



# JOINT MINERAL PLANNING COMMISSION AND TOWN COUNCIL MEETING (REVISED 9/18/2024) AGENDA

September 26, 2024 at 6:30 PM

312 Mineral Avenue Mineral Virginia 23117

Phone: 540-894-5100 | [townclerk@townofmineral.net](mailto:townclerk@townofmineral.net)

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## A. CALL TO ORDER (Both MPC & MTC)

## B. ROLL CALL (Both MPC & MTC)

### 1. Introduction of New Members (MPC)

1. Nikki Dye
2. Teresa Newton
3. Jim Snider

## C. PLEDGE OF ALLEGIANCE

## D. ADOPT/AMEND AGENDA

E. **PUBLIC COMMENT** - Members of the public will have 3 minutes each to address the Commission at this time. The Commission will not respond to the public, but will address any questions or concerns at a later time.

## F. PUBLIC HEARING (Town Council)

### 1. Zoning Text Amendment - Code 425 Article V General Commercial District (GC)

This public hearing is to amend the General Commercial District code, 425 Article V (GC).

- A. Action by MPC after Public Hearing is closed.
- B. Action by MTC after MPC recommendation received.
- C. MTC Adjourns

## **G. APPROVAL OF MINUTES**

- [1.](#) 6.27.2024 Minutes
- [2.](#) 7.25.2024 Minutes
- [3.](#) 8.22.2024 minutes

## **H. OLD BUSINESS**

1. Chairman Kube - Update status on Mineral Town Council actions regarding Mineral Planning Commission Zoning Amendments Recommendations

## **I. NEW BUSINESS**

1. Election of MPC Vice-Chairman
- [2.](#) Proposed Town Code Amendments
  - 1 - Chapter 355 - Sewer and Sewage Disposal
  - 2 - Chapter 375 - Streets and Sidewalks
  - 3- Chapter 166 - Cemeteries
3. Amend Meeting Dates

## **J. REPORTS**

1. **Zoning Administrator**
2. **Commissioners' Comments**

## **K. CLOSED SESSION (As Necessary)**

## **L. ADJOURN**

Commission Members:

Edward Kube - Chairman,

Lauren Ball, Nikki Dye, Teresa Newton, Jim Snider, Lisa Wade, Tony Williams

Dave Hempstead -Council Liaison

Town of Mineral, VA  
Wednesday, May 15, 2024

## Chapter 425. Zoning

### Article V. General Commercial District (GC)

#### § 425-29. Statement of intent.

This district shall include that portion of the community intended for the conduct of general business to which the public requires direct and frequent access. Public water and sewer (where available) shall be provided and be required for use.

#### A. § 425-30. Use regulations.

[Amended 6-13-2005 by Ord. No. 2005-01]

In a General Commercial District no buildings or land shall be used and no building shall be erected which is arranged, intended or designed to be used for other than one or more of the following uses:

##### **Permitted Uses**

1. Gasoline filling stations and
2. public garages,
3. storage warehouses and yards,
4. automobile sales, service and rental, and
5. wholesale and jobbing establishments.
6. Greenhouses and nurseries
7. Parking of automobiles, excluding house trailers, freight trucks and trailers
8. Self-service laundries
9. Public billiard parlors and pool rooms, bowling alleys, dance halls and similar forms of public amusement only when recommended by the Planning Commission and approved by the Council of the Town of Mineral.
10. Public utilities. Utility substations, pump houses, distribution lines, and poles and other facilities for the provision and maintenance of public utilities, meters, pipes, fire and rescue, including railroads and their facilities, and water and sewerage works.

- 11. Retail businesses, which includes retail stores and service establishments **such as** bakeries, food shops, drugstores, branch laundries, and dry-cleaning shops (but not dyeing plants), beauty parlors, barbershops, tailor and shoe repair shops, florists, jewelry and watch repair shops, gift and optician shops, hardware stores, building material stores and sales yards in connection therewith, newspaper offices, photographic studios, printing plants, electrical appliance stores, music stores, restaurants, hotels, motels, theaters, or other commercial establishments of like nature, provided that no such retail business shall exceed 10,000 square feet of floor space, and provided further that no manufacturing, wholesaling or jobbing shall be carried on and that in the permitted stores and shops no merchandise shall be carried other than that intended to be sold at retail on the premises.
- 12. Restaurants, Cafes

B. Permitted Use by Conditional Use Permit

- 1. Trailer courts in conformity with special provisions contained herein.<sup>[1]</sup> [1] *Editor's Note: See § 425-54.*
- 2. Mixed Use Developments – where retail space is at the bottom and apartment(s) at the top.

### § 425-31. Frontage and yard regulations.

- A. Side yard. Where the district abuts to a residential district and/or dwelling, the minimum side yard shall be 20 feet.
- B. Setback. Minimum of 5 feet on developed streets and a minimum of 10 feet on undeveloped streets. On Mineral Avenue, buildings must conform to existing structures.
- C. Frontage. Shall be no less than 25 feet

### § 425-32. Off-street parking.

See § 425-53.

### § 425-33. Height regulations.

<https://ecode360.com/print/MI2803?guid=12069353> 1/2 5/15/24, 3:02 PM Town of Mineral, VA General Commercial District (GC)

No building or structure shall be erected to a height in excess of 60 feet above grade without a Conditional Use Permit..

### § 425-34. Signs.

Refer to Article X.

### § 425-35. Prohibited uses.

Automobile graveyards and junkyards and sand and gravel yards are prohibited. Note: Automobile graveyards and junkyards in existence at the time of the adoption of this chapter may continue as nonconforming uses, provided that they shall have a period of not exceeding two years after said adoption in which to completely screen

on any side viewed from a public road the operation or use by a solid six-foot-high masonry wall or other type of solid fencing or hedge approved by the Zoning Administrator.

DRAFT



## **MINERAL PLANNING COMMISSION Minutes**

**June 27, 2024 at 6:30 PM**

**312 Mineral Avenue Mineral Virginia 23117**

**Phone: 540-894-5100 | [townclerk@townofmineral.net](mailto:townclerk@townofmineral.net)**

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### **CALL TO ORDER**

### **ROLL CALL**

#### **Present:**

Edward Kube, Chairman

Jolyn Bullock

Lisa Wade

Tony Williams

#### **Absent:**

Lauren Ball

#### **Others Present:**

Ron Chapman - Council Liaison

[Nicole Washington](#), Zoning Administrator

[Kelly Singletary](#), Town Treasurer

Catherine Lea, Town Attorney

### **PLEDGE OF ALLEGIANCE**

All in attendance stood for the Pledge of Allegiance.

**ADOPTION OF AGENDA**

Discussion of 14 lots on 7th and 8th street added as talking point number two under "Old business" and moved the current number two to number three.

Under "new business" add discussion of changing the hearing in July to the third Thursday.

Add resignation of Planning Commission member.

Motion to adopt by Williams and seconded by Bullock

Jolyn Bullock - yes

Lisa Wade - yes

Tony Williams - yes

Edward Kube - yes

Motion passed 4-0-0

**PUBLIC COMMENT**

**Debbie Moon**, asked the Commissioners to look at setbacks as well as amended §425-30(a). She mentioned that section 380 and 375 were not in the online packet. She also mentioned that more people would have come to speak if they had known the 14 lot development was going to be added to the agenda.

The Zoning Administrator explained that she could not change the online packet until it was addressed during tonight's meeting. After the meeting, she can add the additional information in the packet.

