

Chapter 58

STREETS, SIDEWALKS AND OTHER PUBLIC PLACES*

* **Charter References:** Town to constitute separate road district, § 14; laying of sidewalks and special assessments therefor, § 29; removal of snow from sidewalks, preventing improper use of sidewalks, § 34.

Cross References: Any ordinance providing for public improvement saved from repeal, § 1-17(7); any ordinance naming, renaming, opening, altering, relocating, accepting, closing or vacating any streets or alleys saved from repeal, § 1-17(9); buildings and building regulations, ch. 14; community development, ch. 22; environment, ch. 26; hawkers and peddlers, § 26-29; throwing or depositing certain substances upon highway, § 42-146; throwing stone or missile in streets, § 42-147; games in or on streets, § 42-148; design standards and specifications for streets in subdivisions, § 50-347; design standards and specifications for sidewalks in subdivisions, § 50-359; traffic and vehicles, ch. 66; driving or standing vehicle or animal on sidewalk, § 66-24; trailers and trailer parks, ch. 70; utilities, ch. 74; vehicles for hire, ch. 78.

State Law References: Local streets and sidewalks, Code of Virginia, § 15.2-2000 et

seq.; taxes or assessments for local improvements, Code of Virginia, § 15.2-2404 et seq.; state highway plat book, Code of Virginia, § 17.1-238; state highway system, Code of Virginia, § 33.1-25 et seq.; local authority over highways, Code of Virginia, § 33.1-224 et seq.; pipelines and other works in streets, alleys, etc., Code of Virginia, § 56-257 et seq.

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ARTICLE I.

IN GENERAL

Sec. 58-1. Construction by town personnel.

It shall be unlawful for any town officer or employee to build or construct any pavement, walk or crossing or to make any other improvement at the expense of the town upon any street or other property which has not been occupied by the town as a street, right-of-way or otherwise for a period of at least 25 years, unless such street, right-of-way or other property has been properly conveyed to the town by deed, devise or dedication and the instrument of conveyance has been put upon record in the office of the clerk of the circuit court of the county.

(Code 1992, § 19-1)

Sec. 58-2. Grades and alignments of streets, sidewalks, curbs and pavements.

(a) When a street line, grade of centerline or curb of any street or sidewalk is established by the town council or by a town officer duly designated for such purpose, such grade and alignment shall be official, and no person shall change such grade or alignment so fixed.

(b) The situation, range, height, width and pitch of the curbstones and pavements shall be determined and established by the town council or by a town officer duly designated for such purpose and shall be complied with.

(Code 1992, § 19-2)

State Law References: Grading streets, etc., Code of Virginia, § 15.2-2001 et seq.

Sec. 58-3. Permit required for tearing up, digging in or defacing street, sidewalk or gutter.

No person shall, except by permit issued by the town council or an officer authorized by the town council, tear up or dig in or in any way deface or damage any street, sidewalk or gutter.

(Code 1992, § 19-3)

Sec. 58-4. Digging in street incident to water supply or sewer system.

Whenever it may be necessary to disturb any street or sidewalk for purposes incident to the town water supply or sewer system, the work shall be done under the direction and control of the town.

(Code 1992, § 19-4)

Cross References: Water, § 74-26 et seq.; sewer and sewage, § 74-141 et seq.

Sec. 58-5. Removal, defacing or altering of cornerstones or posts.

It shall be unlawful for any person, without proper authority of the town, to remove or displace or in any manner change, deface or alter any cornerstone or post marking the corner of any street or sidewalk.

(Code 1992, § 19-5)

Sec. 58-6. Obstructions generally; removal; failure to remove.

(a) No person shall put or place or cause to be put or placed upon any street, sidewalk or public place in the town any lumber, brick, wood or other material nor put or place or cause to be put or placed upon any street, sidewalk or public place in the town any signboard or bulletin board, nor in any manner obstruct or encroach upon any street, sidewalk or public place

in the town either wholly or partially.

(b) In every case of obstruction or encroachment upon a street, sidewalk or public place by a building, fence or other structure or any other obstruction or encroachment, the mayor may require the owner or maintainer thereof to remove the encroachment. A failure to make the removal within the time ordered shall be a class 1 misdemeanor, and, in addition to other penalties, the court having jurisdiction may cause such encroachment to be removed at the risk and cost of the person in default.

