicles on forms and in the manner prescribed by the commissioner thereof. Notwithstanding any other provision of law, no other report or notice shall be required in this instance.

(Ord. of 9-12-89; Ord. of 11-13-90)

**State Law reference**— Similar provisions, Code of Virginia, § 46.2-1205.

Sec. 10-78. - Surrender of certificate of title, etc., where motor vehicle acquired for demolition; records to be kept by demolisher.

- (a) No demolisher who purchases or otherwise acquires a motor vehicle for wrecking, dismantling, or demolition shall be required to obtain a certificate of title for the motor vehicle in his own name. After the motor vehicle has been demolished, processed, or changed so that it physically is no longer a motor vehicle, the demolisher shall surrender to the Virginia Department of Motor Vehicles for cancellation the certificate of title or sales receipt for the vehicle. The demolisher shall use the forms and follow the rules and regulations of the Department of Motor Vehicles in the surrender of sales receipts and certificates of title as are appropriate.
- (b) Demolishers shall keep accurate and complete records of all motor vehicles purchased or received by them in the course of their business. These records shall contain the name and address of the person from whom each motor vehicle was purchased or received and the date on which purchases or receipts occurred. These records shall be open for inspection by the Virginia Department of Motor Vehicles at any time during normal business hours.

(Ord. of 9-12-89; Ord. of 11-13-90)

**State Law reference**— Similar provisions, Code of Virginia, § 46.2-1206.

**Chapter 10**  
**Draft Version**

## Chapter 10 - MOTOR VEHICLES AND TRAFFIC

### FOOTNOTE(S):

--- (1) ---

**Cross reference**— Noise from vehicles, § 11-4 et seq.; sound trucks, § 11-6 et seq; drinking while operating a motor vehicle § 12-13.2; open storage of inoperative vehicles in certain zoning districts, § 13-30; streets and sidewalks, Ch. 15; washing, greasing, etc., vehicle on street or sidewalk, § 15-14; zoning ordinance, App. A.

**State Law reference**— Motor vehicles and traffic generally, Code of Virginia, title 46.2 general authority of town to regulate traffic, §§15.2-2028, 46.2-1300—46.2-1313;

### ARTICLE I. - IN GENERAL

### FOOTNOTE(S):

--- (2) ---

**Cross reference**— Penalty for Class 1 misdemeanor, § 1-11.

#### **Sec. 10-1. - Compliance with chapter; general penalty for violations.**

It shall be unlawful for any person to refuse, fail or neglect to comply with any of the provisions of this chapter or any rule or regulation promulgated pursuant thereto. Unless otherwise specifically provided, a violation of this chapter or any such rule or regulation shall constitute a traffic infraction punishable by a fine of not more than one hundred dollars (\$100.00).

(Code 1971, § 11-35)

#### **Sec. 10-2. - Arrest procedure for violations of chapter—Generally.**

- (a) Whenever any person is detained by or in the custody of an arresting officer, including an arrest upon a warrant, for a violation of any provision of this chapter, except section 10-6, the arresting officer shall, except as otherwise provided in section 10-3, take the name and address of such person and the license number of his motor vehicle and issue a summons or otherwise notify him in writing to appear, at a time and place to be specified in such summons or notice, such time to be at least five (5) days after such arrest, unless the person arrested shall demand an earlier hearing, and such person shall, if he so desires, have a right to an immediate hearing or a hearing within twenty-four (24) hours, at a convenient hour and before the court having jurisdiction. Upon the giving by such person of his written promise to appear at such time and place, the officer shall forthwith release him from custody.

- (b) Notwithstanding the foregoing provisions of this section, if prior general approval has been granted by order of the general district court for the use of this section in cases involving violations of §§ 46.2-301 and 46.2-302, the arresting officer may take the person before the appropriate judicial officer of the county or city in which the violation occurred and make oath as to the offense and request issuance of a warrant. If a warrant is issued, the judicial officer shall proceed in accordance with the provisions of Article 1 (§ 19.2-119 et seq.) of Chapter 9 of Title 19.2.
- (c) Notwithstanding any other provision of this section, in cases involving a violation of § 46.2-341.24 or § 46.2-341.31, the arresting officer shall take the person before a magistrate as provided in §§ 46.2-341.26:2 and 46.2-341.26:3. The magistrate may issue either a summons or warrant as he shall deem proper.
- (d) Any person refusing to give such written promise to appear under the provisions of this section shall be taken immediately by the arresting officer before a magistrate or other issuing officer having jurisdiction, who shall proceed according to the provisions of section 10-3.
- (e) Any person, who willfully violates a written promise to appear, given in accordance with this section, shall be guilty of a Class 1 misdemeanor and shall be treated in accord with the provisions of section 46.2-938 of the Code of Virginia.
- (f) Any officer violating any of the provisions of this section shall be guilty of misconduct in office and subject to removal therefrom upon complaint filed by any person in a court of competent jurisdiction. This section shall not be construed to limit the removal of a police officer for other misconduct in office.

**Cross reference**— Use of above section in making arrests for littering, § 8-3.

**State Law reference**— Similar provisions, Code of Virginia, §§ 46.2-936.

**Sec. 10-3. - Same—When arrested person to be taken before issuing officer.**

If any person arrested for a violation of this chapter is: (i) believed by the arresting officer to have committed a felony; (ii) believed by the arresting officer to be likely to disregard a summons issued under section 10-2, or (iii) refuses to give a written promise to appear under the provisions of such section, the arresting officer shall take such person forthwith before a magistrate or other issuing officer having jurisdiction, who shall determine whether or not probable cause exists that such person is likely to disregard a summons, and may issue either a summons or warrant, as is determined proper.

**State Law reference**— Similar provisions, Code of Virginia, § 46.2-940.

**Sec. 10-4. - Same—Traffic infractions treated as misdemeanors for arrest purposes.**

For purposes of arrest, traffic infractions shall be treated as misdemeanors. Except as otherwise provided by this chapter or state law, the authority and duties of arresting officers shall be the same for traffic infractions as for misdemeanors.

**State Law reference—** Similar provisions, Code of Virginia, § 46.2-937.

**Sec. 10-5. - Adoption of state law generally.**

- (a) Pursuant to the authority of section 46.2-1313 of the Code of Virginia, 1950 as amended, all of the provisions and requirements of the laws of the state contained in title 46.2 of the Code of Virginia, and in effect on and after July 1, 1994, including the section numbers assigned in said title 46.2 to such provisions and requirements, except, however, those provisions and requirements which, by their very nature, can have no application to or within the town, are hereby adopted and incorporated by this chapter by reference and made applicable within the town. Reference to "highways of the state" contained in such provisions and requirements hereby adopted shall be deemed to refer to the streets, highways and other public ways within the town. Such provisions and requirements are hereby adopted, mutatis mutandis, and made a part of this chapter as fully as though set forth at length herein, and it shall be unlawful for any person within the town to violate or fail, neglect or refuse to comply with any provisions of title 46.2 of the Code of Virginia, which is adopted by this section, provided, that in no event shall the penalty imposed for the violation of any provision or requirement hereby adopted exceed the penalty imposed for a similar offense under title 46.2 of the Code of Virginia.
- (b) All definitions of words and phrases contained in the state law hereby adopted shall apply to such other words and phrases, when used in this chapter, unless indicated to the contrary.
- (c) Pursuant to the authority of section 1-220 of the Code of Virginia, 1950, as amended, it is specifically intended and stated that this section adopting the foregoing state statutes shall include all future amendments to such state statutes.