**APPROVAL OF MINUTES**

March 25, 2024 Minutes - approved

Motion by Williams and seconded by Bullock.

Jolyn Bullock - yes

Lisa Wade - yes

Tony Williams - yes

Edward Kube - yes

Motion passed 4-0-0

**OLD BUSINESS**

**MPC Bylaws and Rules of Procedure**, Chairman Kube highlighted the bylaws and rules of procedures. The bylaws and rules of procedures are available in the corresponding agenda packet.

The Town Attorney advised on adding a Vice Chairman and closed session. She stated that a Vice Chairman could not be included in proposed document until Town Council revised the ordinance.

Motion to approve bylaws with amendments recommended by Town Attorney made by Williams and seconded by Wade.

Jolyn Bullock - yes

Lisa Wade - yes

Tony Williams - yes

Edward Kube- yes

Motion passed 4-0-0

**Discussion of 14 lots on 7th and 8th Street**, was added to the agenda because the Chairman read an article in the Central Virginian about censoring the Mayor. The Chairman has gotten several questions asking who was responsible for the approval of the development. The Chairman was provided, at his request, copies of the public documents regarding this development, containing a letter of approval from the mayor to the building department for Louisa County. He points out that this letter was not on Town letterhead, was not dated, had the Mayor's middle initial incorrect, and was not signed. He looked at the plat and noted it was not signed by anyone with the Town. He was told an ordinance passed that said development needed to go through the Planning Commission and challenged the group to find the document.

Commissioners discussed how not just one person is at fault for the development.

The Zoning Administrator explained the process of an application after being a by-right. A rule of thumb is a driveway services two houses, these service four houses. This development gives an opportunity to clarify the ordinances and put specific rules in place. She states it is important

that we understand Louisa County’s code as the Town feeds into the County. She wants to do ARC reviews on future developments to see what impact it could have on the County.

The Chairman read a quote from the Mayor in the newspaper article and thinks that Council and Planning Commission need to be made aware of it because they should not be taking the consequences if they are not in fact involved.

**Review and Recommendations on Zoning Code**

425 Article I

§425-1, the change in this chapter is changing the districts from four to five, to include the PUD.

425 Article II

The Zoning Administrator did not recommend any changes.

425 Article III

§425-14 has been sectioned into permitted uses and permitted by conditional use.

The Zoning Administrator advises that permits will take longer to process as she will be working with Louisa County administration.

Commissioners and Zoning Administrator discuss the difference between stick built, modulars and manufactured homes. The Chairman would like definitions of the homes to be included in the code.

The Zoning Administrator will also update the area regulations to mimic other ordinances.

Definitions can be found already in Chapter 379-1.

425 Article IV

§425-24(A) may be replaced with permitted uses and permitted by conditional use for business purposes.

§425-24(F) will be amended. The Zoning Administrator conferred with the Planning Commission on whether they want retail to need a conditional use permit. The Town Attorney made a suggestion of listing retail and if it is not listed, it could be under permitted use.

The Town Zoning Administrator believes adding language regarding mixed use business could be helpful to the Town.

§425-25, Rear setback minimum 8 feet from property line suggested. The Zoning Administrator and Commissioners discuss setback amounts on Mineral Avenue.

425 Article V

§425-54, is recommended to be updated to add conditional use permits.

The Zoning Administrator and the Planning Commission discussed Conditional use permits in this section and where the best place for language to be added is.

The Zoning Administrator and the Planning Commission discussed container homes and what section of the code the language belongs.

The Zoning Administrator and the Planning Commission discuss adding a small rear setback for General Commercial. The Zoning Administrator explained how an alley automatically has a setback.

Planned Unit Development

§425-38, suggested language of permitted uses and conditional permit use included for review.

The Zoning Administrator and the Planning Commission discuss acreage usage. The Town Attorney told the Commissioner that she could advise on the PUD language in closed session.

**Review and Recommendations on Subdivision Ordinances**

Chapter 380

The Zoning Administrator suggests changing the subdivision ordinance. She suggests that if a subdivision is creating more than three parcels, it should come through The Planning Commission and Council for approval. The Chairman believes that it's important for the Town to have approval of subdivisions. The Zoning Administrator advises that the Town needs to consider things we can not do based on our scale. The Town Attorney will work on a rough draft of the ordinance to have it ready for review during the August meeting.

**Review and Recommendations on General Town Ordinances**

Code included to Commissioners for review of how streets are developed.

**NEW BUSINESS**

**Town Code Sec, 106-1 Planning Commission and Ordinance No. 2022-02 as adopted**

Chairman discusses appointment terms of Commissioners and suggests getting rid of staggered terms and replacing it with language stating the members be appointed at the beginning of the new Council term. The Chairman also suggests that a Vice Chairman should be added.

Motion to recommend the change in Ordinance No 2022-02 to Council made by Kube and seconded by Bullock.

Jolyn Bullock - yes

Lisa Wade - yes

Tony Williams - yes

Edward Kube - yes

Motion passed 4-0-0

**Resignation of Jolyn Bullock**

Motion to accept Ms. Bullock's resignation with regrets made by Williams and seconded by Wade. All Commission members expressed thanks to Ms. Bullock for her service as well.

Jolyn Bullock -abstain

Lisa Wade - yes

Tony Williams - yes

Edward Kube - yes

Motion passed 3-0-1

**Scheduling**

Chairman recommended changing July's MPC meeting to the third Thursday so they can recommend ordinance changes to Council.

Motion to change July made by Williams and seconded by Bullock.

Jolyn Bullock - yes

Lisa Wade - yes

Tony Williams - yes

Edward Kube - yes

Motion passed 4-0-0

Commissioner Williams expressed his support of and thanks Mrs. Washington, Zoning Administrator, for all her work.

**ADJOURNED**

Motion to adjourn by Wade and seconded by Williams.

Jolyn Bullock - yes

Lisa Wade - yes

Tony Williams - yes

Edward Kube - yes

Motion passed 4-0-0

Adjourned at 8:49 p.m.



## MINERAL PLANNING COMMISSION Minutes

July 25, 2024 at 6:30 PM

312 Mineral Avenue Mineral Virginia 23117

Phone: 540-894-5100 | [townclerk@townofmineral.net](mailto:townclerk@townofmineral.net)

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### CALL TO ORDER

### ROLL CALL

#### Present:

Edward Kube, Chairman

Lauren Ball

Lisa Wade

#### Absent:

Tony Williams

One Vacant Position

#### Others Present:

Ron Chapman - Council Liaison

Nicole Washington , Zoning Administrator

Kelly Singletary , Town Treasurer

Catherine Lea, Town Attorney

**PLEDGE OF ALLEGIANCE**

All in attendance stood for the Pledge of Allegiance.

**ADOPTION OF AGENDA**

Chairman Kube added “appoint new member” to section I.

**PUBLIC COMMENT**

No member of the public was present.

**PUBLIC HEARINGS**

**1. Zoning text amendment - Code 425 Article I Establishment of Districts**

Zoning Administrator briefed the Commission on proposed changes. The Chairman opened the public hearing and with nobody present the Chairman closed the public hearing. The Planning Commission and Zoning Administrator reviewed and discussed two changes, clarifying five zoning classifications adding the PUD.

Motion for recommendation of approval of changes as proposed to the Council made by Ball and seconded by Wade.

