

CHAPTER 26

STREETS AND SIDEWALKS

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ARTICLE I. IN GENERAL

SECTION 26-1. CERTAIN ORDINANCES RELATING TO STREETS NOT AFFECTED BY CODE.

Nothing in this Code or the ordinance adopting this Code shall affect any ordinance opening, relocating, closing, altering, or naming any streets or alleys, and all such ordinances are recognized as continuing in full force and effect to the same extent as if set out at length in this Code.

SECTION 26-2. VIOLATIONS OF CHAPTER.

Unless otherwise specifically provided, a violation of any provision of this chapter shall constitute a Class 4 misdemeanor.

SECTION 26-3. STREET NUMBERS FOR BUILDINGS.

- (a) All principal structures upon the streets within the City shall be numbered by the Planning Director, or his or her designee, upon the centenary plan. Beginning at the axis of reference and moving therefrom, the buildings and lots upon any particular street shall be numbered beginning with the number "1" in the first block and the number "100" in the second block extending away from the point of origin, generally allowing one number for every twenty-five (25) to fifty (50) feet. A new hundred shall generally begin whenever a particular street is crossed by another street. Odd numbers shall be placed upon the west and south sides of the streets, and even numbers upon the east and north sides. Numbers assigned prior to the adoption of this ordinance may remain unchanged.
- (b) The axis of reference for streets running north and south shall be Boscawen Street, Grove Street, and projections thereof. The axis of reference for streets running east and west shall be Loudoun Street from the northern Corporate Limits to

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Papermill Road, Papermill Road from Loudoun Street to the intersection of the B & O Railroad, and the B & O Railroad from Papermill Road to the southern Corporate Limits. All numbers shall run north and south or east and west of the reference axis. Streets which have a change in direction from their original course shall continue to be consecutively numbered in accordance with the direction of the street at its point of origin. Point of origin shall be defined as the end located nearest the reference axis, without regard to the change of direction.

- (c) The owners of all principal buildings within the City shall affix and maintain on such buildings address numbers assigned in accordance with the uniform numbering systems prescribed by this section and reflected on the official numbering system map. All Arabic numbers or alphabet letters shall be placed in a conspicuous place or places on the building, facing the street from which the building is numbered. In instances of buildings with alley access, numbers or letters shall also be placed on the building facing the alley from which access is provided. When building numbers are not readily visible from the street, auxiliary numbers shall be placed on a sign near the street and directional arrows placed at intervals as required to assure rapid approach to each building.
- (d) Address numbers shall be Arabic numbers or alphabet letters. Numbers/letters shall be a minimum of four inches (102 mm) high with a minimum stroke width of 0.5 inch (12.7 mm); of a color contrasting to that of the structure on which same are affixed; and placed in a position to be plainly legible and visible from the street or road fronting the property.
- (e) Whenever any principal building is erected within the City, it shall be the duty of the owner to obtain the correct number from the Planning Director, or his or her designee, and to subsequently affix the appropriate numerals in the manner provided by this section.
- (f) No person shall deface, alter, or remove numbering affixed to a principal structure in accordance with this section.
- (g) The owner of each building which contains more than one unit, whether the units are rented or individually owned, including individual apartments, rental rooms, offices, and any other commercial units shall permanently affix and maintain unit numbers on such building at the entrance(s) to the building. The number for each unit shall be placed over or to the side of the principal entrance giving access to the unit so identified. The size of the numbers required by this subsection shall comply with the requirements of subsection (d).
- (h) In addition to requirements of subsection (g), the number identifying each unit shall be permanently affixed to the principal door giving access to the rental unit whether the door is in the interior of the building or is an exterior door. The size of the numbers required by this subsection shall be a minimum of two inches in height and shall be of a color contrasting to that of the door on which they are

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affixed. If the number of a unit with principal access from the exterior of the building is attached to the exterior door of the unit, the owner need not place additional numbers for that rental unit at other entrances to the building.

- (i) Violations of this section shall be subject to civil penalties established in Section 6-8 of this Code. (Code 1978, Ord. No. 006-85; Ord. No. 042-95, 9-12-95; Ord No. 008-96, 04-09-96; Ord. No. 018-98, 7-14-1998; Ord. No. 035-2003, 11-11-03; Ord. No. 022-2005, 6-14-05)

Charter references--Licensing and taxation for privilege of using streets, alleys, and other public places, §1.01; general council powers relative to streets and sidewalks, §17.

