

Memphis Code of Ordinances

Chapter 12-24 - SIDEWALKS GENERALLY

Sec. 12-24-3 - General duty of property owner to build, repair and clean.

A.

The owner of every lot and parcel of land abutting on any street, avenue, parkway, boulevard or other public street of the city, for which an established grade has been lawfully fixed and curbs and gutters are in place, is required to provide and maintain adjacent to his or her property a sidewalk in accordance with the specifications set out in this chapter and Chapter 12-28 when so ordered by the city engineer or his or her authorized representative.

B.

It shall be the duty of every owner of property, whether vacant or occupied, within the limits of the city abutting on or adjacent to, any street, avenue, parkway, or other public street of the city, to keep clean and open for public passage all public sidewalks or walkways abutting on or adjacent to such property, and to keep such sidewalks or walkways in good repair and condition.

C.

On streets, avenues, parkways or other public streets, for which an established grade has not been lawfully fixed, and curbs and gutters are not in place, the owners of abutting and adjacent property to such streets are required to keep the space provided for walkway or passageway for pedestrian traffic adjacent to their property in a safe condition, free from all obstructions, excavations, high grass, weeds, trash, debris, or other substances or material which may interfere with the free use of such passageway by the public. The abutting or adjacent owner may be required to lay a gravel, asphalt or cinder walkway of an approximate minimum width of three feet abutting his or her property.

(Ord. 3590 § 1(5), 9-2-86; Code 1985 § 34-118; Ord. 1635 § 3, 3-13-73; Ord. 894 § 1, 4-6-71; Code 1967 § 36-105)

Chapter 12-28 - SIDEWALK CONSTRUCTION AND MAINTENANCE

Sec. 12-28-4 - Sidewalk inspector.

The city engineer shall employ an inspector to be known as the sidewalk inspector. It shall be his or her duty to enforce the provisions of this chapter and Chapter 12-24, under the direction of the city engineer.

(Ord. 4196 § 1, 8-24-93; Ord. 3590 § 1(11), 9-2-86; Code 1985 § 34-155; Ord. 894 § 1, 4-6-71; Code 1967 § 36-98)

Sec. 12-28-5 - Notice to property owner to build, repair or clean.

A.

Whenever it is made to appear to the city engineer, or his or her lawfully authorized representative, that there has been a failure on the part of the owner of property to build, repair, or keep clean and open for public passage any sidewalk or walkway abutting on or adjacent to such property, the city engineer, or his or her duly authorized deputy, shall give notice to such owner, or his or her duly authorized agent, of the failure of such owner to build, repair, or keep clean and open for public passage such sidewalk or walkway.

B.

Such notice may be given either by personal service on the owner or his or her duly authorized agent, or by certified letter addressed to the last known place of residence of such owner, or his or her duly authorized agent, and proof of the mailing of such registered letter by the city engineer, or his or her duly authorized deputy, shall be a complete compliance with this provision.

C.

In the cases of nonresident or unknown owners, a publication of the notice by one insertion in a daily newspaper published in the city shall be a complete compliance with the provisions of this section as to notice.

D.

The notice in each case shall specify what is required of the owner with respect to the sidewalk. The notice shall advise the owner that unless the requirement is carried out within thirty (30) days of the date of service, mailing or publication of the notice, the necessary work will be done by the city at the expense of the owner.

(Ord. 3590 § 1(12), 9-2-86; Code 1985 § 34-156; Ord. 894 § 1, 4-6-71; Code 1967 § 36-99)

Charter reference—Authority to compel property owners to build, repair and clean sidewalks, §§ 571, 572.

Sec. 12-28-6 - Failure of property owner to comply with notice.

A.

Failure to comply with the provisions of this chapter and Chapter 12-24 shall be a misdemeanor subject to punishment as provided in Section 1-24-1 of this code.

B.

Further, upon the failure, refusal or neglect of any person notified to comply with the terms and orders of a notice given pursuant to Section 12-28-5, the city engineer is authorized to build, repair, and keep clean and open for public passage any sidewalk or walkway abutting on or adjacent to the property of the person owning or controlling it. The cost of such work shall be a lien on such property, and may be enforced by suit in any court of competent jurisdiction.

C.

