

CHAPTER 20.

STREET AND SIDEWALKS.

As to definition of words "sidewalk" and "street", see § 1-2 of this Code. As to building fires on streets, see § 9-11. As to throwing garbage, etc., on street or sidewalk, see § 11-2. As to permitting waste, etc., water to flow into street, sidewalk or gutter, see § 12-5. As to railroad car obstructing street or road, see § 13-21. As to washing or greasing vehicle on sidewalk, etc., see § 13-23. As to begging and solicitation of aid on streets without permit from the municipal mayor, see § 15-7.

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ARTICLE I.

IN GENERAL

For state law as to authority of municipal corporation as to streets, alleys, etc., see Code of Va., §§ 15.1-888 to 15.1-896. For state law as to power of municipality to lay off streets, walks, or alleys, alter, improve and light the same and have them kept in good order, see Code of Va., § 15.1-14. For state law as to

alteration and vacation of streets, see Code of Va., § 15.1-364. As to laying pipes in streets, see Code of Va., §§ 56-257 to 56-260.

Sec. 20-1. Permit to work in, on, etc., right-of-way.

No work of any nature which involves a disturbance of the right-of-way or interferes with its free or unencumbered use shall be performed on, in or under the right-of-way of any street within the municipality, unless and until permission is first obtained from the municipal mayor on forms which show compliance with those specifications and requirements set forth in the manual of permits duly adopted by the council for the town.

The inspection fee set forth in the permit manual shall be five dollars on each permit. The guarantee fee shall be in an amount equal to one hundred percent of the estimated cost of construction, as determined by the municipal mayor.

Sec. 20-1.1. Permit required to build entrance to building, etc.

A permit shall be obtained from the town mayor before any entrance is built to serve a building or a vacant lot. Where existing sidewalks are removed for the purpose of providing an entrance or crossover, the entrance over the sidewalk portion shall be of the same type of material as the existing adjacent sidewalk. Any deviation from this policy shall be subject to town council approval.

Sec. 20-2. Barriers and lights in case of excavation, etc.

Any person granted a permit by the municipal mayor to excavate or work in, on or under any street or sidewalk or to construct or alter any building within the municipality shall, at his own expense, properly barricade and maintain proper lights for the purpose of warning pedestrians or persons traveling in vehicles or otherwise of the danger created by such excavations or construction.

Sec. 20-3. Closing of streets during work thereon.

If it shall appear necessary to the municipal mayor to close any street coming under his jurisdiction so as to permit the proper completion of work which is being performed, the municipal mayor may close or cause to be closed, the whole or portion of such street deemed necessary to be excluded from public travel.

While any such street, or portion thereof, is so closed, or while any such street, or portion thereof, is in the process of construction or maintenance, the municipal mayor may erect, or cause to be erected, suitable barriers or obstructions thereon, may post, or cause to be posted, conspicuous notices to the effect that the street, or portion thereof, is closed and may place warning signs, lights and lanterns on such street, or portions thereof.

When such street is so closed to the public, any person who wilfully breaks down, drives into new construction work, removes, injures or destroys any such barrier or obstructions, on a street being constructed, or tears down, removes or destroys any such notices, or extinguishes, removes, injures or destroys any such warning lights or lanterns so erected, posted or placed, shall be guilty of a misdemeanor.

Sec. 20-4. Duty of property owner whose land abuts sidewalk and is above level thereof.

All property owners in the municipality having land or grounds abutting on public sidewalks and

above the level of such sidewalk, shall either provide retaining walls or grade and turf such land so that dirt will not wash down upon such walks. (For state law as to authority of municipal corporation where the difference and level between a street and a lot adjacent thereto constitutes a danger to life and limb, see Code of Va., § 15.1-867.)

Sec. 20-5. Gates not to open outward.

Every gate built in any fence or wall shall be so hung as not to open over or obstruct any sidewalk in the municipality.

Sec. 20-6. Barbed-wire fences.

It shall be unlawful for any person to erect a barbed-wire fence within three feet of any street of the municipality.

Sec. 20-7. Discharge of water from gutter or waterspout.

It shall be unlawful for any person to erect or maintain a gutter or waterspout which discharges water upon a sidewalk. (As to permitting waste, etc., water to flow into street, etc., see § 12-5 of this Code.)

Sec. 20-8. Removal, etc., of snow, ice or sleet.

It shall be the duty of every occupant or owner of a house or lot which has a sidewalk or footway of stone, brick, gravel, cinder, wood or other substance, when such walk is built and maintained by the municipality, adjoining and touching upon the same in front, rear or either side thereof, to have all snow removed from such sidewalk or footway within six hours after such snow has ceased falling, unless such snow shall have fallen during the night, in which case it shall be removed before 12:00 Noon the succeeding day.

In event snow or sleet falls upon Sunday, the occupants or owners, as the case may be, of lots or tenements shall have until 12:00 Noon the following Monday to comply with the first paragraph of this section.

