

LURAY TOWN COUNCIL
August 13, 2018 - 7:00 p.m.

MEETING AGENDA

- | | |
|------------------------------------------------------------------|------------------|
| I. CALL TO ORDER & PLEDGE ALLEGIANCE TO THE U.S. FLAG | Mayor Presgraves |
| II. ROLL CALL | Danielle Babb |
| III. CONSENT AGENDA | Mayor Presgraves |
| IV. GENERAL CITIZEN COMMENTS (other than agenda items) | |
| V. PRESENTATIONS | |
| VI. PUBLIC HEARINGS | |
| A) SUP – Manufactured Home in R3 District – 135 Bixlers Ferry Rd | Steve Burke |
| VII. DEPARTMENTS, TOWN BOARDS AND COMMISSIONS | |
| A) Luray Downtown Initiative | Meredith Dees |
| B) West Main Street Bridge Project Update | Bryan Chrisman |
| VIII. ACTION & DISCUSSION ITEMS | |
| A) Code Amendment – Section 58-17 Petit Larceny | Jason Botkins |
| B) Planning Permit Application | Steve Burke |
| C) Code Amendment – Section 2-177 Social Media | Steve Burke |
| D) Additional Assessment for Electronic Summons System | Chief Bow Cook |
| E) Source Water Protection Plan | Steve Burke |
| IX. OLD BUSINESS | |
| A) Draft Charter Amendment | Jason Botkins |
| B) Code Amendment – Section Special Events & Assemblies | Jason Botkins |
| X. TOWN ATTORNEY’S REPORT | Jason Botkins |
| XI. MAYOR’S ANNOUNCEMENTS | Mayor Presgraves |
| XII. RECESS (As needed) | Mayor Presgraves |
| XIII. CLOSED MEETING | Mayor Presgraves |
| A) Real Property Issues | |
| XIV. ADJOURN | |

Version Date: August 7, 2018 9:00 a.m.

Town of Luray
PO Box 629
45 East Main Street
Luray, VA 22835
www.townofluray.com
540.743.5511



Mayor

Barry Presgraves
150 Collins Avenue
Luray, VA 22835
Term: 2017-2020

Council Members

Leroy Lancaster
112 Reservoir Avenue
Luray, VA 22835
Term: 2017-2020

Joey Sours
525 Atkins Drive
Luray, VA 22835
Term: 2017-2020

Leah Pence
51 W Main Street
Luray, VA 22835
Term: 2017-2020

Jerry Schiro
142 Leaksville Road
Luray, VA 22835
Term: 2014-2018

Jerry Dofflemyer
295 Heritage Drive
Luray, VA 22835
Term: 2015-2018

Ronald Vickers
6 Lewis Street
Luray, VA 22835
Term: 2014-2018

Town Officials:

Town Manager – Steven Burke
Assistant Town Manager- Bryan Chrisman
Planning & Zoning – Brooke Newman
Town Clerk/ Treasurer- Mary Broyles
Deputy Town Clerk/ Treasurer- Danielle Babb
Chief of Police- Bow Cook
Superintendent of Public Works- Lynn Mathews
Parks & Recreation Director- Pat O'Brien

Commissions & Committees:

Luray Planning Commission
Luray-Page County Airport Commission
Luray Tree and Beautification Committee
Luray Board of Zoning Appeals
Luray Downtown Initiative
Luray-Page County Chamber of Commerce

I move to approve the following Consent Agenda (All items must be read):

CONSENT AGENDA

- (A) Minutes of the Regular Council Meeting – 7-9-18
- (B) Minutes of the Council Special Session – 7-24-18
- (C) Accounts Payable checks totaling- \$ 227,722.02

*Financial Reports will be delayed until the completion of the audit.

Prepared By:

Mary F. Broyles, Treasurer

**A REGULAR MEETING OF
THE TOWN COUNCIL
OF
THE TOWN OF LURAY, VIRGINIA**

MONDAY, JULY 9, 2018

The Luray Town Council met in regular session on Monday, July 9, 2018, at 7:00 p.m. in the Luray Town Council Chambers located at 45 East Main Street, Luray, Virginia at which time there were present the following:

Presiding: Mayor Barry Presgraves

Council Present:

Ronald Vickers
Jerry Dofflemyer
Jerry Schiro
Leroy Lancaster
Joseph Sours
Leah Pence

Also Present:

Steve Burke, Town Manager
Bryan Chrisman, Assistant Town Manager
Jason Botkins, Town Attorney
Mary Broyles, Clerk-Treasurer
Danielle Babb, Deputy Clerk-Treasurer
Chief C.S. "Bow" Cook, Luray Police Department
Meredith Dees, Luray Downtown Initiative
William Huffman, Luray Downtown Initiative
Jason Pettit, Luray Downtown Initiative/ Business Owner
Margaret Stevenson, 101 Pass Run Drive, Luray (Citizen Comment)
Mike Uram, Stanley Town Council
Melvin "Buddy" Cave and Carol Cave, 1272 Elgin Drive, Luray (Citizen Comment)
Amity Moler, Page County Administrator
Gina Hilliard, Luray Page County Chamber of Commerce

A quorum being present, Mayor Presgraves declared the Council to be in session for the transaction of business. All present stood for a moment of silence. Councilman Lancaster led everyone in the United States Pledge of Allegiance.

CONSENT AGENDA

Motion: Councilman Schiro motioned to approve the Consent Agenda, motion seconded by Councilman Vickers with the vote as follows: YEA: Council Members Vickers, Dofflemyer, Schiro, Lancaster, Sours, Pence. **Approved 6-0**

Consent Agenda

- (A) Minutes of the Regular Council Meeting – 6-11-18
- (B) Minutes of the Council Work Session – 6-26-2018
- (C) Financial Report- Month Ending - 6-30-2018
- (D) Accounts Payable checks totaling- \$ 480,720.36

CITIZEN COMMENT

Margaret Stevenson, 101 Pass Run Drive, Luray

Ms. Margaret Stevenson expressed her concerns about the Urban Solar Grid Project that would occupy approximately 559 acres in the county. Ms. Stevenson expressed her concerns about environmental impacts that may arise from the development of these proposed 280,000 panels. She also provided members with a fact sheet handout.

Ms. Stevenson then updated members on the Greenway Foundation's progress so far on the Greenway Expansion Project. Ms. Stevenson said that three commitments have been secured but members are still negotiating with other property owners. The Foundation will continue to keep members of Council up to date on their progress.

Mike Uram, Stanley Town Council

Mr. Uram thanked members of Council who attended the recent Stanley Homecoming Parade.

PUBLIC HEARINGS

Code Amendments – Itinerant Merchant, Peddler, & Commercial Solicitor

Town Manager, Steve Burke, said that Council is requested to consider Code Amendments to Town Code Section 30-1, 30-38, 30-41, 30-71, 30-96, 30-97, and 30-102 related to operations and Business License rates for Itinerant Merchants, Peddlers, and Solicitors. The changes include regulation of hours and practices, to specify a business license for each definite location to allow businesses with a definite location license to operate as an itinerant merchant, to require currency on town taxes, \$500 per year tax rate for itinerant merchants and elimination of proration, \$500 per year tax rate for peddlers not selling perishable items, and to define commercial solicitors and establish their tax rates. Mayor Presgraves then opened the public hearing for citizen comment.

Melvin “Buddy” Cave- 1272 Elgin Drive, Luray

Mr. Cave said that he didn’t believe he would accomplish a change in the tax rate. He stated that he can choose to pay the \$500 fee and operate in Luray or choose not to operate his food truck within the Town. He expressed his concerns about fairness to itinerant merchants and said that he believes the brick and mortar businesses are being favored.

Councilwoman Pence countered that she would favor the brick and mortar businesses because they are incurring additional costs of water and sewer and property taxes. She noted that these businesses are open year round and operate in good times and bad.

Mr. Cave continued that Page County charges a fee of only \$300 for itinerant vendors.

Jason Pettit- 111 N. Court Street

Mr. Jason Pettit spoke in favor of the tax rate and said that it is not an issue of favoritism but is a significant investment in the town. He said that these restaurants fill storefronts and are the face of downtown. He added that the brick and mortar restaurants are important to the Town’s Main Street. Mr. Pettit said that his restaurant has been a significant investment and a food truck can be moved or sold easily to meet demands or lack of.

Council members discussed pop up food trucks at events, catering, and special events. Council agreed that these are all areas that need to be regulated or monitored for compliance.

Motion: Councilman Vickers motioned to adopt the Code Amendments to Town Code Section 30-1, 30-36, 30-38, 30-71, 30-96, 30-97, and 30-102 related to operation and Business License tax rates for Itinerant Merchants, Peddlers, and Solicitors as presented. Motion seconded by Councilman Schiro with the vote as follows: YEA: Council Members Vickers, Dofflemeyer, Schiro, Lancaster, Sours, Pence.

Approved 6-0

DEPARTMENTS, TOWN BOARDS AND COMMISSIONS

Luray Page County Chamber of Commerce

Ms. Gina Hilliard provided a power point presentation that highlighted updates for the Chamber and Visitors Center. She noted the newly redesigned “In the Loop” newsletter, new Main Street Bridge Map, and 2018-2019 Visitors Guide. Ms. Hilliard announced that she is now serving on the 18-19 VACCE Board of Directors. The Chamber has hosted several ribbon cutting events over the last quarter, awarded two scholarships, and held FAM tours. Ms. Hilliard displayed the VTC Outdoor video that was sponsored by Virginia Tourism. The Chamber has received 22 new memberships, bringing total members to 429. Continued efforts include the new Young Professionals program, radio station promotions, Women in Business Forum, Business Networking Breakfast, Tourism Tuesdays, and various ribbon cutting events. The next Business After Hours will be a joint effort with Harrisonburg Rockingham County Chamber and will feature Massanutten Water Park on July 12th. The July movie night will be held in Luray on July 27th at R.H. Dean Park. Ms. Hilliard also noted that the Mud Race advertising has begun.

Luray Downtown Initiative

Ms. Meredith Dees thanked Ms. Hilliard for her work and said that all organizations are working well together and working to promote many of the same efforts. Ms. Dees noted that the sanitary sewer manhole along the greenway has been painted. Ms. Dees added that the downtown maps are getting a facelift. Councilwoman Pence complemented these maps and said they are very useful in assisting visitors. Ms. Dees said that Virginia Main Street representative Matt Wagoner will be here on September 4th. Also, upcoming events include the Trick or Treat on Main, co sponsored with Parks and Recreation, and plans for a Fall Fundraiser.

ACTION & DISCUSSION ITEMS

Resolution of Support- US 211/340 & Big Oak Intersection Improvements

Amity Moler, Page County Administrator

Ms. Moler spoke on behalf of Page County to request support of the VDOT Smart Scale Improvements for the intersection of US 211 and Big Oak Road Intersection. Ms. Moler said that she is not requesting any monetary support, just a resolution from the Town of Luray. Page County is requesting a traffic signal at this intersection as it is the 23rd most dangerous intersection in the VDOT Staunton District. She noted that immediate improvements to this area will include line painting and new stop signs.

Councilman Lancaster said that he recalls a bond from Page Cooperative for the signalization of this intersection. Chief Cook explained that the right lane of the intersection is within the Town and town officers respond to a number of incidents at this location.

Motion: Councilman Sours moved to adopt the Resolution of Support for the US211/340 and Big Oak Road Intersection Improvements as presented, motion seconded by Councilman Dofflemyer with the vote as follows: YEA: Council Members Vickers, Dofflemyer, Schiro, Lancaster, Sours, Pence.
Approved 6-0

General Assembly Activity Update

Town Attorney, Jason Botkins, provided General Assembly updates pertinent to Town operations. Mr. Botkins explained that based on some of the changes, the Town Code will need to be updated. Changes include updates pertaining to zoning violations, variances, criminal law, economic disclosure acts, regulation of boating activities, and professional services and competitive pricing. Mr. Botkins said that he will prepare the ordinances for update to the Town's code.

Board of Zoning Appeals – Appointment Recommendations

Mr. Steve Burke requested that Council consider reappointing Rose Anne Smythe and Michael Swenson to the Town of Luray Board of Zoning appeals. Both individuals have expressed an interest in serving another term.

Motion: Councilwoman Pence motioned to recommend Rose Anne Smythe and Michael Swenson to the Judge of Page County Circuit Court for re-appointment to the Luray Board of Zoning Appeals to fill a five- year term ending June 30, 2023. Motion seconded by Councilman Vickers with the vote as follows: YEA: Council Members Vickers, Dofflemyer, Schiro, Lancaster, Sours, Pence. **Approved 6-0**

USDA Rural Development – Sewer Improvements Financing

Assistant Town Manager, Bryan Chrisman, updated Council members on the request to submit application for financing of sanitary sewer system improvements. Mr. Chrisman said that after discussion with Ms. Hines, USDA- Rural Development, it did not make sense to refinance any of the Town’s existing sewer notes. Mr. Chrisman explained that two of the notes were zero percent interest and others were ending in term soon. An updated resolution was provided for Council on their desks for the evenings meeting. Mr. Chrisman added that there is no change in scope of work with total project and financing estimated at \$4,420,000. Councilman Sours had several questions for Mr. Chrisman pertaining to existing notes and accelerating payment on these. Mr. Chrisman continued that it was not advantageous to include the town’s existing sewer debt in this financing due to interest rates and user rate fee implications. Mr. Burke agreed that the existing notes would be lumped into the overall project financing and result in inclusion in the rate adjustment requirements. Mr. Burke said that the overall debt service would amount to approximately \$198,000 annually over 40 years.

Motion: Councilman Vickers motioned to adopt the Resolution of Application for sanitary sewer improvements as presented. Motion seconded by Councilman Schiro with the vote as follows: YEA: Council Members Vickers, Dofflemyer, Schiro, Lancaster, Sours, Pence. **Approved 6-0**

Bridge Construction Update

Assistant Town Manager, Bryan Chrisman, updated members on the road closure that will happen on July 16th at 9:00am. He said that various traffic pattern notices, maps, and street closure advisements have gone out. Mr. Chrisman said that photos are being taken of the progress. Council members and staff discussed the alternate traffic pattern map and parking issues.

Mayor Presgraves noted that Mr. Chrisman has been steadily working on this project for five years now and thanked him for his dedication and patience.

OLD BUSINESS

Draft Code Amendment – Assembly/ Event Permitting

Town Manager, Steve Burke, discussed the draft code amendments regarding Assemblies/Special Events and new Town Code Section 74-22. Mr. Burke said that more changes are forthcoming and a new draft will be provided at the next Council meeting. Councilwoman Pence discussed her concerns about enforcement and outdoor events. Mr. Burke explained that the intent of the permitting process is to provide the police department with advance notice of the event and address any staffing that may be needed. He said that the permit will also allow for flexibility in working with folks to enforce the noise ordinance, etc. Councilwoman Pence also discussed food sales adjacent to the Hawksbill Greenway.

Mr. Burke addressed the history of allowable sales on or near the Greenway. He said the changes to the code would basically codify what has been historically done. Mr. Burke continued that the Greenway's intent was to provide a sanctuary away from permanent sales and solicitations. However, he added that the Town has permitted some food sales for special events but certainly doesn't want permanent sale activity in this area. Councilwoman Pence discussed other areas of concern such as outdoor concerts that may require the permit. Mr. Burke said that currently the amendments only require permitting on Town property. Councilman Dofflemyer suggested changing the language to require notice in terms of "business days" rather than "days" in advance of the event.

ANNOUNCEMENTS/ ADJOURN

Councilman Vickers complemented Town staff on its social media efforts. Mayor Presgraves thanked Councilman Lancaster for preparing food for the July 4th Employee picnic. With no further business, the meeting was adjourned at 8:40 pm.

Barry Presgraves
Mayor

Danielle Babb
Deputy Clerk-Treasurer

**MINUTES OF A TOWN COUNCIL
WORK SESSION MEETING
TOWN OF LURAY, VIRGINIA
Tuesday, July 24, 2018
5:30pm**

The Luray Town Council met in a Special Meeting on Tuesday, July 24, 2018 at 5:30 p.m. in the Luray Town Council Chambers located at 45 East Main Street, Luray, Virginia at which time there were present the following:

- Presiding: Leroy Lancaster
- Council Present: Jerry Dofflemyer
Jerry Schiro
Joseph Sours
Leah Pence (*present after roll call*)
- Council Absent: Mayor Presgraves
Ron Vickers
- Others Present: Steven Burke, Town Manager
Chief C.S. "Bow" Cook
Mary Broyles, Clerk - Treasurer
Danielle Babb, Deputy Clerk Treasurer

Councilman Lancaster led members in the United States Pledge of Allegiance. The roll was called with Mayor Presgraves, Councilman Vickers, and Councilwoman Pence absent.

ACTION & DISCUSSION ITEMS

Member Appointment – Tree and Beautification Committee

Town Manager, Steve Burke, requested that Council consider Councilman Sours appointee Ms. Alesia Painter to the Tree and Beautification Committee. The term will run from appointment through December 31, 2020. Motion: Councilman Schiro motioned to appoint Ms. Alesia Painter to the Tree and Beautification Committee as recommended; Councilman Dofflemyer seconded the motion with the following members voting YEA: Council Members Dofflemyer, Schiro, Lancaster, Sours. Approved 4-0

FY 2018 Year End Budget Entries Adjustments

Treasurer, Mary Broyles, provided the End of Year budget entries and stated that it is necessary to make the line item adjustments for the fiscal year end.

Motion: Councilman Dofflemyer motioned to approve the FY 2018 Budget End of Year entries as presented; Councilman Sours seconded the motion with the following members voting YEA: Council Members Dofflemyer, Schiro, Lancaster, Sours. Approved 4-0

Draft- Planning Permit Applications

Mr. Burke, Town Manager, discussed the draft zoning applications developed for the various Planning Permits considered by the Town. Staff has worked to simplify the forms for citizens to complete requests. Mr. Burke said that no action is necessary this evening. Council members discussed the various zoning applications, zoning clearance application as it relates to temporary pools and business license, collection of fees, etc. Mr. Burke explained that for small scale permits the fee is collected after approval; however, for large scale permits the fee is collected at the time of application. Members discussed the need to permit for temporary pools due to requirements by Page County. Councilman Schiro suggested a notice in the utility bills regarding this.

Draft- Charter Amendment

Town Manager, Steve Burke, discussed the Town's draft Charter Amendment. The Town Attorney has been working on language necessary to update and conform with current requirements. Two items for Council's review are the Mayor's ability to "pocket veto" and "line item veto" items passed by Town Council and language allowing Council to remove a fellow member. These abilities are typically not found in updated Charters. Staff would like Council to consider if they would like these items removed during the Charter amendment. Mr. Botkins will be present at the August Regular Council meeting to answer any questions Council members may have. Once the final draft is ready and adopted by Town Council, the revised Charter will be forwarded to Delegate Gilbert for presentation to the General Assembly.

Councilman Schiro asked if all areas of the Charter and Town Code have been updated to reflect the change to November elections. Mr. Burke said that he will check into this to ensure all references to the May elections have been changed to November.

Draft Code Amendment – Social Media

Town Manager, Steve Burke, requested to discuss the Town Code Section 2-177 to codify the Town's Social Media Policy. The Town Attorney has reviewed and updated a draft for Council's consideration. Council and staff discussed the criteria for what is appropriate to post on social media, community events, and employee guidelines.

Draft Code Amendment – Petit Larceny

Mr. Burke followed up from the Town Attorney's presentation of legislative updates adopted by the General Assembly at the July 9th meeting. A draft of the Code Amendment to the Town Code Section 58-17 related to Petit Larceny has been developed to reflect the increased value from \$200 to \$500. Mr. Burke said that no public hearing is required for this Code Amendment and this item will be placed as an action item on the August agenda. The fee is determined by State Code and imposed by the Commonwealth's Attorney, therefore the Town's Code must be in conformity with State Code.

Draft Code Amendment – Zoning Fines & Variances for Disabled

Mr. Burke said that he is seeking Council's action on this draft Code Amendment regarding Zoning Fines and Variances. He explained that this will require a public hearing by both the Planning and Town Council. Mr. Burke recommends that the Council act to allow the Planning Commission to review and recommend the changes.

Motion: Councilman Schiro motioned to refer the draft Code Amendments to the Planning Commission; Councilman Dofflemyer seconded the motion with the following members voting YEA: Council Members Dofflemyer, Schiro, Lancaster, Sours, Pence. Approved 5-0

Draft Code Amendment – Special Events & Assemblies

Mr. Burke discussed the draft Assemblies/Special Event Permit and new Town Code Section 74-22 to establish new regulations and process for the use of the Town Right-of-Way, parks, or public lands for events, assemblies, parades, or other special events. Mr. Burke explained that the permit process would give the Town the ability to address most of the anticipated issues associated with events and public assemblies. The Town Attorney has recommended these changes so that communities are more prepared for events of this nature. Councilman Lancaster asked Chief Cook if he is in agreement with the application. Chief Cook stated that he is pleased with the application and the advance notice it will provide his staff. Councilman Dofflemyer stated that he had previously suggested the change from five "days" to "business days". Mr. Burke said that Mr. Botkins had recommended leaving it at "days" notice in order for an expeditious review of the application. Councilman Dofflemyer expressed concern that this could fall over a four day weekend, thus allowing only one day for staff to review. Councilwoman Pence discussed the anticipated uses of the permit form and how to answer questions from citizens. Mr. Burke also noted that recurring events or season long events could utilize a single permit application. He noted that the intent of the form is to better prepare staff for parking issues, traffic concerns, etc. Ms. Pence also discussed that the form is unclear if there are fees associated with the application. Mr. Burke said that for most applications there will not be a fee, and that he can revise to more clearly state when a fee would be charged. Councilman Schiro said that the intent of this is not for private events. Council members discussed the 25 attendee threshold and how this applies to private outdoor parties. Councilman Lancaster said that it is really in the citizens' best interest to complete the form in the event of the need for police, etc. Members also discussed the Town's Noise Ordinance as it relates to these type of events. Council members also discussed the language in the permit of "events" and "private parties" and the distinction between each. Mr. Burke

will follow up with Mr. Botkins on the language and Council will continue discussions at the next meeting. Council agreed that the framework of the application is very good and the Town Attorney should be commended.

Manufactured Single Family Dwelling in R3 Zoning District

Mr. Burke requested Council consider a request from Chasity Faison for a Special Use Permit to install a manufactured single-family dwelling at 135 Bixlers Ferry Road (Tax Map 42A10-A-20A). Mr. Burke explained that Town Code allows manufactured homes by Special Use Permit in an R3 Zoning District provided they meet requirements specified in the code. Mr. Burke said that the Public Hearing for the request is scheduled for the August 13th Council Meeting. Mr. Burke displayed the map view of the parcel and the potential need for a boundary line adjustment due to the placement of the home. Members discussed the differences in manufactured, mobile, and modular homes. Mr. Burke said that he will confirm the code definition in regards to “manufactured” home.

ANNOUNCEMENTS/ ADJOURN

Councilman Lancaster addressed occupancy of travel trailers in town and requested Chief Cook look into this, as it is a code violation. Councilwoman Pence discussed areas of blight in Town and vacant and derelict properties. Councilman Lancaster said that the Town has no recourse for vacant structures other than purchasing them itself. Ms. Pence also discussed concerns with pigeon infestations. Councilwoman Pence also suggested reinstating Council committees and stated her concerns about pedestrian traffic during the Bridge Construction. She noted that pedestrian traffic is hindered due to the bridge closure, vacant buildings on West Main Street, and a lack of restaurants and shopping on the west side of the bridge closure. Mr. Burke noted that the Chamber of Commerce has new maps to assist visitors and reflect the detour. Members continued to discuss tourism and downtown development and continuing pursuit of the VCI Grant.

With no further business, Councilman Lancaster adjourned the Special Meeting of the Luray Town Council at approximately 6:45 p.m.

Councilman Leroy Lancaster

Deputy Clerk, Danielle Babb



Town of Luray, Virginia
Town Council Agenda Statement

Item No: VI - A

Meeting Date: August 13, 2018

Agenda Item: PUBLIC HEARING & COUNCIL CONSIDERATION
Item VI-A – SUP – Manufactured Home in R3 District – 135 Bixlers Ferry Rd

Summary: Council is requested to conduct a public hearing to receive comment on a request from Chasity Faison for a Special Use Permit to install a manufactured single-family dwelling at 135 Bixlers Ferry Road, Tax Map No. 42A10-A-20A.

Town Code Section 403.2 (e) allows manufactured homes if they meet the following requirements:

1. If it is a structure, transportable in two or more sections, which in the traveling mode is ten body feet or more in width or 40 body feet or more in length, or when erected on site is 800 or more square feet, and which is built on a permanent chassis and designed to be used as a single-family dwelling with a permanent foundation when connected to the required utilities, and includes the plumbing, heating and electrical systems contained therein.
2. The special use permit application must be reviewed by the Luray Planning Commission and approved by the Luray Town Council.
3. The axles, wheels and towbar/hitch must be removed.
4. The roof must be constructed of shingles, or other materials customarily and normally used for conventional dwelling roofing, and must be approved by the planning commission and the Luray Town Council.
5. The underpinning shall consist of a permanent, continuous masonry foundation.
6. Siding must be of any material commonly used in conventional homes.
7. Front, rear and all other steps and landings must be constructed in accordance with all legal requirements.
8. All other Town of Luray zoning requirements must be met.

Staff requests that the applicant confirm the required setbacks, construct an independent driveway connection to Bixlers Ferry Road for the lot, and orient the structure entrance to the front yard of the lot.