Cross references--Abandoning domestic animals on street or road, §5-7; depositing dead animal on street or sidewalk, §5-9; traffic, Ch. 14; disorderly conduct in streets, §16-6.1; planning, Ch. 19; railroads, Ch. 22; begging on city streets, §24-1; construction of water and sewer mains, §29-4; trees growing in or on streets and other public property; §30-16 *et seq.*; vehicles for hire, Ch. 31.

State Law References--General authority of city relative to streets and sidewalks, Code of Virginia, §§15.2-2001, 15.2-2015, 15.2-2024.

Building Code Reference—Virginia Uniform Statewide Building Code, 2000

SECTION 26-4. ESTABLISHED BUILDING AND CURB LINES AND STREET AND SIDEWALK GRADES.

Upon the application of any owner of a lot fronting upon a public street within the corporate limits of the City, the Common Council shall define the building line and curb line and the adopted grade of the street and sidewalk opposite the lot of such applicant.. The grade and building line and curb line as adopted shall be recorded by the city engineer in his office.

(Code 1959, §20-17; Ord. of 6-14-78; Ord. No. 2011-21, 10-11-11)

SECTION 26-5. WIDTH AND HEIGHT OF SIDEWALKS.

The Common Council may so regulate the width and height of the sidewalk of any public street as shall, in its judgment, be most conducive to the public convenience and interest of the city. (Code 1959, §20-16; Ord. No. 2011-21, 10-11-11)

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SECTION 26-6. IMPROVEMENTS TO EXISTING STREETS GENERALLY.

- (a) The Common Council may agree with the property owners on both sides of any one or more complete blocks of an existing street for the improvement of the street by the City.

The agreement shall provide that all property owners on both sides of the street along each complete block shall pay fifty (50) percent of the cost of the improvements, plus the cost of all sidewalks and other improvements required by the Common Council.

The term "block", for the purposes of this section, shall include not less than the full width of the street, the length to be determined by the City Manager and the Common Council.

This section shall apply only to streets used by such property owners at the time of application for ingress and egress to existing residential dwellings, or commercial or other structures located on the properties abutting the portion of the street to be improved.

- (b) No street construction shall begin on an existing street unless such street is contiguous to or the extension of a street improved to city standards.
- (c) The application referred to in subsection (a) above shall be filed in the office of the City Manager and shall be considered by the Common Council and approved or disapproved as Council may, in its discretion, see fit.
- (d) On corner lots of existing streets where the frontage has all improvements completed or contracted for, the city shall pay fifty (50) percent of the cost of street improvements when the abutting property owners have agreed in writing to pay outright to the city fifty (50) percent of the cost of construction, plus the cost of the sidewalks and other improvements, if required. (Code 1959, §§22-3, 22-11, 22-14; Ord. No. 032-89, 11-14-89; Ord. No. 042-95, 9-12-95; Ord. No. 2011-21, 10-11-11)

Cross references--Street and other improvements paid for by local assessment, §2-11; building permit on existing street not to be issued until applicant agrees to pay his share of cost of street improvements, §6-17; construction of water and streets, §29-4.

State Law References--Assessments for local improvements, Code of Virginia, §§15.1-239 - 15.1-249.1.

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SECTION 26-7. (REPEALED)

(Ord. No. 042-95, 9-12-95; Ord. No. 2013-23, 9-10-13)

SECTION 26-8. PAVING OF DRIVEWAY ENTRANCES.

- (a) Whenever, in order to enter a garage, driveway, private alley or parking lot, it is necessary to cross a sidewalk curb or the shoulder on unimproved portions of a city street, such crossing shall be constructed, after first obtaining an approved driveway entrance permit, with a pavement suitable for the purpose, in accordance with the rules and regulations of the city.
- (b) It shall be unlawful for any person to fail, neglect or refuse to provide such pavement after an approved permit or notice is received from the public works department. (Code 1959, §22-20; Ord. of 6-14-78)

SECTION 26-9. ALLOWING FLUID TO DRAIN ONTO STREET.

It shall be unlawful for any person to permit waste water or any fluid to drain or run into any public street of the city. (Code 1959, §22-25)

SECTION 26-10. DEPOSIT OF INJURIOUS OR HAZARDOUS MATERIALS ON STREETS AND REMOVAL OF SAME.

- (a) No person shall throw or deposit, or cause to be deposited, upon any street or highway, any glass bottle, glass, nails, tacks, wire, cans or any other substance likely to injure any person or animal or damage any vehicle upon such street or highway, nor shall any person throw or deposit, or cause to be deposited, upon any street or highway, any soil, sand, mud, gravel, or other substances so as to create a hazard to the traveling public.
- (b) Any person who drops, or permits to be dropped or thrown, upon any street or highway any destructive, hazardous, or injurious material shall immediately remove the same or cause it to be removed.
- (c) Any person removing a wrecked or damaged vehicle from a street or highway shall remove any glass or other injurious substance dropped upon the street or highway from such vehicle
- (d) Any person violating the provisions of this section shall be guilty of a Class 1 misdemeanor (Code 1959, §15-21)(Ord. No. 042-95, 9-12-95)

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Cross reference--Littering streets, §11-3.

