

TITLE 15

MOTOR VEHICLES, TRAFFIC AND PARKING¹

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CHAPTER 1

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¹Municipal code reference

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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 having state jurisdiction: driving while intoxicated or drugged; failing to stop after a traffic accident; driving while license is suspended or revoked; drag racing; and possession of five (5) or more grams of methamphetamine while operating a motor vehicle.

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15-101. Definitions. The following words and phrases, when used in this chapter, shall have the meanings respectively ascribed to them in this section. Whenever any words and phrases used in this chapter are not defined in this section, but are defined in the state laws regulating the operation of vehicles, any such definition therein shall be deemed to apply to such words and phrases used herein.

(1) "Authorized emergency vehicle." Fire department vehicles, police vehicles, and such ambulances and emergency vehicles of municipal departments or public service corporations as are designated or authorized by the chief of police.

(2) "Bicycle." Every device propelled by human power upon which any person may ride, having two tandem wheels, either of which is more than twenty inches in diameter.

(3) "Business district." The territory contiguous to and including a highway when within any six hundred feet along such highway there are buildings in use for business or industrial purposes, including but not limited to hotels, banks, or office buildings, railroad stations and public buildings which occupy at least three hundred feet of frontage on one side or three hundred feet collectively on both sides of the highway.

(4) "Commercial vehicle." Every vehicle designed, maintained, or used primarily for the transportation of property.

(5) "Controlled-access highway." Every highway, street, or roadway in respect to which owners or occupants of abutting lands and other persons have no legal right of access to or from the same, except at such points only and in such manner as may be determined by the public authority having jurisdiction over such highway, street, or roadway.

(6) "Crosswalk." (a) That part of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the highway measured from the curbs; or, in the absence of curbs, from the edges of the traversable roadway.

(b) Any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface.

(7) "Curb loading zone." A space adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers or materials.

(8) "Driver." Every person who drives or is in actual physical control of a vehicle.

(9) "Freight curb loading zone." A space adjacent to a curb for the exclusive use of vehicles during the loading or unloading of freight.

(10) "Highway; street." The entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel. The terms "street" and "highway" are synonymous and interchangeable.

(11) "Intersection." (a) The area embraced within the prolongation or connection of the lateral curb lines; or, if none, then the lateral boundary lines of the roadways of two highways which join one another at or approximately at right angles, or the area within which vehicles traveling upon different highways joining at any other angle may come in conflict.

(b) Where a highway includes two roadways thirty feet or more apart, then every crossing of each roadway of such divided highway by an intersecting highway shall be regarded as a separate intersection. In the event such intersecting highway also includes two roadways thirty feet

or more apart, then every crossing of two roadways of such highways shall be regarded as a separate intersection.

(12) "Laned roadway." A roadway which is divided into two or more clearly marked lanes for vehicular traffic.

(13) "Motor vehicle." Every vehicle which is self-propelled and every vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated upon rails.

(14) "Motorcycle." Every motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground, but excluding a tractor.

(15) "Official time standard." Whenever certain hours are named in this chapter, they shall mean Eastern Standard Time or Eastern Daylight Time, whichever is in effect at the time.

(16) "Official traffic-control devices." All signs, signals, markings, and devices not inconsistent with this chapter, placed or erected by authority of the city council or the city official having jurisdiction, for the purpose of regulating, warning, or guiding traffic.

(17) "Park or parking." When prohibited, such terms mean the standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers.

(18) "Passenger curb loading zone." A place adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers.

(19) "Pedestrian." Any person afoot.

(20) "Person." Every natural person, firm, copartnership, association, or corporation.

(21) "Police officer." Every officer of the city police department or any officer authorized to direct or regulate traffic or to make arrests for violation of traffic regulations.

(22) "Private road or driveway." Every way or place in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner, but not by other persons.

(23) "Railroad." A carrier of persons or property upon cars, other than streetcars, operated upon stationary rails.

(24) "Railroad train." A steam engine, electric or other motor vehicle, with or without cars coupled thereto, operated upon rails, except streetcars.

(25) "Residence district." The territory contiguous to and including a street or highway not comprising a business district when the property on such street or highway, for a distance of three hundred feet or more, is, in the main, improved with residences.

(26) "Right of way." The privilege of the immediate use of the roadway.

(27) "Roadway." That portion of a highway improved, designed, or ordinarily used for vehicular travel, exclusive of the berm or shoulder. In the event a highway includes two or more separate roadways, the term "roadway"

as used in this chapter shall refer to any such roadway separately, but not to all such roadways collectively.

(28) "Safety zone." The area or space officially set apart within a roadway for the exclusive use of pedestrians and which is protected or is so marked or indicated by adequate signs as to be plainly visible at all times while set apart as a safety zone.

(29) "Sidewalk." That portion of a street between the curb lines or the lateral lines of a roadway and the adjacent property lines intended for the use of pedestrians.

(30) "Stand or standing." When prohibited, such term means the halting of a vehicle, whether occupied or not, otherwise than for the purpose of and while actually engaged in receiving or discharging passengers.

(31) "Stop." When required, such term means complete cessation from movement.

(32) "Stop or stopping." When prohibited, such term means any halting, even momentarily, of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic-control sign or signal.

(33) "Street or highway." The entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for the purposes of vehicular travel. The terms "street" and "highway" are synonymous and interchangeable.

(34) "Through street or highway." Every street, highway, or portion thereof on which vehicular traffic is given preferential right of way, and at entrance to which vehicular traffic from intersecting highways is required by law to yield the right of way to vehicles on such through highway in obedience to either a stop sign or a yield sign, when such signs are erected as provided in this chapter.

(35) "Traffic." Pedestrians, ridden or herded animals, vehicles, and other conveyances, either singly or together, while using any highway for purposes of travel.

(36) "Traffic-control signal." Any device, whether manually, electrically or mechanically operated, by which traffic is alternately directed to stop and to proceed.

(37) "Traffic engineer." To be the city administrator or whomever he might designate.

(38) "Vehicle." Every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, excepting devices moved by humans or used exclusively upon stationary rails or tracks. (1979 Code, § 9-101)

15-102. Records of traffic violations. The police department shall keep a record of all violations of the traffic laws of this city or of the state vehicle laws of which any person has been charged, together with a record of the final

disposition of all such alleged offenses. Such record shall be so maintained as to show all types of violations and the total of each. Such record shall accumulate during at least a five year period, and from that time on the record shall be maintained complete for at least the most recent five-year period.

All forms for records of violations and notices of violations shall be serially numbered. For each month and year a written record shall be kept available to the public showing the disposal of all such forms. All such records and reports shall be public records. (1979 Code, § 9-102)

15-103. Driver's files to be maintained. The police department shall maintain a suitable record of all traffic accidents, warnings, arrests, convictions, and complaints reported for each driver, which shall be filed alphabetically under the name of the driver concerned.

The police department shall study the cases of all the drivers charged with frequent or serious violations of the traffic laws or involved in frequent traffic accidents or any serious accidents, and shall attempt to discover the reasons therefor, and shall take whatever steps are lawful and reasonable to prevent the same or to have the licenses of such person suspended or revoked.

Such records shall accumulate during at least a five year period, and from that time on such records shall be maintained complete for at least the most recent five-year period. (1979 Code, § 9-103)

15-104. Annual traffic-safety report. The police department shall annually prepare a traffic report which shall be filed with the mayor. Such report shall contain information on traffic matters in the city as follows:

(1) The number of traffic accidents, the number of persons killed, the number of persons injured, and other pertinent traffic accident data.

(2) The number of traffic accidents investigated and other pertinent data on the safety activities of the police.

(3) The plans and recommendations of the department for future traffic safety activities. (1979 Code, § 9-104)

15-105. Method of identifying funeral processions. The police department shall designate a type of pennant or other identifying insignia to be displayed upon or other method which shall be employed to identify the vehicles in funeral processions. (1979 Code, § 9-105)

15-106. Emergency and experimental regulations. (1) The city administrator, by and with the approval of the city council, is hereby empowered to make regulations necessary to make effective the provisions of the traffic laws of this city and to make and enforce temporary or experimental regulations to cover emergencies. No such temporary or experimental regulations shall remain in effect for more than ninety days.

(2) The city administrator may test traffic-control devices under actual conditions of traffic. (1979 Code, § 9-106)

15-107. Authority of police and fire department officials. (1) It shall be the duty of the officers of the police department or such officers as are assigned by the chief of police to enforce all street traffic laws of this city and all of the state vehicle laws applicable to street traffic in this city.

(2) Officers of the police department or such officers as are assigned by the chief of police are hereby authorized to direct all traffic by voice, hand, or signal in conformance with traffic laws; provided, that in the event of a fire or other emergency or to expedite traffic or to safeguard pedestrians, officers of the police department may direct traffic as conditions may require, notwithstanding the provisions of the traffic laws.

(3) Officers of the fire department, when at the scene of a fire, may direct, or assist the police in directing, traffic thereat or in the immediate vicinity. (1979 Code, § 9-107)

15-108. Obedience to traffic regulations. It shall be unlawful for any person to do any act forbidden or fail to perform any act required in this title. (1979 Code, § 9-108)

15-109. Obedience to police and fire department officials. No person shall willfully fail or refuse to comply with any lawful order or direction of a police officer or fire department official. (1979 Code, § 9-109)

15-110. Persons propelling pushcarts or riding animals to obey traffic regulations. Every person propelling any push cart or riding an animal upon a roadway, and every person driving any animal-drawn vehicle, shall be subject to the provisions of this title applicable to the driver of any vehicle, except those provisions of this title which, by their very nature, can have no application. (1979 Code, § 9-110)

15-111. Public employees to obey traffic regulations. The provisions of this title shall apply to the driver of any vehicle owned by or used in the service of the United States Government, any state, or any political subdivision thereof, and it shall be unlawful for any such driver to violate any of the provisions of this title, except as otherwise permitted in this title or by state statute. (1979 Code, § 9-111)

15-112. Use of coasters and similar devices restricted. No person riding in or by means of any coaster, toy vehicle, or similar device shall go upon any roadway, except while crossing a street on a crosswalk, and when so crossing such person shall be granted all of the rights and shall be subject to all of the duties applicable to pedestrians. (1979 Code, § 9-112)

15-113. Operators to be licensed. No person shall drive any motor vehicle upon a public street of the city unless such person has a valid license or permit as an operator or chauffeur under the laws of the state of his residence. No person shall operate a motorcycle or motor driven cycle unless such person has a valid license or permit to operate a motorcycle or a motor driven cycle or has an endorsement on a driver's chauffeur's license issued by the state of his residence authorizing that person to operate a motorcycle or a motor driven cycle. (1979 Code, § 9-113)

15-114. Authority to designate one-way streets and alleys. The city administrator may designate any street, alley, or separate roadway in the city for one-way traffic. Any such designation by the city administrator shall be approved by resolution of the city council. Upon approval of the city council, the city administrator shall erect and maintain signs indicating the direction of travel, and no such regulation shall be effective unless such signs are in place. Signs indicating the direction of travel shall be placed at every intersection where movement of traffic in the opposite direction is prohibited. (1979 Code, § 9-116)

15-115. Authority to restrict direction of movement on streets during certain periods. The city administrator is hereby authorized to determine and designate streets, parts of streets, or specific lanes thereon upon which vehicular traffic shall proceed in one direction during one period and the opposite direction during another period of the day, and shall place and maintain appropriate markings, signs, barriers, or other devices to give notice thereof. The city administrator may erect signs temporarily designating lanes to be used by traffic moving in a particular direction, regardless of the center line of the roadway. It shall be unlawful for any person to operate any vehicle in violation of such markings, signs, barriers, or other devices so placed in accordance with this section. (1979 Code, § 9-117)

15-116. Obedience to signal indicating approach of train.¹

(1) Whenever any person driving a vehicle approaches a railroad grade crossing under any of the circumstances stated in this section, the driver of such vehicle shall stop within fifty feet, but not less than fifteen feet from the nearest rail of such railroad, and shall not proceed until he can do so safely. The foregoing requirements shall apply when:

¹Municipal code references

Interference with railroad signals: § 15-309.

Obedience of pedestrians to railroad signals: § 15-706.

Railroads: title 15, ch. 12.

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

(b) A crossing gate is lowered or a human flagman gives or continues to give a signal of the approach or passage of a railroad train.

