



TOWN OF HAYMARKET TOWN COUNCIL

WORK SESSION ~ AGENDA ~

Kimberly Henry, Clerk of the Council
<http://www.townofhaymarket.org/>

15000 Washington St
Haymarket, VA 20169

Monday, January 31, 2022

7:00 PM

Council Chambers

I. Call To Order

II. Pledge of Allegiance

III. Agenda Items

1. Monthly Financial Report
2. FY23 Budget Work Session Schedule
3. TOT Ordinance Final Draft Update
4. Crossroads Village Center, SUP Coffee Shop Discussion
5. Personnel Policy: Sick Leave Donation Bank Discussion
6. Town Sidewalk RFP Updates
7. Sidewalk Maintenance Policy

IV. Closed Session

V. Adjournment

	Actuals	Budget	% of Budget	Comments
Income				
3110 · GENERAL PROPERTY TAXES				
3110-01 · Real Estate - Current	366,302.04	371,903.00	98.5%	Real estate invoices have been mailed out for 2021
3110-02 · Public Service Corp RE Tax	13,493.59	13,114.00	102.9%	Real estate invoices have been mailed out for 2022
3110-03 · Interest - All Property Taxes	440.32	0.00	100.0%	
3110-04 · Penalties - All Property Taxes	144.24	1,000.00	14.4%	
Total 3110 · GENERAL PROPERTY TAXES	380,380.19	386,017.00	98.5%	
3120 · OTHER LOCAL TAXES				
3120-00 · Transient Occupancy Tax	0.00	1,000.00	0.0%	
3120-01 · Bank Stock Tax	0.00	25,000.00	0.0%	
3120-02 · Business License Tax	9,385.43	200,000.00	4.7%	
3120-03 · Cigarette Tax	70,844.00	125,000.00	56.7%	collection up to December 31, 2021
3120-04 · Consumer Utility Tax	63,984.73	158,000.00	40.5%	collection up to November 30, 2021
3120-05 · Meals Tax - Current	490,095.16	875,000.00	56.0%	collection up to December 31, 2021
3120-06 · Sales Tax Receipts	56,126.63	145,000.00	38.7%	collection up to October 31, 2021
3120-07 · Penalties (Non-Property)	4,445.07	0.00	100.0%	
3120-08 · Interest (Non-Property)	326.90	0.00	100.0%	
Total 3120 · OTHER LOCAL TAXES	695,207.92	1,529,000.00	45.5%	
3130 · PERMITS,FEES & LICENSESES				
3130-01 · Application Fees	4,595.00	2,500.00	183.8%	
3130-03 · Motor Vehicle Licenses	420.00	1,000.00	42.0%	
3130-05 · Other Planning & Permits	2,425.00	25,000.00	9.7%	
3130-06 · Pass Through Fees	11,320.00	0.00	100.0%	Cost are passed on to developer/contractor
Total 3130 · PERMITS,FEES & LICENSESES	18,760.00	28,500.00	65.8%	
3140 · FINES & FORFEITURES				
3140-01 · Fines	10,612.27	60,000.00	17.7%	collections up to November 30, 2021
Total 3140 · FINES & FORFEITURES	10,612.27	60,000.00	17.7%	
3150 · REVENUE - USE OF MONEY				
3150-01 · Earnings on VACO/VML Investment	-1,715.54	1,500.00	-114.4%	
3150-03 · Interest on Bank Deposits	3,264.45	1,500.00	217.6%	
Total 3150 · REVENUE - USE OF MONEY	1,548.91	3,000.00	51.6%	
3151 · RENTAL (USE OF PROPERTY)				
3151-02 · 15026 Suite 210 Body Mind	4,165.17	4,736.00	87.9%	Revenue lessen due to moving to smaller space within building
3151-04 · Suite 210 B&B Security (LF Security)	4,455.55	9,660.00	46.1%	
3151-06 · Suite 204 MAC-ISA	4,004.00	6,720.00	59.6%	
3151-07 · Haymarket Church Suite 206	20,169.80	34,577.00	58.3%	
3151-08 · 15020 Washington Realty	24,637.45	40,316.00	61.1%	
3151-09 · 15026 Copper Cricket	12,900.16	22,114.00	58.3%	
3151-11 · Cupcake Heaven and Cafe LLC	19,567.63	34,765.00	56.3%	
3151-12 · Haymarket Coffee Company LLC	8,550.00	5,460.00	156.6%	
Total 3151 · RENTAL (USE OF PROPERTY)	98,449.76	158,348.00	62.2%	
3160 · CHARGES FOR SERVICES				
FOIA Receipts	291.19			new FOIA charges
Total 3160 · CHARGES FOR SERVICES	291.19			
3165 · REVENUE - TOWN EVENTS				
3165-01 · Town Event	65,388.00	50,000.00	130.8%	
3165-02 · Farmer's Market	10.00	0.00	100.0%	
3165-03 · Town Ornaments	5,175.00	0.00	100.0%	
Total 3165 · REVENUE - TOWN EVENTS	70,573.00	50,000.00	141.1%	
3180 · MISCELLANEOUS				
3180-00 · Convenience Fee	-37.85	0.00	100.0%	
3180-04 · Reimbursement from Insurance	10,942.99	4,724.00	231.6%	Reimbursement from Insurance for PD vehicles