As an additional and cumulative remedy, the city engineer may certify to the city treasurer the cost of such work. It shall be the duty of the city treasurer to place the amount so certified on the bill for city taxes assessed against the property abutting on or adjacent to the sidewalk or walkway laid. It shall be the duty of the city treasurer to collect, as a special tax, the amount so certified, which is declared to be a special improvement tax on the property abutting on, or adjacent to, such sidewalks or walkways. This special tax may be collected in the same manner as other general taxes are collected by the city.

(Ord. 4196 § 1, 8-24-93; Ord. 969 § 1, 6-1-71; Ord. 894 § 1, 4-6-71; Code 1985 § 34-157; Code 1967 § 36-100)

Memphis Charter

ARTICLE 56. - SIDEWALKS*

Editor's note— *Cross reference—Public Works Act, § 868 et seq.

Editor's note— Code reference—Sidewalks, Ch. 12-28.

[Sec. 571. - General power to compel construction by lot owners.](#)

[Sec. 572. - Further power to compel lot owners to build, repair, etc.; failure of owners to comply with ordinance: work by city generally.](#)

[Sec. 573. - Cost of building, repairing, etc., as a special tax on abutting property.](#)

[Sec. 574. - City has full power and authority to regulate and control all sidewalks, pass ordinances, etc.](#)

[Sec. 575. - Reserved.](#)

Sec. 571. - General power to compel construction by lot owners.

The city shall have power to compel lot owners to make, adjoining their lots, safe and proper sidewalks of brick; or of stone or granolith.

(Acts 1879, ch. 11; Acts 1887, ch. 233)

Sec. 572. - Further power to compel lot owners to build, repair, etc.; failure of owners to comply with ordinance; work by city generally.

The board of commissioners shall have power, by proper ordinance, to require the owners of all property within the limits of the City of Memphis to build, repair, keep clean, and open for public passage, all sidewalks abutting on or adjacent to such property. The said board of commissioners shall have full authority and power to make the failure to carry out the provisions of any ordinances passed in pursuance to such power a misdemeanor, and to provide a fine of not less than \$5, nor more than \$50, for failure to carry out the provisions of such ordinance. The said board of commissioners shall also have power to provide that, upon the failure of the owners of the property to build, repair, clean, or keep free as a passageway, any sidewalk abutting on or adjacent to such property after due notice, the length of which shall be fixed by such ordinance, [the city shall] have such sidewalk laid, or repaired, or cleaned, or any obstruction removed therefrom, and that the cost of such work shall be a lien on said property, to be enforced by suit in any court of competent jurisdiction.

(Priv. Acts 1921, ch. 846, § 1)

Editor's note— Code references—Duty of property owner to build, repair and clean sidewalks, § 12-28-2; failure of property owner to comply with notice; § 12-28-6.

Sec. 573. - Cost of building, repairing, etc., as a special tax on abutting property.

As an additional and cumulative remedy, the board of commissioners of the said city may, by ordinance, provide that on certification of the cost of building, repairing, cleaning, or freeing from obstruction any sidewalk, by the city engineer, any sidewalk inspector provided for by the Charter or laws of such city, or any agent of such officers thereunto authorized by said ordinance, it shall be the duty of the city treasurer to place the amount, so certified, on the bill for city taxes against such property, and it shall be the duty of the city treasurer to collect, as a specific tax, the amount so certified, and for the purpose of this Act, the cost of putting down, repairing, cleaning, or freeing from obstruction any sidewalk, may, by ordinance duly passed, be declared to be a special tax on the property abutting or adjacent to such sidewalk. And such special tax may be collected as other general taxes levied by such city.

(Priv. Acts 1921, ch. 846, § 2)

Sec. 574. - City has full power and authority to regulate and control all sidewalks, pass ordinances, etc.

The city shall have full power to regulate and control, and have full authority and power over all sidewalks, in the City of Memphis, and may pass all ordinances and by-laws not inconsistent with the general laws, or the Charter of the city, the purpose of which is to regulate, control and exercise its power over all sidewalks in the corporation, and to carry out the provisions of this Act, including the right to specify the length of notice, how notice shall be given, and all other matters not inconsistent with the provisions of this Act.

(Priv. Acts 1921, ch. 846, § 3)
