

TITLE 15

MOTOR VEHICLES, TRAFFIC AND PARKING¹

CHAPTER

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CHAPTER 1

MISCELLANEOUS²

SECTION

- 15-101. Motor vehicle requirements.
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¹Municipal code reference

Excavations and obstructions in streets, etc.: title 16.

²State law references

Under Tennessee Code Annotated, § 55-10-307, the following offenses are exclusively state offenses and must be tried in a state court or a court having state jurisdiction: driving while intoxicated or drugged, as prohibited by Tennessee Code Annotated, § 55-10-401; failing to stop after a traffic accident, as prohibited by Tennessee Code Annotated, § 55-10-101, et seq.; driving while license is suspended or revoked, as prohibited by Tennessee Code Annotated, § 55-7-116; and drag racing, as prohibited by Tennessee Code Annotated, § 55-10-501.

- 15-114. Riding on outside of vehicles.
- 15-115. Backing vehicles.
- 15-116. Projections from the rear of vehicles.
- 15-117. Causing unnecessary noise.
- 15-118. Vehicles and operators to be licensed.
- 15-119. Passing.
- 15-120. Damaging pavements.
- 15-121. Reckless driving.
- 15-122. Commercial vehicles prohibited on certain residential streets.

15-101. Motor vehicle requirements. It shall be unlawful for any person to operate any motor vehicle within the corporate limits unless such vehicle is equipped with properly operating muffler, lights, brakes, horn, and such other equipment as is prescribed and required by Tennessee Code Annotated, title 55, chapter 9. (1982 Code, § 9-101)

15-102. Driving on streets closed for repairs, etc. Except for necessary access to property abutting thereon, no motor vehicle shall be driven upon any street that is barricaded or closed for repairs or other lawful purpose. (1982 Code, § 9-106)

15-103. One-way streets. On any street for one-way traffic with posted signs indicating the authorized direction of travel at all intersections offering access thereto, no person shall operate any vehicle except in the indicated direction. (1982 Code, § 9-109)

15-104. Unlaned streets. (1) Upon all unlaned streets of sufficient width, a vehicle shall be driven upon the right half of the street except:

(a) When lawfully overtaking and passing another vehicle proceeding in the same direction.

(b) When the right half of a roadway is closed to traffic while under construction or repair.

(c) Upon a roadway designated and signposted by the city for one-way traffic.

(2) All vehicles proceeding at less than the normal speed of traffic at the time and place and under the conditions then existing shall be driven as close as practicable to the right hand curb or edge of the roadway, except when overtaking and passing another vehicle proceeding in the same direction or when preparing for a left turn. (1982 Code, § 9-110)

15-105. Laned streets. On streets marked with traffic lanes, it shall be unlawful for the operator of any vehicle to fail or refuse to keep his vehicle within the boundaries of the proper lane for his direction of travel except when lawfully passing another vehicle or preparatory to making a lawful turning movement.

On two (2) lane and three (3) lane streets, the proper lane for travel shall be the right hand lane unless otherwise clearly marked. On streets with four (4) or more lanes, either of the right hand lanes shall be available for use except that traffic moving at less than the normal rate of speed shall use the extreme right hand lane. On one-way streets either lane may be lawfully used in the absence of markings to the contrary. (1982 Code, § 9-111)

15-106. Yellow lines. On streets with a yellow line placed to the right of any lane line or center line, such yellow line shall designate a no-passing zone, and no operator shall drive his vehicle or any part thereof across or to the left of such yellow line except when necessary to make a lawful left turn from such street. (1982 Code, § 9-112)

15-107. Miscellaneous traffic-control signs, etc.¹ It shall be unlawful for any pedestrian or the operator of any vehicle to violate or fail to comply with any traffic-control sign, signal, marking, or device placed or erected by the state or the city unless otherwise directed by a police officer. (1982 Code, § 9-113)

15-108. General requirements for traffic-control signs, etc. All traffic-control signs, signals, markings, and devices shall conform to the latest revision of the Manual on Uniform Traffic Control Devices for Streets and Highways,² published by the U. S. Department of Transportation, Federal Highway Administration, and shall, so far as practicable, be uniform as to type and location throughout the city. This section shall not be construed as being mandatory but is merely directive. (1982 Code, § 9-114)

15-109. Unauthorized traffic-control signs, etc. No person shall place, maintain, or display upon or in view of any street, any unauthorized sign, signal, marking, or device which purports to be or is an imitation of or resembles an official traffic-control sign, signal, marking, or device or railroad sign or signal, or which attempts to control the movement of traffic or parking of vehicles, or which hides from view or interferes with the effectiveness of any

¹Municipal code references

Stop signs, yield signs, flashing signals, pedestrian control signs, traffic control signals generally: §§ 15-505--15-509.

