

CHAPTER 25

SPECIAL ASSESSMENTS

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ARTICLE I. IN GENERAL

SECTIONS 25-01 - 25-09. RESERVED.

ARTICLE II. DOWNTOWN DISTRICTS

DIVISION 1. GENERALLY

SECTION 25-1. ASSESSMENTS FOR DOWNTOWN IMPROVEMENTS AND PROMOTION.

For the year beginning January 1, 1982 and each year thereafter while this division is in force, there are hereby levied the following special assessments on properties located within the City:

1. Primary downtown assessment district. Upon the abutting property owners on Loudoun Street between Piccadilly and Cork Streets, a tax of twenty-three cents (\$0.23) for every one hundred dollars (\$100.00) of assessed value thereof; and

Editor's note--With the city's permission, provisions designated by Ord. No. 012-82, adopted July 13, 1982 as Ch. 19.3, §§19.3-1 - 19.3-3 have been redesignated as Ch. 19.5, §§19.5-1 - 19.5-3 in order to maintain Code format. In addition, at the editor's discretion, Art. I, §§19.5-01 - 19.5-09, has been added and reserved for general provisions relative to special assessments and 19.5-1 - 19.5-3 have been designated Art. II, Div. 1 in order to facilitate the inclusion of related material as Art. II, Div. 2. This chapter was renumbered to Chapter 25 as a part of 1995 City Code Recodification.

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2. Secondary downtown assessment district. Upon the abutting property owners on Piccadilly Street between Cameron and Braddock Streets; on Braddock Street between Piccadilly and Cork Streets; on Cork Street between Braddock and Cameron Streets; on Cameron Street between Cork and Piccadilly Streets; on Boscawen Street between Braddock and Cameron Streets; on Rouss Avenue between Loudoun and Cameron Streets; on Wolfe Street between Braddock Street and Indian Alley; and on Indian Alley between Cork and Piccadilly Streets, a tax of thirteen cents (\$0.13) for every one hundred dollars (\$100.00) of assessed value thereof; provided, however, no such assessment shall be made on any property whose use is exclusively residential. (Ord. No. 0-16-81, 8-11-81; Ord. No. 012-82, 7-13-82; Ord. No. 017-91, 4-23-91)

SECTION 25-2. PURPOSE.

The above assessments shall be for the following purposes in the said assessment districts:

1. Construction, improvement, replacement, and enhancement of all pathways, walkways, curbs, sanitary and/or storm sewers and gutters;
2. Construction or installation of canopies or other weather protective devices;
3. Installation of lighting, permanent and/or temporary to enhance and provide a safe and well lit environment;
4. Construction or installation of permanent amenities including, but not limited to, benches or waste receptacles, planters, tree wells, fountains and any amenity that will enhance the marketability and beautification;
5. Promotion. Provide education and promotional support to stakeholders for a continued and successful and vibrant commercial district. This shall include and not be limited to business seminars, events that encourage people to visit, shop and live in the district. Provide incentives and programs to stakeholders maintaining the upkeep of their buildings;
6. Services. Any and all services that will provide a safe and clean environment. Such services will include refuse and recycling pick-up and recycling.

(Ord. No. 016-81, 8-11-81; Ord. No. 012-82, 7-13-82; Ord. No. 2010-43, 9-14-10)

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SECTION 25-3. COLLECTION OF TAXES.

The tax imposed by this chapter shall be administered, enforced and collected in conformity to the provisions of the following City Code sections:

1. The tax shall be due and payable pursuant to the provisions of §27-10.
2. Penalties for failure to file any required document or to pay the tax shall be imposed by §§27-2 and 27-6.
3. Interest shall be assessed on any unpaid amounts as per §§27-3 and 27-6.
4. The provisions of §27-4 shall apply to any criminal charges or penalties.
5. Payments made by a taxpayer shall be credited in accordance with §27-5. The taxpayer making a payment towards the tax imposed by this chapter may direct that the payment be credited solely to the tax imposed by this chapter.
6. All enforcement and administrative powers of the commissioner of the revenue or the treasurer contained in this Code or the Code of Virginia shall apply to the administration, enforcement and collection of the tax imposed by this chapter. (Ord. No. 030-95, 08-08-95).