State Law Reference--Similar Provisions, Code of Virginia, §18.2-324.

SECTION 26-11. SPILLING VEHICLE LOAD ON STREETS.

- (a) All vehicles hauling ashes, coal, dirt, rock, rubbish, refuse or any other material along or over any street of the city shall be so constructed, loaded, covered, and kept in such tight and secure condition as to prevent the spilling or throwing from the wheels or any part of such vehicles any unclean or unsightly matter upon the streets.
- (b) Any such matter spilled or thrown from the wheels or any part of such vehicle shall be immediately removed or cleaned from the street by the operator of the vehicle or other person responsible for such cluttering of the streets.
- (c) It shall be unlawful for any person to operate or cause or permit to be operated any vehicle as is herein mentioned in any manner other than as is herein stipulated. Any person violating any provision of this section shall be guilty of a Class 1 misdemeanor.
- (d) The City, in order to expedite removal of any matter spilled or thrown onto the street, may have such matter removed, and the cost of removal shall be billed to the owner of the vehicle. (Code 1959, §10-9; Ord. of 6-14-78)

SECTION 26-12. DEPOSITING MUD, ROCK, ETC. ON SIDEWALKS.

It shall be unlawful for the owner or occupant of any building or lot of land abutting on any paved sidewalk to deposit or permit the accumulation thereon of any mud, earth, rock, stones or other matter that may endanger human life or bodily safety.
(Code 1959, §22-24.1)

SECTION 26-13. OBSTRUCTING GUTTERS GENERALLY.

It shall be unlawful for any person to place a bridge or any other obstruction in or over any gutter upon any street in the city. (Code 1959, §22-23)

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SECTION 26-14. DUTY OF PROPERTY OWNERS OR OCCUPANTS TO KEEP GUTTERS, STORM DRAINS, ETC., OPEN AND FREE FROM OBSTRUCTION.

Every owner and occupant of a house or lot shall, as far as such lot extends, cause the paved gutter, storm drain and other portions of the street adjoining thereto to be constantly kept open and clear from obstruction. (Code 1959, §22-22; Ord. of 6-14-78)

SECTION 26-15. DUTY OF PROPERTY OWNERS OR OCCUPANTS TO REMOVE SNOW AND ICE FROM SIDEWALKS.

- (a) The owner or any person responsible for the care of any building or lot of land abutting on any curbed or paved sidewalk within the corporate limits of the city shall remove the snow or sleet from such sidewalk within twenty-four (24) hours after the snow or sleet has ceased to fall when the total snow accumulation is six inches or less and within forty-eight (48) hours after the snow or sleet has ceased to fall when the snow accumulation is greater than six inches. In cases of sleet or ice that cannot be removed without injury to the pavement of the sidewalk, the sidewalk shall be covered within twenty-four hours after the ice or sleet has ceased to fall with sawdust, ashes or some other material which will render the sidewalk safe for travel.
- (b) Where conditions set forth in subsection (a) above are not complied with, the Zoning Inspections Director or his designee shall immediately notify the owner or person responsible for care of the building or lot of land abutting the curbed or paved sidewalk. Such notification shall be served by a member of the Zoning and Inspections Department.
- (c) If the conditions set forth in subsection (a) are not complied with within twenty-four (24) hours from the time of service of the notice provided in subsection (b), the City may cause the conditions to be complied with by hiring a contractor to remove the snow or sleet from the sidewalk. The cost thereof shall be charged to and collected from the owner of the property. Such collection may be affected in any manner provided by law including but not limited to the collection of state and local taxes. Every charge authorized by this section in excess of \$200 which has been assessed against the owner of any such property and which remains unpaid shall constitute a lien against such property. Such liens shall have the same priority as other unpaid local taxes and shall be enforceable in the same manner as provided in Code of Virginia §§58.1-3940 *et seq.* and §§58.1-3965 *et seq.* The City may waive such liens in order to facilitate the sale of the property. Such liens may be waived only as to a purchaser who is unrelated by blood or marriage to the owner and who has no business association with the owner. All

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such liens shall remain a personal obligation of the owner of the property at the time the liens were imposed. (Code 1959, §22-21; Ord. of 6-14-78; Ord. No. 042-95, 9-12-95; Ord. No. 2013-33, 11-12-13)

State Law Reference--Authority for above section, Code of Virginia, §15.1-1115.