(Code 1992, §§ 19-6, 19-13)

State Law References: Obstruction of street or highway, Code of Virginia, §§ 15.2-2009, 33.1-345.

Sec. 58-7. Installation and maintenance of openings of cellars and other areas in sidewalks.

(a) Every cellar or area hereafter constructed which opens in a sidewalk shall have such opening covered with substantial grating, rough-surfaced iron, or iron and glass or other substantial and durable materials approved by the town, which covering shall be flush with the pavement. No such opening to any existing cellar or area shall be recovered nor shall the covering thereof be repaired or renewed except with such material and in such manner as required in this subsection and under the supervision of the town.

(b) The entrance to every cellar which opens in a sidewalk shall be covered with two doors of equal width, with joints and so constructed that when closed they shall be flush with the pavement and, when open, shall stand upright and at right angles to the pavement and be held in such position by connecting bars or chains at the end of the doors nearest the curb. No cellar door shall be allowed to fall back or lie flat upon the street or sidewalk when opened, nor to remain open any longer than necessary and while in actual use. The owner or occupant of any house or structure who shall, after notification by the town, fail or refuse to comply with this subsection shall be guilty of an offense against this section.

(c) Whenever the owner or occupant of any house or structure to which is attached any cellar, area, vault, etc., opening in the street shall be notified by the town that the covering thereof is insecure and dangerous, it shall be his duty to repair the covering within such time as the town may prescribe. For failure to repair within such time, the town may cause such repairs to be made, and the cost shall be collected from the party in default in like manner as fines and assessments are collected, provided that the payment of such costs by the party in default shall not relieve him from the payment of any fine which may be imposed upon him for violation of this section.

(Code 1992, § 19-7)

Editors Note: The above section was set out in the town Code of 1949; the initial date of enactment cannot be ascertained, but the term "hereafter constructed" relates back more than 45 years.

Sec. 58-8. Drippings from houses, eaves and gutters.

All buildings, the eaves or porches of which project over the sidewalk, shall be provided with gutters so that there shall be no drippings from the eaves, porches or gutters upon the sidewalk.

(Code 1992, § 19-8)

Sec. 58-9. Drainage from lots, gutters and spouts.

(a) No water from any lot, gutter or spout shall be permitted to flow across the sidewalk or footway of any street except in a covered drain, the cover of which shall not be above the surface of such footway or sidewalk. Such drain shall be built, kept open and in good repair by the owner or occupant of the premises from which it drains.

(b) In every building existing on October 18, 1955, not already equipped and in every building being erected and in every building erected after such date equipped with a kitchen, bathroom, toilet or like chamber where there is human occupancy or employment, the drain or drainwater from such rooms or chambers shall not flow into or through the gutters or spouts referred to in subsection (a) of this section, but shall flow into an acceptable and properly

constructed underground drainbed located on the premises or into the drainbed of the sewage disposal system of the property on which the building is located.

(Code 1992, § 19-9)

State Law References: Gutters, downspouts, etc., overhanging public rights-of-way, Code of Virginia, § 15.2-2010.

Sec. 58-10. Signs, awnings and other materials over streets and sidewalks.

(a) For the purposes of this section, the term "sidewalk" shall be construed to mean not only any sidewalk on ground belonging to the town but also any ground belonging to private parties which is alongside of the sidewalk belonging to the town, if not more than three feet therefrom and it is not enclosed.

(b) It shall be unlawful for any person to place or allow to remain over any street or sidewalk any sign, awning, goods, parts of trees, shrubs or bushes or any other thing, unless it is eight feet above street or sidewalk for trees, shrubs, or bushes or seven feet for any other of such things, and unless it is so placed by permission and according to directions of the building official.

(Code 1992, § 19-10)

Sec. 58-11. Porches, balconies, steps and bay windows.

It shall be unlawful for any person to build any balcony, bay window, shed, building or any part thereof to extend beyond the building line of any street in the town, provided that this section shall not be construed to prohibit the construction of a balcony not less than ten feet above the sidewalk and the placing of an awning not less than 7 1/2 feet above such sidewalk.

(Code 1992, § 19-11)

Sec. 58-12. Barbed wire fences.

No person shall erect along any sidewalk of the town what is known as barbed wire fencing.

(Code 1992, § 19-12)

Sec. 58-13. Changing, obstructing or interfering with culverts and drains.

It shall be unlawful for any person to change, obstruct or interfere with in any manner the culverts or drains of the streets or leading from any street in the town, without permission of the town council.

