

## TITLE 16

### STREETS AND SIDEWALKS, ETC<sup>1</sup>

#### CHAPTER

1. MISCELLANEOUS.
2. EXCAVATIONS AND CUTS.

#### CHAPTER 1

#### MISCELLANEOUS

#### SECTION

- 16-101. Obstructing streets, alleys, or sidewalks prohibited.
- 16-102. Trees projecting over streets, etc., regulated.
- 16-103. Trees, etc., obstructing view at intersections prohibited.
- 16-104. Projecting signs and awnings, etc., restricted.
- 16-105. Banners and signs across streets and alleys restricted.
- 16-106. Gates or doors opening over streets, alleys, or sidewalks prohibited.
- 16-107. Littering streets, alleys, or sidewalks prohibited.
- 16-108. Obstruction of drainage ditches.
- 16-109. Abutting occupants to keep sidewalks clean, etc.
- 16-110. Parades, etc., regulated.
- 16-111. Operation of trains at crossings regulated.
- 16-112. Animals and vehicles on sidewalks.
- 16-113. Fires in streets, etc.
- 16-114. Property numbering system and street names.
- 16-115. Installation of private culvert on public right-of-way.
- 16-116. Maintenance of privately owned culverts.

**16-101. Obstructing streets, alleys, or sidewalks prohibited.** No person shall use or occupy any portion of any public street, alley, sidewalk, or right of way for the purpose of storing, selling, or exhibiting any goods, wares, merchandise, or materials.

It shall be unlawful to establish roadblocks on any street or highway, or any intersection thereof, within the city limits for the purpose of collecting funds for any purpose from the traveling public. (1973 Code, § 12-201)

**16-102. Trees projecting over streets, etc., regulated.** It shall be unlawful for any property owner or occupant to allow any limbs of trees on his

---

<sup>1</sup>Municipal code reference

Related motor vehicle and traffic regulations: title 15.

property to project out over any street or alley at a height of less than fourteen (14) feet or over any sidewalk at a height of less than eight (8) feet. (1973 Code, § 12-202)

**16-103. Trees, etc., obstructing view at intersections prohibited.**

It shall be unlawful for any property owner or occupant to have or maintain on his property any tree, shrub, sign, or other obstruction which prevents persons driving vehicles on public streets or alleys from obtaining a clear view of traffic when approaching an intersection. (1973 Code, § 12-203)

**16-104. Projecting signs and awnings, etc., restricted.**

Signs, awnings, or other structures which project over any street or other public way shall be erected subject to the requirements of the building code.<sup>1</sup> (1973 Code, § 12-204)

**16-105. Banners and signs across streets and alleys restricted.**

It shall be unlawful for any person to place or have placed any banner or sign across any public street or alley except when expressly authorized by the board of mayor and aldermen after a finding that no hazard will be created by such banner or sign. (1973 Code, § 12-205)

**16-106. Gates or doors opening over streets, alleys, or sidewalks prohibited.** It shall be unlawful for any person owning or occupying property to allow any gate or door to swing open upon or over any street, alley, or sidewalk except when required by statute. (1973 Code, § 12-206)

**16-107. Littering streets, alleys, or sidewalks prohibited.**

It shall be unlawful for any person to litter, place, throw, track, or allow to fall on any street, alley, or sidewalk any refuse, glass, tacks, mud, or other objects or materials which are unsightly or which obstruct or tend to limit or interfere with the use of such public ways and places for their intended purposes. (1973 Code, § 12-207)

**16-108. Obstruction of drainage ditches.**

It shall be unlawful for any person to permit or cause the obstruction of any drainage ditch in any public right of way. (1973 Code, § 12-208)

**16-109. Abutting occupants to keep sidewalks clean, etc.**

The occupants of property abutting on a sidewalk are required to keep the sidewalk clean. Also, immediately after a snow or sleet, such occupants are required to