History: July 11, 2018 – Planning Commission; July 24, 2018 – Town Council Work Session

Suggested Motion: I move that the Town Council approve the Special Use Permit request from Chasity Faison to install a manufactured home at 135 Bixlers Ferry Road, Tax Map No. 42A10-A-20A in compliance with Town Code Section 403.2 (e). I further move that approval be conditioned upon (1) the applicant confirming the required setbacks, (2) construction of an independent driveway connection to Bixlers Ferry Road for the lot, and (3) orient the structure entrance to the front yard of the lot.

Town of Luray

45 East Main Street
Luray, Virginia 22835

NOTICE OF PUBLIC HEARING LURAY TOWN COUNCIL SPECIAL USE PERMIT REQUEST

NOTICE is hereby given pursuant to § 15.2-2204 of the *Code of Virginia*, as amended, that Luray’s Town Council shall hold a public hearing on **August 13, 2018 at 7p.m.** The public hearing shall be conducted in the Luray Town Council Chambers located at 45 East Main Street in the Town of Luray, Virginia.

The purpose of the hearing is to receive public comments and to consider the following special use permit request presented by Chasity Faison:

SUP 18-5

The applicant, Chasity Faison, has requested a special use permit to construct a manufactured single-family dwelling. The dwelling would be located in a “R3” (High-Density Residential) zoning district and is allowable by special use permit.

The subject single-family dwelling contains roughly 1,475 square feet of floor area; it would be located on a single parcel that is roughly 0.226 acres (9,844 square feet) in area. The subject parcel is further identified on Page County Tax Maps as 42A10-A-20A.

Copies of the Town’s zoning ordinance, and the Special Use Permit application, are available at the Town of Luray’s Office, 45 East Main Street, Luray, Virginia. These items may be viewed between the hours of 8 a.m. and 5 p.m. Monday – Friday, and may also be found online at the towns website www.townofluray.com Questions may be directed to the Town by calling 540-743-5511, or by emailing bnewman@townofluray.com

Page County, Virginia

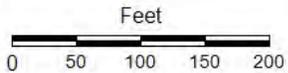
Legend

- Major Roads
- Roads
- Railroads
- Other Counties
- Parcels
- Shenandoah River
- Streams



Title: Faison

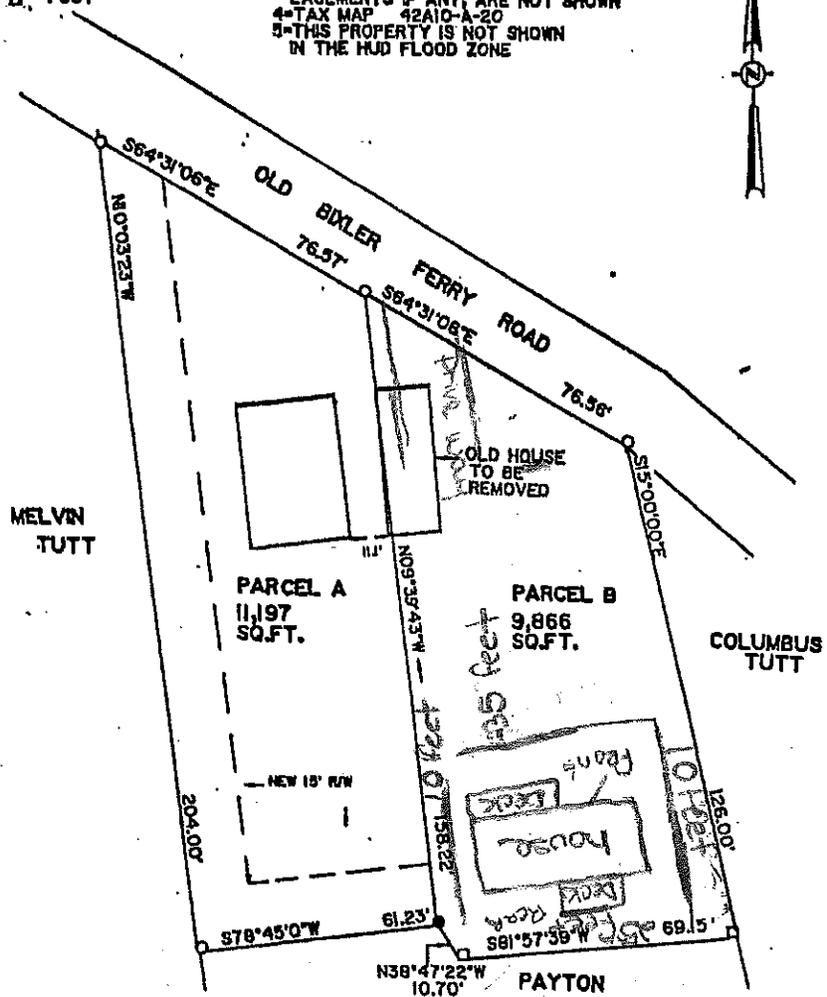
Date: 7/5/2018



DISCLAIMER: THIS MAP IS PROVIDED WITHOUT WARRANTY OF ANY KIND, either expressly or implied, but no limited to, the implied warranties of merchantability and fitness for a particular purpose. Site-specific information is best obtained after an onsite visit by a competent professional. Please call Page County, VA for specialized products. Any person, firm or corporation which uses this map or any of the enclosed information assumes all risk for the inaccuracy thereof, as Page County, VA expressly disclaims any liability for loss or damage arising from the use of said information by any third party. In addition use of Virginia Base Mapping Program (VBMP) statewide aerial photography requires the following disclaimer: "Any determination of topography or contours, or any depiction of physical improvements, property lines or boundaries is for general information only and shall not be used for the design, modification, or construction of improvements to real property or for flood plain determination."

LEGEND
 ○ = IRON PIN SET
 ● = IRON PIN FOUND
 □ = POST

1-BEARINGS ARE MAGNETIC
 2-SCALE 1" = 30'
 3-OTHER RIGHT OF WAYS AND EASEMENTS IF ANY, ARE NOT SHOWN
 4-TAX MAP 42A10-1-20
 5-THIS PROPERTY IS NOT SHOWN IN THE HUD FLOOD ZONE



PLAT SHOWING A SURVEY OF TWO PARCELS OF LAND, STANDING IN THE NAME OF MORRIS R. AND MARY E. JEFFRIES, AS RECORDED IN D.B. 429 PG. 481.

LOCATED IN THE WESTERN PORTION OF THE TOWN OF LURAY, OF THE LURAY MAGISTERIAL DISTRICT, PAGE COUNTY, VIRGINIA.

I Hereby Certify That The Plat Shown Hereon is A True Representation Of A Survey Actually Made On The Ground Under My Supervision And That To The Best Of My Knowledge And Belief is Correct



Given Under My Hand This 10th

MORRIS and NEWMAN



"Civil, Structural, Mechanical & Plumbing Engineering and Surveying"

P.O. Box 387
312 West Main Street
Luray, Virginia 22835
Phone (540) 743-9227
Fax (540) 743-6118
contact@raceyengineering.com
www.raceyengineering.com

Virginia Reg. 0413000251 West Virginia Reg. C05328
SWaM #666281 Micro Business - HUBZone #28486

From our July 26, 2018 Progress Meeting with the Design-Build Team, the following progress is occurring or planned:

DESIGN AND PERMITTING:

- Comments on Bridge Plans from VDOT were received on this date.
- Electrical Submittal: First Submittal comments still under review by Orders, Town of Luray and Racey.
- Second submittal Roadway Plans are expected next week.

CONSTRUCTION:

- Temporary waterline construction is completed.
- Bridge Demolition is currently underway and is anticipated to be complete in a few weeks, weather permitting.
- Rip Rap slope protection has been installed along the East Bank. Once the first span of the existing bridge is removed, additional Rip Rap will be placed.
- Orders has ordered additional MOT signage.
- Town of Luray will keep all project records on file.
- Orders has inquired about the procedure of working outside of the "Noise Ordinance" time frame of 7:00 A.M. to 7:00 P.M. The Town of Luray requests that Orders send a formal request ahead of scheduled work, so that there is sufficient time to go through the review/notification process.

SCHEDULING:

- The next Design-Build Team Progress Meeting is scheduled for August 16, 2018.

Sincerely,

Kevin A. Racey
Project Manager

Patrick B. Racey, PE, Senior Manager and Principal
Tyler S. Austin, PE, LS, Operations Manager
Gary L. Shirley, PE, Associate & Engineering Manager
Joshua P. Turner, PE, Engineering Development Manager
Kevin S. Blankenship, LS Resident Surveyor
James C. Whiteside, III, Field Services Coordinator
Celebrating our 24th Year of Service



Town of Luray, Virginia
Council Agenda Statement

Item No: VIII - A

Meeting Date: August 13, 2018

Agenda Item: COUNCIL CONSIDERATION
Item VIII-A – Code Amendment – Petit Larceny

Summary: Following the Town Attorney’s presentation of legislative updates adopted by the General Assembly at Council’s July 9th meeting, a draft of Code Amendment to Town Code Section 58-17 related to Petit Larceny has been developed to reflect the increased value amount for Petit Larceny from \$200 to \$500.

No public hearing is required for Council to consider adoption of this Town Code Section.

Council Review: July 24, 2018 Work Session

Fiscal Impact: N/A

Suggested Motion: I move that Town Council adopt the Code Amendment to Town Code Section 58-17 as presented.

**AN ORDINANCE TO AMEND SECTION 58-17 OF ARTICLE I OF CHAPTER 58 OF
THE CODE OF THE TOWN OF LURAY, VIRGINIA**

WHEREAS, the Town of Luray, Virginia (the “Town”), wishes to amend Section 58-17 of Article I of Chapter 58 of the Town Code to conform with recent changes to state law.

NOW, THEREFORE, be it ordained by the Council of the Town of Luray, Virginia, as follows:

1. Section 58-17 of Article I of Chapter 58 of the Code of the Town of Luray, Virginia, shall be amended and restated as follows:

Sec. 58-17. - Petit larceny.

Any person who commits larceny from the person of another of money or other thing of value of less than \$5.00, or who commits simple larceny not from the person of another of goods and chattels of the value of less than \$500.00, except as provided in clause (iii) of Virginia Code § 18.2-95, shall be deemed guilty of petit larceny, which shall be punishable as a Class 1 misdemeanor.

(Ord. of 12-8-2008(4), § 1, Amended by Ord. of 08-13-2018, § 1)

2. This Ordinance will take effect immediately.

Adopted: August 13, 2018

Mayor

CERTIFICATE

I certify that I am the Clerk of the Town of Luray, Virginia, and that the foregoing is a true copy of an Ordinance adopted by the Council of the Town of Luray, Virginia, on August 13, 2018, upon the following vote:

NAME	AYE	NAY	ABSTAIN	ABSENT
Mayor Presgraves ¹				
Ronald "Ron" Vickers				
Jerry Dofflemyer				
Jerry Schiro				
Leroy Lancaster				
Joey Sours				
Leah Pence				

Date: August 13, 2018

[SEAL]

ATTEST: _____
Clerk, Town Council of
Town of Luray, Virginia

¹ Votes only in the event of a tie.

**AN ORDINANCE TO AMEND SECTION 58-17 OF ARTICLE I OF CHAPTER 58 OF
THE CODE OF THE TOWN OF LURAY, VIRGINIA**

WHEREAS, the Town of Luray, Virginia (the “Town”), wishes to amend Section 58-17 of Article I of Chapter 58 of the Town Code to conform with recent changes to state law.

NOW, THEREFORE, be it ordained by the Council of the Town of Luray, Virginia, as follows:

1. Section 58-17 of Article I of Chapter 58 of the Code of the Town of Luray, Virginia, shall be amended and restated as follows:

Sec. 58-17. - Petit larceny.

Any person who commits larceny from the person of another of money or other thing of value of less than \$5.00, or who commits simple larceny not from the person of another of goods and chattels of the value of less than \$~~5~~200.00, except as provided in clause (iii) of Virginia Code § 18.2-95, shall be deemed guilty of petit larceny, which shall be punishable as a Class 1 misdemeanor.

(Ord. of 12-8-2008(4), § 1, Amended by Ord. of ~~X~~~~XX~~-2018, § 1)

2. This Ordinance will take effect immediately.

Adopted: ~~MONTH DAY~~, 2018

Mayor

CERTIFICATE

I certify that I am the Clerk of the Town of Luray, Virginia, and that the foregoing is a true copy of an Ordinance adopted by the Council of the Town of Luray, Virginia, on **MONTH XX**, 2018, upon the following vote:

NAME	AYE	NAY	ABSTAIN	ABSENT
Mayor Presgraves ¹				
Ronald "Ron" Vickers				
Jerry Dofflemyer				
Jerry Schiro				
Leroy Lancaster				
Joey Sours				
Leah Pence				

Date: **MONTH XX**, 2018

[SEAL]

ATTEST: _____
Clerk, Town Council of
Town of Luray, Virginia

¹ Votes only in the event of a tie.



Town of Luray, Virginia
Council Agenda Statement

Item No: VIII - B

Meeting Date: August 13, 2018

Agenda Item: COUNCIL CONSIDERATION
Item VIII-B – Planning Permit Applications

Summary: Council is requested to consider the draft applications developed for the various Planning Permits considered by the Town. Staff have worked to simplify the forms for citizens to complete requests to develop their properties.

Council Review: July 24, 2018 Work Session

Fiscal Impact: N/A

Suggested Motion: I move that Town Council adopt the Planning Permit applications as presented.



Town of Luray
Zoning Clearance Application
Application No.: _____

I, as owner or authorized agent for the property described below, do hereby certify that I have the authority to make this application for a Zoning Permit for the activity described below and as show on any attached plans or specifications, that the information provided is correct and that any construction/use will conform to the regulations of the Town's *Zoning Ordinance* and other codes of the Town of Luray, County of Page, and Commonwealth of Virginia, as applicable. This permit application authorizes the Zoning Administrator or designee to perform reasonable site inspections as required to confirm information provided and compliance with the conditions applicable to this permit. Further I understand that any deviation from the application as requested shall require the express written approval of the Zoning Administrator.

Purpose of Application: Business License Inside Renovations Temporary Pool

Applicant Information:

Applicant Name _____

Company Name _____

Address _____

Phone: _____ Email: _____

Property Owner Information:

Owner Name _____

Address _____

Phone: _____ Email: _____

Property Information:

Site Address _____

Page County Tax Map Number _____ Town Zoning District _____

Request Information:

Nature of Request (Describe Fully) _____

For Pools: Include sketch of proposed placement on lot in relation to home and neighboring lots on back of application
For Business License: All taxes must be current; Any signage will require separate permit application
For Inside Renovations: Please identify contractor, anticipated construction time, and estimated value of improvements in description

Signature of Applicant

Date

Zoning Administrator

Date

Comments:



Town of Luray
Sign Permit Application
Application No.: _____

I, as owner or authorized agent for the work described below, do hereby certify that I have the authority to make this application for a Sign Permit for the activity described below and as shown on any attached plans, that the information provided is correct and that any sign and its placement will conform to the regulations of the Town's *Zoning Ordinance*, Article VIII-Signs, and other codes of the Town of Luray, County of Page, and Commonwealth of Virginia, as applicable. Further I understand that any deviation from the application as requested shall require the express written approval of the Zoning Administrator.

Applicant Information:

Applicant Name _____

Company Name _____

Address _____

Phone: _____ Email: _____

Sign Contractor Information

Company Name _____

Address _____

Phone: _____ Email: _____

Property Owner Information:

Owner Name _____

Address _____

Phone: _____ Email: _____

Property Information:

Site Address _____

Page County Tax Map Number _____ Town Zoning District _____

Request Information:

Sign Dimensions _____

Nature of Sign Request (Describe Fully) _____

Sign Type: Wall Mount Projection Pole Mount Monument

Please include sketch of all buildings with dimensions with sign locations

Please submit a sketch of Site Plan on attached sheet of the proposed sign(s) to include all of the following that will apply to your proposed application.

- 1) Position of the sign in relation to adjacent lot lines, buildings, sidewalks, streets and intersections.
- 2) General description of structural design and construction of materials to be used.
- 3) Specifications indicating the height, length, depth, perimeter and area dimensions, square footage, means of support, method of illumination, colors, and any other significant aspect of the proposed sign.
- 4) Size and placement of all existing signs to remain on the property.
- 5) Pictures or artist's renderings of signs.
- 6) Building dimensions and total square footage of building.
- 7) Name of street(s) parallel with front of structure and other adjacent streets.

Applicant, Property Owner, and Sign Erector hereby covenant to restore any and all damages to sidewalks, streets, alleys, sewers, gas mains, and electrical installations which may result.

I hereby certify that the information provided on this application is correct and that the construction will conform to all relevant Building Code requirements and private restrictions, if any, which may be imposed upon the above property by Deed.

I hereby certify that the information provided on this application is correct and the sign(s) meet all Town, County and State requirements. Refer to Article VIII of Luray Code of Ordinances, townofluray.com

Signature of Applicant: _____

Date: _____

Owner's Authorization (if different) – I am the owner of the property described above and I am aware of the contents of this permit application. I have authorized (print)

_____ to act on my behalf in submitting this permit application.

Signature of Property Owner: _____

Date: _____



Town of Luray
Temporary Sign Application
Application No.: _____

I, as owner or authorized agent for the property described below, do hereby certify that I have the authority to make this application for a Temporary Sign Permit for the activity described below and as shown on any attached plans, that the information provided is correct and that any sign and its placement will conform to the regulations of the Town's *Zoning Ordinance* and other codes of the Town of Luray, County of Page, and Commonwealth of Virginia, as applicable. Further I understand that any deviation from the application as requested shall require the express written approval of the Zoning Administrator.

Regulations:

- Signs must be made of weather-resistant materials and contain no changeable copy characters
- Signs must be no larger than 6 square feet in area and 6 feet tall – Residential Districts
- Signs must be no larger than 16 square feet in area and 6 feet tall – Commercial/Industrial Districts
- Signs must be anchored in the ground

Applicant Information:

Applicant Name _____

Company Name _____

Address _____

Phone: _____ Email: _____

Request Information:

Sign Dimensions _____

Nature of Sign Request (Describe Fully) _____

Date of Placement _____ **Date of Removal** _____

Signature of Applicant _____ Date _____

Signature of Town Manager _____ Date _____

Conditions of Approval _____



Town of Luray

45 East Main Street
P.O. Box 629
Luray, Virginia 22835

Right-of-Way Construction - Application for Permit

***Attach plans, specifications, and schematics. (24" x 36" preferred minimum to scale.)**

Applicant Name _____ Cell # _____

Company Name _____ Phone # _____

Mailing Address _____

Email Address _____

Description of project (checklist on reverse) _____

Total Project Cost \$ _____

Total Project Cost in the Right-of-Way \$ _____

Project Location (nearest 911 addresses) _____

Property is owned by _____

Type of construction: _____ Aerial _____ Open Trench _____ Directional Bore

_____ Other (describe) _____

Explosives NOT allowed

Construction will be: _____ Permanent _____ Temporary Planned project start date _____

Working in conjunction (permit or written easement) with the following utilities/construction contractors/
companies:

I hereby affirm that the information submitted in conjunction with this application is true, complete, and correct to the best of my knowledge. Discrepancies shall be the responsibility of the applicant.

Signature _____ Date _____

Right-of-Way Construction - Application Checklist

_____ Construction

_____ Demolition

_____ Abandonment

Water Main/Line/Lateral/Service Connection

- _____ Crossing Road
- _____ Beside Road
- _____ Valve Vault
- _____ Meter Vault
- _____ Hydrant
- _____ Domestic Use
- _____ Fire Suppression

Pipe Size _____
Pipe Depth _____
Install Width _____
Pipe Type _____

Sewer Main/Line/Lateral/Service Connection

- _____ Crossing Road
- _____ Beside Road
- _____ Cleanout

Pipe Size _____
Pipe Depth _____
Install Width _____
Pipe Type _____

Storm Water Pipe/Outlet

- _____ Crossing Road
- _____ Beside Road
- _____ Outlet/Outfall in Right-of-Way

Pipe Size _____
Pipe Depth _____
Install Width _____
Pipe Type _____

Telecommunications (Phone, Data, Fiber, Cable)

- _____ Crossing Road
- _____ Beside Road
- _____ Terminal Box
- _____ Pull Vault

Pipe Size _____
Pipe Depth _____
Install Width _____
Pipe Type _____

Electricity

- _____ Crossing Road
- _____ Beside Road
- _____ Pedestal Vault/Station
- _____ Pull Vault/Junction

Pipe Size _____
Pipe Depth _____
Install Width _____
Pipe Type _____

Other: _____



Town of Luray
Zoning Permit Application
Application No.: _____

I, as owner or authorized agent for the property described below, do hereby certify that I have the authority to make this application for a Zoning Permit for the activity described below and as show on any attached plans or specifications, that the information provided is correct and that any construction/use will conform to the regulations of the Town's Zoning Ordinance and other codes of the Town of Luray, County of Page, and Commonwealth of Virginia, as applicable. This permit application authorizes the Zoning Administrator or designee to perform reasonable site inspections as required to confirm information provided and compliance with the conditions applicable to this permit. Further I understand that any deviation from the application as requested shall require the express written approval of the Zoning Administrator.

- Application: [] Site Development [] Property Subdivision [] Boundary Line Adjustment
[] Rezoning [] Special Use Permit [] Zoning Variance

Applicant Information:

Applicant Name _____
Company Name _____
Address _____
Phone: _____ Email: _____

Property Owner Information:

Owner Name _____
Address _____
Phone: _____ Email: _____

Property Information:

Site Address _____
Page County Tax Map Number _____ Town Zoning District _____

Request Information:

Nature of Request (Describe Fully) _____

See Appropriate Application Appendix for Additional Information Required with Your Application

Signature of Applicant _____ Date _____



Town of Luray
Zoning – Site Development
Application No.: _____

Please provide a survey plat with plans of proposed development or for simple improvements a sketch on the back of this application.

- Application:** Residential Multi-Family Commercial
 Accessory Building Other: _____
 New Const Alteration Addition Repair Other

Contractor/Designer Information:

Project Name _____

Designer Name _____

Contractor Name _____

Contractor VA Lic Class & No.: _____ Exp. Date: _____

Site plans, as required by Town Ordinance, shall include, but not be limited to the following as required by the Zoning Administrator:

1. All existing property lines, existing streets, buildings, watercourses, waterways, or lakes and other existing physical features in or adjoining the project. Those physical features such as watercourses, waterways, or lakes on adjoining properties need only be shown in approximate scale and proportion.
2. Topography of the project area with contour intervals of two feet or less.
3. The location and sizes of sanitary sewer, storm sewer, gas, water, and other underground structures in or affecting the project, including existing and proposed facilities and easements for these facilities.
4. The location, dimensions, and character of construction of proposed streets, alleys, driveways, and the location, type, and size of ingress and egress to the site.
5. The location of all off-street parking, loading spaces, and walkways, indicating types of surfacing, size and angle of stalls, width of aisles, and schedule showing the number of parking spaces.
6. The location, height, type, and material of all fences, walls, screening, and landscaping details of all buildings and ground, and the location, height, and character of all outdoor lighting systems.
7. The location of all proposed buildings and structures detailing number of stories, height, general use, etc., and the number, size, and type of dwelling units where applicable.
8. Provisions for the adequate disposition of stormwater indicating location, sizes, types, and grades of ditches, pipes, and catch basins with connection to any existing drainage systems.
9. The location, size, height, orientation, and type of proposed signs.

Comments/Notes _____

I hereby certify that the information provided on this application is correct and meets all Town, County, and Commonwealth requirements, and further attest that all required permitting will be received prior to commencing construction. (See Article V, Section 515 of Luray Code of Ordinances, townofluray.com)

Signature of Applicant

Date

Buildings Permits from Page County must be Approved Before Starting Construction



Town of Luray
Zoning – Property Subdivision
Application No.: _____

Please provide a four (4) survey plats prepared by a licensed surveyor by the Commonwealth of Virginia with this application.

- Application:** Preliminary Minor (<4 lots) Preliminary Major
 Final Minor (<4 lots) Final Major
 Sketch Plat

Surveyor Information:

Surveyor Name _____

Company Name _____

Surveyor VA Lic No.: _____ Exp. Date: _____

Parcel Information:

Original Page County Tax Map Number(s) & Lot Sizes (sf/ac) _____

Proposed Tax Map Number(s) & Lot Sizes (sf/ac) _____

Comments/Notes _____

I hereby certify that the information provided on this application is correct and meets all Town, County, and Commonwealth requirements, and further attest that all required permitting will be received prior to commencing construction. (See Article II, Section 302 of Luray Code of Ordinances, townofluray.com)

Signature of Applicant

Date

Please provide a 3” high by 5” wide area on the survey plat for the Town’s approval stamp

The applicant shall record the final subdivision plat in the Page County Clerk of Circuit Court’s office within six (6) months of approval, and a copy of the recorded plat and receipt shall be provided to the Town Zoning Administrator. Any plat not recorded within the six month time shall be deemed null and void.

Approval of a preliminary plat shall not constitute acceptance of a subdivision for recording and does not constitute a guarantee of approval of the final plat



Town of Luray
Zoning – Boundary Line Adjustment
Application No.: _____

Please provide a survey plat prepared by a licensed surveyor by the Commonwealth of Virginia with this application.