Total 3180 · MISCELLANEOUS	10,905.14	4,724.00	230.8%	
3200 · REVENUE FROM COMMONWEALTH				
3200-02 · 599 Law Enforcement Grant	15,776.00	31,548.00	50.0%	
3200-04 · Car Rental Reimbursement	2.60			
3200-05 · Communications Tax	30,651.16	103,165.00	29.7%	collections up to November 30, 2021
3200-11 · Personal Property Tax Reimburse	18,626.97	18,627.00	100.0%	
3200-12 · Railroad Rolling Stock	1,278.82	1,500.00	85.3%	
3200-16 · DMV Select Commission	34,179.95	60,500.00	56.5%	collections up to December 31, 2021
Total 3200 · REVENUE FROM COMMONWEALTH	100,515.50	215,340.00	46.7%	
3500 · Reserve Funds	0.00	59,200.00	0.0%	
4000 · Carry-Over Surplus	0.00	246,000.00	0.0%	
	1,387,243.88	2,740,129.00	50.6%	
Total Income	1,387,243.88	2,740,129.00	50.6%	
Expense				
01 · ADMINISTRATION				
11100 · TOWN COUNCIL				
111001 · Convention & Education	412.00	2,500.00	16.5%	
111002 · FICA/Medicare	793.25	2,000.00	39.7%	
111003 · Meals and Lodging	74.67	1,000.00	7.5%	
111004 · Mileage Allowance	0.00	250.00	0.0%	
111005 · Salaries & Wages - Regular	10,689.29	26,000.00	41.1%	
111006 · Town Elections	0.00	3,000.00	0.0%	
Total 11100 · TOWN COUNCIL	11,969.21	34,750.00	34.4%	
12110 · TOWN ADMINISTRATION				
1211001 · Salaries/Wages-Regular	200,013.00	322,630.00	62.0%	
1211102 · Salaries & Wages - DMV Clerk	19,918.05	44,500.00	44.8%	
1211003 · Salaries/Wages - Part Time	16,242.30	43,800.00	37.1%	
1211004 · FICA/Medicare	17,787.44	30,381.00	58.5%	
1211005 · VRS	24,053.63	48,545.00	49.5%	
1211006 · Health Insurance	23,408.00	64,134.00	36.5%	
1211007 · Life Insurance	2,782.33	4,685.00	59.4%	
1211008 · Disability Insurance	1,338.56	2,631.00	50.9%	
1211009 · Unemployment Insurance	5,523.77	4,240.00	130.3%	
1211010 · Worker's Compensation	263.00	300.00	87.7%	Front loaded cost to Town
1211011 · Gen Property/Liability Ins.	16,237.00	17,131.00	94.8%	Front loaded cost to Town
1211012 · Accounting Services	4,179.39	8,000.00	52.2%	
1211014 · Printing & Binding	2,276.79	8,298.00	27.4%	
1211015 · Advertising	4,590.43	9,000.00	51.0%	
1211016 · Computer, Internet &Website Svc	5,661.00	23,650.00	23.9%	
1211017 · Postage	692.80	4,000.00	17.3%	
1211018 · Telecommunications	2,766.63	7,500.00	36.9%	
1211019 · Mileage Allowance	126.00	1,000.00	12.6%	
1211020 · Meals & Lodging	440.44	2,000.00	22.0%	
1211021 · Convention & Education	0.00	6,000.00	0.0%	
1211022 · Miscellaneous	1,744.66	2,000.00	87.2%	
1211024 · Books, Dues & Subscriptions	10,308.32	16,000.00	64.4%	
1211025 · Office Supplies	2,668.94	6,500.00	41.1%	
1211026 · Equipment Rental	2,189.91	4,075.00	53.7%	
1211030 · Capital Outlay-Machinery/Equip	0.00	5,000.00	0.0%	
Total 12110 · TOWN ADMINISTRATION	365,212.39	686,000.00	53.2%	
12210 · LEGAL SERVICES				
1221001 · Legal Services	39,792.85	70,000.00	56.8%	services up to December 31, 2021
Total 12210 · LEGAL SERVICES	39,792.85	70,000.00	56.8%	
12240 · INDEPENDENT AUDITOR				
1224001 · Auditing Services	0.00	16,000.00	0.0%	
Total 12240 · INDEPENDENT AUDITOR	0.00	16,000.00	0.0%	
Total 01 · ADMINISTRATION	416,974.45	806,750.00	51.7%	
03 · PUBLIC SAFETY				
31100 · POLICE DEPARTMENT				
3110001 · Salaries & Wages - Regular	218,762.73	425,000.00	51.5%	
3110003 · Salaries & Wages - OT Premium	8,528.13	20,000.00	42.6%	

Attachment: FY2022 Current Actuals vs Budget 01.25.2022 (5388 : Monthly Financial Report)

3110013 · Salaries & Wages - OT Select En	4,266.64	10,000.00	42.7%	
3110004 · Salaries & Wages - Holiday Pay	14,320.55	14,000.00	102.3%	
3110005 · Salaries & Wages - Part Time	24,240.71	18,720.00	129.5%	
3110011 · Salaries & Wages - Recruit. Bonus	642.86	1,000.00	64.3%	
3110020 · FICA/MEDICARE	20,608.99	36,724.00	56.1%	
3110021 · VRS	23,173.16	46,102.00	50.3%	
3110022 · Health Insurance	33,685.40	80,752.00	41.7%	
3110023 · Life Insurance	5,245.44	5,717.00	91.8%	
3110024 · Disability Insurance	850.15	2,200.00	38.6%	
3110025 · Unemployment Insurance	3,274.94	3,000.00	109.2%	
				WC audit has been completed; will address
3110026 · Workers' Compensation Insurance	23,809.00	22,942.00	103.8%	in next amendment
3110027 · Line of Duty Act Insurance	4,705.00	4,800.00	98.0%	Front loaded cost to Town
3110028 · Legal Services	12,600.00	26,000.00	48.5%	
3110032 · Computer, Internet & Website	2,066.19	11,000.00	18.8%	
3110033 · Postage	8.55	100.00	8.6%	
3110034 · Telecommunications	5,206.44	10,000.00	52.1%	
3110035 · General Prop Ins (Vehicles)	3,420.00	3,800.00	90.0%	Front loaded cost to Town
3110038 · Convention & Edu. (Training)	1,945.16	10,000.00	19.5%	
3110040 · Annual Dues & Subscriptions	11,525.50	13,000.00	88.7%	
3110041 · Office Supplies	2,010.57	5,000.00	40.2%	
3110042 · Vehicle Fuels	11,649.64	16,000.00	72.8%	
3110043 · Vehicle Maintenance/Supplies	5,029.10	11,000.00	45.7%	
3110045 · Uniforms & Police Supplies	11,824.27	20,000.00	59.1%	
3110056 · Capital Outlay-Machinery/Equip	15,796.19	31,592.00	50.0%	1 of 2 payments for the year
Total 31100 · POLICE DEPARTMENT	469,195.31	848,449.00	55.3%	
32100 · FIRE & RESCUE				
3210001 · Contributions to other Govt Ent	59,084.41	59,200.00	99.8%	
	59,084.41	59,200.00	99.8%	
Total 03 · PUBLIC SAFETY	528,279.72	907,649.00	58.2%	
04 · PUBLIC WORKS				
4110002 · Street Beautification - HF	0.00	2,213.00	0.0%	
4110003 · E & S Inspections	0.00	5,000.00	0.0%	
43200 · REFUSE COLLECTION				
4320001 · Trash Removal Contract	53,019.72	90,090.00	58.9%	services up to January 31, 2022
Total 43200 · REFUSE COLLECTION	53,019.72	90,090.00	58.9%	
43100 · MAINT OF 15000 Wash St./Grounds				
4310001 · Repairs/Maintenance Services	41,596.91	97,672.00	42.6%	
4310002 · Maint Svc Contract-Pest Control	465.00	3,000.00	15.5%	
4310003 · Maint Svc Contract-Landscaping	21,680.35	35,000.00	61.9%	
4310004 · Maint Svc Contract Snow Removal	3,082.00	7,000.00	44.0%	
4310005 · Maint Svc Cont- Street Cleaning	1,280.00	2,000.00	64.0%	
4310007 · Electric/Gas Services	9,364.15	16,500.00	56.8%	
4310008 · Electrical Services-Streetlight	2,009.50	5,500.00	36.5%	
4310009 · Water & Sewer Services	1,658.04	3,000.00	55.3%	
4310010 · Janitorial Supplies	0.00	2,000.00	0.0%	
4310011 · Real Estate Taxes	674.62	2,500.00	27.0%	
Total 43100 · MAINT OF 15000 Wash St./Grounds	81,810.57	174,172.00	47.0%	
Total 04 · PUBLIC WORKS	134,830.29	271,475.00	49.7%	
06 · ECONOMIC DEVELOPMENT				
60000 · Tourism/Traveling Marketing	0.00	430.00	0.0%	
60003 · Advertising	0.00	22,000.00	0.0%	
Total 06 · ECONOMIC DEVELOPMENT	0.00	22,430.00	0.0%	
07 · PARKS, REC & CULTURAL				
70000 · HAYMARKET COMMUNITY PARK	10,458.37	20,000.00	52.3%	
7000001 · Grounds Maintenance/Repairs				
Total 71110 · EVENTS				
71110 · EVENTS				
7111001 · Advertising - Events	5,574.87	5,000.00	111.5%	
7111003 · Contractual Services	41,965.13	30,000.00	139.9%	
7111004 · Events - Other	7,250.02	19,350.00	37.5%	
Total 71110 · EVENTS	54,790.02	54,350.00	100.8%	

