

Chapter 375. Streets and Sidewalks

[HISTORY: Adopted by the Town Council of the Town of Mineral effective 1-1-1982 as Ch. 16 of the 1982 Code. Amendments noted where applicable.]

Article I. General Provisions

- [1] *Editor's Note: For state law as to power of Town to lay out streets, walks or alleys, alter, improve and light the same and have them kept in good order, see § 15.2-2000 et seq., Code of Virginia. As to alteration and vacation of streets generally, see § 15.2-2006, Code of Virginia. As to use of streets by public utilities without previous consent of corporate authorities, see § 15.2-2017, Code of Virginia. As to authority of Town to permit awnings, fire escapes, etc., to overhang streets, see § 15.2-2010, Code of Virginia.*

§ 375-1. Construction, care and maintenance of streets.

[Amended 11-14-2006 by Ord. No. 2006-07; 10-22-2007 by Ord. No. 2007-04]

- A. No undeveloped street shall be utilized for access to new residences or businesses unless such street is constructed as provided in this section and is dedicated by the recording in the office of the Clerk of the Circuit Court of Louisa County of a plat drawn to scale showing such street. Such plat shall be prepared and recorded at the expense of the owner of the property to be developed and shall be approved by the Town Council prior to recordation.
- B. Before new streets will be accepted by the Town for utilization, such streets must meet the current requirements of the Virginia Department of Transportation for subdivision roads. In addition, the street must be built for the complete length of the lot involved, unless the lot borders the edge of Town, in which case the street shall be constructed to the point where the driveway meets the street.
- C. Lots on undeveloped streets may not access developed streets via rights-of-way, easements or alleys. Only streets designated on the Town of Mineral map prepared by W.L. Bishop in 1890 may be used unless the Town Council approves realignment for the purpose of best suiting the topography. If such realignment is approved, the developer must own the property where the realignment is to take place, and the developer must provide to the owner of the original opposite street side property full access to the realigned street over the property created between the former street and the realigned street.

§ 375-2. Specifications for work on streets by Town forces.

The Town Manager shall have authority to prescribe regulations for work done on Town streets by Town forces.

§ 375-3. Construction costs for new private entrance.

The property owner shall bear the construction costs for a new private entrance, where curbs or walks are cut or installed, culverts installed or bridging necessitated.

§ 375-4. Projections into or upon sidewalk.

It shall be unlawful for any person to construct or place, or cause to be constructed or placed, any portico, porch, door or step which shall project into or upon any sidewalk or paved walkway along any street in the Town.

§ 375-5. Removal of encroaching buildings.

In every case of encroachment upon a street by a building, fence or other structure, the owner or maintainer thereof may be required to remove the same. For failure to make the removal within the time ordered by the Town Council, the owner or maintainer of such building, fence or other structure shall be guilty of a misdemeanor, and, upon such failure, the Town Council may require such encroachment to be removed at the risk and cost of the person owning or maintaining the same.

§ 375-6. Gates and doors upon sidewalks to open inward.

Every gate or door built or constructed in any fence, garden or yard wall upon or within two feet of the line of any public sidewalk on any street in the Town shall be hung so as to open inward.

§ 375-7. Open cellarways to be guarded.

It shall be unlawful for any person to allow any cellarway, areaway or other place of like character opening on or in a public sidewalk in the Town to remain open unless properly guarded by bars or otherwise.

§ 375-8. Obstruction of sidewalks.

It shall be unlawful for any person to place or permit to remain upon the streets, alleys or sidewalks adjoining his premises any boxes, crates or other things that will cause the streets, alleys or sidewalks to be obstructed.

§ 375-9. Operation of loudspeakers and similar devices.

It shall be unlawful for any person to operate any loudspeaker or similar device on any street, sidewalk or alley of the Town, whether such loudspeaker or similar device is attached to an automobile or other vehicle or not.

§ 375-10. Loitering.

- A. No person or aggregation of persons shall assemble so as to obstruct the public streets, sidewalks, alleys, public places and public buildings, places of amusement and entertainment, vacant lots and any other public grounds or privately owned property open to the public in the Town or sit, stand or lounge in or around the aforementioned places or in the entranceways of churches, private homes or places of business so as to annoy the owners or occupants or interfere with the use of the building or to cause the annoyance or disturbance of the citizens of the Town or any other person rightfully within the confines of the Town.

- B. Persons loitering, sitting or standing on any street, sidewalk and aforementioned places shall move on or separate when required to do so by any authorized law enforcement officer and shall cease to occupy such position.

§ 375-11. Assemblages of persons blocking free passage of street or sidewalk.

The assemblage or congregation of persons on the streets or sidewalks in such manner as to block or obstruct free passage thereof is prohibited. It shall be the duty of the Town Sergeant or any police officer to disperse any such assemblage or congregation. Persons refusing to disperse after being directed to do so by the police shall be guilty of a misdemeanor.

[1] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III).*

§ 375-12. Deposit of lumber, wood, stone or other obstruction.

It shall be unlawful for any person to throw, place, drop or cause to be put any lumber, wood, stone or other obstruction into or upon any street or public place in the Town. This section shall not be construed to apply to building material placed on the street, sidewalk or alley pursuant to § 375-13.