Surveyor Information:

Surveyor Name _____

Company Name _____

Surveyor VA Lic No.: _____ Exp. Date: _____

Parcel Information:

Original Page County Tax Map Number(s) & Lot Sizes (sf/ac) _____

Proposed Tax Map Number(s) & Lot Sizes (sf/ac) _____

Comments/Notes (Reason for BLA) _____

I hereby certify that the information provided on this application is correct and meets all Town, County, and Commonwealth requirements, and further attest that all required permitting will be received prior to commencing construction. (See Article II, Section 209 of Luray Code of Ordinances, townofluray.com)

Signature of Applicant

Date

Please provide a 3” high by 5” wide area on the survey plat for the Town’s approval stamp

The applicant shall record the plat in the Page County Clerk of Circuit Court’s office within six (6) months of approval, and a copy of the recorded plat and receipt shall be provided to the Town Zoning Administrator. Any plat not recorded within the six month time shall be deemed null and void.



Town of Luray
Rezoning Application
Application No.: _____

Existing Property Information:

Site Address _____

Page County Tax Map Number _____ Town Zoning District _____

Request Information:

Requested Zoning District _____

Total Acreage to be Rezoned _____ *(Entire Parcel Shall be Requested to be Rezoned)*

Nature of Request (Describe fully to include future property use and planned structure(s) construction)

Please include location map, plat, property deed, impact analysis statement, and proffer statement with your Application

I (we), the undersigned, do hereby respectfully make application and petition to the Town of Luray to amend the Zoning Ordinance and to change the Zoning Map of the Town of Luray, Virginia. I (we) authorize Town of Luray officials to enter the property for site inspection purposes.

I (we) authorize the Town of Luray to place standard signage on the property necessary for notifying the public of this rezoning request during the application consideration process.

I (we) hereby certify that this application and its accompanying materials are true and accurate to the best of my (our) knowledge.

Signature of Applicant

Date

Signature of Applicant

Date

Signature of Owner

Date

Signature of Owner

Date



Town of Luray
Special Use Permit Application
Application No.: _____

Existing Property Information:

Site Address _____

Page County Tax Map Number _____ Town Zoning District _____

Total Acreage _____

Request Information:

Nature of Request (Describe property use, structure(s) construction, and affected Zoning Ordinance Sections)

Please include location map, plat, property deed, and impact analysis statement with your Application

I (we), the undersigned, do hereby respectfully make application and petition to the Town of Luray in order to utilize the subject property for a use which requires the issuance of a Special Use Permit. I (we) agree to comply with any conditions for the Special Use Permit required by the Town.

I (we) authorize Town of Luray officials to enter the property for site inspection purposes.

I (we) authorize the Town of Luray to place standard signage on the property necessary for notifying the public of this rezoning request during the application consideration process.

I (we) hereby certify that this application and its accompanying materials are true and accurate to the best of my (our) knowledge.

Signature of Applicant

Date

Signature of Applicant

Date

Signature of Owner

Date

Signature of Owner

Date



Town of Luray
Zoning Variance Application
Application No.: _____

Existing Property Information:

Site Address _____

Page County Tax Map Number _____ Town Zoning District _____

Total Acreage _____

Request Information:

Nature of Request (Describe property use, structure(s) construction, and affected Zoning Ordinance Sections)

Please include location map, plat/sketch, property deed, and impact analysis statement with your Application

I (we), the undersigned, do hereby respectfully make application and petition to the Town of Luray Board of Zoning Appeals (BZA) to grant a variance to the terms of the Town of Luray Zoning Ordinance as described herein. I (we) agree to comply with any conditions for the variance required by the BZA.

I (we) authorize Town of Luray officials to enter the property for site inspection purposes.

I (we) authorize the Town of Luray to place standard signage on the property necessary for notifying the public of this rezoning request during the application consideration process.

I (we) hereby certify that this application and its accompanying materials are true and accurate to the best of my (our) knowledge.

Signature of Applicant

Date

Signature of Applicant

Date

Signature of Owner

Date

Signature of Owner

Date



Town of Luray
Zoning Permit

Permit No.: _____

Date: _____

- Permit:**
- Site Development
 - Property Subdivision
 - Boundary Line Adjustment
 - Rezoning
 - Special Use Permit
 - Zoning Variance

Permit Information:

Applicant Name _____

Site Address _____

Page County Tax Map Number _____ Town Zoning District _____

Permit Approval:

Special Conditions:

Approval:

Signature of Applicant

Date

Permit Expires

Permit approval is based upon submitted Zoning Permit Application and other information provided by the applicant on file with the Town, and subject to the provisions of the Town Ordinances regulating zoning, use, construction, and signs within the Town limits.

The Town reserves the right to inspect all building and improvements as often as necessary, and to require any changes in construction or improvements authorized by the provisions of the Zoning Ordinance regulating zoning, use, construction, and signs within the Town limits.



Town of Luray, Virginia
Council Agenda Statement

Item No: VIII - C

Meeting Date: August 13, 2018

- Agenda Item: COUNCIL CONSIDERATION
Item VIII-C – Code Amendment – Section 2-177 - Social Media
- Summary: Council is requested to receive input from the public and consider adoption of Town Code Section 2-177 to codify the Town’s Social Media Policy.
- No public hearing is required for Council to consider adoption of this Town Code Section.
- Council Review: June 26, 2018 Work Session & July 24, 2018 Special Meeting
- Fiscal Impact: N/A
- Suggested Motion: I move that Town Council adopt Town Code Section 2-177 related to Social Media as presented.

AN ORDINANCE TO ESTABLISH SECTION 2-177 OF ARTICLE I OF CHAPTER 2 OF THE CODE OF THE TOWN OF LURAY, VIRGINIA

WHEREAS, the Town of Luray, Virginia (Town), wishes to establish Section 2-177 of Article III, Division 3 of Chapter 2 of the Town Code to establish the Town’s policy for social media.

NOW, THEREFORE, be it ordained by the Council of the Town of Luray, Virginia, as follows:

The Town Manager shall be responsible for the proper administration of the Town’s communication through the format commonly referred to as “Social Media”. The Town currently utilizes Facebook, Instagram, and LinkedIn as social media communication tools.

This Section shall provide guidance and policy to the administration of the current and all future social media outlets. This Section shall not address the personal and private use of social media by Town employees.

- A. A social media presence should be second priority to the Town website. Posts should be brief and wherever possible have links that direct users back to the Town’s official website for information, forms, documents, or online services necessary to conduct business with the Town of Luray. Posts should avoid jargon and terminology used by City employees unless explained in the post.
- B. General Guidance
Social media posts or reposting of other social media posts by the Town shall not contain any of the following:
 - 1. Anything which a person of reasonable sensitivities may find to be offensive.
 - 2. Non-public information of any kind.
 - 3. Solicitation of private business.
 - 4. Comments supporting/opposing political campaigns/ballot questions.
 - 5. Information that might compromise the safety or security of public buildings or activities.
 - 6. Disparaging/Threatening comments about or related to anyone.
 - 7. Matters in litigation or otherwise in dispute, or that could be in the future.
 - 8. Personnel matters.
 - 9. Personal, sensitive, or confidential information of any kind.
- C. Public Comments
The comments expressed on the Town social media accounts, other than authorized posts by the Town of Luray, do not reflect the opinions and positions of the Town or its officers and employees. The Town encourages the use of social media to further the goals of citizen engagement and education where appropriate. The Town strives to respond to comments containing questions or inquiries within twenty-four (24) hours during normal business hours.
- D. The Town does not intentionally share information gathered through “Social Media” with third parties for promotional purposes.
- E. The Town may monitor content on Town social media sites to ensure adherence with the guidelines and policies in this Section.
- F. The Town makes no express or implied warranties of any kind regarding the content of its Social Media and shall not be liable for any losses caused by the use of or reliance upon such content.

Adopted this 11th day of June, 2018.

Barry Presgraves, Mayor

CERTIFICATE

I certify that I am the Clerk of the Town of Luray, Virginia, and that the foregoing is a true copy of a Resolution adopted by the Council of the Town of Luray, Virginia, on August 13, 2018, upon the following vote:

NAME	AYE	NAY	ABSTAIN	ABSENT
Mayor Presgraves ¹				
Ronald "Ron" Vickers				
Jerry Dofflemyer				
Jerry Schiro				
Leroy Lancaster				
Joey Sours				
Leah Pence				

Date: August 13, 2018

[SEAL]

ATTEST: _____
Mary Broyles, Clerk of Council

¹ Votes only in the event of a tie.



Town of Luray, Virginia
Council Agenda Statement

Item No: VIII-D

Meeting Date: August 13, 2018

Agenda Item: COUNCIL DISCUSSION
Item VII-D – Additional Assessment for Electronic Summons System

Summary: Virginia Code §17.1-279.1 allows the assessment of an additional sum not to exceed \$5.00 as part of the costs in each criminal or traffic case in the district or circuit courts that are that arise in the Town limits for a violation of any statute or Ordinance. The assessments are to be transferred to the Town Treasurer by the Clerk of Courts, and the funds can only be used to purchase software, hardware, and other equipment for the implementation and maintenance of an electronic summons system.

Establishing an electronic summons system will significantly reduce the time our Officers and administrative staff currently dedicate to the distribution of paper copies of summons and the data entry of these records. It is anticipated that a cruiser equipped with a mobile data terminal (MDT) would allow the Officer to scan the drivers license and enter the offense information in the field. A paper copy would be printed in the cruiser for the offender, but copies would be electronically distributed to the courts and our Police records.

The Page County Sheriff's Department is currently utilizing this program to advance funding for the MDTs and electronic summons system.

Council Review: N/A

Fiscal Impact: Hardware and software costs will be determined.

Suggested Motion: No action requested at this time.

§ 17.1-279.1. Additional assessment for electronic summons system

Any county, city, or town, through its governing body, may assess an additional sum not in excess of \$5 as part of the costs in each criminal or traffic case in the district or circuit courts located where such cases are brought in which the defendant is charged with a violation of any statute or ordinance, which violation in the case of towns arose within the town. The imposition of such assessment shall be by ordinance of the governing body, which may provide for different sums in circuit courts and district courts. The assessment shall be collected by the clerk of the court in which the action is filed, remitted to the treasurer of the appropriate county, city, or town, and held by such treasurer subject to disbursements by the governing body to a local law-enforcement agency solely to fund software, hardware, and associated equipment costs for the implementation and maintenance of an electronic summons system. The imposition of a town assessment shall replace any county fee that would otherwise apply.

2014, c. [325](#);2015, cc. [546](#), [643](#).

The chapters of the acts of assembly referenced in the historical citation at the end of this section may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.



Town of Luray, Virginia
Council Agenda Statement

Item No: VIII-E

Meeting Date: August 13, 2018

Agenda Item: COUNCIL DISCUSSION
Item VII-E – Source Water Protection Program

Summary: As a provider of public water service, the Town has worked with the Virginia Department of Health Office of Drinking Water (VDH-ODW) and Tetra Tech to develop our Source Water Protection Plan (SWPP). The purpose of the SWPP is to protect groundwater. The plan identifies the Town's water sources and identifies opportunities to minimize the possibility of pollution of these sources. The plan includes efforts to minimize risk associated with improper use and disposal of household chemicals and fuels, lawn treatments, tank leakage, and improper management of septic systems.

The public version of the SWPP does not identify the locations of the Town's water sources.

Council Review: N/A

Fiscal Impact: N/A

Suggested Motion: No action requested at this time.

Source Water Protection Plan

August 2018

For the Town of Luray
PWSID 2139330

Prepared by:



Funded by:



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Record of Review

The Source Water Protection Plan should be reviewed and revised at least every 3 years.

Date of Review	Name of Reviewer	Description of Updates (if any)
2002	VDH	Source Water Assessment Record
2018	Tetra Tech	Major Plan Creation

1. Statement of Adoption

Town of Luray adopted this Source Water Protection Plan and has a copy of the plan on file with the Virginia Department of Health Office of Drinking Water (VDH-ODW). The Town of Luray is the governmental entity that provides public water service within the Town in Page County. The service and assistance of the waterworks' representatives in preparation of the plan is acknowledged and greatly appreciated.

[VDH-ODW recommends inserting a copy of the page from Town Council/Board of Supervisors meeting minutes recording the adoption of the Source Water Protection Plan.]

2. Introduction

2.1. Protection of Groundwater Sources

Protection of sources which supply public drinking water is of vital importance to the residents of the Town of Luray. The Town, in this Plan, refers to the Town of Luray water system. The water supply represents a valuable resource and investment which, if it were to become polluted, could negatively impact public health and would be expensive to restore or replace. Reducing or preventing chemical and microbiological contamination of water sources can ideally allow public water systems to avoid costly treatments and minimize future monitoring requirements. When drinking water is contaminated, costs include the following:

- Providing emergency replacement water;
- Paying for treatment and/or remediation expenses;
- Finding and developing new supplies;
- Paying for consulting services and staff time;
- Litigating against responsible parties;
- Conducting public information campaigns when incidents occur;
- Failing to meet the regulations of the Safe Drinking Water Act;
- Reducing property value or tax revenue;
- Adding health-related costs from exposure to contaminated water;
- Economic impacts, such as interruptions to businesses and loss of development opportunities; and
- Losing community acceptance of treated drinking water.

Source Water Protection is a voluntary program in Virginia. Proposed source water protection strategies are not mandated by state or federal regulations. Proposed commitments and schedules by waterworks' representatives are subject to change.

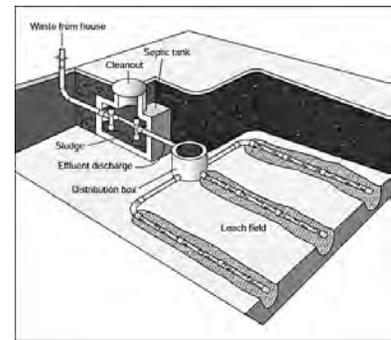
To avoid costly remediation, it is vital to reduce or prevent chemical and microbiological contamination of source waters. There are many normal day-to-day activities that could have the unintended consequence of compromising the community's drinking water supply. Some of the activities include:

- Improper use and disposal of household chemicals and fuels;
- Lawn treatments (excess fertilizers, and pesticides);
- Leaking oil and heating fuel tanks; and
- Improper management of septic systems.

To maintain quality drinking water, it is important to reduce and/or eliminate hazardous activities.

Groundwater can be contaminated by several different pathways:

- Infiltration from the surface;
- Leachate from onsite wastewater (septic) systems;
- Introduction of contaminants from the surface through improperly constructed or defective wells;
- Direct contamination through sink holes or other geologic features; or
- Dissolution of naturally-occurring substances in the soil or rock.



Septic Tank Schematic

Contaminant movement is affected by the properties of the aquifer as well as the overlying soils. Preventing contamination is paramount in keeping groundwater supplies safe.

2.2. Plan Purpose

The purpose of the Source Water Protection Plan (SWPP) is to protect groundwater, which serves as a source of public water supply, from the threat of contamination as a result of accidents or unwise practices from nearby residential, industrial, commercial, agricultural, waste management, or transportation activities.

2.3. Plan Goals

The goals of the SWPP are:

- To promote public health, economic development, and community infrastructure by maintaining an adequate drinking water supply for all residents of the community;
- To create an awareness of the communities' drinking water source(s); and
- To provide for a comprehensive action plan in case of an emergency affecting the water source.

3. Local Advisory Committee (LAC)

The purpose of the LAC is to evaluate the site-specific risks to the source water, develop site-specific recommended actions to mitigate the risks, and to ensure that the recommended actions are implemented. Community involvement is a critical element to developing a successful SWPP. The LAC involves the community in this process by incorporating community members and local officials into its membership, and by holding meetings with local stakeholders.

The LAC membership typically consists of waterworks employees, town or local government officials, county or regional government representatives, board members, and/or water customers. Extensive knowledge of source water protection or the water system components is not a prerequisite to being a committee member.

Table 1. Town of Luray Local Advisory Committee (LAC)

Name	Organization	Title
Joey Haddock	Town of Luray	Water Plant Superintendent
Steve Burke	Town of Luray	Town Manager
Bryan Chrisman	Town of Luray	Assistant Town Manager

The LAC contributes information to aid the development of the SWPP, reviews draft SWPPs, and ensures the implementation of recommended actions. The recommended actions that the LAC proposes are presented to the local officials and the waterworks for implementation.

The LAC holds meetings to solicit information from other local stakeholders, such as emergency response personnel, local health professionals, land or business owners, and other concerned citizens.

After reviewing the available information, characterizing the water source and the Source Water Protection Area, the LAC develops recommended actions to best protect the Town of Luray water source(s). The recommended actions developed by the LAC are listed in the following section.

4. Recommended Actions

The following source water protection measures are recommended to prevent potential contamination of the Town of Luray water supply.

Table 2. Summary of Recommended Implementation Activities

Action Number	Recommended Action	Planned Completion Date	Actual Completion Date
1	Promote education of the residents within the Source Water Protection Area (SWPA). Distribute brochures to customers via Town website describing the importance of source water protection and a list of general do's and don't's. See Appendix C for a brochure template.	12/2019	
2	Provide information about source water protection on the waterworks website at http://www.townofluray.com/water---waste-water.html by creating a link to the SWPP.	12/2018	
3	Monthly review with police chief the designated SWPA zone and appropriate response procedures. Such actions should include those recommended in the Emergency Response Plan in Appendix F	9/2018 Ongoing as needed	4/24/19
4	Provide the Town of Luray utility operators and the town council members source water protection information and maps.	12/2018	
5	Update the Town of Luray Comprehensive Plan to include source water protection.	12/2019	
6	Develop or revise a septic system ordinance requiring all septic systems shall be maintained in good working order and pumped out once every five years.	12/2019	
7	Create a scoring matrix to assign value to contaminants. Evaluate and rank the potential risk (from highest to lowest) of each of the Potential Sources of Contamination. Factors to consider are: <ul style="list-style-type: none"> • proximity to the source, • type of contaminants, and • likelihood of release of contamination. 	12/2019	
8	Encourage abandonment of all unused private wells within the SWPA by including well protection and abandonment tips in the SWPP educational brochure.	12/2019	
9	Report open dump locations to Page County staff to ensure planning for any grants applied for through VADEQs Litter Prevention Program.	Ongoing as needed	Completed 4/24/2018

Action Number	Recommended Action	Planned Completion Date	Actual Completion Date
10	Coordinate with the local police chief and Page County officials to identify strategies for containing and cleaning up spills on roads and rail roads.	12/2018	
11	Consider fencing vital wellhead areas to prevent graffiti, trash, and vandalism.		Completed 2009
12	Seek grant funding for security systems at the Hite Spring site	12/2019	

5. Source Water Assessment & Protection Areas

5.1. Delineation of Source Water Assessment & Protection Areas

VDH delineates two different Source Water Assessment Area zones for each waterworks source. These zones are defined for groundwater sources as follows:

- Zone 1 is a 1,000-foot fixed radius around the well and is a priority zone for managing potential sources of contamination; and
- Zone 2 is a one-mile (5,280-feet) fixed radius outside of Zone 1.

The circular Zone 1 and Zone 2 delineations described above assume that the source is withdrawing from a confined aquifer comprised of uniform unconsolidated material. For groundwater sources which do not withdraw from a confined aquifer, the VDH recommends further study to delineate Zone 1 and Zone 2 assessment areas specific to each source. The Zone 1 assessment area should be defined as the area most at risk of source water contamination and the Zone 2 assessment area should be defined as the entire recharge area.

For the purposes of this plan, the Source Water Protection Area (SWPA) is defined as the area encompassing the Zone 1 and Zone 2 Source Water Assessment Areas. A map of the SWPA for each source is provided in Appendix A.

The Town of Luray relies on the Hite Spring and Well #6 to supply water to residents. Hudson Spring has been offline since 2009 but is maintained in the event of an emergency during which it may serve as an alternate source. The two springs have been designated as highly susceptible to contamination by the VDH because they are “located in an area that promotes migration of contaminant from certain land use activities of concern”¹.

In the Town of Luray system, both Well #6 and the Hudson Spring are considered ground water under direct influence of surface water (GUDI). This designation is most commonly assigned to sources in areas of karst topography.² Waterworks supplied by surface water or ground water under direct influence of surface water have separate monitoring requirements from groundwater only sources in the Waterworks Regulations. These requirements are specific to the number of customer and treatment type. They include specifications on sampling location, frequency, and type. Some of the required samples concern the water characteristics quoted in the GUDI definition below.

According to VDH Waterworks Regulations 12 VAC 5-590-430 a GUDI is:

“any water beneath the surface of the ground with significant occurrence of insects or other macroorganisms, algae, or large-diameter pathogens such as *Giardia lamblia*, or *Cryptosporidium*. It also means significant and relatively rapid shifts in water characteristics

¹ <http://www.townofluray.com/assets/water-qualityreport-2016.pdf>

² <http://www.vdh.virginia.gov/drinking-water/drinking-water-data/>

such as turbidity, temperature, conductivity, or pH that closely correlate to climatological or surface water conditions³.”

Studies to determine Luray system recharge areas and time of travel may be especially beneficial to the system. It is recommended that, once completed, the Town of Luray use the results of these investigations to update Zone 1 and Zone 2 critical areas.

5.2. Geological Characterization

The Town of Luray water sources are in an unconsolidated aquifer. Unconsolidated aquifers are principally composed of sand and gravel and are typically found in river valleys and in the Virginia Coastal Plain physiographic province. These aquifers yield water via the pore spaces between the individual grains, which tend to be large for coarse-grained well-sorted aquifer material. Appendix A-3 contains geological maps.

The Town of Luray exists within the Elkton aquifer and the underlying carbonate bedrock is chemically weathered by water infiltration creating a karst environment. This is the only unconsolidated sediment aquifer west of the Atlantic Coastal Plain province in the Appalachian region. While karst topography is typically characterized by thin soil cover, the Luray bedrock is covered by thick alluvial fan deposits, alluvium, and some debris fan deposits along the western foot of the Blue Ridge Province. These alluvial fans contain manganese, iron ore, and abundant ground water resources (Southworth, 2009). The presence of karst sinkholes indicate water resources may be highly susceptible to land use contamination.

Luray is situated in an area where the Blue Ridge Province and Great Valley and Page Sections of the Valley and Ridge Province intermingle. Dashed contact lines in the USGS geologic map in Appendix A-3 indicate locations where these geologic units meet but are concealed beneath the alluvial deposits, so their precise location is uncertain.

The alluvial fan deposits, labeled Nf in the geologic map in Appendix A3, that occur in the majority of Luray land areas consist of unconsolidated sand, pebbles, cobbles and quartzite or sandstone boulders. Alluvial fan thickness is highly variable but has been measured in drill hole and mining data up to 150 meters thick. The deposits are derived primarily from Harpers and Anietam Formations (Southworth, 2009). The active Hite Spring and Well #6 are location in this geologic formation.

Debris fan deposits, Nd, consist of local rocks in a matrix of unstratified clay, silt, sand and pebbles. These deposits from fans and sheets on the low slopes and valleys. They may form terraces 36 meters higher than adjacent debris fans and range in thickness up to 30 meters (Southworth, 2009).

The Harpers formation, Cch, forms in a thin band along Luray’s southwestern border between the alluvial fan deposits, Nf, and a thicker alluvium, Qa, formation. It consists of interbedded layers of quartzite, metasandstone, and metasiltstone as well as greenish or bluish-gray quartz-

³ <https://law.lis.virginia.gov/admincode/title12/agency5/chapter590/section10/>

chlorite-sericite phyllite (Southworth, 2009). The alluvium contains unconsolidated silt, sand, cobbles, and boulders with a thickness up to 12 meters (Southworth, 2009). The currently inactive Hudson spring is in or directly adjacent to these formations. There are also two small sinkholes less than 50 square meters in diameter near this source.

There are small sections of Beekmantown Group, Ob, and Stonehenge Limestone, Os, Formations present in Luray. The former is characterized by light-grey dolostone containing chert nodules where the weathered surface displays “butcher block” cross hatched joints. The latter is characterized by a dark grey fossiliferous limestone with black chert modules. It contains some dolostone beds and silty limestone (Southworth, 2009).

The Town of Luray is not located in a Groundwater Management Area. Groundwater Management Areas are declared by Virginia Administrative Code 9VAC25-600-20 and managed by the Virginia Department of Environmental Quality. Wells in these areas are required to meet additional construction standards beyond the Virginia Waterworks Regulations. Withdrawals of 300,000 gallons per month or more in these areas require a groundwater withdrawal permit.

5.3. Land Use

An existing land use map for the SWPAs is presented in Appendix B-1. The Town of Luray water system consists of one active groundwater well, Well #6 given the state assigned identifier WL003; one active spring source, the Hite Spring; and one inactive spring source, the Hudson Spring. The two active sources are within one mile of each other.

Both primary Zone 1 protection areas for these sources are comprised of pasture and hay in addition to developed area of mixed intensity. A railroad transects both Zone 1 areas and East Main Street occurs within the Hite Spring Zone 1 area directly adjacent to the railroad. Their surrounding Zone 2 protection areas are predominantly comprised of the developed areas representing the Town. The offline source is maintained for emergency backup purposes and has similar land uses in both protection zones as the active sources. A major road, highway 360 business route, transects Zone 1 of the backup source.

5.4. Future Land Use

Future land use intentions are derived from the Page County Comprehensive Plan⁴ and the Luray Town Plan⁵. While Luray is a slow-growth community, the Town is sensitive to future growth needs. Focus is directed on encouraging residential growth in a manner that will protect the surrounding agricultural resources and prevent congested traffic patterns. The main goals include:

- Maintain a land use pattern that adequately accommodates future residential, commercial and industrial growth.

