

STREETS AND SIDEWALKS

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[HISTORY: Adopted by the Council of the Town of Middleburg 9-11-80. Amendments noted where applicable.]

GENERAL REFERENCES

Fire lanes - See Ch. 44.

Sewers - See Ch. 83.

Water - See Ch. 113.

Zoning - See Ch. 122.

ARTICLE I
General Regulations

- § 91-1 Streets and sidewalk improvements required when structure constructed or use changed**
- A. As used in this section, the following terms shall have the meanings indicated:
 - ENTRANCE - Any vehicular access from private property to public property.
 - B. Required improvements; dedication to town.
 - (1) Any person who proposes to construct any structure or who intends to change any present use, whether a zoning amendment is necessary or not, on land which has frontage on a public street or on land which requires a new entrance or entrances thereto or any change in an existing entrance shall construct, at his own expense, the following improvements:
 - (a) Curb, gutter and sidewalk along the entire frontage of the property proposed for use.
 - (b) Concrete entrance or entrances. Where existing entrances are to be abandoned, such person shall remove such

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entrances and reconstruct the sidewalk and curb and gutter in its place at his expense.

- (c) Pavement for one-half (1/2) width of the street where there is no existing pavement. Where pavement exists, such person shall construct any pavement between the existing pavement and the new curb and gutter.
 - (d) Storm drains and appurtenances where necessary, as determined by the Town Council.
- (2) Additionally, such person shall dedicate to the Town of Middleburg or the Commonwealth of Virginia Department of Transportation an area of land for the widening, maintenance or construction of such public streets and sidewalks adjoining such person's property to conform to the standards of the Virginia Department of Transportation. [Amended 2/25/16]
- C. A performance bond, with approved surety, or a cashier's check shall be provided, payable to the municipality, to insure installation of the improvements required by this section, based upon the estimated cost of such improvements, as determined by the Town Council, with the time of performance determined by the Town Council.
- D. Any or all of the requirements of this section may be waived by action of the Council upon written application.

§ 91-2 Construction of driveway to building or vacant lot

A permit shall be obtained from the Town Council before any entrance or driveway is built to serve a building or a vacant lot. Where existing sidewalks are removed for the purpose of providing an entrance or crossover, the entrance over the sidewalk portion shall be of the same type of material as the existing adjacent sidewalk. Any deviation from this policy shall be subject to Council approval.

§ 91-3 Approval to disturb or interfere with public rights-of-way; guaranty fee

- A. No work of any nature which involves a disturbance of the public right-of-way or interferes with its free or unencumbered use shall be performed unless and until approval is first obtained from the Town Council. Requests for approval shall be submitted in writing and shall show compliance with all applicable ordinances regarding specifications of construction.

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- B. The guaranty fee shall be in an amount equal to the estimated cost of construction as determined by the Town Council.

§ 91-4 Barricading and lighting of excavations and construction

Any person granted approval to excavate or work in, on or under any street or sidewalk or to construct or alter any building within the town shall, at his own expense, properly barricade and maintain proper lights for the purpose of warning pedestrians or persons traveling in vehicles or otherwise of the danger created by such excavation or construction.

§ 91-5 Retaining walls or grading required for lots above level of sidewalks

All property owners in the town having land or grounds abutting on public sidewalks and above the level of such sidewalk shall either provide retaining walls or grade and turf such land so that dirt will not wash down upon such sidewalks.

§ 91-6 Removal of encroachments

In every case of encroachment upon a street by a building, fence or other structure, whether permanent or temporary, the Town Council shall require the owner thereof or the person maintaining it to remove the same.

§ 91-7 Restrictions on gates in fences and walls

Every gate built in any fence or wall shall be so hung as not to open over or obstruct any sidewalk in the town.

§ 91-8 Discharge of water from gutter or waterspout onto sidewalk prohibited

It shall be unlawful for any person to erect or maintain a gutter or waterspout which discharges water upon a sidewalk.

§ 91-9 Removal of snow and ice from sidewalks

- A. It shall be the duty of every occupant or owner of property in the commercially zoned district of the town which has a sidewalk or footway of stone, brick, gravel, cinder, wood or other substance, adjoining and touching upon the same in front, rear or either side thereof, to have all snow removed from such sidewalk or footway within six (6) hours after such snow has ceased falling, unless the same has fallen during the night, in which case it shall be removed before 12:00 noon on the succeeding day. In the event that snow falls upon Sunday, such occupants or owners shall have until 12:00 noon the following Monday to comply with this section.