SECTION 26-16. SNOW OR ICE NOT TO BE SHOVELED OR DEPOSITED ON TRAVEL LANES OF STREETS.

It shall be unlawful for the owner, occupant or any person having the care of any building or lot abutting on any street within the city or any other person to shovel or deposit any snow, ice or sleet into the travel lanes of the public streets. (Code 1959, §22-21.1; Ord. of 6-14-78)

SECTIONS 26-17 - 26-27. RESERVED.

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ARTICLE II. STREET EXCAVATIONS

SECTION 26-28. PLAN APPROVAL.

Prior to beginning any excavation work in the paved or surfaced streets of the city, every applicant therefor shall submit a plan for each excavation. All such plans must be approved by the department of public works before excavation is begun. (Code 1959, §22-26; Ord. No. 031-81, 12-8-81)

SECTION 26-29. RESERVED.

SECTION 26-30. PROSECUTION AND SUPERVISION OF WORK; BACKFILLING AND REPLACEMENT OF SURFACE OR PAVEMENT.

- (a) Excavations in the paved or surfaced streets of the city shall be made and filled in and the surface or paving replaced by the person filing an approved plan under this article, under the supervision and to the satisfaction of the city engineer; provided, that the city reserves the right, if it so elects, to replace the surface or paving removed, at the expense of the person who performed the excavation.
- (b) Excavations in the public streets of the city shall be made, refilled and the surface or paving replaced without unnecessary delay. In the event of such delay, the city may refill the excavations and restore the surface or paving and charge the cost thereof against the person filing an approved plan under this article. (Code 1959, §§2-27 - 22-29; Ord. of 6-14-78)

SECTION 26-31. BARRIERS.

Any person making an excavation pursuant to an approved plan under this article shall cause the same to be guarded by proper barriers, in compliance with all current city, state and federal safety codes, rules, ordinances and regulations. (Code 1959, §22-29; Ord. of 6-14-78)

Cross reference--Parking alongside or opposite street excavation, §14-46(11).

SECTION 26-32. COVER OR LIGHTS AT NIGHT.

Except in a situation of absolute necessity, no excavation made pursuant to an approved plan under this article shall be allowed to remain uncovered during the night. In cases

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where such an excavation is, from absolute necessity, left uncovered during the night, the person filing an approved plan shall place a light, by lantern or other sufficient means, over the same. In case the excavation is in the nature of a trench or ditch, lights shall be placed continuously along the line thereof. All warning devices placed in accordance with this section shall comply with all current city, state and federal safety codes, rules, ordinances and regulations. (Code 1959, §22-30; Ord. of 6-14-78)

ARTICLE III. LOUDOUN STREET MALL

DIVISION 1. GENERALLY

SECTION 26-33. SPECIAL PROVISIONS RELATING TO LOUDOUN STREET MALL.

- (a) The Loudoun Street Mall shall extend one-way south, between Piccadilly Street and Boscawen Street and Boscawen Street and Cork Street, and it shall be unlawful for any person to operate, drive, ride, push, or park any vehicle thereon. The operation and use of bicycles, skateboards, scooters, and roller skates, to include in-line skates, is prohibited. This subsection shall not apply to:
1. Motor vehicles, other than tractor-trailers, having a gross weight of less than twenty-four thousand (24,000) pounds and using the Mall between the hours of 7:30 A.M. and 10:30 A.M. of any day for commercial pickup, commercial delivery, and utility or maintenance services.
 2. Passenger vehicles crossing the mall in a westerly direction between the alley on the north side of the Presbyterian Church and Winchester Parking Authority Lot No. 8 for the purpose of discharging and receiving passengers from the Presbyterian Church pre-school.
- (b) The chief of police or his designee may issue a special use permit for vehicles using the Loudoun Street Mall for funerals, Sunday morning church services, weddings, other special events, construction, city maintenance and repair work.
- (c) No vehicles permitted to use the Loudoun Street Mall shall be driven or operated at a speed in excess of ten (10) miles per hour, and all such vehicles shall be driven or operated one-way south, except as provided in (a)(2), above.
- (d) A violation of this section through the use of a motor vehicle shall constitute a traffic infraction. A violation of this section through the use of a bicycle, a skateboard, a scooter, or roller skates (to include in-line skates) shall be punishable as a civil penalty in an amount not to exceed \$50. (Ord. No. 2011-09, 5-10-11; Ord. No. 2013-20, 7-16-13)

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State Law Reference-- Code of Virginia, §46.2-904

DIVISION 2. REPEALED (Ord. No. 2013-09, 4-9-13)

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