(Code 1971, § 11-2; Ord. of 9-12-78; Ord. No. 7-10-84; Ord. of 7-18-85; Ord. of 9-8-87; Ord. of 7-12-88; Ord. of 7-11-89; Ord. of 10-10-89; Ord. of 7-10-90; Ord. of 4-9-91; Ord. of 7-9-91; Ord. of 6-9-92; Ord. of 6-8-93; Ord. of 6-14-94)

**Sec. 10-6. - Adoption of state law as to driving while under influence of alcohol or drugs.**

Pursuant to the authority of section 46.2-1313, and section 18.2-268.12 of the Code of Virginia, 1950, as amended, all of the provisions of the laws of the Commonwealth of Virginia contained in Article 2 (Section 18.2-266 et seq.) of Chapter 7 of Title 18.2 of the Code of Virginia, including the section numbers assigned to such provisions in said Article 2, of Chapter 7 of Title 18.2 of the Code of Virginia, and in effect on and after September 12, 1995, are hereby adopted and incorporated in this chapter by reference and made applicable within the town. Reference to "highways of the state" contained in such provisions and requirements shall be deemed to refer to the streets, highways and other public ways within the town. Such provisions and requirements are hereby adopted, mutatis mutandis, and made a part of this chapter as fully as though set forth at length herein, and it shall be unlawful for any person within the town to violate or fail, neglect or refuse to comply with any such provision or requirement, provided, however, that the provisions of § 18.2-270 of the Code of Virginia pertaining to offenses of driving while intoxicated that constitute felonies are not incorporated into or made a part of this section. Pursuant to the authority of section 1-220 of the Code of Virginia, 1950, as amended, it is specifically intended and stated that this Ordinance adopting the foregoing state statutes shall include all future amendments to such state statutes. This ordinance shall be effective July 13, 1999.

(Ord. of 9-12-78; Ord. of 7-10-84; Ord. of 7-18-85; Ord. of 9-8-87; Ord. of 7-12-88; Ord. of 7-11-89; Ord. of 10-10-89; Ord. of 7-10-90; Ord. of 4-9-91; Ord. of 7-9-91; Ord. of 6-9-92; Ord. of 6-8-93; Ord. of 6-14-94; Ord. of 9-12-95; Ord. of 7-13-99)

**Sec. 10-6.1. - Reserved.**

**Editor's note**— Ord. of March 9, 1993, repealed § 10-6.1, which pertained to penalties for ordinances incorporating state motor vehicle laws by reference. See the Code Comparative Table.

**Sec. 10-7. - General authority of town manager relative to traffic.**

(a) The town manager, except as otherwise provided by this chapter and except as otherwise directed, from time to time, by the council, shall have the power and is hereby authorized to regulate the operation and parking of vehicles within the corporate limits of the town by the erection or placing of proper signs or markers indicating prohibited or limited parking, angle parking, the parking of buses, trucks and other vehicles of various weights, "U" turns, turning at intersections, hazardous intersections, school zones, hospital zones, loading and unloading zones, quiet zones, traffic-control signals exhibiting colored lights or the words "go," "caution" or "stop" and other signs or markers indicating the place and manner of operating or parking vehicles in the town.

(b) The town manager shall also have the power and is hereby authorized:

- (1) To regulate the movement of pedestrians upon the streets and sidewalks of the town by the erection or placing of proper signs or markers indicating the flow of pedestrian traffic.
  - (2) To designate bus stops and to erect signs prohibiting the parking of vehicles other than buses at such stops.
  - (3) To mark off traffic lanes on streets and parts of streets indicting and directing the flow of traffic.
  - (4) To designate and mark fire lanes on private property, including alleys in which lanes the parking of vehicles shall be prohibited
- (c) On proper application, the town manager may assign to taxicab operators such space along the public streets of the town for parking vehicles actively in service in such business as the town manager may deem best suited and to the interest of the public, provided permission of the abutting property owner is secured. Fees for the use of such space shall be as prescribed, from time to time, by the council.
- (d) The town is authorized to secure all signs, signals or markers to be erected or placed on any street or part of a street in order to carry out the purposes of this section.
- (e) The existence of signs, signals or markers referred to in this section at any place within the corporate limits of the town shall be prima facie evidence that such signs, signals or markers were erected or placed by and at the direction of the town manager in accordance with the provisions of this section and it shall be unlawful for any person to disobey the directions of any such sign, signal or marker.
- (f) No sign signal or marker referred to in this section shall be erected or placed on any street which is a part of the state highway system, without the approval of the state department of highways and transportation.
- (g) The town manager shall have the authority to remove, or to order the removal of, any sign not erected by the Town which the town manager finds mimics or is similar to town or state erected traffic signs, street name signs, or directional signs and could reasonably confuse or mislead motorists, emergency response personnel, or the public generally. If such sign is erected on private property, the town manager shall provide written notice to the property owner to remove the sign, and if the sign is not removed within seven (7) days of the providing of the notice, the Town may remove the sign and expenses thereof shall be chargeable to and paid by the owner of such property.

(Code 1971, §§ 11-3, 11-38, 11-58)

State Law reference – Authority for above section, Code of Virginia § 46.2-1300

**Sec. 10-8. - Designation of stop and yield intersections.**

The town manager, except as otherwise provided by this chapter and except as otherwise directed from time to time by the council, may designate intersections, other than intersections at which one or more of the intersecting streets has been designated as a part of the state highway system, at which vehicles shall come to a full stop or yield the right-of-way. The town manager shall secure all necessary signs, signals or markers to indicate such designations and shall have them erected or placed on or at such intersections, so that an ordinarily observant person, who may be affected by such regulation, may be aware of such regulation. The existence of such signs, signals or markers at any place within the corporate limits of the town shall be prima facie evidence that such signs, signals or markers were erected or placed by or at the direction of the town manager in accordance with the provisions of this section.

(Code 1971, § 11-4)

**State Law reference**— Authority for above section, Code of Virginia, § 46.2-1301.

#### **Sec. 10-9. - Authority of fire department officers to direct traffic.**

Officers of the fire department may direct or assist the police in directing traffic at or in the immediate vicinity of a fire and, while so acting, shall have all the authority of police officers.

(Code 1971, § 11-5)

#### **Sec. 10-10. - Special speed limit on certain streets.**

Upon the following streets or parts of streets within the town, the maximum speed limit is hereby established at fifteen (15) miles per hour and no person shall drive a vehicle upon such streets or parts of streets in excess of such maximum speed limit:

- (1) Page Street, the part north of East Main Street.
- (2) Virginia Avenue.

(Code 1971, § 11-19)

**State Law reference**— Maximum speed limits and authority of town to modify limits prescribed by state law, Code of Virginia, § 46.2-875.

#### **Sec. 10-11. - Reserved.**

**Editor's note**— An ordinance adopted August 13, 1991, repealed § 10-11. Formerly, § 10-11 pertained to permits for parades and derived from § 11-8 of the 1971 Code.

**Sec. 10-12. - Driving through funeral or other processions; manner of driving in funeral processions.**

- (a) No operator of a vehicle shall drive between the vehicles, persons or animals comprising a funeral or other authorized procession, except when otherwise directed by a police officer. This provision shall not apply to operators of authorized emergency vehicles meeting the requirements of section 46.2-920 of the Code of Virginia.
- (b) Each driver in a funeral procession shall drive as near to the right-hand edge of the roadway as is practicable and shall follow the vehicle ahead as close as is practicable and safe. Drivers also may display high beam headlights and flash all four turn signals or hazard lights to identify themselves as part of the procession

(Code 1971, § 11-9)

**State Law reference**— Right-of-way of funeral processions under police escort, Code of Virginia, §§ 46.2-828 and 46.2-828.1.

**Sec. 10-13. - Boarding or alighting from moving vehicle.**

No person shall board or alight from any vehicle while such vehicle is in motion.

