

**TITLE 15****MOTOR VEHICLES, TRAFFIC AND PARKING**<sup>1</sup>**CHAPTER**

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Fire protection: title 7.

Law enforcement: title 6.

Streets and sidewalks, etc.: title 16.

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Motor and other vehicles: Tennessee Code Annotated, title 55.

Adoption of statutes and regulations by municipalities: Tennessee Code Annotated, § 55-10-307.

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## CHAPTER 1

### MISCELLANEOUS

#### SECTION

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**15-101. Definitions.** The following words and phrases when used in this chapter shall for the purposes of such chapter 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 in such state law shall be deemed to apply to such words and phrases used in this chapter.

(1) "Authorized emergency vehicle." Fire department vehicles, police vehicles and such ambulances and emergency vehicles of the city departments

or public service corporations as are designated or authorized by the chief of police.

(2) "Bicycle." A vehicle propelled by human power, having wheels of which any two are not less than fourteen (14) inches in diameter.

(2.1) "Bicycle, electric-assisted." Also known as an "e-bike," an electric-assisted bicycle is a type of bicycle that has two (2) or three (3) wheels, a saddle, fully operable pedals for human propulsion, an integrated electric (not gas) motor with a maximum output of seven hundred fifty (750) watts, and is divided into three (3) classifications:

(a) Class 1. A class 1 electric-assisted bicycle provides assistance only when the rider is pedaling (no built-in throttle), and that ceases to provide assistance when the bicycle reaches the speed of twenty (20) miles per hour.

(b) Class 2. A class 2 electric-assisted bicycle, also known as a "low-speed throttle-assisted electric bicycle" is a bicycle equipped with an electric motor that may be used exclusively to propel the bicycle, without pedaling, and that is not capable of providing assistance when the bicycle reaches the speed of twenty (20) miles per hour.

(c) Class 3. A class 3 electric-assisted bicycle, also known as a "speed pedal-assisted electric bicycle" is a bicycle equipped with an electric motor that provides assistance only when the rider is pedaling, and that ceases to provide assistance when the bicycle reaches the speed of twenty-eight (28) miles per hour, and is equipped with a speedometer.

(3) "Bicycle lane, conventional." A portion of a roadway which has been designated for the exclusive use of bicycles.

(3.1) "Bicycle lane, protected." A portion of, or adjacent to, the roadway which has been designated for the exclusive use of bicycles and has some physical, stationary, or vertical separation between moving motor vehicle traffic and the bicycle lane. Examples of vertical separation include, but are not limited to, plastic posts, bollards, curbs, planters, raised bumps, or parked cars. Protected bicycle lanes can be at street level or raised, either to sidewalk level or a level between the street and sidewalk level.

(4) "Business district." The territory contiguous to and including a highway when within any six hundred (600) 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 (300) feet of frontage on one (1) side or three hundred (300) feet collectively on both sides of the highway.

(5) "Central business district." All streets and portions of streets within the area described as follows: All that area bounded by Millard Street from Division Street to Boone Street and Lamont from Boone Street to Sevier on the north; by Sevier Street from Walnut to Lamont Street and by Boone Street to Millard Street on the east; by Walnut Street from Sevier Street to Division Street on the south; and Division Street from Walnut Street to Millard Street on the east. This includes both sides of the streets bounding the areas.

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

(7) "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.

(8) "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.

(9) "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.

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

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

(12) "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 purposes of vehicular travel.

(13) "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 (2) highways which join one another at, or approximately at, right angles, or the areas within which vehicles traveling upon different highways joining at any other angle may come in conflict.

(b) Where a highway includes two (2) roadways thirty (30) feet or more feet 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 (2) roadways thirty (30) feet or more feet apart, then every crossing of two (2) roadways of such highways shall be regarded as a separate intersection.

(14) "Laned roadway." A roadway which is divided into two (2) or more clearly marked lanes for vehicular traffic.

(15) "Motor vehicle." Every vehicle which is self-propelled, excluding motorized bicycles as defined in Tennessee Code Annotated, and every vehicle which is propelled by electric power obtained from overhead trolley wires.

(16) "Motorcycle." Every motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three (3) wheels in

contact with the ground, but excluding a tractor or motorized bicycle, as defined in Tennessee Code Annotated.

(17) "Multi-use trail." Any path or trail, or portion thereof physically separated from a roadway designated for use by pedestrians or bicycles.

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

(18.1) "Operator." For purposes of this title, an operator is a corporation, firm, joint venture, limited liability company, partnership, person, or other organized entity that operates a shared mobility platform, whether for profit or not for profit.

(19) "Park, parking." 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.

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

(21) "Pedestrian." Any person afoot.

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

(23) "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.

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

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

(26) "Residence district." The territory contiguous to and including a highway not comprising a business district when the property on such highway for a distance of three hundred (300) feet or more is in the main improved with residences.

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

(28) "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 (2) or more separate roadways the term "roadway" as used in this section shall refer to any such roadway separately but not to all such roadways collectively.

(29) "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.

(29.1) "Shared mobile device." For purposes of this title, a shared mobile device is only a bicycle or electric-assisted bicycle, designed specifically for shared-use and deployed by shared mobility operators.

(29.2) "Shared mobility." Shared mobility is a network or system of shared mobile devices, offered for rent in short time increments from unstaffed, self-service docking locations, and operated within the public right-of-way, that provides increased mobility options over short distances in urban areas.

(29.3) "Shared mobility zone." For purposes of this title, a shared mobility zone is an area generally identified between East Tennessee State University, the Veterans Administration medical complex and downtown, and identified on mapping that is managed and stored by city geographic information systems.

(30) "Stand or standing." 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, complete cessation from movement.

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

(33) "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 the purposes of vehicular travel.

(34) "Streetcar." A car other than a railroad train for transporting persons or property and operated upon rails principally within a municipality.

(35) "Through highway." Every highway or portion thereof at the entrance to which vehicular traffic from intersecting highways is required by law to stop before entering or crossing the same and when stop signs are erected as provided in this chapter.

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

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

(38) "Traffic division." The traffic division of the police department of this city, or in the event a traffic division is not established, then such term whenever used in this chapter shall be deemed to refer to the police department of this city.

(39) "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 human power or used exclusively upon stationary rails or tracks. (1985 Code, § 15-1, as amended by Ord. #3443, Jan. 1997, and Ord. #4686-19, Nov. 2019 *Ch12\_6-20-20*)

**15-102. Enforcement.** (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. (1985 Code, § 15-2)

**15-103. Obedience to police and fire officials.** No person shall wilfully fail or refuse to comply with any lawful order or direction of a police officer or fire department official. (1985 Code, § 15-3)

**15-104. Obedience to traffic regulations—persons propelling push carts or riding animals.** Every person propelling any pushcart or riding an animal upon a roadway, and every person driving any animal-drawn vehicle shall be subject to the provisions of this chapter applicable to the driver of any vehicle, except those provisions which by their very nature can have no application. (1985 Code, § 15-4)

**15-105. Obedience to traffic regulations—public employees.** The provisions of this chapter 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 driver to violate any of the provisions of this chapter, except as otherwise permitted in this chapter or by state statute. (1985 Code, § 15-5)

**15-106. Use of coasters, roller skates, etc.** No person upon roller skates, or 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. (1985 Code, § 15-6)

**15-107. Authorized emergency vehicles—operation generally.**

(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 herein stated.

- (2) The driver of an authorized emergency vehicle may:
- (a) Park or stand, irrespective of the provisions of this chapter;
  - (b) Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation;
  - (c) Exceed the speed limits so long as he does not endanger life or property; and
  - (d) Disregard regulations governing direction of movement or turning in specified directions.

(3) The exemptions herein granted to an authorized emergency vehicle shall apply only when such vehicle is making use of audible and visual signals meeting the requirements of the applicable laws of this state, except that an authorized emergency vehicle operated as a police vehicle need not be equipped with or display a red light visible from in front of the vehicle.

(4) The foregoing provisions shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor shall such provisions protect the driver from the consequences of his reckless disregard for the safety of others. (1985 Code, § 15-7)

**15-108. Authorized emergency vehicles—operation of other vehicles upon approach.** (1) Upon the immediate approach of an authorized emergency vehicle making use of audible and visual signals meeting the requirements of the applicable 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.