²This manual may be obtained from the Superintendent of Documents, U. S. Government Printing Office, Washington, D.C. 20402.

official traffic-control sign, signal, marking, or device or any railroad sign or signal. (1982 Code, § 9-115)

15-110. Presumption with respect to traffic-control signs, etc. When a traffic-control sign, signal, marking, or device has been placed, the presumption shall be that it is official and that it has been lawfully placed by the proper authority. All presently installed traffic-control signs, signals, markings, and devices are hereby expressly authorized, ratified, approved and made official. (1982 Code, § 9-116)

15-111. School safety patrols. All motorists and pedestrians shall obey the directions or signals of school safety patrols when such patrols are assigned under the authority of the chief of police and are acting in accordance with instructions; provided, that such persons giving any order, signal, or direction shall at the time be wearing some insignia and/or using authorized flags for giving signals. (1982 Code, § 9-117)

15-112. Driving through funerals or other processions. Except when otherwise directed by a police officer, no driver of a vehicle shall drive between the vehicles comprising a funeral or other authorized procession while they are in motion and when such vehicles are conspicuously designated. (1982 Code, § 9-118)

15-113. Clinging to vehicles in motion. It shall be unlawful for any person traveling upon any bicycle, motorcycle, coaster, sled, roller skates, or any other vehicle to cling to, or attach himself or his vehicle to any other moving vehicle upon any street, alley, or other public way or place. (1982 Code, § 9-120)

15-114. Riding on outside of vehicles. It shall be unlawful for any person to ride, or for the owner or operator of any motor vehicle being operated on a street, alley, or other public way or place, to permit any person to ride on any portion of such vehicle not designed or intended for the use of passengers. This section shall not apply to persons engaged in the necessary discharge of lawful duties nor to persons riding in the load-carrying space of trucks. (1982 Code, § 9-121)

15-115. Backing vehicles. The driver of a vehicle shall not back the same unless such movement can be made with reasonable safety and without interfering with other traffic. (1982 Code, § 9-122)

15-116. Projections from the rear of vehicles. Whenever the load or any projecting portion of any vehicle shall extend beyond the rear of the bed or body thereof, the operator shall display at the end of such load or projection, in such position as to be clearly visible from the rear of such vehicle, a red flag

being not less than twelve (12) inches square. Between one-half (½) hour after sunset and one-half (½) hour before sunrise, there shall be displayed in place of the flag a red light plainly visible under normal atmospheric conditions at least two hundred (200) feet from the rear of such vehicle. (1982 Code, § 9-123)

15-117. Causing unnecessary noise. It shall be unlawful for any person to cause unnecessary noise by unnecessarily sounding the horn, "racing" the motor, or causing the "screeching" or "squealing" of the tires on any motor vehicle. (1982 Code, § 9-124)

15-118. Vehicles and operators to be licensed. It shall be unlawful for any person to operate a motor vehicle in violation of the "Tennessee Motor Vehicle Title and Registration Law" or the "Uniform Motor Vehicle Operators' and Chauffeurs' License Law." (1982 Code, § 9-125)

15-119. Passing. Except when overtaking and passing on the right is permitted, the driver of a vehicle passing another vehicle proceeding in the same direction shall pass to the left thereof at a safe distance and shall not again drive to the right side of the street until safely clear of the overtaken vehicle. The driver of the overtaken vehicle shall give way to the right in favor of the overtaking vehicle on audible signal and shall not increase the speed of his vehicle until completely passed by the overtaking vehicle.

When the street is wide enough, the driver of a vehicle may overtake and pass upon the right of another vehicle which is making or about to make a left turn.

The driver of a vehicle may overtake and pass another vehicle proceeding in the same direction either upon the left or upon the right on a street of sufficient width for four (4) or more lanes of moving traffic when such movement can be made in safety.

No person shall drive off the pavement or upon the shoulder of the street in overtaking or passing on the right.

When any vehicle has stopped at a marked crosswalk or at an intersection to permit a pedestrian to cross the street, no operator of any other vehicle approaching from the rear shall overtake and pass such stopped vehicle.

No vehicle operator shall attempt to pass another vehicle proceeding in the same direction unless he can see that the way ahead is sufficiently clear and unobstructed to enable him to make the movement in safety. (1982 Code, § 9-126)

15-120. Damaging pavements. No person shall operate or cause to be operated upon any street of the city any vehicle, motor propelled or otherwise, which by reason of its weight or the character of its wheels, tires, or track is likely to damage the surface or foundation of the street. (1982 Code, § 9-119)

15-121. Reckless driving. Irrespective of the posted speed limit, no person, including operators of emergency vehicles, shall drive any vehicle in willful or wanton disregard for the safety of persons or property. (1982 Code, § 9-107)

15-122. Commercial vehicles prohibited on certain residential streets. (1) No commercial vehicles shall be permitted on residential streets within the corporate limits, except for the purpose of making deliveries to residences located on that street or to residences in the immediate area of that street.

(2) The city manager or his designee shall have the authority to post appropriate signs notifying the public that commercial traffic is prohibited on any street affected by this chapter.

(3) The operation of school buses and buses used to transport persons to and from a place of worship shall be exempt from the provisions of this chapter.

(4) The operation of vehicles transporting children to and from the recreational center, day care centers, and/or the boys and girls club shall be exempt from the provisions of this chapter.

(5) Emergency vehicles are exempt from the provisions of this chapter.

(6) The violation of this chapter shall be punishable by a fine not exceeding fifty dollars (\$50.00).