SECTIONS 25-4 - 25-15. RESERVED.

DIVISION 2. OLD TOWN DEVELOPMENT BOARD

SECTION 25-16. CREATION.

There is hereby created the Old Town Development Board, which shall serve as an advisory board to the Common Council and the City's Administration. (Ord. No. 050-95, 10-17-95; Ord. No. 2012-30, 11-13-12).

SECTION 25-17. COMPOSITION; APPOINTMENT; TERM.

The Old Town Development Board shall consist of eleven (11) members as follows: Six (6) members shall own property or operate a business within the area subject to local assessment of local improvement under this chapter (3 year term). Three (3) members shall be at-large (3 year term) and shall be residents of the City. One (1) member shall own property or operate a business within the area subject to local assessment of local

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improvement under this chapter and/or represent a business within the City (3 year term). One (1) member recommended by the President of Shenandoah University who shall serve in such capacity during the term of holding such office, without re-appointment.

The Downtown Manager, who shall fully report to the City Manager, shall serve as the primary staff liaison to the Old Town Development Board.

(Ord. No. 017-81, §2; Ord. No. 032-81, 12-8-81; Ord. No. 030-83, 9-13-83; Ord. No. 050-95, 10-17-95; Ord. No. 011-98, 5-12-98; Ord. No. 004-2000, 3/14/00; Ord. No. 009-2004, 3-30-04; Ord. No. 2009-17, 7-14-09; Ord. No. 2010-43, 9-14-10; Ord. No. 2011-22, 7-12-11; Ord. No. 2012-30, 11-13-12; Ord. No. 2014-07, 5-13-14)

Cross references--Administration, Ch. 2; Planning, Ch. 19.

SECTION 25-18. VACANCIES.

All members of the Old Town Development Board shall be appointed by the Common Council. Vacancies on the Old Town Development Board occurring otherwise than through the expiration of a term shall be filled for the unexpired term by appointment by the Common Council. (Ord. No. 017-81, §3, 8-11-81; Ord. No. 2011-21, 10-11-11; Ord. No. 2012-30, 11-13-12)

SECTION 25-19. COMPENSATION.

All members of the Old Town Development Board shall serve without compensation. (Ord. No. 017-81, §4, 8-11-81)

SECTION 25-20. ORGANIZATION; OFFICERS; QUORUM.

The members of the Old Town Development Board shall, immediately after their appointment and qualification, meet and organize. The board shall elect a chairman,

Editor's Note--At the editor's discretion and pursuant to advice of the city, §19.5-17 of Ord. No. 011-98, enacted 5-12-98 has been included as §25-17.

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vice-chairman, and such other officers as it may deem necessary. A majority of the members of the board shall constitute a quorum. (Ord. No. 017-81, §5, 8-11-81; Ord. No. 2011-21, 10-11-11)

SECTION 25-21. PURPOSES; POWERS AND DUTIES.

The Old Town Development Board shall make recommendations to the Common Council regarding the improvement, maintenance, development, planning, and promotion of downtown Winchester, and shall make recommendations to the Common Council regarding the appropriation of funds for the foregoing purpose. The board shall be responsible for the control and management of any such funds appropriated to it for its use by Common Council and such appropriated funds may be used to employ or contract with, on such terms and conditions as the board shall determine, persons, municipal or other governmental entities or such other entities as the board deems necessary to accomplish the purposes for which the board has been created. (Ord. No. 017-81, §6, 8-11-81; Ord. No. 2011-21, 10-11-11; Ord. No. 2012-30, 11-13-12)

SECTION 25-22. REPORTS AND BUDGETS.

At least once each year at such time as may be requested by the Common Council, the board shall make a full report to council showing the activities of the board for the preceding year, and the state of the downtown area, and the plans of the board for the future. Each year, the Downtown Manager shall also submit a financial report showing receipts from all sources and all disbursements, and shall also submit a proposed budget for the coming year. (Ord. No. 017-81, §7, 8-11-81; Ord. No. 2012-30, 11-13-12)

SECTIONS 25-23. REMOVAL OF BOARD MEMBERS.