(2) 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. (1985 Code, § 15-8)

**15-109. Following fire apparatus.** 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 (500) feet or drive into or park such vehicle within the block where fire apparatus has stopped in answer to a fire alarm. (1985 Code, § 15-9)

**15-110. 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. (1985 Code, § 15-10)



**15-111. Processions generally--driving in.** 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. (1985 Code, § 15-11)

**15-112. Processions generally--permit.** No funeral procession or parade containing two hundred (200) or more persons or fifty (50) or more vehicles, except the military forces of the United States, or 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 chapter which may apply. (1985 Code, § 15-12)

**15-113. Funeral processions--driving other vehicles through.** 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. (1985 Code, § 15-13)

**15-114. Funeral processions--identification.** A funeral composed of a procession of vehicles shall be identified as such by the display upon the outside of each vehicle of a pennant or other identifying insignia or by such other method as may be determined and designated by the traffic division. (1985 Code, § 15-14)

**15-115. Driving vehicles on sidewalks.** The driver of a vehicle shall not drive within any sidewalk area except at a permanent or temporary driveway. (1985 Code, § 15-15)

**15-116. 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. (1985 Code, § 15-16)

**15-117. Opening and closing vehicle doors.** No person shall open the door of a motor vehicle on the side available to moving traffic unless and until it is 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. (1985 Code, § 15-17)

**15-118. Operation of motorcycles.** 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 (1) person, in which event a passenger may ride upon the permanent and regular seat if designed for two (2) persons, or upon another seat firmly attached to the rear or side of the operator. (1985 Code, § 15-18)

**15-119. Clinging to vehicles.** No person riding upon any bicycle, coaster, roller skates, sled or toy vehicle shall attach the same or himself to any vehicle or upon a roadway. (1985 Code, § 15-19)

**15-120. Entering or leaving 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. (1985 Code, § 15-20)

**15-121. Boarding or alighting from vehicles.** No person shall board or alight from any vehicle while such vehicle is in motion. (1985 Code, § 15-21)

**15-122. Manner of riding in vehicles generally.** 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. (1985 Code, § 15-22)

**15-123. Driving through safety zone.** No vehicle shall at any time be driven through or within a safety zone. (1985 Code, § 15-23)

**15-124. Automobile races.**<sup>1</sup> It shall be unlawful for any person to operate a motor vehicle upon any public roadway of the city, or while on the premises of any shopping center, trailer park, any apartment house complex, or any other premises generally frequented by the public at large, or who is a participant therein, for the purpose of drag racing unless the premises are properly licensed for this purpose (1985 Code, § 15-24. Amended by Ord. #4849-23)

**15-125. Manner of loading tires.** No person shall drive or move any truck or other vehicle within the city unless such vehicle is so constructed or loaded as to prevent any load, contents or litter from being blown or deposited upon any street, alley or other public place. Nor shall any person drive or move

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<sup>1</sup>State law reference

Automobile race tracks and drag strips: Tennessee Code Annotated, § 55-22-101, et seq.

any vehicle or truck within the city, the wheels or tires of which carry onto or deposit in any street, alley or other public place, mud, dirt, sticky substances, litter or foreign matter of any kind. (1985 Code, § 15-25)

**15-126. Use of sidewalk.** No person shall drive, wheel or draw any vehicle, except a child's carriage drawn by hand, or use roller skates, or permit any horse, or any cattle, swine or sheep under his care, to go upon any sidewalk, except for the purpose of crossing the same when necessary to do so, or otherwise obstruct or injure any sidewalk. (1985 Code, § 15-26)

**15-127. Transporting children in back of pickup truck--exceptions.** (1) Any person commits an offense who, on any City of Johnson City, Tennessee highway, street, road, alley or public right-of-way, transports a child between six (6) years of age and under twelve (12) years of age in the bed of a truck with a manufacturer's ton rating not exceeding three-quarters (3/4) ton and have a pickup body style except that:

(a) The provisions of this section do not apply to a person transporting such child in the bed of such vehicle when such vehicle is being used as part of an organized parade, procession, or other ceremonial event and when such vehicle is not exceeding the speed of twenty (20) miles per hour, and

(b) The provisions of this section do not apply when the child being transported is involved in agricultural activities.

(c) The provisions of this section do not apply when the child being transported is being transported for ambulance or similar emergency purposes.

(2) The mayor is hereby authorized to execute all necessary or proper documents to complete the transactions herein authorized, upon the terms and for the purposes stated herein, and which documents shall in form and content be satisfactory to the city manager and the city attorney. (Ord. #3711, Sept. 1999)

## CHAPTER 2

### ADMINISTRATION

#### SECTION

15-201. Records of violations.

15-202. Files on drivers.

15-203. Impoundment of vehicles generally.

**15-201. Records of violations.** (1) The police department or the traffic division thereof 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 be maintained complete for at least the most recent five (5) year period.

(2) 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.

(3) All such records and reports shall be public records. (1985 Code, § 15-43)

**15-202. Files on drivers.** (1) The police department or the traffic division thereof 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.

(2) Such division 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 accident, 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 persons suspended or revoked.

(3) Such records shall be maintained complete for at least the most recent five (5) year period. (1985 Code, § 15-44)

**15-203. Impoundment of vehicles generally.** (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 following circumstances:

(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 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 extent as to be unable to provide for its custody or removal; or

(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 this section, and in the event the vehicle is not returned to the owner within a period of three (3) days, then the officer shall immediately send or cause to be sent a written report of such removal by mail to the state department of revenue, 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. (1985 Code, § 15-45)

## CHAPTER 3

### TRAFFIC DIVISION

#### SECTION

- 15-301. Established.
- 15-302. Duties generally.
- 15-303. Investigation of accidents.
- 15-304. Accident studies.
- 15-305. Traffic accident files to be maintained.
- 15-306. Annual traffic safety report.
- 15-307. Records of cases--complaints; citations.
- 15-308. Records of cases--records of convictions.

**15-301. Established.** There may be established within the city a traffic division to be under the control of the city manager or such person as may be designated by him. (1985 Code, § 15-57)

**15-302. Duties generally.** It shall be the duty of the traffic division, with such aid as may be rendered by other members of the police department, to enforce the street traffic regulations of this city and all of the state vehicle laws applicable to street traffic in this city, to make arrests for traffic violations, to investigate accidents and to cooperate with the city traffic engineer and other officers of the city in the administration of the traffic laws and in developing ways and means to improve traffic conditions, and to carry out those duties specially imposed upon such division by this chapter. (1985 Code, § 15-58)

**15-303. Investigation of accidents.** It shall be the duty of the traffic division, assisted by other police officers of the department, to investigate traffic accidents and to arrest and assist in the prosecution of those persons charged with violations of law causing or contributing to such accidents. (1985 Code, § 15-59)

**15-304. Accident studies.** Whenever the accidents at any particular location become numerous, the traffic division shall cooperate with the city traffic engineer in conducting studies of such accidents and determining remedial measures. (1985 Code, § 15-60)

**15-305. Traffic accident files to be maintained.** The traffic division shall maintain a suitable system of filing traffic accident reports. Accident reports or cards referring to them shall be filed alphabetically by location. Such reports shall be available for the use and information of the city traffic engineer. (1985 Code, § 15-61)

**15-306. Annual traffic safety report.** The traffic division shall annually prepare a traffic report which shall be filed with the city manager. Such report shall contain information on the traffic matters in this city as follows:

- (1) The number of traffic accidents, the number of persons killed; the number of persons injured; and the other pertinent traffic accident data;
- (2) The number of traffic accidents investigated and other pertinent data on the safety activities of the police; and
- (3) The plans and recommendations of the division for future traffic safety activities. (1985 Code, § 15-62)

**15-307. Records of cases--complaints; citations.** The city 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 the city court or its traffic violations bureau, and shall keep a record of every official action by such court or its traffic violations bureau in reference thereto, including but not limited to a record of every conviction, forfeiture of bail, judgment or acquittal and the amount of fine or forfeiture resulting from every such traffic complaint or citation deposited with or presented to such court or traffic violations bureau. (1985 Code, § 15-63)

**15-308. Records of cases--records of convictions.** (1) Within ten (10) days after the conviction or forfeiture of bail of a person upon a charge of violating any provision of this code or other law regulating the operation of vehicles on highways, the city judge shall prepare and immediately forward to the state department of safety an abstract of the record of the court covering the case in which such person was so convicted or forfeited bail, which abstract must be certified by the city judge to be true and correct. No report need be made of any conviction involving the illegal parking or standing of a vehicle.

(2) Such abstract must be made upon a form furnished by the state department of safety and shall include the name and address of the person 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.

(3) Every court of record shall also forward a like report to the state department of safety upon the conviction of any person of manslaughter or other felony in the commission of which a vehicle was used.

(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. (1985 Code, § 15-64)

## CHAPTER 4

### TRAFFIC VIOLATIONS BUREAU

#### SECTION

- 15-401. Established.
- 15-402. Schedule of fines.
- 15-403. Optional trial.
- 15-404. Procedure generally.
- 15-405. Duties.
- 15-406. Records.