(7) For the purposes of clarity and understanding it is specifically stated that Mill Street is designated a residential street and commercial traffic is prohibited on this street pursuant to this chapter. (as added by Ord. #37-13, June 2001)

CHAPTER 2

EMERGENCY VEHICLES

SECTION

- 15-201. Authorized emergency vehicles defined.
- 15-202. Operation of authorized emergency vehicles.
- 15-203. Following emergency vehicles.
- 15-204. Running over fire hoses, etc.

15-201. Authorized emergency vehicles defined. Authorized emergency vehicles shall be fire department vehicles, police vehicles, and such ambulances and other emergency vehicles as are designated by the chief of police. (1982 Code, § 9-102)

15-202. Operation of authorized emergency vehicles.¹ (1) The driver of an authorized emergency vehicle, when responding to an emergency call, or when in the pursuit of an actual or suspected violator of the law, or when responding to but not upon returning from a fire alarm, may exercise the privileges set forth in this section, subject to the conditions herein stated.

(2) The driver of an authorized emergency vehicle may park or stand, irrespective of the provisions of this title; proceed past a red or stop signal or stop sign, but only after slowing down to ascertain that the intersection is clear; exceed the maximum speed limit and disregard regulations governing direction of movement or turning in specified directions so long as he does not endanger life or property.

(3) The exemptions herein granted for an authorized emergency vehicle shall apply only when the driver of any such vehicle while in motion sounds an audible signal by bell, siren, or exhaust whistle and when the vehicle is equipped with at least one (1) lighted lamp displaying a red light visible under normal atmospheric conditions from a distance of 500 feet to the front of such vehicle, except that an authorized emergency vehicle operated as a police vehicle need not be equipped with or display a red light visible from in front of the vehicle.

(4) The foregoing provisions shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor shall such provisions protect the driver from the consequences of his reckless disregard for the safety of others. (1982 Code, § 9-103)

¹Municipal code reference

Operation of other vehicle upon the approach of emergency vehicles:
§ 15-501.

15-203. Following emergency vehicles. No driver of any vehicle shall follow any authorized emergency vehicle apparently travelling in response to an emergency call closer than five hundred (500) feet or drive or park such vehicle within the block where fire apparatus has stopped in answer to a fire alarm. (1982 Code, § 9-104)

15-204. Running over fire hoses, etc. It shall be unlawful for any person to drive over any hose lines or other equipment of the fire department except in obedience to the direction of a fireman or policeman. (1982 Code, § 9-105)

CHAPTER 3

SPEED LIMITS

SECTION

15-301. In general.

15-302. At intersections.

15-303. In school zones.

15-304. In congested areas.

15-301. In general. It shall be unlawful for any person to operate or drive a motor vehicle upon any highway or street at a rate of speed in excess of thirty (30) miles per hour except where official signs have been posted indicating other speed limits, in which cases the posted speed limit shall apply. (1982 Code, § 9-201)

15-302. At intersections. It shall be unlawful for any person to operate or drive a motor vehicle through any intersection at a rate of speed in excess of fifteen (15) miles per hour unless such person is driving on a street regulated by traffic-control signals or signs which require traffic to stop or yield on the intersecting streets. (1982 Code, § 9-202)

15-303. In school zones. Generally, pursuant to Tennessee Code Annotated, § 55-8-152 special speed limits in school zones shall be enacted based on an engineering investigation; shall not be less than fifteen (15) miles per hour; and shall be in effect only when proper signs are posted with a warning flasher or flashers in operation. It shall be unlawful for any person to violate any such special speed limit enacted and in effect in accordance with this paragraph. Speed limits enacted pursuant to this paragraph shall not apply at school entrances and exits to and from controlled access highways on the system of state highways.

When the city council has not established special speed limits as provided for above, any person who shall drive at a speed exceeding fifteen (15) miles per hour when passing a school during a recess period when a warning flasher or flashers are in operation, or during a period of forty (40) minutes before the opening hour of a school or a period of forty (40) minutes after the closing hour of a school, while children are actually going to or leaving school, shall be prima facie guilty of reckless driving. (1982 Code, § 9-203)

15-304. In congested areas. It shall be unlawful for any person to operate or drive a motor vehicle through any congested area at a rate of speed in excess of any posted speed limit when such speed limit has been posted by authority of the city. (1982 Code, § 9-204)

CHAPTER 4

TURNING MOVEMENTS

SECTION

15-401. Generally.

15-402. Right turns.

15-403. Left turns on two-way roadways.

15-404. Left turns on other than two-way roadways.

15-405. U-turns.

15-401. Generally. No person operating a motor vehicle shall make any turning movement which might affect any pedestrian or the operation of any other vehicle without first ascertaining that such movement can be made in safety and signaling his intention in accordance with the requirements of the state law.¹ (1982 Code, § 9-301)

15-402. Right turns. Both the approach for a right turn and a right turn shall be made as close as practicable to the right hand curb or edge of the roadway. (1982 Code, § 9-302)

15-403. Left turns on two-way roadways. At any intersection where traffic is permitted to move in both directions on each roadway entering the intersection, an approach for a left turn shall be made in that portion of the right half of the roadway nearest the center line thereof and by passing to the right of the intersection of the center line of the two roadways. (1982 Code, § 9-303)

15-404. Left turns on other than two-way roadways. At any intersection where traffic is restricted to one direction on one or more of the roadways, the driver of a vehicle intending to turn left at any such intersection shall approach the intersection in the extreme left hand lane lawfully available to traffic moving in the direction of travel of such vehicle and after entering the intersection the left turn shall be made so as to leave the intersection, as nearly as practicable, in the left hand lane lawfully available to traffic moving in such direction upon the roadway being entered. (1982 Code, § 9-304)

15-405. U-turns. U-turns are prohibited. (1982 Code, § 9-305)

¹State law reference

Tennessee Code Annotated, § 55-8-143.