⁴ <https://www.pagecounty.virginia.gov/DocumentCenter/View/78>

⁵ <http://www.townofluray.com/assets/townplan-reduced.pdf>

- Encourage new developments in, or near, the Town to have “Town-like” attributes in terms of land use patterns and design.
- Provide a “clear edge” between the Town (urban), and County (rural) areas.
- Ensure that residential developments are connected to public water and sewer.

In addition to minor transportation improvements, Luray future land use includes developing the Hawksbill Greenway and the Ralph H. Dean recreational areas, extending the road adjacent to the Greenway to connect the elementary and middle schools, and establishing landscaping along this route to increase the aesthetic value of the developments. Maps indicating future land use and project designs are presented in Appendix B-2.

6. Potential Sources of Contamination (PSC)

VDH develops an inventory of PSCs within the SWPA through its Source Water Assessment Program. This inventory contains information regarding the ownership of the PSC, the types of contaminants produced by the PSC, as well as the distance of the PSC to the water source. This inventory is summarized in Appendix E.

The location maps of PSCs within the SWPA are presented in Appendix A. These PSCs include publicly available information from DEQ, VDH, EPA, and other sources. *[insert only in non-public version of SWPP: Information on these sources, as well as the sources of the map reference data, is available in Appendix E.]*

The risk of each PSC varies depending on proximity to the well and potential pathways to reach groundwater. The highest priority area for protection includes the activities within Zone 1 of the SWPA. Town of Luray should use the inventory of PSCs in Zone 1 in evaluating the risk posed by each PSC and the need for protection measures.

The PSCs generally can be categorized as:

- Railroad and Highways
- Closed Storage Tank Releases
- Pesticides, Fertilizers and Agricultural Land Uses
- Concentrated Residential or Municipal Areas
- Public and Private Waste Water
- Private Wells
- Industrial Facilities
- Impaired Streams

Closed storage tank releases are the most numerous PSCs in the Luray protection areas. Threats associated with above-ground storage tanks may be from historic or active facilities. If these tanks remain at historic sites, they may contain residual chemicals/oils that could contaminate the source if they were to leak or be swept into the river during a flooding event. For active facilities, above ground storage tanks potentially contain materials that if released would pose a risk to public health. The PSCs categorized as Closed Storage Tank Releases can correspond to other PSC types.

There are 13 facilities inside Zone 2 for the three Luray water sources and 1 in Zone 1 of the active well source subject to the Resource Conservation and Recovery Act (RCRA). RCRA is the public law that creates the framework for the proper management of hazardous and non-hazardous solid waste as well as underground storage tanks. The majority of RCRA sites in Town of Luray WHPAs concern medical or automotive industries. Some sites may require a Hazardous Waste Management Permit, meaning they are engaged in the treatment, use, or disposal of hazardous waste. Such facilities can be a source of a wide variety of contaminants depending on the historical use of the site.

The source assessment found record of 2 underground injection wells in the source water protection areas, one of which is used by the town near the active well site. In general,

depending upon the depth, injection wells within the SWPA can potentially contaminate the groundwater source. The record for the underground injection well in the SWPA was provided by the US Environmental Protection Agency (USEPA) Underground Injection Control Program.

Railroad tracks run very closely to the public water supply within Zone 1 at both active source sites. The possibility of collisions and leaks are high. An accident on the main line, or leaks from standing train cars may result in contamination of water resources, especially where there are several sections of side track along the main line.

Major highways run through the Zone 1 and Zone 2 SWPAs. Major routes may carry heavy truck traffic through the region. A release from a vehicle accident may result in a hazardous materials spill to occur. If a hazardous materials spill were to occur, the substance spilled could infiltrate into the ground or runoff into surface water and potentially contaminate the water supply.

Pesticides and fertilizers used for farm operations can migrate into the water supply. Areas used for disposal of animal waste or burying dead livestock can also cause contamination of the source water. Increased nutrient load from these sources in surface water, especially affecting the Hite Spring, may result in algal growth, including an associated cyanobacteria commonly referred to as "blue-green algae". Algal and bacterial presence may result in taste and odor issues. If stressed, cyanobacteria may also release cyanotoxins, chemicals that if consumed could severely impact human health. There are extensive agricultural areas in Zone 1 and 2 SWPAs for the Town of Luray system. Feed stores and home improvement stores that sell fertilizer and pesticides can be sources of contamination if these chemicals are not stored properly.

Luray water sources are located close to developed areas within town limits. Municipal areas have a concentration of homes, businesses, schools, industrial sites, and other facilities that may collectively introduce contaminants into water at a concentration to cause concern. Storm water runoff, care of public grounds, maintenance of city and county vehicles at garages, and residents' activities in and outside their homes can contribute to contamination of the water source: fertilizers, pesticides, oils, paints, cleaning agents, etc. The Page Memorial Hospital and Shenandoah Regional Microbiological Laboratory may pose contamination concerns due to the presence of Regulated Medical Waste (RMW).

There are public waste water systems located in and near the SWPA. Accidental releases may allow untreated waste water to contaminate the water resource. Failing private septic systems can leach into surrounding soils and potentially contaminate the source water especially given the known presence of soils with poor perk performance in the region which permits contaminants to travel greater distances.

Other potential conduits include offline wells and contaminated streams that may feed ground water resources. Dry Run impacts the Zone 1 protection area for both active sources and is impaired by stress to benthic-macroinvertebrates. Hawks Bill Creek impacts Zone 1 of the offline Hudson Spring and is impaired by *E. coli*. East Hawks Bill Creek passes through the

Zone 2 protection area for the Hudson Spring source and is impaired by stress to benthic-macroinvertebrates as well as *E. coli*⁶.

Identification of existing contamination sources may address immediate concerns about protection of the local water supply. To ensure that the supply remains uncontaminated, continual review of land use activities and identification of potential sources of contamination is necessary.

⁶ Virginia Department of Health Potential Sources of Contamination Inventory

7. Source Water Protection Plan

The SWPP describes the actions necessary to minimize the risk to the quality of the source water utilized by the Town of Luray. The goal of the plan is to reduce or eliminate potential threats to drinking water supplies within the SWPA either through existing regulatory or statutory controls, or by using non-regulatory (and often voluntary) measures centered around an involved public.

7.1. Existing Measures and Activities

Current measures in place for protecting the quality of water within the SWPA are:

- Fencing around all public water sources
- Regular monthly meetings with Town officials and local emergency management
- A recent Emergency Response Plan tailored for source water protection generated and updated by SEMS asset management software dated March 23, 2018.
- The Virginia Department of Health provided a Wellhead Protection Plan, with assistance from Olver, Inc., in June 2008 for the Town of Luray
- Annual Water Quality Report published on the Town website at <http://www.townofluray.com/water---waste-water.html>
- Yearly high school student water quality project participation, sampling, and results report published on the Town website at <http://www.townofluray.com/student-water-project.html>.

7.2. Source Water Protection Emergency Response Plan

The Town of Luray has an Emergency Response Plan generated by SEMS asset management software dated March 23, 2018. The Emergency Response Plan provides contact information and defines basic emergency response procedures to aid the waterworks in responding to a source water contamination event. *[Insert only in non-public version of SWPP: The Source Water Protection Emergency Response Plan is located in Appendix F]*

7.3. Public Education and Outreach

In order for citizens to appreciate the benefits of source water protection, they must first understand what the problems are in providing safe drinking water, and how they can become involved in the process. Public education is the greatest promoter of voluntary action and public support for a community's wellhead source water protection program.

Activities and opportunities should be sought that will increase public awareness that source water protection is a local issue and that each citizen plays a part. A public education brochure template is available in Appendix C. Some other examples of public education and outreach include providing information about source water protection on your waterworks website and Annual Water Quality Report, and installing signs along roads in high visibility locations near the designated boundary of the SWPA that state "Entering Town of Luray Water Protection Area".

For several years, the Town of Luray has partnered with Luray High School Honors students in Earth Science Agriculture and Ecology class. Students learn about water quality by utilizing testing equipment, collecting water samples in local streams, and charting test results based on water quality standards. Students learn, based on the test results, the appropriate uses for the sampled water and possible contributors to contamination. These results are provided in a report to the Town and published on the Town website at: <http://www.townofluray.com/student-water-project.html>.

The Town of Luray publishes an Annual Water Quality Report on the Town website at <http://www.townofluray.com/water---waste-water.html> and mails this report to water customers yearly.

7.4. Implementation and Funding

The initial step in implementation should be to discuss responsible parties and timelines to implement the strategies. Community members can determine the best process for completing activities within the projected time periods. Feasible source management strategies are addressed in the Recommended Actions Section of this Plan.

Numerous funding opportunities are available to aid communities in the implementation of source water protection initiatives. The following is a summary funding sources currently available to support source water protection in Virginia:

Litter Prevention and Recycling Grant Programs – Virginia Department of Environmental Quality

Funding type: grant

Description: This program coordinates annual competitive and non-competitive Litter Prevention and Recycling Grant Programs to support localities' recycling and litter prevention activities. Contact program staff at 804-698-4029 to determine what resources may be available to encourage cleanup and reporting of dump sites.

Link: <http://www.deq.virginia.gov/Programs/LandProtectionRevitalization/RecyclingandLitterPreventionPrograms/LitterPreventionandRecyclingGrantPrograms.aspx>

Wellhead Protection Implementation Projects Grants – Virginia Department of Health – Office of Drinking Water

Funding type: grant

Description: This program supports the implementation of wellhead protection projects including well abandonment, educational outreach, wellhead fencing, advancing ordinances, emergency response planning, hazardous waste collection, and protection area delineation. This program requires that the waterworks have a protection strategy in-place (i.e. Source Water Protection Plan) and an active source water protection committee.

Link: <http://www.vdh.virginia.gov/drinking-water/source-water-programs/source-water-protection-assistance-funding-opportunities/>

Drinking Water State Revolving Fund – Virginia Department of Health – Office of Drinking Water

Funding type: low interest loan with possible principal forgiveness

Description: This program provides planning funding, which could be used to analyze solutions to source water measures or evaluate potential new sources. This program also provides low interest loans with possible principal forgiveness for waterworks construction projects including new wells and intake modifications, and low interest loans for waterworks to acquire land or conservation easements and to establish local voluntary incentive-based source water protection measures. Funding is prioritized for small, financially stressed, community waterworks.

Link: <http://www.vdh.virginia.gov/drinking-water/financial-construction-assistance-programs/>

Nonpoint Source Management Implementation Grant Program – Virginia Department of Environmental Quality

Funding type: grant

Description: This program provides grants for watershed projects, demonstration and educational programs and nonpoint source pollution control program development.

Link: <http://www.deq.virginia.gov/Programs/Water/WaterQualityInformationTMDLs/NonpointSourcePollutionManagement.aspx>

Virginia Wastewater Revolving Loan Fund – Virginia Department of Environmental Quality

Funding type: low interest loan

Description: This program provides low interest loans for acquisition of title or other rights to real property to protect or improve water quality, and for storm water runoff control best management practices.

Link: <http://www.deq.virginia.gov/Programs/Water/CleanWaterFinancingAssistance/VCWRLFTableofContents.aspx>

Virginia Clean Water Revolving Loan Fund – Virginia Department of Environmental Quality

Funding type: low interest loan

Description: This program primarily funds wastewater treatment projects, but also funds agricultural best management practices and non-point Source Pollution Abatement. This program can provide low interest loans to waterworks or localities to provide loans or other incentives to facilitate the implementation of agricultural best management practices.

Links:

Land conservation -

<http://www.deq.virginia.gov/Programs/Water/CleanWaterFinancingAssistance/LandConservation.aspx>

Stormwater -

<http://www.deq.virginia.gov/Programs/Water/CleanWaterFinancingAssistance/StormwaterFundingPrograms/StormwaterLoans.aspx>

Stormwater Local Assistance Fund – Virginia Department of Environmental Quality

Funding type: cost-share

Description: This fund provides matching grants for stormwater projects including new stormwater best management practices, stormwater best management practice retrofits, stream restoration, low impact development projects, buffer restorations, pond retrofits, and wetlands restoration.

Link: [http://www.deq.virginia.gov/Programs/Water/CleanWaterFinancingAssistance/StormwaterFundingPrograms/StormwaterLocalAssistanceFund\(SLAF\).aspx](http://www.deq.virginia.gov/Programs/Water/CleanWaterFinancingAssistance/StormwaterFundingPrograms/StormwaterLocalAssistanceFund(SLAF).aspx)

Virginia Land Conservation Foundation – Virginia Department of Conservation and Recreation

Funding type: grant

Description: Grants are awarded to help fund the purchase of permanent conservation easements, open spaces and parklands, lands of historic or cultural significance, farmlands and forests, and natural areas. This program may allow public waterworks to permanently protect land in the SWPA at little cost to the waterworks.

Link: <http://www.dcr.virginia.gov/virginia-land-conservation-foundation/>

The Land and Water Conservation Fund State and Local Assistance Program – Virginia Department of Conservation and Recreation

Funding type: cost-share

Description: This program supports the acquisition and/or development of public outdoor recreation areas. This may aid utilities in purchasing land in the SWPA when the source water protection goals do not conflict with the recreational use of the land. It should be noted that all LWCF assisted areas must be maintained and opened, in perpetuity, as public outdoor recreation areas.

Link: <http://www.dcr.virginia.gov/recreational-planning/grants>

Other Virginia Department of Forestry funding programs –

VDF administers a number of programs aimed at promoting healthy forests and wildlife habitat that may help waterworks to limit erosion on land that they control within the SWPA. Additionally, VDF administers programs aimed at supporting agricultural best management practices. Waterworks can use these programs to promote Best Management Practices within their SWPA.

Link: <http://www.dof.virginia.gov/costshare/index.htm>

Urban Waters Small Grants Program – US Environmental Protection Agency

Funding type: grant

Description: This program provides small grants to restore their urban waters in ways that also benefit community and economic revitalization. In general, projects should address local water quality issues related to urban runoff pollution, provide additional community benefits, actively engage underserved communities; and foster partnership

Link: <https://www.epa.gov/urbanwaters/urban-waters-small-grants>

Healthy Watersheds Consortium Grant – U.S. Endowment for Forestry & Communities, Inc.

Funding type: grant

Description: This program provides grants to accelerate strategic protection of healthy, freshwater ecosystems and their watersheds. The primary focus for applicants should be protection and stewardship of the landscape that comprises the watershed, rather than restoration of degraded habitats or projects with a strictly water quality improvement outcome.

Link: <http://www.usendowment.org/healthywatersheds.html>

Regional Conservation Partnership Program – U.S. Department of Agriculture

Funding type: cost share

Description: This program provides funding to locally driven, public-private partnerships that improve the nation's water quality, combat drought, enhance soil health, support wildlife habitat and protect agricultural viability. The program connects partners with producers and private landowners to design and implement voluntary conservation solutions that benefit natural resources, agriculture, and the economy. Applicants must match or exceed the federal award with private or local funds.

Link: <https://www.nrcs.usda.gov/wps/portal/nrcs/main/national/programs/farmland/rcpp/>

7.5. References

Southworth, Scott, Aleinikoff, J.N., Bailey, C.M., Burton, W.C., Crider, E.A., Hackley, P.C., Smoot, J.P., and Tollo, R.P., 2009, Geologic map of the Shenandoah National Park region Virginia: U.S. Geological Survey Open-File Report 2009–1153, 96 p., 1 plate, scale 1:100,000.

Appendix A-1: Source Water Protection Area Zone 1 Zone 1 Topographical Maps

Figures reflecting maps of the water sources have not been included in electronic format for security purposes. To view figures, contact the Town of Luray at (540) 743-5511.

Appendix A-2: Source Water Protection Area Zone 2 Topographical Maps

Figures reflecting maps of the water sources have not been included in electronic format for security purposes. To view figures, contact the Town of Luray at (540) 743-5511.

Appendix A-3: USGS Geological Map Excerpt

Figures reflecting maps of the water sources have not been included in electronic format for security purposes. To view figures, contact the Town of Luray at (540) 743-5511.

Excerpt from Southworth, et al. 2009 [Geologic Map of the Shenandoah National Park Region, Virginia](#). USGS Open-File Report 2009-1153.

Appendix A-4: Source Water Protection Geological Map

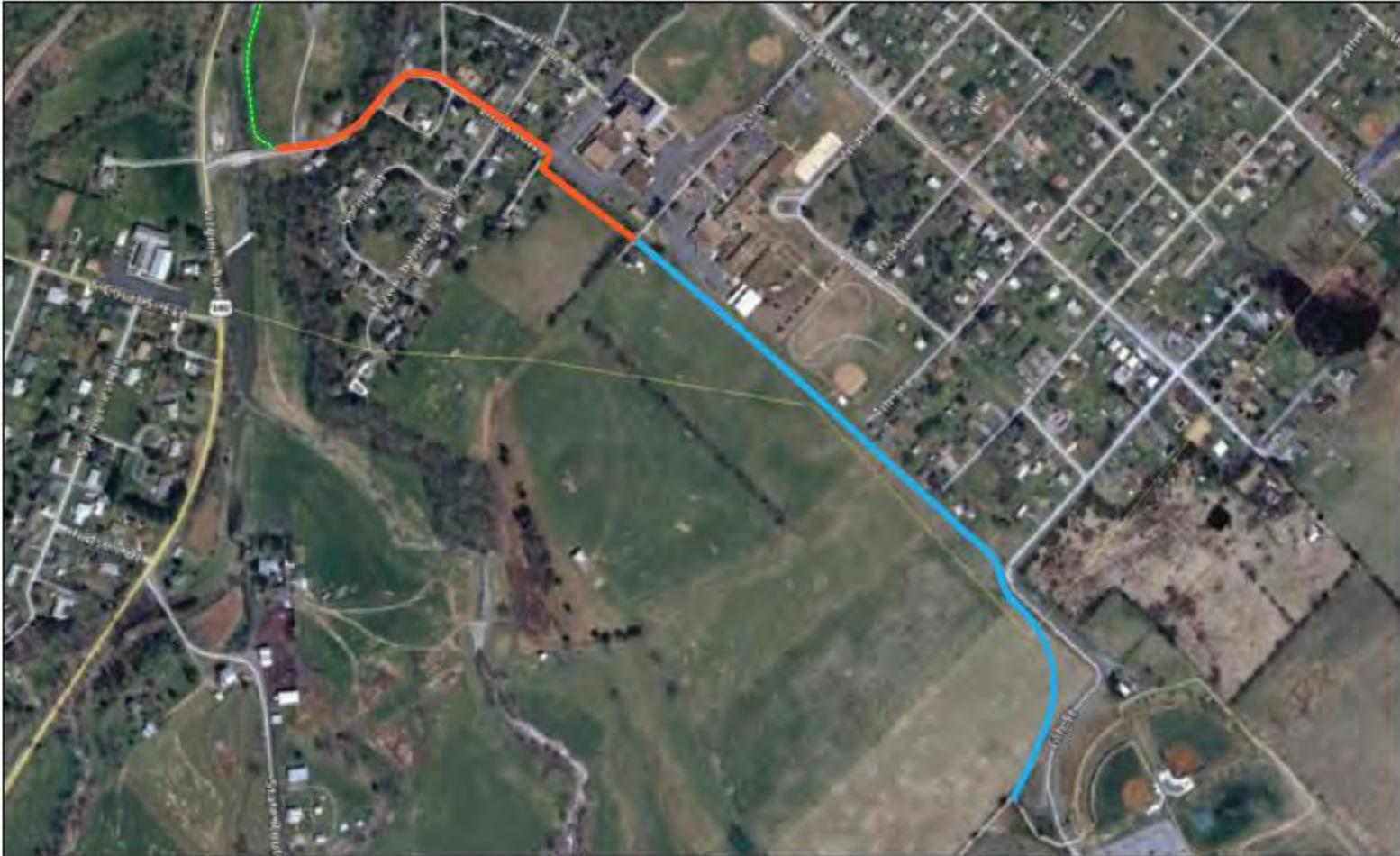
Figures reflecting maps of the water sources have not been included in electronic format for security purposes. To view figures, contact the Town of Luray at (540) 743-5511.

Appendix B-1: Source Water Protection Area Land Use Map

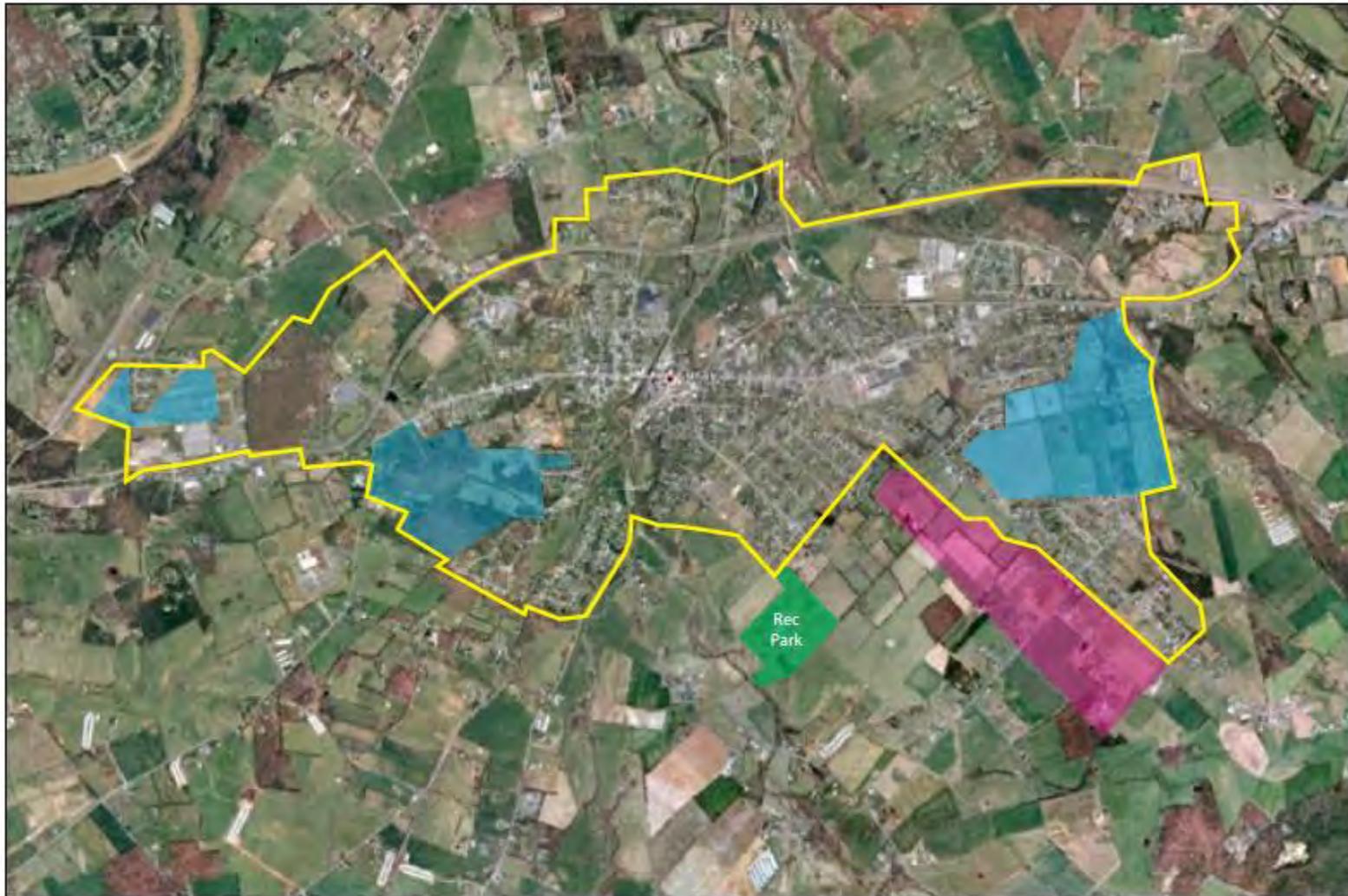
Figures reflecting maps of the water sources have not been included in electronic format for security purposes. To view figures, contact the Town of Luray at (540) 743-5511.

Appendix B-2: Source Water Protection Area Future Land Use Map *[Optional]*

Anticipated Greenway road improvements. The orange line represents Phase 5 connecting the elementary and middle schools. The blue line represents phase 6 connecting the schools with the Ralph Dean recreational area.



Anticipated future park and residential development around Luray as reflected in the 2013 Town Plan. The blue and pink areas represent locations in which Luray wishes to encourage residential growth.