72200 · MUSEUM			
7220009 · Advertising	0.00	750.00	0.0%
7220012 · Telecommunications	832.65	2,200.00	37.8%
7200015 · Books, Dues & Subscriptions	0.00	250.00	0.0%
7200016 · Office Supplies	0.00	250.00	0.0%
7220018 · Exhibits & Programs	400.00	1,700.00	23.5%
Total 72200 · MUSEUM	1,232.65	5,150.00	23.9%
Total 07 · PARKS, REC & CULTURAL	66,481.04	79,500.00	83.6%
08 · COMMUNITY DEVELOPMENT			
81100 · PLANNING COMMISSION			
8110001 · Salaries & Wages - Regular	1,635.00	5,670.00	28.8%
8110002 · FICA/Medicare	117.43	500.00	23.5%
8110003 · Consultants - Engineer	3,532.07	15,000.00	23.5%
8110004 · Consultants - Comp Plan	0.00	15,000.00	0.0%
8110005 · Mileage Allowance	0.00	250.00	0.0%
8110006 · Meals & Lodging	0.00	700.00	0.0%
8110007 · Convention/Education	0.00	2,000.00	0.0%
8110009 · Engineer - Pass Through	12,226.25	0.00	100.0%
Total 81100 · PLANNING COMMISSION	17,510.75	39,120.00	44.8%
81110 · ARCHITECTURAL REVIEW BOARD			
8111001 · Salaries & Wages - Regular	1,335.00	5,830.00	22.9%
8111002 · FICA/Medicare	102.13	446.00	22.9%
8111005 · Convention & Education	0.00	500.00	0.0%
Total 81110 · ARCHITECTURAL REVIEW BOARD	1,437.13	6,776.00	21.2%
81111 · Board Of Zoning Appeals			
8111101 · Convention & Education	0.00	1,500.00	0.0%
8111102 · FICA / Medicare	0.00	102.00	0.0%
8111103 · Salaries & Wages - Regular	0.00	1,325.00	0.0%
Total 81111 · Board Of Zoning Appeals	0.00	2,927.00	0.0%
Total 08 · COMMUNITY DEVELOPMENT	18,947.88	48,823.00	38.8%
09 · NON-DEPARTMENTAL			
95100 · DEBT SERVICE			
9510002 · General Obligation Bond - Prin	158,000.00	159,500.00	99.1%
9510003 · General Obligation Bond - Int	12,383.17	12,425.00	99.7%
Total 95100 · DEBT SERVICE	170,383.17	171,925.00	99.1%
Total 09 · NON-DEPARTMENTAL	170,383.17	171,925.00	99.1%
94104 · Street Scape - Park Sidewalk			
9410401 · Architectural/Engineering Fees	5,682.50	150,000.00	3.8%
Total 94104 · Street Scape - Park Sidewalk	5,682.50	150,000.00	3.8%
EMPLOYEE BENEFITS			
6560 · Payroll Processing Fees	-0.01		
Total EMPLOYEE BENEFITS	-0.01		
Total 94105 · PERSONNEL	-0.01		
94106 · TOWN CENTER MASTER PLAN			
9416701 · Architectural/Engineering Fees	0.00	95,000.00	0.0%
Total 94106 · TOWN CENTER MASTER PLAN	0.00	95,000.00	0.0%
94107 · BLIGHT MITIGATION			
9410701 · Building Official/Engr.	0.00	40,000.00	0.0%
Total 94107 · BLIGHT MITIGATION	0.00	40,000.00	0.0%
94108 · Capital Improvment Funds Expens	20,800.00	146,577.00	14.2%
Total Expense	1,362,379.04	2,740,129.00	49.7%
Net Ordinary Income	24,864.84	0.00	100.0%
Other Income/Expense			
Other Income			
50000 · CARES Act Funds	68,458.12	68,814.00	99.5%
50001 · Amerian Rescue Plan Funds	869,439.00	1,738,878.00	
Total Other Income	937,897.12	1,807,692.00	51.9%
Other Expense			

