

## **Chapter 30 STREETS, SIDEWALKS AND OTHER PUBLIC PLACES** [\[1\]](#)

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**Charter reference**— Streets, alleys and walkways, § 4.07 et seq. [\(Back\)](#)

**State Law reference**— Authority of Town to temporarily close streets, walks or alleys and to permit the temporary use of streets for other than public purposes, Code of Virginia, § 15.2-2013; limited-access streets, Code of Virginia, § 15.2-2026; assessments for local improvements, Code of Virginia, § 15.2-2404 et seq.; alteration and vacation of streets, Code of Virginia, § 15.2-2006; acquisitions in connection with street changes, Code of Virginia, § 15.2-2002; public utilities not to use streets without consent, Code of Virginia, § 15.2-375; obstruction or encroachments of streets and roads, Code of Virginia, § 15.2-2009; cutting or injuring trees, obstructing rights-of-way, etc., Code of Virginia, § 33.1-345; franchises, Code of Virginia, § 15.2-2100 et seq.; state highway plat book, Code of Virginia, § 17.1-238; state highway system, Code of Virginia, § 33.1-25 et seq.; pipelines and other works in streets and alleys, Code of Virginia, § 56-257. [\(Back\)](#)

### **ARTICLE I. IN GENERAL**

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### **Sec. 30-1. Streets not to be closed to public by acts of individuals.**

No agreement between, or release of interest by, persons owning the land contiguous to any street, whether such street has been opened and used by the public or not, shall have the effect of closing such street or of divesting the interest of the public therein or the authority of the town thereover.

(Code 1972, § 25-1; Code 1992, § 25-1)

**State Law reference**— Town consent required to use streets, etc., Code of Virginia, § 15.2-2107.

### **Sec. 30-2. Closed streets to be reported to fire department, police department, rescue service, etc.**

Whenever any street or alley in the town is to be closed for resurfacing, the laying or repairing of pipes or any other purpose it shall be the duty of the party responsible to notify the fire department, police department, rescue service and all other emergency services of such closing immediately upon the commencement of such work.

(Code 1972, § 25-2; Code 1992, § 25-2)

### **Sec. 30-3. Laying of sidewalk by citizen or property owner.**

Whenever any citizen or property owner desires to lay a sidewalk for himself in a town street he shall make application in writing to the town manager, who may grant such permission upon condition that the applicant makes such improvement at his own expense and does the work under the supervision of the town manager.

(Code 1972, § 25-3; Code 1992, § 25-3)

### **Sec. 30-4. Tampering with barriers or lights; driving on streets or sidewalks under construction.**

No person shall remove any barrier, light or other guard placed across the streets or sidewalks of the town while paving, grading, macadamizing or any other improvement or activity is in progress, or ride or drive over any street or sidewalk so guarded.

(Code 1972, § 25-9; Code 1992, § 25-6)

**Sec. 30-5. Encroachments or obstructions on town property.**

(a) Encroachments and obstructions on town property are unlawful. Pursuant to the authority granted in the Code of Virginia § 15.2-2009, as amended, it is hereby declared unlawful for any person to cause an encroachment or obstruction in, over, or upon any public right-of-way, sidewalk, street, trail, or other property of the town unless such person is issued a driveway/entrance permit, a permit to install underground utilities in public property, or a permit to work in public right-of-way/property.

(b) Definitions. The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them, except where the context clearly indicates a different meaning:

Encroachment means a fence, structure, personal property, trash or debris, awning, fire escape, shutter, sign, cornice, gutter, downspout, bay window, or appendage to or part of a building, existing or to be constructed in, under, upon, or over a public right-of-way, sidewalk, street, or other property of the town excluding mailboxes and landscaping under two feet in height.

Other property means any land owned by the town or on which the town has an exclusive easement.

Owner means the person or persons holding legal title to, or who created, or are otherwise responsible for, the encroachment or obstruction.