---

<sup>1</sup>Municipal code reference

Building code: title 12, chapter 1.

remove all accumulated snow and ice from the abutting sidewalk. (1973 Code, § 12-209)

**16-110. Parades, etc., regulated.** It shall be unlawful for any club, organization, or similar group to hold any meeting, parade, demonstration, or exhibition on the public streets without some responsible representative first securing a permit from the mayor. No permit shall be issued by the recorder unless such activity will not unreasonably interfere with traffic and unless such representative shall agree to see to the immediate cleaning up of all litter which shall be left on the streets as a result of the activity. Furthermore, it shall be unlawful for any person obtaining such a permit to fail to carry out his agreement to immediately clean up the resulting litter. (1973 Code, § 12-210)

**16-111. Operation of trains at crossings regulated.** No person shall operate any railroad train across any street or alley without giving a warning of its approach as required by state law. It shall be unlawful to stop a railroad train so as to block or obstruct any street or alley for a period of more than five (5) consecutive minutes. (1973 Code, § 12-211, modified)

**16-112. Animals and vehicles on sidewalks.** It shall be unlawful for any person to ride, lead, or tie any animal, or ride, push, pull, or place any vehicle across or upon any sidewalk in such manner as to unreasonably interfere with or inconvenience pedestrians using the sidewalk. It shall also be unlawful for any person to knowingly allow any minor under his control to violate this section. (1973 Code, § 12-212)

**16-113. Fires in streets, etc.** It shall be unlawful for any person to set or contribute to any fire in any public street, alley, or sidewalk. (1973 Code, § 12-213)

**16-114. Property numbering system and street names.** (1) The property numbering system entitled "Property Numbering System, City of Milan, Tennessee," including all maps and descriptive material, is hereby adopted as the official property numbering system of the City of Milan, reference to which is hereby made for inclusion herein as fully and completely as if herein written.

(2) All property numbers assigned shall be assigned in accordance with this numbering system, and no other numbers shall be used or displayed in the City of Milan, except numbers assigned in accordance with the official property numbering system.

(3) The owner or occupant or person in charge of any house or building to which a number has been assigned will be notified by the building inspector of the number assigned to the same at any time after the effective date of this section.

(4) Within sixty (60) days after receiving notice of the number assigned by the building inspector, the owner or occupant or person in charge of a house or building to which a number has been assigned shall affix the number in a conspicuous manner in a conspicuous place over or near the principal front entrance in a color or shade contrasting to the building background; and the assigned property number shall be affixed in the form of arabic numbers not less than three (3) inches in height, and they shall be affixed in a manner as to be legible and distinguishable from the street on which the property is located.

(5) It shall be the duty of the owner or occupant or person in charge thereof upon affixing the new number to remove any different number which might be mistaken for, or confused with, the number assigned by the building inspector.

(6) No building permit shall be issued for any principal building until the owner or developer or person in charge has procured from the building inspector of the City of Milan the official number of the premises.

(7) It shall be unlawful for any person to alter, deface, or take down any number placed on any property in accordance with this section, except for repair or replacement of such number.

(8) In the event the owner or occupant or person in charge of any house or building refuses to comply with the terms of this section by failing to affix the number assigned within sixty (60) days after notification, or by failing within said period of sixty (60) days to remove any old numbers affixed to such house or building or elsewhere which may be confused with the number assigned thereto, that person shall be deemed in violation of this section and subject to fine under the general penalty clause of the municipal code.