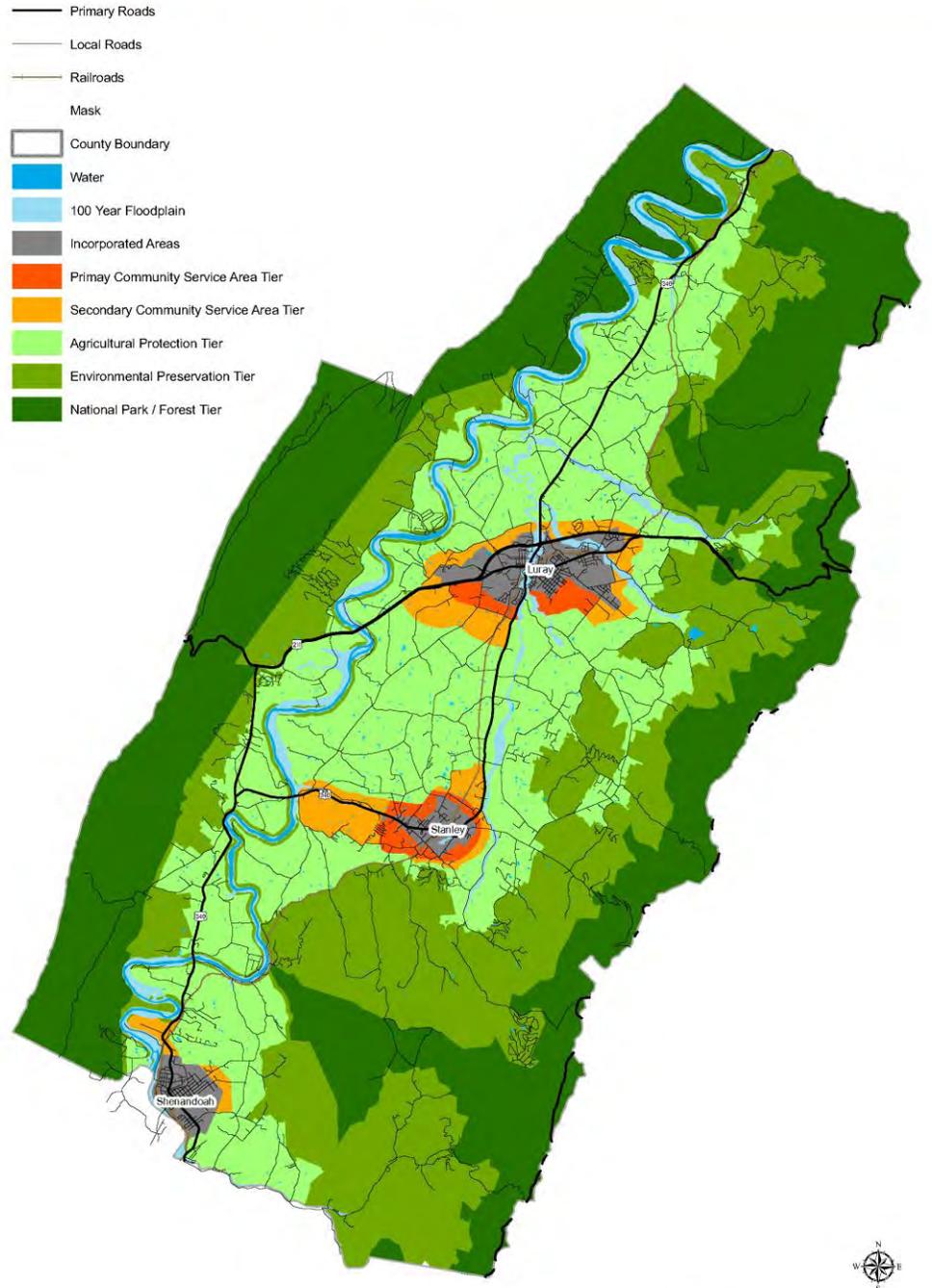


Existing Residential-Zoned Areas (Town)

Unincorporated Area (County)

Anticipated future land use around Luray as reflected in the 2013 Town Plan.

Exhibit 2 : Future Land Use



0 0.5 1 2 Miles

Map Document: (C:\Clients\Page County, VA\Maps\Geology.mxd)
11/14/2008 -- 1:11:22 PM

PLANNING WORKS

Please use this map as a guide and not as definitive information. The areas depicted by this map are approximate and are provided for illustrative purposes only. While every effort has been made to ensure the accuracy, completeness, correctness, and timeliness of information presented within this map, the burden for determining appropriateness for use rests solely with the user. This map is provided "as is" with no warranties, express or implied.

Appendix C: Residential Brochure Template

How To Protect Your Drinking Water

for residents of the [PWS Name] Source Water Protection Area



[Insert photo of Town Seal/Company Logo here]

For questions regarding the [PWS Name] Source Water Protection Plan, please contact:

Name, Title
Phone: 555-555-5555
Fax: 555-555-5555
E-mail: someone@example.com

How Can I Protect My Water?

- Never pour used motor oil or other hazardous waste materials onto the ground or in a storm drain. Find a proper disposal location at <http://earth911.com>.
- Don't flush unwanted medications. Find a drug collection location or event (https://www.deadiversion.usdoj.gov/drug_disposal) or place medications in a sealed container in the trash.
- Minimize the use of fertilizers, pesticides and herbicides on your lawn and farm.
- Join your local watershed organization.
- Learn about your drinking water supply and conserve water in your home.
- Pump your septic system every 3-5 years.
- Keep animals, including livestock and their waste, out of local streams.

Source: <http://www.ColumbiaRiverWSP.org>

Where Does My Drinking Water Come From?

Your drinking water comes from [surface water name and/or groundwater]. [include brief description of sources/system].

Why Should I Be Concerned?

The public water supply is a valuable resource that, if contaminated, would negatively impact public health and put a financial burden on the community to restore or replace. As the map below shows, your property is located within our source water protection area. As such, things you do on your property can adversely affect our water source!



Insert photo of Zone I here

Appendix D: VDH ODW Field Office Construction Verification

PWSID	System Name	Source	Meets Construction Reqmts?
2139330	Town of Luray	Well # 6	Y

Data source: 5/11/2018 Email from Jess Tisinger, PE, VDH ODW LFO

The following table contains a summary of Potential Sources of Contamination occurring in or near Luray water protection zones

Luray PSC Types	Zone 1 PSC Count	Zone 2 PSC Count	Totals
Closed Storage Tank Release	0	31	31
Industrial site		2	2
Other PSC	5	0	5
Hospital	0	1	1
RMW Storage/Steam Sterilizer	0	3	3
Point Discharge	1	7	8
RCRA	1	13	14
Underground Injection Well	1	1	2

Risk Ranking Methodology for Individual PSCs

In 2005 the Virginia Department of Environmental Quality created a Wellhead Protection Plan guidance document. This document contained an inventory establishing the level of risk specific land uses pose to surface and groundwater sources. This resource was used to create a point value methodology for ranking individual PSC risk to source water and is included in Appendix H. Additional factors have been assigned point values and the tally of these points represent the Risk Ranking in the Individual PSC Details table within this Appendix below. The following table indicates risk categories and point values used to rank each PSC and possibly prioritize or gauge the necessity for future protection actions:

Risk Category		Point Value
Land Use Risk	High	4
	Medium	3
	Low	2
	X or Unranked	1
Proximity to Source	Zone 1	2
	Zone 2	1

The following table contains Individual PSC details for potential sources within Luray water protection zones

Town of Luray Water System PWSID: 2139330							
Map ID	Contaminant Type	Facility Type	Property Owner/Business Name	Mailing Address/Location	Zone 1	Zone 2	Risk Ranking
1	Inorganics, SOCs, VOCs	Closed Storage Tank Release	Luray Tire Center	1128 E Main St Luray VA 22835		x	4
2	Inorganics, SOCs, VOCs	Closed Storage Tank Release	Wallace Computer Services	10 Wallace Ave Luray VA 22835		x	4
3	Inorganics, SOCs, VOCs	Closed Storage Tank Release	Wrangler/blue Bell	101 Blue Bell Avenue Luray VA 22835		x	4
4	Inorganics, SOCs, VOCs	Closed Storage Tank Release	P And J Tire	1338 E Main St Luray VA 22835		x	4
5	Site Specific	RCRA	O'SULLIVAN CORP.	31 STONEY BROOK LANE LURAY VA 22835-9066		x	2
6	Site Specific	RCRA	MOORE WALLACE USA INC	10 WALLACE AVE LURAY VA 22835	x		3
7	Site Specific	Point Discharge	LURAY WTP	LURAY INDUSTRIAL PRK LURAY VA 22835	x		5
8	Inorganics, Microbial, RADs, SOCs, VOCs	Underground Injection Well	VALLEY AUTO SALES	904 E MAIN ST LURAY VA 22835-		x	2
9	Inorganics, Microbial, RADs, SOCs, VOCs	Underground Injection Well	TOWN OF LURAY MUNICIPAL UTILITIES	45 EAST MAIN STREET LURAY VA 00000	x		3
10	Site Specific	Industrial Site	O'SULLIVAN CORP.	31 STONEY BROOK LANE LURAY VA 22835-9066		x	2
11	Site Specific	Industrial Site	EMCO ENTERPRISES INC	31 STONEYBROOK LANE LURAY VA 22835-9066		x	2
12	Inorganics, SOCs, VOCs	Closed Storage Tank Release	Page Cooperative Farm Bureau	127 Big Oak Rd Luray VA 22835		x	4
13	Inorganics, SOCs, VOCs	Closed Storage Tank Release	Centel Luray	18 Vogt Place Luray VA 22835		x	4

Town of Luray Water System PWSID: 2139330

Map ID	Contaminant Type	Facility Type	Property Owner/Business Name	Mailing Address/Location	Zone 1	Zone 2	Risk Ranking
14	Inorganics, SOCs, VOCs	Closed Storage Tank Release	Mcconnell/Texaco	E Main St Luray VA 22835		x	4
15	Inorganics, SOCs, VOCs	Closed Storage Tank Release	Judicial Complex	101 S Court St Luray VA 22835		x	4
16	Inorganics, SOCs, VOCs	Closed Storage Tank Release	Luray High School	14 Luray Ave Luray VA 22835		x	4
17	Inorganics, SOCs, VOCs	Closed Storage Tank Release	Page County Schoolbus Garage	LEAKSVILLE ROAD - RT 616 LURAY VA 22835		x	4
18	Inorganics, SOCs, VOCs	Closed Storage Tank Release	Page County Schoolbus Garage	LEAKSVILLE ROAD - RT 616 LURAY VA 22835		x	4
19	Inorganics, SOCs, VOCs	Closed Storage Tank Release	Wadsworth Residence	110 N Court St Luray VA 22835		x	4
20	Inorganics, SOCs, VOCs	Closed Storage Tank Release	Holtzman Oil Luray Bulk Plant	191 South Court St Luray VA 22835		x	4
21	Inorganics, SOCs, VOCs	Closed Storage Tank Release	Luray Motor Company	26 N Broad St Luray VA 22835		x	4
22	Inorganics, SOCs, VOCs	Closed Storage Tank Release	Montvue Nursing Home	30 Montvue Drive Luray VA 22835		x	4
23	Inorganics, SOCs, VOCs	Closed Storage Tank Release	Hershberger Bulk Plant	S Hawksbill St Luray VA 22835		x	4
24	Inorganics, SOCs, VOCs	Closed Storage Tank Release	Judd Property	302 B West Main St Luray VA 22835		x	4
25	Inorganics, SOCs, VOCs	Closed Storage Tank Release	Former Campbells Plumbing and Electric Company	300 W Main St Luray VA 22835		x	4
26	Inorganics, SOCs, VOCs	Closed Storage Tank Release	Randy Arrington Residence	12 Blue Ridge Ave Luray VA 22835		x	4
27	Inorganics, SOCs, VOCs	Closed Storage Tank Release	Knizewski Property	2 West Main St Luray VA 22835		x	4

Town of Luray Water System PWSID: 2139330

Map ID	Contaminant Type	Facility Type	Property Owner/Business Name	Mailing Address/Location	Zone 1	Zone 2	Risk Ranking
28	Inorganics, SOCs, VOCs	Closed Storage Tank Release	Page County-Building Official Office	101 S Court St Luray VA 22835		x	4
29	Inorganics, SOCs, VOCs	Closed Storage Tank Release	Page Memorial Hospital	200 Memorial Dr Luray VA 22835		x	4
30	Site Specific	RCRA	PAGE MEMORIAL HOSPITAL	200 MEMORIAL DR LURAY VA 228350000		x	2
31	Site Specific	RCRA	ATKINS AUTOMOTIVE CORP	22 ZERKEL ST LURAY VA 22835		x	2
32	Site Specific	RCRA	TURNERS BODY SHOP	320 W MAIN ST LURAY VA 22835		x	2
33	Site Specific	RCRA	MELVIN TUTT AUTO SALES	630 W MAIN ST LURAY VA 22835		x	2
34	Site Specific	RCRA	LURAY AUTO BODY	121 HAWKSBILL ST LURAY VA 22835		x	2
35	Site Specific	RCRA	HOLTZMAN OIL CORP - LURAY	191 SOUTH COURT ST LURAY VA 22835-1224		x	2
36	Site Specific	Point Discharge	SKYLAND STP	SKYLAND DEVELOPED AREA, SKYLIN LURAY VA 22835		x	2
37	Site Specific	Point Discharge	BIG MEADOWS	SKYLINE DRIVE, MILEPOST 51 LURAY VA 22835		x	2
38	Site Specific	Point Discharge	LURAY SEWAGE TREATMENT PLANT	45 EAST MAIN STREET LURAY VA 22835-1902		x	4
39	Site Specific	Point Discharge	LURAY SEWAGE TREATMENT PLANT	45 EAST MAIN STREET LURAY VA 22835-1902		x	4
40	Site Specific	Point Discharge	BIG MEADOWS	SKYLINE DRIVE, MILEPOST 51 LURAY VA 22835		x	2
41	Site Specific	Point Discharge	LOFT MOUNTAIN WAYSIDE	LOFT MOUNTAIN CAMPGROUND SKYL LURAY VA 22835		x	2

Town of Luray Water System PWSID: 2139330

Map ID	Contaminant Type	Facility Type	Property Owner/Business Name	Mailing Address/Location	Zone 1	Zone 2	Risk Ranking
42	Site Specific	Point Discharge	MATHEWS ARM STP	MATHEWS ARM CAMPGROUND, SKYLIN SKYLINE DRIVE VA 22835		x	2
43	Inorganics, Microbial, RADs, SOCs, VOCs	Hospital	Page Memorial Hospital	200 Memorial Drive Luray VA 22835		x	2
44	Inorganics, Microbial, SOCs, VOCs	RMW Steam Sterlizer [SW]	Shenandoah Regional Microbiological Laboratory (PBR128) -	77 Court Lane Luray VA 22835		x	5
45	Inorganics, Microbial, SOCs, VOCs	RMW Steam Sterlizer [SW]	Shenandoah Regional Microbiological Laboratory (PBR334) -	77 Court Lane Luray VA 22835		x	5
46	Inorganics, Microbial, SOCs, VOCs	RMW Storage Facility [SW]	Valley Health - Page Memorial Hospital (PBR333) -	200 Memorial Dr Luray VA 22835		x	5
47	Inorganics, SOCs, VOCs	Closed Storage Tank Release	Mapco Express 4029	725 E Main St Luray VA 22835		x	4
48	Inorganics, SOCs, VOCs	Closed Storage Tank Release	East Coast #29	725 E Main St Luray VA 22835		x	4
49	Inorganics, SOCs, VOCs	Closed Storage Tank Release	7-Eleven #15904 - Luray	610 E Main St Luray VA 22835		x	4
50	Inorganics, SOCs, VOCs	Closed Storage Tank Release	Wrangler - Luray	320 North Hawksbill Street Luray VA 22835		x	4
51	Inorganics, SOCs, VOCs	Closed Storage Tank Release	Virginia Oak Tannery	Hill House Road Luray VA 22835		x	4
52	Inorganics, SOCs, VOCs	Closed Storage Tank Release	East End Texaco	717 E Main St Luray VA 22835		x	4
53	Inorganics, SOCs, VOCs	Closed Storage Tank Release	Former R & K Motors	633 E Main St Luray VA 22835		x	4

Town of Luray Water System PWSID: 2139330

Map ID	Contaminant Type	Facility Type	Property Owner/Business Name	Mailing Address/Location	Zone 1	Zone 2	Risk Ranking
54	Inorganics, SOCs, VOCs	Closed Storage Tank Release	7-Eleven 15904	610 E Main St Luray VA 22835		x	4
55	Inorganics, SOCs, VOCs	Closed Storage Tank Release	7-Eleven Store 15904	610 E Main St Luray VA 22835		x	4
56	Site Specific	RCRA	BLUE RIDGE CLNRS	13 E LURAY SHOPPING CTR LURAY VA 22835		x	2
57	Site Specific	RCRA	EAST COAST OIL #29	725 E MAIN ST LURAY VA 22835		x	2
58	Site Specific	RCRA	POT ED CO BLUE RIDGE AREA THE	2 MECHANIC ST LURAY VA 22835		x	2
59	Site Specific	RCRA	7-ELEVEN #15904	610 EAST MAIN ST LURAY VA 22835-2052		x	2
60	Site Specific	RCRA	WRANGLER	320 N HAWKSBILL ST LURAY VA 22835		x	2
61	Site Specific	RCRA	WRANGLER INC	101 BLUE BELL AVENUE LURAY VA 22835-1656		x	2
62	Other PSC	Other PSC	Private Agriculture	215 State Rte 642, Luray, VA 22835	x		3
63	Other PSC	Other PSC	Andersen Storm Door Division Emco Enterprises	31 Stoney Brook Ln, Luray, VA 22835	x		3
64	Other PSC	Other PSC	Trailer Parking Lot	34 Stoney Brook Ln, Luray, VA 22835	x		3
65	Other PSC	Other PSC	Emmart Oil	1390 E Main St, Luray, VA 22835	x		3
66	Other PSC	Other PSC	Private Vehicle Storage	5 Wallace Ave, Luray, VA 22835	x		3

Appendix F: Source Water Protection Emergency Response Plan *[omit from public versions of the document]*

The Town of Luray has an Emergency Response Plan generated by SEMS asset management software dated March 23, 2018. This ERP has not been included in electronic format for security purposes.

Appendix G: Potential Conduits of Contamination Inventory *[omit from public version of the document]*

The Town of Luray and Page County have no formal record available documenting potential conduits of contamination. Town officials indicate there are very few private wells within Town limits.

Appendix H: Virginia Source Water Assessment Program Land Use Risk to Source Water

Virginia Source Water Assessment Program Land Use Risk to Source Water

Table 1
LAND USE ACTIVITY INVENTORY
(Community and Nontransient Noncommunity Waterworks)

CLASSIFICATION	CONTAMINANT	SURFACE WATER RISK	GROUND WATER RISK	NAICS CODE
Residential/Commercial				
Fuel Storage Systems [ground water only]	V	X	medium	814110
On-site sewage system [ground water only]	M, N	X	medium	814110
Agriculture				
Chemical/fuel storage areas	V, S, N	low	medium	111, 112
Crop and fodder production	S, N	low	medium	111
Specialty crop production/nursery (e.g. horticulture, citrus, nuts, fruits)	S, N	low	medium	112
Livestock/poultry				112
Pasture (grazing)	M, N	medium	low	112
Intensive animal feeding operations				112
Confined animal feeding operations (permitted)	M, N	high	high	112
Confined animal feeding operations (non-permitted)	M, N	high	high	112
Aquaculture	M, N	low	medium	11251
Animal burial areas	M, N	low	medium	112
Manure holding or spreading	M, N	medium	medium	112
Other				
Industrial/Commercial [Dry and Discharging]				
Above ground storage tank (> 660 gallons) excluding potable water and petroleum	V, S, N	medium	medium	
Animal Slaughtering or Processing	M, N	low	medium	311
Asphalt Plants	V, S, N	low	medium	32412
Car Wash	V	low	low	811192
Cemetery [ground water only]	M, N, S	X	low	812220
Coal Gasification Facility	V	low	medium	324199
Dry Cleaning Establishment	V	low	medium	812320
Electrical and Electronic Product Manufacturing	I, V	low	medium	335310, 334410
Electroplating/Metal Finishing	I, V	low	medium	332813
Fertilizer/Manufacturer/Distributor/Storage	N, S	medium	medium	325, 422
Fire Training Facilities	V	low	medium	922160
Food Processing	M, N	low	low	311
Funeral Home/Mortuary	M, V	low	low	812210
Furniture/Boat Refinish (Boat Yards)	V, S, N	medium	medium	811420, 336612
Gasoline Station/Service Center	V, S, N	low	medium	447100
Golf Course	N, S	low	medium	713910
Hazardous Waste Recovery Facility	V, S, R, M	high	high	562211
Hazardous Waste Transfer, Storage or Disposal	V, S, R, M	high	high	562
Hospital	V, S, R, M	low	medium	622110
Laboratories	V, S, R, M	low	medium	541380, 621510
Machine Shops	V	low	medium	332710
Marina [Surface Only]	M, V, S	medium	X	713930
Military Base	V, S, R, M	high	high	928110
Oil & Gas Production (Refining)/Storage/Pipelines	V	medium	medium	324110, 422710, 486910
Paint Shop	V	low	medium	811121
Pesticide/Herbicide Manufacturer/Distributor/Storage	S	medium	medium	325320, 422690, 422910,
Photo Processor/Printer	I	low	medium	812290
Pipeline / Powerline Right of Way	S	low	low	486910, 221120
Plastic Manufacturer	V, S	low	medium	326100, 325211
Power Generation Station	S	medium	low	221110
Scrap and Junk Yards	V, I	low	medium	421930
Solid Waste Collection/Transfer Site	V, S, M, I	low	low	562111
Superfund Site	V, S, R, M, I	high	high	562211
Underground Injection Well [groundwater only]	V, S, R, M, I	X	high	562
Underground Storage Tanks [excluding potable water][groundwater only]	V	X	medium	
Underground Storage Tanks [leaking][regulated][groundwater]	V	X	high	
Wood Preservative Manufacturer/Wood Preserver	S	low	medium	321114
Other				
Wastewater Facilities				
Combined Sewer Overflow/Discharge	M, N, V, S	high	low	22132
Septage Lagoon	M, N	medium	medium	22132

Table 1
LAND USE ACTIVITY INVENTORY Continued
 (Community and Nontransient Noncommunity Waterworks)

CLASSIFICATION	CONTAMINANT	SURFACE WATER RISK	GROUND WATER RISK	NAICS CODE
Sewer Lines (Surface-crossing and adjacent lines only) [surface water only]	M, N	High	X	22132
Storm Sewer Discharges and Stormwater infiltration ponds	V, N, S	Medium	low	22132
Untreated Piped Discharge [straight pipe]	M, N	High	low	22132
Wastewater Pump Station	M, N, V	High	low	22132
Wastewater Treatment Facility [point source discharge]	M, N, V	Medium	low	22132
Wastewater Treatment Nondischarging lagoon/mass drainfield	M, N, V	Low	medium	22132
Land Disposal				
Biosolids	M, N, I	low	low	111, 112
Industrial Sludge	M, N, I, S, V	low	low	562
Landfill (Lined)	M, N, V, S	low	medium	562212
Landfill (Unlined)	M, N, V, S	low	high	562212
Open Dump	M, N, V, S	low	High	5622
Septage	M, N	medium	Medium	111, 112, 562
Tire Pile	V	high	High	5622
Wastewater	M, N	medium	Medium	22132
Other				
Resource Extraction				
Coal	V	low	Low	21211
Oil + Gas	V	medium	Medium	211
Sand, Gravel, Limestone	V	low	Low	2123
Other				
Transportation				
Airport	V	low	Medium	422720
Parking Lots	V	low	Low	814
Primary Roadways	V, S, N, M, R	medium	Low	48
Railroad Tracks and Yards	V, S, N, M, R	medium	Low	482110
Salt Storage Sites	I	low	Low	48
Truck Terminals	V, S, N, M, R	medium	Medium	484
Special Cases (specifically identified as a significant source of contaminants)				
Barge and Vessel Traffic for surface sources		high	X	483211
Caves/Sinkholes for surface sources			X	

"x" – does not mean no risk

M = microbiological
 N = nitrate/nitrite
 V = volatile organic chemicals
 S = synthetic organic chemicals
 I = inorganic chemicals
 R = radiological contaminants

(NOT all inclusive)

Table 2
 LAND USE ACTIVITY INVENTORY
 (Transient Noncommunity Waterworks)

CLASSIFICATION	CONTAMINANT	SURFACE WATER RISK	GROUND WATER RISK	NAICS CODE
Residential				
On-site sewage system [ground water only]	M, N	X	medium	814110
Agriculture				
Chemical/fuel storage areas	V, S, N	low	medium	111, 112
Crop and fodder production	S, N	low	medium	111
Specialty crop production/nursery (e.g. horticulture, citrus, nuts, fruits)	S, N	low	medium	111
Livestock/poultry				112
Pasture (grazing)	M, N	medium	low	112
Intensive animal feeding operations				112
Confined animal feeding operations (permitted)	M, N	high	high	112
Confined animal feeding operations (unpermitted)	M, N	high	high	112
Aquaculture	M, N	low	medium	11251
Animal burial areas	M, N	low	medium	112
Manure holding or spreading	M, N	medium	medium	112
Other				
Industrial/Commercial [Dry and Discharging]				
Above ground storage tank (> 660 gallons) excluding potable water and petroleum	V, S, N	medium	medium	
Animal Slaughtering or Processing	M, N	low	medium	311
Fertilizer/Manufacturer/Distributor/Storage	N, S	medium	medium	325310
Hospital	V, S, R, M	low	medium	622110
Laboratories	V, S, R, M	low	medium	541380, 621510
Marina [Surface Only]	M, V, S	medium	X	713930
Solid Waste Collection/Transfer Site	V, S, M, I	low	low	562111
Underground Injection Well [groundwater only]	V, S, R, M, I	X	high	562
Other				
Wastewater Facilities				
Combined Sewer Overflow/Discharge	M, N, V, S	high	low	22132
Septage Lagoon	M, N	medium	medium	22132
Sewer Lines (Surface-crossing and adjacent lines only) [surface water only]	M, N	high	X	22132
Storm Sewer Discharges and Stormwater infiltration ponds	V, N, S	medium	low	22132
Untreated Piped Discharge [straight pipe]	M, N	High	low	22132
Wastewater Pump Station	M, N, V	High	low	22132
Wastewater Treatment Facility [point source discharge]	M, N, V	Medium	low	22132
Wastewater Treatment Nondischarging lagoon/mass drainfield	M, N, V	Low	medium	22132
Land Disposal				
Biosolids	M, N, I	Low	low	111, 112
Industrial Sludge	M, N, I, S, V	Low	low	562
Landfill (Lined)	M, N, V, S	Low	medium	562212
Landfill (Unlined)	M, N, V, S	Low	high	562212
Open Dump	M, N, V, S	Low	high	5622
Septage	M, N	Medium	medium	111, 112 562
Wastewater	M, N	Medium	medium	22132
Other				
Special Cases (specifically identified as a significant source of contaminants)				
Barge and Vessel Traffic for surface sources		High	X	483211
Caves/Sinkholes for surface sources			X	

"x" – does not mean no risk

M = microbiological
 N = nitrate/nitrite
 V = volatile organic chemicals
 S = synthetic organic chemicals
 I = inorganic chemicals
 R = radiological contaminants

(NOT all inclusive)



Town of Luray, Virginia
Council Agenda Statement

Item No: IX - A

Meeting Date: August 13, 2018

Agenda Item: COUNCIL DISCUSSION
Item IX-A – Draft Charter Amendment

Summary: Council is requested to discuss the draft Town Charter Amendment. The Town Attorney has updated the language as necessary to conform with current requirements.

