



Berryville Town Council

MEETING AGENDA

Berryville-Clarke County Government Center
101 Chalmers Court, Second Floor
Main Meeting Room
Regular Session

June 10, 2025

7:00 PM

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1. Call to Order	
2. Pledge of Allegiance	
3. Approval of Agenda	
4. Presentations/Awards and Recognitions	
5. Public Hearings	
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Town Manager

13. Committee Updates

Budget and Finance

Community Development

Personnel, Appointments, and Policy

Public Safety

Streets and Utilities

14. Closed Session

The Council of the Town of Berryville will conduct a closed session in accordance with §2.2-3711.A.1 to review the performance of an employee of the Town Council. 231

15. Adjourn

MINUTES

BERRYVILLE TOWN COUNCIL

Regular Meeting

May 13, 2025

7:00 p.m.

A meeting of the Berryville Town Council was held on Tuesday, May 13, 2025, at 7:00 p.m. at the Berryville-Clarke County Government Center in Berryville.

Town Council

Present: Harry Lee Arnold, Jr., Mayor; Erecka L. Gibson, Vice Mayor; William Steinmetz; Diane Harrison; Grant Mazzarino; Ryan Tibbens.

Absent: None

Staff

Present: Keith Dalton, Town Manager; Jean Petti, Deputy Town Manager; Brandel Kelsey, Town Clerk; Terry Russell, Community Development Director; Cindy Poulin, Treasurer; Neil White, Chief of Police

Press Mickey Powell, Winchester Star

1. Call to Order

Mayor Arnold called the meeting to order at 7:01 p.m.

2. Pledge of Allegiance

Mayor Arnold invited all those assembled to stand for the Pledge of Allegiance.

3. Approval of Agenda

Ms. Gibson moved to approve the agenda as presented. The motion passed by voice vote.

4. Presentations, Awards, and Recognitions

None

5. Public Hearings

Public Hearing FY 2025-2026 Budget

Mr. Dalton asked Mrs. Poulin to explain any changes to the budget. Mrs. Poulin reviewed the budget preparation highlights **attached**. The draft budget has had no changes since the Town Council work session. Mr. Dalton added that a new patrol officer position in the Police Department will be added in FY26. Mr. Dalton

said availability fee revenue is difficult to forecast. There is a proposed development on South Church Street that will have 20 lots if approved as submitted. It is likely to be in front of the BADA this month.

6. Discussion of Public Hearing Items

The Mayor said the Council will vote on the budget at the June meeting.

7. Citizens' Forum

Mayor Arnold called on citizens who have signed up to speak during the forum. There were none.

8. Consent Agenda

Mr. Mazzarino moved to approve the consent agenda as presented. The motion passed by voice vote.

9. Unfinished Business

Adoption of Proposed Schedule of Water and Sewer Fees and Changes

Mr. Dalton spoke about the Public Hearing held on April 8th, 2025. The Council adopted a 5-year rate plan in December 2024; rates are in line with the first year of that schedule. Mr. Dalton stated there is a potential change to the fee schedule, and there is a meter deposit that is being examined. It is something that could protect the Town and will be brought up in the near future when a Public Hearing is scheduled on another matter.

Ms. Gibson moved that the Council of the Town of Berryville adopt the **attached ordinance that makes the proposed Schedule of Water and Sewer Fees and Changes effective on June 21, 2025. The motion passed by voice vote.**

10. New Business

Bond release request from DR Horton

Mrs. Petti spoke about the DR Horton request for Bond release for three subdivisions. Historically, the Town reserves the bonds for one year after the streets have been accepted; that happened in July of 2024. Terry Russell, Rick Boor, and Mike Artz performed site visits and have a list of warranty items that are **in the packet**. Not included in the packet, because it was received after packet preparation, was an estimate of the suggested amount to retain from the Bond release for repairs of approximately \$160,000 to cover concrete issues. Mrs. Petti emailed DR Horton to set up a meeting to discuss the matter, they had not responded as of the Town Council meeting. Mr. Dalton recommended the Town Council not take action yet and discuss it further at the June Council meeting. Mrs. Harrison asked if the staff had looked at the Erosion and Sediment Control after the rain, Mrs. Petti said yes, and noted no deficiencies. Mr. Tibbens asked if there are any benefits to voting on this tonight, Mrs. Petti stated no there are not. Mr. Mazzarino asked what happens if we do not give the funds back in July, Mrs. Petti said we would need a clear reason to hold funds past the July one-year mark. Ms. Gibson questioned the Shenandoah Crossing amount at \$5,000,000 and wanted to make sure the number was correct; Mrs. Petti stated the number had been double checked. No motion was made and it was agreed that it would be on the June agenda.

Proposed Issuance of IFB #2025-03- Paving, Milling, and Line Striping

Mr. Dalton provided an overview of proposed IFB and noted that the offering will provide unit pricing that will be able to be utilized by the Town until December 2026.

Mr. Dalton discussed several projects that would have to be removed from the paving schedule if planned utility work was not completed in time. He also highlighted the fact that Freemont Court is being repaved because water lateral replacement had to be completed earlier this year and that Station Road paving would be paid for utilizing Town funds (i.e. not VDOT Reimbursement Funds).

Mrs. Harrison asked about the scope of work planned for Crow Street. Mr. Dalton explained that the following projects were planned:

- Installation of a new water main from South Church Street to South Buckmarsh Street,
- Replacement of the sidewalk on the south side of the street, and
- Paving the street.

Mrs. Harrison inquired about the north side of the street. Mr. Dalton stated that curb and gutter and sidewalk on the north side of Crow Street were not yet designed. He stated that the drop inlet at the entrance of the Crow Street Parking lot would be replaced before the paving. There was a discussion about the timing of work on the north side of the street. Mr. Dalton stated that improvements would have to be designed by an engineer and then with the unit pricing in place for both asphalt and concrete, it might be possible to get the work done in 2026 if the Council so wished.

Mr. Tibbens moved that Council of the Town of Berryville approves the issuance of IFB #2025-03 and authorizes the town manager to:

- **Award the IFB if the lowest responsible bidder's total price does not exceed funds available for this purpose.**
- **Execute any documents related to this matter.**

Motion passed by voice vote.

11. Council Member Reports

Mayor Arnold recognized Michelle Ridings, the Director of Economic Development and Tourism for Clarke County and thanked her for attending.

Mayor had a ribbon cutting at the farmers market that went very well. The Tree Committee was there giving away free tree saplings.

Mayor had a few items to put on the calendar, the new Fire Truck Push In is Saturday, May 31st. Also, at 1:00 p.m. in Rose Hill Park there will be a Rotary Club gathering to put in the new Peace Pole.

Mr. Tibbens said multiple citizens have come to him happy with staff, there was an issue on North Church Street with a down tree that was taken care of and another gentleman that had some good ideas that Mr. Tibbens will send to Mr. Dalton.

12. Staff Reports

Community Development, Mr. Russell explained that he had been contacted by the owner of a vacant commercially zoned property regarding its development. He stated that the owner, Mr. Alton Echols, would like to address the Council on several matters related to this property. Mayor Arnold recognized Mr. Echols for ten minutes. Mr. Echols explained that he and his partner wanted to see the Martin’s Grocery Store expanded and a WAWA constructed on the seven-acre site. He stated that he and his partner have a contract with WAWA, but the Martin’s Corporate will have a role in approving the use. He stated that he would like to see the Council change the requirements of the zoning ordinance that limit convenience store square footage to 2,000 square feet. He stated that the limitations need to be raised to 3,000 square feet, provided that gas station and restaurant uses on the site do not count against the square footage limitation. Mr. Echols mentioned that his bill for work at the Pickett SWMA was based on an incorrect percentage and he will work with his partner on this matter.

Mr. Dalton asked Mr. Echols to confirm that he wanted the limitation on convenience store retail space to be 3,000 square feet, Mr. Echols said yes.

13. Committee Updates

Mayor Arnold recognized the chairs of each standing committee of the Town Council to introduce action items, provide updates, and impart additional information that they think may be helpful to the Council.

Budget and Finance Committee

None

Community Development Committee & Streets and Utilities Committee

Mrs. Harrison said they need to discuss Chapter 17 at the Committee’s next meeting on May 27th.

Personnel, Appointments, and Policy

None

Public Safety

None

15. Closed Session

No closed session scheduled.

16. Adjourn

The Council adjourned at 8:34 p.m. on a motion by Ms. Gibson.

Erecka L. Gibson, Vice Mayor

Brandel Kelsey, Town Clerk

FY 2025-2026 DRAFT BUDGET PREPARATION HIGHLIGHTS

REVENUES

GENERAL FUND

- Proposed decrease in Real Estate tax rate from .20 to .139.
- No increase in Personal Property tax rate.
- Proposed increase in PPTRA 35% to 49%.
- No increase in Machinery & Tools tax rate.
- No increase in Vehicle License Fees.
- No increase in Business & Professional License rates.
- Water Tank Site Lease adjustments per agreements.
- No increase in Lodging Tax, Meals Tax or Cigarette Tax.

WATER FUND

- Revenues reflect no proposed increase in Admin/Facility fees
- Revenues reflect an increase in User Fees from \$8.15 to \$10.30 per 1,000 gallons.
- Ten residential Availability Fees are projected.

SEWER FUND

- Revenues reflect no proposed increase in Admin/Facility fees
- Revenues reflect an increase in User fees from \$17.27 to \$17.78 per 1,000 gallons.
- Ten residential Availability Fees projected.

OPERATING EXPENSES

ALL FUNDS

- 4% increase and directed market adjustments in payroll.
- Police Dept CDP, promotions, and an additional patrol officer payroll increases included.
- 3.4% increase in Health Insurance costs.
- Employer contribution to VRS did not increase.
- TOTAL BUDGET increase of 8.29%.

GENERAL FUND

- Increase in Maintenance & Operational Expenses of 3.32%.
- Public Works additional Tech I position budgeted.
- Contingency is 3% of the Operating Budget.
- General Fund total increase of 7.11 %.

WATER FUND

- Decrease in Maintenance & Operational Expenses of 1.48%.
- There is currently no Debt Service in the Water Fund.
- Utility Director, Chief Operator and Public Works Tech I positions budgeted.
- Contingency is 3 % of the Operating Budget.
- Water Fund total increase of 7.87%.

SEWER FUND

- Decrease in Maintenance & Operational Expenses of 4.87%.
- Debt service reflects payments to VRA.
- Utility Director, Chief Operator and Public Works Tech I positions budgeted.
- Contingency is 3% of the Operating Budget.
- Sewer Fund total Increase of 11.96%.

AN ORDINANCE
Adopting the Town of Berryville Schedule of Water and Sewer Fees and Charges

BE IT ORDAINED, by the Council of Town of Berryville, in accordance with Berryville Code Chapter 17, Water, Sewers and Sewerage Disposal, that it hereby adopts the following Schedule of Water and Sewer Fees and Charges:

TOWN OF BERRYVILLE
SCHEDULE OF WATER AND SEWER FEES AND CHARGES
Effective June 21, 2025.

I. USER FEES

A. WATER

1. Within corporate limits or the limits of an approved annexation area: \$10.30 per 1,000 gallons of usage. Minimum charge \$5.00 per month for usage under 1,000 gallons during billing period.
2. Other: \$12.87 per 1,000 gallons of usage. Minimum charge \$6.25 per month for usage under 1,000 gallons during billing period.

B. SEWER

1. Within corporate limits or the limits of an approved annexation area: \$17.78 per 1,000 gallons of usage. Minimum charge \$15.00 per month for usage under 1,000 gallons during billing period.
2. Other: \$22.22 per 1,000 gallons of usage. Minimum charge \$18.75 per month for usage under 1,000 gallons during billing period.

II. ADMINISTRATIVE AND FACILITIES FEES AND DEPOSITS

A. ADMINISTRATIVE AND FACILITIES FEES

Monthly Administrative and Facilities Fees, charged with usage:

Water \$24.35

Sewer \$12.18

Late Fee: 10% of bill amount

Service Disconnection/Reconnection Fee: \$50

Returned Check/ACH Fee: \$50

B. DEPOSITS

Residential: individually metered single-family units, town homes, and duplexes: \$300

Residential: multi-family with master meter: \$245 per unit

Business/Commercial excluding restaurants and laundries: \$300

Restaurant: \$895*

Laundry: \$4,620*
 Institutional: \$1,640*
 Industrial: \$5,660*

*Town Manager may increase or decrease on the basis of actual usage.

Note: Town Manager may establish reasonable deposit amounts for use types not anticipated by this schedule.

III. AVAILABILITY FEES

A. WATER

Greater than 6", Demand Ratio (AWWA M22) multiplied by fee for Demand Ratio

1.

Meter Size (Inches)	Demand Ratio	Avail. Fee (Corp. Limits or Annex. Area)	Avail. Fee (Other)	Meter Cost
5/8	1	\$ 17,200	\$ 21,500	Meter Fee
3/4	1.5	\$ 27,100	\$ 32,249	Meter Fee
1	2.5	\$ 42,999	\$ 53,749	Meter Fee
1.5	4.375	\$ 75,248	\$ 94,062	Meter Fee
2	8	\$ 137,596	\$ 172,000	Meter Fee
3	16	\$ 275,193	\$ 344,000	Meter Fee
4	25	\$ 429,894	\$ 537,500	Meter Fee
6	50	\$ 859,978	\$ 1,074,999	Meter Fee

Greater than 6", Demand Ratio (AWWA M22) multiplied by fee for Demand Ratio

1.

Notes:

(a) Multi-family residences are defined as any master-metered group of apartment, townhouse, condominium, or other residential units with each unit having separate kitchen facilities.

(b) In cases in which a master meter serves multi-family residences or a combination of multi-family and commercial units, the applicant will pay a fee based on the higher of A) an amount derived by multiplying .8 by the applicable water availability fee for demand ratio 1 times the total number of residential and commercial units to be served by a single meter, or B) an amount based on the meter size as specified above.

(c) Meter fee is calculated by adding the cost of the meter and a 30% (of meter cost) handling fee.

Greater than 6", Demand Ratio (AWWA M22) multiplied by fee for Demand Ratio

1.

B. SEWER

Meter Size (Inches)	Demand Ratio	Avail. Fee (Corp. Limits or Annex. Area)	Avail. Fee (Other)
5/8	1	\$ 18,468	\$ 23,085
3/4	1.5	\$ 27,702	\$ 34,628
1	2.5	\$ 46,170	\$ 57,714
1.5	4.375	\$ 80,800	\$ 97,820
2	8	\$ 147,747	\$ 184,686
3	16	\$ 295,494	\$ 369,372
4	25	\$ 461,710	\$ 577,144
6	50	\$ 923,419	\$ 1,154,287

Greater than 6", Demand Ratio (AWWA M22) multiplied by fee for Demand Ratio

1.

IV. LATERAL OR CONNECTION FEES

Connection to the Town's water distribution and/or sewer collection system may be completed only if the following conditions are met:

- Party applying to connect to the system agrees to assume all costs associated with connection to the systems, including excavation, taps, vaults, traffic control, restoration (including pavement), testing, inspections, etc.
- Contractor responsible for completing work has been vetted and approved by the Town.
- Plans for the work, including restoration, have been approved by the Town.
- Required surety has been approved and provided to the Town.
- Required insurance coverage is in place and documentation thereof provided to the Town.
- Required permits have been issued by the Town, Virginia Department of Transportation, or another applicable agency.

V. INSPECTIONS

A. Sanitary Sewer Camera Service and Storm Sewer Camera Inspection Service

1. Mains and Laterals Over 4 Inches in Diameter

Mobilization Fee: \$350

Camera Fee: \$3.00 per linear foot

2. 4-Inch Laterals

Laterals Under 50 Feet in Length: \$200

Laterals 50 Feet in Length or Greater: \$200 plus \$3.00 per linear foot

B. Inspections

Town staff: \$75 per hour (1 hour minimum for any inspection then billed at ½ hr. increments thereafter)

Licensed professional engineer or approved third-party inspector: Cost

C. Hydrant Flow Tests

\$75 per hour (1 hour minimum for any test then billed at 1/2 hr. increments thereafter) plus cost of water (includes water and sewer charges)

Notes:

Cleaning of lines will be required prior to camera use: Line cleaning is the responsibility of the applicant. If lines are not clean and camera crew must remobilize later to perform the inspection, a second mobilization fee will be charged.

Hydrant flow tests: Hydrant flow tests must be scheduled with the Director of Public Works no less than three work days in advance of test. Contractor will supply gauges and will be responsible for recording results. Town personnel will operate hydrant.

VI. SIGNIFICANT INDUSTRIAL USER FEES

Sewer system discharge permit: \$500

VII. WATER METER TESTING

5/8" meter: \$125

All other meters: \$125 + cost

Note: Fee is refunded if meter is found to be over-registering.

VIII. HYDRANT METERS

Nonrefundable account establishment fee: \$50

Meter deposit: \$1,500 (deposit refunded upon return of undamaged meter)

Note: Usage metered through hydrant meters will be billed for both water and sewer user fees.

IX. UNAUTHORIZED USE OF SERVICE

For unauthorized water withdrawals from fire hydrants or any other part of the Town water system, or when a customer willfully takes steps to reactivate service after service has been disconnected by the Town because of nonpayment of any charge owed to the Town, and the Town must take action to discontinue service again by removal of the meter or by any other necessary measures, a \$250 charge for unauthorized use of services will be imposed. This charge will be in addition to any other charge for water and sewer services owed to the Town, and in addition to any legal remedies the Town may pursue for unauthorized use of service.

VOTE:

Recorded Vote:

Ayes:

Nays:

Abstain:

Absent During Meeting:

SIGNED _____
Harry Lee Arnold, Jr., Mayor

Date: May 13, 2025

ATTEST: _____
Erecka L. Gibson, Vice Mayor

Date: May 13, 2025

Town of Berryville 4/23/25

Shenandoah Crossing/ Fellowship Square/ Hermitage final walkover for bond reduction

Mike Artz Terry Russell

Shenandoah Crossing & Fellowship Square

Weeks

1. There are no stop bars or ADA crosswalk striping.
2. Weeks Drive
3. 440 Driveway spalling
4. 526 spalling in gutter pan at pond
5. 526 driveway spalling
6. 530 driveway spalling
7. 534 driveway spalling
8. 538 driveway spalling
9. 604 driveway spalling
10. 612 driveway spalling
11. 624 driveway & sidewalk spalling
12. 704 driveway spalling
13. 728 driveway spalling
14. Spalled sidewalk between 728 & 732
15. 737 sections of spalled sidewalk
16. 733 driveway spalling
17. 729 to 725 sidewalk spalling
18. Between 729 & 725 sidewalks spalling
19. 725 sidewalk spalling
20. 609 driveway spalling
21. 605 driveway spalling
22. 605 to 601 sidewalk spalling
23. 601 spalling on driveway & sidewalk to ADA Ramp
24. 537 to ADA ramp sidewalk spalling
25. 517 spalling on driveway
26. 435 to 431 sidewalk spalling
27. 421 driveway spalling
28. 417 spalling in gutter pan and C & G through 413 & 409
29. 405 spalling in gutter pan @DI

Pulliam

1. nothing noted

McCormick

1. Nothing noted

Wilson

1. 56 sidewalk spalling
2. 44 driveway spalling
3. 36 driveway spalling
4. 26 driveway & sidewalk spalling
5. 22 driveway spalling (bad)
6. 18 driveway spalling
7. 13 driveway spalling
8. 29 driveway spalling
9. 33 driveway spalling
10. 37 driveway and sidewalk spalling
11. 41 driveway and sidewalk spalling
12. 45 driveway spalling

Harper

1. 508 driveway spalling
2. 512 Sidewalks spalling
3. @ Intx of Harpers & Weeks sidewalk spalling on East side
4. spalling on sidewalk along w. side North of 517 Harper

Hermitage

Tyson

1. 328 Spalling on driveway
2. 316 Spalling on driveway
3. 308 spalling on sidewalk
4. 257 spalling on driveway
5. 337 Spalling on driveway

Norris

1. 368 spalling on sidewalk
2. 372 spalling on driveway
3. 374 spalling on driveway
4. 380 spalling on driveway
5. 384 gutter pan spalling
6. 388 spalling on driveway
7. 392 gutter pan spalling
8. 400 gutter pan spalling
9. 404 gutter pan spalling
10. 412 driveway spalling
11. 416 driveway spalling
12. 429 driveway & sidewalk spalling
13. 421 Sidewalk spalling
14. 417 sidewalk and driveway spalling
15. 413 driveway spalling
16. 409 driveway spalling
17. 405 driveway spalling
18. 401 driveway spalling
19. 397 gutter pan spalling

Jones

1. 409 spalled driveways
2. 405 spalled gutter pans
3. 401 spalled driveways

Alexander

1. Nothing noted

**BERRYVILLE TOWN COUNCIL COMMUNITY DEVELOPMENT / STREETS AND UTILITIES COMMITTEE
MINUTES**

**Berryville-Clarke County Government Center
101 Chalmers Court, Berryville, VA 22611**

**Tuesday
May 27, 2025
3:30 pm**

Members of the committee present: Diane Harrison, Chair; Ryan Tibbens

Staff present: Keith Dalton, Town Manager; Jay Arnold, Mayor; Jean Petti, Deputy Town Manager; Terry Russell, Community Development Director; Brandel Kelsey, Town Clerk; Neal White, Chief of Police; Frank Kelsey, Director of Utilities

1. Call to Order

Ms. Harrison called the meeting to order at 3:32 p.m.

2. Approval of Agenda

The agenda was approved by consensus on a motion by Mr. Tibbens.

3. New Business

Open Burning

Mrs. Harrison addressed the matter of open burning allowed in Town by permit in accordance with Section 6-1 of the Berryville Code. She stated that such permitted burning is unnecessary because the Town collects yard waste weekly. She also stated that certain portions of the applicable Code section were not necessary. She specifically addressed Sections D4, D5, and E3. Mr. Tibbens asked staff if the Town collected construction debris and waste. Mr. Dalton stated that neither the Town nor the Town's waste collection contractor collects such material. Mr. Tibbens then inquired about monitoring of open burning. Chief White explained that the applicant is to contact Clarke County Emergency Communications before they light the fire and that they must extinguish the fire if complaints are received by the BPD. Chief White noted that the Code section in question mirrors Virginia law and any changes in the ordinance would need to be vetted to make sure that the Town's ordinance conforms to enabling legislation.

4. Unfinished Business

Chapter 17 Water, Sewer, and Sewage Disposal

Mrs. Harrison addressed the concept of requiring property owners who still utilize on-site sewage treatment systems to connect to the public collection system. She stated some jurisdictions provide grants to assist these property owners connecting to the public sewer system. She also stated that any such requirement needed to provide sufficient time for the property owners in question to save

for the project. She discussed the need to control the price of the availability fee and assist lower income property owners with this expense.

Mr. Dalton discussed the idea of extending the sunset on on-site sewage treatment systems out as far as ten years with availability fees being frozen for a period of time. He noted that any discounts or off-sets should be paid by the general fund, not the sewer fund.

Mr. Arnold suggested finding a way to include septic system requirements on property plats to ensure that new purchasers are made aware of the need to connect to the public system by a certain date. Mr. Tibbens also suggested that notices be provided in the Town's water bill at some point each year.

The Committee discussed the portion of the drought response ordinance that permitted the "topping off" of pools and determined that the language should probably remain unchanged from Staff's draft.

It was determined that this matter should be discussed by the entire Council in a work session. Mr. Dalton also stated that once the Council had a good feel for the direction that they want to go in this matter, the proposed changes need to be crafted by an attorney.

5. Project Updates

See **attached** project updates document.

6. Other

None

7. Adjournment

The meeting adjourned by consensus at 5:06 p.m. on a motion by Mrs. Harrison.

Water Treatment Plant Upgrade

PER is still under review by VDH. All other review is on hold.

Staff has met with the design engineers so that work on temporary pumping of raw water plans and plans for intake and raw pump screen cleaning are proceeding.

Town and Casey Trees agreed to moving the initial construction period back one year.

Rose Hill Park Bridge

Bids are due on May 28, 2025.

Bar screen at Water Treatment Plant

Engineers are completing electrical plans.

Gantry Crane Repair at Water Treatment Plant

Engineers are evaluating the crane structure capacity. The Town wants to confirm structural capacity before proceeding with repair offering.

Bel Voi Drive Water Main

Water main is in place and if bacteriological testing goes well, later installation will begin this week. That aspect of the operation should take no more than 10 days. Base asphalt will be installed.

Crow Street Water Main

Expect contractor to me on site on or after June 16, 2025. Work is expected to take 30 days.

Dorsey Street Water Main

Expect contractor on site around mid-July. Work is expected to take 45 days.

NOTE: Intend to have all three streets paved this year.

Repairs and Painting at Smithy Cottage

Bids are due on May 28, 2025. Expect the work to be completed by the end of September.

Repairs and Painting at 23 East Main Street

Exterior painting expected to be completed by end of September.

No decision has been made regarding HVAC.

Parking lot will be repaired as a part of the Livery Stable project.

Livery Stable Adaptive Reuse

The engineer's proposal is being reviewed by staff.

Pubic Bathroom Rose Hill Park

It is expected that this improvement will be integrated into the livery stable.

Rixey Moore Parking Lot upgrades

The Public Works Director and Town Manager will meet with an electrical contractor during the week of May 25 to begin developing a plan for lighting upgrades. After the lighting is upgraded, then paving will be completed. Note: Lighting upgrades are intended to take into account needs for security camera(s).

2025 spring/summer paving offering

The IFB was approved by the Town Council in May and is expected to be issued no later than June 2, 2025.

Camera System Park/Government Center

Staff has to modify scope and finalize pricing before proceeding with installation of cameras.

Concrete work offering

Notice of Award will be issued on May 27, 2025. This contractor is expected to complete the Town's concrete installation and repair work for the next four years.

Demolition of structure at WWTP outfall

Demolition was completed in April.

Mosby Blvd. and East Fairfax Street sidewalk

The Town has completed all pre-bid tasks required by VDOT. Final review of the project is underway at VDOT. When the Town receives approval to issue the IFB, then the offering will be advertised.

West Fairfax Street improvement

The Town has authorized completion design and ROW acquisition.

Planning for projects that will have to be completed before Buckmarsh and Main Streets are paved

Under review.

Certainly, need to:

- Abandon a fire hydrant on Buckmarsh Street near Bundy.
- Extend 12" water main through intersection of Main and Church Streets

MINUTES
BERRYVILLE TOWN COUNCIL
Berryville-Clarke County Government Center
Work Session
June 02, 2025
3:30 p.m.

Town Council

Present: Harry Lee Arnold, Jr., Mayor; Erecka L. Gibson, Vice Mayor; William Steinmetz; Diane Harrison; Grant Mazzarino; Ryan Tibbens.

Absent: None

Staff

Present: Keith Dalton, Town Manager; Terry Russell, Community Development Director; Brandel Kelsey, Town Clerk

Press Mickey Powell, *The Winchester Star*

1. Call to Order

Mayor Arnold called the meeting to order at 3:33 p.m.

2. Approval of Agenda

Mayor Arnold invited a motion to approve the agenda.

Mrs. Harrison moved to approve the agenda. The motion passed by voice vote.

3. Wayfinding IFB #2025-01

Wayfinding IFB #2025-01

Mr. Russell addressed information on the Wayfinding Street Signs IFB #2025-01. He informed the Council of the important dates on the proposed IFB. Mr. Russell walked through some changes that would be made to the Wayfinding signs. The changes are in red in the **attached** document.

Ms. Gibson asked what the life span of the signs would be. Mr. Dalton said he would say approximately 15 years, but would need to investigate it. He also explained if the signs needed to be replaced in the future, it would likely be just the sign and not the posts, also the signs would be easily changed if need be. Mrs. Harrison and Mr. Russell will contact to Frazier Associates tomorrow.

The Council authorized Staff to make changes to the schedule as necessary and re-issue the IFB once the new sign design is received.

4. Other

None.

5. Adjourn

The Council adjourned at 3:57 p.m. on a motion by Mr. Mazzarino.

Erecka L. Gibson, Vice Mayor

Brandel Kelsey, Town Clerk



Invitation for Bids Town of Berryville

Issue date: 6 June 2025

Title and IFB #: Wayfinding Sign Fabrication and Installation, IFB #2025-01

Purpose and Intent:

The Town of Berryville, Virginia, herein referred to as “Town” is soliciting bids from qualified firms to perform Wayfinding Sign Fabrication and Installation, in accordance with the *Excerpt of Construction Intent Documents, Street Sign Location Summary, VDOT Community Wayfinding Manual*, and other performance specifications herein.

Location of Work Sites:

Work will be completed at several sites in Berryville and Clarke County, VA. The attached exhibit, *Street Sign Location Summary*, provides the locations of those sites.

Period of Contract:

Contract period shall begin when the contract is awarded and end with the completion of the project as identified in Scope of Work, no later than **31 December 2025**. However, Town reserves the right to utilize the services of the Contractor within two years of contract award, provided that the Town and Contractor agree to pricing for work to be performed beyond the scope of this offering.

Prebid Conference:

A non-mandatory prebid conference will be held **12 June 2025**, in the Main Meeting Room of the Berryville-Clarke County Government Center, 101 Chalmers Court, Berryville VA 22611.

If special ADA accommodations are needed, then please email Town Clerk at townclerk@berryvilleva.gov no later than **11 June 2025**.

Questions Regarding this Invitation to Bid/Posting of Addenda:

All questions regarding this invitation for bid shall be submitted in writing to townclerk@berryvilleva.gov by **17 June 2025**. The Town will determine whether any addendum should be issued as a result of any questions or other matter raised. Said addendum, if issued, will be posted on the Town’s website and the State Procurement website by 5:00 p.m. ET on **20 June 2025**. As the Town does not exercise control over the State Procurement website, it hereby informs Bidders that they are expected to check both websites for IFB addenda and/or related announcements.

Town website:

Berryvilleva.gov/2211/Bid-Procurement-Opportunities

IFB #2025-01, Wayfinding

State Procurement website (eVA):

Eva.virginia.gov

Oral answers to questions relative to interpretation of IFB specifications of the proposal process will not be binding on the Town.

Additional addenda will be posted on the same sites referenced above, if needed.

Bid Submission:

Bids will be received by the Town **until 10:00 a.m. on 25 June 2025**. This is the Bid Deadline.

The Bidder assumes full responsibility for the timely delivery of a bid to the designated location. Bids delivered to any other office or location will not be considered. It is the responsibility of the Bidder to ensure that the bid is delivered to the place designated for receipt of bids and prior to the time set for receipt of bids. Bids received after the time designated for receipt of bids will be marked late and will not be considered.

Sealed bids may either be mailed or hand-delivered to:

**Town of Berryville
Business Office
Attention: Cindy Poulin, Treasurer
101 Chalmers Court, Suite A
Berryville, VA 22611**

The entire completed bid document, including any/all addenda, and any/all required attachments must be received in the Town Business Office at 101 Chalmers Court, Suite A, Berryville VA, no later than the Bid Deadline. The bids must be sealed and clearly marked. No responsibility will be attached to any Town personnel for the premature opening of a bid not properly addressed and identified on the outside of a sealed envelope.

Before submitting bids, the Bidders shall carefully examine the Specifications and other Contract Documents, visit the work areas if applicable, and fully inform themselves by such means as they may think necessary or desirable as to all existing site conditions and limitations.

Bid acceptance period: any bid made in response to this solicitation shall be valid for 75 days. At the end of the 75 days, the bid may be withdrawn at the written request of the Bidder. If the bid is not withdrawn at that time, it remains in effect until an award is made or the solicitation is cancelled.

The following should be clearly marked on both sides of the envelope in which the Bidder's bid is contained:

- **Name/Title and number of IFB**
- **Town of Berryville**
- **Do not open, sealed bid enclosed**
- **Name of Bidder and Bidder address**

Responsibility for Receipt of Bids:

It is the Bidder's responsibility to ensure that their bid is received prior to or at the specific time and place designated in the solicitation.

Cost of Bid Preparation:

The Bidder is solely responsible for the cost of bid preparation.

Rejection of Late Bids:

Bids received after the date and time specified for receipt will be marked late and will not be considered.

Public Bid Opening:

Bids will be opened at **10:05 a.m. on 25 June 2025** in the Main Meeting Room of the Berryville-Clarke County Government Center, 101 Chalmers Court, Berryville, VA 22611.

Rejection of Bid Qualified by Bidder:

A bid that is qualified by the Bidder by the attachment of unsolicited terms or conditions under which the bid is to be considered may be subject to rejection.

Expected Date for Issuance of a Notice of Award and Notice to Proceed:

The Town intends to issue a Notice of Intent to Award on or about **27 June 2025**.

The Town intends to issue a Notice of Award no later than **30 June 2025**.

The Town intends to enter into a contract with the successful Bidder on or before **8 July 2025**.

The Town intends to issue a Notice to Proceed on or before **11 July 2025**.

The dates enumerated above represent the Town's intent in this offering, but do not constitute a definite schedule.

Bidder Certification:

In compliance with **Invitation for Bid #2025-01** (hereafter referred to as 'IFB') and all conditions imposed in the IFB, the undersigned firm hereby offers and agrees to furnish all goods and services required by this IFB at the prices indicated in the Bid Form. Furthermore, the undersigned firm hereby certifies that all information provided below and, in any schedule attached hereto, is true, correct, and complete.

Name and Address of Firm:

Business name, if applicable:

Authorized individual name and title:

Authorized individual signature:

Federal ID#:

Address:

Telephone:

Email:

Non-Discrimination Notice:

This public body does not discriminate against faith-based organizations in accordance with the Code of Virginia § 2.2-4343.1 or against a Bidder because of race, religion, color, sex, national origin, age, disability, sexual orientation, gender identity, political affiliation, veteran status, or any other basis prohibited by state law pertaining to discrimination in employment.

Scope of Work:

Wayfinding Sign Fabrication and Installation, in accordance with the *Excerpt of Construction Intent Documents* and *Street Sign Location Summary*. Removal and disposal of eight (8) signs.

Work Hours:

Work shall be performed between the hours of 7:00 a.m. and 6:00 p.m. Monday through Friday. No work will be permitted on Saturdays, Sundays, or holidays unless approved in advance by the Town. Conflicts with other Town projects and/or services, such as trash removal and/or school traffic, may require accommodations on the part of the Contractor.

Contractor Responsibilities:

Contractor shall obtain and pay for all applicable permits prior to beginning any work. Contractor is responsible for obtaining all required permits and conforming to all permit requirements.

The Contractor is required to conform to Town *Construction Manual and Specifications* and *Materials Specifications*. The Contractor is required to conform to *VDOT Community Wayfinding Sign Manual* and all local, state, and federal codes and regulations.

The Contractor shall obtain a Town and/or County business license as required and conform to all local, state, and federal codes. The Contractor shall request all applicable inspections as required by this IFB, local, state, and/or Federal codes and regulations.

The Contractor shall not act on requests or take direction from anyone except the Berryville Community Development Director, Deputy Town Manager, or designee, or designated VDOT representative (when working on VDOT right-of-way).

The Contractor shall provide the Town with proofs of completed signs, by either email or in-person inspection, for approval prior to installation.

The Contractor is responsible for notifying VA 811 (formerly Miss Utility) 48 hours prior to digging and must provide a copy of the ticket to the Director and designated VDOT representative (when working on VDOT right-of-way). Site conditions may dictate the need for marking of any Town-owned utilities. It is the responsibility of the Contractor to notify the Director, ahead of any work performed, that this coordination and locating service is necessary.

Contractor shall conform all work and operations to the most current version of the Road and Bridge specifications and other applicable regulations and specifications when working with VDOT right-of-way or on VDOT property. Contractor shall secure all required permits and approvals from VDOT before commencing work on the VDOT right-of-way or on VDOT property. Contractor is responsible for adherence to all VDOT regulations and requirements.

The Contractor shall provide and post “No Parking” signs in appropriate locations and deliver notices, as approved by Director, to individual occupancies regarding on-street parking restrictions 48 hours prior to parking restriction.

The Contractor shall provide all necessary parts, labor, tools, materials, equipment, transportation, supervision, resources, and incidentals as may be required in accordance with the Virginia OSHA Standards. All costs associated with the work and meeting the requirements of permits, shall be included in the quote provided in IFB response.

The Contractor shall be responsible for initiating, maintaining, and supervising all safety precautions and programs in connection with this project. All necessary precautions shall be taken to prevent injury to the Contractor’s employees and other persons who may be affected by the project, to prevent damage to or loss of materials or equipment incorporated into the project, and to protect this and other property at or adjacent to the site.

The Contractor shall perform all specified work using properly trained, skilled, bonded, and licensed individuals supervised by the Contractor. The Contractor shall be licensed and bonded in the Commonwealth of Virginia and shall have a minimum of five (5) years of experience in this field.

The Contractor shall maintain an adequate supply of manpower and equipment to complete the project in a safe and timely manner. If subcontractors are to be utilized, they must meet the same qualifications and adhere to the same standards as the Contractor. The contractor shall be responsible for completely supervising and directing the work under this contract and all subcontractors that they may utilize, using his or her best skill and attention. Subcontractors who perform work under this contract shall be responsible to the contractor. The Contractor agrees that they are as fully responsible for the acts and omissions of their subcontractors and of persons employed by them as they are for the acts and omissions of their own employees.

Contractor’s supervisor shall be responsible for assigning and coordinating work, notifying the Director and VDOT (applies to work completed on VDOT right-of-way) of crew locations on a daily basis, submitting daily/weekly report to the Town, and addressing general contract performance issues. Contractor’s supervisor shall meet with the Town and VDOT (applies to work completed on VDOT right-of-way) representatives on site as needed. All costs incurred for Contractor’s supervisor to review work with the Town and VDOT shall be the sole responsibility of the Contractor.

Contractor shall assign an individual to be the contact person for this project. This person must have direct knowledge of the project. The contact person’s cellular phone number and email address shall be provided to the Town and VDOT representative for this project. This contact person shall be responsive to calls from the Town and VDOT both during and outside normal working hours.

The Contractor shall provide adequate protection for all structures at the site. Any damage to facilities, either privately or publicly owned, by the Contractor shall be repaired or replaced at the Contractor’s expense and to the complete satisfaction of the Town. The Contractor shall,

after the completion of the project, repair and restore all property damaged by the Contractor's actions. Contractor shall restore damaged property to the same or better condition as it was at the time of the Notice to Proceed. Prior to any construction activities, it is the Contractor's responsibility to document any existing damage or substandard conditions.

The Contractor shall make the areas safe at the end of each work shift.

The Contractor shall provide any water needed for operation and the means to transport and distribute said water to meet their needs.

Contractor may not store vehicles, equipment, or materials on Town property without prior written agreement from the Town.

Contractor will remove all debris generated during operations from work areas at intervals agreed upon by the Town (or VDOT). Such debris shall be transported and disposed of in a manner that conforms to law. The cost of debris removal from operations shall be the sole responsibility of the Contractor.

Contractor's supervisor and at least one (1) crewmember on each crew shall be capable of communicating (both verbally and in writing) and comprehending the English language.

Contractor's employees and subcontractor employees shall be dressed appropriately for the work. Said employees shall at all times communicate with the public, land owners, Town employees, VDOT employees, and others with which they come into contact while engaged in this project in a courteous and respectful manner.

Warranty:

All work provided under this contract shall have, as a minimum, five (5) year warranty from the date of final acceptance thereof against any latent defects in design, materials, workmanship, installation, fraud, or such gross mistakes as may amount to fraud.

Insurance:

Contractor shall provide evidence of required insurance coverage before a contract is executed. Insurance coverage required in this matter is set forth in the Town's *General Terms and Conditions*. All insurance must remain valid throughout Period of Contract.

Indemnification:

The Contractor agrees to indemnify, defend, and hold harmless the Town of Berryville, its officers, agents, and employees, from any claims, damages, and actions of any kind or nature, whether at law or in equity, arising from or caused by the use of any materials, goods, or equipment of any kind or nature furnished by the Contractor/any services of any kind or nature furnished by the Contractor, provided that such liability is not attributable to the sole negligence of the Town or to failure of the Town to use the materials, goods, or equipment in the manner already and permanently described by the Contractor on the materials, goods, or equipment delivered.

Cancellation of contract:

The Town reserves the right to cancel and terminate any resulting contract, in part or in whole, without penalty, upon 30 days' written notice to the contractor. Any contract cancellation notice shall not relieve the contractor of the obligation to deliver and/or perform on all outstanding orders issued prior to the effective date of cancellation.

Waiver of Informalities/Rejection of bids:

The Town reserves the right to waive any informality in or to reject any or all bids, or to delete portions of bids, which in its sole and absolute judgment are responsive to the bid documents and will under all circumstances best serve the Town's interest.

Bid, Performance, and Payment Bonds:

Each bid must be accompanied by a bid bond in the form of a cashier's check or checks payable to the Town of Berryville, Virginia in an amount of at least five percent of the total bid, or a bid bond in like amount, as a guarantee that if the Bid is accepted, the Bidder will execute a Contract Agreement for the work and furnish a construction performance bond in the full amount of the bid and a construction payment bond of 100 percent of the total bid, within ten (10) business days from receipt of the Notice of Award.

Bid evaluation and award procedure:

Award will be made to the lowest responsive and responsible bidder, based on Grand Total of Scope of Work. Bidders must comply with all provisions of the IFB, and award will be made, provided the bid prices are reasonable and in the best interest of the Town.

Bids will not be accepted from, nor contracts awarded to, any person, firm, or corporation that is in arrears to the Town, or that is not fully qualified or able to perform the work. This includes being qualified and permitted to perform work within the VDOT right-of-way or on VDOT property, if applicable.

Each bidder must satisfy the Director as to the suitability and adequacy of their equipment and as to their practical ability to perform the work set forth in these Contract Documents within the specified time. VDOT officials, if applicable, may require the same review.

Bidders may be required to submit satisfactory evidence that they have the necessary financial resources to complete the proposed work.

Withdrawal of bids:

Any bidder may withdraw his or her bid, by written request, at any time before the scheduled closing time for receipt of the bids.

Agreement:

The bidder recommended for award will be required to complete a two-party standard form of agreement (Contract).

The successful bidder shall execute the formal contract agreement and furnish a construction performance bond and a construction payment bond satisfactory to the Town within ten (10)

business days from receipt of the Notice of Award. Failure to do so will be an adequate and just cause of annulment or cancellation of the award, and in such case, the bid bond or bid guarantee will become the property of the Town.

Method of payment:

In accordance of General Terms and Conditions – Invitations for Bids, payment in the form of a check will be issued within thirty (30) days of receipt of an approved invoice.

Definitions:

The following definitions shall be used for specific terms used in this solicitation:

Bidder – Firm submitting a bid in response to this IFB.

Contractor – Bidder awarded the contract for this offering.

Director – Berryville Community Development Director, Deputy Town Manager, or designee.

Satisfactorily Completed – All work has been completed by Contractor in accordance with the specifications Contract Documents. This includes inspection by the Town and VDOT (applies to work completed in VDOT right-of-way or VDOT property), and any rework as required by Town and VDOT (applies to work completed in VDOT right-of-way or VDOT property).

Town – Town of Berryville, Virginia

Unplanned work – Work identified after the award of this contract.

VDOT – Virginia Department of Transportation

Pricing Schedule:

Bidders must complete the attached pricing schedule. Failure to complete all parts of the schedule may result in rejection of bid.

Each bidder shall include in the bid all costs necessary to complete the project, performed in full compliance with the specification requirements and all Contract Documents.

Attachments:

1. Contractor Registration
2. Bidder's Check List
3. Bid Bond Form
4. General Terms and Conditions – Invitation for Bids
5. Bid Form
6. Scope of Work
7. Street Sign Location Summary
8. W-9: Identification Number and Certification
9. Town's Vendor Registration/Update form

Contractor Registration:

If a contract for construction, removal, repair or improvement of a building or other real property is for \$120,000 or more, or if the total value of all such contracts undertaken by bidder/offeror within any 12-month period is \$750,000 or more, then the bidder/offeror is required under *Title 54.1- 1100, Code of Virginia (1950)*, as amended, to be licensed by the State Board of Contractors a “CLASS A CONTRACTOR.”

If such a contract is: for \$10,000 or more but less than \$120,000, or if the total value of all such contracts undertaken by bidder/offeror within any 12-month period is \$150,000 or more, but less than \$750,000 or more, then the bidder/offeror is required under *Title 54.1- 1100, Code of Virginia (1950)*, as amended, to be licensed as a “CLASS B CONTRACTOR.”

If such a contract is: over \$1,000 but less than \$10,000, or if the contractor does less than \$150,000 in business in a 12-month period, then the bidder/offeror is required *under Title 54.1- 1100, Code of Virginia (1950)*, as amended, to be licensed as a “CLASS C CONTRACTOR.”

The board shall require a master tradesmen license as a condition of licensure for electrical, plumbing and heating, and ventilation and air conditioning contractors. The bidder/offeror shall place on the outside of the envelope containing the bid/proposal, and shall place in the bid/proposal over his signature, whichever of the following notations is appropriate, inserting his contractor license number:

Licensed Class A Virginia Contractor No. Specialty:

Licensed Class B Virginia Contractor No. Specialty:

Licensed Class C Virginia Contractor No. Specialty:

Contractor/Subcontractor License Requirement:

By my signature on this solicitation, I certify that this firm/individual and subcontractor is properly licensed for providing the goods/services specified.

Contractor Name:

License # Type:

Subcontractor Name:

License # Type:

Bidder's Checklist:

BIDS MAY NOT BE CONSIDERED if the following documents and/or attachments are not completely filled out with your bid.

One original complete bid package which includes original signature- preferably in blue ink:

Completed IFB Cover Section

Completed Bid Form

Acknowledged Addendums

Completed Town of Berryville Vendor Registration

Completed W-9

Certificate of Insurance

Completed Bid Bond

Contractor License

Please remember that:

Erasures or other descriptive literature, brochures, and/or data must be initialed by the person signing the bid.

Envelope containing bid must be properly marked.

Bidders are encouraged to enclose bid in a separate sealed envelope when placing in the shipping company packaging (if applicable)

Bidders are encouraged to retain a separate copy of this bid package for their records.

Bid Bond

KNOW ALL PERSON BY THESE PRESENTS, that _____,

of _____

(hereafter designated as "Bidder"), is submitting herewith to Town of Berryville, Virginia (hereafter designated as "Town") a bid, in accordance with Wayfinding Sign Fabrication and Installation IFB 2025-01

NOW THEREFORE, Bidder is organized and existing under by virtue of the law of the State/Commonwealth of _____, and authorized to transact business within the State of Virginia, as Surety, hereinafter called the "Surety", are held and firmly bound unto the Town in the sum of _____ Dollars (\$ _____)

for the payment of which sum well and truly to be made we bind ourselves, our heirs, executors, administrators, successors, and assigns, jointly and severally, firmly by these presents.

WHEREAS, Bidder has submitted the accompanying bid dated _____, 202__ for Wayfinding Sign Fabrication and Installation IFB 2025-01.

THE CONDITION OF THIS OBLIGATION IS SUCH that if the Town accepts the Bidder's bid, the Bidder shall, within the period specified therefore, complete the formal contract agreement and furnish the required contract performance bond and contract payment bond as provided in the Contract Documents, upon acceptance of said bid by the Town, or if the Town shall have failed to accept said bid within 30 days of the opening of the bid for this work, then this obligation shall be void and of no effect, but otherwise shall remain in full force and effect.

IN WITNESS WHEREOF, the above parties have executed this instrument under their several seals

this _____ day of _____, 202__, the name and corporate seal of each corporate party being hereto affixed and these presents duly signed by its undersigned representative pursuant to authority of its governing board.

ATTEST:

By:

By:

Town of Berryville General Terms and Conditions – Invitations for Bids

These General Terms and Conditions are required for use in written solicitations issued by the Town for procurements.

Applicable Laws and Courts: This solicitation and any resulting contract shall be governed in all respects by the laws of the Commonwealth of Virginia, and any litigation with respect thereto shall be brought in the courts of the Commonwealth. The contractor shall comply with all applicable federal, state, and local laws, rules, and regulations.

Employment Discrimination Prohibited: Employment discrimination by contractor is prohibited. During the performance of this contract, the contractor agrees as follows:

- A) The contractor will not discriminate against any employee or applicant for employment because of race, religion, color, sex, national origin, age, disability, or other basis prohibited by state law relating to discrimination in employment, except where there is a bona fide occupational qualification reasonably necessary to the normal operation of the contractor. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices setting forth the provisions of this nondiscrimination clause.
- B) The contractor, in all solicitations or advertisements for employees placed by or on behalf of the contractor, will state that such contractor is an equal opportunity employer.
- C) Notices, advertisements, and solicitations placed in accordance with federal law, rule or regulation shall be deemed sufficient for the purpose of meeting the requirements of this section.

The contractor will include the provisions of the foregoing paragraphs A, B, and C in every subcontract or purchase order of over \$10,000, so that the provisions will be binding upon each subcontractor or vendor.

Ethics in Public Contracting: By submitting their bids, bidders certify that their bids are made without collusion or fraud and that they have not offered or received any kickbacks or inducements from any other bidder, supplier, manufacturer, or subcontractor in connection with their bid, and that they have not conferred on any public employee having official responsibility for this procurement transaction any payment, loan, subscription, advance, deposit of money, services, or anything of more than nominal value, present or promised, unless consideration of substantially equal or greater value was exchanged.

Immigration Reform and Control Act of 1986: By submitting their bids, bidders certify that they do not and will not during the performance of this contract employ illegal alien workers or otherwise violate the provisions of the Federal Immigration Reform and Control Act of 1986.

Debarment Status: By submitting their bids, bidders certify that they are not currently debarred by the Town of Berryville from submitting bids or proposals on contracts for the type of goods

and/or services covered by this solicitation, nor are they an agent of any person or entity that is currently so debarred.

Mandatory Use of Town Terms and Conditions for IFBs: Modification of or additions to any portion of the Invitation for Bids may be cause for rejection of the bid; however, the Town reserves the right to decide, on a case-by-case basis, in its sole discretion, whether to reject such a bid as nonresponsive. As a precondition to its acceptance, the Town may, in its sole discretion, request that the bidder withdraw or modify nonresponsive portions of a bid which do not affect quality, quantity, price, or delivery. No modification of or addition to the provisions of the contract shall be effective unless reduced to writing and signed by the parties.

Bill Payment Policy: Unless an alternate payment plan has been agreed upon, in writing, the Town Treasurer shall make payment in full for all goods delivered or services rendered within thirty days of receipt of the bill.

No goods or services shall be deemed received until such goods are completely delivered and found acceptable by the Director. For purposes of determining whether or not payment was made in accordance with this policy, payment in full shall be considered to be made on the date the check for payment was mailed or otherwise transmitted.

When a bill submitted to the Town of Berryville is incorrect or when there is a defect or impropriety in a bill submitted, the respective Director shall notify the creditor in writing prior to the date on which payment in full is due. The notice shall contain a description of the defect or impropriety and any other additional information to enable the creditor to correct the bill. Upon receiving a corrected bill, the Town of Berryville shall make payment in full on or before the thirtieth calendar day after receipt of the corrected bill.

Subcontractors: All Offerors shall include a list of all subcontractors with their proposal. The Town reserves the right to reject the successful Offeror's selection of subcontractors for good cause. If a subcontractor is rejected, the Offeror may replace that subcontractor with another subcontractor subject to the approval of the Town. Any such replacement shall be at no additional expense to the Town nor shall it result in an extension of time without the Town's approval.

A contractor awarded a contract under this solicitation is hereby obligated:

- A) To pay the subcontractor(s) within seven (7) days of the contractor's receipt of payment from the Town for the proportionate share of the payment received for work performed by the subcontractor(s) under the contract; or
- B) To notify the Town and the subcontractor(s), in writing, of the contractor's intention to withhold payment, and the reason.

Precedence of Terms: In the event there is a conflict between any of the other General Terms and Conditions and any Special Terms and Conditions in this solicitation, the Special Terms and Conditions shall apply.

Qualifications of Bidders: The Town may make such reasonable investigations as deemed proper and necessary to determine the ability of the bidder to perform the services/furnish the

goods, and the bidder shall furnish to the Town all such information and data for this purpose as may be requested. The Town reserves the right to inspect bidder's physical facilities prior to award to satisfy questions regarding the bidder's capabilities. The Town further reserves the right to reject any bid if the evidence submitted by, or investigations of, such bidder fails to satisfy the Town that such bidder is properly qualified to carry out the obligations of the contract and to provide the services and/or furnish the goods contemplated therein.

Testing and Inspection: The Town reserves the right to conduct any test/inspection it may deem advisable to assure goods and services conform to the specifications.

Assignment of Contract: A contract shall not be assignable by the contractor in whole or in part without the written consent of the Town.

Changes to Contract: Changes can be made to the contract in any of the following ways:

A) The parties may agree in writing to modify the scope of the contract. An increase or decrease in the price of the contract resulting from such modification shall be agreed to by the parties as a part of their written agreement to modify the scope of the contract.

B) The Town may order changes within the general scope of the contract at any time by written notice to the contractor. Changes within the scope of the contract include, but are not limited to, things such as services to be performed, the method of packing or shipment, and the place of delivery or installation. The contractor shall comply with the notice upon receipt. The contractor shall be compensated for any additional costs incurred as the result of such order and shall give the Town a credit for any savings. Said compensation shall be determined by one of the following methods:

1) By mutual agreement between the parties in writing; or

2) By agreeing upon a unit price or using a unit price set forth in the contract, if the work to be done can be expressed in units, and the contractor accounts for the number of units of work performed, subject to the Town's right to audit the contractor's records and/or to determine the correct number of units independently; or

3) By ordering the contractor to proceed with the work and keep a record of all costs incurred and savings realized. A markup for overhead and profit may be allowed if provided by the contract. The same markup shall be used for determining a decrease in price as the result of savings realized. The contractor shall present the Town with all vouchers and records of expenses incurred and savings realized. The Town shall have the right to audit the records of the contractor as it deems necessary to determine costs or savings. Any claim for an adjustment in price under this provision must be asserted by written notice to the Town within thirty (30) days from the date of receipt of the written order from the Town. If the parties fail to agree on an amount of adjustment, the question of an increase or decrease in the contract price or time for performance shall be resolved in accordance with the procedures for resolving disputes provided by the Disputes Clause of this contract. Neither the existence of a claim nor a dispute resolution process, litigation, or any other provision of this contract shall excuse the contractor from promptly complying with the changes ordered by the Town or with the performance of the contract generally.

Default: In case of failure to deliver goods or services in accordance with the contract terms and conditions, the Town, after due oral or written notice, may procure them from other sources and hold the contractor responsible for any resulting additional purchase and administrative costs. This remedy shall be in addition to any other remedies which the Town may have.

Taxes: Sales to the Town are normally exempt from State sales tax. State sales and use tax certificates of exemption will be issued upon request. *Not normally required for service contracts.*

Use of Brand Names: Unless otherwise provided in this solicitation, unless otherwise provided in the Invitation for Bid, the name of a certain brand does not restrict bidders to a specific brand, make, or manufacturer's name, but conveys the general style, type, character, and quality of the article desired. Any article that the Town in its sole discretion determines to be the equal of that specified, considering quality, workmanship, economy of operation, and suitability for the purpose intended, shall be acceptable. *Not normally required for service contracts.*

Transportation and Packaging: By submitting their bids, all bidders certify and warrant that the price offered for FOB destination includes only the actual freight rate costs at the lowest and best rate and is based upon the actual weight of the goods to be shipped. Except as otherwise specified herein, standard commercial packaging, packing and shipping containers shall be used. *Not normally required for service contracts.*

Negotiation with Lowest Responsible Bidder: Unless all bids are cancelled or rejected, the Town reserves the right granted by § 2.2-4318 of the Code of Virginia to negotiate with the lowest responsive, responsible bidder to obtain a contract price within the funds allocated to the Town whenever such low bid exceeds the Town's allocated funds. For the purpose of determining when such negotiations may take place, the term "allocated funds" shall mean those funds which were budgeted by the Town for this contract prior to the issuance of the written IFB.

Negotiations with the low bidder may include both modifications of the bid price and the Scope of Work/Specifications to be performed. The Town may initiate such negotiations by written notice to the lowest responsive, responsible bidder that its bid exceeds the allocated funds and that the Town wishes to negotiate a lower contract price. The times, places, and manner of negotiating shall be agreed to by the Town and the lowest responsive, responsible bidder.

A) Procedures for negotiations. If the Town wishes to negotiate with the apparent low bidder to obtain a contract price within allocated funds, negotiations shall be conducted in accordance with the following procedures:

- 1) The using agency shall provide the director of public works, in the case of construction projects, and the procurement officer, in all other matters, with a written determination that the apparent low bid exceeds allocated funds. Said determination shall be confirmed in writing by the treasurer or his/her designee. The using agency may also provide the appropriate officer/director with a suggested reduction in scope for the proposed purchase.
- 2) The appropriate officer/director shall advise the lowest responsible bidder, in writing, that the proposed purchase exceeds allocated funds they may further suggest a reduction in scope for the proposed purchase, and invite the lowest responsible bidder to amend its bid proposal based upon the proposed reduction in

scope.

- 3) Repetitive informal discussions with the lowest responsible bidder for purposes of obtaining a contract within allocated funds shall be permissible.
- 4) The lowest responsible bidder shall submit an addendum to its bid, which addendum shall include any change in scope for the proposed purchase, the reduction in price, and the new contract value.
- 5) If the proposed addendum is acceptable to the Town, the Town may award a contract within funds allocated to the lowest responsible bidder based upon the amended bid proposal.
- 6) If the Town and the lowest responsible bidder cannot negotiate a contract within allocated funds, all bids shall be rejected.

Insurance: By signing and submitting a bid or proposal under this solicitation, the bidder or offeror certifies that if awarded the contract, it will have the following insurance coverage at the time the contract is awarded as well as any other insurance requirements laid out in the request for bid or proposal. The Town requires minimum insurance amounts as recommended by the Virginia Risk Sharing Association for construction contracts, if any subcontractors are involved, the subcontractor will have workers' compensation insurance in accordance with §§ 2.2-4332 and 65.2-800 et seq. of the Code of Virginia. The bidder or offeror further certifies that the contractor and any subcontractors will maintain these insurance coverages during the entire term of the contract and that all insurance coverage will be provided by insurance companies authorized to sell insurance in Virginia by the Virginia State Corporation Commission. The Town Manager is authorized to amend coverages and limits as required. Such amendments shall be provided in writing and specifically state that established coverages and limits differ from those provided in the Town's General Terms and Conditions.

Minimum Insurance Coverages and Limits Required for Most Contracts

General services contracts or leases:

Commercial General Liability

- \$1 million Each Occurrence (Bodily Injury and Property Damage)
- \$3 million General Aggregate that applies on a per project basis
- \$3 million Products/Completed Operations Aggregate
- \$1 million Per Person or Organization (Personal and Advertising Injury)

Owned and/or Non-Owned Automobile Liability-\$1,000,000 each accident

Workers Compensation Insurance -\$100,000 Bodily Injury each accident/\$100,000 Bodily Injury Disease Each Employee /\$500,000 Bodily Injury Disease policy limit (unless sole proprietor)

Excess Liability-\$1,000,000 each (CGL/AL/EL) occurrence/\$3,000,000 Annual Policy Aggregate

Minor construction contracts (\$99,999.99 or less):

Commercial General Liability

- \$1 million Each Occurrence (Bodily Injury and Property Damage)
- \$3 million General Aggregate that applies on a per project basis
- \$3 million Products/Completed Operations Aggregate
- \$1 million Per Person or Organization (Personal and Advertising Injury)

Owned and/or Non-Owned Automobile Liability-\$1,000,000 each accident

Employer's Liability-\$100,000 Bodily Injury each accident/\$100,000 Bodily Injury Disease Each Employee /\$500,000 Bodily Injury Disease policy limit

Professional Liability (Errors and Omissions)-\$2,000,000 each wrongful act/\$3,000,000 annual policy claims aggregate (effective date same as contract date with one three-year extended reporting period (only if consulting or designing is involved).

Excess Liability-\$3,000,000 each (CGL/AL/EL) occurrence/\$3,000,000 Annual Policy Aggregate

Major construction (more than \$100,000) or contracts for work deemed hazardous:

Commercial General Liability

- \$1 million Each Occurrence (Bodily Injury and Property Damage)
- \$3 million General Aggregate that applies on a per project basis
- \$3 million Products/Completed Operations Aggregate
- \$1 million Per Person or Organization (Personal and Advertising Injury)

Owned and/or Non-Owned Automobile Liability-\$1,000,000 each accident

Employer's Liability-\$100,000 Bodily Injury each accident/\$100,000 Bodily Injury Disease Each Employee /\$500,000 Bodily Injury Disease policy limit

Professional Liability (Errors and Omissions)-Refer to Risk Manager-\$2,000,000 each wrongful act/\$3,000,000 annual policy claims aggregate (effective date same as contract date with one three-year extended reporting period).

Excess Liability- Refer to Risk Manager-\$5,000,000 each (CGL/AL/EL) occurrence/\$5,000,000 Annual Policy Aggregate

Professional services contracts:

Commercial General Liability

- \$1 million Each Occurrence (Bodily Injury and Property Damage)
- \$3 million General Aggregate that applies on a per project basis
- \$3 million Products/Completed Operations Aggregate
- \$1 million Per Person or Organization (Personal and Advertising Injury)

Owned and/or Non-Owned Automobile Liability-\$1,000,000 each accident

Employer's Liability-\$100,000 Bodily Injury each accident/\$100,000 Bodily Injury Disease Each Employee /\$500,000 Bodily Injury Disease policy limit

Professional Liability (Errors and Omissions)-\$2,000,000 each wrongful act/\$3,000,000 annual policy claims aggregate (effective date same as contract date with one three-year extended reporting period).

Cyber or Identity Breach Liability-\$1,000,000 each identity breach

Excess Liability-\$3,000,000 each (CGL/AL/EL) occurrence/\$3,000,000 Annual Policy Aggregate

Design professional services and surveyors' contracts:

Commercial General Liability

- \$1 million Each Occurrence (Bodily Injury and Property Damage)
- \$3 million General Aggregate that applies on a per project basis
- \$3 million Products/Completed Operations Aggregate
- \$1 million Per Person or Organization (Personal and Advertising Injury)

Owned and/or Non-Owned Automobile Liability-\$1,000,000 each accident
Employer's Liability-\$100,000 Bodily Injury each accident/\$100,000 Bodily Injury Disease
Each Employee /\$500,000 Bodily Injury Disease policy limit

Professional Liability (Errors and Omissions)-\$2,000,000 each wrongful act/\$3,000,000 annual policy claims aggregate (effective date same as contract date with one three-year extended reporting period). Excess Liability-\$3,000,000 each (CGL/AL/EL) occurrence/\$3,000,000 Annual Policy Aggregate

The Town shall be named as an additional insured on any policy obtained by Contractor/ Subcontractor/Vendor/Lessee pursuant to this paragraph. Contractor shall furnish the Town with all Certificates of Insurance that indicate(s) adequate insurance coverage has been obtained.

Contractor shall furnish the Town with an additional insured endorsement.

Hold Harmless Agreement: Contractor shall attach to each liability insurance policy, with the exception of Workers' Compensation, the following endorsement: "Contractor and all subcontractors shall save Town harmless from any and all claims, damages, liabilities, expenses of litigation, including attorney's fees, and losses arising out of injury to, or death of, any of Contractor's employees or any other person while on or about Town's premises or job site in connection with any matters relating to or arising out of the performance of this Contract. It is understood and agreed that the Contractor is at all times acting as an independent contractor."

Additional Requirements:

During the performance of the Work described in the Contract Documents, the Contractor agrees to:

- A) Employment discrimination by contractor prohibited; required contract provisions (see § 2.2-4311 of the Code of Virginia).
- B) Compliance with federal, state, and local laws and federal immigration law; required contract provisions (see § 2.2-4311.1 of the Code of Virginia).
- C) Compliance with state law; foreign and domestic businesses authorized to transact business in the Commonwealth (see § 2.2-4311.2 of the Code of Virginia.)
- D) Drug-free workplace to be maintained by contractor; required contract provisions (see § 2.2-4312 of the Code of Virginia).
- E) Provide access to adequate toilet facilities as required by law.
- F) Post in conspicuous places, available to employees and applicants for employment, a statement notifying employees that the unlawful manufacture, sale, distribution, dispensation, possession, or use of a controlled substance or marijuana is

prohibited in the Contractor's workplace and specifying the actions that will be taken against employees for violations of such prohibition.