Front loaded cost to Town

Front loaded cost to Town

RFP intial cost of engineering

Funds will be tracks separately from operational budget, will be appropriated in 1st Qt amendment

Attachment: FY2022 Current Actuals vs Budget 01.25.2022 (5388 : Monthly Financial Report)

97000 - CARES Act Expenses	68,814.00	68,814.00	100.0%
	4,254.27	1,738,878.00	0.2%
Total Other Expense	73,068.27	1,807,692.00	4.0%
Net Other Income	864,828.85	0.00	100.0%
Net Income	889,693.69	0.00	100.0%

The Town has exhausted the CARES Act funds
 Some funds were needed to complete the Shoppe Small program



Town of Haymarket
 15000 Washington Street, #100
 Haymarket, VA 20169
 703-753-2600

MEMORANDUM

TO: Honorable Mayor and Town Council
 FROM: Roberto Gonzalez, Town Treasurer
 DATE: January 31, 2022
 SUBJECT: FY2023 Budget Work Session schedule

BACKGROUND:

I would like to put forth the following schedule for our budget work session. Please review and so that we can get through the FY23 budget season efficiently.

- Monday, March 28: Monthly Work Session – I will submit the first draft of the budget
- Monday, April 4: Regular Monthly Meeting – 2nd draft of budget with edits
- Monday, April 25: Monthly Work Session – edits from 2nd draft made. Authorize advertising of the tax rate public hearing and FY23 budget public hearing. Tax Rate public hearing will be Monday, May 31st Work Session. FY23 Budget Public Hearing will be Monday, June 6th Regular Monthly Meeting with adoption and appropriation of the tax rate and budget at June 29th Work Session.
- Monday, May 9 ****Possible meeting*** for final work session on the budget
- Tuesday, May 31: Work Session/Public Hearing on Tax Rate
- Monday, June 6: Regular Meeting/Public Hearing on FY23 Budget
- Monday, June 27: Work Session – Adoption of FY23 Tax Rate and Adoption and Appropriation of FY23 Budget.



Town of Haymarket
15000 Washington Street, #100
Haymarket, VA 20169
703-753-2600

MEMORANDUM

TO: Honorable Mayor and Town Council
FROM: Roberto Gonzalez, Town Treasurer
DATE: January 31, 2022
SUBJECT: Transient Occupancy Tax Ordinance Update

BACKGROUND:

The attached Transient Occupancy Tax Ordinance update attached is to update the Town's existing ordinance. The update to the ordinance will align more to the current State ordinance effective as of September 1, 2021.

ORDINANCE TO AMEND ARTICLE VI OF CHAPTER 42 OF THE TOWN CODE
RELATING TO TRANSIENT OCCUPANCY TAXES

WHEREAS, The Town of Haymarket has a transient occupancy tax ordinance, codified as Article VI of Chapter 42, Town Code §§ 42-190 through 42-200, and

WHEREAS, The General Assembly has modified the statutes authorizing municipalities to impose and collect a transient occupancy tax, and

WHEREAS, The Town wishes to align its transient occupancy tax ordinance with current state law while retaining its current tax rate of 7%,

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Haymarket, meeting this ___ day of _____, 2022, in _____ session, that (i) the Town Council finds that amendments to its transient occupancy tax ordinance are needed due to the changes in enabling statutes, (ii) the Town Council recognizes the need to address accommodations intermediaries in the collection and remittance of transient occupancy taxes, and (iii) the Town Council hereby repeals Sections 42-190 through 42-197 and Sections 42-199 and 42-200 of the Town Code and adopts the following new Sections 42-201 through 42-210 which, together with existing Section 42-198, are the new Article VI of Chapter 42, Town Code:

§ 42-201 Definitions

For the purpose of this Article, the following words and phrases shall have the meanings respectively ascribed to them by this section unless the context clearly indicates a different meaning:

ACCOMMODATIONS – Any room or rooms, lodgings, or accommodations in any hotel, motel, inn, tourist camp, tourist cabin, camping grounds, club, or any other place in which rooms, lodging, space, or accommodations are regularly furnished to transients for a consideration.

ACCOMMODATIONS FEE – The room charge less the discount room charge, if any, provided that the accommodations fee shall not be less than \$0.

ACCOMMODATIONS INTERMEDIARY - Any person other than an accommodations provider that facilitates the sale of an accommodation, charges a room charge to the customer, and charges an accommodations fee to the customer, which fee it retains as compensation for facilitating the sale. For purposes of this definition, "facilitates the sale" includes brokering, coordinating, or in any other way arranging for the purchase of the right to use accommodations via a transaction directly, including via one or more payment processors, between a customer and an accommodations provider.

"Accommodations intermediary" does not include a person:

1. If the accommodations are provided by an accommodations provider operating under a trademark, trade name, or service mark belonging to such person; or

2. Who facilitates the sale of an accommodation if (i) the price paid by the customer to such person is equal to the price paid by such person to the accommodations provider for the use of the accommodations and (ii) the only compensation received by such person for facilitating the sale of the accommodation is a commission paid from the accommodations provider to such person.

ACCOMMODATIONS PROVIDER – Any person that furnishes accommodations to the general public for compensation. The term "furnishes" includes the sale of use or possession or the sale of the right to use or possess.

AFFILIATE – With respect to any person, any other person directly or indirectly controlling, controlled by, or under common control with such person. For purposes of this definition, "control" (including controlled by and under common control with) shall mean the power, directly or indirectly, to direct or cause the direction of the management and policies of such person whether through ownership or voting securities or by contract or otherwise.

DISCOUNT ROOM CHARGE – The full amount charged by the accommodations provider to the accommodations intermediary, or an affiliate thereof, for furnishing the accommodations.

RETAIL SALE – A sale to any person for any purpose other than for resale.

ROOM CHARGE – The full retail price charged to the customer by the accommodations intermediary for the use of the accommodations, including any accommodations fee, before taxes. The room charge shall be determined in accordance with 23VAC10-210-730 and the related rulings of the Virginia Department of Taxation on the same.

TOWN – Any official authorized by the Town Council or the Town Manager to act on behalf of the Town of Haymarket in enforcing this Chapter.