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- B. The requirements of Subsection A above applicable to removal of snow shall apply with reference to ice or sleet on sidewalks or footways, except that, when ice or sleet cannot be removed without injury to the sidewalk or footway, such ice or sleet shall be covered within the period of time above specified with sand, ashes or some substance which will render it safe for travel.
- C. When there is not a building or structure on a lot, or no occupant of any building or structure thereon, it shall be the duty of the owner of the lot or building or structure, or his agent, to have the snow or ice removed from his sidewalk or footway as above required of the occupants of houses.
[Amended 2/25/16]
- D. In the event snow and/or ice is not removed or covered as required in Subsections A and B above, the Town Administrator or designee may remove or cover the snow or ice to mitigate the hazardous condition and assess the cost for such removal or covering thereof against the property owner.
[Added 2/25/16]

§ 91-9.1 Failure to comply; cost of removal by Town [Added 2/25/16]

Every charge authorized by Section 91.9(D) in excess of two hundred dollars (\$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 Article 3 (§ 58.1-3940 et seq.) and 4 (§58.1-3965 et seq.) of Chapter 39 of Title 58.1.

§ 91-10 Reserved [Amended 2/25/16]**§ 91-11 Sidewalk composition [Amended 10-11-1990]**

Sidewalks constructed within the town will be of material approved by the Town Council. Details of installation will be presented to the Town Engineer for review and recommendation to the Council when deemed necessary. Grates will be utilized where trees are located in the walkways.

§ 91-12 Violations and penalties [Amended 2/25/16]

Unless otherwise noted, any person convicted of violating any provisions of this Article shall be guilty of a misdemeanor and shall be fined not more than twenty-five dollars (\$25.) for each offense.

ARTICLE II
Snow Emergencies

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§ 91-13 Criteria for determining a snow emergency [Amended 2/25/16]

As allowed under Virginia Code Section 46.2-1302, as amended, a snow emergency may be declared by the Mayor when snow begins to accumulate or ice begins to form on the streets creating hazardous driving conditions, or when the National Weather Bureau has registered a minimum snowfall of six (6) inches for Loudoun County based on statistics compiled at the Dulles International Airport.

§ 91-14 Designation of snow emergency routes [Amended 2/25/16]

- A. Washington Street (U.S. Route No. 50) between Liberty Street and Route 626 (The Plains Road) shall be designated as a snow emergency route.

§ 91-15 Removal of snow; parking and use restrictions; removal of vehicles [Amended 2/25/16]

- A. When a snow emergency is declared, designated Town employees shall clear all public parking lots and public parking spaces in the town beginning with those located in the snow emergency route. Such clearing shall not commence until the snow emergency route is first cleared by the Virginia Department of Transportation.
- B. When a snow emergency is declared, it shall be unlawful for any person to park or abandon a vehicle on the snow emergency route designated by this Article.
- C. It shall be unlawful for any person to obstruct or impede traffic on the snow emergency route designated by this Article when such vehicle is not equipped with effective snow tires or chains.
- D. Notwithstanding any other provision of this Article, upon information that a vehicle is parked, stalled, stuck or abandoned on the snow emergency route designated by the Article, the policeman on duty shall authorize immediate removal of this vehicle.
- E. The cost of removing and storing any vehicles towed or otherwise removed under Subsection D of this section shall be charged to the owner and shall be due and payable prior to the release of any such vehicle to the owner thereof.

§ 91-16 Violations and penalties

Any person convicted of violating any provisions of this Article shall be guilty of a misdemeanor and shall be fined not more than twenty-five dollars (\$25.) for each offense.

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ARTICLE III
Street Naming and Street Signs
[Added 7-11-96]

§ 91-17. Purpose and Intent.

Pursuant to the authority of Title 15.2-968, 15.2-2013, AND 15.2-2029, Code of Virginia, as amended, to control the layout of streets within the corporate limits, the purpose and intent of this Article are to:

- (1) Facilitate the provision of adequate public safety services;
- (2) Minimize difficulty in locating properties and buildings for public agencies and the general public; and
- (3) Provide a uniform system of street naming for all properties throughout the town.

§ 91-18. Definitions.

As used in this Article, the following terms shall have the meanings indicated:

ADDRESS AND STREET MAP OF THE TOWN OF MIDDLEBURG - the official town map at 1"=200' scale which shows all addressable structures with their primary addresses and all named public and private streets and accessways, as approved by resolution of the Town Council.

ADDRESSABLE STRUCTURE - any permanent building used for human habitation or gathering or any structure used for institutional, commercial or industrial purposes.

ADMINISTRATOR - the Town Administrator or his or her duly authorized agent.