The requirements applicable to removal of snow shall apply with reference to ice or sleet on sidewalks or footways, except when ice or sleet cannot be removed without injury to the sidewalk or footway, such ice or sleet shall be covered within the period of time above specified with sand, ashes or some substance which will render it safe for travel.

When there is no tenement on such lot, or no occupant of any tenement thereon, it shall be the duty of the owner of the lot or tenement, or his agent, to have the snow or ice removed from his sidewalk or footway as above required of occupants of houses. (For state law as to authority of municipal corporation to compel the removal of snow from sidewalks, see Code of Va., § 15.1-867. For state law as to authority of municipal corporations to compel removal of offensive, etc., substances allowed to accumulate in any place or premises, see Code of Va., § 15.1-867.)

Sec. 20-9. Bicycles, Skates, etc., on sidewalks.

No bicycles or other similar machine shall be used over the sidewalks of the municipality nor shall anyone skate thereon. (As to playing in street and as to play streets, see § 13-130 of this Code.)

Sec. 20-10. Loitering, etc., in such manner as to obstruct street or sidewalk.

It shall be unlawful for any person to loiter or for any person to assemble on the streets or

sidewalks of this municipality in such manner as to block and obstruct free passage along the same.

Sec. 20-11. Throwing stones, etc., in or into streets.

No person shall in any street, alley or sidewalk throw any stone, ball or missile of any character, and no person shall throw any stone, ball or missile of any character into or across any street, alley or sidewalk. (As to discharging, etc., slingshots, airguns, etc., see § 24-3 of this Code.)

Sec. 20-12. Use of street or sidewalk for storing merchandise, etc., in connection with business.

It shall be unlawful for any person in control or in charge of a business to use any part of a street or sidewalk for the purpose of storing, displaying or advertising any goods, wares, merchandise, fruits, signs, billboards or any property whatsoever.

ARTICLE II.

OBSTRUCTIONS, ENCROACHMENTS, ETC.

For state law as to authority for municipal corporations with reference to obstructions or encroachments of streets, etc., see Code of Va., § 15.1-893.

Division 1. Generally.

Sec. 20-13. Removal of encroachment upon street by building, fence, etc.

In every case of an encroachment upon a street by a building, fence, or other structure, whether permanent or temporary, the municipal mayor shall require the owner or maintainer thereof to remove the same.

Sec. 20-14. Gratings or iron doors on openings in sidewalks.

When any cellar door or other opening is allowed in any sidewalk of the municipality, the owner of the adjacent property shall provide such opening with iron grating or iron doors, flush with the pavement and shall maintain such cellar door or other opening in a safe condition.

Sec. 20-15. Hanging goods from awning.

It shall be unlawful for any merchant to hang wares, goods or merchandise upon awnings in front of his building.

Division 2. Projections.

Sec. 20-16. Permit required; compliance with division.

Except as otherwise provided, it shall be unlawful for any person to erect or maintain any sign,

awnings canopy, balcony, or any object projecting across any public street or sidewalk of the municipality until and unless a permit therefor shall have first been obtained from the municipal mayor, and then only under the terms and conditions as set forth in this division.

Sec. 20-17. Revocation of permit generally.

Any permit pursuant to section 20-16 shall be revocable at any time by the municipal mayor, subject to appeal to the council.

Sec. 20-18. Grounds for rejection of application for permit or revocation of permit.

It shall be sufficient reason for rejection of an application for a permit as required in section 20-16 or for revocation of any permit granted under this division, if the projection is not of a neat and attractive appearance or if the same would tend to detract from the appearance of the street or way on which it is erected or proposed to be erected.

Sec. 20-19. Erection and maintenance.

All projection over a public way erected under a permit granted pursuant to section 20-16 shall be erected and maintained in a safe and secure manner and the erection and maintenance shall be at all times subject to the approval of the municipal mayor.

Sec. 20-20. Height.

No projection erected pursuant to a permit granted under section 20-16 shall be less than seven feet above the public way, measured from the lowest part of the projection to the surface of the street or sidewalk.

Sec. 20-21. Negligence or liability of owners.

Nothing contained in this division shall be construed to relieve the owners of any projections erected pursuant to a permit granted under section 20-16 of any negligence or liability on their part.

Sec. 20-22. Requirements for construction on land zoned Business or Industrial.

Any individual, partnership or corporation who proposes to construct any structure on any tract of land zoned Business or Industrial, as shown on the zoning map, which land has frontage on a public street, and which land requires a new entrance or entrances thereto or any change in the width of an existing entrance shall:

- (a) Construct, at his expense, curb, gutter and sidewalk along the entire frontage of the property proposed for use.
- (b) Construct, at his expense, concrete entrance or entrances.
- (c) Construct, at his expense, any pavement between existing pavement and new curb and gutter.
- (d) Construct, at his expense, storm drains and appurtenances where necessary.
- (e) Cause to be dedicated to the town an area of land for public street widening to conform to the major thoroughfare plan.

- (f) Provide a performance bond, with approved surety payable to the town, to insure installation of such improvements, based upon the estimated costs of improvements as determined by the town mayor, with the time of performance determined by the town mayor.