**15-401. Established.** A traffic violations bureau is established to assist the city court with the clerical work of traffic cases. The city recorder's office shall be in charge of the bureau. (1985 Code, § 15-76)

**15-402. Schedule of fines.** The city judge shall designate the specified offenses under this chapter or the state traffic laws in respect to which payments of fines may be accepted by the traffic violations bureau in satisfaction thereof, and shall specify by suitable schedules the amount of such fines for first, second and subsequent offenses; provided, that such fines are within the limits declared by law, this code or other ordinance, and shall further specify the number of such offenses which shall require appearance before the court. (1985 Code, § 15-77)

**15-403. Optional trial.** (1) Any person charged with an offense for which payment of a fine may be made to the traffic violations bureau shall have the option of paying such fine within the time specified in the notice of arrest at the traffic violations bureau upon entering a plea of guilty and upon waiving appearance in court; or may have the option of depositing the required lawful bail, and upon a plea of not guilty shall be entitled to a trial as authorized by law.

(2) The payment of a fine to the bureau shall be deemed an acknowledgment of conviction of the alleged offense, and the bureau, upon accepting the prescribed fine, shall issue a receipt to the violator acknowledging payment thereof. (1985 Code, § 15-78)

**15-404. Procedure generally.** The traffic violations bureau shall follow each procedure as may be prescribed by the traffic laws of this city or as may be required by any laws of this state. (1985 Code, § 15-79)

**15-405. Duties.** The following duties are hereby imposed upon the traffic violations bureau in reference to traffic offenses:



(1) It shall accept designated fines, issue receipts and represent in court such violators as are permitted and desire to plead guilty, waive court appearance and give power of attorney.

(2) It shall receive and issue receipts for cash bail from the persons who shall or wish to be heard in court, enter the time of their appearance on the court docket and notify the arresting officer and witnesses, if any, to be present.

(3) It shall keep an easily accessible record of all violations of which each person has been guilty during the preceding twelve (12) months, whether such guilt was established in court or in the traffic violations bureau. (1985 Code, § 15-80)

**15-406. Records.** The traffic violations bureau shall keep records and submit summarized monthly reports to the city judge and the city manager of all notices issued and arrests made for violations of this chapter and other related ordinances in this city and of all the fines collected by the traffic violations bureau of the court, and of the final disposition or present status of every case of violation of the provisions of such chapter and ordinances. Such records shall be so maintained as to show all types of violations and the total of each. Such records shall be public records. (1985 Code, § 15-81)

## CHAPTER 5

### CITATIONS FOR TRAFFIC VIOLATIONS

#### SECTION

- 15-501. Forms; records.
- 15-502. Issuance by police.
- 15-503. Disposition; records.
- 15-504. Illegal cancellation of citations.
- 15-505. Audit of records and reports.
- 15-506. Failure to obey citations.
- 15-507. Placing of citations on illegally parked vehicles.
- 15-508. Presumption in reference to illegal parking.
- 15-509. Warrants.
- 15-510. Disposition of traffic fines and forfeitures.

**15-501. Forms; records.** (1) The city police department records section shall provide traffic citation forms for notifying alleged violators to appear and answer to charges of violating this chapter and related ordinances in the city court. Such citations shall include serially numbered sets of citations in quadruplicate in the form prescribed and approved jointly by the city manager and the chief of police. Generated electronic citations shall be regulated by the department's records management system (RMS).

(2) The chief of police or his or her designee shall maintain a record of every citation book issued and shall require a written receipt for each book. (1985 Code, § 15-93, as replaced by Ord. #4169-06, May 2006)

**15-502. Issuance by police.** Except when authorized or directed under state law to immediately take a person before a judge or magistrate for the violation of any traffic laws, a police officer who halts a person for 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 the violator in writing on a form provided by the police department a traffic citation containing a notice to answer to the charge in the city court at a time at least five (5) days after such alleged violation to be specified in such citation. The officer, upon receiving the written promise or electronic signature of the alleged violator to answer as specified in the citation, shall release such person from custody. (1985 Code, § 15-94, as replaced by Ord. #4169-06, May 2006)

**15-503. Disposition; records.** (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 of any laws of this city shall deposit the original and a duplicate copy of the citation with the police records section of the city court. Electronic citations generated are automatically posted and regulated by the department's records management system (RMS).

(2) Upon the filing of such original citation in the city court, such citation may be disposed of only by trial in such court or by other official action of the court, including forfeiture of bail or by payment of a fine to the traffic violations bureau of such court.

(3) 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 city court or its violations bureau.

(4) The chief of police shall also maintain or cause to be maintained a record of all warrants issued by the city court 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.

(5) 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. (1985 Code, § 15-95, as replaced by Ord. #4169-06, May 2006)

**15-504. Illegal cancellation of 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. (1985 Code, § 15-96, as replaced by Ord. #4169-06, May 2006)

**15-505. Audit of records and reports.** (1) Every record of traffic citations, complaints thereon, and warrants issued therefor required in this chapter shall be audited annually or as required by the city manager. Such reports shall be public records.

(2) For the purpose of this chapter, the city recorder or his or her designee shall have access at all times to all necessary records, files and papers of the city court, its traffic violations bureau and the police department. (1985 Code, § 15-97, as replaced by Ord. #4169-06, May 2006)

**15-506. Failure to obey citations.** It shall be unlawful for any person to violate his or her 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. (1985 Code, § 15-98, as replaced by Ord. #4169-06, May 2006)

**15-507. Placing of citations on illegally parked vehicles.** Whenever any motor vehicle without a driver is found parked or stopped in violation of any of the restrictions imposed by 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 department for the driver to answer to the charge by paying the citation fee or appearing in city court at a time at least five (5) days after such alleged violation. (1985 Code, § 15-99, as replaced by Ord. #4169-06, May 2006)

**15-508. Presumption in reference to illegal parking.** (1) In any prosecution charging a violation of this chapter or 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 in evidence 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.

(2) The foregoing stated presumption shall apply only when the procedure as prescribed in § 15-506 has been followed. (1985 Code, § 15-100, as replaced by Ord. #4169-06, May 2006)

**15-509. Warrants.** (1) In the event any person fails to comply with the traffic citation given to such person or attached to a vehicle or fails to make appearance pursuant to a summons directing an appearance in the city court or traffic violations bureau, or if any person fails or refuses to deposit bail as required and within the time permitted by law, the city judge may issue a summons for their appearance in court. A violator who fails to appear on an issued summons will be subject to a warrant arrest. (1985 Code, § 15-101, as replaced by Ord. #4169-06, May 2006)

**15-510. 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. (1985 Code, § 15-102, as replaced by Ord. #4169-06, May 2006)

## CHAPTER 6

### TRAFFIC ENGINEER

#### SECTION

15-601. Office established.

15-602. Qualifications; appointment.

15-603. Duties generally.

15-604. Emergency and experimental regulations.

**15-601. Office established.** The office of city traffic engineer is hereby established. (1985 Code, § 15-114)

**15-602. Qualifications; appointment.** The city manager, or a person designated by him, shall serve as city traffic engineer in addition to his other functions and shall exercise the powers and duties with respect to traffic as are provided in this chapter. (1985 Code, § 15-115)

**15-603. Duties generally.** It shall be the general duty of the city traffic engineer to determine the installation and proper timing and maintenance of traffic-control devices, to conduct engineering analyses of traffic accidents and to devise remedial measures, to conduct engineering investigation of traffic conditions, to plan the operation of traffic on the streets and highways of this city, to cooperate with other city officials in the development of ways and means to improve traffic conditions and to carry out the additional powers and duties imposed by this code or other ordinances of this city. (1985 Code, § 15-116)

**15-604. Emergency and experimental regulations.** (1) The chief of police, by and with the approval of the city traffic engineer, 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 or special conditions. No such temporary or experimental regulation shall remain in effect for more than ninety (90) days.

(2) The city traffic engineer may test traffic-control devices under actual conditions of traffic. (1985 Code, § 15-117)

## CHAPTER 7

### TRAFFIC-CONTROL DEVICES

#### SECTION

- 15-701. Traffic engineer to place and maintain signs, etc.
- 15-702. Specifications.
- 15-703. Obedience.
- 15-704. Signs required.
- 15-705. Traffic-control signals.
- 15-706. Pedestrian--control signals.
- 15-707. Flashing signals.
- 15-708. Display of unauthorized signs, signals, etc.
- 15-709. Interference with official devices, railroad signs, etc.
- 15-710. Traffic lanes.
- 15-711. Loads on vehicles.
- 15-712. Commercial vehicles on certain streets.
- 15-713. Restrictions on certain streets as to certain vehicles.
- 15-714. Gross weight limits.

