

## **Chapter 63**

### **STREETS AND SIDEWALKS**

**§63-1 Inventory of Rights-of-way, Alleyways, Streets, Sidewalks, and Other Public Properties**

**§63-2 Prohibited Acts**

**§63-3 Damage to Rights-of-way, Alleyways, Streets, or Sidewalks**

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**§63-6 Right of Entry Upon Private Property**

**§63-7 Appeals**

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(HISTORY: Adopted by the Mayor and Council of the Town of Millington: Article I, 07-11-62 as Ordinance #105, #106, and #108; Article II, 06-01-83. §63-4 added and §63-8 amended at time of adoption of Code; see Chapter 1, General Provisions, Article I. Other amendments noted where applicable.)

#### **General Reference –**

- Charter Article VIII, Public ways and sidewalks;
- Property Maintenance Code, Section 302.3

## **Article I. Use of Sidewalks**

### **§63-1 Inventory of Rights-of-way, Alleyways, Streets, Sidewalks, and Other Public Properties**

The Town of Millington will create an inventory of rights-of-way, alleyways, streets, sidewalks, and other public properties as a threshold to assist with determination of future repairs, installation, and upgrades. The Town will periodically review this inventory and update accordingly. This data will be used to determine damage and violations of rights-of-way, alleyways, streets, sidewalks, and other public properties.

### **§63-2 Prohibited Acts**

- A. It shall be unlawful for any person or persons to operate or ride upon any bicycle or other vehicle propelled by motor or foot-propelled upon any sidewalk within the Town Center District of the Town of Millington. However; bicycles may be allowed on residential sidewalks so long as they do not interfere with pedestrian traffic.
- B. No person or persons shall obstruct the flow of traffic on public rights-of-way, alleyways, or streets within the corporate limits of the Town of Millington by the placement of any stationary object thereon, except for the parking of motor vehicles where such parking is permitted, and except in the case of an emergency, nor by such person or persons being present on such public rights-of-way, alleyways, or streets where such presence cannot be anticipated because such use is not consistent with the lawful use thereof as a public passageway.
- C. No person or persons shall obstruct the flow of traffic or create a traffic hazard on public rights-of-way, alleyways, streets, or sidewalks within the corporate limits of the Town of Millington by the placement of a portable or stationary basketball backboard or other sporting/personal equipment. It shall be unlawful to attach basketball hoops or other similar devices to any tree, sign post, or utility post within a public right-of-way. Furthermore, a portable or stationary basketball backboard or other sporting/personal equipment must not be placed within six (6) feet of public rights-of-way, alleyways, streets, or sidewalks.
- D. No person or persons shall encumber, obstruct, or in any manner interfere with the free and uninterrupted use of the public streets and sidewalks.
- E. No person or persons shall cast or throw into any rights-of-way, alleyways, streets, or sidewalks any glass, bottles, glassware, crockery, porcelain, or other similar substances or pieces thereof or any pieces of iron, hardware or sharp metal, nails, tacks or other articles or any wastepaper, trash, rubbish, garbage, or refuse of any kind.
- F. No person or persons shall cast any dead animal into any rights-of-way, alleyways, streets, or sidewalks within the corporate limits of the Town of Millington.

### **§63-3 Damage to Rights-of-way, Alleyways, Streets, or Sidewalks**

- A. No person or persons or contractor engaging in repairs to structures or grounds shall deposit or permit to be deposited in any manner upon the surface of the rights-of-way, alleyways, streets, sidewalks, parking areas, or other public spaces within the Town of Millington any earth, clay, mud, sand, gravel, or other material. If such deposit occurs, the person responsible for allowing this deposit shall promptly remove same.
- B. No person or persons or contractor engaging in repairs to structures or grounds shall damage or break the surface of the rights-of-way, alleyways, streets, sidewalks, parking areas or other public spaces within the Town of Millington. The responsibility for all damaged or broken rights-of-way, alleyways, streets, sidewalks, parking areas, or other public spaces is the person or persons or contractor creating the damaged or broken area.
- C. If damage or broken area is not repaired in a timely manner, the Town of Millington will make the necessary repairs with all costs charged to the person or persons or contractor responsible for damage or broken area.
- D. In addition to the cost of repairs a fine of not less than \$500 per day shall be imposed from the date damage is reported to the date of the repair.

### **§63-4 Removal of Brush, Grass, and Weeds from Sidewalks**

- A. It shall be unlawful for the owner, tenant, or occupant of any land to permit weeds, brush, hedges, shrubbery, or any tree or plant to grow to such a height that it will interfere with the operator of any automobile approaching such intersection from clearly seeing approaching traffic upon the intersecting street or approaching pedestrian traffic upon the sidewalk.
- B. It shall be unlawful for the owner, tenant, or occupant of any land to permit brush, hedges, shrubbery, trees or any plants to overhang upon any street or sidewalk so as to interfere with the free passage of any person or persons on any streets or sidewalks within the Town of Millington. The minimum height of tree branches extending over a sidewalk or street shall be six (6) feet.

### **§63-5 Maintenance**

- A. It shall be the duty of the occupant or occupants of any real and leasehold property to clean off or cause to be cleaned off snow or ice that may accumulate on the sidewalk abutting said property within twenty-four (24) hours after same has accumulated, which, in case of snow, shall date from the hour of abatement of each particular snowfall.
- B. In the case of any real or leasehold property that is unoccupied, then the owner or owners of the property shall clean off or cause to be cleaned off snow or ice that may accumulate on the sidewalk abutting said property within twenty-four (24) hours after same has accumulated, which, in case of snow, shall date from the hour of abatement of each particular snowfall.

- C. It shall be the duty and obligation of the owner of the property abutting a sidewalk or public rights-of-way to maintain the abutting sidewalk, driveway apron, and area between the sidewalk and street in a condition as to be safe for public use and free of obstruction.
- D. It shall be the duty and obligation of the Town of Millington to maintain the property of the Town, which includes the repair, replacement, and installation of curbs, gutters, sidewalks, and Town streets as funding becomes available.

#### **§63-6 Right of Entry Upon Private Property**

As duly authorized by the Town Charter and Town Code, Town employees, its agents and assigns, shall have the right of entry for the purpose of accomplishing construction or maintenance to any street, sidewalk, curb, gutter, drainage systems, various utility systems, including the location or relocation of water, sewer, electric, telephone, cable transmission lines, internet transmission lines, fiber optic lines, street and sidewalk lights, landscaping, as well as maintaining existing entrances from the public and private property to the street and sidewalks, and to do all things necessary to accomplish the same at all reasonable hours upon any premises in the Town which abuts a Town street or sidewalk.

#### **§63-7 Appeals**

Any person aggrieved by any decision of the Town of Millington, the Code Enforcement Officer, or any agency acting under the provisions of this Article may, within 30 days of the notice of the decision request a hearing before the Town Council. Any person aggrieved by the action of the Town Council may appeal to the Circuit Court within 30 days of the notice of the Council's decision.

#### **§63-8 Violations and Penalties**

Violation of any provision of this Article shall be deemed a municipal infraction and shall be punishable by a fine as per the appropriate article of this ordinance. The fine for violating this article shall be not less than \$500 per day with each day citing a new violation.