G) Include the provisions of the foregoing clauses in every subcontract or purchase order of over \$10,000, so that the provisions will be binding upon each subcontractor or vendor.

H) Be responsible for the resolution of any and all damage claims presented to either the Town or Contractor.

Contractor also agrees to retain all books, documents, papers, account records, subcontracting records, and other evidence supporting services performed, and costs incurred during the contract period for six (6) years after the final invoice is paid.

Bid Form

The Bidder proposes and agrees to complete all work in accordance with the Scope and specifications included in IFB#2025-01 at the following prices, which shall be good for 75 days:

Fabrication			
<i>Sign Type</i>	<i>Quantity</i>	<i>Unit Price</i>	<i>Total</i>
Gateway	4		
T1- Large Trailblazer	2		
T2- Small Trailblazer	12		
P- Parking with arrow	5		
Fabrication total cost \$			

Installation			
<i>Sign Type</i>	<i>Quantity</i>	<i>Unit Price</i>	<i>Total</i>
Gateway	4		
T1- Large Trailblazer	2		
T2- Small Trailblazer	12		
P- Parking with arrow	5		
Traffic Control			
Sign Removal	8		
Mobilization, per day			
Installation total cost \$			

Bidder Name, Signature, Company/Entity Name, and Date:



B E R R Y V I L L E
EST. 1798 *Genuine* **VIRGINIA**

SCOPE OF WORK, IFB #2025-01, Wayfinding Sign Fabrication and Installation

The design by Frazier Associates has been modified. Accordingly, the Excerpt of Construction Intent Documents includes only the following sheets:

1, 2, 3, 4, 5, 6, 7, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, and 27.

Desired modifications are indicated on the appropriate sheet.



FRAZIER ASSOCIATES
 ARCHITECTURE - COMMUNITY DESIGN - WAYFINDING
 215 NORTH HARRISON STREET, CHARLOTTE, VA 24601
 PHONE: 703.444.1100
 WWW.FRAZIERASSOCIATES.COM

TOWN OF BERRYVILLE
WAYFINDING SIGN SYSTEM
 Berryville, Virginia

GENERAL NOTES

1. These drawings are intended to provide sufficient information to convey general design intent to the sign fabricator/installer and are not for construction. Additional technical advice and detailing may be required for successful completion of this project and is the sign fabricator/installer's responsibility.
2. Dimensions are not adjustable, unless noted (+/-). The sign fabricator/installer shall not scale drawings.
3. Install all manufactured items, materials, and equipment in strict accordance with manufacturer's recommended specifications.
4. "Typical" (TYP) means identical for all conditions that match original condition illustrated unless otherwise noted. "Similar" (SIM) means comparable characteristics of the condition cited. "Equal" (EQ) is of matching dimension to other "EQ;" in connected dimension line.
5. All materials and workmanship shall be guaranteed by the sign fabricator/installer for five (5) years from the date of substantial completion.
6. All graphics will be supplied to the fabricator by the designer in digital EPS (encapsulated postscript) form. All type shall be outlined and supplied in digital EPS or PDF (Portable Document Format) form as needed by the fabricator.
7. Fonts used for this project were selected specifically for this project by the designer and owner, and include those listed in the graphic standards. The fabricator shall be responsible for purchasing the specified fonts. No substitution of any other typefaces may be made. There shall be no electronic distortion of the typeface including but not limited to squeezing, stretching, outlining, stroking and shadowing.

SIGN FABRICATOR'S GENERAL NOTES

1. Sign fabricator/installer shall be responsible for providing permits, work, and materials in accordance with all codes, ordinances and regulations applicable at the project location.
2. Sign fabricator/contractor to have a State of Virginia Contractor's License.
3. Sign fabricator shall provide fully engineered drawings including, but not limited to, foundation, electrical and structural for all sign types to Owner for review and approval prior to sign fabrication.
4. Fabricator shall be responsible for ensuring that all signs meet local, state and federal codes.
5. Sign fabricator shall be responsible for all site engineering. This shall include verifying the mounting conditions and providing a detail drawing for each mounting condition.
6. Sign fabricator/installer shall be responsible for the complete electrical design for illuminated signs. Illuminated signs shall be designed by an electrical engineer and shall be fabricated and wired to be compliant with current UL listing requirements, and shall be UL certified. Exterior electronics shall be IP68 rated.
7. Sign fabricator/installer shall be responsible for checking contract documents, field conditions, and dimensions for accuracy and confirming that all work is buildable as shown before proceeding with fabrication. If there are any discrepancies or omissions which would interfere with satisfactory completion of the work, the sign fabricator/installer shall obtain a clarification from the architect/designer before proceeding with the work in question.
8. Sign fabricator shall ensure that actual sign locations are verified by owner's representative and the Virginia Department of Transportation (VDOT), as required, prior to installation.
9. Sign fabricator/installer shall be responsible for contacting Miss Utility before start of project.
10. Sign fabricator/installer is responsible for the means, methods and techniques of installation, safety precautions in connection with the work, and for the acts or omissions of the subcontractors. Refer to Sign Fabricator's General Notes for VDOT Permitting, sheet 2.
11. Sign fabricator/installer shall follow the MUTCD (Manual on Uniform Traffic Control Devices) guidelines for Lateral Offsets. See section 2A.19 Lateral Offset in the Manual on Uniform Traffic Control Devices, 2009 Edition.
12. Sign fabricator/installer shall provide adequate erosion control as required during the course of the project.
13. Sign fabricator/installer shall maintain site in a clean and orderly condition at all times.
14. Sign fabricator/installer shall provide shop drawings to the Owners and/or designer for each sign type showing fabrication, mounting system, and installation details. Include fabrication plans, elevations, and component details. Indicate materials, fittings, finishes, fasteners, anchorages, and accessory items. Provide color and material samples as requested.
15. Final designs and shop drawings shall be supplied by the sign fabricator/installer for all sign types. A registered professional engineer licensed in the state of Virginia is required to sign and seal the submittal of shop drawings. For required VDOT Signing and Sealing process, refer to VDOT Community Wayfinding Sign Manual, 3.4 Signing and Sealing.
16. All wood in contact with the ground, slabs on grade, or masonry is to be pressure treated.
17. Sign fabricator/installer shall protect all surfaces not involved in the work from any damage.
18. Sign fabricator/installer shall repair all surfaces damaged during the installation of the sign system.

REVISION DATE

PROJECT NO. 2022-0049

SCALE: AS SHOWN

PROJECT MANAGER: SH

CHECKED BY: AM

DRAWN BY: SH

DATE: July 2024

GENERAL NOTES

SHEET 1

SIGN FABRICATOR'S GENERAL NOTES FOR VDOT PERMITTING: CONSTRUCTION AND MAINTENANCE

Wayfinding signs installed alongside roadways within state maintained right-of-way will be the responsibility of the fabricator who shall be required to follow the 'VDOT Wayfinding Sign Program Manual' for fabrication and installation of the wayfinding sign system.

ABBREVIATIONS:

SPONSOR: State Agency seeking to implement and maintain a wayfinding program in the state of Virginia.
AGENT: Design consultant hired to work with sponsor to design and develop the wayfinding sign system.

VDOT CONSTRUCTION PLAN SUBMITTAL CHECKLIST

1. The Sponsor or their Agent will provide staking of the proposed signs for field inspection by VDOT staff to be performed in conjunction with the plan review and approval process.
2. A pre-construction meeting shall be held prior to initiating sign installation activities.
3. Location activities for all privately owned underground utilities shall be completed prior to initiating sign installation activities. Fabricator shall be responsible for ensuring that all signs meet local, state and federal codes.
5. The local VDOT permit office must pre-approve pavement potholing for locating existing underground utilities.
6. Right-of-way restoration shall be in accordance with current VDOT standards & specifications.
7. Erosion & sediment control shall be in accordance with current Virginia Erosion & Sediment Control Standards & Specifications.
8. The installation of signs shall not adversely affect the visibility of roadway users, and the lighting support, posts & support post locations shall not compromise VDOT clear zone and safety standards.
9. Temporary traffic control shall be designed in accordance with the current Virginia Work Area Protection Manual.
10. The Sponsor or their Agent shall notify the appropriate VDOT Transportation Operations Center (TOC) 30 minutes prior to implementing a lane closure or shoulder closure and within 30 minutes of removing said closure(s).
11. The Sponsor or their Agent must notify VDOT a minimum of 48 hours prior to initiating any planned excavation within 1,000 feet of a signalized intersection and/or near VDOT ITS infrastructure. Excavation activities may proceed only after VDOT has notified the Sponsor or their Agent that the utility marking has been complete.
12. VDOT will provide the Sponsor or their Agent with contact information for plan submittal & review, permit issuance & inspection, and the location of underground traffic signal communications facilities.

VDOT: Virginia Department of Transportation.
WSPA: Wayfinding Signs Program Administrator.
ALUE: Area Land Use Engineer.

VDOT PLAN SUBMITTAL REQUIREMENTS

1. Implementation may begin following WSPA, DTE and ALUE approval of 100% Plans, approved Field Staking and Preconstruction Meeting.
2. Proposed sign location(s) accurately dimensioned from the edge of pavement or face-of-curb and from the nearest street intersection.
3. Traffic control details & notes for each sign location in accordance with current VDOT standards & specifications (if applicable).
4. Signed & sealed by a professional engineer or landscape architect licensed in Virginia (Structural Design to be signed and sealed by PE. Only).
5. Right-of-way restoration details & notes in accordance with current VDOT standards & specifications.

DTE: District Traffic Engineer.
LUP: Land Use Permit.
TED: Traffic Engineering Division.



FRAZIER ASSOCIATES
 ARCHITECTURE - COMMUNITY DESIGN - WAYFINDING
 315 NORTH AVENUE STREET, FERRISBURGH, VA 24501
 (434) 939-1100
 www.frazierassociates.com

TOWN OF BERRYVILLE
WAYFINDING SIGN SYSTEM
 Berryville, Virginia

REVISION DATE
PROJECT NO. 2022-0049
SCALE AS SHOWN
PROJECT MANAGER: SH
CHECKED BY: AM
DRAWN BY:
DATE July 2024
SIGN FABRICATOR'S GENERAL NOTES FOR VDOT PERMITTING
SHEET 2

SUMMARY

This Section includes the following:
Illuminated, Monument Gateway signs.
Vehicular Trailblazer, non-illuminated post and panel signs.
Non-illuminated, Historic District Marker sign.
Non-illuminated, Parking Directional signs.
Non-illuminated, Parking Site Identification signs.

PERFORMANCE REQUIREMENTS

Structural Performance: Provide post and panel signs capable of withstanding the effects of gravity loads and the following loads and stresses within limits and under conditions indicated:

Wind Loads: To be determined by sign fabricator/installer.
Thermal Movements: Provide post and panel signs that allow for thermal movements resulting from the following maximum change (range) in ambient and surface temperatures by preventing buckling, opening of joints, overstressing of components, failure of connections, and other detrimental effects. Base engineering calculation on surface temperatures of materials due to both solar heat gain and nighttime-sky heat loss.
Temperature Change (Range): 120 deg F (67 deg C), ambient; 180 deg F (100 deg C), material surfaces.

SUBMITTALS

Product Data: For each type of product indicated.
Shop Drawings: Show fabrication and installation details for all sign types.

Include sections, details, and attachments to other work.
Include a representative sample of graphic symbols required in each panel. Show graphic style, colors, finishes, type styles, and graphic symbol.
Programming Schedule: Use same message designations indicated on Drawings.

QUALITY ASSURANCE

Installer Qualifications: An employer of workers trained and approved by manufacturer.
Fabricator/Installer Qualifications: Shop that employs skilled workers who custom-fabricate products similar to those required for this Project and whose products have a record of successful in-service performance.

PROJECT CONDITIONS

Weather Limitations: Proceed with installation only when existing weather conditions permit installation of signs to be performed according to manufacturers' written instructions and warranty requirements.
Field Measurements: Indicate measurements on Shop Drawings.

COORDINATION

Coordinate installation of anchorages for post and panel/pylon signage. Furnish setting drawings, templates, and directions for installing anchorages and other items that are to be embedded in concrete.

WARRANTY

Special Warranty: Manufacturer's standard form in which manufacturer agrees to repair or replace components of signs that fail in materials or workmanship within specified warranty period. Warranty Period: Five years from date of Substantial Completion.

Failures include, but are not limited to, the following:

- deterioration of metal finishes beyond normal weathering;
- bubbling, chalking, rusting or other disintegration of the sign panel, graphics or of the edges;
- corrosion appearing beneath paint surfaces of panels, brackets, posts or other support assemblies;
- corrosion of fasteners;
- assemblies not remaining true and plumb on their supports;
- fading and discoloration of the colors and finishes within the vinyl and paint manufacturer's stated warranty period;
- deterioration of embedded graphic image colors and sign lamination; peeling, delamination or warping; and
- repair and reinstallation of signage due to failed mountings.

Fabricator shall extend in writing to the Owner all manufacturers' warranties.

MATERIALS

As indicated per specific sign types.
For steel exposed to view on completion, provide materials having flat, smooth surfaces without blemishes. Do not use materials whose surfaces exhibit pitting, seam marks, roller marks, rolled trade names, or roughness.
Custom Paint Colors: Match Pantone Color Matching System.
Color: As selected by Architect/Designer from manufacturer's full range.

POST AND PANEL SIGNS

Available Manufacturers: Subject to compliance with requirements, manufacturers offering products that may be incorporated into the Work include, but are not limited to, the following. See sign programming.
PANEL SIGNS
Sign Message Panels: Provide smooth sign panel surfaces constructed to remain flat under installed conditions within a tolerance of plus or minus 1/16 inch (1.5 mm) measured diagonally from corner to corner.
Coordinate dimensions and attachment methods to produce message panels with closely fitting joints. Align edges and surfaces with one another in the relationship indicated.
Increase metal thickness or reinforce with concealed stiffeners or backing materials as needed to produce surfaces without distortion, buckles, warp, or other surface deformations.
Continuously weld joints and seams unless other methods are indicated; grind, fill, and dress welds to produce smooth, flush, exposed surfaces with welds invisible after final finishing.
See different sign types for material specifications.

POSTS

General: Fabricate posts to lengths required for mounting method indicated.
Direct-Burial Method: Provide posts 36 inches (910 mm) longer than height of sign to permit direct embedment in concrete foundations.
Baseplate Method: Provide posts with baseplates, flanges, or other fittings, welded to bottom of posts. Drill holes in baseplate for anchor-bolt connection.
Provide anchor bolts of size required for connecting posts to concrete foundations.
Reverse Sleeve Method: Provide inserts recommended by manufacturer, sized for close fit inside posts. Size inserts for direct embedment in concrete foundations and to attach

sign posts securely and prevent sign from overturning when subjected to normal loading conditions prevailing at Project site, but not less than 1/3 of post height plus 36 inches (910 mm) for embedment. Drill posts and inserts for through-bolts for fastening them together.
Provide bolts for fastening posts to inserts.

Aluminum Posts: Manufacturer's standard 0.125-inch- (3.18-mm-) thick, extruded-aluminum tubing, with vertical slots in end of sign panels. Provide stop blocks in slots to hold panels in position. Include post caps, fillers, spacers, junction boxes, access panels, and related accessories required for complete installation.
Square Posts: As indicated.
Rectangular Posts: As indicated.
Semicircular Posts: As indicated.
Rounded-End Posts: As indicated.
Beveled-Corner Posts: As indicated.
Post Finish: As indicated.
Steel Posts: As indicated.
Post Size: As indicated.
Post Finish: As indicated.
Color: As indicated.

ACCESSORIES

Anchors and Inserts: Provide nonferrous-metal or hot-dip galvanized anchors and inserts for exterior installations and elsewhere as required for corrosion resistance. Use toothed steel or lead expansion-bolt devices for drilled-in-place anchors. Furnish inserts, as required, to be set into concrete or masonry work.
FABRICATION
General: Provide manufacturer's standard post and panel signs of configurations indicated.
Welded Connections: Comply with AWS standards for recommended practices in shop welding. Provide welds behind finished surfaces without distortion or discoloration of exposed side. Clean exposed welded surfaces of welding flux and dress exposed and contact surfaces.
Mill joints to tight, hairline fit. Form joints exposed to weather to exclude water penetration.
Pre-assemble signs in the shop to greatest extent possible. Disassemble signs only as necessary for shipping and handling limitations. Clearly mark units for reassembly and installation, in location not exposed to view after final assembly.
Conceal fasteners if possible; otherwise, locate fasteners where they will be inconspicuous.

FINISHES, GENERAL

Comply with NAAAM's "Metal Finishes Manual for Architectural and Metal Products" for recommendations for applying and designating finishes.
Protect mechanical finishes on exposed surfaces from damage by applying a strippable, temporary protective covering before shipping.
Appearance of Finished Work: Variations in appearance of abutting or adjacent pieces are acceptable if they are within one-half of the range of approved Samples. Noticeable variations in the same piece are not acceptable. Variations in appearance of other components are acceptable if they are within the range of approved Samples and are assembled or installed to minimize contrast.

EXECUTION

EXAMINATION

Examine substrates, areas, and conditions, with installer present, for compliance with requirements for installation tolerances and other conditions affecting performance of work.

Verify that items, including anchor inserts, are sized and located to accommodate signs.
Proceed with installation only after unsatisfactory conditions have been corrected.

INSTALLATION

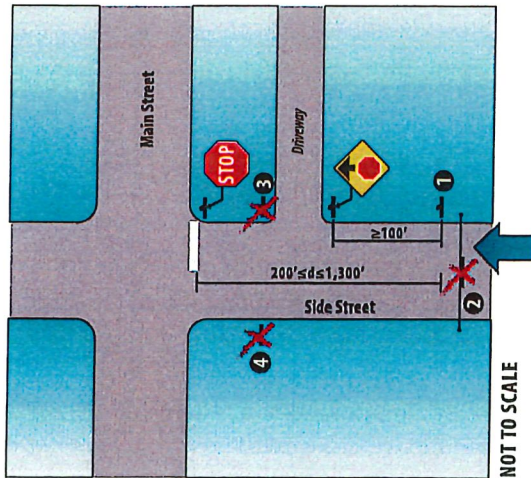
Excavate for sign foundation to elevations and dimensions indicated. Reconstruct sub-grade that is not firm, undisturbed, or compacted soil, or that is damaged by freezing temperatures, frost, rain, accumulated water, or construction activities by excavating a further 12 inches (300 mm), backfilling with satisfactory soil, and compacting to original subgrade elevation.
Baseplate mounting method:
Excavate hole depths approximately 39 inches (990 mm) below finished grade.
Set anchor bolts and other embedded items required for installation of signs. Use templates furnished by suppliers of items to be attached.
Protect portion of posts above ground from concrete splatter.
Locate signs and accessories where indicated, using mounting methods of types described and complying with manufacturer's written instructions.

Install signs level, plumb, and at heights indicated, with sign surfaces free of distortion and other defects in appearance.

Mechanical Fasteners: Use non-removable mechanical fasteners placed through pre-drilled holes. Attach signs with fasteners and anchors suitable for secure attachment to substrate as recommended in writing by sign manufacturer.
CLEANING AND PROTECTION
After installation, clean soiled sign surfaces according to manufacturer's written instructions. Protect signs from damage until acceptance by Owner.

PROJECT NO. 2022-0049
SCALE AS SHOWN
PROJECT MANAGER: SH
CHECKED BY: AM
DRAWN BY:
DATE: July 2024
SIGN FABRICATOR'S GENERAL SPECIFICATIONS
SHEET 3

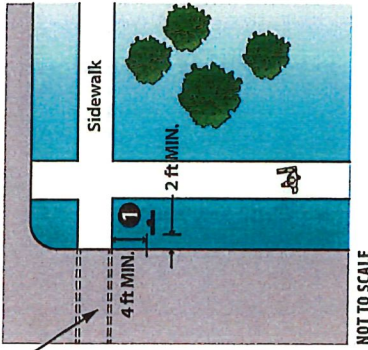
GUIDELINES FOR SIGN PLACEMENT



DIRECTION OF TRAVEL

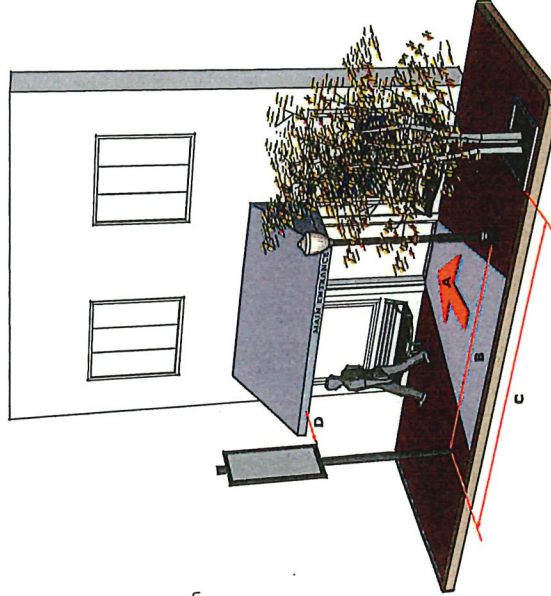
NOT TO SCALE

- 1 Appropriate Wayfinding Sign Placement.
 - 2 Signs may not be placed overhead.
 - 3 Signs may not obstruct driveway or cross street sign distance.
 - 4 Signs must be on the right side of the road.
 - Signs should be located to take advantage of natural terrain, to minimize the impacts on the scenic environment and to avoid visual conflict with other regulatory, warning, and guide signs within the public right-of-way.
 - Wayfinding signs should be placed such that they do not adversely impact, obstruct or detract from regulatory and warning signs. Placement should consider the posted speed limit and running speeds of vehicles on the roadway. While it may not be possible in congested urban settings where the speed limit is 25 mph, wayfinding signs should be located a minimum of 100 feet, or longer if speeds are higher, from other traffic control devices.
- NOTE: The VDOT Wayfinding Sign Program Administrator has granted a one-time adjustment for two signs on approach to an intersection for T2.7 and T2.9. Refer to programming sheets 34 and 42.



NOT TO SCALE

- 1 Appropriate Wayfinding Sign Placement near Crosswalks.
 - In urban areas where crosswalks exist, signs should not be placed within 4 feet in advance of the crosswalk.



- A. Locate sign so as not to interfere with building entrance.
- B. Locate sign structure a minimum of 15'-0" back from utility structure.
- C. Locate front of sign 15'-0" to 20'-0" back from tree foliage.
- D. Locate sign a minimum of 2'-0" from other obstructions.

REVISION DATE	
PROJECT NO.	2022-0049
SCALE	AS SHOWN
PROJECT MANAGER	SH
CHECKED BY	AM
DRAWN BY	SCH
DATE	July 2024
GUIDELINES FOR SIGN PLACEMENT	
SHEET 4	

COLOR PALETTE

Sign System Colors



P1 Pantone 287 C



P2 Pantone 284 C



P3 Pantone 7461 C



P4 Pantone 366 C



P5 Pantone 7540 C



P6 Black



P7 White

Reflective Sheeting



P8 3M Diamond Grade Reflective Sheeting #4090

FONTS

Better Times - Regular

Aa Bb Cc Dd Ee Ff Gg Hh Ii Jj Kk Ll Mm Nn Oo
 Pp Qq Rr Ss Tt Uu Vv Ww Xx Yy Zz
 1234567890

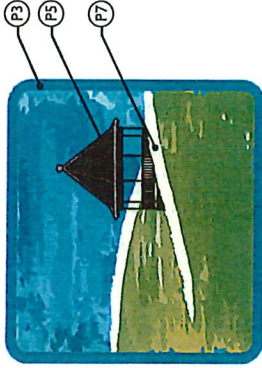
FHWA Series D2000EX

Aa Bb Cc Dd Ee Ff Gg Hh Ii Jj Kk Ll Mm Nn Oo
 Pp Qq Rr Ss Tt Uu Vv Ww Xx Yy Zz
 1234567890

LOGOS

L1: BERRYVILLE LOGO

Logo provided as a scalable digital file. Colors to match sign specifications.



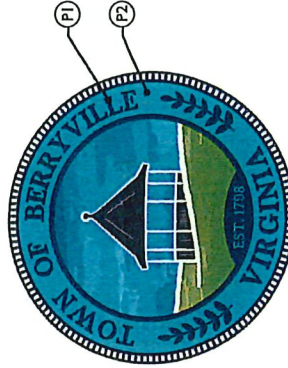
L2: BERRYVILLE BRAND FONT

Brand font provided as a scalable digital file. Color to match sign specifications.

BERRYVILLE

L3: BERRYVILLE TOWN SEAL

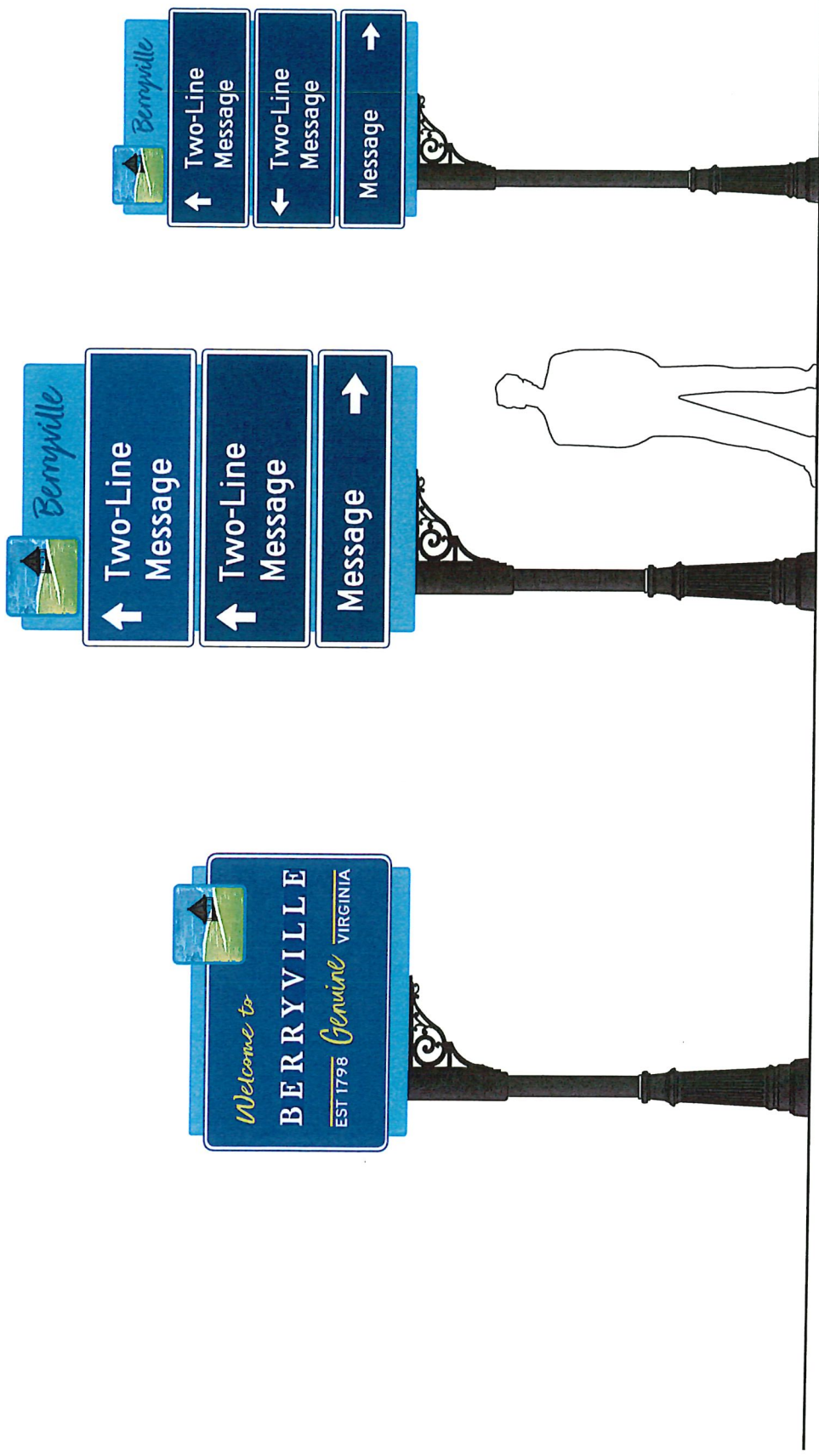
Logo provided as a full color, scalable digital file.



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 213 NORTH AUGUSTA STREET, STAUNTON, VA 24401
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 www.frazierassociates.com

TOWN OF BERRYVILLE
 WAYFINDING SIGN SYSTEM
 Berryville, Virginia

REVISION DATE	
PROJECT NO. 2022-0049	
SCALE: AS SHOWN	
PROJECT MANAGER: SH	
CHECKED BY: AM	
DRAWN BY: SCH	
DATE: July 2024	
GRAPHIC STANDARDS: COLORS, FONTS AND LOGOS	
SHEET 5	



Gateway Sign

T1: LARGE VEHICULAR
TRAILBLAZER SIGN
For Speeds 30 MPH Plus

T2: SMALL VEHICULAR
TRAILBLAZER SIGN
For Speeds 25 MPH or Less



FRAZIER ASSOCIATES
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 210 MARKET STREET, FLORENCE, VA 24601
 PHONE: 540.838.2100
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TOWN OF BERRYVILLE
 WAYFINDING SIGN SYSTEM
 Berryville, Virginia



Sign to be modified to remove
 "Additional Parking"



P1: PARKING STAND-ALONE
 DIRECTIONAL SIGN

P2: PARKING SITE IDENTIFICATION SIGN
 NOTE: To be located outside of VDOT R-O-W on
 parking lot private property.

REVISION DATE	
PROJECT NO.	2022-0049
SCALE	AS SHOWN
PROJECT MANAGER	SH
CHECKED BY	AM
DRAWN BY	SCH
DATE	July 2024
WAYFINDING SIGN SYSTEM	PARKING SIGNS
SHEET 7	



FRAZIER ASSOCIATES
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TOWN OF BERRYVILLE
 WAYFINDING SIGN SYSTEM
 Berryville, Virginia

- COLOR PALETTE**
- P1 Pantone 287 C
 - P2 Pantone 284 C
 - P3 Pantone 7461 C
 - P4 Pantone 366 C
 - P5 Pantone 7540 C
 - P6 Black
 - P7 White
 - P8 3M Diamond Grade Reflective Sheeting #4090

SPECIFICATIONS KEY

- # Color Identification
- S# Sign Panel Specifications
- M# Sign Mounting Specifications

REVISION DATE

PROJECT NO. 2022-0049

SCALE: AS SHOWN

PROJECT MANAGER: SH

CHECKED BY: AM

DRAWN BY: SCH

DATE: July 2024

T1: LARGE VEHICULAR TRAILBLAZER SIGN DETAILS

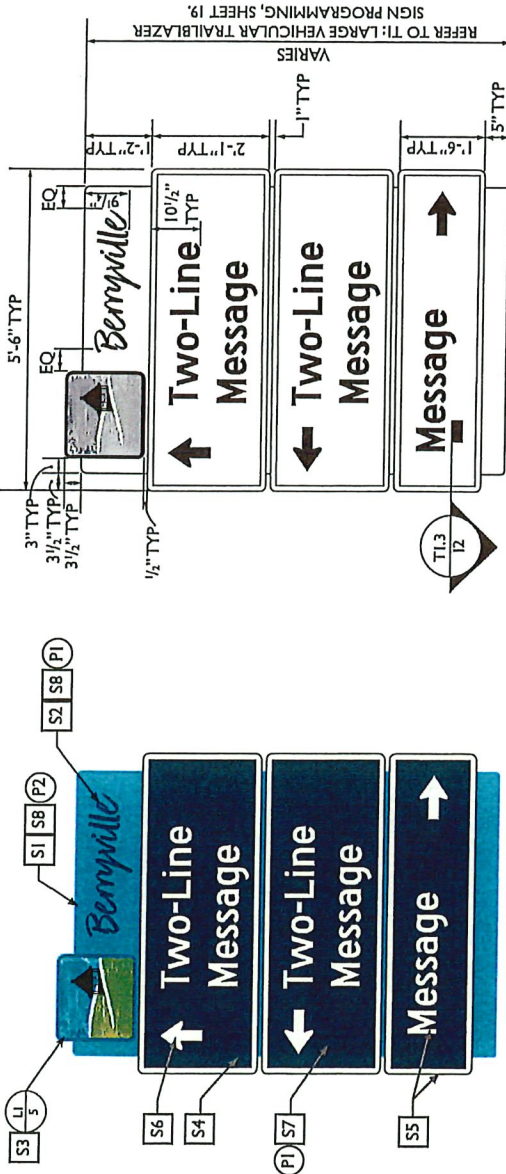
SHEET 16

NOTES:

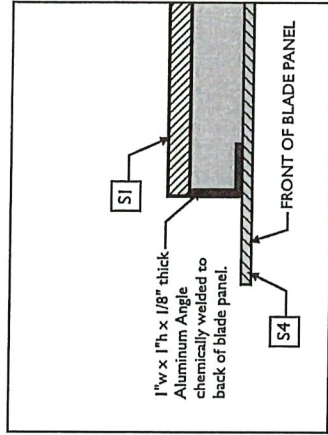
- T1: VEHICULAR TRAILBLAZER SIGN:**
S1 MAIN PANEL FABRICATION: To be a single, 0.25" thick, cut aluminum panel. Sign panel radii shall be 2".
S2 MAIN PANEL MESSAGE "Berryville" to use Better Times font with a 6.75" capital letter, and to be painted on top and back of main panel as shown. Refer to T1.2 - VDOT Approval Note.
S3 LOGO PANEL: "Berryville Logo" to be 16.75" height x 18" in width and 1/4" thick and be mechanically flush-mounted to top of the main panel using tamper-resistant fasteners. Shall use digital printing process on reflective sheeting, electronically cut sheeting and apply to unpainted aluminum surface following 3M manuf. specifications and overlay with I170C. No fasteners shall be visible on face of sign. Logo shall be provided as a scalable digital file, refer to sheet 5.
S4 SIGN BLADE FABRICATION: To be a single, 0.125" thick aluminum pan with 1.125" deep edges. Blade panel shall be reflective and have corner radii of 2". Sign blade to be mechanically attached to main panel using tamper-resistant fasteners. No fasteners shall be visible on face of sign blade.
S5 SIGN BLADE MESSAGE: Shall use FHWA Series D2000EX, with 6" capitals, and have a 1" wide reflective border.
S6 SIGN BLADE ARROWS: Shall be 6" height x 9" length arrows. Refer to T1: Vehicular Trailblazer Sign Programming, sheet 19.
S7 SIGN BLADE FACE: Shall use digital printing process by certified 3M printer/sign fabricator to 3M Diamond Grade (DGS) #4090 reflective sheeting, electronically cut sheeting and apply to unpainted aluminum surface following 3M manuf. specifications and overlay with I170C.
S8 PAINT COLORS: All exposed surfaces to be primed and painted using Matthews Paint-Satin, and Matthews Paint Super Satin. Clearcoat or approved equals. Color match paint to Pantone colors specified.

Drawings are design intent only and are NOT for construction. All dimensions and site conditions shall be verified by fabricator. Sign contractor/fabricator shall provide fully engineered drawings for all sign types. Shop drawings as well as any changes in design, dimensions, materials, fabrication method, or other details shown in these drawings must be approved prior to proceeding with fabrication.

SIGN WIDTH	SIGN HEIGHT	QUANTITY
5'-6"	7'-4"	1
5'-6"	8'-0"	1
TOTALS		2

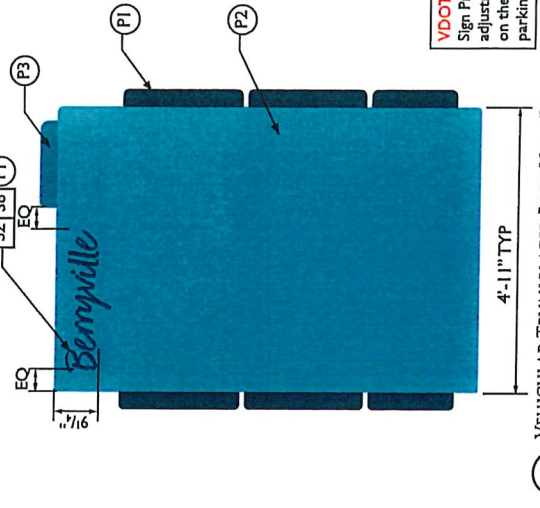


T1 VEHICULAR TRAILBLAZER SIGN DETAILS
 Scale: 1/2" = 1'-0"



T1.3 SIGN BLADE ALUMINUM ANGLE DETAIL
 Scale: NTS

VDOT APPROVAL NOTE: The VDOT Wayfinding Sign Program Administrator has granted a one-time adjustment for the text: 'Berryville' to be placed on the back of the vehicular trailblazer signs and parking directional signs.



T1.2 VEHICULAR TRAILBLAZER BACK VIEW DETAILS
 Scale: 1/2" = 1'-0"



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TOWN OF BERRYVILLE
WAYFINDING SIGN SYSTEM
 Berryville, Virginia

COLOR PALETTE

- P1** Pantone 287 C
- P2** Pantone 284 C
- P3** Pantone 7461 C
- P4** Pantone 366 C
- P5** Pantone 7540 C
- P6** Black
- P7** White
- P8** 3/16" Diamond Grade Reflective Sheeting #4090

SPECIFICATIONS KEY

- (P#)** Color Identification
- (SF#)** Sign Panel Specifications
- (M#)** Sign Mounting Specifications

REVISION DATE

PROJECT NO. 2022-0049

SCALE: AS SHOWN

PROJECT MANAGER: SH

CHECKED BY: AM

DRAWN BY: SCH

DATE: July 2024

TI: LARGE VEHICULAR TRAILBLAZER MOUNTING DETAILS

SHEET 17

TI: MOUNTING :

- M1** POST: Use Aluminum 5", round, post with HAPCO - Cat.# HOC-pole height varies-F-5-4-SR-Black decorative base, or an approved equal.
- M2** POST FINIAL: Use Ornamental Post & Panel-SDP 5" Deco Pineapple finial. Paint to match post using Matthews Paint or an approved equal.
- M3** MOUNTING BRACKET: To be two, .25" thick, aluminum C-Channel brackets sized to fit around 5" aluminum post. One C-Channel bracket to be welded to back of main panel. Second C-Channel bracket to slide over back bracket and mechanically attach to post.
- M4** CUSTOM DECORATIVE BRACKET: To be 3/4" thick aluminum, water jet cut bracket with smooth edges; Paint to match post using Matthews Paint or an approved equal. Chemically weld decorative bracket to post mounting bracket and bottom of main sign panel. Bracket shall be provided as a scalable digital file.
- M5** Any reinforcement, fasteners, or fittings shall be painted so as to be inconspicuous. All exposed hardware shall be tamper-resistant, non corrosive fasteners. The size and quantity to be determined by fabricator's structural engineer.
- M6** METAL PROTECTION: Where dissimilar metals contact each other, or where metal contacts other corrosive substrates, protect against galvanic action or corrosion by painting contact surfaces with bituminous coating or by other permanent separation as recommended by metal manufacturer or cited metal standard.

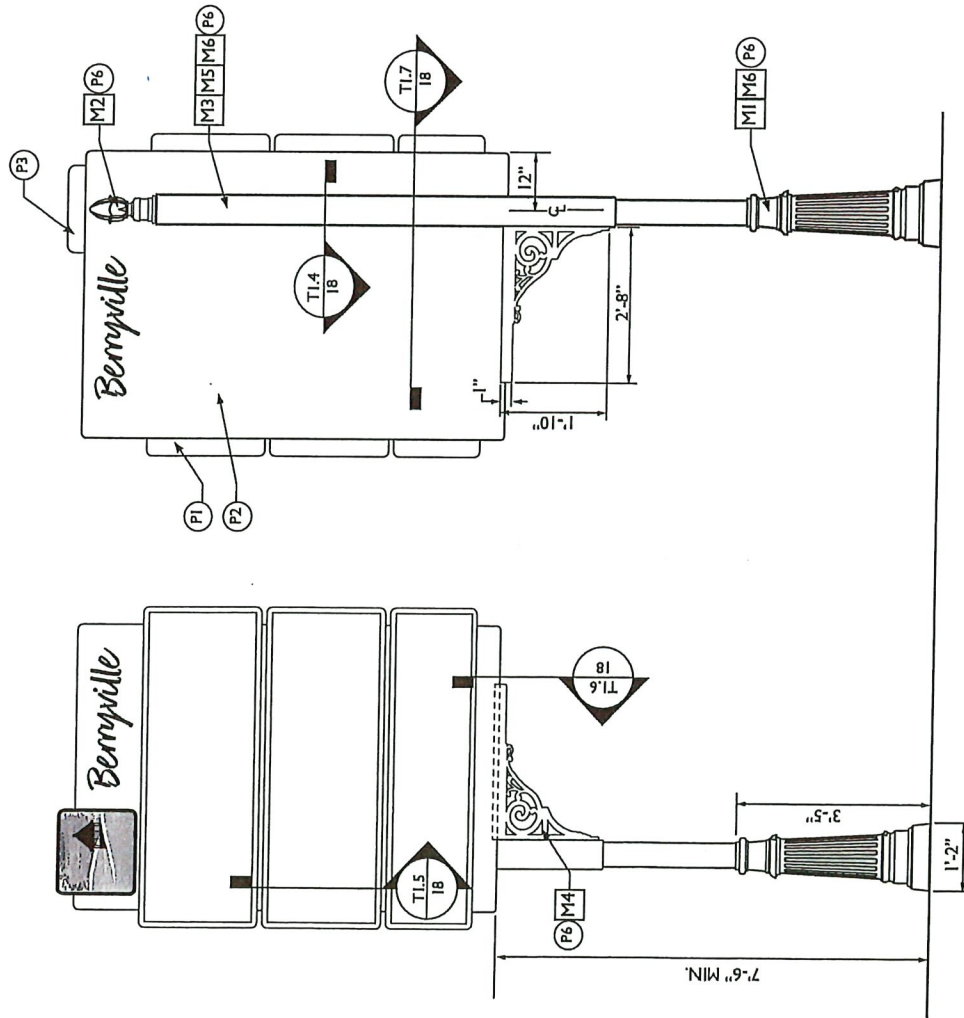
SIGN FABRICATOR NOTES:

1. Sign fabricator shall provide fully engineered drawings including, but not limited to, foundation, electrical and structural for all sign types to Owner for review and approval prior to sign fabrication.
2. Sign fabricator/contractor shall coordinate the exact trailblazer sign locations with the Owner/VDOT prior to sign fabrication.
3. Sign fabricator/installer shall repair all surfaces damaged during the installation of the sign system.

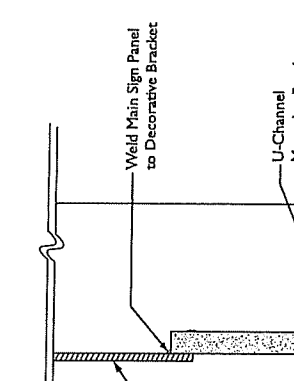
TI: INSTALLATION NOTES:

1. Installation to meet Virginia Department of Transportation's specifications and regulations for the proper installation of signs and to be breakaway as required. Use Dent Breakaway, Industries or an approved equal.
2. For sign programming and general sign locations refer to Programming Overview Map: sections A-F, sheets 30-42.

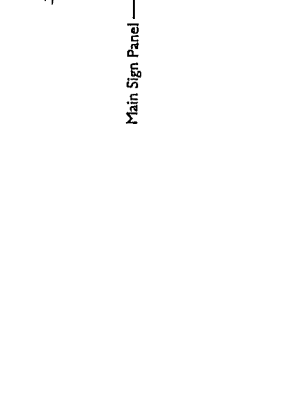
Drawings are design intent only and are NOT for construction. All dimensions and site conditions shall be verified by the contractor/fabricator. Sign contractor/fabricator shall provide fully engineered drawings for all sign types. Shop drawings as well as any changes in design, dimensions, materials, fabrication method, or other details shown in these drawings must be approved prior to proceeding with fabrication.



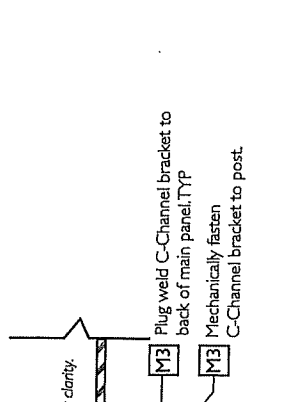
TI.4 VEHICULAR TRAILBLAZER MOUNTING DETAILS
 Scale: 1/2" = 1'-0"



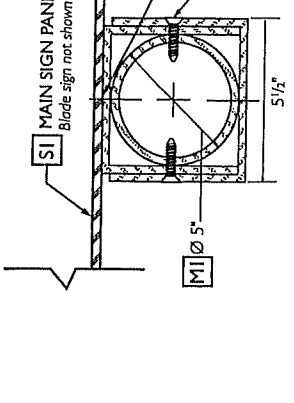
T1.6 DECORATIVE BRACKET ELEVATION DETAIL
 Scale: NTS



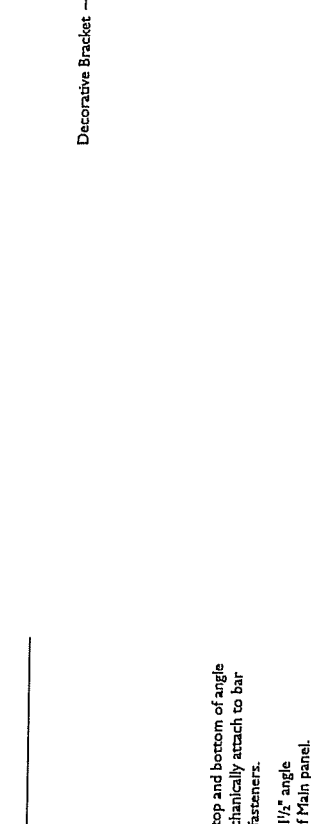
T1.7 DECORATIVE BRACKET MOUNTING DETAILS
 Scale: NTS



T1.4 MOUNTING BRACKET DETAILS
 Scale: NTS



T1.5 SIGN BLADE MOUNTING DETAILS
 Scale: NTS



T1.7 DECORATIVE BRACKET MOUNTING DETAILS
 Scale: NTS

REVISION DATE	
PROJECT NO.	2022-0049
SCALE	AS SHOWN
PROJECT MANAGER	SH
CHECKED BY	AM
DRAWN BY	SCH
DATE	July 2024

T1: LARGE VEHICULAR TRAILBLAZER SECTION DETAILS

Drawings are design intent only and are NOT for construction. All dimensions and site conditions shall be verified by the contractor/fabricator. Sign contractor/fabricator shall provide fully engineered drawings for all sign types. Shop drawings as well as any changes in design, dimensions, materials, fabrication method, or other details shown in these drawings must be approved prior to proceeding with fabrication.

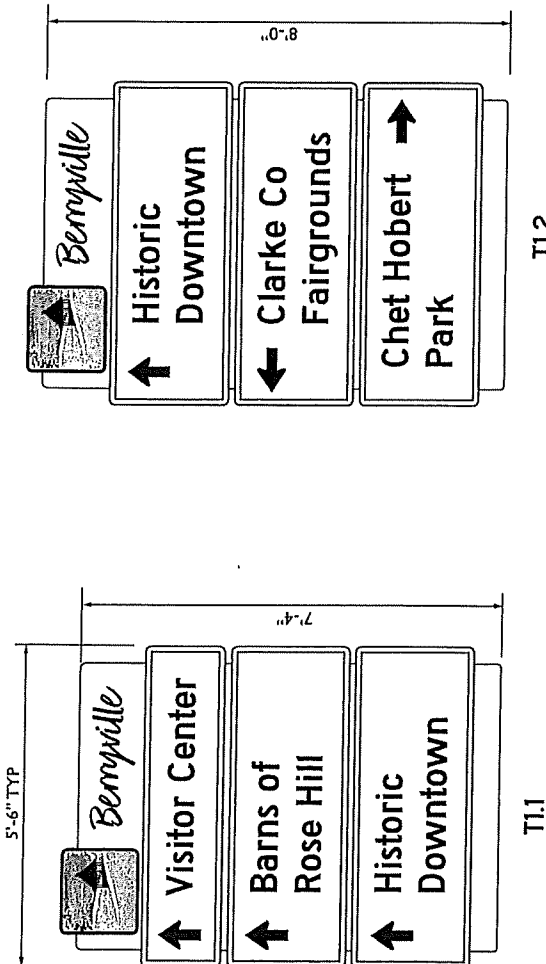


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TOWN OF BERRYVILLE
 WAYFINDING SIGN SYSTEM
 Berryville, Virginia

REVISION DATE	
Programming	10-5-2023
PROJECT NO. 2022-0049	
SCALE: AS SHOWN	
PROJECT MANAGER: SH	
CHECKED BY: AM	
DRAWN BY: SCH	
DATE: July 2024	
T1: LARGE VEHICULAR TRAILBLAZER SIGN PROGRAMMING	

SHEET 19



For sign programming and general sign locations refer to Programming Overview Map: sections A-F, sheets 30-42.

Drawings are design intent only and are NOT for construction. All dimensions and site conditions shall be verified by the contractor/fabricator. Sign contractor/fabricator shall provide fully engineered drawings for all sign types. Shop drawings as well as any changes in design, dimensions, materials, fabrication method, or other details shown in these drawings must be approved prior to proceeding with fabrication.



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 www.frazierassociates.com

TOWN OF BERRYVILLE
WAYFINDING SIGN SYSTEM
 Berryville, Virginia

COLOR PALETTE

- (P1) Pantone 287 C
- (P2) Pantone 284 C
- (P3) Pantone 7461 C
- (P4) Pantone 366 C
- (P5) Pantone 7540 C
- (P6) Black
- (P7) White
- (P8) 3M Diamond Grade Reflective Sheeting #4090

SPECIFICATIONS KEY

- (C#) Color Identification
- (S#) Sign Panel Specifications
- (M##) Sign Mounting Specifications

REVISION DATE

PROJECT NO. 2022-0049

SCALE: AS SHOWN

PROJECT MANAGER: SH

CHECKED BY: AM

DRAWN BY: SCH

DATE: July 2024

T2: SMALL VEHICULAR TRAILBLAZER SIGN DETAILS

SHEET 20

NOTES:

T2: VEHICULAR TRAILBLAZER SIGN:

MAIN PANEL FABRICATION: To be a single, 0.25" thick, cut aluminum panel and painted as indicated. Sign panel radii shall be 2".

MAIN PANEL MESSAGE: "Berryville" to use Better Times font with a 4.5" capital letter and to be painted on top and back of main panel. Refer to T2-VDOT Approval Note.

LOGO PANEL: "Berryville Logo" to be 1/4" thick and mechanically flush-mounted to top of the main panel using tamper-resistant fasteners. Face of panel shall use digital printing process on reflective sheeting, electronically cut sheeting and apply to unpainted aluminum surface following 3M manuf. specifications and overlay with 1170C. No fasteners shall be visible on face of sign. Logo shall be provided as a scalable digital file, refer to LI on sheet 5.

SIGN BLADE FABRICATION: To be a single, 0.125" thick aluminum pan with 1.125" deep edges. Blade panel shall be reflective and have corner radii of 2". Sign blade to be mechanically attached to main panel using tamper-resistant fasteners. No fasteners shall be visible on face of sign blade.

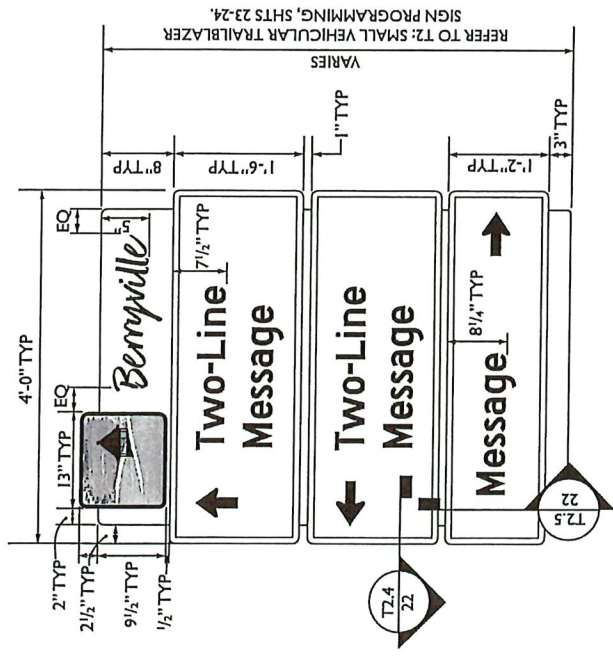
SIGN BLADE MESSAGE: Shall use FHWA Series D2000EX, with 4" capitals, and have a 0.8" wide reflective border.

SIGN BLADE ARROWS: Shall be 4" height x 6" length arrows. Refer to T2: Vehicular Trailblazer Sign Programming, sheets 23-24.

SIGN BLADE FACE: Shall use digital printing process by certified 3M printer/sign fabricator to 3M Diamond Grade (DG3) #4090 reflective sheeting, electronically cut sheeting and apply to unpainted aluminum surface following 3M manuf. specifications and overlay with 1170C.

PAINT COLORS: All exposed surfaces to be primed and painted using Matthews Paints-Satin, and Matthews Paint Super Satin Clearcoat or approved equals. Color match paint to Pantone colors specified.

Drawings are design intent only and are NOT for construction. All dimensions and site conditions shall be verified by the contractor/fabricator. Sign contractor/fabricator shall provide fully engineered drawings for all sign types. Shop drawings as well as any changes in design, dimensions, materials, fabrication method, or other details shown in these drawings must be approved prior to proceeding with fabrication.



T2: VEHICULAR TRAILBLAZER SIGN DETAILS
 Scale: 3/4" = 1'-0"

VDOT APPROVAL NOTE: The VDOT Wayfinding Sign Program Administrator has granted a one-time adjustment for this text "Berryville" to be placed on the back of the vehicular trailblazer signs and parking directional signs.

SIGN WIDTH	SIGN HEIGHT	QUANTITY
4'-0"	4'-3"	3
4'-0"	5'-4"	1
4'-0"	5'-10 1/2"	2
4'-0"	7'-0"	6
TOTALS		12



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 www.frazierassociates.com

**TOWN OF BERRYVILLE
 WAYFINDING SIGN SYSTEM**
 Berryville, Virginia

COLOR PALETTE

- P1** Pantone 287 C
- P2** Pantone 284 C
- P3** Pantone 7461 C
- P4** Pantone 366 C
- P5** Pantone 7540 C
- P6** Black
- P7** White
- P8** 3/4" Diamond Grade Reflective Sheeting #1090

SPECIFICATIONS KEY

- F6** Color Identification
- SF** Sign Panel Specifications
- M#** Sign Mounting Specifications

REVISION DATE

PROJECT NO. 2022-0049
SCALE: AS SHOWN
PROJECT MANAGER: SH
CHECKED BY: AM
DRAWN BY: SCH
DATE: July 2024

**T2- SMALL VEHICULAR
 TRAILBLAZER MOUNTING
 DETAILS**

SHEET 21

T2: MOUNTING :

- M1** POST: Use Aluminum 4"; round, post with HAPCO- Cat.# HOC-pole height varies-F5-4-SR-BA decorative base, or an approved equal.
- M2** POST FINIAL: Use Ornamental Post & Panel-5DP 5" Deco Pineapple finial. Paint to match post using Matthews Paint or an approved equal.
- M3** MOUNTING BRACKET: To be two, .25" thick, C-Channel aluminum brackets sized to fit around 4" aluminum post. One C-Channel bracket to be welded to back of main panel. Second C-Channel bracket to slide over back bracket and mechanically attach to post.
- M4** CUSTOM DECORATIVE BRACKET: To be 3/4" thick aluminum, water jet cut bracket with smooth edges. Paint to match post using Matthews Paint or an approved equal. Chemically weld decorative bracket to post mounting bracket and bottom of main sign panel. Bracket shall be provided as a scalable digital file.
- M5** Any reinforcement, fasteners, or fittings shall be painted so as to be inconspicuous. All exposed hardware shall be tamper-resistant, non corrosive fasteners. The size and quantity to be determined by fabricator's structural engineer.
- M6** METAL PROTECTION: Where dissimilar metals contact each other, or where metal contacts other corrosive substrates, protect against galvanic action or corrosion by painting contact surfaces with bituminous coating or by other permanent separation as recommended by metal manufacturer or cited metal standard.

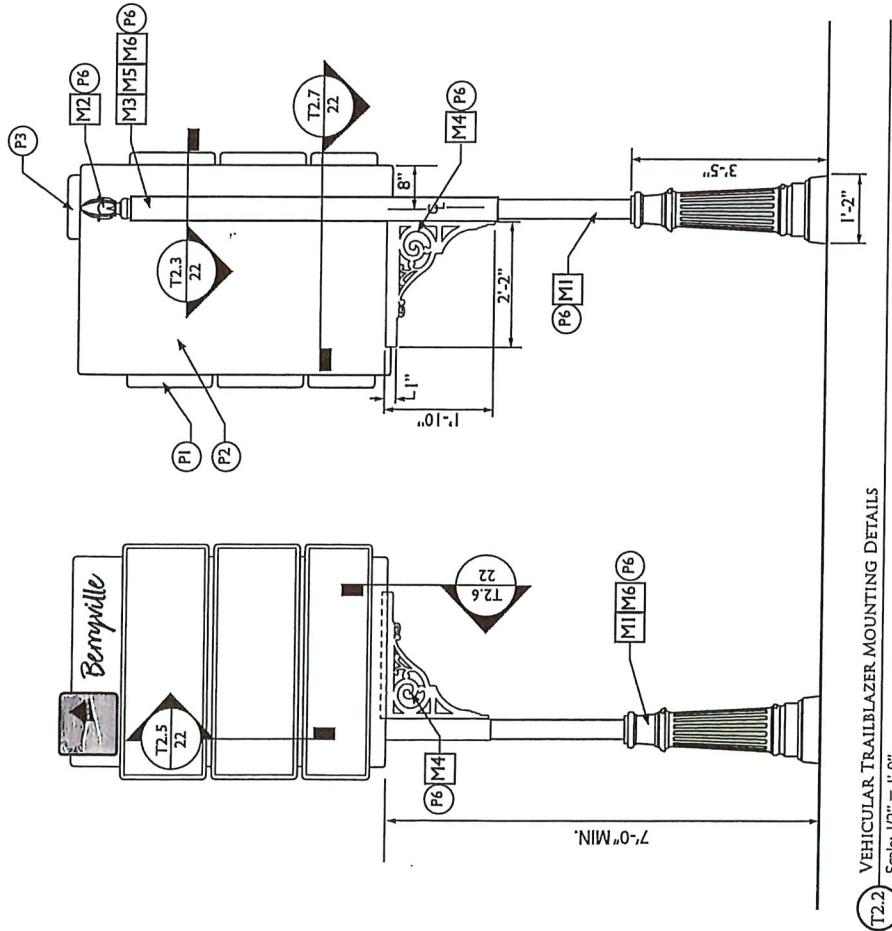
SIGN FABRICATOR NOTES:

- Sign fabricator/contractor shall provide fully engineered drawings including, but not limited to, foundation, electrical and structural for all sign types to Owner for review and approval prior to sign fabrication.
- Sign fabricator/contractor shall coordinate the exact trailblazer sign locations with the Owner/VDOT prior to sign fabrication.
- Sign fabricator/installer shall repair all surfaces damaged during the installation of the sign system.

T2: INSTALLATION NOTES:

- Installation to meet Virginia Department of Transportation's specifications and regulations for the proper installation of signs and to be breakaway as required. Use Dent Breakaway, Industries or an approved equal.
- For general sign locations refer to Vehicular Programming Overview Map: Sections Details A-F sheets 30-42.

Drawings are design intent only and are NOT for construction. All dimensions and site conditions shall be verified by the contractor/fabricator. Sign contractor/fabricator shall provide fully engineered drawings for all sign types. Shop drawings as well as any changes in design, dimensions, materials, fabrication method, or other details shown in these drawings must be approved prior to proceeding with fabrication.