**15-701. Traffic engineer to place and maintain signs, etc.** The city traffic engineer shall place and maintain traffic-control signs, signals and devices when and as required under the traffic laws of this city 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. (1985 Code, § 15-134)

**15-702. 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 public roads administration (bureau of public roads) of the federal government. (1985 Code, § 15-135)

**15-703. Obedience.** 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. (1985 Code, § 15-136)

**15-704. Signs required.** 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. (1985 Code, § 15-137)

**15-705. Traffic-control signals.** Whenever traffic is controlled by traffic-control signals exhibiting the word "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 cross 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 road way, 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, 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 that clearly marked by a "No Turns On Red" sign, which may be erected by the city at intersections which 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.

(c) A left turn on a red stop signal may be permitted by the city at intersections where a one-way street intersects with another one-way street moving in the same direction into which the left turn would be made from the original one-way street. Before making such a turn, the prospective turning car shall come to a full and complete stop and shall

yield the right-of-way to pedestrians and cross traffic traveling in accordance with the traffic signal so as not to endanger traffic lawfully using the intersection. The city may erect signs permitting such turns at any applicable intersection where such turns would be safe. Unless such signs are erected, left turns on red are prohibited.

(4) 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.

(5) In the event an official traffic-control signal is erected and maintained at a place other than an intersection, the provisions of this section shall be applicable except as to those provisions which by their nature can have no application. Any stop required shall be made at a sign or marking on the pavement indicating where the stop shall be made, but in the absence of any such sign or marking the stop shall be made at the signal. (1985 Code, § 15-138)

**15-706. Pedestrian-control signals.** Whenever special pedestrian-control signals exhibiting the words "Walk" or "Wait" or "Don't Walk" are in place such signals shall indicate as follows:

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

(2) Wait or don't walk. No pedestrian shall start to cross the roadway in the direction of such signal, but any pedestrian who has partially completed his crossing on the walk signal shall proceed to a sidewalk or safety zone while the "Wait" or "Don't Walk" signal is showing. (1985 Code, § 15-139)

**15-707. 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, and said light is clearly visible for a sufficient distance ahead to permit such stopping, 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.



(c) 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 § 15-1201. (1985 Code, § 15-140)

**15-708. Display of unauthorized signs, signals, etc.** (1) No person shall place, maintain or display upon or in view of any highway any unauthorized sign, signal, marking or device which purports to be or is in 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 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 prohibited sign, signal or marking is declared to be a public nuisance and city may remove any remove sign, signal or marking, or cause it to be removed, without notice. (1985 Code, § 15-141. Amended by Ord. #4849-23)

**15-709. Interference with official devices, railroad signs, etc.** 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. (1985 Code, § 15-142)

**15-710. Traffic lanes.** (1) The city traffic engineer is hereby authorized to mark traffic lanes upon the roadway of any street or highway where a regular alignment of traffic is necessary.

(2) Where the city traffic engineer has marked traffic lanes, a vehicle shall be driven as nearly as practicable entirely within a single lane and shall not be moved from that lane until the driver has first ascertained that the movement can be made with safety. (1985 Code, § 15-143. Amended by Ord. #4849-23)

**15-711. Loads on vehicles.** When signs are erected on certain streets giving notice hereof, no person shall operate any vehicle with a gross weight in excess of the posted gross weight limit at any time upon such streets. (1985 Code, § 15-144)

**15-712. Commercial vehicles on certain streets.** When signs are erected on certain streets giving notice hereof, no person shall operate any commercial vehicle exceeding the posted gross weight limit at any time upon such streets; except, that such vehicles may be operated thereon for the purpose

of delivering or picking up materials or merchandise and 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. (1985 Code, § 15-145)

**15-713. Restrictions on certain streets as to certain vehicles.**

(1) The city traffic engineer is hereby authorized to determine and designate 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.

(2) When signs are so erected giving notice thereof, no person shall disobey the restrictions stated on such signs. (1985 Code, § 15-146)

**15-714. Gross weight limits.** The city traffic engineer is authorized to determine and designate where necessary the gross weight limit allowed upon any street or parts of streets. (1985 Code, § 15-147)

## CHAPTER 8

### SPEED

#### SECTION

15-801. Miscellaneous.

15-802. Intersections.

15-803. In school zones and near playgrounds.

15-804. Congested areas.

15-805. Traffic signals.

**15-801. Miscellaneous.** It shall be unlawful for any person to operate or drive a motor vehicle upon any highway or street of this city in excess of thirty (30) miles per hour; provided, however, that the city manager may in his discretion authorize a greater maximum speed upon certain streets, and when so authorized and properly designated by signs giving notice of such greater lawful speed limits, such greater speed limit shall apply on such streets. (1985 Code, § 15-164)

**15-802. 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 stop or require traffic to yield on the intersecting streets. (1985 Code, § 15-165)

**15-803. In school zones and near playgrounds.** It shall be unlawful for any person to operate or drive a motor vehicle through any school zone or near any playground in this city in excess of fifteen (15) miles per hour when official signs indicating such speed limits have been posted by the traffic engineer. The provisions of this section are applicable to school zones where there are no playgrounds only when the children are out for recess or when the children are going to or leaving school during its opening or closing hours. (1985 Code, § 15-166)

**15-804. 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 (15) miles per hour when official signs indicating such speed limit have been posted by the traffic engineer. (1985 Code, § 15-167)

**15-805. Traffic signals.** The city traffic engineer 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. (1985 Code, § 15-168)

## CHAPTER 9

### TURNING, ETC., MOVEMENTS

#### SECTION

- 15-901. Required position and method of turning at intersection.
- 15-902. Turning markers, signs, etc., indicating course of travel.
- 15-903. Restricted turn signs.
- 15-904. U-turns.

#### **15-901. Required position and method of turning at intersection.**

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 hand 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 centerline thereof and by passing to the right of such centerline 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 centerline 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 (1) direction on one (1) 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, as nearly as practicable, in the left-hand lane lawfully available to traffic moving in such direction upon the roadway being entered. (1985 Code, § 15-185)

#### **15-902. Turning markers, signs, etc., indicating course of travel.**

(1) The city traffic engineer 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 or this code or other ordinance.

(2) 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. (1985 Code, § 15-186)

**15-903. Restricted turn signs.** (1) The city traffic engineer 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.

(2) 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. (1985 Code, § 15-187)

**15-904. U-turns.** 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 made in safety and without interfering with other traffic. (1985 Code, § 15-188)

**CHAPTER 10****ONE-WAY STREETS AND ALLEYS****SECTION**

15-1001. Signs; placement; maintenance.

15-1002. Restriction of direction of movement.

**15-1001. Signs; placement; maintenance.** Whenever this code or any ordinance of this city designates any one-way street or alley, the city traffic engineer shall place and maintain signs giving notice thereof, and no such regulation shall be effective unless signs are in place. Signs indicating the direction of lawful traffic movement shall be placed at every intersection where movement of traffic in the opposite direction is prohibited. (1985 Code, § 15-205)

**15-1002. Restriction of direction of movement.** (1) The city traffic engineer 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 traffic engineer may erect signs temporarily designating lanes to be used by traffic moving in a particular direction, regardless of the centerline of the roadway.

(2) 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. (1985 Code, § 15-206)

## CHAPTER 11

### STOPPING, STANDING AND PARKING

#### SECTION

- 15-1101. Applicability.
- 15-1102. Location of standing and parking places, etc.
- 15-1103. Angle parking generally.
- 15-1104. Prohibited in specific places.
- 15-1105. Standing or parking close to curb.
- 15-1106. Obstructing traffic.
- 15-1107. Parking in alleys.
- 15-1108. Parking vehicles for sale, repair, etc.
- 15-1109. Parking adjacent to schools.
- 15-1110. Parking prohibited on certain streets generally.
- 15-1111. One-way roadways.
- 15-1112. Hazardous or congested places.
- 15-1113. Curb loading zones--designation.
- 15-1114. Curb loading zones--standing.
- 15-1115. Standing vehicles in freight curb loading zone.
- 15-1116. Designation of public carrier stops and stands.
- 15-1117. Buses.
- 15-1118. Taxicabs.
- 15-1119. Parking vehicles other than buses and taxicabs.
- 15-1120. Signs--required.
- 15-1121. Signs--duty to obey.
- 15-1122. Impoundment of vehicles.
- 15-1123. Parking vehicles on city streets; restrictions.
- 15-1124. Immobilization and removal of vehicles with three or more adjudicated, due, and unsatisfied parking tickets.