(c) A railroad train approaching within approximately one thousand five hundred feet of the highway crossing emits a signal audible from such distance and such railroad train, by reason of its speed or nearness to such crossing, is an immediate hazard.

(2) No person shall drive any vehicle through, around, or under any crossing gate or barrier at a railroad crossing while such gate or barrier is closed or is being opened or closed. (1979 Code, § 9-119)

15-117. Driving through funeral or other procession.¹ 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 as required in this chapter. This provision shall not apply at intersections where traffic is controlled by traffic-control signals or police officers. (1979 Code, § 9-122)

15-118. Drivers in a procession.¹ Each driver in a funeral or other procession shall drive as near to the right-hand edge of the roadway as practicable and shall follow the vehicle ahead as close as is practicable and safe. (1979 Code, § 9-123)

15-119. Parades. No parade, except the forces of the United States Army or Navy, the military forces of this state, and the forces of the police and fire departments, shall occupy, march, or proceed along any street except in accordance with a permit issued by the chief of police and such other regulations as are set forth in this code which may apply. (1979 Code, § 9-124)

15-120. Driving on sidewalks. The driver of a vehicle shall not drive within any sidewalk area, except at a permanent or temporary driveway. (1979 Code, § 9-125)

15-121. Limitations on backing. 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. (1979 Code, § 9-126)

15-122. Opening and closing vehicle doors in traffic. No person shall open the door of a vehicle on the side available to moving traffic unless it is

¹Municipal code reference

Authority to designate insignia for funeral processions: § 15-105.

reasonably safe to do so, nor shall any person leave a door open on the side of a motor vehicle available to moving traffic for a period of time longer than necessary to load or unload passengers. (1979 Code, § 9-127)

15-123. Use and operation of motorcycles and motor-driven cycles. A person operating a motorcycle shall ride only upon the permanent and regular seat attached thereto, and such operator shall not carry any other person nor shall any other person ride on a motorcycle unless such motorcycle is designed to carry more than one person, in which event a passenger may ride upon the permanent and regular seat if designed for two persons, or upon another seat firmly attached to the rear or side of the operator.

It shall be unlawful for any person to violate the following provisions applicable to use and operation of motor-driven cycles within the city:

(1) Speed limit. No person shall operate any motor-driven cycle at any time at a speed greater than thirty-five miles per hour unless such motor-driven cycle is equipped with a head lamp or lamps which are adequate to reveal a person or vehicle at a distance of three hundred feet ahead. Provided, however, that the operator of a motor-driven cycle shall comply at all times with the applicable speed limit of the street on which he is driving.

(2) Head lamps. Every motorcycle shall be equipped with at least one and not more than two head lamps.

(3) Crash bars. All motorcycles and motor-driven cycles shall be equipped with crash bars approved by the state commissioner of safety, except in the case where the displacement of the motorcycle engine is seven hundred and fifty cubic centimeters (forty-five and seventy-five one hundredths cubic inches) or less and the operator is eighteen years of age or older.

(4) Crash helmets required. The driver of a motorcycle or motor-driven cycle and any passenger thereon shall be required to wear a crash helmet of a type approved by the state commissioner of safety.

(5) No person shall operate a motor-driven cycle within the city in violation of Tennessee Code Annotated, title 55, chapters 1 through 7.

(6) Definitions. The following words, when used in this section, for purposes of this section shall have the following meanings:

(a) "Motorcycle." Every motor vehicle having a seat or saddle for use of the rider and designed to travel on not more than three wheels in contact with the ground, but excluding a tractor.

(b) "Motor-driven cycle." Every motorcycle, including every motor scooter, with a motor which produces not to exceed five brake horse power, and every bicycle with a motor attached. (1979 Code, § 9-128)

15-124. Clinging to vehicles. No person riding upon any bicycle, coaster, roller skater, sled, or toy vehicle shall attach the same or himself to any vehicle upon a roadway. (1979 Code, § 9-129)

15-125. Controlled-access roadways. No person shall drive a vehicle onto or from any controlled-access roadway except at such entrances and exits as are established by public authority. (1979 Code, § 9-130)

15-126. Boarding or alighting from vehicles in motion. No person shall board or alight from any vehicle while such vehicle is in motion. (1979 Code, § 9-131)

15-127. Unlawful riding. No person shall ride on any vehicle upon any portion thereof not designed or intended for the use of passengers. This provision shall not apply to an employee engaged in the necessary discharge of a duty or to persons riding within truck bodies in space intended for merchandise. (1979 Code, § 9-132)

15-128. Driving through safety zones prohibited. No vehicle shall at any time be driven through or within a safety zone. (1979 Code, § 9-133)

15-129. Reckless driving. Any person who drives any vehicle in willful or wanton disregard for the safety of persons or property is guilty of reckless driving. (1979 Code, § 9-135)

15-130. Overtaking and passing school buses. (1) The driver of a vehicle upon a street or highway, upon meeting or overtaking from either direction any school bus which has stopped on the street or highway for the purpose of receiving or discharging any school children, shall stop his vehicle before reaching such school bus and shall not proceed until such school bus resumes motion or until he is signaled by the school bus driver to proceed or the visual signals are no longer actuated.

(2) All school buses used in transporting school children to and from school shall be marked as required by Tennessee Code Annotated, § 55-8-151.

(3) The driver of a vehicle upon a highway with separate road ways need not stop upon meeting or passing a school bus which is on a different roadway or when upon a controlled-access highway and the school bus is stopped in a loading zone which is a part of or adjacent to such highway and where pedestrians are not permitted to cross the roadway. For the purpose of this section, "separate roadways" shall mean roadways divided by an intervening space which is not suitable for vehicular traffic.

(4) Except as otherwise provided in this section, the school bus driver shall stop such school bus on the right-hand side of the street or highway, and shall cause such school bus to remain stationary and the visual stop signs on the bus actuated until all school children who should be discharged from the bus have been so discharged and until all children, whose destination causes them to cross the street or highway at the place, have negotiated such crossing. (1979 Code, § 9-136)

15-131. Equipment on vehicles. It shall be unlawful for any person operating a vehicle within the city to fail to comply with the provisions of Tennessee Code Annotated title 55, chapter 9, relative to equipment on vehicles. (1979 Code, § 9-137)

15-132. Commercial vehicles prohibited from using certain streets. When signs are erected giving notice thereof, no person shall operate any commercial vehicle exceeding thirty-five thousand pounds gross weight at any time upon any streets designated by the city administrator; provided, that such vehicles may be operated thereon for the purpose of delivering or picking up materials or merchandise, but then only by entering such street at the intersection nearest the destination of the vehicle and proceeding therefrom no farther than the nearest intersection thereafter. (1979 Code, § 9-138)

15-133. Restrictions upon use of streets by certain vehicles. The city administrator is hereby authorized to determine and designate those heavily-traveled streets upon which shall be prohibited the use of the roadway by motor-driven cycles, bicycles, horse-drawn vehicles, or other nonmotorized traffic and shall erect appropriate signs giving notice thereof. When signs are erected giving notice thereof, no person shall disobey the restrictions stated on such signs. (1979 Code, § 9-139)

15-134. Designation of crosswalks and establishment of safety zones. The city administrator is hereby authorized: (1) To designate and maintain crosswalks by appropriate devices, marks, or lines upon the surface of the roadway at intersections where, in his opinion, there is particular danger to pedestrians crossing the roadway and at such other places as he may deem necessary.

(2) To establish safety zones of such kind and character and at such places as he may deem necessary for the protection of pedestrians. (1979 Code, § 9-140)

15-135. Traffic lanes. The city administrator is hereby authorized to mark traffic lanes upon the roadway of any street or highway where a regular alignment of traffic is necessary.

Where such traffic lanes have been marked, it shall be unlawful for the operator of any vehicle to fail or refuse to keep such vehicle within the boundaries of any such lane except when lawfully passing another vehicle or preparatory to making a lawful turning movement. (1979 Code, § 9-141)

15-136. Child passenger restraint systems. (1) Any person transporting a child under the age of 4 years in a motor vehicle upon a road, street or highway within the city limits of the City of Morristown, Tennessee, is responsible for providing for the protection of the child and properly using a

child passenger restraint system meeting federal motor vehicle safety standards. Nothing in this sub-section restricts a mother from removing the child from the restraint system and holding the child when the mother is nursing the child, or attending to its other physiological needs.

(2) All passenger vehicle rental agencies doing business within the City of Morristown, Tennessee, shall make available at a reasonable rate to those renting such vehicles an approved restraint as described in subsection (1).

(3) In addition to or in lieu of the penalty imposed hereinafter, persons found guilty of a first offense of violating this section may be required to attend a court approved offender's class designed to educate offenders on the hazards of not properly transporting children in motor vehicles. A fee may be charged for such class sufficient to defray all costs of providing such classes.

(4) Violation of this chapter shall be punishable by a fine of not less than ten dollars (\$10.00) nor more than fifty dollars (\$50.00). (Ord. #2656, Oct. 1991)

15-137. Compliance with financial responsibility law required. (1) Every vehicle operated within the corporate limits must be in compliance with the financial responsibility law.

(2) At the time the driver of a motor vehicle is charged with any moving violation under title 55, chapters 8 and 10, parts 1-5, chapter 50; any provision in this title of this municipal code; or at the time of an accident for which notice is required under Tennessee Code Annotated, § 55-10-106, the officer shall request evidence of financial responsibility as required by this section. In case of an accident for which notice is required under Tennessee Code Annotated, § 55-10-106 the officer shall request such evidence from all drivers involved in the accident, without regard to apparent or actual fault.

(3) For the purposes of this section, "financial responsibility" means:

(a) Documentation, such as the declaration page of an insurance policy, an insurance binder, or an insurance card from an insurance company authorized to do business in Tennessee, stating that a policy of insurance meeting the requirements of the Tennessee Financial Responsibility Law of 1977, compiled in Tennessee Code Annotated, chapter 12, title 55, has been issued;

(b) A certificate, valid for one (1) year, issued by the commissioner of safety, stating that a cash deposit or bond in the amount required by the Tennessee Financial Responsibility Law of 1977, compiled in Tennessee Code Annotated, chapter 12, title 55, has been paid or filed with the commissioner, or has qualified as a self-insurer under Tennessee Code Annotated, § 55-12-111; or

(c) The motor vehicle being operated at the time of the violation was owned by a carrier subject to the jurisdiction of the department of safety or the interstate commerce commission, or was owned by the United States, the State of Tennessee, or any political subdivision

thereof, and that such motor vehicle was being operated with the owner's consent.

(4) Civil offense. It is a civil offense to fail to provide evidence of financial responsibility pursuant to this section. Any violation of this section is punishable by a civil penalty of up to fifty dollars (\$50). The civil penalty prescribed by this section shall be in addition to any other penalty prescribed by the laws of this state or the city's municipal code of ordinances.

(5) Evidence of compliance after violation. On or before the court date, the person charged with a violation of this section may submit evidence of compliance with this section in effect at the time of the violation. If the court is satisfied that compliance was in effect at the time of the violation, the charge of failure to provide evidence of financial responsibility may be dismissed. (as added by Ord. #3094, March 2002)

15-138. Use and operation of motor vehicles. No person shall operate a motor vehicle within the corporate limits of the City of Morristown in violation of Tennessee Code Annotated, title 55, chapters 1-12. (as added by Ord. #3094, March 2002)

CHAPTER 2

EMERGENCY VEHICLES¹

SECTION

15-201. Authorized emergency vehicles.

15-202. Operation of vehicles on approach of authorized emergency vehicles.

15-203. Following fire apparatus prohibited.

15-204. Crossing fire hose.

15-201. Authorized emergency vehicles.² (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, but subject to the conditions in this section.

(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 as may be necessary for safe operation; exceed the maximum speed limits, so long as he does not endanger life or property; and disregard regulations governing directions of movement or turning in specified directions.

(3) The exemptions granted by this section to 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 as may reasonably be necessary, 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 five hundred (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 provisions of this section 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. (1979 Code, § 9-114)

15-202. Operation of vehicles on approach of authorized emergency vehicles. Upon the immediate approach of an authorized emergency vehicle

¹Municipal code reference

Operation of other vehicle upon the approach of emergency vehicles:
§ 15-601.