Person means an individual or firm, association, organization, partnership, trust, company, corporation, or other entity.

Street means every public way or place of whatever nature in the town, including, but not limited to, an alley, road, highway, sidewalk, or trail.

Town manager means the town manager of the Town of Christiansburg, Virginia.

(c) Existing encroachments. Every encroachment or obstruction existing prior to January 1, 2015, is conclusively presumed to have been constructed under authority of a revocable permit (unless notice otherwise has been given by the town to the owner), which said permit may be revoked at the pleasure of the town manager or his designee. An existing obstruction or encroachment which has been the subject of a notice to the owner that it is unlawful or constructed without the consent of the town manager or his designee, must be removed immediately or be subject to removal by the town manager or his designee and the penalties prescribed herein. Nothing contained in this section shall be construed to relieve the owners of negligence as a result of any such encroachment or obstruction.

(d) Driveway/entrance permit. The town manager or his designee may grant a driveway/entrance permit, which driveway/entrance permit shall be only for installation of new driveways/entrances, widening of existing driveways/entrances, or improvements and alterations to existing driveways/entrances, upon the following conditions:

(1) The request for such permit shall be submitted in writing on a form approved by the town manager or his designee and signed by the applicant. Driveways/entrances shown on town-approved site developments plans and driveways/entrances installed in conjunction with construction of structures with town-approved building permits for main structures or detached garages shall be exempt from the driveway/entrance permit application requirement.

(2) A nonrefundable processing fee as established in the latest edition of the town development fee schedule, which may be amended from time to time by town council, shall accompany each application for a driveway/entrance permit to cover the cost of processing the application.

(3) The application shall have attached a copy of a plat showing the exact location and extent of the encroachment or obstruction.

(4) The application shall contain a statement that the owner for himself, his administrators, executors, heirs, devisees, successors and assigns shall keep and hold the town free and

harmless from any and all liability on account of any injury to any person or persons or damage to any property or properties growing out of or directly or indirectly resulting from such encroachment or obstruction and the construction, maintenance, operation or removal thereof; and in the event that any suit or proceeding shall be brought against the town, at law or in equity, either independently or jointly with others on account thereof, the applicant will defend the town in any such suit or proceeding at the cost of the applicant; and in the event of a financial judgment or decree being obtained against the town either independently or jointly with others, then the owner will pay such judgment or expenses of whatsoever nature and hold the town harmless therefrom. The application shall also contain a statement that the encroachment or obstruction will be permitted subject to all provisions and conditions contained in the Code of Virginia, any ordinance or regulation of the town, or regulations of any other applicable regulatory body.

- (5) The application shall also state that the applicant will accept the permit, if issued, with the knowledge that it is revocable at the pleasure of the town manager or his designee and that, upon revocation, the encroachment or obstruction will be promptly removed by the owner of the property; and upon the owner's failure to do so, the town manager or his designee may remove the same without liability to the owner for damages and with the right to recover from the owner all costs incurred by the town in the removal of same.
- (e) Permit to install underground utilities in public property. The town manager or his designee may grant a permit to install underground utilities in public property, which permit to install underground utilities in public property shall be only for installation of new utilities or improvements and alterations to existing utilities, upon the following conditions:
- (1) The request for such permit shall be submitted in writing on a form approved by the town manager or his designee and signed by the applicant.
  - (2) The application shall have attached a copy of a plat showing the exact location and extent of the encroachment or obstruction.
  - (3) The application shall contain a statement that the owner for himself, his administrators, executors, heirs, devisees, successors and assigns shall keep and hold the town free and harmless from any and all liability on account of any injury to any person or persons or damage to any property or properties growing out of or directly or indirectly resulting from such encroachment or obstruction and the construction, maintenance, operation or removal thereof; and in the event that any suit or proceeding shall be brought against the town, at law or in equity, either independently or jointly with others on account thereof, the applicant will defend the town in any such suit or proceeding at the cost of the applicant; and in the event of a financial judgment or decree being obtained against the town either independently or jointly with others, then the owner will pay such judgment or expenses of whatsoever nature and hold the town harmless therefrom. The application shall also contain a statement that the encroachment or obstruction will be permitted subject to all provisions and conditions contained in the Code of Virginia, any ordinance or regulation of the town, or regulations of any other applicable regulatory body.
  - (4) The application shall also state that the applicant will accept the permit, if issued, with the knowledge that it is revocable at the pleasure of the town manager or his designee and that, upon revocation, the encroachment or obstruction will be promptly removed by the owner of the property; and upon the owner's failure to do so, the town manager or his designee may remove the same without liability to the owner for damages and with the right to recover from the owner all costs incurred by the town in the removal of same.
- (f) Permit to work in public right-of-way/property. The town manager or his designee may grant a permit to work in public right-of-way/property, which permit to work in public right-of-way/property shall be only for improvements and alterations to existing structures which will not materially or unreasonably interfere with the use of any right-of-way or other property of the town by the town or the public, or constitute a hazard on such property, upon the following conditions:

- (1) The request for such permit shall be submitted in writing on a form approved by the town manager or his designee and signed by the applicant.
  - (2) A nonrefundable processing fee as established in the latest edition of the town development fee schedule, which may be amended from time to time by town council, shall accompany each application for a permit to work in public right-of-way/property to cover the cost of processing the application.
  - (3) The application shall have attached a copy of a plat showing the exact location and extent of the encroachment or obstruction.
  - (4) The application shall contain a statement that the owner for himself, his administrators, executors, heirs, devisees, successors and assigns shall keep and hold the town free and harmless from any and all liability on account of any injury to any person or persons or damage to any property or properties growing out of or directly or indirectly resulting from such encroachment or obstruction and the construction, maintenance, operation or removal thereof; and in the event that any suit or proceeding shall be brought against the town, at law or in equity, either independently or jointly with others on account thereof, the applicant will defend the town in any such suit or proceeding at the cost of the applicant; and in the event of a financial judgment or decree being obtained against the town either independently or jointly with others, then the owner will pay such judgment or expenses of whatsoever nature and hold the town harmless therefrom. The application shall also contain a statement that the encroachment or obstruction will be permitted subject to all provisions and conditions contained in the Code of Virginia, any ordinance or regulation of the town, or regulations of any other applicable regulatory body.
  - (5) The application shall also state that the applicant will accept the permit, if issued, with the knowledge that it is revocable at the pleasure of the town manager or his designee and that, upon revocation, the encroachment or obstruction will be promptly removed by the owner of the property; and upon the owner's failure to do so, the town manager or his designee may remove the same without liability to the owner for damages and with the right to recover from the owner all costs incurred by the town in the removal of same.
- (g) Approval by the town manager or his designee or by town council; appeals. Whenever an application for a permit, as provided in this article, is received by the town manager or his designee, he shall determine whether or not the provisions of this article respecting the same have been complied with and shall approve or deny such application. The town manager may refer any application to town council along with any findings and may also make a recommendation to town council. Additional, appeals or denial by the town manager or his designee may be considered by town council. Upon referral or appeal to town council, town council shall consider the same and whether or not the granting of the permit is in the public interest and direct the town manager to either issue the permit or deny same. Approvals may be subject to any conditions as deemed appropriate by the town manager or his designee or town council.
- (h) Violations; penalty. It shall be unlawful and shall constitute a Class 3 misdemeanor for any person to cause an encroachment or obstruction to exist on any street or other property of the town except as permitted herein or authorized by the laws of the Commonwealth of Virginia. Any person violating this section shall be subject to a fine of \$50.00 per day for each day the existence of such encroachment or obstruction continues following the time period for removal set forth in the notice given pursuant to subsection (i) below.
- (i) Removal of unauthorized encroachments and obstructions. On behalf of the Town, the Town Manager or his designee is hereby authorized to order the removal of unauthorized encroachments and obstructions. Whenever the town manager or his designee determines that there has been a violation of this section, he shall give notice thereof to the owner of the obstruction or encroachment stating the nature of the violation and ordering the removal of the encroachment or obstruction within a reasonable period of time specified therein. Such notice shall be in writing and shall be served upon the owner or his agent and shall be deemed properly served if served upon the owner personally, or sent by certified or registered mail to the owner's last known address or the address of

