

Chapter 139

STREETS AND SIDEWALKS

[HISTORY: Adopted by the Town Council of the Town of Grottoes as indicated in article histories. Amendments noted where applicable.]

ARTICLE I

General Provisions

[Adopted 2-3-1970 as Title 26 of the 1970 Ordinances of the Town of Grottoes]

§ 139-1. Street acceptance prerequisite to grading or paving.

It shall be unlawful for any person to grade, pave, light, clean and otherwise improve, at the expense of the Town, any street hereafter dedicated to the public by the owner of private property, unless the same shall have been accepted by the Council and under its direction laid out by the Chief of Police, Town Superintendent or other delegated authority.

§ 139-2. Builder's obligation to construct streets. [Added 8-8-1978; amended 10-7-1986; 5-11-1992]

- A. When any person, partnership, association, company, corporation or other entity which constructs or places structures used for dwelling, business or other lawful purposes on a lot or lots within the corporate limits of the Town of Grottoes, Virginia, meets with the Zoning Administrator to obtain a building permit for such construction and said lot or lots abut on an unopened dedicated streets(s) and said person, partnership, association, company, corporation or other entity requests that said unopened dedicated street(s) be opened and it is determined by the Town to be economically unfeasible for the Town to open said street(s), the Town may deem it necessary for said person, partnership, association, company, corporation or other entity, as a condition of obtaining a required building permit, to construct to Town specifications the unopened dedicated street(s) and related items from the nearest officially opened street(s) up to the furthestmost property line of the lots being constructed upon. All street construction is required to meet Town specifications.
- B. When construction is planned for a corner lot or lots, the street on which the house(s) is (are) to face must be opened according to Town specifications from the nearest officially opened street to the furthestmost property line.
- C. The Town specifications are to be met as follows:
 - (1) The street shall be constructed in compliance with the requirements of the Virginia Department of Highways and Transportation, Roads and Bridge Specifications, July 1, 1987, Section 316 (Bituminous Surface Treatment), or most recent update.

- (2) Where required by the Zoning Administrator, a drainage system shall be provided for by means of culverts, ditches, catch basins and any other facilities that are necessary to provide adequate drainage and disposal of surface and storm waters from or across all streets and adjoining properties.
 - (3) Street signs shall be installed at all street intersections in any development by the person, partnership, association, company, corporation or any other entity.
 - (4) The grades of streets shall be approved by the Town of Grottoes. Wherever feasible, street grades shall not exceed 10%.
 - (5) Streetlights shall be installed at locations specified by the Town of Grottoes and in compliance with the requirements of Virginia Power.
- D. The person, partnership, association, company, corporation or other entity shall furnish a cash bond or equivalent, a surety bond of a surety company or a certified check payable to the Treasurer of the Town of Grottoes in an amount equal to the total costs as determined by the agent of the Town of such improvements so as to guarantee they will be installed within a designated reasonable length of time in a manner acceptable to the Town. Said bond shall be paid to the Town of Grottoes within 10 days of being notified by the agent of the Town as to the total cost determination.
- E. Upon completion and approval by the Town, the newly opened street(s) shall become part of the Town's street system, owned and maintained by the Town.
- F. Where the person, partnership, association, company, corporation or other entity can show that a provision of this Article would cause unnecessary hardship if strictly adhered to and where, because of topographical or other conditions peculiar to the site, in the opinion of the Town Council a departure may be made without destroying the intent of such provision, the Town Council may authorize an exception. Any exception thus authorized is to be stated in a written report to the person, partnership, association, company, corporation or other entity giving the reasoning on which the departure was justified.
- G. If the Town Council determines it to be in the best interest of the Town to open said street(s) partly or wholly at Town expense, it may enter into agreements with said person, partnership, association, company, corporation or other entity, whereby such opening shall be accomplished and the costs thereof shared as mutually agreed; or, in proper case the Town Council may resolve to open said street(s) wholly at Town expense. In determining the best interest of the Town, the Council shall consider the number of possible structures to be constructed along said street(s), the value of capability of the existing street system that would result from such opening, the potential for increased employment opportunities and economic development that might reasonably be expected to result and the increased revenue the Town could be expected to derive from utility service charges and taxes in respect to future development.