(9) The street names shown on the maps that are part of the "Property Numbering System, City of Milan, Tennessee," are hereby established as the official names of public streets and ways within the corporate limits of the City of Milan, Tennessee. (1973 Code, § 12-214)

**16-115. Installation of private culvert on public right-of-way.** It shall be unlawful for any person to install any private culvert on public right of way without first obtaining permission of the Department of Milan Public Works. Milan Public Works must approve the length, size, and type of culvert required for the particular installation. For any culvert installations, the property owner is responsible for purchasing the culvert(s) and any other materials required for installation. The city will provide the labor for installation at no charge. Installation for the purposes of this section will include compacting and setting the base, grading and installing the culvert, covering and compacting to ensure the culvert is stabilized. (as added by Ord. #2016-3, March 2016 *Ch7\_6-20-19*)

**16-116. Maintenance of privately owned culverts.** (1) It shall be unlawful for any property owner or occupant to fail to maintain any privately

owned culvert in such a way as to prevent obstruction any drainage ditch in any public right-of-way. Any repairs or replacement must be completed within forty-five (45) days of notification from the Director of the Milan Public Works. Culverts requiring replacement shall be in accordance with the procedure outlined above.

(2) Violations of the ordinance adding §§ 16-115 and 16-116 shall subject the offender to a penalty under the general provisions of the City of Milan Municipal Code. Each day a violation is allowed to continue shall constitute a separate offense. (as added by Ord. #2016-3, March 2016 *Ch7\_6-20-19*)

## CHAPTER 2

### EXCAVATIONS AND CUTS<sup>1</sup>

#### SECTION

- 16-201. Permit required.
- 16-202. Applications.
- 16-203. Fee.
- 16-204. Manner of excavating--barricades and lights--temporary sidewalks.
- 16-205. Restoration of streets, etc.
- 16-206. Insurance.
- 16-207. Time limits.
- 16-208. Supervision.
- 16-209. Driveway curb cuts.
- 16-210. [Deleted.]

**16-201. Permit required.** It shall be unlawful for any person, firm, corporation, association, or others, to make any excavation in any street, alley, or public place, or to tunnel under any street, alley, or public place without having first obtained a permit as herein required, and without complying with the provisions of this chapter; and it shall also be unlawful to violate, or vary from, the terms of any such permit; provided, however, any person maintaining pipes, lines, or other underground facilities in or under the surface of any street may proceed with an opening without a permit when emergency circumstances demand the work to be done immediately and a permit cannot reasonably and practicably be obtained beforehand. The person shall thereafter apply for a permit on the first regular business day on which the Milan Public Works Office is open for business, and said permit shall be retroactive to the date when the work was begun. (1973 Code, § 12-101, as replaced by Ord. #13-1, Jan. 2013)

**16-202. Applications.** Applications for such permits shall be made to the Milan Public Works Director, or such person as the Milan Public Works Director may designate to receive such applications, and shall state thereon the location of the intended excavation or tunnel, the size thereof, the purpose thereof, the person, firm, corporation, association, or others doing the actual excavating, the name of the person, firm, corporation, association, or others for whom the work is being done, and shall contain an agreement that the

---

<sup>1</sup>State law reference

This chapter was patterned substantially after the ordinance upheld by the Tennessee Supreme Court in the case of City of Paris, Tennessee v. Paris-Henry County Public Utility District, 207 Tenn. 388, 340 S.W.2d 885 (1960).

applicant will comply with all ordinances and laws relating to the work to be done. Such applications shall be rejected or approved by the Milan Public Works Office within twenty-four (24) hours of filing. (1973 Code, § 12-102, as replaced by Ord. #13-1, Jan. 2013)

**16-203. Fee.** The fee for such permits shall be fifteen dollars (\$15.00). (1973 Code, § 12-103, as replaced by Ord. #13-1, Jan. 2013)

**16-204. Manner of excavating--barricades and lights--temporary sidewalks.** Any person, firm, corporation, association, or others making any excavation or tunnel shall do so according to the terms and conditions of the application and permit authorizing the work to be done. Sufficient and proper barricades and lights shall be maintained to protect persons and property from injury by or because of the excavation being made. If any sidewalk is blocked by any such work, a temporary sidewalk shall be constructed and provided which shall be safe for travel and convenient for users. (1973 Code, § 12-104, as replaced by Ord. #13-1, Jan. 2013)