(Code 1992, § 19-14)

Sec. 58-14. Cleaning up after transportation or handling of coal, wood or other commodities.

Whenever coal, wood or other like commodity is handled or transported over or about any street, sidewalk or public place in the town, the person having such work done shall, within two hours after such work is completed, have all particles of clay, coal, coal dust and other fragments removed from the locality of such transportation or handling.

(Code 1992, § 19-15)

Sec. 58-15. Removal of snow.

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 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 12 hours after the snow has ceased to fall. However, if the snow shall cease to fall in the nighttime, it shall be cleared away by 10:00 a.m. the following morning. Each violation of this section shall be punished by a fine of not less than \$1.00 nor more than \$5.00. If the occupant or owner of the premises, as the case may be, fails or refuses to clean off the snow in accordance with this section and after reasonable notice, it shall be the duty of the mayor to cause such pavement or sidewalk to be cleaned at the cost of such occupant or owner. Such costs are to be collected in the manner in which state or local taxes are collected.

(Code 1992, § 19-16)

Charter References: Authority of town council to require owners of abutting property to remove snow from sidewalks, § 34.

State Law References: Removal of snow from sidewalks, Code of Virginia, § 15.2-1115.

Sec. 58-16. Water on pavement in cold weather.

It shall be unlawful for any person to pour water or wash any sidewalk or street when the weather is such that the water will freeze.

(Code 1992, § 19-17)

Sec. 58-17. Stretching ropes, wires or other things.

It shall be unlawful for any person to place or stretch any wire, rope or other thing across, over, under or along any of the streets, sidewalks or public places in the town without first having a license or franchise therefor according to law. However, for special occasions and holidays the town council may grant permits for bunting and other decorative material to be so placed or stretched upon application by any responsible person or organization.

(Code 1992, § 19-18)

State Law References: Temporary closing of rights-of-way, Code of Virginia, § 15.2-2013.

Sec. 58-18. Cutting of trees and decorative plants.

No person shall cut any tree or other decorative plant growing on any street or public place in the town without the consent of the town council.

(Code 1992, § 19-20)

Secs. 58-19--58-45. Reserved.

ARTICLE II.

SIDEWALKS, PRIVATE ALLEYS; CONSTRUCTION, MAINTENANCE*

* **Charter References:** Sidewalks generally, collection of special assessments therefor,

§ 29; removal of snow from sidewalks, skating or riding bicycles thereon, § 34.

State Law References: Authority of town to make, improve and repair sidewalks, Code of Virginia, § 15.2-2001.

Sec. 58-46. Paving materials, widths, foundations; petition by property owners for paving.

Whenever the town council deems it expedient to pave the sidewalks along any street or alley, as provided in section 58-47, or whenever three-fourths of the landowners of the front footage thereof petition the town council to pave the sidewalk along their property, which petition shall contain an agreement by the signers to pay one-half the cost thereof, the town 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 such pavement, and any other matter material to the paving.

(Code 1992, § 19-46)

State Law References: Taxes or assessments for local improvements, Code of Virginia, § 15.2-2204 et seq.

Sec. 58-47. Liability of property owners; cost of paving; recourse of town.

The owners of property, adjacent to which the sidewalks are not paved, shall, whenever the town council by ordinance determines that such sidewalk shall be paved, pay one-half of the expense of the sidewalk which is adjacent to their respective properties in such manner as may be required by the town council. It shall be the duty of the mayor to cause such sidewalk to be so paved, and one-half the cost of so paving thereof shall be certified by the mayor to the town treasurer, who shall enter such amount 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 such property on the street. The amount of such cost shall be a lien on such 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. Notice of the assessment may be served on the owner in person or, if he is a nonresident, by mailing it to him at his last known address by registered mail, by publication in a newspaper of general circulation in the town for two successive weeks, or in any other manner authorized by law.

(Code 1992, § 19-47)

Sec. 58-48. Notice by council prior to paving; public hearing.

Before the town council shall, in accordance with section 58-47, pave a sidewalk, the council shall first publish for two weeks, in a newspaper of general circulation in the town, 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 paving the sidewalks

abutting on a certain street or a designated portion thereof and inviting all persons interested to appear at a certain time and place to be heard on the subject.

(Code 1992, § 19-48)

Sec. 58-49. Paving permit required; supervision of work under permit.