CHAPTER 5**STOPPING AND YIELDING****SECTION**

- 15-501. Upon approach of authorized emergency vehicles.
- 15-502. When emerging from alleys, etc.
- 15-503. To prevent obstructing an intersection.
- 15-504. At railroad crossings.
- 15-505. At "stop" signs.
- 15-506. At "yield" signs.
- 15-507. At traffic-control signals generally.
- 15-508. At flashing traffic-control signals.
- 15-509. At pedestrian control signals.
- 15-510. Stops to be signaled.

15-501. Upon approach of authorized emergency vehicles.¹ Upon the immediate approach of an authorized emergency vehicle making use of audible and/or visual signals meeting the requirements of the laws of this state, the driver of every other vehicle shall immediately drive to a position parallel to, and as close as possible to, the right hand edge or curb of the roadway clear of any intersection and shall stop and remain in such position until the authorized emergency vehicle has passed, except when otherwise directed by a police officer. (1982 Code, § 9-401)

15-502. When emerging from alleys, etc. The drivers of all vehicles emerging from alleys, parking lots, driveways, or buildings shall stop such vehicles immediately prior to driving onto any sidewalk or street. They shall not proceed to drive onto the sidewalk or street until they can safely do so without colliding or interfering with approaching pedestrians or vehicles. (1982 Code, § 9-402)

15-503. To prevent obstructing an intersection. No driver shall enter any intersection or marked crosswalk unless there is sufficient space on the other side of such intersection or crosswalk to accommodate the vehicle he is operating without obstructing the passage of traffic in or on the intersecting street or crosswalk. This provision shall be effective notwithstanding any traffic-control signal indication to proceed. (1982 Code, § 9-403)

¹Municipal code reference

Special privileges of emergency vehicles: title 15, chapter 2.

15-504. At railroad crossings. Any driver of a vehicle approaching a railroad grade crossing shall stop within not less than fifteen (15) feet from the nearest rail of such railroad and shall not proceed further while any of the following conditions exist:

(1) A clearly visible electrical or mechanical signal device gives warning of the approach of a railroad train.

(2) A crossing gate is lowered or a human flagman signals the approach of a railroad train.

(3) A railroad train is approaching within approximately fifteen hundred (1500) feet of the highway crossing and is emitting an audible signal indicating its approach.

(4) An approaching railroad train is plainly visible and is in hazardous proximity to the crossing. (1982 Code, § 9-404)

15-505. At "stop" signs. The driver of a vehicle facing a "stop" sign shall bring his vehicle to a complete stop immediately before entering the crosswalk on the near side of the intersection or, if there is no crosswalk, then immediately before entering the intersection and shall remain standing until he can proceed through the intersection in safety. (1982 Code, § 9-405)

15-506. At "yield" signs. The drivers of all vehicles shall yield the right of way to approaching vehicles before proceeding at all places where "yield" signs have been posted. (1982 Code, § 9-406)

15-507. At traffic-control signals generally. Traffic-control signals exhibiting the words "Go," "Caution," or "Stop," or exhibiting different colored lights successively one at a time, or with arrows, shall show the following colors only and shall apply to drivers of vehicles and pedestrians as follows:

(1) Green alone, or "Go":

(a) Vehicular traffic facing the signal may proceed straight through or turn right or left unless a sign at such place prohibits such turn. But vehicular traffic, including vehicles turning right or left, shall yield the right-of-way to other vehicles and to pedestrians lawfully within the intersection or an adjacent crosswalk at the time such signal is exhibited.

(b) Pedestrians facing the signal may proceed across the roadway within any marked or unmarked crosswalk.

(2) Steady yellow alone, or "Caution":

(a) Vehicular traffic facing the signal is thereby warned that the red or "Stop" signal will be exhibited immediately thereafter, and such vehicular traffic shall not enter or be crossing the intersection when the red or "Stop" signal is exhibited.

(b) Pedestrians facing such signal shall not enter the roadway unless authorized so to do by a pedestrian "Walk" signal.

(3) Steady red alone, or "Stop":

(a) Vehicular traffic facing the signal shall stop before entering the crosswalk on the near side of the intersection or, if there is no crosswalk, then before entering the intersection and shall remain standing until green or "Go" is shown alone. Provided, however, that generally a right turn on a red signal shall be permitted at all intersections within the city, provided that the prospective turning car comes to a full and complete stop before turning and that the turning car yields the right of way to pedestrians and cross traffic traveling in accordance with their traffic signal. However, said turn will not endanger other traffic lawfully using said intersection. A right turn on red shall be permitted at all intersections except those clearly marked by a "No Turns On Red" sign, which may be erected by the city at intersections which the city decides require no right turns on red in the interest of traffic safety.