**15-1101. Applicability.** The provisions of this chapter prohibiting the standing or parking of a vehicle shall apply at all times or at those times herein specified or as indicated in 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. (1985 Code, § 15-223)

**15-1102. Location of standing and parking places, etc.** The city manager may locate standing and parking places for vehicles, and the manner of parking in such places as will not interfere with traffic, and any violation of such rules and regulations of the city manager shall be deemed a violation of this chapter. (1985 Code, § 15-224)

**15-1103. Angle parking generally.** (1) The city traffic engineer 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 transportation has determined that the roadway is of sufficient width to permit angle parking without interfering with the free movement of traffic.

(2) 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.

(3) On those streets which have been signed or marked by the city traffic engineer 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. (1985 Code, § 15-225)

**15-1104. Prohibited in specific places.** (1) No person shall stop, stand or park a vehicle, except when necessary to avoid conflict with the other traffic or in compliance with law or the directions of a police officer or traffic-control device, in any of the following places:

- (a) On a sidewalk;
- (b) In front of a public or private driveway;
- (c) Within an intersection;
- (d) Within eight (8) feet of a fire hydrant;
- (e) On a crosswalk;
- (f) Within twenty (20) feet of a crosswalk at an intersection;
- (g) Within thirty (30) feet upon the approach to any flashing beacon, stop sign or traffic-control signal located at the side of a roadway;
- (h) Between a safety zone and the adjacent curb or within thirty (30) feet of points on the curb immediately opposite the ends of a safety zone, unless the city traffic engineer indicates a different length by signs or markings;
- (i) Within twenty-five (25) feet of the nearest rail of a railroad crossing;
- (j) Alongside or opposite any street excavation or obstruction when stopping, standing or parking would obstruct traffic;
- (k) On the roadway side of any vehicle stopped or parked at the end or curb of a street;
- (l) Upon any bridge or other elevated structure upon a highway or within a highway tunnel;
- (m) At any place where official signs prohibit stopping;
- (n) Upon any median strip or dividing strip between curbs and sidewalks (commonly known as parkways);
- (o) In a parking space clearly identified by an official sign as being reserved for the physically handicapped, unless, however, the person driving the vehicle is a physically handicapped person. A vehicle parking in such a space shall display a certificate of identification issued as set forth in Tennessee Code Annotated, § 55-8-160(e) or a disabled



veteran's license plate issued under Tennessee Code Annotated, § 55-4-209. A person who parks a vehicle in violation of this subsection shall be subject to a fine of not more than twenty-five dollars (\$25.00) for a first offense and shall be subject to a fine of fifty dollars (\$50.00) for each subsequent offense.

(p) On a bicycle lane;

(q) On a bikeway or multi-use trail.

(2) 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.

(3) The provisions of this section shall not apply to the driver of any vehicle which is disabled while on the paved or improved or main traveled portion of a road, street or highway in such manner and to such extent that it is impossible to avoid stopping and temporarily leaving such vehicle in such position. (Ord. #3443, Jan. 1997)

**15-1105. 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 (18) inches of the right-hand curb. (1985 Code, § 15-227)

**15-1106. Obstructing 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 (10) feet of the width of the roadway for the free movement of vehicular traffic. (1985 Code, § 15-228)

**15-1107. 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 (10) 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. (1985 Code, § 15-229)

**15-1108. Parking vehicles for sale, repair, etc.** No person shall park a vehicle upon a street for the principal purpose of :

(1) Displaying such vehicle for sale; or

(2) Washing, greasing or repairing such vehicle except in the case of repairs necessitated by an emergency. (1985 Code, § 15-230)

**15-1109. Parking adjacent to schools.** (1) The city traffic engineer is hereby authorized to 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.

(2) When official signs are erected indicating no parking upon either side of a street adjacent to any school property as authorized herein, no person shall park a vehicle in any such designated place. (1985 Code, § 15-231)

**15-1110. Parking prohibited on certain streets generally.**

(1) The city traffic engineer is hereby authorized to erect signs indicating no parking upon any street when the width of the roadway does not exceed twenty (20) feet, or upon any street when deemed necessary to expedite the movement of traffic.

(2) When official signs prohibiting parking are erected upon narrow streets as authorized in this section, no person shall park a vehicle upon any such street in violation of any such sign. (1985 Code, § 15-232)

**15-1111. One-way roadways.**(1) In the event the city traffic engineer designates and signposts a traffic lane for one-way traffic, a vehicle shall be driven only in the direction designated.

(2) If a roadway is so designated, 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.

(3) The city traffic engineer 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.. (1985 Code, § 15-233. Amended by Ord. #4849-23)

**15-1112. Hazardous or congested places.** (1) The city traffic engineer is hereby authorized to determine and designate, by proper signs, places in which the stopping, standing or parking of vehicles would create an especially hazardous condition or would cause unusual delay to traffic.

(2) When official signs are erected at hazardous or congested places as authorized, no person shall stop, stand or park a vehicle in any such designated place. (1985 Code, § 15-234)

**15-1113. Curb loading zones--designation.** The city traffic engineer 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. (1985 Code, § 15-235)

**15-1114. Curb loading zones--standing.** 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 the hours when the regulations applicable to such curb loading zone are effective, and then only for a period not to exceed three (3) minutes. (1985 Code, § 15-236)

**15-1115. Standing vehicles 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 pickup and loading of materials in any place marked as a freight curb loading zone during the 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 (30) 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. (1985 Code, § 15-237)

**15-1116. Designation of public carrier stops and stands.** The city traffic engineer 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, and every such bus stop, bus stand, taxicab stand or other stand shall be designated by appropriate signs. (1985 Code, § 15-238)

**15-1117. Buses.** (1) The operator of a bus shall not stand or park such vehicle upon any street at any place other than a bus stand so 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 so designated in as provided in this section, except in the case of emergency.

(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 (18) inches from the curb and the bus approximately parallel to the curb so as not to unduly impede the movement of other vehicular traffic. (1985 Code, § 15-239)

**15-1118. Taxicabs.** The operator of a taxicab shall not stand or park such vehicle upon any street at any place other than in a taxicab stand so designated as provided in this section. The 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. (1985 Code, § 15-240)

**15-1119. Parking vehicles other than buses and taxicabs.** 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, except 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. (1985 Code, § 15-241)

**15-1120. 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 traffic engineer to erect appropriate signs giving notice thereof and no such regulations shall be effective unless such signs are erected and in place at the time of any alleged offense. (1985 Code, § 15-242)

**15-1121. Signs--duty to obey.** (1) No person shall stop, stand or park a vehicle in violation of any official sign lawfully placed or erected.

(2) The provisions of this chapter imposing a time limit 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. (1985 Code, § 15-243)

**15-1122. Impoundment of vehicles** (1) A police officer shall cause the driver or other person in charge of a vehicle of any kind parked in a marked traffic lane on a roadway within the city to move the vehicle to a position off the paved or main-traveled part of the roadway.

(2) If a police officer finds a vehicle unattended upon any bridge or causeway or in any tunnel, or on any roadway within the city, where the vehicle constitutes an obstruction to traffic, the officer is authorized to provide for the removal of that vehicle to the city garage, at the expense of the owner. (1985 Code, § 15-244. Amended by Ord. #4849-23)

**15-1123. Parking vehicles on city streets; restrictions.**

(1) Parking of motorized equipment or vehicles on city streets. (a) No truck or bus or recreational vehicle having a declared maximum gross weight, including vehicle and load, of more than eight thousand (8,000) pounds, or vehicles that exceed eight feet (8') in height at any point, or vehicles that exceed twenty feet (20') in length (attached trailers being considered part of the length of the vehicle), shall be parked or left unattended on any public street for a period of time longer than two (2) hours consecutively, except while being actively loaded or unloaded, or while such a vehicle is being used in connection with any work or service being performed within the immediate area.

(b) No vehicle of any type being used for the purpose of transporting any volatile, toxic, gaseous, explosive or flammable material shall be parked or left unattended on any public street or public right-of-

way for any period of time, except while being actively loaded or unloaded, or while such vehicle is being used in connection with any work or service being performed within the immediate area.

(c) Each day on which such violation continues shall constitute a separate offense.

(2) Parking of nonmotorized equipment or vehicles on city streets.

(a) It shall be unlawful for any person to park, or knowingly permit to be parked, any nonmotorized vehicle or equipment such as, but limited to, campers, trailers, boats, or other recreational type equipment on any public street in the city for a period of time longer than eight (8) hours consecutively.

(b) Each nonmotorized vehicle or equipment may be removed by the police department.

(c) Each day on which such violation continues shall constitute a separate offense.

(3) Storage of property on public streets and rights-of-way. (a) It shall be unlawful for any person to use a public street right-of-way along the street, for the purpose of storing any item, except where otherwise lawfully provided.