TRANSIENT - Any person who, for a period of less than ninety (90) consecutive days, either at his own expense or at the expense of another, obtains accommodations for which a charge is made.

§ 42-202 Imposition of tax

There is hereby levied and imposed, in addition to all other taxes and fees of every kind imposed by law, on each transient obtaining accommodations, a tax equal to seven percent (7%) of the amount subject to tax under Town Code § 42-203.

§ 423-203 Scope of transient occupancy tax

- A. The transient lodging tax is imposed only for the use or possession of any room or space that is suitable or intended for occupancy by transients for dwelling, lodging, or sleeping purposes.

- B. For any retail sale of accommodations not facilitated by an accommodations intermediary, the accommodations provider shall collect the tax imposed pursuant to this article, computed on the total price paid for the use or possession of the accommodations, and shall remit the same to the locality and shall be liable for the same.
- C. For any retail sale of accommodations facilitated by an accommodations intermediary, the accommodations intermediary shall be deemed under this article as a facility making a retail sale of an accommodation. The accommodations intermediary shall collect the tax imposed pursuant to this article, computed on the room charge. When the accommodations are at a hotel, the accommodations intermediary shall remit the taxes on the accommodations fee to the locality and shall remit any remaining taxes to the hotel, which shall remit such taxes to the locality. When the accommodations are at a short-term rental, as defined in Virginia Code § 15.2-983, or at any other accommodations, the accommodations intermediary shall remit the taxes on the room charge to the locality.
- D. An accommodations intermediary shall not be liable for taxes under this article remitted to an accommodations provider but that are then not remitted to the locality by the accommodations provider. For any retail sale of accommodations facilitated by an accommodations intermediary, an accommodations provider shall be liable for that portion of the taxes under this article that relate to the discount room charge only to the extent that the accommodations intermediary has remitted such taxes to the accommodations provider.
- E. In any retail sale of any accommodations in which an accommodations intermediary does not facilitate the sale of the accommodations, the accommodations provider shall separately state the amount of the tax in the bill, invoice, or similar documentation and shall add the tax to the total price paid for the use or possession of the accommodations. In any retail sale of any accommodations in which an accommodations intermediary facilitates the sale of the accommodation, the accommodations intermediary shall separately state the amount of the tax on the bill, invoice, or similar documentation and shall add the tax to the room charge; thereafter, such tax shall be a debt from the customer to the accommodations intermediary, recoverable at law in the same manner as other debts.

§ 42-204 Collections to be held in trust

The taxes required to be collected under this Article shall be deemed to be held in trust by the person required to collect such taxes until the same shall have been remitted to the Town.

§ 42-205 Reports and remittances

The person collecting any tax as provided in this Article shall make out a report thereof upon such forms setting forth such information as the Town may prescribe and require, showing the

amount of lodging charges subject to tax and the tax required to be collected and shall sign and deliver such reports with the remittance of such tax to the Town. Such reports and remittances shall be made monthly on or before the 20th day of the calendar month following the month being reported.

§ 42-206 Penalty and interest upon failure to report or remit tax

If any person shall fail or refuse to report and remit to the Town the tax required to be collected and paid under this Article within the time and in the amount as provided for in this Article, there shall be added to such tax a penalty in the amount of ten percent (10%) of the tax due. The Town shall also assess interest on the tax and penalty at the rate of ten percent (10%) per year from the day after the tax is due until paid. Penalty and interest shall not be imposed contrary to the restrictions set out in Virginia Code § 58.1-3916.

§ 42-207 Procedure when tax not collected or reported

If any person shall fail or refuse to collect the tax imposed under this Article and to make within the time provided herein any report and remittance required, the Town shall proceed to assess the tax due based on the information reasonably available and to collect the tax due, together with any penalties and interest owed, in any manner permitted by law.

§ 42-208 Preservation of records

It shall be the duty of every person liable for the collection and payment to the town of any tax imposed by this Article to keep and preserve for a period of two (2) years such suitable records as may be necessary to determine the amount of such tax due to the town. The Town shall have the right to inspect such records at all reasonable times.

§ 42-209 Procedure upon cessation of business

Whenever any person required to collect and pay to the town a tax imposed by this Article shall cease to operate, go out of business or otherwise dispose of his business, any tax then payable to the town shall become immediately due and payable, and such person shall immediately make a report and pay the tax due to the Town.

§ 42-210 Exceptions

No tax shall be payable under this article in any of the following instances:

- (1) On charges for accommodations paid by any agencies of federal, state or local governments for their officers or employees thereof while on official business.
- (2) On charges for accommodations paid to any hospital, medical clinic, convalescent home or home for aged people.

THIS ORDINANCE IS EFFECTIVE UPON ADOPTION.

Done this ___ day of _____, 2022.
TOWN OF HAYMARKET, VIRGINIA

ATTEST:

Kimberly Henry, Town Clerk

- Motion to approve:
- Second:
- Voting Aye:
- Voting Nay:
- Absent:
- Abstaining:

Attachment: Memo to Council - Transient Occupancy Tax Ordinance update (5392 : TOT Ordinance Final Draft Update)



Town of Haymarket
15000 Washington Street, #100
Haymarket, VA 20169
703-753-2600

Emily L. Kyriazi
TOWN PLANNER
ACTING TOWN MANAGER

MEMORANDUM

TO: Mayor and Town Council
FROM: Emily L. Kyriazi, Acting Town Manager
DATE: January 31, 2022
SUBJECT: Crossroads Village Center – Traffic Update

Summary:

Council requested the applicant to submit a full Traffic Impact Analysis, Mr. Wooden sent the attached email regarding the traffic analysis. In addition, Igor Levine sent over the attached email and updated traffic table, see following pages.

The attached table shows the expected traffic counts for the proposed SUP use vs. the by-right use the applicant would build in place of the SUP use. The applicant will be present at the meeting to speak to the numbers in the comparison table.

The table suggests that the total daily trips for the proposed SUP would be higher than the by-right uses. The peak times will vary, SUP peak is higher during the week day mornings and the by-right peak is higher during the week day evenings. Weekend peak hours are similar, showing a slightly higher peak for the by-right uses.

Council should consider the impacts of the higher weekday morning peaks and the traffic management on site for the SUP.