No person shall pave a sidewalk within the town without first obtaining a permit from the mayor, which permit shall designate the material and foundation to be used, the width of the pavement and such other matters as may be material. The paving shall be done under the supervision of the town.

(Code 1992, § 19-49)

Sec. 58-50. Costs of repair for injury to sidewalk.

Any person injuring any sidewalk shall, when required by the town, pay to the town treasurer such an amount as shall be estimated by the mayor to be necessary to repair such injury, and

the town shall repair the injury. If the person causing the injury fails to pay to the town treasurer the costs of repairs within 15 days, such costs shall be collected as any other debt is collected.

(Code 1992, § 19-50)

Sec. 58-51. Sidewalk crossings.

Any person proposing to construct a vehicle crossing of a sidewalk abutting upon property owned or occupied by him shall, before commencing construction work, apply to and receive from the town council a permit to do so. The council may include in such permit the width of such crossing, the materials to be used and standards to be met. It shall be unlawful for any permit holder under this article to violate or fail to comply with the terms of such permit, and work done pursuant to any such permit shall be subject to supervision by the town.

(Code 1992, § 19-51)

Sec. 58-52. Private alleys.

No person shall construct a private alley on property owned or occupied by him and which is intended to open upon any public street, alley or right-of-way. If any such alley is in existence on the effective date of this Code, the owner thereof shall prevent the accumulation therein of water or filth and shall keep the alley constantly clean and in good order.

(Code 1992, § 19-52)

Secs. 58-53--58-80. Reserved.

ARTICLE III.

EXCAVATIONS*

* **State Law References:** Underground Utility Damage Prevention Act, Code of Virginia, § 56-265.14 et seq.

Sec. 58-81. Permit required.

It shall be unlawful for any person to dig up or make an excavation in or under any public street, sidewalk, park or other public place or so close thereto as to create danger of any caving-in thereof, except pursuant to a permit issued by the mayor.

(Code 1992, § 19-76)

Sec. 58-82. Application for permit.

Each application for an excavation permit shall be in writing and shall state the following:

- (1) The location of the place to be excavated and the area thereof.

(2) The type of paving, if any.

(3) The purpose to be served.

(4) The manner in which the proposed work is to be done.

(5) The manner in which the surface is to be restored.

(6) The contractor or other person who is to do the work.

(7) The expected dates of beginning and termination of the work.

(8) The barriers, lights and other safety precautions to be provided for the protection of persons, property and animals during the course of the work until its completion.

(Code 1992, § 19-77)

Sec. 58-83. Issuance or denial of permit; conditions; bond or cash deposit.

(a) Each application for an excavation permit shall be considered by the mayor without delay. Those which appear to be for a legitimate and reasonable purpose; which provide for the safety of persons, property and animals during the progress of the work; which provide for restoration of the surface to as good or better condition as it was before commencement of the work; which provide that the work shall be completed in a reasonable period of time; that the site of excavation shall be left in a tidy condition; and which do not impose undue inconvenience or hardship on the town or any segment of the population thereof shall be approved and permits issued therefor. Applications which do not meet the requirements of this subsection shall be disapproved, for reasons to be indorsed thereon by the mayor, and permits therefor shall be denied.

(b) In issuing any excavation permit, the mayor may incorporate therein such terms and conditions as he may deem appropriate for the protection of the town, its inhabitants and property and for the convenience of the public. Such conditions may include, among other things not mentioned in this section, provisions for the orderly flow of vehicular and pedestrian traffic at the place of the excavation and the immediate vicinity thereof. It shall be unlawful for any person to violate or fail to comply with such terms and conditions or with any of the provisions of his application for the permit as approved by the mayor.

(c) The mayor may, as a condition precedent to the issuance of an excavation permit, require the applicant therefor to give bond, payable to the town, with corporate surety, conditioned upon compliance with this article and the terms and conditions of the permit and the application therefor, as approved by the mayor, and to save the town harmless from all claims, judgments and decrees which may result from defective or negligent work done under the permit or failure to comply therewith. The amount of such bond shall be as determined by the mayor in the exercise of sound discretion, provided that in lieu of such bond a cash deposit may be made with the town treasurer.

(Code 1992, § 19-78)

Sec. 58-84. Supervision of work, release of bonds and refunding of cash deposits.

(a) All work done pursuant to permits issued under this article shall be subject to the general supervision of and inspection by the mayor, who shall have authority to require compliance with the terms and conditions of all permits and approved applications for permits.

