



TOWN OF OCCOQUAN

Circa 1734 | Chartered 1804 | Incorporated 1874

314 Mill Street
PO BOX 195
Occoquan, VA 22125
(703) 491-1918
occoquanva.gov
info@occoquanva.gov

Occoquan Town Council Town Council Meeting February 4, 2025 | 7:00 p.m.

1. **Call to Order**
2. **Pledge of Allegiance**
3. **Citizens' Time** - Members of the public may, for three minutes, present for the purpose of directing attention to or requesting action on matters not included on the prepared agenda. These matters shall be referred to the appropriate town official(s) for investigation and report. Citizens may address issues as they come up on the agenda if advance notice is given during 'Citizens' Time
4. **Consent Agenda**
 - a. Request to Accept January 21, 2025, Town Council Meeting Minutes - pg. 2
5. **Mayor's Report**
6. **Councilmember Reports**
7. **Boards and Commissions**
8. **Administrative Reports**
 - a. Administrative Report - pg. 9
 - b. Town Treasurer's Report - pg. 30
 - c. Town Attorney's Report - pg. 42
9. **Regular Business**
 - a. Request to Adopt Ordinance to Amend Title IX of the Town Code - pg. 43
 - b. Request to Set Public Hearing on Adoption of Cigarette Sales Tax Ordinance - pg. 100
 - c. Request to Adopt Resolution Referring Zoning Text Amendment on Certain Short-term Recurring Zoning Offenses to Planning Commission - pg. 113
10. **Discussion Items**
 - a. 2025 Town Events Calendar Discussion - pg. 122
 - b. FY2026 Budget Schedule and Strategic Framework Discussion - pg. 124
11. **Closed Session**
12. **Adjournment**

Portions of this meeting may be held in closed session pursuant to the Virginia Freedom of Information Act.
A copy of this agenda with supporting documents is available online at www.occoquanva.gov.



TOWN OF OCCOQUAN
TOWN COUNCIL MEETING
Agenda Communication

4. Consent Agenda	Meeting Date: February 4, 2025
Request to Approve Consent Agenda	

Attachments: See below

Submitted by: Adam C. Linn
Town Manager

Explanation and Summary:

This is a request to approve the consent agenda:

- a. Request to Approve January 21, 2025, Town Council Meeting Minutes

Staff Recommendation: Recommend approval as presented.

Proposed/Suggested Motion:

"I move to approve the consent agenda."

OR

Other action Council deems appropriate.



OCCOQUAN TOWN COUNCIL
Meeting Minutes - DRAFT
Town Hall - 314 Mill Street, Occoquan, VA 22125
Tuesday, January 21, 2025
7:00 p.m.

Present: Mayor Earnie Porta; Vice Mayor Jenn Loges, Councilmembers Nancy Freeborne Brinton (remote), Cindy Fithian, Eliot Perkins, and Theo Daubresse

Absent: None

Staff: Adam Linn, Town Manager / Chief of Police; Matt Whitmoyer, Deputy Town Manager; Philip Auville, Town Clerk; Jason Forman, Deputy Chief of Police; Julie Little, Events Director; Asma Rupani, Town Treasurer; Bruce Reese, Town Engineer (remote); Martin Crim, Town Attorney (remote)

1. CALL TO ORDER

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

Mayor Porta briefly noted some humorous excerpts from town meeting minutes from the 1980s.

2. PLEDGE OF ALLEGIANCE

As a result of personal reasons, Councilmember Freeborne Brinton attended remotely from Campbellsville, KY.

3. CITIZENS' TIME

No one spoke during citizens' time.

4. PRESENTATION

a. FY2023 Audit Presentation by Robinson, Farmer, Cox Associates

Mr. Mike Moran from Robinson, Farmer, Cox Associates presented the FYE 2023 financial audit.

Mr. Moran responded to brief questions from council.

Mayor Porta asked if in Exhibit 1 the restricted cash of \$100,000 represented the Mamie Davis Funds; he also asked about the source of the unearned revenue of \$723,649.

Mr. Moran replied yes that the restricted cash amount is the Mamie Davis Fund and that the unearned revenue is made up of what were previously referred to as SLFRF Funds and some craft show revenue.

Mayor Porta asked for clarification on Note 5 - Capital Assets, which consists of items not being depreciated.

Mr. Moran replied that this is essentially land.

Mayor Porta asked whether the rates of return for the pension plan are dictated by VRS.

Mr. Moran replied that they are dictated by VRS and not from an independent actuary.

Mr. Moran indicated that the delay in getting the FY2023 audit was on his part and that staff had provided all information and did everything they needed. He indicated that he plans on having the FY2024 financial audit to Council by March.

Mayor Porta asked for unanimous consent to move up on the agenda Item 11b. Holiday Events and Marketing Discussion with Visit Occoquan. There being no objection the item was moved up on the agenda.

5. DISCUSSION ITEMS

b. Holiday Events and Marketing Discussion with Visit Occoquan

Ms. Burzio presented on social media statistics and marketing spending for the holiday events. She noted that no additional marketing budget was spent on the holiday events.

Ms. Burzio answered brief questions from council on the holiday events and discussed the business holiday survey statistics from town businesses.

Ms. Burzio noted that she along with Mr. Whitmoyer will be attending the Mobilizing Mainstreet opening in Staunton.

6. CONSENT AGENDA

- a. Request to Accept November 6, 2024, Town Council Meeting Minutes
- b. Request to Reappoint Member to the Board of Zoning Appeals

Councilmember Perkins moved to approve the Consent Agenda. Councilmember Fithian seconded. Motion passed unanimously by voice vote.

7. MAYOR'S REPORT

Mayor Porta reported the following:

- On December 7th, he brought Santa to town by boat.
- On December 9th, he attended the volunteer appreciation holiday party.
- On December 13th, he participated in Firelight Night.
- On December 15th, he spoke on Occoquan history at the invitation of the Burke Historical Society.
- On December 16th, he attended Congresswoman Spanberger's end of term brunch in Fredericksburg.
- On December 19th, he served as day lead for the Leadership Prince William (LPW) History & Government Day, which this year was held at the Occoquan VFW and Town Hall; LPW held its holiday party at D'Rocco's that night as well and the Mayor expressed his gratitude for the organization coming to Occoquan this year and for the excellent service by the VFW, Town Hall, and D'Rocco's.
- On December 21st, he judged the Barrington Point/Occoquan Point decorating contest.
- On December 27th, he participated in the ceremony for the winners of the Occoquan Historical

Society raffle.

- On December 30th, he participated in the Chanukah menorah lighting ceremony sponsored by Chabad Lubavitch of Gainesville and Greater Manassas in River Mill Park.

Mayor Porta noted that he received very nice thank you letters from 4th grade Cub Scouts to whom he had spoken on November 12.

At the suggestion of Vice Mayor Loges he contacted the town's state delegate, as well another Prince William delegate who sits on the relevant committee in the Virginia General Assembly, to express the town's opposition to HB2004, which was introduced by a Republican delegate from Roanoke who seeks to limit the ability of localities to assess a meals tax. Also, at the suggestion of Vice Mayor Loges he contacted the town's state delegate regarding the town's authority to institute a cigarette tax.

As requested by the town council he contacted Occoquan Supervisor Boddye's office for an update on the glass recycling container the county's recycling office had indicated to town staff would be installed at the commuter lot at the corner of Route 123 and Old Bridge Road by last summer. According to Supervisor Boddye's office, the county public works office is unaware of any such plans – Supervisor Boddye's office agreed to look into the matter.

He contacted Supervisor Boddye's office to reiterate the town's desire for the county to purchase the Tanyard Hill property.

He contacted Fairfax County Supervisor Stork's office regarding any updates on Fairfax County's desire to purchase the property on the north side of the river adjacent to the Route 123 bridge. He thanked Councilmember Perkins for attending the lying in state of the late President Jimmy Carter.

He informed the Council that the day before Christmas he received a letter, as did many Virginia jurisdictions, from America First Legal, asserting that the town was a sanctuary jurisdiction and threatening legal action unless the town changed its policies. The Mayor noted that the town is not a sanctuary jurisdiction, and he confirmed at the time with the Town Manager/Chief of Police and the Town Attorney that the town had no policies that could be construed so as to render the town as such, a fact that the mayor reported he made explicitly clear in response to a subsequent press inquiry. America First Legal has sent such notices to a variety of independent towns in the state who are in counties that have differing policies on ICE detainers. Mayor Porta noted to the Council that since the town does not operate a jail it would never receive an ICE immigration detainer, thus making it impossible for the town to serve for any practical purpose as a sanctuary jurisdiction, a condition he indicated he thought should be clear to anyone professing expertise on immigration issues.

Mayor Porta also thanked staff for the exceptional, hands-on work that they performed during the most recent snow event, with many members of the staff clearing areas themselves by hand. He noted that with regard to snow removal it was the most dedicated effort on the part of staff he has ever witnessed during his time in Occoquan. Along with Councilmember Perkins he expressed his gratitude, but also his concern that staff does not burn themselves out with such efforts, noting that it is incumbent upon the town council to budget sufficient funds for contractors to perform such work as needed.

8. COUNCILMEMBER REPORTS

Councilmember Perkins noted that he will be providing the council an after-action report on the Tree Lighting Firelight Night at the next meeting.

Vice Mayor Loges noted that she received a complaint on VDOT's excessive salting of the streets and that the concerns were reported to VDOT.

Councilmember Daubresse asked about the enforcement of HOA's not clearing their sidewalks from snow and ice.

Mr. Linn replied that notices per town code were sent out three days after the snow event to the HOA's and individuals who hadn't cleared snow from their sidewalks.

Councilmember Fithian noted that she received a compliment from the owner of the Secret Garden Café for the town staff clearing out the snow quickly. She also noted that she attended the menorah lighting in River Mill Park.

9. BOARDS AND COMMISSIONS

Architectural Review Board (ARB) did not have a report.

Councilmember Perkins reported that the Planning Commission did not have a meeting in December.

10. ADMINISTRATIVE REPORTS

a. Administrative Report

Mr. Linn noted that he had received a complaint from a resident on Washington Street that since the new 20 mph signs have gone up it seems that people are going faster and would like more policing on Washington Street.

Mr. Linn also noted that enforcement of the Town Auto Decals has begun.

Mayor Porta asked if the demolition permit from the Mill at Occoquan is only for the steel structures and not the buildings.

Mr. Linn indicated that the current permit from the Town was only for the steel structure. He also noted that there are no progress updates for the Mill at Occoquan.

Councilmember Perkins asked about the EV grant that the town did not get awarded.

Mr. Linn replied that the Town's goal in applying for the electric vehicle charging grant was to purchase the property next to the 123-bridge to make it a parking lot with additional EV chargers. He indicated that there was only one grant awarded in Virginia, and it went to the Virginia Department of Energy, which had a broader focus than the town and involved tourism around the state.

b. Town Treasurers' Report

Ms. Rupani provided a written report as part of the agenda packet.

Ms. Rupani noted that Business License audits are being performed. Several businesses are in arrears on BPOL and is staff currently working on collections.

c. Town Attorney's Report

Mr. Crim provided a written report that was distributed to the council.

Mr. Crim noted that there are several housing bills going through the General Assembly that would affect local jurisdictions and are a concern to VML. One would require by right-usage of residential usage in the commercial district, another would call for an increase in housing stock for localities,

and a third bill would mandate allowing accessory dwelling units on single family lots.

11. REGULAR BUSINESS

a. Request to Adopt Ordinance to Amend Title IX of the Town Code

Mayor Porta noted that these amendments represent staff's ongoing cleanup of the Town Code.

Vice Mayor Loges asked if the proposed ordinance regarding having dogs leashed was compatible with the ADA for service dogs. She indicated that leashing some service dogs is not an option.

Mr. Crim noted after reading over the ADA law, that the section of code would need to be rewritten to clearly include service dog language.

Mayor Porta tabled the request to the next meeting to provide staff opportunity to include the ADA language.

b. Request to Adopt the National Incident Management System (NIMS) and Emergency Operations

Councilmember Freeborne Brinton moved to adopt Resolution R-2025-01 and Resolution R-2025-02. Councilmember Perkins seconded. Motion passed unanimously by roll call vote.

Ayes: Vice Mayor Loges, Councilmember Perkins, Councilmember Freeborne Brinton, Councilmember Fithian, and Councilmember Daubresse

Nays: None

12. DISCUSSION ITEMS

a. Tax on Sale of Cigarettes

Mayor Porta noted that he was originally concerned that this would adversely affect the VFW, but he has confirmed that they no longer sell cigarettes. As a result, there are currently no businesses in town sell cigarettes and this ordinance would thus be preemptive. He also noted that the law doesn't include vaping.

Mr. Crim noted that the adoption of a cigarette tax requires a seven-day notice for a public hearing. Second, to join the Northern Virginia Cigarette Tax Board, the NVCTB would have to vote on including Occoquan into their membership at their June meeting. Third, the Town could adopt a tax that is in addition to or cumulative with Prince William County's tax.

Councilmember Daubresse asked if this would include cigars and pipe tobacco.

Mr. Linn replied that from the current understanding of the state code it does not include loose leaf tobacco or leaf rolled cigars. It would only tax paper-rolled tobacco products. He indicated, however, that he would confirm this.

Council gave direction to staff to prepare an ordinance to tax the sale of cigarettes within the town.

b. StormReady® Certification Education Discussions

Mr. Forman presented on the Occoquan Police Department's plans to educate residents in the town about the StormReady® Certification.

Mr. Forman noted that a citizen preparedness guide will be available, and that information has been added about StormReady® on the town’s website under the public safety page.

13. CLOSED SESSION

Vice Mayor Loges moved that the Council convene in closed session to discuss the following as permitted by Virginia Code § 2.2-3711 (A)(19), discussion of plans to protect public safety as it relates to terrorist activity or specific cybersecurity threats or vulnerabilities and briefings by staff members, legal counsel, or law-enforcement or emergency service officials concerning actions taken to respond to such matters or a related threat to public safety. Councilmember Daubresse seconded. Motion passed unanimously by voice vote.

The Council went into closed session at 9:46 p.m.

The Council came out of closed session at 10:25 p.m.

Vice Mayor Loges moved to certify that, in the closed session just concluded, nothing was discussed except the matter or matters (1) specifically identified in the motion to convene in closed session and (2) lawfully permitted to be discussed in a closed session under the provisions of the Virginia Freedom of Information Act as cited in that motion. Seconded by Councilmember Perkins. The motion passed unanimously by roll call vote.

Ayes: Vice Mayor Loges, Councilmember Daubresse, Councilmember Freeborne Brinton, Councilmember Fithian, Councilmember Perkins

Nays: None

14. ADJOURNMENT

The meeting was adjourned at 10:26 p.m.

Philip Auville, Town Clerk



TOWN OF OCCOQUAN

Circa 1734 • Chartered 1804 • Incorporated 1874
314 Mill Street • PO Box 195 • Occoquan, Virginia 22125
(703) 491-1918 • Fax (571) 398-5016 • info@occoquanva.gov
www.occoquanva.gov

TOWN COUNCIL
Earnest W. Porta, Jr., Mayor
Jenn Loges, Vice Mayor
Cindy Fithian
Eliot Perkins
Nancy Freeborne Brinton
Theo Daubresse

TOWN MANAGER
Adam C. Linn, J.D.

TO: The Honorable Mayor and Town Council

FROM: Adam C. Linn, Town Manager

DATE: February 4, 2025

SUBJECT: Administrative Report

This is a monthly report to the Town Council that provides general information on departmental activities including administration, public safety, engineering, zoning and building, public works and events.

Administration

Strategic Framework Updates:

These special updates cover all projects, programs and initiatives currently underway that further the priorities of the Town Council as laid out in their FY24-25 Strategic Framework adopted at the April 18, 2023 Town Council Meeting. The updates are divided into each tier and priority. A Strategic Framework Tracker will be provided quarterly every April, July, October and January.

Capital Tiers

➤ **Continuing to Investigate Opportunities to Expand Public Parking Facilities:**

- Staff investigated options for constructing parking facilities within Town limits. No available options are fiscally appropriate at the current time. Staff will continue to explore both private and public options for increasing parking.

➤ **Upgrading Stormwater Infrastructure:**

- Stormwater Improvements (Community Project Funding) - UPDATED: On March 17th, 2023, Town staff submitted an application to Congressperson Spanberger's office for the FY2023 Community Project Funding Program to fund remediation to the Town's stormwater system. On March 6th, 2024, the Town was informed that \$920,000 in funding had been appropriated for the project. A press conference about the funding award was held at Town Hall on May 14, 2024. Town staff met with an EPA representative on September 13th, 2024 and reviewed the project scope and grant application process. The Town has been allocated the funding but must complete the grant application process prior to executing the grant agreement. Staff met with its assigned EPA grant manager to clarify application requirements and anticipates submitting the application and NEPA review documentation in February 2025. Staff is also working on the Request for Proposal (RFP) and other procurement documents for submission to the EPA for review, ahead of bidding out the project later this year.

➤ **Completing Riverwalk:**

- Riverwalk Extension Project: Preliminary engineering and design of the Riverwalk extension was included in the FY2025 Adopted Capital Improvements Program. After discussion between Town staff and VDOT on the grant eligibility and expectations for the project, Town Council decided to pause any more preliminary engineering work on the project and proceed with a grant application to the Transportation Alternatives Program (TAP), using existing planning documents and resources. Staff is planning to prepare an application starting in April for the pre-application due May 30, 2025.
- **Developing/Promoting Town as a Trail Junction:**
- Town staff are currently supporting the Planning Commission in its strategic planning efforts that include researching and developing a Trail Town program for Occoquan. The Planning Commission's initial recommendations were presented to Town Council at its April 16th, 2024, meeting.
- **Promoting Connections with Regional Partners:**
- PWCDOT Crosswalk Safety Project: On May 31, 2023, Town staff met with VDOT engineers and staff from Prince William County Department of Transportation regarding crosswalk safety of the Washington Street Crosswalk between E. Locust Street and Edge Hill Drive. Town staff, VDOT engineers and PWCDOT recommended: (1) the addition of a streetlight near the crosswalk and changing of old streetlight heads to newer LED which would enhance the visibility at dusk/ dawn for pedestrians and drivers (PWCDOT agreed to take the lead on this immediate solution); (2) a PWCDOT study to see if a speed reducing feature such as a chicane, chocker, or perhaps a mini roundabout could be installed at the adjacent intersection; and (3) the extension of the sidewalk across the undeveloped frontage and the removal of the mid-block crosswalk to be funded under the County's Safe Sidewalk grant. Dominion Electric installed new LED streetlight heads in September. An additional streetlight, requested by PWCDOT, was installed near the crosswalk by Dominion Electric in September. Staff has reached out to PWCDOT related to the status of items 2 and 3 as well as requesting a speed study along Washington Street. As a result of the change in the law, Town Council also approved a reduction in the speed limit to 20 mph at two sections of crosswalks on Washington Street to try to improve safety around the crosswalk locations. Staff received a VDOT permit for the installation of the speed limit signage in September and installed the reduced speed limit signage in October. Enforcement can begin starting November 27, 2024.
 - Occoquan Greenway (VDOT TAP Grant Project) - UPDATED: In early May 2022, Town received notification that additional funding for the Transportation Alternatives Set-Aside Program was received through the federal infrastructure bill and that the Ellicott Street Sidewalk (Occoquan Greenway Connection) project was selected. This funding is available for fiscal years 2023-2024 and will be a coordination project with the Town, PWC Transportation and Parks Departments. The project includes sidewalk installation on Union Street and part of Ellicott Street to connect the town to a planned off-road trail section of the Occoquan Greenway Trail. The project also includes a sidewalk installation along Ellicott Street, between Poplar Alley and Mill Street. The Town Council adopted a resolution of support for the project at its September 21, 2021 meeting. Surveying along McKenzie, Union, and Ellicott Streets was completed in November 2023. In December 2023, Town staff met with PWC and the engineering firm hired by PWC to review the initial drawings and conceptual designs. Town staff

worked with the contractor and the County throughout 2024 to come to a solution that addresses potential turning issues and limits damage to the root system of the magnolia tree at the intersection of Mill and Ellicott Streets. Staff is currently coordinating with the County contracted engineer to finalize the designs and are still advised that construction will begin sometime in 2026. Updates will be available at www.occoquanva.gov/construction-updates.

➤ **Improving Town Gateways:**

- Staff is including gateway improvements in its Spring/Summer 2025 Landscape Plan.

➤ **Pursuing Energy Efficiency/Sustainability Enhancements:**

- Glass Recycling: In support of a Planning Commission recommendation, Town staff has been working with Prince William County on the placement of a glass recycling bin in proximity to town residents. After reviewing placement options, the County has decided to place a glass recycling bin at the 123 and Old Bridge VDOT Commuter Lot. Currently, the closest County glass recycling bin for town residents is at the County Center.

➤ **Enhancing Timed Parking Program Education and Enforcement:**

- Town staff continues to monitor opportunities for increasing education on and optimizing enforcement of the Timed Parking Program. For more on the most up-to-date information on the Timed Parking Program, please visit: www.occoquanva.gov/timed-parking-3/.

➤ **Implementing Public Safety Projects:**

- County CAD and RMS Integration - UPDATED: The Occoquan Police Department is working with Prince William County Police and Motorola Corporation on integrating into their computer assisted dispatch (CAD) system and joining their report management system (RMS). As a result of delays between the contractor and the County, the project is behind schedule. The Town computers have been configured for the CAD. Officers and command staff engaged in training. Implementation is expected in the month of February.

➤ **Improving Town Properties (Mill House Museum, River Mill Park, Furnace Branch Park, Tanyard Hill Park):**

- River Mill Park Upgrades: Staff are currently working on improving the adequacy and efficiency of the plumbing system at the bathhouse and resolving drainage issues in the park. Town staff met with FCWA in March and FCWA has informed the Town that it will be making physical improvements to the property to alleviate drainage issues, including a drop outlet to divert water away from the Park. Town staff and FCWA staff will meet after pipe construction is completed to assess any further improvements that may be needed.
- River Road and Town Dumpster Storage: In December 2023, staff started storing Public Works equipment on the Town property at River Road after installing a fence along Rt. 123. Staff are currently planning further improvements to the property that will better secure it, improve refuse storage for residents, and allow limited access to the VDOT easement by River Road residents. A gate was installed in February 2024 and further refuse storage upgrades are in planning. Concurrently, staff are planning improvements to the storage space at the town dumpster to provide adequate storage

for Public Works equipment in that area.

- Street and Informational Signage Updates: Town staff is updating signage on town streets and properties to reflect current town branding and add new information. New signage was installed on the Town Dock in July 2024, including QR codes for a new online payment option for docking fees, and no-turn signage was installed at the intersection of Union Street and Poplar Alley in November 2024.

Operating Tiers

➤ **Personnel Recruitment, Retention, and Succession Planning**

- Events Personnel Planning: Town staff has completed a months-long planning process to assess and reorganize the Town's Events Office, and, starting May 2025, will have a new Events and Community Development Director, Tammy Hassett, succeeding current Director Julie Little as she retires from her position after 8 years with the Town. Until May 2025, Tammy will work as the Events Coordinator under Director Little and learn the ins and outs of the Director role.
- Volunteer Program: The Events Office has launched a new volunteer program for the Town, including onboarding and scheduling in order to recruit and retain more volunteers for expanded opportunities across Town events and projects.
- Maintenance Associate Position: The Town has created a new position for a Maintenance Associate under Public Works and is currently soliciting applicants. The new position along with temporary, part-time staffing will help support the day-to-day operations of Public Works and Events, as needed. The Town is looking to onboard the position by early Spring 2025.

➤ **Tourism-led Economic Development Programming**

- Mobilizing Main Street Cohort Program – UPDATED: The Town of Occoquan formally handed over the reins of its Virginia Main Street program to Visit Occoquan in November 2024, and, in December 2024, Visit Occoquan became a part of the 2025-2026 Mobilizing Main Street Cohort. The program is a two-year cohort composed of multiple Virginia towns and cities that provides the framework for targeted organizational development support to Exploring Main Street (EMS) communities interested in pursuing Advancing Virginia Main Street (AVMS) designation. Town and Visit staff attended an orientation on January 23, 2025, and began coursework for the program. Over the next two years, Visit Occoquan and Town staff will work closely to complete the program and become eligible for Advancing Virginia Main Street (AVMS) designation as well as the national Main Street America accreditation, opening up further grant opportunities, technical support, and consulting services for downtown revitalization.

➤ **Enhancing Revenue from Town Events Programming**

- Replacement of Artisan Market and Concerts with Firelight Nights: During the FY2025 budget process, it was decided to replace the Artisan Market in December and the summer concert series, with multiple firelight nights during the winter season in order to provide community programming and attract visitors to the commercial district during a less busy time of year, while also putting on events that required less strain on staff and Town resources. The first Firelight Night occurred on December 13th with several dozen attendees. Unfortunately, the January Firelight has been cancelled due to

concerns over weather and the remaining snow and ice in the area. The next Firelight Night will be February 14th from 6-9 pm.

➤ **Monitoring Technology Improvements for Productivity Enhancement**

- Town staff continues to monitor opportunities for technologic improvements that will increase productivity.