Attachment: Traffic Memo 1-2022 (5396 : Crossroads Village Center, SUP Coffee Shop Discussion)

From: [Don Wooden](#)
To: [Emily Kyriazi](#)
Cc: [Ken Luersen](#); [Chris Coon](#); [Kimberly Henry](#); [Igor Levine](#); [Bob Weir](#); [Mary Ramirez](#); [Marchant Schneider](#); [Chris Morris](#); [Tracy-lynn Pater](#); [Joe Pasanello](#); [Roberto Gonzalez](#)
Subject: Crossroads Village Center
Date: Friday, January 7, 2022 2:47:18 PM
Attachments: [image001.png](#)

Greetings Town Council/Staff,

Happy New Year and pray 2022 will be a wonderful year for all!

I would like to first apologize for not being able to keep my word in regard to updating the traffic study as I think you are aware by now that my word is important to me. Let me explain. I had released Grove Slade to do the counts and study even though they highly recommended us not to do the study until after such time that VDOT had lifted it's moratorium on doing TIA's due to COVID and it's impact on traffic and times. In addition they said that holiday traffic would greatly impact the real data but regardless they took the counts in December. The counts came back with data no one could support as realistic. Rt 55/15 was a 21% increase over 2018 and RT 55/ Costello came back with a 9% increase over the same period. After discussions I told them to hold off and do the counts in Jan to possibly get a more realistic outcome and Grove stated they would do so but it needed to be in late January when the traffic typically returns to normal and I agreed.

Since that time a few important things have transpired which I will outline:

- In a conference call with Starbucks they gave us a drop dead termination if we do not have an SUP/Site plan approval by Feb 15th, 2022 as they must open and close the old store no later than Nov stocking/Feb open. They have disclosed that they have another site as backup on the Home Depot center site they will be going to if Meladon cannot perform.*
- Our Contractor gave us a drop dead date of Feb 10th to release the order for utility piping and storm structures in order to meet the Starbucks delivery deadlines and project deadlines if we change the buildings.*

So we have ran out grace and time with the tenant and will be submitting next week some updated material to Emily for the continuation of the "Coffee Use" SUP for your review and approval/denial in the upcoming Work session and Town Council Meeting. After thinking how to present this so the best educated decision could be made I concluded that I needed to show the traffic impacts of the by-right alternative that we would build if Council so chooses to deny the Starbucks. This way everyone can see within reason what replaces the Starbucks option.

I truly hope everyone understands my position that I am in and we look forward in discussing things at the work session once we get everything over to Emily. Have a good weekend!

Thank you,



Don Wooden

1602 Village Market Blvd. SE

Suite 235

Leesburg, Virginia 20175

O: (571) 375.1750

D: (571) 375.1755

M: (703) 732.4665

www.meladon.com

"Our expertise and value lies in our knowledge of market driven land use/acquisitions, contract negotiation, entitlements, concept planning and development."

From: [Igor Levine](#)
To: [Emily Kyriazi](#)
Cc: [Don Wooden](#); [Igor Levine](#)
Subject: FW: Crossroads Village Center
Date: Tuesday, January 11, 2022 2:47:10 PM
Attachments: [image001.png](#)
[Trip Gen 6.5kSF multi-tenant building and Starbucks.pdf](#)

Emily, per Don's email the other day, I would like to attached the exhibit table we would like to submit to the Town Council for the upcoming Work Session showing the traffic impacts for the Starbucks use vs. the by-right use we would plan to build. I kindly request to be placed on the agenda for the upcoming Works Session in January for the continuation of the Starbucks SUP application.

Thank you,
 Igor

From: Don Wooden <dwooden@meladon.net>
Sent: Friday, January 7, 2022 2:47 PM
To: Emily Kyriazi <ekyriazi@townofhaymarket.org>
Cc: Ken Luersen <kluersen@townofhaymarket.org>; Chris Coon <CCoon@townofhaymarket.org>; Kimberly Henry <khenry@townofhaymarket.org>; Igor Levine <ilevine@meladon.com>; Bob Weir <bweir@townofhaymarket.org>; Mary Ramirez <Mramirez@townofhaymarket.org>; Marchant Schneider <mschneider@townofhaymarket.org>; Chris Morris <CMorris@townofhaymarket.org>; Tracy-lynn Pater <tpater@townofhaymarket.org>; Joe Pasanello <jpasanello@townofhaymarket.org>; Roberto Gonzalez <rgonzalez@townofhaymarket.org>
Subject: Crossroads Village Center

Greetings Town Council/Staff,

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- *In a conference call with Starbucks they gave us a drop dead termination if we do not have an SUP/Site plan approval by Feb 15th, 2022 as they must open and close the old store no later than Nov stocking/Jan open. They have disclosed that they have another site as backup on the Home Depot center site they will be going to if Meladon cannot perform.*
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Don Wooden

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Proposed Land Use (ITE 10)	ITE Code	Size	----- Week day -----						----- Weekend -----			
			AM Peak Hour			PM Peak Hour			Daily Total	Saturday Peak Hour		
			In	Out	Total	In	Out	Total		In	Out	Total
Coffee Use												
Coffee/Donut Shop with Drive-Thru Window	937	2.250 kSF of GFA	102	98	200	49	49	98	1,846	94	94	188
Total		2.250 kSF of GFA	102	98	200	49	49	98	1,846	94	94	188
6.5 kSF Multi-tenant Building												
B2 - Shopping Center - Fast Casual	930	2.70 kSF of GFA	4	2	6	21	17	38	851	51	41	92
B2 - Shopping Center - Fast Food w/o Drive-Thru	933	1.40 kSF of GFA	21	14	35	20	20	40	485	37	39	76
B2 - Shopping Center - General Retail	820	2.40 kSF of GLA	1	1	2	16	18	34	476	17	16	33
Total		6.500 kSF of GLA	26	17	43	57	55	112	1,812	105	96	201

Notes:

- (1) The AM peak hour rate for ITE LUC 933 was used in lieu of the equation due to the size of the proposed use.
- (2) The AM peak hour rate for ITE LUC 820 was used in lieu of the equation due to the size of the proposed use.