T2.2 VEHICULAR TRAILBLAZER MOUNTING DETAILS
 Scale: 1/2" = 1'-0"



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TOWN OF BERRYVILLE
WAYFINDING SIGN SYSTEM
 Berryville, Virginia

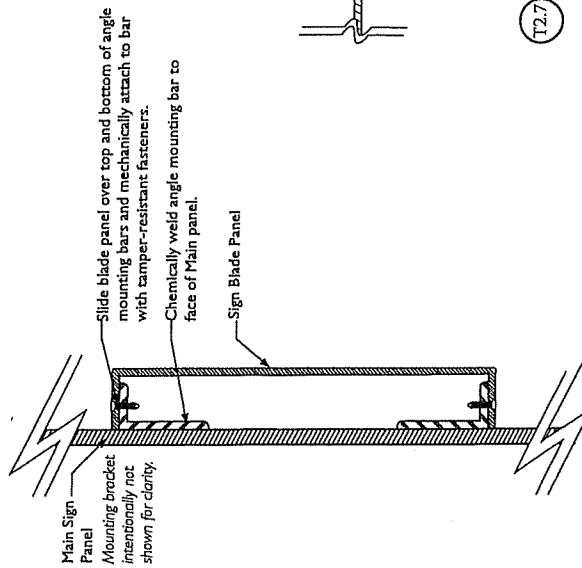
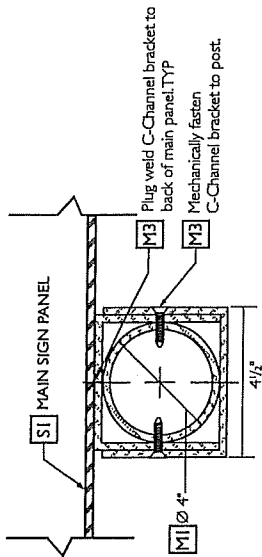
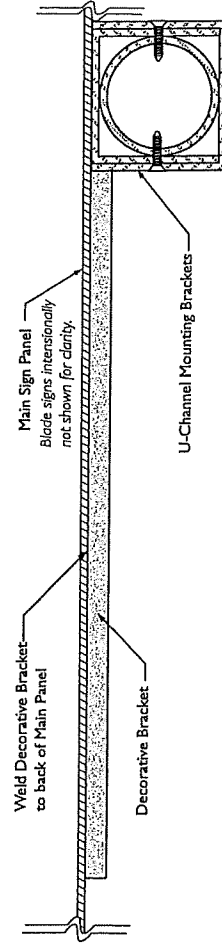
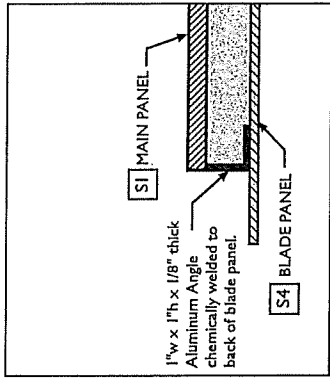
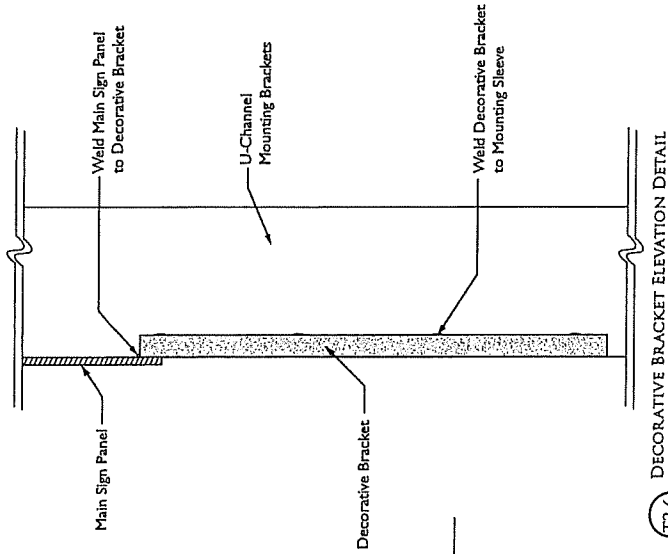
SPECIFICATIONS KEY

- PF Color Identification
- SI Sign Panel Specifications
- M# Sign Mounting Specifications

REVISION DATE	
PROJECT NO.	2022-0049
SCALE	AS SHOWN
PROJECT MANAGER	SH
CHECKED BY	AM
DRAWN BY	SCH
DATE	July 2024

T2: SMALL VEHICULAR TRAILBLAZER SECTION DETAILS

SHEET 22

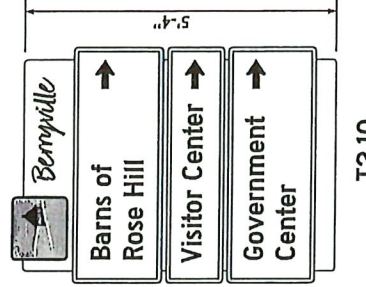
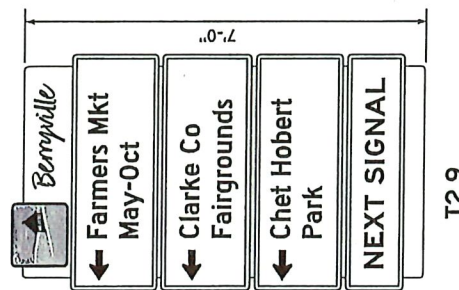
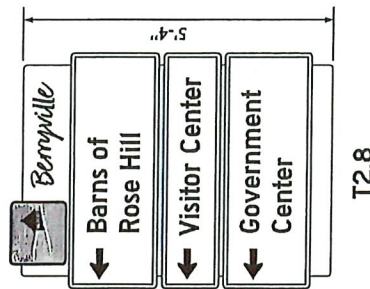
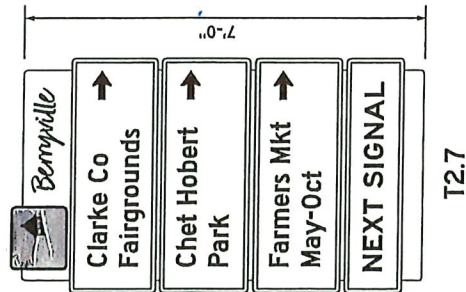
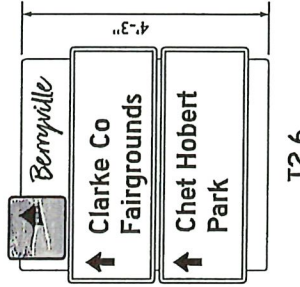
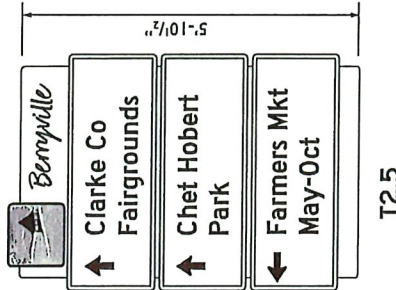
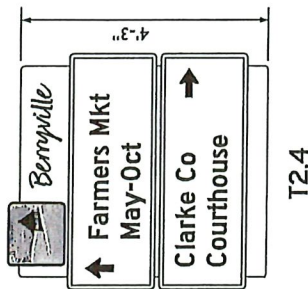
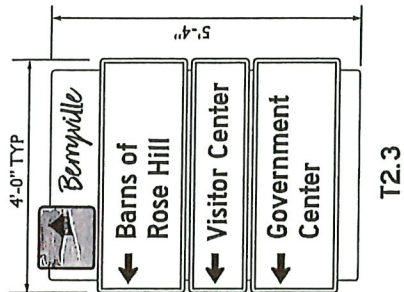


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FRAZIER ASSOCIATES
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 WWW.FRAZIERASSOCIATES.COM

TOWN OF BERRYVILLE
 WAYFINDING SIGN SYSTEM
 Berryville, Virginia



Need to add "NEXT SIGNAL" panel to T2.10

T2: SIGN NOTES:

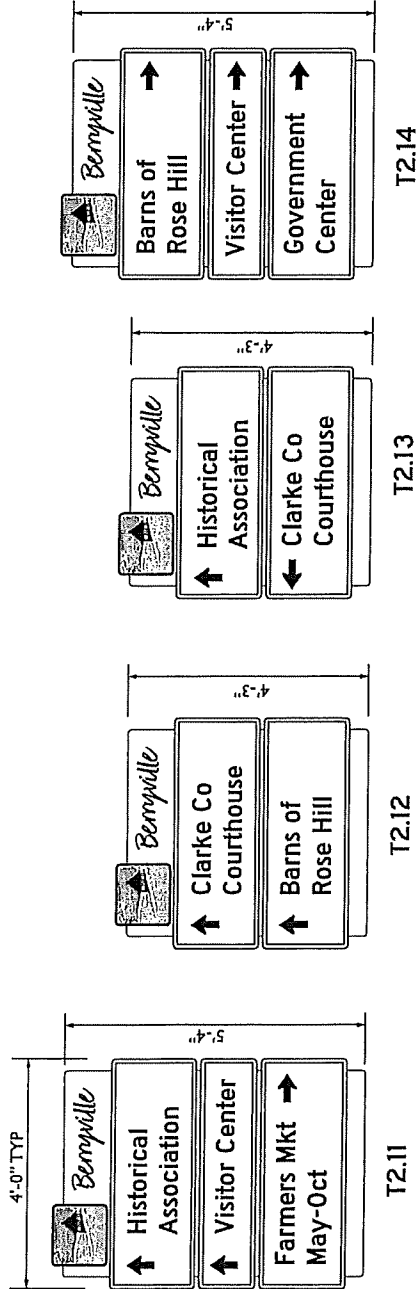
1. For sign details refer to T2: Small Vehicular Trailblazer Sign Details, sheets 20-22.
2. For general sign locations refer to Vehicular Programming Overview Map, Section Details A-F, sheets 30-42.

REVISION DATE	
Programming	10-5-2023
PROJECT NO.	2022-0049
SCALE	AS SHOWN
PROJECT MANAGER	SH
CHECKED BY	AM
DRAWN BY	SCH
DATE	July 2024
T2: SMALL VEHICULAR TRAILBLAZER SIGN PROGRAMMING	
SHEET 23	



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TOWN OF BERRYVILLE
 WAYFINDING SIGN SYSTEM
 Berryville, Virginia



REVISION DATE	
Programming	10-5-2023
PROJECT NO.	2022-0049
SCALE	AS SHOWN
PROJECT MANAGER	SH
CHECKED BY	AM
DRAWN BY	SCH
DATE	July 2024
T2: SMALL VEHICULAR TRAILBLAZER SIGN PROGRAMMING	
SHEET 24	

T2: SIGN NOTES:

- For sign details refer to T2: Small Vehicular Trailblazer Sign Details, sheets 20-22.
- For general sign locations refer to Vehicular Programming Overview Map: Section Details A-F, sheets 30-42.



FRAZIER ASSOCIATES
 ARCHITECTURE-COMMUNITY DESIGN-WAYFINDING
 713 NORTH ALBERTA STREET, STAUNTON, VA 24161
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 www.frazierassociates.com

TOWN OF BERRYVILLE
 WAYFINDING SIGN SYSTEM
 Berryville, Virginia

COLOR PALETTE

- P1 Pantone 287 C
- P2 Pantone 284 C
- P3 Pantone 7461 C
- P4 Pantone 366 C
- P5 Pantone 7540 C
- P6 Black
- P7 White
- P8 3M Diamond Grade Reflective Sheeting #1090

SPECIFICATIONS KEY

- P# Color Identification
- S# Sign Panel Specifications
- M# Sign Mounting Specifications

REVISION DATE

PROJECT NO. 2022-0049

SCALE: AS SHOWN

PROJECT MANAGER: SH

CHECKED BY: AM

DRAWN BY: SCH

DATE: July 2024

P1: PARKING STAND-ALONE DIRECTIONAL SIGN DETAILS

SHEET 25

NOTES:

P1: PARKING STAND-ALONE DIRECTIONAL-

MAIN SIGN PANEL: Use .25" thick, aluminum sign panel. Color match paint colors to Pantone colors specified. Height of panel will vary.

MAIN PANEL SIGN FACE: Shall use digital printing process by certified 3M printer/sign fabricator to 3M Diamond Grade (DG3) #4090 reflective sheeting, electronically cut sheeting and apply to unpainted aluminum surface following 3M manuf. specifications and overlay with 1170C. Process colors shall match Pantone colors specified.

MAIN PANEL SIGN BACK: To be painted as specified with "Berryville" centered and located at the top of the main panel. The sign panel corners shall have a 2" radii. Refer to P1-YDOT Approval Note.

BLADE PANEL SIGN FACE: Shall use digital printing process by certified 3M printer/sign fabricator to 3M Diamond Grade (DG3) #4090 reflective sheeting, electronically cut sheeting and apply to unpainted aluminum surface following 3M manuf. specifications and overlay with 1170C. Process colors shall match colors specified.

BLADE PANEL: Use .125" thick, pan aluminum sign. Sign blade to be mechanically attached to main panel using tamper-resistant fasteners. No fasteners shall be visible on face of sign blade. Back of panel to be painted as specified.

BLADE PANEL BORDER: To be .8" wide and sign panel corners shall have a 2" radii.

PAINT COLORS: All exposed surfaces shall be primed and painted using Matthews acrylic polyurethane paint color matched to color specified. Painted surfaces shall have a UV protective coat of Matthews Paint #42228SP. Satin Clear Topcoat, or approved equal, applied to painted surfaces only.

PARKING ICON: To be 10" sq. with a .8" border and centered on Main Panel. "P" shall use FHWA Series F2000EX, with 6" capital, centered.

MESSAGE: To use FHWA Series C2000EX, with 2" caps and centered text.

ARROWS: Shall be 4" wide x 6" height and centered.

SIGN FABRICATOR NOTES:

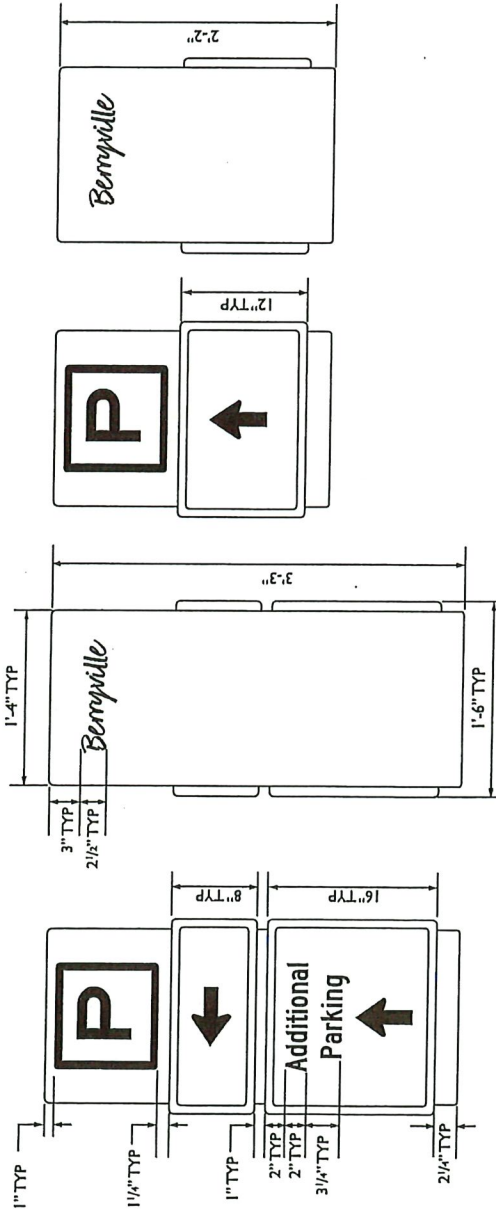
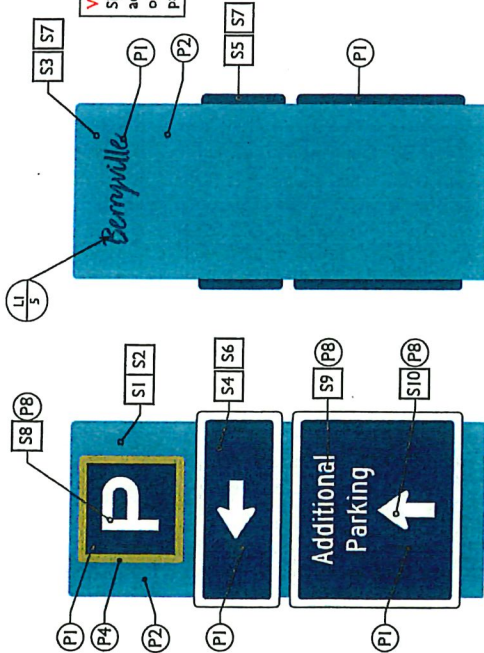
- For sign programming refer to P1: Stand-Alone Parking Sign Programming, sheet 27.

P1: PARKING STAND-ALONE SIGN

QUANTIFIER REFERENCE

VDOT APPROVAL NOTE: The VDOT Wayfinding Sign Program Administrator has granted a one-time adjustment for the text "Berryville" to be placed on the back of the vehicular trailblazer signs and parking directional signs.

No "Additional Parking" signs will be fabricated or installed.
 No up arrows will be fabricated or installed.



P1: PARKING STAND-ALONE DIRECTIONAL SIGN DETAILS

Scale: 1" = 1'-0"

Drawings are design intent only and are NOT for construction. All dimensions and site conditions shall be verified by the contractor/fabricator. Shall provide fully engineered drawings for all sign types. Shop drawings as well as engineering drawings shall include sign dimensions, materials, fabrication method, or other details shown in these drawings must be approved prior to proceeding with fabrication.

COLOR PALETTE

(P1)	Pantone 287 C
(P2)	Pantone 284 C
(P3)	Pantone 7461 C
(P4)	Pantone 366 C
(P5)	Pantone 7540 C
(P6)	Black
(P7)	White
(P8)	3/16" Diamond Grade Reflective Sheeting #4090

SPECIFICATIONS KEY

- (#9) Color Identification
- (#10) Sign Panel Specifications
- (#11) Sign Mounting Specifications

REVISION DATE

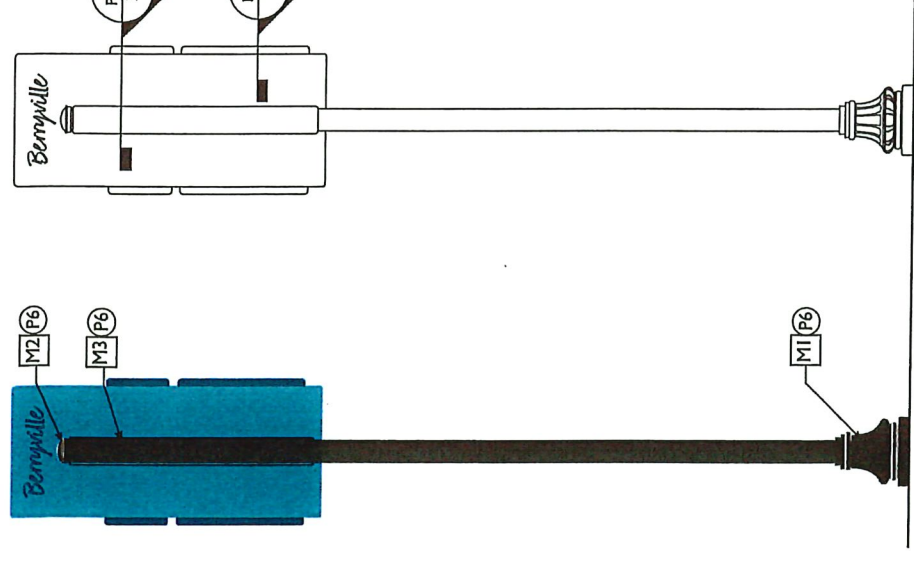
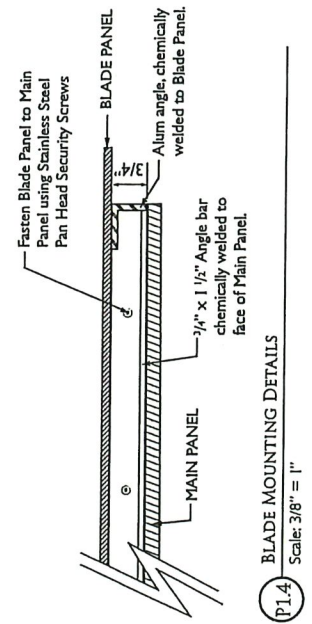
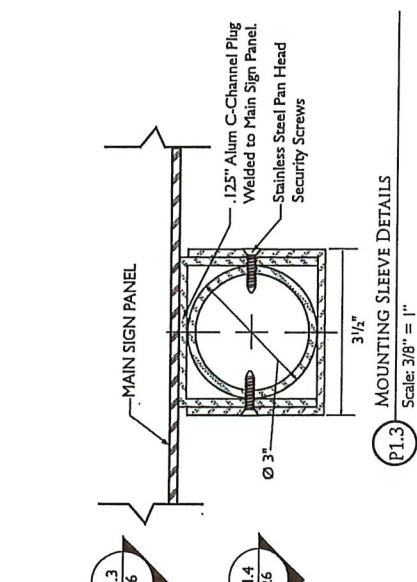
PROJECT NO. 2022-0049
SCALE: AS SHOWN
PROJECT MANAGER: SH
CHECKED BY: AM
DRAWN BY: SCH
DATE: July 2024

PI: STAND-ALONE PARKING DIRECTIONAL MOUNTING DETAILS

- PI: MOUNTING:**
- M1** POST: Use 3" OD, round, aluminum post with Ornamental Post & Panel Manuf: 500-3, pole base cover, or an approved equal. All exposed surfaces shall be primed and painted using Matthews acrylic polyurethane paint color matched to color specified. Painted surfaces shall have a UV protective coat of Matthews Paint #42228SP-Satin Clear Topcoat, or approved equal, applied to painted surfaces. Post shall be break-away as required.
 - M2** POST CAP: Use Ornamental Post and Panel Manuf: 3-DC dome cap or an approved equal. Paint as specified.
 - M3** MOUNTING BRACKET: To be two, .125" thick, C-Channel aluminum brackets sized to fit around 3" aluminum post. One C-Channel bracket to be welded to back of sign panel. Second C-Channel bracket to slide over back bracket and mechanically attach to post.
 - M4** Any reinforcement, fasteners, or fittings shall be painted so as to be inconspicuous. All exposed hardware shall be tamper-resistant, non corrosive fasteners. The size and quantity to be determined by fabricator's structural engineer.

- PI: INSTALLATION NOTES:**
- Refer to PI: Parking Stand-Alone Sign Programming, sheet Z7 for sign programming.
 - For general sign locations refer to Vehicular Programming Overview Map: Section Details A-F, sheets 30-42.

Drawings are design intent only and are NOT for construction. All dimensions and site conditions shall be verified by the contractor/fabricator. Sign contractor shall provide fully engineered drawings for all sign types. Shop drawings as well as sign engineering, materials, fabrication method, or other details shown in these drawings must be approved prior to proceeding with fabrication.

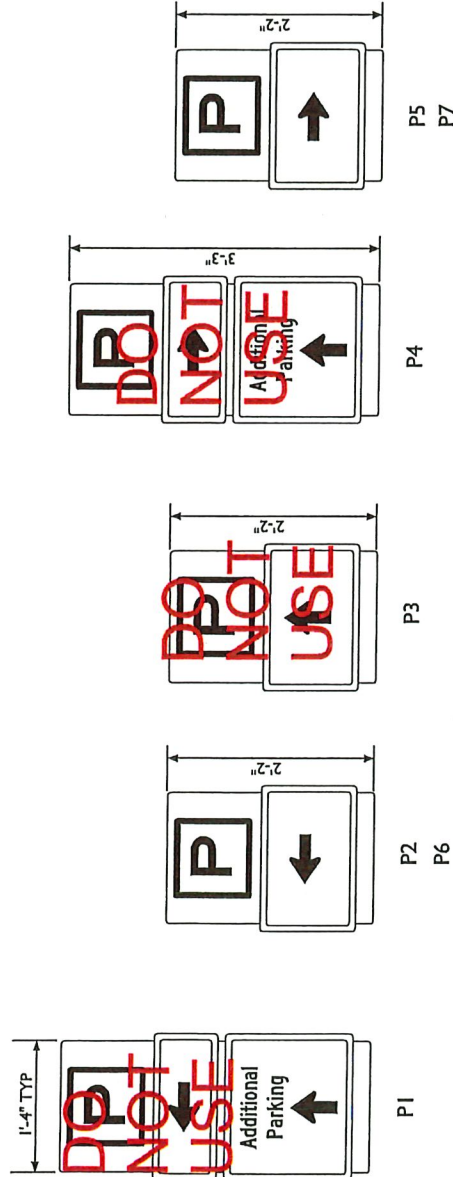


P1.2 PARKING STAND-ALONE SIGN MOUNTING
 Scale: 3/4" = 1'-0"



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TOWN OF BERRYVILLE
 WAYFINDING SIGN SYSTEM
 Berryville, Virginia



- PI: NOTES:**
1. Refer to PI: Parking Stand-Alone Sign Directional Sign Details, sheets 25-26.
 2. For general sign locations refer to Vehicular Programming Overview Map: Section Details A-F, sheets 30-42.

REVISION DATE	
PROJECT NO.	2022-0049
SCALE	AS SHOWN
PROJECT MANAGER	SH
CHECKED BY	AM
DRAWN BY	SCH
DATE	July 2024
PI: PARKING STAND-ALONE SIGN PROGRAMMING	
SHEET 27	

Sign	Route	Direction of travel	Location measured from CL of streets	Notes from road review	Type of Sign	Notes
T1.2	7B	East	704' E of Enders and Shirley Funeral Home, 87" from EOP	Across from Clarke County Ruritan sign	Multi-Arrow Directional/ Three panes: Historic Downtown; Clarke Co Fairgrounds; Chet Hobert Park	
HM, modified	7B	East	206' E of Clarke Co HS entrance, 25' 6" from EOP	W of exit from Rosemont Manor by goats	Modified Historic District marker "Welcome to Historic Berryville, Est 1798"	
T2.11	7B	East	475' E of Heritage Blvd	On property line between CCS Admin building and neighbor to the west	Multi-Arrow Directional/ Three panes: Historical Association; Visitor Center; Farmers Mkt May-Oct	
T2.12	7B	East	370' E of Rice Street	In front of Family Dollar immediately in front of power pole	Multi-Arrow Directional/ Two panes: Clarke Co Courthouse; Barns of Rose Hill	
P7	7B	East	Just before intersection, 7B and 340	Replace current Park and Shop sign	P with R arrow below (directs onto S. Buckmarsh)	
T2.13	7B	East	144' E of 340	Where parking spot and meter was removed from in front of old pharmacy	Multi-Arrow Directional/ Two panes: Clarke Co Courthouse; Historical Association	
P5	7B	East	250' E of 340	Hegani's Alley	P with R arrow below (directs onto S. Church)	
T2.14	7B	East	30' W of Chalmers Ct	Replace current BCCGC sign	Multi-Arrow Directional/ Three panes: Barns of Rose Hill; Visitor's Center; Government Center	
HM, modified	7B	West	200' W of Clermont Ln	At property line	Modified Historic District marker "Welcome to Historic Berryville, Est 1798"	
T1.1	7B	West	1510' W of Clermont Ln	32' w of power pole 57577	Multi-Arrow Directional/ Three panes; Barns of Rose Hill, Visitor's Center, Historic Downtown	
T2.4	7B	West	605' W of Page St	In front of CC Historical Society	Multi-Arrow Directional/ Two panes: Clarke Co Courthouse; Farmers Market May-Oct	
P2	7B	West	871' W of Page St	Replace Park and Shop sign near BOCC	P with L arrow below (directs onto S. Church)	
T2.3	7B	West	56' W of Page St	Replace current BCCGC sign	Multi-Arrow Directional/ Three panes: Barns of Rose Hill, Visitor Center, Government Center	carry over Library pictograph
T2.5	7B	West	544' W of Smith St	At 316 W Main St	Multi-Arrow Directional/ Three panes: Clarke Co Fairgrounds, Chet Hobert Park, Farmers Mkt May-Oct	
T2.6	7B	West	60' W of CCHS entrance	Just past the CCHS entrance	Multi-Arrow Directional/ Two panes: Clarke Co Fairgrounds; Chet Hobert Park	
HM, modified	340	North	Intersection of 340 and S. Church	Next to pump station	Modified Historic District marker "Welcome to Historic Berryville, Est. 1798"	HOA owns this property
T2.9	340	North	188' N of Swan Ave	At property line between 116 and 118 S. Buckmarsh	Multi-Arrow Directional/ Four panes: Farmers Mkt May-Oct; Clarke Co Fairgrounds; Chet Hobert Park; NEXT SIGNAL	
T2.10	340	North	340' N of Swan Ave	Between 100 and 112 S. Buckmarsh	Multi-Arrow Directional/ Four panes: Barns of Rose Hill; Visitor Center; Government Center	
P5 (duplicate)	340	North	Intersection of Crow and 240		P with R arrow (directs onto Crow)	Need to add NEXT SIGNAL
HM, modified	340	South	1167' S of 7E ramp	At Bank of Clarke property corner	Modified Historic District marker "Welcome to Historic Berryville, Est. 1798"	
T2.7	340	South	289' S of Treadwell St		Multi-Arrow Directional/ Four panes: Farmers Mkt May-Oct; Clarke Co Fairgrounds; Chet Hobert Park; NEXT SIGNAL	
P6	340	South	174' S of 7B	105 N Buckmarsh At 340 sign in front of Enders FH	P with L arrow below (directs onto Crow)	
T2.8	340	South	68' S of Academy	Move to where Tourist info sign is	Multi-Arrow Directional/ Three panes: Barns of Rose Hill, Visitor Center, Government Center	Relocation of Homespun and Tourist Info signs are preapproved by VA Logo

Request for Taxpayer Identification Number and Certification

Go to www.irs.gov/FormW9 for instructions and the latest information.

Give form to the
requester. Do not
send to the IRS.

Before you begin. For guidance related to the purpose of Form W-9, see *Purpose of Form*, below.

Print or type. See Specific Instructions on page 3.	<p>1 Name of entity/individual. An entry is required. (For a sole proprietor or disregarded entity, enter the owner's name on line 1, and enter the business/disregarded entity's name on line 2.)</p>		
	<p>2 Business name/disregarded entity name, if different from above.</p>		
	<p>3a Check the appropriate box for federal tax classification of the entity/individual whose name is entered on line 1. Check only one of the following seven boxes.</p> <p><input type="checkbox"/> Individual/sole proprietor <input type="checkbox"/> C corporation <input type="checkbox"/> S corporation <input type="checkbox"/> Partnership <input type="checkbox"/> Trust/estate</p> <p><input type="checkbox"/> LLC. Enter the tax classification (C = C corporation, S = S corporation, P = Partnership)</p> <p>Note: Check the "LLC" box above and, in the entry space, enter the appropriate code (C, S, or P) for the tax classification of the LLC, unless it is a disregarded entity. A disregarded entity should instead check the appropriate box for the tax classification of its owner.</p> <p><input type="checkbox"/> Other (see instructions) _____</p>	<p>4 Exemptions (codes apply only to certain entities, not individuals; see instructions on page 3):</p> <p>Exempt payee code (if any) _____</p> <p>Exemption from Foreign Account Tax Compliance Act (FATCA) reporting code (if any) _____</p> <p style="text-align: right;"><i>(Applies to accounts maintained outside the United States.)</i></p>	
	<p>3b If on line 3a you checked "Partnership" or "Trust/estate," or checked "LLC" and entered "P" as its tax classification, and you are providing this form to a partnership, trust, or estate in which you have an ownership interest, check this box if you have any foreign partners, owners, or beneficiaries. See instructions <input type="checkbox"/></p>		
	<p>5 Address (number, street, and apt. or suite no.). See instructions.</p>	<p>Requester's name and address (optional)</p>	
	<p>6 City, state, and ZIP code</p>		
	<p>7 List account number(s) here (optional)</p>		

Part I Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. The TIN provided must match the name given on line 1 to avoid backup withholding. For individuals, this is generally your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the instructions for Part I, later. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN*, later.

Note: If the account is in more than one name, see the instructions for line 1. See also *What Name and Number To Give the Requester* for guidelines on whose number to enter.

Social security number																
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Part II Certification

Under penalties of perjury, I certify that:

1. The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me); and
2. I am not subject to backup withholding because (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding; and
3. I am a U.S. citizen or other U.S. person (defined below); and
4. The FATCA code(s) entered on this form (if any) indicating that I am exempt from FATCA reporting is correct.

Certification instructions. You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and, generally, payments other than interest and dividends, you are not required to sign the certification, but you must provide your correct TIN. See the instructions for Part II, later.

Sign Here	Signature of U.S. person	Date
------------------	--------------------------	------

General Instructions

Section references are to the Internal Revenue Code unless otherwise noted.

Future developments. For the latest information about developments related to Form W-9 and its instructions, such as legislation enacted after they were published, go to www.irs.gov/FormW9.

What's New

Line 3a has been modified to clarify how a disregarded entity completes this line. An LLC that is a disregarded entity should check the appropriate box for the tax classification of its owner. Otherwise, it should check the "LLC" box and enter its appropriate tax classification.

New line 3b has been added to this form. A flow-through entity is required to complete this line to indicate that it has direct or indirect foreign partners, owners, or beneficiaries when it provides the Form W-9 to another flow-through entity in which it has an ownership interest. This change is intended to provide a flow-through entity with information regarding the status of its indirect foreign partners, owners, or beneficiaries, so that it can satisfy any applicable reporting requirements. For example, a partnership that has any indirect foreign partners may be required to complete Schedules K-2 and K-3. See the Partnership Instructions for Schedules K-2 and K-3 (Form 1065).

Purpose of Form

An individual or entity (Form W-9 requester) who is required to file an information return with the IRS is giving you this form because they

must obtain your correct taxpayer identification number (TIN), which may be your social security number (SSN), individual taxpayer identification number (ITIN), adoption taxpayer identification number (ATIN), or employer identification number (EIN), to report on an information return the amount paid to you, or other amount reportable on an information return. Examples of information returns include, but are not limited to, the following.

- Form 1099-INT (interest earned or paid).
- Form 1099-DIV (dividends, including those from stocks or mutual funds).
- Form 1099-MISC (various types of income, prizes, awards, or gross proceeds).
- Form 1099-NEC (nonemployee compensation).
- Form 1099-B (stock or mutual fund sales and certain other transactions by brokers).
- Form 1099-S (proceeds from real estate transactions).
- Form 1099-K (merchant card and third-party network transactions).
- Form 1098 (home mortgage interest), 1098-E (student loan interest), and 1098-T (tuition).
- Form 1099-C (canceled debt).
- Form 1099-A (acquisition or abandonment of secured property).

Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN.

Caution: If you don't return Form W-9 to the requester with a TIN, you might be subject to backup withholding. See *What is backup withholding*, later.

By signing the filled-out form, you:

1. Certify that the TIN you are giving is correct (or you are waiting for a number to be issued);
2. Certify that you are not subject to backup withholding; or
3. Claim exemption from backup withholding if you are a U.S. exempt payee; and
4. Certify to your non-foreign status for purposes of withholding under chapter 3 or 4 of the Code (if applicable); and
5. Certify that FATCA code(s) entered on this form (if any) indicating that you are exempt from the FATCA reporting is correct. See *What Is FATCA Reporting*, later, for further information.

Note: If you are a U.S. person and a requester gives you a form other than Form W-9 to request your TIN, you must use the requester's form if it is substantially similar to this Form W-9.

Definition of a U.S. person. For federal tax purposes, you are considered a U.S. person if you are:

- An individual who is a U.S. citizen or U.S. resident alien;
- A partnership, corporation, company, or association created or organized in the United States or under the laws of the United States;
- An estate (other than a foreign estate); or
- A domestic trust (as defined in Regulations section 301.7701-7).

Establishing U.S. status for purposes of chapter 3 and chapter 4 withholding. Payments made to foreign persons, including certain distributions, allocations of income, or transfers of sales proceeds, may be subject to withholding under chapter 3 or chapter 4 of the Code (sections 1441–1474). Under those rules, if a Form W-9 or other certification of non-foreign status has not been received, a withholding agent, transferee, or partnership (payor) generally applies presumption rules that may require the payor to withhold applicable tax from the recipient, owner, transferor, or partner (payee). See Pub. 515, *Withholding of Tax on Nonresident Aliens and Foreign Entities*.

The following persons must provide Form W-9 to the payor for purposes of establishing its non-foreign status.

- In the case of a disregarded entity with a U.S. owner, the U.S. owner of the disregarded entity and not the disregarded entity.
- In the case of a grantor trust with a U.S. grantor or other U.S. owner, generally, the U.S. grantor or other U.S. owner of the grantor trust and not the grantor trust.
- In the case of a U.S. trust (other than a grantor trust), the U.S. trust and not the beneficiaries of the trust.

See Pub. 515 for more information on providing a Form W-9 or a certification of non-foreign status to avoid withholding.

Foreign person. If you are a foreign person or the U.S. branch of a foreign bank that has elected to be treated as a U.S. person (under Regulations section 1.1441-1(b)(2)(iv) or other applicable section for chapter 3 or 4 purposes), do not use Form W-9. Instead, use the appropriate Form W-8 or Form 8233 (see Pub. 515). If you are a qualified foreign pension fund under Regulations section 1.897(l)-1(d), or a partnership that is wholly owned by qualified foreign pension funds, that is treated as a non-foreign person for purposes of section 1445 withholding, do not use Form W-9. Instead, use Form W-8EXP (or other certification of non-foreign status).

Nonresident alien who becomes a resident alien. Generally, only a nonresident individual may use the terms of a tax treaty to reduce or eliminate U.S. tax on certain types of income. However, most tax treaties contain a provision known as a saving clause. Exceptions specified in the saving clause may permit an exemption from tax to continue for certain types of income even after the payee has otherwise become a U.S. resident alien for tax purposes.

If you are a U.S. resident alien who is relying on an exception contained in the saving clause of a tax treaty to claim an exemption from U.S. tax on certain types of income, you must attach a statement to Form W-9 that specifies the following five items.

1. The treaty country. Generally, this must be the same treaty under which you claimed exemption from tax as a nonresident alien.
2. The treaty article addressing the income.
3. The article number (or location) in the tax treaty that contains the saving clause and its exceptions.
4. The type and amount of income that qualifies for the exemption from tax.
5. Sufficient facts to justify the exemption from tax under the terms of the treaty article.

Example. Article 20 of the U.S.-China income tax treaty allows an exemption from tax for scholarship income received by a Chinese student temporarily present in the United States. Under U.S. law, this student will become a resident alien for tax purposes if their stay in the United States exceeds 5 calendar years. However, paragraph 2 of the first Protocol to the U.S.-China treaty (dated April 30, 1984) allows the provisions of Article 20 to continue to apply even after the Chinese student becomes a resident alien of the United States. A Chinese student who qualifies for this exception (under paragraph 2 of the first Protocol) and is relying on this exception to claim an exemption from tax on their scholarship or fellowship income would attach to Form W-9 a statement that includes the information described above to support that exemption.

If you are a nonresident alien or a foreign entity, give the requester the appropriate completed Form W-8 or Form 8233.

Backup Withholding

What is backup withholding? Persons making certain payments to you must under certain conditions withhold and pay to the IRS 24% of such payments. This is called "backup withholding." Payments that may be subject to backup withholding include, but are not limited to, interest, tax-exempt interest, dividends, broker and barter exchange transactions, rents, royalties, nonemployee pay, payments made in settlement of payment card and third-party network transactions, and certain payments from fishing boat operators. Real estate transactions are not subject to backup withholding.

You will not be subject to backup withholding on payments you receive if you give the requester your correct TIN, make the proper certifications, and report all your taxable interest and dividends on your tax return.

Payments you receive will be subject to backup withholding if:

1. You do not furnish your TIN to the requester;
2. You do not certify your TIN when required (see the instructions for Part II for details);
3. The IRS tells the requester that you furnished an incorrect TIN;
4. The IRS tells you that you are subject to backup withholding because you did not report all your interest and dividends on your tax return (for reportable interest and dividends only); or
5. You do not certify to the requester that you are not subject to backup withholding, as described in item 4 under "*By signing the filled-out form*" above (for reportable interest and dividend accounts opened after 1983 only).

Certain payees and payments are exempt from backup withholding. See *Exempt payee code*, later, and the separate Instructions for the Requester of Form W-9 for more information.

See also *Establishing U.S. status for purposes of chapter 3 and chapter 4 withholding*, earlier.

What Is FATCA Reporting?

The Foreign Account Tax Compliance Act (FATCA) requires a participating foreign financial institution to report all U.S. account holders that are specified U.S. persons. Certain payees are exempt from FATCA reporting. See *Exemption from FATCA reporting code*, later, and the Instructions for the Requester of Form W-9 for more information.

Updating Your Information

You must provide updated information to any person to whom you claimed to be an exempt payee if you are no longer an exempt payee and anticipate receiving reportable payments in the future from this person. For example, you may need to provide updated information if you are a C corporation that elects to be an S corporation, or if you are no longer tax exempt. In addition, you must furnish a new Form W-9 if the name or TIN changes for the account, for example, if the grantor of a grantor trust dies.

Penalties

Failure to furnish TIN. If you fail to furnish your correct TIN to a requester, you are subject to a penalty of \$50 for each such failure unless your failure is due to reasonable cause and not to willful neglect.

Civil penalty for false information with respect to withholding. If you make a false statement with no reasonable basis that results in no backup withholding, you are subject to a \$500 penalty.

Criminal penalty for falsifying information. Willfully falsifying certifications or affirmations may subject you to criminal penalties including fines and/or imprisonment.

Misuse of TINs. If the requester discloses or uses TINs in violation of federal law, the requester may be subject to civil and criminal penalties.

Specific Instructions

Line 1

You must enter one of the following on this line; **do not** leave this line blank. The name should match the name on your tax return.

If this Form W-9 is for a joint account (other than an account maintained by a foreign financial institution (FFI)), list first, and then circle, the name of the person or entity whose number you entered in Part I of Form W-9. If you are providing Form W-9 to an FFI to document a joint account, each holder of the account that is a U.S. person must provide a Form W-9.

• **Individual.** Generally, enter the name shown on your tax return. If you have changed your last name without informing the Social Security Administration (SSA) of the name change, enter your first name, the last name as shown on your social security card, and your new last name.

Note for ITIN applicant: Enter your individual name as it was entered on your Form W-7 application, line 1a. This should also be the same as the name you entered on the Form 1040 you filed with your application.

• **Sole proprietor.** Enter your individual name as shown on your Form 1040 on line 1. Enter your business, trade, or "doing business as" (DBA) name on line 2.

• **Partnership, C corporation, S corporation, or LLC, other than a disregarded entity.** Enter the entity's name as shown on the entity's tax return on line 1 and any business, trade, or DBA name on line 2.

• **Other entities.** Enter your name as shown on required U.S. federal tax documents on line 1. This name should match the name shown on the charter or other legal document creating the entity. Enter any business, trade, or DBA name on line 2.

• **Disregarded entity.** In general, a business entity that has a single owner, including an LLC, and is not a corporation, is disregarded as an entity separate from its owner (a disregarded entity). See Regulations section 301.7701-2(c)(2). A disregarded entity should check the appropriate box for the tax classification of its owner. Enter the owner's name on line 1. The name of the owner entered on line 1 should never be a disregarded entity. The name on line 1 should be the name shown on the income tax return on which the income should be reported. For

example, if a foreign LLC that is treated as a disregarded entity for U.S. federal tax purposes has a single owner that is a U.S. person, the U.S. owner's name is required to be provided on line 1. If the direct owner of the entity is also a disregarded entity, enter the first owner that is not disregarded for federal tax purposes. Enter the disregarded entity's name on line 2. If the owner of the disregarded entity is a foreign person, the owner must complete an appropriate Form W-8 instead of a Form W-9. This is the case even if the foreign person has a U.S. TIN.

Line 2

If you have a business name, trade name, DBA name, or disregarded entity name, enter it on line 2.

Line 3a

Check the appropriate box on line 3a for the U.S. federal tax classification of the person whose name is entered on line 1. Check only one box on line 3a.

IF the entity/individual on line 1 is a(n) . . .	THEN check the box for . . .
• Corporation	Corporation.
• Individual or • Sole proprietorship	Individual/sole proprietor.
• LLC classified as a partnership for U.S. federal tax purposes or • LLC that has filed Form 8832 or 2553 electing to be taxed as a corporation	Limited liability company and enter the appropriate tax classification: P = Partnership, C = C corporation, or S = S corporation.
• Partnership	Partnership.
• Trust/estate	Trust/estate.

Line 3b

Check this box if you are a partnership (including an LLC classified as a partnership for U.S. federal tax purposes), trust, or estate that has any foreign partners, owners, or beneficiaries, and you are providing this form to a partnership, trust, or estate, in which you have an ownership interest. You must check the box on line 3b if you receive a Form W-8 (or documentary evidence) from any partner, owner, or beneficiary establishing foreign status or if you receive a Form W-9 from any partner, owner, or beneficiary that has checked the box on line 3b.

Note: A partnership that provides a Form W-9 and checks box 3b may be required to complete Schedules K-2 and K-3 (Form 1065). For more information, see the Partnership Instructions for Schedules K-2 and K-3 (Form 1065).

If you are required to complete line 3b but fail to do so, you may not receive the information necessary to file a correct information return with the IRS or furnish a correct payee statement to your partners or beneficiaries. See, for example, sections 6698, 6722, and 6724 for penalties that may apply.

Line 4 Exemptions

If you are exempt from backup withholding and/or FATCA reporting, enter in the appropriate space on line 4 any code(s) that may apply to you.

Exempt payee code.

- Generally, individuals (including sole proprietors) are not exempt from backup withholding.
- Except as provided below, corporations are exempt from backup withholding for certain payments, including interest and dividends.
- Corporations are not exempt from backup withholding for payments made in settlement of payment card or third-party network transactions.
- Corporations are not exempt from backup withholding with respect to attorneys' fees or gross proceeds paid to attorneys, and corporations that provide medical or health care services are not exempt with respect to payments reportable on Form 1099-MISC.

The following codes identify payees that are exempt from backup withholding. Enter the appropriate code in the space on line 4.

1—An organization exempt from tax under section 501(a), any IRA, or a custodial account under section 403(b)(7) if the account satisfies the requirements of section 401(f)(2).

- 2—The United States or any of its agencies or instrumentalities.
- 3—A state, the District of Columbia, a U.S. commonwealth or territory, or any of their political subdivisions or instrumentalities.
- 4—A foreign government or any of its political subdivisions, agencies, or instrumentalities.
- 5—A corporation.
- 6—A dealer in securities or commodities required to register in the United States, the District of Columbia, or a U.S. commonwealth or territory.
- 7—A futures commission merchant registered with the Commodity Futures Trading Commission.
- 8—A real estate investment trust.
- 9—An entity registered at all times during the tax year under the Investment Company Act of 1940.
- 10—A common trust fund operated by a bank under section 584(a).
- 11—A financial institution as defined under section 581.
- 12—A middleman known in the investment community as a nominee or custodian.
- 13—A trust exempt from tax under section 664 or described in section 4947.

The following chart shows types of payments that may be exempt from backup withholding. The chart applies to the exempt payees listed above, 1 through 13.

IF the payment is for . . .	THEN the payment is exempt for . . .
• Interest and dividend payments	All exempt payees except for 7.
• Broker transactions	Exempt payees 1 through 4 and 6 through 11 and all C corporations. S corporations must not enter an exempt payee code because they are exempt only for sales of noncovered securities acquired prior to 2012.
• Barter exchange transactions and patronage dividends	Exempt payees 1 through 4.
• Payments over \$600 required to be reported and direct sales over \$5,000 ¹	Generally, exempt payees 1 through 5. ²
• Payments made in settlement of payment card or third-party network transactions	Exempt payees 1 through 4.

¹ See Form 1099-MISC, Miscellaneous Information, and its instructions.

² However, the following payments made to a corporation and reportable on Form 1099-MISC are not exempt from backup withholding: medical and health care payments, attorneys' fees, gross proceeds paid to an attorney reportable under section 6045(f), and payments for services paid by a federal executive agency.

Exemption from FATCA reporting code. The following codes identify payees that are exempt from reporting under FATCA. These codes apply to persons submitting this form for accounts maintained outside of the United States by certain foreign financial institutions. Therefore, if you are only submitting this form for an account you hold in the United States, you may leave this field blank. Consult with the person requesting this form if you are uncertain if the financial institution is subject to these requirements. A requester may indicate that a code is not required by providing you with a Form W-9 with "Not Applicable" (or any similar indication) entered on the line for a FATCA exemption code.

A—An organization exempt from tax under section 501(a) or any individual retirement plan as defined in section 7701(a)(37).

B—The United States or any of its agencies or instrumentalities.

C—A state, the District of Columbia, a U.S. commonwealth or territory, or any of their political subdivisions or instrumentalities.

D—A corporation the stock of which is regularly traded on one or more established securities markets, as described in Regulations section 1.1472-1(c)(1)(i).

E—A corporation that is a member of the same expanded affiliated group as a corporation described in Regulations section 1.1472-1(c)(1)(i).

F—A dealer in securities, commodities, or derivative financial instruments (including notional principal contracts, futures, forwards, and options) that is registered as such under the laws of the United States or any state.

G—A real estate investment trust.

H—A regulated investment company as defined in section 851 or an entity registered at all times during the tax year under the Investment Company Act of 1940.

I—A common trust fund as defined in section 584(a).

J—A bank as defined in section 581.

K—A broker.

L—A trust exempt from tax under section 664 or described in section 4947(a)(1).

M—A tax-exempt trust under a section 403(b) plan or section 457(g) plan.

Note: You may wish to consult with the financial institution requesting this form to determine whether the FATCA code and/or exempt payee code should be completed.

Line 5

Enter your address (number, street, and apartment or suite number). This is where the requester of this Form W-9 will mail your information returns. If this address differs from the one the requester already has on file, enter "NEW" at the top. If a new address is provided, there is still a chance the old address will be used until the payor changes your address in their records.

Line 6

Enter your city, state, and ZIP code.

Part I. Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. If you are a resident alien and you do not have, and are not eligible to get, an SSN, your TIN is your IRS ITIN. Enter it in the entry space for the Social security number. If you do not have an ITIN, see *How to get a TIN* below.

If you are a sole proprietor and you have an EIN, you may enter either your SSN or EIN.

If you are a single-member LLC that is disregarded as an entity separate from its owner, enter the owner's SSN (or EIN, if the owner has one). If the LLC is classified as a corporation or partnership, enter the entity's EIN.

Note: See *What Name and Number To Give the Requester*, later, for further clarification of name and TIN combinations.

How to get a TIN. If you do not have a TIN, apply for one immediately. To apply for an SSN, get Form SS-5, Application for a Social Security Card, from your local SSA office or get this form online at www.SSA.gov. You may also get this form by calling 800-772-1213. Use Form W-7, Application for IRS Individual Taxpayer Identification Number, to apply for an ITIN, or Form SS-4, Application for Employer Identification Number, to apply for an EIN. You can apply for an EIN online by accessing the IRS website at www.irs.gov/EIN. Go to www.irs.gov/Forms to view, download, or print Form W-7 and/or Form SS-4. Or, you can go to www.irs.gov/OrderForms to place an order and have Form W-7 and/or Form SS-4 mailed to you within 15 business days.

If you are asked to complete Form W-9 but do not have a TIN, apply for a TIN and enter "Applied For" in the space for the TIN, sign and date the form, and give it to the requester. For interest and dividend payments, and certain payments made with respect to readily tradable instruments, you will generally have 60 days to get a TIN and give it to the requester before you are subject to backup withholding on payments. The 60-day rule does not apply to other types of payments. You will be subject to backup withholding on all such payments until you provide your TIN to the requester.

Note: Entering "Applied For" means that you have already applied for a TIN or that you intend to apply for one soon. See also *Establishing U.S. status for purposes of chapter 3 and chapter 4 withholding*, earlier, for when you may instead be subject to withholding under chapter 3 or 4 of the Code.

Caution: A disregarded U.S. entity that has a foreign owner must use the appropriate Form W-8.

Part II. Certification

To establish to the withholding agent that you are a U.S. person, or resident alien, sign Form W-9. You may be requested to sign by the withholding agent even if item 1, 4, or 5 below indicates otherwise.

For a joint account, only the person whose TIN is shown in Part I should sign (when required). In the case of a disregarded entity, the person identified on line 1 must sign. Exempt payees, see *Exempt payee code*, earlier.

Signature requirements. Complete the certification as indicated in items 1 through 5 below.

1. Interest, dividend, and barter exchange accounts opened before 1984 and broker accounts considered active during 1983. You must give your correct TIN, but you do not have to sign the certification.

2. Interest, dividend, broker, and barter exchange accounts opened after 1983 and broker accounts considered inactive during 1983. You must sign the certification or backup withholding will apply. If you are subject to backup withholding and you are merely providing your correct TIN to the requester, you must cross out item 2 in the certification before signing the form.

3. Real estate transactions. You must sign the certification. You may cross out item 2 of the certification.

4. Other payments. You must give your correct TIN, but you do not have to sign the certification unless you have been notified that you have previously given an incorrect TIN. "Other payments" include payments made in the course of the requester's trade or business for rents, royalties, goods (other than bills for merchandise), medical and health care services (including payments to corporations), payments to a nonemployee for services, payments made in settlement of payment card and third-party network transactions, payments to certain fishing boat crew members and fishermen, and gross proceeds paid to attorneys (including payments to corporations).

5. Mortgage interest paid by you, acquisition or abandonment of secured property, cancellation of debt, qualified tuition program payments (under section 529), ABLE accounts (under section 529A), IRA, Coverdell ESA, Archer MSA or HSA contributions or distributions, and pension distributions. You must give your correct TIN, but you do not have to sign the certification.

For this type of account:	Give name and EIN of:
8. Disregarded entity not owned by an individual	The owner
9. A valid trust, estate, or pension trust	Legal entity ⁴
10. Corporation or LLC electing corporate status on Form 8832 or Form 2553	The corporation
11. Association, club, religious, charitable, educational, or other tax-exempt organization	The organization
12. Partnership or multi-member LLC	The partnership
13. A broker or registered nominee	The broker or nominee
14. Account with the Department of Agriculture in the name of a public entity (such as a state or local government, school district, or prison) that receives agricultural program payments	The public entity
15. Grantor trust filing Form 1041 or under the Optional Filing Method 2, requiring Form 1099 (see Regulations section 1.671-4(b)(2)(i)(B))**	The trust

¹List first and circle the name of the person whose number you furnish. If only one person on a joint account has an SSN, that person's number must be furnished.

²Circle the minor's name and furnish the minor's SSN.

³You must show your individual name on line 1, and enter your business or DBA name, if any, on line 2. You may use either your SSN or EIN (if you have one), but the IRS encourages you to use your SSN.

⁴List first and circle the name of the trust, estate, or pension trust. (Do not furnish the TIN of the personal representative or trustee unless the legal entity itself is not designated in the account title.)

*Note: The grantor must also provide a Form W-9 to the trustee of the trust.

** For more information on optional filing methods for grantor trusts, see the Instructions for Form 1041.

Note: If no name is circled when more than one name is listed, the number will be considered to be that of the first name listed.

What Name and Number To Give the Requester

For this type of account:	Give name and SSN of:
1. Individual	The individual
2. Two or more individuals (joint account) other than an account maintained by an FFI	The actual owner of the account or, if combined funds, the first individual on the account ¹
3. Two or more U.S. persons (joint account maintained by an FFI)	Each holder of the account
4. Custodial account of a minor (Uniform Gift to Minors Act)	The minor ²
5. a. The usual revocable savings trust (grantor is also trustee) b. So-called trust account that is not a legal or valid trust under state law	The grantor-trustee ¹ The actual owner ¹
6. Sole proprietorship or disregarded entity owned by an individual	The owner ³
7. Grantor trust filing under Optional Filing Method 1 (see Regulations section 1.671-4(b)(2)(i)(A))**	The grantor*

Secure Your Tax Records From Identity Theft

Identity theft occurs when someone uses your personal information, such as your name, SSN, or other identifying information, without your permission to commit fraud or other crimes. An identity thief may use your SSN to get a job or may file a tax return using your SSN to receive a refund.

To reduce your risk:

- Protect your SSN,
- Ensure your employer is protecting your SSN, and
- Be careful when choosing a tax return preparer.

If your tax records are affected by identity theft and you receive a notice from the IRS, respond right away to the name and phone number printed on the IRS notice or letter.

If your tax records are not currently affected by identity theft but you think you are at risk due to a lost or stolen purse or wallet, questionable credit card activity, or a questionable credit report, contact the IRS Identity Theft Hotline at 800-908-4490 or submit Form 14039.

For more information, see Pub. 5027, Identity Theft Information for Taxpayers.

Victims of identity theft who are experiencing economic harm or a systemic problem, or are seeking help in resolving tax problems that have not been resolved through normal channels, may be eligible for Taxpayer Advocate Service (TAS) assistance. You can reach TAS by calling the TAS toll-free case intake line at 877-777-4778 or TTY/TDD 800-829-4059.

Protect yourself from suspicious emails or phishing schemes.

Phishing is the creation and use of email and websites designed to mimic legitimate business emails and websites. The most common act is sending an email to a user falsely claiming to be an established legitimate enterprise in an attempt to scam the user into surrendering private information that will be used for identity theft.

The IRS does not initiate contacts with taxpayers via emails. Also, the IRS does not request personal detailed information through email or ask taxpayers for the PIN numbers, passwords, or similar secret access information for their credit card, bank, or other financial accounts.

If you receive an unsolicited email claiming to be from the IRS, forward this message to phishing@irs.gov. You may also report misuse of the IRS name, logo, or other IRS property to the Treasury Inspector General for Tax Administration (TIGTA) at 800-366-4484. You can forward suspicious emails to the Federal Trade Commission at spam@uce.gov or report them at www.ftc.gov/complaint. You can contact the FTC at www.ftc.gov/idtheft or 877-IDTHEFT (877-438-4338). If you have been the victim of identity theft, see www.IdentityTheft.gov and Pub. 5027.

Go to www.irs.gov/IdentityTheft to learn more about identity theft and how to reduce your risk.

Privacy Act Notice

Section 6109 of the Internal Revenue Code requires you to provide your correct TIN to persons (including federal agencies) who are required to file information returns with the IRS to report interest, dividends, or certain other income paid to you; mortgage interest you paid; the acquisition or abandonment of secured property; the cancellation of debt; or contributions you made to an IRA, Archer MSA, or HSA. The person collecting this form uses the information on the form to file information returns with the IRS, reporting the above information. Routine uses of this information include giving it to the Department of Justice for civil and criminal litigation and to cities, states, the District of Columbia, and U.S. commonwealths and territories for use in administering their laws. The information may also be disclosed to other countries under a treaty, to federal and state agencies to enforce civil and criminal laws, or to federal law enforcement and intelligence agencies to combat terrorism. You must provide your TIN whether or not you are required to file a tax return. Under section 3406, payors must generally withhold a percentage of taxable interest, dividends, and certain other payments to a payee who does not give a TIN to the payor. Certain penalties may also apply for providing false or fraudulent information.



Town of Berryville
Vendor Registration

Please fill out the information below and the attached W-9 form to be registered as a vendor with the Town of Berryville.

Your company's legal name: _____

Business Type: _____

What kind of products/services does your company offer?

Company Website: _____

Company Address : _____

City _____

State _____ ZIP Code _____

Name of person representing the company: _____

Phone : _____ Fax: _____

Email : _____

Payment Method: _____ Check _____ P-card

***If you accept VISA, you are required to accept P-card payments.**

For Town Office Use Only

Certificate of Insurance Required: _____ Yes _____ No

Contractor's License Required: _____ Yes _____ No

Proposed FY26 Budget

June 10, 2025

Item Title:

Proposed FY26 Budget and Motion

Prepared by:

Cynthia Poulin, Treasurer

Attachments:

1. Motion
2. Proposed FY26 Budget

**Motion for Approval
2025-2026 Fiscal Year Budget
of the Town of Berryville**

Date: June 10, 2025

Motion By:

I hereby move that the Council of the Town of Berryville adopt the attached budget for fiscal year 2025-2026, an approved copy of which shall be incorporated into and become a part of the official minutes of this meeting, and further the funds as set forth in this approved budget shall hereby be appropriated for fiscal year 2025-2026.