Lisa Wade - yes

Lisa Ball- yes

Edward Kube - yes

Motion passed 3-0-0

**2. Zoning text amendment - Code 425 Article II Residential Limited District (R-L)**

Zoning Administrator briefed the Commission on proposed changes. The Chairman opened the public hearing and with nobody present the Chairman closed the public hearing. The Planning Commission and Zoning Administrator reviewed and discussed proposed changes:

The amendments for R-L are: Area regulations and wording in subsection (a). The Town Zoning Administrator suggests adding language about areas where public sewer is not available, they can use private systems.

Commissioners and the Town Zoning Administrator discussed setting a limit on square footage for residential housing.

Commissioners and the Town Zoning Administrator discussed lot area regulations square footage sizes.

Commissioners and the Town Zoning Administrator discussed setbacks.

The Zoning Administrator is in agreement with current area regulations and does not recommend a change.

§425-5 ( C) and (E) recommend that it be removed.

Motion for recommendation of approval of changes as proposed to the Council made by Ball and seconded by Wade.

Lisa Wade - yes

Lisa Ball- yes

Edward Kube - yes

Motion passed 3-0-0

Motion to revisit Article I public hearing for comments by Kube as that was initially skipped.

The Chairman opened the public hearing and with nobody present the Chairman closed the public hearing.

The Zoning Administrator added language to §425-4 regarding modular homes whereas permitted uses will be for single family home single family dwellings with the exception of modular homes.

Motion for recommendation of approval of changes as proposed to the Council made by Ball and seconded by Wade.

Lisa Wade - yes

Lisa Ball- yes

Edward Kube - yes

Motion passed 3-0-0

**3. Zoning text amendment - Code 425 Article III Residential General District (R-G)**

Zoning Administrator briefed the Commission on proposed changes. The Chairman opened the public hearing and with nobody present the Chairman closed the public hearing. The Planning Commission and Zoning Administrator reviewed and discussed proposed changes:

The amendments for R-G are: Permitted Uses, Permitted by Conditional Use and minor language.

§425-14 broken into Permitted use and Permitted by Conditional Use.

§425-15 (A) suggested it says all new dwellings and only public water.

§425-15 (B)(1) language added.

Commissioners and Zoning Administrator discuss established houses needing to dig a new well versus needing to attach to public water.

§425-15 (D) Zoning Administrator and Town Attorney discuss language amendments

Motion for recommendation of approval of changes as proposed to the Council made by Ball and seconded by Wade.

Lisa Wade - yes

Lisa Ball- yes

Edward Kube - yes

Motion passed 3-0-0

**4. Zoning text amendment - Code 425 Article IV Light Commercial District (LC)**

Zoning Administrator briefed the Commission on proposed changes. The Chairman opened the public hearing and with nobody present the Chairman closed the public hearing. The Planning Commission and Zoning Administrator reviewed and discussed proposed changes:

The amendments for LC are: Use Regulations -Permitted Uses, Permitted by Conditional Use, and Setback regulations.

§425-23 language amended.

§425-24 broken into Permitted use and Permitted by Conditional Use.

The Zoning administrator suggests single family dwellings be added in permitted use and modulars in conditional use.

§425-25 language amended.

Motion for recommendation of approval of changes as proposed to the Council made by Ball and seconded by Wade.

Lisa Wade - yes

Lisa Ball- yes

Edward Kube - yes

Motion passed 3-0-0

**5. Zoning text amendment - Code 425 Article V General Commercial District (GC)**

Zoning Administrator briefed the Commission on proposed changes. The Chairman opened the public hearing and with nobody present the Chairman closed the public hearing. The Planning Commission and Zoning Administrator reviewed and discussed proposed changes:

The amendments for GC are: Use Regulations -Permitted Uses, Permitted by Conditional Use, and Setback regulations.

§425-30 broken into Permitted use and Permitted by Conditional Use.

§425-31 language amended to include swellings and frontage.

Motion for recommendation of approval of changes as proposed to the Council made by Ball and seconded by Wade.

Lisa Wade - yes

Lisa Ball- yes

Edward Kube - yes

Motion passed 3-0-0

**6. Zoning text amendment - Code 425 Article VI Planned Unit Development (PUD)**

Zoning Administrator briefed the Commission on proposed changes. The Chairman opened the public hearing and with nobody present the Chairman closed the public hearing. The Planning Commission and Zoning Administrator reviewed and discussed proposed changes:

The amendments for PUD are: Use Regulations -Permitted Uses, Permitted by Conditional Use, and Setback regulations.

- §425-38 language amended.
- §425-39 language amended.
- §425-42 language amended; removing subsection B and C.
- §425-43 (A) language amended.
- §425-44 language amended.
- §425-48 discussed.
- §425-49 language amended to Zoning Administrator.
- §425-49 ( C) discussed height and suggested edits.
- §425-49 (E) discussed.

Commissioners and Zoning Administrator discuss HOA's and if developers shall create covenants.

Motion for recommendation of approval of changes as proposed to the Council made by Ball and seconded by Wade.

Lisa Wade - yes

Lisa Ball- yes

Edward Kube - yes

Motion passed 3-0-0

**7. Subdivision Text Amendment - Code 380 Subdivision of Land**

Zoning Administrator briefed the Commission on proposed changes. The Chairman opened the public hearing and with nobody present the Chairman closed the public hearing. The Planning Commission and Zoning Administrator reviewed and discussed proposed changes:

The County of Louisa has sent a letter that they will no longer be in charge of the Town's subdivision ordinance.

Zoning Administrator recommended language changes below:

§380-3 language amended.

§380-4 language amended.

§380-5 language amended.

Motion for recommendation of approval of changes as proposed to the Council made by Ball and seconded by Wade.

Lisa Wade - yes

Lisa Ball- yes

Edward Kube - yes

Motion passed 3-0-0

Commissioners, Zoning Administrator, and Town Attorney discuss scheduling Special Hearings for further review of the Town Code section. It was agreed MPC will continue to review the Town Code at future MPC meetings and provide recommendations to Council.

**OLD BUSINESS**

**14 Lot Development on Mineral Ave**

The Zoning Administrator has been in contact with the developer regarding the street ordinance. They are in discussions of what can be done. It has been established that the alleyway cannot be used for parking. The Chairman raised concerns of disposing of public property and that it should come before The Planning Commission.

Safety Concerns mentioned and discussed included:

- Parking
- Emergency vehicle access
- Street lights
- Use of Town utility easements

Motion to recommend Council to review Planning Commission's safety concerns with the development made by Ball and seconded by Wade.

Lisa Wade - yes

Lisa Ball- yes

Edward Kube - yes

Motion passed 3-0-0

**NEW BUSINESS**

Discussion and Vote for additional code public hearing

Codes suggested for review:

Streets

Water and Sewer

Motion for Town Manager to suggest for codes to be reviewed made by Ball and seconded by Wade. No action was taken on scheduling a public hearing.

Lisa Wade - yes

Lisa Ball- yes

Edward Kube - yes

Motion passed 3-0-0.

**REPORTS**

**Zoning Administrator,** She has received an email from Nikki Dye who expresses interest in joining the Planning Commission. The letter of interest will be passed along to Council.

The Zoning Administrator is a part of Virginia Association of Zoning Officials and attended a recent meeting. She reports that most towns are updating their ordinances.

The Zoning Administrator is in the process of hiring a Clerk.

Scheduling

Commissioners and Zoning Administrator discuss whether the Commission would like for the next meeting to be a public hearing.