(Code 1971, § 11-11)

**Sec. 10-14. - Riding on portion of vehicle not intended for passengers.**

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

(Code 1971, § 11-12)

**Sec. 10-15. - Blocking intersection.**

No operator of a vehicle shall enter an intersection or a marked crosswalk unless there is sufficient space beyond such intersection or crosswalk in the direction in which such vehicle is proceeding to accommodate the vehicle without obstructing the passage of other vehicles or pedestrians, notwithstanding any traffic-control signal indication to proceed.

(Code 1971, § 11-21)

State Law reference – Authority for above section, Code of Virginia, § 46.2-1220.

**Sec. 10-16. - Authority to provide for temporary removal and disposition of vehicles involved in accidents.**

Whenever a motor vehicle, trailer or semitrailer involved in an accident is so located as to impede the orderly flow of traffic, the police may (i) at no cost to the owner or operator remove the motor vehicle, trailer or semitrailer to some point in the vicinity where it will not impede the flow of traffic or (ii) have the vehicle removed to a storage area for safekeeping and shall report the removal to the Department of Motor Vehicles and to the owner of the vehicle as promptly as possible. If the vehicle is removed to a storage area under clause (ii), the owner shall pay to the parties entitled thereto all costs incidental to its removal and storage.

(Code 1971, § 11-33; Ord. of 3-3-93)

**State Law reference**— Authority for above section, Code of Virginia, § 46.2-1212.

(Ord. of 10-8-02)

**Sec. 10-17 - Reserved**

**Sec. 10-18. - Display of valid state license plates and valid state inspection certificate.**

- (a) It shall be unlawful for any person to operate or park any motor vehicle, trailer or semi-trailer on any public street or public property unless the same shall display thereon a valid state license and a valid state inspection certificate.
- (b) Violations of this section shall be punishable by a fine of twenty-five dollars (\$25.00).

(Ord. of 3-9-04(1))

**State Law reference**— Code of Virginia, §§ 46.2-613, 46.2-1157, 46.2-1158 and 46.2-1220.

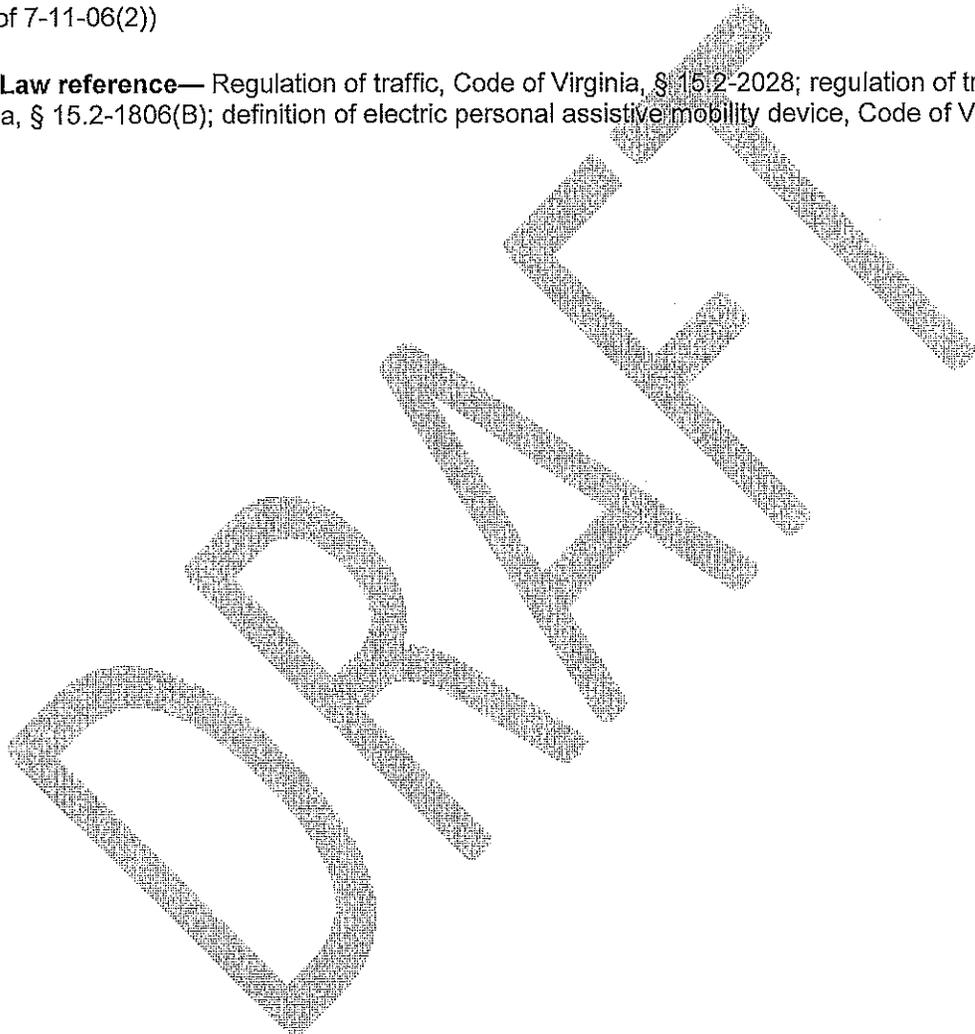
**Sec. 10-19. - Operation of vehicles powered by engines or electricity on public property, public rights-of-way, bike paths, etc., not open to the public for vehicular use.**

- (a) It shall be unlawful for any person to operate or permit to be operated any motor vehicle, motorcycle, mini-bike, moped, go-cart, ATV, golf cart, motor scooter or other form of transportation propelled by an internal combustion engine or electricity with the exception of electric powered personal assistive mobility devices, upon public property, public rights-of-way on private property, bicycle paths or trails which are not held open to the public for vehicular use. This section shall not apply to the following:

- (1) The operation of emergency vehicles and governmental vehicles upon such property.
- (b) Violation of this section shall be a class 4 misdemeanor with a minimum fine of fifty dollars (\$50.00). If life and limb or property of anyone lawfully using such public property, public rights-of-way on private property, bicycle paths or trails is endangered by persons engaged in unlawful acts in violation of this section, the violation will then be punished as a class 1 misdemeanor.

(Ord. of 7-11-06(2))

**State Law reference**— Regulation of traffic, Code of Virginia, § 15.2-2028; regulation of trails, Code of Virginia, § 15.2-1806(B); definition of electric personal assistive mobility device, Code of Virginia, § 46.2-100.



**Sec. 10-20. - Use of roller skates and skateboards on sidewalks; operation of bicycles on sidewalks and crosswalks.**

- (a) It shall be unlawful for any person to use roller skates or skateboards and/or ride a bicycle, motorized skateboards or foot scooters, motor-driven cycles, or electric power-assisted bicycles on designated sidewalks or crosswalks, including those of any church, school, recreational facility or any business property open to the public where such activity is prohibited. Signs indicating such prohibition shall be conspicuously posted in general areas where use of roller skates and skateboards and/or bicycle motorized skateboards or foot scooters, motor-driven cycles, or electric power-assisted bicycle riding is prohibited.
- (b) A person riding a bicycle, electric personal assistive mobility devices, motorized skateboards or foot scooters, motor-driven cycles, or electric power-assisted bicycle on a sidewalk, or across a roadway on a crosswalk, shall yield the right-of-way to any pedestrian and shall give an audible signal before overtaking and passing any pedestrian.
- (c) No person shall ride a bicycle, motorized skateboards or foot scooters, motor-driven cycles, or electric power-assisted bicycle on a sidewalk, or across a roadway on a crosswalk where such use of bicycles, motorized skateboards or foot scooters, motor-driven cycles, or electric power-assisted bicycle is prohibited by official traffic control devices.
- (d) A person riding a bicycle, electric personal assistive mobility devices, motorized skateboards or foot scooters, motor-driven cycles, or electric power-assisted bicycle on a sidewalk, or across a roadway on a crosswalk, shall have all the rights and duties of a pedestrian under the same circumstances.
- (e) Any violation of this section shall be punishable by a civil penalty of not more than fifty dollars (\$50.00).