²Charter reference

Emergency vehicle parking spaces: § 5(34).

making use of audible and visual signals meeting the requirements of the laws of this state or of a police vehicle properly and lawfully making use of an audible signal only, the driver of every other vehicle shall yield the right of way and 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.

This section shall not operate to relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the highway. (1979 Code, § 9-115)

15-203. Following fire apparatus prohibited. The driver of any vehicle other than one on official business shall not follow any fire apparatus traveling in response to a fire alarm closer than five hundred feet or drive into or park such vehicle within the block where fire apparatus has stopped in answer to a fire alarm. (1979 Code, § 9-120)

15-204. Crossing fire hose. No vehicle shall be driven over any unprotected hose of a fire department, when laid down on any street or private driveway to be used at any fire or alarm of fire, without the consent of the fire department official in command. (1979 Code, § 9-121)

CHAPTER 3

TRAFFIC CONTROL DEVICES¹

SECTION

- 15-301. Authority to install.
- 15-302. Manual and specifications,
- 15-303. Obedience to official traffic-control devices.
- 15-304. When traffic signs required for enforcement purposes.
- 15-305. Traffic-control signal legend.
- 15-306. Pedestrian-control signals.
- 15-307. Flashing signals.
- 15-308. Display of unauthorized signs, signals, or markings.
- 15-309. Interference with official traffic-control devices or railroad signs or signals.
- 15-310. Automated enforcement.

15-301. Authority to install. The city administrator shall place and maintain traffic-control signs, signals, and devices under the traffic laws of this city when they are required to make effective the provisions of such laws, and may place and maintain such additional traffic-control devices as he may deem necessary to regulate traffic under the traffic laws of this city or under state law or to guide or warn traffic. (1979 Code, § 9-201)

15-302. Manual and specifications. All traffic-control signs, signals, and devices shall conform to the Manual on Uniform Traffic-Control Devices for Streets and Highways, latest edition and revisions, 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 is directory and not mandatory. (1979 Code, § 9-202)

15-303. Obedience to official traffic-control devices. The driver of any vehicle shall obey the instructions of any official traffic-control device applicable thereto placed in accordance with the provisions of this chapter, unless otherwise directed by a traffic or police officer, subject to the exceptions granted the driver of an authorized emergency vehicle in this chapter. (1979 Code, § 9-203)

¹Municipal code references

Designation of crosswalks and establishment of safety zones:
§ 15-134.

Traffic lanes: § 15-135.

15-304. When traffic signs required for enforcement purposes. No provision of this chapter for which signs are required shall be enforced against an alleged violator if at the time and place of the alleged violation an official sign is not in proper position and sufficiently legible to be seen by an ordinarily observant person. Whenever a particular section does not state that signs are required, such section shall be effective even though no signs are erected or in place. (1979 Code, § 9-204)

15-305. Traffic-control signal legend. Whenever traffic is controlled by traffic-control signals exhibiting the words "go", "caution" or "stop", or exhibiting different colored lights successively one at a time or with arrows, the following colors only shall be used and such terms and lights shall indicate and 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 either 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: (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 are thereby advised that there is insufficient time to cross the roadway, and any pedestrian then starting to cross shall yield the right of way to all vehicles.

(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 none, then before entering the intersection and shall remain standing until green or "Go" is shown alone. Provided, however, that 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) No pedestrian facing such signal shall enter the roadway unless he can do so safely and without interfering with any vehicular traffic.

(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) No pedestrian facing such signal shall enter the roadway unless he can do so safely and without interfering with any vehicular traffic.

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 at the signal. (1979 Code, § 9-205)

15-306. Pedestrian-control signals.¹ Whenever special pedestrian-control signals exhibiting the words "Walk" and "Wait" or "Don't Walk" are in place, such signals shall indicate 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, 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 a sidewalk or safety zone while the wait signal is showing. (1979 Code, § 9-206)

15-307. Flashing signals. (1) Whenever an illuminated flashing red or yellow signal is used in a traffic sign or signal, it shall require obedience by vehicular traffic as follows:

(a) Flashing red (stop signal). When a red lens is illuminated with rapid intermittent flashes, drivers of vehicles shall stop before entering the nearest crosswalk at an intersection or at a limit line when marked or if none, 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 rapid intermittent flashes, drivers of vehicles may proceed through the intersection or past such signal only with caution.

¹Municipal code reference

Pedestrians: title 15, chapter 7.

(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 as set forth in § 15-119. (1979 Code, § 9-207)

15-308. Display of unauthorized signs, signals, or markings. (1) No person shall place, maintain, or display upon or in view of any highway an unauthorized sign, signal, marking, or device which purports to be or is an imitation of or resembles an official traffic-control device or railroad sign or signal, or which attempts to direct the movement of traffic, or which hides from view or interferes with the effectiveness of any official traffic-control device or any railroad sign or signal.

(2) No person shall place or maintain, nor shall any public authority permit upon any street or highway any traffic sign or signal bearing thereon any commercial advertising.

(3) This section shall not be deemed to prohibit the erection upon private property adjacent to highways of signs giving useful directional information and of a type that cannot be mistaken for official signs.

(4) Every such prohibited sign, signal, or marking is hereby declared to be a public nuisance, and the city administrator is hereby empowered to remove the same or cause it to be removed without notice. (1979 Code, § 9-208)

15-309. Interference with official traffic-control devices or railroad signs or signals. No person shall, without lawful authority, attempt to or in fact alter, deface, injure, knock down, or remove any official traffic-control device or any railroad sign or signal or any inscription, shield or insignia thereon or any other part thereof. (1979 Code, § 9-209)

15-310. Automated enforcement. (1) Definitions. The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning.

- (a) "Citations and warning notices" shall include:
 - (i) The name and address of the registered owner of the vehicle;
 - (ii) The registration plate number of the motor vehicle involved in the violation;
 - (iii) The violation charged;
 - (iv) The location of the violation;
 - (v) The date and time of the violation;
 - (vi) A copy of the recorded image;
 - (vii) The amount of the civil penalty imposed and the date by which the civil penalty should be paid;
 - (viii) A signed statement by a member of the police department that, based on inspection of recorded images, the

motor vehicle was being operated in violation of subsection (3) of this section; and

(ix) Information advising the person alleged to be liable under this section:

(A) Of the manner and time in which liability alleged in the citation occurred and that the citation may be contested in the city court; and

(B) Warning that failure to contest in the manner and time provided shall be deemed an admission of liability and that a default judgment may be entered thereon.

(b) "In operation" means operating in good working condition.

(c) "Recorded images" means images recorded by a traffic control photographic system (i) On:

(A) A photograph;

(B) A microphotograph;

(C) An electronic image;

(D) Videotape; or

(E) Any other medium; and

(ii) At least one image or portion of tape, clearly identifying the registration plate number of the motor vehicle.

(d) "System location" is the approach to an intersection toward which a photographic, video or electronic camera is directed and is in operation.

(e) "Traffic control photographic system" is an electronic system consisting of a photographic, video or electronic camera and a vehicle sensor installed to work in conjunction with an official traffic control sign, signal or device, and to automatically produce photographs, video or digital images of each vehicle violating a standard traffic control sign, signal or device.

(f) "Vehicle owner" is the person identified by the state department of safety as the registered owner of a vehicle.

(2) General. (a) The city police department or an agent of the department shall administer the traffic control photographic systems and shall maintain a list of system locations where traffic control photographic systems are installed.

(b) The city shall adopt procedures for the issuance of citations and warnings under this section. A citation or warning alleging that the violation of subsection (3) of this section occurred, sworn to or affirmed by officials or agents of the city, based on inspection of recorded images produced by a traffic control photographic system, shall be evidence of the facts contained therein and shall be admissible in any proceeding alleging a violation under this section. The citation or warning shall be forwarded by first-class mail to the owner's address as given on the motor vehicle

registration. Personal service of process on the owner shall not be required.

(c) Signs to indicate the use of traffic control photographic systems shall be clearly posted.

(3) Offense. (a) It shall be unlawful for a vehicle to cross the stop line at a system location per § 15-303 (Obedience to official traffic-control devices) specified in chapter 3, traffic control devices, § 15-303. Obedience to official traffic-control devices. The driver of any vehicle shall obey the instructions of any official traffic-control device applicable thereto placed in accordance with the provisions of this chapter, unless otherwise directed by a traffic or police officer, subject to the exceptions granted the driver of an authorized emergency vehicle in this chapter. Or for a vehicle to violate any other traffic regulation, to include speeding violations as specified in § 15-401 (maximum speed limit generally) specified in chapter 4, speed restrictions of the Code of Ordinances of the City of Morristown, Tennessee. 15-401. Maximum speed limit generally. It shall be unlawful for any person to operate or drive any vehicle upon any highway or street of this city in excess of thirty (30) miles per hour except on certain special highways, bypasses, or similar roads when a different speed limit is posted. The city administrator may authorize a greater speed or require a lower speed if appropriate signs are posted. Any such alteration of speed limits by the city administrator shall be approved by resolution of the city council. (1979 Code, § 9-301)

(b) A person who receives a citation under subsection (3) may:

(i) Pay the civil penalty, in accordance with instructions on the citation, directly to the city court; or

(ii) Elect to contest the citation for the alleged violation.

(c) The owner of a vehicle shall be responsible for a violation under this section, except when he can provide evidence that the vehicle was in the care, custody, or control of another person at the time of the violation, as described in subsection (3)(d) of this section, in which circumstance the person who had the care, custody, and control of the vehicle at the time of the violation shall be responsible.

(d) Notwithstanding subsection (3)(d) of this section, the owner of the vehicle shall not be responsible for the violation if, on the designated court date, he furnishes the city court:

(i) An affidavit by him stating the name and address of the person or entity who leased, rented, or otherwise had the care, custody, and control of the vehicle at the time of the violation; or

(ii) An affidavit by him stating that, at the time of the violation, the vehicle involved was stolen or was in the care, custody, or control of some person who did not have his permission to use the vehicle.

(4) Penalty. (a) Any violation of subsection (3) of this section shall subject the responsible person or entity to a civil penalty of not less than fifty dollars (\$50.00), without assessment of court costs or fees. Failure to pay the civil penalty or appear in court to contest the citation on the designated date shall subject the responsible person or entity to assessment of court costs and fees as set forth in this chapter and chapter 1, (city court), § 3-108, (Litigation tax and collection of court costs) of the code of ordinances. 3-108. Litigation tax and collection of court costs. Except as otherwise specifically provided in this code or other ordinances of the city, there is hereby levied on all actions arising in city court a local litigation tax, in the maximum amount allowed by state law. The proceeds from the taxes herein levied shall accrue to the general fund of the city. Further, the clerk of the city court shall collect costs of court allowable under the laws of this state in the manner and amount as set forth under the provisions of Tennessee Code Annotated, § 8-21-401, et seq. (As added by Ord. #3001, July 1999)

The city may establish procedures for the trial of civil violators, and the collection of civil penalties and may enforce the penalties by a civil action in the nature of a debt.

(b) If the person or entity receiving the summons or citation is in violation of this section solely by virtue of ownership of the vehicle and not as a result of the operation of the vehicle, such violation shall not be considered a violation of a law regulating the operation of vehicles on highways and may not be recorded by the police department or the state department of safety on the driving record of the owner of the vehicle. If the person or entity receiving the summons or citation is found by the court to be the responsible person by virtue of operation of the vehicle, even if such person or entity is also the registered owner of such vehicle, such violation shall be recorded by the police department and reported to the department of safety, unless the responsible person is granted a diversion such as defensive driving school, driver education, or improvement course and successfully completed the same and completes all other requirements as ordered by the court. (as added by Ord. #3339, Aug. 2008)

CHAPTER 4

SPEED RESTRICTIONS

SECTION

15-401. Maximum speed limit generally.

15-402. Speed limits at intersections.

15-403. In school zones.

15-404. Speed limit in congested areas.

15-405. Regulation of speed by traffic signals.

15-401. Maximum speed limit generally. It shall be unlawful for any person to operate or drive any vehicle upon any highway or street of this city in excess of thirty (30) miles per hour except on certain special highways, bypasses, or similar roads when a different speed limit is posted. The city administrator may authorize a greater speed or require a lower speed if appropriate signs are posted. Any such alteration of speed limits by the city administrator shall be approved by resolution of the city council. (1979 Code, § 9-301)

15-402. Speed limits 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 through street or on one regulated by traffic control signals or signs which require traffic to stop or to yield on the intersecting streets. (1979 Code, § 9-302)

15-403. 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.