the property to which the encroaching structure is affixed or appended, or posted on a conspicuous place in or upon such property, or served by any other method authorized by the laws of the Commonwealth of Virginia.

Failure to comply with the order to remove the encroachment or obstruction shall subject the owner to the penalties set forth in subsection (h) above. In addition to any fine imposed hereunder, the town manager or his designee may, in the name of the town, remove the encroachment or obstruction 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 state and local taxes. In addition, the town manager or his designee may require the owner or occupant of the property so obstructing or encroaching to remove the encroachment or obstruction and, pending such removal, shall charge the owner of the property so obstructing or encroaching an amount equivalent to what the tax upon the land so occupied would be if the owner owned the land obstructed or encroached upon.

- (j) Additional remedies. In addition to the other remedies provided herein, the town manager or his designee may institute and prosecute a suit or action for ejectment or other appropriate proceedings to recover possession of any such public street or town property unlawfully occupied or encroached upon.
- (k) Public health and safety hazards. Notwithstanding the foregoing, the town manager or his designee may remove without notice any encroachment or obstruction that causes an immediate public health and safety hazard.

(Code 1972, § 25-11; Code 1992, § 25-7; Ord. No. 2014-06, 12-9-2014)

**State Law reference**— Town may prohibit and prevent encroachments, Code of Virginia, § 15.2-2009; town may permit awnings, fire escapes, etc., to overhang streets, Code of Virginia, § 15.2-2010; limitation on encroachments, Code of Virginia, § 15.2-2011.

### **Sec. 30-6. Projecting eaves and gutters.**

All houses which are built on the line of the street or so that their eaves project over the sidewalk shall be so provided with gutters that there shall be no drip from the eaves upon the sidewalks. All gutters, the water from which may be emptied upon the streets, shall be so constructed as to discharge such water at or below the surface of the ground.

(Code 1972, § 25-12; Code 1992, § 25-8)

### **Sec. 30-7. Kites and games.**

No person shall raise or fly a kite or play any game in the streets of the town.

(Code 1972, § 25-13; Code 1992, § 25-9)

**State Law reference**— Playing on highways, Code of Virginia, § 46.2-932.

### **Sec. 30-8. Flagpoles.**

No flagpole shall be erected in any of the streets of the town, except flags for decoration purposes which have been, or may hereafter be, authorized by the town manager.

(Code 1972, § 25-15; Code 1992, § 25-11)

**Sec. 30-9. Barbed wire or electric fences.**

No person shall construct or maintain a barbed wire or electric fence within five feet of and parallel to any street right-of-way in the town.

(Code 1972, § 25-16; Code 1992, § 25-12)

**Sec. 30-10. Deposits of hazardous or injurious materials on streets or alleys.**

- (a) No person shall throw or deposit, or cause to be deposited, upon any street or alley in the town 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 alley; nor shall any person throw or deposit, or cause to be deposited upon, any street or alley in the town any soil, sand, mud, gravel, snow, ice or other substances so as to create a hazard to the traveling public. Any person who drops, or permits to be dropped or thrown, upon any street or alley in the town any destructive, hazardous or injurious material shall immediately remove the same, or cause it to be removed. Any person removing a wrecked or damaged vehicle from a street or alley in the town shall remove any glass or other injurious substance dropped upon the street or alley from such vehicle.
- (b) No snow or ice shall be removed from private property and deposited or left upon any public road or any public sidewalk nor shall snow or ice be plowed into or left upon the property, sidewalk, driveway or parkway of another person, except where permission has been granted by the property owner