➤ **Business Support and Development Programming**

- Continuance of Quarterly Business Meetings – UPDATED: Although the Occoquan Business Partners (OBP) dissolved in 2023, Visit Occoquan and the Town of Occoquan will continue to host quarterly Town and Business Partnership Meetings. **The next Town & Business Quarterly Meeting will be on April 8th, 2025 at 6 pm.** Subscribe for updates and find more information on meetings at: <https://www.visitoccoquanva.com/ocqhub>.
- Visit Occoquan Business Support - UPDATED: Visit Occoquan is currently researching and planning workshops on a range of topics important to small businesses in order to support the needs of town businesses. They also now host semi-annual listening meetings for town businesses only, to provide a forum for business owners to discuss issues that affect the business community at large. Finally, Visit is currently working to provide welcome packages to new businesses and has incorporated welcome information into the packets that Town staff supplies to new businesses.

➤ **Development of a Capital Asset Maintenance Program**

- Staff have been in communication with Prince William County on maintenance programs and are currently in the research and planning phase for this priority.

➤ **Development of a Business Recruitment Program**

- Staff are currently in the research and planning phase for this priority. The Planning Commission has completed preliminary strategic planning related to Economic Development and Business Recruitment and reported to Town Council on the matter at the April 16th Town Council meeting.

Capital and Maintenance Project Updates:

These are updates on significant maintenance items and existing and planned capital projects that are part of the Town's Capital Improvements Program (CIP) and additional to the Town Council's Strategic Framework priorities. Further project updates on capital and maintenance projects are available in the Public Works section of this report and at www.occoquanva.gov/construction-updates.

- Mill Street Water Issue: The recrowning work completed by VDOT contractors in 2023 along the section of Mill Street near the Ellicott Street intersection did not adequately address the longtime water flow issues in this area. Town staff removed the deteriorating temporary PVC pipe and replaced it with a new, more flexible temporary pipe to direct water from the pipe outlet at 426/430 Mill Street to the Ellicott Street stormwater inlet. The pipe is asphalted into place for added protection. As a result, water is not currently sheeting across Mill Street during and after large rainfall events and is instead traveling through the pipe to the Ellicott Street inlet. Updates will be available at www.occoquanva.gov/construction-updates.
- Edgehill Drive Water Issues: In early March 2024, Town staff received concerns about water bubbling through the road surface in the middle of Edgehill Drive. VDOT and PWC Service Authority have both responded to the issue and Service Authority has performed CCTV inspections of all its pipes in the vicinity in order to identify whether the issue was related to its system. In May 2024, VDOT removed part of the road surface and installing drainage pipes to move the water from under the roadway. The measure did not fully resolve the issue and further study and remediation efforts are planned for the summer. Town staff and VDOT will continue to monitor the situation.
- New Town Winter Weather Assets – NEW: Using the assigned CIP funds, the Town has purchased and installed a plow and ice melt spreader on the Public Works truck to provide supplemental support to existing Town, contracted and intergovernmental resources that are used to prepare for and respond to winter weather events in town. The assets will be deployed seasonally during the winter months and placed into storage each spring.

Development Project Updates:

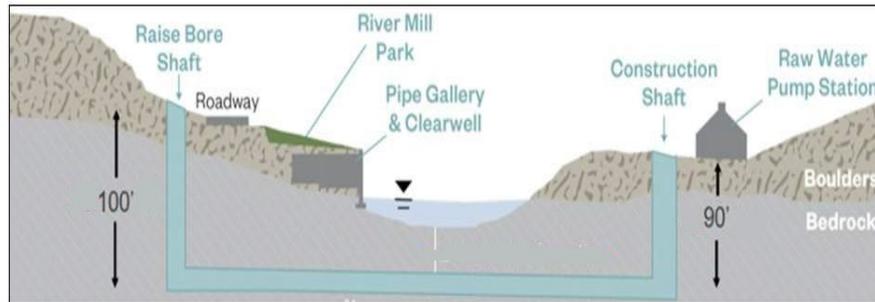
These are updates on private development projects in the Town of Occoquan. More information can be found in the Engineering Section.

- The Mill at Occoquan: The Town approved the final site plan on August 12, 2024. As the developer finalizes a demolition permit with Prince William County, the Town is awaiting updates from the developer on asbestos removal and a new zoning permit application for demolition for the buildings on the properties. Previously, the Town approved a zoning application for demolition of the boat storage structure and the developer completed preliminary work in March.
- 406 McKenzie Drive Subdivision: Owners of 406 McKenzie Drive have submitted a subdivision application with the Town to divide the property into multiple parcels. Comments on the application have been provided to the owners. A meeting with the Town Engineer was held in April and a follow up meeting was held in October to review another version of the subdivision. Town staff is awaiting submission of a new subdivision application for the updated subdivision plan.

Other News and Updates:

These are updates on any other noteworthy projects, programs, or initiatives being carried out in and around the town, including updates on deadlines and administrative projects.

- Fairfax Water Construction – UPDATED: The boring project under the Occoquan River and the installation of new pipes have been completed. In December 2024, Fairfax Water completed work on the replacement of an adjacent pipe leading into the Mill Street cul-de-sac from Fairfax Water property. The area was fully milled and paved. To stay up to date on construction, please sign up for AlertOccoquan at www.occoquanva.gov/living-here/alertoccoquan. Below is a rendering of the project:



- Tax Delinquencies: A number of Real Estate and BPOL filings are still outstanding. **The former were due on December 5th, 2024, while the latter were due on March 1, 2024.** All delinquent accounts receive mail and/or email notices from Town staff. For more information on tax filing please contact the Town Clerk at townclerk@occoquanva.gov or visit www.occoquanva.gov/living-here/tax-information/ and/or www.occoquanva.gov/business/doing-business-in-occoquan/.
- Upcoming Tax Deadlines – UPDATED: **Town of Occoquan Business, Professional, and Occupational License (BPOL) renewals and payments for 2025 are both due by March 1st, 2025.** The application has been updated for 2025 to provide added instructions and more information and calculation fields. Renewal notices were emailed and mailed in January to businesses holding a license with the Town. Please be sure to submit applications and payments on time. A penalty of 10% of the tax may be imposed upon failure to file an application or payment of the tax by the due date. The business license fee is based on gross receipts for the calendar year 2024. Visit www.occoquanva.gov/doing-business-in-occoquan for more information.
- Town Vehicle License Enforcement: Town Ordinance Section 71-02 requires that owners of any motor vehicle principally garaged, stored, or parked in Town pay an annual Vehicle License Fee by November 15th of each year. The current Town decal should be displayed on the front windshield. The Town Police are increasing enforcement for vehicles found to be principally garaged, stored, or parked in Town without the Town decal displayed. **If you have not applied for a 2025 Vehicle License, please do so by filling out the PDF or online form at www.occoquanva.gov/living-here/tax-information.**

Treasurer Report - Supplemental Information

The December 2024 Financial Report is included in the Town Council agenda packet. Highlights from the current report are below, as well as additional information regarding current delinquencies (as of December 31, 2024).

BPOL Tax Delinquencies		
Business Name	Delinquency Period	Date of Last Notice/Status
AMAYA STUDIOS LLC	11 months	Summons sent 1/29/25
BANN THAI OLD TOWN LLC	11 months	Summons sent 1/29/25
HAVANA BOUTIQUE*	2 years	Audit completed, payment pending
PIN CURLS HAIR SALON	2 years, 11 months	Audit in progress
TALENT ACQUISITION CONCEPTS	2 years, 11 months	Summons sent 1/29/25

*Business closed as of August 2023

Transient Occupancy Tax Delinquencies		
Business Owner	Delinquency Period	Date of Last Notice/Status

Meals Tax Delinquencies		
Business Name	Delinquency Period	Date of Last Notice/Status
BAR J CHILI PARLOR	4 months	Letter with estimate sent 1/23/25
BABBANME LLC	7 months	Summons sent 1/29/25
BANN THAI*	3 months	Summons sent 1/29/25
GRIND N CREPE	4 months	Letter with estimate sent 1/23/25
THE SPOT ON MILL STREET	5 months	Payment Plan
THIRD BASE	4 months	Letter with estimate sent 1/23/25

*Prior delinquency paid with court case

Real Estate Delinquencies			
Property Owner	Delinquency Period	Date of Last Notice	Address
126 MILL LLC	1 month	12/13/2024	126 MILL ST
FEIN ALAN H & SUSAN J WESTFALL SURV	1 month	12/13/2024	313 OVERLOOK DR
GRANNY'S COTTAGE INC	8 years	12/13/2024	116 WASHINGTON ST
GRANNY'S COTTAGE INC	8 years	12/13/2024	116 WASHINGTON ST
HAMILTON NANCY M	1 month	12/13/2024	116 WASHINGTON ST
HOUGHTON RONALD W ETAL	5 years, 10 months	7/29/2024	103 WASHINGTON ST

INTERNATIONAL PEACE MISSION INC	1 year	7/29/2024	207 WASHINGTON ST
INTERNATIONAL PEACE MISSION INC	1 year	7/29/2024	209 WASHINGTON ST
JONES SALUKA HALLIE	1 month	12/13/2024	205 WASHINGTON ST
MIDATLANTIC REAL ESTATE INVESTMENTS INC	1 month	12/13/2024	411 MILL ST
MILL AT OCCOQUAN LLC	1 month	12/13/2024	401 MILL ST
MILL AT OCCOQUAN LLC	1 month	12/13/2024	403 MILL ST
MILL AT OCCOQUAN LLC	1 month	12/13/2024	405 MILL ST
MILL AT OCCOQUAN LLC	1 month	12/13/2024	407 MILL ST
MILLER JENNIFER*	1 month		110 WEST LOCUST ST
RIVERWALK AT OCCOQUAN INC	1 month	12/13/2024	125 MILL ST
WHITE FRANCESCA*	1 month		1521 COLONIAL DR
WILSEY CHRISTOPHER MILES & RIINA METTAS-WILSEY SURV*	1 month		384 MYRTLE PL
WRIGHT MARGARET ALEXIS*	1 month		158 WASHINGTON ST

*By Mortgage Company

Meals Tax by Fiscal Year			
Month	FY23	FY24	FY25
July	28,956	31,391	29,811*
August	27,894	31,014	31,051*
September	25,730	27,123	27,635*
October	24,180	24,872	24,440*
November	19,372	22,482	21,692*
December	18,277	18,569	16,985*

*Delinquencies still outstanding for this month that will noticeably increase tax revenue

Engineering

River Mill Park Drainage - no change from last report: staff to set meeting with Fairfax County Water Authority to review options to modify park surface - awaiting response from FCWA to complete river crossing construction, then will set meeting.

Electrical Vehicle (EV) charging station grant - update from last report: staff submitted CFI application on 9/11/24. Grant application denied, with funding going to a state-wide infrastructure system.

Mill at Occoquan - no change from last report: Site plan approved by Town on 8/12/24. Application for demolition of boat storage structure approved 2/27/24. 10/24/24 the applicant notified that additional demolition permits are needed for the removal of structures other than boat storage.

FCWA River Crossing Construction - no change from last report: Project continuing.

Ellicott Sidewalk Extension Project - no change from last report: comments on 60% construction drawing provided to PWC on 8/24/24. Project construction tentatively scheduled for FY2026. Discussion held 11/22/24 (with Town Manager, Mayor, and PWCDOT leadership) working on alternative areas for connection; PWC proposal currently under review by staff and Council. Council chose option to protect the magnolia tree to the greatest extent possible.

Site Plans/Plats Under Review or Being Discussed with Owner/Tenant:

Address	Plan Number	Use	Status
Mill at Occoquan	SP2022-001	Mixed Use project	Plan approved by Town 8/12/24.
105 Poplar Lane	Not assigned	Single family detached	Modifications to house and lot for final Occupancy Permit
406 McKenzie Drive	SUB2023-036	Subdivide existing lot into two parcels	Applicant contemplating subdivision into more than 2 lots. Met Applicant 10/24/24 with possible layout for 5 lots. Plan still active but no resubmission.

Zoning and Code Enforcement

Below is an overview of zoning permit applications and Town Code violations for the past month. Residents can learn more about zoning at www.occoquanva.gov/government/zoning-land-development-and-building.

A. The following is a list of **zoning reviews** from January 1 to January 31, 2025:

	Zoning Application #	Property Address	Activity
1	TZP2025-001	209 Mill Cross Ln	Replace 50 Gallon Gas Water Heater
2	IAP2025-001	208 Poplar Alley	Interior Remodel
3	IAP2025-002	115 Washington St	Replace BTU Gas Furnace
4	TZP2025-002	304 Mill St	New Business

A. The following is a list of **zoning modification requests** from January 1 to January 31, 2025:

	Zoning Application #	Property Address	Activity
1			

B. The following is a list of **new violation letters** from January 1 to January 31, 2025:

	Property Address	Violation #	Violation	Town Action
1				

C. The following is a list of **active/previous violations** from January 1 to January 31, 2025:

	Property Address	Violation #	Violation	Town Action
1	201 Union Street	OCV-2024-008	Signage	Referred to Town Attorney on 11/21/24; summons sent 1/29/25

Building and Property Maintenance

Building: The Building Official monthly permit report provided by Prince William County is attached.

For more information on building permits and building code violations go to www.pwcva.gov/department/building-development-division.

Property Maintenance: The Property Maintenance monthly report provided by Prince William County is attached.

Starting in July 2023, Prince William County now provides property maintenance enforcement for the Town of Occoquan. All complaints for property issues, excluding signage, yard, and landscaping concerns, should be filed with the Prince William County Neighborhood Services at www.pwcva.gov/department/neighborhood-services.

Public Safety

Mission:

The mission of the Occoquan Police Department (OPD) is to: protect the lives and property of our residents, visitors, and businesses; to reduce the incidence and fear of crime; and to enhance the public safety of our historic waterfront community. To that end, we will hire and maintain a professional staff who through education, mentoring, and community policing will maintain a supportive partnership between our community and this Department. We will respect the rights and dignity of all people and always remain approachable and professional.



Monthly Departmental Goals:

- Goal 1: Provide for the public safety of the persons and property of the residents, businesses, and visitors of the Town of Occoquan.
- Goal 2: Promote a professional and accountable police department.
- Goal 3: Promote safe pedestrian and vehicular traffic within the Town of Occoquan.
- Goal 4: Prepare for and respond to all threats and hazards facing the Town of Occoquan.

OPD Division Reports:

Professional Standards Division

The Professional Standards Division (PSD) is responsible for internal affair investigations, criminal investigations, and background investigations. Additionally, the OPD Training Unit is housed within the PSD and is responsible for identifying training needs, designing, and implementing training for OPD Officers.

The OPD did not receive any complaints against officers within the Department during the month of January.

All officers met the state required annual mandatory in-service training for calendar year 2024.

Field Operations Division

The Field Operations Division (FOD) is responsible for day-to-day patrol operations throughout the Town.

Officers engaged in foot patrols throughout the residential district, historic district, and the Town Riverwalk.

FOD officers responded to numerous calls for service during the snow event that occurred in the early part of January.

Special Operations Division

The Special Operations Division (SOD) consists of OPD Officers who have a dual role within the FOD. The SOD consists of Auxiliary Patrol Officers, Parking Enforcement, Homeland Security and Emergency Management (HSEM), Marine Patrol, Bicycle Patrol, Fire Services, and the Unmanned Aircraft System Unit.



SOD Officers enhanced staffing and deployed specialized resources during special regional events that occurred during the month of January. The OPD HSEM Unit continued to strengthen information security systems within the Town growing upon 2024 initiatives.

The OPD continues to participate monthly in several Northern Virginia Emergency Response (NVERS) and Council of Government (COG) committees focused on keeping the region safe and secure.

Patrol and Enforcement Activities:

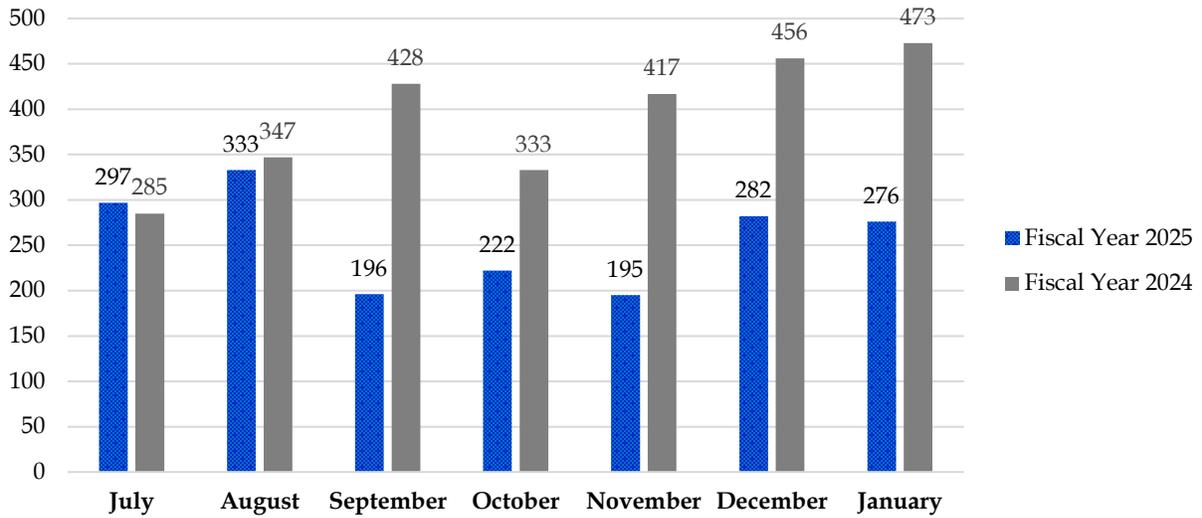
As of January 29th, for the Month of January, town police had 111 calls for service including:

<i>Call for Service</i>	<i>#</i>		<i>Call for Service</i>	<i>#</i>
Alarms	1		Larceny / Theft	2
Animal Call	2		Medical/Mental Health	2
Disabled Vehicles/Motorist Assist	14		Missing Person	2
Disorderly	6		Neighbor Dispute	1
Destruction of Property	1		Noise Complaint	1
Domestic Complaint	4		Other/Services	21
Drug Overdose	1		Person In Crisis / Suicide Attempt	1
Parking Complaints	3		Roadway Obstruction	4
DUI Arrest	2		Stolen Auto Response	2
Fleeing and Eluding	1		Suspicious Calls	12
Found/Lost Property	2		Threats	1
Fraud/Attempted Theft	1		Trespassing	6
Hazardous Event	1		Vehicle Crash	9
Hit & Run	3		Welfare Checks	5
Illegal Fishing	1			
				111

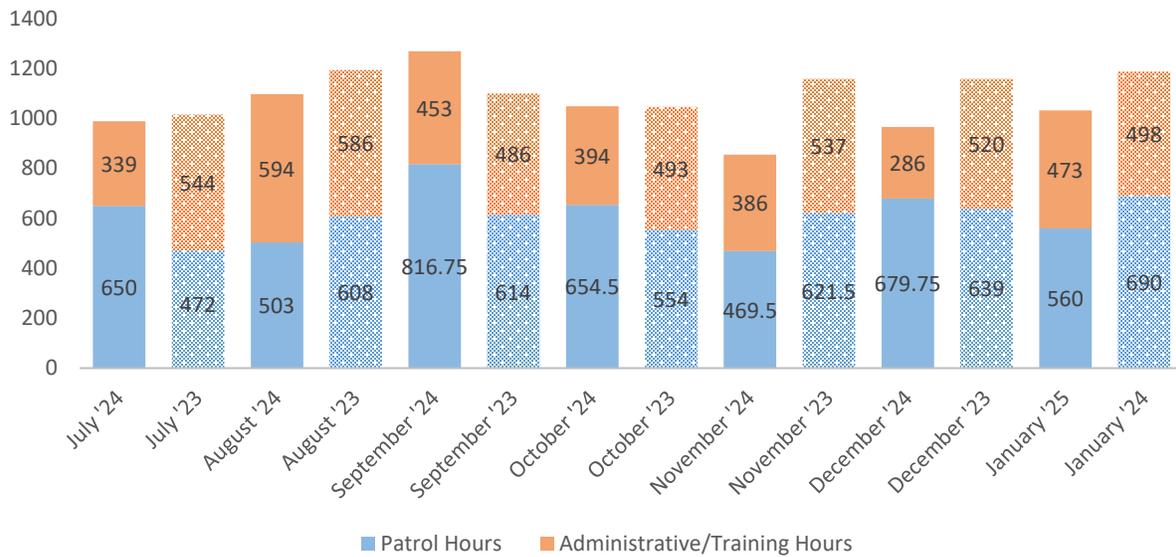
Town police made 3 custodial arrests, issued 276 traffic summonses, 43 parking violations, and 72 warnings.

Officers also engaged in 119 business checks and 212 park checks during the month of January.

Traffic Summonses FYTD (GRAPH)



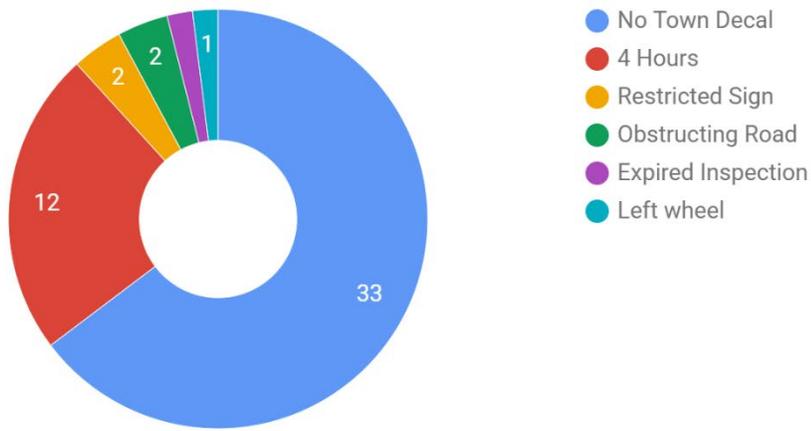
Patrol/Administrative/Training Hours FYTD (GRAPH)



Parking Enforcement (CHART/GRAPH)

Month	Parking Tickets	Warning
July	125	8
August	79	3
September	44	5
October	61	1
November	18	0
December	13	0
January	43	8

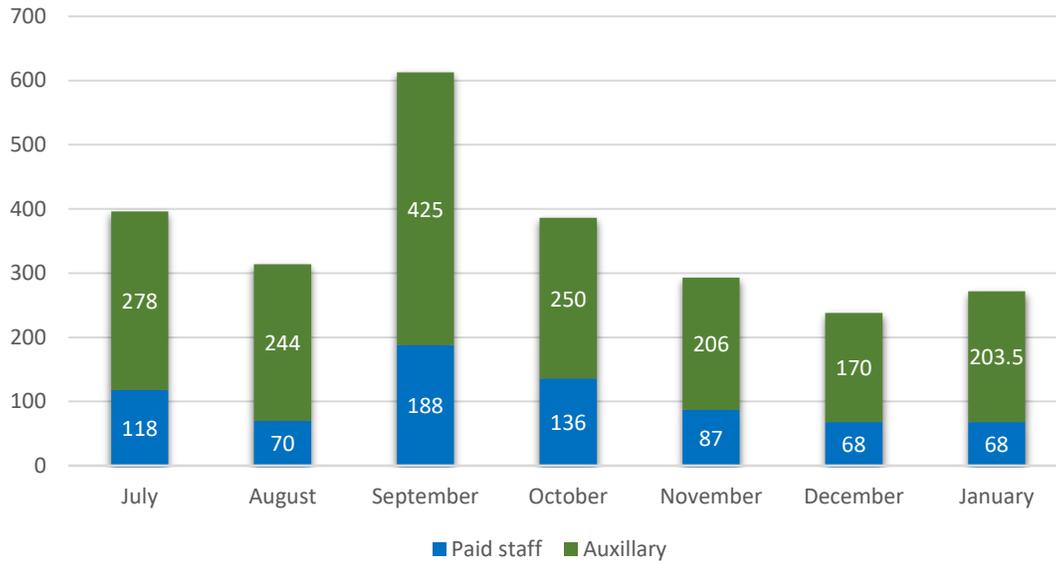
Occoquan VA - Tickets By Violation (Month To Date)



Data as of 1/30/2025, 12:00:00 AM

Volunteer in Police Service

For Fiscal Year 2025, our auxiliary police officers and paid police staff donated a total of 2,204.5 uncompensated hours to the Town. Below is a list of volunteer hours (uncompensated time) provided by our auxiliary police officers and paid police staff.