**16-205. Restoration of streets, etc.** Any person, firm, corporation, association, or others making any excavation or tunnel in or under any street, alley, or public place in this city shall restore said street, alley, or public place to its original condition using the infrared heat patching method, unless other arrangements have been made in writing with the city. Every firm, corporation, association or others making any excavation or tunnel are also required to assure that any man hole, meter cover, valve cover, or any product of similar nature that they install in the street, are installed completely flush (on every side) with the finished surface. It will be the responsibility of the permit holder to assure restoration is completed in a timely manner (maximum of 75 days from the permit issuance date). It is the responsibility of the permit holder to insure that the excavation remains in a safe and nonhazardous condition throughout the specified time frame of permit and/or until the final surface (infrared repair) has been completed. It will be the responsibility of permit holder to restore said excavation if it fails at any time in the future following infrared repair being completed. It will be the responsibility of permit holder to make restoration if any damage or injury results to anyone or anything from the lack of maintenance of said excavation prior to final surface application and/or failure of excavation in the future following final surface (infrared repair) completion. If within the specified time the conditions of the above notice have not been complied with, the work shall be done by the city, an accurate account of the expense involved shall be kept, and the total cost shall be charged to the person, firm, corporation, association, or others who made the excavation or tunnel along with a twenty percent (20%) penalty. (1973 Code, § 12-105, as replaced by Ord. #13-1, Jan. 2013)

**16-206. Insurance.** Each person applying for an excavation permit shall file a certificate of insurance indicating that applicant is insured against claims for damages for personal injury as well as against claims for property damage which may arise from and out of the performance of the work, whether such performance be by applicant, applicant's subcontractor or anyone directly or indirectly employed by applicant. Such insurance shall cover collapse, explosive hazards, and underground work by equipment on the street, and shall include protection against liability arising from completed operations. The amount of the insurance shall be prescribed by the recorder in accordance with the nature of the risk involved; provided, however, that the liability insurance for bodily injury shall not be less than three hundred thousand dollars (\$300,000.00) for each person and seven hundred thousand dollars (\$700,000.00) for each accident, and for property damages not less than one hundred thousand dollars (\$100,000.00) for any one (1) accident, and a two hundred twenty-five thousand dollars (\$225,000.00) aggregate. (1973 Code, § 12-106, as replaced by Ord. #13-1, Jan. 2013)

**16-207. Time limits.** Each application for a permit shall state the length of time it is estimated will elapse from the commencement of the work until the restoration of the surface of the ground or pavement is completed. It shall be unlawful to fail to comply with this time limitation unless permission for an extension of time is granted by the public works director. (1973 Code, § 12-107, as replaced by Ord. #13-1, Jan. 2013)

**16-208. Supervision.** The public works director may from time to time inspect all excavations and tunnels being made in or under any public street, alley, or other public place in the city and see to the enforcement of the provisions of this chapter. Notice shall be given to him at least ten (10) hours before the work of refilling any such excavation or tunnel commences. (1973 Code, § 12-108, as replaced by Ord. #13-1, Jan. 2013)

**16-209. Driveway curb cuts.** No one shall cut, build, or maintain a driveway across a curb or sidewalk without obtaining a permit from the Milan Public Works Office. Such a permit will not be issued when the contemplated driveway is to be so located or constructed as to create an unreasonable hazard to pedestrian and/or vehicular traffic. No driveway shall exceed thirty-five feet (35') in width at its outer edge and when two (2) or more adjoining driveways are provided for the same property a safety island of not less than ten feet (10') in width at its outer or street edge shall be provided to separate said driveways. Driveway aprons shall not extend out into the street. (1973 Code, § 12-109, as replaced by Ord. #13-1, Jan. 2013)

**16-210. [Deleted.]** (1973 Code, § 12-110, as deleted by Ord. #13-1, Jan. 2013)