

CHAPTER 15
STREETS AND SIDEWALKS
IN GENERAL

Section 15-1. Certain ordinances relating to streets not affected by Code.

Nothing in this Code or the ordinance adopting this Code shall affect any ordinance opening, relocating, closing, altering or naming any streets or alley, and all such ordinances are hereby recognized as continuing in full force and effect to the same extent as if set out at length in this Code.

Section 15-2. Street Names.

The names of the streets, as shown on plats of the official town survey on file in the town office, shall be true names of the streets of the town.

Section 15-3. General design and construction standards for streets.

All public streets and roads constructed in the town shall be designed and constructed in accordance with the standards and specifications of the Virginia Department of Highways and those set forth in the town's subdivision ordinance. This shall apply to all phases of road and street construction, except that standard curb and gutter shall be installed and a minimum source of two (2) inches of bituminous concrete pavement shall be applied to all public streets and roads constructed with the jurisdiction of the town. All entrances construed from a new or existing street or road shall be in accordance with the standards and specifications of the Virginia Department of Highways and those set forth in the town's subdivision ordinance.

Section 15-4. Street construction plans.

A certified professional engineer or certified land surveyor, licensed by the state, shall prepare plans for all public streets and roads to be constructed within the jurisdiction of the town. Such engineer or surveyor shall provide a space on the first sheet of such plans for the written approval of the town council. No construction may begin until this written approval has been received. These plans shall also contain a certificate, signed by the engineer or surveyor; the plans have been prepared in accordance with the design standards and specifications of the Virginia Department of Highways.

Section 15-5. Grade, Alignment, etc., of streets and curbs

(a) When a street line, grade of center line or curb of any street shall be established by the town council or its duly appointed committee or by a town officer duly designated for such purpose, such grade and alignment shall be official. No person shall change such grade or alignment so fixed.

(b) The situation, range, height, width and pitch of the curbstones and pavements shall be established and determined by the town council or its duly appointed committee or by a town officer duly designated for such purpose.

Section 15-6. Structures to conform to street line and grade.

No person shall be permitted to erect any structure or other permanent improvement on any street where the property line and grade line have been officially established, without having first ascertained the true street line and grade, and such structure or other improvement shall be erected so as to conform therewith.

Section 15-7. Construction of pavement crossings.

Whenever it is necessary to cross the pavement, such crossing shall be constructed by the town with material suitable for the purpose. The cost of such crossing, over and above the ordinary cost of the pavement, shall be paid by the property owner.

Section 15-8. Obstructions generally.

- (a) No obstructions shall be allowed to remain upon the sidewalks or streets, unless necessary for building purposes.
- (b) The town council shall cause all obstructions to be removed from the public streets and sidewalks. If any person causing the obstruction shall fail to remove it at once, after having been notified by the town council, the town council shall cause it to be removed at the expense of the person causing such obstruction, and such claim shall be collected as other claims due the town are collected.

Section 15-9. Obstructions generally.

No person shall unload any merchandise or other material in such manner as to block traffic on the streets or sidewalks of the town, except by permission of the town police.

Section 15-10. Dispersal of crowds obstructing use of street or sidewalk.

Whenever the free passage of any street or sidewalk in the town shall be obstructed by a crowd, the persons composing such crowd shall disperse or move on when directed to do so by a police officer. It shall be unlawful for any person to refuse to so disperse or move on when so directed by a police officer as herein provided.

Section 15-11. Encroachments and projections generally.

- (a) Improvements generally. No house, porch, bay window, fence, steps or any other improvement on private property shall be allowed to encroach upon the public streets, pavements, sidewalks or public places.
- (b) Projecting eaves, air conditioning units, etc. All buildings and structures built so that the eaves thereof project over the sidewalks or other ways, and all air conditioning units and other devices whatsoever which project from buildings or structures over the sidewalks or other ways shall be provided with gutters or downspouts so that no water or other fluid shall flow or drip upon any sidewalk or way. Such gutters and downspouts shall at all times be maintained in good repair and shall be constructed so as to discharge water or other fluid, where practicable, under the sidewalk or way in a suitable pipe.
- (c) Signs, figures and ornaments. Signs, figures, ornaments or other objects projecting over a pavement or sidewalk in the town must be securely attached to a wall or doorway must be at least eight (8) feet above such pavement or sidewalk and shall not project more than eighteen (18) inches over the pavement or sidewalk. The town council may, at its discretion and by resolution, enact fees for such use of public streets.
- (d) Swinging awnings. Swinging awnings shall be securely attached to the building, must be at least seven (7) feet above the sidewalk and must not extend beyond the curb line.
- (e) Cellar doors and openings into cellars. Openings into cellars and other places, which openings are not enclosed, shall be guarded in such manner as to protect the public from accidents. A cellar

door in any sidewalk shall be, as nearly as possible, level and of even grade therewith. Cellar doors in streets shall be closed at dark and kept closed at night.