(b) Pedestrians facing such signal shall not enter the roadway unless authorized so to do by a pedestrian "Walk" signal.

(4) Steady red with green arrow:

(a) Vehicular traffic facing such signal may cautiously enter the intersection only to make the movement indicated by such arrow but shall yield the right-of-way to pedestrians lawfully within a crosswalk and to other traffic lawfully using the intersection.

(b) Pedestrians facing such signal shall not enter the roadway unless authorized so to do by a pedestrian "Walk" signal.

(5) In the event an official traffic-control signal is erected and maintained at a place other than an intersection, the provisions of this section shall be applicable except as to those provisions which by their nature can have no application. Any stop required shall be made at a sign or marking on the pavement indicating where the stop shall be made, but in the absence of any such sign or marking the stop shall be made a vehicle length short of the signal. (1982 Code, § 9-407)

15-508. At flashing traffic-control signals. (1) Whenever an illuminated flashing red or yellow signal is used in a traffic sign or signal placed or erected in the city it shall require obedience by vehicular traffic as follows:

(a) Flashing red (stop signal). When a red lens is illuminated with intermittent flashes, drivers of vehicles shall stop before entering the nearest crosswalk at an intersection or at a limit line when marked, or if there is no crosswalk or limit line, then before entering the intersection, and the right to proceed shall be subject to the rules applicable after making a stop at a stop sign.

(b) Flashing yellow (caution signal). When a yellow lens is illuminated with intermittent flashes, drivers of vehicles may proceed through the intersection or past such signal only with caution.

(2) This section shall not apply at railroad grade crossings. Conduct of drivers of vehicles approaching railroad grade crossings shall be governed by the rules set forth in § 15-504 of this code. (1982 Code, § 9-408)

15-509. At pedestrian control signals. Wherever special pedestrian control signals exhibiting the words "Walk" or "Wait" or "Don't Walk" have been placed or erected by the city, such signals shall apply as follows:

(1) Walk. Pedestrians facing such signal may proceed across the roadway in the direction of the signal and shall be given the right-of-way by the drivers of all vehicles.

(2) Wait or Don't Walk. No pedestrian shall start to cross the roadway in the direction of such signal, but any pedestrian who has partially completed his crossing on the walk signal shall proceed to the nearest sidewalk or safety zone while the wait signal is showing. (1982 Code, § 9-409)

15-510. Stops to be signaled. No person operating a motor vehicle shall stop such vehicle, whether in obedience to a traffic sign or signal or otherwise, without first signaling his intention in accordance with the requirements of the state law,¹ except in an emergency. (1982 Code, § 9-410)

¹State law reference

Tennessee Code Annotated, § 55-8-143.

CHAPTER 6

PARKING

SECTION

- 15-601. Generally.
- 15-602. Angle parking.
- 15-603. Occupancy of more than one space.
- 15-604. Where prohibited.
- 15-605. Loading and unloading zones.
- 15-606. Parking permits.
- 15-607. Presumption with respect to illegal parking.

15-601. Generally. No person shall leave any motor vehicle unattended on any street without first setting the brakes thereon, stopping the motor, removing the ignition key, and turning the front wheels of such vehicle toward the nearest curb or gutter of the street.

Except as hereinafter provided, every vehicle parked upon a street within this city shall be so parked that its right wheels are approximately parallel to and within eighteen (18) inches of the right edge or curb of the street. On one-way streets where the city has not placed signs prohibiting the same, vehicles may be permitted to park on the left side of the street, and in such cases the left wheels shall be required to be within eighteen (18) inches of the left edge or curb of the street.

Notwithstanding anything else in this code to the contrary, no person shall park or leave a privately owned vehicle parked on any public street or alley, within the central business district, or on any city owned parking lot between the hours of 12:00 A.M. and 5:00 A.M. without a city issued permit which specifies the designated area in which such vehicle shall be parked. No person shall park or leave a vehicle parked on any other public street or alley for more than seventy-two (72) consecutive hours without the prior approval of the chief of police. All vehicles parked in violation of this section shall be regarded as an illegally parked vehicle and shall subject to towing and impoundment by the Elizabethton Police Department as set forth in § 15-704 of this code.

The city manager or the chief of police may designate any street or portion of any street as a "no parking zone" and have appropriate signs erected. No parking shall be permitted in any area which shall restrict the flow of traffic or impede the flow of traffic to the extent that two vehicles cannot pass on the street because of the presence of such parked vehicles. No vehicles shall be parked on the street within 15 feet to any intersection or within 100 feet of the crest of a hill, where posted. Unless otherwise posted, parking in residential areas where the streets are twenty-four (24) feet, or less, in width shall be

limited to the east side of the north-south streets and the south side of east-west streets.