**ADJOURNED**



## MINERAL PLANNING COMMISSION Minutes

August 22, 2024 at 6:30 PM

312 Mineral Avenue Mineral Virginia 23117

Phone: 540-894-5100 | [townclerk@townofmineral.net](mailto:townclerk@townofmineral.net)

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### CALL TO ORDER

### ROLL CALL

#### Present:

Edward Kube, Chairman

Nikki Dye

Teresa Newton

#### Absent:

Tony Williams

Lauren Ball

Lisa Wade

#### Others Present:

Dave Hempstead, Council Liaison

[Nicole Washington](#), Zoning Administrator

[Kelly Singletary](#), Town Treasurer

There were not enough members present for a quorum, therefore no motions were made and no votes were taken. The Chairman stated without a quorum present that the MPC meeting is canceled. Chairman further noted two new members present and he would like to take a half hour to introduce the new members.

**PLEDGE OF ALLEGIANCE**

All in attendance stood for the Pledge of Allegiance.

**Introduction**

Nikki Dye introduced herself as a local school teacher with children in the school system. She lives in Town and is deeply invested in the well being of the Town. She walks the Town frequently with her dog.

All present welcomed Ms. Dye to MPC.

Teresa Newton introduced herself, saying she recently moved to Mineral from Alexandria. She said she was previously on the Town Council for a small town in Alabama. She looks forward to serving on MPC.

All present welcomed Ms. Newton to MPC.

The Chairman explained we have one vacancy for the Planning Commission. The Chairman expresses that he supports public posting of MPC and Town Council vacancies. He said citizens that write in are more likely to appear and participate.

The Chairman provided some background on the Comprehensive Plan that took place and how the Commission is working to amend several ordinances. He advised the Commission will continue to work in the future to review the code.

The Chairman introduced the Town Clerk, Stephanie Dorman.

Dave Hempstead advised that he and Chairman Kube have been working on making sure that the federal Sunshine Law is not ignored and everything the two Board's do is transparent.

Nicole Washington, Zoning Administrator, asked to provide an update. No action was taken. PUD site plan could not be reviewed at this time due to the water system and infrastructure. The plan she is putting in place is construction of three or more houses that will need to come in front of the Commission as well as performing an ARC review. A few site plans have been submitted for review. She is focused on Capital Improvements and what that looks like for the Town. Virginia Rural Water Association are walking the streets looking for leaks and determining the size. When the association started the Town was at a 50% loss, the Town is now down to a 37% loss. A large leak on Third Street and Walton park has been fixed.

The Chairman mentioned that the Town needs to have a Capital Improvement Plan. The Commission is responsible for producing and providing this to Council.

Ms. Washington explained the 78 acre PUD to the new members and that there are guidelines around developing this area. She further explained once the development on the PUD is completed, the area would have to be rezoned.

The Chairman ended the informal discussion and thanked those for coming. He further advised that items from tonight's agenda will be continued to the 9/22/2024 meeting.

DRAFT

## Chapter 355. Sewers and Sewage Disposal

[HISTORY: Adopted by the Town Council of the Town of Mineral effective 1-1-1982 as Ch. 20, Arts. III and IV of the 1982 Code. Amendments noted where applicable.]

### GENERAL REFERENCES

Streets and sidewalks — See Ch. **375**  
Subdivision of land — See Ch. **380**. Water  
— See Ch. **418**.

## Article I. General Provisions

[1] *Editor's Note: For state law provisions related to public utilities, see § 15.2-2109 et seq., Code of Virginia. As to sewage disposal systems generally, see § 15.2-2122 et seq., Code of Virginia, and as to health regulations related to sewage disposal, see § 32.1-163.1 et seq., Code of Virginia.*

### § 355-1. Definitions.

Unless the context specifically indicates otherwise, the meaning of terms used in this chapter shall be as follows. "Shall" is mandatory; "may" is permissive.

#### **BOD (denoting biochemical oxygen demand)**

The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20° C., expressed in parts per million by weight.

#### **BUILDING DRAIN**

That part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five feet outside the inner face of the building wall.

#### **BUILDING SEWER**

The extension from the building drain to the public sewer or other place of disposal.

#### **COMBINED SEWER**

A sewer receiving both surface runoff and sewage.

#### **GARBAGE**

Solid wastes from the preparation, cooking and dispensing of food and from the handling, storage and sale of produce.

#### **INDUSTRIAL WASTES**

The liquid wastes from industrial processes as distinct from sanitary sewage.

#### **NATURAL OUTLET**

Any outlet into a watercourse, pond, ditch, lake or other body of surface water or groundwater.

#### **PERSON**

Any individual, firm, company, association, society, corporation or group.

#### **pH**

The logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

**PROPERLY SHREDDED GARBAGE**

The wastes from the preparation, cooking and dispensing of food that have been shredded to such degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than 1/2 inch in any dimension.

**PUBLIC SEWER**

A sewer in which all owners of abutting properties have equal rights and which is controlled by public authority.

**SANITARY SEWER**

A sewer which carries sewage and to which stormwater, surface water and groundwater are not intentionally admitted.

**SEWAGE**

A combination of the water-carried wastes from residences, business buildings, institutions and industrial establishments, together with such groundwater, surface water and stormwater as may be present.

**SEWAGE TREATMENT PLANT**

Any arrangement of devices and structures used for treating sewage.

**SEWAGE WORKS**

All facilities for collecting, pumping, treating and disposing of sewage.

**SEWER**

A pipe or conduit for carrying sewage.

**STORM SEWER or STORM DRAIN**

A sewer which carries stormwater and surface water and drainage but excludes sewage and polluted industrial wastes.

**SUPERINTENDENT**

The Town Manager.<sup>[1]</sup>

**SUSPENDED SOLIDS**

Solids that either float on the surface of or are in suspension in water, sewage or other liquids and which are removable therefrom by laboratory filtering.

**WATERCOURSE**

A channel in which a flow of water occurs, either continuously or intermittently.

[1] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III).*

## § 355-2. Damaging or tampering with sewage works.

It shall be unlawful for any person to maliciously or wilfully break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the municipal sewage works.

## § 355-3. Right of entry.

The Superintendent and other duly authorized employees of the Town bearing proper credentials and identification shall be permitted to enter upon any properties for the purposes of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this chapter.

## § 355-4. Notice of violation.

Any person found to be violating any provisions of this chapter, except § **355-2**, shall be served by the Town with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

## § 355-5. Violations and penalties.

Any person served with a notice as provided in § **355-4** who shall continue the violation in question beyond the time limit provided for in such notice, as provided in § **355-4**, shall be guilty of a misdemeanor and, upon conviction thereof, shall be subject to a penalty as provided in § **1-3** of this Code. Each day in which any such violation shall continue shall be deemed a separate offense.

[1] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III).*

## § 355-6. Liability for damages.

In addition to the penalty provided in § **355-5**:

- A. Every user of the Town's sewerage system shall be civilly liable in damages to the Town for any injuries to the Town's sewerage system, or for any injuries to third persons for which the Town is liable, caused by or resulting from a violation of any of the provisions of this chapter.
- B. Every user of the Town's sewerage system shall be civilly liable in damages to the Town for any injuries to the Town's sewerage system, or any injuries to third persons for which the Town is liable, caused by or resulting from such user discharging into the Town's sewerage system sewage or waste of a nature or in quantities prohibited by the statutes of the state, or prohibited by the State Water Control Board, or prohibited by the State Health Department or any subdivision thereof, or prohibited by any other state agency.
- C. Every user of the Town's sewerage system shall be liable as hereinabove provided in Subsections **A** and **B** herein if any such damage as therein provided is caused by such user, any member or guest of his household, or by any of his agents, servants or employees.