MASTER TOWN STREET DIRECTORY - the official town listing of existing street names in the Town of Middleburg, as approved by resolution of the Town Council.

TRAVELWAY - a public or private right of way used for vehicular travel, including parking lots used as access for multifamily residential, commercial or industrial structures.

§ 91-19. Master Town Street Directory and Map.

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- A. Street names listed in the Master Town Street Directory shall be the lawful names of such streets, unless/until officially changed by the resolution of the Town Council.
- B. The location of all existing and approved named streets shall be shown on the official Address and Street Map of the Town of Middleburg.

§ 91-20. New Street Naming Standards.

- A. Public and private accessways serving more than three properties or addressable structures shall be named. Accessways or travelways serving three or less properties or addressable structures shall be addressed using the name of the accessway from which the travelway or accessway originates.
- B. No duplication of existing street names in or near Middleburg shall be approved. Streets shall be considered duplicates if they:
 - (1) Have the same name, but different type designations (e.g., Apple Street and Apple Court);
 - (2) Are duplicates or homonyms of the first word in a street name, except for historical proper names (e.g., James Madison and James Monroe are not duplicates); or
 - (3) Are near duplications in spelling, or are phonetically similar.
- C. Names shall not:
 - (1) exceed twenty (20) characters in length, excluding the street type designation;
 - (2) contain hyphens, apostrophes, or other non-letter characters; or
 - (3) contain more than two words, excluding the street type.
- D. Articles (the, an, a) shall not be used in street names (e.g., The Foggy Rd.)
- E. The words "old" and "new" shall not be used in street names when they precede a street name which exists in the town or surrounding area (e.g., Old Federal Rd.)
- F. Street names duplicating facilities or geographic locations shall not be approved (e.g., Tennis Court).
- G. Street names that are deemed offensive shall not be approved.

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- H. Street Type Designations. The following street type designations shall be applied in naming new streets:
- (1) HIGHWAY, PIKE, TURNPIKE. A designated Federal or State primary right-of-way.
 - (2) PARKWAY, BOULEVARD. A right-of-way divided by a landscaped median.
 - (3) AVENUE, DRIVE, STREET. A continuous right-of-way primarily serving local traffic.
 - (4) ROAD. A right-of-way continuing outside the corporate limits into the adjoining rural areas.
 - (5) COURT, PLACE, WAY. A cul-de-sac or permanent dead-end right-of-way.
 - (6) SQUARE, TERRACE. Condominiums, townhouse or multifamily parking lot that also serves as the access for the development.
 - (7) CIRCLE. A secondary right-of-way that begins and circles back to the same right-of-way.
 - (8) LANE. Named private access easement.

§ 91-21. Street Naming Process.

- A. All proposed street names shall be reviewed by the Administrator for conformance with this Article. Names proposed through the subdivision or site plan review process shall be reviewed and approved by the Planning Commission as part of their official review. Requests for street names other than those for proposed new developments shall be submitted in writing to the Town Council for their review and approval, in accordance with the provisions of this section.
- B. Street Naming During Subdivision and Site Plan Review. All streets in proposed development projects shall be named during the subdivision or site plan review process. The process shall apply to proposed public or private streets or accessways.
- (1) Proposed street names shall appear on all preliminary and final subdivision plats, construction plans, and site plans.

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- (2) Names proposed through the land subdivision and development process shall be reviewed by the Administrator and recommendations submitted to the Planning Commission.
 - (3) Names submitted for a development meeting the standards of this Article shall be reserved on a reserved street name list by the Administrator for that development for a period not greater than one year, unless the preliminary subdivision or site plan for the development are approved. Street names for approved preliminary plats and site plans shall remain reserved for the life of the plat or plan. The developer may request in writing, and the Administrator may approve one extension of the reservation for up to one additional year.
 - (4) Names shown and approved on the final plat and/or final site plan shall be reserved only for the period that the plat and/or plan remains valid. Upon notification by a developer that a project is terminated, the reserved street names shall be removed by the Administrator from the reserved street name list.
 - (5) Subdivision plats and/or final plans shall not be approved, nor zoning permits issued, until approved street names are shown correctly upon such plats/plans.
- C. Requests to Name or Rename Streets Outside the Development Review Process. Requests for new or revised street names other than those proposed for new development shall be submitted in writing to the Town Council, including a plat showing the accessway for which a naming or renaming is being requested and all addressable structures having access to the accessway. The Administrator shall review the request, determine its compliance with this Article, and forward a recommendation to the Town Council within ten (10) working days of the submission. The Town Council shall approve or deny the request within sixty (60) days of its submission.