Council may with or without cause remove and/or replace any member of the Old Town Development Board by majority vote in an open session. The Old Town Development Board may also seek removal of a member for good cause shown by the adoption, through majority vote, of a Resolution recommending removal of the member. Such Resolution shall include a summary of the cause for the recommendation of removal. Upon receipt of the Resolution recommending removal, the City Clerk shall place the recommendation upon the Agenda of Council for the next regularly scheduled meeting

Editor's Note--At the editor's discretion and pursuant to advice of the city, §1-7 of Ord. No. 017-81, enacted Aug. 11, 1981 have been included as herein set out in §§25-16 - 25-22. Said provisions did not expressly amend the Code.

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for Council's consideration. Upon review of the recommendation of removal, Council may thereafter, by motion and majority vote, remove said member from the Old Town Development Board. Removal shall be at the sole discretion of Common Council.

(Ord. No. 2010-43, 9-14-10)

SECTIONS 25-24 - 25-28. RESERVED.

ARTICLE III. COURTHOUSE AND LAW LIBRARY ASSESSMENT

SECTION 25-29. COURTHOUSE COMPLIANCE ASSESSMENT

Upon receipt of written certification from the Commonwealth of Virginia Department of General Services that on or after January 1, 2008, the City operated a courthouse not in compliance with the current safety and security guidelines contained in the Virginia Courthouse Facility Guidelines, and which cannot be feasibly renovated to correct such non-compliance through the City, a fee of Three Dollars (\$3.00) shall be collected for each civil action where the amount in controversy exceeds \$500.00 filed in the district or circuit courts and for each criminal or traffic case in its district or circuit court in which the defendant is charged with a violation of any statute or ordinance. Such fees shall be collected and utilized in accordance with the provisions of §17.1-281 of the Code of Virginia.

(Ord. No. 2009-16, 7-14-09)

SECTION 25-30. LAW LIBRARY ASSESSMENT.

The law library assessment for the filing of each civil suit by any person in any of the several courts for the City shall be Four Dollars (\$4.00), pursuant to the authority provided in §42.1-70 of the Code of Virginia (Supplement 1988). In no such suit to which the City is a party shall the City be subject to the assessment herein provided, either in the filing of any suit or as costs assessed in such suit. Such fees shall be collected and utilized in accordance with the provisions of §17.1-281 of the Code of Virginia.

(Ord. No. 015-81, 7-14-81; Ord. No. 032-88, 9-13-88; Ord. No. 031-93, 10-12-93; Ord. No. 2009-16, 7-14-09)

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ARTICLE IV. ASSESSMENT FOR COURTHOUSE CONSTRUCTION

SECTION 25-31. ASSESSMENT FOR COURTHOUSE CONSTRUCTION, RENOVATION OR MAINTENANCE - CRIMINAL AND TRAFFIC CASES.

There is hereby assessed, as a part of the fees taxed as costs in (i) each civil action filed in the district or circuit courts for the City of Winchester and (ii) each criminal or traffic case in the district or circuit courts for the City a sum in the amount of Two Dollars (\$2.00).

The assessment shall be collected by the clerk of the court in which the action is filed, and remitted to the City Treasurer. Such assessments shall be held by the treasurer for disbursements at the direction of Council solely for the purposes of the construction, renovation or maintenance of the courthouse or jail and court-related facilities, and to defray increases in the cost of heating, cooling, electricity, and ordinary maintenance of same. The total assessments in any case pursuant to this section and Section 25-30 shall not exceed Six Dollars (\$6.00). Except as limited herein, this assessment shall be in addition to any other fees prescribed by law. (Ord. No. 030-90, 8-14-90; Ord. No. 011-92, 8-11-92; Ord. No. 032-93, 10-12-93; Ord. No. 2009-16, 7-14-09)

State Law Reference--Code of Virginia, §17.1-281, effective July 1, 2009.

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