(Ord. of 8-12-86; Ord. of 7-13-99)

**State Law reference**— Authority for above section, Code of Virginia, §§ 46.2-904, 46.2-1300.

**Sec. 10-21. - Helmets required for bicycle riders fourteen years of age or younger.**

- (a) Every person fourteen years of age or younger shall wear a protective helmet that at least meets the Consumer Product Safety Commission standard whenever riding or being carried on a bicycle on any highway as defined in § 46.2-100 of the Code of Virginia, sidewalk, or public bicycle path.
- (b) Violation of this section shall be punishable by a fine of twenty-five dollars. However, such fine shall be suspended (i) for first-time violators and (ii) for violators who, subsequent to the violation but prior to the imposition of the fine, purchase helmets of the type required by this section.

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

(Ord. of 8-12-97)

**State Law reference**— Authority for above section, Code of Virginia § 46.2-906.1.

**Sec. 10-22. – Limitations on operation of mopeds.**

- (a) No moped shall be driven on any highway or public vehicular area faster than 35 miles per hour. Any person who operates a moped faster than 35 miles per hour shall be deemed, for all the purposes of this chapter, to be operating a motorcycle.
- (b) No moped shall be driven on any highway by any person under the age of 16, and every person driving a moped shall carry with him a government-issued form of photo identification that includes his name, address, and date of birth.
- (c) Violation of any provisions of this section shall constitute a traffic infraction punishable by a fine of no more than \$50.

**Sec. 10-22.1. - Safety equipment for mopeds; effect of violation; penalty.**

Every person operating a moped, as defined in Sec. 46.2-100, Code of Virginia, 1950, as amended, on a public street or highway shall wear a face shield, safety glasses, or goggles of a type approved by the Superintendent of the Department of State Police of the Commonwealth or have his moped equipped with safety glass or a windshield at all times while operating such vehicle, and operators and passengers thereon, if any, shall wear protective helmets of a type approved by the Superintendent. Violation of this section shall not constitute negligence, be considered in mitigation of damages of whatever nature, be admissible in evidence or be the subject of comment by counsel in any action for the recovery of damages arising out of the operation, ownership, or maintenance of a moped or motor vehicle, nor shall anything in this section change any existing law, rule, or procedure pertaining to any such civil action. Any person who knowingly violates this section shall be guilty of a traffic infraction and be subject to a fine of not more than fifty dollars.

(Ord. of 8-12-97)

**State Law reference**— Authority for above section, Code of Virginia § 46.2-915.2

Secs. 10-23—10-26. - Reserved.

## ARTICLE II. - VEHICLE LICENSE

FOOTNOTE(S):

--- (3) ---

**Editor's note**—An Ord. of 9-13-11(2) amended former Art. II, §§ 10-27—10-39, in its entirety to read as herein set out. Former Art. II pertained to similar subject matter and derived from the Code of 1971 and the following: Ord. of 12-11-73; Ord. of 12-12-78; Ord. of 7-8-86; Ord. of 7-11-89; Ord. of 3-9-93; Ord. of 8-14-90; Ord. of 3-14-95; Ord. of 2-6-96; Ord. of 9-9-97; Ord. of 4-12-05; Ord. of 9-8-09(1), Ord. of 9-8-09(2); Ord. of 4-10-01(1).

**Cross reference**— Licenses generally, Ch. 9.

### Sec. 10-27. - License tax imposed.

Except as provided by state law, there is hereby imposed upon all vehicles, all motor vehicles, trailers, or semitrailers normally garaged, stored, or parked in the town a license fee pursuant to this article. If it cannot be determined where any motor vehicle, trailer, or semitrailer is normally garaged, stored, or parked, the situs for the imposition of licensing fees under this article shall be the domicile of its owner.

(Ord. of 9-13-11(2))

**State Law reference**— Local license taxes on vehicles, Code of Virginia, § 46.2-752A.

### Sec. 10-28. - Tax levied.

There is hereby levied, assessed and charged, upon all motor vehicles, trailers and semitrailers required to be licensed under this article annual license taxes as follows:

- (1) Upon each automobile, station wagon, motor home, truck or tractor, twenty-five dollars (\$25.00).
- (2) Upon each motorcycle, twelve dollars (\$12.00).
- (3) Upon each trailer or semitrailer, eight dollars (\$8.00).
- (4) If any license tax imposed by this article is not paid by December 5 of each year or the due date as indicated on the personal property tax bill of any license year, there shall be added to such license fee a delinquent charge of \$10.00 to be assessed and paid along with the license fee.

(Ord. of 9-13-11(2))

**Cross reference**— Taxation generally, Ch. 16.

**State Law reference**— Authority for above tax of Virginia, § 46.2-752.

**Sec. 10-29. - Proration of taxes.**

Should a vehicle be acquired or newly garaged in town after July 1, the fee shall be one-half (½) the rate set forth in this article.

(Ord. of 9-13-11(2))

**Sec. 10-30. - Payment of personal property taxes as prerequisite to licensing.**

No motor vehicle, trailer or semitrailer shall be licensed under this article unless and until the applicant for such license shall have produced satisfactory evidence that all personal property taxes upon the vehicle to be licensed have been paid and satisfactory evidence that any delinquent motor vehicle, trailer, or semitrailer personal property taxes, which have been properly assessed or are assessable against the applicant by the town, have been paid.

(Ord. of 9-13-11(2))

**State Law reference**— Authority for above section, Code of Virginia, § 46.2-752.

**Sec. 10-31. - Repealed**

**Sec. 10-32. - Repealed**

**Sec. 10-33. - Repealed**

**Sec. 10-34. - Repealed**

**Sec. 10-35. - Repealed**

**Sec. 10-36. - Repealed**

**Sec. 10-37. - Reserved.**

**Sec. 10-38. - Repealed**

**Sec. 10-39. - Repealed**

Secs. 10-40—10-47. - Reserved.

### ARTICLE III. - STOPPING, STANDING AND PARKING

FOOTNOTE(S):

--- (4) ---

**State Law reference**— General authority of town to regulate parking, Code of Virginia, § 46.2-1220.

#### DIVISION 1. - GENERALLY

FOOTNOTE(S):

--- (5) ---

**Cross reference**— Standing vehicle on tracks so as to hinder or endanger moving train, § 14-3.

#### **Sec. 10-48. - Parking prohibited in specified places.**

- (a) No person shall park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic-control device, in any of the following places:
- (1) On a sidewalk.
  - (2) In front of a public or private driveway.
  - (3) Within an intersection, or within twenty (20) feet from the intersection of curb lines, or if none, then within fifteen (15) feet of the intersection of property lines at an intersection of streets; unless parking within an officially designated and marked parking space.
  - (4) Within fifteen (15) feet of a fire hydrant.
  - (5) On a crosswalk.
  - (6) Within twenty (20) feet of a crosswalk at an intersection; provided, that where there is no crosswalk at an intersection, no person shall park a vehicle within twenty (20) feet from the intersection of curb lines or, if none, within fifteen (15) feet of the intersection of property lines; unless parking within an officially designated and marked parking space.
  - (7) Within thirty (30) feet upon the approach to any flashing beacon, stop sign or traffic-control signal located at the side of a roadway.
  - (8) Between a safety zone and the adjacent curb or within thirty (30) feet of points on the curb immediately opposite the ends of a safety zone, unless a different length is indicated by official signs or markings.
  - (9) Within fifty (50) feet of the nearest rail of a railroad grade crossing. <sup>[5]</sup>