## § 355-7. Unlawful deposits.

It shall be unlawful for any person to place or deposit, or permit to be placed or deposited, in an insanitary manner, upon public or private property within the Town or in any area under the jurisdiction of the Town, any human or animal excrement, garbage or other objectionable waste.

- A. Unlawful to excrete urine or feces in public. No person shall excrete urine or feces upon the floor, stairway or any other part of any public building, public conveyance, sidewalk, street, alley or lane of the Town, or on any private property where any such conduct can be viewed or seen by any other person.  
[Added 11-9-1992]
- B. Urine or feces must be excreted in toilets. No person shall excrete urine or feces in any place or on any premises, private or public, in the Town other than a properly maintained toilet, rest room or temporary toilet facility that is approved by the Health Department of the Commonwealth of Virginia for such use.  
[Added 11-9-1992]

- C. Unlawful to permit animals to excrete urine or feces on public property or streets. No person knowingly permit any animal to excrete urine or feces upon the floor, stairway or any part of any public building or place, upon the floor or any part of any public conveyance, or upon any sidewalk, street, alley or lane of the Town. Any excretion of feces on public property must be cleaned immediately by the owner. No person shall knowingly permit any animal to excrete urine or feces on private property other than on open ground, and all feces must be cleaned immediately by the animal owner.

Section 1, Item 2.

[Added 11-9-1992; amended 11-13-2012 by Ord. No. 2012-03]

## § 355-8. Unlawful discharges to natural outlet.

It shall be unlawful for any person to discharge to any natural outlet within the Town or in any area under the jurisdiction of the Town any sanitary sewage, industrial wastes or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this chapter.

## § 355-9. Construction of privies and septic tanks.

Except as provided in the subsequent provisions of this chapter, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of sewage.

## § 355-10. Mandatory connection to public sewer.

The owner of any house building or property used for human occupancy, employment, recreation or other purpose situated within the Town and abutting on any street, alley or right-of-way in which there is now located or may in the future be located a public sanitary or combined sewer of the Town shall, at his own expense, install suitable toilet and plumbing facilities therein and connect such facilities directly with the proper public sewer in accordance with the provisions of this chapter, provided that such public sewer is within 100 feet of the property line.

## Article II. Private Sewage Disposal Facilities

### § 355-11. Approval required.

It shall be unlawful for any person to begin construction of a building for human occupancy, employment or recreation within the Town without making application and receiving approval by the Superintendent for a private sewage disposal system, as provided in this article; provided, however, that this section shall be construed to apply only where a public sanitary or combined sewer is not available.

### § 355-12. Use of private system when public sewer is not available.

Where a public sanitary or combined sewer is not available under the provisions of § 355-10, the building sewer shall be connected to a private sewage disposal system complying with the provisions of this article.

### § 355-13. Permit required.

Before commencement of construction of a private sewage disposal system, the owner of the property in question shall first obtain a written permit therefor, signed by the Superintendent.

Section 1, Item 2.

## § 355-14. Application for permit.

The application for a permit, as required in § 355-13, shall be made on a form furnished by the Town, which the applicant shall supplement by any plans, specifications and other information as deemed necessary by the Superintendent.

## § 355-15. Permit and inspection fee.

[Amended 1-12-2009 by Ord. No. 2009-01]

A permit and inspection fee as set by the Town Council shall be paid to the Town Treasurer at the time the application referred to in § 355-14 is filed.

## § 355-16. Permit conditioned on approval by Superintendent.

A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the Superintendent.

## § 355-17. Inspection.

The Superintendent shall be allowed to inspect the work at any stage of construction of the private sewage disposal system, and in any event the applicant for the permit, as provided for in § 355-13, shall notify the Superintendent when the work is ready for final inspection and before any underground portions are covered. The inspection shall be made within 48 hours of the receipt of notice by such Superintendent.

## § 355-18. Type, capacity, location and layout of system.

The type, capacity, location and layout of a private sewage disposal system shall comply with all recommendations and requirements of the Louisa County Health Department.

## § 355-19. Lot area requirement.

No permit as provided in § 355-13 shall be issued for any private sewage disposal system employing subsurface soil absorption facilities where the area of the lot is less than the area required by the Town Zoning Ordinance.<sup>[1]</sup>

[1] *Editor's Note: See Ch. 425, Zoning.*

## § 355-20. Connection to public sewer; abandonment of private system.

At such time as a public sewer become available to a property served by a private sewage disposal system, as provided in § 355-10, a direct connection shall be made to the public sewer in compliance with this chapter within 90 days after date of official notice by the Town to do so. If the private sewage disposal system in question is not working properly and if it does not meet with all the requirements of

the Louisa County Health Department, when connection has been made with the public sewer, private septic tank, cesspool or private sewage disposal facilities shall be abandoned.

Section 1, Item 2.

## § 355-21. Discharge into public sewer or natural outlet.

No septic tank or cesspool shall be permitted to discharge to any public sewer or natural outlet.

## § 355-22. Duty of owner.

The owner of the premises in question shall operate and maintain such private sewage disposal facilities in a sanitary manner at all times, at no expense to the Town.

## § 355-23. Additional requirements.

No provision contained in this article shall be construed to interfere with any additional requirements that may be imposed by the Health Officer.

# Article III. Public Sewage Disposal Facilities

## § 355-24. Permit required for connection to public sewer.

A connection shall not be made to any public sewer or appurtenance thereof except by permit to be issued by the Superintendent or some other authorized agent of the Town and shall not be made except in accordance with the specifications of this chapter or other ordinances of the Town and shall not be made until a connection fee, as established by the Town Council, has been paid.

## § 355-25. Application for permit.

Application for permission to connect with any public sewer shall be in writing and shall be made by the owner of the property which is desired to be connected with such sewer or by his duly authorized agent. Such application shall be addressed to the Superintendent and be made at least three days before the commencement of the work. Such application shall give the exact location of the property, the name of the owner, and the name of the person by whom the work is to be done and shall show the exact proposed location of the building sewer on the property.

## § 355-26. Duty of Superintendent upon receipt of application.

It shall be the duty of the Superintendent to give prompt attention upon receiving any application as hereinbefore specified. Within three days after its receipt, he shall either issue a permit to commence the work as herein specified or reject such application, notifying the applicant in writing of the objections, and when all requirements of this chapter have been complied with a permit shall be issued authorizing the construction of such building drain and building sewer. Should the Superintendent refuse to grant a permit, the applicant may appeal the matter to the Town Council, whose decision in the matter shall be final.

## § 355-27. Injury to sewers or public ways.

No person, while engaged in the construction of a building sewer or otherwise, shall injure, move any portion of any public sewer or appurtenance thereof or do any injury to streets or sidewalks. No penalty fixed by the ordinances or Code of the Town shall prevent the Town or any property owner from recovering any damages sustained by reason of such injury by appropriate civil action or otherwise.

Section 1, Item 2.

### § 355-28. Requests for inspection.

Notice shall be given to the Superintendent when the work is sufficiently advanced for such purpose, and it shall be the duty of the Superintendent, within 24 hours after such notice, to inspect such work, and in case any change therein shall be found necessary, the Superintendent shall direct in writing that the change be made.

### § 355-29. Sewerage and plumbing not to be covered until inspected.

No drainage, sewerage or plumbing shall be covered or concealed in any way until it has been examined and approved by the Superintendent. The Superintendent shall have the right to enter any building under construction for the purpose of making the proper inspection hereunder.