(b) Bonds given and cash deposits made pursuant to this article shall be released and refunded, respectively, following inspection by the mayor upon completion of the work and his certification that the work has been done, the surface restored and the site left in a tidy condition in accord with the provisions of the permit and the approved application therefor.

(Code 1992, § 19-79)

Sec. 58-85. Streets which are part of state highway system.

No permit shall be issued under this article for an excavation in or under a street which is a part of the state highway system, except upon display to the mayor of a state permit or other authorization so to do. Any section of this article which may be incompatible or in conflict with state law shall not be applicable as to streets which are a part of the state highway system.

(Code 1992, § 19-80)

Sec. 58-86. Liability of town.

Nothing in this article shall be construed so as to impose any liability upon the town for any act or omission of the holder of a permit or of any person acting pursuant to authority of such permit, nor shall inspection and approval by the town of any work done pursuant to a permit be construed as imposing any liability upon the town for any defective work, negligence or unauthorized act or omission of a permit holder or any other person acting pursuant to authority of such permit.

(Code 1992, § 19-81)

Sec. 58-87. Compliance with state law.

Every person holding a permit under this article shall comply with the Underground Utility Damage Prevention Act (Code of Virginia, § 56-265.14 et seq.).

(Code 1992, § 19-82)

Secs. 58-88--58-115. Reserved.

ARTICLE IV.

DEMONSTRATIONS; PARADES; PICKETING*

* **Charter References:** Authority of town council to prohibit and prevent all things detrimental to the health, safety, convenience and welfare of the inhabitants of the town, § 26; authority of council to prevent all improper uses of sidewalks, § 34.

State Law References: Equine Activity Liability Act, Code of Virginia, § 3.1-796.130 et seq.

DIVISION 1.

GENERALLY

Secs. 58-116--58-140. Reserved.

DIVISION 2.

DEMONSTRATIONS AND PARADES

Sec. 58-141. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Demonstration means a group of three or more persons assembled together and acting in concert to then and there call attention of the public to their opposition to, support of or position with respect to any political, social or other controversial subject. Nothing in this division shall be construed to apply to persons lawfully engaged in picketing in an orderly manner.

Parade means any parade, march or other procession of six or more persons for the purpose of calling attention of the public thereto.

(Code 1992, § 5-26)

Cross References: Definitions generally, § 1-2.

Sec. 58-142. Findings.

The town council finds that it is necessary for the good government and the peace, safety, health and welfare of the town and the inhabitants thereof, as well as to maintain law and order and to provide for the free and orderly flow of vehicular and pedestrian traffic on the town streets and sidewalks and in the public places in the town, to prohibit parades and demonstrations within the town unless a town permit to use the town streets, sidewalks and public places for such purposes has first been granted.

(Code 1992, § 5-27)

Sec. 58-143. Permit required; exceptions.

It shall be unlawful for any person to sponsor, organize, direct, lead or participate in any parade or demonstration upon any street or sidewalk or upon or in any public place within the town unless a town permit has been granted to hold such parade or demonstration. However, this division shall not apply to parades, processions or convoys of any component of the armed forces of the United States or this state or to any governmental organization or to any funeral procession.

(Code 1992, § 5-28)

Sec. 58-144. Application for permit.

Any person desiring to sponsor, organize, direct or lead a parade or demonstration upon any street or sidewalk or upon or in any public place within the town shall file an application for a parade or demonstration permit with the town clerk. In such application shall be set forth the following:

(1) The date and hour for the assembling of the participants in such parade or demonstration and the expected duration thereof.

(2) The streets, sidewalks and public places over and upon which the parade or demonstration is to take place.

(3) Whether the parade or demonstration is to be conducted on foot or with animals or vehicles or any combination thereof, and the number of persons, vehicles and animals expected to participate.

(4) The purpose of the parade or demonstration.

(5) The names and addresses of the actual sponsors of such parade or demonstration and the organization, if any, of which the expected participants are members.

(6) The name and address of the person who shall be in charge of such parade or demonstration and who shall be responsible for the conduct thereof and for compliance with all applicable provisions of law, this Code and other ordinances by participants in such parade or demonstration.

(Code 1992, § 5-29)

Sec. 58-145. Required signature on application for permit.