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- A. Any person, partnership, association, company, corporation, or other entity as set out in § 139-2 above may, after completion of construction but on or before the date that the Town accepts said street(s) into the Town's street system, present to the Town Treasurer such documents as the Treasurer may require establishing the cost of construction of said street(s) and be reimbursed in part for said construction as follows: [Amended 7-8-1996; 10-10-2005]
- (1) The total cost of construction as established by the Town Superintendent shall be prorated against all lots abutting the newly constructed street(s) based on the proportion of the linear footage of lots abutting the street(s). For the purpose of this Article, lots abutting two streets shall be subject to the pro rata costs of construction of the street on which the house fronts.
 - (2) If, within 20 years from the date that the Town accepts said opened street(s) into the Town's street system, a person, partnership, association, company, corporation, or other entity shall apply for and receive a building permit for construction or placement of improvements on any of the lots abutting the opened street, that person, partnership, association, company, corporation, or other entity shall pay the aforesaid pro rata cost for each lot that is to be built upon or, although not built upon, that is to be sold with or retained with the lot or lots to be built upon.
 - (3) Upon receipt of the aforesaid cost, the Town Treasurer shall pay to the person, partnership, association, company, corporation or other entity who or which originally opened the street the sum received. It shall be the duty of the person, partnership, association, company, corporation or other entity entitled to said payment to keep the Town Treasurer informed of his or her or its current address.
 - (4) After 20 years have elapsed from the date that the Town accepts said opened street into the Town's street system, or if the builder thereof fails to make application for reimbursement to the Town after the completion of construction of said opened street but on or before the date that the Town accepts said opened street into the Town's street system, no cost shall be charged by the Town Treasurer as set out in Subsection A(2) above, and no payment shall be due to the person, partnership, association, company, corporation, or other entity who or which originally opened the street.

§ 139-4. Snow removal; violations and penalties.

- A. It shall be unlawful for the occupant of any building, and where there is no occupant for the owner of such vacant building, or any unimproved lot of land lying on any street, alley or public place within the Town where there is a paved footway or sidewalk to permit snow to remain along the front or side of such premises longer than three hours after the same has ceased to fall; except that if the snow shall cease to fall in the nighttime, it shall be cleared away by 10:00 a.m. the following morning.

- B. Each violation of this section shall be punished as provided in § 139-18. [Amended 7-8-1996]

§ 139-5. Procedure when occupant fails to remove snow.

If the occupant or owner of the premises, as the case may be, fails or refuses to clean off the snow in accordance herewith, it shall be the duty of the Town Superintendent to cause such pavement or sidewalk to be cleaned at the cost of such occupant or owner, the same to be collected in the manner in which fines are collected.

§ 139-6. Procedure when person injures sidewalk. [Amended 7-8-1996]

Any person injuring the sidewalk shall, when required by the Town Superintendent of the Town, pay to the Town Treasurer such an amount as shall be estimated by the Town Superintendent to be necessary to repair said injury; and said Town Superintendent or other designated authority shall repair the sidewalk. If the person causing the injury and damage fails to pay the Town Treasurer the costs of repairs within 15 days, the same shall be collected as any other debt is collected.

§ 139-7. Warning lights. [Amended 7-8-1996]

Any person who shall break or dig up any street or deposit rubbish or other material thereon or otherwise obstruct such street shall place so many lights as may be necessary to warn passersby of such break or obstruction in the streets on each and every night, from sunset until sunrise, so long as such break or obstruction shall remain in the street.

§ 139-8. Removal of builders' rubbish. [Amended 7-8-1996]

Every person who may be building or repairing any house or other structure shall cause all the rubbish occasioned thereby which may be cast into the street to be removed therefrom before sunset the next day.

§ 139-9. Property with unpaved sidewalks.

The owners of property in front of which the sidewalks are not paved shall, whenever the Council by ordinance or resolution determines that such sidewalk shall be paved, pave the same in front of and adjacent to their respective properties at equal expense to the Town and equal expense to the property owner and in such manner as may be required by the Council.

§ 139-10. Notice and hearing.

Before the Council shall, in accordance with § 139-9, order the owners to pave a sidewalk, it shall first publish for two weeks in a newspaper published in the county a notice inviting all persons interested to appear before the Council to be heard on the question. Such notice shall simply state that the Council is considering the subject of requiring the owners abutting on a certain street or designated portion thereof to pave the sidewalks and inviting all persons interested to appear at a certain time and place to be heard upon the subject. The Council shall hold a hearing in accordance with such notice.

§ 139-11. Order to owner to pave; failure to do so; service of notice.