### § 355-30. Supervision of connection of building sewer to public sewer.

The connection of a building sewer to the public sewer shall be made under the supervision of the Superintendent.

### § 355-31. Responsibility for costs.

[Amended 11-13-2012 by Ord. No. 2012-03]

The owner of the property in question shall bear all costs and expenses incidental to the installation, connection and maintenance of the building sewer on his property. The Superintendent or other authorized Town agents are permitted to periodically inspect both the public sewer and building sewers for maintenance concerns. Property owners will be notified of any maintenance issues with the building sewer and will have 90 days to repair the building sewer line. Appeals to this requirement can be made to the Sewer Committee of the Town Council.

### § 355-32. Separate building sewer required for every building.

A separate and independent building sewer shall be provided for every building; provided, however, that where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.

### § 355-33. Use of old building sewers in connection with new buildings.

Old building sewers may be used in connection with new buildings only when they are for examination and test by the Superintendent, to meet all requirements of this chapter.

Section 1, Item 2.

## § 355-34. Specifications and requirements as to building sewers.

All building sewers shall be constructed strictly in accordance with the facts stated in the application and the provisions of the Uniform Statewide Building Code, provided that a permit to do the work has been issued by the Superintendent, and no plumbing or building sewer shall be commenced without such permit having been previously obtained.

## § 355-35. Discharge where building drain is too low for gravity flow.

In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such drain shall be lifted by approved artificial means and discharged to the building sewer.

## § 355-36. Barricades and lights for excavations; restoration of property.

All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Superintendent.

# Article IV. Discharge into Public Sewer System

## § 355-37. Discharge to sanitary sewer restricted.

[Amended 11-13-2012 by Ord. No. 2012-03]

No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, subsurface drainage, cooling water or industrial process waters to any sanitary sewer. Likewise, no person shall make any connection of roof spouts, foundation drains, areaway drains, sump pumps or other sources of surface water in any manner to the sewage system of the Town.

## § 355-38. Discharge of certain waters and wastes to sanitary sewer.

Except as hereinafter provided, no person shall discharge or cause to be discharged to any public sewer any of the following described waters or substances:

- A. Any liquid or vapor having a temperature higher than 150° F.
- B. Any water or waste which may contain more than 100 parts per million, by weight, of fat, oil or grease; provided, however, that hotels, hospitals, restaurants, and other institutions or commercial establishments designated by the Superintendent may discharge such water or waste into the public sewer, provided that the establishment or institution in question has a grease trap approved by the Superintendent.

- C. Any water or waste from auto wash racks and gasoline waste and waste motor oil.
- D. Any benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid or gas.
- E. Any waters or wastes containing solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers or other interference with the proper operation of the sewage works, such as, but not limited to, ash, cinders, sand, mud, straw, shavings, metal, glass, rags, lint, feathers, tar, plastics, wood, underground garbage, whole blood, paunch manure, hair and fleshings, entrails, and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.
- F. Any waters or wastes having a pH lower than 5.5 or higher than 9.0 or having any other corrosive property capable of causing damage or hazard to the structures, equipment and personnel of the sewage works.
- G. Any water or wastes containing a toxic or poisonous substance in sufficient quantity, either singly or by interaction with other waste, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals or create any hazard in the receiving waters of the sewage treatment plant.
- H. Any waters or wastes containing suspended solids of such character and quantity that unusual attention or expense is required to handle such materials at the sewage treatment plant. I. Any noxious or malodorous gas or substance capable of creating a public nuisance.
- J. Any waters or wastes containing strong acids.
- K. Any waters or wastes having colors in such concentrations as to affect the operations of the sewage treatment plant or, after treatment in the municipal waste treatment facilities, to create a nuisance or interfere directly or indirectly with specified uses of state waters.
- L. Any waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

## § 355-39. Grease, oil and sand interceptors.

- A. Generally. Grease, oil and sand interceptors shall be provided when, in the opinion of the Superintendent, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts or any flammable wastes, sand or other harmful ingredients; provided, however, that such interceptors shall not be required for private living quarters or dwelling units. All such interceptors shall be of a type and capacity approved by such Superintendent and shall be so located as to be readily and easily accessible for cleaning and inspection.
- B. Maintenance by owner. Where installed, all grease, oil and sand interceptors shall be maintained by the owner, at his expense, in continuously efficient operation at all times.

## § 355-40. Review and approval of certain waters and wastes; preliminary treatment facilities.

- A. The admission into the public sewers of the waters or wastes enumerated in this section shall be subject to the review and approval of the Superintendent:
  - (1) Any water or waste having a five-day BOD greater than 300 parts per million by weight.

- (2) Any water or waste containing more than 350 parts per million by weight of suspended solids.
  - (3) Any water or waste containing any quantity of substances having the characteristics described in § 355-38.
  - (4) Any water or waste having an average daily flow greater than 2% of the average daily sewage flow of the Town.
- B. Where necessary in the opinion of such Superintendent, the owner shall provide, at his expense, such preliminary treatment as may be necessary to:
- (1) Reduce the BOD to 300 parts per million and the suspended solids to 350 parts per million by weight.
  - (2) Reduce objectionable characteristics or constituents to within the maximum limits provided for in § 355-38.
  - (3) Control the quantities and rates of discharge of such waters or wastes.
- C. Plans, specifications, and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the approval of such Superintendent and of the Water Control Board of the state, and no construction of such facilities shall be commenced until said approvals are obtained in writing.<sup>[1]</sup>
- (1) *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III).*

## § 355-41. Maintenance of preliminary treatment facilities.

Where preliminary treatment facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.

## § 355-42. Control manhole.

When required by the Superintendent, the owner of any property served by a building sewer carrying industrial wastes shall install a suitable control manhole in the building sewer to facilitate observation, sampling and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located and shall be constructed in accordance with plans approved by such Superintendent. The manhole shall be installed by the owner at his expense and shall be maintained by him so as to be safe and accessible at all times.

## § 355-43. Measurements, tests and analyses.

All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in §§ 355-38 and 355-40 shall be determined in accordance with Standard Methods for the Examination of Water and Waste Water and shall be determined at the control manhole provided for in § 355-42 or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected.

## § 355-44. Special agreements for industrial wastes of unusual strength or character.

No statement contained in this article shall be construed as preventing any special agreement arrangement between the Town and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the Town for treatment, subject to payment therefor by the industrial concern.

Section 1, Item 2.

## § 355-45. Stoppage of sewer pipes.

In case of any stoppage in the public sewers, the Town shall remove the same. If the obstruction is in a branch or building sewer or drain, the owner of the property to which it connects shall remove such obstruction.

## Article V. Sewer Charges

### § 355-46. Fee for connection to public sewer.

The Town Council shall, from time to time, fix connection fees for making connections to the public sewer of the Town. A copy of a schedule of such fees shall be maintained on file in the office of the Town Clerk, and such fee shall be payable before such connection is made.

### § 355-47. Connections requiring extension of public sewer within Town.

Should application be made for a connection to property in the Town where there is no public sewer in an adjoining street or right-of-way, such application shall not be acted on by the Superintendent but shall be postponed until the next meeting of the Town Council, which shall determine whether such public sewer should be constructed and the amount to be charged to the applicant for such construction, provided that such charges shall be in addition to the tapping charge and user charge provided for herein.