§ 91-22. Street Signs.

- A. Every public and private street and accessway required to be named by this Article shall be identified by a sign showing the official name of such street.
- B. Installation and maintenance of street signs on private accessways shall be the responsibility of the property owners served by such private accessways.
- C. Street signs shall be placed at all intersections and shall identify both intersecting streets.

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- D. An unnamed private accessway serving three or fewer properties or addressable structures shall be identified with a sign showing the range of such addresses, placed at the intersection of the accessway and the street from which the structures are addressed.
- E. Street name signs shall conform to the design and installation standards of the Virginia Department of Transportation or the Town of Middleburg.
- F. Permanent signs conforming to all applicable standards shall be installed by the developer on all streets under construction within five (5) days of establishment of the rough grade of said streets.

§ 91-23. Administration and enforcement.

- A. The Administrator shall be responsible for the interpretation, administration and enforcement of this Article.
- B. Whenever the Administrator determines that any person is in violation of any provision of this Article, he or she may give notice, by certified mail with return receipt requested, of such violation to the violator and order such person to take the necessary corrective measures within thirty (30) days from the date of notification.
- C. If any person fails to comply with an order issued pursuant to this section, the Administrator may initiate such action as is necessary to terminate the violation, including obtaining criminal warrants, applying to courts of competent jurisdiction for injunctive relief, or any other appropriate action.
- D. Whoever violates any provision of this Article is guilty of a Class 3 misdemeanor and shall be fined not more than five hundred dollars (\$500.).

**ARTICLE IV
PROPERTY ADDRESSING****§ 91-24. Purpose and Intent.**

- A. The purpose and intent of this Article are to:
 - (1) Facilitate the provision of adequate public safety services;
 - (2) Minimize difficulty in locating properties and buildings for public agencies and the general public; and
 - (3) Provide a uniform system of property addressing for all properties and addressable structures in the town.

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- B. To these ends, a uniform system of assigning addresses for properties in the town is hereby adopted, pursuant to the authority of Title 15.2-2024 , Code of Virginia, as amended. All addressable structures in the town shall be identified through the uniform numbering system adopted by this Article.

§ 91-25. Definitions.

As used in this Article, the following terms shall have the meanings indicated:

ADDRESS AND STREET MAP OF THE TOWN OF MIDDLEBURG - the official town map at 1"=200' scale which shows all addressable structures with their primary addresses and all named public and private streets and accessways, as approved by resolution of the Town Council.

ADDRESS PLAT - a plat at one inch equals 50 feet scale supplied by the developer for addressing multifamily residential and commercial/industrial buildings.

ADDRESSABLE STRUCTURE - any permanent building used for human habitation or gathering or any structure used for institutional, commercial or industrial purposes.

ADMINISTRATOR - the Town Administrator or his or her duly authorized agent.

MASTER TOWN STREET DIRECTORY - the official town listing of existing street names in the Town of Middleburg, as approved by resolution of the Town Council.

PRIMARY ACCESS - in the case of single-family residential properties, the driveway and, in all other cases, the entrance from the street that accesses the front of primary entrance to the structure.

PRIMARY ENTRANCE - the front door, or the main doorway used for access to the structure, as shown on the address plat.

SECONDARY ADDRESS - the suite, apartment or unit number assigned to a secondary or internal entrance within a building and used with a primary address (e.g., "Apartment B" or "Suite 101").

SECONDARY ENTRANCE - in a residential building, an internal doorway to an apartment or condominium, and, in a commercial or industrial building, either the doorway into an internal suite or the doorway into an external service entry.

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§ 91-26. Addressing Standards.

- A. The addresses of all addressable structures shall be shown on the official "Address and Street Map of the Town of Middleburg", unless/until changed by resolution of the Town Council.
- B. Uniform Assignment of Street Numbers. Street numbers shall be uniformly assigned. Numbers on the north side of east - west streets shall be even, and numbers on the south side of such streets shall be odd. Numbers on the west side of north-south streets shall be even and numbers on the east side of such streets shall be odd.
- C. Use of Access Points. Primary addresses shall be assigned to the street from which the primary access originates. Whenever four or more premises or potential premises (vacant lots) are located on a private accessway, a name shall be applied to such accessway as provided in Article III of this Chapter, and all addressable structures accessing that private accessway shall be addressed from such accessway.
- D. Corner Lots. The addressable structure on a corner lot shall be addressed based on the street providing vehicular access (a driveway). When the driveway intersects with more than one street, the Administrator shall determine the most appropriate access point on which to base an address, taking into consideration the street toward which the house faces.
- E. Commercial, Industrial, and Multifamily Buildings.
 - (1) Primary Addresses. Commercial, industrial and institutional structures shall have one primary address per addressable structure. Each primary entrance of a multifamily residential structure shall be assigned a street number. The primary and secondary entrances to multifamily, commercial, industrial, and institutional buildings shall be clearly identified on the address plat.
 - (2) Secondary Addresses. Individual units within a commercial, industrial, or institutional structure shall be addressed using secondary unit numbers. The owner of the building shall be responsible for assignment of the secondary addresses. Such assignment shall be made in accordance with this chapter and within thirty days (30) days of a request from a tenant or before occupancy, whichever comes first.