(b) Storage is defined for the purposes of this section as the placing of any property in the public street right-of-way in such a manner as to preclude the use of the street or right-of-way by the general public or the normal flow of vehicular or pedestrian traffic.

(c) Each day on which such violation continues shall constitute a separate offense.

(4) Pursuant to the general penalty as found in § 1-104 of the Code of the City of Johnson City, Tennessee, a violation of the provisions of this section shall be punished by a fine of not more than fifty dollars (\$50.00) for each separate violation. Each day any violation of the provisions of this section shall continue shall constitute a separate offense. (as added by Ord. #4497-13, Aug. 2013)

**15-1124. Immobilization and removal of vehicles with three or more adjudicated, due, and unsatisfied parking tickets.** (1) The city is authorized to cause any motor vehicle on the public highways, public streets, public parking lots, or other public grounds against which there are three (3) or more adjudicated, due and unsatisfied parking tickets to be either immobilized or removed from the place it is found at the expense of the owner, driver, or operator. The removal or immobilization of the vehicle shall be by or under the direction of an officer or employee of the city's police department. The city may also remove an immobilized vehicle after three (3) calendar days, unless exigent circumstances exist such as parking in a loading zone, fire lane, handicap parking space, blocking a driveway or access to property, or interfering with traffic, in which case the city may remove an immobilized vehicle immediately.

(2) The owner, driver, or operator shall be obligated to pay any immobilization fee or removal charges for removing/immobilizing the vehicle and any storage charges, before the person immobilizing, removing, or storing such vehicle shall be required to surrender possession of the vehicle to the owner, driver, or operator. Additionally, the person seeking return of the vehicle shall be required to pay all outstanding parking tickets on the vehicle before the vehicle is released.

(3) No person, firm, or other legal entity that immobilizes, removes, or stores any vehicle pursuant to this section shall release the vehicle prior to verification that all adjudicated, due, and unsatisfied parking tickets have been paid.

(4) When a vehicle is immobilized pursuant to this section, there shall be placed on the vehicle in a conspicuous manner a notice warning that the vehicle has been immobilized and that any attempt to move the vehicle might damage it.

(5) Any person who believes that his or her vehicle was immobilized or removed improperly may request and shall promptly receive a hearing regarding the immobilization/removal of the vehicle before the city judge; immobilization/removal hearings shall be held within four (4) business days of the request. The request for hearing shall be made with the municipal court clerk within five (5) calendar days of the immobilization or removal of the vehicle or shall thereafter be barred. At the immobilization/removal hearing, after consideration of the evidence, the judge shall determine whether the immobilization and/or removal was valid. Where it has been established that the immobilization and/or removal was valid, the judge shall uphold and affirm the immobilization/removal and order the payment of all unsatisfied parking tickets, expenses, fees, immobilization and/or removal costs, and court costs (including the costs of the immobilization/removal hearing). Where it has been established that the immobilization and/or removal was invalid, the judge shall order the release of an immobilized/removed vehicle and the refund of the immobilization/removal fees. Any person who fails to appear at the time and place set for the immobilization/removal hearing shall be deemed to have conceded the validity of the immobilization and/or removal of the vehicle.

(6) Notwithstanding anything to the contrary in any section of this title, it shall be conclusively presumed for each adjudicated, due, and unsatisfied parking ticket that the person or persons to whom a vehicle registration plate was issued was or were the individual or individuals responsible for incurring the parking violations and resulting liability or fine, unless the person requesting the immobilization/removal hearing proves that the vehicle was used without express or implied authority during each parking violation for which there is an adjudicated, due, and unsatisfied parking ticket. (as added by Ord. #4589-15, Oct. 2015)

## CHAPTER 12

### SPECIAL STOPS

#### SECTION

- 15-1201. Signals indicating approach of train.
- 15-1202. Stop or yield signs--authorized maintenance.
- 15-1203. Stop or yield signs--description; placement.
- 15-1204. Vehicles entering stop or yield intersections.
- 15-1205. Emerging from alley, driveway or building.
- 15-1206. Blocking intersections or crosswalks.
- 15-1207. Permit for special stops for loading, etc.
- 15-1208. Lights on parked vehicles.

**15-1201. Signals indicating approach of train.** (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 (50) feet but not less than fifteen (15) feet from the nearest rail of such railroad, and shall not proceed until he can do so safely. The foregoing requirements shall apply when:

(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 when 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 (1,500) 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; or

(d) An approaching railroad train is plainly visible and is in hazardous proximity to such crossing.

(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. (1985 Code, § 15-256)

**15-1202. Stop or yield signs--authorized; maintenance.** The city traffic engineer is hereby authorized to determine and designate intersections where particular hazards exist and to determine:

(1) Whether vehicles shall stop at one (1) or more entrances to any such intersections, in which event he shall cause to be erected a stop sign at every such place where a stop is required; or

(2) Whether vehicles shall yield the right-of-way to vehicles on a different street at such intersection as prescribed in § 15-1204 in which event

he shall cause to be erected a yield sign at every place where obedience thereto is required. (1985 Code, § 15-257)

**15-1203. Stop or yield signs--description; placement.** (1) Every stop sign shall bear the word "Stop" in letters not less than eight (8) inches in height. Every yield sign shall bear the word "Yield" in letters not less than seven (7) inches in height.

(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. (1985 Code, § 15-258)

**15-1204. Vehicles entering stop or yield intersections.**

(1) Stop intersection. 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 intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering the intersection. 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.

(2) Yield intersection. 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 pedestrians 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, however, 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. The driver of a vehicle approaching a yield sign if required for safety to stop shall stop before entering the crosswalk on the near 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 driveway has a view of approaching traffic on the intersecting roadway. (1985 Code, § 15-259)



**15-1205. 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. (1985 Code, § 15-260)

**15-1206. Blocking intersections or crosswalks.** No driver shall enter an intersection or a 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. (1985 Code, § 15-261)

**15-1207. Permit for special stops for loading, etc.** (1) The city traffic engineer is authorized to 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.

(2) It shall be unlawful for any permitted or other person to violate any of the special terms or conditions of any such permit. (1985 Code, § 15-262)

**15-1208. Lights 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 a half hour before sunrise and in the event there is sufficient light to reveal any person or object within a distance of five hundred (500) feet upon such street or highway no lights need to 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 a half hour before sunrise and there is not sufficient light to reveal any person or object within a distance of five hundred (500) feet upon such highway, such vehicle so parked or stopped shall be equipped with one (1) or more lamps meeting the following requirements: At least one (1) lamp shall display a white or amber light visible from a distance of five hundred (500) feet to the front of the vehicle, and the same lamp or at least one (1) other lamp shall display a red light visible from a distance of five hundred (500) feet to the rear of the vehicle, and the location of such lamp shall always be such that at least one (1) 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. (1985 Code, § 15-263)

## CHAPTER 13

### PARKING METERS

#### SECTION

- 15-1301. Applicability.
- 15-1302. General authority of city manager.
- 15-1303. Designation of parking spaces.
- 15-1304. Installation, regulation, etc., of meters; specifications generally.
- 15-1305. Operation of meters.
- 15-1306. Prohibited acts.
- 15-1307. Placing coins in meters while loading or unloading.
- 15-1308. Use of funds.
- 15-1309. Reports of violations.
- 15-1310. Designation of loading zones, etc.

**15-1301. Applicability.** The provisions of this chapter as to the placing of coins in parking meters shall not apply on Sundays nor on the following holidays: January first, July fourth, Labor Day, Thanksgiving Day and Christmas Day. (1985 Code, § 15-275)

**15-1302. General authority of city manager.** The city manager shall be authorized to provide for the installation, regulation, maintenance, control, operation and use of parking meters on any street or part of a street where parking is limited as to time by this chapter or any other chapter of this code now or hereafter in force and where, in his opinion, the use of such parking meters would tend to reduce overparking in violation of this code. (1985 Code, § 15-276)

**15-1303. Designation of parking spaces.** The city manager shall cause lines or marks to be painted on the streets or curbs about or along side of the parking meters to designate the parking space for which such meter is to be used. Every vehicle parking along side of or next to any parking meter shall park within the lines so marked or established. It shall be unlawful to park any vehicle in such a way that the same shall not be within the area so designated by such lines or markings, unless such vehicle is too long to be confined in one (1) such space. (1985 Code, § 15-277)

**15-1304. Installation, regulation, etc., of meters; specifications generally.** The parking meters shall be installed upon the curb next to individual parking spaces and shall be at all times maintained so that such meters shall display a signal showing legal parking upon deposit therein of a proper coin of the United States in conformity with the requirements of this chapter, such signal to remain in evidence until expiration of such parking

period at which time it will indicate by automatic operation of a visible signal that the lawful period has expired. (1985 Code, § 15-278)