Furthermore, no person shall wash, grease, or work on any vehicle, except to make repairs necessitated by an emergency, while such vehicle is parked on a public street. (1982 Code, § 9-501, as amended by Ord. #36-2, April 2000)

15-602. Angle parking. On those streets which have been signed or marked by the city for angle parking, no person shall park or stand a vehicle other than at the angle indicated by such signs or markings. No person shall angle park any vehicle which has a trailer attached thereto or which has a length in excess of twenty-four (24) feet. (1982 Code, § 9-502, as amended by Ord. #36-2, April 2000)

15-603. Occupancy of more than one space. No person shall park a vehicle in any designated parking space so that any part of such vehicle occupies more than one such space or protrudes beyond the official markings on the street or curb designating such space. (1982 Code, § 9-503, as amended by Ord. #36-2, April 2000)

15-604. Where prohibited. No person shall park a vehicle in violation of any sign placed or erected by the state or city, nor:

- (1) On a sidewalk;
- (2) In front of a public or private driveway;
- (3) Within an intersection or within fifteen (15) feet thereof;
- (4) Within fifteen (15) feet of a fire hydrant;
- (5) Within a pedestrian crosswalk;
- (6) Within fifty (50) feet of a railroad crossing;
- (7) Within twenty (20) feet of the driveway entrance to any fire station, and on the side of the street opposite the entrance to any fire station within seventy-five (75) feet of the entrance;
- (8) Alongside or opposite any street excavation or obstruction when other traffic would be obstructed;
- (9) On the roadway side of any vehicle stopped or parked at the edge or curb of a street;
- (10) Upon any bridge;
- (11) Alongside any curb painted yellow or red by the city;
- (12) Within 100 feet to the crest of a hill, where posted;
- (13) At any place where official signs prohibit stopping;
- (14) In a parking space clearly identified by an official sign as being reserved for the physically handicapped, unless, however, the person driving the vehicle is physically handicapped or parking such vehicle for the benefit of a physically handicapped person. A vehicle parking in such a space shall display a certificate or placard as set forth in the state statutes, or a disabled veteran's license plate issued by any state;

(15) On the streets and alleys in the central business district and on any city owned parking lot between the hours of 12:00 A.M. and 5:00 A.M. unless the vehicle displays a proper parking permit issued by the city;

(16) No commercial vehicle or motor home shall be parked on the streets, except for the purposes of loading and unloading. No commercial vehicle or motor home shall be parked on a city owned parking lot unless the vehicle displays a proper parking permit issued by the city;

(17) For the purposes of this chapter a commercial vehicle is defined as any vehicle weighing in excess of 26,000 pounds or having more than two axles;

(18) No unattended trailers shall be parked upon the city streets or city owned parking lots. (1982 Code, § 9-504, as amended by Ord. #36-2, April 2000, and Ord. #40-10, June 2004)

15-605. Loading and unloading zones. No person shall park a vehicle for any purpose or period of time other than for the expeditious loading or unloading of passengers or merchandise in any place marked by the city as a loading and unloading zone. (1982 Code, § 9-505, as amended by Ord. #36-2, April 2000)

15-606. Parking permits. A parking permit may be obtained for parking between the hours of 12:00 A.M. and 5:00 A.M. in designated city owned parking lots upon application made to the city clerk and approved by the city manager. Such permits shall be non-transferable and shall be from the period of July 1 through June 30 of the following year. City owned vehicles are exempt from permit requirements. Required emergency personnel shall be issued a parking permit for their private vehicles. (1982 Code, § 9-506, as amended by Ord. #36-2, April 2000)

15-607. Presumption with respect to illegal parking. When any unoccupied vehicle is found parked in violation of any provision of this chapter, there shall be a prima facie presumption that the registered owner of the vehicle is responsible for such illegal parking. (1982 Code, § 9-507, as amended by Ord. #36-2, April 2000)

CHAPTER 7

ENFORCEMENT

SECTION

- 15-701. Issuance of traffic citations.
- 15-702. Failure to obey citation.
- 15-703. Illegal parking.
- 15-704. Impoundment of vehicles.
- 15-705. Fines and costs.

15-701. Issuance of traffic citations.¹ When a police officer halts a traffic violator other than for the purpose of giving a warning, and does not take such person into custody under arrest, he shall take the name, address, and operator's license number of said person, the license number of the motor vehicle involved, and such other pertinent information as may be necessary, and shall issue to him a written traffic citation containing a notice to answer to the charge against him in the city court at a specified time. The officer, upon receiving the written promise of the alleged violator to answer as specified in the citation, shall release such person from custody. It shall be unlawful for any alleged violator to give false or misleading information as to his name or address. (1982 Code, § 9-602)

15-702. Failure to obey citation. It shall be unlawful for any person to violate his written promise to appear in court after giving said promise to an officer upon the issuance of a traffic citation, regardless of the disposition of the charge for which the citation was originally issued. (1982 Code, § 9-603)

15-703. Illegal parking. Whenever any motor vehicle without a driver is found parked or stopped in violation of any of the restrictions imposed by this code, the officer finding such vehicle shall take its license number and may take any other information displayed on the vehicle which may identify its user, and shall conspicuously affix to such vehicle a citation for the driver and/or owner to answer for the violation within ten (10) days during the hours and at a place specified in the citation. (1982 Code, § 9-604, as amended by Ord. #35-16, Nov. 1999)

15-704. Impoundment of vehicles. Members of the police department are hereby authorized, when reasonably necessary to prevent obstruction of traffic, to remove from the streets and impound any vehicle whose operator is

¹State law reference

Tennessee Code Annotated, § 7-63-101, et seq.