### § 355-48. Connections requiring extension of public sewer beyond Town limits.

Each application for sewer service outside the corporate limits which involves the construction of a public sewer or involves the construction of a lateral of such length or in such a location that there is a possibility of future connections to such lateral shall be referred by the Superintendent to the Town Council, which shall consider the project and determine whether such project should be undertaken and shall determine the cost to be charged to the applicant for such project, provided that such charges shall be in addition to the tapping fee and the user charge provided for herein, and provided further that no such extensions to the Town sewer system outside of the Town limits shall be undertaken until the statutory notice has been given to the appropriate governing body of the county in which the extension is contemplated.

### § 355-49. Charges and billings.

Every person whose property shall be connected to the public sewer system of the Town, whether in or outside of the corporate limits, shall, for each such connection, pay to the Town a charge at a rate to be established from time to time by the Town Council for such connection, to be measured by the consumption of water at such property. Such charge shall be a percentage of the water bill charged

each property each month, to be included in the water billing and to be collected as water account for the Town. However, nothing in this section shall be construed to abridge or deny the right of the Town Council to alter or raise these rates, and when, in the opinion of the Town Council, the water consumption at a property does not adequately represent the use being made of the Town sewage facilities, the Council may establish such rate as it sees fit. In case there is no water service to property to be served by the Town sewage facilities, the sewer charge against such property shall be as established by the Town Council.

## § 355-50. Statements generally.

All statements for Town sewer service shall be computed by the Town Treasurer on the basis of the rates set out in this article and shall be on a monthly basis. Such statements shall be rendered to the family, property owner, occupant or user as soon as practicable after monthly readings. This statement shall be considered the correct assessment unless a correction is requested of the Town Treasurer within 10 days after the statement is sent out.

## § 355-51. Complaints as to charges.

Any user of sewer service having a complaint in connection with the assessment of charges under this article shall report the same to the Town Treasurer, as provided in § 355-50, who shall adjust the same or refer the complaint to the Town Council.

## § 355-52. Effect of failure to pay bill by certain date.

In the event that a person whose duty it is to pay a statement for Town sewer service, rendered as provided in § 355-50, by such date as may be established by the Town Treasurer with the approval of the Town Council shall fail to do so, the Town Treasurer may cause the water to the premises in question to be turned off.

# Article VI. Delinquent Charges

## § 355-53. Delinquent sewer charges to be lien against property.

All charges for services or fees under this chapter for sewer services or fees which remain unpaid and delinquent for as much as 60 days from the due date shall be a lien against the real estate of any owner to whom such services were supplied, and if the party owing such charges that are delinquent as herein stated is a tenant and not an owner of such real estate, then such indebtedness shall be a lien against any personal property of the tenant located within the limits of the Town. If any such delinquent charges are due at the time taxes are billed to any such party, such delinquent charges shall be placed on the tax bill of such owner or tenant and collected as taxes are collected.

[1] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III).*

## Chapter 375. Streets and Sidewalks

[HISTORY: Adopted by the Town Council of the Town of Mineral effective 1-1-1982 as Ch. 16 of the 1982 Code. Amendments noted where applicable.]

### Article I. General Provisions

- [1] *Editor's Note: For state law as to power of Town to lay out streets, walks or alleys, alter, improve and light the same and have them kept in good order, see § 15.2-2000 et seq., Code of Virginia. As to alteration and vacation of streets generally, see § 15.2-2006, Code of Virginia. As to use of streets by public utilities without previous consent of corporate authorities, see § 15.2-2017, Code of Virginia. As to authority of Town to permit awnings, fire escapes, etc., to overhang streets, see § 15.2-2010, Code of Virginia.*

#### § 375-1. Construction, care and maintenance of streets.

[Amended 11-14-2006 by Ord. No. 2006-07; 10-22-2007 by Ord. No. 2007-04]

- A. No undeveloped street shall be utilized for access to new residences or businesses unless such street is constructed as provided in this section and is dedicated by the recording in the office of the Clerk of the Circuit Court of Louisa County of a plat drawn to scale showing such street. Such plat shall be prepared and recorded at the expense of the owner of the property to be developed and shall be approved by the Town Council prior to recordation.
- B. Before new streets will be accepted by the Town for utilization, such streets must meet the current requirements of the Virginia Department of Transportation for subdivision roads. In addition, the street must be built for the complete length of the lot involved, unless the lot borders the edge of Town, in which case the street shall be constructed to the point where the driveway meets the street.
- C. Lots on undeveloped streets may not access developed streets via rights-of-way, easements or alleys. Only streets designated on the Town of Mineral map prepared by W.L. Bishop in 1890 may be used unless the Town Council approves realignment for the purpose of best suiting the topography. If such realignment is approved, the developer must own the property where the realignment is to take place, and the developer must provide to the owner of the original opposite street side property full access to the realigned street over the property created between the former street and the realigned street.

#### § 375-2. Specifications for work on streets by Town forces.

The Town Manager shall have authority to prescribe regulations for work done on Town streets by Town forces.

#### § 375-3. Construction costs for new private entrance.

The property owner shall bear the construction costs for a new private entrance, where curbs or walks are cut or installed, culverts installed or bridging necessitated.

## § 375-4. Projections into or upon sidewalk.

It shall be unlawful for any person to construct or place, or cause to be constructed or placed, any portico, porch, door or step which shall project into or upon any sidewalk or paved walkway along any street in the Town.

## § 375-5. Removal of encroaching buildings.

In every case of encroachment upon a street by a building, fence or other structure, the owner or maintainer thereof may be required to remove the same. For failure to make the removal within the time ordered by the Town Council, the owner or maintainer of such building, fence or other structure shall be guilty of a misdemeanor, and, upon such failure, the Town Council may require such encroachment to be removed at the risk and cost of the person owning or maintaining the same.

## § 375-6. Gates and doors upon sidewalks to open inward.

Every gate or door built or constructed in any fence, garden or yard wall upon or within two feet of the line of any public sidewalk on any street in the Town shall be hung so as to open inward.

## § 375-7. Open cellarways to be guarded.

It shall be unlawful for any person to allow any cellarway, areaway or other place of like character opening on or in a public sidewalk in the Town to remain open unless properly guarded by bars or otherwise.

## § 375-8. Obstruction of sidewalks.

It shall be unlawful for any person to place or permit to remain upon the streets, alleys or sidewalks adjoining his premises any boxes, crates or other things that will cause the streets, alleys or sidewalks to be obstructed.

## § 375-9. Operation of loudspeakers and similar devices.

It shall be unlawful for any person to operate any loudspeaker or similar device on any street, sidewalk or alley of the Town, whether such loudspeaker or similar device is attached to an automobile or other vehicle or not.

## § 375-10. Loitering.

- A. No person or aggregation of persons shall assemble so as to obstruct the public streets, sidewalks, alleys, public places and public buildings, places of amusement and entertainment, vacant lots and any other public grounds or privately owned property open to the public in the Town or sit, stand or lounge in or around the aforementioned places or in the entranceways of churches, private homes or places of business so as to annoy the owners or occupants or interfere with the use of the building or to cause the annoyance or disturbance of the citizens of the Town or any other person rightfully within the confines of the Town.

- B. Persons loitering, sitting or standing on any street, sidewalk and aforementioned places shall on or separate when required to do so by any authorized law enforcement officer and shall cease to occupy such position. Section I, Item 2.

## § 375-11. Assemblages of persons blocking free passage of street or sidewalk.

The assemblage or congregation of persons on the streets or sidewalks in such manner as to block or obstruct free passage thereof is prohibited. It shall be the duty of the Town Sergeant or any police officer to disperse any such assemblage or congregation. Persons refusing to disperse after being directed to do so by the police shall be guilty of a misdemeanor.