Town of Haymarket
15000 Washington Street, #100
Haymarket, VA 20169
703-753-2600

Emily L. Kyriazi
TOWN PLANNER
ACTING TOWN MANAGER

MEMORANDUM

TO: Mayor and Town Council
FROM: Emily L. Kyriazi, Acting Town Manager
DATE: January 31, 2022
SUBJECT: Personnel Policy/Proposed Sick Leave Bank Policy

Personnel Policy Update:

Staff will be reviewing the Personnel Policy over the course of the next few months, with the following proposed schedule -

- Committee Meetings Every Other Week, starting Week of 1/31
- Draft Update Personnel Policy presented to Council 4/25 at the Work Session
- Council Review from 4/25 through 5/2
- Staff Work on Updates Month of May
- Final Draft at 5/31 Council Meeting for discussion
- Proposed Adoption Date 6/6, Effective Date starting 7/1

In the interim, we need to discuss the Sick Leave Donation Bank, as presented below.

Donation Program for Sick Leave Summary:

Upon review of the Personnel Policy, staff recognized the lack of a Donation Program for Sick Leave as reference on page 11 of the current personnel policy manual. The situation arose recently, in which Staff wished to donate sick leave to another employee, a program needs to be put in place. Below is draft language for consideration and discussion by Council. The draft language was derived from the Town of Luray Personnel Policy Manual.

SICK LEAVE BANK

The Town supports the sharing of accrued sick leave through a voluntary Sick Leave Bank program that allows members to donate and request sick leave. Leave donation provides access to paid leave for eligible employees unable to work due to an unexpected personal or family illness, injury or catastrophic situation. The Town Manager shall administer the program. Town employees assigned to full-time positions may participate in the Sick Leave Bank. The Leave Donation policy establishes guidelines for effective administration of a voluntary program of leave donation which allows eligible employees to access paid leave when unable to work due to their

own non-job-related injury, unexpected temporary disability or illness, or the unexpected illness or incapacity of a family member. Such absence shall be the result of an unforeseen medical emergency of a serious and unplanned nature and, in the opinion of a licensed physician, is expected to last at least ten (10) consecutive working days, or its equivalent, after all accrued paid leave is exhausted. The program is not intended to assist employees with absences due to routine medical problems, treatments or procedures not medically necessary and/or predictable medical events.

A. General Guidelines

1. The Sick Leave Bank program provides a means for employees to help coworkers and their families alleviate the financial hardship that may be brought about by unforeseen illness or injury of significant duration.
2. Participation in the Sick Leave Bank as a donor or as a recipient is completely voluntary and is subject to **Town Manager** approval.
3. Eligible employees may donate accrued sick leave, to the Sick Leave Bank.
4. All donations and receipt of paid leave will be in eight (8) hour increments.
5. Membership in the Leave Bank entitles an employee to apply for donated leave.
6. Decisions regarding requests for donated leave as well as management of the program are the responsibility of the Town Manager.
7. Decisions of the Town Manager are not grievable.

B. Sick Leave Bank Membership

Eligible employees may enroll in the Leave Bank at the beginning of any pay period by completing the "Request for Membership" form and sending it to the Town Manager. By signing and submitting this form, the employee understands and agrees to the following:

1. Membership in the Leave Bank does not guarantee that requested paid leave from the Bank will be approved.
2. Initial enrollment may take place at the beginning of any pay period.
3. An employee must initially, and thereafter at the beginning of each calendar year, donate at least eight (8) hours of sick leave to maintain active membership.
4. Once an employee is enrolled, he/she may donate additional sick leave at the beginning of any pay period. However, leave donation may not exceed 50% of an employee's total paid leave (sick, annual, adjusted hours, compensatory time, personal or banked holiday leave) balance nor reduce the employee's total paid leave balance below 40 hours.
5. Each member may be required on an annual basis to donate additional appropriate leave to the Bank in order to maintain the solvency of the Bank. This provision will be not be necessary if contributions are adequate to maintain the Bank's solvency. Failure to meet donation requirements will result in termination of the employee's membership in the Bank.
6. Leave donated to the Sick Leave Bank becomes the property of the Bank and will not be returned to the employee upon termination of membership from the Bank for any reason, termination of employment, or upon dissolution of the Bank.

7. A member who resigns from the Sick Leave Bank, or whose membership is terminated for failure to meet requirements, must wait at least six (6) months before he/she may apply for re-admission, and must meet all requirements for membership, including the donation of eight (8) hours of appropriate leave and having a minimum balance of forty (40) hours of total paid leave.

C. Requests for Donated Leave

1. Members of the Leave Bank may request donated leave when all paid leave is exhausted or is scheduled to be exhausted and additional time off is needed due to their own non-job related injury, unexpected temporary disability, serious health condition, or the unexpected illness or serious health condition of a dependent family member.
2. Such absence(s) shall be the result of an unforeseen medical emergency of a serious and unplanned nature that, in the opinion of a licensed physician, is expected to last at least ten (10) consecutive work days, or the equivalent, after all accrued paid leave is exhausted.
3. A serious health condition is an illness, injury, impairment or physical or mental condition that involves inpatient care in a hospital, hospice or residential medical care facility or continuing treatment by a health care provider that causes the employee to be absent from work for more than a few days.
4. An application must be completed and submitted to the member's immediate department director or designee, who will add his or her recommendation. The completed and endorsed form shall be submitted to the Town Manager.
5. The application may be submitted in anticipation of exhaustion of all paid leave, but no member will actually receive donated leave until all paid leave is exhausted.
6. The application must include medical certification from an attending physician that identifies the medical problem and the estimated time period of incapacity, including any restrictions. No application will be considered unless medical information is included.
7. The application must include a recommendation for approval from the **Department Director**.
8. Decisions to grant leave under this policy will be made by the Town Manager, based on the recommendations of **Department Directors**. The Town Manager's decision is final and is not a grievable action

D. Receiving Donated Leave

1. Only current leave bank members are eligible to receive donated leave.
2. All paid leave must be exhausted before a member can receive donated leave.
3. A maximum of 240 hours of donated leave may be granted per request.
4. A member granted donated leave shall not be credited with donated leave in excess of the period of approved absence.
5. Absences due to procedures or treatments not medically necessary (elective), predictable medical events, or absences that are a bridge to retirement are not eligible for donated leave.
6. Members must provide reasonable, written assurance that they intend to return to work.
7. On-going paid leave is funded through the assigned department of the member receiving

donated leave.