(Code 1992, § 25-14; Ord. of 3-4-1986, § 25-18)

**State Law reference**— Similar provisions, Code of Virginia, § 18.2-324.

**Sec. 30-11. Protection of sidewalks.**

- (a) No motor vehicle shall be driven onto, over or across any sidewalk crossing, curbing or guttering, unless such crossing, curbing or guttering has first been bridged with sufficient timbers to be protected from injury.
- (b) No hard substance of a greater weight than 2,000 pounds shall be handled upon the sidewalks, curbing or guttering, unless such sidewalk, curbing or guttering is first sufficiently covered with wood to be protected from injury.
- (c) Subsections (a) and (b) of this section do not apply to properly constructed and reinforced driveway entrances.

(Code 1972, § 25-19; Code 1992, § 25-15)

**Sec. 30-12. Gates and doors on street lines.**

Every gate or door built or constructed in any fence or wall standing on the line of any street, except doors to public buildings which are required to be hung so as to open outward, shall be hung so as to open inward. Any violation of the provisions of this section shall be a Class 4 misdemeanor for each day such offense shall continue after notice by the town manager to abate the same.

(Code 1972, § 25-20; Code 1992, § 25-16)

### **Sec. 30-13. Planting shade trees.**

- (a) No person shall plant any shade tree in the streets or sidewalks of the town without the previous consent of the town manager, who shall designate the proper line for same. No North Carolina poplar, weeping willow, Lombardy poplar or cottonwood tree shall be planted in the streets or alleys of the town nor within ten feet of the lines of the same.
- (b) Neglect or refusal to remove such trees as have been planted contrary to this section, when ordered to do so by the town manager, shall cause the issuance of a warrant for having the trees removed by the town, and the person planting the tree shall pay the cost of the same in addition to any fine that may be assessed. The person planting the tree shall pay the costs of the same and, in addition thereto, shall be guilty of a Class 1 misdemeanor for the violation of this section.

(Code 1972, § 25-21; Code 1992, § 25-17)

### **Sec. 30-14. Fences, signs, trees, shrubs, etc., at intersections.**

- (a) It shall be unlawful for any owner of land to build fences, or plant or maintain any trees, shrubs or other vegetation within the area formed by a straight line connecting two points, one in each street, on the adjacent street right-of-way line 20 feet distant from the intersection of the two street right-of-way lines which border the property, when such fence or vegetation is more than three feet higher than the centerline of either street opposite the above-mentioned area. It shall be unlawful for any owner of land to erect signs within the area formed by a straight line connecting two points, one in each street, on the adjacent street right-of-way line 20 feet distant from the intersection of the two street right-of-way lines which border the property. Street signage in accordance with the Manual on Uniform Traffic Control Devices (MUTCD) shall be exempt.
- (b) Shrubs, trees or other vegetation shall be kept trimmed so as to comply with the provisions of this section.
- (c) Any property owner on whose land there exists a condition in violation of this section shall comply with the provisions of this section within ten days after receiving written notice thereof.

(Code 1972, § 25-22; Code 1992, § 25-18)

### **Sec. 30-15. Duty of owner of private alley.**

It shall be the duty of every owner of a private alley to have the same so graded as to prevent the accumulation therein of water or filth and keep the same constantly clean and in good order.

(Code 1972, § 25-23; Code 1992, § 25-19)

### **Sec. 30-16. Obstruction of culverts and drains.**

It shall be unlawful for any person to place any obstruction in or across any culvert or drain in the town.

(Code 1972, § 25-24; Code 1992, § 25-20)

### **Sec. 30-17. Removal of snow and ice from sidewalks.**

It shall be the duty of the occupant of any property in the town which has a sidewalk of brick, wood or concrete abutting on such property to have all snow and sleet removed from such sidewalk within 24



hours after plowing of the street has been completed. If the owner of such property cannot be found, the town manager may cause such sidewalk to be cleaned or covered and may, after notice, proceed against such owner for the costs of the work.