[1] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III).*

## § 375-12. Deposit of lumber, wood, stone or other obstruction.

It shall be unlawful for any person to throw, place, drop or cause to be put any lumber, wood, stone or other obstruction into or upon any street or public place in the Town. This section shall not be construed to apply to building material placed on the street, sidewalk or alley pursuant to § 375-13.

## § 375-13. Placing building materials upon street, alley or sidewalk.

No person shall place building materials upon the street, sidewalk or alley for use in connection with construction work unless he shall have first obtained a permit from the Mayor to do so and unless he shall place such materials in the space assigned and in the manner directed by the Mayor.

## § 375-14. Use of sidewalks during construction, repair or demolition work.

When any building or wall is being erected, repaired or demolished, the sidewalks in front thereof may be occupied and used by the contractor or builder in connection with such work for such period of time as may be reasonable, provided that reasonable means shall be taken for the protection and safe passage of pedestrians and vehicular traffic.

## § 375-15. Trees, plants and shrubs projecting over streets or sidewalks.

It shall be unlawful for any person owning or occupying property abutting a street or sidewalk to allow any trees, plants or shrubs growing on such property to project over the street or sidewalk in such manner as to obstruct or interfere with the safe passage of vehicles or pedestrians.

## § 375-16. Signs, awnings and goods above street or sidewalk.

- A. It shall be unlawful for any person to place or allow to remain any sign, awning, goods or any other thing over any street or sidewalk unless the same shall be at least eight feet above such street or sidewalk.

- B. No sign, awning, goods, wares or merchandise or any other thing shall be placed or all remain above any street or sidewalk unless pursuant to permission of, and according to directions of, the Mayor.
- C. For the purpose of this section, the word "sidewalk" means not only any sidewalk or ground belonging to the Town but also any ground belonging to private parties which is alongside the sidewalk belonging to the Town, is not more than three feet therefrom and is not enclosed.

## § 375-17. Signs and awnings to be secured.

Any sign or awning projecting over the sidewalk or street shall be adequately secured and shall be in a safe condition.

## § 375-18. Use of bicycles and play vehicles on sidewalks or public areas.

[Added 11-9-1987]

- A. No person shall use on a sidewalk or any other public area within the Town of Mineral any bicycles, skates, toys or other devices on wheels or runners, other than in an area that has been specifically designated and marked off by the Town for such purposes, and other than baby carriages, strollers or other devices in which children not exceeding the age of five years are riding or using. This section shall not apply to any such device or vehicle that is authorized to be used on the public highways of Virginia, while such vehicle is lawfully using such public highway and while such device or vehicle is crossing such sidewalks in traveling from such highway to areas where any such device or vehicle is permitted to be lawfully operated.
- B. No person shall use any such device or vehicle on private property without the express consent of the owner or tenant of such property, except, if any such device or vehicle is used solely for transportation to reach such private premises, then, unless prohibited by the owner or tenant of such private property, such vehicle may be operated from the public highway to such private premises for the sole purpose of transportation from the public highway to such private premises.

## Article II. Excavations

### § 375-19. Unauthorized tearing up or digging in streets and sidewalks.

No person, unless specifically authorized by the Town Council or the Mayor, shall tear up, dig in or in any way deface or injure any street or sidewalk.

### § 375-20. Disturbing street or sidewalk in connection with water supply or sewer system.

Whenever it may be necessary to disturb any street or sidewalk in connection with the water supply or sewer system of the Town, the work shall be done under the direction and control of the Mayor.

[1] *Editor's Note: See also Ch. 355, Sewers and Sewage Disposal, and Ch. 418, Water.*

## § 375-21. Permit required.

No person, unless specially authorized by the Town Council, shall take up or remove any portion of the surface of the sidewalk or street, or excavate in any public street of the Town without a written permit from the Mayor, who shall not refuse such permit to any applicant except for cause, but in case of refusal the applicant may appeal to the Town Council.

## § 375-22. Deposit; assent to provisions and terms.

- A. Before a permit required by § **375-21** is granted, the Mayor may require a deposit sufficient to pay for resurfacing the street to be disturbed, the amount of such deposit to be determined by the Mayor.
- B. Every person who shall make application for such a permit shall be deemed to have assented thereby to all the provisions and terms of this article, including the right of the Town to collect the actual cost of replacing the pavement, sidewalk or street surface in the manner above directed.

## § 375-23. Duty to prosecute work without delay.

It shall be the duty of every person to whom a permit has been granted pursuant to § **375-21** to institute at once and prosecute without delay the work for which such permit was obtained and promptly, on its completion, give written notice thereof to the Mayor.

## § 375-24. Replacing surface.

No pavement, sidewalk or street surface shall be replaced, after being taken up pursuant to a permit issued under § **375-21**, by any person except under the direction of the Mayor. If the applicant fails to resurface the street disturbed promptly and in a manner approved by the Mayor, the Mayor is authorized to cause such work to be done at the expense of the applicant.

## § 375-25. Guarding by lights and barriers; responsibility for damages.

Any person to whom a permit is granted pursuant to § **375-21** shall place guards or barriers around the excavation in question and shall protect it by warning lights at night and shall be responsible for damages to persons or property caused by such excavations until taken in charge by the Mayor.

## § 375-26. Work done by Town.

The provisions of this article shall not apply to work done by Town forces under the supervision of the Mayor.

Town of Mineral, VA  
Thursday, August 15, 2024

## Chapter 166. Cemeteries

[HISTORY: Adopted by the Town Council of the Town of Mineral 7-10-2006 by Ord. No. 2006-04 (Ch. 6 of the 1982 Code). Amendments noted where applicable.]

### § 166-1. Where burial permitted.

It shall be unlawful for any person to bury the remains of any person within the corporate limits of the Town except in a duly established cemetery or other burial ground.

[1] *Editor's Note: For state law provisions see §§ 15.2-1121 and 57-22 et seq., Code of Virginia.*

### § 166-2. Spring Grove Memorial Cemetery Park.

The Town of Mineral owns and operates a cemetery outside the Town limits known as the "Spring Grove Memorial Cemetery Park." The Mayor or his designee is responsible for the operation thereof, including the sale of lots and the administration of the perpetual care fund associated therewith.

### § 166-3. Removal of trees or plantings from cemetery.

It shall be unlawful for any person to sell or offer for sale or to remove or attempt to remove any sound or living trees or plantings used to beautify the Town cemetery from a cemetery lot unless the removal of such trees or plantings shall be deemed necessary to open a grave site. However, the Town Council may authorize the sale, cutting and disposition of any trees, timber, or other growing products from the cemetery.

[1] *Editor's Note: Additional criminal penalties for trespassing at night in a cemetery and for vandalism to cemeteries and burial grounds are found in §§ 18.2-125 and 18.2-127, Code of Virginia, respectively. See also § 310-29C of this Code with respect to trespassing at night upon any cemetery.*

### § 166-4. Rules and regulations; violations and penalties.

The Cemetery Committee of the Town Council shall have the power to establish and promulgate rules and regulations not in conflict with the provisions of this Code or other ordinances of the Town relative to the cemetery. Such rules and regulations shall be subject to the approval of the Town Council. It shall be unlawful for any person to fail, neglect or refuse to comply with such rules and regulations so established, promulgated and approved. Any person convicted of a violation of this section shall be subject to a civil penalty of \$100.

[1] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III).*