- (10) Within fifteen (15) feet of the driveway entrance to any fire station and, on the side of a street opposite the entrance to any fire station, within seventy-five (75) feet of the entrance when properly signposted.
  - (11) Alongside or opposite any street excavation or obstruction when such parking would obstruct traffic.
  - (12) On the roadway side of any vehicle parked at the edge or curb of a street.  
(Double parked)
  - (13) Upon any bridge or other elevated structure on a street or highway or within a tunnel.
  - (14) At any place where official signs prohibit parking.
  - (15) In any duly-identified parking space reserved for the handicapped by a vehicle which does not display a license plate, decal or special parking permit issued under sections 46.2-731, 46.2-739 or 46.2-1238 of the Code of Virginia, 1950, as amended.
  - (16) No person shall leave any vehicle, attended or unattended, or a portion or part thereof, upon the paved, improved or main-travelled portion of any highway when it is practicable to leave such vehicle standing off the paved, improved or main-travelled portion of such highway. If it is not practicable to leave such vehicle standing off the paved, improved or main-travelled portion of such highway, then such vehicle shall not be stopped or parked except close to and parallel to the right-hand edge of the curb or roadway, except that a vehicle may be stopped close to and parallel to the left-hand curb or edge of the road on one-way streets or may be parked at an angle where permitted by the State Highway and Transportation Board or the Town of Berryville with respect to streets and highways under their jurisdiction.
  - (17) It shall be unlawful for any person to park any vehicle across any line or marking designating a parking meter space, or to park any vehicle in any way that such vehicle shall not be wholly within a parking meter space as designated by such lines or markings.
- (b) No person, other than a police officer, shall move a vehicle into any such prohibited area or away from a curb such distance as is unlawful.

(Code 1971, § 11-36; Ord. of 5-13-86; Ord. of 12-9-86; Ord. of 2-5-91; Ord. of 3-12-91)

**State Law reference**— Parking in front of driveways, near fire hydrants, etc., Code of Virginia, § 46.2-1239.

**Sec. 10-49. - Parking of commercial vehicles in residential areas.**

- (a) No person shall park or leave standing any commercial vehicle in any residentially zoned area of the town; provided that, during regularly scheduled school hours,

school buses may be parked in such residentially zoned areas by their drivers for a continuous period not to exceed six (6) hours.

- (b) No vehicle intended or designed to transport caustic, flammable, explosive or otherwise dangerous or hazardous materials shall be permitted to be parked or left standing in any residentially zoned area.
- (c) This section shall not be applicable to commercial vehicles picking up or discharging passengers or merchandise or pursuant to performance of work or service in residential areas.
- (d) For the purpose of this section, the term "commercial vehicle" shall mean a motor vehicle:
  - (1) In excess of twenty-two (22) feet in length; or
  - (2) In excess of ten (10) feet in height; or
  - (3) With a gross weight (GW), registered gross weight (RGW), empty weight (EW), or curb weight (CW) in excess of ten thousand (10,000) pounds; or
  - (4) With a manufacturers gross vehicle weight rating (MGVWR), gross vehicle weight rating (GVWR), or gross combined weight rating (GCWR) in excess of twenty thousand (20,000) pounds.
  - (5) The term shall include any semitrailers, construction equipment, cranes, well drilling apparatus and other heavy equipment; however, this section shall not prohibit parking of such equipment if being used for construction activities at sites where valid building or land disturbance permits are in force or such activity is otherwise allowed.
- (e) Any violation of this section shall constitute a misdemeanor punishable by a fine not exceeding one hundred dollars (\$100.00).

(Ord. of 6-10-97; Ord. of 12-8-09; Ord. of 2-14-12(1))

**Sec. 10-50. - Parking and storage of travel trailers, boats etc., in residential areas.**

Any owner of a travel trailer, motor home, boat and/or boat trailer, utility or cargo trailer in excess of ten (10) feet in length, truck camper, habitable bus or recreational vehicle may park or store such equipment in any residentially zoned area of the town provided that:

- (1) The vehicle has displayed all required licenses,
- (2) The vehicle is located no closer to any street than the principal structure; except that said vehicle may be parked closer to the street than the principle structure for a period not to exceed forty-eight (48) hours when the owner of the vehicle is a resident of the street and is arriving or departing on a journey utilizing the vehicle,

(3) The vehicle does not exceed thirty-two (32) feet in length or nine (9) feet in height, and

(4) The vehicle is not inhabited while parked in said residentially zoned area.

Any violation of this ordinance shall constitute a misdemeanor punishable by a fine not to exceed twenty-five dollars (\$25.00).

(Ord. of 6-10-97; Ord. of 2-14-12(2))

**Sec. 10-51. - Angle parking.**

Upon those streets which have been marked for angle parking, as authorized in section 10-7, no person shall park a vehicle other than at the angle to the curb or edge of the roadway indicated by such markings.

(Ord. of 6-10-97)

**Sec. 10-52. - Lights on parked vehicles.**

No lights need be displayed upon any vehicle when parked in the town in accordance with all applicable provisions of this chapter and other ordinances.

(Code 1971, § 11-47; Ord. of 6-10-97)

**State Law reference**— Authority for above section, Code of Virginia, § 46.2-1037.

**Sec. 10-53. - Backing to curb.**

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

(Code 1971, § 11-38; Ord. of 6-10-97)

**Sec. 10-54. - Manner of using loading zones.**

Where a loading and unloading zone has been set apart pursuant to section 10-7, the following regulations shall apply with respect to the use of such zone:

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

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

(Code 1971, § 11-40, Ord. of 6-10-97)

**Sec. 10-55. - Manner of using bus stops and taxicab stands.**

Where a bus stop or taxicab stand has been set apart pursuant to section 10-7, no person shall stop, stand or park a vehicle, other than a bus, in a bus stop or other than a taxicab in a taxicab stand, when such stop or stand has been officially designated and appropriately signed, except that the driver of a passenger vehicle may temporarily stop therein, for the purpose of and while actually engaged in, the expeditious loading or unloading of passengers, when such stopping does not interfere with any bus or taxicab to enter or about to enter such zone.

(Code 1971, § 11-41; Ord. of 6-10-97)

**Sec. 10-56. - Standing or parking on private property.**

No person shall stand or park a vehicle on any private lot or lot area without the express or implied consent of the owner thereof.

(Code 1971, § 11-45; Ord. of 6-10-97)

**Sec. 10-57. - Reserved**

**Sec. 10-58. - Reserved**

**Sec. 10-59. - Reserved**

**Sec. 10-60. - Reserved**

**Sec. 10-61. - Reserved**

**Sec. 10-62. - General penalty for parking violations; certification of contest of parking citation.**

- (a) Unless otherwise provided, any person violating the provision of section 10-70 relating to parking in metered spaces shall be guilty of a traffic infraction and punished as prescribed in section 10-1; provided, however, that any such violation may be satisfied, in full, by payment to the town treasurer of five dollars (\$5.00) within twenty-four (24) hours of such violation, or seven dollars (\$7.00) within fifteen

(15) days of such violation. If payment for such violation is not received within fifteen (15) days, the fine shall be assessed at thirty dollars (\$30.00).

- (b) Unless otherwise provided, any person violating the provision of section 10-48(a)(1), (2), (3), (4), (5), (6), (7), (8), (9), (10), (11), (12), (13), (14), (16) or (17) shall be guilty of a traffic infraction and punished as prescribed in section 10-1; provided however, that any such violation may be satisfied, in full, by payment to the town treasurer of ten dollars (\$10.00) within five (5) days of such violation.
- (c) Unless otherwise provided, any person violating the provisions of section 10-18(a) shall be guilty of a traffic infraction and punished as prescribed in section 10-1; provided, however, that any such violation may be satisfied, in full, by payment to the town treasurer of twenty-five (\$25.00) within five (5) days of such violation.
- (d) All uncontested parking citations paid under this section shall be accounted for by the town treasurer.