Section 15-12. Placement of building material on streets.

- (a) Contractors or builders may, for a reasonable time, place building material upon one-half of the street in front of premises upon which a building or wall is being erected. If buildings or walls are being erected on premises on opposite sides of the street at the same time, the material must be so placed as to leave one-half of the streets unobstructed.
- (b) When sand, mortar or other like building material shall be placed on the streets for use for building purposes, the contractor or builder shall provide suitable receptacles for such materials.

Section 15-13. Utility poles in streets.

Telephone, telegraph and power companies doing business in this town may erect such reasonable number of poles in any street as may be requisite for their business, upon a permit obtained from the town council or other officer designated by the town council. Such permit shall specify the height of such pole, and such pole shall be located or moved according to the direction of the town council or other officer designated.

Section 15-14. Street trees.

The town council shall have control over the planting and removal of trees on the streets and in the public places of the town.

Section 15-15. Tree limbs overhanging from private property.

It shall be the duty of property owners to maintain trees growing on their property in such a manner that no limbs thereof project over any sidewalk on street at a height of less than fourteen (14) feet.

Section 15-16. Obstruction of water in street. gutter or drain.

No person shall obstruct or impede the flow of water in any street, gutter or drain.

Section 15-17. Barbed wire fencing prohibited on or along street or sidewalk.

No person shall erect or maintain barbed wire, fencing along or on any street or sidewalk of the town, except in areas zoned for agriculture uses or those in which an agricultural use has nonconforming status under the zoning ordinance.

Section 15-18. Removal of paving, curbing or improvement.

- (a) No person shall remove any paving, curbing or other improvement on any street or sidewalk without a written permit from the town council or an officer designated by him for such purpose.
- (b) Any person obtaining a permit to remove the paving, curbing or other improvement shall restore the street or sidewalk to a condition as good, in the opinion of the town council or other designated officer, as before such removal. The town council or such other officer may require the street force personnel of the town to restore the street to its former condition and charge the actual cost of such work to the person, who obtained the permit. Such charge shall be collected in the same manner as the town taxes.

Section 15-19. Deposit of injurious or hazardous material on street and removal of same therefrom.

- (a) No person shall throw or deposit or cause to be deposited upon any street or highway any glass bottle, glass, nail, tack, wire, can or any other substance likely to injure any person or animal, or

damage any vehicle upon such street or highway, nor shall any person throw or deposit or cause to be deposited upon any street or highway any soil, sand, mud, gravel or other substances so as to create a hazard to the traveling public.

- (b) Any person who drops, or permits to be dropped or thrown, upon any street or highway any destructive, hazardous or injurious material shall immediately remove the same or cause it to be removed.
- (c) Any person removing a wrecked or damaged vehicle from a street or highway shall remove any glass or other injurious substance dropped upon the street or highway from such vehicle.

Section 15-20. Duty of property owners to keep sidewalks clean.

Property owners shall keep the sidewalks abutting their property clean and free from weeds, filth, shrubbery and vines.

Section 15-21. Duty of property owners and tenants to remove snow from sidewalks.

Within twenty-four (24) hours after a snowfall, each property owner shall remove the snow from the paved sidewalk in front of his property. If the property is rented, the tenant shall remove the snow.

Section 15-22. Fee for processing application to vacate street or other public way.

There is hereby prescribed and shall be charged an application fee of one hundred dollars (\$100.00) for processing an application for closing or vacating any street, alley, easement or other public way. Such fee shall accompany each such application.

Section 15.23. Purchase by applicant to vacate street or other public way.

- (a) No application for the vacation of a public street, alley easement or other public way, tendered under Section 15.1-364, Code of Virginia (1950), as amended, shall be accepted by town council unless it conforms to the following requirements:
 - (1) All of the landowners abutting the part of the street to be vacated shall join in and sign the application, listing their names and addresses.
 - (2) The application shall contain a certification that none of the applicants has been sub-divider of the larger tract containing the street.
 - (3) The application shall contain a certification that, if town council affects the street vacation, the applicants or any one or other number of them, shall pay to the town for its interest in the street, the value of the street.
 - (4) The application shall contain a certification that the applicants agree as to the value of the street so determined and agrees to pay such purchase price to the town's delivery to them, or any one or other number of them, of a quit-claim deed, on such form approved by the town attorney, conveying the town's interest to the applicant or applicants who shall have been designated in the application.
- (b) On request of the applicants prior to the filing of the application, the town council shall compute the value of the street by comparison with the assessed value of land abutting or comparable to the street, making any necessary proration and adjustments fairly to represent the value of the street.