Each application for a parade or demonstration permit shall be signed and sworn to by at least one person, who shall be the person named in the application as the one who shall be in charge of such parade or demonstration and who shall be responsible for the conduct thereof and for compliance with all applicable provisions of law, this Code and other ordinances by participants in such parade or demonstration.

(Code 1992, § 5-30)

Sec. 58-146. Consideration of application for permit; granting or denial of permit.

Upon the filing of a completed and properly signed and sworn application for a parade or demonstration permit, the town clerk shall transmit copies thereof promptly to all members of the town council. The town council, at its next meeting, shall consider such application and take action thereon. If the town council considers that such parade or demonstration would not be detrimental to the good government or the peace, safety, health or welfare of the town or the inhabitants thereof and would not constitute a threat to the maintenance of law and order or cause unacceptable traffic conditions within the town, the permit applied for shall be granted. If, however, the town council, in the exercise of sound discretion and in view of circumstances then existing, considers that the holding of such parade or demonstration would be detrimental to the good government or the peace, safety, health or welfare of the town or the inhabitants thereof would constitute a threat to the maintenance of law and order or would cause unacceptable traffic conditions within the town, the permit shall be denied.

(Code 1992, § 5-31)

Sec. 58-147. Conditions of permit and required compliance.

(a) In granting a permit pursuant to this division, the town council may include therein such prohibitions, conditions, restrictions and limitations as it may consider appropriate, under the general police powers of the town, to safeguard the good government and the peace, safety, health and welfare of the town and the inhabitants thereof, as well as to maintain law and order and acceptable traffic conditions within the town. It shall be unlawful for any person covered by the permit to violate or fail to comply with any such prohibition, condition, restriction or limitation.

(b) The sections of this division shall be deemed to be a part of each parade or demonstration permit, whether or not so stated in the permit.

(Code 1992, § 5-32)

Sec. 58-148. Bond.

Prior to the granting of a permit pursuant to this division and as a condition precedent for the granting of such permit, the town council may require that the person named in the application as the one to be responsible for the conduct of the parade or demonstration shall give bond to the town, in such amount and with such surety as the town council may consider necessary. The bond shall be conditioned upon:

(1) The full satisfaction of all judgments and decrees which may result by reason of any negligent or unlawful act or omission of any person participating in such parade or demonstration and included within the permit;

(2) The person will save the town harmless from all claims and demands whatever

which may arise by reason of such parade or demonstration; and

(3) The person will pay the town for all extra expenses incurred for clearing the streets, sidewalks and public places of litter and waste matter resulting from such parade or demonstration and for the cleaning and repair of public property which may be soiled or damaged by acts of vandalism during the period of organizing and holding the parade or demonstration and within six hours thereafter when such acts of vandalism are reasonably attributable to the holding of such parade or demonstration.

(Code 1992, § 5-33)

Sec. 58-149. Certain foreign flags and emblems prohibited.

No person parading or demonstrating pursuant to a permit issued under this division and no other person within view of any parade or demonstration which is in progress, pursuant to a permit issued under this division, shall carry or display the flag or emblem of any foreign state, political party or other group which is engaged in hostilities against the armed forces of the United States or any picture or representation of any officer or leader of any such foreign state, political party or other group which is engaged in hostilities against the armed forces of the United States.

(Code 1992, § 5-34)

Sec. 58-150. Weapons; vicious animals.

(a) No person parading or demonstrating pursuant to a permit issued under this division shall carry any dangerous weapon, provided that the town council may, in the exercise of sound discretion, include in such permit such variations from this subsection as it may consider appropriate for members of color guards, drill teams, lodges and other persons by whom the display of weapons upon the occasion of such parade or demonstration would not arouse anxiety on the part of spectators or constitute a threat to the maintenance of law and order and the preservation of the public peace.

(b) No person parading or demonstrating pursuant to a permit issued under this division shall cause or suffer to be caused any vicious or apparently vicious animal to participate in or accompany such parade or demonstration, provided that the town council may, in the exercise of sound discretion, include in such permit such variations from this subsection as it may consider appropriate for circus parades and similar events.

(Code 1992, § 5-35)

Cross References: Animals, ch. 10; weapons, § 42-176 et seq.

Sec. 58-151. Signs, pennants, stickers or other devices.

(a) No person parading or demonstrating pursuant to a permit issued under this division and no other person within the view of any parade or demonstration which is in progress pursuant to a permit issued under this division shall carry or display any sign, pennant, sticker or other device which contains any scurrilous or obscene words, language or illustrations calculated to arouse public hatred or anger or tending to incite any breach of the public peace.