(Code 1971, §§ 11-34, 11-56; Ord. of 7-9-74; Ord. of 12-12-78; Ord. of 5-13-86; Ord. of 12-9-86; Ord. of 2-5-91; Ord. of 6-10-97; Ord. of 4-14-98; Ord. of 4-10-01(2); Ord. of 3-9-04(2); Ord. of 12-9-14(2))

**Note**— State Law Reference Sec. 46.2-613, 46.2-1157 and 46.2-1220.

**Note**— The penalty for unauthorized parking in spaces reserved for the handicapped is provided in Code section 10-64 and is authorized by Sec. 46.2-1242 B.1 of the Code of Virginia.

**Sec. 10-63. - Procedure for delinquent parking citations.**

- (a) The Chief of Police shall cause a complaint or summons to be issued for delinquent parking citations.
- (b) Notwithstanding the provisions of subsection (a) above, before any summons shall issue for the prosecution of a violation of this Code or other ordinance or regulation of the town regulating parking, the violator shall have been first notified, by mail at his last known address or at the address shown for such violator on the records of the state division of motor vehicles, that he may pay the fine provided by law for such violation, within five (5) days of receipt of such notice, and the chief of police shall be notified that the violator has failed to pay such fine within such time. The notice to the violator, required by the provisions of this section, shall be contained in an envelope bearing the words "Law Enforcement Notice" stamped or printed in the face thereof in type at least one-half inch in height.

(Ord. of 2-5-91; Ord. of 6-10-97)

**State Law reference**— Similar provisions, Code of Virginia, §§ 46.2-941, 46.2-1225—46.2-1229.

**Sec. 10-64. - Parking in spaces reserved for persons with disabilities; issuance of summons by law-enforcement personnel.**

- (a) It shall be unlawful for a vehicle not displaying disabled parking license plates, an organizational removable windshield placard, a permanent removable windshield placard, or a temporary removable windshield placard issued under section 46.1-731 of the Code of Virginia or DV disabled license plates issued under subsection B of section 46.2-739 of the Code of Virginia to be parked in a parking space reserved for persons with disabilities that limit or impair their ability to walk or for a person who is not limited or impaired in his ability to walk to park a vehicle in a parking space so designated except when transporting a person with such a disability in the vehicle. A summons or a parking ticket for violation of this section may be issued by town police officers and other uniformed personnel employed by the town to enforce parking regulations without the necessity of a warrant's being obtained by the owner of any private parking area.
- (b) The penalty for violation of this section shall be punishable by a fine of not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00).

(Ord. of 5-13-86; Ord. of 8-15-95; Ord. of 6-10-97; Ord. of 9-9-97)

**Editor's note**— The provisions of a non-mandatory ordinance adopted May 13, 1986, have been included herein at the discretion of the editor as § 10-62.

**Sec. 10-64.1 – Two hours' free parking in time restricted or metered spaces**

- (a) The disabled person, vehicle owner, volunteer or employee for an institution or organization to which disabled parking license plates, organizational removable windshield placards, permanent windshield placards, or temporary removable windshield placards are issued or to whom disabled parking license plates have been issued under subsection B of §46,2-739 Code of Virginia shall be allowed to park the vehicle on which such license plates or placards are displayed for up to two hours in metered or unmetered parking zones restricted as to the length of time permitted and shall be exempted from paying parking meter fees of the town.
- (b) This section shall not apply to zones where stopping, standing, or parking is prohibited, or parking zones for special types of vehicles, or where parking would clearly present a traffic hazard.

**State Law Reference** – Similar provision, Code of Virginia §46.2-1245

**Sec. 10-65. - Parking restrictions in the Rixey Moore parking lot.**

Parking restrictions in the Rixey Moore parking lot are as follows:

- (1) All vehicles shall be parked within designated parking spaces only. No vehicles may be parked in a manner that occupies more than one (1) parking space. Parking in the travel way or in landscaped areas is prohibited.
- (2) Restrictions outlined in section 10-65 (1) would not apply during events authorized by the Town and conducted in accordance with conditions established by the Town.
- (3) No vehicle may be parked for a period exceeding nine (9) consecutive hours.
- (4) Any violation of this section shall be punishable by a fine of twenty-five dollars (\$25.00) and the vehicle subject to towing at the owner's expense.

(Ord. of 2-14-06)

**Sec. 10-66. - Reserved.**

**DIVISION 2. - PARKING METERS**

FOOTNOTE(S):

--- (6) ---

**State Law reference**— General authority of town to install and maintain parking meters, Code of Virginia, § 46.2-1220

**Sec. 10-67. - Establishment of meter zones and parking meter rates.**

For the purpose of this division, the parking meter zones and parking meter rates shall be as established by resolution by the town council.

(Code 1971, § 11-48; Ord. of 12-9-14(2))

**Editor's note**— An ordinance adopted Dec. 9, 2014, changed the title of § 10-67 from "Establishment of meter zones" to read as herein set out.

**Sec. 10-68. - Marking of metered spaces and installation of meters; meter indications.**

On streets designated as parking meter zones, the town manager shall cause parking meter spaces to be marked on the pavement or curb or by other appropriate measures and shall install, or cause to be installed, parking meters in such spaces.

Each such meter shall indicate the lawful time limit for parking in the space for which it is installed and the denomination of coins required to be deposited thereon.

(Code 1971, § 11-50)

**Sec. 10-69. - Reserved.**

**Editor's note**— An ordinance adopted February 5, 1991, repealed § 10-69. Prior to being repealed, said section pertained to vehicles parked entirely within metered spaces and derived from § 11-52 of the 1971 Code.

**Sec. 10-70. - Deposit of coin money required; overtime parking.**

- (a) When any vehicle shall be parked in any parking space adjacent to a parking meter installed under this division, the operator of such vehicle shall, upon entering such parking space, immediately deposit, or cause to be deposited, in such parking meter, a coin or coins money of the United States, the denominations of which shall be indicated on the meter, which shall put such meter in operation for the time prescribed on the meter. The parking space may be lawfully occupied by such vehicle during the period of time prescribed for the particular amount deposited. Failure to so deposit such coin or coins money and to put the meter in operation shall constitute a violation of this section. If such vehicle shall remain in such parking space beyond the prescribed time limit for the particular amount deposited, and the parking meter shall indicate illegal parking, violation, or expired, such vehicle shall be considered as being parked overtime and beyond the prescribed period of legal parking time. It shall be unlawful for any person to cause, allow, permit, or suffer any vehicle owned or operated by him to be parked overtime or beyond the period of legal parking time in any parking meter zone established under this division.
- (b) In the event a vehicle parked overtime in violation of this section remains so parked overtime in the same space for more than one hour, each additional hour, or fraction thereof, during which the vehicle is so parked shall constitute a separate violation.
- (c) The provisions of this section shall be in effect from 8:00 a.m. to 5:00 p.m. of each day, except Saturdays, Sundays and holidays observed by the town government.

(Code 1971, §§ 11-49, 11-51, 11-55, 11-56; Ord. of 7-9-74; Ord. of 12-12-78; Ord. of 2-5-91; Ord. of 12-9-14(2))

**Editor's note**— An ordinance adopted Dec. 9, 2014, changed the title of § 10-70 from "Deposit of coin required; overtime parking" to read as herein set out.

**Sec. 10-71. - Defacing, damaging, etc., meters.**

It shall be unlawful for any person to deface, tamper with, damage, open or willfully break, destroy or impair the usefulness of any parking meter installed under the terms of this division. Any person violating this section shall be guilty of a Class 1 misdemeanor.