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. (1979 Code, § 9-303)

15-404. Speed limit 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 fifteen miles per hour when official signs indicating such speed limit have been posted by the city administrator. (1979 Code, § 9-304)

15-405. Regulation of speed by traffic signals. The city administrator is authorized to regulate the timing of traffic signals so as to permit the movement of traffic in an orderly and safe manner at speeds slightly at variance from the speeds otherwise applicable within the district or at intersections, and shall erect appropriate signs giving notice thereof. (1979 Code, § 9-305)

CHAPTER 5

TURNING MOVEMENTS

SECTION

15-501. Required position and method of turning at intersections.

15-502. Authority to place and obedience to turning markers.

15-503. Authority to place restricted turn signs.

15-504. Obedience to no-turn signs.

15-505. Limitations on turning around.

15-501. Required position and method of turning at intersections. The driver of a vehicle intending to turn at an intersection shall do so as follows:

(1) 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.

(2) 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 such center line where it enters the intersection and after entering the intersection the left turn shall be made so as to leave the intersection to the right of the center line of the roadway being entered. Whenever practicable, the left turn shall be made in that portion of the intersection to the left of the center of the intersection.

(3) 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. (1979 Code, § 9-401)

15-502. Authority to place and obedience to turning markers. The chief of police is authorized to place markers, buttons, or signs within or adjacent to intersections indicating the course to be traveled by vehicles turning at such intersections, and such course to be traveled as so indicated may conform to or be other than as prescribed by law, this code, or ordinance of this city.

When authorized markers, buttons, or other indications are placed within an intersection indicating the course to be traveled by vehicles turning thereat, no driver of a vehicle shall disobey the directions of such indications. (1979 Code, § 9-402)

15-503. Authority to place restricted turn signs. The city administrator is hereby authorized to determine those intersections at which drivers of vehicles shall not make a right or left turn, and shall place proper signs at such intersections. The making of such turns may be prohibited between certain hours of any day and permitted at other hours, in which event the same shall be plainly indicated on the signs, or they may be removed when such turns are permitted. (1979 Code, § 9-403)

15-504. Obedience to no-turn signs. Whenever authorized signs are erected indicating that no right or left turn is permitted, no driver of a vehicle shall disobey the directions of any such sign. (1979 Code, § 9-404)

15-505. Limitations on turning around. The driver of any vehicle shall not turn such vehicle so as to proceed in the opposite direction upon any street in a business district and shall not upon any other street so turn a vehicle unless such movement can be in safety and without interfering with other traffic. (1979 Code, § 9-405)

CHAPTER 6

STOPPING AND YIELDING

SECTION

- 15-601. Operation of vehicles on approach of authorized emergency vehicles.
- 15-602. Intersections where stop or yield required.
- 15-603. Stop signs and yield signs.
- 15-604. Vehicles entering stop intersections.
- 15-605. Vehicles entering yield intersections.
- 15-606. Stop before entering intersection or crosswalk when traffic obstructed.
- 15-607. Stop when emerging from alley, driveway, or building.

15-601. Operation of vehicles on approach of authorized emergency vehicles.¹ Upon the immediate approach of an authorized emergency vehicle making use of audible and visual signals meeting the requirements of the laws of this state or of a police vehicle properly and lawfully making use of an audible signal only, the driver of every other vehicle shall yield the right of way and 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.

This section shall not operate to relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the highway. (1979 Code, § 9-115)

15-602. Intersections where stop or yield required. The city administrator is hereby authorized to determine and designate intersections where particular hazards exist and to determine whether vehicles shall stop at one or more entrances to any such intersection, in which event he shall cause to be erected a stop sign at every such place where a stop is required; or, whether vehicles shall yield the right of way to vehicles on a different street at such intersection as prescribed in subsection (1) of § 15-605, in which event he shall cause to be erected a yield sign at every place where obedience thereto is required. (1979 Code, § 9-501)

15-603. Stop signs and yield signs. (1) Every stop sign shall bear the word "Stop" in letters not less than eight inches in height. Every yield sign shall bear the word "Yield" in letters not less than seven inches in height.

¹Municipal code reference

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

(2) Every stop sign and every yield sign shall be erected as near as practicable to the nearest line of the crosswalk on the near side of the intersection; or, if there is no crosswalk, then as near as practicable to the nearest line of the intersecting roadway. (1979 Code, § 9-502)

15-604. Vehicles entering stop intersections. (1) Except when directed to proceed by a police officer or traffic-control signal, every driver of a vehicle approaching a stop intersection indicated by a stop sign shall stop before entering the crosswalk on the near side of the intersection; or, in the event there is no crosswalk, shall stop at a clearly marked stop line, but if none, then at the point nearest the intersection roadway where the driver has a view of approaching traffic on the intersecting roadway before entering the intersection.

(2) Such driver, after having stopped, shall yield the right of way to any vehicle which has entered the intersection from another highway or which is approaching so closely on such highway as to constitute an immediate hazard, but such driver having so yielded may proceed and the drivers of all other vehicles approaching the intersection shall yield the right of way to the vehicle proceeding. (1979 Code, § 9-503)

15-605. Vehicles entering yield intersections. (1) The driver of a vehicle approaching a yield sign shall, in obedience to such sign, slow down to a speed reasonable for the existing conditions, or shall stop, if necessary, and shall yield the right of way to any pedestrian legally crossing the roadway on which he is driving, and to any vehicle in the intersection or approaching on another highway so closely as to constitute an immediate hazard. Such driver, having so yielded, may proceed, and the drivers of all other vehicles approaching the intersection shall yield to the vehicle so proceeding; provided, that a driver who enters a yield intersection without stopping and has or causes a collision with a pedestrian in a crosswalk or a vehicle in the intersection shall prima facie be considered not to have yielded as required by this section. The foregoing shall not relieve the drivers of other vehicles approaching the intersection at such distance as not to constitute an immediate hazard from the duty to drive with due care to avoid a collision.

(2) The driver of a vehicle approaching a yield sign, if required for safety to stop, shall stop before entering the crosswalk on the rear side of the intersection; or, in the event there is no crosswalk at a clearly marked stop line, but if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway. (1979 Code, § 9-504)

15-606. Stop before entering intersection or crosswalk when traffic obstructed. No driver shall enter any intersection or marked crosswalk unless there is sufficient space on the other side of the intersection or crosswalk to accommodate the vehicle he is operating without obstructing the passage of

other vehicles or pedestrians, notwithstanding any traffic control signal indication to proceed. (1979 Code, § 9-118)

15-607. Stop when emerging from alley, driveway, or building. The driver of a vehicle within a business or residence district emerging from an alley, driveway, or building shall stop such vehicle immediately prior to driving onto a sidewalk or onto the sidewalk area extending across any alleyway or driveway and shall yield the right of way to any pedestrian as may be necessary to avoid collision, and upon entering the roadway shall yield the right of way to all vehicles approaching on such roadway. (1979 Code, § 9-134)

CHAPTER 7

PEDESTRIANS' RIGHTS AND DUTIES

SECTION

- 15-701. Pedestrians subject to traffic-control signals.
- 15-702. Right of way in crosswalks.
- 15-703. Crossing at right angles.
- 15-704. When pedestrians shall yield right of way.
- 15-705. Prohibited crossings.
- 15-706. Obedience of pedestrians to railroad signals.
- 15-707. Walking along roadways.
- 15-708. Soliciting rides or business.
- 15-709. Use of white canes.
- 15-710. Drivers to use due care.

15-701. Pedestrians subject to traffic-control signals. Pedestrians shall be subject to traffic-control signals, as provided in §§ 15-305 and 15-306, but at all other places pedestrians shall be granted those rights and be subject to the restrictions stated in this chapter. (1979 Code, § 9-601)

15-702. Right of way in crosswalks. (1) When traffic-control signals are not in place or not in operation, the driver of a vehicle shall yield the right of way, slowing down or stopping if need be to so yield, to a pedestrian crossing the roadway within a crosswalk when the pedestrian is upon the half of the roadway upon which the vehicle is traveling, or when the pedestrian is approaching so closely from the opposite half of the roadway as to be in danger.

(2) No pedestrian shall suddenly leave a curb or other place of safety and walk or run into the path of a vehicle which is so close that it is impossible for the driver to yield.

(3) Subsection (1) of this section shall not apply under the conditions stated in subsection (2) of § 15-704.

(4) Whenever any vehicle is stopped at a marked crosswalk or at any unmarked crosswalk at an intersection to permit a pedestrian to cross the roadway, the driver of any other vehicle approaching from the rear shall not overtake and pass such stopped vehicle.

(5) Pedestrians shall move, whenever practicable, upon the right half of crosswalks. (1979 Code, § 9-602)

15-703. Crossing at right angles. No pedestrian shall cross a roadway at any place other than by a route at right angles to the curb or by the shortest route to the opposite curb, except in a crosswalk. However, at intersections where traffic-control signals have traffic stopped in all directions, these provisions shall not apply to pedestrians crossing within the area common to both intersecting roadways. (1979 Code, § 9-603)

15-704. When pedestrians shall yield right of way. (1) Every pedestrian crossing a roadway at any point other than within a marked crosswalk or within an unmarked crosswalk at an intersection shall yield the right of way to all vehicles upon the roadway.

(2) Any pedestrian crossing a roadway at a point where a pedestrian tunnel or overhead pedestrian crossing has been provided shall yield the right of way to all vehicles upon the roadway.

(3) The foregoing rules in this section have no application under the conditions stated in § 15-705 when pedestrians are prohibited from crossing at certain designated places. (1979 Code, § 9-604)

15-705. Prohibited crossings. (1) Between adjacent intersections at which traffic-control signals are in operation, pedestrians shall not cross at any place except in a crosswalk.

(2) No pedestrian shall cross a roadway other than in a crosswalk in any business district. (1979 Code, § 9-605)

15-706. Obedience of pedestrians to railroad signals. No pedestrian shall pass through, around, over, or under any crossing gate or barrier at a railroad grade crossing or bridge while such gate or barrier is closed or is being opened or closed. (1979 Code, § 9-606)

15-707. Walking along roadways. (1) Where sidewalks are provided, it shall be unlawful for any pedestrian to walk along and upon an adjacent roadway.

(2) Where sidewalks are not provided, any pedestrian walking along and upon a highway shall, when practicable, walk only on the left side of the roadway or its shoulder facing traffic which may approach from the opposite direction. (1979 Code, § 9-607)

15-708. Soliciting rides or business. (1) No person shall stand in a roadway for the purpose of soliciting a ride, employment, or business from the occupant of any vehicle.

(2) No person shall stand on or in proximity to a street or highway for the purposes of soliciting the watching or guarding of any vehicle while parked or about to be parked on a street or highway. (1979 Code, § 9-608)

15-709. Use of white canes. No person, unless totally or partially blind or otherwise incapacitated, while on any public street or thoroughfare, shall carry in any raised or extended position any cane or similar walking stick colored white or white tipped with red.

Whenever any pedestrian, guided by a guide dog, or carrying, in any raised or extended position, a cane or similar stick white in color or white tipped with red, shall undertake to cross any public street in the city, the driver of

every vehicle approaching such pedestrian shall bring such vehicle to a complete stop and, before proceeding, shall take all precautions necessary to avoid injuring such pedestrian; provided that nothing in this section shall be construed as making any person totally or partially blind or otherwise incapacitated guilty of contributory negligence in undertaking to cross any street without being guided by a trained dog or carrying a cane or stick of the type mentioned in this section. (1979 Code, § 9-609)

15-710. Drivers to exercise due care. Notwithstanding the provisions of this chapter, every driver of a vehicle shall exercise due care to avoid colliding with any pedestrian upon any roadway and shall give warning by sounding the horn when necessary and shall exercise proper precaution upon observing any child or any confused or incapacitated person upon a roadway. (1979 Code, § 9-610)

CHAPTER 8

STOPPING, STANDING, AND PARKING GENERALLY¹

SECTION

- 15-801. Standing or parking close to curb.
- 15-802. Angle parking.
- 15-803. Permits for loading or unloading at angle to curb.
- 15-804. Lamps on parked vehicles.
- 15-805. Stopping, standing, or parking prohibited in certain places.
- 15-806. Moving vehicles into prohibited areas or away from curb.
- 15-807. Parking not to obstruct traffic.
- 15-808. Parking in alleys.
- 15-809. Parking for certain purposes prohibited.
- 15-810. Parking adjacent to schools.
- 15-811. Parking on narrow, etc., streets.
- 15-812. Standing or parking on one-way roadways.
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- 15-824. Parking signs required:
- 15-825. Regulations not exclusive.
- 15-826. Applicability of chapter.
- 15-827. Moving from a stopped or parked position.
- 15-828. Handicapped parking.
- 15-829. Violation.