Special Operations Statistics

Marine Patrol					
Month	Hours on Patrol	Training Hours	Stops	Interactions	Calls for Service
July	46	0	3	12	1
August	24	0	9	12	4
September	24	0	28	28	9
October	0	0	0	0	0
November	0	0	0	0	0
December	1.5	0	0	0	0
January	0	0	0	0	0
FY Total	95.5	0	40	52	14
UAS Operations					
Month	Operational Hours	Training Hours		Call Outs	Calls for Service
July	0	0		0	0
August	0	0		0	0
September	0	0		0	0
October	0	2		0	0
November	0	0		0	0
December	0	0		0	0
January	0	0		0	0
FY Total	0	2		0	0
UTV / HSEM Operations					
Month	Hours Staffed	Training Hours		Special Events	Calls for Service
July	140	0		3	1
August	280	0		2	0
September	120	0		1	0
October	16	0		1	0
November	104	0		1	0
December	42	0		2	0
January	128	0		2	1
FY Total	830	0		12	2

Public Works

Routine Activities

The Public Works Department engages in the following regular maintenance activities:

Activity	Weekday	Sat/Sun	Weekly	Monthly	Notes
Trash Collection/Check	X	X			Weekend checks during high traffic seasons
Street Sweeping			X		Sweeping Season: April - October
Check/Repair Gaslights	X				Review and schedule repairs as needed
Check/Replace Doggie Bags			X		
Check/Clear Storm drains			X		Weekly + Storm Prep
Check Public Restrooms	X	X			Weekend checks during high traffic seasons
Contractor Cleaning - RMP			X		Contractor cleans Fridays and Mondays
Check Tanyard Hill Park			X		Review and schedule repairs as needed
Check Mamie Davis Park and Riverwalk	X				Review and schedule repairs as needed
Check/Clean Kayak Ramp				X	Monthly to quarterly cleaning
Check River Mill Park	X				Review and schedule repairs as needed
Clean/Maintain RMP Light Poles				X	
Check Furnace Branch Park			X		Review and schedule repairs as needed
Minor Brick Sidewalk Check/Repairs			X		Review and schedule repairs as needed
Maintain Town Buildings			X		Review and schedule repairs as needed
Maintain Town Equipment			X		Vehicle and small engine repair, seasonal and as needed
Clean Town Vehicle			X		Ensure cleanliness and care of town vehicle
Maintain Annex/PW Facility	X				External and Internal clean up and organization
Maintain Events Building at RMP				X	Monthly to quarterly
Check/Maintain Dumpster and storage area				X	
Water Flowers	X				Seasonal
Graffiti Check/Removal	X				
Litter Check/Removal	X				
Install/Repair Event Banners as Needed				X	Seasonal
Maintain Temporary Pipe on Mill Street				X	Until no longer needed
Pest Treatment				X	Town buildings every 3 months

Public Works Highlights (January 2025)

- Started takedown of holiday decorations.
- Responded to two winter weather incidents, removing snow and ice from town sidewalks and roads, with assistance from OPD, the Town’s contractor, and VDOT. Includes pre- and post-treatment of Town roads and sidewalks.
- Procured and installed new plow and ice melt spreader on PW truck.

Special Public Works Projects

Projects In-Progress: 9 Projects Completed: 6

Below is an updated list of maintenance activities with statuses updated as of January 31, 2025:

Project	Status	Completion Date	Notes
Building Maintenance			
Plumbing Repairs at Mill House Museum	In progress		Early February
Town Hall Kitchen Improvements	In progress		Winter 2024
Craft Show and Events Support			
None			
Holiday			
Wreath/Snowflake Takedown	In progress		Early February
Town Property Decoration Takedown	In progress		Early February
Contractor Town Hall Tree Decoration Takedown	Completed	1/27/25	
Contractor Trees and Parks Decoration Takedown	Completed	1/27/25	
Gaslight Decoration Takedown	Completed	1/27/25	
Landscaping			
Seed and aerate town parks	Not started		TBD
Improvements at Tanyard Hill and Old Bridge Entrance	In progress		In Spring 2025 planning
Spring Annual and Perennial Plantings	In progress		In planning
Park Maintenance			
Powerwash Gaslight Landing Riverwalk	Paused		Spring 2025
Town Dock Repairs	Paused		Boards replaced; inspecting pedestals - Spring 2025
RMP Plumbing and Bathroom Upgrades	In progress		New water heater installed in January; further improvements in planning
Special Projects			

Project	Status	Completion Date	Notes
Backup Generator Project	Not started		Paused – OPD Joint Project
River Road and Town Dumpster Improvements	In progress		Planning for refuse and storage; improving storage area at town dumpster – OPD Joint Project
Streets, Sidewalks, and Parking			
Repair Dogwoods on TH Bricks	Not started		Spring 2025
Curb and Striping Review and Painting	Not started		Spring 2025
Vehicles and Equipment			
Installed Plow and Spreader on PW Truck	Completed	1/25/25	OPD Joint Project
Winter Weather			
Prepped and Responded to Significant Snow Event	Completed	1/8/25	OPD Joint Project
Prepped and Responded to Minor Snow Event	Completed	1/20/25	OPD Joint Project

Brick Installation and Maintenance Projects

Below is the status of the replacement and maintenance of sidewalk bricks:

Location	Status	Notes
RMP Memorial Bricks	In progress	Spring 2025

Events and Community Development

Firelight Night

Friday, February 14 from 6-9pm

Mill House Museum - 413 Mill Street, Occoquan, VA

The Town will host a Firelight Night in the cul-de-sac on February 14, 2025 from 6-9pm. Bundle up, grab some friends, and hang under the stars! In addition to fire pits and live music, there will be hot drinks, adult beverages, and s'mores kits available for purchase. Ballywhack Shack Café is our sponsor for the event, so plan to arrive hungry! Hay bale seating will be available, but you are encouraged to BYO camp chairs for guaranteed seating. Admission is FREE!

The 2025 Events Calendar will appear as a discussion item on the Town Council meeting agenda.

TOWN OF OCCOQUAN
FINANCIAL STATEMENTS
AS OF DECEMBER 2024

	As of 7/1/24 (unaudited)	Unaudited Income/ (Loss) FY25 YTD	As of 12/31/24 Unaudited
Nonspendable:			
Mamie Davis Fund	\$ 100,000	\$ -	\$ 100,000
Prepaid Items	\$ -	\$ -	\$ -
Restricted:			
E-Summons Fund	\$ 49,124	\$ 2,004	\$ 51,129
Assigned:			
Events Fund	\$ -	\$ 77,638	\$ 77,638
CIP Fund	\$ 436,006	\$ (38,496)	\$ 397,510
State Aid 599 Program Fund	\$ 24,235	\$ 5,467	\$ 29,702
Mamie Davis Park Fund	\$ 7,090	\$ 896	\$ 7,986
PEG Fund	\$ 2,111	\$ -	\$ 2,111
Subtotal Assigned:	\$ 469,442	\$ 45,504	\$ 514,947
Unassigned:			
Operating Reserves	\$ 200,000	\$ -	\$ 200,000
Other Unassigned	\$ 451,348	\$ 98,847	\$ 550,196
Subtotal Unassigned:	\$ 651,348	\$ 98,847	\$ 750,196
Total Fund Balance:	\$ 1,269,915	\$ 146,356	\$ 1,416,271

Town of Occoquan Budget vs. Actuals

July - December, 2024

	Actual	Annual Budget	Over Budget	% of Budget
Income				
40000 TAXES				
40010 Real Estate	\$ 292,102	304,351	(12,248)	95.98%
40020 Meals Tax	\$ 151,613	333,812	(182,199)	45.42%
40030 Sales Tax	\$ 23,722	48,000	(24,278)	49.42%
40040 Utility Tax	\$ 17,734	36,500	(18,766)	48.59%
40050 Communications Tax	\$ 15,158	33,000	(17,842)	45.93%
40060 Transient Occupancy Tax	\$ 22,356	46,500	(24,144)	48.08%
40070 Peer-to-Peer Vehicle Tax	\$ -	6,600	(6,600)	0.00%
Total 40000 TAXES	\$ 522,685	\$ 808,763	\$ (286,078)	64.63%
41000 FEES/LICENSES				
41010 Vehicle License	\$ 558	2,500	(1,942)	22.32%
41020 Business Licenses	\$ 8,432	11,000	(2,569)	76.65%
41025 Business License Fee	\$ 3,379	90,402	(87,023)	3.74%
Total 41020 Business Licenses	\$ 4,009	\$ 94,662	\$ (90,653)	4.24%
41030 Late Fees	\$ 2,106	1,500	606	140.38%
41040 FINES (PUBLIC SAFETY)	\$ 179,510	375,000	(195,490)	47.87%
41170 E-Summons	\$ -	15,250	-15,250	0.00%
Total 41040 FINES (PUBLIC SAFETY)	\$ 179,510	\$ 390,250	-\$ 210,740	46.00%
41100 Administrative Fees	\$ 2,735	8,500	(5,765)	32.18%
41120 Service Revenue - Eng	\$ 3,625	14,000	(10,375)	25.89%
41130 Service Revenue - Legal	\$ -	5,000	(5,000)	0.00%
41140 Service Revenue - Other	\$ -	600	(600)	0.00%
41160 Convenience Fees	\$ 470	0	470	
Total 41000 FEES/LICENSES	\$ 201,444	\$ 512,762	\$ (311,318)	39.29%
42000 GRANTS				
42021 NHSTA (DMV)	\$ 1,234		1,234	
42100 Alcohol	\$ -	16,000	(16,000)	0.00%
42101 Pedestrian	\$ 3,117		3,117	
42102 Speed	\$ 1,305		1,305	
42102 Speed	\$ 7,237		7,237	
Total 42021 NHSTA (DMV)	\$ 11,660			
42110 Virginia DCJS	\$ -	0	0	
42020 HB 599	\$ 14,186	27,678	(13,492)	51.25%
Total 42110 Virginia DCJS	\$ 14,186	\$ 27,678	\$ (13,492)	51.25%
42130 DEQ			0	
42010 LITTER	\$ 1,838	1,329	509	138.30%
Total 42130 DEQ	\$ 1,838	\$ 1,329	\$ 509	138.30%
Total 42000 GRANTS	\$ 28,918	\$ 45,007	\$ (16,089)	64.25%
43000 RENTALS				
43020 River Mill Park	\$ -		0	
43020 River Mill Park	\$ 1,525	4,000	(2,475)	38.13%

43030 Mamie Davis Park Rental	\$	1,250	3,000	(1,750)	41.67%
43040 200 Mill Street Lease	\$	(5,919)	7,727	(13,645)	-76.60%
Total 43000 RENTALS	\$	(3,144)	\$ 14,727	\$ (17,870)	-21.35%
44000 OTHER				0	
44005 Insurance Proceeds	\$	8,683	0	8,683	
44010 General Fund Interest	\$	16,723	25,000	(8,277)	66.89%
44040 Bricks Revenue	\$	110	300	(190)	36.67%
44060 Other	\$	2,076	1,700	376	122.12%
Total 44000 OTHER	\$	27,591	\$ 27,000	\$ 591	102.19%
Total Income	\$	777,494	\$ 1,408,258	\$ (630,764)	55.21%
Gross Profit	\$	777,494	\$ 1,408,258	\$ (630,764)	55.21%
Expenses					
Total 60000 PERSONNEL SERVICES	\$	349,054	\$ 827,001	\$ (477,947)	42.21%
Total 60400 PROFESSIONAL SERVICES	\$	71,408	\$ 175,967	\$ (104,559)	40.58%
Total 60800 INFORMATION TECH SERV	\$	25,958	\$ 40,430	\$ (14,472)	64.21%
Total 61200 MATERIALS AND SUPPLIES	\$	20,091	\$ 34,850	\$ (14,759)	57.65%
Total 61600 OPERATIONAL SERVICES	\$	3,443	\$ 9,200	\$ (5,757)	37.42%
Total 62000 CONTRACTS	\$	57,810	\$ 125,103	\$ (67,293)	46.21%
Total 62400 INSURANCE	\$	39,491	\$ 43,500	\$ (4,009)	90.78%
Total 62800 PUBLIC INFORMATION	\$	1,928	\$ 4,050	\$ (2,122)	47.61%
Total 63200 ADVERTISING	\$	304	\$ 6,610	\$ (6,306)	4.59%
Total 63600 TRAINING AND TRAVEL	\$	11,092	\$ 17,050	\$ (5,958)	65.05%
Total 64000 VEHICLES AND EQUIPMENT	\$	32,807	\$ 47,650	\$ (14,843)	68.85%
Total 64400 SEASONAL	\$	11,343	\$ 13,000	\$ (1,657)	87.25%
Total 64800 TOWN HALL	\$	4,983	\$ 11,344	\$ (6,360)	43.93%
Total 65200 MILL HOUSE MUSEUM	\$	11,436	\$ 6,500	\$ 4,936	175.94%
Total 66000 ANNEX / MAINTENANCE YARD	\$	2,454	\$ 3,350	\$ (896)	73.25%
Total 66800 RIVER MILL PARK & FACIL	\$	7,941	\$ 18,154	\$ (10,213)	43.74%
Total 67200* MAMIE DAVIS PARK & RIVERWALK	\$	1,351	\$ 2,900	\$ (1,549)	46.59%
Total 67800 OCCOQUAN RIVER	\$	-	\$ 2,500	\$ (2,500)	0.00%
Total 68000 FURNACE BRANCH PARK	\$	-	\$ 500	\$ (500)	0.00%
Total 68400* STREETS AND SIDEWALKS	\$	1,648	\$ 2,500	\$ (852)	65.90%
Total 68800 HISTORIC DISTRICT	\$	9,920	\$ 13,600	\$ (3,680)	72.94%
Total 64700 FACILITIES EXPENSE	\$	39,734	\$ 61,347	\$ (21,613)	64.77%
Total 68900 PUBLIC ART PROGRAM	\$	-	\$ 2,500	\$ (2,500)	0.00%
Total Expenses	\$	664,461	\$ 1,408,258	\$ (743,797)	47.18%
Net Operating Income	\$	113,033	\$ (0)	\$ 113,033	
Net Income	\$	113,033	\$ (0)	\$ 113,033	

CIP FUND

		Actual	Annual Budget	over Budget	% of Budget
Income					
42000 GRANTS	\$	-	935,025	(935,025)	0.00%
42050 DOJ BVP	\$	-	3,000	(3,000)	0.00%
42103 Virginia Dept of Fire Programs	\$	128			
42130 DEQ	\$	350		350	

Total 42000 GRANTS	\$	478	\$	938,025	\$	(937,547)		0.05%
Total Income	\$	478	\$	938,025	\$	(937,547)		0.05%
Gross Profit	\$	478	\$	938,025	\$	(937,547)		0.05%
Expenses								
Total Expenses					\$	-		
Net Operating Income	\$	478	\$	938,025	\$	(937,547)		0.05%
Other Expenses								
70000 CIP EXPENSE							0	
70001 Streetscape	\$	192						
70005 Building Improvements	\$	9,477		12,200		(2,723)		77.68%
70006 Stormwater Management	\$	-		1,150,031		(1,150,031)		0.00%
70014 Timed Parking Equipment	\$	-		5,500		(5,500)		0.00%
70018 Snow Removal Equipment	\$	-		7,300		(7,300)		0.00%
72006 Riverwalk Improvements	\$	6,055		110,000		(103,945)		5.50%
74001 Vehicles & Equipment	\$	28,329		53,000		(24,671)		53.45%
74003 Body Armor	\$	-		6,000		(6,000)		0.00%
76001 Computer Upgrades	\$	3,640		3,000		640		121.33%
76006 Records Management Syst	\$	-		27,000		(27,000)		0.00%
Total 70000 CIP EXPENSE	\$	47,693	\$	1,374,031	\$	(1,326,338)		3.47%
Total Other Expenses	\$	47,693	\$	1,374,031	\$	(1,326,338)		3.47%
Net Other Income	\$	(47,693)	\$	(1,374,031)	\$	1,326,338		3.47%
Net Income	\$	(47,215)	\$	(436,006)	\$	388,791		10.83%

E SUMMONS FUND

	Actual	Annual Budget	over Budget	% of Budget	
Income					
41000 FEES/LICENSES				0	
41040 FINES (PUBLIC SAFETY)	\$	-		0	
41170 E-Summons	\$	6,558	15,250	(8,692)	43.00%
Total 41040 FINES (PUBLIC SAFETY)	\$	6,558	\$ 15,250	\$ (8,692)	43.00%
Total 41000 FEES/LICENSES	\$	6,558	\$ 15,250	\$ (8,692)	43.00%
Total Income	\$	6,558	\$ 15,250	\$ (8,692)	43.00%
Gross Profit	\$	6,558	\$ 15,250	\$ (8,692)	43.00%
Expenses					
60800 INFORMATION TECH SERV				0	
60860 Hardware/Software & Maintenance	\$	4,554	5,600	(1,046)	81.32%
Total 60800 INFORMATION TECH SERV	\$	4,554	\$ 5,600	\$ (1,046)	81.32%
61200 MATERIALS AND SUPPLIES				0	
61220 Operational supplies	\$	-	1,600	(1,600)	0.00%
Total 61200 MATERIALS AND SUPPLIES	\$	-	\$ 1,600	\$ (1,600)	0.00%
Total Expenses	\$	4,554	\$ 7,200	\$ (2,646)	63.25%
Net Operating Income	\$	2,004	\$ 8,050	\$ (6,046)	24.90%
Net Income	\$	2,004	\$ 8,050	\$ (6,046)	24.90%

EVENTS FUND

	Actual	Annual Budget	over Budget	% of Budget
Income				
41000 FEES/LICENSES			0	
41160 Convenience Fees	\$ 2,771	4,550	(1,780)	60.89%
Total 41000 FEES/LICENSES	\$ 2,771	\$ 4,550	\$ (1,780)	60.89%
42000 GRANTS		10,000	(10,000)	0.00%
44000 OTHER		0	0	
44020 Events Fund Interest	\$ -	0	0	
44040 Bricks Revenue	\$ 304	1,575	(1,271)	19.30%
44060 Other	\$ -	4,260	(4,260)	0.00%
Total 44000 OTHER	\$ 304	\$ 5,835	\$ (5,531)	5.21%
47000 EVENTS REVENUE			0	
47010 Sponsorships	\$ 8,018	34,000	(25,982)	23.58%
47020 Booth Rentals	\$ 132,116	166,000	(33,884)	79.59%
47021 Ticket Sales	\$ 60	2,525	(2,465)	2.38%
47023 Community Events	\$ 12,139	16,750	(4,611)	72.47%
Total 47021 Ticket Sales	\$ 12,199	\$ 19,275	\$ (7,076)	63.29%
47030 Shuttle Fees	\$ 34,313	60,500	(26,187)	56.72%
47040 Parking Space Sales	\$ 7,200	10,500	(3,300)	68.57%
47060 Merchandise	\$ -	1,125	(1,125)	0.00%
47105 Revenue Share Agreements	\$ -	1,500	(1,500)	0.00%
Total 47000 EVENTS REVENUE	\$ 193,846	\$ 292,900	\$ (99,054)	66.18%
Total Income	\$ 196,920	\$ 313,285	\$ (116,365)	62.86%
Gross Profit	\$ 196,920	\$ 313,285	\$ (116,365)	62.86%
Expenses				
Total 60000 PERSONNEL SERVICES	\$ 37,541	\$ 98,371	\$ (60,830)	38.16%
Total 60400 PROFESSIONAL SERVICES	\$ 4,964	\$ 5,050	\$ (86)	98.30%
Total 60800 INFORMATION TECH SERV	\$ 706	\$ 390	\$ 316	181.12%
Total 61200 MATERIALS AND SUPPLIES	\$ 5,283	\$ 13,545	\$ (8,262)	39.00%
Total 62000 CONTRACTS	\$ 39,707	\$ 75,100	\$ (35,393)	52.87%
Total 63200 ADVERTISING	\$ 16,097	\$ 32,500	(16,403)	49.53%
Total 64400 SEASONAL	\$ 150		150	
Total 64700 FACILITIES EXPENSE	\$ 369	\$ 850	\$ (481)	43.41%
Total 69200 SPECIAL EVENTS	\$ 14,465	\$ 12,920	\$ 1,545	111.96%
Total Expenses	\$ 119,283	\$ 238,726	\$ (119,443)	49.97%
Net Operating Income	\$ 77,638	\$ 74,559	\$ 3,078	104.13%
Net Income	\$ 77,638	\$ 74,559	\$ 3,078	104.13%

MAMIE DAVIS PARK

	Actual	Annual Budget	over Budget	% of Budget
Income				
44000 OTHER			0	
44030 Mamie Davis Park Interest	\$ 896	256	640	349.87%
Total 44000 OTHER	\$ 896	\$ 256	\$ 640	349.87%
Total Income	\$ 896	\$ 256	\$ 640	349.87%

Gross Profit	\$	896	\$	256	\$	640	349.87%
Expenses							
Total Expenses				\$		-	
Net Operating Income	\$	896	\$	256	\$	640	349.87%
Net Income	\$	896	\$	256	\$	640	349.87%
TOTAL NET INCOME (LOSS) ALL FUNDS	\$	146,356		(353,141)		499,497	(0)

Town of Occoquan
Balance Sheet Comparison
As of December 31, 2024

	Total		
	As of Dec 31, 2024	As of Dec 31, 2023 (PY)	Change
ASSETS			
Current Assets			
Bank Accounts			
10001 Petty Cash - Operating	100	100	0
10010 Petty Cash - Events	75	0	75
10022 Checking Account 0058	415,724	161,592	254,131
10024 Money Market 4220	201,678	200,372	1,306
10029 Checking Account 3126 (deleted)	0	24,258	(24,258)
10034 VIP - Investment Pool	0	0	0
25-5001 VIP NAV Liquidity Pool 5001	618,746	418,726	200,019
Total 10034 VIP - Investment Pool	\$ 618,746	\$ 418,726	\$ 200,019
10082 Mamie Davis Savings 4201	3,601	2,238	1,362
10083 Mamie Davis CD	100,000	100,000	0
Total Bank Accounts	\$ 1,339,923	\$ 907,286	\$ 432,637
Accounts Receivable			
10180 Accounts Receivable	167,275	412,771	(245,496)
Total Accounts Receivable	\$ 167,275	\$ 412,771	\$ (245,496)
Other Current Assets			
14990 Undeposited Funds	6,217	5,297	921
Total Other Current Assets	\$ 6,217	\$ 5,297	\$ 921
Total Current Assets	\$ 1,513,416	\$ 1,325,354	\$ 188,061
TOTAL ASSETS	\$ 1,513,416	\$ 1,325,354	\$ 188,061
LIABILITIES AND EQUITY			
Liabilities			
Current Liabilities			
Accounts Payable			
20000 Accounts Payable	64,113	88,117	(24,004)
Total Accounts Payable	\$ 64,113	\$ 88,117	\$ (24,004)
Credit Cards			
22000 Credit Cards			0
22010 ExxonMobil	1,113	1,496	(383)
22020 Home Depot	630	576	54
22030 Lowe's Proservices	88	1,695	(1,607)
22040 United Bank Credit Cards	4,010	7,309	(3,299)
Total 22000 Credit Cards	\$ 5,841	\$ 11,076	\$ (5,235)
Total Credit Cards	\$ 5,841	\$ 11,076	\$ (5,235)
Other Current Liabilities			
20935 Performance Bond	1,188	1,188	0
20940 Unearned Craft Show Rev	17,625	3,550	14,075

20960 Unearned Other Revenue			0
20970 Unearned Rental	300	250	50
20973 Unearned SLFRF Revenue	0	517,167	(517,167)
Total 20960 Unearned Other Revenue	\$ 300	\$ 517,417	\$ (517,117)
20980 Unearned R.E. Tax	728	558	170
21100 Unearned Fire Dept Grant	7,081	9,233	(2,152)
21200 Payroll Liabilities	269	0	269
21230 VRS Employee Contributions	0	(0)	0
Total 21200 Payroll Liabilities	\$ 269	\$ (0)	\$ 269
Total Other Current Liabilities	\$ 27,191	\$ 531,946	\$ (504,755)
Total Current Liabilities	\$ 97,145	\$ 631,138	\$ (533,993)
Total Liabilities	\$ 97,145	\$ 631,138	\$ (533,993)
Equity			
31000 Restricted			0
31100 Mamie Davis (Endowment)	100,000	100,000	0
31200 E Summons Fund	49,124	36,123	13,002
Total 31000 Restricted	\$ 149,124	\$ 136,123	\$ 13,002
31400 Assigned			0
30030 Events Fund	(0)	88,492	(88,492)
30040 CIP Fund	436,006	26,843	409,163
31050 Public Safety Grant Fund	24,235	14,283	9,952
31060 Mamie Davis Park Fund	7,090	6,498	593
31070 Public Education Grant Fund	2,111	1,955	156
Total 31400 Assigned	\$ 469,442	\$ 138,071	\$ 331,371
31500 Unassigned			0
30010 Emergency Operating Fund	200,000	200,000	0
30020 Unrestricted	451,349	44,804	406,545
Total 31500 Unassigned	\$ 651,349	\$ 244,804	\$ 406,545
32000 Retained Earnings	0	0	0
Net Income	146,356	175,219	(28,863)
Total Equity	\$ 1,416,271	\$ 694,216	\$ 722,055
TOTAL LIABILITIES AND EQUITY	\$ 1,513,416	\$ 1,325,354	\$ 188,061