Language from our current Charter is currently included in 3.4 (b) regarding the Mayor's ability to "pocket veto" and "line item veto" items passed by Town Council and is highlighted in the draft. In addition, language allowing Council to "punish its members" from the current Charter is included in 3.6 (d). Both sections are highlighted. These abilities are not normally found in updated Charters; staff are seeking input from Council as to your desire to include or remove these Sections from the Charter.

Council Review: July 24, 2018 Work Session

Fiscal Impact: N/A

Suggested Motion: N/A

TOWN CHARTER – TOWN OF LURAY, VIRGINIA

CHAPTER 1 – INCORPORATION AND BOUNDARIES

1.1 - Incorporation; general powers.

Be it enacted by the General Assembly of Virginia, that the inhabitants of the territory in the County of Page, contained within the boundaries prescribed and defined in the section immediately following, shall continue to be, and they are hereby declared to be, a body politic and corporate, in fact and in name, under the name and style of the Town of Luray, and as such shall have and exercise all the powers conferred by and be subject to all the laws of the Commonwealth of Virginia now in force or that may hereafter be enacted for the government of towns, so far as the same are not inconsistent with the provisions herein.

1.2. - Town boundaries.

The boundaries of the town shall remain as now established unless changed in accordance with applicable law.

CHAPTER 2 – GENERAL POWERS

2.1. General grant of powers.

(a) Powers authorized in Code of Virginia.

The town shall have and may exercise any or all powers now or subsequently authorized for exercise by towns in Title 15.2 or elsewhere in the Code of Virginia of 1950, as amended, regardless of whether such powers are set out or incorporated by reference in this charter. All ordinances in force in the Town of Luray as of July 1, 2019, not inconsistent with this charter, shall be and remain in force until altered, amended, or repealed by the town council.

(b) Powers exercised by governing body.

All powers vested in the town by this charter shall be exercised by its governing body unless expressly provided to the contrary. Such powers shall include those not expressly prohibited by the Constitution and general law of the Commonwealth, and which are necessary or desirable to secure and promote the general welfare of the town's inhabitants and the safety, health, peace, good order, comfort, convenience, morals, trade, commerce, and industry of the town and the town's inhabitants, and the enumeration of specific powers shall not be construed or held to be exclusive or as a limitation upon any general grant of power, but shall be construed and held to be in addition to any general grant of power. The exercise of the powers conferred under this section is specifically limited to the area within the corporate limits of the town, unless otherwise conferred in the applicable sections of the Constitution and general laws, as amended, of the Commonwealth.

2.2. Financial powers.

(a) Generally.

In accordance with the Constitution of Virginia and the United States Constitution, the town may raise through annual taxes and assessments on property, persons, and other subjects of taxation that are not prohibited by law such sums of money as in the judgment of the town are necessary to pay the debts, defray the expenses, accomplish the purposes, and perform the functions of the town, in such manner as the council deems necessary or expedient. The town shall impose no tax on its bonds.

(b) Assessments for local improvements.

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

(c) Water, light, and sewerage rates; rates and charges for public utilities or services, etc., operated, etc., by town.

The town may establish, impose, and enforce water, light, and sewerage rates and rates and charges for public utilities, or other service, products, or conveniences, operated, rendered, or furnished by the town and assess, or cause to be assessed, water, light, sewerage, and other public utility rates and charges directly against the owner or owners of the buildings, or against the proper tenant or tenants, and in the event that such rates and charges shall be assessed against a tenant, then the council may, by an ordinance, require of such tenant a deposit of such reasonable amount as may be by such ordinance prescribed before furnishing such services to such tenant.

2.3. Contractual powers; gifts; grants.

(a) Acquisition of property generally; holding, selling, leasing, etc., town property.

The town may acquire, by purchase, gift, devise, condemnation, or otherwise, property, real and personal, or any estate or interest therein, within or without the town or the Commonwealth of Virginia and for any of the purposes of the town.

(b) Debts and evidence of indebtedness.

The town may contract debts, borrow money, and make and issue evidence of indebtedness.

(c) Gifts.

The town may accept or refuse gifts, donations, bequests, or grants of any kind from any source, absolutely or in trust, which are related to the town's powers, duties, and functions, or for educational, charitable, or other public purposes, and do all the things and acts necessary to carry out the purposes of such gifts, grants, bequests, and devises, with power to manage, maintain, operate, sell, lease, or otherwise handle or dispose of the same, in accordance with terms and conditions of such gifts, grants, bequests, and devises.

2.4. Operational powers.

(a) Generally.

The town may provide for the organization, conduct, and operation of all departments, offices, boards, commissions, and agencies of the town, subject to such limitations as may be imposed by this charter or otherwise by law, and may establish, consolidate, abolish, or change departments, offices, boards, commissions, and agencies of the municipal corporation and prescribe the powers, duties, and functions thereof, except where such departments, offices, boards, commissions, and agencies or the powers, duties, and functions thereof are specifically established or prescribed by charter or otherwise by law.

(b) Records and accounts.

The town shall provide for the control and management of the town's affairs and shall prescribe and require the adoption and keeping of such books, records, accounts, and systems of accounting by the departments, boards, commissions, or other agencies of the local government necessary to give full and true accounts of the affairs, resources, and revenues of the municipal corporation and the handling, use, and disposal thereof.

(c) Expenditure of money.

The town may expend money of the town for all lawful purposes.

(d) Construction, maintenance, etc., of improvements, buildings, etc., for use and operation of town departments.

The town may construct, maintain, regulate, and operate public improvements of all kinds, including municipal and other buildings, comfort stations, markets, and all buildings and structures necessary or appropriate for the use and proper operation of the various departments of the town, and may acquire by condemnation or otherwise all land, riparian, and other rights and easements necessary for such improvements, or any of them.

2.5. Utilities; public improvements.

(a) Water works and water supply.

The town may own, operate, and maintain water works and acquire in any lawful manner in any county of the Commonwealth of Virginia such water, lands, property rights, and riparian rights as the council may deem necessary for the purpose of providing the town with an adequate water supply, and of piping or conducting the same; lay all necessary mains and service lines, either within or without the corporate limits of the town, and charge and collect water rents therefor; erect and maintain all necessary dams, pumping stations, and other works in connection therewith; make reasonable rules and regulations for promoting the purity of the town water supply and protecting it from pollution and for this purpose exercise full police powers and sanitary patrol over all lands comprised within the limits of the watershed tributary to any such water supply wherever such lands may be located in the Commonwealth of Virginia; impose and enforce adequate penalties for the violation of any such rules and regulations and prevent by injunction any pollution or threatened pollution of such water supply and any and all acts likely to impair the purity thereof; and for the purpose of acquiring lands, interest in lands, property rights, and riparian rights or materials for any such use, exercise all powers of eminent domain provided by the laws of the Commonwealth of Virginia. For any of the purposes aforesaid, said town may, if the council shall so determine, acquire by condemnation, purchase, or otherwise any estate or interest in such lands or any of them in fee.

(b) Streets; parks, playgrounds, etc.; infrastructure; vehicles.

The town may establish, maintain, improve, alter, vacate, regulate, and otherwise manage its streets, alleys, parks, playgrounds, and all of its public infrastructure and public works, in such manner as best serves the public interest, safety, and convenience; regulate, limit, restrict, and control the services and routes of and rates charged by vehicles for the carrying of passengers and property in accordance with general law; permit or prohibit poles and wires for electric, telephone, telegraph, television, and other purposes to be erected and gas pipes to be laid in the streets and alleys and prescribe and collect an annual charge for such privileges; and, subject to the provisions of franchise agreements, require the owner or lessees of any such poles or wires now in use or hereafter used to place such wires, cables, and accoutrements in conduits underground in accordance with the town's prescribed requirements.

(c) Public utilities.

Subject to the provisions of the Constitution of Virginia, this charter, and general law, the town may grant franchises for public utilities, reserving rights of transfer, renewal, extension, and amendment thereof. (d) Collection and disposition of sewage, garbage, ashes, refuse, etc.; reduction and disposal plant. The town may collect and dispose of sewage, ashes, garbage, carcasses of dead animals, and other refuse; make reasonable charges therefor; acquire and operate reduction or any other plants for the utilization or destruction of such materials, or any of them; contract for and regulate the collection and disposal thereof, and require and regulate the collection and disposal thereof.

2.6. Nuisances; sanitary conditions, etc.

The town may compel the abatement and removal of all nuisances within the town; require all lands, lots, and other premises within the town to be kept clean; regulate the keeping of animals, poultry, and other fowl therein; regulate the exercise of any dangerous or unwholesome business, trade, or employment therein; regulate the transportation of all articles through the streets of the town; compel the abatement of smoke, dust, and unnecessary noise; compel the removal of grass and weeds from private and public property and snow from sidewalks; require the covering or removal of offensive, unwholesome, unsanitary, or unhealthy substances allowed to accumulate in or on any place or premises; require the filling in to the street level of the portion of any lot adjacent to a street where the difference in level between the lot and the street constitutes a danger to life and limb; ~~and~~ require the raising or draining of the grounds subject to be covered by stagnant water and the razing or repair of all unsafe, dangerous, or unsanitary public or private buildings, walls, or structures; and remedy, repair, and secure any blighted or derelict building or structure within the town in accordance with applicable law.-

2.7. Police powers.

(a) The town may exercise full police powers as provided by general law and establish and maintain a department or division of police.

(b) The town may also do all things whatsoever necessary or expedient for promoting or maintaining the general welfare, comfort, education, morals, peace, government, health, trade, commerce, or industries of the town or its inhabitants; prescribe any penalty for the violation of any town ordinance, rule, or regulation or of any provisions of this charter, not exceeding the fine or sentence imposed by the laws of the Commonwealth of Virginia; pass and enforce all by-laws, rules, regulations, and ordinances that it may deem necessary for the good order and government of the town, the management of its property, the conduct of its affairs, and the peace, comfort, convenience, order, morals, health, and protection of its citizens or their property; and do such other things and pass such other laws as may be necessary or proper to carry into full effect any power, authority, capacity, or jurisdiction that is or shall be granted to or vested in said town, or in the council, court, or offices thereof, or which may be necessarily incident to a municipal corporation.

2.8. Miscellaneous powers.

(a) Removal or reconstruction of unsafe buildings, etc.; protection of public gatherings.

The town may regulate the size, height, materials, and construction of buildings, fences, walls, retaining walls, and other structures hereafter erected in such manner as the public safety and conveniences may require; remove or require to be removed or reconstructed any building, structure, or addition thereto, which by reason of dilapidation, defect of structure, or other causes may have become dangerous to life or property, or which may have been erected contrary to law; and enact stringent and efficient laws for

securing the safety of persons from fires in halls and buildings used for public assemblies, entertainments, or amusements.

(b) Fees for permits, etc.

The town may charge and collect fees for permits to use public facilities and for public services and privileges.

(c) Cemeteries.

The town may provide in or near the town lands to be used as burial places for the dead; improve and care for the same and the approaches thereto; charge for and regulate the use of ground therein; and provide for the perpetual upkeep and care of any plot or burial lot therein. The town is authorized to take and receive sums of money by gift, bequest, or otherwise, to be kept invested, and the income thereof is to be used for the perpetual upkeep and care of the said lot or plat for which the said donation, gift, or bequest shall have been made.

(d) Injunctive relief.

The town may maintain a suit to restrain by injunction the violation of any ordinance, notwithstanding any punishment that may be provided for the violation of such ordinance.

CHAPTER 3 - ELECTED OFFICERS

3.1 - Vesting of government.

The government of the town of Luray shall be vested in a mayor and council of six council members.

3.2. - Election and terms of officers; council as continuing body.

The mayor and council members shall each be a qualified voter within the town, elected at large, and hold office for a term of four years. The council shall be a continuing body, and no measure pending before such body shall abate or be discontinued by reason of expiration of the term of office or removal of any or all of the members. The mayor and council in office at the time of adoption of this charter shall continue in office until the expiration of the terms to which they were elected or until their successors are elected and qualified. Accordingly, in November 2020, there will be an election for mayor and three council members and, in November 2022, there will be an election for the remaining three council members.

3.3. – Vacancies

Any vacancy occurring in the office of mayor or a council member shall be filled in accordance with general law.

3.4 - Mayor.

The mayor shall be the chief executive officer of the town, and shall have the following powers and duties:

- (a) The mayor shall see that the bylaws and ordinances of the town are fully executed and enforced, and shall preside over the meetings of the town council, voting only in case of a tie.
- (b) **Approval and disapproval of ordinances, etc.; item veto of appropriation ordinances, etc.**

Every ordinance or resolution having the effect of an ordinance shall before it becomes operative be presented to the mayor. If he approve he shall sign it, but if not, he may return it to the clerk of the council with his objection, or objections, and the council shall enter the same at

length on its journal and proceed to reconsider it. If after such reconsideration, two-thirds of all the members elected to the council shall agree to pass the ordinance or resolution, it shall become operative, notwithstanding the objections of the mayor. If any ordinance or resolution shall not be returned within five days (Sunday excepted), after it shall have been presented to him, it shall become operative in like manner as if he had signed it, unless his term of office, or that of the council, shall expire with said five days. The mayor shall have the power to veto any particular item or items of any appropriation ordinance or resolution, but such veto shall not affect any item or items to which he does not object. The item or items objected to shall not take effect except in the manner provided in this section as to ordinances or resolutions not approved by the mayor.

- (c) The mayor shall see that the duties of the various town officers, agents, and employees are faithfully performed. The mayor shall have power to investigate their accounts, have access to all their books and documents in their office.

3.5. - Vice-Mayor

A vice mayor shall be elected by a majority of the council at its biennial organizational meeting to a term of two years. The vice mayor shall discharge the municipal duties of the mayor during any period of absence or disability of the mayor. If the vice mayor is also absent or unable to act, the council may choose another council member to discharge the mayor's duties during the period of the vice mayor and mayor's absence or disability. The council may provide reasonable compensation to the vice mayor or other council member discharging the duties of the mayor pursuant to this section. Upon the adoption of this charter, the current president pro tempore of the council shall serve as vice mayor until the next organizational meeting of the council.

3.6. - Council

- (a) Regular meetings. The town council shall by ordinance fix the time of their regular meetings, and they shall meet at least once a month. The council may convene at such additional times as it may deem necessary in accordance with applicable law.
- (b) Special meetings. A special meeting may be called by the mayor or by two or more council members. No business shall be transacted at a special meeting except that for which it is called unless all members of the council are present. In addition, no vote shall be reconsidered or rescinded at a special meeting unless the same or a greater number of council members is present at the special meeting as were present when the vote was taken.
- (c) Quorum; reconsideration, etc. Four members of the council, which may include the mayor, shall constitute a quorum for the transaction of business.
- (d) Power to adopt procedural rules, compel attendance of members, punish disorderly members, and expel members. The town council may adopt rules of procedure that govern meetings of the council, may compel the attendance of absent members; punish its members for disorderly behavior, and by a vote of two-thirds of the whole council, expel a member for malfeasance or misfeasance in office.

CHAPTER 4 – OFFICERS APPOINTED BY COUNCIL

4.1. - Appointments.

The town council may appoint the following officers:

- (a) Town manager. The town manager shall be responsible to the town council for the proper administration of all affairs of the town, for the control and management of all town departments

and property, for the appointment, supervision, and dismissal of town employees, for the preparation and implementation of an annual budget, and for any other duties as prescribed by the council

- (b) Town treasurer. The treasurer shall keep the town's books and accounts and collect all the taxes, revenues and assessments, which may be levied by the council and is vested with all the powers provided by the general laws of the Commonwealth of Virginia. The treasurer shall also perform other duties and receive such compensation as the town council may prescribe.
- (c) Town clerk. The clerk shall attend the meetings of the council, keep a record of its proceedings, and shall generally perform such other acts and duties as the council may from time to time prescribe and require. The town clerk shall receive such compensation as the council may prescribe and may also hold the office of town treasurer so long as he or she is not a member of town council.
- (d) Town attorney. The town attorney shall be an attorney at law licensed to practice under the laws of the Commonwealth of Virginia. The town attorney shall receive such compensation as may be determined by the council and shall have such duties as prescribed by the council
- (e) Other officers. The town council may appoint such other officers as may be necessary to conduct the business of the town, prescribe their duties, and fix their compensation.

4.2. - Removal of appointed officers.

Any officer appointed by the council may be removed at its pleasure. The council may fill any vacancy in any appointed office.

CHAPTER 5 – MISCELLANEOUS PROVISIONS

5.1. – Severability.

If any clause, sentence, paragraph, or part of this charter shall for any reason be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder of the charter but shall be confined in its operation to the clause, sentence, paragraph, or part thereof directly involved in the controversy in which such judgment shall have been rendered.

5.2. - Continuation of ordinances in effect.

All ordinances now in force in the town, not inconsistent with this charter, shall be and remain in force until altered, amended, or repealed by the council.

5.3. - Repeal of conflicting acts and charters.

All acts and parts of acts in conflict with this charter are hereby repealed, insofar as they affect the provisions of this charter, provided, however, that nothing contained in this act shall be construed to invalidate or to in any manner affect the present existing indebtedness and liabilities of the town, whether evidenced by bonded obligations or otherwise, or to relieve it of any part of its present obligation or liability on account of bond issues, liabilities, or debts of whatsoever nature or kind.

PART I - CHARTER^[1]

Footnotes:

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Editor's note— Printed herein is Acts 1928, ch. 338, as adopted by the General Assembly, effective on March 21, 1928. Amendments to the Charter are indicated by parenthetical history notes following amended provisions. The absence of a history note indicates that the provision remains unchanged from the original Charter. Obvious misspellings have been corrected without notation. For stylistic purposes, a uniform system of headings, catchlines and citations to state statutes has been used. Additions made for clarity are indicated by brackets.

Sec. 1. - Incorporation; general powers.

Be it enacted by the General Assembly of Virginia, that the inhabitants of the territory in the County of Page, contained within the boundaries prescribed and defined in the section immediately following, shall continue to be, and they are hereby declared to be, a body politic and corporate, in fact and in name, under the name and style of the Town of Luray, and as such shall have and exercise all the powers conferred by and be subject to all the laws of the State of Virginia now in force or that may hereafter be enacted for the government of towns, so far as the same are not inconsistent with the provisions of this Act [Charter].

Sec. 2. - Town boundaries.

The boundaries of said town shall be as follows: Beginning at a planted stone in the rear of the lot now owned by J. A. Racer on the east side of Brumback Avenue, thence south two degrees and five minutes, west two thousand nine hundred and forty feet to a planted stone on the lot now owned by James F. Berry, in block fifty-eight of the Valley Land and Improvement Company, thence north eighty-seven degrees and fifty-five minutes, west two thousand and seventy-nine feet to a planted stone on the E. C. Harnsberger farm, thence leaving the south line and running even lines north two degrees, east two hundred and one feet to another stake on said farm, thence north eighty-seven degrees and fifty-five minutes, west eight hundred and forty-one feet to another stake on said farm, thence south two degrees, west two hundred and one feet to a stone on said farm; thence north eighty-seven degrees and fifty-five minutes, west three thousand and eight hundred feet to a planted stone in a field of the H. V. Hudson estate southwest of the road; thence north two degrees and five minutes, east two thousand nine hundred and forty feet to a planted stone in the rear of the Julia Goodrich lot, now owned by Jackson Patterson, on the west side of the Bixley's ferry road; thence south eighty-seven degrees and fifty-five minutes, east six thousand seven hundred and twenty feet to the place of beginning, which boundaries are fully described and set forth on a plat of said town made by E. A. Wilson and filed in the clerk's office of Page County, Virginia.

Editor's note— The above description does not reflect annexations subsequent to enactment of the Charter.

Sec. 3. - Vesting of government.

The government of the said Town of Luray shall be vested in a mayor and council.

Sec. 4. - Officers enumerated.

The municipal officers of the said town shall consist of a mayor, six councilmen and a justice of the peace [magistrate], each of whom shall be a qualified voter within the said town.

Sec. 5. - Election and terms of officers; council as continuing body.

The mayor shall be elected at large and shall hold office for four years from the first day of July next following the date of his election, and until his successor has been duly elected and qualified. A municipal election for the election of a mayor shall be held on the first Tuesday in May in nineteen hundred seventy-six, and every fourth year thereafter. The term of office of the mayor previously elected in nineteen hundred seventy-one shall expire on the thirty-first day of June, nineteen hundred seventy-six. The mayor elected at the municipal election to be held on the first Tuesday in May, nineteen hundred seventy-six, shall hold office for a term of four years from the first day of July next following the date of his election. The council members shall be elected at large and shall hold office for four years from the first day of July next following the date of their election, and until their successors have been duly elected and qualified. A municipal

election for the election of council members shall be held on the first Tuesday in May in nineteen hundred seventy-four, and every second year thereafter. The terms of office of the three council members previously elected in nineteen hundred and sixty-nine shall expire on the thirty-first day of June, nineteen hundred seventy-four, and the terms of office of the three council members previously elected in nineteen hundred seventy-one shall expire on the thirty-first day of June, nineteen hundred seventy-six. Three council members shall be elected at a municipal election for the election of council members to be held on the first Tuesday in May, nineteen hundred seventy-four, and shall hold office for a term of four years from the first day of July next following the date of their election. Three council members shall be elected at a municipal election for the election of council members to be held on the first Tuesday in May, nineteen hundred seventy-six, and shall hold office for a term of four years from the first day of July next following the date of their election. A justice of the peace [magistrate] shall be elected at large and shall hold office for two years from the first day of July next following the date of his election, and until his successor has been duly elected and qualified. The term of office of the justice of the peace [magistrate] previously elected in nineteen hundred seventy-one shall expire on the thirty-first day of June, nineteen hundred seventy-four. A justice of the peace [magistrate] shall be elected at the municipal election to be held on the first Tuesday in May, nineteen hundred seventy-four, and shall hold office for a term of two years from the first day of July next following the date of his election.

The council shall be a continuing body, and no measure pending before such body shall abate or be discontinued by reason of expiration of the term of office or removal of the members of said body or any of them.

(Acts 1962, ch. 191; Acts 1973, ch. 92)

Sec. 6. - Where voters to register and vote.

The qualified voters shall register and vote at the place or places prescribed by the council.

Sec. 7. - Appointment, terms, etc., of officers generally; creation of committees, boards and departments; etc.

The council shall appoint a town clerk and a town treasurer, who may be either a member of said council or not, and a town sergeant [now chief of police], and may also appoint such other officers, agents, and employees as may be necessary to conduct the business of the town, fix their compensation and prescribe their duties, and may appoint such committees of the council, and create such boards and departments of town government and administration, with such duties and powers, and subject to such regulations as it may see fit, consistent with the provisions of this Act [Charter]. The terms of all officers, agents and employees appointed or employed by the council, unless sooner removed from office as provided herein, shall expire with the council. The duties and compensation of all municipal officers, except as herein defined or provided for, shall be defined and prescribed by the town council.

Sec. 8. - Appointment of health officer, chief of fire department, etc., authorized; officers and employees appointed by council committee, mayor, etc.

In addition to the power to appoint such officers as are herein expressly mentioned, the council shall have the power and authority to appoint a health officer, chief of the fire department and two wardens, a commissioner of streets and public works, and such officers and employees as the council may deem proper, and any committees of the council, any municipal board, the mayor of the town and any head of a department of the town government may appoint such officers and employees as the town council may determine. The duties and compensation of such officers and employees shall be fixed by the council, except so far as the council may authorize such duties to be fixed by such committee or other appointing power.

Sec. 9. - Bonds of officers and employees.

The council may require of any of the officers and employees appointed under the two preceding sections, bond with surety in proper penalty, payable to the town in its corporate name, with provisions for the faithful performance of said duties, and the town in its name and for its benefit shall have the same remedies in the event of default on any bond so given, as the state has in like cases.

Sec. 10. - Removal of appointed officers, agents and employees.

All officers, agents and employees appointed by the council of said town may be removed at its pleasure, and where appointment is made by a committee or board, by a vote of such committee or board, or where such appointment is made by the mayor or head of a department, such removal may be made by order of the mayor or head of the department.

Sec. 11. - Disposition of town property, books, etc., upon vacation, etc., of office; books, records, etc., as town property.

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

Sec. 12. - Mayor—Chief executive officer; salary.

The mayor shall be the chief executive officer of the town, and shall receive as compensation for his services such amount as the council may determine, not to exceed one hundred fifty dollars a month.

(Acts 1973, ch. 92)

Sec. 13. - Same—To enforce ordinances and preside at council meetings; to vote in case of tie.