¹Charter references

Off-street parking: §5(24).

Parking spaces: § 5(34).

Emergency vehicle parking spaces: § 5(34).

15-801. Standing or parking close to curb. Except as otherwise provided in this chapter, every vehicle stopped or parked upon a roadway where there are adjacent curbs shall be so stopped or parked with the right-hand wheels of such vehicle parallel to and within eighteen inches of the right-hand curb.

On one-way streets where the city administrator has placed signs permitting 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. (1979 Code, § 9-701)

15-802. Angle parking. The city administrator shall determine upon what streets angle parking shall be permitted and shall mark or sign such streets, but such angle parking shall not be indicated upon any federal-aid or state highway within this city unless the state department of highways has determined that the roadway is of sufficient width to permit angle parking without interfering with the free movement of traffic.

Angle parking shall not be indicated or permitted at any place where passing traffic would thereby be caused or required to drive upon the left side of the street.

On those streets which have been signed or marked by the city administrator for angle parking, no person shall park or stand a vehicle other than at the angle to the curb or edge of the roadway indicated by such signs or markings. (1979 Code, § 9-702)

15-803. Permits for loading or unloading at angle to curb. The city administrator may issue special permits to permit the backing of a vehicle to the curb for the purpose of loading or unloading merchandise or materials subject to the terms and conditions of such permit. Such permits may be issued either to the owner or lessee of real property or to the owner of the vehicle and shall grant to such person the privilege as therein stated and authorized in this section. It shall be unlawful for any permittee or other person to violate any of the special terms or conditions of any such permit. (1979 Code, § 9-703)

15-804. Lamps on parked vehicles. (1) Whenever a vehicle is lawfully parked upon a street or highway during the hours between a half hour after sunset and half hour before sunrise, and in the event there is sufficient light to reveal any person or object within a distance of five hundred feet upon such street or highway, no lights need be displayed upon such parked vehicle.

(2) Whenever a vehicle is parked or stopped upon a roadway or shoulder adjacent thereto, whether attended or unattended, during the hours between a half hour after sunset and half hour before sunrise, and there is not sufficient light to reveal any person or object within a distance of five hundred feet upon such highway, such vehicle so parked or stopped shall be equipped with one or more lamps meeting the following requirements: At least one lamp shall display a white or amber light visible from a distance of five hundred feet

to the front of the vehicle, and the same lamp or at least one other lamp shall display a red light visible from a distance of five hundred feet to the rear of the vehicle. The location of such lamp shall always be such that at least one lamp or combination of lamps meeting the requirements of this section is installed as near as practicable to the side of the vehicle which is closest to passing traffic. The foregoing provisions shall not apply to a motor-driven cycle.

(3) Any lighted head lamps upon a parked vehicle shall be depressed or dimmed. (1979 Code, § 9-704)

15-805. Stopping, standing, or parking prohibited in certain places. No person shall stop, stand, or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with law or the directions of a police officer or traffic-control device, in any of the following places:

- (1) On a sidewalk.
- (2) In front of a public or private driveway.
- (3) Within an intersection.
- (4) Within eight feet of a fire hydrant.
- (5) On a crosswalk.
- (6) Within twenty feet of a crosswalk at an intersection.
- (7) Within thirty feet upon the approach of any flashing beacon, stop sign, or traffic-control signal located at the side of a roadway.
- (8) Between a safety zone and the adjacent curb or within thirty feet of points on the curb immediately opposite the ends of a safety zone, unless the city administrator indicated a different length by signs or markings.
- (9) Within twenty-five feet of the nearest rail of a railroad crossing.
- (10) Alongside or opposite any street excavation or obstruction when stopping, standing, or parking would obstruct traffic.
- (11) On the roadway side of any vehicle stopped or parked at the edge or curb of a street.
- (12) Upon any bridge or other elevated structure upon a highway or within a highway tunnel.
- (13) At any place where official signs prohibit stopping. (1979 Code, § 9-705)

15-806. Moving vehicles into prohibited areas or away from curb. No person shall move a vehicle not lawfully under his control into any such prohibited area or away from a curb such distance as is unlawful. (1979 Code, § 9-706)

15-807. Parking not to obstruct traffic. No person shall park any vehicle upon a street, other than an alley, in such a manner or under such conditions as to leave available less than ten feet of the width of the roadway for free movement of vehicular traffic. (1979 Code, § 9-707)

15-808. Parking in alleys. No person shall park a vehicle within an alley in such a manner or under such conditions as to leave available less than ten feet of the width of the roadway for the free movement of vehicular traffic, and no person shall stop, stand, or park a vehicle within an alley in such position as to block the driveway entrance to any abutting property. (1979 Code, § 9-708)

15-809. Parking for certain purposes prohibited. No person shall park a vehicle upon a roadway for the principal purpose of:

- (1) Displaying such vehicle for sale.
- (2) Washing, greasing, or repairing such vehicle except for repairs necessitated by an emergency. (1979 Code, § 9-709)

15-810. Parking adjacent to schools. The city administrator may erect signs indicating no parking upon either or both sides of any street adjacent to any school property when such parking would, in his opinion, interfere with traffic or create a hazardous situation. When official signs are erected indicating no parking upon either side of a street adjacent to any school property, as authorized in this section, no person shall park a vehicle in any such designated place. (1979 Code, § 9-710)

15-811. Parking on narrow, etc., streets. The city administrator is hereby authorized to erect signs indicating no parking upon any street when the width of the roadway does not exceed twenty feet, or upon any other street when deemed necessary to expedite the movement of traffic. When official signs prohibiting parking are erected upon streets as authorized in this section, no person shall park a vehicle upon any such street in violation of any such sign. (1979 Code, § 9-711)

15-812. Standing or parking on one-way roadways. In the event a highway includes two or more separate roadways and traffic is restricted to one direction upon any such roadway, no person shall stand or park a vehicle upon the left-hand side of such one-way roadway unless signs are erected to permit such standing or parking. The city administrator is authorized to determine when standing or parking may be permitted upon the left-hand side of any such one-way roadway and to erect signs giving notice thereof. (1979 Code, § 9-712)

15-813. Stopping, standing, or parking prohibited near hazardous or congested places. The city administrator is hereby authorized to determine and designate by proper signs areas in which the stopping, standing, or parking of vehicles would create an especially hazardous condition or would cause unusual delay to traffic. When official signs are erected at hazardous or congested places, as authorized in this section, no person shall stop, stand, or park a vehicle in any such designated place. (1979 Code, § 9-713)

15-814. Designation of curb loading zones. The city administrator is hereby authorized to determine the location of passenger and freight curb loading zones and shall place and maintain appropriate signs indicating the same and stating the hours during which the provisions of this section are applicable. (1979 Code, § 9-714)

15-815. Parking, etc., in passenger curb loading zone. No person shall stop, stand, or park a vehicle for any purpose or period of time other than for the expeditious loading or unloading of passengers in any place marked as a passenger curb loading zone during hours when the regulations applicable to such curb loading zone are effective, and then only for a period not to exceed three minutes. (1979 Code, § 9-715)

15-816. Parking, etc., in freight curb loading zone. (1) No person shall stop, stand, or park a vehicle for any purpose or length of time, other than for the expeditious unloading and delivery or pick-up and loading of materials, in any place marked as a freight curb loading zone during hours when the provisions applicable to such zones are in effect. In no case shall the stop for loading and unloading of materials exceed thirty minutes.

(2) The driver of a passenger vehicle may stop temporarily at a place marked as a freight curb loading zone for the purpose of and while actually engaged in loading or unloading passengers when such stopping does not interfere with any motor vehicle used for the transportation of materials which is waiting to enter or about to enter such zone. (1979 Code, § 9-716)

15-817. Designation of public carrier stops and stands.¹ The city administrator shall establish bus stops, bus stands, taxicab stands, and stands for other passenger common-carrier motor vehicles on such public streets in such places and in such number as he shall determine to be of the greatest benefit and convenience to the public. Every such bus stop, bus stand, taxicab stand, or other stand shall be designated by the chief of police by appropriate signs. (1979 Code, § 9-717)

15-818. Stopping, standing, and parking of buses and taxicabs regulated. (1) The operator of a bus shall not stand or park such vehicle upon any street at any place other than a bus stand designated as provided in this chapter.

(2) The operator of a bus shall not stop such vehicle upon any street at any place for the purpose of loading or unloading passengers or their baggage other than at a bus stop, bus stand or passenger loading zone designated as provided in this chapter, except in case of an emergency.

¹Municipal code reference

Taxicab regulations: title 9, chapter 14.

(3) The operator of a bus shall enter a bus stop, bus stand, or passenger loading zone on a public street in such a manner that the bus, when stopped to load or unload passengers or baggage, shall be in a position with the right front wheel of such vehicle not further than eighteen inches from the curb, and the bus shall be approximately parallel to the curb, so as not to unduly impede the movement of other vehicular traffic.

(4) The operator of a taxicab shall not stand or park such vehicle upon any street at any place other than in a taxicab stand designated as provided in this chapter. This provision shall not prevent the operator of a taxicab from temporarily stopping in accordance with other stopping or parking regulations at any place for the purpose of and while actually engaged in the expeditious loading or unloading of passengers. (1979 Code, § 9-718)

15-819. Restricted use of bus and taxicab stands.¹ No person shall stop, stand, or park a vehicle other than a bus in a bus stop or other than a taxicab in a taxicab stand, when any such stop or stand has been officially designated and appropriately signed; provided, that the driver of a passenger vehicle may temporarily stop therein for the purpose of and while actually engaged in loading or unloading passengers when such stopping does not interfere with any bus or taxicab waiting to enter or about to enter such zone. (1979 Code, § 9-719)

15-820. Parking of wide trucks, etc., on streets prohibited. No person shall park any vehicle which has an overall width in excess of six feet ten inches, measured at the widest point thereof, upon any of the public streets, alleys, or other thoroughfares of the city at any time for any purpose except for loading and unloading, which loading and unloading shall be accomplished within a reasonable time. It is the intent and purpose of this section to prohibit the parking and leaving unattended of large trucks and trailers upon the streets of the city, except for loading and unloading which shall be done in a reasonable manner and within a reasonable time, to the end that free passage of vehicles along the streets shall not be obstructed. (1979 Code, § 9-720)

15-821. Parking prohibited at all times on certain streets. When signs are erected giving notice thereof, no person shall park a vehicle at any time within any area designated as a no parking zone by the city administrator. (1979 Code, § 9-721)

15-822. Parking prohibited during certain hours on certain streets. When signs are erected giving notice thereof, no person shall park a vehicle

¹Municipal code reference

Taxicab regulations: title 9, chapter 14.

between the hours specified on any street designated by the city administrator. (1979 Code, § 9-722)

15-823. Stopping, standing, or parking prohibited during certain hours on certain streets. When signs are erected giving notice thereof, no person shall stop, stand, or park a vehicle between the hours specified on any street designated by the city administrator. (1979 Code, § 9-723)

15-824. Parking signs required. Whenever by this code or any other ordinance of this city, any parking time limit is imposed or parking is prohibited on designated streets, it shall be the duty of the city administrator to erect appropriate signs giving notice thereof. No such regulations shall be effective unless such signs are erected and in place at the time of any alleged offense. (1979 Code, § 9-724)

15-825. Regulations not exclusive. The provisions of this chapter imposing time limits on parking shall not relieve any person from the duty to observe other and more restrictive provisions prohibiting or limiting the stopping, standing, or parking of vehicles in specified places or at specified times. (1979 Code, § 9-725)

15-826. Applicability of chapter. The provisions of this chapter prohibiting the standing or parking of a vehicle shall apply at all times or at those times specified in this chapter or as indicated on official signs, except when it is necessary to stop a vehicle to avoid conflict with other traffic or in compliance with the directions of a police officer or official traffic-control device. (1979 Code, § 9-726)

15-827. Moving from a stopped or parked position. Any driver of any motor vehicle, which has stopped or parked, shall place such motor vehicle in motion in a safe and proper manner.