arrested or any vehicle which is illegally parked, abandoned, or otherwise parked so as to constitute an obstruction or hazard to normal traffic. Any vehicle left parked on any street or alley for more than seventy-two (72) consecutive hours without permission from the chief of police shall be presumed to have been abandoned if the owner cannot be located after a reasonable investigation. Such an impounded vehicle shall be stored until the owner claims it, gives satisfactory evidence of ownership, and pays all applicable fines and costs. The fee for impounding a vehicle shall be twenty-five dollars (\$25.00) and a storage costs of ten dollars (\$10.00) per day shall also be charged in addition to the towing charge incurred. (1982 Code, § 9-601, as amended by Ord. #35-16, Nov. 1999)

15-705. Fines and costs. The fines and costs for violations of the provisions of this chapter shall be as set forth in title 3 chapter 4 of this code. (Ord. #35-16, Nov. 1999)

CHAPTER 8

NEIGHBORHOOD TRAFFIC MANAGEMENT PROGRAM

SECTION

15-801. Policies governing the neighborhood traffic management program.

15-802. Process and procedures governing the neighborhood traffic management program.

15-801. Policies governing the neighborhood traffic management program. The following policies shall govern the application of the neighborhood traffic management program within the City of Elizabethton, Tennessee.

(1) This program shall be applied to existing local streets serving predominantly single family residential neighborhoods. Through traffic (defined as traffic having no immediate origin or destination in the neighborhood) should be routed to the maximum extent possible to the major roadways designated on the most recent versions of the major street plan, collector street plan, and area plans prepared by the Elizabethton Planning Commission.

(2) The volume of rerouted traffic acceptable as a result of a traffic management project shall be defined on a project-by-project basis. It is not the intent of this program to simply relocate traffic or traffic concerns to other local residential streets, however it may be desirable to better balance traffic across a network of residential streets.

(3) Emergency vehicle access within and through neighborhoods will be carefully considered in the evaluation of traffic management request and must be preserved in a reasonable manner. Certain traffic management techniques may result in increased emergency response times to certain streets and neighborhoods and these impacts must be carefully considered by the neighborhood in developing a traffic management program.

(4) A variety of traffic calming strategies and techniques shall be employed to achieve the neighborhood traffic management plan objectives. Such traffic calming strategies and techniques shall be planned and designed in conformance with sound engineering and planning practices. All final plans and programs shall be reviewed and approved by the Elizabethton City Council prior to implementation.

(5) Certain procedures must be followed to implement the neighborhood traffic management plan requests in accordance with applicable codes, related policies, and the available funding/resources. At a minimum the procedures shall provide for:

- (a) Submittal of concerns and project proposals;
- (b) Evaluation by city staff of conditions and proposals;
- (c) Citizen participation in and endorsement of plan development and evaluation;

(d) Methods of temporarily testing traffic management plans when needed; and,

(e) Communication of any test results and specific findings to area residents and affected neighborhoods before installation of temporary or permanent traffic calming devices.

(6) The design and installation costs of any neighborhood traffic management program will be the responsibility of the city, with the exception of any needed right-of-way and/or easement and any on-going landscaping maintenance requirements which shall both be the responsibility of the neighborhood. A defined neighborhood group or association shall be required to execute an agreement with the City of Elizabethton for the ongoing maintenance and upkeep by that group of any installation of techniques that include landscaping features so long as such landscaping shall exist. Any costs for removal or modification of any neighborhood traffic management program installation shall be the sole responsibility of the neighborhood if it is the result of the neighborhood's request. (as added by Ord. #38-1, Jan. 2002)

15-802. Process and procedures governing the neighborhood traffic management program. The following process and procedures are considered typical for receiving, responding to, and managing residents' requests for neighborhood traffic management on their street or in their neighborhood. The city will attempt to apply this process to all requests received. Variations in this process may be approved by the city when deemed appropriate due to unique circumstances.

STEP 1: Identification of Neighborhood Problem

A neighborhood representative or association contacts city planning staff to discuss neighborhood traffic problems or concerns. City staff provides a copy of the NTMP document and reviews its key elements including the required application, neighborhood representative completes and submits to planning development the NTMP application, neighborhood involvement requirements, petition process and installation/evaluation process. A neighborhood representative completes and submits to planning department the NTMP application that generally outlines issues and concerns and requests a neighborhood workshop meeting.

STEP 2: Preliminary Analysis of Neighborhood Problem

City staff performs necessary data collection and analysis to assess and quantify the traffic and safety conditions in the neighborhood. City staff identifies the tentative study area; collects preliminary information from their files and other potentially affected agencies and completes any needed traffic analysis. While there are no absolute minimum criteria or warrants established for use of

NTMP techniques, staff will refer to the following guidelines when evaluating the magnitude of traffic and safety problems, potential for improvement using NTMP, and establishing priorities for project implementation:

A. Minimum Vehicular Volume

Daily traffic volumes greater than 1,000 vehicles or peak hour volumes greater than 100 vehicles are typically required to consider NTMP efforts on a particular residential street.

B. Cut Through Traffic

Cut through traffic is typically quantified by estimating actual traffic generation from within the affected area. License plate surveys may be conducted to determine more accurately the amount and nature of vehicles "cutting through" from outside the neighborhood or street. Cut through traffic should generally represent 25% or more of the total daily street volume to justify NTMP efforts for this reason alone.

