

**AN ORDINANCE ADOPTING SEC. 30-21 "PLACEMENT OF
UNATTENDED DISPLAYS ON TOWN SQUARE" IN
CHAPTER 30, "STREETS, SIDEWALKS AND OTHER PUBLIC PLACES"
OF THE CHRISTIANSBURG TOWN CODE TO ESTABLISH A UNIFORM PROCESS
FOR UNATTENDED DISPLAYS ON TOWN SQUARE**

WHEREAS, pursuant to the Charter of the Town of Christiansburg, §§ 2.25 and 7.03, and Virginia Code § 15.2-1800(E), the Town Council of the Town of Christiansburg has the power and authority to operate, manage, control, maintain and regulate the use of property owned by the Town; and

WHEREAS, pursuant to Virginia Code § 15.2-2013, the Town may allow the temporary use of public rights-of-way for non-public purposes; and,

WHEREAS, the Town of Christiansburg, Virginia owns property and public rights-of-way located at the intersection of Main Street (East and West) and Franklin Street (North and South) and has had requests for use of the property by local non-profit organizations who wish to place wreaths and flowers at the memorials for fallen soldiers in this area; and,

WHEREAS, the Town Council of Town of Christiansburg wishes to adopt a uniform and content neutral process to address such requests; and,

NOW THEREFORE, BE IT HEREBY ORDAINED by the Council of the Town of Christiansburg that Sec. 30-21 of Chapter 30, "Streets, Sidewalks and Other Public Places" of the Christiansburg Town Code is hereby adopted as follows:

ARTICLE I. IN GENERAL

Sec. 30-21. Placement of Unattended Displays on Town Square

A. Town Square area defined; application requirements

For the purposes of this section, Town Square is defined as the following three areas of public property or public rights-of-way: (1) the land bordered by Marvin Jarrels Circle NE, East Main Street, and North Franklin Street; the (2) land located in the northwest corner of West Main Street and North Franklin Street; and (3) the land located in the southwest corner of West Main Street and South Franklin Street. It shall be unlawful to place any unattended display on the Town Square without a permit as provided in this Section. Upon issuance of a permit, a duly authorized representative of a non-profit organization in good standing under the laws of the Commonwealth of Virginia may use Town Square for an unattended display subject to the following:

1. Any permit is valid only for Town-owned property and the public rights-of-way of Town Square. Permission shall be required for any other property from the respective property owner.

2. No unattended display is allowed in any part of a right-of-way for vehicular or pedestrian traffic, nor in any location where it would impede the lines of sight for motorists. All unattended displays must comply with applicable laws, rules, and regulations.
3. An application for a permit for an unattended display on Town Square is required. Each application shall state the nature of the display, the person responsible for its erection and removal, the exact dates that it is intended to remain, and the exact location where it is to be placed.
4. Unattended displays are limited to non-commercial purposes. Commercial purposes are prohibited.
5. A permit for an unattended display will be granted for no longer than thirty days in any three-month period.
6. A certificate of insurance naming of the Town as an additional insured shall not be required unless the nature of the display requires closure of the public rights of way.
7. Unattended displays shall be limited in number, and an application may be denied (without limitation) if the same applicant seeks multiple displays, if a permit has already been granted for the requested location, or if the Town has scheduled another use for the location during the requested time.
8. Unattended displays shall be limited to the following:
 - a. Wreaths;
 - b. Flowers; and
 - c. Current official flags of the Town of Christiansburg, Commonwealth of Virginia, the United States of America, and all branches of the United States military no more than 8 inches in height and no more than 12 inches in width; other flags are specifically prohibited.

B. Approval Process

1. In advance of the desired placement, the requesting non-profit organization shall complete an application providing a description of the desired use, including description of any displays, as well as date(s) and time(s) of such use.
2. The Town Manager shall make a determination if the request meets the above requirements and approve or deny the permit. The Town Manager may require drawings of displays or drawings of locations of displays if the description provided is not sufficiently detailed.
3. The organization may appeal any denial of a permit to Town Council by filing notice of their appeal with the Town Manager within five (5) days. Town Council shall hear and decide the appeal.

* * *

This ordinance shall be effective immediately upon passage. If any part of this ordinance is deemed unlawful by a court of competent jurisdiction all remaining parts shall be deemed valid. Ordinances or parts of any ordinances of the Town whose provisions are in conflict herewith are hereby repealed.

Upon a call for an aye and nay vote on the foregoing ordinance at a regular meeting of the Council of the Town of Christiansburg, Virginia held May 23, 2023, the members of the Council of the Town of Christiansburg, Virginia, present throughout all deliberations on the foregoing and voting or abstaining, stood as indicated opposite their names as follows:

	<u>Aye</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
Mayor D. Michael Barber*				
Samuel M. Bishop	X			
Johana Hicks	X			
Tanya Hockett	X			
Casey Jenkins	X			
Henry D. Showalter	X			
Tim Wilson	X			

*Votes only in the event of a tie vote by Council.

SEAL:


Tracy Hemline, Clerk of Council


D. Michael Barber, Mayor