Any driver of a motor vehicle that places a vehicle in motion in such a manner that the vehicle breaks traction, fish tails, or otherwise is out of control, will be in violation of this chapter. (Ord. #____, Aug. 11, 1988)

15-828. Handicapped parking. (1) Definitions. For the purposes of interpreting and enforcing this section, the following definitions shall apply:

(a) "Handicapped driver" is one who is disabled by paraplegia, amputation of leg or foot or both hands, or is disabled by loss of use of a leg, foot or both hands, or other condition, certified to by a physician duly licensed to practice medicine, resulting in an equal degree of disability (specifying the particular condition) so as not to be able to get about without great difficulty including impairments that, regardless of cause or manifestation, confine such person to a wheel chair or cause such

person to walk with difficulty or insecurity and includes, but is not limited to, those persons using braces or crutches, arthritics, spastics and those with pulmonary or cardiac ailments who may be semiambulatory;

(b) "Handicapped driver" also includes the owner of a motor vehicle with a vision of not more than 20/200 with correcting glasses; and

(c) "Handicapped passenger" is a person who meets the requirements for handicapped drivers established in (a) and (b) above.

(d) "Handicapped parking space" is parking space clearly marked with the stylized wheelchair symbol designated and authorized by Tennessee Code Annotated, §§ 55-21-105 and 106. The marking shall at a minimum include a sign on a pole. After July 1, 1992, signs designating handicapped parking shall indicate that unauthorized or improperly parked vehicles may be towed and the driver fined one hundred dollars (\$100), and shall also provide the name and phone number of the towing company or the name and phone number of the property owner, lessee or agent in control of the property. However, nonconforming markings or signs shall be acceptable during the useful life of such markings or signs, which may not be extended by other than normal maintenance, as long as such markings or signs provide reasonable notice of the specially marked parking space.

(2) Parking in handicapped parking spaces restricted. No person shall park a vehicle of any kind or description in a handicapped parking space unless he or she meets both of the following conditions:

(a) The person driving the vehicle is a handicapped driver, or is parking such vehicle for the benefit of a handicapped passenger; and

(b) The vehicle parking in a handicapped parking space displays at least one of the three following forms of identification:

(i) The distinctive license plates bearing the stylized wheelchair symbol prescribed by Tennessee Code Annotated, § 55-21-104 and officially issued by the Tennessee Department of Revenue under the authority of Tennessee Code Annotated, § 55-21-103;

(ii) The distinctive license plates bearing the words "Disabled Veteran" and a license number composed of the prefix "DV" and the unique identifying number, as prescribed by Tennessee Code Annotated, § 55-21-104 and 55-4-237, and officially issued by the Tennessee Department of Revenue under the authority of Tennessee Code Annotated, § 55-21-103.

(iii) The distinguishing placard prescribed, and issued by the Tennessee Department of Revenue, under the authority of Tennessee Code Annotated, § 55-21-103, which shall be displayed on the dashboard of the vehicle on the driver's side.

(3) No person shall park a motor vehicle so that a portion of such vehicle encroaches into a handicapped parking space in a manner which

restricts, or reasonably could restrict, a person confined to a wheelchair from exiting or entering a motor vehicle property parked within such handicapped parking space.

(4) Placard subject to confiscation. If a law enforcement officer observes a violation of subsection (2) above, the officer may confiscate the handicapped placard. To recover the placard, a driver must demonstrate by a preponderance of the evidence that he or she was in compliance with subsection (2) at the time of the confiscation. (as added by Ord. #2759, § 1, July 1994)

15-829. Violation. It shall be unlawful and a misdemeanor for any person to violation any provision of this chapter. Violations of this chapter shall be punished according to the penalty prescribed in this title, chapter 13.

In addition, a vehicle which does not display a disabled license plate or placard as prescribed by § 15-828 above, and which is parked in a handicapped parking space designated with the wheelchair disabled sign, is subject to being towed or removed. When such a vehicle has been towed or removed pursuant to this paragraph, it shall be released to its owner, or person in lawful possession, upon demand, provided that such person making demand for return pays all reasonable towing and storage charges and that such demand is made during the operating hours of the towing company. (as added by Ord. #2759, § 1, July 1994)

CHAPTER 9

PARKING METERS

SECTION

- 15-901. Definitions.
- 15-902. Authority of city administrator over meters generally.
- 15-903. Contracts for purchase, maintenance, etc., of meters.
- 15-904. Purpose of parking meter fees.
- 15-905. Designation of meter zones and locations.
- 15-906. Installation of meters; establishment of time limitations for parking.
- 15-907. Marking of meter spaces; parking vehicles within meter spaces.
- 15-908. Vehicles to be parked with foremost part of vehicles near meters.
- 15-909. Deposit of coins in meters.
- 15-910. Lawful occupation of meter spaces; overtime parking.
- 15-911. Permitting vehicles to be parked overtime or where time on meter has expired.
- 15-912. Parking trucks to load or unload freight.
- 15-913. Use of slugs, etc., prohibited.
- 15-914. Injury, destruction of, tampering with, etc., parking meters.
- 15-915. Reports of violations; attachment of tickets to vehicles in violation of chapter; penalties.

15-901. Definitions. For the purpose of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

- (1) "Operator." Every individual who shall operate a vehicle as the owner thereof or as agent, employee, or permittee of the owner.
- (2) "Street." Any public street, avenue, road, boulevard, highway, or other public place located in the city and established for the use of vehicles.
- (3) "Vehicle." Any device in, upon, or by which any person or property is or may be transported upon a highway, except a device which is operated upon rails or tracks. (1979 Code, § 9-801)

15-902. Authority of city administrator over meters generally. The city administrator shall provide for the installation, regulation, control, operation, and use of the parking meters provided for in this chapter and shall maintain such meters in good working condition. (1979 Code, § 9-802)

15-903. Contracts for purchase, maintenance, etc., of meters. The city administrator is hereby invested with power and authority, with the mayor and recorder, to enter into a contract, after approval of the terms and conditions thereof by the city council, for the purchase and installation of parking meters, to be provided for solely from the receipts, funds, and revenue obtained from the

operation of such parking meters, without in any manner obligating the city to pay for the same from any other source. The mayor and recorder are further authorized and empowered to enter into contracts, after approval of the terms and conditions thereof by the city council, for such protection and maintenance of such parking meters as may be necessary to maintain the same in good operating condition, and to pay for such parts, protection, and maintenance exclusively from the receipts, funds, and revenues received from the operation of such parking meters. (1979 Code, § 9-803)

15-904. Purpose of parking meter fees. The coins required to be deposited in parking meters, as provided in this chapter, are hereby levied and assessed as fees to provide for the proper regulation and control of traffic upon the public streets, the costs of supervision and regulating the parking of vehicles in the parking meter zones created hereby, and to cover the cost of purchase, supervision, protection, inspection, installation, operation, maintenance, control, and use of parking meters. (1979 Code, § 9-804)

15-905. Designation of meter zones and locations. The city administrator shall designate places and points on the streets for the erection and location of parking meters and shall also have the right to relocate such meters at any time. (1979 Code, § 9-805)

15-906. Installation of meters; establishment of time limitations for parking. In parking meter zones designated pursuant to this chapter, the city engineer or other person designated by the city council shall cause parking meters to be installed, shall cause parking meter spaces to be marked, and shall fix the time limitations for legal parking in such zones, not inconsistent with the time limitations of this code or other city ordinances. (1979 Code, § 9-806)

15-907. Marking of meter spaces; parking vehicles within meter spaces. The city engineer or other person designated by the city council shall have lines or markings painted or placed upon the curb or upon the street adjacent to each parking meter for the purpose of designating the parking space for which each parking meter is to be used. Each vehicle parked adjacent or next to any parking meter shall park within the line or marking so established. It shall be unlawful to park any vehicle across any such line or marking or to park such vehicle in such position that the same shall not be entirely in the area so designated by such lines or markings. (1979 Code, § 9-807)

15-908. Vehicles to be parked with foremost part of vehicle near meters. When a parking space in any parking meter zone is parallel with the adjacent curb or sidewalk or is diagonal to the curb or sidewalk, any vehicle parked in such parking space shall be parked so that the foremost part of such vehicle shall be nearest to the parking meter. (1979 Code, § 9-808)

15-909. Deposit of coins in meters. When any vehicle shall be parked in any space adjacent to which a parking meter is located in accordance with the provisions of this chapter, the operator of the vehicle shall, upon entering such parking space, immediately deposit or cause to be deposited a five cent coin of the United States or a one cent coin of the United States in such parking meter. Failure to deposit such five cent coin of the United States or a one cent coin of the United States shall constitute a violation of this section. (1979 Code, § 9-809)

15-910. Lawful occupation of meter spaces; overtime parking. Upon the deposit of five cent coin of the United States or a one cent coin of the United States and placing a parking meter in operation, the parking space adjacent to such meter may be lawfully occupied by such vehicle during the period of parking time which has been prescribed for the part of the street in which such parking space is located. If such vehicle shall remain parked in any such parking space beyond the parking time limit fixed for such parking, the parking meter shall by its dial and pointer indicate such illegal parking, and such vehicle shall be considered as parked overtime and beyond the period of legal parking, and the parking of a vehicle overtime or beyond the period of legal parking time in any such part of a street where any such meter is located, shall be in violation of this section. (1979 Code, § 9-810)

9-911. Permitting vehicles to be parked overtime or where time on meter has expired. It shall be unlawful for any person to cause, allow, permit, or suffer any vehicle registered in the name of or operated by such person to be parked overtime or beyond the period of legal parking time established for any parking meter zone.

It shall be unlawful for any person to permit a vehicle to remain or be placed in any parking space adjacent to any parking meter while such meter is displaying a signal indicating that the vehicle occupying such parking space has already been parked beyond the period of time prescribed for such parking space. (1979 Code, § 9-811)

15-912. Parking trucks to load or unload freight. None of the requirements of this chapter shall apply to trucks of any common carrier while stopping to load or unload freight in front of any building that has no adequate entrance other than a front entrance, nor to trucks owned by the occupants of any such building while unloading freight thereto. (1979 Code, § 9-812)

15-913. Use of slugs, etc., prohibited. It shall be unlawful to deposit or cause to be deposited in any parking meter any slug, device, or metallic substitute for a five cent or one cent coin of the United States. (1979 Code, § 9-813)

15-914. Injury, destruction of, tampering with, etc. parking meters. It shall be unlawful for any person to deface, injure, tamper with, open or willfully break, destroy, or impair the usefulness of any parking meter installed under the provisions of this chapter. (1979 Code, § 9-814)

15-915. Reports of violations; attachment of tickets to vehicles in violation of chapter; penalties. It shall be the duty of police officers of the city acting in accordance with instructions issued by the chief of police to report:

(1) The number of each parking meter which indicates the vehicle occupying the parking space adjacent to such parking meter is or has been parked in violation of any of the provisions of this chapter.

(2) The state license number of such vehicle.

(3) The length of time during which such vehicle is parked in violation of any of the provisions of this chapter.

(4) Any other facts, a knowledge of which is necessary to a thorough understanding of the circumstances attending such violation.

Each police officer shall also attach to such vehicle a notice to the owner thereof that such vehicle has been parked in violation of a provision of this chapter and instructing such owner to report at the office of the city court in regard to such violation. Each such owner may within twenty-four hours of the time when such notice was attached to such vehicle pay into the city court as a penalty for and in full satisfaction of such violation the sum of one dollar. In the event such owner fails to pay such amount within such twenty-four hour period, such owner may pay the amount of two dollars into such city court as a penalty for and in full satisfaction of such violation within ten days of attachment. The failure of such owner to make such payment to the city court within such twenty-four hour period in the amount of one dollar, or within ten days in the amount of two dollars shall render such owner subject to a penalty of up to fifty dollars, in the discretion of the city judge. (1979 Code, § 9-815)

CHAPTER 10

ACCIDENTS

SECTION

- 15-1001. Investigation by police department.
- 15-1002. Traffic accident studies.
- 15-1003. Traffic accident reports.
- 15-1004. Immediate notice of accident.
- 15-1005. Written report of accident.
- 15-1006. When driver unable to report.
- 15-1007. Garages to report.
- 15-1008. Public inspection of reports relating to accidents.