VOTE

Aye:

Nay:

Absent:

Abstain:

ATTEST

Erecka Gibson, Vice Mayor

FY 25-26 BUDGET REVENUES

Account Number	Account Description		FY24-25 APPROVED 2024-2025		FY25-26 APPROVED 2025-2026
GENERAL FUND					
FUND BALANCE					
100-3000000-0000	FUND BALANCE FORWARD	\$	558,169.00	\$	535,000.00
	TOTAL FUND BALANCE	\$	558,169.00	\$	535,000.00
REVENUE FROM LOCAL SOURCES					
100-3110101-0000	CURRENT REAL ESTATE TAXES	\$	1,355,575.00	\$	1,365,000.00
100-3110102-0000	DEL REAL ESTATE TAXES	\$	-	\$	-
100-3110201-0000	UTILITY REAL ESTATE TAXES	\$	11,200.00	\$	11,500.00
100-3110301-0000	CURRENT PERS PROP TAXES	\$	600,000.00	\$	650,000.00
100-3110302-0000	DEL PERS PROP TAXES	\$	-	\$	-
100-3110303-0000	REFUSE COLLECTION(EXTRA TOTERS)	\$	13,000.00	\$	14,000.00
100-3110401-0000	MACHINERY & TOOLS	\$	180,000.00	\$	240,000.00
100-3110601-0000	TAX PENALTIES	\$	8,000.00	\$	8,000.00
100-3110602-0000	TAX INTEREST	\$	3,500.00	\$	4,000.00
	TOTAL REV FROM LOCAL SOURCES	\$	2,171,275.00	\$	2,292,500.00
OTHER LOCAL TAXES					
100-3120101-0000	LOCAL SALES TAX	\$	325,000.00	\$	375,000.00
100-3120201-0000	CONSUMER UTILITY TAX	\$	110,000.00	\$	110,000.00
100-3120300-0000	BUSINESS LICENSE	\$	280,000.00	\$	290,000.00
100-3120402-0000	REC FRANCHISE FEES	\$	43,000.00	\$	43,000.00
100-3120501-0000	AUTO LICENSE	\$	102,000.00	\$	110,000.00
100-3120601-0000	BANK FRANCHISE TAXES	\$	175,000.00	\$	225,000.00
100-3120801-0000	CIGARETTE TAX (10¢)	\$	13,000.00	\$	14,000.00
100-3121001-0000	LODGING TAX (2%)	\$	10,000.00	\$	12,000.00
100-3121101-0000	MEALS TAX (4%)	\$	430,000.00	\$	440,000.00
	TOTAL OTHER LOCAL TAXES	\$	1,488,000.00	\$	1,619,000.00
PERMITS, FEES & LICENSES					
100-3130304-0000	LAND USE APPLICATION FEES	\$	1,000.00	\$	1,000.00
100-3130307-0000	ZONING & SUBDIVISION FEES	\$	10,000.00	\$	12,000.00
	TOTAL PERMITS, FEES & LICENSES	\$	11,000.00	\$	13,000.00
FINES & FORFEITURES					
100-3140101-0000	COURT FINES	\$	12,000.00	\$	14,000.00
100-3140102-0000	PARKING METER FINES	\$	2,000.00	\$	1,000.00
100-3140103-000	ESUMMONS	\$	500.00	\$	500.00
	TOTAL FINES & FORFEITURES	\$	14,500.00	\$	15,500.00

Account Number	Account Description	FY24-25 APPROVED 2024-2025	FY25-26 APPROVED 2025-2026
REVENUE FROM MONEY OR PROP			
100-3150101-0000	INTEREST ON DEPOSITS	\$ 105,000.00	\$ 160,000.00
100-3150201-0000	RENTAL OF PROPERTY	\$ 13,500.00	\$ 14,000.00
100-3150205-0000	WATER TANK SITE LEASE	\$ 92,000.00	\$ 100,000.00
100-3150206-0000	CHARGE CARD REBATE	\$ 14,000.00	\$ 20,000.00
	TOTAL FROM MONEY OR PROP	\$ 224,500.00	\$ 294,000.00
CHARGES FOR SERVICES			
100-3160703-0000	PARKING METERS	\$ 10,000.00	\$ 11,000.00
100-3161502-0000	SALE OF PUBLICATIONS	\$ -	\$ -
	TOTAL CHARGES FOR SERVICES	\$ 10,000.00	\$ 11,000.00
MISCELLANEOUS REVENUES			
100-3189905-0000	SALE OF SURPLUS	\$ 5,000.00	\$ 5,000.00
	TOTAL MISC REVENUES	\$ 5,000.00	\$ 5,000.00
TOTAL LOCAL REVENUES		\$ 4,482,444.00	\$ 4,785,000.00

REVENUE FROM THE COMMONWEALTH			
NON-CATEGORICAL AID			
100-3220107-0000	ROLLING STOCK TAX	\$ 1,900.00	\$ 2,000.00
100-3189999-0000	PPTRA	\$ 209,917.00	\$ 209,917.00
100-3220201-0000	COMMUNICATION TAX	\$ 62,000.00	\$ 62,000.00
100-3220106-0000	ARPA FUNDS (2ND TRANCHE)	\$ -	\$ -
	TOTAL NON-CATEGORICAL AID	\$ 273,817.00	\$ 273,917.00
CATEGORICAL AID			
100-3220108-0000	599 LAW ENFORCEMENT GRANT	\$ 95,000.00	\$ 98,000.00
100-3240103-0000	LE BLOCK GRANT	\$ 1,000.00	\$ 1,000.00
100-3240201-0000	FIRE FUND PROGRAM	\$ 15,250.00	\$ 15,250.00
100-3240300-0000	VDOT LANE MILE ALLOWANCE	\$ 635,000.00	\$ 725,000.00
100-3240301-0000	VDOT PRIM RD SNOW REMOVAL REIMB	\$ 60,000.00	\$ 60,000.00
100-3240302-0000	LITTER CONTROL GRANT	\$ 4,000.00	\$ 4,500.00
100-3240312-0000	VA COMMISSION FOR THE ARTS	\$ 4,500.00	\$ 4,500.00
100-3240710-0000	DMV ANIMAL FRIENDLY PLATES	\$ -	\$ -
	TOTAL CATEGORICAL AID	\$ 814,750.00	\$ 908,250.00
TOTAL FROM THE COMMONWEALTH		\$ 1,088,567.00	\$ 1,182,167.00

Account Number	Account Description	FY24-25 APPROVED 2024-2025	FY25-26 APPROVED 2025-2026
REVENUE FROM THE FEDERAL GOVERNMENT			
CATEGORICAL AID			
100-3340102-0000	FEDERAL FIRE FUND PROGRAM	\$ -	\$ -
100-3340311-0000	FEDERAL EMERGENCY R&R	\$ -	\$ -
	TOTAL CATEGORICAL AID	\$ -	\$ -
TOTAL FROM FEDERAL GOVERNMENT		\$ -	\$ -
REVENUE FROM OTHER SOURCES			
NON-REVENUE RECEIPTS			
100-3410201-0000	MISCELLANEOUS REVENUES	\$ 1,000.00	\$ 1,000.00
	TOTAL FROM OTHER SOURCES	\$ 1,000.00	\$ 1,000.00
TOTAL FROM OTHER SOURCES		\$ 1,000.00	\$ 1,000.00
TOTAL GENERAL FUND REVENUES		\$ 5,572,011.00	\$ 5,968,167.00
WATER FUND			
FUND BALANCE			
501-3000000-0000	FUND BALANCE	\$ -	\$ -
	TOTAL FUND BALANCE	\$ -	\$ -
REVENUE FROM MONEY OR PROP			
501-3150102-0000	INTEREST ON INVESTMENTS	\$ 130,000.00	\$ 150,000.00
	TOTAL FROM USE OF MONEY OR PROP	\$ 130,000.00	\$ 150,000.00
CHARGES FOR SERVICES			
501-3160110-0000	TREATMENT FEES	\$ 1,324,000.00	\$ 1,635,000.00
501-3160111-0000	DELINQUENT ACCT PENALTIES	\$ 40,000.00	\$ 45,000.00
501-3160113-0000	AVAILABILITY CHARGES	\$ -	\$ 172,000.00
501-3160114-0000	CONNECTION CHARGES	\$ -	\$ -
501-3160115-0000	METER FEES	\$ -	\$ 3,250.00
501-3160116-0000	LOAN PROCEEDS	\$ 5,000,000.00	\$ 5,000,000.00
	TOTAL CHARGES FOR SERVICES	\$ 6,364,000.00	\$ 6,855,250.00
TOTAL WATER FUND		\$ 6,494,000.00	\$ 7,005,250.00

Account Number	Account Description		FY24-25 APPROVED 2024-2025		FY25-26 APPROVED 2025-2026
SEWER FUND					
FUND BALANCE					
502-3000000-0000	FUND BALANCE	\$	360,300.00	\$	390,000.00
	TOTAL FUND BALANCE	\$	360,300.00	\$	390,000.00
REVENUE FROM MONEY OR PROP					
502-3150101-0000	INTEREST INCOME	\$	155,000.00	\$	110,000.00
	TOTAL REVENUE FROM MONEY OR PROP	\$	155,000.00	\$	110,000.00
CHARGES FOR SERVICES					
502-3160110-0000	TREATMENT FEES	\$	2,012,000.00	\$	2,145,000.00
502-3160112-0000	SECURITY DEPOSITS	\$	-	\$	-
502-3160113-0000	AVAILABILITY CHARGES	\$	-	\$	184,680.00
	TOTAL CHARGES FOR SERVICES	\$	2,012,000.00	\$	2,329,680.00
REVENUE FROM OTHER SOURCES					
NON-REVENUE RECEIPTS					
502-3410401-0000	VRA LOAN	\$	-	\$	-
502-3410402-0000	WQIF Grant	\$	-	\$	-
502-3410404-0000	NUTRIENT CREDIT REBATE	\$	500.00	\$	500.00
	TOTAL NON-REVENUE RECEIPTS	\$	500.00	\$	500.00
	TOTAL FROM OTHER SOURCES	\$	500.00	\$	500.00
	TOTAL SEWER FUND	\$	2,527,800.00	\$	2,830,180.00
	TOTAL REVENUES ALL FUNDS	\$	14,593,811.00	\$	15,803,597.00

Account Number	Account Description	FY24-25 APPROVED 2024-2025	FY25-26 APPROVED 2025-2026
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FY 25-26 BUDGET EXPENSES

Account Number	Account Description	FY24-25 APPROVED 2024-2025	FY25-26 DRAFT 2025-2026
GENERAL FUND			
TOWN COUNCIL			
100-4011100-1111	EXPENSE COMPENSATION	\$ 18,900.00	\$ 18,900.00
100-4011100-2100	MATCHING FICA EXPENSE (7.65 %)	\$ 1,450.00	\$ 1,450.00
100-4011100-5540	TRAINING	\$ 400.00	\$ 1,000.00
100-4011100-5699	LOCAL CONTRIBUTIONS	\$ 5,000.00	\$ 2,500.00
100-4011100-5800	MISCELLANEOUS	\$ 5,000.00	\$ 2,500.00
100-4011100-5810	DUES	\$ 3,000.00	\$ 3,500.00
100-4011100-6017	TOWN CODE SUPPLEMENTS	\$ 2,000.00	\$ 2,000.00
100-4011100-6018	STATE CODE SUPPLEMENTS	\$ -	\$ -
	TOTAL TOWN COUNCIL	\$ 35,750.00	\$ 31,850.00
TOWN CLERK			
100-4011200-1114	SALARIES/WAGES/TNCLK	\$ 53,100.00	\$ 50,000.00
100-4011200-2100	MATCHING FICA EXPENSE (7.65 %)	\$ 4,350.00	\$ 3,950.00
100-4011200-5510	MILEAGE	\$ 250.00	\$ 250.00
100-4011200-5540	EDUCATION/TRAINING	\$ 1,000.00	\$ 1,000.00
100-4011200-5810	DUES	\$ 100.00	\$ 100.00
	TOTAL TOWN CLERK	\$ 58,800.00	\$ 55,300.00
OFFICE OF TOWN MANAGER/DEP TM			
100-4012110-1112	COMPENSATION	\$ 240,000.00	\$ 252,000.00
100-4012110-2100	MATCHING FICA EXPENSE (7.65 %)	\$ 18,000.00	\$ 19,500.00
100-4012110-3399	BLIGHT ABATEMENT	\$ 50,000.00	\$ -
100-4012110-5230	TELECOMMUNICATIONS	\$ 1,200.00	\$ 1,800.00
100-4012110-5510	MILEAGE	\$ 150.00	\$ 150.00
100-4012110-5540	TRAINING	\$ 1,000.00	\$ -
100-4012110-5810	DUES	\$ 750.00	\$ 750.00
	TOTAL TOWN MANAGER	\$ 311,100.00	\$ 274,200.00
LEGAL SERVICES			
100-4012210-3150	PROFESSIONAL SERVICES	\$ 50,000.00	\$ 65,000.00
	TOTAL LEGAL SERVICES	\$ 50,000.00	\$ 65,000.00

Account Number	Account Description		FY24-25 APPROVED 2024-2025		FY25-26 APPROVED 2025-2026
PERSONNEL					
100-4012220-2210	VRS	\$	205,000.00	\$	190,000.00
100-4012220-2220	VMLIP - STD	\$	670.00	\$	725.00
100-4012220-2230	VMLIP - LTD	\$	8,800.00	\$	9,500.00
100-4012220-2250	LINE OF DUTY ACT	\$	8,200.00	\$	8,500.00
100-4012220-2300	HEALTH INSURANCE	\$	265,000.00	\$	315,000.00
100-4012220-2400	LIFE INSURANCE	\$	21,000.00	\$	22,400.00
100-4012220-2600	UNEMPLOYMENT INSURANCE	\$	180.00	\$	150.00
100-4012220-2700	WORKER'S COMPENSATION	\$	35,000.00	\$	30,000.00
100-4012220-3110	RANDOM DRUG SCREENING	\$	750.00	\$	750.00
100-4012220-9001	EMPLOYEE RECOGNITION	\$	2,000.00	\$	2,000.00
	TOTAL PERSONNEL	\$	546,600.00	\$	579,025.00
INDEPENDENT AUDITOR					
100-4012240-3120	CONTRACTUAL SERVICES	\$	21,000.00	\$	21,250.00
	TOTAL INDEPENDENT AUDITOR	\$	21,000.00	\$	21,250.00
TOWN TREASURER					
100-4012410-1113	COMPENSATION	\$	92,000.00	\$	94,500.00
100-4012410-2100	MATCHING FICA EXPENSE (7.65 %)	\$	9,100.00	\$	7,400.00
100-4012410-3130	PROFESSIONAL SER/TAX CONV	\$	2,500.00	\$	2,500.00
100-4012410-3150	PROFESSIONAL SER/VEC	\$	-	\$	-
100-4012410-5306	SURETY BONDS	\$	500.00	\$	500.00
100-4012410-5540	TRAINING	\$	2,000.00	\$	1,000.00
100-4012410-5810	DUES	\$	1,000.00	\$	1,100.00
	TOTAL TOWN TREASURER	\$	107,100.00	\$	107,000.00
FINANCE/ACCOUNTING					
100-4012430-1113	COMPENSATION	\$	131,000.00	\$	132,000.00
100-4012430-2100	MATCHING FICA EXPENSE (7.65 %)	\$	10,000.00	\$	10,500.00
100-4012430-5540	TRAINING	\$	3,400.00	\$	2,500.00
	TOTAL FINANCE/ACCOUNTING	\$	144,400.00	\$	145,000.00
CENTRAL ADM/PURCHASING					
100-4012530-3320	MAINTENANCE CONTRACTS	\$	69,000.00	\$	75,000.00
100-4012530-3400	WEB SITE	\$	1,000.00	\$	1,000.00
100-4012530-3450	DIGITIZING	\$	7,000.00	\$	5,000.00
100-4012530-3501	NEWSLETTER	\$	1,000.00	\$	1,000.00
100-4012530-3600	ADVERTISING	\$	8,000.00	\$	9,000.00
100-4012530-5210	POSTAGE	\$	17,000.00	\$	17,000.00
100-4012530-5230	TELECOMMUNICATIONS	\$	4,500.00	\$	7,000.00
100-4012530-5250	SOCIAL MEDIA ARCHIVING	\$	3,300.00	\$	3,300.00
100-4012530-5415	COPIER LEASE	\$	5,300.00	\$	-
100-4012530-5540	TRAINING	\$	2,500.00	\$	1,500.00
100-4012530-5699	CONTRIBUTION / CC SOCIAL MEDIA	\$	5,000.00	\$	-
100-4012530-5810	DUES	\$	500.00	\$	500.00
100-4012530-6001	OFFICE SUPPLIES	\$	17,000.00	\$	17,000.00

Account Number	Account Description	FY24-25 APPROVED 2024-2025	FY25-26 APPROVED 2025-2026
	TOTAL CENTRAL ADM/PURCHASING	\$ 141,100.00	\$ 137,300.00
	RISK MANAGEMENT		
100-4012550-5304	BLANKET EXCESS LIABILITY	\$ 16,000.00	\$ 16,000.00
100-4012550-5305	AUTOMOBILE INSURANCE	\$ 15,500.00	\$ 16,500.00
100-4012550-5308	SEMI-MULTI PERIL INS	\$ 43,000.00	\$ 47,000.00
100-4012550-5800	INSURANCE DEDUCTABLES	\$ -	\$ -
	TOTAL RISK MANAGEMENT	\$ 74,500.00	\$ 79,500.00
	ENGINEERING SERVICES		
100-4012600-3140	ENGINEERING SERVICES	\$ 5,000.00	\$ 5,000.00
	TOTAL ENGINEERING SERVICES	\$ 5,000.00	\$ 5,000.00
	ELECTIONS		
100-4013100-1125	ELECTION OFFICIALS	\$ 3,500.00	\$ 7,500.00
100-4013100-6001	OFFICE SUPPLIES	\$ 1,500.00	\$ -
	TOTAL ELECTIONS	\$ 5,000.00	\$ 7,500.00
	PUBLIC DEFENDER FEES		
100-4021500-3150	PUBLIC DEFENDER FEES	\$ 2,000.00	\$ 2,000.00
	TOTAL PUBLIC DEFENDER FEES	\$ 2,000.00	\$ 2,000.00
	POLICE DEPARTMENT		
100-4031100-1139	COMPENSATION	\$ 794,400.00	\$ 924,100.00
100-4031100-2100	MATCHING FICA EXPENSE (7.65 %)	\$ 60,500.00	\$ 74,000.00
100-4031100-3110	MEDICAL EXAMINATIONS	\$ 500.00	\$ 500.00
100-4031100-3115	PRE EMPLOYMENT SCREENING	\$ 2,000.00	\$ 2,000.00
100-4031100-3190	INTERPRETER	\$ 400.00	\$ 400.00
100-4031100-3310	VEHICLE REPAIR & MAINTENANCE	\$ 16,000.00	\$ 16,000.00
100-4031100-3320	MAINTENANCE CONTRACTS	\$ 34,300.00	\$ 43,000.00
100-4031100-4081	RICH RAU SAFETY EQUIP & EDUCATION	\$ 5,000.00	\$ 5,000.00
100-4031100-4082	WILDLIFE MANAGEMENT	\$ 250.00	\$ 250.00
100-4031100-5210	POSTAGE	\$ 500.00	\$ 500.00
100-4031100-5230	TELECOMMUNICATIONS	\$ 5,600.00	\$ 6,600.00
100-4031100-5415	COPIER LEASE	\$ 5,300.00	\$ -
100-4031100-5540	TRAINING	\$ 16,000.00	\$ 18,000.00
100-4031100-5545	OFFICE ACCREDIATION	\$ 500.00	\$ 2,500.00
100-4031100-5810	DUES	\$ 850.00	\$ 850.00
100-4031100-5815	COMMUNITY RELATIONS	\$ 2,000.00	\$ 2,000.00
100-4031100-6001	OFFICE SUPPLIES	\$ 1,800.00	\$ 1,800.00
100-4031100-6008	GASOLINE & OIL	\$ 20,000.00	\$ 26,000.00
100-4031100-6010	POLICE SUPPLIES	\$ 14,000.00	\$ 14,000.00
100-4031100-6011	UNIFORMS	\$ 5,000.00	\$ 6,500.00
100-4031100-6012	RECRUITMENT/ADVERTISING	\$ 2,000.00	\$ 2,000.00
	TOTAL POLICE DEPARTMENT	\$ 986,900.00	\$ 1,146,000.00
	TRAFFIC CONTROL		

Account Number	Account Description		FY24-25 APPROVED 2024-2025		FY25-26 APPROVED 2025-2026
100-4031300-5699	COUNTY CONT/CROSSING GD	\$	2,500.00	\$	2,500.00
	TOTAL TRAFFIC CONTROL	\$	2,500.00	\$	2,500.00
	EMERGENCY SERVICES				
100-4031400-5699	CONTRIBUTION/CC CENT ALRM	\$	5,000.00	\$	5,000.00
	TOTAL EMERGENCY SERVICES	\$	5,000.00	\$	5,000.00
	VOLUNTEER FIRE DEPARTMENT				
100-4032200-5699	CONTRIBUTION/JHEVFD	\$	30,000.00	\$	30,000.00
100-4032200-5707	FIRE FUND PROGRAM	\$	22,000.00	\$	23,000.00
100-4032200-8411	ENDERS CAPITAL PROJECT	\$	80,000.00	\$	10,000.00
	TOTAL VOLUNTEER FIRE DEPT	\$	132,000.00	\$	63,000.00
	PUBLIC WORKS ADMINISTRATION				
100-4041100-1140	COMPENSATION	\$	61,500.00	\$	80,800.00
100-4041100-2100	MATCHING FICA EXPENSE (7.65 %)	\$	4,700.00	\$	6,700.00
100-4041100-3110	MEDICAL EXAMS	\$	1,000.00	\$	1,000.00
100-4041100-3310	VEHICLE REP & MAINTENANCE	\$	11,000.00	\$	11,000.00
100-4041100-5120	PROPANE	\$	3,000.00	\$	3,000.00
100-4041100-5230	TELECOMMUNICATIONS	\$	8,000.00	\$	7,000.00
100-4041100-5415	COPIER LEASE	\$	4,200.00	\$	-
100-4041100-5540	TRAINING	\$	4,000.00	\$	2,000.00
100-4041100-6001	OFFICE SUPPLIES	\$	500.00	\$	1,000.00
	TOTAL PUBLI WKS ADMINISTRATION	\$	97,900.00	\$	112,500.00
	HWYS, STS BRIDGES & SDWLKS				
100-4041200-1183	COMPENSATION	\$	205,000.00	\$	225,000.00
100-4041200-2100	MATCHING FICA EXPENSE (7.65 %)	\$	16,000.00	\$	17,300.00
100-4041200-3310	EQUIPMENT MAINTENANCE	\$	18,000.00	\$	18,000.00
100-4041200-3311	STREET TREES/SIDEWALKS	\$	15,000.00	\$	2,000.00
100-4041200-3315	SIDEWALK MAINTENANCE	\$	16,000.00	\$	16,000.00
100-4041200-5425	NORFOLK/SOUTHERN R-O-W'S	\$	1,200.00	\$	1,200.00
100-4041200-6007	MATERIALS & SUPPLIES	\$	8,000.00	\$	8,000.00
100-4041200-6008	GASOLINE & OIL	\$	24,000.00	\$	24,000.00
100-4041200-6011	UNIFORMS	\$	6,000.00	\$	6,000.00
	TOTAL HWYS, STS BRIDGES & SWLKS	\$	309,200.00	\$	317,500.00
	VDOT STREET MAINTENANCE				
100-4041250-3140	ENGINEERING	\$	50,000.00	\$	725,000.00
100-4041250-3310	EQUIPMENT MAINTENANCE	\$	20,000.00	\$	-
100-4041250-3311	STORM SEWER MAINTENANCE	\$	20,000.00	\$	-
100-4041250-3316	SIGN MAINTENANCE	\$	10,000.00	\$	-
100-4041250-5800	CONTINGENCY	\$	27,000.00	\$	-
100-4041250-6007	MATERIALS AND SUPPLIES	\$	10,000.00	\$	-

Account Number	Account Description		FY24-25 APPROVED 2024-2025		FY25-26 APPROVED 2025-2026
100-4041250-6050	STREET MAINTENANCE	\$	135,000.00	\$	-
100-4041250-6060	SIDEWALK REPLACEMENT	\$	45,000.00	\$	-
100-4041250-6135	MOWING/TREE REMOVAL	\$	15,000.00	\$	-
100-4041250-6207	STREET SWEEPING	\$	18,000.00	\$	-
100-4041250-6307	SNOW REMOVAL	\$	180,000.00	\$	-
100-4041250-8801	EQUIPMENT PURCHASE	\$	50,000.00	\$	-
100-4041250-8803	PW SITE IMPROVEMENTS	\$	50,000.00	\$	-
100-4041250-8804	SAFETY EQUIPMENT	\$	5,000.00	\$	-
	TOTAL VDOT STREET MAINTENANCE	\$	635,000.00	\$	725,000.00
	STREET LIGHTS				
100-4041320-5110	ELECTRICITY	\$	90,000.00	\$	90,000.00
	TOTAL STREET LIGHTS	\$	90,000.00	\$	90,000.00
	SNOW REMOVAL - DOWNTOWN				
100-4041330-3220	CONTRACTUAL SERVICES	\$	20,000.00	\$	20,000.00
100-4041330-6007	MATERIALS & SUPPLIES	\$	2,000.00	\$	2,000.00
	TOTAL SNOW REMOVAL-DOWNTOWN	\$	22,000.00	\$	22,000.00
	PARKING METERS & LOTS				
100-4041340-6007	MATERIALS & SUPPLIES	\$	3,000.00	\$	3,000.00
	TOTAL PARKING METERS & LOTS	\$	3,000.00	\$	3,000.00
	REFUSE COLLECTION				
100-4042300-3220	CONTRACTUAL SERVICES	\$	250,000.00	\$	265,000.00
100-4042300-6225	RECYCLING SERVICES	\$	120,000.00	\$	125,000.00
	TOTAL REFUSE COLLECTION	\$	370,000.00	\$	390,000.00
	REFUSE DISPOSAL				
100-4042400-3800	FCO LANDFILL CHARGES	\$	30,000.00	\$	45,000.00
	TOTAL REFUSE DISPOSAL	\$	30,000.00	\$	45,000.00
	GENERAL PROPERTIES				
100-4043200-3310	IMPROVEMENT,REPAIR,MAINTENANCE	\$	50,000.00	\$	50,000.00
100-4043200-3325	HERMITAGE SWPOND MAINT	\$	5,400.00	\$	4,500.00
100-4043200-6007	MATERIALS & SUPPLIES	\$	500.00	\$	500.00
100-4043200-6017	CHRISTMAS WREATHS	\$	500.00	\$	500.00
	TOTAL GENERAL PROPERTIES	\$	56,400.00	\$	55,500.00
	BUILDING SERVICES				
100-4064200-3150	PROFESSIONAL SERVICES	\$	1,000.00	\$	1,000.00
100-4064200-3200	CONTRACTUAL SERVICES	\$	12,000.00	\$	15,000.00
100-4064200-5110	ELECTRICITY	\$	22,500.00	\$	24,000.00

Account Number	Account Description		FY24-25 APPROVED 2024-2025		FY25-26 APPROVED 2025-2026
100-4064200-5120	NATURAL GAS/HEAT	\$	3,100.00	\$	4,700.00
100-4064200-5130	WATER/SEWER	\$	1,000.00	\$	1,100.00
100-4064200-5230	TELECOMMUNICATIONS	\$	1,500.00	\$	1,100.00
100-4064200-5304	LIABILITY INSURANCE	\$	1,500.00	\$	1,500.00
100-4064200-7113	IN KIND COSTS	\$	13,000.00	\$	7,000.00
100-4064200-7115	SHARED MAINTENANCE	\$	20,000.00	\$	25,000.00
100-4064200-8411	CAPITAL ASSET RESERVES	\$	10,000.00	\$	10,000.00
	TOTAL BUILDING SERVICES	\$	85,600.00	\$	90,400.00
	PARKS & RECREATION				
100-4071310-3160	CONTRACTURAL SER/JN BLUE	\$	1,000.00	\$	1,000.00
100-4071310-6017	CHRISTMAS LIGHTS	\$	3,500.00	\$	3,500.00
100-4071310-6018	ROSE HILL PARK MAINTENANCE	\$	10,000.00	\$	5,000.00
	TOTAL PARKS & RECREATION	\$	14,500.00	\$	9,500.00
	PLANNING				
100-4081100-1155	COMPENSATION	\$	129,000.00	\$	92,000.00
100-4081100-2100	MATCHING FICA EXPENSE (7.65 %)	\$	9,900.00	\$	7,000.00
100-4081100-3190	PROFESSIONAL SERVICES	\$	8,000.00	\$	8,000.00
100-4081100-3195	PREPAID APPLICATION REVIEW FEES	\$	-	\$	-
100-4081100-3500	PRINTING	\$	250.00	\$	250.00
100-4081100-5510	MILEAGE	\$	100.00	\$	100.00
100-4081100-5540	TRAINING	\$	3,000.00	\$	3,000.00
100-4081100-5810	DUES	\$	-	\$	-
100-4081100-6001	OFFICE EQUIPMENT	\$	-	\$	-
100-4081100-6012	PUBLICATIONS	\$	-	\$	-
	TOTAL PLANNING	\$	150,250.00	\$	110,350.00
	BOARD OF ZONING APPEALS				
100-4081400-1110	EXPENSE COMPENSATION	\$	500.00	\$	500.00
100-4081400-5540	TRAINING	\$	750.00	\$	750.00
	TOTAL BOARD OF ZONING APPEALS	\$	1,250.00	\$	1,250.00
	ECONOMIC DEVELOPMENT				
100-4081500-5411	WAYFINDING SIGNS	\$	50,000.00	\$	-
100-4081500-5693	VA COMMISSION FOR ARTS FUNDING	\$	4,500.00	\$	4,500.00
100-4081500-5695	TOWN/COUNTY ECONOMIC DEV	\$	21,500.00	\$	21,500.00
100-4081500-5696	ECONOMIC DEVELOPMENT RESERVE	\$	2,500.00	\$	-
100-4081500-5699	DBI/ECO DEV PROF SERVICES	\$	2,000.00	\$	2,000.00
100-4081500-5700	ANNEXATION AREA PROF SERVICES	\$	-	\$	-
	TOTAL ECONOMIC DEVELOPMENT	\$	80,500.00	\$	28,000.00
	PLANNING COMMISSION				
100-4081600-1111	EXPENSE COMPENSATION	\$	5,000.00	\$	5,000.00

Account Number	Account Description		FY24-25 APPROVED 2024-2025		FY25-26 APPROVED 2025-2026
100-4081600-5540	TRAINING	\$	2,000.00	\$	2,000.00
100-4081600-5810	DUES	\$	-	\$	-
	TOTAL PLANNING COMMISSION	\$	7,000.00	\$	7,000.00
	B'VILLE AREA DEV AUTHORITY				
100-4081700-1111	EXPENSE COMPENSATION	\$	2,500.00	\$	2,500.00
100-4081700-5540	TRAINING	\$	1,000.00	\$	1,000.00
100-4081700-5810	DUES	\$	-	\$	-
	TOTAL B'VILLE AREA DEV AUTHORITY	\$	3,500.00	\$	3,500.00
	ARCHITECTURAL REVIEW BOARD				
100-4081800-5540	TRAINING	\$	500.00	\$	500.00
	TOTAL ARCHITECTURAL REVIEW BD	\$	500.00	\$	500.00
	TREE BOARD				
100-4081900-5800	MISCELLANEOUS	\$	-	\$	-
	TOTAL TREE BOARD	\$	-	\$	-
	CAPITAL OUTLAY				
100-4094200-8225	COMPUTER REPLACEMENT	\$	3,500.00	\$	15,000.00
100-4094200-8231	PATROL VEHICLE	\$	62,000.00	\$	67,000.00
100-4094200-8340	MOWER	\$	12,000.00	\$	-
100-4094200-8341	ROSE HILL PARK REPAIRS (PW)	\$	-	\$	-
100-4094200-8362	SERVICE WEAPONS	\$	-	\$	10,000.00
100-4094200-8411	CAPITAL RESERVE	\$	-	\$	143.25
100-4094200-8702	WAYFINDING SIGNS RESERVE	\$	-	\$	50,000.00
100-4094200-8918	ROSE HILL PARK MASTERPLAN	\$	600,000.00	\$	675,000.00
100-4094200-9004	MOSBY BOULEVARD SIDEWALK	\$	-	\$	-
100-4094200-9005	FAIRFAX (E&W) SIDEWALK RESERVE	\$	50,000.00	\$	50,000.00
100-4094200-9009	TOWN STREET REPAIRS	\$	-	\$	40,000.00
100-4094200-9010	BCCGC IMPROVEMENTS	\$	-	\$	60,000.00
	TOTAL CAPITAL OUTLAY	\$	727,500.00	\$	967,143.25
	CONTINGENCY				
100-4094300-5800	CONTINGENCY (3.00%)	\$	137,561.00	\$	142,122.75
	TOTAL CONTINGENCY	\$	137,561.00	\$	142,122.75
	DEBT SERVICE				
100-4095000-9110	RDA PRINCIPAL	\$	48,400.00	\$	50,359.00
100-4095000-9120	RDA INTEREST	\$	73,200.00	\$	71,117.00
100-4095000-9130	RDA DEBT SER RESERVE	\$	-	\$	-
	TOTAL DEBT SERVICE	\$	121,600.00	\$	121,476.00
	TOTAL GENERAL FUND OPERATIONAL	\$	4,585,350.00	\$	4,737,425.00

Account Number	Account Description		FY24-25 APPROVED 2024-2025		FY25-26 APPROVED 2025-2026
	TOTAL GENERAL FUND CONTINGENCY	\$	137,561.00	\$	142,122.75
	TOTAL GENERAL FUND CAP OUTLAY	\$	727,500.00	\$	967,143.25
	TOTAL GENERAL FUND DEBT SERVICE	\$	121,600.00	\$	121,476.00
TOTAL GENERAL FUND EXPENSES		\$	5,572,011.00	\$	5,968,167.00

WATER FUND

PERSONNEL

501-4012220-1140	COMPENSATION	\$	60,000.00	\$	61,000.00
501-4012220-2100	MATCHING FICA EXPENSE (7.65 %)	\$	4,600.00	\$	4,700.00
501-4012220-2210	VRS	\$	60,000.00	\$	52,000.00
501-4012220-2220	VMLIP - STD	\$	240.00	\$	235.00
501-4012220-2230	VMLIP - LTD	\$	2,200.00	\$	2,225.00
501-4012220-2300	HEALTH INSURANCE	\$	93,000.00	\$	69,000.00
501-4012220-2400	LIFE INSURANCE	\$	6,000.00	\$	6,175.00
501-4012220-2600	UNEMPLOYMENT INSURANCE	\$	75.00	\$	50.00
501-4012220-2700	WORKER'S COMPENSATION	\$	24,000.00	\$	20,000.00
501-4012220-3170	MISS UTILITY	\$	1,750.00	\$	1,750.00
501-4012220-3320	HANDHELD MAINT	\$	5,000.00	\$	5,000.00
501-4012220-3450	DIGITIZING	\$	7,000.00	\$	4,000.00
501-4012220-5210	POSTAGE	\$	5,500.00	\$	6,000.00
501-4012220-5540	TRAINING	\$	2,500.00	\$	2,000.00
501-4012220-6001	OFFICE SUPPLIES	\$	4,500.00	\$	6,000.00
TOTAL PERSONNEL		\$	276,365.00	\$	240,135.00

TREATMENT

501-4012222-1147	COMPENSATION	\$	290,000.00	\$	224,000.00
501-4012222-2100	MATCHING FICA EXPENSE (7.65 %)	\$	22,000.00	\$	17,200.00
501-4012222-2830	CERTIFICATION FEES	\$	300.00	\$	650.00
501-4012222-2840	STATE CONNECTION FEES	\$	5,900.00	\$	9,025.00
501-4012222-2850	LAB TESTING	\$	15,000.00	\$	16,250.00
501-4012222-3110	MEDICAL EXAMS	\$	100.00	\$	200.00
501-4012222-3145	PROFESSIONAL SERVICES	\$	10,000.00	\$	17,500.00
501-4012222-3210	SLUDGE REMOVAL	\$	24,000.00	\$	26,000.00
501-4012222-3220	CLEAN RIVER INTAKE	\$	4,000.00	\$	4,000.00
501-4012222-3310	REPAIR & MAINTENANCE	\$	125,000.00	\$	125,000.00
501-4012222-5110	ELECTRICITY	\$	70,000.00	\$	70,000.00
501-4012222-5120	PROPANE HEAT WTP	\$	4,000.00	\$	4,000.00
501-4012222-5230	TELECOMMUNICATIONS	\$	4,700.00	\$	4,700.00
501-4012222-5415	COPIER LEASE	\$	1,800.00	\$	900.00
501-4012222-5540	TRAINING	\$	3,500.00	\$	3,500.00
501-4012222-5690	DISCHARGE PERMIT RENEWAL	\$	-	\$	-
501-4012222-5810	DUES	\$	400.00	\$	450.00
501-4012222-6001	OFFICE SUPPLIES	\$	400.00	\$	500.00
501-4012222-6004	LAB SUPPLIES	\$	20,000.00	\$	60,000.00

Account Number	Account Description		FY24-25 APPROVED 2024-2025		FY25-26 APPROVED 2025-2026
501-4012222-6005	JANITORIAL SUPPLIES	\$	1,000.00	\$	1,000.00
501-4012222-6008	GASOLINE & OIL	\$	7,200.00	\$	6,200.00
501-4012222-6011	UNIFORMS	\$	1,500.00	\$	1,500.00
501-4012222-6014	TOOLS	\$	750.00	\$	500.00
501-4012222-6019	SAFETY EQUIPMENT	\$	2,000.00	\$	1,000.00
501-4012222-6025	CHEMICALS	\$	50,000.00	\$	65,000.00
	TOTAL TREATMENT	\$	663,550.00	\$	659,075.00
	DISTRIBUTION & MAINTENANCE				
501-4012224-1183	COMPENSATION	\$	205,000.00	\$	225,300.00
501-4012224-2100	MATCHING FICA EXPENSE (7.65 %)	\$	15,700.00	\$	17,300.00
501-4012224-3330	LINE REPAIR & MAINTENANCE	\$	50,000.00	\$	50,000.00
501-4012224-6007	MATERIALS & SUPPLIES	\$	30,000.00	\$	30,000.00
501-4012224-6019	SAFETY EQUIPMENT	\$	700.00	\$	700.00
501-4012224-6030	NEW SERVICE SUPPLIES	\$	1,000.00	\$	1,000.00
501-4012224-9008	STORAGE TANK MAINT CONTRACT	\$	25,000.00	\$	25,000.00
	TOTAL DISTRIBUTION & MAINT	\$	327,400.00	\$	349,300.00
	CAPITAL OUTLAY				
501-4094200-8105	PICKUP (1/2)	\$	20,000.00	\$	-
501-4094200-8144	WATER TREATMENT PLANT UPGRADES	\$	5,000,000.00	\$	5,000,000.00
501-4094200-8211	CAPITAL RESERVES	\$	-	\$	515,284.70
501-4094200-8225	COMPUTER UPGRADE	\$	3,500.00	\$	10,000.00
501-4094200-8345	PW ONE TON DUMP TRUCK	\$	20,500.00	\$	-
501-4094200-8361	WATER DIST SYSTEM UPGRADES	\$	144,665.55	\$	125,000.00
501-4094200-8602	3/4 TON TRUCK	\$	-	\$	15,000.00
501-4094200-9007	WTP LAB EQUIPMENT	\$	-	\$	50,000.00
501-4094200-9009	HYDRAULIC THUMB(PW)	\$	-	\$	4,000.00
	TOTAL CAPITAL OUTLAY	\$	5,188,665.55	\$	5,719,284.70
	CONTINGENCY				
501-4094300-5800	CONTINGENCY (3.00%)	\$	38,019.45	\$	37,455.30
	TOTAL CONTINGENCY	\$	38,019.45	\$	37,455.30
	TOTAL WATER FUND OPERATIONAL	\$	1,267,315.00	\$	1,248,510.00
	TOTAL WATER FUND CONTINGENCY	\$	38,019.45	\$	37,455.30
	TOTAL WATER FUND CAP OUTLAY	\$	5,188,665.55	\$	5,719,284.70
	TOTAL WATER FUND EXPENSES	\$	6,494,000.00	\$	7,005,250.00

Account Number	Account Description		FY24-25 APPROVED 2024-2025		FY25-26 APPROVED 2025-2026
SEWER FUND					
PERSONNEL					
502-4012220-1114	COMPENSATION	\$	61,000.00	\$	62,000.00
502-4012220-2100	MATCHING FICA EXPENSE (7.65 %)	\$	4,600.00	\$	4,700.00
502-4012220-2210	VRS	\$	60,100.00	\$	43,600.00
502-4012220-2220	VMLIP - STD	\$	237.00	\$	200.00
502-4012220-2230	VMLIP - LTD	\$	2,400.00	\$	1,975.00
502-4012220-2300	HEALTH INSURANCE	\$	91,500.00	\$	51,500.00
502-4012220-2400	LIFE INSURANCE	\$	6,100.00	\$	5,150.00
502-4012220-2600	UNEMPLOYMENT INSURANCE	\$	72.00	\$	40.00
502-4012220-2700	WORKER'S COMPENSATION	\$	17,000.00	\$	10,000.00
502-4012220-3320	HANDHELD MAINT	\$	5,000.00	\$	5,000.00
502-4012220-3450	DIGITIZING	\$	7,000.00	\$	4,000.00
502-4012220-5210	POSTAGE	\$	7,700.00	\$	4,000.00
502-4012220-6001	OFFICE SUPPLIES	\$	4,000.00	\$	5,500.00
	TOTAL PERSONNEL	\$	266,709.00	\$	197,665.00
TREATMENT					
502-4012222-1147	COMPENSATION	\$	290,000.00	\$	224,000.00
502-4012222-2100	MATCHING FICA EXPENSE (7.65 %)	\$	22,000.00	\$	17,100.00
502-4012222-2830	CERTIFICATION FEES	\$	600.00	\$	640.00
502-4012222-2850	LAB TESTING	\$	40,000.00	\$	33,000.00
502-4012222-3145	PROFESSIONAL SERVICES	\$	108,000.00	\$	240,000.00
502-4012222-3210	LANDFILL-SOLIDS DISPOSAL	\$	90,000.00	\$	100,000.00
502-4012222-3310	REPAIR & MAINTENANCE	\$	374,030.00	\$	290,000.00
502-4012222-5110	ELECTRICITY	\$	155,000.00	\$	140,000.00
502-4012222-5230	TELECOMMUNICATIONS	\$	6,600.00	\$	5,000.00
502-4012222-5415	COPIER LEASE	\$	5,300.00	\$	2,000.00
502-4012222-5540	TRAINING	\$	3,000.00	\$	500.00
502-4012222-5690	DISCHARGE PERMIT RENEWAL	\$	3,500.00	\$	3,500.00
502-4012222-5810	DUES	\$	625.00	\$	625.00
502-4012222-6001	OFFICE SUPPLIES	\$	1,000.00	\$	1,000.00
502-4012222-6004	LAB SUPPLIES	\$	5,000.00	\$	4,500.00
502-4012222-6005	JANITORIAL SUPPLIES	\$	3,500.00	\$	1,750.00
502-4012222-6008	DIESEL FUEL	\$	2,000.00	\$	7,500.00
502-4012222-6011	UNIFORMS	\$	1,500.00	\$	-
502-4012222-6014	TOOLS	\$	1,000.00	\$	250.00
502-4012222-6019	SAFETY EQUIPMENT	\$	2,000.00	\$	1,000.00
502-4012222-6025	CHEMICALS	\$	170,000.00	\$	190,000.00
	TOTAL TREATMENT	\$	1,284,655.00	\$	1,262,365.00

Account Number	Account Description		FY24-25 APPROVED 2024-2025		FY25-26 APPROVED 2025-2026
DISTRIBUTION & MAINTENANCE					
502-4012224-1183	COMPENSATION	\$	105,000.00	\$	113,000.00
502-4012224-1183	MATCHING FICA EXPENSE (7.65 %)	\$	8,000.00	\$	8,650.00
502-4012224-3310	EQUIPMENT MAINTENANCE	\$	5,000.00	\$	5,000.00
502-4012224-3330	REPAIR & MAINTENANCE	\$	25,000.00	\$	25,000.00
502-4012224-6007	MATERIALS & SUPPLIES	\$	3,000.00	\$	3,000.00
502-4012224-6019	SAFETY EQUIPMENT	\$	500.00	\$	500.00
502-4012224-6030	NEW SERVICE SUPPLIES	\$	-	\$	-
	TOTAL DISTRIBUTION & MAINT	\$	146,500.00	\$	155,150.00
CAPITAL OUTLAY					
502-4094200-8105	PICK UP	\$	20,000.00	\$	-
502-4094200-8109	SANITARY/STORM SEWER UPGRADE	\$	-	\$	5,000.00
502-4094200-8134	SEWER COLLECTION SYSTEM REHAB	\$	100,000.00	\$	-
502-4094200-8225	COMPUTER REPLACEMENT/UPGRADE	\$	3,500.00	\$	10,000.00
502-4094200-8345	PW ONE TON DUMP TRUCK	\$	20,500.00	\$	-
502-4094200-8411	CAPITAL RESERVES	\$	-	\$	15,544.60
502-4094200-8602	3/4 TON PICKUP (1/3 VDOT)	\$	-	\$	15,000.00
502-4094200-9007	WWTP PERMEATE PUMPS	\$	40,000.00	\$	20,000.00
502-4094200-9009	BAR SCREEN WWTP	\$	-	\$	170,000.00
502-4094200-9010	WWTP MEMBRANE GANTRY	\$	125,000.00	\$	160,000.00
502-4094200-9011	HYDRAULIC THUMB(PW)	\$	-	\$	4,000.00
502-4094200-9012	WWTP DRUM SCREEN REHAB	\$	-	\$	200,000.00
502-4094200-9013	WWTP SLUICE GATE REP/MODIFY	\$	-	\$	100,000.00
	TOTAL CAPITAL OUTLAY	\$	309,000.00	\$	699,544.60
CONTINGENCY					
502-4094300-5800	CONTINGENCY (3.00%)	\$	50,936.00	\$	45,455.40
	TOTAL CONTINGENCY	\$	50,936.00	\$	45,455.40
DEBT SERVICE					
502-4095000-9118	VRA PRINCIPAL	\$	470,000.00	\$	470,000.00
	TOTAL DEBT SERVICE	\$	470,000.00	\$	470,000.00
	TOTAL SEWER FUND OPERATIONAL	\$	1,697,864.00	\$	1,615,180.00
	TOTAL SEWER FUND CONTINGENCY	\$	50,936.00	\$	45,455.40
	TOTAL SEWER FUND CAP OUTLAY	\$	309,000.00	\$	699,544.60
	TOTAL SEWER FUND DEBT SERVICE	\$	470,000.00	\$	470,000.00
	TOTAL SEWER FUND EXPENSES	\$	2,527,800.00	\$	2,830,180.00
	TOTAL EXPENSES ALL FUNDS	\$	14,593,811.00	\$	15,803,597.00

June 10, 2025
Review

Berryville Code Chapter 17 - Water, Sewers and Sewage Disposal

Report for Town Council on June 10, 2025

The Streets and Utilities Committee reviewed this matter on May 27, 2025. The draft minutes of the Committee's meeting are attached to this report.

The Committee did not have significant concerns about the proposed changes, though it is important to point out that the portion of Chapter 17 that is highlighted in green remains under review at the staff level. The Committee discussed how the Council will, if it chooses, to change its approach to existing active on-site sewerage treatment facilities (septic systems) in Town. The Committee determined that this matter should be discussed at the Council level before draft language is drafted.

Attachments

Draft minutes of the May 27, 2025 Streets and Utilities Committee meeting
Redline markup of Chapter 17

- Draft markup has not been fully reviewed at the staff level.
- The text highlighted in green is still under review at the staff level. After that review is complete, the sections in question will be revised and submitted to the Committee.
- The text highlighted in yellow have not been revised. Staff expects that the Committee and Council will discuss these sections at length. These discussions will determine if there will be, as the Council has previously discussed, amendments that will create a framework to sunset the majority of on-site sewerage treatment systems operating within the Town's corporate limits.

List of known on-site sewerage treatment systems operating within the corporate limits.

Recommended action

Review the information provided in the packet and provide staff with direction for revisions to be provided to the Streets and Utilities Committee or Town Council.

Report for Streets and Utilities Committee on May 27, 2025

On April 8, 2025, the Town Council agreed to assign this matter to the Streets and Utilities Committee. Mrs. Harrison and Mr. Tibbens set the matter for review at their May meeting.

Attachments

Redline markup of Chapter 17

- Draft markup has not been fully reviewed at the staff level.
- The text highlighted in green is still under review at the staff level. After that review is complete, the sections in question will be revised and submitted to the Committee.

- The text highlighted in yellow have not been revised. Staff expects that the Committee and Council will discuss these sections at length. These discussions will determine if there will be, as the Council has previously discussed, amendments that will create a framework to sunset the majority of on-site sewerage treatment systems operating within the Town's corporate limits.

List of known on-site sewerage treatment systems operating within the corporate limits.

Recommended action

Review the information provided in the packet and provide staff with direction for revisions to be provided to the Committee at its next meeting.

Report for Town Council on April 8, 2025

Overview

Staff wishes to initiate a review of Berryville Code Chapter 17 to ensure that it complies with current laws and regulations and to correct typographical errors.

Staff requests permission to place a revised chapter before the Streets and Utilities Committee in July for review and the Council in September for review/approval.

Attachment

- Berryville Code Chapter 17 - Water, Sewers and Sewage Disposal

Suggested action

Assign this matter to the Streets and Utilities Committee

DRAFT

**BERRYVILLE TOWN COUNCIL COMMUNITY DEVELOPMENT / STREETS AND UTILITIES COMMITTEE
MINUTES**

**Berryville-Clarke County Government Center
101 Chalmers Court, Berryville, VA 22611**

**Tuesday
May 27, 2025
3:30 pm**

Members of the committee present: Diane Harrison, Chair; Ryan Tibbens

Staff present: Keith Dalton, Town Manager; Jay Arnold, Mayor; Jean Petti, Deputy Town Manager; Terry Russell, Community Development Director; Brandel Kelsey, Town Clerk; Neal White, Chief of Police; Frank Kelsey, Director of Utilities

1. Call to Order

Ms. Harrison called the meeting to order at 3:32 p.m.

2. Approval of Agenda

The agenda was approved by consensus on a motion by Mr. Tibbens.

3. New Business

Open Burning

Mrs. Harrison addressed the matter of open burning allowed in Town by permit in accordance with Section 6-1 of the Berryville Code. She stated that such permitted burning is unnecessary because the Town collects yard waste weekly. She also stated that certain portions of the applicable Code section were not necessary. She specifically addressed Sections D4, D5, and E3. Mr. Tibbens asked staff if the Town collected construction debris and waste. Mr. Dalton stated that neither the Town nor the Town's waste collection contractor collects such material. Mr. Tibbens then inquired about monitoring of open burning. Chief White explained that the applicant is to contact Clarke County Emergency Communications before they light the fire and that they must extinguish the fire if complaints are received by the BPD. Chief White noted that the Code section in question mirrors Virginia law and any changes in the ordinance would need to be vetted to make sure that the Town's ordinance conforms to enabling legislation.

4. Unfinished Business

Chapter 17 Water, Sewer, and Sewage Disposal

Mrs. Harrison addressed the concept of requiring property owners who still utilize on-site sewage treatment systems to connect to the public collection system. She stated some jurisdictions provide grants to assist these property owners connecting to the public sewer system. She also stated that any such requirement needed to provide sufficient time for the property owners in question to save

for the project. She discussed the need to control the price of the availability fee and assist lower income property owners with this expense.

Mr. Dalton discussed the idea of extending the sunset on on-site sewage treatment systems out as far as ten years with availability fees being frozen for a period of time. He noted that any discounts or off-sets should be paid by the general fund, not the sewer fund.

Mr. Arnold suggested finding a way to include septic system requirements on property plats to ensure that new purchasers are made aware of the need to connect to the public system by a certain date. Mr. Tibbens also suggested that notices be provided in the Town's water bill at some point each year.

The Committee discussed the portion of the drought response ordinance that permitted the "topping off" of pools and determined that the language should probably remain unchanged from Staff's draft.

It was determined that this matter should be discussed by the entire Council in a work session. Mr. Dalton also stated that once the Council had a good feel for the direction that they want to go in this matter, the proposed changes need to be crafted by an attorney.

5. Project Updates

See attached project updates document.

6. Other

None

7. Adjournment

The meeting adjourned by consensus at 5:06 p.m. on a motion by Mrs. Harrison.

Chapter 17 WATER, SEWERS AND SEWAGE DISPOSAL¹

ARTICLE I. IN GENERAL

Sec. 17-1. Violation of chapter.

Unless otherwise specifically provided, a violation of any provision of this chapter shall constitute a Class 2 misdemeanor.

(Ord. of 4-10-12)

Cross reference(s)—Penalty for Class 2 misdemeanor, § 1-11.

Sec. 17-1.1. Charges, rates and fees referred to in chapter not affected by Code.

Nothing in this Code or the ordinance adopting this Code shall affect any ordinance prescribing any charge, rate or fee referred to in this chapter and all such ordinances are hereby recognized as continuing in full force and effect to the same extent as if set out at length in this Code.

(Ord. of 4-10-12)

Sec. 17-2. Responsibility of superintendent of public works as to water and sewer connections.

- (a) The superintendent of public works **or designee** shall be responsible for the inspection and proper installation of all connections to the town's water and sewer systems.
- (b) No water supplied by the town shall be introduced into any premises, except under the supervision of the superintendent of public works **or designee**.

¹Editor's note(s)—An ordinance adopted April 10, 2012, repealed the former Ch. 17, §§ 17-1—17-4, 17-14—17-23, 17-25, 17-34—17-44, 17-49—17-58, and enacted a new Ch. 17 as set out herein. The former Ch. 17 pertained to similar subject matter and derived from the 1971 Code; ordinances adopted June 12, 1979; Sept. 11, 1979; Aug. 25, 1981; Nov. 10, 1981; July 13, 1982; Sept. 11, 1984; May 10, 1988; Aug. 15, 1989; Dec. 12, 1989; Jan. 9, 2001; and Sept. 13, 2011(1) and (3).

Cross reference(s)—Department of public works **utilities** responsible for water filtration and wastewater treatment, § 2-~~53~~ **63**; building regulations, Ch. 5; zoning ordinance, App. A; subdivision ordinance, App. B.

State law reference(s)—Authority of town to acquire, establish, maintain and operate waterworks, Code of Virginia, §§ 15.1-292, 15.1-875; public water supply, § 32.1-167 et seq.; authority of town to establish, maintain and operate sewage disposal system, §§ 15.1-320, 15.1-876; authority to regulate sewage disposal, §§ 15.1-855, 15.1-856.

(Ord. of 4-10-12)

Cross reference(s)—Department of public works, § 2-52 et seq. and department of public utilities, § 2-62 et seq.

Sec. 17-3. Damaging, defacing, etc., water or sewer system property.

- (a) No unauthorized person shall break, injure, damage, deface, destroy, uncover, move, ~~or~~ tamper, or interfere with any water main or service pipe, water meter, public sewer, manhole, fireplug or any other appurtenance, fixture, equipment or structure which is a part of, or is connected to, the town's water system or sewer system.
- (b) A violation of this section shall constitute a Class 1 misdemeanor. No penalty imposed for such violation shall prevent the town or any property owner or other person from recovering any damages sustained by reason of such violation, by appropriate civil action or otherwise.

(Ord. of 4-10-12)

Cross reference(s)—Penalty for Class 1 misdemeanor, § 1-11; damaging property generally, § 13-22.

Sec. 17-4. Construction specifications and standard details.

All water and sewer mains, lines, valves, hydrants, manholes, appurtenances and other improvements required for connection to the Town of Berryville's water and sewer systems shall be constructed, installed and/or extended in full compliance with the provisions and requirements of the document entitled "Town of Berryville Construction Standards and Specifications," as such document may be amended from time to time by the council of the Town of Berryville, and which document is set forth separately and apart from the Code of The Town of Berryville, but shall be incorporated by reference herein as a duly adopted section of the town council.

(Ord. of 4-10-12)

Secs. 17-5—17-13. Reserved.

ARTICLE II. WATER GENERALLY

Sec. 17-14. General powers and duties of superintendent of public works as to water system.

The superintendent of public works shall have supervision over the water system and all pipes, plugs and other properties in any way connected therewith. ~~He~~ The superintendent or designee shall keep all parts of the machinery and equipment in connection with the water system in good order and repair. ~~He~~ The superintendent or designee shall keep a map showing the location of the main pipes and length and size of each of them. When there is an extension of any main pipe, ~~he~~ the superintendent or designee shall mark on the map the place of the extension, size of pipe used and other related information and shall keep an account of the cost of material and labor used in making such extension. ~~He~~ The superintendent or designee shall keep a record of all branch pipes, hydrants and other connections with the water system.

(Ord. of 4-10-12)

Cross reference(s)—Department of public works, § 2-52 et seq.

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(Supp. No. 35)

Sec. 17-15. Mandatory water connections; private wells prohibited.

- (a) Every building intended for human habitation or occupancy on premises abutting on a street in which there is a public water line shall have a connection with such water line. ~~If possible, such connection shall be separate for each building.~~ The town manager may waive this requirement for parcels of ten (10) acres or larger in size where such connection is deemed to be a hardship. Any waiver granted under this section may be revoked in writing by the town manager if public water service is extended in a manner that alleviates the hardship of connection to the public system.
- (b) ~~If possible, such c~~Connections to the public water service shall be separate for each building. The town manager may waive this requirement where such separate connection is deemed to be a hardship.
- (c) The water supply, as provided by the town, shall be neither connected with unsafe water supplies nor cross-connected, through plumbing fixtures, to the drainage system.
- (d) Unless otherwise permitted by this section, it shall be unlawful for the owner of any house or other building intended for human habitation or occupancy to occupy or to rent or lease the same for occupancy by any person, or for any person to occupy the same, unless such house or other building is provided with a supply of water meeting the requirements of this section. If any landlord shall fail to supply any such house or other building with such a supply of water, ~~his~~ the tenant shall supply the same in conformity with the orders of the health officer and may deduct the cost thereof from any sum due the landlord for rent.
- (e) It shall be unlawful for any person to drill, own, keep, use or maintain a private well within the town with the intent to circumvent the requirements of this section. In no instance may a well be drilled on any residentially zoned parcel that is less than ten (10) acres in size.

(Ord. of 4-10-12)

Sec. 17-16. Application for service.

Whenever any person owning property in the town along the line of any water main shall desire the introduction of water into such premises, ~~he~~ property owner shall make written application therefor to the town manager. Such application shall set forth the name of the applicant, the location of the property into which the water is to be introduced, the purposes for which the water is to be used and the name of the plumber who is to do the work incident to the introduction of water into the premises. Such application shall also contain a provision which, upon acceptance of the application by the town manager and subsequent connection of the service pipe with the main, will obligate the owner of the premises to pay for all water furnished pursuant to such application. The town manager shall not cause water to be furnished at any water connection until the owner of the premises has agreed to pay for all water furnished and owner has paid connection and availability fees.

(Ord. of 4-10-12)

Sec. 17-17. Permission of council required for service outside town.

No water shall be supplied by the town to any person outside the corporate limits of the town, except upon express permission granted by the council.

(Ord. of 4-10-12)

Sec. 17-18. Connection charges and availability fees.

For each water connection made to the public water system, there shall be a charge as set by the council for any and all residential, commercial, institutional and industrial connections. The council shall set these charges and fees only after a duly adopted resolution specifying charges for residential connections, involving single-family and multifamily dwellings, commercial, institutional and industrial establishments.

(Ord. of 4-10-12)

Sec. 17-19. Installation, inspection, etc., of meters.

- (a) Each meter installed for the measurement of water supplied by the town shall be installed by the town, or its appointed agent, at a location approved by the town or its agent. All meters so installed shall be the property of the town. For each such meter installed there shall be paid to the town, as a meter installation charge fee, such sum as is prescribed from time to time, by the council, to be collected when prior to the meter is being placed in into use.
- (b) Each meter installed for the measurement of water supplied by the town shall at all times be subject to control and inspection by the town or its agent, and where any meter is located on private property, the town shall have the right to enter upon or on the same at all reasonable hours for the purpose of inspecting, repairing, replacing or removing such meter or to take meter readings.

(Ord. of 4-10-12)

Sec. 17-20. Property owner or occupant responsible for expense of renewing replacing or repairing meter negligently damaged.

Any water meter damaged for any cause, directly or indirectly attributable to the negligence of the owner or occupant of the property served by such meter, shall be renewed replaced or repaired at the expense of such owner or occupant.

(Ord. of 4-10-12)

Sec. 17-21. By whom cutoffs made.

Water cutoffs shall be made by the superintendent of public works or designee.

(Ord. of 4-10-12)

Sec. 17-22. Charge for cutoff at request of customer.

A charge, in such amount as is, from time to time, prescribed by the council, shall be made for having water service to a particular premises turned off at the request of the customer.

(Ord. of 4-10-12)

Sec. 17-23. Unauthorized use of water.

No person shall use water from the town's water system without having obtained the right to do so.

(Ord. of 4-10-12)

Sec. 17-24. Reserved.

Sec. 17-25. Drought response ordinance.

- (a) *Drought supply situations.* The Town of Berryville acknowledges that there may be situations where the water supply to the town's water system is reduced by a variety of factors. In recognition of this, the town intends to apply educational, and ultimately enforcement actions, to achieve water conservation measures of varying degrees. This plan should enable appropriate water usage by appropriate water users at reduced consumption levels during these periods as declared by the town council.
- (b) *Drought water supply response plan.* The town council adopts by reference the current version of the Northern Shenandoah Valley Regional Commission (NSVRC) Drought Response Plan. The adoption of this plan, or a substitution plan authorized by the town council, is pursuant to, and authorized by, applicable sections of the Virginia Code (as required by 9VAC 25-780-120; and as authorized by § 15.2-923(ii) of the Code of Virginia - Local Water-Saving Ordinances, and § 15.2-924 - Water Supply Emergency Ordinances).
- (c) *Construction site stabilization during drought conditions.* To stabilize construction sites during drought conditions, strict adherence to the Erosion and Sediment Control (ESC) Minimum Standards and the Virginia ESC Handbook, along with frequent site inspection, must be applied. The **current version of the Virginia Department of Conservation and Recreation Erosion & Sediment Control Technical Bulletin No. 3 Runoff Reduction Method manual will apply. recommends the following Examples of** construction site stabilization methods during drought conditions **include:**
- (1) **Preserve Preservation of** established vegetation on construction sites.
 - (2) **Establish Establishment of** new vegetation to stabilize construction sites while conserving water.
 - (3) **Stabilize Stabilization of** construction sites using nonvegetative methods.
 - (4) ~~Research o~~**Other** water conservation resources as identified on the ~~bulletin-Runoff Reduction Method manual.~~
- (d) *Decisions/declarations and data sources.*
- (1) The town council reserves the right to interpret local water system data, and have sole control over the declaration of a drought/low water supply watch, warning, or emergency. Likewise, the town council reserves the right to reduce, rescind, or eliminate any such declaration. The mayor and town manager may make the following declarations in accordance with provisions of this section.

WATCH— When a ten-percent reduction or more in available water supply is observed. Under a watch declaration, the following voluntary measures are sought:
 - a. Voluntary water conservation.
 - i. Residents/businesses are asked to review their water usage and be aware of and limit high water use including but not limited to overwatering lawns, washing sidewalks and driveways.
 - ii. Residents/businesses are asked to only water **lawns and landscaping** on even or odd days based on their address. If their address is an even number, water on even numbered days, if their address is an odd number, water on odd numbered days.
WARNING— When a **fifteen-percent** reduction or more in available water supply is observed. Under a warning declaration, the following voluntary measures are sought:

- a. Voluntary water conservation.
 - i. Residents/businesses are asked to review their water usage ~~and be aware of~~ and limit high water use.
- b. Mandatory water restrictions.
 - i. Residents shall only water lawns and landscaping on even or odd days based on their address as specified above.
 - ii. Where possible, non-vegetative erosion and sediment control methods shall be employed as identified in the current version of the Virginia Department of Conservation and Recreation Erosion & Sediment Control Technical Bulletin No. 3 Runoff Reduction Method manual. Required Drought bond ~~is~~ in an amount designated by the community development director shall be submitted.
 - iii. ~~No~~ Car washing or outdoor washing is prohibited. Commercial carwashes utilizing public water will be permitted to operate if they can demonstrate that at least fifty (50) percent of the water used is recycled during the car washing process. Commercial carwashes where well water is used may operate as usual but shall post signs at the business indicating such water source.
 - iv. ~~No~~ Washing of streets, driveways, parking lots, service station aprons, office buildings, exteriors of homes or apartments or other outdoor surfaces is prohibited.
 - v. ~~No~~ Operation of any outdoor fountain or other structure making a similar use of water is prohibited.
 - vi. ~~No~~ Filling of swimming and/or wading pools is prohibited. Topping off of pools is permitted.
 - vii. ~~No~~ Use of water from fire hydrants for any purpose other than fire suppression, water distribution flushing, or other public emergency is prohibited.

EMERGENCY— When a twenty-percent reduction or more in available water supply is observed. Under an emergency declaration the following are mandatory restrictions

- a. Mandatory water restrictions.
 - i. Public/businesses are required to conserve. Penalties/sanctions are enforceable pursuant to town ordinance for failure to comply with restrictions as listed.
 - ii. Public notification will be posted of "Mandatory water restrictions in effect."
 - iii. All mandatory restrictions listed under the warning level, unless modified in this section, shall be enforced.
 - iv. High water users (those consistently using more than one thousand (1,000) gal/day) shall have prepared curtailment plans demonstrating how they shall respond to emergency situations and shall implement such.
 - v. ~~No car washing or outdoor washing. Commercial carwashes will be permitted to operate if they can demonstrate that at least fifty (50) percent of the water used is recycled during the car washing process. Commercial carwashes where well water is used may operate as usual but shall post signs at the business indicating such water source.~~
 - vi. ~~No~~ Lawn and landscaping watering is prohibited, except the Use of gray water is permitted for plants, shrubs and gardens in accordance with Virginia Department of Health and Virginia Department of Environmental Quality standards. Definitions of gray water:

- Relatively clean waste water, such as from kitchen, bathroom (including water from bathtubs, showers and sinks, but not the from toilets), and laundry cycles clothes washers. This water can be reused or recycled with little or no treatment for landscape irrigation and other nonpotable uses.

• ~~Waste water discharged from residential lavatories, bathtubs, showers, clothes washers, and laundry trays.~~

vii. ~~No "topping off" of Filling or topping off~~ swimming and/or wading pools is prohibited.

- (2) The town council shall choose their local data sources, establish their local trigger points for the varying declarations, and evaluate various information sources prior to enabling or rescinding any noted declaration.
- (3) Should the NSVRC drought response plan become unsuitable to the Town of Berryville, the council reserves the right to substitute its own drought/low water supply response plan (as approved by the commonwealth) in lieu of subsection (b).
- (4) Should the water usage reduction measures implemented by the town, either voluntary or mandatory, prove inadequate, the town council shall have the authority to impose additional measures to achieve the water usage reduction goals.

(e) *Enforcement.*

- (1) Violations of this section shall constitute an offense as outlined herein. The Berryville Police Department shall be charged with enforcing this section.
- (2) During a watch declaration:
 - a. Verbal reminder for any noted issues.
- (3) During a warning declaration enforcement for mandatory restrictions:

a.	First offense	Verbal warning
b.	Second offense	Written warning notice
c.	Third offense	Disconnection of service and initiation of legal action

(4) During an emergency declaration enforcement for mandatory restrictions:

a.	First offense	Written warning notice
b.	Second offense	Disconnection of service and initiation of legal action
c.	Third offense	Disconnection of service and initiation of legal action

- (5) Reconnect~~ion~~ fees shall apply to any customer whose service was disconnected ~~under in for~~ violation of the emergency declaration.
- (6) Town manager may, in accordance with this chapter, initiate legal action against Fflagrant and/or repeat offenders of any declaration ~~may, by decision of the town manager, initiate legal action of this provision.~~

(f) *Enforcement actions.* Any person who shall violate any of the provisions of this section, or of any of the conservation regulations promulgated by the mayor and town manager pursuant thereto, shall upon conviction thereof, be fined not less than one hundred dollars (\$100.00), nor more than five hundred dollars (\$500.00). Each act or each day's continuation of the violation shall be considered a separate offense. In addition to the foregoing, the town manager may suspend water service to any person continuing to violate

the provisions of this section or the regulations promulgated hereunder. If such water service is terminated, the person shall pay a reconnection fee as established by town council before service will be restored.

(g) *Appeal process.*

- (1) If a customer wishes to appeal any decision by the town manager, they may present their case before the town council.
- (2) If a customer wishes to appeal any decision by the town council, they may present their case before the circuit court.

(h) *Notification.*

- (1) The mayor and town manager, upon rendering a decision pursuant to this chapter, may make such decision known to the public by a variety of media sources such as newspaper, local television access channel, written notices, ~~and/or~~ telephone contacts, and/or town website.

(Ord. of 4-10-12)

Secs. 17-26—17-33. Reserved.

ARTICLE III. SEWERS AND SEWAGE DISPOSAL

Sec. 17-34. General provisions.

- (a) *Purpose.* The purpose of this chapter is to provide for the maximum possible beneficial public use of the Town of Berryville treatment works through regulation of sewer construction, sewer use, and wastewater discharges; to provide for equitable fair and reasonable distribution of the costs of the treatment works; and to provide procedures for complying with the requirements contained herein.
- (b) *Scope.*
 - (1) The definitions of terms used in this chapter are found in ~~a~~Article II~~s~~Section 17-35}. The provisions of this chapter shall apply to the discharge of all wastewater to treatment works of the Town of Berryville. This chapter provides for use of the Town of Berryville treatment works, regulation of sewer construction, control of the quantity and quality of wastewater discharged, wastewater pretreatment, equitable fair and reasonable distribution of costs, assurance that existing customers' capacity will not be preempted, approval of sewer construction plans, issuance of user permits, minimum sewer connection standards and conditions, and penalties and other procedures in cases of violation of this chapter.
 - (2) This chapter shall apply to the Town of Berryville and to persons outside the town who are, by contract, permit or agreement with the town, users of the town's treatment works.
- (c) *Administration.* Except as otherwise provided herein, the director of public utilities shall administer, implement, and enforce the provisions of this chapter.
- (d) *Fees and charges.*
 - (1) All fees and charges payable under the provisions of this chapter shall be paid to the town. Such fees and charges shall be as set forth herein or as established in the latest edition of the Town of Berryville Schedule of Water and Sewer Fees and Charges.

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- (2) All user fees, penalties and charges collected under this chapter (and the treatment works user charge ordinance) shall be used for the sole purpose of constructing, operating or maintaining the treatment works of the town, or the retirement of debt incurred for same.
 - (3) All fees and charges payable under the provisions of this chapter are due and payable upon the receipt of notice of charges. Unpaid charges shall become delinquent and shall be subject to penalty and interest charges as provided for in the latest edition of the Town of Berryville Schedule of Water and Sewer Fees and Charges.
- (e) *Inspections.*
- (1) The director of public utilities or authorized state or federal officials, bearing the proper credentials and identification, shall be permitted to enter all premises where an effluent source or treatment system is located at any reasonable time for the purposes of inspection, observation, measurement, sampling and/or copying records of the wastewater discharge to ensure that discharge to the treatment works is in accordance with the provisions of this chapter.
 - (2) The director **of public utilities** authorized representative, bearing proper credentials and identification, shall be permitted to enter all private property through which the town holds an easement for the purposes of inspection, observation, measurement, sampling, repair, and maintenance of any of the town's treatment works lying within the easement. All entry, and any subsequent work on the easement, shall be done in final accordance with the terms of the easement pertaining to the private property involved.
 - (3) While performing any necessary work on private properties referred to in subsections (e)(1) and (2) above, the director shall observe all safety and occupational rules established by the owner or occupant of the property and applicable to the premises.
- (f) *Separability.* If any provision of these regulations, or the application of any provision of these regulations to any person or circumstances, is held invalid, the application of such provision to other persons or circumstances, and the remainder of the regulations, shall not be affected thereby.
- (g) *Amendments of the chapter.* Public notice shall be given in accordance with applicable provisions of the Town Charter, other town ordinances, state and federal law, prior to adoption of any amendments of this chapter.
- (Ord. of 4-10-12)

Sec. 17-35. Definitions.