§ 91-27. Addressing Procedures.

- A. All addresses shall be assigned by the Administrator in accordance with this Article. Addresses may be assigned either through the land

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development review process or on the basis of individual address requests. All requests for addresses shall be supported by a clearly legible address plat.

- B. Address Plat Requirements. All address plats shall be in conformance with the following requirements:
- (1) Address plats must be prepared on 24"x36" paper prints, unless the project will not fit on the designated size. Address plats for individual single-family structures may be on a smaller plat at the discretion of the Administrator.
 - (2) Addressable building footprints and exterior entrance points shall be shown, as well as interior hallways, units, apartments and interior entrance points, where applicable.
 - (3) Primary access to the site shall be shown, including driveway locations for all corner lots.
 - (4) All property boundaries and the applicable parcel number(s) shall be shown, along with subdivision name and lot numbers, as appropriate.
 - (5) Existing and proposed public and private street names shall be shown.
 - (6) The location of proposed street signs shall be shown, as required.
 - (7) The address plat shall include an approval block, to be signed by the Administrator following approval and worded as follows: "The property addresses denoted hereon are hereby approved for use, effective this date."
- C. Address Required for Zoning Permit. No zoning permit shall be issued for any addressable structure until the owner or developer has procured the official address of such structure from the town.
- D. Land Development Addressing. Addresses of properties shall be assigned as part of the land development review process for new developments as follows:
- (1) General Requirements.
 - (a) Addresses of premises shall be assigned by the Administrator during review of proposed final plats, approved construction plans and proposed final site plans.

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- (b) Addresses shall be approved for proposed addressable structures within fifteen (15) working days of approval of the final site plan or recordation of the final plat, whichever applies, provided the applicant has met all submission requirements of this Article.
 - (c) Addresses shall not be approved prior to approval of the final site plan or final plat.
- (2) Requirements for Multifamily, Commercial, Industrial and Institutional Structures.
- (a) All requests for addresses under this subsection shall be supported by an address plat in accordance with the requirements and standards of this Article.
 - (b) Address plats submitted for multifamily, commercial, industrial and institutional structures shall include secondary addresses for each apartment, unit or suite.
- E. Individual Address Requests. The Administrator shall provide addresses at the request of individuals, upon submission of an address plat showing the proposed access street, the location of the proposed addressable structure and the driveway to serve it, and any other addressable structures having access to the driveway. The Administrator shall assign the individual address requested within five (5) working days after receipt of all required information.

§ 91-28. Address Posting Requirements.

- A. Addresses shall be posted in a timely manner. Addresses shall be posted temporarily for structures under construction. Addresses shall be permanently posted in accordance with this Article prior to occupancy.
- B. Primary addresses shall be displayed at the front entrance or the entrance clearly visible from the street or accessway to the building. If the number cannot be posted on a building where it is clearly visible from the street, then it shall be displayed at the end of the driveway nearest the street or the ingress/egress easement providing access to the building.
- C. Numerals for single-family and townhouse units shall be a minimum of three (3) inches in height and shall contrast with the background on which they are posted.

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- D. Numerals for addresses in multifamily, commercial, industrial and institutional buildings shall be a minimum of three (3) inches in height and shall contrast with their background.
- § 91-29. Administration and Enforcement.**
- A. The Administrator shall be responsible for the interpretation, administration and enforcement of this Article.
- B. Whenever the Administrator determines that any person is in violation of any provision of this Article, he or she may give notice, by certified mail with return receipt requested, of such violation to the violator and order such person to take the necessary corrective measures within thirty (30) days from the date of notification.
- C. If any person fails to comply with an order issued pursuant to this section, the Administrator may initiate such action as is necessary to terminate the violation, including obtaining criminal warrants, applying to courts of competent jurisdiction for injunctive relief, or any other appropriate action.
- D. Whoever violates any provision of this Article is guilty of a Class 3 misdemeanor and shall be fined not more than five hundred dollars (\$500.).