15-1001. Investigation by police department. It shall be the duty of the police department to investigate traffic accidents and to arrest and to assist in the prosecution of those persons charged with violations of law causing or contributing to such accidents. (1979 Code, § 9-901)

15-1002. Traffic accident studies. Whenever the accidents at any particular location become numerous, the police department shall conduct studies of such accidents and determine remedial measures. (1979 Code, § 9-902)

15-1003. Traffic accident reports. The police department shall maintain a suitable system of filing traffic accident reports. Accident reports or cards referring to them shall be filed alphabetically by location. (1979 Code, § 9-903)

15-1004. Immediate notice of accident. The driver of a vehicle involved in an accident resulting in injury to or death of any person or property damage to an apparent extent of fifty dollars or more shall immediately, by the quickest means of communication, give notice of such accident to the police department if such accident occurs within this city. (1979 Code, § 9-904)

15-1005. Written report of accident. The driver of a vehicle which is in any manner involved in an accident resulting in bodily injury to or death of any persons or total property damage to an apparent extent of fifty dollars or more shall, within ten days after such accident, forward a written report of such accident to the police department or a copy of any report he is required to forward to the state. The provisions of this section shall not be applicable when the accident has been investigated at the scene by a police officer while such driver was present thereat. (1979 Code, § 9-905)

15-1006. When driver unable to report. (1) Whenever the driver of a vehicle is physically incapable of giving immediate notice of an accident, as

required in § 15-1004, and there was another occupant in the vehicle at the time of the accident capable of doing so, such occupant shall give or cause to be given, the notice not given by the driver.

(2) Whenever the driver is physically incapable of making a written report of an accident as required in § 15-1005 and such driver is not the owner of the vehicle, then the owner of the vehicle involved in such accident shall within ten days after learning of the accident make such report not made by the driver. (1979 Code, § 9-906)

15-1007. Garages to report. The person in charge of any garage or repair shop to which is brought any motor vehicle which shows evidence of having been involved in an accident of which a report must be made to the state or which has been struck by a bullet or otherwise apparently involved in violence shall report the same to the police department within twenty-four hours after such motor vehicle is received, giving the engine number, registration number, and the name and address of the owner or operator of such vehicle, if known. (1979 Code, § 9-907)

15-1008. Public inspection of reports relating to accidents. (1) All accident reports made by persons involved in accidents or by garages shall be without prejudice to the individual so reporting, and shall be for the confidential use of the police department or other governmental agencies having use for the records for accident prevention purposes, or for the administration of the laws of this state relating to the deposit of security and proof of financial responsibility by persons driving or the owners of motor vehicles; except, that the identity of a person involved in an accident may be disclosed when such identity is not otherwise known or when such person denies his presence at such accident.

(2) All accident reports and supplemental information filed in connection with the administration of the laws of this state relating to the deposit of security or proof of financial responsibility shall be confidential and not open to general public inspection, nor shall copying of lists of such reports be permitted; provided, that such reports and supplemental information may be examined by any person named therein or by his representative designated in writing.

(3) No reports or information mentioned in this section shall be used as evidence in any trial, civil or criminal, arising out of an accident; except, that the police department shall furnish, upon demand of any party to such trial or upon demand of any court, a certificate showing that a specified accident report has or has not been made to the police department in compliance with law. (1979 Code, § 9-908)

CHAPTER 11

BICYCLES¹

SECTION

- 15-1101. Applicability of chapter.
- 15-1102. Responsibilities of parents and guardians.
- 15-1103. Traffic laws apply to persons riding bicycles.
- 15-1104. Obedience to traffic-control devices.
- 15-1105. Riding on permanent seats.
- 15-1106. Carrying excess number of persons.
- 15-1107. Manner of riding on roadways and bicycle paths.
- 15-1108. Speed.
- 15-1109. Emerging from alley or driveway.
- 15-1110. Carrying articles.
- 15-1111. Parking.
- 15-1112. Riding on sidewalks.
- 15-1113. Equipment.

15-1101. Applicability of chapter. The regulations set out in this chapter shall apply whenever a bicycle is operated upon any highway or upon any path set aside for the exclusive use of bicycles, subject to those exceptions stated in this chapter. (1979 Code, § 9-1001)

9-1102. Responsibilities of parents and guardians. Neither the parent of any child nor the guardian of any ward shall authorize or knowingly permit any such child or ward to violate any of the provisions of this chapter. (1979 Code, § 9-1002)

15-1103. Traffic laws apply to persons riding bicycles. Every person riding a bicycle upon a roadway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by the laws of this state declaring rules of the road applicable to vehicles or by the traffic laws of this city applicable to the driver of a vehicle, except as to special regulations in this chapter and except as to those provisions of laws and ordinances which by their nature can have no application. (1979 Code, § 9-1003)

15-1104. Obedience to traffic-control devices. (1) Any person operating a bicycle shall obey the instructions of official traffic-control signals, signs, and

¹Municipal code reference

Motorcycles and motor-driven cycles: § 15-123.

other control devices applicable to vehicles, unless other wise directed by a police officer.

(2) Whenever authorized signs are erected indicating that no right or left turn is permitted, no person operating a bicycle shall disobey the direction of any such sign, unless such person shall dismount the bicycle to make any such turn, in which event, such person shall then obey the regulations applicable to pedestrians. (1979 Code, § 9-1004)

15-1105. Riding on permanent seats. A person propelling a bicycle shall not ride other than astride a permanent and regular seat attached thereto. (1979 Code, § 9-1005)

15-1106. Carrying excess number of persons. No bicycle shall be used to carry more persons at one time than the number for which it is designed and equipped. (1979 Code, § 9-1006)

15-1107. Manner of riding on roadways and bicycle paths. (1) Every person operating a bicycle upon a roadway shall ride as near to the right side of the roadway as practicable, exercising due care when passing a standing vehicle or one proceeding in the same direction.

(2) Persons riding bicycles upon a roadway shall not ride more than two abreast; except on paths or parts of roadways set aside for the exclusive use of bicycles.

(3) Wherever a usable path for bicycles has been provided adjacent to a roadway, bicycle riders shall use such path and shall not use the roadway. (1979 Code, § 9-1007)

15-1108. Speed. No person shall operate a bicycle at a speed greater than is reasonable and prudent under the conditions then existing. (1979 Code, § 9-1008)

15-1109. Emerging from alley or driveway. The operator of a bicycle emerging from an alleyway, driveway, or building shall, upon approaching a sidewalk or the sidewalk area extending across any alleyway, yield the right of way to all pedestrians approaching on such sidewalk or sidewalk area; and, upon entering the roadway, shall yield the right of way to all vehicles approaching on such roadway. (1979 Code, § 9-1009)

15-1110. Carrying articles. No person operating a bicycle shall carry any package, bundle, or article which prevents the rider from keeping at least one hand upon the handle bars. (1979 Code, § 9-1010)

15-1111. Parking. No person shall park a bicycle upon a street other than upon the roadway against the curb or upon the sidewalk in a rack to

support the bicycle or against a building or at the curb, in such manner as to afford the least obstruction to pedestrian traffic. (1979 Code, § 9-1011)

15-1112. Riding on sidewalks. (1) No person shall ride a bicycle upon a sidewalk within a business district.

(2) No person fifteen or more years of age shall ride a bicycle upon any sidewalk within the city.

(3) Whenever any person is riding a bicycle upon a sidewalk, such person shall yield the right of way to any pedestrian and shall give audible signal before overtaking and passing such pedestrian. (1979 Code, § 9-1012)

15-1113. Equipment. (1) Lamps. Every bicycle, when in use at nighttime, shall be equipped with a lamp on the front which shall emit a white light visible from a distance of at least five hundred feet to the front and with a red reflector on the rear of a type which shall be visible from all distances from fifty feet to three hundred feet to the rear when directly in front of lawful upper beams of headlamps on a motor vehicle. A lamp emitting a red light visible from a distance of five hundred feet to the rear may be used in addition to the red reflector.

(2) Warning devices. No person shall operate a bicycle unless it is equipped with a bell or other device capable of giving a signal audible for a distance of at least one hundred feet; provided, that no bicycle shall be equipped with, nor shall any person use upon a bicycle, any siren or whistle.

(3) Brakes. Every bicycle shall be equipped with a brake which will enable the operator to make the braked wheel skid on dry, level, clean pavement. (1979 Code, § 9-1013)

CHAPTER 12

RAILROADS¹

SECTION

- 15-1201. Maintenance of crossings.
- 15-1202. Warning devices or flagmen may be required at crossings.
- 15-1203. Warning signals required at crossings equipped with gates.
- 15-1204. Obstruction of traffic.
- 15-1205. Company orders in violation of chapter.

15-1201. Maintenance of crossings. All railroad companies operating trains across the streets of the city shall lay and keep in good repair the pavement at all such street crossings. The surface of such pavement shall be on a level with the top of the rails of the tracks, and shall be laid between the rails and for a width of at least one foot on the outside of each outside rail of such tracks. The whole shall be laid so as to make a smooth and even surface. When two or more tracks are closer together than twenty feet, pavement shall be laid in the space between each track. (1979 Code, § 9-1101)

15-1202. Warning devices or flagmen may be required at crossings. When the city council shall deem it necessary for the safety of travel on the public streets of the city crossing a railroad, the city council shall, by resolution, declare its determination of such necessity and require the railroad company owning or maintaining the railroad tracks at such crossing to install and maintain the required warning devices or flagmen. The city recorder shall notify the railroad company operating or maintaining the railroad tracks at such crossing of such determination by serving upon the resident agent of such company a copy of such resolution.

Such resolution shall specify each crossing to be protected by such warning devices or watchmen, the method of protection to be provided, and the hours during which such protection is to be provided. Such resolution shall also specify the date after which such protection is to be provided. (1979 Code, § 9-1102)

¹Charter references

Railroads--construction of bridges, overpasses, etc.: § 5(32).

Railroads--watchmen or signals at crossings: § 5(33).

Municipal code references

Obedience to a signal indicating the approach of a train: § 15-116.

Interference with railroad signals: § 15-309.

Obedience of pedestrians to railroad signals: § 15-706.

15-1203. Warning signals required at crossings equipped with gates. Wherever gates or barriers are used by railroad companies at their crossings over streets within the city, such gates or barriers shall be equipped with electric gongs or warning signals, which gongs or signals shall sound simultaneously with the lowering of such gates or barriers. Such gongs or warning signals shall be of a type plainly audible at a distance of at least one hundred fifty feet from the crossing when sounding. (1979 Code, § 9-1103)

15-1204. Obstruction of traffic. It shall be unlawful for any conductor, engineer, or other employee of any railroad company operating within the city to obstruct the streets or prevent the free passage of traffic for longer than ten minutes at any one time while operating a railroad engine, train, or cars. (1979 Code, § 9-1105)

15-1205. Company orders in violation of chapter. It shall be unlawful for any railroad official to issue or cause to be issued any order providing for the violation of any provision of this chapter or requiring any railroad employee to violate any of the provisions of this chapter. (1979 Code, § 9-1106)

CHAPTER 13

PROCEDURE AND CIVIL PENALTIES FOR TRAFFIC AND
PARKING VIOLATIONS¹

SECTION

- 15-1301. Forms and records of traffic citations and arrests.
- 15-1302. Procedure of police officers.
- 15-1303. Disposition and records of traffic citations, warrants, and complaints.
- 15-1304. Illegal cancellation of traffic citations.
- 15-1305. Audit of records and reports.
- 15-1306. Failure to obey citation.
- 15-1307. Citation on illegally parked vehicle.
- 15-1308. Failure to comply with traffic citation attached to parked vehicles.
- 15-1309. Presumption in reference to illegal parking.
- 15-1310. When warrants to be issued.
- 15-1311. Record of traffic cases; report of convictions to state department of safety.
- 15-1312. Disposition of traffic fines and forfeitures.
- 15-1313. Impoundment of vehicles.
- 15-1314. Civil penalties.

15-1301. Forms and records of traffic citations and arrests. (1) The recorder shall provide books to include traffic citation forms for notifying alleged violators to appear and answer to charges of violating traffic laws and ordinances in the city court. Such books shall include serially numbered sets of citations in quadruplicate in the form prescribed and approved by the city administrator.