Wednesday, Jan 29, 2025 12:43:29 PM GMT-8 - Accrual Basis

**Town of Occoquan - Permit Report
January 2025**

Permit Number	Main Address	Description	Permit Type	Permit Status	Permit Workclass	Issue Date	Finalize Date
GAS2025-00682	1521 COLONIAL DR	replace furnace and ac 60,000btu 2 ton LIKE FOR LIKE	Gas	Issued	C - Alteration/Repair	10/30/2024	
BLD2025-00277	100 FRAYERS FARM CT	INSTALL 9 SETTLESTOP PUSH PIERS, 38 LF OF BASEMENT GUTTER AND NEW SUMP PUMP (IMG8 OR EQUIVALENT) TO REPLACE EXISTING PUMP AND CONNECT TO EXISTING DISCHARGE LINE - MANDATORY THIRD PARTY INSPECTIONS FOR PUSH PIERS MANAGED BY CIB	Building	Issued	R - Alteration/Repair	10/10/2024	
FPP2024-00616	262 GASLIGHT LANDING CT	EMERGENCY REPAIR - Replace an existing air compressor in the parking garage	Fire Protection Permit	Issued	Sprinkler	07/08/2024	
BLD2025-00482	264 GASLIGHT LANDING CT	NON STRUCTURAL A/R - KITCHEN REMODEL ON SECOND FLOOR	Building	Issued	R - Alteration/Repair	11/12/2024	
PLB2025-01051	264 GASLIGHT LANDING CT	NON STRUCTURAL A/R - KITCHEN REMODEL ON SECOND FLOOR	Plumbing	Issued	R - Alteration/Repair	11/12/2024	
BLD2025-03492	402 MCKENZIE DR	New two-story 7x32 rear addition. Interior renovation to existing single- family home. Increase floor-to-ceiling height of main and upper level of existing home. Replace existing roof.	Building	Pending	R - Addition		
BLD2024-04194	404 MCKENZIE DR	home demolition	Building	Issued	Demolition	04/07/2024	
BLD2025-00025	126 MILL ST	INSTALLATION OF TWO (2) 16X20 SUNSHADES ON 6"X6" PRESSURE TREATED POSTS.	Building	Pending	C - Accessory Structure		
UGS2024-00180	126 MILL ST	Set (1) 120 gallon AG propane tank and run gas lines to stubout for food service trailer	Storage Tanks	Issued	C - Alteration/Repair	04/03/2024	
BLD2024-04356	204 MILL ST	REPAIR AND REPLACE (LIKE FOR LIKE) - EXTERIOR WOODEN STAIR TREADS, RAILS, AND STRINGERS.	Building	Pending	C - Alteration/Repair		
BLD2022-01583	416 MILL ST	(SEE BCE2021-00265) Construct a covered roof over existing patio. Located in the rear of the existing ***SET TO FINAL PER BOBBY BELL- NO OP REQUIRED*** restaurant bldg and does not increase the previous occupant load.	Building	Finalied	C - Tenant Layout	03/01/2022	01/24/2025
BLD2021-06635	450 MILL ST	TLO FOR THE COTTAGE	Building	Issued	C - Tenant Layout	05/03/2022	

Permit Number	Main Address	Description	Permit Type	Permit Status	Permit Workclass	Issue Date	Finalize Date
ELE2022-00482	450 MILL ST	TLO FOR POPPS	Electrical	Issued	C - Tenant Layout	12/22/2023	
MEC2021-02381	450 MILL ST	THE COTTAGE - TLO	Mechanical	Pending	C - Tenant Layout		
PLB2022-00959	450 MILL ST	THE COTTAGE - TLO	Plumbing	Issued	C - Tenant Layout	11/08/2023	
MEC2025-00020	404 OVERLOOK DR	LIKE FOR LIKE REPLACEMENT OF ELECTRIC HEAT PUMP. INDOOR + OUTDOOR WORK.	Mechanical	Issued	C - Alteration/Repair	07/09/2024	
BLD2025-02629	422 OVERLOOK DR	KITCHEN AND MASTER BATHROOM RENOVATION	Building	Pending	C - Alteration/Repair		
BLD2024-03230	113 POPLAR LN	STRUCTURAL - INTERIOR A/R TO BASEMENT & 1FL: ADDING ROOMS & DOORS, ADJUSTING CEILING HEIGHT, REPLACE EXISTING BEAM WITH STEEL, REPLACING WINDOWS. WET BAR IN BASMENT.	Building	Issued	R - Alteration/Repair	02/01/2024	
ELE2024-05167	113 POPLAR LN	Basement remodel master bath laundry bar	Electrical	Issued	R - Alteration/Repair	04/15/2024	
MEC2024-01598	113 POPLAR LN	install of direct vent gas fireplace Framing, gas, electric done by others existing building permit BLD2024-03230	Mechanical	Issued	R - Alteration/Repair	03/27/2024	
PLB2024-02021	113 POPLAR LN	Interior plumbing renovations	Plumbing	Issued	R - Alteration/Repair	04/11/2024	
ELE2024-04533	184 WASHINGTON ST	ELECTRICAL FOR TWO BATHROOMS AND LAUNDRY RENOVATIONS - TOWN OF OCCOQUAN APPROVAL ATTACHED	Electrical	Issued	R - Alteration/Repair	03/12/2024	

Development Project

END OF REPORT

PCE Cases Initiated by Town

All Open Cases and Cases Closed On or After 01/06/2025

**Counts business days only.*

<u>Site Address</u>	<u>Case Number / Case Status</u>	<u>Date Received</u>	<u>Date Closed</u>	<u>Business Days Open (Pending)</u>	<u>Assigned To</u>	<u>Case Description</u>	<u>Violation Description(s)</u>	<u>Date VIO Founded</u>	<u>Notice Issued</u>	<u>Summons Issued</u>	<u>Court Action</u>
				0							

Total Number of Cases for : 0

Total Number of Addresses Affected:

Total Number of Violations Issued: 0

Total Number of Cases Closed : 0

Total Number Cases Closed with No Violation: 0

Total Number of Cases Still Open: 0

Total Number of Open Cases with Violations: 0

Average Number of Business Days Cases are Open This Town:

Average Number of Business Days Cases are Open (Grouped by Address and Date Received) This Town:

Total Number of Cases with Pending Activities for this Town: 0

Total Business Days of Pending Activities for this Town:

PCE Cases Initiated by Town

All Open Cases and Cases Closed On or After 01/06/2025

**Counts business days only.*

Total Number of Cases for All Towns Selected: 0

Summary by Case Status:

END OF REPORT

Town Attorney Report

To: Mayor and Council, Town of Occoquan
Thru: Adam Linn, Town Manager
From: Martin Crim, Town Attorney
Re: Report for February 4, 2025, Council Meeting
Date: January 27, 2025

NOT CONFIDENTIAL

This is a report on the non-confidential matters that my office has been working on for the Town since my previous written report to Council on January 14, 2025:

1. Advised staff as to tax collection methods.
2. Monitored bills in the General Assembly.
3. Researched changes to cigarette tax based on council discussion.
4. Proceeded with zoning violation enforcement.
5. Updated revision to Title IX of Town Code to address ADA requirements for leash law.



TOWN OF OCCOQUAN
TOWN COUNCIL MEETING
 Agenda Communication

9. Regular Business	Meeting Date: February 4, 2025
9A: Request to Adopt Ordinance to Amend Title IX of the Town Code	

Attachments: a. Draft Ordinance O-2025-01

Submitted by: Adam C. Linn
 Town Manager

Explanation and Summary:

This is a request to adopt an ordinance to amend Title IX of the Town Code. Section 90.03 has been revised to ensure compliance with the ADA.

Title IX of the Town Code is divided into four (4) chapters, 90-93, covering regulations on animal care, fire prevention, health and sanitation, and the use and care of public streets, sidewalks, and other properties.

The amendments to this title deal primarily with Chapters 90, 92, and 93, covering the following topics:

- Revising the section on animal care to increase clarity on and improve enforcement of properly controlling pets in public areas;
- Revising the subchapter on refuse and recycling to increase clarity and improve enforcement;
- Adding a section on the use and rentals of public properties; and
- Adding a subchapter on the naming and addressing of streets in order to clarify the Town Manager’s authorities, codify the Town process, and improve enforcement.

Background

As part of a months-long review process, Town staff is reviewing each title of the Town Code, to ensure consistency with the new Town Charter and make any other revisions that improve the efficiency of Town processes and services. Town staff will bring amended titles to the Town Council for adoption from time to time as needed.

At the January 21, 2025 meeting, the Town Council requested staff revise the ordinance to ensure pet leashing regulations comply with Americans with Disabilities Act (ADA) requirements.

Staff Recommendation: Recommend approval of the attached draft ordinance as presented.

Town Attorney Recommendation: Recommend approval.

Proposed/Suggested Motion:

“I move to adopt the ordinance as presented.”



TOWN OF OCCOQUAN
TOWN COUNCIL MEETING
Agenda Communication

OR

Other action Council deems appropriate.

ORDINANCE # O-2025-01

AN ORDINANCE TO AMEND TITLE IX OF THE TOWN CODE

BE IT ORDAINED by the Council for the Town of Occoquan, Virginia meeting in regular session this 4th day of February, 2025:

1. That the Town Council hereby amends the Town Code as presented in the attached; and
2. That this ordinance is effective upon passage.

BY ORDER OF THE TOWN COUNCIL

Meeting Date: February 4, 2025
Town Council Meeting
Ord No. O-2025-01

RE: AN ORDINANCE TO AMEND TITLE IX OF THE TOWN CODE

MOTION:
SECOND:
ACTION:

Votes:
Ayes:
Nays:
Absent from Vote:
Absent from Meeting:

CERTIFIED COPY _____

Town Clerk

TITLE IX: GENERAL REGULATIONS

Chapter

90. ANIMALS

91. FIRE PREVENTION

92. HEALTH AND SANITATION

**93. STREETS, SIDEWALKS, AND
OTHER PUBLIC PLACES**

CHAPTER 90: ANIMALS

Section

- 90.01 Pets and farm animals
- 90.02 Pet excrement
- 90.03 Leashes required

- 90.99 Penalty

Statutory references:

Comprehensive animal laws, see VA Code §§ 3.2-6500 et seq. Cruelty to animals, see VA Code §§ 3.2-6570 et seq.
Diseased animals, dead animals, and the like, see VA Code §§ 18.2-323, 18.2-510
Dogs and cats deemed personal property, rights relating thereto, see VA Code § 3.2-6585
Estrays, see VA Code §§ 55-202 et seq.
Game, inland fisheries, and boating, see VA Code Title 29.1
Hunting near public schools and public parks, see VA Code § 29.1-527
Livestock and poultry, see VA Code §§ 3.2-6000 et seq.
Penalties for offenses involving animals, see VA Code §§ 3.2-6587, 18.2-403.1 et seq.

§ 90.01 PETS AND FARM ANIMALS.

It shall be unlawful for any ~~No~~ pet, companion animal, or farm animal ~~shall be allowed~~ to run at large.
(1998 Code, § 6-1) Penalty, see § 90.99

§ 90.02 PET EXCREMENT.

It shall be unlawful for the owner of any dog or any person restraining a dog by means of a leash, cord, or chain to fail to remove immediately the dog's excrement from a public right-of-way or any property other than the dog owner's property.
(1998 Code, § 6-2) Penalty, see § 90.99

Occoquan - General Regulations

§ 90.03 LEASHES REQUIRED.

(A) It shall be unlawful for the owner or custodian of any dog to permit the dog to go upon any park, public street, sidewalk or right-of-way in the town, unless it is kept firmly secured by a physical leash or lead attached to a collar or harness and under the control of a responsible person capable of physically restraining the dog. In accordance with the Americans with Disabilities Act (ADA), service dogs must be harnessed, leashed, or tethered, unless the individual's disability prevents using these devices or these devices interfere with the service animal's safe, effective performance of tasks. In that case, the individual must maintain control of the animal through voice, signal, or other effective controls.

(B) Any person who does not restrain his or her dog, in accordance with this section, whether such person be the owner or custodian of such dog, shall be guilty of a class 4 misdemeanor. Members of the Town Police may issue a summons to any person who violates this section.

~~A dog may be allowed on the streets or squares of the townTown only if accompanied by its owner or authorized custodian and securely controlled by a leash.~~

(1998 Code, § 6-3) Penalty, see § 90.99

§ 90.99 PENALTY.

Any person who violates any provision of this chapter shall be guilty of a class 4 misdemeanor. (1998 Code, § 6-4)

CHAPTER 91: FIRE PREVENTION

Section

- 91.01 Adopted; enforcement; availability for reference
- 91.02 Amendment to the Statewide Fire Prevention Code; generally
- 91.03 Violations of the Statewide Fire Prevention Code
- 91.04 Notification of fire
- 91.05 Responsibility for filing incident report
- 91.06 Obstruction of fire apparatus roads
- 91.07 Interior finish, decorative materials, and furnishings
- 91.08 Fire protection systems; standards
- 91.09 Fire protection systems; systems out of service
- 91.10 Fire alarms; faulty and nuisance alarms
- 91.11 Fire Department connections; signs
- 91.12 Means of egress from buildings and/or occupancies; maintenance and inspection
- 91.13 Hazardous materials; unauthorized discharges

- 91.99 Penalty

§ 91.01 ADOPTED; ENFORCEMENT; AVAILABILITY FOR REFERENCE.

(A) There is hereby adopted by the Town Council, for the purpose of prescribing regulations to safeguard life and property from the hazards of fire or explosion arising from the improper maintenance of life safety and fire prevention and protection materials, devices, systems, and structures, and the unsafe storage, handling, and use of substances, materials, and devices, wherever located, that certain code known as the Statewide Fire Prevention Code (“Fire Prevention Code”), as amended, save and except such portions as are deleted, modified, or amended by this chapter, and the same is hereby adopted and incorporated as fully as if set out at length herein.

(B) The Fire Marshal shall have responsibility for enforcement of the Fire Prevention Code. The term “Fire Official”, as used in the Fire Prevention Code, shall mean the Fire Marshal or his or her designee.

(C) At least one copy of the Fire Prevention Code adopted in division (A) above shall be on file in the office of the Fire Marshal, and it shall be available for inspection between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday inclusive, except for legal holidays.

(1998 Code, § 22-6)

Occoquan - General Regulations

§ 91.02 AMENDMENT TO THE STATEWIDE FIRE PREVENTION CODE; GENERALLY.

Pursuant to the authority found in VA Code Title 27, Chapter 9, the Statewide Fire Prevention Code (“Fire Prevention Code”), the ~~town~~Town hereby adopts the following changes to the Fire Prevention Code. (1998 Code, § 22-7)

§ 91.03 VIOLATIONS OF THE STATEWIDE FIRE PREVENTION CODE.

If any notice of violation issued pursuant to § 111 of the Fire Prevention Code is not complied with within the time specified in the notice citing the alleged violation, the Fire Marshal shall request the County Attorney to institute the appropriate legal proceedings to restrain, correct, or abate such alleged violation. Where two or more follow-up inspections are required because a responsible party, person, firm, or corporation has failed to comply with a previously issued order or notice of violation, a fee shall be charged as permitted in § 107.15 of the Fire Prevention Code. Fees shall be in accordance with the fee schedule set out in § 107.15 of the Fire Prevention Code.

(1998 Code, § 22-8)

§ 91.04 NOTIFICATION OF FIRE.

In any building subject to inspection under any provision of the Fire Prevention Code, when a fire or evidence of there having been a fire is discovered, even though it has apparently been extinguished, it shall be immediately reported to the Prince William County Public Communications Center. This shall be the duty of the owner, manager, or person in control of such building at the time of discovery. This requirement shall not be construed to forbid the owner, manager, or person in control of said building from using all diligence necessary to extinguish such fire prior to the arrival of public safety personnel.~~the Fire Department.~~

(1998 Code, § 22-9)

§ 91.05 RESPONSIBILITY FOR FILING INCIDENT REPORT.

It shall be the responsibility of the Fire Department officer-in-charge, or his or her designee, to file with the Chief Fire Marshal, in such form as he or she shall prescribe, a report of every fire, explosion, or incident to which apparatus or equipment responds. Such reports shall be filed at such time and location prescribed by the Chief Fire Marshal.

(1998 Code, § 22-10)

§ 91.06 OBSTRUCTION OF FIRE APPARATUS ROADS.

Fire Prevention

7

Fire apparatus access roads and approved designated fire lanes shall not be obstructed in any manner including the parking of vehicles, staging, or storage of devices, equipment, or materials or any

Fire Prevention

unauthorized use in accordance with the latest version of the SPFC as adopted by the Virginia Department of Housing and Community Development §§ 503.4.1 through 503.4.2 of the International Fire Code (2009). The minimum widths and clearances established in § 503.2.1 shall be maintained at all times.

(1998 Code, § 22-11)

§ 91.07 INTERIOR FINISH, DECORATIVE MATERIALS, AND FURNISHINGS.

This section shall be applicable to all assembly, educational, and institutional occupancies. Combustible materials such as paper, cotton batting, straw, cut or dry vines, leaves, trees, artificial flowers or shrubbery, or similar combustible materials, and foam plastic materials, shall not be used for decorative purposes in non-sprinklered show windows, building lobbies, exits or exit accesses, interior stairways, or other parts of buildings, or any area of public use in such a quantity as to constitute a fire hazard.

(1998 Code, § 22-12)

§ 91.08 FIRE PROTECTION SYSTEMS; STANDARDS.

All fire protection systems that were installed in compliance with any law, ordinance, or order shall be maintained in an operative condition at all times. An owner or occupant shall not reduce the effectiveness of the protection so required to include to silence, reset, remove, tamper with, damage, destroy, or use without just cause any fire detection or alarm system, fire protection system, except for the purpose of extinguishing fire, training, recharging, repairing, or when approved by the Fire Official. Fire protection systems shall be inspected, tested, and maintained in accordance with the latest version of the SPFC as adopted by the Virginia Department of Housing and Community Development the referenced standards listing in Table 901.6.1 of the International Fire Code (2009 Edition) as amended.

(1998 Code, § 22-13)

§ 91.09 FIRE PROTECTION SYSTEMS; SYSTEMS OUT OF SERVICE.

Where a required fire protection system is out of service, the Prince William County Public Safety Communications Center and the Fire Marshal shall be notified immediately and, where required by the Fire Marshal, the building shall be evacuated and/or an approved and documented fire watch shall be provided for all occupants and premises left unprotected by the inoperative system until the fire protection system has been returned to service and the fire watch has been terminated by the Fire Marshal. Where utilized, fire watches shall be provided with at least one approved means for notification of the Fire Department and their only duty shall be to perform constant patrols of the premises and keep watch for fire.

(1998 Code, § 22-14)

Occoquan - General Regulations**§ 91.10 FIRE ALARMS; FAULTY AND NUISANCE ALARMS.**

(A) Notwithstanding the provisions found in §§ 2.5-1 et seq., of Chapter 2.5 of the County Code, whenever faulty or nuisance alarms in an occupancy exceed three in any one-month period, the Fire

Occoquan - General Regulations

Official may require the owner or occupant to conduct a witnessed test of the fire protection system causing the faulty or nuisance alarm.

(B) For the purpose of this section, a faulty or nuisance alarm is deemed to occur whenever the Fire ~~Officer~~Official in charge responding to a fire alarm call shall determine, after investigation, that faulty equipment initiated the alarm. An alarm caused by mechanical failure, malfunction, improper installation, or lack of proper maintenance, or an alarm activated by a cause that cannot be determined may be deemed a faulty alarm.

(C) As soon as practical following the faulty or nuisance alarm, the responding officer-in-charge shall cause the Fire Marshal's office to be notified in writing of the facts and circumstances supporting his or her determination that faulty equipment initiated the alarm.

(D) Whenever an owner or occupant is required by this section to conduct a test of a fire alarm or suppression system, the Fire Official shall notify the owner or occupant in writing and prescribe a certified test consistent with standard procedures to be witnessed by the Fire Official or his or her designee.

(E) (1) Any faulty equipment or systems identified during the test which will reduce the effectiveness of the protection shall be recorded and a notice of violation prepared and served in accordance with the provisions of § 111.0 of Statewide Fire Prevention Code (2009), as amended. The notice of violation will require the repair, abatement, or correction of any noted defects, the restoration of the system to normal operative condition, and compliance with any law, ordinance, or order affecting such alarm system.

(2) The notice of violation shall be enforced pursuant to the provisions of the latest version of the SPFC as adopted by the Virginia Department of Housing and Community Development~~§ 110 of the International Fire Code (2009), as amended~~.
(1998 Code, § 22-15)

§ 91.11 FIRE DEPARTMENT CONNECTIONS; SIGNS.

(A) A metal sign with raised letters at least one-inch in size shall be mounted on all Fire Department connections serving automatic sprinklers, standpipes, or fire pump connections. Such signs shall read: "AUTOMATIC SPRINKLERS" or "STANDPIPES" or "TEST CONNECTION" or a combination thereof as applicable.

(B) Where multiple Fire Department connections are provided, a metal sign with raised letters at least one-inch in size shall be provided at all Fire Department connections to indicate the numerical street address, range of numerical street addresses, or fire protection zones served by a fire protection system connected to Fire Department connection. This sign is to be

Fire Prevention

9

placed in a location as to be readily visible, free of obstruction, and approved by the Fire Marshal.

(1998 Code, § 22-16)

Occoquan - General Regulations

§ 91.12 MEANS OF EGRESS FROM BUILDINGS AND/OR OCCUPANCIES; MAINTENANCE AND INSPECTION.

The owner, operator, manager, or other person responsible for the operation of an assembly, educational, or mercantile occupancy, or other occupancy or building open to the general public, shall inspect and check egress facilities before such occupancy or building is occupied to determine compliance with this section. If such inspection reveals that any element of the means of egress cannot be accessed, is obstructed, locked, fastened, or otherwise unsuited for immediate utilization, admittance to the occupancy or building shall not be permitted until necessary corrective action has been completed and the means of egress restored to a safe and compliant condition.

(1998 Code, § 22-17)

§ 91.13 HAZARDOUS MATERIALS; UNAUTHORIZED DISCHARGES.

(A) The storage, use, and handling of all hazardous materials shall be in accordance with Chapter 9.2, Article V of the Prince William County Code of Ordinances.

(B) When hazardous materials or hazardous waste are released in any quantity, the Code Official shall be notified and the procedures required in accordance with Chapter 9.2, Article V of the Prince William County Code of Ordinances shall be followed.

(1998 Code, § 22-18)

§ 91.99 PENALTY.

(A) Unless otherwise specified in this chapter, any person, firm, or corporation who shall violate any of the sections of this chapter, or any provisions of the Fire Prevention Code adopted in accordance with this chapter, shall separately, for each and every such violation and noncompliance respectively, be guilty of a violation of this chapter, and shall, upon conviction, be punishable as a class 1 misdemeanor.

~~(B) A violation of this chapter shall be construed to be an infringement, breach, or failure to comply with any provision of this chapter or any order made thereunder, or any act of building in violation of any detailed statement, specifications, or plans submitted and approved thereunder, or any certificate or permit issued thereunder, and from which no appeal has been taken, or any failure to comply with such an order within the time fixed therein.~~

~~(C) Each day that a violation continues after a service of notice as provided for in this code shall be deemed a separate offense.~~

(1998 Code, § 22-27)

Occoquan - General Regulations
CHAPTER 92: HEALTH AND SANITATION

Section

Article 92.00 – General Provisions

92.01 Dangerous conditions

Article 92.10 – Noise

~~92.02~~92.10 Declaration of findings and policy
~~92.03~~92.11 Definitions
~~92.04~~92.12 Administration and enforcement
~~92.05~~92.13 Violations
~~92.06~~92.14 Maximum permissible sound levels generally
~~92.07~~92.15 Specific prohibitions
~~92.08~~92.16 Exemptions
~~92.10~~—Waste, recycling, and refuse removal
~~92.17~~
~~92.11~~—Noise from animals
~~92.18~~
~~92.12~~—Measurement procedures
~~92.19~~
~~92.10~~92.20 Sound levels; restaurants

Article 92.30 – Refuse; Vegetation

92.30 Definitions
92.31 Refuse storage; collection and disposal
92.32 Refuse storage; standards and regulations
92.33 Property to be free of refuse
92.34 Removal
92.35 Grass, weeds, and other foreign growth

92.99 Penalty

***Statutory
references:***

Certain local regulations pertaining to food and beverage containers prohibited, see VA Code § 10.1-1425
Health, see VA Code Title 32.1
Inspection warrant for inspecting or testing for toxic substances, see VA Code §§ 19.2-393 et seq. Regulation of well covers, see VA Code § 18.2-318
Sanitation in transportation terminals, festivals, fairs, service stations, and the like, see VA Code § 32.1-202

Occoquan - General Regulations

ARTICLE 92.00 – GENERAL PROVISIONS

§ 92.01 DANGEROUS CONDITIONS.

(A) Purpose. Various methods for removing, repairing and securing buildings, walls and other structures which might endanger the public health or safety or the health or safety of residents of the town are prescribed in other provisions of this Code and in the building and fire prevention codes and in state and county laws, ordinances and regulations. It is the intent of the Town Council in enacting this article to make it supplemental to those other chapters, codes, laws, ordinances and regulations. The provisions of this article are alternative methods for removing, repairing and securing buildings, walls and other structures in those instances where such other methods are provided.

~~(A) In addition to any other remedies provided by this code or the VA Code, the town may protect public health, safety, and welfare by addressing dangers to health and safety as provided in this division (A).~~

(1) The owners of property in the town shall, at such time or times as the Council may prescribe, remove therefrom any and all trash, garbage, refuse, litter, and other substances which might endanger the health or safety of other residents of the town. The town may, whenever the Council deems it necessary, after reasonable notice, have such trash, garbage, refuse, litter, and other like substances which might endanger the health of other residents of the town, removed by its own agents or employees, in which event the cost or expenses thereof shall be chargeable to and paid by the owners of such property and may be collected by the town as taxes are collected. Any tree, bush, or other plant which endangers persons or poses a risk of fire or other property damage because of its location and/or condition shall constitute a substance which might endanger the health or safety of residents of the town for purposes of this division (A).