- A. If, upon a hearing held as provided in § 139-10, the Council shall determine that the sidewalk in question shall be built, the Council shall order each owner of the real property involved to build the sidewalk in question in such manner as may be required by the Council. If such owner shall fail, neglect or refuse, after 30 days' notice to him of such order from the Town Superintendent to comply with such order, then it shall be the duty of the Town Superintendent to cause such sidewalk to be so paved. One-half the cost of such paving shall be certified by the Town Superintendent to the Town Treasurer, who shall enter the same in a book to be kept for the purpose, setting forth the name of the owner and the street upon which his property abuts and the frontage of the property on the street. The amount of such costs shall be a lien on the property and shall be collected by the Town Treasurer by levy or suit or in the manner that taxes are collected by the Town Treasurer.
- B. The notice required by this section may be served on the owner in person or, if he or she is a nonresident, by mailing such notice to him or her by registered mail, at his or her last known address, or by publication of such notice in a local newspaper for two successive weeks.

§ 139-12. Petition to Council to pave.

The owners of property in front of which the sidewalks are not now paved or a majority of such owners may petition the Council to pave the sidewalk along their property, which petition shall contain an agreement by the signers to pay 1/2 of the cost thereof. The Council may accept or reject the petition.

§ 139-13. Determination of specifications.

Whenever the Council shall order the owners to pave the sidewalks in front of their property, as provided in § 139-9, or whenever the owners or a majority thereof file a petition, as provided in § 139-12, and the same is accepted, the Council shall, at the same time, determine the material of which the sidewalks shall be paved, the width to be paved, the kind of foundation to be used for said pavement and any other matter material to such paving.

§ 139-14. Permit for paving required. [Amended 7-8-1996]

No person shall pave a sidewalk in the Town without first obtaining a permit therefor from the Town Council or its agent.

§ 139-15. Contents of permit.

A permit, as required in § 139-14, shall designate the material and foundation to be used, the width of the pavement and such other matters as may be material.

§ 139-16. Supervision of paving.

The paving done pursuant to a permit, as required in § 139-14, shall be done under the

supervision of the Town Superintendent.

§ 139-17. Driveway curbing required. [Added 8-6-1974]

- A. All property owners in the Town of Grottoes shall be required to provide a culvert or curbing for each driveway from public streets onto property in Grottoes adequate to provide drainage of surface water along the street. The Town of Grottoes Town Council shall have complete authority to determine the adequacy of said culvert or curbing.
- B. Failure to provide, within a reasonable time, such said culvert or curbing meeting the standards set forth by the Town Council after written notice of the same shall constitute a misdemeanor.

§ 139-18. Violations and penalties. [Added 7-8-1996]

Any person who violates any provision of this Article shall, upon conviction, be guilty of a Class 1 misdemeanor, with penalties as provided in § 1-7, General penalty, of Chapter 1, General Provisions.

ARTICLE II
Street Obstructions

[Adopted 2-3-1970 as Title 7, Article II, Parts 1 and 2, of the 1970 Ordinances of the Town of Grottoes]

§ 139-19. Permit for street obstruction required.

Except as otherwise provided, it shall be unlawful for any person to obstruct any street, sidewalk or parkway with ladders, scaffolds or ropes or in any other manner without a permit, regardless of the purpose, character or extent of the obstruction.

§ 139-20. Permit for storage of materials in streets required.

No person shall store building or other materials of any character or description in any part of the streets or alleys of the Town for any period of time unless he or she shall have obtained a permit therefor from the Town Superintendent.

§ 139-21. Violations and penalties. [Added 7-8-1996]

Any person who violates any provision of this Article shall, upon conviction, be guilty of a Class 1 misdemeanor, with penalties as provided § 1-7, General penalty, of Chapter 1, General Provisions.

ARTICLE III
Street Openings

[Adopted 2-3-1970 as Title 7, Article II, Part 3, of the 1970 Ordinances of the Town of Grottoes]

§ 139-22. Permit required for opening of street or sidewalk.

No person shall open any street or sidewalk, whether for improvement or not, unless a permit therefor shall first have been obtained from the Town Superintendent.

§ 139-23. Cash deposit or bond for restoration of surface. [Amended 7-8-1996]

A cash deposit or bond may be required by the Town Superintendent of the applicant for a permit, as required in § 139-20, in favor of the Town, conditioned upon the execution of a written agreement whereby the applicant agrees to restore the surface of the street or sidewalk in question to its original condition or to the equal thereof upon completion of the work requiring the opening, of such restoration to be approved by the Town Superintendent.

§ 139-24. Violations and penalties. [Added 7-8-1996]

Any person who violates any provision of this Article shall, upon conviction, be guilty of a Class 1 misdemeanor, with penalties as provided in § 1-7, General penalty, of Chapter 1, General Provisions.