(b) No sign shall exceed a width of 24 inches or a height of 36 inches.

(Code 1992, § 5-36)

Sec. 58-152. Dispersal of riots and unlawful assemblies.

Parades and demonstrations held pursuant to a permit issued under this division which become or which reasonably appear to present an imminent threat to becoming a riot or unlawful assembly shall be dispersed forthwith by the town police or by any law-enforcement officer who may be present. Persons who are commanded to disperse by any law-enforcement officer shall promptly obey such command, shall peacefully disengage themselves from such parade or demonstration and shall leave the scene thereof. Persons who fail to obey such command shall

be subject to immediate arrest.

(Code 1992, § 5-37)

State Law References: Riot and unlawful assembly, Code of Virginia, § 18.2-404 et seq.

Secs. 58-153--58-180. Reserved.

DIVISION 3.

PICKETING*

* **State Law References:** Picketing of dwelling places, Code of Virginia, § 18.2-418 et seq.; illegal picketing, Code of Virginia, § 40.1-53.

Sec. 58-181. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Block means that portion of a street lying between street intersections.

(Code 1992, § 5-56)

Cross References: Definitions generally, § 1-2.

Sec. 58-182. Purpose.

It is the purpose of this division to:

(1) Protect persons who are lawfully picketing in an orderly manner against interference or injury by those who might attempt to intimidate them by acts of violence or by the use of threatening or abusive words or gestures;

(2) Preserve the public peace and tranquility while lawful picketing is taking place;
and

(3) Protect persons who are not picketing and who are acting in a lawful manner against interference or injury by those who might attempt to intimidate them by acts of violence or by the use of threatening or abusive words or gestures.

(Code 1992, § 5-57)

Sec. 58-183. Conditions.

(a) Peaceful picketing in the furtherance of a lawful purpose shall be permitted in the town when it is done under the following conditions:

(1) Picketing may be conducted only on the sidewalks reserved for pedestrian movement and may not be conducted on the portion of a street used primarily for vehicular traffic.

(2) Not more than five pickets promoting the same objective shall be permitted to use one of the two sidewalks within a block in the town at any one time.

(3) Such pickets may carry written or printed placards or signs not exceeding two feet in width and two feet in length, promoting the objective for which the picketing is done, provided that the words used are not defamatory in nature or would tend to incite violence.

(4) Pickets shall march in single file and not abreast and may not march closer together than 15 feet, except in passing one another.

(5) If pickets promoting different objectives desire to use the same sidewalk for picketing and such use would result in the presence of more than five pickets thereon, the chief of police shall allot time to each group of pickets for the use of such sidewalk on an equitable basis.

(b) Picketing done contrary to this division shall be unlawful.

(Code 1992, § 5-58)

Sec. 58-184. Prohibited conduct.

It shall be unlawful for any person to physically interfere with any picket or other person lawfully in the use of the sidewalk or to address profane, indecent, abusive or threatening language to or at any such picket or other person which would tend to provoke him or others to a breach of the peace.

(Code 1992, § 5-59)

Sec. 58-185. Authority to disperse groups of threatening bystanders.

The town police officers, in the assemblage of persons in such numbers as tend to intimidate pickets pursuing their lawful objective through numbers or through use of inflammatory words or gestures, may direct the dispersal of persons so assembled and may arrest any person who fails to absent himself from the place of such assemblage when so directed by the police.

(Code 1992, § 5-60)

Sec. 58-186. Dispersal of crowds obstructing free use of street or sidewalk.

Whenever the free passage of any street or sidewalk in the town shall be obstructed by a crowd, the persons composing such crowd shall disperse or move on when directed to do so by a police officer. It shall be unlawful for any person to refuse to so disperse or move on when so directed by a police officer as provided in this section.

(Code 1992, § 5-61)

Sec. 58-187. Inflammatory words or gestures.

It shall be unlawful for any person at or near a picket line to use any inflammatory words or gestures toward any other person who may be present.

(Code 1992, § 5-62)

Sec. 58-188. Preventing ingress to or egress from picketed places prohibited.

It shall be unlawful for any person to prevent, by the use of force, threats or otherwise, any other person from lawfully entering or leaving at will any building or place being picketed, whether such other person is an employee or employer within such building or place or whether such person has some other lawful reason for entering or leaving.

(Code 1992, § 5-63)