(2) Every charge authorized by this division (A) or VA Code § 15.2-900 with which the owner of any such property has been assessed and that remains unpaid shall constitute a lien against such property ranking on a parity with liens for unpaid local taxes and enforceable in the same manner as provided in VA Code Title 58.1, Chapter 39, Articles 3 (§§ 58.1-3940 et seq.) and 4 (§§ 58.1-3965 et seq.). The Town Council may by resolution waive such liens in order to facilitate the sale of the property. Such liens may be waived only as to a purchaser who is unrelated by blood or marriage to the owner and who has no business association with the owner. All such liens shall remain a personal obligation of the owner of the property at the time the liens were imposed.

(B) In addition to any other remedies provided by this code or the VA Code, the ~~town~~Town may protect public health, safety, and welfare by addressing dangerous structures as provided in this ~~subsection, division (B).~~

Health and Sanitation

(1) The owners of property in the town shall remove, repair, or secure any building, wall or any other structure that might endanger the public health or safety of other residents of the town at such time or times as the ~~Town~~Town Council may prescribe by resolution or ordinance.

(2) The ~~town~~Town through its agents or employees may remove, repair, or secure any building, wall, or any other structure that might endanger the public health or safety of other residents of the town, if the owner and lien holder of such property have failed to remove, repair, or secure the building, wall, or other structure, after the notice provided in this division (B) has been sent and the time to act provided in that notice has elapsed.

Health and Sanitation

(a) For purposes of this ~~subsection division~~(B), repair may include maintenance work to the exterior of a building to prevent deterioration of the building or adjacent buildings.

(b) For purposes of this ~~subsection division~~(B), reasonable notice includes a written notice: mailed by certified or registered mail, return receipt requested, sent to the last known address of the property owner; and published once a week for two successive weeks in a newspaper having general circulation in the locality.

(c) No action shall be taken to remove, repair, or secure any building, wall, or other structure for at least 30 days following the later of the return of the receipt or newspaper publication, except that the ~~town~~Town may take action to prevent unauthorized access to the building within seven days of such notice if the structure is deemed to pose a significant threat to public safety and such fact is stated in the notice.

(3) If the ~~town~~Town, through its own agents or employees, removes, repairs, or secures any building, wall, or any other structure after complying with the notice provisions of this ~~subsection division~~ (B) or as otherwise permitted under the Virginia Uniform Statewide Building Code in the event of an emergency, the cost or expenses thereof shall be chargeable to and paid by the owners of such property and may be collected by the ~~town~~Town as taxes are collected.

(4) Every charge authorized by this division (B) or VA Code § 15.2-900 with which the owner of any such property has been assessed and that remains unpaid shall constitute a lien against such property ranking on a parity with liens for unpaid local real estate taxes and enforceable in the same manner as provided in VA Code Title 58.1, Chapter 39, Articles 3 (§§ 58.1-3940 et seq.) and 4 (§§ 58.1-3965 et seq.). The ~~Town~~Town Council may, by resolution, waive such liens in order to facilitate the sale of the property. Such liens may be waived only as to a purchaser who is unrelated by blood or marriage to the owner and who has no business association with the owner. All such liens shall remain a personal obligation of the owner of the property at the time the liens were imposed.

(C) In addition to any other remedies provided by this code or the VA Code, the ~~town~~Town may protect public health, safety, and welfare by addressing dangerous wharves, piers, pilings, bulkheads, vessels, or abandoned, obstructing, or hazardous property as provided in this division (C).

(1) The owners of property in the town shall, at such time or times as the ~~Town~~Town Council may prescribe, remove, repair, or secure any vessel which has been abandoned or any wharf, pier, piling, bulkhead, or any other structure or vessel which might endanger the public health or safety of other persons, or which might constitute an obstruction or hazard to the lawful use of the waters within or adjoining such locality. If such property is deemed to be abandoned, the ~~Town~~Town Council may designate and empower an official to ascertain the lawful owner of such property and to have the owner repair, remove, or secure such property.

Occoquan - General Regulations

(2) The ~~town~~Town, through its own agents or employees, may remove, repair, or secure any vessel which has been abandoned or any wharf, pier, piling, bulkhead, or other structure or vessel which might endanger the public health or safety of other persons or which might constitute a hazard or obstruction to the lawful use of the waters within the town, if the owner of such property, after reasonable notice and reasonable time to do so, has failed to remove, repair, or secure such wharf, pier, piling, bulkhead, or other structure or vessel.

(3) If the ~~town~~Town, through its own agents or employees, removes, repairs, or secures any wharf, pier, piling, bulkhead, or other structure or vessel after complying with the notice provisions of this division (C), the cost or expenses thereof shall be chargeable to and paid by the owners of such property and to the extent applicable may be collected by the locality as taxes are collected.

(4) If the identity or whereabouts of the lawful owner is unknown or not able to be ascertained after a reasonable search and after lawful notice has been made to the last known address of any known owner, the ~~town~~Town, through its own agents or employees, may repair such wharf, pier, piling, bulkhead, or other structure or vessel or remove such property after giving notice by publication once each week for two weeks in a newspaper of general circulation in the area where such property is located.

(5) Every charge authorized by this division (C) with which the owner of any such property has been assessed and which remains unpaid, to the extent applicable, shall constitute a lien against the owner's real property, and such lien shall be recorded in the judgment lien docket book in the County Circuit Court. Such lien may also be reduced to a personal judgment against the owner.

(D) Nothing in this section shall affect the ~~town~~Town's ability to abate or remove dangerous conditions pursuant to a declared national, state, or local emergency. (1998 Code, § 30-1) (Ord. O-2014-01, passed 6-17-2014) Penalty, see § 92.99

ARTICLE 92.10 – NOISE

§ 92.~~1002~~ DECLARATION OF FINDINGS AND POLICY.

The ~~Town~~Town Council hereby finds and declares that excessive noise is a serious hazard to the public health, welfare, commerce, peace and safety and the quality of life; that a substantial body of science and technology exists by which excessive noise may be substantially abated; that the people have a right to and should be ensured an environment free from excessive noise that may jeopardize the public health, welfare, commerce, peace and safety or degrade the quality of life; and that preventing such excessive noise serves a substantial governmental interest. It is the intent of this ~~subchapter article~~ to create reasonable, narrowly tailored, and content-neutral time, place, and manner restrictions that leave open ample alternative avenues for communication.

(Ord. O-2023-14, passed 9-5-2023)

Health and Sanitation

§ 92.1103 DEFINITIONS.

For purposes of this ~~subchapter~~article the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ANSI. The American National Standards Institute, Inc., New York, New York.

A-WEIGHTED DECIBEL. The sound level, in decibels, measured with a sound level meter using the A-weighting network or scale as specified in the ANSI S1.4-1983 (specification for sound level meters). The level so read shall be postscripted dB(A) or dBA.

CHIEF. The Chief of Police of the ~~town~~Town Police Department, or their designee.

DAYTIME. The local time of day between the hours of 6:00 a.m. and 10:00 p.m. weekdays, and from 9:00 a.m. to 10:00 p.m. on Saturdays, Sundays and legal holidays observed by the ~~town~~Town government unless otherwise specified.

DECIBEL. A unit that describes the sound pressure level or intensity of sound. The sound pressure level in decibels is 20 times the logarithm to the base ten of the ratio of the pressure of the sound in microbars to a reference pressure of 0.0002 microbar; abbreviated dB.

DWELLING UNIT. One or more rooms arranged, designed or intended to be occupied as separate living quarters by one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

HORN. Any audible signaling device on any automobile, motorcycle or other vehicle.

MOTOR CARRIER VEHICLE ENGAGED IN INTERSTATE COMMERCE. Any vehicle for which regulations apply pursuant to section 18 of the Federal Noise Control Act of 1972 (P.L. 92-574), as amended, pertaining to motor carriers engaged in interstate commerce.

MOTORCYCLE. Any two-wheeled or three-wheeled motor vehicle, excepting farm tractors.

MOTOR VEHICLE. Any self-propelled device or device designed for self-propulsion, upon or by which any person or property is or may be drawn or transported upon a street or highway, except devices moved by human power or used exclusively upon stationary wheels or tracks.

NIGHTTIME. Those times excluded from the definition of daytime.

NOISE. Any steady-state or impulsive sound occurring on either a continuous or intermittent basis.

Occoquan - General Regulations

PLAINLY AUDIBLE. Capable of being perceived by the human ear of a person with normal hearing ability, including persons dependent upon normally functioning hearing aid devices. When music is involved, the detection of rhythmic bass tones or vibrations shall be sufficient to be considered plainly audible sound.

PROPERTY BOUNDARY. An imaginary line along the ground surface, and its vertical extension, which separates the real property owned, leased, or otherwise legally controlled by one person from that owned, leased, or otherwise legally controlled by another, including intra-building real property divisions.

PUBLIC AREA. Any real property owned by the government, including, but not limited to, public rights-of-way, sidewalks, parks, and buildings.

RESIDENTIAL AREA. Any building or other structure in which one or more persons resides on a permanent or temporary basis, including, but not limited to, houses, apartments, condominiums, hotels, and motels.

SOUND AMPLIFYING EQUIPMENT. Any machine or device used for the amplification of the human voice, music or any other sound. This term shall not include warning devices on authorized emergency vehicles, or horns or other warning devices on other vehicles used only for traffic safety purposes.

SOUND LEVEL METER. An instrument to measure sound pressure levels that meets or exceeds performance standards for a Type 2 meter as specified by the ANSI.

SOUND PRESSURE LEVEL. The intensity in decibels (dB) of a sound.

THIS ARTICLE. This subchapter of Ch. 92 of this code.

~~TOWN~~TOWN MANAGER. The ~~Town~~Town Manager or their designee.

ZONING DISTRICT CLASSIFICATION. The scheme of land use classification contained in the ~~town~~Town zoning ordinance.
(Ord. O-2023-14, passed 9-5-2023)

§ 92.~~1204~~ ADMINISTRATION AND ENFORCEMENT.

(A) The police department may issue a summons for violations of this ~~subchapter~~ article and may be assisted by other ~~town~~Town departments as required.

(B) Nothing in this section shall preclude a private citizen from obtaining a magistrate's summons based upon a probable cause determination by the magistrate's office.
(Ord. O-2023-14, passed 9-5-2023)

Health and Sanitation

§ 92.1305 VIOLATIONS.

(A) *Criminal violation.* Any person who owns or is in possession of property where a noise emanates from or is in charge of the source of a noise, is guilty of a Class 2 misdemeanor if that noise violates this ~~subchapter~~article.

(B) In addition to and not in lieu of the penalties prescribed in this section, the ~~town~~Town may apply to the circuit court for an injunction against the continuing violation of any of the provisions of this ~~subchapter~~article and may seek any other remedy or relief authorized by law.

(Ord. O-2023-14, passed 9-5-2023)

§ 92.1406 MAXIMUM PERMISSIBLE SOUND LEVELS GENERALLY.

(A) Except as otherwise provided in this ~~subchapter~~article, any noise which emanates from any operation, activity or source and which exceeds the maximum permissible sound levels established in this section below is hereby prohibited. Such levels shall be measured at the property boundary of the sound source or at any point within any other property affected by the noise. When a noise source can be identified and its noise measured in more than one zoning district classification, the limits of the most restrictive classification shall apply.

<i>Maximum permissible sound pressure levels</i>		
<i>Zoning district classification</i>	<i>Maximum dBA: daytime</i>	<i>Maximum dBA: nighttime</i>
Residential (R-1 through R-4)	60	55
Business (B-1)	65	60
Parks and Public Utility District (PPU)	60	55
Old and Historic Occoquan District	65	60

Oscoquan - General Regulations

(B) Heating and cooling systems, including but not limited to air conditioners and heat pumps, shall not be subject to the night levels enumerated above.

(C) Any person, with lawfully obtained permits, who during daytime operates or causes to be operated any equipment used in construction, repair, alteration or demolition work on buildings, structures, alleys or appurtenances thereto in the outdoors shall not be subject to the levels enumerated above.

(D) Persons performing construction of public projects, repair or maintenance work for such projects or persons performing work for private or public utilities for the repair of facilities or restoration of services shall not be subject to the levels enumerated above.

(Ord. O-2023-14, passed 9-5-2023)

§ 92.1507 SPECIFIC PROHIBITIONS.

Except as expressly provided otherwise in this [subchapterarticle](#), the following acts are violations of this [subchapterarticle](#):

(A) Sounding any horn on any right-of-way or in any public space except when the sounding of the horn is intended as an emergency or danger warning signal. However, sounding a horn continuously or intermittently in a manner that is plainly audible for more than five consecutive seconds shall be a violation of this section.

(B) Operating or causing to be operated a public or private motor vehicle or motorcycle on a public right-of-way at any time in such a manner that the sound level emitted by the motor vehicle or motorcycle, when measured at a distance of 50 feet or more, exceeds the level set forth in the following table. This section shall not apply to motor carrier vehicles engaged in interstate commerce.

	<i>Sound level in dBA</i>	
<i>Vehicle class</i>	<i>Speed limit 25 mph or less</i>	<i>Speed limit over 25 mph</i>
All motor vehicles of GVWR or GCWR of 6,000 lbs or more	86	90
Any motorcycle	82	86
Any other motor vehicle or any combination of vehicles towed by any motor vehicle	76	82

(C) Operating, loading or unloading any vehicle, including but not limited to trucks, or the opening and destruction of bales, boxes, crates and containers in the outdoors during nighttime.

Health and Sanitation

(D) Operating or causing to be operated during nighttime any equipment used in construction, repair, alteration or demolition work on buildings, structures, alleys, real property, or appurtenances thereto in the outdoors in any zoning district. This includes, but is not limited to, lawn care, tree maintenance or removal, and other landscaping activities. This section shall not apply to construction of public projects, the repair or maintenance work performed on such projects, or work performed by private or public utility companies for the repair of utility facilities or restoration of services.

(E) The playing of radio, phonographs, television, tape or disc players, musical instruments or drums, sound amplifiers or other devices which produce, reproduce or amplify sound in such a manner as to emit sound that is plainly audible at a distance of 50 feet from the source or that is plainly audible inside another dwelling unit; provided, however that the provisions of this division shall not apply to any outdoor performance, parade, gathering, dance, concert, show, sporting event, or other event sponsored by the ~~town~~Town.

(F) Talking, yelling, shouting, screaming, singing, or any other form of human sounds produced by any person or group of people, or any human-produced excessive noise at nighttime in such a manner as to be plainly audible across property boundaries or plainly audible inside a dwelling unit other than the dwelling unit from which the sound originates.

(G) Sounding or permitting the sounding of any amplified signal continuously or intermittently from any bell, chime, siren, whistle or similar device from any one location that is plainly audible for more than ten consecutive seconds in any hourly period. This provision shall not apply to public bodies or agencies for testing, traffic control or other public purposes.
(Ord. O-2023-14, passed 9-5-2023)

§ 92.~~1608~~ EXEMPTIONS.

The following activities or sources of noise shall be exempt from the prohibitions set forth in this ~~subchapter~~article:

(A) ~~Town~~Town sanctioned activities in ~~town~~Town parks or facilities.

(B) Public transportation.

(C) Public safety activities by government entities. (Ord. O-2023-14, passed 9-5-2023)

Occoquan - General Regulations

§ 92.~~1709~~ WASTE, RECYCLING, AND REFUSE REMOVAL.

Waste, recycling and refuse shall be removed only during daytime and must be removed in a manner which does not create a nuisance or excessive noise, or adversely affect the public health.

(Ord. O-2023-14, passed 9-5-2023)

§ 92.~~1810~~ NOISE FROM ANIMALS.

It shall be unlawful to own, keep, possess, harbor, or allow any animal which howls, barks, meows, squawks or makes other noise such that it is plainly audible at least once a minute for ten consecutive minutes at 50 feet from the property boundary of the dwelling unit, house or apartment of another; or plainly audible within a dwelling unit other than the one from which the sound emanates.

(Ord. O-2023-14, passed 9-5-2023)

§ 92.~~1911~~ MEASUREMENT PROCEDURES.

When this ~~subchapter~~ article requires measurement of the sound level, the measurement shall be as follows.

(A) The measurement of sound or noise shall be made with sound level meters Type 1 or Type 2 which meet the standards prescribed by the ANSI. The instruments shall be maintained in calibration and good working order. A calibration shall be made of the system at the time of any noise measurement. Measurements recorded shall be taken so as to provide a proper representation of the noise source. The microphone during measurement shall be positioned so as not to create any unnatural enhancement or diminution of the measured noise. A windscreen for the microphone shall be used. A minimum of three sound level readings will be taken. The geometric mean of these readings will be used as the average sound level. If the background noise is equal to the levels set forth in § 92.06, three dB shall be subtracted out of the average sound level.

(B) The slow meter response of the sound level meter shall be used to determine that the average amplitude has not exceeded the dBA readings or the limiting noise spectra set forth in § 92.06.

(C) Unless otherwise specified in this ~~subchapter~~ article, the measurement shall be made at:

- (1) The property boundary on which such noise is generated;
- (2) Any point within the receiving property affected by the noise; or

Health and Sanitation

(3) Any public area including, but not limited to, any public streets, docks or sidewalks. (Ord. O-2023-14, passed 9-5-2023)

Occoquan - General Regulations

§ 92.~~2012~~ SOUND LEVELS; RESTAURANTS.

The sound levels provided elsewhere in this ~~subchapter-article~~ shall not apply to sound emanating from a restaurant. It shall be a violation of this ~~subchapter-article~~ for a source of sound emanating from a restaurant to create a sound level during daytime in excess of 80 dBA, or during nighttime in excess of 60 dBA when measured from the boundary line of the restaurant property or any public area including, but not limited to, any public streets, docks or sidewalks.

(Ord. O-2023-14, passed 9-5-2023)

Health and Sanitation

ARTICLE 92.30 – REFUSE; VEGETATION

§ 92.~~3015~~ DEFINITIONS.

For the purpose of this ~~subchapter~~article, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

GARBAGE. Putrescible animal and vegetable wastes resulting from the handling, preparation, cooking, and consumption of food.

PRIVATE COLLECTORS. Persons engaged in the collection and transportation of refuse from residential, commercial, industrial, institutional, or other establishments for compensation.

RECYCLING: The terms “recycling” or “recyclable materials” shall, unless otherwise specified by the Town Manager or their designee, include newspapers, magazines, phonebooks, paperback books, catalogs, mail, mixed paper (office, copy and computer paper), cardboard, paperboard, cardstock, brown paper bags, non-metallic wrapping paper, shredded paper; acceptable Polyethylene Terephthalate (PETE) and High-Density Polyethylene (HDPE) plastic containers #1-7 including bottles, jars, jugs, wide-mouth tubs and trays, aluminum, steel, tin, bi-metal cans, foil, glass bottles, and jars.

REFUSE. All putrescible and non-putrescible solid wastes of the town, including trash, garbage, ashes, rubbish, street cleanings, and solid wastes generated from manufacturing, industrial, commercial, and agricultural activities and any other business or profession.

STORAGE AREA. An enclosed area on private property of commercial, industrial, institutional, or other establishment used for the storage of refuse.

TOWNTOWN COLLECTORS. Persons contracted by the ~~town~~Town engaged in the collection and transporting of refuse.
(1998 Code, § 30-31)

§ 92.~~3116~~ REFUSE STORAGE; COLLECTION AND DISPOSAL.

(A) Purpose. The purpose of this ~~subchapter~~article is to provide regulations for the sanitary and effective storage, collection, and disposal of refuse in the town.

(A)(B) Establishment of Days and Hours of Collection. The Town Manager or their designee shall establish and specify the days and hours each week when the Town employees or contractors shall collect refuse and recycling in the town and the routes to be served at the

Occoquan - General Regulations

time so specified. In the event inclement weather prohibits the collection on the established collection day, collection shall will occur the following business day if all roadways and streets are safe and passible. If a collection day falls on a scheduled holiday, collection shall will occur the following business day.

~~(B)~~ *Authority to administer.* The ~~Zoning Administrator~~ Town Manager or their designee is delegated authority to administer this ~~subchapter article~~ and to issue supplementary rules and regulations that are in support of and not in conflict with the provisions of this ~~subchapter article~~. Such supplemental rules and regulations shall have the same force and effect as if fully set forth in this ~~subchapter article~~.

(C)
(1998 Code, § 30-32)

Health and Sanitation

§ 92.~~32~~17 REFUSE STORAGE; STANDARDS AND REGULATIONS.

(A) ~~Residential-Town collected~~ refuse.

(1) *Storage.* Except as otherwise permitted in writing by the Town Manager or their designee, ~~residential refuse shall be stored in~~ must shall be stored in a refuse container provided by the Town or in a sufficient number of watertight metal or non-breakable ~~plastic~~ containers, made of plastic or another durable material, equipped with handles and tightfitting covers. The size and characteristics of containers shall be subject to reasonable regulation by the Town Manager or their designee, consistent with the ~~town~~ Town's current contract for trash ~~pick-up~~ collection. Containers and storage areas for ~~residential~~ refuse shall be emptied regularly and cleaned sufficiently often to keep them free of obnoxious odors and vermin.

(2) *Exceptions.* The following are exceptions to the provisions of this section:

(a) Tree trimmings with a maximum diameter of one and one-half inches, bushes and brush must be tied securely in bundles not more than four feet in length.

(b) Refuse collected during the spring cleanup that is too large or bulky for containers may be placed next to the containers.

(c) Ashes shall only be disposed of when cold, and shall only be placed in metal containers.

(3) *Placement.* All ~~residential~~ refuse ~~for collection by Town Collectors shall~~ must shall be placed at the curb line not earlier than 4:00 p.m. of the day preceding pickup and not later than 6:00 a.m. on the day of pickup. Containers must be tightly covered. Plastic bags must be securely tied. Refuse shall not be placed on the sidewalk or on any portion of a street right-of-way where it will interfere with pedestrian or vehicular traffic. Containers shall be removed from the curb line as soon as possible after trash pickup and no later than 9:00 a.m. on the day proceeding the day of pickup. When not placed at the curblines for pickup, and containers shall be stored in the rear of the building or in a screened or enclosed trash receptacle storage area, subject to reasonable regulation set by the Town Manager or their designee.

~~(3)~~(4) *Special and/or Bulk Collection.* In the event a customer has a special collection item that is too large, bulky or heavy to be handled in the normal refuse curb-side collection, the customer must contact the Town Collector to request a special collection at least twenty-four (24) hours prior to their regular collection day. Said special collection items shall be placed out for collection in accordance with the requirements of Section 92.17(A)(4) of this Chapter.

Occoquan - General Regulations

(B) ~~Non-residential~~Non-Town collected refuse.

~~(1) Each non-residential establishment shall be equipped with adequate refuse containers or storage areas. All containers, except those for storage of bulky refuse, shall be vermin proof and waterproof, of noncorrosive material and equipped with tight lids, which shall be kept closed at all times except when filling or emptying the container. When determined by the Town Manager, or designee, that a health issue may exist due to the volume or material being placed out for collection or due to code violations of the customer, due to the volume of refuse being placed out for collection, the Town may decline to provide refuse collection services to non-residential establishments. In such event, the customer non-residential establishment will be required to secure separate refuse collection services and if the determination is for volume install a dumpster.~~

~~(2) Containers and storage areas for non-residential refuse shall be emptied regularly and cleaned sufficiently often to keep them free of obnoxious odors and vermin. Each establishment required to use a dumpster as their storage container(s) must ensure that they are vermin-proof and waterproof, constructed of noncorrosive material and equipped with tight fitting lids which must be kept closed at all times, except when filling or emptying the container. The dumpster must be contained in the rear of the building or in a storage area, placed in a location as approved by the Town Manager, or designee, to protect the public health. Said dumpster must be emptied at least once per week unless determined by the Town Manager, or designee, that more frequent collection is advisable to protect the public health or to abate a public nuisance. The property owner or business must contract for the dumpster and its associated collections through a licensed solid waste hauler.~~

~~(3)–~~

~~(3) All storage areas for non-residential refuse shall be enclosed by adequate walls or opaque fencing and shall be well drained. Storage areas must remain –and fully accessible to collection equipment and to public health inspection. These areas shall protect refuse from dispersal by wind or otherwise, and must be kept free of litter and refuse overflow.~~

(C) Recycling collection.

~~(1) All recyclable materials shall be separated from garbage, trash, and refuse and shall be placed in a suitable container, stored, and placed at curbside as set out in Section 92.17(A) of this article. All recyclable materials shall be clean, and all bottles and cans shall be rinsed before being placed in the bin for pickup.~~

~~(2) Nothing in this Code shall prohibit any person from selling or donating recyclable materials rather than putting them out for collection by the Town or non-Town contractor.~~

~~(C)~~(D) Prohibited activities.

Health and Sanitation

(1) It shall be unlawful to place refuse in any street, alley, or public or private place except in accordance with this section.

(2) It shall be unlawful to accumulate refuse on either residential or non-residential properties, except in approved containers or storage areas.

(3) It shall be unlawful to place any refuse in a manner where it may be scattered by the elements.