**Cross reference**— Penalty for Class 1 misdemeanor, § 1-11; damaging property generally, § 13-22 et seq.

**ARTICLE IV. – ABANDONED, INOPERABLE AND UNATTENDED VEHICLES**

FOOTNOTE(S):

--- (7) ---

**Cross reference**— Open storage of inoperative vehicles in certain zoning districts, § 13-30.

**Sec. 10-72. - Definitions.**

As used in this article:

- (1) Abandoned motor vehicle means a motor vehicle, trailer, or semitrailer or part of a motor vehicle, trailer, or semitrailer that:
  - a. Is inoperable and is left unattended on public property for more than forty-eight (48) hours, or
  - b. Has remained illegally on public property for more than forty-eight (48) hours, or
  - c. Has remained for more than forty-eight (48) hours on private property without the consent of the property's owner, regardless of whether it was brought onto the private property with the consent of the owner or person in control of the private property.
- (2) Inoperable abandoned motor vehicle means an abandoned motor vehicle which is inoperable and whose fair market value, as determined by the Clarke County official responsible for assessing motor vehicles under section 58.1-3503, Code of Virginia, 1950, as amended, is less than the cost of its restoration to an operable condition.

(Ord. of 9-12-89; Ord. of 11-13-90)

**State Law reference**— Similar provisions, Code of Virginia, § 46.2-1200.

**Sec. 10-73. - Town authorized to take abandoned vehicles into custody.**

Pursuant to this article and the authority of section 46.2-1201, Code of Virginia, 1950, as amended, the town may take into custody any abandoned motor vehicle. The town may employ its own personnel, equipment and facilities or hire persons,

equipment and facilities or firms or corporations who may be independent contractors for removing, preserving and storing abandoned motor vehicles.

(Ord. of 9-12-89; Ord. of 11-13-90)

**Sec. 10-74. - Notice to owner of vehicle taken into custody.**

- (a) When the town takes into custody an abandoned motor vehicle it shall, within fifteen (15) days, by registered or certified mail, return receipt requested, notify the owner of record of the motor vehicle and all persons having security interests in the vehicle of record, that it has been taken into custody. The notice shall (i) state the year, make, model, and serial number of the abandoned motor vehicle; (ii) set forth the location of the facility where it is being held; (iii) inform the owner and any persons having security interests of their right to reclaim it within fifteen (15) days after the date of the notice after payment of all towing, preservation and storage charges resulting from placing the vehicle in custody. The notice shall state that the failure of the owner or persons having security interests to reclaim the vehicle within the time provided shall constitute (i) a waiver by the owner and all persons having any security interests of all right, title, and (ii) interest in the vehicle, and consent to the sale of the abandoned motor vehicle at a public auction.
- (b) If records of the Virginia Department of Motor Vehicles contain no address for the owner or no address of any person shown by such records to have a security interest, or if the identity and addresses of the owner and all persons having security interests cannot be determined with reasonable certainty, notice by publication once in a newspaper of general circulation in the area where the motor vehicle was abandoned shall be sufficient to meet all requirements of notice pursuant to this article as to any person who cannot be notified pursuant to the provisions of subsection (a) of this section. Such notice by publication may contain multiple listings of abandoned motor vehicles. Any such notice shall be within the time requirements prescribed by this section for notice by mail and shall have the same contents required for a notice by mail.
- (c) The consequences of failure to reclaim an abandoned motor vehicle shall be as set forth in a notice given in accordance with and pursuant to this section.

(Ord. of 9-12-89; Ord. of 11-13-90)

**State Law reference**— Authority for above section, Code of Virginia, § 46.2-1202.

**Sec. 10-75. - Sale of vehicle at public auction; disposition of proceeds.**

If an abandoned motor vehicle has not been reclaimed as provided for in section 10-74, the town, or its authorized agent, shall notwithstanding the provisions of section 46.2-617, Code of Virginia, 1950, as amended, sell it at public auction. For the purposes of this section, the term "public auction" shall include an Internet sale by auction. The purchaser of the motor vehicle shall take title to the motor vehicle free of all liens and

claims of ownership of others, shall receive a sales receipt at the auction and shall be entitled to apply to and receive from the Virginia Department of Motor Vehicles a certificate of title and registration card for the vehicle. The sales receipt from the sale shall be sufficient title only for the purposes of transferring the vehicle to a demolisher for demolition, wrecking, or dismantling, and in that case no further titling of the vehicle shall be necessary. From the proceeds of the sale of an abandoned motor vehicle, the town, or its authorized agent, shall reimburse itself for the expenses of the auction, the cost of towing, preserving and storing the vehicle which resulted from placing the abandoned motor vehicle in custody, and all notice and publication costs incurred pursuant to section 10-74. Any remainder from the proceeds of a sale shall be held for the owner of the abandoned motor vehicle or any person having security interests in the vehicle, as their interests may appear, for ninety (90) days, and then shall be deposited into the treasury of the town wherein such abandoned motor vehicle was abandoned.

(Ord. of 9-12-89; Ord. of 11-13-90)

**State Law reference**— Similar provisions, Code of Virginia, § 46.2-1203.

**Sec. 10-76. - Repealed**

**Sec. 10-77. - Disposition of inoperable abandoned vehicles.**

Notwithstanding any other provisions of this article, any inoperable motor vehicle, trailer, semitrailer, or part of a motor vehicle, trailer, or semitrailer which has been taken into custody pursuant to the provisions of this article may be disposed of to a demolisher, without this title and without the notification procedures, by the person or town on whose property or in whose possession the motor vehicle, trailer, or semitrailer is found. The demolisher, on taking custody of the inoperable abandoned motor vehicle, shall notify the Department of Motor Vehicles on forms and in the manner prescribed by the commissioner thereof. Notwithstanding any other provision of law, no other report or notice shall be required in this instance.

(Ord. of 9-12-89; Ord. of 11-13-90)

**State Law reference**— Similar provisions, Code of Virginia, § 46.2-1205.

**Sec. 10-78. - Surrender of certificate of title, etc., where motor vehicle acquired for demolition; records to be kept by demolisher.**

- (a) No demolisher or scrap metal processor who purchases or otherwise acquires a motor vehicle for wrecking, dismantling, or demolition shall be required to obtain a certificate of title for the motor vehicle in his own name. After the motor vehicle has been demolished, processed, or changed so that it physically is no longer a motor vehicle, the demolisher or scrap metal processor shall surrender to the Virginia Department of Motor Vehicles for cancellation the certificate of title or sales receipt for the vehicle. The demolisher or scrap metal processor shall use the forms and

follow the rules and regulations of the Department of Motor Vehicles in the surrender of sales receipts and certificates of title as are appropriate.

- (b) Demolishers and scrap metal processors shall keep accurate and complete records of all motor vehicles purchased or received by them in the course of their business. Their records shall contain the name and address of the person from whom each motor vehicle was purchased or received and the date on which purchases or receipts occurred. These records shall be open for inspection by the Virginia Department of Motor Vehicles at any time during normal business hours.

(Ord. of 9-12-89; Ord. of 11-13-90)

**State Law reference**— Similar provisions, Code of Virginia, § 46.2-1206.

**Sec. 10-79. - Open storage of inoperable vehicles in certain zoning districts.**

- (a) It shall be unlawful and a Class 4 misdemeanor for any person, firm or corporation to keep, except within a fully enclosed building or structure or otherwise shielded or screened from view, on any property zoned for residential or commercial purposes, any motor vehicle, trailer, or semi-trailer, as such are defined in § 46.2-100 of the Code of Virginia, which is inoperative. As used in this section, an "inoperative motor vehicle" shall mean any motor vehicle which is not in operating condition; or which for a period of sixty (60) days or longer has been partially or totally disassembled by the removal of tires and wheels, the engine, or other essential parts required for the operation of the vehicle, or on which there are displayed neither valid license plates nor a valid inspection decal. However, the provisions of this act shall not apply to licensed business which on June 26, 1970, is regularly engaged in the business as an automobile dealer, salvage dealer or scrap processor.
- (b) A maximum of one (1) inoperable motor vehicle, trailer, or semi-trailer may be kept outside of a fully enclosed building or structure, as long as such vehicle, trailer, or semi-trailer is shielded or screened from view. "Shielded or screened from view" means not visible by someone standing at ground level from outside of the property on which the subject vehicle is located or the vehicle is covered by a cover made for vehicles.
- (c) Notwithstanding the other provisions of this section, if the owner of such inoperable vehicle can demonstrate that he is actively restoring or repairing the vehicle, and if it is shielded or screened from view, the vehicle and one additional inoperable vehicle that is shielded or screened from view and being used for the restoration or repair may remain on the property.
- (d) The owners of property zoned for residential or commercial purposes shall, at such time or times as the council may prescribe, remove therefrom any such inoperable vehicles, trailers or semi-trailer described above that are not kept within a fully enclosed building or structure.