(Code 1992, § 25-21; Ord. of 3-17-1987, § 25-25)

**State Law reference**— Authority to require removal of snow from sidewalks, Code of Virginia, § 15.2-1115.

### **Sec. 30-18. Obstruction of streets and sidewalks.**

- (a) Except as otherwise provided in subsection (b) of this section, no person shall obstruct a street or sidewalk by placing or permitting thereon any bench, bar, shelf, barrel, carriage, cart, wagon, goods, box, merchandise or other article or fixture whatsoever, whether for exhibition, sale or other purposes.
- (b) Sidewalk sales may be sponsored by any properly licensed town merchant provided a written permit for such sale is obtained from the office of the town manager not less than 15 days prior to the date of the sale. A certificate of insurance in an amount specified by the town manager to save the town harmless from any personal injuries or property damage sustained as a result of the sale shall be a prerequisite to the issuance of a permit. At least 60 percent of the sidewalk, on the street side of the walk, shall be left unobstructed during the sale. The town council may prescribe additional rules and regulations governing the conduct of sidewalk sales, if deemed necessary by the council.

(Code 1972, § 25-26; Code 1992, § 25-22; Ord. No. 2007-3, 11-6-2007)

### **Sec. 30-19. Unloading merchandise.**

Merchants and others while receiving goods may place the same on the sidewalk next to the building in front of their premises; provided, that not more than three feet of such sidewalk and no part of the street is so occupied. Such occupations shall be for such reasonable time as may be necessary for such reception or delivery.

(Code 1972, § 25-27; Code 1992, § 25-23)

### **Secs. 30-20—30-41. Reserved.**

## **ARTICLE II. OPENINGS IN STREETS AND SIDEWALKS**

DIVISION 1. - GENERALLY

DIVISION 2. - EXCAVATIONS

DIVISION 3. - DOORS, MANHOLES, DRAINS, ETC., GENERALLY

### ***DIVISION 1. GENERALLY***

[Secs. 30-42—30-70. Reserved.](#)

**Secs. 30-42—30-70. Reserved.**

***DIVISION 2. EXCAVATIONS***

[Sec. 30-71. Generally.](#)

[Sec. 30-72. Restoration of pavement.](#)

[Sec. 30-73. Barriers and lights required.](#)

[Secs. 30-74—30-104. Reserved.](#)

**Sec. 30-71. Generally.**

Whenever any person proposes to take up or disturb any paving, curbing or guttering in any of the streets or sidewalks of the town or to dig into the streets or sidewalks for the purpose of laying or repairing sewer, water or gas pipes or to erect poles or for any other purpose, such person shall, before proceeding with such work, make application, in writing, and obtain a permit from the town manager to do such work and shall post such bond as may be required of him. No such permit shall be issued unless in case of absolute necessity. No unnecessary delay shall be permitted in the completion of such work, and in no case shall such work be done in such manner as to obstruct the streets or endanger persons or property.

(Code 1972, § 25-6; Code 1992, § 25-66)

**Sec. 30-72. Restoration of pavement.**

When any excavation made pursuant to section 30-71 has been completed, the person who caused such excavation to be made shall immediately cause the street or sidewalk to be restored to as good condition, in the opinion of the town manager, as it was before the excavation or opening was made. Such repairs shall be continued until the earth is completely settled and the grade of the street conforms to its proper cross section.