- (a) *Specific definitions.* Unless the context of usage indicates otherwise, the meaning of specific terms in this chapter shall be as follows:

Act shall mean the Federal Clean Water Act, 33. U.S.C. 1251 et seq.

Approval authority means the executive director or director of the department of environmental quality.

ASTM shall mean the American Society for Testing and Materials.

Authorized representative of industrial user shall mean:

- (1) A principal executive officer of at least the level of vice president, if the industrial user is a corporation;
or
- (2) A general partner or proprietor if the industrial user is a partnership or sole proprietorship respectively;
or

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- (3) A duly authorized representative of the individual designated in subsections (1) or (2), above, if such representative is responsible for the overall operation of the facility from which the discharge to the POTW originates. The authorization must be submitted to the ~~(manager)~~ **director** prior to or together with any reports to be signed by the authorized representative.

BOD (denoting biochemical oxygen demand) shall mean the quantity of oxygen used in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at twenty (20) degrees Celsius, expressed in milligrams per liter.

Building sewer shall mean the extension of the lateral (service) line from a building wastewater plumbing facility to the sewer main or manhole of the treatment works.

Categorical pretreatment standard or categorical standard shall mean any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Sections 307(a) and 307(c) of the Act, which apply to specific categories of industrial users which appear in 40 CFR Chapter I, Subchapter N, Parts 405—471.

Combined sewer shall mean a sewer intended to receive both wastewater and storm or surface water.

Day shall mean the 24-hour period beginning at 12:01 a.m.

Director shall mean the town director of public utilities or an authorized designee.

Discharger shall mean person or persons, firm, company, industry or other similar sources of wastewater who introduce such into the POTW.

Easement shall mean an acquired legal right for the specific use of land owned by others.

EPA shall mean the United States Environmental Protection Agency.

Establishment shall mean any industrial establishment, mill, factory, tannery, paper or pulp mill, mine, coal mine, colliery, breaker or coal processing operations, quarry, oil refinery, boat, vessel, and each and every other industry or plant or works the operation of which produces industrial wastes or other wastes or which may otherwise alter the physical, chemical or biological properties of any state waters.

Existing source shall mean any source of discharge, the construction or operation of which commenced prior to the publication of proposed categorical pretreatment standards which will be applicable to such source if the standard is thereafter promulgated in accordance with Section 307 of the Act.

Garbage shall mean the solid animal and vegetable wastes resulting from the domestic or commercial handling, storage, dispensing, preparation, cooking, and serving of foods.

Ground water shall mean any water beneath the land surface in the zone of saturation.

Indirect discharge shall mean the introduction of (nondomestic) pollutants into the POTW from any nondomestic source regulated under Section 307(b), (c) or (d) of the Act.

Industrial user or significant discharger means a source of indirect discharge, or a nondomestic discharge to a treatment works.

Industrial wastes shall mean liquid or other wastes resulting from any process of industry, manufacture, trade or business, or from the development of any natural resources.

Interference shall mean an inhibition or disruption of the POTW, its treatment processes or operations, or its sludge processes, which clearly causes, in whole or in part, a violation of any requirement of the POTW's VPDES permit, including those discharges that prevent the use or disposal of sludge by the POTW in accordance with any federal or state laws, regulations, permits or sludge management plans.

May is permissible; *Shall* is mandatory.

Municipality shall mean a town, district association, authority or other public body created under the law and having jurisdiction over disposal of sewage, industrial, or other wastes.

Natural outlet shall mean any outlet into a watercourse, pond, ditch, lake, or any other body of surface or groundwater.

New source shall have the same meaning as provided in 40 CFR Part 403.3(k) (1990).

VPDES shall mean Virginia Pollutant Discharge Elimination System permit program, as administered by the Commonwealth of Virginia.

Owner shall mean the commonwealth or any of its political subdivisions, including, but not limited to, sanitation district commissions and authorities, and public or private institutions, corporations, associations, firms or companies organized or existing under the laws of this or any other state or country, or any person or group of persons acting individually or as a group.

Pass-through shall mean the discharge of pollutants through a POTW into state waters in quantities or concentrations which are a cause in whole or in part of a violation of any requirement of the POTW's VPDES permit, including an increase in the magnitude or duration of a violation.

Person shall mean any individual, firm, company, association, society, partnership, corporation, municipality, or other similar organization, agency or group.

pH shall mean the logarithm of the reciprocal of the hydrogen ion concentration expressed in grams per liter of solution as determined by standard methods.

Pollutant shall mean any dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, medical waste, chemical waste, industrial waste, biological materials, radio active material, heat wrecked or discarded equipment, rock, sand, cellar dirt, municipal, agricultural and industrial waste, and certain characteristics of the wastewater (i.e., pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, odor).

POTW, publicly owned treatment works shall mean any sewage treatment works that is owned by a state or municipality. Sewers, pipes, or other conveyances are included in this definition only if they convey wastewater to a POTW providing treatment.

“Pretreatment shall mean the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to discharge to the Town of Berryville treatment works.

Pretreatment requirements shall mean any substantive or procedural requirement related to pretreatment imposed on an industrial user, other than a pretreatment standard.

Pretreatment standard shall mean any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307(b) and (c) of the Act, which applies to industrial users.

Properly shredded garbage shall mean garbage that has been shredded to such a degree that all particles will be carried freely under flow conditions normally prevailing in the treatment works, with no particle greater than one-half-inch in any dimension.

Residential user (Class 1) shall mean all premises used only for human residency and which **is are** connected to the treatment works.

Sanitary wastewater shall mean wastewater discharged from the sanitary conveniences of dwellings, office buildings, industrial plants, or institutions.

Significant industrial user shall be defined as follows:

- (1) Has a process wastewater* flow of twenty-five thousand (25,000) gallons or more per average work day;

(*Excludes sanitary, noncontact cooling and boiler blowdown wastewater)

- (2) Contributes a process waste stream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the POTW;
- (3) Is subject to categorical pretreatment standards; or
- (4) Has significant impact, either singularly or in combination with other significant dischargers, on the treatment works or the quality of its effluent.

Slug load shall mean any discharge at a flow rate or concentration which could cause a violation of the prohibited discharge standard in ~~a~~Article III, ~~s~~Section 17-38 of this chapter or any discharge of a nonroutine, episodic nature, including but not limited to, an accidental spill or a noncustomary batch discharge.

Standard methods shall mean the latest edition of Standard Methods for the Examination of Water and Wastewater, published by the American Public Health Association, Water Pollution Control Federation and American Water Works Association.

State shall mean the Commonwealth of Virginia.

Storm sewer shall mean a sewer for conveying storm, surface, and other waters, which is not intended to be transported to a treatment works.

Surface water shall mean:

- (1) All waters which are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide;
- (2) All interstate waters, including interstate "wetlands";
- (3) All other waters, such as inter/intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, "wetlands," sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation, or destruction of which would affect or could affect interstate or foreign commerce including any such waters:
 - i. Which are or could be used by interstate or foreign travelers for recreational or other purposes;
 - ii. From which fish or shellfish are or could be taken and sold in interstate or foreign commerce; or
 - iii. Which are used or could be used for industrial purposes by industries in interstate commerce.
- (4) All impoundments of waters otherwise defined as surface waters under this definition;
- (5) Tributaries of waters identified in paragraphs (1) through (7) of this definition;
- (6) The territorial sea; and
- (7) "Wetlands" adjacent to waters other than waters that are themselves wetlands, identified in paragraphs (1) through (6) of this definition.

Suspended solids shall mean the total suspended matter that either floats on the surface of, or is in suspension in, water or wastewater as determined by standard methods.

Treatment facility shall mean only those mechanical power-driven devices necessary for the transmission and treatment of pollutants (e.g., pump stations, unit treatment processes).

Treatment works shall mean any devices and systems used for the storage, treatment, recycling and/or reclamation of sewage or liquid industrial waste, or other waste necessary to recycle or reuse water, including intercepting sewers, outfall sewers, sewage collection systems, individual systems, pumping, power and other equipment and their appurtenances, extensions, improvements, remodeling, additions, or alterations, and any works, including land that will be an integral part of the treatment process or is used for ultimate disposal of

residues resulting from such treatment, or any other method or system used for preventing, abating, reducing, storing, treating, separating, or disposing of municipal waste or industrial waste, including waste in combined sewer water and sanitary sewer systems.

Toxics shall mean any of the pollutants designated by federal regulations pursuant to Section 307(a)(1) of the Act.

User shall mean a source of wastewater discharge into a POTW.

User permit shall mean a document issued by the POTW to the user that permits the connection and/or introduction of wastes into the treatment works under the provisions of this chapter.

Wastewater shall mean a combination of liquid and water-carried wastes from residences, commercial buildings, industries, and institutions, together with any groundwater, surface water, or stormwater that may be present.

WPCF shall mean the Water Pollution Control Federation.

- (b) *General definitions.* Unless the context of usage indicates otherwise, the meaning of terms in this chapter and not defined in subsection (a) above, shall be as defined in the Glossary: Water and Wastewater Control Engineering prepared by Joint Editorial Board of the American Public Health Association, American Society of Civil Engineers, American Water Works Association, and Water Pollution Control Federation, ~~Copyright 1969~~ **current edition.**

(Ord. of 4-10-12)

Sec. 17-36. Use of town's treatment works and treatment facility.

- (a) *Waste disposal.* It shall be unlawful for any person to place, deposit, or permit to be deposited in any condition that may be considered as an unsanitary or unhygienic manner on public or private property within the Town of Berryville, or in any area under the jurisdiction of said town, any human or animal excrement, garbage, or other objectionable waste.
- (b) *Wastewater discharges.* It shall be unlawful under state and federal law to discharge without a VPDES permit to any natural outlet within the Town of Berryville or in any area under its jurisdiction. Wastewater discharges to the town's treatment works are not authorized unless permitted by director in accordance with provisions of this chapter.
- (c) *Wastewater disposal.* Except as provided in this chapter, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of wastewater.
- (d) *Connection to treatment works required.* The owner of any house, building, or property which is used for commercial, industrial and/or residential purposes, abutting on any street, alley, or rights-of-way in which there is or may be located a sewer connected to the treatment works of the town, is required at the owner's expense to install suitable toilet facilities therein, and to connect such facilities directly to the proper sewer in accordance with the provisions of this chapter, within one hundred eighty (180) days after notice that sewer is available within two hundred fifty (250) feet of the property line. This section shall not apply to any person served by a privately constructed, owned, operated, and maintained sewer and treatment facility which discharges directly to a natural outlet in accordance with the provisions of this chapter and applicable state and federal laws.

(Ord. of 4-10-12)

Sec. 17-37. Building sewers and connections.

- (a) *Cost for building sewer installation, connection, maintenance, and repair.* All costs and expenses incident to the installation, connection, maintenance and repair of the building sewer shall be borne by the owner or occupant. The owner/occupant shall indemnify the town from any loss or damage that may directly or indirectly be occasioned by the installation, maintenance and /or repair of the building sewer.
- (b) *Connection permit.*
- (1) No person shall uncover, make any connections with, use, alter, or disturb any wastewater sewer or storm sewer without first obtaining a written permit from the director of public works.
 - (2) There shall be two (2) classes of permits for connections to the town's treatment works and treatment facilities.

CLASS I—Residential

CLASS II—Industrial

In all cases, the owner shall make application for a permit to connect to the town's treatment works on a form furnished by the town. The permit application shall be supplemented by wastewater information required to administer this chapter. Connection **application and availability** fees, as identified in the latest edition of the Town of Berryville Schedule of Water and Sewer Fees and Charges, shall be paid at time of application.
 - (3) Connections to a **storm** sewer shall be subject to a connection permit and inspection fee. Connection permit and inspection fees, as identified in the latest edition of the Town of Berryville Schedule of Water and Sewer Fees and Charges, shall be paid at time of application. Such connections shall be subject to the provisions of this chapter and the approval of the director **and director of public works.**
- (c) *Separate connections required.* A separate and independent building sewer shall be provided for every building except where one (1) building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, courtyard, ~~or~~ driveway, **or when the town manager determines that it is in the best interest of the town to permit a shared building sewer.** When this occurs, the building sewer serving the front building may be extended to the rear building and the whole considered as one (1) building sewer. The town assumes no obligation or responsibility for damage caused by or resulting from any single building sewer which serves two (2) buildings **and may require the property owners utilizing the shared building sewer to enter into a shared maintenance agreement for the building sewer and that such agreement be recorded in the land records of the clerk of the Circuit Court of Clarke County, Virginia.**
- (d) *Existing building sewers.* Existing building sewers may be used for connection of new buildings only when they are found, on examination and testing by the director of public works, to meet the requirements of this chapter.
- (e) *Building sewer design.* The size, slope, alignment, construction materials, trench excavation and backfill methods, pipe placement, jointing and testing methods used in the construction and installation of a building sewer shall conform to the building and plumbing code or other applicable requirements of the town. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the ASTM and WPCF shall apply.
- (f) *Building sewer elevation.* Whenever practicable, the building sewer shall be brought to a building at an elevation below the basement floor. In buildings in which any building drain is too low to permit gravity flow to the town's treatment works, wastewater carried by such building drain shall be lifted by an approved means and discharged to a building sewer draining to the town sewer. The cost of said lifting shall be borne

by the property owner. The property owner shall be responsible for maintaining all equipment and improvements required to lift the discharge.

(g) *Surface runoff and groundwater drains.*

- (1) No person shall connect roof, foundation, areaway, parking lot, roadway, or other surface runoff or groundwater drains to any sewer which is connected to a treatment works.
- (2) Roof, foundation, areaway, parking lot, roadway, or other surface runoff or groundwater drains shall discharge to natural outlets or storm sewers.

(h) *Conformance to applicable codes.* The connection of a building sewer into a treatment works shall conform to the requirements of the building and plumbing code or other applicable requirements of the town, or the procedures set forth in appropriate specifications of the Commonwealth of Virginia Sewerage Regulations, Uniform Building Code of Virginia, and American Society of Testing Materials. The connections shall be made gas-tight and water-tight and verified by proper testing. Any deviation from the prescribed procedures and materials must be approved in writing by the director **of public works** before installation.

(i) *Connection inspection.* The applicant for a building sewer or other drainage connection permit shall notify the director when such sewer or drainage connection is ready for inspection prior to its connection to the town's treatment works. Such connection inspections and testing as deemed necessary by the director shall be made by the director of public works or authorized designee.

(j) *Excavation guards and property restoration.* Excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property **may not be** disturbed in the course of the work **prior to issuance of a land use permit by the town** and shall be restored in a manner satisfactory to the Town of Berryville.

(k) *Protection of capacity for existing users.* The director shall not issue a permit for any class of connection to the town's treatment works or treatment facilities unless there is sufficient capacity, not legally committed to other users, in the treatment works and treatment facilities to convey and adequately treat the quantity of wastewater which the requested connection will add to the treatment works or treatment facility. The director may permit such a connection if there are legally binding commitments to provide the needed capacity.

(Ord. of 4-10-12)

Sec. 17-38. Conditions to use the town's treatment works.

(a) *Special uses of treatment works.* All discharges of stormwater, surface water, groundwater, roof runoff, subsurface drainage, or other waters not intended to be treated in the treatment facility shall be made to storm sewers or natural outlets designed for such discharges. Any connection, drain, or arrangement which will permit any such waters to enter any other sewer shall be deemed to be a violation of this section and this chapter.

(b) *Industrial user, general prohibition upon.* An industrial user shall not introduce any pollutants into the town's treatment works which will pass through or interfere with the operation or performance of the treatment facilities.

(c) *Restricted discharges.*

- (1) No person shall discharge or cause to be discharged to any of the town's treatment works any substances, materials, waters, or wastes in such quantities or concentrations which do or are likely to:
 - i. Create a fire or explosion hazard including, but not limited to, gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas; waste stream with a closed cup

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flashpoint of less than one hundred forty (140) degrees Fahrenheit or sixty (60) degrees Centigrade using test methods specified in 40 CFR 261.21;

- ii. Cause corrosive damage or hazard to structures, equipment, or personnel of the wastewater facilities, but in no case discharges with the following properties:
 - Having a pH lower than 6.0 or greater than 10.0;
- iii. Cause obstruction to the flow in sewers, or other interference with the operation of treatment facilities due to accumulation of solid or viscous materials;
- iv. Constitute a rate of discharge or substantial deviation from normal rates of discharge, ("slug discharge"), sufficient to cause interference in the operation and performance of the treatment facilities;
- v. Contain heat in amounts which are likely to accelerate the biodegradation of wastes, causing the formation of excessive amounts of hydrogen sulfide in the treatment works or inhibit biological activity in the treatment facilities, but in no case shall the discharge of heat cause the temperature in the town wastewater sewer to exceed sixty-five (65) degrees Celsius (one hundred fifty (150) degrees Fahrenheit) or the temperature of the influent to the treatment facilities to exceed forty (40) degrees Celsius (one hundred four (104) degrees Fahrenheit);
- vi. Contain more than one hundred (100) milligrams per liter of nonbiodegradable oils of mineral or petroleum origin;
- vii. Contain floatable oils, fat, or grease;
- viii. Contain noxious gases, vapors or fumes, malodorous gas or substance in quantities that may cause a public nuisance or cause acute human or safety problems;
- ix. Contain radioactive wastes in harmful quantities as defined by applicable state and federal regulations;
- x. Contain any garbage that has not been properly shredded;
- xi. Contain any odor or color producing substances exceeding concentration limits which may be established by the director for purposes of meeting the town's VPDES permit;
- xii. Petroleum oil, nonbiodegradable cutting oil or products of mineral oil origin in amounts that will cause interference or pass through;
- xiii. Any trucked or hauled pollutants except at designated discharge points.

- (2) If, in establishing discharge restrictions, discharge limits, or pretreatment standards pursuant to the article, the director establishes concentration limits to be met by a user, the director in lieu of concentration limits, may establish mass limits of comparable stringency for an individual user at the request of such user. Upon approval by the state, such limits should become pretreatment standards.

(d) *Categorical pretreatment standards.*

- (1) No person shall discharge or cause to be discharged to any treatment works wastewaters containing substances subject to an applicable categorical pretreatment standard promulgated by EPA in excess of the quantity prescribed in such applicable pretreatment standards except as otherwise provided in this section. Compliance with such applicable pretreatment standards shall be within three (3) years of the date the standard is promulgated, provided, however, compliance with a categorical pretreatment standard for new sources shall be required upon commencement of discharge to the treatment works.
- (2) The director shall notify any industrial user affected by the provisions of this section and establish an enforceable compliance schedule for each.

(3) No person shall discharge trucked hazardous wastes to the town's treatment works.

(e) *Special agreements.* Nothing in this article shall be construed as preventing any agreement or arrangement between the town and any user of the treatment works and treatment facility whereby wastewater of unusual strength or character (only in terms of BOD and/or suspended solids) is accepted into the system and specially treated subject to additional payments or user charges as may be applicable.

(f) *Water and energy conservation.* The conservation of water and energy shall be encouraged by the director. In establishing discharge restrictions upon users, the director shall take into account already implemented or planned conservation steps revealed by the user. Upon request of the director, each user will provide the director with pertinent information showing that the quantities of substances or pollutants have not been and will not be increased as a result of the conservation steps. Upon such a showing to the satisfaction of the director, he shall make adjustments to discharge restrictions, which have been based on concentrations to reflect the conservation steps.

(g) *Excessive discharge.* No user shall ever increase the use of process water or, in any way, attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in the Federal Categorical Pretreatment Standards, or in any other pollutant-specific limitation developed by the town or state.

(h) *Accidental discharges.*

(1) Each user shall provide protection from accidental discharge of prohibited materials or other substances regulated by this chapter. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the owner or user's own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the town for review, and shall be approved by the town before construction of the facility. No user who commences contribution to the POTW after the effective date of this chapter shall be permitted to introduce pollutants into the system until accidental discharge procedures have been approved by the town. Review and approval of such plans and operating procedures shall not relieve the user from the responsibility to modify the user's facility as necessary to meet the requirements of this chapter. In the case of an accidental discharge, it is the responsibility of the user to immediately telephone and notify the POTW of the incident. The notification shall include location of discharge, type of waste, concentration and volume, and corrective actions.

(2) Within five (5) days following an accidental discharge, the user shall submit to the director a detailed written report describing the cause of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the treatment works and treatment facility, fish kills, or any other damage to person or property; nor shall such notification relieve the user of any fines, civil penalties, or other liability which may be imposed by this article or other applicable law.

(3) A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of a dangerous discharge. Employers shall insure that all employees who may cause or suffer such a dangerous discharge to occur are advised of the emergency notification procedure.

(Ord. of 4-10-12)

Sec. 17-39. Industrial dischargers.

(a) *Information requirements.*

(1) All industrial dischargers shall file with the town wastewater information deemed necessary by the director for determination of compliance with this chapter, the town's VPDES permit conditions, and state and federal law. Such information shall be provided by completion of a questionnaire designed and supplied by the director and by supplements thereto as may be necessary. Information requested in the questionnaire and designated by the discharger as confidential is subject to the conditions of confidentiality as set out in subsection (a)(3).

(2) Where a person owns, operates or occupies properties designated as an industrial discharger at more than one (1) location, separate information submittals shall be made for each location as may be required by the director.

(3) Information and data on an industrial user obtained from reports, questionnaires, permit applications, permits and monitoring programs and from inspections shall be available to the public or other governmental agency without restriction unless the user specifically requests and is able to demonstrate to the satisfaction of the town that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the user.

When requested by the person furnishing a report, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made available upon written request to governmental agencies for uses related to this chapter, The Virginia Pollutant Discharge Elimination System (VPDES) Permit, state disposal system permit and/or the pretreatment programs, provided, however, that such portions of a report shall be available for use by the state or any state agency in judicial review or enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information.

Information accepted by the town as confidential, shall not be transmitted to any governmental agency or to the general public by the town until and unless a ten-day notification is given to the user.

(b) *User permits.*

(1) All significant industrial users proposing to connect to or to contribute to the treatment works shall obtain a user permit before connecting to or contributing to the treatment works. All existing significant industrial users connected to or contributing to the treatment works shall obtain a user permit within one hundred eighty (180) days after the effective date of this chapter.

(2) Significant industrial users required to obtain a permit shall complete, and file with the town, an application in the form prescribed by the town. Applicants for significant industrial user permits shall pay a fee, as identified in the latest edition of the Town of Berryville Schedule of Water and Sewer Fees and Charges, at time of application. Existing significant industrial users shall apply for a permit within thirty (30) days after the effective date of this chapter, and proposed new significant industrial users shall apply at least ninety (90) days prior to connecting to or contributing to the treatment works. In support of the application, the user shall submit, in units and terms appropriate for evaluation, the following information.

i. Name, address, and location, (if different from address);

ii. SIC number according to the Standards Industrial Classification Manual, Bureau of the Budget, 1987, as amended;

iii. Wastewater constituents and characteristics including, but not limited to, those mentioned in section 17-38 of this chapter as determined by a reliable analytical laboratory; sampling and analysis shall be performed in accordance with procedures established by the EPA pursuant to Section 304(g) of the Act and contained in 40 CFR, Part 136, as amended;

iv. Time and duration of contribution;

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- v. Average daily and peak wastewater flow rates, including daily, monthly and seasonal variations, if any;
 - vi. Site plans, floor plans, mechanical and plumbing plans and details to show all sewers, sewer connections, and appurtenances by their size, location and elevation;
 - vii. Description of activities, facilities and plant processes on the premises including all materials which are or could be discharged;
 - viii. The nature and concentration of any pollutants in the discharge. A statement identifying the applicable pretreatment standards and requirements, and a statement regarding whether or not the pretreatment standards are being met on a consistent basis and if not, whether additional O&M and/or additional pretreatment is required for the user to meet applicable pretreatment standards;
 - ix. If additional pretreatment and/or O&M will be required to meet the pretreatment standards, the shortest schedule by which the user will provide such additional pretreatment. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard.

The following conditions shall apply to this schedule:

- a. The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (e.g., hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, etc.);
- b. No increment referred to in paragraph a. above shall exceed one (1) year;
- c. Not later than fourteen (14) days following each date in the schedule and the final date for compliance, the user shall submit a progress report to the director including, as a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress; the reason for delay, and the steps being taken by the user to return the construction to the schedule established. In no event shall more than one (1) year elapse between such progress reports to the director;
- x. Each product produced by type, amount, process or processes and rate of production;
- xi. Type and amount of raw materials processed (average and maximum per day);
- xii. Number of type of employees, and hours of operation of plant and proposed or actual hours of operation of pretreatment system;
- xiii. Any other information as may be deemed by the town to be necessary to evaluate the user permit application.

The Town of Berryville will evaluate the data furnished by the user and may require additional information. After evaluation and acceptance of the data furnished, the town may issue a user permit subject to terms and conditions provided herein.

- (3) Within nine (9) months of the promulgation of a National Categorical Pretreatment Standard, the user permit of users subject to such standards shall be revised to require compliance with such standard if they are more restrictive than the local limits developed by the POTW within the timeframe prescribed by such standard. Where a user, subject to a National Categorical Pretreatment Standard, has not previously submitted an application for a user permit as required by subsection (b)(2), the user shall

apply for a user permit within one hundred eighty (180) days after the promulgation of the applicable National Categorical Pretreatment Standard. In addition, the user with an existing user permit shall submit to the (manager), within one hundred eighty (180) days after the promulgation of an applicable federal categorical pretreatment standard, the information required by subsection (b)(2)viii. and ix.

(4) Permit conditions. User permits shall be expressly subject to all provisions of this chapter and all other applicable regulations, user charges and fees established by the town. Permits shall contain the following:

- i. The unit charge or schedule of user charges and fees for the wastewater to be discharged to a community sewer;
- ii. Limits on the average and maximum wastewater constituents and characteristics;
- iii. Limits on average and maximum rate and time of discharge or requirements for flow regulations and equalization;
- iv. Requirements for installation and maintenance of inspection and sampling facilities;
- v. Specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types and standards for tests and reporting schedule;
- vi. Compliance schedules;
- vii. Requirements for submission of technical reports or discharge reports (See subsection (c));
- viii. Requirements for maintaining and retaining plant records relating to wastewater discharge as specified by the town, and affording the town access thereto;
- ix. Requirements for notification of the town for any new introduction of wastewater constituents or any substantial change in volume or character of the wastewater constituents being introduced into the treatment works;
- x. Requirements for immediate notification of slug discharges;
- xi. Other conditions as deemed appropriate by the town to ensure compliance with this chapter; and
- xii. Statement of applicable remedies.

(5) User permits shall be issued for a specified time period, not to exceed five (5) years. A permit may be issued for a period less than a year or may be stated to expire on a specific date. The user shall apply for permit reissuance a minimum of one hundred eighty (180) days prior to the expiration of the user's existing permit. The terms and conditions of the permit may be subject to modification by the town during the term of the permit as limitations or requirements as identified in subsection (b) are modified or other just cause exists. The user shall be informed of any proposed changes in his permit at least thirty (30) days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

(6) User permits are issued to a specific user for a specific operation. A user permit shall not be reassigned or transferred or sold by the user to a new owner, new user, different premises, or a new or changed operation without the approval of the town. Any succeeding owner or user shall also comply with the terms and conditions of the existing permit in the interim prior to the issuance of the respective new permit.

(c) *Reporting requirements for permittee.*

(1) Within ninety (90) days following the date for final compliance with applicable pretreatment standards or, in the case of a new source, following commencement of the introduction of wastewater into the

wastewater treatment facilities, any user subject to pretreatment standards and requirements shall submit to the director a report indicating the nature and concentration of all pollutants in the discharge from the regulated process which are limited by pretreatment standards and requirements and the average and maximum daily flow for these process units in the user facility which are limited by such pretreatment standards or requirements. The report shall state whether the applicable pretreatment standards or requirements are being met on a consistent basis and, if not, what additional O&M and/or pretreatment is necessary to bring the user into compliance with the applicable pretreatment standards or requirements. In addition, the report shall contain the results of any sampling and analysis of the discharge as specified in paragraph (c)(2) below. This statement shall be signed by an authorized representative of the user, and certified to by a qualified professional.

(2) Any user subject to a pretreatment standard, after the compliance date of such pretreatment standard, or, in the case of such pretreatment standard or in the case of a new source, after commencement of the discharge into the treatment works, shall submit to the director during the months of June and December, unless required more frequently in the pretreatment standard or by the director, a report indicating the nature and concentration, of pollutants in the effluent which are limited by such pretreatment standards. In addition, this report shall include a record of all daily flows which during the reporting period exceeded the average daily flow reported. At the discretion of the director and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the director may agree to alter the months during which the above reports are to be submitted.

i. The director may impose mass limitations on users which are using dilution to meet applicable pretreatment standards or requirements, or in other cases where the imposition of mass limitations are appropriate. In such cases, the report required by subparagraph (c)(1) of this section shall indicate the mass of pollutants regulated by pretreatment standards in the effluent of the user. These reports shall contain the results of sampling and analysis of the discharge, including the flow and the nature and concentration, or production and mass where requested by the director, of pollutants contained therein which are limited by the applicable pretreatment standards. The frequency of monitoring shall be prescribed in the permit. All analysis shall be performed in accordance with procedures established by EPA pursuant to Section 304(g) of the Act and contained in 40 CFR, Part 136 and amendments thereto or with any other test procedures approved by EPA. Sampling shall be performed in accordance with the techniques approved by EPA. All samples analyzed by this method should be reported.

(d) *Provision for monitoring.*

(1) When required by the director, the owner of any property serviced by a building sewer carrying Class II wastewater discharges shall provide suitable access and such necessary meters and other devices in the building sewer to facilitate observation, sampling, and measurement of the wastewater. Such access shall be in a readily and safely accessible location and shall be provided in accordance with plans approved by the director. The access shall be provided and maintained at the owner's expense so as to be safe and accessible at reasonable times.

(2) The director shall consider such factors as the volume and strength of discharge, rate of discharge, quantities of toxic materials in the discharge, treatment facility removal capabilities, and cost effectiveness in determining whether or not access and equipment for monitoring Class II wastewater discharges shall be required.

(3) Where the director determines access and equipment for monitoring or measuring Class II wastewater discharges is not practicable, reliable, or cost effective, the (manager) may specify alternative methods of determining the characteristics of the wastewaters discharge which will, in the director's judgment, provide a reasonably reliable measurement of such characteristics.

(4) Measurements, tests, and analyses of the characteristics of wastewater required by this chapter shall conform to 40 CFR, Part 136 and be performed by a qualified laboratory. When such analyses are required of a discharger, the discharger shall make arrangement with any qualified laboratory to perform such analyses.

(5) Fees for any given measurement, test, or analysis of wastewater required by this chapter and performed by the town shall be the same for all classes of dischargers, regardless of the quantity or quality of the discharge and shall reflect only direct cost. Costs of analyses performed by an independent laboratory at the option of discharger shall be borne directly by the discharger.

(e) *Costs of damage.* If the drainage or discharge from any establishment causes a deposit, obstruction, or damage to any of the town's treatment works or treatment facility, the director shall cause the deposit or obstruction to be promptly removed or cause the damage to be promptly repaired. The cost for such work, including materials, labor, and supervision shall be borne by the person causing such deposit, obstruction, or damage.

(Ord. of 4-10-12)

Sec. 17-40. Pretreatment.

(a) *Wastewaters with special characteristics.*

(1) While the director should initially rely upon the Federal Categorical Pretreatment Standards to protect wastewater facilities or receiving waters, if any wastewater which contains substances or possesses characteristics shown to have deleterious effect upon the treatment works or treatment facilities, processes, equipment, or receiving waters, or constitutes a public nuisance or hazard, is discharged or is proposed for discharge to the wastewater sewers, the director may require any or all of the following:

- i. Pretreatment by the user or discharger to a condition acceptable for discharge to the treatment works;
- ii. Control over the quantities and rates of discharge;
- iii. The development of compliance schedules to meet any applicable pretreatment requirements;
- iv. The submission of reports necessary to assure compliance with applicable pretreatment requirements;
- v. Carry out all inspection, surveillance, and monitoring necessary to determine compliance with applicable pretreatment requirements;
- vi. Obtain remedies for noncompliance by any user. Such remedies may include injunctive relief, the civil penalties specified in subsection 17-42(f) of this chapter, or appropriate criminal penalties; or
- vii. Reject the wastewater if evidence discloses that discharge will create unreasonable hazards or have unreasonable deleterious effects on the treatment works or treatment facilities.

(2) When considering the above alternatives, the director shall assure that conditions of the town's permit are met. The director shall also take into consideration cost effectiveness, the economic impact of the alternatives, and the willful noncompliance of the discharger. If the director allows the pretreatment or equalization of wastewater flows, the installation of the necessary facilities shall be subject to review. The director shall review and recommend any appropriate changes to the program, within thirty (30) days of submittal.

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- (3) Where pretreatment or flow-equalizing facilities are provided or required for any wastewater, they shall be maintained continuously in satisfactory and effective operation at the expense of the owner.
- (b) *Compliance with pretreatment requirements.* Persons required to pretreat wastewater in accordance with subsection (a) above shall provide a statement, reviewed by an authorized representative of the user and certified by such representative indicating whether applicable pretreatment requirements are being met on a consistent basis and, if not, describe the additional operation and maintenance or additional pretreatment required for the user to meet the pretreatment requirements. If additional pretreatment or operation and maintenance will be required to meet the pretreatment requirements, the user shall submit a plan (including schedules) to the director as described in subsection 17-39(b)(2)ix. The plan (including schedules) shall be consistent with applicable conditions of the town's permit or other local, state or federal laws.
- (c) *Monitoring requirements.* Discharges of wastewater to the town's treatment works from the facilities of any user shall be monitored in accordance with the provisions of the user's permit.
- (d) *Effect of federal law.* In the event that the federal government promulgates a regulation for a given new or existing user in a specific industrial subcategory that establishes pretreatment standards or establishes that such user is exempt from pretreatment standards, such federal regulations shall immediately supersede subsection (a) if they are more stringent.
- (e) *Certification.* All reports and permit applications must be signed by the industrial user's authorized representative and certified by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis and if not, whether additional O&M and/or additional pretreatment is required to meet the pretreatment standards and requirements.

(Ord. of 4-10-12)

Sec. 17-41. Wastewater service, charges and industrial cost recovery.

- (a) *Wastewater service charges.* Charges and fees for the use of the public treatment works and treatment facility shall be based upon the actual use of such system, or contractual obligations for a level of use in excess of current actual use. Property value may be used to collect the amount due as permitted by law.
- (b) *Industrial cost recovery.* Users of the town's treatment works and treatment facilities will also be assessed industrial cost recovery charges as required by law.
- (c) *Determination of system use.*
- (1) The use of the town's treatment works and treatment facilities shall be based upon actual measurement and analysis of each user's wastewater discharge, in accordance with provisions of subsection 17-39(d) to the extent such measurement and analysis is considered by the director to be feasible and cost-effective.
 - (2) Where measurement and analysis is considered not feasible, determination of each user's use of the treatment works and treatment facilities shall be based upon the quantity of water used whether purchased from a public water utility or obtained from a private source, or an alternative means as provided by subsection (c)(3) below.
 - (3) The director, when determining actual use of the town's treatment works and treatment facilities based on water use, shall consider consumptive, evaporative, or other use of water which results in a significant difference between a discharger's water use and wastewater discharge. Where appropriate, such consumptive water use may be metered to aid in determining actual use of the treatment works and treatment facilities. The meters used to measure such water uses shall be of a type and installed in a manner approved by the director. (The actual average water use by each residential user (Class I)

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during the three (3) months of (January, February, and March) shall be used as the measure of each respective residential user's actual use of the sewer system throughout the year.)

(Ord. of 4-10-12)

Sec. 17-42. Enforcement.

(a) *Harmful contributions.* The town may suspend the wastewater treatment service and/or a user permit when such suspension is necessary, in the opinion of the town, in order to stop an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health or welfare of humans, to the environment, causes interference to the treatment facilities or causes the town to violate any condition of its VPDES permit.

Any person notified of a suspension of the wastewater treatment service and/or the user permit shall immediately stop or eliminate the contribution. In the event of a failure of the person to comply voluntarily with the suspension order, the town shall take such steps as deemed necessary, including immediate severance of the sewer connection and/or the seeking of legal and equitable relief in the circuit court, to prevent or minimize damage to the wastewater treatment facilities or endangerment to any individuals. The town shall reinstate the user permit and/or the wastewater treatment service upon proof of the elimination of the noncomplying discharge. A detailed written statement submitted by the user describing the causes of the harmful contribution and the measures taken to prevent any future occurrence shall be submitted to the town within fifteen (15) days of the date of occurrence.

(b) *Revocation of permit.* Any user who violates the following conditions of this ordinance, or applicable state and federal regulations, is subject to having his permit revoked in accordance with the procedures of article IX[sic] of this chapter for:

- (1) Failure of a user to factually report the wastewater constituents and characteristics of his discharge;
- (2) Failure of the user to report significant changes in operations, or wastewater constituents and characteristics;
- (3) Refusal of reasonable access to the user's premises for the purpose of inspection or monitoring; or
- (4) Violation of conditions of the permit.

(c) *Notification of violation.* Whenever the town finds that any user has violated or is violating this chapter, user permit, or any prohibition or limitation of requirements contained herein, the town may serve upon such person a written notice stating the nature of the violation. Within thirty (30) days of the date of the notice, a plan for the satisfactory correction thereof shall be submitted to the town by the user.

(d) *Show cause hearing.*

- (1) The town may order any user who causes or allows an unauthorized discharge to show cause why the proposed enforcement action should not be taken. Such hearings shall be preceded by a notice being served on the user specifying the time and place of the hearing, the reasons why the action is to be taken, the proposed enforcement action, and directing the user to show cause why the proposed enforcement action should not be taken. The notice of the hearing shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days before the hearing. Service may be made on any agent or officer of a corporation.
- (2) The director may conduct the hearing and take the evidence, or may designate any of its members or any officer or employee of the public utilities department to:
 - i. Issue in the name of the director notices of hearings requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearings;

ii. Take the evidence.

iii. Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the director for action thereon.

(3) At any hearing held pursuant to this chapter, testimony taken must be under oath and recorded stenographically. The transcript, so recorded, will be made available to any member of the public or any party to the hearing upon payment of the transcript costs.

(4) After the director has reviewed the evidence, he may issue an order to the user responsible for the discharge directing that, following a specified time period, the sewer service be discontinued unless adequate treatment facilities, devices or other related appurtenances have been installed and existing treatment facilities, devices or other related appurtenances are properly operated. Further orders and directives as are necessary and appropriate may be issued.

(e) *Legal action.* If any person discharges sewage, industrial wastes or other wastes into the city's treatment works contrary to the provisions of this chapter, applicable federal or state pretreatment requirements, or any order of the town or if any industrial user refuses access to the director or his designee for purposes of inspection, the town attorney may commence an action for appropriate legal and/or equitable relief in the circuit court.

(f) *Penalties.*

(1) Any person or user that violates the provisions of this chapter or a user/discharge permit hereunder shall be subject to a penalty of one thousand dollars (\$1,000.00) per day and/or shall, upon conviction, be guilty of a Class II misdemeanor for each day the violation continues.

(2) Each day, or portion thereof, a violation continues shall constitute a separate violation.

(g) *Falsifying information.* Any person who knowingly makes any false statements, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this chapter, or user permit, or who falsifies any monitoring device or method required under this ordinance, shall upon conviction, be guilty of a Class I misdemeanor.

(Ord. of 4-10-12)

Sec. 17-43. Private sewage disposal.

(a) Where a public sanitary sewer is not available under the provisions of subsection 17-35(d), the building sewer shall be connected to a private sewage disposal system complying with the provisions of this article.

(b) The type, capacities, location and layout of a private sewage disposal system shall comply with all recommendations of the state and local departments of health. No septic tank or cesspool shall be permitted to discharge to any public sewer, or natural inlet, or abutting public or private property.

(c) The owner shall operate and maintain his private sewage disposal facilities in a safe, sanitary manner, at no expense to the town, and with no nuisance whatsoever to others.

(Ord. of 4-10-12)

Sec. 17-44. Special provisions.

Where water from the town water system is used for **cooling**, manufacturing, farming, horticultural, or poultry operations and such water is not being returned to the public sewer system, the user may install a

separate water meter to avoid payment of a sewer usage fee for such operations. Such meters shall be subject to a separate minimum water fee. Costs for installing the meters shall be borne by the user.

(Ord. of 4-10-12)

Sec. 17-45. Extension of sanitary sewer lines within the town limits.

- (a) Sewer main extensions from existing sewer mains within the town limits shall be made in accordance with the Subdivision Ordinance of the Town of Berryville, or if not covered by such ordinance, may be made by the town subject to the availability of funds and the concurrence of the town council. All such construction shall conform to all applicable ordinances and standards, and upon final inspection by the superintendent and acceptance in writing by the town shall immediately become the property of the Town of Berryville.
- (b) When any sewer in any street or other right of way is completed and ready for use, the owner of every abutting lot containing an active building whereon sewer is supplied for any human use shall cause such building to be connected with such sewer main.
- (c) No connection shall be made to any sewer lateral except after the written application therefor has been approved by the town manager or designee and the ~~superintendent~~ director of public works or designee and the required permit has been obtained.

(Ord. of 4-10-12)

Sec. 17-46. Extension of sanitary sewer lines outside the town limits.

- (a) Extension of existing public sewer lines to areas outside the town limits may be made only after special written application by the developers or users and approval by the town council.
- (b) The total cost of such extensions shall be paid by the developers and user(s) in addition to the appropriate connection fees. The town shall not be made a party to any such agreements for reimbursement or sharing of costs for the extension. Such agreements shall be solely between the requesting person and any future or present landowners.
- (c) Any easements required for extensions under this article shall be obtained, and paid for by the person(s) desiring the extension. Such easements shall be recorded in the name of the Town of Berryville.
- (d) Construction of all such extensions shall conform to all applicable ordinances and standards, and upon final inspection by the director of public works or designee and acceptance in writing by the town, ~~All extensions~~ shall immediately become the property of the Town of Berryville. ~~upon final inspection by the superintendent and acceptance by the town.~~
- (e) Whenever extension approval is granted, and before a permit is issued, the town shall require the applicant(s) to enter into an agreement thereby agreeing to be governed by the ordinances and laws of the town concerning the sewage works and any special regulations that the town council may, from time to time, adopt and direct.

(Ord. of 4-10-12)

Secs. 17-47, 17-48. Reserved.

ARTICLE IV. WATER AND SEWER SERVICE CHARGES²

Sec. 17-49. Rates—For water.

The charges for water furnished by the town shall be based on ~~the amount~~ **one hundred (100) percent** of ~~the~~ water passing through the meter, whether such water is used or wasted, and shall be at such rates as are prescribed, from time to time, by the council.

(Ord. of 4-10-12)

Sec. 17-50. Same—For sewer service.

Charges for sewer services rendered by the town shall be based upon one hundred (100) percent of the amount of water passing through the water meter to the premises in question, and shall be at such rates as are prescribed, from time to time, by the council.

(Ord. of 4-10-12)

Sec. 17-51. Deposit to assure payment.

To assure payment of charges provided for in this article, any customer who receives water for residential property which he does not own shall be required to make a cash deposit with the town, in such amount as is prescribed, from time to time, by the council. Such deposit may be required of other customers, if deemed necessary by the town manager.

(Ord. of 4-10-12)

Sec. 17-52. Estimated charges in case of defective meter.

If at any time it is found that a meter installed for the measurement of water supplied by the town has been tampered with or for any reason fails to register or shall be found defective in registering since the previous reading, the water consumption for such period shall be estimated from other similar readings and the average taken of such readings for the same period, or from past readings or from a like installation, and the charges provided for in this article shall be based on such estimate.

(Ord. of 4-10-12)

²State law reference(s)—Authority of town to charge and collect compensation for water and sewer service, Code of Virginia, §§ 15.1-321, 15.1-875. See also, §§ 15.1-175, 15.1-876.

Sec. 17-53. Responsibility for payment in case of multiple occupants served by same service line and meter.

When water is supplied by the town through a single service line on which there is only one (1) meter and such water is used by more than one (1) segregated unit in the building, the owner of the building shall be responsible for the payment of the charges provided for in this article.

(Ord. of 4-10-12)

Sec. 17-54. Statements generally.

All statements for town water and sewer service shall be computed by the treasurer on the basis of the rates prescribed by the council and shall be on a monthly basis. Such statements shall be rendered to the property owner, occupant or user as soon as practicable after monthly meter readings. Such statements shall be considered the correct assessment, unless a correction is requested of the town manager within ~~ten~~ **fifteen (15)** days after the date of the statement.

(Ord. of 4-10-12)

Sec. 17-55. Billing when tenants change between periods.

Water and sewer charges for any billing period in which there has been a change in tenants between the time meters are read for one (1) period and read for the following period shall be billed to the owner of the property.

(Ord. of 4-10-12)

Sec. 17-56. Complaints as to charges; overassessments.

Any user of water or of sewer service having a complaint in connection with the assessment of charges under this article shall report the same to the town manager, within ~~ten~~ **fifteen (15)** days after the date of the statement rendered for such charges. The town manager shall investigate such complaint and, if warranted by the facts, shall adjust the assessment. Any user who feels that he is overassessed may have his meter tested by the town, by payment of such fee as is prescribed, from time to time, by the council. If the meter is found to overregister, the fee shall be returned, but if the meter is correct or under registering, the fee shall be retained by the town to cover the cost of the test.

(Ord. of 4-10-12)

Sec. 17-57. When due and payable.

Statements for charges due under this article shall be due and payable upon presentation and will be considered delinquent, if not paid ~~within fifteen (15) days from the billing date~~ **on or before the due date represented on the statement.**

(Ord. of 4-10-12)

Sec. 17-58. Service charge and discontinuing service for delinquencies.

If the statement for water and sewer service is not paid within ~~fifteen (15)~~ **sixty (60)** days of its **due** date, a service charge, in such amount as is prescribed, from time to time, by the council, will be added and service will be discontinued **in accordance with Virginia Code §15.2-2121.2**, until such statement and service charge shall have been paid in full. Service shall be restored when all statements and service charges have been brought to date and a reconnection fee, in such amount as is prescribed, from time to time, by the council, is paid to the town.

(Ord. of 4-10-12)

Active Drainfields within Town of Berryville

#		STREET	BILLED FOR	PUBLIC SEWER AVAILABLE	NOTES
327	N	BUCKMARSH ST	water only	NO	
446	N	BUCKMARSH ST	water only	NO	house in cemetery
310	S	BUCKMARSH ST	water only	NO	
324	S	BUCKMARSH ST	water only	NO	
326	S	BUCKMARSH ST	water only	YES	
325	S	CHURCH ST	water only	YES	
406	S	CHURCH ST	water only	NO	
408	S	CHURCH ST	water only	NO	
309		FIRST ST	water only	YES	
319		FIRST ST	water only	YES	
321		FIRST ST	water only	YES	
329		FIRST ST	water only	YES	
331		FIRST ST	water only	YES	
339		FIRST ST	water only	YES	
343		FIRST ST	water only	YES	
9		JOSEPHINE ST	water only	YES	
22		JOSEPHINE ST	water only	YES	
210		JOSEPHINE ST	water only	YES	
222		JOSEPHINE ST	water only	YES	
304		JOSEPHINE ST	water only	YES	
748	E	MAIN ST	water only	YES	
8		OSBORNE ST	water only	YES	
9		OSBORNE ST	water only	YES	
16		OSBORNE ST	water only	YES	
22		ROSEMONT MANOR LN	water only	YES	
25		ROSEMONT MANOR LN	water only	YES	
28		ROSEMONT MANOR LN	water only	YES	

UPDATES

EMAILED TO KD+RB 5/19/25

Item Title

Bond release request from DR Horton

Prepared By

Jean Petti

Background/History/General Information

DR Horton has requested full release of remaining bonds for Hermitage V, Fellowship Square, and Shenandoah Crossing subdivisions. Per *Town of Berr., Subdivision Ordinance, July 2024, Art. VII- Performance Surety*, these bonds are normally held for a minimum of one year. This date is typically interpreted to refer to one year after the acceptance of the streets by Virginia Department of Transportation, which occurred July 1, 2024.

Findings/Current Activity

The current amounts held are:

Hermitage V:	\$130,714.38, Erosion and Sediment Control \$ 568,732.29, Public Improvements
Fellowship Square:	\$ 28,813.00, Erosion and Sediment Control \$ 351,423.30, Public Improvements
Shenandoah Crossing:	\$ 217,361.00, Erosion and Sediment Control \$ 5,155,365.00, Public Improvements

Other Considerations

Community Development Director Terry Russell, consulting engineer Mike Artz of Pennoni, and Public Works Director Rick Boor performed site visits/surveys to determine any repairs that may need to be made before full bond release. This report is attached. DR Horton performed a site visit 6 June 2025.

Based upon current market prices and notes from the walkover, the Town expects replacement of driveway aprons, sidewalk, curb and gutter, crosswalks, and stop bars for Fellowship Square and Shenandoah Crossing to amount to \$80,860, and \$47,690 for Hermitage.

With a 25% contingency, the total amounts would be:

Fellowship Square & Shenandoah Crossing = \$101,075
Hermitage = \$59,613

Attachments

1. Report following review by Mike Artz and Terry Russell

Recommendation

Staff met with DR Horton to review warranty items, and recommends full release of bonds following July 1, 2025, excepting any retainage for warranty items that DR Horton has not completed by June 30, 2025.

Sample Motion

I move that, effective July 1, 2025, the Town of Berryville release Erosion and Sediment Control bonds in the amount of \$130,714.38 for Hermitage V, \$28,813.00 for Fellowship Square, and \$217,361.00 for Shenandoah Crossing.

I further move that the Public Improvement Bonds be reduced to \$59,613.00 for Hermitage V and \$101,075.00 for Fellowship Square and Shenandoah Crossing. The retainage in Public Improvement Bonds of \$160,688.00 will be released upon remediation of the warranty items identified in the report dated April 23, 2025.

Town of Berryville 4/23/25

Shenandoah Crossing/ Fellowship Square/ Hermitage final walkover for bond reduction

Mike Artz Terry Russell

Shenandoah Crossing & Fellowship Square

Weeks

1. There are no stop bars or ADA crosswalk striping.
2. Weeks Drive
3. 440 Driveway spalling
4. 526 spalling in gutter pan at pond
5. 526 driveway spalling
6. 530 driveway spalling
7. 534 driveway spalling
8. 538 driveway spalling
9. 604 driveway spalling
10. 612 driveway spalling
11. 624 driveway & sidewalk spalling
12. 704 driveway spalling
13. 728 driveway spalling
14. Spalled sidewalk between 728 & 732
15. 737 section of spalled sidewalk
16. 733 driveway spalling
17. 729 to 725 sidewalk spalling
18. Between 729 & 725 sidewalks spalling
19. 725 sidewalk spalling
20. 609 driveway spalling
21. 605 driveway spalling
22. 605 to 601 sidewalk spalling
23. 601 spalling on driveway & sidewalk to ADA Ramp
24. 537 to ADA ramp sidewalk spalling
25. 517 spalling on driveway
26. 435 to 431 sidewalk spalling
27. 421 driveway spalling
28. 417 spalling in gutter pan and C & G through 413 & 409
29. 405 spalling in gutter pan @DI

Pulliam

1. nothing noted

McCormick

1. Nothing noted

Wilson

1. 56 sidewalk spalling
2. 44 driveway spalling
3. 36 driveway spalling
4. 26 driveway & sidewalk spalling
5. 22 driveway spalling (bad)
6. 18 driveway spalling
7. 13 driveway spalling
8. 29 driveway spalling
9. 33 driveway spalling
10. 37 driveway and sidewalk spalling
11. 41 driveway and sidewalk spalling
12. 45 driveway spalling

Harper

1. 508 driveway spalling
2. 512 Sidewalks spalling
3. @ Intx of Harpers & Weeks sidewalk spalling on East side
4. spalling on sidewalk along w. side North of 517 Harper

Hermitage

Tyson

1. 328 Spalling on driveway
2. 316 Spalling on driveway
3. 308 spalling on sidewalk
4. 257 spalling on driveway
5. 337 Spalling on driveway

Norris

1. 368 spalling on sidewalk
2. 372 spalling on driveway
3. 374 spalling on driveway
4. 380 spalling on driveway
5. 384 gutter pan spalling
6. 388 spalling on driveway
7. 392 gutter pan spalling
8. 400 gutter pan spalling
9. 404 gutter pan spalling
10. 412 driveway spalling
11. 416 driveway spalling
12. 429 driveway & sidewalk spalling
13. 421 Sidewalk spalling
14. 417 sidewalk and driveway spalling
15. 413 driveway spalling
16. 409 driveway spalling
17. 405 driveway spalling
18. 401 driveway spalling
19. 397 gutter pan spalling

Jones

1. 409 spalled driveway
2. 405 spalled gutter pan
3. 401 spalled driveway

Alexander

1. Nothing noted

Report of the Department of Public Works

June 5, 2025

General Information

Public Works was able to work around the rain events last month and paint all the parking spaces and yellow curbs prior to Memorial Day. The playground equipment was painted and new swings installed. We expect a delivery of engineered wood fiber in this week. When it arrives, we will clean out the fall zones and apply the new fiber to the playground area.

Water

We experienced one water break last month. This break occurred on the 10-inch transmission line that supplies water to the Town from the water plant. The break was located in the 2000 block of Springsbury Road. Public Works crew worked through the night to repair the main and water service was restored around 3:00 a.m. on the 21st.

The Bel-Voi water improvement project is moving along at a good rate. The contractor is now in the process of connecting the existing water services to the new water main. This project should be completed within the next 2 weeks.

Public Works personnel continue to provide support to the Utilities Department as needed.

Sewer

We experienced no sewer related problems during the last month.

Public Works personnel continue to provide support to the Utilities Department as needed.

Public Utilities Department Report

9 June 2025

Item Title: Department Update

Prepared By: Frank Kelsey

Department General Activity

We have recently begun to upgrade our Work Order system. This new system will allow us to easily create, track, and manage work orders and preventive maintenance, including scheduling, assigning, prioritizing, and monitoring progress to enhance productivity. Additionally, the system includes a function to track inventory, helping complete jobs more efficiently without unexpected shortages.

Water Treatment Plant Activity

All water quality results are available at <https://vadwv.gecsws.com/>

Testing results from samples collected on May 14, 2025, returned results of 0.031 mg/L and 0.027 mg/L at monitoring locations on Dunlap Drive and McNeil Drive, respectively. These samples, along with tests collected in February, show a significant reduction in HAA5 formation. Additionally, we are now in compliance with the Virginia Department of Health with a Running Annual Average of 0.054 mg/l which is under the Maximum Contaminate Level of 0.060 mg/l.

Wastewater Treatment Plant Activity

Inboden continues to operate the facility with care and consideration, completing monthly preventive maintenance on equipment to ensure pumps and motors are operating efficiently. Annual calibrations were completed as scheduled, all unit conditions and performance were within specifications.



BERRYVILLE POLICE DEPARTMENT

101 Chalmers Ct., Suite A, Berryville VA 22611
(T) 540.955.3863 (F) 540.955.0207
policeadmin@berryvilleva.gov
W. Neal White – Chief of Police

MEMO

DATE: 06/05/2025
TO: Town Council
FROM: Chief W. Neal White 
CC:
RE: **Police Department Monthly Report – 06/10/2025**

Monthly Activity Report

The activity report for the month of May 2025 is attached to this report.

Public Safety Committee

The Public Safety Committee did not meet in May 2025.



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W. Neal White – Chief of Police

Police and Security Report

Month/Year: May	Year To Date 2025	May 2025	April 2025
<u>Complaints Answered</u>			
911 Hang Up:	7	2	1
Alarms:	29	11	6
Animal Complaint:	39	5	12
Assault:	13	3	3
Assist County:	44	8	10
Assist EMS and Fire:	53	8	10
Auto Larceny:	1	0	0
Burglary:	1	0	1
Civil Complaints:	32	4	6
Disturbance:	16	2	1
Domestic Disturbance:	9	2	2
Driving Under the Influence	7	2	0
Drunk In Public:	1	0	0
Fraud:	19	3	6
Larceny:	11	1	6
Harassment/Intimidation:	14	5	2
Homicide:	0	0	0
Identity Theft	1	0	0
Juvenile Related:	7	0	2
Mental Health Crisis:	23	7	6
Narcotics Related:	1	0	0
Noise	7	0	2
Public Service:	26	8	4
Sexual Assault:	1	1	0
Robbery:	0	0	0
Shoplifting:	0	0	0
Suspicious Activity:	106	25	24
Trespassing:	10	3	2
Vandalism:	12	2	3
Welfare Check:	28	4	9
Miscellaneous Complaints:	287	54	55
Total Complaints Answered:	805	160	173



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Police and Security Report (Continued)

	Year To Date 2025	May 2025	April 2025
<u>Traffic</u>			
Accidents Investigated:	32	4	10
Assist Motorist:	0	0	0
Child Safety Seat Install:	4	1	1
Funeral Escort:	13	3	2
Hit & Run:	4	2	0
Parking Tickets:	55	1	14
Traffic Warnings:	169	26	37
<u>Traffic Summons Issued</u>			
Defective Equipment:	0	0	0
Driving Suspended:	1	0	1
Expired Inspection:	1	0	0
Expired Registration:	5	1	0
Fail to Obey Highway Sign:	45	11	19
Fail to Obey Traffic Signals:	1	1	0
Fail to Stop/Lights & Siren:	0	0	0
Fail to Yield Right of Way:	0	0	0
Hit and Run:	0	0	0
No Liability Insurance:	0	0	0
No Operator's License:	2	0	0
No Seat Belt:	0	0	0
Reckless Driving:	1	1	0
Speeding:	33	9	8
Miscellaneous Summons:	5	0	0
Total Traffic Summons Issued:	94	23	28
<u>Found Open at Businesses in Town</u>			
Doors:	2	2	0
Windows:	0	0	0
Garage Doors:	0	0	0



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W. Neal White – Chief of Police

Police and Security Report (Continued)

	Year To Date 2025	May 2025	April 2025
<u>Criminal Papers Served</u>			
Abduction:	0	0	0
Arson:	0	0	0
Assault and Battery:	1	0	0
Assault and Battery on Police Officer:	0	0	0
Auto Larceny:	0	0	0
Breaking and Entering:	0	0	0
Capias:	0	0	0
Disorderly Conduct:	0	0	0
Driving Under the Influence:	6	3	0
Drunk In Public:	1	0	1
Fail to Obey Police Officer:	0	0	0
Fail to Pay Parking Ticket:	0	0	0
Forgery:	0	0	0
Fraud:	0	0	0
Homicide:	0	0	0
Illegal Drugs/Paraphernalia:	5	0	0
Larceny:	3	1	0
Possess Alcohol Underage:	0	0	0
Protective Order Violations:	2	0	1
Rape:	0	0	0
Resisting Arrest:	0	0	0
Robbery:	0	0	0
Shoplifting:	0	0	0
Trespassing:	0	0	0
Vandalism:	0	0	0
Weapons Violation:	1	1	0
Miscellaneous Criminal Arrests:	15	5	6
Juvenile Detention Order Totals:	3	1	0
Total Criminal Arrests:	37	11	8



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Police and Security Report (Continued)

	Year To Date 2025	May 2025	April 2025
<u>Response to Resistance</u>			
Total Community Interface	1244	227	213
Total Enforcement Contacts	303	61	41
Physical Custody	10	5	2
Reported Force Involved	2	0	0
Administrative Review - Justified	2	0	0
Administrative Review - Not Justified	0	0	0
Complaint of Injury - Arrestee	0	0	0
Medical Treatment for Injury - Arrestee	0	0	0
Complaint of Injury - Officer	0	0	0
Medical Treatment for Injury - Officer	0	0	0
<u>Type of Force Involved</u>			
Compliance Hold / Open Hands	0	0	0
Takedown	2	0	0
Strikes (Hands / Knees)	0	0	0
Chemical Sprays (O.C.)	0	0	0
Impact Weapon (Baton)	0	0	0
Mechanical Non-Lethal	0	0	0
Firearm	0	0	0
<u>Arrestee Demographics</u>			
White Male	11	3	4
Black Male	1	1	0
Other Male	0	0	0
White Female	4	1	0
Black Female	2	0	1
Other Female	0	0	0

Town Council Agenda Item Report Summary

June 10, 2025

Item Title

Community Development Update

Prepared By

Terry Russell

Planning Commission

The Planning Commission has not held a meeting since the last Council meeting. Its next meeting is scheduled for Tuesday, June 24, 2025.

Berryville Area Development Authority

The BADA held a meeting on May 28, 2025. It set a public hearing for the Hillson Grove subdivision for Wednesday, June 25, 2025 at 7:00 pm. The BADA also discussed the Town Council Resolution regarding the Berryville Area Plan. The BADA will meet on June 25, 2025 at 1:00 pm to continue its work on the update of the Berryville Area Plan.

Town Staff has prepared a Draft Revised Annexation Agreement/Berryville Area Plan Review Schedule as requested by the BADA at its May 28, 2025 meeting. The first recommended action on the schedule is for the Town Council to begin to consider the appointment of two persons to serve on a joint Town/County Annexation Agreement Amendment Review Committee, and forward this schedule to the County.

Architectural Review Board

Lacking a quorum, the ARB was unable to hold its meeting on June 4, 2025. Its next meeting is scheduled for Wednesday, July 2, 2025.

Tree Board

The Tree Board has not had a scheduled meet since the last Town Council meeting.

Board of Zoning Appeals

The BZA has not held a meeting since the last Council meeting.

Wayfinding

The Town Council held a work session on the IFB for the Wayfinding program and authorized Town Staff to contract with Frazier Associates to develop specifications for the new design for the Gateway signs. Town Council also authorized staff to proceed with the IFB as soon as the details with Frazier Associates and VDOT are finalized.

Amendments to the Code of Virginia: Approvals of Subdivisions

Virginia Senate Bill SB974 was passed and signed by the Governor authorizing changes to subdivision ordinances at the local level. SB 974 and Draft amended Subdivision Ordinance language is attached. Town Staff will ask the Planning Commission to sponsor these Subdivision Ordinance Amendments at its June 24, 2025 meeting.

Revised Annexation Agreement/Berryville Area Plan Review Schedule for Town Council and Board of Supervisors

06/06/25 Draft

July 14, 2025

Town appoints two members to serve on a joint Town/County Annexation Agreement Amendment Review Committee (Committee)

July 21, 2025

County appoints two members to serve on a joint Town/County Annexation Agreement Amendment Review Committee (Committee)

July 22, 2025 –
October 30, 2025

Committee meets and develops a draft amended Annexation Agreement that will permit the inclusion of Annexation Area C into the Town of Berryville and address details such as the specifics of land development application review/approval and timing of annexations

November 17, 2025

The Committee presents its findings in a joint meeting of the TC and BOS

November 18, 2025 –
April 13, 2026

TC and BOS review the draft amended Annexation Agreement

April 13, 2026

Berryville Area Development Authority presents its recommended draft Berryville Area Plan to a joint meeting of the TC and BOS
{This draft will include land use designations for Annexation Area C which will be comprised of portions of the three future potential growth areas identified in the 2015 Plan.}

May 4, 2026 &
May 18, 2026

Joint TC and BOS work sessions on the draft Berryville Area Plan and draft amended Annexation Agreement

June 9, 2026

Joint TC and BOS public hearing on the draft Berryville Area Plan and draft amended Annexation Agreement

September 8, 2026

TC approves Berryville Area Plan and amended Annexation Agreement (permits annexation upon receipt of CLG approval – either July 1 or January 1, if permissible under law)

September 15, 2026

BOS approves Berryville Area Plan and amended Annexation Agreement (permits annexation upon receipt of CLG approval - either July 1 or January 1)

September 16, 2026

Fully executed Annexation Agreement submitted to the Commission on Local Government for approval

Not more than 60 days after receipt of CLG approval

BOS conducts a public hearing on application of land use designations and comprehensive rezoning of properties within Annexation Area C in accordance with the Berryville Area Plan and the revised Annexation Agreement

Not more than 60 days after BOS PH

BOS approves application of land use designations and comprehensive rezoning of properties within Annexation Area C in accordance with the Berryville Area Plan and the revised Annexation Agreement

Not more than 60 days after the BOS approval of land use designations and zoning

TC initiates annexation process for Annexation Areas C1 (a portion of Future Potential Future Growth Area) and C2 (a portion of the Western Potential Future Growth Area) effective July 1, 2027 or January 1, 2028

DTBD

TC initiates annexation process for remaining portions of Annexation Area C in accordance with revised Annexation Agreement

ARTICLE I. CONSTITUTION AND PURPOSE

A. TITLE AND APPLICATION

The regulations embraced in this Article shall be known, cited, and referred to as the “Subdivision Ordinance of the Berryville Area, Virginia.” The provisions of this subdivision ordinance shall apply to all land which is under the incorporated jurisdiction of the Town of Berryville and to that land identified as “Area B” in the Clarke County/Town of Berryville Annexation Agreement.