§ 375-13. Placing building materials upon street, alley or sidewalk.

No person shall place building materials upon the street, sidewalk or alley for use in connection with construction work unless he shall have first obtained a permit from the Mayor to do so and unless he shall place such materials in the space assigned and in the manner directed by the Mayor.

§ 375-14. Use of sidewalks during construction, repair or demolition work.

When any building or wall is being erected, repaired or demolished, the sidewalks in front thereof may be occupied and used by the contractor or builder in connection with such work for such period of time as may be reasonable, provided that reasonable means shall be taken for the protection and safe passage of pedestrians and vehicular traffic.

§ 375-15. Trees, plants and shrubs projecting over streets or sidewalks.

It shall be unlawful for any person owning or occupying property abutting a street or sidewalk to allow any trees, plants or shrubs growing on such property to project over the street or sidewalk in such manner as to obstruct or interfere with the safe passage of vehicles or pedestrians.

§ 375-16. Signs, awnings and goods above street or sidewalk.

- A. It shall be unlawful for any person to place or allow to remain any sign, awning, goods or any other thing over any street or sidewalk unless the same shall be at least eight feet above such street or sidewalk.

- B. No sign, awning, goods, wares or merchandise or any other thing shall be placed or allowed to remain above any street or sidewalk unless pursuant to permission of, and according to directions of, the Mayor.
- C. For the purpose of this section, the word "sidewalk" means not only any sidewalk or ground belonging to the Town but also any ground belonging to private parties which is alongside the sidewalk belonging to the Town, is not more than three feet therefrom and is not enclosed.

§ 375-17. Signs and awnings to be secured.

Any sign or awning projecting over the sidewalk or street shall be adequately secured and shall be in a safe condition.

§ 375-18. Use of bicycles and play vehicles on sidewalks or public areas.

[Added 11-9-1987]

- A. No person shall use on a sidewalk or any other public area within the Town of Mineral any bicycles, skates, toys or other devices on wheels or runners, other than in an area that has been specifically designated and marked off by the Town for such purposes, and other than baby carriages, strollers or other devices in which children not exceeding the age of five years are riding or using. This section shall not apply to any such device or vehicle that is authorized to be used on the public highways of Virginia, while such vehicle is lawfully using such public highway and while such device or vehicle is crossing such sidewalks in traveling from such highway to areas where any such device or vehicle is permitted to be lawfully operated.
- B. No person shall use any such device or vehicle on private property without the express consent of the owner or tenant of such property, except, if any such device or vehicle is used solely for transportation to reach such private premises, then, unless prohibited by the owner or tenant of such private property, such vehicle may be operated from the public highway to such private premises for the sole purpose of transportation from the public highway to such private premises.

Article II. Excavations

§ 375-19. Unauthorized tearing up or digging in streets and sidewalks.

No person, unless specifically authorized by the Town Council or the Mayor, shall tear up, dig in or in any way deface or injure any street or sidewalk.

§ 375-20. Disturbing street or sidewalk in connection with water supply or sewer system.

Whenever it may be necessary to disturb any street or sidewalk in connection with the water supply or sewer system of the Town, the work shall be done under the direction and control of the Mayor.

[1] *Editor's Note: See also Ch. 355, Sewers and Sewage Disposal, and Ch. 418, Water.*

§ 375-21. Permit required.

No person, unless specially authorized by the Town Council, shall take up or remove any portion of the surface of the sidewalk or street, or excavate in any public street of the Town without a written permit from the Mayor, who shall not refuse such permit to any applicant except for cause, but in case of refusal the applicant may appeal to the Town Council.

§ 375-22. Deposit; assent to provisions and terms.

- A. Before a permit required by § **375-21** is granted, the Mayor may require a deposit sufficient to pay for resurfacing the street to be disturbed, the amount of such deposit to be determined by the Mayor.
- B. Every person who shall make application for such a permit shall be deemed to have assented thereby to all the provisions and terms of this article, including the right of the Town to collect the actual cost of replacing the pavement, sidewalk or street surface in the manner above directed.

§ 375-23. Duty to prosecute work without delay.

It shall be the duty of every person to whom a permit has been granted pursuant to § **375-21** to institute at once and prosecute without delay the work for which such permit was obtained and promptly, on its completion, give written notice thereof to the Mayor.

§ 375-24. Replacing surface.

No pavement, sidewalk or street surface shall be replaced, after being taken up pursuant to a permit issued under § **375-21**, by any person except under the direction of the Mayor. If the applicant fails to resurface the street disturbed promptly and in a manner approved by the Mayor, the Mayor is authorized to cause such work to be done at the expense of the applicant.

§ 375-25. Guarding by lights and barriers; responsibility for damages.

Any person to whom a permit is granted pursuant to § **375-21** shall place guards or barriers around the excavation in question and shall protect it by warning lights at night and shall be responsible for damages to persons or property caused by such excavations until taken in charge by the Mayor.

§ 375-26. Work done by Town.

The provisions of this article shall not apply to work done by Town forces under the supervision of the Mayor.