**15-1305. Operation of meters.** Whenever any vehicle shall be parked next to a parking meter on any day, Monday through Saturday, except on the holidays enumerated in § 15-1301, between the hours of 8:00 A.M. and 6:00 P.M., the owner or operator of such vehicle shall park within the area designated by the curb and street marking lines as indicated for parallel or diagonal parking, and upon entering such parking space shall immediately deposit in such parking meter one (1) or more five-cent (\$.05) coins, ten-cent (\$.10) coins or twenty-five-cent (\$.25) coins of the United States, depending upon the length of time such vehicle shall be parked and shall put the meter into operation; provided, that such owner or operator may use any unexpired time remaining on the meter from its previous use without depositing a coin therein; and provided further, that no vehicle shall be parked for longer than the period prescribed by this chapter. Each five-cent (\$.05) coin will permit the vehicle to be parked for a period of twelve (12) minutes, each ten-cent (\$.10) coin for a period of twenty-four (24) minutes and each twenty-five-cent (\$.25) coin for a period of one (1) hour. (1985 Code, § 15-279)

**15-1306. Prohibited acts.** (1) It shall be unlawful during the hours from 8:00 A.M. to 6:00 P.M., Mondays through Saturdays, except the holidays enumerated in § 15-1301, to permit a vehicle to remain parked in a designated parking space while the parking meter for such space indicates that such vehicle is illegally parked, whether such indication is the result of the failure to deposit a coin and operate lever or other actuating device of the meter, or the result of the automatic operation of the meter following the expiration of the authorized parking time subsequent to depositing a coin therein at the time such vehicle was parked. The fact that a vehicle is parking in a metered parking space during the hours of limited parking without the meter time signal showing permitted parking, shall be prima facie evidence that the vehicle has been parked at such space longer than the lawful permitted parking period. It shall be unlawful for any person to cause or permit any vehicle registered in his name to be unlawfully parked as set out in this section.

(2) It shall be unlawful for any person to deposit or cause to be deposited in any parking meter any coin for the purpose of obtaining an extension of indicated parking time beyond the maximum limit prescribed by this chapter for parking of vehicles by such meter.

(3) It shall be unlawful to deposit or cause to be deposited in any parking meter any slug, device or other substitutes for a coin of the United States.

(4) It shall be unlawful for any person to deface, injure, tamper with, open, break or destroy any parking meter or otherwise to wilfully impair its usefulness.

(5) Any person who shall violate or assist in the violation of subsections (3) or (4) of this section shall, upon conviction thereof, be fined fifty dollars (\$50.00) and also in the discretion of the city judge sitting as a magistrate, may be bound over to the grand jury of the county for such violation of state laws as may be involved. (1985 Code, § 15-280)

**15-1307. Placing coins in meters while loading or unloading.** The placing of coins in meters shall not be required of the owner or operator of any vehicle while actually engaged in loading or unloading of persons therefrom; provided, that the parking for such purpose is restricted to such length of time as is absolutely necessary therefor. (1985 Code, § 15-281)

**15-1308. Use of funds.** The coins required to be deposited in parking meters are hereby levied as a police regulation and inspection fee to cover the costs of providing parking spaces, parking meters and installation and maintenance thereof; the cost of regulation, inspection, operation, control and use of the parking meter spaces and zones created therein; for the regulation and control of traffic moving in and out of parking spaces and zones so created; and for the cost of any resultant traffic administration expense. (1985 Code, § 15-282)

**15-1309. Reports of violations.** It shall be the duty of the police officers of the city acting in accordance with instructions issued by the city manager, to report:

- (1) The number of each parking meter which indicates that 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 and city identification tag number, if any, of such vehicle;
- (3) The time during which such vehicle is parked in violation of any of the provisions of this chapter; and
- (4) Any other fact, a knowledge of which is necessary for a thorough understanding of the circumstances attending such violation.

Each police officer shall also attach to such vehicle a notice to the owner or operator thereof that such vehicle has been parked in violation of a provision of this chapter and instructing such owner or operator to report to the police headquarters of the city, in regard to such violation. Each such owner or operator may, within twenty-four (24) hours of the time when such notice was attached to such vehicle, pay to the police desk sergeant on duty at police headquarters, or to the city recorder at his office in the municipal building as a penalty for and in full satisfaction of each violation, the sum of one dollar (\$1.00). The failure of such owner or operator to make such payment within twenty-four (24) hours shall render such owner or operator subject to the

penalties provided for violation of the lawful parking provisions of this code.  
(1985 Code, § 15-283)

**15-1310. Designation of loading zones, etc.** This chapter shall in no wise be construed or considered as in any way limiting or affecting the right of the city manager to designate proper loading and unloading zones in the city.  
(1985 Code, § 15-284)

## CHAPTER 14

### ABANDONED, JUNKED OR WRECKED VEHICLES

#### SECTION

- 15-1401. Definitions.
- 15-1402. Nuisance.
- 15-1403. Storage on public or private property.
- 15-1404. Notice to remove.
- 15-1405. Failure to remove.
- 15-1406. Abatement and removal by city.
- 15-1407. Tow-in ticket.
- 15-1408. Removal and storage.
- 15-1409. Title search.
- 15-1410. Sale at public auction.
- 15-1411. Return of vehicle to owner.
- 15-1412. Storage and sale of property found in vehicles.
- 15-1413. Disposition of funds from sale of vehicle.

**15-1401. Definitions.** For the purposes of this chapter, the following words and terms shall have the designated meaning unless it is clear from the text that a different meaning is intended:

(1) "Abandoned vehicle." Any motor vehicle whose last registered owner of record has relinquished all further dominion and control, or any vehicle which is wrecked or partially dismantled or inoperable for a period of ten (10) days. There shall be a presumption that the last registered owner thereof has abandoned such vehicle, regardless of whether the physical possession of such vehicle remains in the technical custody or control of such owner, if it has remained inoperable or partially dismantled, or if the owner has relinquished dominion or control of such vehicle, for ten (10) days.

(2) "Manager." The city manager or his duly authorized representative.

(3) "Property." Any real property within the city which is not an improved street or highway.

(4) "Vehicle." A machine propelled by power other than human power designed to travel along the ground by use of wheels, treads or slides and transports persons or property or pulls machinery and shall include, without limitation, automobiles, trucks, trailers, water crafts motorcycles, tractors, buggies and wagons. (1985 Code, § 15-296. Amended by Ord. #4849-23)

**15-1402. Nuisance.** The accumulation and storage of abandoned, wrecked, junked, partially dismantled or inoperable vehicles on public and private property is hereby found to create an unsightly condition upon such property tending to reduce the value thereof, to invite plundering, to create fire

hazards and to constitute an attractive nuisance creating a hazard to the health and safety of minors. Such accumulation and storage of vehicles is further found to promote urban blight and deterioration in the community; to violate the zoning regulations of the city in many instances, particularly where such vehicles are maintained in the required yard areas of residential property; and that such wrecked, junked, abandoned or partially dismantled or inoperable vehicles are in the nature of rubbish, litter and unsightly debris in violation of health and sanitation laws. Therefore, the accumulation and storage of such vehicles on public and private property, except as expressly permitted in this chapter, is hereby declared to constitute a public nuisance which may be abated as such, which remedy shall be in addition to any other remedy provided in this code. (1985 Code, § 15-297. Amended by Ord. #4849-23)

**15-1403. Storage on public or private property.** No person shall park, store or leave or permit the parking, storing or leaving of any motor vehicle which is in a rusted, wrecked, junked, partially dismantled, inoperable or abandoned condition upon any property within the city for a period in excess of ten (10) days unless such vehicle is completely enclosed within a building or unless such vehicle is so stored or parked on said property in connection with a duly licensed business or commercial enterprise operated and conducted pursuant to law when such parking or storing of vehicles is necessary to the operation of the business or commercial enterprise. (1985 Code, § 15-298)

**15-1404. Notice to remove.** Whenever it shall appear that a violation of the provisions of this chapter exists, the manager shall give, or cause to be given, notice to the registered owner of any motor vehicle which is in violation of this chapter, and he shall give such notice to the owner or person in lawful possession or control of the property upon which such motor vehicle is located, advising that such motor vehicle violates the provisions of this chapter and directing that such motor vehicle be moved to a place of lawful storage within ten (10) days. Such notice shall be served upon the owner of the vehicle by leaving a copy of such notice on or within the vehicle. Notice to the owner or person in lawful possession or control of the property upon which such motor vehicle is located may be served by conspicuously posting such notice upon the premises. In the case of publicly-owned property, notice to the owner of the property where the vehicle is found is hereby dispensed with. (1985 Code, § 15-299)