B. PURPOSE AND INTENT

The Subdivision Ordinance of the Berryville Area, Virginia (hereinafter “Ordinance”) is intended to guide and facilitate the orderly and beneficial growth of the community, to assure the orderly subdivision of land and its development and for the general purpose of promoting the health, safety, and general welfare of the public and of further accomplishing the objectives of Section 15.1-465 of the Code of Virginia, as amended.

It is hereby declared to be the policy of the Town of Berryville to consider the subdivision of land as subject to the power of the Town to implement the Berryville Area Plan and the Town Comprehensive Plan. This Ordinance is adopted for the following purposes:

1. To ensure the growth of the community is consonant with the efficient and economical use of public funds;
2. To ensure that residential areas are provided healthful surroundings for family life;
3. To improve the public health, safety, convenience, and welfare of the citizens of the County and Town;
4. To clearly establish the procedures which must be followed in order to subdivide land in the County and Town, subject to this Ordinance; and
5. To ensure that this process includes appropriate and applicable reviews.

C. AUTHORITY FOR ORDINANCE

The Berryville Town Council, pursuant to recommendation of the Berryville Planning Commission and public hearings held in accordance with Section 15.1-431 of the Code of Virginia, does, by the adoption of this Ordinance, hereby exercise the police power conferred by Sections 15.1-465 through 15.1-485 of the Code of Virginia to assure the orderly subdivision of land, and the police power conferred by Section 15.1-447 of the Code of Virginia to implement the comprehensive plans of the County and Town, and the general police power as conferred by Section 15.1-510 of the Code of Virginia.

D. SEVERABILITY AND VALIDITY

Should any article, section, or part of this Ordinance be decided by the courts to be invalid or unconstitutional, such decision shall not affect the validity of the Ordinance as a whole, or any part thereof, other than the part held unconstitutional or invalid.

E. CONFLICTING ORDINANCES

All other County/Town ordinances, or parts thereof, which are inconsistent with the provisions of this Ordinance are hereby repealed. If another state or federal statute or Town/County ordinance or regulation contains conflicting provisions with this Ordinance, the more restrictive of the provisions, ordinances, or regulations shall govern.

F. MINIMUM REQUIREMENTS

In interpreting and applying this Ordinance, the provisions herein shall be considered as the minimum requirements for the promotion of the public safety, health, or general welfare. It is not the purpose of this Ordinance to interfere with, abrogate, or annul any subdivisions, recorded lots, easements, covenants, or other agreements between parties, provided however, that where this Ordinance imposes a greater restriction upon the subdivision and use of land, buildings, or required larger open spaces than are imposed or required by other ordinances, rules, regulations, or by easements, covenants, or agreements, the provisions of this Ordinance shall govern.

G. EFFECTIVE DATE

This Ordinance was adopted on March 27, 1990 by the Town Council of Berryville, Virginia, and became effective at 12:00 a.m. on March 28, 1990, at which time all previous subdivision provisions and ordinances applicable to the Town of Berryville and Area B were repealed. A certified copy of the Ordinance, as may be amended from time to time, shall be filed in the Office of the Town Manager and in the Office of the Clarke County Director of Planning.

ARTICLE II. GENERAL REGULATIONS

A. GENERAL EFFECT

The effects of this Ordinance shall be consonant with the objectives of the Town to assure the orderly subdivision of land and its development, to coordinate the development of streets within and contiguous to any subdivision, to establish adequate provisions for drainage, flood control and other public purposes, to ensure acceptable physical standards and criteria for subdivision improvements, to provide for the dedication of public rights-of-way, and to serve in implementing the Berryville Comprehensive Plan and Berryville Area Plan, as adopted.

B. PRIOR APPROVALS

Nothing in this Ordinance shall be deemed to require any change in or invalidation of plats previously approved and of record prior to the effective date of this Ordinance.

C. ADMINISTRATION AND ENFORCEMENT

The administration and enforcement of this Ordinance shall be vested in the Designated Agent authorized by the Berryville Town Council.

~~1. The Administrative Body~~

~~The Berryville Area Development Authority is hereby designated as the Administrative Body of the Town Council for the subdivision of land in that area known as Area B which is the subject of the subdivision application and for which no final certificates of occupancy have been granted. The Berryville Planning Commission is hereby designated as the Administrative Body of the Town Council for the subdivision of all other land subject to this Ordinance. In so doing, the Berryville Area Development Authority and the Berryville Planning Commission (hereinafter collectively referred to as the "Administrative Body") are hereby delegated the power to administer this Ordinance in their respective areas as indicated above. The Administrative Body shall review and act to approve or disapprove preliminary and final plats and plans within its jurisdiction as noted above. In the performance of its duties, the Administrative Body shall request and consider the review and comments of the Town, selected County staff, and applicable public agencies in making recommendations on all subdivision plats and plans. The Administrative Body may employ or engage additional assistance required for the technical review of subdivision plats and plans.~~

~~2. The Administrative Body's Agent~~

~~The Administrative Body may act through the Town's Subdivision Administrator (hereinafter referred to as the "Agent") and/or planning staff duly appointed as provided in Section 15.1-442 of the Code of Virginia, to the extent that the Administrative Body finds appropriate for the administration of this Ordinance; provided, however, that no person may act for the Administrative Body in approving, conditionally approving, or disapproving any preliminary plan, final plan, preliminary plat or final plat.~~

The Town Council shall authorize the Designated Agent to review and act on subdivision plats, site plans, and plans of development.

Whenever the owner or proprietor of any tract of land located within the Town Berryville desires to subdivide the tract, a plat of the proposed subdivision shall be submitted to the Designated Agent for such purpose. (Code of Virginia 15.2-2258)

No plat of any subdivision shall be recorded unless and until it has been submitted to and approved by the Designated Agent. (Code of Virginia 15.2-2254)

D. APPLICATION AND COMPLIANCE

1. Subdivision conformance with this Ordinance
No person shall divide or subdivide, or cause a subdivision to be made, by deed or plat, of any tract of land located within the Berryville Area (Town of Berryville or Area B), except in conformity with the provisions of this Ordinance. No land shall be subdivided for any use if the ~~Administrative Body~~ *Designated Agent*, in consideration of applicable criteria, deems such land unsuitable for such purposes.
2. ~~Administrative Body~~ *Designated Agent* approval required
Whenever the owner of any tract of land located within the Berryville Area desires to subdivide the same, the owner shall submit a plat of the proposed subdivision with reference to known or permanent monuments to the ~~Administrative Body or its~~ *Designated Agent* in accordance with the requirements of this Ordinance. No owner shall subdivide land without making and recording a plat of such subdivision in the Office of the Clerk of the Circuit Court of Clarke County, and no such plat of any subdivision shall be recorded unless and until it shall have been submitted to and approved by the ~~Administrative Body~~ *Designated Agent*, in accordance with the regulations set forth in this Ordinance.
3. Subdivision approval required before sale of lots
No person shall sell or transfer any land of a subdivision before a plat of such subdivision has been duly approved and recorded as provided herein.
4. Ordinance relationship with private agreements
This Ordinance bears no relation to any private easement, covenant, agreement, or restriction. The responsibility of enforcing such private easement, covenant, agreement, or restriction is not implied to any public official.

E. WAIVER OF ORDINANCE REQUIREMENTS

1. Division of single lot or parcel of land

Where a single lot or parcel of land is proposed to be divided into not more than two (2) parcels, any one or more of the requirements of this Ordinance may be waived by the ~~Administrative Body~~, and be subject to staff approval *Designated Agent*, provided that such subdivision:

- a. conforms in area and street frontage to the regulations and requirements of the zoning district regulations of the governmental entity wherein the land lies;
- b. does not involve any new public street, road or easement of access;
- c. does not, in the opinion of the County, Town or state, obstruct any natural drainage or planned transportation facility;
- d. does not adversely affect any part of any adopted Comprehensive Plan and/or the Berryville Area Plan, as adopted; and
- e. does not in any way violate the intent of this Ordinance, the Zoning Ordinance of the County/Town, the Berryville Erosion and Sediment Control Handbook, or the Berryville Area Stormwater Management Facilities Plan.

2. Unusual situations

The ~~Administrative Body~~ *Designated Agent* may permit variations in or exceptions to the general regulations of this Ordinance in cases of unusual situations or when strict adherence to the general regulations would result in substantial injustice or hardship, provided, however, that no such variations or exceptions shall be permitted by the ~~Administrative Body~~ *Designated Agent* unless it finds:

- a. that the strict application of this Ordinance would produce undue hardship;
- b. that the hardship is not shared generally by other properties in the same vicinity;
- c. that the authorization of such variation or exception will not be of substantial detriment to adjacent property and that the character of the zoning district will not be changed by the granting of the variation or exception; and
- d. that the condition or situation of the property covered is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to the Ordinance.

F. CLUSTER SUBDIVISIONS

The purpose of the cluster method of subdivision is to permit an alternative to standard subdivision design which will promote flexibility of layout and variety of type in residential dwellings, without sacrificing existing per-acre dwelling densities or changing the character of the neighborhood, and at the same time, preserve scenic and useful open space for common enjoyment. Procedures for plat filing and review shall be the same as for standard subdivisions.

1. However, the application of the cluster method of subdivision shall be subject to the requirements of the applicable Town/County Zoning Ordinance pertaining to:
 - a. cluster development in the respective zoning classifications and
 - b. site plan regulations.
2. A detailed proposal setting forth the post-development utilization of open space areas must be submitted and approved before final plat approval. The detailed proposal shall include covenants, agreements, or other specific documents, showing the ownership of and maintenance and utilization of those areas within the subdivision which are declared to be open spaces for common use. The proposed method of ownership and maintenance in perpetuity of all common spaces must be acceptable to and approved by the Town, and must be set forth in the deed of dedication which shall be recorded with the final plat.

G. CONDOMINIUMS

Insofar as the relationship of condominium development to the provisions of this Ordinance is concerned, condominium development under the Condominium Laws of Virginia shall be subject to the following:

1. Minimum lot size and yard requirements of the district shall be met as if lot lines existed.
2. A Master Development Plan shall be required and subject to review and approval by the ~~Administrative Body~~ *Designated Agent* and shall govern the location of all site structures and improvements on final plats and plans.
3. Setback, density, and other zoning district provisions shall be met.

H. EROSION AND SEDIMENTATION CONTROL REGULATIONS

1. For the purpose of alleviating the adverse effects of on- and off-site erosion, siltation and sedimentation before, during, and after development, adequate controls, both temporary and permanent, shall be subject to final subdivision plat and plan approval and shall comply with the Virginia Erosion and Sediment Control Handbook and the guidelines set forth by the applicable Town or County Erosion and Sediment control Ordinance.
2. No site improvements may be initiated prior to (a) posting of a performance bond, and (b) approval of the construction and maintenance methods for all vegetative and structural erosion and sediment control measures, which shall be in accordance with the minimum standards and specifications of the Virginia Erosion and Sediment Control Handbook, the Virginia Department of Transportation, and the standards set forth by the applicable Town or County Erosion and Sediment Control Ordinance.

I. PARKS, SCHOOLS, OPEN SPACE, AND PUBLIC LAND

In the subdividing of land, consideration should be given to suitable sites for parks, schools, and other areas of public use as described in the Berryville Area Plan. Such areas should be located and indicated on the preliminary master plan, preliminary plat, and final plat in order that it may be determined if, when, and in

what manner such areas will be dedicated to, reserved for, or acquired by the Town/County for that use. This provision shall not be construed to preclude the dedication of property for public use not included in the Berryville Area Plan, provided such property is acceptable to the Town/County for such dedication and maintenance.

J. DEDICATION FOR PUBLIC USE

No plat of a subdivision showing any public lands, easements, or rights-of-way shall be recorded, nor shall any such lands, easements, or rights-of-way otherwise be accepted for dedication to public use until such dedication shall first be approved and accepted by the Town Council/Board of Supervisors and evidence of such approval shown on the instrument to be recorded. Such approval shall not be given by the Town Council/Board of Supervisors until any such easement or right-of-way complies with all requirements as the Town Council/Board of Supervisors may impose.

K. PHASING

1. Once the design and development plans of a proposed subdivision project have been approved by the Town, the developer may construct the project in phases. The developer shall provide a construction bond for each phase of construction.
2. The developer must provide a schedule of work. If not completed on schedule, the bond for that phase shall be called.
3. After five years, any further work and/or improvements installed shall be subject to review by the Town and may be placed under updated requirements, specifications, and standards.

L. BOUNDARY LINE ADJUSTMENTS

1. The boundary lines of any lot or parcel of land may be relocated or otherwise altered as a part of an otherwise valid and properly recorded plat of subdivision or re-subdivision and executed by the owner or owners of such land as provided in Section 15.1-477 of the Code of Virginia (1950, as amended), provided:
 - a. that such action does not involve the relocation or alteration of streets, alleys, easements for public passage, or other public areas;
 - b. that no easements or utility rights-of-way shall be relocated or altered without the express consent of all persons holding any interest therein;
 - c. that such action does not create a nonconforming situation according to the Town Zoning Ordinance;
 - d. that such action does not alter a boundary line that is coincident with a zoning district boundary; and
 - e. that such action does not create additional lots beyond those already approved.
2. Boundary line adjustments involving plats approved under the Town

Subdivision Ordinance must be approved by the ~~Administrative Body~~
Designated Agent.

ARTICLE III. SUBDIVISION IMPROVEMENTS REQUIRED

A. GENERAL

1. Design and specification approval
 - a. No subdivider shall begin the clearing of land, including tree removal, or the construction of any improvements without first submitting plans and specifications to the Town. Such improvements may require the written approval of the Virginia Department of Transportation, or other applicable state or local agency.
 - b. Installation and materials shall conform to adopted Town Design and Construction Standards in effect at the time of construction.
2. Installation of improvements

The ~~Administrative Body~~ Designated Agent shall require that the subdivider show all improvements on the plat as specified herein for final plat approval. Said improvements shall be installed in compliance with the requirements of any or all plans and plats approved by the ~~Administrative Body~~ Designated Agent, Virginia Department of Transportation, or any other applicable state or local agency.
3. Cost of improvements

All required on-site public improvements shall be installed at the expense of the subdivider, unless County/Town cost-sharing or other means of County/Town participation are indicated by the Director of Planning and Town Manager. Such agreements shall be formally entered into prior to final plat approval.
4. Requirements for easements

Easements and lines for water and sewer services shall be subject to approval by the Town Council or its Agent. In cases where specifications have been established, either by the Virginia Department of Transportation for streets, etc., or by this Ordinance, such specifications shall be followed. Drainage easements shall be subject to Town approval and acceptance.
5. Penalties

Any subdivider initiating any construction in violation of this Section shall be guilty of a misdemeanor, and punishable by a fine of not more than that which is allowed by State statute. Any person who should knowingly continue construction after the issuance of a STOP WORK Order by the Zoning Administrator, Building Inspector, or other authorized representative of the Town shall be subject to a penalty of five hundred dollars (\$500) for each day of said construction which should continue after issuance of the STOP WORK Order. The Town Council may require that any construction done after a STOP WORK Order be removed and the area restored to its original condition
6. Bond release

Any required subdivision bond shall not be released until all required construction has been satisfactorily completed and approved by the Town Council, wherein discharge and release of the subdivision bond shall be executed.

7. Clearing for surveying
Limited clearing for the purpose of surveying may be done before preliminary plat application, if the Town is given prior notification in writing and approves such clearing.
8. Public Improvements
All public improvements shall be completed within one year of recordation of the final plat unless otherwise specified by the Town Council.

B. TRANSPORTATION IMPROVEMENTS

No final plat or plan shall be approved until ~~the Administrative Body~~ Designated Agent is assured that the following will have been provided:

1. Construction of, and right-of-way dedication for, required vehicular travel lanes, service drives, driveway entrances, or other access connections, which will permit vehicular travel within the subdivision, and to and from adjacent properties.
2. Construction of, or fee dedication for, widening of existing roads, existing roads on new alignments and proposed roads, all as indicated on the adopted Berryville Area Plan and where the need for such roads are substantially generated by the proposed subdivision.
3. Subdividers shall be required to reserve right-of-way for major highways and interstate highways where applicable. Dedication of rights-of-way for any major public transportation improvements shall be as indicated on the transportation element of the adopted Berryville Area Plan.
4. Subdividers shall be required to dedicate and construct off-site streets, or to improve existing streets if, in the opinion of the Town, the subdivision does not have adequate ingress or egress.
5. Where the adopted Berryville Area Plan indicates a right-of-way greater than that existing along a border of a subdivision or lot, such additional right-of-way shall be shown on the plat as dedicated to public use. Where a subdivision has occurred on public streets with less than fifty feet right-of-way width, additional right-of-way shall be dedicated in order that the total public right-of-way shall equal fifty feet in width.
6. Curb and gutter (CG-6, or approved equivalent) shall be required on all new public streets. The ~~Administrative Body~~ Designated Agent may require curb and gutter on private streets and/or private parking areas where traffic conditions warrant and on recommendation from staff. Construction of curb and gutter may be required around all medians that separate travel lanes and service drives from existing streets and that separate off-street parking areas from streets, service drives, and travel lanes. However, the ~~Administrative Body~~ Designated Agent may waive, upon recommendation from staff, the construction of curb and gutter on a travel lane where it would be in keeping with the existing/proposed design of the travel lane or parking aisle on adjacent properties so that adequate and safe traffic circulation between sites can be obtained without curb and gutter.

7. At its discretion, the Administrative Body Designated Agent may waive curb and gutter in any residential subdivision where average lot size exceeds 15,000 square feet and the average lot frontage exceeds 100 feet.
- C. CONSTRUCTION OF SIDEWALKS AND TRAILS
1. Sidewalks shall be constructed, at no cost to the Town, as required by Article III, Section 319 of the Berryville Zoning Ordinance. All sidewalks shall be constructed in accordance with Virginia Department of Transportation standards. (09/05)
 2. The subdivider shall provide all improvements necessary to sidewalks in the subdivision in conformity with Section 15.2-381 of the Code of Virginia, as amended, requiring curb ramps for the handicapped.
 3. The subdivider shall construct trails or walkways in accordance with the general location shown on the adopted Berryville Area Plan, together with such other connecting trails or walkways within the limits of the subdivision plan.
- D. UTILITIES
- All necessary utilities shall be provided and constructed by the subdivider or utility company to serve the proposed subdivision and shall be installed underground in accordance with adopted County/Town standards, and standards and regulations issued by the appropriate regulatory agency; provided, however that
1. Equipment such as the electric distribution transformers, switchgear, meter pedestals, and telephone pedestals, which are normally installed above-ground, may continue to be so installed, in accordance with accepted utility practices for underground distribution.
 2. Meters, service connections and similar equipment normally attached to the outside wall of the premises they serve may be so installed.
 3. Temporary facilities required for construction purposes may be permitted. The removal of such facilities shall be subject to a schedule approved by the Town of Berryville.
 4. Easements and/or rights-of-way shall be dedicated for all utilities and other facilities within subdivisions that are intended to be publicly maintained. Such easements or rights-of-way shall be clearly defined on the plat or plan for the purposes intended.
- E. STORMWATER MANAGEMENT FACILITIES
- The Town may develop a Comprehensive Stormwater Management Facilities Plan to be applied in conjunction with the Berryville Area Stormwater Management Facilities Plan which addresses development and compliance within the Berryville Area. The plan will assist in determining the necessary structures, easements and costs to provide ultimate drainage facilities to serve County and Town drainage sheds at full development of those sheds. Such facilities plans shall be designed in accordance with the adopted Berryville Area Plan.

1. The facilities cost shall be updated annually by applying the Engineering News-Record cost index factor. The facilities plan shall be adopted by the Town Council.
2. Subject to the adoption of a Comprehensive Stormwater Management Facilities Plan, a subdivider or developer of land shall be required to pay a prorata share of the cost of providing reasonable and necessary drainage facilities which may be outside the property limits of the land owned or controlled by the subdivider or developer, but necessitated or required, at least in part, by the construction or improvement of such land, in accordance with the intent and provisions of Section 15.1-466(j) of the Code of Virginia and the adopted Comprehensive Plan, the adopted Berryville Area Plan, the Comprehensive Stormwater Management Facilities Plan, as adopted, and this Ordinance.
3. The policy and criteria for determination of a prorata share of total cost, financial, and implementation procedures and other related matters shall be the responsibility of the Director of Planning and Town Manager and adopted by the Town Council as part of the Comprehensive Stormwater Management Facilities Plan, as adopted.
4. The installation of an adequate drainage system for the disposition of storm runoff shall be in accordance with adopted Town Design and Construction Standards and compatible with the adopted Berryville Area Comprehensive Stormwater Management Facilities Plan, for the watershed as defined in the Berryville Area Comprehensive Stormwater Management Facilities Plan, or other state and federal agencies, if applicable.
5. The developer shall install adequate temporary and/or permanent erosion and sedimentation control measures meeting local, state and federal requirements

F. WATER AND SEWERAGE FACILITIES

All subdivisions of land in the Berryville Area (Town of Berryville and Area B) under the terms of this Ordinance, shall be approved for connection to the Town's water and sewer systems prior to final subdivision approval. No waiver shall be granted where there exists an adopted comprehensive facilities plan to provide future water and sewer service to the area in which the subdivision is located. All easements required by the Town shall be provided for by the subdivider.

1. Extension of service
Generally, where public water or sewer service is reasonably accessible, such service shall be extended by the developer to all lots within a subdivision, and specifications, easements, and dedications shall be in conformity with requirements of the Town.
2. Facilities plans
Water and sewerage facilities shall be designed in accordance with facilities plans adopted by the Town of Berryville.
 - a. The Town may develop a Capital Facilities Plan in conjunction with the Berryville Area Plan: Water and Sewerage Program, as adopted, to determine the projected sewage flow, collection mains and

facilities, easements, and costs to provide ultimate sewerage service to the Berryville Area drainage sheds at full development of those sheds within the Town of Berryville and Area B.

- b. The Town may develop a Capital Facilities Plan in conjunction with the Berryville Area Plan: Water and Sewerage Program, as adopted, to determine the projected water requirements, mains and facilities, easements, and costs to provide ultimate water service to the Berryville Area sub-areas, at full development of those sub-areas, within the Town of Berryville and Area B.
3. Cost sharing policies
 - a. Subject to the adoption of comprehensive water and sewerage facilities plans, a subdivider or developer of land shall be required to pay the full cost under a reimbursement policy, or a prorata share of, the cost of providing reasonable and necessary water and sewerage facilities which may be outside the property limits of the land owned or controlled by the subdivider or developer, but necessitated or required, at least in part, by the construction or improvement of such land. Such reimbursement policies shall be adopted by the Town of Berryville.
 - b. The policy and criteria for determination of a prorata share of total costs, financial and implementation procedures, and other related matters shall be the responsibility of the Town.
 - c. The cost of such facilities shall be updated annually by applying the Engineering News-Record cost index factor.
 4. Private septic systems
 - a. No subdivision shall be approved in the Berryville Area where individual private septic tank systems are to be used.
 - b. Such subdivisions recognizing the utilization of septic systems are not conforming to the provisions of this Ordinance.
 - c. Where, for the convenience of the Town of Berryville, a public sewer line has not been located within 500 feet of a building requiring sewage disposal, or where it is unreasonable or financially impractical to the Town to extend such public sewer lines, said building may be exempted from the requirements of this section. Such exemption may be granted only if it can be shown that the property can be properly served by an on-site septic system. Such exemption shall be authorized by the Town Council.
 5. Private water systems

No subdivision shall be approved in the Berryville Area where individual private water systems are to be used.

G. MISCELLANEOUS IMPROVEMENTS

1. Street lights

Street lights shall be installed to light streets and other public ways. Street lights shall be completed in accordance with plans prepared for the subdivider or developer and approved by the Town as meeting the required specifications for street lighting.

2. Other improvements (09/05)

Subdivision plat approval may be subject to the installation of other improvements as specified in this Ordinance or the Zoning Ordinance to include, where applicable, but not to be limited to, off-street parking and loading facilities, driveways, private streets, fences, walls, screening, and landscaping.

a. In the unlikely situation where the Administrative Body Designated Agent has determined that residential lots with reverse frontages are warranted on roadways, or where stormwater management facilities have been planned adjacent to roadways, a landscaped buffer area shall provide for plant material screening between adjacent land uses and along public rights-of-way. The buffer areas are required to run the length of adjacent property boundaries and public rights-of-way. Buffer areas shall not be used for buildings, the storage of materials, or vehicular parking. Except for mulched areas adjacent to plant material, buffer areas shall have a living ground cover.

i. buffer area widths for reverse frontage lots shall consist of the following:

- (a) 15 foot buffer area adjacent to streets with rights-of-way less than fifty (50) feet.
- (b) 25 foot buffer area adjacent to streets with rights-of-way between fifty (50) and sixty (60) feet.
- (c) 30 foot buffer area adjacent to streets with rights-of-way greater than sixty (60) feet, and any streets classified as State Primary Roads.

ii. Quantity

(a) Plant material is required per square foot of buffer area as listed below:

- 1. 15-foot buffer areas
 - A. Large canopy tree 1/500 square feet and
 - B. Medium canopy tree none required and
 - C. Small canopy tree 1/1000 square feet and
 - D. Shrub 1/50 square feet.
- 2. 25 foot buffer areas
 - A. Large canopy tree 1/1500 square feet and
 - B. Medium canopy tree 1/1500 square feet and
 - C. Small canopy tree 1/1500 square feet and
 - D. Shrub 1/50 square feet.
- 3. 30 foot buffer areas
 - A. Large canopy tree 1000 square feet and

- B. Medium canopy tree 1000 square feet and
 - C. Small canopy tree 1000 square feet and
 - D. Shrub 1/50 square feet.
4. Buffer area trees in 15-, 25-, 30-foot buffers shall be at least fifty percent (50%) evergreens.

iii. Utility Lines

Small canopy trees shall be substituted for large canopy trees where buffer areas are under and parallel to overhead utility lines. In other buffer areas, small canopy trees should be used whenever trees are placed under overhead utility lines.

iv. Plant Material Type and Location Specifications

- (a) Schedule: All plans shall contain a schedule of plants proposed, indicating the number proposed, caliper or gallon size, and both common and botanical names.
- (b) Condition: All plant material shall comply with the American Standard for Nursery Stock (ANSI Z60.1-1996). All plants shall be well formed, vigorous, healthy and free of disease, sunscald, windburn and insects or their eggs.
- (c) Diversity: No single species of tree or shrub shall comprise more than 1/3 of the total number of trees or shrubs to be planted.
- (d) Sight Distance: No tree, shrub, hedge or existing vegetation shall be planted or maintained in a way that interferes with prescribed sight distances.
- (e) Size:
Minimum Caliper/Size
 - 1. Large canopy tree two (2) inch caliper
 - 2. Medium canopy tree two (2) inch caliper
 - 3. Evergreen tree six (6) feet tall
 - 4. Small canopy tree six (6) feet tall
 - 5. All shrubs eighteen (18) inches tall
- (f) Planting: All plant material shall be installed in accordance with good trade practices. Trees shall be planted at least ten (10) feet apart. The Standardized Landscape Specifications for the Commonwealth of Virginia will serve as the basis for minimum acceptable plant installations (Plates 1 and 2). The Zoning Administrator or designee shall be notified seventy-two (72) hours prior to plant installation. The zoning Administrator will schedule a site visit to inspect

all plant material to confirm minimum standards. Upon inspection, the Zoning Administrator may reject any plant material due to non-conformance.

- (g) Selection: Disturbed areas not covered by paving, stone, or other solid materials shall be revegetated with plant species that are compatible with the natural vegetation and tree cover that have low water and nutrient requirements. All trees and shrubs will be based on their listing in the Manual of Woody Landscape Plants (Dirr), latest edition.

1. Large canopy trees shall:

- A) Have a mature height over forty-five (45) feet as described in the Manual of Woody Landscape Plants;
- B) be native to the region, if possible; non-native species are allowed if they will grow in this region's environmental conditions and are non-invasive;
- C) be typical of, but not limited to, maples or oaks;
- D) not include: Female Ginkgo (ginkgo biloba), Poplar (Populus spp.), Silver Maple (Acer saccharinum), Tree of Heaven (Ailanthus altissima) or Black Locust (Robinia pseudoacacia).

2. Medium canopy trees shall:

- A) Have a mature height between thirty (30) and forty-five (45) feet with a spread of thirty feet as described in the Manual of Woody Landscape Plants;
- B) be native to the region, if possible; non-native species are allowed if they will grow in this region's environmental conditions and are non-invasive;
- C) be typical of, but not limited to, Honeylocusts (Glaeditisa triacanthos), Blackguns (Nyssa sylvatica) or American Hornbeams (Ostrya virginiana).

3. Small canopy trees shall:

- A) Have a mature height up to thirty (30) feet with an equal spread as described in the Manual of Woody Landscape Plants;
- B) be native to the region, if possible; non-native species are allowed if they will

- grow in this region’s environmental conditions and are non-invasive;
 - C) be typical of, but not limited to, American Arborvitae (*Thuja occidentalis*), American Holly (*Ilex opaca*), or upright Juniper (*Juniperus* sp.).
4. Shrubs shall:
- A) include evergreen varieties for at least 50% of the shrubs planted;
 - B) have a mature height of at least three feet as described in the Manual of Woody Landscape Plants;
 - C) be native to the region, if possible; non-native species are allowed if they will grow in this region’s environmental conditions and are non-invasive;
 - D) be typical of, but not limited to, Inkberry (*Ilex glabra*), Sweetshrub (*Claycanthis floridus*), *Juniperus* sp.), and Cherrylaural (*Prunus caroliniana*).

v. Enforcement

The enforcement of this Ordinance shall be the responsibility of the Zoning Administrator or designee. The property owner or their agent on which the buffer is located shall be responsible for the general maintenance of all landscape buffer areas.

- b. Subdivision plat approval may be subject to the installation of other improvements as specified by other Town/County ordinances or as may be required to conform to standards of the Virginia Department of Transportation. If no such standards exist, such improvements shall conform to good standard engineering practice and are subject to approval by the Town.

IV. SUBDIVISION DESIGN STANDARDS

A. GENERAL

The quality of a community is dependent on the quality of the individual subdivisions that are a part of it. A high-quality community is made possible by a well-designed infrastructure, which requires the cooperation of each subdivider and developer of land. Therefore, the design of each subdivision in the Berryville Area shall be prepared in accordance with the principles and recommendations established by the Berryville Area Plan for land use, traffic circulation, community facilities and public services, and in accordance with the following general principles:

1. Size of lots and blocks
The size of lots and blocks and other areas for residential, commercial, industrial, and public uses shall be designed to provide adequate light, air, open space, landscaping, and off-street parking and loading facilities.
2. Solar access and preservation of natural features
The arrangements of lots and blocks and the street system shall be designed to protect solar access and to make the most advantageous use of topography and natural physical features. Tree masses and large individual trees shall, whenever possible and consistent with the provisions of this Ordinance, be preserved. Any system of sidewalks and roadways and lot layout shall be designed to take advantage of the visual qualities of the area.
3. Materials and construction techniques
 - a. It is the intent of this Ordinance that all plat work, design, and construction work, normally done by Surveyors, Engineers, and Contractors, be performed in accordance with good standard practices, whether specifically addressed in this Ordinance or not. Such “standard practice” shall refer not only to work performed in the installation of necessary improvements and facilities, but also to the work of restoration of existing features and underground facilities.
 - b. All construction shall conform to the standards of the Town or, in the event no Town standards exist, to the standards of the Virginia Department of Transportation. Unless otherwise shown, all material and construction technique specifications shall be in accordance with the requirements of the Virginia Department of Transportation in effect at the time of the plan and specification submission.
 - c. All other design criteria and construction standards shall be in accordance with applicable Town Design and Construction Standards. Where standards and criteria are not provided or are found not applicable, the Director of Public Works and/or Town Manager shall provide the governing standards or shall rule upon those standards proposed by the developer.

In furtherance of the purposes of this Ordinance, the following minimum subdivision design standards, as applicable, shall be required and delineated on final subdivision plats.

B. STREETS

1. Street standards and design

- a. All street and highway construction standards and geometric design standards shall be in accordance with those specified by the Virginia Department of Transportation and applicable Town Design and Construction Standards. In certain cases, the Town may modify street geometric design standards for local, collector, and minor loop streets with the provision that sufficient off-street parking be provided to complement the street system and approval for modification is obtained from the Virginia Department of Transportation where applicable.
- b. Specifications for improvements to proposed and planned streets shall be in accordance with the Virginia Department of Transportation and/or Town design standards and criteria established by the Town.
- c. All subdivisions must have direct access to publicly dedicated and publicly maintained roads, except that private roads may be permitted in accordance with the provisions in this Ordinance.
- d. Subdivisions shall be designed so that lots will not front any arterial road unless the physiography, shape or size of the tract would preclude other methods of providing access.

2. Street classifications

The classification of proposed streets shall be determined by an estimate of the anticipated vehicular traffic volume as currently prescribed, or as revised, by the Virginia Department of Transportation and shall apply to streets proposed by a subdivider and to all streets shown on the transportation element of the Berryville Area Plan.

3. Street layout

Streets in predominantly residential subdivisions shall be designed to discourage through traffic, but offset or jog streets shall be avoided.

4. Street width (06/24)

Public street rights of way shall conform to the following requirements:

ROW WIDTH	ADT	Design Speed	Road Width (Parking 2 sides)	Curb & Gutter	Buffer Strip	Sidewalk Width
55'	Up to 2,000	25 mph	30'	CG-6	5'	5'
65'	2,001 to 4,000	25 mph	36'	CG-6	7'	5'

5. Street right-of-way lines
Right-of-way lines shall conform to the property lines of lots and shall be parallel to the street center line.
6. Street grades
 - a. The grade of streets shall not exceed 8 percent unless approved by the Town Council, and in no case shall a street grade exceed 10 percent.
 - b. A minimum street grade of 0.5 percent shall be required.
7. Street approach angle
Streets shall intersect at near right angles of not less than 80 degrees, unless otherwise approved by the Town Council or its agent, or upon recommendation from the Virginia Department of Transportation for specific reasons of contour, terrain, or matching of existing patterns.
8. Curb and gutter requirements
Curb and gutter shall be required as provided in Article III Section 320 of the Berryville Zoning Ordinance. All curb and gutter sections shall be constructed in accordance with Virginia Department of Transportation Standards. **(9/05)**
9. Half-street sections
Half-street sections (streets of less than the full right-of-way required) along the property line of land proposed for subdivision shall not be permitted, unless approved by the Virginia Department of Transportation. When a new subdivision abuts one side of an existing or platted street, the subdivider shall dedicate at least half of the right-of-way necessary to make such street comply with the minimum width fixed for the same by this section. However, where half-streets exist on adjoining property, the provisions of the section may be satisfied by the dedication of the remaining required right-of-way upon which the subdivision in question abuts. No building shall be permitted without such dedication.
10. Cul-de-sacs
Cul-de-sacs (minor neighborhood streets designed to have one end permanently closed) shall not be longer than 600 feet. All cul-de-sacs must be terminated by a turnaround having a right-of-way radius of 50 feet and a paved radius (face of curb to face of curb) of 43 feet.
11. Coordination and continuation of streets adjacent to subdivision
 - a. Subdivision street layout shall allow for the planned continuation of existing streets in adjoining areas, and must not be such as to cause unnecessary hardship to owners of adjoining property which may be susceptible to future subdivision planning.
 - b. Subdivision streets shall be provided and designed to give access to adjoining acreage in conformance with the Berryville Area Plan and to the satisfaction of the Town.
 - c. Any proposed street that will extend an existing street shall be improved in like manner as the existing street unless as otherwise directed by the Virginia Department of Transportation (VDOT). The type of improvement and the construction materials shall be in

accordance with VDOT and/or applicable Town standards and criteria or as otherwise established by the Town.

- d. There shall be no buffer or reserve strips (“hate strips” or “spite strips”) limiting access from existing or planned through streets, except under such limitations and conditions as may be in the form of a written approval from the **Administrative Body Designated Agent**. Such limitations and conditions in effect shall secure removal of the buffer or reserve strip whenever it is in the public interest that such be converted into a public street as an access or additional access to adjacent lands.

12. Street signs and names

- a. At each street intersection within or adjacent to the proposed subdivision one street identification sign of a design approved by the Town shall be installed by, and at the expense of, the subdivider/developer.
- b. The Town shall approve all new subdivision street names.
- c. Proposed streets that are obviously in alignment with other already existing and named streets shall bear the name of the existing streets. In no case shall the names of proposed streets duplicate existing streets irrespective of the use of the suffix street, avenue, boulevard, drive, way, place, lane, or court.

13. Subdivision entrances

- a. No subdivision shall be approved unless the principle means of access thereto, and all streets within, shall conform to the standards of the Virginia Department of Transportation.
- b. Each entrance onto any public road for vehicular traffic to and from such subdivision shall be subject to the approval of the **Administrative Body Designated Agent** upon the advice of the Virginia Department of Transportation Highway Engineer and shall the Town of Berryville and/or the Virginia Department of Transportation.
- c. Where traffic generated from a subdivision exceeds 2,000 vehicle-trips per day, such subdivision shall provide connectors to any existing public road(s) at two locations. Where only one connection is feasible, the entrance roadway must be a four-lane divided road with a length of not less than 250 feet or as otherwise recommended by the Virginia Department of Transportation. There shall be no curb cuts along this four-lane divided entrance road.

14. Alleys

- a. Dead-end alleys and alleys in residential areas will not be permitted.
- b. Privately maintained and properly documented alley easements in commercial zones may be permitted at the discretion of the town, provided there is documentation acceptable to the Town ensuring the maintenance and upkeep of the alley easement. No such alley easement shall be less than 24 feet in width.

15. Service drives
- a. Whenever a proposed subdivision contains, or is adjacent to a minor or major arterial, sufficient land shall be reserved so as to provide for subsequent construction of service drives or service streets approximately parallel to such right-of-way; but the **Administrative Body Designated Agent** may, when consistent with the public convenience and necessity, waive the requirement of such provision.
 - b. Except where impractical by reason of topographic hardship, the area between the drive and the major highway shall be sufficient to provide for scenic planting and screening. The dimension of the area between the service drive and a major highway and the points of access between the same shall be determined after due consideration of traffic safety requirements.
16. Streetlights (06/24)
- The placement of street lights shall follow the guidelines below.
- a. Residential
 - *At intersections:*

In order to provide lighting within the intersection area of two local streets, a light ball shall be installed on one corner of any intersection or opposite the intersection in the case of a T-intersection.
 - *Within cul-de-sac bulbs:*

A light pole will be installed within the cul-de-sac bulb when the cul-de-sac street is longer than 200 feet measured from the intersection of the intersection local streets to the center of the cul-de-sac bulb.
 - *Mid-block streetlights:*

A minimum number of mid-block streetlights shall be installed in order to achieve a desired pole spacing of approximately 250 feet. The maximum spacing between lights should not exceed 300 feet and the minimum spacing between lights should not be less than 200 feet unless otherwise approved by the Director of Public Works. Lights should desirably be located on or near property lines and not in front of structures when possible.
 - b. Commercial

Commercial street lighting will be reviewed on a performance-based review as part of the site plan review and based on guidelines established above.
 - c. Collector Street Lighting

Street lights on collector streets with rights-of-way of sixty 60 feet or more with ADT's of 2,001 vehicles or more shall maintain separation based on the guidelines established above. Cobra head fixtures may be installed on these roadways.

C. BLOCKS

1. Block length
The length of a block in a proposed subdivision shall be neither less than 400 feet nor more than 800 feet.
2. Block width
The width of a proposed subdivision block shall be sufficient to allow two tiers of lots of minimum depth, except where fronting on arterial streets. The ~~Administrative Body~~ Designated Agent, upon recommendation by the Planning Director and/or Town Manager, may approve a single tier of lots of minimum depth wherever physiography or Berryville Area Master Plan matters so dictate.
3. Block orientation
Where a proposed subdivision adjoins an arterial street or a collector street the ~~Administrative Body~~ Designated Agent may require service streets or driveways parallel to such arterial or collector street, or reverse frontage lots, to facilitate safe ingress or egress to the subdivision.
4. Nonconforming blocks
Any proposed blocks of irregular shape or not conforming to the dimensions required in this Ordinance may be accepted upon special approval of the ~~Administrative Body~~ Designated Agent.

D. LOTS

1. Relationship to street
Each lot shall abut on a street dedicated by the subdivision plat or deed of dedication, or on an existing public street.
2. Lot width and area
The minimum width and area of a proposed subdivision lot shall be as set forth in the adopted Zoning Ordinance.
3. Lot frontage
 - a. Except for lots fronting on a cul-de-sac, frontage shall not be less than that required by the Zoning Ordinance. This regulation may be reduced for frontage on a public street or private road cul-de-sacs, provided that driveway separation shall be in accordance with Virginia Department of Transportation standards.
 - b. In establishing the required cul-de-sac lot frontage configurations, the minimum lot frontage as specified for any given zoning district shall be applied at the front setback line of the cul-de-sac lot.
4. Corner lots
 - a. Corner lots shall have extra width sufficient for maintenance of required building lines on both streets upon which the corner lot abuts.
 - b. Corner lots shall conform to required building setback lines and Zoning Ordinance requirements.
 - c. Corner lots at intersections shall be rounded, with a minimum 25-foot radius.

5. Out-parcels
A subdivision shall be designed to preclude any remnant or out-parcel of land below minimum lot size unless such remnant or out-parcel is intended for a specific accessory use for the subdivision or as otherwise approved by the **Administrative Body Designated Agent**. Otherwise, out-parcels shall be added to adjacent lots or common open space rather than remain as unbuildable or peculiarly shaped parcels.
6. “Flag” lots
Flag lots or “pipestem” lots shall not be permitted.
7. Double frontage and reverse frontage lots
Double frontage or reverse frontage lots shall only be permitted where essential to minimize the frontage of residential lots on arterial streets, to overcome disadvantage of topography, or where exceptional site design permits.

E. MONUMENTS AND CORNERS

1. Monument location and type
 - a. Permanent reference monuments shall be placed at all boundary points, points of curvature, points of tangency, points of compound curves, reverse curves, and along tangents at intervals of hundred 660 linear feet per block.
 - b. Permanent reference markers shall be constructed using a minimum No. 4 re-bar not less than 28 inches in length set in 4-inch by 4-inch concrete and shall be placed no less than 4 inches, nor more than 6 inches above finished grade.
2. Corner location and type
All lot corners other than those with permanent reference monuments shall be marked with solid metal pins (or pins of a material approved by the Town) of not less than 5/8-inch in diameter and 24 inches long and driven so as to be flush with the finished grade. When rock is encountered, the solid metal monument shall be set and secured in a hole drilled at least 1/2-inch deep in the rock.
3. Visibility
Upon completion of streets and other public improvements in the subdivision, all reference monuments and pins required shall be clearly visible for inspection and use prior to release of subdivision land.

F. EASEMENT WIDTHS

Minimum easement width shall be delineated on the plat and the width designated as follows, unless otherwise specified by the **Administrative Body Designated Agent**. The width of an easement containing a combination of utilities shall be the maximum of the overlay of the combined easements.

1. Sanitary sewer: 20 feet
2. Water mains: 15 feet; 20 feet if lines are in excess

- 3. Storm sewer: of 5 feet in depth.
20 feet
- 4. Underground telephone, television cable, gas or electric: 10 feet unless otherwise stipulated by applicable utility agency
- 5. Alleys: 24 feet
- 6. Stormwater drainage: 20 feet, except that an easement of sufficient width shall be required for the provision of adequate access for maintenance purposes.

G. STORM DRAINAGE SYSTEMS

The Town’s stormwater management goal is to limit the rate of stormwater run-off from a developed area to that which existed before development occurred. The policies for attaining this goal are more specifically addressed in the adopted “Berryville Area Stormwater Management Facilities Plan.” In general, on-site stormwater management structures shall be constructed in conjunction with site development activities. In watersheds where the “Berryville Area Stormwater Management Facilities Plan” has required off-site watershed management measures, a prorata monetary contribution towards such comprehensive drainage improvements shall be substituted for on-site stormwater management. All the provisions of this section shall be enforced unless specifically waived by the ~~Administrative Body~~ Designated Agent.

- 1. Storm drainage facilities - adequacy, size and capacity
 - a. In general, adequate drainage facilities possess the hydraulic characteristics necessary to accommodate the expected flow of stormwater from a given watershed, or portion thereof, for a specified duration and intensity of rainfall.
 - b. Adequate drainage should be designed to:
 - i. account for both off-site and on-site stormwater;
 - ii. honor natural drainage divides;
 - iii. convey said stormwater to a stream, water channel, natural drainage way, or existing facility;
 - iv. discharge said stormwater into the natural drainage way by tying into the drainage way at natural elevations or by discharging the stormwater into an existing facility of sufficient capacity to receive the same; and
 - v. not to increase flow which would cause more harm than formerly to subservient (downstream) landowners.
 - c. The determination of the size and capacity of an adequate drainage system shall take into account the planned development in the watershed or affected portions thereof. The design should not adversely affect adjacent or neighboring properties.

2. Basic design criteria

The basic design criteria for stormwater management facilities employ the 10-year frequency, 2-hour duration storm to determine pre- and post-development flows. Required storage shall be computed using unit hydrograph methods. Emergency spillways shall be designed to withstand the 100-year frequency, 2-hour storm. Hydrographs, spillway design, embankment design and flow computations shall be submitted with the site plan. Where existing flooding problems are known to exist, the Town may require the subdivider to design its stormwater detention facilities for the 100-year storm event.

3. General design guidelines
Refer to “The Berryville Area Plan: Stormwater Management.”
4. Drainage construction standards
Drainage structures should be constructed in such a manner that they can be maintained at a reasonable cost. To facilitate design, construction, and maintenance, said drainage structures must meet or conform to Town and Virginia Department of Transportation standards.
5. Drainage easements and fencing
Dedicated easements shall be provided for stormwater management facilities. Fencing of storm facilities that retain or detain runoff may be required upon final determination of the Director of Planning and/or Town Manager.
6. Off-site stormwater management
The most recent state guidelines require that properties and waterways downstream from new development sites be protected from erosion due to increases in the volume, velocity, and peak flow rate of storm runoff. To satisfy these requirements, the following criteria, as a minimum, shall apply:
 - a. Concentrated storm run-off leaving a development site must be discharged directly into a well-defined, natural or man-made, off-site receiving channel or pipe. If there is no well-defined off-site receiving channel or pipe, one must be constructed to convey stormwater to the nearest adequate channel.
 - b. Newly constructed channels shall be adequately designed. An adequate channel shall be defined as a natural or man-made channel or pipe which is capable of conveying the run-off from a 10-year, 2-hour storm, without over-topping its banks or eroding, after development of the site in question. A receiving channel may also be considered adequate at any point where the total contributing drainage area is at least 100 times greater than the drainage area of the development site in question or if it can be shown that the peak rate of run-off from the site generated by storms to the 10-year, 2-hour storm will not be increased after development.
 - c. Run-off rate and channel adequacy must be verified with engineering calculations on standard design forms suitable to the Planning Director and/or Town Manager.
 - d. If an existing off-site receiving channel is not an adequate channel, the applicant must choose one of the following options:

- i. Obtain permission from downstream property owners to improve the receiving channel to an adequate condition. Such drainage improvements shall extend downstream until an adequate channel section is reached. (See chapter 5 of the 1980 Virginia Erosion and Sediment Control Handbook.)
- ii. Develop a site design that will not cause the predevelopment peak run-off rate from storms up to the 10-year, 2-hour storm to increase. Such a design may be accomplished by enhancing the infiltration capability of the site or by providing on-site stormwater detention measures. The estimation of pre-development and post-development peak run-off rates must be verified by engineering calculations.
- iii. Provide a combination of channel improvement, stormwater detention, or other measures that are satisfactory to the Town to prevent downstream channel erosion.
- iv. All channel improvements or modifications must comply with all applicable laws and regulations. Modifications to flowing streams should be done in accordance with “Best Management Practices for Hydrologic Modifications,” Virginia SWCB Planning Bulletin 319, 1979.
- v. Increased volumes of unconcentrated sheet flows that will cause erosion or sedimentation of adjacent property must be diverted to a stable outlet or detention facility.

H. WATER SUPPLY

As per Town Code, the Town Council shall have authority over water connections beyond the corporate limits (Annexation Area “B”).

1. General requirements
Standards for water system design, construction and materials for the Town and the Berryville Area, as approved by the Berryville Town Council, shall be followed for all water systems, unless specific deviation thereof is authorized, in writing, by the Town Council. All standards referenced in this section shall refer to the latest revision or revised edition of the referenced material.
2. General design guidelines for the water supply
Design guidelines for the water system shall meet, as a minimum, the standards set forth in the “Berryville Area Plan: Water and Sewerage Program.” The authority for discretionary provisions for water system designs shall rest with the Director of Public Works of the Town of Berryville.
3. Materials and construction
All materials and construction shall meet those requirements as specified in the Town of Berryville’s “Construction Specifications and Standard Details.”
 - a. In cases where there are no Town specifications covering proposed materials to be used by the developer, all such materials shall

conform to the latest edition of AWWA specifications or their approved equivalent.

- b. All construction shall conform to standards approved by the Town. In cases where there are no Town specifications covering construction, all work shall conform to the latest edition of the AWWA specifications or other standard test procedures.

4. Minimum test pressure

Minimum test pressure for all water lines and appurtenances shall be a minimum of 1.5x working pressure or 150 psi, whichever is greater.

I. SEWERAGE FACILITIES

As per Town Code, the Town Council shall have authority over sewer connections beyond the corporate limits (Annexation Area “B”).

1. General requirements

Standards for sewer system design, construction, and materials for the Town and the Berryville Area, as approved by the Berryville Town Council, shall be followed for all sewer systems, unless specific deviation thereof is authorized, in writing, by the Town Council. All standards referenced in this section shall refer to the latest revision or revised edition of the referenced material.

2. General design guidelines

For information concerning contributing population, design quantities, hydraulic design criteria, and the location of sewers and appurtenances refer to the “Berryville Area Plan: Water and Sewerage Program.”

3. Materials and construction

All materials and construction shall meet those requirements as specified in the Town of Berryville’s “Construction Specifications and Standard Details.” The authority for discretionary provisions for sewer system materials and construction shall rest with the Director of Public Works of the Town of Berryville.

- a. In cases where there are no Town specifications covering proposed materials to be used by the developer, all such material shall conform to the latest edition of the ASTM, ANSI or other applicable specifications and testing procedures.
- b. All construction shall conform with standards approved by the Town. In cases where there are no Town specifications covering construction, all work shall conform to the latest edition of the Virginia Department of Health’s Sewerage Regulations.

J. FIRE PROTECTION

For fire flow requirements refer to “Berryville Area Plan: Water and Sewerage Program.”

1. Fire hydrant location

Where public water is available, the installation of adequate fire hydrants by the developer in a subdivision at locations approved by the Town Council, or its agent, shall be required as necessary to provide adequate fire protection.

In the event that sufficient water supply for fire flow is not available, the engineer shall design the development as if sufficient fire flow were available. Refer to the “Berryville Area Plan: Water and Sewerage Program” for additional information regarding fire hydrant locations.

2. Fire hydrant installation

- a. Fire hydrants shall be installed in accordance with the Town’s “Construction Specifications and Standard Details.”
- b. For locations where fire hydrants are required but not yet ready for installation, the contractor shall install an assembly, which shall be made ready for future hydrant installation when water is made available. The fire hydrant itself shall be delivered to the Town’s material yard and stored. The Town will install the hydrant when appropriate.

K. FLOODPLAINS

The ~~Administrative Body~~ Designated Agent, in the interest of health, safety, and general welfare of the present and future inhabitants of the Berryville Area shall control the subdivision for development of any property that lies in a floodplain in accordance with the following provisions:

1. Floodplain studies

- a. Floodplain studies shall be prepared for drainage areas exceeding 100 acres. The 100-year rainfall curve shall be used, with a one-foot freeboard easement added to the computed water level. Flood-plain computations shall be performed using the standard-step method or an equivalent method to achieve a balance of energy. Cross-sections, stream profiles, and support calculations shall be submitted.
- b. If a proposed subdivision is situated along a river, stream, or other watercourse that is subject to periodic flooding and has not had a floodplain specifically delineated by the United States Corps of Engineers or the United States Geological Survey, the subdivider shall be required to show the floodplain on the plat of the property to be subdivided. The limits of such floodplain shall be located by a floodplain study prepared by an engineer or by such other qualified person or method as approved by the Administrative Body.

2. Floodplain easement and uses

- a. In a proposed subdivision which includes property within a floodplain along a stream or other watercourse that is to be left in its natural state, the floodplain shall be shown on the plat of the subdivision as a floodplain easement across the lots located in such floodplain.
- b. No use will be permitted in the floodplain easement area that will obstruct the flow of water or alter flood heights in other areas. The floodplain area may be used for utility lines, storm drainage facilities, and other such facilities as are authorized by the adopted Zoning Ordinance, so long as other such uses do not obstruct the flow of water or alter flood heights in other areas.

- c. Land within the floodplain easement area may be designated and used as a public park or recreation area, provided it is dedicated to, and accepted by, a responsible public authority or maintained by a means acceptable to the Town Council.
- d. In determining whether a lot which contains a floodplain easement satisfies the requirements of the adopted Zoning Ordinance with respect to lot size or open space or yard requirements (building set-backs), the area within the floodplain easement may be included if the lot includes a suitable site for a flood-free building (a building in which the lowest floor, including the basement, is above the level of a 100-year flood).

L. SINKHOLES AND KARST FEATURES (07/04)

The purpose of this section is to establish review procedures, use limitations, design standards and performance standards applicable to land development activities that encompass or affect sinkholes or other karst features. The intent of this section is to protect the public health, safety and welfare by requiring the development and use of karst areas to proceed in a manner that promotes safe and appropriate construction and stormwater management.

1. Definitions

- a. Geotechnical Engineer – a Virginia-Registered Professional Engineer (PE) engaged in the practice of Geotechnical Engineering, or a Virginia-Registered Professional Geologist (PG) who is engaged in the practice of Engineering Geology.
- b. Karst feature – karst topography is a landscape created by groundwater dissolving sedimentary rock such as limestone. Features include sinkholes, fissures enlarged by dissolution and caves.
- c. spring – any spring that is depicted on the most recent version of the Virginia Department of Mineral Resources Publication 102, Plate 2, Hydrogeologic Components of Clarke County, Virginia.
- d. stream, intermittent or perennial – any stream that is depicted as intermittent or perennial on the most recent U.S. Geological Survey 71/2 minute topographic quadrangle (scale 1:24,000).

2. Site Review

- a. Investigation by a Geotechnical Engineer

Whenever an application for development is filed, the applicant will hire a Geotechnical Engineer to undertake an inspection of the subject area. The PE or PG shall review available geologic and engineering data and air-photographs relevant to the site and shall make on-site observations, photographs, and measurements as appropriate. The PE or PG shall provide a written summary of his or her initial findings along with a recommendation to perform a fracture trace analysis, electrical resistivity, cone sounding, core samples, microgravity, and/or other geophysical or intrusive studies as appropriate to determine if the action requested may have a negative impact. The examination for karst features by the engineer

shall take place prior to any public hearing process applicable to the parcel in question. The PE or PG will report to the planning staff any findings as to whether there may be significant karst features that apply to the site.

- i. No evidence of karst features. If the PE or PG finds that the site has no evidence of karst features, they shall so indicate in a written report provided to the reviewing body.
- ii. Evidence of karst features. In cases where the PE or PG finds evidence that karst features do exist and which would be impacted by development, electrical resistivity testing, core drilling, microgravity tests or tests as recommended by a PE or PG shall be required within a 100-foot radius of all locations on the property where karst features were identified, and along any linear trend of three or more features. For sinkholes, the 100-foot radius shall be measured from the discernable edge. At the completion of the tests, the applicant shall submit a Karst Plan to the Town's Zoning Administrator and follow specific development procedures.
- iii. The presence of karst features on the site which are not impacted. At the discretion of the planning staff, the karst plan may be simplified if the environmental constraint found to be present on the site is not impacted by the proposed site development.

b. Karst Plan

A karst plan shall be developed for property identified as having evidence of karst features (i.e., sites upon which sinkholes are fully or partially located and/or which drain to sinkholes). The burden of proof for establishing that there will be no significant impacts shall rest with the applicant. A karst plan shall include the following:

- i. An engineering audit that identifies and maps karst features and the limitations that such features impose on site development. The audit shall include:
 - a) the physical location and limits of the area of sinkhole depressions as determined by field survey, the "Soil Survey of Clarke County" (1982), or the "Map of Selected Hydrogeologic Components of Clarke County, Virginia" (1990), or other reliable sources as may be approved by Town's Zoning Administrator;
 - b) locations of other karst features (fissures enlarged by dissolution and caves);
 - c) topographic contours at maximum intervals of two feet, and spot elevations sufficient to determine low points and discernable edges; and
 - d) identification of a one-hundred (100) foot zone from the discernable edge of each sinkhole.

- ii. A plan prepared by a PE to ensure structural stability for principal structures proposed within one-hundred (100) feet of the discernable edge of sinkholes or other karst features. Such plan shall identify tests that will be completed to determine sub-surface conditions.
 - iii. The Karst Plan developed for the property shall be reviewed and approved by the Town's Engineer and the Town's Zoning Administrator prior to approval to the development plan or subdivision.
- c. Requirements and Restrictions
- i. All sinkholes or other karst features identified prior to construction shall be either mitigated or separated from construction in accordance with Section 317 of the Berryville Zoning Ordinance.
 - ii. Sinkholes or karst features identified during construction shall be mitigated as described in the Virginia Department of Transportation's Location and Design Division Instructional and Informational Memorandum 228 (IIM-LD-228), or other applicable standard as recommended by a PG or PE and approved by the Town's Engineer and the Town's Zoning Administrator.
 - iii. Stormwater discharge into a karst feature shall not be increased over its predevelopment rate.
 - iv. Stormwater runoff from paved areas or structures shall not directly enter a mitigated sinkhole or other karst features. Stormwater facilities shall be designed to route runoff through approved vegetative filters or other filtration measures before it enters a mitigated sinkhole or other karst features.
 - v. After necessary testing to determine if sinkholes are present on the location of a proposed stormwater basin, stormwater basins in karst areas shall be lined with either impermeable soil or a synthetic membrane to prevent sudden loss of the contents of the basin into the groundwater due to induced collapse. Where native materials are deemed adequate for the purpose, the Geotechnical Engineer shall verify conditions, establish the required parameters, and monitor placement.
 - vi. Construction plans shall contain a narrative describing stormwater drainage design, retention, erosion control, and where appropriate, stormwater quality mitigation measures, as these provisions relate to karst features.
 - vii. Underground utilities located within 100 feet of sinkholes and karst features shall be laid out so that they do not intersect those features. Along all such underground utilities, a dike of clay or other suitable material shall be constructed across the

- trench of the transmission lines and pipelines at intervals of 20 feet or less, or as directed by a PE or PG.
- viii. For any tests requiring boreholes, such as air track drilling, the boreholes must be grouted upon completion. Grouting should be done with a mixture of 50% bentonite and 50% Portland cement.
 - ix. If air track drilling is used to determine the depth of overburden and continuity of bedrock, then these operations must be monitored full time by a geotechnical engineer to confirm the findings of the driller.
 - x. Storage tanks shall have impervious secondary containment. Underground fuel storage tanks shall have interstitial monitoring of tanks and piping systems.
 - xi. Where applicable, the following Consumer Disclosure Statement that provides information on what review occurred and what was discovered shall be included in the Deed of Dedication and record plat:
This property is located in an area identified as having karst features. Karst features are created by groundwater dissolving sedimentary rock such as limestone. Features include sinkholes, fissures enlarged by dissolution, and caves. Geologic tests were conducted and one or more of these features were identified on this property. Karst features are unstable and collapse may occur. Measures have been taken to ensure structural stability in this area; however, karst areas are dynamic and geologic changes may cause future structural instability. Fertilizers, herbicides, and pesticides should not be applied within 100 feet of any karst feature, whether it has been mitigated or not.
 - xii. Measures to permanently protect karst features that have not been mitigated shall be identified on the site plan. These measures may include fencing and/or signage.

ARTICLE V. PRELIMINARY AND FINAL PLATS

A. SKETCH PLAN CONFERENCE

1. Prior to the submission of the preliminary plat, the applicant shall contact the Designated Agent to schedule a sketch plan conference ~~with the Administrative Body~~. The purpose of the conference is to establish the following:
 - a. Use, scope, type, density, physical characteristics, and phasing of the proposed subdivision
 - b. Coordination of the proposed subdivision with the adopted Berryville Area Master Facilities Plans, the capital improvements program, and plans for development of neighboring properties
 - c. Coordination of transportation improvements with existing and planned streets within the vicinity of the proposed subdivision
 - d. Reasonable regulations and provisions uniquely applicable to the proposed subdivision as related to physiography, public utility and facilities service, drainage and flood control, transportation, environmental and historic impact, economic development, and facilitation of the creation of a convenient, attractive, and harmonious development
2. The applicant shall provide sketches, exhibits, or other materials as necessary to adequately describe the proposed subdivision.
3. The Designated Agent, upon completion of the sketch plan conference, shall identify those comprehensive planning issues, subdivision and site planning considerations, reasonable regulations, and other provisions which are found to be supportive of the purposes of this Ordinance, as well as contributive to the applicant's understanding of the general requirements for subdivision approval.
4. The sketch plan conference does not negate the requirement for the submission of a preliminary subdivision plat, a final plat, or any other provisions of this Ordinance or the Zoning Ordinance.

B. APPLICATION PROCEDURES FOR PRELIMINARY AND FINAL PLATS

No property shall be transferred or offered for sale, nor shall a permit be issued on the basis of an approved preliminary plat.

1. Whenever the owner of any tract of land in the Berryville Area desires to apply to subdivide the same, the applicant shall submit a preliminary plat of the proposed subdivision to the Designated Agent. This plat shall be in compliance with the provisions of this Ordinance and in accordance with the proceedings of the sketch plan conference.
2. The subdivider shall pay a fee when preliminary and final plats are filed. The fee shall be in the form of cash or check, the amount thereof to be determined in accordance with a schedule set and adopted by resolution of the Town Council. The fee amount cannot be waived by the Agent.
3. An applicant shall file 15 blue-line or black-line prints of preliminary and final plats with the Designated Agent ~~of the Administrative Body~~. Preliminary and final plats shall be prepared by a professional engineer or

land surveyor. The plat and other documents comprising an application shall be available for public viewing in an office designated by the Designated Agent.

- 4. Preliminary or final subdivision plats that lack any information required by this Ordinance shall be deemed to be incomplete and shall be rejected by the Designated Agent within 10 working days of submittal.
- 5. Upon receipt of the application, the Designated Agent shall ~~submit the request to the Administrative Body at its next regular monthly meeting for formal determination of completeness. At the regular meeting of the Administrative Body at which the application is formally deemed complete, the Administrative Body shall schedule a public hearing act on any proposed plat, site plan or plan of development~~ within 60 days after it has been officially submitted for approval by either approving or disapproving the plat in writing, and giving with the latter specific reasons therefor. The designated agent shall act on any proposed plat, site plan or plan of development that it has previously disapproved within 45 days after the plat or plan has been modified, corrected and resubmitted for approval.