(Code 1972, § 25-7; Code 1992, § 25-67)

**Sec. 30-73. Barriers and lights required.**

- (a) Whenever any excavation has been made in any of the streets or sidewalks of the town or any obstruction placed thereon under the provisions of this chapter, the person causing such excavation or obstruction shall, where necessary to prevent accident to persons or property while work is progressing, have such excavation or obstruction guarded by proper barriers, and during the nighttime, shall provide light by lanterns or other sufficient means over such excavation or obstruction, as provided in this section. Where such excavation is in the nature of a trench or ditch, such lights shall be placed continuously along the line of such excavation at no greater distance apart than 100 feet.
- (b) All barricades shall be in accordance with the MUTCD and shall be so maintained to serve as a warning. In all cases, the use of all openings shall be restricted to the shortest possible time, so as not to inconvenience the public.

(Code 1972, §§ 25-8, 25-32; Code 1992, § 25-68)

**Secs. 30-74—30-104. Reserved.**

***DIVISION 3. DOORS, MANHOLES, DRAINS, ETC., GENERALLY***

[Sec. 30-105. Permit required for installation or construction.](#)

[Sec. 30-106. Maintenance.](#)

[Sec. 30-107. Correction of hazards.](#)

[Sec. 30-108. Barricades; limitation on use of openings.](#)

[Secs. 30-109—30-129. Reserved.](#)

**Sec. 30-105. Permit required for installation or construction.**

It shall be unlawful for the owner, agent or lessee of any property within the town to install or construct in any sidewalk, walkway, roadway, street or alley or on any public property any opening, door, trapdoor, manhole, lid, covering, coal chute, drain, drainpipe, conduit, grating, stairway or elevator without first obtaining a permit from the town manager. Failure to obtain a permit before the beginning of any such work shall constitute a Class 1 misdemeanor.

(Code 1972, § 25-29; Code 1992, § 25-86)

**Sec. 30-106. Maintenance.**

Any opening, door, trapdoor, lid, covering, manhole, coal chute, drain, drainpipe, conduit, grating, stairway or elevator shall be kept in good repair at all times by the permittee or by his successor in title, so as not to become a hazard endangering the life and limb of persons. Failure to maintain the same in good repair shall be a Class 1 misdemeanor.

(Code 1972, § 25-30; Code 1992, § 25-87)

**Sec. 30-107. Correction of hazards.**

In case a written notice is given by the town manager or any police officer of the town to any permittee or the successor in title of such a permittee that a hazard exists in violation of section 30-106, it shall be the duty of the person to whom the notice is given to correct the hazard by the time limit specified in the notice. Failure to do so shall be a Class 1 misdemeanor.

(Code 1972, § 25-31; Code 1992, § 25-88)

**Sec. 30-108. Barricades; limitation on use of openings.**

It shall be the duty of the permittee, and the successor in title of such a permittee, who uses any door, trapdoor, manhole, coal chute, grating or covering of any kind that is located in any sidewalk, walkway, roadway, street or alley or on any public property to provide ample protection for such openings when the lid, door or covering is opened or removed by placing a suitable barricade around and over any such opening to prevent any person from stumbling or falling into or over any such opening, stairway, manhole, trapdoor, etc. Barricades may be made of wood sufficiently strong, and shall cover the entire

opening or shall fence off the opening and be of sufficient height, and shall protect to such an extent that no one could fall or stumble over same.

(Code 1972, § 25-32; Code 1992, § 25-89)

**Secs. 30-109—30-129. Reserved.**

### **ARTICLE III. PROJECTIONS OVER PUBLIC PROPERTY**

[Sec. 30-130. Marquees or fixed awnings.](#)

[Sec. 30-131. Movable awnings.](#)

[Sec. 30-132. General regulations.](#)

[Secs. 30-133—30-164. Reserved.](#)

#### **Sec. 30-130. Marquees or fixed awnings.**

Every fixed awning shall be at least seven feet in the clear and every marquee at least eight feet in the clear between the lowest point or projection and a sidewalk immediately below.