~~(4) It shall be unlawful to permit private containers to remain on public streets at times other than those described in Section 92.17(A)(4) of this Chapter ~~division (A)(3) of this section.~~~~

~~(5) The placement into trash or recycling containers of hazardous materials, including but not limited to motor oil, paint, radioactive materials, explosives, poisons, or highly combustible materials, is prohibited. No such material will be picked up by the Town or its agents.~~

~~(4)–~~
(1998 Code, § 30-33) (Ord. O-2018-03, passed 8-7-2018) Penalty, see § 92.99

§ 92.~~3318~~ **PROPERTY TO BE FREE OF REFUSE.**

(A) The ~~Town~~Town Council finds that the proliferation of refuse and litter including, but not limited to, food- and beverage-related trash and litter, unused or abandoned machinery or appliances, within the town, constitutes a threat to the health, welfare, and safety of the community, degrades the appearance of the community, and reduces the value of surrounding properties.

~~(B) Owners of property within the town shall~~must keep such property free of any and all trash, garbage, refuse, litter, clutter, dismantled, inoperable, or dilapidated ~~unused or abandoned~~ machinery or appliances, and other substances that might endanger the health, safety, and welfare of residents of the ~~town~~Town.

~~(B)–~~
(1998 Code, § 30-34) Penalty, see § 92.99

Statutory reference:

Removal of trash, see VA Code § 15.2-901

§ 92.~~3419~~ **REMOVAL.**

(A) When substances of the nature set forth in § 92.18~~(B)~~ are found upon property within the town, the ~~Zoning Administrator~~Town Manager or their designee shall immediately notify the owner of such property to remove such substance. Such notification shall be by registered

Occoquan - General Regulations

or certified letter sent to the owner at his or her last known address. If after diligent inquiry no address can be found for such owner, the letter shall be posted in a conspicuous place on the property.

(B) If the substances have not been removed from the property by the owner within ten days from the date the letter has been mailed, or the notice posted, the Town Manager or their designee Zoning Administrator shall cause the removal by ~~town~~Town forces or the ~~town~~Town's agent of such substances from such property forthwith.

(C) Where substances have been removed from property by the Zoning Administrator~~Town Manager or their designee~~ pursuant to the provisions of this section, the cost of such removal shall be chargeable to and paid by the owner of the property and may be collected by the ~~town~~Town as taxes and levies are collected. Every charge authorized by this section with which the owner and lienholder of any such property shall have been assessed and which remains unpaid shall constitute a lien against such property ranking on a priority with liens for unpaid local taxes and enforceable in the same manner as provided in VA Code §§ 58.1-3940 et seq. and 58.1-3965 et seq. (1998 Code, § 30-35)

§ 92.~~3520~~ GRASS, WEEDS, AND OTHER FOREIGN GROWTH.

(A) Where grass, weeds, or other foreign growth in excess of 12 inches in height is found upon property, the Zoning Administrator~~Town Manager or their designee~~ shall ~~will~~ immediately notify the owner of such property to cut such grass, weeds, or other foreign substances down to a height not to exceed three inches. Notification shall be made by the same procedure as set forth in § 92.19.

(B) If the grass, weeds, or other foreign growth have not been cut down within ten days from the date of the letter or posting, the Town Manager or their designee Zoning Administrator shall ~~may~~ cause the cutting down by the ~~town~~Town, or the ~~town~~Town's agent, of such grass, weeds, or other foreign growth forthwith.

(C) Where grass, weeds, or other foreign growth have been cut down on property by the Town Manager or their designee Zoning Administrator pursuant to the provisions of this section, the cost of such cutting shall be chargeable to and paid by the owner of the property and may be collected by the ~~town~~Town as taxes and levies are collected. (1998 Code, § 30-36)

§ 92.99 PENALTY.

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99 of this code of ordinances.

~~(B)~~(1) Violations of § 92.01(A) shall be subject to a civil penalty of \$50 for the first

Health and Sanitation

violation, or violations arising from the same set of operative facts. The civil penalty for subsequent violations not arising from the same set of operative facts within 12 months of the first violation shall be \$200. Each business day during which the same violation is found to have existed shall constitute a separate offense. In no event shall a series of specified violations arising from the same set of operative facts result in civil penalties that exceed a total of \$3,000 in a 12-month period.

(B)

—
~~(2)~~ The imposition of civil penalties under § 92.01(A) shall be in lieu of criminal penalties and shall preclude prosecution of such violation as a misdemeanor. However, such violations shall be a class 3 misdemeanor in the event three civil penalties have previously been imposed on the same defendant for the same or similar violation, not arising from the same set of operative facts, within a 24-month period. Classifying such subsequent violations as criminal offenses shall preclude the imposition of civil penalties for the same violation.

(2)

—
(3) The ~~town~~Town may impose and collect civil penalties, not to exceed a total of \$1,000, for violations of § 92.01(B).
(1998 Code, § 30-1)

(C) Any person who violates any provision of §§ 92.15 through 92.20 by doing a prohibited act, or failing to perform a required act, or failing to perform permitted acts in the prescribed manner, shall be deemed guilty of a class 3 misdemeanor.
(1998 Code, § 30-37)

Occoquan - General Regulations

CHAPTER 93: STREETS, SIDEWALKS, AND OTHER PUBLIC PLACES

Section

Article 93.00 – General Provisions

93.01 Definitions

93.02 Obstruction of and encroachment onto street, sidewalk, or alley

~~93.04~~93.03 Use of public property

~~93.02~~ Approval of permits

~~93.03~~93.04 Placing dirt, ashes, similar materials upon streets prohibited; exceptions

~~93.04~~93.05 Riding of horses or ponies on sidewalks and sidewalk areas

~~93.05~~93.06 Removal of snow and ice from sidewalks

93.07 Removal of sidewalks

Article 93.10 – Trees

~~93.06~~

~~93.07~~93.10 Trees, shrubs, vines, hedges

93.11 Public tree care

Article 93.20 – Street Naming and Street Signs

93.20 Purpose and intent

93.21 Definitions

93.22 Administration and enforcement

93.23 Master town street directory

93.24 Uniform property and building numbering system adopted

93.25 New street naming standards

93.26 Display of address numbers

93.27 Street naming and addressing process

93.28 Procurement of address number prerequisite to issuance of zoning, building and occupancy permits

93.29 Street name and address signs

~~93.08~~

93.99 Penalty

ARTICLE 93.00 – GENERAL PROVISIONS

§ 93.01 DEFINITIONS

For the purpose of this article, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ORGANIZED PUBLIC GATHERING. Any gathering of persons, with or without vehicles, in or on public areas or facilities for any activity as a group, and includes, but is not limited to, a parade, sidewalk gathering, street closure, or park gathering. Such gatherings may be open to the public or privately held for members of a group.

PUBLIC AREAS OR FACILITIES. Any public grounds, places and streets owned by the Town or within the town limits of the town, including but not limited to Town parks, docks, and buildings.

§ 93.021 OBSTRUCTION OF ~~AND ENCROACHMENT ONTO STREET, SIDEWALK, OR ALLEY~~PUBLIC RIGHT-OF-WAY AND PROPERTY.

(A) Except as provided in this Code, no person shall cause or maintain an obstruction of or encroachment over, under or in any street, highway, road, alley, bridge, viaduct, subway, underpass or other public right-of-way or place.~~No person shall place any obstruction on any street or sidewalk;~~ provided that any person desiring to use any part of a ~~street or sidewalk~~public right-of-way for building material~~the temporary purposes of building and construction~~ may obtain a permit from the ~~Town~~Town Hall, after approval by the Mayor~~Manager or their designee~~, which permit shall state the mode and character of the obstruction and length of time it shall continue; and further provided that no such permit shall be granted when such obstruction can be reasonably avoided.

(B) Any person building near the street line shall be required to erect such overhead scaffolding as may be necessary to protect the public from anything that may fall from the wall or scaffolding of such building.

(C) It shall be the duty of the ~~Mayor~~Town Manager or their designee, when approving such permit, to require the party obtaining the permit give such assurance as may be necessary to protect the ~~town~~Town from liability from any damage that may result from such obstruction.

(D) The Town may remove any unpermitted obstruction or encroachment and charge the cost thereof to the owner or occupant of the property so obstructing or encroaching, and may collect the cost in any manner provided by law for the collection of Commonwealth or local taxes.

(E) Every person who desires to construct a building, fence, gate, porch, steps, post, pole, door or other similar structure permanently encroaching on any street or sidewalk in the Town must secure a license to encroach from the Town Council. The applicant shall have a certified land surveyor establish the line of such street at the place where such improvement is intended to be constructed and prepare an encroachment plat in accordance with applicable Town and

Occoquan - General Regulations

Virginia Code. Such applicant shall not be required to remove any improvement constructed in accordance with such permission. It shall be unlawful for any person, without obtaining such permission, to construct any such improvement in such manner as to encroach upon the street or sidewalk or interfere with the grade thereof.

~~(E)~~(F) No part of this section shall be construed to prevent businesses and individuals from placing signage on streets and sidewalks that are otherwise in compliance with the provisions of §§ 157.300 through 157.321.
(1998 Code, § 50-1)

§ 93.03 USE OF PUBLIC PROPERTY.

(A) General requirement. Unless otherwise specifically provided by this Code, other law, or applicable regulations created by the Town Manager or their designee, no organized public gathering of either (1) fifteen (15) or more persons or (2) that results in the closing of any public areas or facilities, shall be conducted, allowed or maintained on or within public areas or facilities without first obtaining a permit from the Town.

(B) Authority to administer. The Town Manager or their designee is delegated authority to administer this section and shall issue supplementary rules and regulations, as deemed necessary, that are in support of and not in conflict with the provisions of this section. Such supplemental rules and regulations shall have the same force and effect as if fully set forth in this section.

(C) Application and Use Guidelines. Except as provided in subsection (D) of this section, an application for a permit with the application fee and applicable additional fees shall be filed with the Town ahead of any organized public or private gathering as outlined in subsection (A). The application process, the rules and regulations for use of the public area or facility, and any fees for rental of public facilities, labor, and other costs incurred by the Town shall be set by the Town Manager or their designee, and published for public reference.

(D) Standards for Issuance. The standards which shall be considered in determining whether a permit should be issued shall include, but not be limited to, the following:

(1) Whether the proposed public meeting or parade will conflict with one already scheduled.

(2) Whether the proposed public meeting or parade will seriously obstruct the free flow of vehicular or pedestrian traffic.

(3) Whether the potential damage to public property and facilities will be excessive because of the unusual or extraordinary character and/or circumstances of the proposed public meeting or parade.

(4) The reasonableness of the hour of day or night the proposed public meeting or parade will take place.

(5) Whether the proposed public meeting or parade will put undue hardship upon available public sanitary facilities and trash disposal facilities.

(6) It is intended that the parks be open to the general public at all times; therefore, should the proposed public meeting or parade seriously hamper or interfere with the general use, it may be denied.

(7) Where there is a reasonable threat of violence and/or public damage resulting from the proposed public meeting or parade, the party requesting such authorization shall provide the Town with a written plan which reasonably sets forth measures to adequately control and ensure against the anticipated violence and/or property damage. The Town may also request a surety bond to pay for repairs caused by any damage. If the foregoing plans and/or bond is found to be satisfactory to the Town Manager, the proposed authorization may be granted.

(8) Whether the proposed meeting or parade will be conducted in conformity with all applicable provisions of the state code, state law and town ordinances, rules and regulations.

(E) *Exceptions.* The permit provisions of this section shall be optional for:

(1) Activities by the U.S. government, Commonwealth of Virginia, or Town of Occoquan, or any division, department, or agency thereof;

(2) Spontaneous gatherings;

(3) Funeral processions where law enforcement either provides traffic control or determines that no traffic control is needed.

(F) *Illegal activities.* Nothing in this section or any permit issued under it shall authorize a person to:

(1) Obstruct the entrance to any building, property, or vehicle, except to the extent expressly permitted by a public safety plan;

(2) Cross police lines, perimeters or barricades set up pursuant to Code of Virginia, § 15.2-1714;

(3) Trespass on private property in violation of Code of Virginia, § 18.2-119, or on school property in violation of Code of Virginia, § 18.2-128;

(4) Obstruct the free passage of others in violation of Code of Virginia, § 18.2-404, except to the extent expressly permitted by a public safety plan;

Occoquan - General Regulations

(5) Create an unlawful assembly or riot in violation of Code of Virginia, §§ 18.2-405 or 18.2-406;

(6) Engage in disorderly conduct in violation of Code of Virginia, § 18.2-415;

(7) Engage in picketing that violates the National Labor Relations Act or Code of Virginia, §§ 18.2-418, 18.2-419, 40.1-53, or 40.1-66;

(8) Violate the noise standards set out in section 58-35 of this Code; or

(9) Otherwise violate applicable law.

(G) *Abatement of hazards and obstructions.* This subsection applies whether there is a permit for the gathering or not and whether the gathering is organized or not. If any gathering on public areas or facilities creates a hazard to public safety or violates any provisions of this section, then the Town may require that the hazard or violation be promptly ended or that the gathering move to the nearest location where the risk of harm will be diminished to a reasonable level in light of the purposes of this article. Any such direction shall be narrowly tailored to abate the risk of harm without limiting the public gathering more than reasonably necessary. Failure to obey such direction constitutes a violation of this section. A "hazard to public safety" as used in this subsection includes any condition or action that:

(1) Creates a hazard or obstruction to pedestrians or traffic beyond what is permitted by a public safety plan; or

(2) Damages public facilities.

Penalty, see § 93.99

~~§ 93.02 APPROVAL OF PERMITS.~~

~~The Mayor shall approve or disapprove and establish the conditions for a permit under this chapter pursuant to uniform town standards.~~

~~(1998 Code, § 50-2)~~

Occoquan - General Regulations

§ 93.043 PLACING DIRT, ASHES, SIMILAR MATERIALS UPON STREETS PROHIBITED; EXCEPTIONS.

It shall be unlawful for any person to throw or place dirt, ashes, stone, wood, or any other material upon any street within the town; provided, that the penalty for violation of this section shall not be imposed upon persons placing building materials upon a street, in connection with construction work, after having obtained a permit to place such materials upon the street for a limited period of time and having placed such materials in the space designated and manner directed and having not permitted the materials to remain there longer than the limited period stipulated in the permit.

(1998 Code, § 50-3) Penalty, see § 93.99

§ 93.054 RIDING OF HORSES OR PONIES ON SIDEWALKS AND SIDEWALK AREAS.

It shall be unlawful for any person to ride or lead any horse or pony on any sidewalk or in any area between any sidewalk and any curb or curb line in the town.

(1998 Code, § 50-4) Penalty, see § 93.99

§ 93.065 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~~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~~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)

§ 93.076 REMOVAL OF SIDEWALKS.

No person shall remove any portion of the walkways or sidewalks in the town or in any way interfere with walkways or sidewalks without a permit authorized by the ~~Mayor~~Town Manager, or designee.
(1998 Code, § 50-6)

Occoquan - General Regulations

ARTICLE 93.10 – TREES

Streets, Sidewalks, and Other Public Places

§ 93.~~1007~~ TREES, SHRUBS, VINES, HEDGES.

(A) It shall be unlawful for the owners of property within the town to allow tree branches, shrubs, vines, or hedges to overhang sidewalks or other public rights-of-way in such a manner as to obstruct the free movement of or endanger pedestrians using such sidewalks.

~~(B)~~ Where tree branches, shrubs, vines, or hedges on such property are found to so obstruct sidewalks or rights-of-way, ~~a town official~~the Town ~~may cause such obstructions to be removed such obstruction to the extent it they occupies the public right-of-way shall immediately notify the owner of such property to cut such tree branches, shrubs, vines, or hedges so as to render any affected sidewalks or rights of way free of obstruction.~~

~~(B)~~(C) ~~The Town may notify the owner of such property to cut such tree branches, shrubs, vines, or hedges so as to render any affected sidewalks or rights-of-way free of obstruction or may, if there is an imminent and immediate threat to life or property, cut such tree branches, shrubs, vines or hedges without prior notice.~~

~~(C)~~(D) ~~Such notice shall must be in writing and posted at the property or sent by certified mail to the occupant of such property or the owner of the property at the last known address as reflected on the real property tax records of the townTown. If, after diligent inquiry, no address can be found for such owner, the notice shall be posted in a conspicuous place on the property.~~

~~(D)~~(E) ~~If such tree branches, shrubs, vines, or hedges have not been cut within ten days from the date of mailing or posting of the notice, thea townTown official shall cause the cutting down by the townTown's agent of such tree branches, shrubs, vines, or hedges.~~

~~(E)~~(F) ~~Where, after such notice, tree branches, shrubs, vines, or hedges have been cut down on property by a townTown officialagent, the cost of such cutting shall be billed to the owner of the property. If such bill is not paid, prior to issuance of the next real estate tax bill, it shall be added to the townTown real estate tax bill on such property and shall be a lien on such property to the same extent and effect as the real estate tax. (1998 Code, § 50-7) (Ord. O-2004-01, passed 8-12-2003) Penalty, see § 93.99~~

§ 93.~~1108~~ PUBLIC TREE CARE.

(A) The ~~TownTown~~ Manager or designee shall be responsible for the care, preservation, pruning, planting, removal, or disposition of trees in parks, along streets, and in other public areas. The ~~TownTown~~ Manager or designee, in coordination with a certified arborist, shall consider, investigate, issue findings, report, and make recommendations on any matter or

question related to the care, preservation, pruning, planting, removal, or disposition of public trees.

(B) The ~~town~~Town shall have the right to plant, prune, maintain, and remove trees, plants, and shrubs located on ~~town~~Town-owned property as may be necessary to ensure public safety or preserve or enhance the beauty and function of such public spaces.

(C) The ~~Fown~~Town Manager may remove or cause or order to be removed any tree located on ~~town~~Town property or part thereof which is in an unsafe condition or which, by reason of its nature, is injurious to sewers, electric power lines, gas lines, water lines, or other public improvements, or is affected by any injurious fungus, insect, or other pest.

(Ord. O-2017-05, passed 12-5-2017)

ARTICLE 93.20 – STREET NAMING AND ADDRESSING

§ 93.20 PURPOSE AND INTENT.

This article is intended to:

(1) Promote the general health, safety and welfare of the public.

(2) Provide a uniform system of street addressing for all properties and buildings throughout the town.

(3) Facilitate the provision of adequate public safety services.

(4) Relieve conditions causing difficulty in locating properties and buildings for Town and County agencies, the general public, and others.

§ 93.21 DEFINITIONS.

For the purpose of this article, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ADDRESSABLE STRUCTURE. Any permanent building used for human habitation or gathering or any structure used for institutional, commercial or industrial purposes.

TRAVELWAY. A public or private right of way such as a street, road, lane, alley, used for vehicular travel, including parking lots used as access for multifamily residential, commercial or industrial structures.

MASTER TOWN STREET DIRECTORY. The official town listing of existing street names in the Town of Occoquan.

Occoquan - General Regulations

§ 93.22 ADMINISTRATION AND ENFORCEMENT.

(A) The Town Manager or their designee shall be responsible for the interpretation, administration and enforcement of this article and is delegated authority to set supplementary standards in addition to the standards set in this article, that are in support of and not in conflict with the provisions of this article. Such supplemental standards shall have the same force and effect as if fully set forth in this section.

(B) Whenever the Town Manager or their designee determines that any person is in violation of any provision of this article, they may give notice, by certified mail with return receipt requested, of such violation to the violator and order such person to take the necessary corrective measures within thirty (30) days from the date of notification.

(C) If any person fails to comply with an order issued pursuant to this section, the Town Manager or their designee may initiate such action as is necessary to terminate the violation, including obtaining criminal warrants, applying to courts of competent jurisdiction for injunctive relief, or any other appropriate action.

(D) All numbers for properties and buildings shall be assigned by the Town Manager.

(E) The Town Manager and the Prince William County Geospatial Technology Services Program shall maintain records of all street names and addresses for each property and building on the parcel identification maps, which shall be located in the County offices.

(F) When street numbers are noted by the Town Manager or the County as either incorrect or otherwise in need of reassignment, the Town Manager shall have the authority to effect and order a change in address in accordance with the provisions of this article.

§ 93.23 MASTER TOWN STREET DIRECTORY.

Notwithstanding the provisions of subsection A of § 15.2-2000 of the Code of Virginia, street names listed for the Town in the Prince William County Master Street Directory, which is on file with the County Geospatial Technology Services Program, are hereby declared to be the official names of such streets, until officially changed by action of the Town Council.

§ 93.24 UNIFORM PROPERTY AND BUILDING NUMBERING SYSTEM ADOPTED.

(A) A uniform system of numbering properties and buildings, as shown on the parcel identification maps maintained by the Prince William County Geospatial Technology Services Program, shall be used. All properties or parcels of land within the limits of the Town shall be identified by reference to the uniform numbering system. Address numbers shall be assigned

to all principal buildings and facilities within The Town of Occoquan.

(B) Address Number Requirements.

(1) Address numbers shall be assigned based on the location of the driveway or point of access. Addresses on corner lots or lots which front on more than one street shall be assigned on the street the driveway originates. If the driveway accesses both streets, the address shall be assigned to the street on which the building fronts.

(2) Street numbers shall be uniformly assigned, with numbers increasing from north to south and east to west as shown on the parcel identification maps. The directional orientation of a street shall be determined by the Town Manager.

(3) Numbers on the north side of east-west streets shall be even, and numbers on the south side of these streets shall be odd. Numbers on the west side of north-south streets shall be even, and numbers on the east side of these streets shall be odd.

(4) Numerical Street segments (blocks) or building grouping is encouraged within new developments. Such block numbering should attempt to build off of existing addressing schemes where possible.

(5) On existing streets outside of new developments, numbers shall be assigned based on their geographical location in relation to existing addresses (e.g. a new address exactly between 100 and 140 should be 120).

(6) For townhomes, number assignment should be sequential along a row of townhomes with a minimum increase of 10 when assigning numbers to the next row within the same block (e.g. First Row: 101, 103, 105, 107, 109, 111; Second Row: 121, 123...).

(7) In cases where a building has a shared entrance for multiple businesses or dwelling units, each separate apartment or suite shall be designated by an approved suite number. Suite numbers should be sequential and intuitive in layout and assignment. The use of odd and even assignments should be considered in hallways as they are for streets. The first numeric shall be indicative of the floor on which the business or dwelling unit is located (e.g. Suite 201 is on the second floor, Suite 301 is on the third floor...). The exclusive use of odd numbers in order to preserve room for future adjustments of commercial suites should be considered when possible. Alphabetical letters and/or half numbers shall not be used as suite numbers.

(8) Buildings with separate entrances leading to separate clusters of apartments or suites shall be given separate addresses for each entrance.

2

§ 93.25 STREET NAMING AND SIGNAGE STANDARDS.

Occoquan - General Regulations

(A) Street Naming Requirements.

(1) Public and private travelways serving three or more properties or addressable structures shall be named. Travelways serving less than three properties or addressable structures shall be addressed using the name of the travelway from which the travelway originates.

(2) Every public and private street and travelway required to be named by this article shall be identified by a sign showing the official name of such street.

(3) Street signs shall be placed at all intersections and shall identify both intersecting streets.

(B) Street Naming Limitations.

(1) Must not duplicate or phonetically resemble existing street names within The Town of Occoquan or any adjacent locality servicing 911.

(2) Must not exceed twenty (20) characters in length, excluding the street type designation.

(3) Must not contain more than two words, excluding the street type and directional descriptors.

(C) Installation and maintenance of street signs on private travelways shall be the responsibility of the property owners served by such private travelways.

(D) For development projects, permanent signs conforming to all applicable standards shall be installed by the developer, upon approval pursuant to § 93.27, on all streets under construction within five (5) days of establishment of the rough grade of said streets

§ 93.26 DISPLAY OF ADDRESS NUMBERS.

(A) Each assigned address number must be displayed at the front building entrance or that entrance which is clearly visible during both day and night from the street providing access to that building. If the address number cannot be posted on a building in a manner that makes it clearly visible from the street, then the address number shall be displayed at the end of the accessway nearest the street providing access to the building. Display of a street address at the corner of an accessway shall be such that clear identification can be made of the location of the building to which the address is assigned. Such identification shall be clear and visible and able to be made from both directions of travel on the roadway.

(B) An unnamed private travelway serving two or fewer properties or addressable structures shall be identified with a sign showing the range of such addresses, placed at the

intersection of the travelway and the street from which the structures are addressed.

(C) Except as provided in subsection (c) of this section, numerals indicating the official numbers for each principal building or each front entrance to such building shall be at least three (3) inches in height and shall be posted in a manner as to be visible and distinguishable from the street on which the property is located. The number shall be Arabic numerals only. Nonnumeric postings of street addresses shall not be permitted, except in cases where such postings are in addition to the standard numeric posting required.

(D) The display of street address numbers for multiple dwelling units, commercial and industrial buildings shall be solid numerals that are a minimum of six inches in height and one inch in width. Such numerals shall contrast with the background on which they are posted and be clearly visible from the street on which the building is addressed and from easements in the rear of such buildings.

(E) The owner of a principal building shall be responsible for posting the building's assigned number and shall be responsible for the cost of such posting.

(F) The Town Manager shall have the authority to grant special exceptions and to require the additional display of numbers as is necessary to facilitate the clear identification of a building.

§ 93.27 STREET NAMING AND ADDRESSING PROCESS.

(A) All proposed street names must be reviewed by the Town Manager or their designee for conformance with this article and recommended to the Town Council, in accordance with the provisions of this section.

(B) All addresses must be assigned by the Town Manager or their designee in accordance with this article. Addresses may be assigned either through the land development review process or on the basis of individual address requests. All requests for addresses shall be supported by a clearly legible address plat.