C. ~~PUBLIC NOTICE AND HEARING REQUIREMENTS FOR PRELIMINARY AND FINAL SUBDIVISION PLATS~~

- 1. ~~A public hearing shall be held by the Administrative Body on all preliminary and final subdivision applications. At said hearing, all interested persons may appear and state their views.~~
- 2. ~~Notice by Administrative Body~~
The Administrative Body shall give public notice of a public hearing to consider a proposed subdivision that results in five or more lots or parcels; otherwise, no notice shall be required. Such notice shall be given as required by Section 15.1-431, Code of Virginia, as amended.
- 3. ~~Notice to abutting owners~~
 - a. ~~At least 15 days preceding the Administrative Body's public hearing, the applicant shall mail written notices of said public hearing to the owner or owners, or their agent, of abutting properties and properties immediately across a street or road from the property sought to be subdivided. Said notices shall state the date, time, and place of the hearing and shall give a brief location and description of the proposed subdivision.~~
 - b. ~~At the public hearing, the applicant shall submit an affidavit that he has fully complied with the requirements of this section as to written notice to abutting landowners.~~
- 4. ~~Posting of property~~
At least 15 days preceding the Administrative Body's public hearing, the applicant shall erect on the property proposed to be subdivided a sign or signs in such number as are furnished by the Agent, indicating that a subdivision of the property is proposed and stating the date, time, and place of the public hearing.
 - a. ~~The sign or signs shall be erected by the applicant within 10 feet of whatever boundary line of such land abuts a public road and shall be~~

~~so placed as to be clearly visible from the road, with the bottom of the sign not less than 2-1/2 feet above the ground. If more than one such road abuts the property, then a sign shall be erected in the same manner as above for each abutting road. If no public road abuts thereon, then signs shall be erected in the same manner as above on at least two boundaries of the property abutting land not owned by the applicant.~~

~~b. Any sign erected in compliance with this section shall be reasonably maintained from natural hazards until the time of the hearing. The applicant shall not be responsible for the willful destruction or removal of such signs by acts of vandalism. All signs erected under this section shall be removed by the applicant within 15 days following the public hearing for which it was erected.~~

D. AGENCY REVIEW PROCEDURES FOR PRELIMINARY AND FINAL PLATS

1. Within ~~three~~ five working days from the date the ~~Administrative Body Designated Agent considers the plat to be formally complete~~ receives the officially submitted plat, the Agent shall distribute a copy of the plat to the reviewing agencies for their review and comment on the technical compliance of the plat and its provisions with all applicable standards.
2. The following is a list of reviewing agencies or individuals that may submit comments regarding a proposed subdivision:
 - a. Clarke County Department of Planning
 - b. Town of Berryville Public Works Department
 - c. Berryville Town Manager
 - d. State Fire Marshall
 - e. Virginia Department of Health
 - f. Virginia Department of Transportation
 - g. United States Soil and Conservation Service
 - h. Architectural Review Board (where applicable)
 - i. Historic Preservation Commission (where applicable)
3. All agency review and comments shall be completed within 45 calendar days of the agency's receipt of the preliminary or final plat.
4. The Designated Agent shall provide the applicant with a copy of all agency review comments and recommendations. In cases where modifications in the plat are necessary to satisfy regulations of the various agencies, the applicant shall be so notified in writing within five working days after the Agent receives agency comments.
5. The developer shall respond to all requirements of the reviewing agencies and shall submit any revisions by a date prescribed by the Agent.
6. Nothing contained herein shall obligate the developer to revise the plat to include recommendations of the reviewing agencies. However, the developer shall submit in writing to the Designated Agent, by the revision date, a statement as to the reasons and justification for not incorporating such recommendations into the revised plat.

- ~~7. At such time as the Agent determines that the plat is in compliance with the requirements of this section, the Agent shall forward the plat, along with the recommendations of reviewing agencies and the Agent's comments and recommendations to the Administrative Body.~~

E. PRELIMINARY PLAT APPROVAL PROCEDURES

1. The ~~Administrative Body Designated Agent~~ shall approve or disapprove preliminary plats within ~~45~~ 60 calendar days from the date that the Agent receives the ~~approvals from all state agencies, except that preliminary plats shall be approved or disapproved within 90 days of formal acceptance by the Administrative Body officially submitted plat.~~
2. The approval of the preliminary plat by the ~~Administrative Body Designated Agent~~ does not guarantee approval of the final plat; neither does preliminary approval constitute acceptance of the subdivision, or public dedications of areas within, by the Town Council, or establish authorization to proceed with construction or improvements within the subdivision.
3. Applicants shall have not more than 12 months after receiving the preliminary plat approval to submit a final plat for a portion or all of the subdivision. Failure to do so shall render the preliminary plat approval null and void. The ~~Administrative Body Designated Agent~~ may, upon written request by the subdivider, grant an extension beyond the 12 months. Only one such extension shall be granted for any preliminary subdivision plat.

F. FINAL PLAT APPROVAL AND RECORDATION PROCEDURES

1. The ~~Administrative Body Designated Agent~~ shall act to approve or disapprove a final plat within 60 days of submission; however, the final plat shall not be approved until the subdivider has complied with the requirements and standards of design in accordance with this Ordinance.
2. Nothing herein shall require the approval of any subdivision or any part or feature thereof, that shall be found to constitute a nuisance, or to constitute a danger to the public health, safety, or general welfare, or that shall be determined by the ~~Administrative Body Designated Agent~~, or by its Agent, to be a departure from or a violation of sound engineering design or standards.
3. The approval of the final plat by the ~~Administrative Body Designated Agent~~ does not constitute acceptance of the public dedications of areas within the subdivision by the Town Council.
4. Approval of the final plat shall be indicated by attaching a certificate of approval from the ~~Administrative Body Designated Agent~~ to the final plat. Subdivider must post a performance bond prior to construction to cover the cost of necessary improvements. The bond shall be to the satisfaction of the Town Council, or its Agent if such authority has been so delegated.
5. Approval by the ~~Administrative Body Designated Agent~~ of a final plat submitted under the provisions of this Ordinance, shall expire six months after the date of such approval, unless:
 - a. the final plat has been recorded in the Office of the Clerk of the Circuit Court and a subdivision bond acceptable to the Town Council has been posted with the Town.

- b. an extension has been granted by the Administrative Body Designated Agent upon receipt of written request by applicant. Such extension granted shall not exceed a period of six months.
- c. a major final plat revision has been submitted. Such revision shall be processed in the same manner as originally approved. Minor plat revisions may be processed administratively, based on the review and recommendations of the Designated Agent.
- 6. The right of a developer to record approved final plats of sections of a subdivision based on the approval of a preliminary plat expires five years from the recordation of the final plat of the first section of the subdivision. This right to record is subject to the full review and approval process in effect at the time each remaining section is to be recorded.

G. APPEAL PROCEDURES

- 1. An applicant may appeal any adverse decision or failure to act by the Administrative Body Designated Agent according to the provisions of Section 15.1-475 of the Code of Virginia, 1950, as amended.

H. PRELIMINARY PLAT INFORMATION

Preliminary plats shall include the following:

- 1. Preliminary Plat Title Sheet
 - a. Title block
 - i. subdivision or site name;
 - ii. Town of Berryville file number;
 - iii. name and address of surveying or engineering firm;
 - iv. Magisterial District, Town, County, and State;
 - v. scale of preliminary plat;
 - vi. date of preparation; and
 - vii. subdivision land use description.
 - b. Fees in accordance with fee schedule
 - c. Surveying and mapping control information
 - d. A vicinity map at a scale of one inch equals not more than two thousand (2000) feet showing the relationship of the proposed subdivision to the adjoining property and the area within one mile radius, Town corporate limits, neighboring subdivisions, and other landmarks, and describing all adjoining roads and their names and numbers
 - e. Sheets comprising the preliminary plat and an index showing the location of the various sheets
 - f. A copy of proffers, Special Use Permit conditions, and waivers or variances granted
 - g. Seal and signature (on each sheet) by a Virginia registered professional engineer or land surveyor
 - h. Title under which the subdivision is proposed to be recorded and the names, addresses, and signatures of the owner(s) and subdivider
 - i. Name and address of the individual or firm who prepared the preliminary plat

- 2. General information on preliminary plats
 - a. North arrow, match lines and sheet numbers
 - b. Certified boundary survey and topographic mapping with a horizontal scale of one inch equals not more than one hundred feet
 - c. Contour intervals of not greater than two feet describing the area covered by the proposed subdivision
 - d. Boundary survey of record
 - e. Property owners, Town Tax Map and Parcel Number, present zoning and use of all abutting or contiguous parcels
 - f. Number of lots, total site acreage of each lot, approximate acreage of each lot, approximate dimensions of all lots and approximate right-of-way acreage
 - g. Estimated average daily trips and typical street sections
 - h. Anticipated sewerage flows (gallons per day)
 - i. Distance to nearest school or school site
 - j. Typical front, side, and rear building setback lines
 - k. Holders of any easements affecting the property
 - l. Sources of data used in the preliminary plat, including, but not limited to, plats of record and the deed book and page number citation of the last instrument in the chain of title
 - m. Location and dimension of proposed streets, rights-of-way, alleys, and lot lines
 - n. Location of all pertinent natural and historic features and landmarks
 - o. When the subdivision consists of a tract acquired from more than one source of title, the outlines of the various parcels indicated by dashed lines, and identification of the respective parcels
 - p. County Tax Map and Parcel Number, zoning classifications, and proposed use for the area being subdivided
- 3. Existing features to be shown on preliminary plats
 - a. Existing sanitary sewer, waterlines, fire hydrants and other existing utilities (gas, electric, etc.)
 - b. Existing easements showing width and use
 - c. Existing stormwater management and BMP locations
 - d. Watercourses and their names
 - e. 100-year HUD/FEMA floodplain limits
 - f. 100-year floodplain boundaries with bearings and distances
 - g. Open spaces, recreation areas and buffer areas
 - h. Location, width and names of all existing or platted streets within or adjacent to the subdivision
 - i. Location of all existing lot lines and total acreage in each use
 - j. Location of all existing buildings within the subdivision
- 4. Proposed features to be shown on preliminary plats
 - a. Proposed travel ways, pedestrian systems and bike trails
 - b. Proposed major drainage structures

- c. Proposed stormwater management and BMP location(s)
 - d. Location, width and names of all proposed streets to be platted within or adjacent to the subdivision
 - e. Adequate utility and drainage easements
 - f. Satisfactory lot arrangement, design and shape
 - g. Parcels of land and their acreages intended to be dedicated or reserved for public use or to be reserved in deed for the common use of property owners in the subdivision
 - h. Preliminary sketch plans indicating the provisions for utilities, accomplishing the water supply, sewerage disposal, stormwater management, and preliminary sketch plans for any bridges or culverts that may be required
5. Berryville Area Plan recommendations to be shown on preliminary plats
- a. Berryville Area Plan recommendations for the subject property
 - b. Highway Tourism Corridor setbacks and design review applicability
 - c. Historic Design Review applicability
 - d. Additional setbacks reserved in keeping with the Berryville Area Plan
 - e. Dedication of 50 feet right-of-way or greater if required
 - f. Areas presented in the Berryville Area Plan, as adopted, as proposed sites for schools, trails, parks, or other public uses, which are located wholly or in part within the property to be subdivided
 - g. Proposed phasing plan of the subdivision, indicating the location of those land areas and improvements to be sequentially developed and the anticipated timing to achieve the same
 - h. Gross acreages of various physical and environmental-related characteristics shall be graphically identified for every property subject to this Ordinance and shall be computed to the nearest tenth-acre. These shall include, among others, the following:
 - i. Slopes in the fifteen (15) to twenty-five (25) percent range
 - ii. Slopes greater than twenty-five (25) percent
 - iii. Sinkholes
 - iv. Flood plains
 - v. Established drainage channels
 - vi. Flood plain soils
 - vii. Existing water bodies
 - viii. Stormwater management facilities
 - ix. Utilities
 - x. Other sensitive areas defined by the Town or its Agent
 - xi. Net developable area
 - i. Computation of “net developable acres” as needed to meet zoning requirements. Net developable acreage is the area of a parcel that results following application of “Effective Capacity Ratings” to the parcel’s gross acreage. The effective capacity ratings are ratios establishing the percentage of the physical land unit qualifying for allocable density credit and are as follows:

i. Flood plains and established drainage channels	0.0
ii. Slopes (15 percent to 25 percent)	0.5

iii.	Slopes greater than 25 percent	0.1
iv.	Sinkholes and major outcroppings	0.1
v.	Public rights-of-way	0.0
vi.	Public facilities	Performance-based
vii.	Utility easements	Performance-based
viii.	Stormwater retention	Performance-based

I. FINAL PLAT AND PLAN INFORMATION REQUIREMENTS

The final subdivision plat and related improvements plan shall be submitted to the Agent in clearly legible blue- or black-line copies and shall indicate the following information:

1. Final plat title sheet

- a. Title block
 - i. Subdivision or site name (must be same as preliminary)
 - ii. Town of Berryville file number
 - iii. Name and address of surveying or engineering firm
 - iv. Magisterial District, Town, County and State
 - v. Scale of final plat
 - vi. Date of preparation of final plat
 - vii. Subdivision land use description
- b. Fees in accordance with fee schedule.
- c. Surveying and mapping control information. A certified boundary survey with an error of closure within the limit of one foot in ten thousand feet related to the state grid north and showing the location of all permanent reference monuments and their type of material. The survey may be related to the United States Coast and Geodetic Survey, state grid north, if the coordinates of two adjacent corners of the subdivision are shown.
- d. Location of proposed subdivision by an insert map at a scale of not less than one inch equals two thousand (2000) feet, describing thereon north point, adjoining roads and their names and identifying numbers, city corporate limits, neighboring subdivisions, and other landmarks.
- e. General information section provided, including the number of sheets comprising the preliminary plat and an index showing the location of the various sheets.
- f. A copy of proffers, Special Use Permit conditions and waivers or Variances granted.
- g. Seal and signature (on each sheet) by a Virginia registered professional engineer or land surveyor.
- h. Surveyor’s certificate.
- i. Owner’s dedication and consent, properly worded and notarized.
- j. Name and address of individual or firm who prepared the final plat.
- k. A blank space three inches by three inches shall be reserved for the use of the approving authority.
- l. Title under which the subdivision is proposed to be recorded and the names, addresses and signatures of the owner(s) and subdivider.

2. General information to be shown on final plats
- a. North arrow and designation of north orientation used for survey.
 - b. An index to multiple sheets (when applicable).
 - c. If shown on more than one sheet, match lines shall clearly indicate where the several sheets join and an index shall be shown locating the sheets.
 - d. All final plats of subdivisions shall be prepared at a scale of one inch equals not more than one hundred feet. Letters and figures shall be not less than one-tenth inch in height. The plat sheet or sheets shall not exceed 24 inches by 36 inches.
 - e. Contour intervals of not greater than two (2) feet.
 - f. All dimensions shown in feet to the nearest one-hundredth foot; all bearings in degrees, minutes and seconds to the nearest second.
 - g. Boundary survey of record.
 - h. A definite bearing and distance tie shown between not less than two permanent monuments on the exterior boundary of the subdivision and further tie to existing street intersection where possible and reasonably convenient.
 - i. Parcel and subdivision boundaries with bearings and distances.
 - j. Location of all monuments placed, type of monument set, and positions referenced to Virginia State Plane Coordinates.
 - k. County Tax Map and Parcel Number, zoning classifications and proposed use for the area being subdivided.
 - l. Number of lots as proposed by the subdivider.
 - m. Numbers and areas of all building sites.
 - n. Total site acreage.
 - o. The name and number of section, if part of a larger tract.
 - p. Right-of-way acreage.
 - q. Area of each new parcel (in acres or square feet).
 - r. Separate parcels or units shall be individually identified with a separate and sequential number (Address numbers or alpha identifiers shall not be used to identify parcels or units.) Blocks shall also be identified.
 - s. Property owners, County tax map and parcel number, deed book and page citation, present zoning and use of all contiguous parcels.
 - t. Holders of any easements affecting the property.
 - u. When the subdivision consists of a tract acquired from more than one source of title, the outlines of the various parcels shall be indicated by dashed lines, and identification of the respective parcels shall be placed on the preliminary plat.
 - v. Estimate of daily vehicle trips generated by the site.
 - w. Typical roadway and parking area pavement and design section.
 - x. Distance to the nearest school or school site.
 - y. The front, side, and rear building setback lines.

- z. Street right-of-way boundaries with bearings and distances.
- aa. Location of all pertinent natural and historic features and landmarks.
- bb. All curve data in a complete curve table.
- cc. Sources of data used in the final plat, including, but not limited to, plats of record and the deed book and page number citation of the last instruments in the chain of title.
- dd. Certificate signed by the surveyor or engineer setting forth the source of title of the owners of the land subdivided and the places of record of the last instrument in the chain of title.
- ee. A statement that “The division of the land described herein is with the free consent and in accordance with the desire of the undersigned owners, proprietors, and trustees, if any, and shall be signed and duly acknowledged before the Town office authorized to take acknowledgement of deeds. All statements affixed to this plat are true and correct to the best of my knowledge.”
- ff. Additional information specific to proposed use as deemed necessary by the Agent for adequate subdivision plat and improvements review.
- gg. All applicable notes.

3. Existing features to be shown on final plat

- a. Existing sanitary sewer, waterlines, fire hydrants and other existing utilities (gas, electric, etc.).
- b. Existing storm drainage systems.
- c. Existing easements showing width and use.
- d. Existing stormwater management and BMP locations.
- e. Watercourses and their names.
- f. HUD/FEMA 100-year floodplain limits and the source of the floodplain information shall be delineated where applicable.
- g. Open spaces, recreation areas and buffer areas.
- h. Location, width and names (or route numbers) of all existing or platted streets within or adjacent to the subdivision.
- i. Parks and school sites or other public areas.
- j. Vacated streets or parcels showing areas vacated and area amounts reverted to adjacent parcels
- k. All existing streets adjacent to or providing access to the subdivision, including center line and right-of-way.
- l. Location of all existing land lot lines and total acreage in each land use.
- m. Location of all existing buildings within the subdivision.

4. Proposed features to be shown on final plat

- a. Proposed travel ways, pedestrian systems, and bike trails
- b. Proposed major drainage structures.
- c. Proposed stormwater management and BMP location(s).
- d. Location, width and names of all proposed streets to be platted within or adjacent to the subdivision.
- e. Adequate utility and drainage easements.

- f. Satisfactory lot arrangement, design, and shape.
- g. Area of each lot shown within the parcel.
- h. Compatibility with the preliminary sketch plans indicating the provisions for all utilities, including but not limited to, the proposed method of accomplishing water supply, sewage disposal, stormwater management, and preliminary sketch plans for any bridges or culverts that may be required shall be submitted.
- i. Proposed finished grading by contours, to be supplemented where necessary by spot elevations.
- j. A geotechnical report prepared by, or under the direction of, a professional engineer experienced in soil and foundation engineering shall be submitted for subdivisions located in areas where special soil or water conditions are deemed by the Town to be potentially injurious.
- k. Location and method of garbage and refuse collection.
- l. Streets shall be named but shall not duplicate existing or platted street names unless the new street is a continuation of an existing or platted street. All dimensions, both linear and angular, for the location of lots, streets, alleys, public easements, and private easements shall be given. The linear dimensions shall be expressed in feet to the nearest one-hundredth-foot, and all angular measurements shall be expressed by bearings or angles expressed to the nearest ten seconds. All curves shall be defined by their radius, central angle, tangent, distances, tangent bearing, and arc lengths. Such curve data shall be expressed by a curve being tabulated and numbered to correspond with the respective numbered curve shown throughout the plat.
- m. Centerline and right-of-way for proposed roadways.
- n. Plans and profiles for all public streets, including center line elevations computed to nearest one-hundredth at fifty horizontal station intervals and at other locations of geometric importance.
- o. Ingress-egress easements.
- p. All off-street parking, related driveways, entrance types, loading spaces, and walkways, indicating type and dimensioning of surfacing, size, stalls, width of aisles, and a specific schedule showing the number of parking spaces provided and the number required by the provisions of the Zoning Ordinance.
- q. Location and method of lighting provisions for private driveways, streets, and parking areas.
- r. Plans of contributing drainage area and the computed limits of the 100-year floodplain, with drainage way cross-sections and water surface elevations plotted on profile of the pre- and post- development conditions, where required by the Director of Planning and/or Town Manager.
- s. Plans and profiles detailing the provisions for the adequate disposition of natural and stormwater in accordance with adopted Town Design and Construction Standards, indicating the location, size, type, and grade of ditches, catch basins, and pipes and connections to existing

- drainage system, and on-site pipes and connections to existing drainage system, and on-site stormwater retention where deemed appropriate and necessary to the Town, and with supporting contributing area and design computations as may be required.
- t. Provisions for the adequate control of erosion and sedimentation, indicating the proposed temporary and permanent control practices and measures that will be implemented during all phases of clearing, grading, and construction, as required by the Town Erosion and Sediment Control Ordinance and design standards of the United States Soil Conservation Service.
 - u. Location, width and names of all proposed rights-of-way and easements, other than streets, within and adjacent to the subdivision.
 - v. Geometric location data and areas for all private or public rights-of-way, common areas, utility center lines and easements, structures, and lot lines.
 - w. Plans and profiles detailing all existing and proposed utilities, including water and sanitary sewer facilities, indicating all pipe sizes, types, and grades, with supporting capacity calculations and where connection is to be made to the Town or to other utility system.
 - x. Right-of-way dedication.
 - y. If any land is being dedicated or reserved for streets, easements, parking space, or for the common use of future property owners of the subdivision, the Record Plat shall so state and indicate which.
 - z. Areas to be dedicated must be labeled as such.
 - aa. Locations for all open spaces, identifying areas for and improvements to all recreation facilities, tot lots, natural areas, and related pedestrian accommodations.
 - bb. Area of new dedicated street right-of-way (in acres or square feet).
 - cc. Sufficient information to show how the physical improvements associated with the proposed subdivisions are compatible with existing or proposed development of record on adjacent properties, which may include schematic plans for stormwater management, sanitary sewer, water supply, and future transportation improvements.
 - dd. Location and dimension of proposed streets, rights-of-way, alleys, and lot and building lines.
5. Berryville Area Plan recommendations to be shown on final plats
- a. Berryville Area Plan recommendations for the subject property.
 - b. Highway Tourism Corridor setbacks and design review applicability.
 - c. Historic Design Review applicability.
 - d. Additional setbacks reserved in keeping with the Berryville Area Plan.
 - e. Dedication of 50-foot right-of-way, or greater if required.
 - f. Areas presented in the Berryville Area Plan, as adopted, as proposed sites for schools, trails, parks, or other public uses, which are located wholly or in part within the property to be subdivided.

- g. Proposed phasing plan of the subdivision, indicating the location of those land areas and improvements to be sequentially developed, and the anticipated timing to achieve the same.
 - h. Gross acreage of various physical and environmental-related characteristics shall be graphically identified for every property subject to this Article and shall be computed to the nearest tenth-acre. These shall include, among others, the following:
 - i. Slopes in the 15 to 25 percent range
 - ii. Slopes greater than 25 percent
 - iii. Areas of geologic rock outcroppings
 - iv. Sinkholes
 - v. Floodplains
 - vi. Established drainage channels
 - vii. Floodplain soils
 - viii. Existing water bodies
 - ix. Stormwater management facilities
 - x. Utilities
 - xi. Other sensitive areas defined by the Town or its Agent
 - xii. Net developable area
 - i. Computation of “net developable acres” as needed to meet zoning requirements

i.	Floodplains and established drainage channels	0.0
ii.	Slopes (15 to 25 percent)	0.5
iii.	Slopes greater than 25 percent	0.1
iv.	Sinkholes and major outcroppings	0.1
v.	Public facilities	performance-based
vi.	Utility easements	performance-based
vii.	Stormwater retention	performance-based
6. A special note shall appear on any final plat of subdivision or any plat of condominium that property owners are liable for the maintenance of stormwater improvements.

ARTICLE VI. SUBDIVISION LOT GRADING REQUIREMENTS AND PLANS

A. INTRODUCTION

The subdivision lot grading plan is intended to assure and promote consistency between the individual lot development process and the overall subdivision site improvement process as governed by the final plat and plans. Further, it is used to check the final grading and drainage on a given lot prior to the issuance of the occupancy permit. The occupancy permit will be refused if the plan and the on-site grading do not substantially agree, unless such deviation has been approved by the Town. Subdivision lot grading plans may be incorporated into the final plat and plans when these documents are submitted for approval. However, in no case shall a building permit be approved prior to submission and approval of the lot grading plan.

B. LOT GRADING REQUIREMENTS

It shall be the responsibility of the developer and his contractor to perform all earth work necessary to accomplish not less than 95 percent of the final grade contours.

1. Lot, drive, and parking pad grades

To assure adequate overall drainage, the minimum lot grade should be two percent. Any swales on a lot must be at a minimum two percent slope, but preferably should be at three percent. On single-family subdivision lots a driveway parking pad shall be installed to accommodate the off-street parking requirement. This parking pad should be at a grade no greater than five percent and no less than one percent. The drive connecting the street to the parking pad should be on a grade of no more than fifteen percent and no less than one percent. A waiver request shall accompany any plans that do not conform to these driveway standards.

2. Drainage swales and pipes

- a. Subdivision lot grading plans for subdivision houses shall be so designed that if stormwater run-off is collected in a mid-block swale along the rear yards and routed toward the street in an open swale between two adjacent houses, the maximum allowable watershed for such a surface swale passing between two adjacent houses shall be one acre with the average (C x A) factor not to exceed 0.50.
- b. In cases where exhaustive hydraulic analysis indicates that natural drainage swales between houses are insufficient to route stormwater, an underground piped system shall be developed as an alternative.

3. Erosion controls

- a. Erosion controls are required for all areas on a lot where the ground will be disturbed. The original subdivision erosion controls may suffice if satisfactory for those areas for which they are intended to serve.
- b. Erosion controls shall not be removed, nor the erosion control bond escrow released, until all the construction on the lot is completed and the ground cover has been stabilized.

4. Ditches in single-family detached dwelling developments

Paved, concrete, or riprap ditches shall be discouraged in single-family detached dwelling unit developments.

5. Earth coverage of underground utilities
At the completion of the earth grading, all utility services shall be left with sufficient cover and depth to serve the respective lot needs.

C. LOT GRADING PLANS (11/04)

Three copies of the subdivision lot grading plan must be submitted to and approved by the Director of Planning/Town Manager prior to the issuance of a building permit.

1. Plan specifications
The lot grading plan shall be prepared on a sheet not to exceed 8.5 inches by 14 inches. The subdivision name, lot number of record, lot area, and boundary data and adjoining lot numbers and street names shall be indicated.
2. Scale
Subdivision lot grading plans shall be to scale of one inch is equal to 30 feet, or greater, on all lots.
3. Revisions
 - a. Minor Revisions: Minor revisions to an approved lot grading plan may be approved by the Zoning Administrator. Minor revisions may be requested by submitting a description of the proposed minor revisions in letter form. Once approved, these revisions become a part of the approved lot grading plan.
 - b. Major Revisions
 - i. Major revisions to an approved lot grading plan shall include changes to a structure's floor elevations, including basement floor elevations of more than six (6) inches; addition of a basement level; removal of a basement level; additions to a structure; removal of portions of a structure; change to the drainage pattern of a lot; changes which affect the ground elevation at the property line; and changes which affect the grading or construction of adjacent lots.
 - ii. Major revisions to an approved lot grading plan shall require submittal of a revised lot grading plan, meeting the requirements of this Section B, for approval by the Zoning Administrator.
 - c. Determination: The determination as to whatever proposed revisions to an approved lot grading plan are minor or major shall be made by the Zoning Administrator.
 - d. The cost of review of revisions by the Town's engineer shall be paid by the applicant.
4. Certification of grading plans
Lot grading plans shall be certified by an engineer, architect, surveyor, or landscape architect registered and authorized by the state to practice as such.
5. Items to be shown on grading plans
The following items shall be included on the lot grading plan for each lot:
 - a. All physical improvements on the lot shall be graphically indicated. Spot elevations are required to be shown at all house entrances, at the driveway entrance, and at all changes in grade of the driveway. Spot elevations shall be shown at each corner of the house. Walkout

basements shall be indicated on the plans, showing the entrance and the appropriate spot elevations.

- b. The lead walk and all risers must be shown on the plan, and the elevation of the risers must be specified.
- c. All existing water, storm drainage, sanitary sewer, and other utility connections and easements shall be indicated. Utility connection points to the lot shall be indicated. Existing drainage easements must be honored and additional easements provided, for all areas of concentrated flow in lot grading plans and subdivision plans. These areas include natural drainage ways (swales) concentrating flow from several lots, swales leading into culverts, and those stabilized existing drainage ways handling the outfall of other drainage structures.
- d. To ensure the maintenance of the original intent for subdivision stormwater management, lot grading plans should either delineate the drainage divide within the applicable area of the subdivision, or a notation by the engineer on the lot grading plan to the effect that it conforms to the approved overall drainage plan for the subdivision.
- e. Where no curb and gutter street section is planned or exists, minimum size allowed for a driveway culvert is 12 inches, and the inverts for the pipe must be shown. In any case, culvert computations must be submitted.
- f. Other items deemed applicable by the Zoning Administrator.

6. Violation of Lot Grading Plan

- a. Any construction or grading which varies from the approved grading plan and which would have required approval of a minor revision under Section B.3.a., above, shall be subject to a fine of \$500.00.
- b. Any construction or grading which varies from the approved grading plan and which would have required approval of a revised lot grading plan as a major revision under Section B.3.b., above, shall be subject to a fine of \$2,500.00.
- c. In addition to the aforesaid fines, any construction or grading in violation of an approved lot grading plan shall be subject to the regulations as set forth in Article VIII, Section D, of this Ordinance.

ARTICLE VII. PERFORMANCE SURETY

In order to obtain guarantee of performance to assure timely completion and competent construction of subdivision physical improvements, the applicant is required to post a bond or other acceptable surety.

A. GENERAL

Prior to approval of a final subdivision plat, the owner shall furnish to the Town a cashier's check, cash escrow, bond, or letter of credit, in accordance with the provisions of Section 15.2-2241(5), Code of Virginia, conditioned upon the timely and proper construction of all physical improvements required as a condition of the approval of the final subdivision plat. The amount of such cashier's check, cash escrow, bond, or letter of credit shall not be less than the estimated cost of such construction based on unit prices, plus twenty-five (25) percent for inflation, potential damage to existing roads or utilities, and administrative costs, including, without limitation, costs incurred by the Town for cost estimates and other expenses in the event the construction is not timely or properly performed.

B. CONSTRUCTION AND BONDING AGREEMENT

The Town Council may adopt the form of a construction and bonding agreement for public improvements pursuant to this Ordinance.

C. MAINTENANCE BOND

The developer, at the completion and request for acceptance of the improvements by the Town, shall first furnish a bond acceptable to the Town in the amount of ten percent of the total cost of construction of the subdivision improvements. Said bond is to be furnished solely as a guarantee against faulty materials and workmanship and shall remain in force for a minimum of one year following the date of acceptance of the improvements by the Town.

VIII. VIOLATIONS, PENALTIES, AND LEGAL REMEDIES

A. TRANSFER OF LAND BEFORE FINAL PLAT APPROVAL

Any person who sells or transfers any land of a subdivision before such plat has been duly approved and recorded as provided herein shall be subject to a fine, as provided by law, for each lot or parcel of land so subdivided, transferred, or sold; and otherwise in accordance with the Code of Virginia governing penalties for misdemeanors.

B. VIOLATIONS, CUMULATIVE FINES

Any person, whether owner, lessee, principal, agent, employee, or otherwise, who violates any of the provisions of this Ordinance, or permits any such violation, or fails to comply with any of the requirements hereof, or who subdivides any land, constructs and makes improvements, erects any building, or uses any land in violation of any preliminary or final subdivision plat or plan submitted by him and approved under the provisions of this Ordinance shall be guilty of a misdemeanor and, upon conviction thereof, shall be subject to punishment as provided by law. Each lot that constitutes a violation and each day that a violation continues shall be deemed a separate offense, subject to cumulative fines and other penalties.

C. UNLAWFUL ACTS

Any building erected or improvements constructed contrary to any of the provisions of this Ordinance and any use of any building or land which is constructed, operated, or maintained contrary to any of the provisions of this Ordinance shall be and the same is hereby declared to be unlawful.

D. INJUNCTIONS, NOTICE OF VIOLATION

1. The Town may initiate an injunction, mandamus, or any other appropriate action to prevent, enjoin, abate, or remove such erection or use in violation of any provision of this Ordinance. Such action may also be instituted by any citizen who may be aggrieved or particularly damaged by any violation of any provisions of the Ordinance.
2. Upon its becoming aware of any violation of any provisions of this Ordinance, the Town shall serve notice of such violation on the person committing or permitting the same, and if such violation has not ceased within such reasonable time as the Town has specified in such notice, it shall institute such action as may be necessary to terminate the violation.

E. REMEDIES ARE CUMULATIVE

The remedies provided for in this section are cumulative and not exclusive and shall be in addition to any other remedies provided by the law.

ARTICLE IX. DEFINITIONS

alley - A service way providing a secondary means of public access to abutting property and not intended for general traffic circulation.

Area B - That land which is in Clarke County, contiguous to the Town of Berryville and described in Attachment “B” of the Clarke County/Town of Berryville Annexation Agreement.

Berryville Area - That land that lies within Area B and that lies within the corporate boundaries of the Town of Berryville.

Berryville Area Plan - The comprehensive planning document for Area B and sub-areas within the Town of Berryville.

Berryville Comprehensive Plan - The Comprehensive Plan as adopted by the Town of Berryville in January, 1976.

block - A unit of land bounded by streets or by a combination of streets and public land, railroad rights-of-way, waterways, or any other barrier to the continuity of development.

buffer - A strip of land established to protect one type of land use from another with which it is incompatible.

building setback line - An imaginary line beyond which a building cannot extend (excluding uncovered steps), that is fixed at a specific distance from the front, side, or rear boundaries of a lot.

catch basin - An inlet designed to intercept and redirect surface waters.

cluster - A development design technique that concentrates buildings in specific areas on the site to allow the remaining land to be used for recreation, common open space, and preservation of environmentally sensitive features.

Commission - The Planning Commission of the Town of Berryville, Virginia.

Comprehensive Plan - See **Berryville Comprehensive Plan**.

condominium - A building, or group of buildings, in which units are owned individually, and the structure, common areas, and facilities are owned by all the owners on a proportional, undivided basis.

covenant - A private agreement between the buyer and seller of real estate, which is normally contained in the property deed or otherwise formally recorded, and which asserts legal requirements on the use of that real estate.

cul-de-sac - A street with only one outlet and having an appropriate turnaround for a safe and convenient reverse traffic movement.

dedication - Under subdivision regulations, the transfer of property from private to public ownership.

density - Number of dwelling units per unit of land area.

Designated Agent – The agent employed or authorized by the Town Council to review and act on subdivision plats, site plans, and plans of development.

detention basin (pond) - A storage facility for the temporary storage of stormwater run-off.

developer - The legal or beneficial owner or owners of a lot or of any land included in a proposed development, including the holder of an option or contract to purchase, or other persons having enforceable proprietary interests in such land.

development - The division of a parcel of land into two or more parcels; or the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any structure.

Director of Planning - The Town Planner of Berryville or other agent, as designated by the Berryville Town Council.

drainage easement or drainage right-of-way - Assignable rights-of-way across land to provide for the alignment and maintenance of a drainage course, installation of drainage facilities, enlargement of existing drainage ways, or for similar or related storm drainage purposes.

drainage structures - pipes, swales, natural features, and man-made improvements designed to carry drainage.

drainageway - any natural or artificial watercourse, trench, ditch, swale, or similar depression into which surface water flows.

easement - a grant by a property owner to another party for the use of, non-use of, or limited use of land for a specific purpose on a repeating or continuous basis.

easement, drainage - an easement required for the installation of stormwater sewers or drainage ditches, and/or required for the preservation or maintenance of a natural stream or watercourse or other drainage facility.

egress - an exit.

engineer - an engineer licensed by the Commonwealth of Virginia.

flood, 100-year - the highest level of flooding that, based upon an analysis of past floods, is likely to occur once in every 100 years.

floodplain - the channel and the relatively flat area adjoining the channel of a natural stream or river which has been or may be covered by floodwater.

Geotechnical Engineer – a Virginia-Registered Professional Engineer (PE) engaged in the practice of Geotechnical Engineering, or a Virginia-Registered Professional Geologist (PG) who is engaged in the practice of Engineering Geology. (7/04)

highway engineer - the Resident Engineer employed by the Virginia Department of Highways and Transportation.

homeowners association - a community association, other than a condominium association, which is organized in a development in which individual owners share common interests and responsibilities in and for open space or facilities within a designated area.

improvement - streets, sidewalks, curbs, gutters, water mains, drainage facilities, landscaping, recreational facilities, and all other such betterment as may be required under the provisions of this Ordinance.

ingress - access or entry.

karst feature – karst topography is a landscape created by groundwater dissolving sedimentary rock such as limestone. Features include sinkholes, fissures enlarged by dissolution and caves. (7/04)

landscaping - changing, rearranging, or adding to the original vegetation or scenery of a piece of land to produce an aesthetic effect appropriate for the use to which the land is put. It may include reshaping the land by moving the earth, as well as preserving the original vegetation or adding vegetation.

lot - a designated parcel, tract, or area of land established by plat, subdivision, or as otherwise permitted by law, to be used, developed, or built upon as a unit.

lot, double-frontage - See **lot, through**.

lot, through - a lot which fronts on two parallel streets, or which fronts upon two streets which do not intersect at the boundaries of the lot.

lot, width of - the horizontal distance between the side lot lines, measured along the building setback line.

net developable area - the estimated net portion of a land area which can be developed, minus the restrictions imposed by floodplains, drainage channels, slopes, sinkholes, certain soil types, and rock outcroppings.

off-site - pertaining to areas and/or functions not included within the boundaries of a subdivision or proposed subdivision.

off-street parking space - a temporary storage area for a motor vehicle that is directly accessible to an access aisle, and which is not located on a dedicated street right-of-way.

open space - any parcel or area of land or water essentially unimproved and set aside, dedicated, designated, or reserved for public or private use or enjoyment of owners and occupants of land adjoining or neighboring such open space.

parking aisle - the traveled way by which cars enter and depart parking spaces.

performance bond - any security that may be accepted by a municipality as guarantee that improvements required as a part of an application for development are satisfactorily completed.

plan - the map or plat illustrating or describing a subdivision or land development.

plat - a map, generally of a subdivision, showing the location, boundaries, and ownership of individual properties.

plat, final - the final map of all or a portion of a subdivision or site plan which is presented to the proper review authority for final approval.

plat, preliminary - a map of a proposed land subdivision showing the character and proposed layout of the tract in conformance with the regulations set forth in this Ordinance to indicate the suitability of the proposed subdivision land.

plat, record - a final map of all or a portion of a subdivision which, when approved, shall meet all the applicable requirements of this Ordinance and shall be in a form suitable for recording.

private street - a way which is intended to afford the principal means of access to abutting lots and is not owned or controlled by a government entity.

prorata - according to a calculated share.

Resident Engineer - the Resident Engineer of the Virginia Department of Highways and Transportation assigned to Clarke County, or his designee.

right-of-way - a strip of land acquired by reservation, dedication, forced dedication, prescription, or condemnation, and intended to be occupied or occupied by a road, crosswalk, railroad, electric transmission line, oil or gas pipeline, waterline, sanitary storm sewer, and other similar use.

road - see **street**.

screening - a method of visually shielding or obscuring one abutting or nearby structure or use from another by fencing, walls, berms, or densely planted vegetation.

solar access - the availability of direct sunlight to land and buildings and in particular to solar collection systems.

spring – any spring that is depicted on the most recent version of the Virginia Department of Mineral Resources Publication 102, Plate 2, Hydrogeologic Components of Clarke County, Virginia. (7/04)

storm sewer - a conduit that collects and transports run-off.

stream, intermittent or perennial – any stream that is depicted as intermittent or perennial on the most recent U.S. Geological Survey 7 1/2 minute topographic quadrangle (scale 1:24,000). (7/04)

street - the principal means of public access to any lot in a subdivision. The term “street” shall include road, drive, place, avenue, highway, boulevard, or any other thoroughfare for a similar purpose, but shall not include any private access easement.

service road or drive - a public right-of-way generally parallel and contiguous to a major highway, primarily designated to promote safety by eliminating promiscuous ingress and egress to the right-of-way and by providing safe and orderly points of access to the highway.

subdivide - to voluntarily divide any tract, parcel, or lot of land into two or more parts for the purposes of sale, development, or lease in a manner consistent with the requirements of this Ordinance.

subdivider - any person, persons, firm, corporation, partnership, or other entity, and the agent or agents thereof, subdividing or proposing to subdivide land as herein defined.

subdivision - the process (and the result) of dividing a property or parcel of land into smaller individual parcels, lots or buildable sites.

surety bond - See **performance bond**.

swale - a depression in the ground which channels run-off.

Town - the Town Council of Berryville, Virginia, or its designated staff or appointees.

Town Manager - the Town Manager of Berryville, Virginia.

tract - an area, parcel, site, piece of land, or property which is the subject of a development application.

watershed - a basin in which all surface water drains to a centrally located stream, river, or other body of water.

Zoning Administrator - the Zoning Administrator of the Town of Berryville, Virginia.

Zoning Ordinance - the Zoning Ordinance of the Town of Berryville, Virginia.

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ARTICLE X. FEES

A. PAYMENT OF A FEE REQUIRED

The developer shall pay a fee to the Town of Berryville for the examination and approval or disapproval of preliminary or final plats and improvement plans submitted pursuant to this Ordinance.

B. FEE SCHEDULE

A schedule of fees for the examination and approval of preliminary and final subdivision plats and the inspection of all required improvements shall be determined by Town Council resolution, which schedule may be changed from time to time. Before the submittal of any subdivision plat, such fee shall be made payable to the Town of Berryville.

C. DEPOSIT FOR CONSULTING SERVICES

In addition to the fee, the applicant shall provide the Town Council with a deposit in an amount the Administrative Body, after consultation with staff, deems sufficient to cover any expenses connected with review of preliminary or final subdivision plats and improvement plans. The Town Council is authorized to retain a registered professional consultant to advise the Administrative Body on any or all aspects of subdivision plats and improvement plans. The costs of this service shall be borne by the applicant. Any unexpended funds shall be returned to the applicant when the Administrative Body makes a final decision.

OFFERED FOR CONSIDERATION

1/27/2025

SENATE BILL NO. 974

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on Local Government

on _____)

(Patron Prior to Substitute—Senator Van Valkenburg)

A BILL to amend and reenact §§ [15.2-2201](#), [15.2-2241](#), [15.2-2245](#), [15.2-2254](#), [15.2-2258](#), [15.2-2259](#), [15.2-2260](#), [15.2-2261](#), [15.2-2269](#), [15.2-2270](#), [15.2-2271](#), and [15.2-2307](#) of the Code of Virginia, relating to subdivision ordinance; plan review by designated agent.

Be it enacted by the General Assembly of Virginia:

1. That §§ [15.2-2201](#), [15.2-2241](#), [15.2-2245](#), [15.2-2254](#), [15.2-2258](#), [15.2-2259](#), [15.2-2260](#), [15.2-2261](#), [15.2-2269](#), [15.2-2270](#), [15.2-2271](#), and [15.2-2307](#) of the Code of Virginia are amended and reenacted as follows:

§ [15.2-2201](#). Definitions.

As used in this chapter, unless the context requires a different meaning:

"Affordable housing" means, as a guideline, housing that is affordable to households with incomes at or below the area median income, provided that the occupant pays no more than thirty percent of his gross income for gross housing costs, including utilities. For the purpose of administering affordable dwelling unit ordinances authorized by this chapter, local governments may establish individual definitions of affordable housing and affordable dwelling units including determination of the appropriate percent of area median income and percent of gross income.

"Conditional zoning" means, as part of classifying land within a locality into areas and districts by legislative action, the allowing of reasonable conditions governing the use of such property, such conditions being in addition to, or modification of the regulations provided for a particular zoning district or zone by the overall zoning ordinance.

"Designated agent" means any agent employed or authorized by a locality and designated by the governing body to review and act on subdivision plats, site plans, and plans of development. "Designated agent" does not include the local planning commission.

"Development" means a tract of land developed or to be developed as a unit under single ownership or unified control which is to be used for any business or industrial purpose or is to contain three or more residential dwelling units. The term "development" shall not be construed to include any tract of land which will be principally devoted to agricultural production.

"Historic area" means an area containing one or more buildings or places in which historic events occurred or having special public value because of notable architectural, archaeological or other features relating to the cultural or artistic heritage of the community, of such significance as to warrant conservation and preservation.

"Incentive zoning" means the use of bonuses in the form of increased project density or other benefits to a developer in return for the developer providing certain features, design elements, uses, services, or amenities desired by the locality, including but not limited to, site design incorporating principles of new urbanism and

traditional neighborhood development, environmentally sustainable and energy-efficient building design, affordable housing creation and preservation, and historical preservation, as part of the development.

"Local planning commission" means a municipal planning commission or a county planning commission.

"Military installation" means a base, camp, post, station, yard, center, homeport facility for any ship, or other activity under jurisdiction of the U.S. Department of Defense, including any leased facility, or any land or interest in land owned by the Commonwealth and administered by the Adjutant General of Virginia or the Virginia Department of Military Affairs. "Military installation" does not include any facility used primarily for civil works, rivers and harbors projects, or flood control projects.

"Mixed use development" means property that incorporates two or more different uses, and may include a variety of housing types, within a single development.

"Official map" means a map of legally established and proposed public streets, waterways, and public areas adopted by a locality in accordance with the provisions of Article 4 (§ [15.2-2233](#) et seq.) hereof.

"Planned unit development" means a form of development characterized by unified site design for a variety of housing types and densities, clustering of buildings, common open space, and a mix of building types and land uses in which project planning and density calculation are performed for the entire development rather than on an individual lot basis.

"Planning district commission" means a regional planning agency chartered under the provisions of Chapter 42 (§ [15.2-4200](#) et seq.) of this title.

"Plat" or "plat of subdivision" means the schematic representation of land divided or to be divided and information in accordance with the provisions of §§ [15.2-2241](#), [15.2-2242](#), [15.2-2258](#), [15.2-2262](#), and [15.2-2264](#), and other applicable statutes.

"Preliminary subdivision plat" means the proposed schematic representation of development or subdivision that establishes how the provisions of §§ [15.2-2241](#) and [15.2-2242](#), and other applicable statutes will be achieved.

"Resident curator" means a person, firm, or corporation that leases or otherwise contracts to manage, preserve, maintain, operate, or reside in a historic property in accordance with the provisions of § [15.2-2306](#) and other applicable statutes.

"Site plan" means the proposal for a development or a subdivision including all covenants, grants or easements and other conditions relating to use, location and bulk of buildings, density of development, common open space, public facilities and such other information as required by the subdivision ordinance to which the proposed development or subdivision is subject.

"Special exception" means a special use that is a use not permitted in a particular district except by a special use permit granted under the provisions of this chapter and any zoning ordinances adopted herewith.

"Street" means highway, street, avenue, boulevard, road, lane, alley, or any public way.

"Subdivision," unless otherwise defined in an ordinance adopted pursuant to § [15.2-2240](#), means the division of a parcel of land into three or more lots or parcels of less than five acres each for the purpose of transfer of ownership or building development, or, if a new street is involved in such division, any division of a parcel of land. The term includes resubdivision and, when appropriate to the context, shall relate to the process of subdividing or to the land subdivided and solely for the purpose of recordation of any single division of land into two lots or parcels, a plat of such division shall be submitted for approval in accordance with § [15.2-2258](#). Nothing in this definition, section, nor any ordinance adopted pursuant to § [15.2-2240](#) shall preclude different owners of adjacent parcels from entering into a valid and enforceable boundary line agreement with one another

so long as such agreement is only used to resolve a bona fide property line dispute, the boundary adjustment does not move by more than 250 feet from the center of the current platted line or alter either parcel's resultant acreage by more than five percent of the smaller parcel size, and such agreement does not create an additional lot, alter the existing boundary lines of localities, result in greater street frontage, or interfere with a recorded easement, and such agreement shall not result in any nonconformity with local ordinances and health department regulations. Notice shall be provided to the zoning administrator of the locality in which the parcels are located for review. For any property affected by this definition, any division of land subject to a partition suit by virtue of order or decree by a court of competent jurisdiction shall take precedence over the requirements of Article 6 (§ [15.2-2240](#) et seq.) and the minimum lot area, width, or frontage requirements in the zoning ordinance so long as the lot or parcel resulting from such order or decree does not vary from minimum lot area, width, or frontage requirements by more than 20 percent. A copy of the final decree shall be provided to the zoning administrator of the locality in which the property is located.

"Variance" means, in the application of a zoning ordinance, a reasonable deviation from those provisions regulating the shape, size, or area of a lot or parcel of land or the size, height, area, bulk, or location of a building or structure when the strict application of the ordinance would unreasonably restrict the utilization of the property, and such need for a variance would not be shared generally by other properties, and provided such variance is not contrary to the purpose of the ordinance. It shall not include a change in use, which change shall be accomplished by a rezoning or by a conditional zoning.

"Working waterfront" means an area or structure on, over, or adjacent to navigable waters that provides access to the water and is used for water-dependent commercial, industrial, or governmental activities, including commercial and recreational fishing; tourism; aquaculture; boat and ship building, repair, and services; seafood processing and sales; transportation; shipping; marine construction; and military activities.

"Working waterfront development area" means an area containing one or more working waterfronts having economic, cultural, or historic public value of such significance as to warrant development and reparation.

"Zoning" or "to zone" means the process of classifying land within a locality into areas and districts, such areas and districts being generally referred to as "zones," by legislative action and the prescribing and application in each area and district of regulations concerning building and structure designs, building and structure placement and uses to which land, buildings and structures within such designated areas and districts may be put.

§ [15.2-2241](#). **Mandatory provisions of a subdivision ordinance.**

A. A subdivision ordinance shall include reasonable regulations and provisions that apply to or provide:

1. For plat details which shall meet the standard for plats as adopted under § [42.1-82](#) of the Virginia Public Records Act (§ [42.1-76](#) et seq.);
2. For the coordination of streets within and contiguous to the subdivision with other existing or planned streets within the general area as to location, widths, grades and drainage, including, for ordinances and amendments thereto adopted on or after January 1, 1990, for the coordination of such streets with existing or planned streets in existing or future adjacent or contiguous to adjacent subdivisions;
3. For adequate provisions for drainage and flood control, for adequate provisions related to the failure of impounding structures and impacts within dam break inundation zones, and other public purposes, and for light and air, and for identifying soil characteristics;
4. For the extent to which and the manner in which streets shall be graded, graveled or otherwise improved and water and storm and sanitary sewer and other public utilities or other community facilities are to be installed;

5. For the acceptance of dedication for public use of any right-of-way located within any subdivision or section thereof, which has constructed or proposed to be constructed within the subdivision or section thereof, any street, curb, gutter, sidewalk, bicycle trail, drainage or sewerage system, waterline as part of a public system or other improvement dedicated for public use, and maintained by the locality, the Commonwealth, or other public agency, and for the provision of other site-related improvements required by local ordinances for vehicular ingress and egress, including traffic signalization and control, for public access streets, for structures necessary to ensure stability of critical slopes, and for storm water management facilities, financed or to be financed in whole or in part by private funds only if the owner or developer (i) certifies to the governing body that the construction costs have been paid to the person constructing such facilities or, at the option of the local governing body, presents evidence satisfactory to the governing body that the time for recordation of any mechanics lien has expired or evidence that any debt for said construction that may be due and owing is contested and further provides indemnity with adequate surety in an amount deemed sufficient by the governing body or its designated administrative agency agent; (ii) furnishes to the governing body a certified check or cash escrow in the amount of the estimated costs of construction or a personal, corporate or property bond, with surety satisfactory to the governing body or its designated administrative agency agent, in an amount sufficient for and conditioned upon the construction of such facilities, or a contract for the construction of such facilities and the contractor's bond, with like surety, in like amount and so conditioned; or (iii) furnishes to the governing body a bank or savings institution's letter of credit on certain designated funds satisfactory to the governing body or its designated administrative agency agent as to the bank or savings institution, the amount and the form. The amount of such certified check, cash escrow, bond, or letter of credit shall not exceed the total of the estimated cost of construction based on unit prices for new public or private sector construction in the locality and a reasonable allowance for estimated administrative costs, inflation, and potential damage to existing roads or utilities, which shall not exceed 10 percent of the estimated construction costs. If the owner or developer defaults on construction of such facilities, and such facilities are constructed by the surety or with funding from the aforesaid check, cash escrow, bond or letter of credit, the locality shall be entitled to retain or collect the allowance for administrative costs to the extent the costs of such construction do not exceed the total of the originally estimated costs of construction and the allowance for administrative costs. "Such facilities," as used in this section, means those facilities specifically provided for in this section.

If a developer records a final plat which may be a section of a subdivision as shown on an approved preliminary subdivision plat and furnishes to the governing body a certified check, cash escrow, bond, or letter of credit in the amount of the estimated cost of construction of the facilities to be dedicated within said section for public use and maintained by the locality, the Commonwealth, or other public agency, the developer shall have the right to record the remaining sections shown on the preliminary subdivision plat for a period of five years from the recordation date of any section, or for such longer period as the local commission or other agent may, at the approval, determine to be reasonable, taking into consideration the size and phasing of the proposed development, subject to the terms and conditions of this subsection and subject to engineering and construction standards and zoning requirements in effect at the time that each remaining section is recorded. In the event a governing body of a county, wherein the highway system is maintained by the Department of Transportation, has accepted the dedication of a road for public use and such road due to factors other than its quality of construction is not acceptable into the secondary system of state highways, then such governing body may, if so provided by its subdivision ordinance, require the subdivider or developer to furnish the county with a maintenance and indemnifying bond, with surety satisfactory to the governing body or its designated administrative agency agent, in an amount sufficient for and conditioned upon the maintenance of such road until such time as it is accepted into the secondary system of state highways. In lieu of such bond, the governing body or its designated administrative agency agent may accept a bank or savings institution's letter of credit on certain designated funds satisfactory to the governing body or its designated administrative agency agent as to the bank or savings institution, the amount and the form, or accept payment of a negotiated sum of money sufficient for and conditioned upon the maintenance of such road until such time as it is accepted into the secondary system of state highways and assume the subdivider's or developer's liability for maintenance of such road. "Maintenance of such road" as used in this section, means maintenance of the streets, curb, gutter, drainage facilities, utilities or other street improvements, including the correction of defects or damages and the removal of snow, water or debris, so as to keep such road reasonably open for public usage:

As used in this section, "designated administrative agency" means the planning commission of the locality or an agent designated by the governing body of the locality for such purpose as set forth in §§ [15.2-2258](#) through [15.2-2261](#);

6. For conveyance of common or shared easements to franchised cable television operators furnishing cable television and public service corporations furnishing cable television, gas, telephone and electric service to the proposed subdivision. Once a developer conveys an easement that will permit electric, cable or telephone service to be furnished to a subdivision, the developer shall, within 30 days after written request by a cable television operator or telephone service provider, grant an easement to that cable television operator or telephone service provider for the purpose of providing cable television and communications services to that subdivision, which easement shall be geographically coextensive with the electric service easement, or if only a telephone or cable service easement has been granted, then geographically coextensive with that telephone or cable service easement; however, the developer and franchised cable television operator or telephone service provider may mutually agree on an alternate location for an easement. If the final subdivision plat is recorded and does not include conveyance of a common or shared easement as provided herein, the ~~local planning commission or agent designated by the governing body to review and act on submitted subdivision plats~~ *designated agent* shall not be responsible to enforce the requirements of this subdivision;

7. For monuments of specific types to be installed establishing street and property lines;

8. That unless a plat is filed for recordation within six months after final approval thereof or such longer period as may be approved by the governing body, such approval shall be withdrawn and the plat marked void and returned to the approving official; however, in any case where construction of facilities to be dedicated for public use has commenced pursuant to an approved plan or permit with surety approved by the ~~governing body or its designated administrative agency agent~~, or where the developer has furnished surety to the ~~governing body or its designated administrative agency agent~~ by certified check, cash escrow, bond, or letter of credit in the amount of the estimated cost of construction of such facilities, the time for plat recordation shall be extended to one year after final approval or to the time limit specified in the surety agreement approved by the ~~governing body or its designated administrative agency, whichever is greater agent~~;

9. For the administration and enforcement of such ordinance, not inconsistent with provisions contained in this chapter, and specifically for the imposition of reasonable fees and charges for the review of plats and plans, and for the inspection of facilities required by any such ordinance to be installed; such fees and charges shall in no instance exceed an amount commensurate with the services rendered taking into consideration the time, skill and administrator's expense involved. All such charges heretofore made are hereby validated;

10. For reasonable provisions permitting a single division of a lot or parcel for the purpose of sale or gift to a member of the immediate family of the property owner in accordance with the provisions of § [15.2-2244](#); and

11. For the periodic partial and final complete release of any bond, escrow, letter of credit, or other performance guarantee required by the governing body under this section in accordance with the provisions of § [15.2-2245](#);

12. *For the review of plats, site plans, and plans of development solely involving parcels of commercial or residential real estate as set forth in §§ [15.2-2259](#) and [15.2-2260](#); and*

13. *For the identification of deficiencies, corrections, or modifications of proposed and resubmitted plats and plans as set forth in §§ [15.2-2259](#) and [15.2-2260](#).*

B. No locality shall require that any certified check, cash escrow, bond, letter of credit or other performance guarantee furnished pursuant to this chapter apply to, or include the cost of, any facility or improvement unless such facility or improvement is shown or described on the approved plat or plan of the project for which such guarantee is being furnished. Furthermore, the terms, conditions, and specifications contained in any agreement, contract, performance agreement, or similar document, however described or delineated, between a locality or its governing body and an owner or developer of property entered into pursuant to this chapter in conjunction with

any performance guarantee, as described in this subsection, shall be limited to those items depicted or provided for in the approved plan, plat, permit application, or similar document for which such performance guarantee is applicable.

§ 15.2-2245. Provisions for periodic partial and final release of certain performance guarantees.

A. A subdivision ordinance shall provide for the periodic partial and final complete release of any bond, escrow, letter of credit, or other performance guarantee required by the governing body under this article within thirty days after receipt of written notice by the subdivider or developer of completion of part or all of any public facilities required to be constructed hereunder unless the ~~governing body or its designated administrative agency~~ *agent* notifies the subdivider or developer in writing of nonreceipt of approval by an applicable state agency, or of any specified defects or deficiencies in construction and suggested corrective measures prior to the expiration of the thirty-day period. Any inspection of such public facilities shall be based solely upon conformance with the terms and conditions of the performance agreement and the approved design plan and specifications for the facilities for which the performance guarantee is applicable, and shall not include the approval of any person other than an employee of the governing body, its administrative agency, the Virginia Department of Transportation or other political subdivision or a person who has contracted with the governing body, its administrative agency, the Virginia Department of Transportation or other political subdivision.

B. If no such action is taken by the ~~governing body or administrative agency~~ *designated agent* within the time specified above, the request shall be deemed approved, and a partial release granted to the subdivider or developer. No final release shall be granted until after expiration of such thirty-day period and there is an additional request in writing sent by certified mail return receipt to the chief administrative officer of such governing body. The ~~governing body or its designated administrative agency~~ *agent* shall act within ten working days of receipt of the request; then if no action is taken the request shall be deemed approved and final release granted to the subdivider or developer.

C. After receipt of the written notices required above, if the governing body or administrative agency takes no action within the times specified above and the subdivider or developer files suit in the local circuit court to obtain partial or final release of a bond, escrow, letter of credit, or other performance guarantee, as the case may be, the circuit court, upon finding the governing body or its administrative agency was without good cause in failing to act, shall award such subdivider or developer his reasonable costs and attorneys' fees.

D. No ~~governing body or administrative agency~~ *designated agent* shall refuse to make a periodic partial or final release of a bond, escrow, letter of credit, or other performance guarantee for any reason not directly related to the specified defects or deficiencies in construction of the public facilities covered by said bond, escrow, letter of credit or other performance guarantee.

E. Upon written request by the subdivider or developer, the ~~governing body or its designated administrative agency~~ *agent* shall be required to make periodic partial releases of such bond, escrow, letter of credit, or other performance guarantee in a cumulative amount equal to no less than ninety percent of the original amount for which the bond, escrow, letter of credit, or other performance guarantee was taken, and may make partial releases to such lower amounts as may be authorized by the ~~governing body or its designated administrative agency~~ *agent* based upon the percentage of public facilities completed and approved by the governing body, local administrative agency, or state agency having jurisdiction. Periodic partial releases may not occur before the completion of at least thirty percent of the public facilities covered by any bond, escrow, letter of credit, or other performance guarantee. The ~~governing body or administrative agency~~ *designated agent* shall not be required to execute more than three periodic partial releases in any twelve-month period. Upon final completion and acceptance of the public facilities, the ~~governing body or administrative agency~~ *designated agent* shall release any remaining bond, escrow, letter of credit, or other performance guarantee to the subdivider or developer. For the purpose of final release, the term "acceptance" means: when the public facility is accepted by and taken over for operation and maintenance by the state agency, local government department or agency, or other public authority which is responsible for maintaining and operating such public facility upon acceptance.

F. For the purposes of this section, a certificate of partial or final completion of such public facilities from either a duly licensed professional engineer or land surveyor, as defined in and limited to § [54.1-400](#), or from a department or agency designated by the locality may be accepted without requiring further inspection of such public facilities.

§ [15.2-2254](#). Statutory provisions effective after ordinance adopted.

After the adoption of a subdivision ordinance in accordance with this chapter, the following provisions shall be effective in the territory to which the ordinance applies:

1. No person shall subdivide land without making and recording a plat of the subdivision and without fully complying with the provisions of this article and of the subdivision ordinance.

2. No plat of any subdivision shall be recorded unless and until it has been submitted to and approved by the ~~local planning commission or by the governing body or its duly authorized~~ *designated* agent, of the locality wherein the land to be subdivided is located; or by the ~~commissions, governing bodies or~~ *designated* agents, as the case may be, of each locality having a subdivision ordinance, in which any part of the land lies.

3. No person shall sell or transfer any land of a subdivision, before a plat has been duly approved and recorded as provided herein, unless the subdivision was lawfully created prior to the adoption of a subdivision ordinance applicable thereto. However, nothing herein contained shall be construed as preventing the recordation of the instrument by which such land is transferred or the passage of title as between the parties to the instrument.

4. Any person violating the foregoing provisions of this section shall be subject to a fine of not more than \$500 for each lot or parcel of land so subdivided, transferred or sold and shall be required to comply with all provisions of this article and the subdivision ordinance. The description of the lot or parcel by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from the penalties or remedies herein provided.

5. No clerk of any court shall file or record a plat of a subdivision required by this article to be recorded until the plat has been approved as required herein. The penalties provided by § [17.1-223](#) shall apply to any failure to comply with the provisions of this subsection.

§ [15.2-2258](#). Plat of proposed subdivision and site plans to be submitted for approval.

Whenever the owner or proprietor of any tract of land located within any territory to which a subdivision ordinance applies desires to subdivide the tract, he shall submit a plat of the proposed subdivision to the ~~planning commission of the locality; or an agent designated by the governing body~~ *designated agent* thereof for such purpose. When any part of the land proposed for subdivision lies in a drainage district such fact shall be set forth on the plat of the proposed subdivision. When any part of the land proposed for subdivision lies in a mapped dam break inundation zone such fact shall be set forth on the plat of the proposed subdivision. When any grave, object or structure marking a place of burial is located on the land proposed for subdivision, such grave, object or structure shall be identified on any plans or site plans required by this article. When the land involved lies wholly or partly within an area subject to the joint control of more than one locality, the plat shall be submitted to the ~~planning commission or other~~ designated agent of the locality in which the tract of land is located. Site plans or plans of development required by subdivision A 8 of § [15.2-2286](#) shall also be subject to the provisions of §§ [15.2-2258](#) through [15.2-2261](#), mutatis mutandis.

§ [15.2-2259](#). Designated agent to act on proposed final plat.

A. 1. Except as otherwise provided in subdivisions 2 and 3, the ~~local planning commission or other~~ *designated* agent shall act on any proposed plat within 60 days after it has been officially submitted for approval by either approving or disapproving the plat in writing, and giving with the latter specific reasons therefor. The ~~Commission or~~ *designated* agent shall thoroughly review the plat and shall make a good faith effort to identify all deficiencies, if any, with the initial submission. However, if approval of a feature or features of the plat by a

state agency or public authority authorized by state law is necessary, the ~~commission or~~ *designated* agent shall forward the plat to the appropriate state agency or ~~agencies authority~~ for review within ~~10~~ *five* business days of receipt of such plat. The state agency shall respond in accord with the requirements set forth in § [15.2-2222.1](#), which shall extend the time for action by the ~~local planning commission or other~~ *designated* agent, as set forth in subsection B. Specific reasons for disapproval shall be contained either in a separate document or on the plat itself. The reasons for disapproval shall identify deficiencies in the plat that cause the disapproval by reference to specific duly adopted ordinances, regulations, or policies and shall identify modifications or corrections as will permit approval of the plat. The ~~local planning commission or other~~ *designated* agent shall act on any proposed plat that it has previously disapproved within 45 days after the plat has been modified, corrected and resubmitted for approval.