- (e) The town manager through the town's agents and employees may remove such inoperable motor vehicles, trailers, or semi-trailers as hereinabove described whenever the owner of the premises, after reasonable notice, has failed to do so. Reasonable notice may be given by first class and registered or certified mail addressed to the owner of the premises, as shown on the current real estate tax records, at the address to which the real estate tax bill is mailed; personal service upon an owner of the premises upon which the vehicles are located; or conspicuously posting notice of the violation upon the premises where the inoperative motor vehicles are located. In the event any such motor vehicle, trailer, or semi-trailer is so removed, the town manager through the town's agents and employees may dispose of the same, after giving additional notice to the owner of the vehicle.
- (f) The cost of any such removal and disposal shall be chargeable to the owner of the vehicle or premises and may be collected by the town as taxes and levies are collected. Every such cost with which the owner of the premises has been assessed shall constitute a lien against the property from which the vehicle was removed, the lien to continue until actual payment of such cost has been made to the town.

(Ord. of 7-18-85; Ord. of 5-9-89; Ord. of 6-13-06; Ord. of 12-9-14(1))

**Cross reference**— Penalty for Class 4 misdemeanor, § 1-11; zoning ordinance, App. A.

**State Law reference**— Authority for above section, Code of Virginia, § 15.2-904.

**Sec. 10-80. - Removal and disposition of unattended vehicles or immobile vehicles—Generally.**

- (a) Whenever any motor vehicle, trailer, semitrailer, or parts thereof, are left unattended on a public highway or other public property and constitutes a traffic hazard or it is parked illegally, or it is left unattended for more than ten (10) days either on public property or private property without the permission of the owner, lessee or occupant, or it is immobilized on a public roadway by weather conditions or other emergency situation, such motor vehicle, trailer, semitrailer, or parts thereof, may be removed for safekeeping by or under the direction of a police officer to a storage area; provided, however, that no such vehicle shall be so removed from privately owned premises without the written request of the owner, lessee or occupant thereof.
- (b) The person at whose request a motor vehicle, trailer, semitrailer, or parts thereof are removed from private property under this section shall indemnify the town against any loss or expense incurred by reason of the removal, storage or sale thereof.
- (c) For the purposes of this section, it shall be presumed that a motor vehicle, trailer or semitrailer, or part thereof, is abandoned, if it (i) lacks either a current license plate

or a current town license plate or sticker or a valid state inspection certificate or sticker and (ii) has been in a specific location for four (4) days without being moved.

- (d) Each removal under this section shall be reported immediately to the police department and to the owner of the motor vehicle, trailer or semitrailer as promptly as possible. The owner of such vehicle or trailer, semitrailer, or part thereof, before obtaining possession thereof, shall pay to the parties entitled thereto all costs incidental to its removal and storage and locating the owner of such motor vehicle, trailer or semitrailer. Should such owner fail or refuse to pay the cost, or if his identity or whereabouts is unknown and unascertainable, after a diligent search has been made and after notice to him at his last known address and to the holder of any lien of record with the office of the Department of Motor Vehicles against the motor vehicle, trailer or semitrailer, or part of a motor vehicle, trailer, or semitrailer, the vehicle shall be treated as an abandoned vehicle under the provisions of Article IV (sections 10-72, et seq.) of this chapter.

(Code 1971, § 11-42; Ord. of 3-9-93; Ord. of 6-10-97)

**State Law reference**— Authority for above section, Code of Virginia, §§ 46.2-1213, 46.2-1217.

**Sec. 10-81. - Same—Contracts with private persons for removal and storage.**

The town shall have the power to enter into contracts with the owners or operators of garages or other places for the removal or storage of vehicles referred to in section 10-80. The contracts shall provide for the payment, by the town, of reasonable charges for the removal and storage of such vehicles, shall require such owners or operators to deliver such vehicles to the owners thereof or their agents upon demand therefor, upon furnishing satisfactory evidence of identity and ownership or agency and upon payment of such removal and storage charges, and that the owners or operators of such garages or places of storage will indemnify the owners of such vehicles for injury or damage thereto resulting from the negligent removal or storage thereof, and such owners or operators shall be required to provide themselves with adequate liability insurance to cover such indemnity.

(Code 1971, § 11-43; Ord. of 6-10-97)

**Sec. 10-82. - Same—Sale of personal property found in vehicle.**

Any personal property found in any unattended or abandoned motor vehicle, trailer or semitrailer may be sold incident to the sale of any such vehicle as authorized in section 10-75.

(Code 1971, § 11-44; Ord. of 6-10-97)

**State Law reference**— Similar provisions, Code of Virginia, § 46.2-1214.

**Sec. 10-83. - Repeal**

**Sec. 10-84. - Same—State to be notified of removal.**

The Department of Motor Vehicles shall be notified of the disposition of any motor vehicle, trailer or semitrailer under sections 10-73, 10-80 or 10-81.

(Code 1971, § 11-46; Ord. of 6-10-97)

**State Law reference**— Similar provisions, Code of Virginia, §§ 46.2-1215, 46.2-1233.

DRAFT



**BERRYVILLE TOWN COUNCIL  
MOTION TO REPEAL AND RE-ADOPT CHAPTER 10, MOTOR VEHICLES AND  
TRAFFIC, OF THE CODE OF TOWN OF BERRYVILLE**

Date:            January 9, 2018

Motion By:

Second By:

I move that the Council of the Town of Berryville adopt the attached ordinance amending the Code of the Town of Berryville to repeal and re-adopt Chapter 10, Motor Vehicles and Traffic, as attached.

VOTE:

Aye:

Nay:

Absent:

Attest: \_\_\_\_\_  
          Harry L. Arnold, Jr., Recorder

Date: \_\_\_\_\_

# Attachment 17

# **Report of the Department of Public Works**

## **January 3, 2018**

### **Water**

We had one water related call last month. Central Alarm contacted me Saturday December 30<sup>th</sup> about a water break at the Mary Hardesty House. Public Work's responded and found that a sprinkler line located in the attic area had frozen and burst. Enders Fire Department was on scene when we arrived and Public Works assisted shutting down the water supply to the sprinkler system.

We have been very fortunate not too have any other water issues during this recent cold snap. Over the last several years we have replaced and repaired lines and meters boxes that proved to problematic during these extreme cold snaps. I expect when the thawing starts we may have some water leak issues to deal with then.

### **Sewer**

We experienced several call for possible sewer blockages last month. Most of the blockages were found to be the home owner's responsibility. We did find one section of sewer main that had several roots protruding into the line. Because this section of main is located in an area that we can't access with the Town's jet rodder a contactor was called in cut the roots and clean the main.

### **General Information**

Our first round of snowy weather hit on Saturday December 30<sup>th</sup>. Our area received less than two inches of snow, but due to the extreme cold temperatures the roads became icy and created hazard driving conditions. Public Works had a crew on call and responded and applied salt to the roadways and cleaned all town owned sidewalks.