(C) *Street Naming and Addressing During Subdivision and Site Plan Review.* All streets in proposed development projects must be named and all addressable structures addressed during the subdivision or site plan review process. The process shall apply to proposed public or private streets or travelways.

(1) Proposed street names and addresses shall appear on all preliminary and final subdivision plats, construction plans, and site plans.

(2) Names and addresses proposed through the land subdivision and development process must be reviewed by the Town Engineer or applicable Town agent and approved by the Town Manager or their designee. Street names will then be recommended to the Town

Occoquan - General Regulations

Council for approval.

(3) Subdivision plats and/or final plans shall not be approved, nor zoning permits issued, until approved street names and addresses are shown correctly upon such plats/plans.

(D) Requests to Name or Rename Streets and/or Address a Structure Outside the Development Review Process. Requests for new or revised street names and/or addresses other than those proposed for new development must be submitted in writing to the Town Manager or their designee by filing a zoning permit with the applicable fee. The Town Manager or their designee shall review the request, determine its compliance with this article, and, in the case of a street naming, forward a recommendation to the Town Council or, in the case of an addressing, make a determination.

(1) For street names, the request must include a plat showing the travelway for which a naming or renaming is being requested and all addressable structures having access to the travelway, a petition containing the names and signatures of the owners representing the properties addressed to the street who are in concurrence with the change, and a statement that the requestors understand that they are responsible for purchasing and installing new street signs.

(2) For addresses, the request must include an address plat showing the proposed access street, the location of the proposed addressable structure and any driveway to serve it, and any other addressable structures having access to the driveway.

(E) Notification.

(1) To become the lawful street name, all new street names must be officially adopted by action of the Town Council via the processes outlined in this section and then be submitted, along with all approved addresses, to the County for inclusion in the Master Street Name Directory and the County parcel identification maps, notwithstanding the provisions of Virginia Code § 15.2-2000(A).

(2) The following agencies shall be notified of the establishment of an address: Building Plan Review Department of Prince William County, the Emergency Communications Center (9-1-1), the United States Post Office, Fire and Rescue (including the Fire Marshal's Office), the Sheriff's Office, and the Town Treasurer.

(F) No street or address signage shall be installed on a public or private travelway unless it is in compliance with this article and approved via the official processes described in this article.

(G) Appeals. When a citizen is aggrieved by the application of the provisions of this article to property owned by such citizen, an appeal may be made to the Town Council provided the person files, with the Town Clerk, on or before thirty (30) days after the decision, a written notice of intention to appeal that states the nature of the appeal and pays the

nonrefundable fee as set forth in the uncodified fee schedule adopted by the Town Council.

§ 93.28 PROCUREMENT OF ADDRESS NUMBER PREREQUISITE TO ISSUANCE OF ZONING, BUILDING AND OCCUPANCY PERMITS.

(A) No building permit shall be issued for any structure until the owner or developer has procured the official number of the premises from the Town of Occoquan. An occupancy permit for any structure erected or repaired shall be withheld until permanent and proper numbers have been affixed to such structure in accordance with this article.

(B) If a structure is modified in use or design so that either a change in address or the assignment of additional addresses is required for continued compliance with this article, such addresses must be acquired from the Town in accordance with this article. No building permit or occupancy permit shall be issued until the proper street address numbers for a modified structure have been assigned.

~~(A)~~(C) No zoning permit shall be issued for any addressable structure until the owner or developer has procured the official address of such structure from the Town.

Occoquan - General Regulations

§ 93.99 PENALTY.

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99 of this code of ordinances.

~~(B) Any person who violates any provision of §§ 93.01 through 93.1807 shall be guilty of a class 1 misdemeanor. Any person who violates any provision of § 93.15 shall be punished by a civil penalty not to exceed \$100 for a violation that has not been corrected within 15 days of notice of such violation.~~

(1998 Code, § 50-8)



TOWN OF OCCOQUAN
TOWN COUNCIL MEETING
 Agenda Communication

9. Regular Business	Meeting Date: February 4, 2025
9B. Request to Set Public Hearing on Adoption of Cigarette Sales Tax Ordinance	

Attachments: a. Draft Ordinance

Submitted by: Adam C. Linn
 Town Manager

Explanation and Summary:

This is a request to set a public hearing date on the adoption of a cigarette sales tax ordinance. Per § 58.1-3830 of the Code of Virginia, notice must be posted seven (7) days in advance before increasing the levy of a tax and a public hearing is required.

The attached ordinance has been revised to reflect feedback from the NVCTB and Town Council. If adopted, following the public hearing at the May 20, 2025, Town Council meeting, the ordinance would enact the tax, effective July 1, 2025, and designate the NVCTB as its administrator, collector and enforcer. Town would then subsequently apply for membership to the NVCTB at its June 5, 2025, meeting.

Background:

Per § 58.1-3830 of the Code of Virginia, the Town is authorized to levy taxes on the sale or use of cigarettes. The recommended way to most effectively administer the cigarette sales tax is by joining the NVCTB.

The Northern Virginia Cigarette Tax Board (NVCTB) was organized in 1970 and administers and enforces local cigarette taxes on behalf of member jurisdictions throughout Northern Virginia. Because cigarettes are a controlled substance, administration and enforcement of the tax is complex, requiring local and state tax stamping, inventory control, and payment prior to the sale. Collected tax revenue is distributed to localities to supplement general fund revenue.

The NVCTB represents the counties of Fairfax, Fauquier, Loudoun, Prince William, Spotsylvania, Stafford, cities of Alexandria, Fairfax, Falls Church, Fredericksburg, Manassas, Manassas Park, and the towns of Clifton, Dumfries, Haymarket, Herndon, Hillsboro, Leesburg, Lovettsville, Middleburg, Purcellville, Remington, Round Hill, Vienna, and Warrenton.

At the January 21, 2025, meeting, Town Council discussed the tax and provided feedback to staff.

Staff Recommendation: Set a public hearing date.

Proposed/Suggested Motion:

"I move to set a public hearing date of May 20, 2025, on the adoption of a tax on the sale of cigarettes."

OR

Other action Council deems appropriate.

ORDINANCE # O-2025-XX

AN ORDINANCE AMENDING THE TAXATION ORDINANCES

WHEREAS, pursuant to § 58.1-3832 and § 58.1-3830 of the Code of Virginia, 1950, as amended, the Town of Occoquan (the "Town") is authorized to impose a tax on the sale, use, or distribution of cigarettes within its jurisdictions; and

WHEREAS, the Town Council recognizes that participation in the Northern Virginia Cigarette Tax Board will ensure the efficient administration, collection, and enforcement of such a tax, as well as regional uniformity in the application of cigarette taxation policies; and

BE IT ORDAINED by the Council for the Town of Occoquan, Virginia meeting in regular session this ___ day of _____, 2025:

1. That the Town Council hereby amends the Town Code as presented in the attached; and
2. That this ordinance is effective upon passage.

BY ORDER OF THE TOWN COUNCIL

Meeting Date: _____, 2025

Town Council Meeting

Ord No. O-2025-XX

RE: AN ORDINANCE AMENDING THE TAXATION ORDINANCES

MOTION:

SECOND:

ACTION:

Votes:

Ayes:

Nays:

Absent from Vote:

Absent from Meeting:

CERTIFIED COPY _____

Town Clerk

CHAPTER 35 - TAXATION
ARTICLE 35.05. CIGARETTE TAX

Sec. 35-052. Definitions.

For purposes of this Article, the following definitions shall apply unless the context clearly indicates otherwise:

Board or NVCTB means the Northern Virginia Cigarette Tax Board.

Carton means any container, regardless of material used in its construction, in which ten packages of cigarettes are placed.

Cigarette means any roll of any size or shape for smoking, whether filtered or unfiltered, with or without a mouthpiece, made wholly or partly of cut, shredded or crimped tobacco or other plant or substitute for tobacco, whether the same is flavored, adulterated or mixed with another ingredient, if the wrapper or cover is made of any material other than leaf tobacco or homogenized leaf tobacco, regardless of whether the roll is labeled or sold as a cigarette or by any other name.

Cigarette machine operator means any individual, entity, partnership or corporation engaged in the sale of packages of cigarettes from vending machines.

Town means Town of Occoquan, Virginia.

Dealer means every manufacturer's representative, self-wholesaler, wholesaler, or other person who shall sell, receive, store, possess, distribute or transport cigarettes within or into the Town.

Package means any container, regardless of the material used in its construction, in which separate cigarettes are placed without such cigarettes being placed into any container within the package. Packages are those containers of cigarettes from which individual cigarettes are ordinarily taken when they are consumed by their ultimate user. Ordinarily a package contains 20 cigarettes; however, the term "package" includes those containers in which fewer or more than 20 cigarettes are placed.

Person means any individual, firm, unincorporated association, company, corporation, joint stock company, group, agency, syndicate, trust or trustee, receiver, fiduciary, partnership and conservator. The word "person," as applied to a partnership, unincorporated association or other joint venture, means the partners or members thereof, and as applied to a corporation shall include all the officers and directors thereof.

Place of business means any place where cigarettes are sold, placed, stored, offered for sale or displayed for sale or where cigarettes are brought or kept for the purpose of sale, consumption or distribution, including vending machines, by dealers within the Town.

Registered agent means every dealer and other person who shall be required to report and collect the tax on cigarettes under the provisions of this article.

Retail dealer means and includes every person who, in the usual course of business, purchases or receives cigarettes from any source whatsoever for the purpose of sale within the Town to the ultimate consumer; or any person who, in the usual course of business, owns, leases or otherwise operates within his own place of business, one or more cigarette vending machines for the purpose of sale of cigarettes within the Town to the ultimate consumer; or any person who, in any manner, buys, sells, stores, transfers or deals in cigarettes for the purpose of sale within the Town to the ultimate consumer, who is not licensed as a wholesaler or vending machine operator.

Sale or sell means every act or transaction, regardless of the method or means employed, including barter, exchange or the use of vending machines or other mechanical devices or a criminal or tortuous act

whereby either ownership or possession, or both, of any cigarettes shall be transferred within the Town from a dealer to any other person for a consideration.

Stamp means a small gummed piece of paper or decal used to evidence provision for payment of the tax as authorized by the Northern Virginia Cigarette Tax Board, required to be affixed to every package of cigarettes sold or used within the Town.

Store or storage means any keeping or retention of cigarettes in this Town for any purpose except sale in the regular course of business.

Treasurer means the treasurer of the Town, or any of his duly authorized deputies or agents.

Use means the exercise of any right or power over any cigarettes or packages of cigarettes incident to the ownership or possession of those cigarettes or packages of cigarettes including any transaction where possession is given or received or otherwise transferred, other than a sale.

User means any person who exercises any right or power over any cigarettes or packages of cigarettes subject to the provisions of this article incident to the ownership or possession of those cigarettes or packages of cigarettes or any transaction where possession is given or received or otherwise transferred, other than a sale.

Wholesale dealer means any individual, partnership or corporation engaged in the sale of cigarettes for resale into or within the Town.

State law reference(s) – Definitions pertaining to state cigarette tax, Code of Virginia, § 58.1-1000.

Sec. 35-052. Levy and Rate.

- (a) In addition to all other taxes of every kind now or hereafter imposed by law, there is hereby levied and imposed by the Town upon every person who sells or uses cigarettes within the Town an excise tax at a rate of \$0.40 per pack or \$0.02 cents per each cigarette sold. The effective date of the tax is July 1, 2025. The tax shall be paid and collected in the manner and at the time hereinafter prescribed; provided, that the tax payable for each cigarette or cigarette package sold or used within the Town shall be paid but once.
- (b) The tax shall be administered, collected, and enforced by the Northern Virginia Cigarette Tax Board pursuant to a joint exercise of powers agreement authorized by Code of Virginia, § 58.1-3832 (as amended) and executed by the Town in accordance with the provisions of Code of Virginia, § 15.2-1300 (as amended). The powers of the NVCTB shall be as set forth in section 35-058 of this article.

State law reference(s) – Power to levy cigarette tax, Code of Virginia, §§ 58.1-3830, 58.1-3840.

Sec. 35-053. Methods of collection; stamps.

- (a) The tax imposed by this article shall be evidenced by the use of a stamp and shall be paid by each dealer or other person liable for the tax under a reporting method deemed by the NVCTB to carry out the provisions of this article. The stamps shall be affixed in such a manner that their removal will require continued application of water or steam. Each dealer or other person liable for the tax is hereby required, and it shall be his duty, to collect and pay the tax and report all packages of cigarettes on forms prescribed for this purpose by the NVCTB:
 - (1) The quantity of NVCTB stamped cigarettes sold or delivered to:
 - a. Each registered agent appointed by the NVCTB for which no tax was collected;

- b. Each manufacturer's representative; and
 - c. Each separate person and place of business within the Town during the preceding calendar or fiscal month.
- (2) The quantity of NVCTB stamps on hand, both affixed and unaffixed, on the first and last day of the preceding calendar month and the quantity of NVCTB stamps or NVCTB stamped cigarettes received during the preceding calendar month.
 - (3) The quantity of cigarettes on hand to which the NVCTB stamp has not been affixed on the first and last day of the preceding calendar month and the quantity of cigarettes received during the preceding calendar month to which the NVCTB stamps had not been affixed.
 - (4) Such further information as the administrator for the NVCTB may require for the proper administration and enforcement of this article for the determination of the exact number of cigarettes in the possession of each dealer or user.
- (b) Each dealer or other person liable for the tax shall file such reports with the NVCTB and pay the tax due to the NVCTB prior to the due date, and shall furnish copies of all cigarette tax reports submitted to the Virginia Department of Taxation.
 - (c) When, upon examination and audit of any invoices, records, books, cancelled checks or other memoranda touching on the purchase, sale, receipt, storage or possession of tobacco products taxed in this article, any dealer or other person liable for the tax is unable to furnish evidence to the NVCTB of sufficient tax payments and stamp purchases to cover cigarettes which were sold, used, stored, received, purchased or possessed by him, the prima facie presumption shall arise that such cigarettes were received, sold, used, stored, purchased or possessed by him without the proper tax having been paid. The NVCTB shall, from the results of such examination and audit based upon such direct or indirect information available, assess the tax due and unpaid and impose a penalty of ten percent and may impose interest of three-quarters percent per month of the gross tax due.
 - (d) When any dealer or other person liable for the tax files a false or fraudulent report or fails to file a report or fails to perform any act or performs any act to evade payment of the tax, the NVCTB shall administratively assess the tax due and unpaid and impose a penalty not to exceed 50 percent of the tax due and interest of three-quarters percent per month of the gross tax due.
 - (e) The dealer or other person liable for the tax shall be notified by certified mail of such deficiency and such tax, penalty and interest assessed shall be due and payable within ten days after notice of such deficiency has been issued. Every dealer or other person liable for the tax shall examine each package of cigarettes to ensure that the NVCTB stamp has been affixed thereto prior to offering them for sale.
 - (f) Any dealer or other person liable for the tax who shall receive cigarettes not bearing the NVCTB stamp shall, within one hour of receipt of such cigarettes, commence and with all reasonable diligence continue to affix the NVCTB stamp to each and every package of cigarettes until all unstamped packages of cigarettes have been stamped and before offering such cigarettes for sale. Any dealer or other person liable for the tax who has notified the NVCTB that he is engaged in interstate or intrastate business shall be permitted to set aside such part of his stock as may be legally kept for the conduct of such interstate or intrastate business (that is, cigarettes held for the sale outside the jurisdiction of the NVCTB) without affixing the stamps required by this article. Any such interstate or intrastate stock shall be kept entirely separate and apart from the NVCTB stamped stock, in such a manner as to prevent the commingling of the interstate or intrastate stock with the NVCTB stock. Any dealer or other person liable for the tax found to have untaxed cigarettes which have been lost whether by negligence, theft or any other unaccountable loss, shall be liable for and shall pay the tax due thereon.

(g) It shall also be the duty of each dealer or other person liable for the tax, and he is hereby required, to maintain and keep for a period of three years, not including the current calendar year, records of cigarettes received, sold, stored, possessed, transferred or handled by him in any manner whatsoever, whether the cigarettes were stamped or unstamped, to make all such records available for audit, inspection and examination and to make available, at all reasonable times, the means, facilities and opportunity for making such audit, inspection or examination upon demand of the NVCTB.

State law reference(s) – Administration and enforcement of tax, Code of Virginia, § 58.1-3832.

Sec. 35-054. Registered agents.

- (a) Any dealer or other person liable for the tax imposed by this article who shall sell, use, store, possess, distribute or transport cigarettes within or into the Town shall first make application to the NVCTB to qualify as a registered agent. Such application blank, which shall be supplied upon request, shall require such information relative to the nature of the business engaged in by the applicant as the NVCTB deems necessary for the administration and enforcement of this article. There is a yearly registration fee for all wholesale dealers and for all cigarette machine operators. Applicant shall provide a surety bond to the NVCTB of 150 percent of his average monthly tax liability, with a surety company authorized to do business in the Commonwealth of Virginia. Such bond shall be so written that, on timely payment of the premium thereon, it shall continue in force from year to year. Any applicant whose place of business is outside the Town shall automatically, by filing his application, submit himself to the NVCTB's legal jurisdiction and appoint the administrator for the NVCTB as his agent for any service of lawful process.
- (b) Upon receipt of the properly completed required application forms, and the required surety bond executed, the NVCTB shall determine whether the said applicant qualifies to be a registered agent. The NVCTB will issue said qualified applicant a yearly registered agent permit to qualify him to purchase, sell, use, store, possess, distribute or transport within or into the Town, NVCTB stamped cigarettes.
- (c) Registered agents shall agree to the reporting and payment requirements placed upon them by this article and the rules and regulations as from time to time may be promulgated by the NVCTB. When any registered agent's monthly report and payment of the tax is not received within the dates prescribed, the NVCTB shall impose a late reporting penalty of ten percent of the gross tax due or \$10.00, whichever is greater, but in no event more than \$1,000.00. The NVCTB may also require such registered agent to provide proof that he has complied with all applicable laws of the Commonwealth of Virginia to legally conduct such business and to file financial statements showing all assets and liabilities. The NVCTB may revoke or suspend any registered agent's permit due to failure to file tax reports in a timely manner, nonpayment of taxes due or if the cigarette tax surety bond should become impaired for any reason.

State law reference(s) – Administration and enforcement of tax, Code of Virginia, § 58.1-3832.

Sec. 35-055. Requirements for retail dealers.

- (a) Retail dealers who shall sell, offer for sale, store, possess, distribute, purchase, receive or transport cigarettes for the purpose of sale within the Town shall purchase cigarettes only from registered agents giving or supplying business trade name and business address of the location where the cigarettes will be placed for sale to the public. Cigarettes purchased for personal use cannot be brought into a business for resale. Only properly registered and licensed retail stores may sell cigarettes to the public. To be properly registered and licensed, a retail store must first have a valid

Virginia state sales and use tax certificate and valid retail business license. Cigarettes must be purchased and stored separately for each business location. All copies of cigarette purchase invoices/receipts must be retained by the retailer for a period of three years and shall be made available to agents of the NVCTB upon request for use in conducting audits and investigations. All copies of cigarette purchase invoices/receipts must be stored at the business retail location for a period of one year from date of purchase. Failure to provide cigarette invoices/receipts may result in confiscation of cigarettes until receipts can be reviewed by the NVCTB to verify the proper tax has been paid. It is the responsibility of each retail location to insure that all cigarettes placed for sale or stored at that location be properly taxed and stamped. Cigarettes found without the NVCTB stamp or the proper jurisdictional tax paid will be seized by the agents of the NVCTB.

- (b) Retail dealers must make their place of business available for inspection by tobacco revenue agents to insure that all cigarettes are properly stamped and all cigarettes taxes are properly paid.

Sec. 35-056. Presumption of illegality; seizure of contraband goods, sealing/seizing of machines.

- (a) If any dealer cigarette machine operator or other person liable for the tax imposed by this article is found to possess any cigarettes without the jurisdictional tax paid or the proper tax stamp affixed there shall be a rebuttable presumption that any such operator or other person shall be in possession of untaxed cigarettes in violation of this article.
- (b) If any cigarettes placed in any vending machines within the Town, then there shall be a rebuttable presumption that such cigarettes were placed in that machine for sale within the Town. If any vending machine located within the Town contains cigarettes upon which the NVCTB tax stamp has not been affixed or on which the jurisdictional tax has not been paid or containing cigarettes placed as so not to allow visual inspection of the NVCTB tax stamp through the viewing area as provided for by the vending machine manufacturer, then there shall be a rebuttable presumption that the machine contains untaxed cigarettes in violation of this article.
- (c) Any cigarettes, vending machines, cigarette tax stamps or other property found in violation of this article shall be declared contraband goods and may be seized by the NVCTB. In addition to any tax due, the dealer or other person liable for the tax possessing such untaxed cigarettes or tax stamps shall be subject to civil and criminal penalties herein provided.
- (d) In lieu of seizure, the NVCTB may seal such vending machines to prevent continued illegal sale or removal of such cigarettes. The removal of such seal from a vending machine by any unauthorized person shall be a violation of this article. Nothing in this article shall prevent the seizure of any vending machine at any time after it is sealed.
- (e) All cigarette vending machines shall be plainly marked with the name, address and telephone number of owner of said machine.

State law reference(s) – Administration and enforcement of tax, Code of Virginia, § 58.1-3832.

Sec. 35-057. Prohibited illegal acts.

It shall be unlawful and a violation of this article for any dealer or other person liable for the tax imposed by this article to:

Perform any act or fail to perform any act for the purpose of evading the payment of any tax imposed by this article or of any part thereof, or to fail or refuse to perform any of the duties

- imposed upon him under the provisions of this article or to fail or refuse to obey any lawful order which may be issued under this article;
- (2) Falsely or fraudulently make, or cause to be made, any invoices or reports, or falsely or fraudulently forge, alter or counterfeit any stamp, or procure or cause to be made, forged, altered or counterfeited any such stamp, or knowingly and willfully alter, publish, pass or tender as true any false, altered, forged or counterfeited stamp or stamps;
 - (3) Sell, offer for sale or distribute any cigarettes upon which the NVCTB tax stamp has not been affixed or upon which the jurisdictional tax has not been paid;
 - (4) Possess, store, use, authorize or approve the possession, storage or use of any cigarette packages upon which the NVCTB stamp has not been affixed or upon which the jurisdictional tax has not been paid;
 - (5) Transport, authorize or approve the transportation of any cigarette packages in quantities of more than 60 packages into or within the Town upon which the NVCTB tax stamp has not been affixed or upon which the jurisdictional tax has not been paid, if they are:
 - a. Not accompanied by a bill of lading or other document indicating the true name and address of the consignor or seller and the consignee or purchaser and the brands and quantity of cigarettes transported;
 - b. Accompanied by a bill of lading or other document which is false or fraudulent in whole or part; or
 - c. Accompanied by a bill of lading or other document indicating:
 1. A consignee or purchaser in another state or the District of Columbia who is not authorized by the law of such other jurisdiction to receive or possess such tobacco products on which the taxes imposed by such other jurisdiction have not been paid, unless the tax of the jurisdiction of destination has been paid and the cigarettes bear the tax stamps of that jurisdiction; or
 2. A consignee or purchaser in the Commonwealth of Virginia but outside the taxing jurisdiction who does not possess a Virginia sales and use tax certificate, and, where applicable, any licenses issued by the Commonwealth of Virginia or local jurisdiction of destination.
 - (6) Reuse or refill with cigarettes any package from which cigarettes have been removed, for which the tax imposed has been theretofore paid; or
 - (7) Remove from any package any stamp with intent to use or cause the stamp to be used after the stamp has already been used, or to buy, sell or offer for sale or give away any used, removed, altered or restored stamps to any person, or to reuse any stamp which had therefore been used for evidence of the payment of any tax prescribed by this article, or to sell, or offer to sell, any stamp provided for in this article.
 - (8) To sell, offer for sale or distribute any loose or single cigarettes;
 - (9) To perform any act that violates the resolutions promulgated by the NVCTB.
- (b) It shall be unlawful and a violation of this article for any person or individual to transport, possess, store, use, authorize or approve the possession, storage or use of any cigarettes in quantities of more than 60 packages upon which the NVCTB tax stamp has not been affixed or upon which the jurisdictional tax has not been paid.

State law reference(s) – Administration and enforcement of tax, Code of Virginia, § 58.1-3832.

Sec. 35-058. Powers of the Northern Virginia Cigarette Tax Board.

