

ORDINANCE COMMITTEE

Date: November 23, 2009

IN Attendance: Council Members Terndrup (Chair), Baker, Le Vine, Mauck, and Vena, Mayor Taylor, Town Planner Rex, Clerk Keller,

- I. The minutes from the October 27, 2009 meeting were approved as presented.
- II. Draft regulations for fire lanes: Shenandoah County Fire Marshal David Ferguson explained the ordinance saying fire lanes have been a “hot topic” for many years. He gave examples of where there were access problems for fire apparatus in the Town. In the past, if a business wanted to put in a fire lane, they did so. Fire lanes now have to be approved by his office. Parking in a fire lane is a Class A misdemeanor which has a \$2,500 fine. Because of this, he has created a fire lane ordinance. With this ordinance, he will actually be getting rid of fire lanes; they will only be in areas where there is truly an access problem and the County has identified these. Mr. Ferguson explained the objectives for the Fire Lane/Fire Access Roads (attached here-to). There is an International Fire Code that he uses as a basis for this ordinance. Mr. Ferguson has now only approved fire lanes at the County schools and, in Strasburg, the only other one will be at Greenfield Assisted Living facility. If a business currently has a fire lane, then the business will need to come and appeal the decision.

A question was asked about the fines being paid to the County and if the Town is going to help enforce the ordinance, shouldn't they get a portion. Mr. Ferguson said he hopes to have the entire fine go the Town. Discussion followed on how this would be accomplished. It was finally decided the fine collection would be worked out with Chief Sutherly.

Wording of the ordinance was questioned and Mr. Ferguson said it is exactly from the Fire Prevention Code which has been reviewed by attorneys. Mr. Ferguson explained or defined some of the wording in the ordinance. He said he would rather have the ordinance written in such a way that then guidelines can be created to help enforce the rules; enforcement would be done administratively. He would like the ordinance to be kept as close as possible to the Draft Ordinance so he will be knowledgeable of the Codes and can discuss it when he receives calls.

The committee recommends the draft ordinance as written with the change of the fine be from \$50 to \$250.

A public hearing on this will be held at the December Work Session.

III. Action Items:

A. Addition of Section 74-5, *Alteration and vacation of public rights-of-way*

Chairperson Terndrup said he had spoken to Mrs. Nina Winkler who spoke about this ordinance at the November Council meeting. He reviewed the concerns she had with the ordinance and gave his suggestions to the wording. He asked if it were really necessary to have 100% participation in a vacation. Planner Rex explained what happens when a right-of-way is vacated. Council Member Baker gave his explanation of what he thought the former Streets Committee wanted. In the past, the entire alley would have to be vacated to prevent “land-locking”. Discussion followed on how the lots would be changed and the taxes charged.

The first question is if the entire alley would have to be vacated. Second question is does 100% have to agree to the vacation or could you change it to 75% and then compel the other 25% to take the vacated property. A question of if the entire alley had to be vacated was further discussed.

Mrs. Winkler said she has been wrestling with this for more than a year. She said she is only trying to stop the parties that are taking place behind her house. She said she would be willing to purchase the property that adjoins hers on the alley. She suggested the Town find out how many properties would be affected and give an incentive for purchasing. The Town would identify which alleys would be vacated. Mrs. Winkler said once a decision is made on what can be vacated, she hopes in setting the fees, it is distinguished between buildable and unbuildable lots and those that cost the town in upkeep and policing. In figuring out the value of the lots, she would like the assessment be taken into account.

Summary: It was decided to table this issue and get more information on the number of alleys within the Town. Information will be obtained from Director of Public Works Rhodes. This will be discussed again at the January, 2010 Ordinance Committee meeting.

B. Modifications to Section 38, Article II, Noise

Planner Rex presented the proposed ordinance (attached here-to) and a chart showing difference in noise measurement in various zones. Wording of the ordinance was discussed. It was decided to ask Chief Sutherly determine where would be the best location to measure the sound.

Summary: It was decided to discuss this at the Work Session and have Chief Sutherly's recommendation. A public hearing will be held at the December Work Session.

IV. Discussion Items:

- A. Potential revisions to Chapter 86, Utilities, to reflect availability fee policy.
Planner Rex said this came up due to the Homewood request. Wording was presented on an ordinance from Manassas Park which is very specific. Planner Rex explained the wording of the ordinance and how the tap fees are determined. The ordinance needs to be extremely clear.
The Finance Committee is struggling with fees, etc. and there will be figures given at their next meeting and so it was suggested waiting to see what is the most equitable way to discuss this.

Summary: It was decided to discuss this at the Finance Committee.

- B. Civil penalties for zoning violation – Currently it is a criminal offense for zoning violations. The State of Virginia now allows for civil penalties in which a letter is written and if a property owner does not come into compliance, then a ticket is written and fines can be added to on a daily basis. If the owner does not pay the ticket, then it will go to court. Planner Rex said if you can't do this administratively, the jump to taking legal action is hard. Giving the ticket will make it easier to enforce. The ticket will have a court date written on this and if the person remedies the problem, then they will not be taken to court. Planner Rex said he is still learning about this, but from others he has talked to, it is very effective.

This will be looked at again in January.

- C. Capon Road blight abatement – three plans were given to Planner Rex. He thinks this is a good start. It was decided to allow Planner Rex to proceed with this.

- D. Sign regulations – have looked at the entire regulations and mainly, temporary signs. Many issues have come up and so a policy needs to be developed. It was suggested having business owners give suggestions on what the ordinance should be. Need to find the “middle ground” on the policies. Direction also needs to be given to non-profits.

A discussion was held on the Denny’s entrance and how effective the ordinances are with a visual impact. The traffic light pole at Hite Lane was mentioned and it was said a better looking pole could be gotten, but the Town will have to pay the difference in cost.

Planner Rex will plan an Open House with business owners to find out their ideas for signs. Planner Rex is to find out how much control VDOT has on Route 11, especially in relation to signs, speed limits, sidewalks, medians, etc.

- E. Site Plan Requirements – Chairperson Terndrup reviewed the changes. It is thought these changes need to be addressed before a turn around in building takes place.
- F. Historic District Guidelines – ARB will continue working on these.