2. The approval of plats, site plans, and plans of development solely involving parcels of commercial or residential real estate by a ~~local planning commission or other~~ *designated* agent shall be governed by subdivision 3 and subsections B, C, and D. For the purposes of this section, the term "commercial" means all real property used for commercial or industrial uses, and the term "residential" means all real property used for single-family or multifamily use.

3. The ~~local planning commission or other~~ *designated* agent shall act on any proposed plat, site plan or plan of development within 60 days after it has been officially submitted for approval by either approving or disapproving the plat in writing, and giving with the latter specific reasons therefor. The ~~local planning commission or other~~ *designated* agent shall not delay the official submission of any proposed plat, site plan, or plan of development by requiring presubmission conferences, meetings, or reviews. The ~~Commission or~~ *designated* agent shall thoroughly review the plat or plan and shall in good faith identify, to the greatest extent practicable, all deficiencies, if any, with the initial submission. However, if approval of a feature or features of the plat or plan by a state agency or public authority authorized by state law is necessary, the ~~commission or~~ *designated* agent shall forward the plat or plan to the appropriate state agency or agencies for review within ~~10 business~~ *five* days of receipt of such plat or plan. The state agency shall respond in accord with the requirements set forth in § [15.2-2222.1](#), which shall extend the time for action by the ~~local planning commission or other~~ *designated* agent, as set forth in subsection B. Specific reasons for disapproval shall be contained either in a separate document or on the plat or plan itself. The reasons for disapproval shall identify deficiencies in the plat or plan that caused the disapproval by reference to specific duly adopted ordinances, regulations, or policies and shall identify, to the greatest extent practicable, modifications or corrections that will permit approval of the plat or plan.

In the review of a resubmitted proposed plat, site plan or plan of development that has been previously disapproved, the ~~local planning commission or other~~ *designated* agent shall consider only deficiencies it had identified in its review of the initial submission of the plat or plan that have not been corrected in such resubmission and any deficiencies that arise as a result of the corrections made to address deficiencies identified in the initial submission. In the review of the resubmission of a plat or plan, the ~~local planning commission or other~~ *designated* agent shall identify all deficiencies with the proposed plat or plan that caused the disapproval by reference to specific duly adopted ordinances, regulations or policies and shall identify modifications or corrections that will permit approval of the plat or plan. Upon the second resubmission of such disapproved plat or plan, the ~~local planning commission or other~~ *designated* agent's review shall be limited solely to the previously identified deficiencies that caused its disapproval.

The ~~local planning commission or other~~ *designated* agent shall act on any proposed plat, site plan or plan of development that it has previously disapproved within 45 days after the plat or plan has been modified, corrected and resubmitted for approval. The failure of a ~~local planning commission or other~~ *designated* agent to approve or disapprove a resubmitted plat or plan within the time periods required by this section shall cause the plat or plan to be deemed approved.

Notwithstanding the approval or deemed approval of any proposed plat, site plan or plan of development, any deficiency in any proposed plat or plan, that if left uncorrected, would violate local, state or federal law, regulations, mandatory Department of Transportation engineering and safety requirements, and other mandatory engineering and safety requirements, shall not be considered, treated or deemed as having been approved by the

~~local planning commission or other~~ *designated* agent. Should any resubmission include a material revision of infrastructure or physical improvements from the earlier submission or if a material revision in the resubmission creates a new required review by the Virginia Department of Transportation or by a state agency or public authority authorized by state law, then the ~~local planning commission or other~~ *designated* agent's review shall not be limited to only the previously identified deficiencies identified in the prior submittals and may consider deficiencies initially appearing in the resubmission because of such material revision.

B. Any state agency or public authority authorized by state law making a review of a plat forwarded to it under this article, including, without limitation, the Virginia Department of Transportation and authorities authorized by Chapter 51 (§ [15.2-5100](#) et seq.), shall complete its review within 45 days of receipt of the plat upon first submission and within 45 days for any proposed plat that has previously been disapproved, provided, however, that the time periods set forth in § [15.2-2222.1](#) shall apply to plats triggering the applicability of said section. The Virginia Department of Transportation and authorities authorized by Chapter 51 (§ [15.2-5100](#) et seq.) shall allow use of public rights-of-way dedicated for public street purposes for placement of utilities by permit when practical and shall not unreasonably deny plat approval. If a state agency or public authority authorized by state law does not approve the plat, it shall comply with the requirements, and be subject to the restrictions, set forth in subsection A, with the exception of the time period therein specified. Upon receipt of the approvals from all state agencies and other agencies, the ~~local~~ *designated* agent shall act upon a plat within 35 days.

C. If the ~~commission or other~~ *designated* agent fails to approve or disapprove the plat within 60 days after it has been officially submitted for approval, or within 45 days after it has been officially resubmitted after a previous disapproval or within 35 days of receipt of any agency response pursuant to subsection B, the subdivider, after 10-days' written notice to the ~~commission, or~~ *designated* agent, may petition the circuit court for the locality in which the land involved, or the major part thereof, is located, to decide whether the plat should or should not be approved. The court shall give the petition priority on the civil docket, hear the matter expeditiously in accordance with the procedures prescribed in Article 2 (§ [8.01-644](#) et seq.) of Chapter 25 of Title 8.01 and make and enter an order with respect thereto as it deems proper, which may include directing approval of the plat.

D. If a ~~commission or other~~ *the designated* agent disapproves a plat and the ~~subdivider~~ *applicant* contends that the disapproval was not properly based on the ordinance applicable thereto, or was arbitrary or capricious, he may appeal to the circuit court having jurisdiction of such land and the court shall hear and determine the case as soon as may be, provided that his appeal is filed with the circuit court within 60 days of the written disapproval by the ~~commission or other~~ *designated* agent.

§ [15.2-2260](#). Localities may provide for submission of preliminary subdivision plats; how long valid.

A. Nothing in this article shall be deemed to prohibit the local governing body from providing in its ordinance for the mandatory submission of preliminary subdivision plats for tentative approval for plats involving more than 50 lots, provided that any such ordinance provides for the submission of a preliminary subdivision plat for tentative approval at the option of the landowner for plats involving 50 or fewer lots. The ~~local planning commission, or an~~ *designated* agent ~~designated by the commission or by the governing body to review preliminary subdivision plats~~ shall complete action on the preliminary subdivision plats within 60 days of submission. However, if approval of a feature or features of the preliminary subdivision plat by a state agency or public authority authorized by state law is necessary, the ~~commission or~~ *designated* agent shall forward the preliminary subdivision plat to the appropriate state agency or ~~agencies~~ *authority* for review within ~~40~~ *five* business days of receipt of such preliminary subdivision plat.

B. Any state agency or public authority authorized by state law making a review of a preliminary subdivision plat forwarded to it under this section, including, without limitation, the Virginia Department of Transportation and authorities authorized by Chapter 51 (§ [15.2-5100](#) et seq.), shall complete its review within 45 days of receipt of the preliminary subdivision plat upon first submission and within 45 days for any proposed plat that has previously been disapproved, provided, however, that the time period set forth in § [15.2-2222.1](#) shall apply to plats triggering the applicability of said section. The Virginia Department of Transportation and authorities authorized by Chapter 51 (§ [15.2-5100](#) et seq.) shall allow use of public rights-of-way for public street purposes

for placement of utilities by permit when practical and shall not unreasonably deny plat approval. If a state agency or public authority authorized by state law does not approve the plat, it shall comply with the requirements, and be subject to the restrictions, set forth in subsection A of § [15.2-2259](#) with the exception of the time period therein specified. Upon receipt of the approvals from all state agencies, the ~~local~~ *designated* agent shall act upon a preliminary subdivision plat within 35 days.

C. If a ~~commission~~ has the responsibility of review of preliminary subdivision plats and conducts a public hearing, ~~it~~ *The designated agent* shall act on the plat within 45 days after receiving approval from all state agencies. If the ~~local designated agent or commission~~ does not approve the preliminary subdivision plat, the ~~local designated agent or commission~~ shall set forth in writing the reasons for such denial and shall state what corrections or modifications will permit approval by ~~such~~ *the designated agent or commission*. With regard to plats involving commercial or residential property, as those terms are defined in subdivision A 2 of § [15.2-2259](#), the review process for such plats shall be the same as provided in subdivisions A 2 and A 3 of § [15.2-2259](#). However, no ~~commission or designated agent~~ shall be required to approve a preliminary subdivision plat in less than 60 days from the date of its original submission to the ~~commission or designated agent~~, and all actions on preliminary subdivision plats shall be completed by the *designated agent or commission* and, if necessary, state agencies, within a total of 90 days of submission to the ~~local designated agent or commission~~.

D. If the ~~commission or other designated agent~~ fails to approve or disapprove the preliminary subdivision plat within 90 days after it has been officially submitted for approval, the subdivider after 10 days' written notice to the ~~commission, or designated agent~~, may petition the circuit court for the locality in which the land involved, or the major part thereof, is located to enter an order with respect thereto as it deems proper, which may include directing approval of the plat.

E. If a ~~commission or other designated agent~~ disapproves a preliminary subdivision plat and the subdivider contends that the disapproval was not properly based on the ordinance applicable thereto, or was arbitrary or capricious, he may appeal to the circuit court having jurisdiction of such land and the court shall hear and determine the case as soon as may be, provided that his appeal is filed with the circuit court within 60 days of the written disapproval by the ~~commission or other designated agent~~.

F. Once a preliminary subdivision plat is approved, it shall be valid for a period of five years, provided the subdivider (i) submits a final subdivision plat for all or a portion of the property within one year of such approval or such longer period as may be prescribed by local ordinance, and (ii) thereafter diligently pursues approval of the final subdivision plat. "Diligent pursuit of approval" means that the subdivider has incurred extensive obligations or substantial expenses relating to the submitted final subdivision plat or modifications thereto. However, no sooner than three years following such preliminary subdivision plat approval, and upon 90 days' written notice by certified mail to the subdivider, the ~~commission or other designated agent~~ may revoke such approval upon a specific finding of facts that the subdivider has not diligently pursued approval of the final subdivision plat.

G. Once an approved final subdivision plat for all or a portion of the property is recorded pursuant to § [15.2-2261](#), the underlying preliminary plat shall remain valid for a period of five years from the date of the latest recorded plat of subdivision for the property. The five year period of validity shall extend from the date of the last recorded plat.

§ [15.2-2261](#). Recorded plats or final site plans to be valid for not less than five years.

A. An approved final subdivision plat which has been recorded or an approved final site plan, hereinafter referred to as "recorded plat or final site plan," shall be valid for a period of not less than five years from the date of approval thereof or for such longer period as the ~~local planning commission or other designated agent~~ may, at the time of approval, determine to be reasonable, taking into consideration the size and phasing of the proposed development. A site plan shall be deemed final once it has been reviewed and approved by the locality if the only requirements remaining to be satisfied in order to obtain a building permit are the posting of any bonds and escrows or the submission of any other administrative documents, agreements, deposits, or fees required by the

locality in order to obtain the permit. However, any fees that are customarily due and owing at the time of the agency review of the site plan shall be paid in a timely manner.

B. 1. Upon application of the subdivider or developer filed prior to expiration of a recorded plat or final site plan, the ~~local planning commission or other~~ *designated* agent may grant one or more extensions of such approval for additional periods as the ~~commission or other~~ *designated* agent may, at the time the extension is granted, determine to be reasonable, taking into consideration the size and phasing of the proposed development, the laws, ordinances and regulations in effect at the time of the request for an extension.

2. If the ~~commission or other~~ *designated* agent denies an extension requested as provided herein and the subdivider or developer contends that such denial was not properly based on the ordinance applicable thereto, the foregoing considerations for granting an extension, or was arbitrary or capricious, he may appeal to the circuit court having jurisdiction of land subject to the recorded plat or final site plan, provided that such appeal is filed with the circuit court within sixty days of the written denial by the commission or other agency.

C. For so long as the final site plan remains valid in accordance with the provisions of this section, or in the case of a recorded plat for five years after approval, no change or amendment to any local ordinance, map, resolution, rule, regulation, policy or plan adopted subsequent to the date of approval of the recorded plat or final site plan shall adversely affect the right of the subdivider or developer or his successor in interest to commence and complete an approved development in accordance with the lawful terms of the recorded plat or site plan unless the change or amendment is required to comply with state law or there has been a mistake, fraud or a change in circumstances substantially affecting the public health, safety or welfare.

D. Application for minor modifications to recorded plats or final site plans made during the periods of validity of such plats or plans established in accordance with this section shall not constitute a waiver of the provisions hereof nor shall the approval of minor modifications extend the period of validity of such plats or plans.

E. The provisions of this section shall be applicable to all recorded plats and final site plans valid on or after January 1, 1992. Nothing contained in this section shall be construed to affect (i) any litigation concerning the validity of a site plan pending prior to January 1, 1992, or any such litigation nonsuited and thereafter refiled; (ii) the authority of a governing body to impose valid conditions upon approval of any special use permit, conditional use permit or special exception; (iii) the application to individual lots on recorded plats or parcels of land subject to final site plans, to the greatest extent possible, of the provisions of any local ordinance adopted pursuant to the Chesapeake Bay Preservation Act (§ [62.1-44.15:67](#) et seq.); or (iv) the application to individual lots on recorded plats or parcels of land subject to final site plans of the provisions of any local ordinance adopted to comply with the requirements of the federal Clean Water Act, Section 402 (p.) of the Stormwater Program and regulations promulgated thereunder by the Environmental Protection Agency.

F. An approved final subdivision plat that has been recorded, from which any part of the property subdivided has been conveyed to third parties (other than to the developer or local jurisdiction), or a recorded plat dedicating real property to the local jurisdiction or public body that has been accepted by such grantee, shall remain valid for an indefinite period of time unless and until any portion of the property is subject to a vacation action as set forth in §§ [15.2-2270](#) through [15.2-2278](#).

§ [15.2-2269](#). Plans and specifications for utility fixtures and systems to be submitted for approval.

A. If the owners of any such subdivision desire to construct in, on, under, or adjacent to any streets or alleys located in such subdivision any gas, water, sewer or electric light or power works, pipes, wires, fixtures or systems, they shall present plans or specifications therefor to the ~~governing body of the locality in which the subdivision is located or its~~ *authorized designated* agent, for approval. If the subdivision is located beyond the corporate limits of a municipality but within the limits set forth in § [15.2-2248](#), such plans and specifications shall be presented for approval to the ~~governing body of such municipality, or its~~ *authorized designated* agent, if the county has not adopted a subdivision ordinance. The ~~governing body, or~~ *designated* agent, shall have 45 days in which to approve or disapprove the same. In event of the failure of any ~~governing body, or its~~ *designated* agent, to act within such period, such plans and specifications may be submitted, after ten days' notice to the

locality, to the circuit court for such locality for its approval or disapproval, and its approval thereof shall, for all purposes of this article be treated and considered as approval by the ~~locality or its authorized~~ *designated agent*.

B. Any state agency or public authority authorized by state law making a review of any plat forwarded to it under this article, including, without limitation, the Virginia Department of Transportation and authorities authorized by Chapter 51 (§ [15.2-5100](#) et seq.), shall complete its review within 45 days of receipt of the plans, provided, however, that the time periods set forth in § [15.2-2222.1](#) shall apply to plats triggering the applicability of said section. The Virginia Department of Transportation and authorities authorized by Chapter 51 (§ [15.2-5100](#) et seq.) shall allow use of public rights-of-way dedicated for public street purposes for placement of utilities by permit when practical and shall not unreasonably deny plan approval. If a state agency or public authority by state law does not approve the plan, it shall comply with the requirements, and be subject to the restrictions, set forth in subsection A of § [15.2-2259](#), with respect to the exception of the time period therein specified. Upon receipt of the approvals from all state agencies, the ~~local~~ *designated agent* shall act upon a preliminary subdivision plat within 35 days.

§ [15.2-2270](#). Vacation of interests granted to a locality as a condition of site plan approval.

Any interest in streets, alleys, easements for public rights of passage, easements for drainage, and easements for a public utility granted to a locality as a condition of the approval of a site plan may be vacated according to either of the following methods:

1. By a duly executed and acknowledged written instrument of the owner of the land which has been or is to be developed in accordance with the site plan, declaring the interest or interests to be vacated, provided the ~~governing body or authorized~~ *designated agent* of the locality where the land lies consents to the vacation. The instrument shall be recorded in the same clerk's office wherein is recorded the written instrument describing the interest in real property to be vacated. The execution and recordation of the instrument shall operate to divest all public rights in, and to reinvest the owner with the title to the interests which formerly were held by the governing body; or

2. By ordinance of the governing body in the locality in which the property which is the subject of an approved site plan lies, provided that no interest shall be vacated in an area in which facilities, for which bonding is required pursuant to §§ [15.2-2241](#) through [15.2-2245](#), have been constructed.

The ordinance shall not be adopted until after notice has been given as required by § [15.2-2204](#). Any person may appear at the meeting for the purpose of objecting to the adoption of the ordinance. An appeal from the adoption of the ordinance may be filed within thirty days of the adoption of the ordinance with the circuit court having jurisdiction of the land over which the governing body's interest is located. Upon appeal, the court may nullify the ordinance if it finds that the owner of the property, which has been developed or is to be developed in accordance with the approved site plan, will be irreparably damaged. If no appeal from the adoption of the ordinance is filed within the time above provided or if the ordinance is upheld on appeal, a certified copy of the ordinance of vacation may be recorded in the clerk's office of any court in which the instrument creating the governing body's interest is recorded.

The execution and recordation of an ordinance of vacation shall operate to destroy the effect of the instrument which created the governing body's interest so vacated and to divest all public rights in and to the property and vest title in the streets, alleys, easements for public rights of passage, easements for drainage, and easements for a public utility as may be described in, and in accordance with, the ordinance of vacation.

§ [15.2-2271](#). Vacation of plat before sale of lot therein; ordinance of vacation.

Where no lot has been sold, the recorded plat, or part thereof, may be vacated according to either of the following methods:

1. With the consent of the ~~governing body, or its authorized~~ *designated agent*, of the locality where the land lies, by the owners, proprietors and trustees, if any, who signed the statement required by § [15.2-2264](#) at any

time before the sale of any lot therein, by a written instrument, declaring the plat to be vacated, duly executed, acknowledged or proved and recorded in the same clerk's office wherein the plat to be vacated is recorded and the execution and recordation of such writing shall operate to destroy the force and effect of the recording of the plat so vacated and to divest all public rights in, and to reinvest the owners, proprietors and trustees, if any, with the title to the streets, alleys, easements for public passage and other public areas laid out or described in the plat; or

2. By ordinance of the governing body of the locality in which the property shown on the plat or part thereof to be vacated lies, provided that no facilities for which bonding is required pursuant to §§ [15.2-2241](#) through [15.2-2245](#) have been constructed on the property and no facilities have been constructed on any related section of the property located in the subdivision within five years of the date on which the plat was first recorded.

The ordinance shall not be adopted until after notice has been given as required by § [15.2-2204](#). Any person may appear at the meeting for the purpose of objecting to the adoption of the ordinance. An appeal from the adoption of the ordinance may be filed within thirty days of the adoption of the ordinance with the circuit court having jurisdiction of the land shown on the plat or part thereof to be vacated. Upon appeal the court may nullify the ordinance if it finds that the owner of the property shown on the plat will be irreparably damaged. If no appeal from the adoption of the ordinance is filed within the time above provided or if the ordinance is upheld on appeal, a certified copy of the ordinance of vacation may be recorded in the clerk's office of any court in which the plat is recorded.

The execution and recordation of the ordinance of vacation shall operate to destroy the force and effect of the recording of the plat, or any portion thereof, so vacated, and to divest all public rights in and to the property and reinvest the owners, proprietors and trustees, if any, with the title to the streets, alleys, and easements for public passage and other public areas laid out or described in the plat.

§ [15.2-2307](#). Vested rights not impaired; nonconforming uses.

A. Nothing in this article shall be construed to authorize the impairment of any vested right. Without limiting the time when rights might otherwise vest, a landowner's rights shall be deemed vested in a land use and such vesting shall not be affected by a subsequent amendment to a zoning ordinance when the landowner (i) obtains or is the beneficiary of a significant affirmative governmental act which remains in effect allowing development of a specific project, (ii) relies in good faith on the significant affirmative governmental act, and (iii) incurs extensive obligations or substantial expenses in diligent pursuit of the specific project in reliance on the significant affirmative governmental act.

B. For purposes of this section and without limitation, the following are deemed to be significant affirmative governmental acts allowing development of a specific project: (i) the governing body has accepted proffers or proffered conditions which specify use related to a zoning amendment; (ii) the governing body has approved an application for a rezoning for a specific use or density; (iii) the governing body or board of zoning appeals has granted a special exception or use permit with conditions; (iv) the board of zoning appeals has approved a variance; (v) the governing body or its designated agent has approved a preliminary subdivision plat, site plan or plan of development for the landowner's property and the applicant diligently pursues approval of the final plat or plan within a reasonable period of time under the circumstances; (vi) the governing body or its designated agent has approved a final subdivision plat, site plan or plan of development for the landowner's property; or (vii) the zoning administrator or other administrative officer has issued a written order, requirement, decision or determination regarding the permissibility of a specific use or density of the landowner's property that is no longer subject to appeal and no longer subject to change, modification or reversal under subsection C of § [15.2-2311](#).

C. A zoning ordinance may provide that land, buildings, and structures and the uses thereof which do not conform to the zoning prescribed for the district in which they are situated may be continued only so long as the then existing or a more restricted use continues and such use is not discontinued for more than two years, and so long as the buildings or structures are maintained in their then structural condition; and that the uses of such buildings or structures shall conform to such regulations whenever, with respect to the building or structure, the

square footage of a building or structure is enlarged, or the building or structure is structurally altered as provided in the Uniform Statewide Building Code (§ [36-97](#) et seq.). If a use does not conform to the zoning prescribed for the district in which such use is situated, and if (i) a business license was issued by the locality for such use and (ii) the holder of such business license has operated continuously in the same location for at least 15 years and has paid all local taxes related to such use, the locality shall permit the holder of such business license to apply for a rezoning or a special use permit without charge by the locality or any agency affiliated with the locality for fees associated with such filing. Further, a zoning ordinance may provide that no nonconforming use may be expanded, or that no nonconforming building or structure may be moved on the same lot or to any other lot which is not properly zoned to permit such nonconforming use.

D. Notwithstanding any local ordinance to the contrary, if (i) the local government has issued a building permit, the building or structure was thereafter constructed in accordance with the building permit, and upon completion of construction, the local government issued a certificate of occupancy or a use permit therefor, (ii) a property owner, relying in good faith on the issuance of a building permit, incurs extensive obligations or substantial expenses in diligent pursuit of a building project that is in conformance with the building permit and the Uniform Statewide Building Code (§ [36-97](#) et seq.), or (iii) the owner of the building or structure has paid taxes to the locality for such building or structure for a period of more than the previous 15 years, a zoning ordinance shall not provide that such building or structure is illegal and subject to removal solely due to such nonconformity. Such building or structure shall be nonconforming. A zoning ordinance may provide that such building or structure be brought in compliance with the Uniform Statewide Building Code, provided that to do so shall not affect the nonconforming status of such building or structure. If the local government has issued a permit, other than a building permit, that authorized construction of an improvement to real property and the improvement was thereafter constructed in accordance with such permit, the ordinance may provide that the improvements are nonconforming, but not illegal. If the structure is one that requires no permit, and an authorized local government official informs the property owner that the structure will comply with the zoning ordinance, and the improvement was thereafter constructed, a zoning ordinance may provide that the structure is nonconforming but shall not provide that such structure is illegal and subject to removal solely due to such nonconformity. In any proceeding when the authorized government official is deceased or is otherwise unavailable to testify, uncorroborated testimony of the oral statement of such official shall not be sufficient evidence to prove that the authorized government official made such statement.

E. A zoning ordinance shall permit the owner of any residential or commercial building damaged or destroyed by a natural disaster or other act of God to repair, rebuild, or replace such building to eliminate or reduce the nonconforming features to the extent possible, without the need to obtain a variance as provided in § [15.2-2310](#). If such building is damaged greater than 50 percent and cannot be repaired, rebuilt or replaced except to restore it to its original nonconforming condition, the owner shall have the right to do so. The owner shall apply for a building permit and any work done to repair, rebuild or replace such building shall be in compliance with the provisions of the Uniform Statewide Building Code (§ [36-97](#) et seq.) and any work done to repair, rebuild or replace such building shall be in compliance with the provisions of the local flood plain regulations adopted as a condition of participation in the National Flood Insurance Program. Unless such building is repaired, rebuilt or replaced within two years of the date of the natural disaster or other act of God, such building shall only be repaired, rebuilt or replaced in accordance with the provisions of the zoning ordinance of the locality. However, if the nonconforming building is in an area under a federal disaster declaration and the building has been damaged or destroyed as a direct result of conditions that gave rise to the declaration, then the zoning ordinance shall provide for an additional two years for the building to be repaired, rebuilt or replaced as otherwise provided in this paragraph. For purposes of this section, "act of God" shall include any natural disaster or phenomena including a hurricane, tornado, storm, flood, high water, wind-driven water, tidal wave, earthquake or fire caused by lightning or wildfire. For purposes of this section, owners of property damaged by an accidental fire have the same rights to rebuild such property as if it were damaged by an act of God. Nothing herein shall be construed to enable the property owner to commit an arson under § [18.2-77](#) or [18.2-80](#), and obtain vested rights under this section.

F. Notwithstanding any local ordinance to the contrary, an owner of real property shall be permitted to replace an existing on-site sewage system for any existing building in the same general location on the property even if a

new on-site sewage system would not otherwise be permitted in that location, unless access to a public sanitary sewer is available to the property. If access to a sanitary sewer system is available, then the connection to such system shall be required. Any new on-site system shall be installed in compliance with applicable regulations of the Department of Health in effect at the time of the installation.

G. Nothing in this section shall be construed to prevent a locality, after making a reasonable attempt to notify such property owner, from ordering the removal of a nonconforming sign that has been abandoned. For purposes of this section, a sign shall be considered abandoned if the business for which the sign was erected has not been in operation for a period of at least two years. Any locality may, by ordinance, provide that following the expiration of the two-year period any abandoned nonconforming sign shall be removed by the owner of the property on which the sign is located, if notified by the locality to do so. If, following such two-year period, the locality has made a reasonable attempt to notify the property owner, the locality through its own agents or employees may enter the property upon which the sign is located and remove any such sign whenever the owner has refused to do so. The cost of such removal shall be chargeable to the owner of the property. Nothing herein shall prevent the locality from applying to a court of competent jurisdiction for an order requiring the removal of such abandoned nonconforming sign by the owner by means of injunction or other appropriate remedy.

H. Nothing in this section shall be construed to prevent the land owner or home owner from removing a valid nonconforming manufactured home from a mobile or manufactured home park and replacing that home with another comparable manufactured home that meets the current HUD manufactured housing code. In such mobile or manufactured home park, a single-section home may replace a single-section home and a multi-section home may replace a multi-section home. The owner of a valid nonconforming mobile or manufactured home not located in a mobile or manufactured home park may replace that home with a newer manufactured home, either single- or multi-section, that meets the current HUD manufactured housing code. Any such replacement home shall retain the valid nonconforming status of the prior home.

Administration and Finance Report

June 10, 2025

Item Title:

Report of the Administration and Finance Department

Prepared by:

Cynthia Poulin, Treasurer

Attachments:

1. ARPA Report
2. May Cash Balance

June 10, 2025
Monthly Update

American Rescue Plan Act of 2021

Funds expended over the past month

The May 2025 expenditure report is attached.

Attachments

- May 2025 ARPA Expenditure Report
- ARPA Master List
- Project Status Reports

	<u>BUDGETED</u>	<u>USED THIS MONTH</u>	<u>TOTAL USED</u>	<u>BALANCE</u>	<u>PERCENT USED</u>
<u>Signage</u>					
Estimated cost of these actions					
- Signage	\$ 140,000.00	-	\$ 43,280.00	\$ 96,720.00	31%
- Total			\$ 43,280.00		\$ 140,000.00
Fund balance from first payment					\$ 31,135.34
Fund balance from second payment					\$ 65,584.66
<u>Complete necessary water and sewer infrastructure projects</u>					
<u>Capital Projects</u>					
Estimated cost of these actions					
- Cost of the projects	\$ 3,495,500.79	727.50	\$ 1,443,999.91	-	85.00%
Total			\$ 1,560,685.75	490,815.13	\$ 3,485,953.17
Fund balance from first payment					\$ -
Fund balance from second payment					\$ 490,815.13
<u>Pay for administrative costs</u>					
Estimated cost of these actions					
- Administrative costs per FY (5-5)	\$ 60,000.00	-	\$ 44,407.40	15,592.60	74%
- Total			\$ 44,407.40		\$ 60,000.00
Fund balance from first payment					\$ 15,592.60
<u>NOTES:</u>					
<u>INFRASTRUCTURE COSTS:</u>					
Frazier Assoc.(Wayfinding)				\$ 2,267,493.00	
Core & Main				\$ 2,220,765.06	
VA RIGGERS				\$ 46,727.94	
Pete McLean				\$ 2,267,493.00	
Norfolk Southern				\$ 1,711,093.21	
Marsh & Legge Casey Tree				\$ 556,399.79	
Pennoni (Water Projects Bel Voi & Battletown)				\$ 727.50	
Webster Nursery(Concrete walls)				\$ -	
Total				\$ 727.50	

ARPA MASTER LIST

5/31/2025

	PROJECT NAME	BUDGET	SPENT TO DATE	BALANCE	%COMPLETE
1	Computers:Utility Clerk,PWs	\$ 2,437.90	\$ 2,437.90	\$ -	100% Admin
2	Police Radio Replacements	\$ 75,000.00	\$ 75,000.00	\$ -	100%
3	PW Compressor	\$ 23,629.85	\$ 23,629.85	\$ -	100% infra
4	Water Dist Sys Flushing Equip	\$ 7,500.00	\$ 9,844.38	\$ -	100% infra
5	Water Meter Reading Equip	\$ 12,458.03	\$ 12,458.03	\$ -	100% infrastr
6	Grants for Improper Con to Sewer Sys	\$ 4,500.00	\$ 4,500.00	\$ -	100% grant
7	W/s Admin Fees	\$ 175,260.82	\$ 175,260.82	\$ -	100%
8	Premium Pay for Employees	\$ 172,000.00	\$ 174,323.86	\$ -	100% premium pay
9	Grant John H Enders/Rescue Squad *	\$ 80,000.00	\$ 80,000.00	\$ -	100% grant
10	Grant to Barns of Rose Hill *	\$ 40,000.00	\$ 40,000.00	\$ -	100% grant
11	Grant for Façade Improvement	\$ 196,185.08	\$ 196,185.08	\$ -	100% grant
12	Website	\$ 5,845.29	\$ 5,845.29	\$ -	100% Admin
13	Leak Study	\$ 8,662.50	\$ 8,662.50	\$ -	100% infra
14	SSES Study	\$ 117,868.73	\$ 117,868.73	\$ -	100% infra
15	River Pumping Station Upgrade	\$ 25,000.00	\$ 28,538.55	\$ -	100% infra
16	Water Meter & Setter Replacements *	\$ 350,000.00	\$ 350,000.00	\$ -	95% infra
17	Hermitage Pump Station	\$ 26,000.00	\$ 26,000.00	\$ -	100% infra
18	Booster Building Upgrade	\$ 20,000.00	\$ 22,985.85	\$ -	100% infra
19	WWTP Headworks Lighting Upgrade	\$ 4,764.00	\$ 4,764.00	\$ -	100% infra
20	Ridge Road Water Main	\$ 25,939.04	\$ 25,939.04	\$ -	100% infra
21	Water, Sewer and Drainage Projects	\$ 2,228,476.76	\$ 2,228,476.76	\$ -	100% infra
22	Rockcroft Water Main Abandonment	\$ 10,000.00	\$ 10,550.96	\$ -	100% infra
23	Security Upgrades	\$ 125,000.00	\$ 100,995.91	\$ -	100% infra/admin70
24	Drainage Dorsey, Walnut, Treadwell	\$ 1,500.00	\$ 1,500.00	\$ -	100% infra
25	Bel Voi and Battletown Water Main Repl	\$ -	\$ 11,612.50	\$ -	100% infra
26	Wayfinding Signs	\$ 140,000.00	\$ 43,280.00	\$ 96,720.00	40%
27	Raw Water Intake Land-Easement Acquisition	\$ 13,672.50	\$ 13,672.50	\$ -	100% infra
28	Grant Housing (3 years)	\$ 40,000.00	\$ 40,000.00	\$ -	100%
29	Capital Projects	\$ 543,285.50	\$ 52,470.37	\$ 490,815.13	0%
	Administrative /Legal Fees	\$ 60,000.00	\$ 45,055.39	\$ 15,592.60	75% Admin
	Total Encumbered	\$ 4,534,986.00	\$ 3,931,858.27	\$ 603,127.73	
	Total ARPA	\$ 4,534,986.00			
*	Project For (2) two years				

Project Status Report

Date: 6/10/2025

Project Name:

Water Meter and Setter Replacements

Project Budget: \$350,000.00

Expected Completion Date: June 2023

Executive Summary:

Upgrade ¼ of the Town’s water Meters and setters.

Project Goals:

1. Improve capture of water use.
2. Improve back flow protection.
3. Reduce meter reading costs.

Project Status:

Status Item	Status	Summary
Budget \$350,000.00	Completed	Total Spend: \$350,000.00
Schedule/Timeline	On Track	% Complete: 95

Project Milestones:

Description	% Complete	Status
1. Order meters, setters, valves, plus other supplies	100%	Completed
2. Install meters / setters	90%	On Track

Project Issues or Concerns:

1. Multiyear project

Project Status Report

Date: 6/10/2025

Project Name:
Wayfinding Signs

Project Budget: \$190,000.00

From ARPA: \$140,000.00

From Town: \$50,000.00

Expected Completion Date: December 2023

Executive Summary:

Design, construct, and install entrance and wayfinding signs.

Project Goals:

1. To improve business environment in downtown business district.

Project Status:

Status Item	Status	Summary
Budget 190,000.00	On Track	Total Spend: \$43,280.00
Schedule/Timeline	On Track	Complete: 40%

Project Milestones:

Description	% Complete	Status
1. Design	50%	On Track
2. Determine Sign locations	50%	On Track
3. Secure VDOT approvals	95%	On Track
4. Develop offering for design and construction/award/have signs fabricated	0%	On Track
5. Secure contractor to install signs	0%	Not Started
6. Have signs installed	0%	Not Started
RFP ISSUED ON 6/30/2022 & COUNCIL AUTHORIZED THE TOWN MANAGER TO AWARD BID.		

Project Issues or Concerns:

Project Status Report

Date: 6/10/2025

Project Name: Capital Projects

Project Budget: \$543,285.50

Expected Completion Date:

Project List Under Consideration:

Bel Voi Water Main Replacement

Bar Screen at STP

North Crow Street Drainage

Rose Hill Park Bridge

Project Goals:

Project Status:

Status Item	Status	Summary
Budget \$543,285.50	On Track	Total Spend: \$52,470.37
Schedule/Timeline	On Track	% Complete: 30

Project Milestones:

Description	% Complete	Status
1. Construction plans	100%	Completed
2. Develop IFB	100%	Completed
3. Secure Easements	0%	Not Started
4. Issue offering/ review offering	100%	Completed
5. Select Contractor	100%	Completed
6. Complete project	0%	Not Started

Project Issues or Concerns:

Cash Balance Report

Period Ending 5/31/2025

Town of Berryville
6/4/2025 1:15 PM

Page 1/1

	Bank Information	Balance
1	Bank of Clarke Operating Acct#- 1138499	-\$58,241.66
2	Bank of Clarke NOW Acct#- 1138502	\$10,013,443.59
3	Bank of Clarke Payroll Acct#- 1138510	\$40,219.25
4	Bank of Clarke CIP Acct#- 1138405	\$15,873,107.25
5	Bank of Clarke SW Acct#- 1138413	\$488,907.12
6	Bank of Clarke PDAF Acct#- 1138421	\$25,497.23
7	Bank of Clarke DSR Acct#- 1138456	\$112,898.60
9	Bank of Clarke RAU Acct#- 1138472	\$951.45
10	Bank of Clarke VRA Reserve Acct#- 6041647	\$470,000.00
11	Bank of Clarke Proffer Reserve Acct#- 1897098	\$90,395.83
12	Bank of Clarke Performance Bonds Acct#- 1910841	\$11,322.55
13	TRUIST Acct#- 5137523525	\$568,644.52
14	Bank of Clarke PD Contributions Acct#- 5759859	\$8,809.58

Total Cash Balance:	\$27,645,955.31
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Check Listing

Date From: 5/1/2025 Date To: 5/31/2025
Vendor Range: 1-800 FLOWERS - ZUKOWSKI FLEET SERVICES INC

Town of Berryville
05/29/2025 10:58 AM

Page: 1 of 3

Check Number	Bank	Vendor	Date	Amount
9805	1	BAKER KURT BRADLEY & VICTORIA ANN 7225	05/08/2025	<u>\$30.23</u>
9806	1	BROWN, ALEX	05/08/2025	<u>\$210.57</u>
9807	1	CIVICPLUS	05/08/2025	<u>\$5,631.30</u>
9808	1	Dalton, Keith	05/08/2025	<u>\$50.00</u>
9809	1	H2O Pipe Cleaning LLC	05/08/2025	<u>\$3,650.00</u>
9810	1	Hall Company, The	05/08/2025	<u>\$2,100.32</u>
9811	1	KEARA ROGERS	05/08/2025	<u>\$223.05</u>
9812	1	MAHONEY BRIAN NEIL 12881	05/08/2025	<u>\$96.70</u>
9813	1	MES SERVICE COMPANY	05/08/2025	<u>\$4,682.40</u>
9814	1	PENNONI ASSOCIATES INC	05/08/2025	<u>\$11,415.19</u>
9815	1	Petti, Jean	05/08/2025	<u>\$50.00</u>
9816	1	ROBERTA POLZIN	05/08/2025	<u>\$142.21</u>
9817	1	UBEO LLC	05/08/2025	<u>\$15.00</u>
9818	1	UNIVAR SOLUTIONS LLC	05/08/2025	<u>\$1,377.10</u>
9819	1	Ahold U.S.A.,Inc	05/14/2025	<u>\$3,100.00</u>
9820	1	ANDERSON LAWN CARE, INC.	05/14/2025	<u>\$1,550.00</u>
9821	1	Carroll Construction Co.	05/14/2025	<u>\$9,350.00</u>
9822	1	COMBS WASTEWATER MANAGEMENT LLC	05/14/2025	<u>\$75.00</u>
9823	1	CORE & MAIN LP	05/14/2025	<u>\$18,967.14</u>
9824	1	CRYSTAL SPRINGS	05/14/2025	<u>\$46.23</u>
9825	1	INBODEN ENVIRONMENTAL SVCS	05/14/2025	<u>\$22,831.58</u>
9826	1	Joiner Micro Laboratories, Inc.	05/14/2025	<u>\$135.00</u>
9827	1	Michelle M. Jones	05/14/2025	<u>\$1,480.00</u>
9828	1	MOTOROLA	05/14/2025	<u>\$9,235.00</u>
9829	1	PENNONI ASSOCIATES INC	05/14/2025	<u>\$19,624.25</u>
9830	1	RIDDLEBERGER BROTHERS	05/14/2025	<u>\$3,994.00</u>
9831	1	THOMSON REUTERS	05/14/2025	<u>\$114.66</u>
9832	1	Treasurer of Clarke County	05/14/2025	<u>\$36,171.78</u>
9833	1	Treasurer of Frederick County	05/14/2025	<u>\$7,106.16</u>

Check Listing

Date From: 5/1/2025 Date To: 5/31/2025
Vendor Range: 1-800 FLOWERS - ZUKOWSKI FLEET SERVICES INC

Town of Berryville
05/29/2025 10:58 AM

Page: 2 of 3

Check Number	Bank	Vendor	Date	Amount
9834	1	VALLEY REGIONAL ENTERPRISES, INC.	05/14/2025	<u>\$50.00</u>
9835	1	VIRASEC IT Support Services, Inc.	05/14/2025	<u>\$3,907.39</u>
9836	1	WESTECH ENGINEERING LLC	05/14/2025	<u>\$21,640.32</u>
9837	1	Wilson's Asphalt Maint, L.C.	05/14/2025	<u>\$400.00</u>
9838	1	Winchester Star, The	05/14/2025	<u>\$2,031.48</u>
9839	1	CHARLES RATH	05/21/2025	<u>\$182.63</u>
9840	1	CIVICPLUS	05/21/2025	<u>\$8,868.28</u>
9841	1	EMMART OIL CO	05/21/2025	<u>\$331.28</u>
9842	1	H20 Pipe Cleaning LLC	05/21/2025	<u>\$1,650.00</u>
9843	1	Minnesota Life Insurance Co.	05/21/2025	<u>\$656.45</u>
9844	1	PENNONI ASSOCIATES INC	05/21/2025	<u>\$1,775.00</u>
9845	1	RIDDLEBERGER BROTHERS	05/21/2025	<u>\$2,920.32</u>
9846	1	Select Specialty Products	05/21/2025	<u>\$88.73</u>
9847	1	SMOKIN' B'S BBQ	05/21/2025	<u>\$514.44</u>
9848	1	TAYLOR STINE	05/21/2025	<u>\$223.05</u>
9849	1	UBEO LLC	05/21/2025	<u>\$15.00</u>
9850	1	VUPS	05/21/2025	<u>\$51.75</u>
9851	1	CORE & MAIN LP	05/28/2025	<u>\$26,238.91</u>
9852	1	H20 Pipe Cleaning LLC	05/28/2025	<u>\$2,425.00</u>
9853	1	Hall Company, The	05/28/2025	<u>\$1,677.88</u>
9854	1	PEACOCK STAR SERVICES	05/28/2025	<u>\$3,041.00</u>
9855	1	PENNONI ASSOCIATES INC	05/28/2025	<u>\$2,206.00</u>
9856	1	Treasurer of Clarke County	05/28/2025	<u>\$624.73</u>
9857	1	UBEO LLC	05/28/2025	<u>\$1,564.11</u>
9858	1	Valley Automation	05/28/2025	<u>\$1,163.97</u>
9859	1	VIRASEC IT Support Services, Inc.	05/28/2025	<u>\$1,341.59</u>
55	Checks Totaling -			\$249,044.18

Totals By Fund

Fund	Checks	Voids	Total
100	\$103,038.77		\$103,038.77

Check Listing

Date From: 5/1/2025 Date To: 5/31/2025

Vendor Range: 1-800 FLOWERS - ZUKOWSKI FLEET SERVICES INC

Town of Berryville
05/29/2025 10:58 AM

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Check Number	Bank	Vendor	Date	Amount
			Checks	
			Voids	
			Total	
501			\$105,078.37	\$105,078.37
502			\$40,927.04	\$40,927.04
Totals:			\$249,044.18	\$249,044.18



BERRYVILLE TOWN OF

April 01, 2025 - April 30, 2025

Purchasing Card

Company Statement

Account Information	Payment Information	Account Summary
Mail Billing Inquiries to: BANKCARD CENTER PO Box 660441 Dallas, TX 75266-0441 TTY Hearing Impaired: Dial "711" Outside the U.S.: 1.509.353.6656 24 Hours For Lost or Stolen Card: 1.888.449.2273 24 Hours	Statement Date 04/30/25 Payment Due Date 05/25/25 Days in Billing Cycle 30 Credit Limit \$500,000 Cash Limit \$0 Total Payment Due \$69,472.64	Previous Balance \$79,954.25 Payments -\$79,954.25 Credits -\$108.20 Cash \$0.00 Purchases \$69,580.84 Other Debits \$0.00 Overlimit Fee \$0.00 Late Payment Fee \$0.00 Cash Fees \$0.00 Other Fees \$0.00 Finance Charge \$0.00 Current Balance \$69,472.64

Important Messages

Please do not send payment. Your automatic payment is scheduled to be credited to this account on 05/23/25.

Global Card Access – your card information whenever, wherever and however you need it. From the dashboard, you can quickly check your credit limit, balance, available credit and recent card activity. Other features like View PIN, Change PIN, Lock Card and Alerts help you keep your card secure. For added convenience, you can easily view or download your current statement up to 12 months of past statements. Visit www.bofa.com/globalcardaccess to register your card and start using Global Card Access today.

Cardholder Activity Summary

Account Number	Credits	Cash	Purchases and Other Debits	Total Activity
Credit Limit				

7995425 6947264 6947264 4715291201837237

BANK OF AMERICA
PO BOX 15731
WILMINGTON, DE 19886-5731

BERRYVILLE TOWN OF
STE A
101 CHALMERS CT
BERRYVILLE, VA 22611-1387

Account Number: [REDACTED]
April 01, 2025 - April 30, 2025

Total Payment Due \$69,472.64
Payment Due Date 05/25/25

Enter payment amount

\$

Mail this coupon along with your check payable to:
BANK OF AMERICA

Posting payments: Payments received by mail at the remittance address shown on the Payment Coupon portion of the face of this statement on a banking day will be posted to your account on the day received. If we receive your mailed payment on a non-banking day, we will post it to your account on the next banking day. There may be a delay of up to 5 banking days in posting payments made at a location other than the mailing address listed on the front of your payment coupon.

Service for the hearing impaired (TTY/TDD): We accept calls made through relay services (dial 711).

Telephone monitoring: For the purposes of monitoring and improving the quality of service, Bank's supervisory personnel may listen to and/or record telephone calls between Bank employees and any person acting on Company's behalf.

In case of errors or questions about your bill: Errors or questions about your bill must be received in writing no later than 60 days after we sent you the first statement on which the error or problem appeared. Please mail this information to BANKCARD CENTER, PO BOX 660441, DALLAS, TX 75266-0441. Your letter must include the following information:

- The company name, cardholder name and account number in question.
- The dollar amount of the suspected error.
- A written description of the error and why you believe there is an error. If you need more information, describe the item you are unsure about.

Customer Service:	For questions regarding transactions, general assistance, and reporting lost and stolen cards, call:	
	<u>Within the U.S.</u> 1.888.449.2273	<u>Outside the U.S.</u> 1.509.353.6656 (collect calls accepted)

Thank you for your business.

Posting payments: Payments received by mail at the remittance address shown on the Payment Coupon portion of the face of this statement on a banking day will be posted to your account on the day received. If we receive your mailed payment on a non-banking day, we will post it to your account on the next banking day. There may be a delay of up to 5 banking days in posting payments made at a location other than the mailing address listed on the front of your payment coupon.

Cardholder Activity Summary				
Account Number	Credits	Cash	Purchases and Other Debits	Total Activity
BOOR, RICK [REDACTED]				
15,000	0.00	0.00	2,309.63	2,309.63
BRISTOL, TIM [REDACTED]				
1,500	0.00	0.00	220.00	220.00
DORSEY, DANIEL [REDACTED]				
1,500	0.00	0.00	235.63	235.63
ELLIOTT, RALPH [REDACTED]				
15,000	0.00	0.00	1,212.23	1,212.23
JOHNSON, KAREN [REDACTED]				
1,000	12.50	0.00	478.82	466.32
KELSEY, BRANDEL [REDACTED]				
1,000	0.00	0.00	509.16	509.16
KELSEY, FRANK [REDACTED]				
50,000	0.00	0.00	169.06	169.06
LINK, BRIAN [REDACTED]				
1,500	0.00	0.00	50.41	50.41
MCCORMICK, HARRY [REDACTED]				
1,500	0.00	0.00	127.64	127.64
PETTI, JEAN [REDACTED]				
50,000	0.00	0.00	13,469.22	13,469.22
POULIN, CYNTHIA [REDACTED]				
15,000	95.70	0.00	2,786.53	2,690.83
SHARP, BRIAN [REDACTED]				
1,500	0.00	0.00	9.79	9.79
SHEETZ, CULLEN [REDACTED]				
1,500	0.00	0.00	374.93	374.93
SHOREMOUNT, JOSEPH E [REDACTED]				
1,500	0.00	0.00	10.72	10.72
STOVER, KEITH [REDACTED]				
15,000	0.00	0.00	2,561.56	2,561.56
TYLER, LAURA A [REDACTED]				
50,000	0.00	0.00	43,626.55	43,626.55
WHITE, NEAL [REDACTED]				
15,000	0.00	0.00	1,428.96	1,428.96

Transactions							
Posting Transaction	Date	Date	Description	Reference Number	MCC	Charge	Credit
BERRYVILLE TOWN OF							Total Activity
Account Number: [REDACTED]							-\$79,954.25
04/25	04/25		AUTO PAYMENT DEDUCTION		0071		79,954.25
BOOR, RICK							Total Activity
Account Number: [REDACTED]							2,309.63
04/21	04/17		BROY & SON PUMP SERVICE 540-9553928 VA	24073145108900014900010	1799	2,309.63	
BRISTOL, TIM							Total Activity
Account Number: [REDACTED]							220.00
04/08	04/07		FESTIVAL CLEANERS BERRYVILLE VA	24022445097900011600034	7216	220.00	

BERRYVILLE TOWN OF
 [REDACTED]
 April 01, 2025 - April 30, 2025
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Transactions							
<i>Posting Transaction</i>							
<i>Date</i>	<i>Date</i>	<i>Description</i>	<i>Reference Number</i>	<i>MCC</i>	<i>Charge</i>	<i>Credit</i>	
DORSEY, DANIEL							Total Activity
Account Number: [REDACTED]							236.63
04/01	03/31	BERRYVILLE AUTO PARTS BERRYVILLE VA	24431055091126740017179	5533	100.65		
04/01	03/31	BERRYVILLE TRUE VALUE BERRYVILLE VA	24801975091291610016999	5251	18.61		
04/02	04/01	BERRYVILLE AUTO PARTS BERRYVILLE VA	24431055092127206019294	5533	89.61		
04/16	04/14	BERRYVILLE AUTO PARTS BERRYVILLE VA	24431055105133259075972	5533	26.76		
ELLIOTT, RALPH							Total Activity
Account Number: [REDACTED]							1,212.23
04/14	04/11	CONCRETE P & P #16 WINCHESTER VA	24493985101094453660752	5099	1,152.00		
04/21	04/18	BERRYVILLE TRUE VALUE BERRYVILLE VA	24801975109310959809311	5251	60.23		
JOHNSON, KAREN							Total Activity
Account Number: [REDACTED]							466.32
04/03	04/02	Amazon web services aws.amazon.coWA	24692165092105734026925	7399	0.65		
04/03	04/02	AMAZON MKTPL*V431 G60G3 Amzn.com/billWA	24692165092105832894265	5942	139.99		
04/07	04/05	STAPLS7910285853000001 877-8267755 NJ	24164075096105441237357	5111	45.61		
04/07	04/06	STAPLS7655165258000001 877-8267755 NJ	24164075096105441228299	5111	47.28		
04/09	04/09	AMAZON MKTPL*1R7YW61H3 Amzn.com/billWA	24692165099101619594262	5942	24.49		
04/11	04/10	AMAZON MKTPL*R43FB2393 Amzn.com/billWA	24692165100103009084166	5942	15.99		
04/17	04/16	AMAZON MKTPLACE PMTS Amzn.com/billWA	74692165107108631407105	5942		6.25	
04/17	04/16	AMAZON MKTPLACE PMTS Amzn.com/billWA	74692165107108685642797	5942		6.25	
04/21	04/19	STAPLS7655870332000001 877-8267755 NJ	24164075110105441221585	5111	77.43		
04/21	04/20	STAPLS7655936889000001 877-8267755 NJ	24164075110105441157086	5111	73.10		
04/28	04/26	STAPLS7656320291000001 877-8267755 NJ	24164075117105441243384	5111	54.28		
KELSEY, BRANDEL							Total Activity
Account Number: [REDACTED]							509.16
04/10	04/09	VISTAPRINT 866-207-4955 MA	24036295099712824319483	2741	50.51		
04/11	04/10	CROWN TROPHY WINCHESTER clover.com VA	24435655100074320285141	8999	30.00		
04/11	04/10	USPS PO 5107560300 BERRYVILLE VA	24137465101001501679481	9402	11.72		
04/22	04/21	AMERICAN LEGION EMBLEM 317-630-1247 IN	24445005111300585480306	8641	256.04		
04/28	04/25	KI 920-4682677 WI	24325455117900017800066	5021	160.89		
KELSEY, FRANK							Total Activity
Account Number: [REDACTED]							169.06
04/16	04/15	BERRYVILLE TRUE VALUE BERRYVILLE VA	24801975106307664094576	5251	27.88		
04/28	04/26	Amazon.com*NB2ME0F02 Amzn.com/billWA	24692165116107279006439	5942	91.69		
04/28	04/27	Amazon.com*GH6BM7IN3 Amzn.com/billWA	24692165117108337305572	5942	49.49		
LINK, BRIAN							Total Activity
Account Number: [REDACTED]							60.41
04/01	03/31	BERRYVILLE TRUE VALUE BERRYVILLE VA	24801975091291610017229	5251	36.64		
04/28	04/25	ANDERSON'S NURSERY BERRYVILLE VA	24061065117016016606092	5261	13.77		
MCCORMICK, HARRY							Total Activity
Account Number: [REDACTED]							127.64
04/04	04/03	BERRYVILLE TRUE VALUE BERRYVILLE VA	24801975094294852188671	5251	25.46		
04/10	04/09	GIANT MARTINS #6558 BERRYVILLE VA	24692165099102256052333	5411	15.66		
04/11	04/10	BERRYVILLE AUTO PARTS BERRYVILLE VA	24431055101131473157174	5533	21.78		
04/14	04/11	BERRYVILLE TRUE VALUE BERRYVILLE VA	24801975102303434645791	5251	43.56		
04/14	04/12	BERRYVILLE TRUE VALUE BERRYVILLE VA	24801975103304502741933	5251	13.68		
04/21	04/18	GIANT MARTINS #6558 BERRYVILLE VA	24692165108100198573183	5411	7.50		
PETTI, JEAN							Total Activity
Account Number: [REDACTED]							13,469.22
04/01	03/31	COYNE CHEMICAL 215-785-3000 PA	24435655090071644083345	5169	3,127.20		
04/02	04/01	COYNE CHEMICAL 215-785-3000 PA	24435655091071918094472	5169	569.96		
04/03	04/02	HOMETOWNEVOLUTION.COM WWW.HOMETOWNEPA	24064665093100001254753	5719	49.95		
04/07	04/04	AMERICAN WATER WORKS ASSO012-345-6789 CO	24247605094300768111965	8398	138.25		
04/08	04/07	USABlueBook 847-3775150 GA	24793385097000791891054	5085	297.02		
04/09	04/08	AMAZON MKTPL*I65JD8VN3 Amzn.com/billWA	24692165098100912583429	5942	11.97		
04/09	04/08	AMAZON MKTPL*NL6OU8EC3 Amzn.com/billWA	24692165098101458319632	5942	59.65		
04/11	04/11	AMAZON MKTPL*O49079VY3 Amzn.com/billWA	24692165101103375177783	5942	28.08		
04/16	04/14	ZORO TOOLS INC 855-2899676 IL	24755425105291056310902	5085	985.98		
04/16	04/15	COYNE CHEMICAL 215-785-3000 PA	24435655105075541084564	5169	2,658.60		
04/16	04/15	COYNE CHEMICAL 215-785-3000 PA	24435655105075541084572	5169	752.48		
04/17	04/16	COYNE CHEMICAL 215-785-3000 PA	24435655106075816087135	5169	1,082.40		
04/18	04/17	USABlueBook 847-3775150 GA	24793385107001648345052	5085	0.01		
04/18	04/17	USABlueBook 847-3775150 GA	24793385107001648361059	5085	297.03		
04/21	04/21	AMAZON MKTPL*LA42I8723 Amzn.com/billWA	24692165111102348895123	5942	13.99		
04/22	04/21	AMAZON MKTPL*BM3NN9K83 Amzn.com/billWA	24692165111102873935922	5942	32.03		
04/24	04/24	AMAZON MKTPL*KV5PH3MI3 Amzn.com/billWA	24692165114104961044366	5942	29.99		
04/29	04/28	AMAZON MKTPL*NB12V8TI2 Amzn.com/billWA	24692165118108580871469	5942	26.80		
04/29	04/28	B2B Prime*NB7CY30A2 Amzn.com/billWA	24692165118108948664382	5968	129.00		

Transactions

Posting Transaction							
Date	Date	Description	Reference Number	MCC	Charge	Credit	
04/29	04/28	COYNE CHEMICAL	215-785-3000 PA	24435655118078875085137	5169	3,178.83	
POULIN, CYNTHIA							Total Activity
Account Number: [REDACTED]							2,690.83
04/01	03/31	IN *TRUESHRED	888-7508783 VA	24692165090104245465021	7399	64.50	
04/04	04/03	UVA COOPER CNTR CONF WEB	434-9825714 VA	24755425094130944301322	8220	160.00	
04/07	04/05	MICROSOFT#G081409286	9999999999 WA	74430995095296173131919	5045		95.70
04/09	04/08	VA DMV ONLINE BILLING PAY	804-4977100 VA	24755425099130998863461	9399	2,050.00	
04/22	04/21	VIRGINIA STATE POLICE	804-2785305 VA	24755425112121125451299	9399	15.00	
04/23	04/22	MSFT * E0100W149U	800-6427676 WA	24204295112000509795048	5045	216.53	
04/23	04/22	MSFT * E0100W149T	800-6427676 WA	24204295112000109466081	5045	210.00	
04/23	04/22	MSFT * E0100W1A2F	MICROSOFT.COMWA	24000775112100015277502	5045	6.00	
04/30	04/29	IN *TRUESHRED	888-7508783 VA	24692165120100162050345	7399	64.50	
SHARP, BRIAN							Total Activity
Account Number: [REDACTED]							9.79
04/28	04/25	BERRYVILLE TRUE VALUE	BERRYVILLE VA	24801975116318430590860	5251	9.79	
SHEETZ, CULLEN							Total Activity
Account Number: [REDACTED]							374.93
04/03	04/02	GIANT MARTINS #6558	BERRYVILLE VA	24692165092105848143178	5411	20.16	
04/07	04/04	MARIO'S PIZZA	BERRYVILLE VA	24333225094295664456922	5812	126.02	
04/07	04/04	BERRYVILLE TRUE VALUE	BERRYVILLE VA	24801975095295973426501	5251	73.40	
04/07	04/04	BERRYVILLE AUTO PARTS	BERRYVILLE VA	24431055095128722181961	5533	51.00	
04/15	04/14	BERRYVILLE TRUE VALUE	BERRYVILLE VA	24801975105306595063149	5251	30.37	
04/23	04/22	GIANT MARTINS #6558	BERRYVILLE VA	24692165112103764580867	5411	20.16	
04/24	04/23	BERRYVILLE TRUE VALUE	BERRYVILLE VA	24801975114316217114187	5251	53.82	
SHOREMOUNT, JOSEPH E							Total Activity
Account Number: [REDACTED]							10.72
04/23	04/22	USPS PO 5107560300	BERRYVILLE VA	24137465113001387726865	9402	10.72	
STOVER, KEITH							Total Activity
Account Number: [REDACTED]							2,561.56
04/04	04/03	BERRYVILLE TRUE VALUE	BERRYVILLE VA	24801975094294852188291	5251	74.46	
04/04	04/03	BERRYVILLE TRUE VALUE	BERRYVILLE VA	24801975094294852188531	5251	15.17	
04/07	04/04	BERRYVILLE AUTO PARTS	BERRYVILLE VA	24431055095128722181953	5533	15.73	
04/10	04/09	CUTTING EDGE SMALL ENGINE	WINCHESTER VA	24622755099300789079921	5999	327.99	
04/10	04/09	JNO. S SOLENBERGER AND C	WINCHESTER VA	24138295099103003067985	5251	80.23	
04/16	04/15	FISHER AUTO PARTS 009	BERRYVILLE VA	24431065106187986054609	5533	50.90	
04/23	04/22	LOWES #02724*	Winchester VA	24692165112103627779904	5200	384.79	
04/24	04/23	CLARKE COUNTY AUTOMOTIVE	BERRYVILLE VA	24247605113200185404257	7538	1,216.39	
04/24	04/23	BERRYVILLE TRUE VALUE	BERRYVILLE VA	24801975114316217114393	5251	25.94	
04/30	04/29	CUTTING EDGE SMALL ENGINE	WINCHESTER VA	24622755119300775184699	5999	191.95	
04/30	04/29	JNO. S SOLENBERGER AND C	WINCHESTER VA	24138295119110251076275	5251	29.49	
04/30	04/29	TRACTOR-SUPPLY-CO #0697	WINCHESTER VA	24137465120001466383902	5599	84.97	
04/30	04/29	BERRYVILLE TRUE VALUE	BERRYVILLE VA	24801975120322720095329	5251	63.55	
TYLER, LAURA A							Total Activity
Account Number: [REDACTED]							43,626.55
04/04	04/03	COMCAST	800-COMCAST MD	24692165093106439517910	4899	126.07	
04/04	04/03	RAPPAHANNOCK ELECTRIC	EBILL.MYREC.CVA	24231685093747002474727	4900	5,517.56	
04/16	04/15	REPUBLIC SERVICES TRASH	866-576-5548 AZ	24941665105133527006204	4900	5,588.64	
04/18	04/17	USPS PO 5107560300	BERRYVILLE VA	24137465108001679387605	9402	365.00	
04/21	04/19	VERIZON BILL PAYMENT	800-VERIZON FL	24692165109100883177075	4814	414.63	
04/21	04/19	VERIZON BILL PAYMENT	800-VERIZON FL	24692165109100883177083	4814	232.05	
04/21	04/20	REPUBLIC SERVICES TRASH	866-576-5548 AZ	24941665110135889967728	4900	30,256.43	
04/23	04/22	VERIZONWRLSS*RTCCR VB	800-922-0204 FL	24692165112103407412759	4814	958.53	
04/25	04/25	COMCAST	800-COMCAST MD	24692165115105860903833	4899	167.64	
WHITE, NEAL							Total Activity
Account Number: [REDACTED]							1,428.96
04/07	04/04	THOMSON WEST*TCD	800-328-4880 MN	24692165094107817276144	8999	123.71	
04/07	04/04	IN *SIGNS @ WORK INC	804-3387716 VA	24692165095107977367914	8999	960.00	
04/09	04/08	VA DMV BERRYVILLE LICENSE	BERRYVILLE VA	24755425099730994294197	9399	5.00	
04/11	04/11	AMAZON MKTPL*092P83V93	Amzn.com/billWA	24692165101103340285521	5942	18.00	
04/16	04/15	AMAZON MKTPL*512ZQ74E3	Amzn.com/billWA	24692165105107134498808	5942	34.78	
04/29	04/28	BERRYVILLE AUTO PARTS	BERRYVILLE VA	24431055119139626017542	5533	252.68	
04/29	04/29	SANTORINI GRILL	BERRYVILLE VA	24801975119321708031317	5812	26.79	
04/30	04/28	BERRYVILLE AUTO PARTS	BERRYVILLE VA	24431055119139696081220	5533	8.00	

Finance Charge Calculation

Your Annual Percentage Rate (APR) is the annual interest rate on your account.

	Annual Percentage Rate	Balance Subject to Interest Rate	Finance Charges by Transaction Type
PURCHASES	0.00%	\$0.00	\$0.00
CASH	0.00%	\$0.00	\$0.00

V = Variable Rate (rate may vary), Promotional Balance = APR for limited time on specified transactions.

Town of Berryville
Town Council
MOTION TO ENTER CLOSED SESSION

Date: June 10, 2025

MOTION BY:

SECOND BY:

I hereby move that the Council of the Town of Berryville enter closed session in accordance with §2.2-3711-A-1 to review the performance of an employee of the Town Council.

VOTE:

Aye:

Nay:

Absent:

Abstain:

ATTEST

Erecka Gibson, Vice Mayor

Town Council
Motion
CLOSED SESSION RESOLUTION

DATE: June 10, 2025

MOTION BY:

SECOND BY:

I move that the Council of the Town of Berryville adopt the following resolution certifying it has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of The Virginia Freedom of Information Act:

Resolution

WHEREAS, Section 2.2-3712.D of the Code of Virginia requires a certification by this Council that such closed meeting was conducted in conformity with Virginia law,

NOW, THERFORE, BE IT RESOLVED that the Council hereby certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Council.

VOTE:

AYE:

NAY:

ABSENT:

ABSTAIN:

ATTEST:

Ericka Gibson, Vice Mayor