- (a) The NVCTB may delegate any of its powers to its administrator or employees and may adopt regulations regarding the administration and enforcement of the provisions of this article.
- (b) The NVCTB shall be granted the following powers:
 - (1) Assess, collect and disburse the cigarette tax for each participating jurisdiction;
 - (2) Audit dealer sales of cigarettes for each participating jurisdiction;
 - (3) Provide information to the Commonwealth's attorneys, county, city or town attorneys for each participating jurisdiction;
 - (4) Designate an administrator;
 - (5) Manage the Northern Virginia Cigarette Tax Fund;
 - (6) Retain a certified public accountant to audit its books;
 - (7) Designate a depository bank or banks;
 - (8) Contract with member jurisdictions for administrative services;
 - (9) Hold and convey real and personal property;
 - (10) Enter into contracts;
 - (11) Hire, supervise and discharge its own employees;
 - (12) Sue and be sued in its own name;
 - (13) Prescribe the design of a stamp(s) and to issue and sell said stamps to authorized dealers;
 - (14) Establish classes of taxpayers and extend varying discount rates;
 - (15) Promulgate resolutions for the assessment and collection of cigarette taxes and the enforcement of this article; and
 - (16) Conduct inspections of any place of business in order to enforce the provisions of this article and all resolutions of the NVCTB.
- (c) The NVCTB may employ legal counsel, bring appropriate court action in its own name to enforce payment of the cigarette tax or penalties owed and file tax liens against property of taxpayers under this article.
- (d) The NVCTB is authorized to enter into an agreement with the Virginia Department of Taxation under which a registered agent with the NVCTB who is also qualified to purchase Virginia revenue stamps, may qualify to purchase dual Virginia-NVCTB stamps from the Virginia Department of Taxation. Authority to purchase dual Virginia-NVCTB stamps is granted solely by the NVCTB and may be revoked or suspended for violations of this ordinance or resolutions adopted by the NVCTB.
- (e) The NVCTB may appoint certain employees as tobacco revenue agents, who shall be required to carry proper identification while performing their duties. Tobacco revenue agents are further authorized to conduct inspections of any place of business and shall have the power to seize or seal any vending machines, seize any cigarettes, counterfeit stamps or other property found in violation of this article and shall have the power of arrest upon reasonable and probable cause that a violation of this article has been committed. The NVCTB is authorized to provide its tobacco revenue agents with:
 - (1) Firearms for their protection;

- (2) Emergency equipped vehicles while on duty; and
- (3) Other equipment deemed necessary and proper.
- (f) The NVCTB may exchange information relative to the sale, use, transportation or shipment of cigarettes with an official of any other jurisdiction entrusted with the enforcement of the cigarette tax laws of such other jurisdiction.

State law reference(s) – Arrangement for dual stamps, Code of Virginia, § 58.1-3830; administration and enforcement of tax, Code of Virginia, § 58.1-3832.

Sec. 35-058. Jeopardy assessment.

If the administrator for the NVCTB determines that the collection of any tax or any amount of tax required to be collected and paid under this article will be jeopardized by delay, he shall make an assessment of the tax or amount of tax required to be collected and shall mail or issue a notice of such assessment to the taxpayer together with a demand for immediate payment of the tax or of the deficiency in tax declared to be in jeopardy, including penalties and interest. In the case of a current period for which the tax is in jeopardy, the administrator may declare the taxable period of the taxpayer immediately terminated and shall cause notice of such finding and declaration to be mailed or issued to the taxpayer together with a demand for immediate payment of the tax based on the period declared terminated and such tax shall be immediately due and payable, whether or not the terms otherwise allowed by this article for filing a return and paying the tax have expired.

State law reference(s) – Jeopardy assessment of sales or use tax, Code of Virginia, § 58.1-631.

Sec. 35-059. Erroneous assessment; notices and hearings in event of sealing of vending machines or seizure of contraband property.

- (a) Any person assessed by the NVCTB with a cigarette tax, penalties and interest, or any person whose cigarettes, vending machines and other property have been sealed or seized under process of this article, who has been aggrieved by such assessment, seizure or sealing may file a request for a hearing before the administrator for the NVCTB for a correction of such assessment and the return of such property seized or sealed.
- (b) Where holders of property interest in cigarettes, vending machines or other property are known at time of seizure or sealing, notice of seizure or sealing shall be sent to them by certified mail within 24 hours. Where such holders of property interests are unknown at time of seizure or sealing, it shall be sufficient notice to such unknown interest holders to post such notice to a door or wall of the room or building which contained such seized or sealed property. Any such notice of seizure or sealing shall include procedures for an administrative hearing for return of such property seized or sealed as well as affirmative defenses set forth in this section which may be asserted.
- (c) Such hearing shall be requested within ten days of the notice of such assessment, seizure or sealing and shall set forth the reasons why the tax, penalties and interest and cigarettes, vending machines or other property should be returned or released. Within five days after receipt of such hearing request, the administrator shall notify the petitioner by certified mail of a date and time for the informal presentation of evidence at a hearing to be held within 15 days of the date notification is mailed. Any such request for hearing shall be denied if the assessed tax, penalties and interest have not been paid as required or if the request is received more than ten days from the first notice to the petitioner of such seizure or sealing. Within five days after the hearing, the administrator shall

notify the petitioner by registered mail whether his request for a correction has been granted or refused.

- (d) Appropriate relief shall be given by the administrator if he is convinced by the preponderance of the evidence that such seized cigarettes were in the possession of a person other than the petitioner without the petitioner's consent at the time such cigarettes, vending machines or other property were seized or sealed or that the petitioner was authorized to possess such untaxed cigarettes. If the administrator is satisfied that the tax was erroneously assessed, he shall refund the amount erroneously assessed together with any interest and penalties paid thereon and shall return any cigarettes, vending machines or other property seized or sealed to the petitioner. Any petitioner who is dissatisfied with the written decision of the NVCTB may within 30 days of the date of such decision appeal such decision to the appropriate court in the jurisdiction where the seizure or sealing occurred.

State law reference(s) – Administration and enforcement of tax, Code of Virginia, § 58.1-3832.

Sec. 35-060. Disposal of seized property.

Any seized and confiscated cigarettes, vending machines or other property used in the furtherance of any illegal evasion of the tax imposed by this article may be disposed of by sale or other method deemed appropriate by the NVCTB after any petitioner has exhausted all administrative appeal procedures. No credit from any sale of cigarettes, vending machines or other property seized shall be allowed toward any tax and penalties assessed.

State law reference(s) – Administration and enforcement of tax, Code of Virginia, § 58.1-3832.

Sec. 35-061. Extension of time for filing tax report.

The administrator, upon a finding of good cause, may grant an extension of time to file a tax report upon written application for a period not exceeding 30 days. Except as provided in this article, no interest or penalty shall be charged, assessed or collected by reason of the granting of such an extension.

State law reference(s) – Administration and enforcement of tax, Code of Virginia, § 58.1-3832.

Sec. 35-062. Penalty for violation of article.

Any person violating any of the provisions of this article shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than \$2,500.00 or imprisonment for not more than 12 months or by both such fine and imprisonment. Such fine and/or imprisonment shall not relieve any such person from the payment of any tax, penalty or interest imposed by this article.

State law reference(s) – Penalties for violation of ordinances, Code of Virginia, § 15.2-1429; violations of state cigarette tax law, Code of Virginia, § 58.1-1013; tobacco products found in quantities of more than six cartons, 58.1-3832.

Sec. 35-063. Each violation a separate offense.

The sale of any quantity, the use, possession, storage or transportation of more than sixty packages of cigarettes upon which the NVCTB tax stamp has not been affixed or the proper jurisdictional tax has not been paid shall be and constitute a separate violation. Each continuing day of violation shall be deemed to constitute a separate offense.

Sec. 35-064. Severability.

If any section, phrase or part of this article should for any reason be held invalid by a court of competent jurisdiction, such decision shall not affect the remainder of the article; and every remaining section, clause, phrase or part thereof shall continue in full force and effect.

DRAFT



TOWN OF OCCOQUAN
TOWN COUNCIL MEETING
 Agenda Communication

9. Regular Business	Meeting Date: February 4, 2024
9C: Request to Adopt Resolution Referring Zoning Text Amendment on Certain Short-term Recurring Zoning Offenses to Planning Commission	

Attachments: a. Resolution R-2025-04
 b. Draft Ordinance

Submitted by: Adam C. Linn
 Town Manager

Explanation and Summary:

This is a request to adopt a resolution referring a zoning text amendment on shortening the appeal period for certain short-term recurring zoning offenses to the Planning Commission for review, public hearing, and recommendation. The draft ordinance is attached.

The objective of the amendments is to provide for more efficient and timely enforcement of certain zoning offenses that occur for non-permanent, short durations of time. These include offenses related to temporary sign permits, temporary trailers for sales, temporary seasonal displays, and home occupation certificate regulations restricting commercial vehicle parking.

Background

Per § 15.2-2286(A)(4) of the Code of Virginia, the Town Council may shorten the appeal period for certain recurring violations. Currently, the § 33.20 of the Town Code sets a 30-day appeal period for all zoning violations.

Staff Recommendation: Recommend referral to the Planning Commission for review, public hearing, and recommendation to the Town Council.

Cost and Financing: N/A

Account Number: N/A

Proposed/Suggested Motion:

“I move to adopt the Resolution to refer amendments to the Planning Commission for its recommendation after public hearing.”

OR

Other action Council deems appropriate.

**TOWN OF OCCOQUAN, VIRGINIA
RESOLUTION**

**INITIATION OF ZONING TEXT AMENDMENTS FOR REVISIONS TO SECTION
33.20, BOARD OF ZONING APPEALS, AND SECTION 157.014, TEMPORARY
TRAILER FOR SALES AND CONSTRUCTION OFFICE DURING
CONSTRUCTION, OF THE TOWN CODE TO PROVIDE FOR A SHORTENED
APPEAL PERIOD**

WHEREAS, the Occoquan Town Council wishes to initiate zoning text amendments to adopt revisions to the Town Zoning Code decisions regarding temporary sign permits, temporary trailer for sales, temporary seasonal displays, and home occupation certificate regulations restricting commercial vehicle parking; and

WHEREAS, the Town Council finds that public necessity, convenience, general welfare, and good zoning practice requires amending the Town Zoning Code to shorten the appeal period for certain short-term recurring zoning offenses; and

WHEREAS, by authority granted in §15.2-2286(A)(4) of the Code of Virginia, the Town Council may shorten the appeal period for certain recurring violations; and

WHEREAS, by authority granted in §15.2-2286(A)(7) of the Code of Virginia, the Town Council may amend, supplement, or change the zoning regulations; and

WHEREAS, pursuant to Code of Virginia § 15.2-2286(A)(7)(i) and Town Code § 157.260 (B) (2), such amendment may be initiated by resolution of the Town Council, and

WHEREAS, pursuant to §15.2-2285(B), no zoning ordinance shall be amended or reenacted unless the governing body has referred it to its planning commission for its recommendations; and

WHEREAS, the proposed Amendments are attached hereto; and

NOW, THEREFORE, BE IT RESOLVED that the Occoquan Town Council does hereby initiate a zoning text amendment to amend the Town's Board of Zoning Appeal ordinance in Chapter 33, Article 33.20, and Chapter 157, Article 157.014, regarding Temporary Trailer for Sales and Construction Office During Construction; and

BE IT FURTHER RESOLVED that the Occoquan Town Council does hereby refer the proposed amendments to the Planning Commission for its recommendations; and

BE IT FINALLY RESOLVED that the clerk is directed to advertise a joint public hearing of the Town Council and Planning Commission on the proposed amendment in accordance with the requirements of § 15.2-2204 of the Code of Virginia.

Adopted by the Town Council of the Town of Occoquan, Virginia this 4th day of February, 2025.

MOTION:

**DATE: February 4, 2025
Town Council Meeting**

SECOND:

Votes

Ayes:

Nays:

Absent from Vote:

Absent from Meeting:

BY ORDER OF THE TOWN COUNCIL

Attested:

Earnest W. Porta, Jr., Mayor

Philip Auville, Town Clerk

ORDINANCE # O-2025-XX

AN ORDINANCE TO AMEND SECTION 33.20, BOARD OF ZONING APPEALS, AND SECTION 157.014, TEMPORARY TRAILER FOR SALES AND CONSTRUCTION OFFICE DURING CONSTRUCTION, OF THE TOWN CODE TO PROVIDE FOR A SHORTENED APPEAL PERIOD

WHEREAS, the Town Council initiated a zoning text amendment to shorten the appeal period for certain short-term zoning offenses by Resolution R-2025-04; and

WHEREAS, by authority granted in §15.2-2286(A)(7) of the Code of Virginia, the Town Council may in such cases amend, supplement, or change the zoning regulations, and

WHEREAS, the Town Planning Commission and Town Council have advertised and held a joint public hearing on the proposed amendment to the Town zoning ordinance; and

WHEREAS, after receiving public input and the recommendation of the Planning Commission, the Town Council desires to amend the zoning ordinance to shorten the appeal period for certain short-term zoning offenses, in order to accomplish the objectives of Virginia Code § 15.2-2200 and serve the public health, safety and welfare.

NOW, THEREFORE BE IT ORDAINED by the Council for the Town of Occoquan, Virginia meeting in regular session this ____ day of _____, 2025:

1. That the Town Council hereby amends the Town Code as presented in the attached; and
2. That this ordinance is effective upon passage.

BY ORDER OF THE TOWN COUNCIL

Meeting Date: _____, 2025
Town Council Meeting
Ord No. O-2025-XX

RE: AN ORDINANCE TO AMEND SECTION 33.20, BOARD OF ZONING APPEALS, AND SECTION 157.014, TEMPORARY TRAILER FOR SALES AND CONSTRUCTION OFFICE DURING CONSTRUCTION, OF THE TOWN CODE TO PROVIDE FOR A SHORTENED APPEAL PERIOD

MOTION:
SECOND:
ACTION:

Votes:
Ayes:
Nays:

Absent from Vote:
Absent from Meeting:

CERTIFIED COPY _____
Town Clerk

DRAFT

§ 33.30 APPEALS TO BOARD.

(A) Generally. An appeal to the Board of Zoning Appeals may be taken by any person aggrieved or by any officer, department, board, or bureau of the town affected by any decision of the Zoning Administrator or from any order, requirement, decision, or determination made by any other administrative officer (a "Decision") in the administration or enforcement of VA Code §§ 15.2-2280 et seq., or Chapter 157 of this code. Except as provided for in subsection (A) (i) of this section, any Decision shall include a statement informing the recipient that he or she may have a right to appeal the notice of a zoning violation or a written order within 30 days in accordance with this section, and that the Decision shall be final and unappealable if not appealed within 30 days. The appeal period shall not commence until the statement is given.

- i. A notice of violation concerning a temporary trailer for sales and construction office during construction, temporary seasonal displays, or parking of a marked company vehicle in connection with a home occupancy certificate shall state that the appeal must be brought to the Board of Zoning Appeals (BZA) within ten (10) days from the date of the decision.

(B) Application and fees. Any person aggrieved by a Decision of the Zoning Administrator may appeal to the Board of Zoning Appeals (BZA) by filing on the form provided, a notice of appeal with the Zoning Administrator and the Board of Zoning Appeals, which appeal shall specify the grounds of the appeal, together with the fees as established in the current fee schedule. For a notice of violation concerning temporary trailer for sales and construction office during construction under Town Code § 157.014; temporary seasonal displays under Town Code §§ 157.041 (A)(8), 157.061 (A) (7), 157.081 (A)(9), 157.101 (A)(4), or 157.121 (A)(21); or parking of a marked company vehicle in connection with a home occupancy certificate under Town Code § 157.010, the appeal must be filed within 10 days from the date of the notice of violation. . For all other Decisions, the appeal must be filed within 30 days from the date of the Decision. The application and accompanying maps, plans, and other documentation constituting the record upon which the action appealed from was taken shall be transmitted promptly to the Secretary of the Board, who shall place the matter on the docket. An appeal shall stay all proceedings in furtherance of the action appealed from unless the Zoning Administrator certifies to the Board that by reason of facts stated in the certificate a stay would in his or her opinion cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order granted by the Board or by a court of record, on application and on notice to the Zoning Administrator and for good cause shown.

(C) Notice and hearing required; Planning Commission recommendation. After entering the appeal on the docket, the Secretary of the Board shall advertise a public hearing, give written notice to the parties in interest, and request the Zoning Administrator to transmit a copy of the application and his or her staff report to the Planning Commission; the Planning Commission may send a written recommendation to the Board to appear as a party at the public hearing.

(D) Burden of proof. The applicant for a variance has the burden of proving that denial of a variance will result in unnecessary hardship, of proving that his or her hardship is due to Chapter 157 of this code itself, and of proving, to the satisfaction of the Board, requirements for a variance stipulated in the VA Code.

(E) Findings required. The Board shall fix a reasonable time for the hearing of an application or appeal, give public notice as well as due notice to the parties in interest, and make its decision within 90 days of the filing of the application or appeal. In exercising its powers, the Board may reverse or affirm, wholly or partly, or may modify an order, requirement, decision, or determination appealed from. The concurring vote of a majority of the membership of the Board shall be necessary to reverse any order, requirement, decision, or determination of an administrative officer or to decide in favor of the applicant on any matter upon which it is required to pass under Chapter 157 of this code or to effect any variance from Chapter 157 of this code. The decision of the Board must be based on the evidence adduced at a public hearing and must include findings of fact disclosing the evidence relied upon by the Board and otherwise state the business and grounds for its decision to assure that the provisions of the VA Code and this subchapter have been met.

(F) Board to issue order. Whenever the Board shall grant a variance, the Secretary of the Board shall cause an order to be issued evidencing the grant and furnish copies of the order to the applicant, to the Zoning Administrator, to the Town Clerk, and to such other parties as deemed necessary.

(G) Limitation on change. In no event shall a written order, requirement, decision, or determination made by the Zoning Administrator or other administrative officer be subject to change, modification, or reversal by any Zoning Administrator or other administrative officer after 60 days have elapsed from the date of the written order, requirement, decision, or determination where the person aggrieved has materially changed his or her position in good faith reliance on the action of the Zoning Administrator or other administrative officer unless it is proven that such written order, requirement, decision, or determination was obtained through malfeasance of the Zoning Administrator or other administrative officer or through fraud. The 60-day limitation period shall not apply in any case where, with the concurrence of the Town Attorney, modification is required to correct clerical or other nondiscretionary errors.

(1998 Code, § 2-281) (Ord. O-2023-15, passed 9-19-2023)

§ 157.014 TEMPORARY TRAILER FOR SALES AND CONSTRUCTION OFFICE DURING CONSTRUCTION.

(A) The Zoning Administrator shall issue a zoning permit for a temporary trailer to be used for sales and/or construction purposes:

(1) During construction of a residential or mixed-use development; or

(2) During construction, renovation, or reconstruction of a primary permanent structure for commercial or residential uses, if the following criteria are met:

(a) For a trailer permitted under division (A)(1) above, there is an approved, valid final site plan or subdivision plat that remains under bond, for the site on which the temporary trailer will be located;

(b) For a trailer permitted under division (A)(2) above, there is a valid building permit in place;

(c) The applicant has submitted a sketch of the site identifying the location of the temporary trailer and construction plans. This sketch need not be sealed by an engineer but must show scale, north arrow, distance from the trailer to the nearest property lines, the location of at least two parking spaces, the hours of operation, and the location, type, and wattage of any temporary site lighting for the temporary trailer;

(d) The temporary trailer shall be subject to the minimum setbacks of the zoning district in which it is located;

(e) The temporary trailer shall be located within the boundary of the project in which lots or units are to be sold or rented;

(f) No sleeping accommodations shall be provided within the temporary trailer;

(g) The temporary trailer shall be securely attached and underpinned. Foundations for the office shall be screened from public view;

(h) Outdoor lighting meeting the standards set forth in §§ 157.285 through 157.288 of this chapter shall be provided for hours of operation after sunset or before sunrise;

(i) Each temporary trailer shall not exceed one story in height and 625 square feet of floor area;

(j) Sanitary facilities are connected to public water and sewer or have been approved by the health department. A copy of the health department approval must be submitted with the application;

(k) All temporary trailers located in the Old and Historic Occoquan District shall be exempted from the certificate of appropriateness requirement as set forth in §§ 157.175 through 157.182 of this chapter;

(I) Prior to issuance of any permit, the applicant shall execute a guarantee of removal after termination of the permit and the Zoning Administrator shall require a reasonable bond with surety, cash escrow, letter of credit, any combination thereof, or such other legal arrangement acceptable to the Town Attorney, to ensure that measures could be taken by the town at the applicant's expense should they fail, after proper notice, to remove the temporary trailer from the location or fail to take such other action to meet the aforementioned conditions. If the town takes such action upon such failure by the applicant, the locality may collect from the applicant for the difference should the amount of the reasonable cost of such action exceed the amount of the security held, if any. Within 60 days of the completion of the requirements of the permit conditions, such bond, cash escrow, letter of credit, or other legal arrangement, or the unexpended or unobligated portion thereof, shall be refunded to the applicant or terminated.

(B) The permit for a temporary trailer shall be for no more than 180 days, subject to a single renewal for up to 180 days, but in no circumstances may a single project have a temporary trailer for more than 360 days in any 24-month period. Upon the sale or rental of all marketed units on the property, the permit for the temporary trailer expires immediately. The Zoning Administrator may terminate the permit after giving 10 days notice of a violation of this section if the violation remains uncorrected upon expiration of the notice period. The holder of the permit may appeal the termination of the permit within 10 days to the Board of Zoning Appeals.

(C) Applicants shall apply for the permit with forms provided by the Zoning Administrator and pay the applicable fee as set by Town Council in the fee schedule. The Zoning Administrator shall grant or deny the permit within 30 days of application. If the Zoning Administrator grants the permit, the applicant shall keep and display the permit on the exterior of the temporary trailer until the trailer is removed from the site.

(D) The appeal period for a notice of violation under this Section is 10 days.

(Ord. O-2023-10, passed 6-6-2023)



TOWN OF OCCOQUAN TOWN COUNCIL MEETING Agenda Communication

10. Discussion Items	Meeting Date: February 4, 2025
10A: 2025 Town Events Calendar Discussion	

Attachments: a. 2025 Events Calendar

Submitted by: Julie Little
Events Director

Explanation and Summary:

This is a discussion item to review the Calendar Year 2025 Events Calendar.

The proposed calendar is based on business community input, FY2026 budgeting considerations, and an assessment of staff time and resources.

The Events Calendar is used in drafting the FY2026 Events Fund Budget.

Staff Request: Provide feedback.

2025 Occoquan Events Calendar

Feb 14	Firelight Night
Apr 15-19	The Peep Show
May 16	Trivia Night
June 7 & 8	RiverFest
June 20	Trivia Night
July 25	Trivia Night
Aug 15	Trivia Night
Sep 12	Trivia Night
Sep 27 & 28	Fall Art & Crafts Show
Oct 10	Trivia Night
Oct 24	Murder Mystery
Oct 25	Costume Parade
Oct 25	Movie Night
Nov 22	Tree Lighting
Nov 28 & 30	#ShopSmall Weekend
Dec 6 & 7	Holiday Artisan Market
Dec 6	Firelight Night
Dec 7	Santa Singalong



TOWN OF OCCOQUAN

TOWN COUNCIL MEETING

Agenda Communication

10. Discussion Items	Meeting Date: February 4, 2025
10B: FY2026 Budget Schedule and Strategic Framework Discussion	

Attachments: a. FY2026 Budget Schedule

Submitted by: Adam C. Linn
Town Manager

Explanation and Summary:

This is a discussion item to review the Town Council's Strategic Framework and review the proposed Budget Schedule in preparation of the FY2026 budget process.

At the April 18, 2023, Town Council Meeting, the Town Council codified their priorities in a strategic framework to coincide with their current election term. Staff provides status reports on the strategic framework in the monthly administrative report. This is a brief overview of the strategic framework status to provide Town Council with the opportunity to make any updates or alterations to priorities or focus areas that the Town Council wants to address in the coming fiscal year. In addition, it provides Town Council with an opportunity to discuss the proposed budget schedule.

Staff Request: Staff is requesting comment on the proposed budget schedule and direction related to updates or alterations to the strategic framework.



TOWN OF OCCOQUAN

Fiscal Year 2026 Budget Schedule

ACTIVITY	DATE	TIME
Budget Staff Meeting - Budget Preparation and Task Setting	Friday, December 6, 2024	Completed
Deadline for Initial Department Budget Requests	Friday, January 24, 2025	10:00am
Town Council Strategic Framework & Budget Schedule Review	Tuesday, February 4, 2025	7:00pm
Staff Budget Work Session Prep	Wednesday, February 12, 2025	10:00am
Town Council Budget Work Session #1 (Maime Davis Fund/eSummons Fund / Event Fund)	Tuesday, March 4, 2025	7:00pm
Staff Meeting - Budget Discussion	Wednesday, March 5, 2025	11:00am
Staff Budget Work Session Prep	Wednesday, March 12, 2025	10:00am
Town Council Budget Work Session #2 (General Fund)	Tuesday, March 18, 2025	7:00pm
Staff Meeting - Budget Discussion	Wednesday, March 19, 2025	10:00am
Town Council Budget Work Session #3 (Capital Improvement Program)	Tuesday, April 1, 2025	7:00pm
Staff Meeting - Budget Discussion	Wednesday, April 3, 2025	10:00am
Town Council Budget Work Session #3 (Review of all FY2026 Budget)	Tuesday, April 15, 2025	7:00pm
Advertise for Budget Public Hearings	Advertising No Later than: April 25, 2025	Date to send to paper: Btw April 16-24, 2025
Advertise for Tax Rate Public Hearings	Advertising No Later than: May 2, 2025	Date to send to paper: Btw April 16-May 1, 2025
Proposed FY26 Budget Submitted to Council, Available to Public	Friday, May 2, 2025	COB
Public Hearing: Proposed FY26 Budget	Tuesday, May 6, 2025	7:00pm
Public Hearing: Proposed FY26 Tax Rates	Tuesday, May 20, 2025	7:00pm
Adoption of FY26 Tax Rates and Budget	Tuesday, May 20, 2025	7:00pm

Town Council Meetings/ Actions
 Administrative Deadlines