C. Speed

Speeding problems typically exist when more than 15% of the traffic stream is traveling at least 10 mph over the posted or statutory speed limit.

D. Accidents--Pedestrians, Bicycles, Autos

Accidental problems are considered significant when there are 3 or more reported accidents along a residential street or within a neighborhood during a period of twelve consecutive months.

E. Intersection Volumes.

Residential street intersection problems may potentially exist when the total crossing volumes are greater than 3,000 vehicles on an average day.

F. Street Grades and Alignment.

NTMP devices are not typically installed on streets with grades exceeding 8%, or where a combination of vertical and horizontal alignment would result in inadequate stopping sight distance for motorists encountering NTMP devices.

G. Transit School and Emergency Routes

Traffic calming devices are not typically installed on streets serving as a designated transit route or primary emergency access route. School bus routes should also be considered.

Step 3: Neighborhood Traffic Team Meeting

City staff and representatives of other potentially affected agencies first meet with the designated neighborhood representatives (referred to as the "traffic team," typically from two to five persons) to discuss traffic problems and concerns, potential solutions and confirm the "affected area" to be ultimately petitioned on final NTMP plan recommendations. The "affected area" is generally defined as those properties along streets expected to receive NTMP devices, those streets whose access is substantially dependent upon the streets to be calmed and any streets expected to receive significant increases in traffic volume or type as a result of the NTMP installation. City council shall be responsible for final approval of the "affected area" to be petitioned.

Step 4: Neighborhood Workshop Meeting

City staff in conjunction with neighborhood representatives schedules and holds a meeting (advertised by the neighborhood) for affected area residents to review the issues, results of the traffic team's and staffs preliminary analysis, and potential techniques for solutions. The purpose of the workshop is to overview the neighborhood concerns, present and discuss potential solutions through the NTMP and develop consensus between the city and workshop attendees for the strategies and devices that will be recommended to the affected area residents through the petition process. Representatives of other affected agencies such as fire, police and schools may be present at this meeting. In the event that the traffic management plan is revised in this step, city staff shall review and revise if necessary the "affected area" identified in Step 3.

Step 5: Petition Process

Neighborhood representatives develop and submit to planning department a proposed petition attachment that clearly outlines the proposed NTMP. Planning staff reviews and approves the petition attachment for circulation with the standard petition form. If approved, neighborhood representatives next circulate the petition within the identified affected area. The petition must be delivered (in a legally acceptable manner) or offered to all residents (or property owners if vacant) in the affected area. To proceed further with NTMP project design and implementation, a positive response must be obtained by 67% or more of the total number of properties in the petition area. Only one petition/vote shall be allowed per property with the exception of duplex dwellings wherein each dwelling unit shall be allowed one vote, typically the

property owner. All original petition responses, including those signatures in opposition to the proposal shall be provided to city planning department.

If the petition does not achieve the required level of support from the neighborhood, representatives may return to Step 3 to evaluate potential revisions to the NTMP plan and a second petition process.

Step 6: Project Design and Implementation

When a NTMP project has received the necessary support, city staff schedules design and implementation of the project within budgetary constraints. Depending upon the number of NTMP request received and the available funding for design and construction, a project may be placed on a waiting list and prioritized based on relative need.

Ongoing landscaping maintenance and any necessary right-of-way or easement dedication will be at the cost of the neighborhood. Any necessary property dedication or landscape maintenance agreement shall be completed prior to final project design.

Certain techniques may be installed for a "test period" while others may be installed in a permanent fashion. All installations will be monitored and evaluated by city staff for desired effectiveness. A monitoring period along with measurable objectives and performance measures will be established for each program installation.

Step 7: Monitoring and Evaluation

Within sixty to ninety days after installation of the project, city staff will begin evaluation of the project, including resident and motorist reaction, field observations, traffic counts, speed studies and other data collection as needed. If the project has not met its objectives within the monitoring period, staff will notify the neighborhood representatives. The staff and the neighborhood representatives may then consider alternative solutions. (Return to Step 3)

Step 8. Removal of a NTMP Project

If city staff decides that the project should be modified or removed for public health and safety reasons, they shall proceed to remove or modify the installation upon notification to the neighborhood representatives. If city staff has no concerns with the NTMP project but the neighborhood itself decides that the traffic calming devices should be removed or significantly altered, the neighborhood must furnish petitions and signatures (see Step 5) of more than 67% of households and businesses in support of the removal or alteration. The

neighborhood may also be required to fund the removal or alteration of the project.

Step 9: Recommendation of an NTMP Project by management and/or staff

Should the city manager and/or staff determine that certain public safety issues require the consideration of traffic calming devices on certain city streets, then such recommendations shall be forwarded to the city council for action. The criteria governing the application of this process would be consistent with the overall policies set forth in this chapter. This step may be utilized when the city is a major property owner on a certain street or when a public safety situation has been identified by city staff. The city council shall hold a public hearing on the proposed action, after proper notification of property owners along the affected street or neighborhood. The public hearing shall be held prior to the approval of the installation of traffic calming devices. Nothing in this step shall preclude the use of the petition process as outlined in this chapter. (as added by Ord. #38-1, Jan. 2002, and amended by Ord. #38-14, Oct. 2002)