Recommended Addition -

E. Should an employee need to utilize the Sick Leave Bank for an approved request, and adequate sick leave hours are not accrued in the bank, the members of the bank may donate additional sick leave time at the beginning of each pay period to cover the difference.



Town of Haymarket
15000 Washington Street, #100
Haymarket, VA 20169
703-753-2600

Emily L. Kyriazi
TOWN PLANNER
ACTING TOWN MANAGER

MEMORANDUM

TO: Mayor and Town Council
FROM: Emily L. Kyriazi, Acting Town Manager
DATE: January 31, 2022
SUBJECT: Snow and Ice Removal Policy

Summary:

Following the snowstorms earlier in January of 2022, our residents reached out with concerns and requests for better snow management along the sidewalks on Washington Street. For the interim phase while the Council prepares and adopts a policy and plan, the Staff contracted Premier Turf and Landscaping to complete the sidewalk shoveling and maintenance following the snowstorms.

The below draft policy language was derived from the Town of Luray snow ordinance for consideration. On subsequent pages you will find additional snow ordinances from the Town of Occoquan and the Town of Remington.

Sec. XXXX - Removal of snow and ice from sidewalks.

- (a) The owner or occupant of any property adjacent to any curbed, paved or brick sidewalk within the town shall remove any snow, sleet or ice from such sidewalk within two hours after the same has ceased to fall, if between the hours of 6:00 a.m. and 6:00 p.m., and before 10:00 a.m. next following if the same has ceased to fall between the hours of 6:00 p.m. and 6:00 a.m.
- (b) The town may remove the snow, sleet or ice, whenever such person, after the expiration of 12 hours next following receipt of notice, has failed to do so. The cost of any removal shall be chargeable to such person and shall be added to their tax bill.
- (c) Violations of this section shall be a Class 4 misdemeanor.

Draft Motion:

"I move Town Council to adopt Ordinance No XXX, Removal of Snow and Ice from Sidewalks"

Or alternate motion.

Town of Luray?

Sec. 74-19. Removal of snow and ice from sidewalks.

- (a) The owner or occupant of any property adjacent to any curbed or paved sidewalk within the town shall remove any snow, sleet or ice from such sidewalk within two hours after the same has ceased to fall, if between the hours of 6:00 a.m. and 6:00 p.m., and before 10:00 a.m. next following if the same has ceased to fall between the hours of 6:00 p.m. and 6:00 a.m.
- (b) The town may remove the snow, sleet or ice, whenever such person, after the expiration of 12 hours next following receipt of notice, has failed to do so. The cost of any removal shall be chargeable to such person and shall be added to their tax bill.
- (c) Violations of this section shall be a Class 4 misdemeanor.

(Code 1965, § 24-13; Code 1981, § 16-21; Ord. of 1-24-1979; Ord. No. 2005-11-10, § 1, 11-14-2005)

Charter reference(s)—Authority of council to require abutting property owners to remove snow from sidewalks, § 41.

State law reference(s)—Authority of town to compel the removal of snow from sidewalks, Code of Virginia, § 15.2-1115.

Sec. 82-131. Parking, abandoning, etc., vehicle on snow emergency route when Snow Plan "A" in effect.

- (a) During the period of time that Snow Plan "A" is in effect pursuant to the provisions of section 82-15, and until the time that the snow emergency routes have been declared clear as provided for in such section, it shall be unlawful for any person to park or abandon any vehicle on any snow emergency route designated in subsection (a) of section 82-15, or to obstruct or impede traffic on any such snow emergency route by reason of his failure to have such vehicle equipped with effective snow tires or chains.
- (b) Upon the chief of police being informed that a vehicle has been parked, stalled, stuck or abandoned in violation of this section, he shall direct the immediate removal and storage of such vehicle. The costs of removing and storing such vehicle shall be charged to the owner of such vehicle, and such costs shall be due, payable and paid prior to the release of such vehicle to its owner.
- (c) The chief of police is directed to strictly enforce this section.
- (d) Any person convicted of violating any provision of this section shall be fined not more than \$25.00 for each offense.

(Code 1981, § 12-100; Ord. of 12-11-1978; Ord. of 1-24-1979)

State law reference(s)—Authority for above section, Code of Virginia, § 46.2-1302.

Attachment: 20220126101422 (5391 : Sidewalk Maintenance Policy)

Occoquan

93.05 REMOVAL OF SNOW AND ICE FROM SIDEWALKS.

It shall be the duty of the occupant of any property which has a sidewalk of brick, wood, or concrete

abutting on such property to have all snow removed from such sidewalk within 12 hours after it has ceased

falling; provided that, if snow falls during the night, it shall be removed by 5:00 p.m. on the following day.

The same requirements shall exist with respect to ice or sleet on sidewalks, except that ice and sleet, if it cannot be removed without injury to the sidewalk, shall be covered within the time required in this section,

with sawdust, ashes, or other material which will render the sidewalk safe for travel. When there is no

occupant of such property, it shall be the duty of the owner thereof to have such snow, ice, and sleet

removed or covered as provided in this section. If after such reasonable notice as the town may prescribe

the owner or occupant of the property affected by the provisions of this section shall fail to abate or obviate

the condition, the town may do so and charge and collect the cost thereof from the owner or occupant of

the property affected in any manner provided by law for the collection of state or local taxes

(1998 Code, § 50-5) (Ord. O-2003-02, passed 2-18-2003)

AMENDMENT
REMINGTON TOWN CODE

Sec. 19-22. Disposition of snow, ice, etc.

- (a) It shall be the duty of the owner, leasee, or person responsible for the premises of any house or building or lot which abuts upon a paved or concrete sidewalk to have all snow removed from such sidewalk within twenty-four (24) hours after the same shall have ceased falling.
- The same requirements shall exist with respect to ice or sleet on sidewalks; except, that ice or sleet, when it cannot be removed without injury to the sidewalk, shall be covered, within the period of time as above specified, with sand, ashes, or some other substance which will render it safe for travel on foot. Whenever any house, building or lot is unoccupied, it shall be the duty of the owner, or of the agent of the owner, to have the snow or ice removed from his sidewalk in the same manner as set forth above for occupants of properties. Each violation of this subsection shall be a class 4 misdemeanor, and every six (6) hours that such snow or ice is allowed to remain in violation of this subsection shall constitute a separate offense.

Amended by Town Council on 23 January, 1995.


Mayor