The mayor shall see that the bylaws and ordinances of the town are fully executed and enforced, and shall preside over the meetings of the town council, voting only in case of a tie.

Sec. 14. - Same—Approval and disapproval of ordinances, etc.; item veto of appropriation ordinances, etc.

Every ordinance or resolution having the effect of an ordinance shall before it becomes operative be presented to the mayor. If he approve he shall sign it, but if not, he may return it to the clerk of the council with his objection, or objections, and the council shall enter the same at length on its journal and proceed to reconsider it. If after such reconsideration, two-thirds of all the members elected to the council shall agree to pass the ordinance or resolution, it shall become operative, notwithstanding the objections of the mayor. If any ordinance or resolution shall not be returned within five days (Sunday excepted), after it shall have been presented to him, it shall become operative in like manner as if he had signed it, unless his term of office, or that of the council, shall expire with said five days. The mayor shall have the power to veto any particular item or items of any appropriation ordinance or resolution, but such veto shall not affect any item or items to which he does not object. The item or items objected to shall not take effect except in the manner provided in this section as to ordinances or resolutions not approved by the mayor.

Sec. 15. - Same—Powers and duties with reference to town officers, etc., supervision and investigations.

The mayor shall see that the duties of the various town officers, agents, employees, members of the police force, and fire department, whether elected, or appointed, are faithfully performed. He shall have power to investigate their accounts, have access to all their books and documents in their office, and may examine them or their subordinates on oath, but the evidence given by persons so examined shall not be used against them in any criminal proceeding.

Sec. 16. - Same—Suspension or removal of officers and employees—Generally.

The mayor shall have power to remove any officer appointed by him, and to suspend any municipal officer, agent or employee, other than the councilmen, whether elected by the people or appointed by the council, or any appointing power designated by the council, for misconduct in office, inefficiency or neglect of duty, to be specified in the order of suspension.

Sec. 17. - Same—Same—Requirements particularly applicable to officers not appointed by mayor.

Of [On] the suspension of any officer not appointed by the mayor, the mayor shall report the same to the town council at their [its] next stated meeting for their [its] consideration, but in no case shall the suspension or removal by the mayor of any officer not appointed by him be binding until ratified by the

council by a two-thirds vote of all the members elected thereto, after reasonable notice to the officer complained of, and an opportunity be afforded him to be heard in his defense.

Sec. 18. - Same—Periodic communications to council.

The mayor shall communicate to the town council annually at the beginning of each fiscal year, or oftener if he be required by the council, a general statement of the condition of the town in relation to its government, finances, and improvement, with such recommendations as he may deem proper, and may from time to time communicate with the council such suggestions and recommendations as he shall deem proper.

Sec. 19. - Same—Devolution of powers.

In case of the absence, illness, or inability of the mayor, the president pro tempore, who shall be chosen by a majority of the council at its first meeting in September for a term of two years, or in his absence or inability, some other member of the council chosen by the majority of the council present at a regular meeting, shall possess the same power and discharge the municipal duties of the mayor during such absence, illness or inability; and when so discharging the municipal duties of the mayor during his absence, illness or inability, the said president pro tempore, or in the case of his inability, the other member of the council so chosen for the purpose, shall receive a reasonable compensation to be fixed and allowed by the town council.

Sec. 20. - Same—Filling of vacancy.

In case a vacancy shall occur in the office of mayor, the vacancy shall be filled by appointment by the town council of any one eligible to such office.

Sec. 21. - Same—Calling council meetings.

The mayor shall have power to call a meeting of the council whenever he deems it necessary, and in case of the absence, inability, or refusal of the mayor, the council may be convened by the order of any two members thereof.

Sec. 22. - Same—No judicial authority.

The mayor shall by virtue of his office possess no power, authority or jurisdiction to try violations of the ordinances of the town or to act as a justice of the peace [magistrate] in either civil or criminal matters, and all such powers, authority and jurisdiction as is customarily exercised by the mayor of towns shall be vested in the justice of the peace [magistrate] to be elected by the said Town of Luray as hereinafter more fully set forth.

Sec. 23. - Council generally—Composition; compensation; etc.

The town council, in addition to the mayor, shall be composed of six members, to be elected by popular vote of the qualified electors of the town. The addition to, alteration or diminution of the area of the town shall not increase or diminish the number of councilmen. The councilmen shall receive as compensation for their services such amounts as the council may determine, not to exceed fifty dollars per month for councilmen. No member of the council shall be appointed to any office of profit under the town government during the term for which elected and for one year thereafter.

(Acts 1973, ch. 92)

Sec. 24. - Same—Meetings generally.

The town council shall by ordinance fix the time of their stated meetings, and they shall meet at least once a month, and no business shall be transacted at a special meeting thereof, except that for which it shall be called, unless all members of the council be present.

Sec. 25. - Same—Quorum; reconsideration, etc., of vote.

Four members of the council, of whom for the purpose of constituting a quorum the mayor shall be counted as one, shall constitute a quorum for the transaction of business. No vote shall be reconsidered or rescinded at a special meeting unless at such special meeting there be as large a number of members of the council present as were present when such vote was taken. At least one councilman must be present who was present when the vote was taken.

Sec. 26. - Same—Presiding officer.

The meetings of the council shall be presided over by the mayor, or in his absence or inability to act, the president pro tempore, or in his absence, or inability, some other member of the council chosen by a majority of that body.

Sec. 27. - Same—Meetings open to public.

The meetings of the town council shall be open to the public except when by a recorded vote of two-thirds of those members present [the town council] shall declare that the public welfare requires secrecy.

Sec. 28. - Same—Power to adopt procedural rules, to appoint officers, etc., to compel attendance of members, to punish disorderly members and to expel members.

The town council shall have authority to adopt rules for the regulation of their [its] proceedings, and appoint such officers, agents, committees, and employees as they [it] may deem proper; to compel the attendance of absent members; to punish its members for disorderly behavior and by a vote of two-thirds of the whole council to expel a member for malfeasance or misfeasance in office.

Sec. 29. - Same—Journal or minute book—Generally; entering yeas and nays; reading, etc., of proceedings.

A journal or minute book shall be kept of the proceedings of the town council, and, at the request of any member present, the yeas and nays shall be recorded on any question. At the next meeting the proceedings shall be read and signed by the person who was presiding when the previous meeting adjourned; or if he be not then present by the person presiding when they were read.

Sec. 30. - Same—Same—Duties of clerk of the council.

The clerk of the council shall keep the said journal and shall record the proceedings of the council at large thereon, and keep the same properly indexed.

Sec. 31. - Same—To be judge of election, etc., of members.

The town council shall be judge of the election, qualification and returns of its members.

Sec. 32. - Same—Filling vacancies in office.

All vacancies occurring from any cause whatsoever in the office of mayor, councilman, or any other office, whether filled by appointment or by election, shall be filled for the unexpired term by the council.

Sec. 33. - Same—Suspension and removal of officers and employees.

The council shall have power to suspend and remove all officers and employees, whether elected or appointed, for misfeasance, malfeasance, inefficiency, or neglect of duty, to be specified in the order of suspension or removal, but no such removal shall be made without reasonable notice given to the person so suspended, or removed, and an opportunity afforded for a defense thereto; and no removal of any town officer, agent, or employee, other than an officer appointed by the mayor, shall be final until the same shall be ratified by a two-thirds vote of the town council.

Sec. 34. - Same—Powers and authority under general laws of state, etc.

The town council shall have all powers and authority that is [are] now or may hereafter be granted to councils of towns by the general laws of this state and by this Act [Charter]; and the recital of special powers and authorities herein shall not be taken to exclude the exercise of any power and authority granted by the general laws of this state to town councils, but not herein specified.

Sec. 35. - Ordinances for exercise of police powers of council.

And the said council shall have power to enact ordinances providing for the exercise within its jurisdiction of all police powers which the state itself may exercise under the circumstances, except such as may be specifically denied towns by the acts of the general assembly.

Sec. 36. - Control of town affairs and property.

And it [the town council] shall have the further power to control and manage the fiscal and municipal affairs of the town and all property, real and personal, belonging to the said town, and may make such ordinances, orders and resolutions relating to the same as it may deem proper and necessary.

Sec. 37. - Acquisition, operation, etc., of utilities.

And it [the town council] shall have the further power to acquire by purchase, condemnation or otherwise, or to construct or lease and operate its own plant, factory and equipment for supplying its

inhabitants, streets, grounds, and buildings with water, light, power, fuel, and sewerage, and to that end it may acquire by purchase or lease any plant existing in or near the town and may acquire lands, and franchise outside of the limits of the said town, and may by purchase, condemnation or otherwise acquire easements and rights of way, and to pass all necessary and needful rules and regulations for the operation of said public works.

Sec. 38. - Acquisition of locations for fire engine houses, parks, etc.

And it [the town council] shall have the further power to purchase, condemn, or otherwise acquire one or more locations for a site for fire engine houses, stables, town buildings, parks, playgrounds, and for all municipal uses and purposes, within or without the town.

Sec. 39. - Regulation of buildings and construction; removal of dangerous buildings.

And it [the town council] shall have the power to provide for the regular and safe construction of houses in the town for the future; to designate and prescribe from time to time the part of the town in which no buildings of wood shall be erected, and to regulate the construction of buildings in the town, so as to protect it against danger of fire; to remove or require to be removed any building, structure or addition thereto, which by reason of dilapidation, defects of structure, fire, or other causes may become dangerous to life or property and also refuse a permit to repair any such building or structure; and to require the standard of dwelling houses to be maintained in residential sections in keeping with the majority of residences therein.

Sec. 40. - Powers of council as to streets generally.

And it [the town council] shall have the power to lay off streets, walks or alleys, to alter, improve and light the same, and to govern and regulate the uses thereof, for the purposes and to the extent as provided by the general laws of this state.

Sec. 41. - Authority of council to require removal of snow from sidewalks and to prohibit skating, riding bicycles, etc., on sidewalks.

And it [the town council] shall have the power to require the owners of real estate abutting upon paved or concrete sidewalks to remove the snow therefrom, to prevent skating or riding of bicycles thereon, and of all other improper uses thereof, and to punish such violation by fine.

Sec. 42. - Town as separate road district.

The Town of Luray shall constitute a separate road district and no property in the town shall be liable for any assessment for road purposes in the County of Page.

Sec. 43. - Ordinances and resolutions generally; inducing location of industry, etc., in or adjacent to town.

And it [the town council] shall have the power to pass all resolutions and enact all ordinances not repugnant to the Constitution and the laws of the state, or in conflict with this Act [Charter], which it may deem necessary for the good order and government of the said town, the management of its property, the conduct of its affairs, and to secure and promote the general welfare of the inhabitants of the town, including the right to appropriate and pay over to any person, firm, corporation or association, as an inducement for the location of any plant, manufacturing establishment or industry within its corporate limits or adjacent thereto, such reasonable sum or sums as may be necessary for such purpose, or, in lieu of such payment or in addition thereto, to acquire such lands and buildings, or to acquire such lands and erect such buildings thereon, as may be necessary for the use of such plant, establishment or industry, and to lease or sell such land and buildings to such person, firm, corporation or association at such price and on such terms and conditions as it may be deemed advisable; and to pass such other resolutions and ordinances deemed necessary for the peace, comfort, convenience, order, morals, health and protection of its citizens or of their property, and do such other things and pass such other laws as may be necessary or proper to carry into full effect any power, authority, capacity, or jurisdiction, which is or shall be granted to or vested in the said town or in the council, or the officers thereof, or which may be necessarily incident to a municipal corporation.

(Acts 1940, ch. 412)

Sec. 44. - Appointment, term, general duties and compensation of town treasurer.

The treasurer of said town shall be appointed for a term of two years, and shall collect and receive all money belonging to the town, and shall perform such other duties as are prescribed by the council. He shall

keep his office at some convenient place in the town, provided by the town council. He shall keep his books and accounts in such manner as the town council may prescribe, and such books and accounts shall always be subject to the inspection of the mayor and council, or any committee or committees of the council. He shall receive for his services such compensation, either in fees or salary, as the town council may from time to time allow, and when such compensation has been fixed by the council, the same shall not be diminished during the term of his office.

Sec. 45. - How money paid by treasurer.

No money shall be paid by the town treasurer except by order of the council, countersigned by the mayor.

(Acts 1978, ch. 102)

Sec. 46. - Collection of taxes, revenues and assessments.

The town treasurer or his deputy duly appointed by the council and qualified, or, by order of the council of the said town[, the town] sergeant [chief of police], or any other person appointed by the town council, shall collect all the taxes, revenues and assessments, which may be levied by the said town council, and for this purpose shall be vested with all the powers provided by the general laws of this state.

Sec. 47. - Depositories for town money.

The treasurer shall be required to keep all money in his hands belonging to the town in such place or places of deposit as the town council by ordinance may provide or direct.

Sec. 48. - Treasurer's reports and annual financial statement.

The treasurer shall report to each stated meeting of the council the amount of cash then on deposit to the order of the town, and in what depositories deposited, and shall annually at the end of each fiscal year publish, either in the newspapers or by posting in front of the treasurer's office, a statement showing all the receipts and income of the said town and from what sources, and all disbursements made and for what purpose.

Sec. 49. - Treasurer's bond.

The treasurer shall execute bond with satisfactory surety, payable to the town for the faithful performance of all duties of his office, and to account for all money coming into his hands.

Sec. 50. - General duties and compensation of town clerk.

The clerk shall attend the meetings of the council and keep the record of its proceedings; he shall have the custody of the corporate seal; he shall keep all the papers that, by the provisions of this Act [Charter], or the direction of the council, are required to be filed with or kept by him; he shall give notice to all parties presenting communications or petitions to the town council of the final action of the council on such communication or petition; he shall publish such reports and ordinances as the council is required to publish, and such other reports and ordinances as it may direct, and shall, in general, perform such other acts and duties as the council may from time to time prescribe and require of him. He shall receive such compensation as the council may direct.

Sec. 51. - Offices of clerk and treasurer may be held by same person.

The offices of town clerk and town treasurer may be held by the same person, provided the council does not appoint one of its own members to said offices.

Sec. 52. - Duties and compensation of town sergeant generally.

The town council shall have the power and authority to prescribe for the town sergeant such general and other duties as it may see fit, and shall fix his compensation, and in all civil and criminal cases arising under the state laws, the sergeant shall receive the same fees as are provided by law for constables, and in all cases arising under the town ordinances where not otherwise provided, he shall receive the same fees as constables receive in similar cases arising under the state laws, and he may receive such other compensation as may be prescribed by the council.

Editor's note— The town sergeant is now known as the chief of police. See § 54-2 of the Town Code.

Sec. 53. - Further provisions as to duties and compensation of town sergeant; liabilities of town sergeant.

The town sergeant shall perform the duties, receive the compensation and be subject to the liabilities prescribed by this Act [Charter], the ordinances, bylaws and regulations of the town council, and by the laws of this state, and also shall have the powers and discharge the same duties as constables within the corporate limits of the town, and be subject to the same liability touching all process lawfully directed to him, as constables are subject to under the laws of this state.

Editor's note— See note following § 52.

Sec. 54. - Appointment of chief and other police officers; performance by town sergeant of duties of chief of police.

The town council shall have the power and authority to appoint a chief of police, and such additional police officers as it may deem necessary or proper. Until the town council shall appoint said chief of police, the town sergeant shall perform the duties of such office.

Editor's note— See note following § 52.

Sec. 55. - Policemen to have no authority in civil matters; execution, etc., by policemen of warrants, etc.

The policemen of the town shall have no power or authority in civil matters, but shall in all other cases execute such warrants or summonses as may be placed in their hands by the justice of the peace [magistrate] of said town and shall make due return thereof.

Sec. 56. - Arrest without warrant; swearing out of warrants of arrest.

The sergeant [chief of police] and the police officers of the town shall have the power to arrest without warrants and carry before the justice of the peace [magistrate] of said town or other property authority, to be dealt with according to law, any and all persons who shall violate any ordinance of the town or laws of the state in their presence and it shall be their duty to swear out warrants of arrest for any person where they have reason to believe any offense has been committed.

Sec. 57. - Sergeant as collector of fines and delinquent taxes.

The sergeant shall be collector of all fines and penalties imposed for the violation of town ordinances, bylaws, rules and regulations, and of delinquent town levies, and all tax tickets declared delinquent by the town council, and allowed the treasurer in his settlement with the town council, shall be turned over to the sergeant to collect, and for that purpose he shall have the power and authority and be subject to the same liabilities and penalties as are prescribed by the general law of the state.

Editor's note— See note following § 52.

Sec. 58. - Disposition of town money received by sergeant.

The sergeant shall pay over to the treasurer monthly or oftener if he thinks proper all money which comes into his hands for taxes, or levies, or otherwise, belonging to the town.

Editor's note— See note following § 52.

Sec. 59. - Bond of sergeant.

He [the town sergeant] shall be required to give bond with satisfactory surety, payable to the said town for the faithful performance and discharge of all of his duties as sergeant, and to faithfully account for all money coming into his hands by virtue of his office.

Editor's note— See note following § 52.

Sec. 60. - Election and term of magistrate.

A justice of the peace [magistrate] shall be elected by the qualified voters of the said town, as hereinbefore provided, for a term of two years.

Sec. 61. - Authority, jurisdiction and compensation of magistrate.

The said justice of the peace [magistrate] shall be a conservator of the peace within the corporate limits of the Town of Luray, and within one mile beyond the corporate limits of said town, except as otherwise provided by law, and shall be vested with jurisdiction to issue warrants for violations of town ordinances, acts and resolutions; admit accused persons to bond, and fix the amount thereof, or remand them to jail pending trial, and shall be vested with all the jurisdiction or authority within the town, and within one mile of its corporate limits, under the ordinances, acts and resolutions of the town council, with which justices of the peace [magistrates] for counties are vested under the laws of the Commonwealth of Virginia. The compensation of the justice of the peace [magistrate] shall be the same fees as are fixed by statute for justices of the peace [magistrates] for counties.

(Acts 1954, ch. 29)

Sec. 62. - Trial justice generally.

The council may appoint a trial justice for the town who shall serve at the pleasure of the council and until his successor is appointed by the council and qualifies, who shall be vested with all the power, authority and jurisdiction and charged with all the duties within and for the Town of Luray, in the trial of violations of town ordinances, acts and resolutions which are, or may hereafter be conferred upon trial justices by the laws of the commonwealth, as heretofore or hereafter amended, so far as may be applicable and not in conflict with the provisions of the town charter.

The provisions of the general law shall govern procedure before, and removals and appeals from, the trial justice.

Subject to the provisions of general law, the council shall prescribe the qualifications and compensation appertaining to the office of trial justice, such compensation to be paid by the town.

The council may provide for a clerk and a substitute trial justice for the trial justice court, and may fix their duties and their salaries or compensation which shall be paid by the town.

All fees and costs shall be assessed and collected as may be authorized by law, by the trial justice, which, together with all fines for violations of town laws or ordinances shall be paid to the town for its use and benefit.

(Acts 1954, ch. 29)

Editor's note— Under the current judicial system (Code of Virginia, title 16.1), the town no longer has a trial justice. Jurisdiction for ordinance violations is now vested in the general district court of the county.

Sec. 63. - Designation of Page County trial justice as town trial justice.

The council may designate the trial justice of Page County as the trial justice for the town.

(Acts 1954, ch. 29)

Editor's note— See note following § 62.

Sec. 64. - Town assessor generally.

The town treasurer shall, by virtue of his office, also be the town assessor, and he shall perform all duties in relation to the assessment of property for the purpose of levying the town taxes or levies, shall see to it that all persons, firms and corporations chargeable with a town license tax are assessed with such

license tax; tax all dogs within the corporate limits which are assessed for taxation, and shall perform such other duties in relation to the assessment of property and other subjects of taxation as may be ordered by the town council.

Sec. 65. - Assessor vested with authority of county commissioner of revenue; interrogatories of assessor.

For the performance of his duties, the assessor of the town shall be vested with all the power and authority that county commissioners of revenue are vested with under the general laws of the State of Virginia, and shall have the power and authority to propound interrogatories to any person subject to taxation, and may use such other evidence as he may be in position to procure; such interrogatories shall be answered under oath and any applicant refusing to answer such interrogatories under oath, shall be fined not less than five dollars, nor more than one hundred dollars, for each offense.

Sec. 66. - Duty to assess all persons and property subject to tax.

It shall be the duty of the assessor to assess for taxation all persons and property subject to town taxation, whether the same shall have been omitted from the assessment of the commissioner of revenue for Page County or not.

Sec. 67. - Use and application of county assessment of property.

The assessor may procure from the commissioner of revenue of Page County the assessment of all property which is subject to taxation by the Town of Luray, and in so far as said commissioner's books show the property subject to taxation by the said town, said assessor may base his assessment for the purpose of levying town taxes and levies thereon. If said assessor should find any property subject to taxation by the said town omitted from said commissioner's books he shall proceed to assess the same for town purposes in the manner hereinbefore provided in section 65.

Sec. 68. - Inspection of assessor's books, schedules, etc.

All books, schedules and records, and papers pertaining to the office of assessor shall be open to and subject to the inspection of the mayor, the members of the town council, or any committee thereof, and of the collector of town taxes.

Sec. 69. - Authority to tax property.

For the execution of its powers and duties the council may tax all property, both real and personal, in the said town not exempt by law from taxation, and not segregated and made subject to state taxation only by the general laws of this state.

Sec. 70. - Authority to tax residents.

The council may impose a tax of fifty cents per annum upon each resident of the town who has obtained the age of twenty-one years.

Sec. 71. - License taxes generally.

The council may require a license tax for anything for which a state license tax is required, and for which under the general laws of the state a license tax may be required by a city or town and in addition thereto, within the limitations imposed by the Constitution and laws of the state and of the United States, the council may impose a license tax on any business or thing carried on or done in the town, whether a license tax is required therefor by the state or not. This section shall not render it legal to conduct within the town any business calling or vocation which but for this section would be illegal.

Sec. 72. - Authority of council as to person doing business without required license.

The council may subject any person, who without having obtained a license therefor shall do any act or follow any employment or business in the town for which a license may be required by ordinances, to such fine or penalty as it is authorized to impose for any violation of its laws.

Sec. 73. - Exemption of town bonds, etc., from municipal taxation.

The town council may exempt from all municipal taxation bonds and other obligations of indebtedness issued by the town.

Sec. 74. - Limitation on appropriation of part of sinking fund or interest thereon.

The council shall not appropriate any part of any sinking fund or its accrued interest thereon for any other objects or purposes than that for which the said sinking fund is collected.

Sec. 75. - Lien for town taxes.

There shall be a lien on real estate for the town taxes as assessed thereon from the commencement of the year for which they are assessed.

Sec. 76. - Sale of real estate for delinquent taxes.

It shall be the duty of the treasurer of the town to make out and deliver to the council at its regular meeting in July in each year following the passage of this Act [Charter], a list of all the real estate whereupon delinquent taxes or assessments are due and unpaid for the previous year, and thereupon the council of said town may proceed to have said real estate sold for the payment of said delinquent taxes or assessments in the manner provided by the general laws of this state.

Sec. 77. - General limitation on authority to contract indebtedness or issue bonds, etc.

The town council shall have no power nor authority to contract any indebtedness, or issue any bonds or other interest bearing obligations for any purpose except in the manner provided by the Constitution of Virginia and the general laws enacted in pursuance thereof; provided, however, that new bonds for the redemption and liquidation of any lawfully issued bonds now outstanding or that may be issued under the provisions of this section may be issued according to the provisions of the section immediately following.

Sec. 78. - Refunding bonds.

The town council shall have the power and authority, without reference to a vote of the people, to provide by ordinances for the issuance of new bonds, for the redemption and liquidation of any lawfully issued bonds, when they fall due, become subject to call, or can for any reason be refunded or redeemed. Said new bonds shall not exceed in amount, the original bonds to be redeemed, liquidated, or refunded, may be registered, serial, or coupon, and shall be sold at not less than par, to the highest bidder for cash, provided no such new bonds shall bear a higher rate of interest than six per centum per annum [and such bonds] so issued shall be used only in the payment of the old bonds, which are subject to call, redemption or can otherwise be refunded or redeemed. Such bonds shall be payable in lawful money of the United States and a sinking fund shall be created and maintained sufficient to redeem such bonds at maturity, and shall be applied to such redemption and to no other purpose.

Sec. 79. - Form, etc., of writs and process.

All criminal and civil writs and process issued by the justice of the peace [magistrate] of the town under the general laws of the State of Virginia shall run in the name of the "Commonwealth of Virginia," and all criminal and civil writs or process issued by the said justice [magistrate] for violation of or under ordinances of the said town shall run in the name of the "Town of Luray," and writs and process issued in the name of the town shall conform as near as may be to the form for similar writs and processes issued under the general state laws.

Sec. 80. - Extraterritorial jurisdiction of corporate authorities.

The jurisdiction of the corporate authorities of the town in criminal matters, except as otherwise provided by law, and for imposing and collecting a license tax on all shows, performances and exhibitions shall extend one mile beyond the corporate limits of the town.

Sec. 81. - Appeals from decisions rendered by magistrate.

Appeals from decisions rendered by the justice of the peace [magistrate] of the town shall lie to the circuit court of Page County, when permitted or allowed, and upon similar and subject to like conditions as is provided by law in such cases, unless otherwise provided for herein.

Editor's note— The magistrate (formerly justice of the peace) now has no trial jurisdiction. See note following § 62.

Sec. 82. - Severability.

