AN ORDINANCE
GOVERNING
STREETS, SIDEWALKS AND PUBLIC RIGHTS-OF-WAY
FOR
THE TOWN OF STANARDSVILLE, VIRGINIA

April 10, 2023

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF STANARDSVILLE, VIRGINIA, AS FOLLOWS:

Streets, sidewalks and other public right-of-ways

1. Construction, Repair and Maintenance of streets, sidewalks and other public right-of-ways.

The Town's Mayor, Town Clerk or other designated official (the "Town Official") shall have authority to prescribe specifications and regulations for construction, repair and maintenance work done on streets, sidewalks and other public right-of-ways by the Town.

A. Obstructions. No person shall obstruct any street, sidewalk, alley or other public right-of-way in the Town by placing thereupon or therein any article, material, device or other object or thing thereon, or take any action which will hinder or obstruct the free passage of persons or vehicles in any manner whatsoever unless they have received a written permit or letter from the Town Official authorizing use of such street, sidewalk, alley or other public right-of-way in accordance with this ordinance.

B. Vegetation. It shall be unlawful for any person owning or occupying property abutting a street, sidewalk or public right-of-way to allow any tree, plant or shrub growing on such property to obstruct or interfere with the free and safe free passage of persons or vehicles in any manner whatsoever, or to allow such vegetation to obstruct or interfere with visibility of vehicular traffic at street intersections.

C. Doors and Gates. Every gate or door built or constructed on any fence, wall, or building within three feet of the edge of any sidewalk on any street in Town shall be hung so as to open inward.

D. Mud, Trash and Debris. It shall be unlawful for any person to place or permit the placement of, or permit the flow of, any form of obstruction including but not limited to mud, rubbish, trash, rocks or debris onto any street, sidewalk or public right-of-way or any drainage way or structure appurtenant to any street, sidewalk or public right-of-way.

E. Drainage of water across sidewalks. It shall be unlawful for the owner or occupant of any property to permit any water from such property, including water from a gutter or downspout located thereon, to flow across any sidewalk except in a covered drain, the cover of which is even with the surface of the sidewalk and for which a written permit has been approved in

accordance with this ordinance. Any such drain shall be installed, kept open and maintained in good repair by the owner or occupant of the premises or property which it serves.

3. Removal of Snow, Sleet and Ice from Sidewalks.

A. The tenant or occupant, or, in case there is no tenant or occupant, the owner or any person having responsibility for the care of any building or lot of land abutting any paved or concrete sidewalk within the corporate limits of the Town shall, within the first eight hours of daylight following the time any snow, ice or sleet has ceased to fall, cause the snow, ice or sleet to be removed from such sidewalk, provided that when it cannot be removed without injury or damage to the sidewalk, it shall be covered with salt, sawdust, ashes or other suitable material which will render the sidewalk safe for pedestrian traffic.

B. Where the requirements of subsection A above are not complied with, the Town Official may notify the tenant, occupant or owner by posting on the building or lot, or by hand delivery to the tenant, occupant or owner, written notice that the requirements must be met within 24 hours.

C. If after 24 hours from the time of notice provided in subsection B the requirements have not been met, the Town Official may take any actions needed to clear the sidewalks or abate or obviated the conditions, and charge the cost thereof to the tenant, occupant or owner of the property affected with the cost due payable to the Town within 30 days. The Town may enforce such assessment of costs in any manner provided by law for the collection of taxes.

4. Authorization of Temporary Use of Public Right of Ways.

The Town Official may issue a permit for the temporary use of portions of any street, sidewalk or public right-of-way for the following purposes:

A. Construction. Use such as laying of timber, building materials or placement of trash containers in connection with construction work including the erection, repair, alteration or demolition of any building or structure located adjacent to a street, sidewalk or public right-of-way.

B. Sidewalk Sales. Use for display of goods in conjunction with any “sidewalk sale” or other temporary sales event by a business located adjacent to a street, sidewalk or public right-of-way.

C. Temporary events. Use for temporary events as permitted by Town Council.

The Town Official may impose terms, conditions, limitations or requirements as the Town Official may reasonably determine are needed for the protection and safety of pedestrians, vehicular traffic and the public interest.

5. Authorization of Encroachments.

A. The Town Council may, upon application by any person, authorize encroachments upon any street, sidewalk or other public right-of-way, including authorization of owners or occupants of property abutting any street, sidewalk or other public right-of-way to construct and maintain in, upon and over such street, sidewalk or other public right-of-way, improvements including but not limited to awnings, fire escapes, shutters, signs, cornices, gutters, downspouts, drains, gratings, bay windows or other appendages to buildings or structures.

B. Any such authorization shall be a license and shall be revocable at the pleasure of the Council.

C. Any such authorization shall be subject to such terms, conditions and limitations as the Council may prescribe.

6. Enforcement.

A. Notice. The Town Official may serve notice on the owner, occupant, permittee or licensee responsible for any property unlawfully obstructing or encroaching upon any street, sidewalk or other public right-of-way requiring that such obstruction or encroachment be removed or abated within 24 hours.

B. Immediate Hazard. Upon a finding by the Town Official that the obstruction or encroachment presents an immediate hazard or risk to the safety of pedestrians or vehicular traffic, the Town Official may require such obstruction or encroachment to be removed immediately.

7. Penalties.

A. Fine. If removal or abatement is not accomplished within the time ordered, the Town may impose a fine of $50.00 for each day or part thereof the obstruction or encroachment continues. Should the obstruction or encroachment continue beyond two days, the Town may impose a fine of $100.00 per day for each day or part thereof the obstruction or encroachment continues.

B. Removal of Continuing Obstruction or Encroachment. The Town Official may authorize removal of any obstruction or encroachment that remains after the time ordered and the costs to remove such obstruction or encroachment may be assessed against the owner or occupant of the property obstructing or encroaching, such assessment to be collected in any manner provided by law for the collection of Town taxes. Such cost for removal of any obstruction or encroachment shall be in addition to any fines imposed for failure to remove or abate that accrued up to the time the Town takes action to remove the obstruction or encroachment.

Any charge authorized by this section in excess of $200.00 that has been assessed against the owner of any property and which remains unpaid shall constitute a lien against such property,

with the same priority as unpaid taxes and shall be enforceable in accordance with Articles 3 and 4 of chapter 39 of Title 58.1 of the Code of Virginia.

The Town Council may choose to waive such liens in order to facilitate the sale of property to a purchaser who is unrelated to the owner and has no business association with the owner. All such liens shall remain a personal obligation of the owner of the property at the time the liens were imposed.

8. Liability of Persons Unlawfully Obstructing or Encroaching.

Owners, occupants, permittees or licensees shall be liable for negligence on account of any authorized use or encroachment. This ordinance shall take effect immediately upon its adoption.

Adopted in open meeting on March 14th, 2022.

_____
Michael A. Payne, Mayor
Town of Stanardsville

Recorded vote on motion for adoption:

Richard N. Early	__ Yes	__No	__Abstain
Kevin A. Kelley	__ Yes	__No	__Abstain
Jon P. Newton	__ Yes	__No	__Abstain
Doris R. Swenson	__ Yes	__No	__Abstain
Michael A. Payne (tie breaker only)	__ Yes	__No	__Abstain

ATTEST: _____
Michael J. Wolkowicz, Town Clerk