(2) The recorder shall issue such books to the chief of police or his duly authorized agent and shall maintain a record of every book so issued and shall require a written receipt for every such book.

(3) The chief of police shall be responsible for the issuance of such books to individual members of the police department. The chief of police shall require a written receipt for every book so issued and shall maintain a record of every such book and each set of citations contained therein. (1979 Code, § 9-1201)

15-1302. Procedure of police officers. Except when authorized or directed under state law immediately to take a person before a judge for the violation of

¹Municipal code reference

Storing wrecked or abandoned vehicles on streets prohibited:
§ 16-121.

any traffic laws, a police officer who halts a person for any such violation, other than for the purpose of giving him a warning or warning notice, and does not take such person into custody under arrest shall take the name, address, and operator s license number of such person, the registered number of the motor vehicle involved, and such other pertinent information as may be necessary, and shall issue to him in writing on a form provided by the recorder, a traffic citation containing a notice to answer to the charge against him before the recorder at a time at least five days after such alleged violation, to be specified in such citation. The officer, upon receiving the written promise of the alleged violator to answer as specified in the citation, shall release such person from custody. (1979 Code, § 9-1202)

15-1303. Disposition and records of traffic citations, warrants, and complaints. (1) Every police officer, upon issuing a traffic citation to an alleged violator of any provision of the motor vehicle laws of this state or city, shall deposit the original and a duplicate copy of the citation with his immediate superior officer, who shall cause the original to be delivered to the recorder and the duplicate copy to the police department. The second duplicate copy of the citation shall be retained in the traffic citation book and shall be delivered by such superior officer to the recorder, together with such book when all traffic citations therein have been used.

(2) Upon the filing of such original citation with the recorder, such citation may be disposed of only by trial before the recorder or by other official action of the recorder including forfeiture of bail or by payment of a fine to the recorder.

(3) The chief of police shall require the return to him of each traffic citation and all copies thereof, except that copy required to be retained in the book as provided, in this chapter, which has been spoiled or upon which any entry has been made and has not been issued to an alleged violator.

(4) The chief of police shall also maintain or cause to be maintained in connection with every traffic citation issued by a member of the police department a record of the disposition by a member of the police department and a record of the disposition of the charge by the recorder.

(5) The chief of police shall also maintain or cause to be maintained a record of all warrants issued by the recorder or by any other court on such traffic violation charges and which are delivered to the police department for service, and of the final disposition of all such warrants.

(6) It shall be unlawful and official misconduct for any member of the police department or other officer or public employee to dispose of, alter, or deface a traffic citation or any copy thereof, or the record of the issuance or disposition of any traffic citation, complaint or warrant, in a manner other than as required in this chapter. (1979 Code, § 9-1203)

15-1304. Illegal cancellation of traffic citations. It shall be unlawful for any person to cancel or solicit the cancellation of any traffic citation in any manner other than as provided by this chapter. (1979 Code, § 9-1204)

15-1305. Audit of records and reports. Every record of traffic citations, complaints thereon, and warrants issued therefor required in this chapter shall be audited at least quarterly by the recorder, who shall submit a report of such audit, together with a summary thereof, to the mayor. Such report shall be public record. (1979 Code, § 9-1205)

15-1306. Failure to obey citation. It shall be unlawful for any person to violate his written promise to appear in court after giving such 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. (1979 Code, § 9-1206)

15-1307. Citation on illegally parked vehicle. Whenever any motor vehicle without a driver is found parked or stopped in violation of any of the restrictions imposed by any provision of this code or other ordinance of this city or by state law, the officer finding such vehicle shall take its registration number and may take any other information displayed on the vehicle which may identify its user, and shall conspicuously affix to such vehicle a traffic citation, on a form provided by the recorder, for the driver to answer to the charge against him within five days during the hours and at a place specified in the citation. (1979 Code, § 9-1207)

15-1308. Failure to comply with traffic citation attached to parked vehicles. If a violator of the restrictions on stopping, standing, or parking under this code or other traffic laws or ordinances of this city does not appear in response to a traffic citation affixed to a motor vehicle within a period of five days, the recorder shall send to the owner of the motor vehicle to which the traffic citation was affixed a letter informing him of the violation and warning him that in the event such letter is disregarded for a period of five days a warrant of arrest will be issued. (1979 Code, § 9-1208)

15-1309. Presumption in reference to illegal parking. In any prosecution charging a violation of any law or regulation governing the standing or parking of a vehicle, proof that the particular vehicle described in the complaint was parked in violation of any such law or regulation, together with proof that the defendant named in the complaint was at the time of such parking the registered owner of such vehicle, shall constitute a prima facie presumption that the registered owner of such vehicle was the person who parked or placed such vehicle at the point where and for the time during which such violation occurred. Such presumption shall apply only when the procedure prescribed in § 15-1307 has been followed. (1979 Code, § 9-1209)

15-1310. When warrants to be issued. In the event any person fails to comply with a traffic citation given to such person or attached to a vehicle or fails to make appearance pursuant to a summons directing an appearance before the recorder, or if any person fails or refuses to deposit bail as required and within the time permitted by law, the recorder shall issue a warrant for his arrest. (1979 Code, § 9-1210)

15-1311. Record of traffic cases; report of convictions to state department of safety. (1) The recorder shall keep or cause to be kept a record of every traffic complaint, traffic citation, or other legal form of traffic charge deposited with or presented to him and shall keep a record of every official action by him in reference thereto, including but not limited to a record of every conviction, forfeiture of bail, judgment of acquittal, and the amount of fine or forfeiture resulting from every such traffic complaint or citation deposited with or presented to him.

(2) Within ten days after the conviction or forfeiture of bail of a person upon a charge of violating any provision of this chapter or other law regulating the operation of vehicles on highways, the recorder shall prepare and immediately forward to the state department of safety an abstract of the record of his court covering the case in which such person was so convicted or forfeited bail. No report need be made of any conviction involving the illegal parking or standing of a vehicle.

(3) Such abstract shall be made upon a form furnished by the state department of safety, and shall include the name and address of the party charged, the number, if any, of his operator's or chauffeur's license, the registration number of the vehicle involved, the nature of the offense, the date of hearing, the plea, the judgment or whether bail was forfeited, and the amount of the fine or forfeiture, as the case may be.

(4) The failure, refusal, or neglect of any such judicial officer to comply with any of the requirements of this section shall constitute misconduct in office and shall be grounds for removal therefrom. (1979 Code, § 9-1211)

15-1312. Disposition of traffic fines and forfeitures. All fines or forfeitures collected upon conviction or upon the forfeiture of bail of any person charged with a violation of any of the provisions of this chapter shall be paid into the general fund of the city. (1979 Code, § 9-1212)

15-1313. Impoundment of vehicles. (1) Members of the police department are hereby authorized to remove a vehicle from a street or highway to the nearest garage or other place of safety or to a garage designated or maintained by the police department or otherwise maintained by this city under the circumstances enumerated as follows:

(a) When any vehicle is left unattended upon any bridge, viaduct, or causeway or in any tube or tunnel where such vehicle constitutes an obstruction to traffic.

(b) When a vehicle upon a street or highway is so disabled as to constitute an obstruction to traffic and the person in charge of the vehicle is by reason of physical injury incapacitated to such an extent as to be unable to provide for its custody or removal.

(c) When any vehicle is left unattended upon a street and is so parked illegally as to constitute a definite hazard or obstruction to the normal movement of traffic.

(2) Whenever an officer removes a vehicle from a street as authorized in this section and the officer knows or is able to ascertain from the registration records in the vehicle the name and address of the owner thereof, such officer shall immediately give or cause to be given notice in writing to such owner of the fact of such removal and the reasons therefor and of the place to which such vehicle has been removed. In the event any such vehicle is stored in a public garage, a copy of such notice shall be given to the proprietor of such garage.

(3) Whenever an officer removes a vehicle from a street under this section and does not know and is not able to ascertain the name of the owner, or for any other reason is unable to give the notice to the owner as provided in subsection (2) of this section, and in the event the vehicle is not returned to the owner within a period of three days, then the officer shall immediately send or cause to be sent a written report of such removal by mail to the state department whose duty it is to register motor vehicles, and shall file a copy of such notice with the proprietor of any public garage in which the vehicle may be stored. Such notice shall include a complete description of the vehicle, the date, time, and place from which removed, the reasons for such removal, and the name of the garage or place where the vehicle is stored. (1979 Code, § 9-1213)

15-1314. Civil penalties. (1) Traffic violations. The civil penalty for all traffic violations shall be fifty dollars (\$50) for each offense plus costs and litigation taxes.

(2) Parking violations. (a) Handicapped parking. Handicapped parking violations shall be punished by a civil penalty of fifty dollars (\$50) for each offense if the civil penalty is paid within five (5) working days of the violation, and an additional ten dollars (\$10) per additional working day beyond the five working days the civil penalty is not paid, up to a maximum of one hundred dollars (\$100).

(b) All other parking violations. All other parking violations shall be punished by a civil penalty of ten dollars (\$10) if the civil penalty is paid within five (5) working days, and an additional three dollars (\$3) per each additional working day beyond the five working days the civil penalty is not paid, up to a maximum of twenty-five dollars (\$25). (as added by Ord. #2759, § 2, July 1994)

CHAPTER 14

REGISTRATION AND LICENSING OF VEHICLES

SECTION

- 15-1401. Applicability of chapter.
- 15-1402. Registration of vehicles.
- 15-1403. Amount of license fees.
- 15-1404. When and where fees payable.
- 15-1405. Proration of license fees.
- 15-1406. Collection of delinquent fees.
- 15-1407. License tag or stickers.
- 15-1408. Use of funds.

15-1401. Applicability of chapter. The provisions of this chapter shall apply to those persons living within the city. (1979 Code, § 9-1301)

15-1402. Registration of vehicles. All owners or operators of vehicles to which this chapter is applicable shall register such vehicles with the chief of police annually, and shall pay the license fee levied by this chapter. (1979 Code, § 9-1302)

15-1403. Amount of license fees. Each person registering a vehicle as required by this chapter, shall, at the time of registration, pay the following license fee for each vehicle registered:

- (1) For each automobile, three dollars (\$3.00).
- (2) For each motorbus, five dollars (\$5.00).
- (3) For all motor trucks and taxicabs, five dollars (\$5.00).
- (4) For each motor truck with a state rated capacity of one-half ton or more, five dollars (\$5.00). (1979 Code, § 9-1303)

15-1404. When and where fees payable. All owners or operators of vehicles to which this chapter is applicable shall pay the license fee levied by § 15-1403 annually to the recorder or his duly appointed representative. Such license fee shall be due and payable on or before the first day of April of each year. (1979 Code, § 9-1304)

15-1405. Proration of license fees. Owners or operators who acquire vehicles subject to the provisions of this chapter for which no license has been secured on or after the first day of November in any year shall be required to pay a license fee of only one-half the amount of the fee stated in § 15-1403 for the remainder of the year. (1979 Code, § 9-1305)

15-1406. Collection of delinquent fees. The license fees levied under this chapter shall become delinquent on the first day of April of each year. The chief of police shall issue distress warrants against the owners of vehicles subject to the provisions of this chapter who have failed to pay such fee by such date, and shall have such warrants levied as provided by law. The cost of such levy shall be paid by the owner of the vehicle on which such tax is delinquent.

In addition to the cost of such levy, such owner shall pay an additional two dollars for such license fees when such license is purchased after such distress warrant has been issued. (1979 Code, § 9-1306)

15-1407. License tag or stickers. Upon payment of the license fee, the recorder shall issue to the owner or operator of each vehicle a tag, plate, or sticker, which shall bear a serial number. In case a tag is issued, it shall be firmly attached to the vehicle. In the event a sticker is issued, it shall be firmly attached to the windshield of the vehicle, so that it may be readily observed upon inspection thereof. Such tag or sticker shall not be transferable from one owner to another or from one vehicle to another. (1979 Code, § 9-1307)

15-1408. Use of funds. The revenue from the license fees collected under this chapter shall be used in paying the cost of administration of this chapter, the enforcement of its provisions, the promotion of traffic safety, the installation of signs, signals, markings, and other safety devices, and for regulating traffic on the streets of the city. (1979 Code, § 9-1308)