If any section or provision of this Act [Charter] or any part of any section shall be declared unconstitutional, the part so declared unconstitutional shall cease to be operative, but the remainder of this Act [Charter] and every section or part thereof not so declared unconstitutional shall continue to be the law governing this town.

Sec. 83. - Remedies in case of default by bonded municipal officer.

In case of default on the part of any bonded municipal officer, the town shall have the same remedies against him and his sureties as are provided for the state in enforcing the penalty of any official bond given to it.

Sec. 84. - Eligibility of residents of town to hold town and county posts.

The same person shall be eligible to, and if elected, or appointed, may hold a county office and a town office if the said offices be of the same nature, at the same time; provided, such officer lives within the town limits; and a person otherwise qualified who is a resident of the said town shall be eligible to election or appointment to any county office of Page County.

Sec. 85. - Authority of council to provide penalty for violation of ordinance, etc.

Where by the provisions of this Act [Charter] or the general laws of this state, the council has the authority to pass an ordinance, resolution, or regulation on any subject, it may prescribe a penalty not exceeding five hundred dollars or confinement in jail not exceeding twelve months, or both, for the violation thereof and any other form of punishment provided for by the laws of this state for the punishment of misdemeanors.

Sec. 86. - Continuation of ordinances in effect.

All ordinances now in force as the ordinances of the Town of Luray not inconsistent with this Act [Charter] shall be and remain in force until altered, amended, or repealed by the town council. And if the town council of Luray amend an ordinance continued in effect by this section, and such amendment affects only the amount of fine provided as a penalty for the violation of said ordinance, the same ordinance shall be valid and binding without a republication thereof.

Sec. 87. - Continuation in office of certain officers.

The present mayor, four councilmen and sergeant of the town shall be and remain in office until the expiration of their several terms.

Sec. 88. - Authority of council to fill vacancies and new offices.

The council shall fill by appointment vacancies and new offices created by this Act [Charter].

Sec. 89. - Repeal of conflicting acts.

All acts or parts of acts in conflict with this Act [Charter] are hereby repealed, but only in so far as they affect the provisions of this Act [Charter].

Sec. 90. - When Charter effective.

An emergency is hereby declared to exist and this Act [Charter] shall be in effect from and after the date of its passage.

Editor's note— The Act was approved March 21, 1928.



Town of Luray, Virginia
Council Agenda Statement

Item No: IX - B

Meeting Date: August 13, 2018

- Agenda Item: COUNCIL DISCUSSION
Item IX-B – Assemblies & Special Event Permits
- Summary: Council is requested to discuss the draft Assemblies/Special Event Permit and new Town Code Section 74-22 to establish new regulations and process for the use of Town Right-of-Way, parks, or public lands for events, assemblies, parades, or other special events. This process would replace our current Facilities Use Application. The Code and permit application would specify the regulations by which requests for use of Town property and Right-of-Way can be requested, as well as specify acceptable actions and activities.
- Council Review: Discussion at June 27, 2018 Work Session; July 9, 2018 Council Meeting; July 24, 2018 Work Session
- Fiscal Impact: N/A
- Suggested Motion: N/A

CHAPTER 74
ARTICLE V – PUBLIC ASSEMBLIES

Sec. 74-120. - Definitions.

“*Event*” means a Parade or Public Assembly.

“*Parade*” means any march, demonstration, procession, or motorcade upon Public Space that interferes with or presents a Significant Probability of interfering with the normal flow or regulation of pedestrian or vehicular traffic upon Public Space.

“*Public Assembly*” means any meeting, demonstration, speechmaking, vigil, picket line, rally, carnival, festival, concert, race, presentation, pageant, sporting event, or other gathering for a common purpose as a result of prior planning that interferes with or presents a Significant Probability of interfering with (a) the normal flow or regulation of pedestrian or vehicular traffic upon Public Space, or (b) the normal use of any Public Space.

“*Public Space*” means any street, sidewalk, or any other property of the Town which is open to the public.

“*Significant Probability*” means a determination that something is more likely than not to occur based upon facts and circumstances revealed by a reasonable inquiry.

“*Sponsor*” means the individual(s) who sign, or whose authorized representative(s) sign, an application for an Event permit and who will be responsible under the permit, if issued, for ensuring that the Event will be conducted in accordance with these regulations.

“*Spontaneous Event*” means an unplanned and unannounced coming together of people or vehicles in an Event which was not contemplated beforehand by any participant therein.

Sec. 74-121. - Permit Requirement.

Except as provided in Sec. 74-122, it shall be unlawful for any person to conduct or participate in an Event on Public Space unless a written permit is first issued in accordance with this chapter.

Sec. 74-122. - Exceptions.

The provisions of this chapter shall not apply to:

- (a) Events involving less than twenty-five (25) persons provided the Event does not interfere with or present a Significant Probability of interfering with:
 - (1) the normal flow or regulation of pedestrian or vehicular traffic upon Public Space;
 - (2) the normal use of any Public Space; and
 - (3) public safety.
- (b) Events that do not use Public Space or present a Significant Probability of interfering with the normal use of Public Space.
- (c) Spontaneous Events.
- (d) Recreational activities, including jogging, walking, sporting events, and the reservation of a shelter, field, or other facility at a Luray park, which do not require closing public streets or other public rights-of-way and do not interfere or have a tendency to interfere with free passage on or the use of any Public Space.

- (e) Door-to-door advocacy, including canvassing, pamphleteering, religious or political proselytizing, and the distribution of written materials, and similar activities which do not interfere with or have a tendency to interfere with free passage on or the use of Public Space.
- (f) Funeral processions.
- (g) Students going to and from school classes or participating in school-sponsored activities.
- (h) Governmental entities acting within the scope of their functions.
- (i) Events organized and sponsored, in whole or in part, by the Town of Luray, County of Page, Page County Public Schools, or the Commonwealth of Virginia.
- (j) Construction activities authorized by the Town of Luray, County of Page, Page County Public Schools, or the Commonwealth of Virginia.

Sec. 74-123. - Application for Permit.

- (a) Time for filing. The Sponsor for any Event for which a permit is required shall submit an application to the Chief of Police (the “Chief”). If the estimated number of persons who will participate in an Event is twenty-five (25) or less, the application shall be submitted not less than five (5) business days prior to the Event. An application for an Event involving more than twenty-five (25) attendees shall be filed at least ten (10) business days before the Event. The Chief may accept a late filing upon a determination that unforeseeable circumstances prevented the applicant from filing the application in a timely manner.
- (b) Contents. The application shall contain the following information, utilizing a form provided by the Town:
 - (1) The name, address, telephone number, and email address of the Sponsor and any organization or group the Sponsor is representing.
 - (2) The name, address, telephone number, and email address of the person who will act as the Event leader and will be responsible for conducting the Event.
 - (3) A description of the proposed activities during the Event;
 - (4) The date, starting time, and ending time of the Event, and if the application is for a recurring series of Events, the dates starting times, and ending times of each.
 - (5) If the Event is a Public Assembly, the specific desired location(s) of the assembly.
 - (6) If the Event is a Parade, the specific assembly and dispersal locations, the specific route, and the plans for assembly and dispersal.
 - (7) The anticipated number of people who will participate in the Event and, for Parades, the number of vehicles and a description thereof.
 - (8) A statement as to whether the Event will occupy all or a portion of any street, sidewalk, or other public right-of-way.
 - (9) A description of any sound amplification equipment, banners, signs, or other attention-getting devices to be used in the Event.
 - (10) Such other information that the Chief deems reasonably necessary to properly provide for traffic control, event cleanup, garbage collection, street and property maintenance, administrative arrangements, police and fire protection, and for the general protection of public health, safety and welfare.

Sec. 74-124. - Issuance or Denial of Permit.

Event permits shall be issued or denied as follows:

- (a) Denial for false information. The Chief shall not issue a permit if any of the information supplied by an applicant is false or intentionally misleading.
- (b) Approval. The Chief shall issue the permit with three (3) business days of receiving the completed application if the application and Event comply with the requirements of this chapter and the Chief finds that:
 - (1) The Event does not pose a significant risk of harm to public health, safety, and welfare;
 - (2) The time, duration, route, and size of the Event will not unreasonably interrupt the safe and orderly movement of vehicular or pedestrian traffic on Public Space or the normal use of Public Space;
 - (3) The Event will not unduly interfere with police, fire, or rescue services to the remainder of the Town either by requiring the presence of such first responders or by slowing their travel to locations across Town;
 - (4) The Event will not interfere with another Event for which a permit has been granted; and
 - (5) The Event will not violate state, federal or federal law.
- (c) Denial. If the Chief denies an application after considering the factors set forth in Section 74-124(b), the applicant shall be notified using such means as are available to provide notice as soon as possible. The Chief shall advise the applicant of their right to appeal the decision under Sec. 74-125. Nothing in this section shall permit the Chief to deny a permit based upon political, social, or religious grounds or reasons or based upon the content of the views expressed. Denial of a permit on such grounds is prohibited.
- (d) Approval of Alternate. The Chief, in denying a permit for an Event, may authorize the Event on an alternate date or time, or at an alternate location. An applicant desiring to accept an alternate permit shall file a written notice of acceptance with the Chief.

Sec. 74-125. - Appeal.

Any person aggrieved by the refusal of the Chief to grant a permit, or by the revocation of a permit after one has been issued, may appeal the denial or revocation to the Town Manager by filing a written notice of the appeal setting forth the grounds thereof. Any such appeal must be received within five (5) business days after the date of the decision giving rise to the appeal. The Town Manager shall act upon the appeal within five (5) business days after its receipt.

Sec. 74-126. - Excluded Areas.

- (a) No Event may take place that will require traffic to be stopped on Main Street (BUS-211) for a period of more than ten minutes during weekdays between 6:00 a.m. and 7:00 p.m., excluding the regular stoppage of traffic as a result of existing traffic signal devices. The Chief may include reasonable conditions as part of any permit issued for an Event that will involve persons walking on Main Street to ensure that traffic is not stopped for a period of more than ten minutes.
- (b) No Event shall close or restrict public access to Hawksbill Greenway.

Sec. 74-127. - Competing or Opposing Groups.

Nothing in this section prevents persons or groups opposing or competing with the Sponsor of a permitted Event

("Opponents") from appearing at the Event, provided Opponents (a) do not unreasonably interfere with the operation of the permitted event, or (b) unreasonably interrupt the safe and orderly movement of vehicular or pedestrian traffic on Public Space or the normal use of Public Space.

The Sponsor for the Opponents shall make a written application to the Chief as soon as reasonably practicable upon forming the intent to appear at an Event. If submitting a written application is not reasonably practicable, the Sponsor for the Opponents must provide notice to the Chief as soon as they form the intent to appear at an Event. Without such notice, the Opponents may be denied permission to assemble because the Town may not be able to adequately secure the Event. When Opponents are present, the Chief may assign Public Space to different groups on an equitable basis, based roughly on the proportionate numbers of persons present. The Chief may also physically separate Opponents from differing groups from one another in order to promote public safety.

Sec. 74-128. - Prohibited Conduct

- (a) Interference with Event. No person shall unreasonably hamper, obstruct, impede, or interfere with any Event or with any person, vehicle or animal participating or used in an Event for which a written permit has been issued.
- (b) Driving through Parades, etc. No driver of a vehicle shall drive between the vehicles, persons or displays of an Event except when otherwise directed by a police officer. This paragraph shall not apply to authorized emergency vehicles.
- (c) Provocative Conduct. No person shall do any of the following at an Event or within 250 yards thereof:
 - (1) Carry bats, clubs, or similar items;
 - (2) Wear masks as prohibited by Virginia Code, § 18.2-422;
 - (3) Carry chemical irritant sprays or caustic substances;
 - (4) Carry shields;
 - (5) Carry any open flames other than candles;
 - (6) Wear a helmet (unless riding a motorcycle, bicycle, or similar device), or
 - (7) Carry any item that can be used as a projectile or is designed to cause significant bodily harm. It is permissible to carry written or printed placards, signs, flags, banners, etc., but such items shall not be attached to poles or rods.

The Sponsor shall disclose in the application whether the Sponsor requests permission for a prohibited item to be used during a demonstration due to its expressive or symbolic quality relevant to the subject matter of the demonstration, including without limitation symbolic weapons, open flames or other similar items. If a permit includes the right to carry or display a prohibited item, such item must be carried or displayed in strict accordance with the terms of the permit and must otherwise at all times conform to applicable law.

Sec. 74-129. - Powers of the Chief.

In addition to all other powers of the Chief under applicable law, the Chief may:

- (a) Order the dispersal of one or more persons who are violating this chapter.
- (b) Order the dispersal of any gathering which violates this chapter or for which there is a probability of violence, injuries to people, or property damage.
- (c) Revoke any permit issued under this section whenever there is a probability of violence, injuries to people, or property damage.
- (d) Make temporary regulations for parking or traffic on Public Space to accommodate an Event or

minimize the risk of personal injury or property damage.

- (e) Close any Public Space when an Event or other gathering presents a probability of personal injury or property damage.

Sec. 74-130. - Violations.

Any violation of this chapter shall constitute a Class 3 misdemeanor.

Sec. 74-131. - Delegation.

The Chief is authorized to act as follows with respect to any Event:

- (a) If requested by the Page County Sheriff, the Chief may cede to the Sheriff all control of the permitting process and event scene, thereby delegating to the Sheriff all authority vested by this section.
- (b) If requested by state or federal authorities acting within their jurisdiction, the Chief shall cede to the requesting party all control of the permitting process and event scene, thereby delegating to the requesting party all authority vested by this section.
- (c) At any time, the Chief may act through such other officers of the Luray Police Department as he or she may designate.

Sec. 74-132. - Indemnity.

The Sponsor of an Event for which a permit is required shall be required to indemnify and hold harmless the Town, its officials, employees and agents from any personal injury, death and property damage, and any other loss, cost and/or damage occurring as a result of the actions or inactions of an Event's Sponsor, or the Sponsor's failure to comply with these regulations. In no event shall the Town have the duty to indemnify any third party.

Sec. 74-133. - Insurance.

If the approximate number of people who will participate in an Event is more than 50, the Sponsor of an Event shall furnish a general liability and property damage insurance contract insuring the Sponsor's liability for personal injury, death and property damage resulting from its use of Public Space. The required general liability and property damage insurance shall be provided in an amount not less than \$1,000,000, and the insurance policy shall name the Town (including its officers, officials, employees and agents) as an additional insured party to the insurance contract. Failure to provide required insurance, and reasonable documentation of the insurance, will be grounds for denial and/or revocation of a permit. Prior to commencement of the Event, the Sponsor must provide the Town with an insurance certificate that verifies the insurance coverage required by these regulations. In no event shall the Town have the duty to provide insurance to or on behalf of any third party.

The Chief may waive the insurance requirement, in whole or in part, for Events which do not (a) pose a high level of liability risk to the Town or a material risk to public safety; and (b) do not involve any inherently dangerous activity. A written request to waive or modify any insurance requirement must be made by the Sponsor at the time a permit application is submitted. An approval or denial of the request will be made in writing to the Sponsor.

Sec. 74-134. - Fees and charges.

The Sponsor shall submit an application fee to the Town, and, if additional police personnel are necessary to ensure that the Event does not endanger public health, safety, and welfare or disrupt the orderly flow of pedestrian and vehicular traffic, the Sponsor shall pay police personnel charges to the Town. Such fees and charges are payable in the amounts and at the times set forth in Appendix A to this chapter.

The fees and charges due hereunder shall be waived, in whole or in part, if the Sponsor claims a bona fide

financial hardship in the application and demonstrates by reasonable evidence that such fees and charges would render the Sponsor not reasonably able to conduct the Event. A bona fide financial hardship shall be deemed to exist if the fees and charges herein exceed (a) ten percent (10%) of the Sponsor's annual income, and (b) ten percent (10%) of the Sponsor's gross assets. In such cases, the Town Manager shall waive payment of the fees and charges to the extent necessary to enable the Sponsor to conduct the Event.

Sec. 74-135. - Compliance with other laws.

Events must comply with all applicable federal, state and local laws. The granting of a permit required by this chapter shall not eliminate any requirements for a business license or other permit and licenses which may be required under federal, state or local law.

Sec. 74-136. - Severability.

If any portion of this chapter is for any reason held to be invalid by a court of competent jurisdiction, such decision shall not affect the remaining portions of this chapter and such invalid provisions or portions thereof shall be severable.

Appendix A

1. Permit Application Fee

Amount: \$--.00, nonrefundable.

When Payable: With application

2. Police Personnel Charge, Initial

Amount: \$40.00 per officer per hour

Event Size	Additional Officers Required
Less than 20 persons	0
20-30 persons	1
31-40 persons	2
41-50 persons	3
Greater than 50 persons	4

When Payable: With application (refundable upon cancellation at least 24 hours prior to Event)

3. Police Personnel Charge, Supplemental

Amount: To the extent that additional charges are incurred for police personnel in excess of the Initial Police Personnel Charge (the “Supplemental Police Personnel Charge”), the Sponsor shall pay the greater of:

- (i) \$60.00 per hour per additional officer required to be present at the Event as deemed necessary by the Chief based on the approximate number of people estimated to participate in the Event or the actual number of people who participate in the Event
- (ii) the established hourly wage for overtime work, for each of the particular officer(s) willing and available to cover the Event as deemed necessary by the Chief based on the approximate number of people estimated to participate in the Event or the actual number of people who participate in the Event

If the Initial Police Personnel Charge is in excess of the charges incurred, the Sponsor will receive a refund in the amount of the difference.

When Payable: Within thirty (30) days from the date of an invoice mailed by the Chief to the Sponsor at the address set forth on the application.

4. Road Closure Charge

Amount: \$100.00 per road, non-refundable

When Payable: With application

SPECIAL EVENT PERMIT APPLICATION

Terms of Agreement



Town of Luray
45 E. Main Street
Luray, VA 22835
540-743-5343

Application must be submitted not less than five (5) business days prior to the date of the proposed activity. Activities involving more than 25 persons must be submitted at least ten (10) business days prior to proposed assembly or special event.

Title of Event: _____

Detailed description of Proposed Activity: _____

Date of Event: _____ **Start Time:** _____ **Stop Time:** _____

Name of Organization if Applicable: _____

Contact Person: _____ **Telephone:** _____

Address: _____

E-mail address, we may contact you regarding this application: _____

Number of Participants: _____ **Requested Location of Activity or Event:** _____

Will food be served? If yes, please refer to terms of agreement for rules and regulations. **Yes** ___ **No** ___

Will Music be played? If yes, please refer to terms of agreement for rules and regulations. **Yes** ___ **No** ___

Describe plans for garbage and litter cleanup during and after the event:

By signing this document, you agree to abide by all rules, terms of agreement, and conditions for holding a special event at our of our Town of Luray properties.

Date: _____ **Signature:** _____

Title: _____

Please complete the application and return to: Luray Town Office Attn: Luray Chief of Police

45 East Main Street, Luray, Virginia 22835 or fax: 540-743-7334 or email: bowcook@townofluray.com

Administrative Use ONLY: Fees due: \$ _____ Fees Waived: \$ _____ Date fees paid: _____

Indemnification/Release Executed _____ Certificate of Insurance provided _____

Approval by Parks Director: _____ Date: _____

Approval by Chief of Police: _____ Date: _____

Town of Luray Special Event Permit

Terms of Agreement



Town of Luray
45 E. Main Street
Luray, VA 22835
540-743-5511

General

- A Special Event Application is required to request use of any piece of town property for an event with detail of the event to include summary, number of guests, décor, inclusion of food or music, and clean-up plan.
- A Special Event Application is required for a private property event if the event could affect traffic flow, public parking, or regular use of public areas.
- Special Event Application must be approved to proceed.
- The Town of Luray and its employees will not be held responsible for any and all acts or omissions by guests or participants.
- Failure to comply with permit conditions may result in cancellation of reservation.
- Parks hours are from sunrise to sunset. Park gates close at sunset.
- There will be no setting up the evening before your event. The Town of Luray will not be held responsible for stolen items or damaged goods.
- All personal items must be removed by the closing of the park, sunset or from the Right-of-Way by the time specified on the Permit.
- The earliest you may have access to our Park facilities is sunrise, when the gates open to the public.
- Renters are allowed to put up signs directing family and friends to event shelter, but they must not be attached to trees, park signs, or other structures and must be removed prior to departure.
- Park event guests may enjoy non-exclusive use of other facilities in the Park.
- Rental of any of Park facilities for an event will be denied by Park Management if the event is deemed to prohibit use of the park by other visitors.
- Damage or theft of public property during event or associated with the event will be the responsibility of the group representative. Cost associated with any repair or replacement will be charged to the group contact/representative.
- Parking lots are to only be used for parking, not camping.
- Littering on park property or Town Right-of-Way will NOT be tolerated. All associated trash must be cleaned up prior to sunset, when the park gates close.

Outdoor Venue Locations

- Lake Arrowhead
- Ralph H Dean Recreation Park
- Ruffner Plaza
- Park & Ride Lot

Town of Luray Special Event Permit

Outdoor Venue Rental Rules & Regulations

- Public display or use of alcoholic beverages on any and all town property is strictly prohibited.
- Luray Police Department will be patrolling during all events.
- All decorations at outdoor venues must be confined to rented area and must be removed promptly after event. All décor must be removed before sunset.
- Decorations shall not damage any of the town structures.
- Music and all noise shall be kept at a reasonable level. Music shall be cut off at no later than 9pm or sunset, when gates close. Be respectful to the public visiting Lake Arrowhead, as well as the surrounding neighbors.
- The placement of any tents or inflatables must be detailed in your permit application and approved PRIOR to the event by park management.
- Portable toilets may be required in the event anticipated guests are expected to exceed the limits and max capacity of our park restrooms.
- Restrooms are available to the public for guests convenience, but are not limited to just event guests and attendees.
- Outdoor venues are open to the public and Park Management cannot control the public noise level associated with the use of those facilities.
- At Lake Arrowhead, swimming is NOT permitted outside of the hours of 11am-6pm Monday – Saturday, or 12pm-6pm on Sunday, Memorial Day through mid-August.
- Renters are responsible for all additional chairs and tables they may need.
- No candles or open flames will be permitted for events in/under the shelters.
- Paint, glitter, confetti, or glue may not be used while using our facility.
- Birdseed *must* be thrown in lieu of confetti, balloons, glitter, or rice for events.
- Do not move/remove any picnic tables or chairs from the shelters without prior approval from Park Management officials.
- The release of balloons, birds, insects, or any other wildlife related animal is prohibited.
- Those who rent the shelters are expected to maintain cleanliness and leave it in better condition than you found it. If used areas are left unclean, deposit will *not* be returned.

Reservation and Cancellation Policy

- Reservations can be made by calling the Luray Town Office at (540)743-5511.
- Reservation must be paid in full to reserve property upon approval of Facilities Usage Form.
- No refunds will be issued for cancellations.

Fees

Lake Arrowhead:

- Lions Shelter (large, approx. 100 persons) **\$45**
- Ruritan Shelter (large, approx. 100 persons) **\$45**
- Town of Luray Shelter (medium, approx. 50 persons) **\$40**
- Sorority Shelter (small, approx. 30 persons) **\$35**
- FFA Shelter (medium, approx. 50 persons) **\$40**
- Modern Woodmen Shelter (large, approx. 100 persons) **\$45**
- \$100 cleaning deposit *must* be made upon approval of Special Event Permit. If shelters and surrounding areas are left unclean, deposit will *not* be returned.

Town of Luray Special Event Permit

For questions regarding special events to be held at Lake Arrowhead or Ralph H. Dean Recreation Park, please call Park Management at 540-843-0770.

For questions regarding special event in Town Right-of-Way, please call the Town of Luray Police Department at 540-743-5343.

The terms of this agreement shall be deemed to be an acceptance and agreement by you, and on behalf of all other persons using this facility, to be bound by all terms and conditions listed above.

Signature: _____ Print Name: _____

Date: _____ Phone Number: _____



Town of Luray, Virginia
Council Agenda Statement

Item No: XIII-A

Meeting Date: August 13, 2018

Agenda Item: CLOSED MEETING
Item XIII-A – Real Property Issues

Summary: Council is requested to go into Closed Meeting for the purpose of discussion of the acquisition of real property for a public purpose where discussion in an open meeting would adversely affect the Town's bargaining position or negotiating strategy, as authorized by Section 2.2-3711(A)(3) of the Code of Virginia. The subject matter is the possible acquisition of real property for utility improvements and future development uses by the Town.

Council Review: N/A

Fiscal Impact: N/A

Motion to Go Into Closed Meeting

I move that Town Council convene and go into Closed Meeting for the purpose of discussion or consideration of the acquisition of real property for a public purpose where discussion in an open meeting would adversely affect the Town's bargaining position or negotiating strategy, as authorized by Section 2.2-3711 (A) (3) of the Code of Virginia. The subject matter is the possible acquisition of real property for utility improvements and future development uses by the Town.

A roll call vote shall be taken to certify the vote to convene in Closed Meeting.

Motion to Certify Closed Meeting at its Conclusion

At the conclusion of the Closed Meeting, immediately reconvene in open meeting.

I move that Town Council certify that with respect to the just concluded Closed Meeting and to the best of each member's knowledge that only public business matters lawfully exempted from open meeting requirements under The Virginia Freedom of Information Act and that only such public business matters as were identified in the motion by which the Closed Meeting was convened were heard, discussed, or considered in the meeting by the Town Council.

A roll call vote shall be taken to certify the Closed Meeting discussion.

NOTE: *Any member who does not intend to vote "aye" should state so prior to the vote and indicate the substance of the departure that, in his/her judgement, has taken place. This statement shall be recorded in the minutes.*