(Code 1972, § 25-34; Code 1992, § 25-107)

#### **Sec. 30-131. Movable awnings.**

- (a) Movable metal awnings may extend over public property for a distance of not more than five feet, provided such awnings, or any part thereof, maintain a clear height of seven feet above the sidewalk.
- (b) Movable canvas awnings or cloths may extend over public property for a distance of not more than five feet, provided such awnings or cloth or any part thereof maintain a clear height of seven feet above the sidewalk. All such movable awnings or cloths shall be supported on metal frames attached to the building.

(Code 1972, § 25-35; Code 1992, § 25-108)

#### **Sec. 30-132. General regulations.**

Every projection of any character, except fixed metal awnings and movable metal or canvas awnings, or cloths, over or upon public property shall maintain a clear height above the sidewalk or ground level of not less than seven feet. Fixed metal awnings and movable canvas awnings or cloths projecting over or upon public property shall maintain a clear height above the sidewalk or ground level of not less than seven feet. The allowable projection over public property shall not exceed the following measurements from the building:

- (1) Bay windows, porches, balconies or fire escapes, three feet;
- (2) Cornices, belt courses, sills, pilasters, water tables or any decorative feature, six inches.

(Code 1972, § 25-36; Code 1992, § 25-109)

**Secs. 30-133—30-164. Reserved.**

**ARTICLE IV. ARMORY** <sup>[2]</sup>

[Sec. 30-165. Armory control board.](#)

[Sec. 30-166. Use of armory—Generally.](#)

[Sec. 30-167. Same—Application; rental charges.](#)

[Sec. 30-168. Same—Responsibility for damage.](#)

**Sec. 30-165. Armory control board.**

- (a) An armory control board (ACB) shall be established in accordance with VaARNG Regulation 405-1 by the office of the adjutant general. Town representatives on the ACB shall consist of one member of the council and the town manager.
- (b) The current composition of the ACB, as appointed by the office of the adjutant general, shall be kept on file in the office of the town manager.
- (c) The ACB shall be responsible for establishing policies for the nonmilitary use of the armory within the guidelines set forth in VaARNG Regulation 405-1.

(Code 1992, § 7-1; Ord. of 5-7-1991, § 6-1)

**State Law reference**— Armory control board, Code of Virginia, § 44-135.1.

**Sec. 30-166. Use of armory—Generally.**

- (a) The armory building, with the exception of the auditorium or drill floor including seats and lavatories incident thereto and the kitchen, shall be used exclusively to house the personnel, equipment and ordnance of the local National Guard unit and to provide a suitable place in which the personnel of such organization may drill and receive military instruction and training.
- (b) The auditorium and classrooms and the equipment incident thereto may be used for other than military purposes, providing such use is in compliance with the rules and regulations of this chapter and those established by the armory board of control.

(Code 1972, § 6-2; Code 1992, § 7-2)

**Sec. 30-167. Same—Application; rental charges.**

- (a) Applications for the use of the armory shall be made to the town manager, or person designated by him, on forms prescribed by the armory board of control, and a contract shall be entered into between the applicant and the town. All such applications and contracts shall be approved by the town manager acting as agent for the town, and all rental charges shall be paid in advance to the town treasurer for the use of the armory.
- (b) Rental charges for the use of the armory, or any portions thereof, shall be established by the ACB and approved by the office of the adjutant general.

(Code 1972, § 6-3; Code 1992, § 7-3; Ord. of 5-7-1991, § 6-3)

**Sec. 30-168. Same—Responsibility for damage.**

Persons to whom the use of the armory is granted or to whom it is rented shall be responsible for any damage to the building, furniture or equipment, and, when requested so to do by the board of control or its agent, shall furnish bond payable to the town guaranteeing to save the town harmless from any injuries caused to persons while the armory is being used by the applicant or renter and further saving the town harmless from any damage caused to the property.

(Code 1972, § 6-4; Code 1992, § 7-4)

FOOTNOTE(S):

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**State Law reference—** Armories, buildings and grounds, Code of Virginia, § 44-123 et seq. ([Back](#))