**15-1405. Failure to remove.** The owner of any abandoned vehicle who fails, neglects or refuses to remove such vehicle or to house such vehicle and abate such nuisance in accordance with the notice given pursuant to the provisions of § 15-1404 shall be guilty of a misdemeanor. (1985 Code, § 15-300)



**15-1406. Abatement and removal by city.** If the vehicle is not disposed of after the time provided for in the notice, the manager shall report the location of such vehicle to the police department. The police department or a wrecker company designated by it shall then remove such vehicle or cause it to be removed to the wrecker company storage lot. At the time that the vehicle is removed by the police department or the wrecker company, a tow-in ticket shall be completed by the person towing such vehicle to such garage. In the case of a vehicle parked on private property, the manager or his designee shall cause to be served a citation and summons issued by the municipal court upon the owner of the vehicle and the owner of the real property where the vehicle is located. If the owner of the vehicle or the owner of the real property cannot be located or identified in the course of due diligence, an affidavit by the manager or his designee stating the efforts to locate and identify the owner of the vehicle or the owner of the real property, as the case may be, shall be submitted to the municipal court to show the efforts to provide notice. The municipal judge shall be authorized pursuant to Tennessee Code Annotated, § 55-5-122 to order the police department to remove a vehicle from private property when the manager or his designee shows that the vehicle is in violation of this chapter and that notice has been given or that due diligence to provide notice has been satisfactorily shown. (1985 Code, § 15-301, as amended by Ord. #4522-13, Jan. 2016)

**15-1407. Tow-in ticket.** The tow-in ticket as provided for in this section shall be in the following form:

"VEHICLE REMOVED TO CITY GARAGE

Make of Car _____	Type _____	Ticket No. _____
Serial No. _____	License No. _____	Motor No. _____
Where found _____		State _____
Time _____	Parts of Car Damaged or Missing _____	Date _____
Keys in car ____	Switch Locked ____	Switch Unlocked ____
Trunk locked ____	Doors Locked ____	Radio in Car ____
Spare Tire and Wheel ____	Jack ____	Was Car Driven In ____
By: _____	Personal Property in Car _____	
Remarks _____		
Owner _____		
Address _____ City or State _____		
Signature of Tow-Man _____		

Signature of City Manager or his representative \_\_\_\_\_  
 \_\_\_\_\_."

(1985 Code, § 15-302)

**15-1408. Removal and storage.** (1) Abandoned vehicles shall be transported from the property where they are found to the city garage only during the daylight hours.

(2) The abandoned vehicle shall not be double decked on the city garage lot until the title search provided for in § 15-1409 has been completed by the police department. (1985 Code, § 15-303)

**15-1409. Title search.** At the time that an abandoned vehicle is moved to the city garage, the city police department shall be notified immediately of such fact, and the department shall procure the serial number on the vehicle. The police department shall make or cause to be made a title search on the abandoned vehicle, and after the title search has been completed by the department, the results thereof shall be transmitted to the manager. (1985 Code, § 15-304)

**15-1410. Sale at public auction.** (1) After a title search of the abandoned vehicle has been made by the police department, the manager shall give notice by registered mail to the owner of such vehicle that the vehicle will be sold at public auction by the city. The notice shall specify the date, hour and location of the sale. The manager shall determine the date of the sale of the abandoned vehicle, and at the time of the sale, the vehicle shall be sold by the city, and he may sell such vehicles individually or as a group. Each car at the sale shall be subject to the tow-in charges and storage charges, which charges shall be determined by the manager, and the city shall be permitted to bid at the sale. Title to the abandoned vehicles sold at the aforesaid public auction shall pass to the purchaser at the time of the sale. The proceeds derived from the sale of the vehicles shall be retained by the city. The police department shall report to the manager the vehicles sold at the sale and the amount received for the vehicles.

(2) Notice of the sale shall be posted at the municipal and safety building, the Ash Street courthouse and such other places as the manager may determine, ten (10) days in advance of the sale. (1985 Code, § 15-305)

**15-1411. Return of vehicle to owner.** If during the time that a vehicle is being held by the city under this chapter, the owner of the vehicle demands the return of such vehicle, then the city shall turn the vehicle over to the owner upon the payment of the storage and tow-in fees by the owner. The police department shall notify the manager of such redemption by such owner. (1985 Code, § 15-306)

**15-1412. Storage and sale of property found in vehicle.** Any valuable property found in any abandoned vehicle subject to this chapter shall be stored by the police department and sold at public auction as determined by the manager. (1985 Code, § 15-307)

**15-1413. Disposition of funds from sale of vehicle.** All funds coming into the hands of the city from the sale of vehicles or property under this chapter shall be applied first to the expenses incurred in the removal and sale of the vehicles and property, and the remainder shall be deposited in the general fund of the city. (1985 Code, § 15-308 )

## CHAPTER 15

### BICYCLES AND SHARED MOBILITY

#### SECTION

- 15-1501. Applicability.
- 15-1502. Responsibility of parents for children's violations.
- 15-1503. Bicycle riders subject to vehicle regulations.
- 15-1504. Obedience to traffic-control devices.
- 15-1505. Operating a bicycle on or adjacent to a roadway.
- 15-1506. Operating a bicycle on a multi-use trail.
- 15-1507. Operating a bicycle on a sidewalk.
- 15-1508. Emerging from an alley, driveway, or building.
- 15-1509. Driver and passengers.
- 15-1510. Warning device.
- 15-1511. Hitching prohibited.
- 15-1512. Speed.
- 15-1513. Carrying articles.
- 15-1514. Lights and reflectors.
- 15-1515. Parking.
- 15-1516. Shared mobility.

**15-1501. Applicability.** This chapter shall apply to all multi-use trails, sidewalks, and roadways; and to all persons using the aforementioned multi-use trails, sidewalks, and roadways. (Ord. #3443, Jan. 1997)

**15-1502. Responsibility of parents for children's violations.** The parent of any minor child and the guardian of any ward shall not authorize or knowingly permit any such child or ward to violate any of the provisions of this chapter. (Ord. #3443, Jan. 1997)

**15-1503. Bicycle riders subject to vehicle regulations.** 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 the traffic laws of this city applicable to the driver of a vehicle, except as to those provisions of laws and ordinances which by their nature can have no application to bicycles. (Ord. #3443, Jan. 1997)

**15-1504. Obedience to traffic-control devices.** (1) Any person operating a bicycle shall obey the instructions of official traffic-control signals, signs, and other control devices applicable to vehicles, unless otherwise directed by a public safety 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, except where such person dismounts from the bicycle to make any such turn, in which event such person shall then obey the regulations applicable to pedestrians. (Ord. #3443, Jan. 1997)

**15-1505. Operating a bicycle on or adjacent to a roadway.**

(1) When a bicycle lane is not available, all persons operating a bicycle upon an arterial, collector, or local roadway shall ride on the right side of the road, moving in the same direction as motor vehicle traffic. All persons operating bicycles upon a road way shall not ride more than two (2) abreast when in traffic.

(2) Convention Bicycle/Bike Lane (CBL): When a conventional bike lane is available, all persons operating a bicycle shall ride in the conventional bike lane in the same direction as vehicular traffic; providing however, that the operator may move out of the lane to make a left or right turn, or to avoid a hazardous condition. All persons entering a conventional bike lane shall yield the right-of-way to all bicycles already in the lane.

(3) Protected Bicycle/Bike Lane (PBL): When a protected bike lane is available, all persons operating a bicycle shall ride in the protected bike lane in the appropriate direction and manner as indicated by signage or pavement markings. All persons entering a protected bike lane shall yield the right-of-way to all bicycles already in the lane, and all bicycle movements in and out of protected bike lanes shall occur at designated openings in the lane. (Ord. #3443, Jan. 1997, as amended by Ord. #4686-19, Nov. 2019 *Ch12\_6-20-20*)

**15-1506. Operating a bicycle on a multi-use trail.** All persons operating a bicycle or Class 1 e-bike on a multi-use trail shall ride on the right side of the multi-use trail; providing however, that the operator may move left to make a left turn, to avoid a hazardous condition, or to pass a pedestrian or slower moving object. Due care shall be taken and an audible signal given when passing a pedestrian or slower moving object. Any class 2 and class 3 e-bikes are prohibited from operating on multi-use trails. (Ord. #3443, Jan. 1997, as amended by Ord. #4686-19, Nov. 2019 *Ch12\_6-20-20*)

**15-1507. Operating a bicycle on a sidewalk.** (1) No person over the age of sixteen (16) shall operate a bicycle on a sidewalk located on a local street unless that person is supervising a child while riding. All persons may operate a bicycle on an arterial or collector street.

(2) All persons operating a bicycle on a sidewalk shall yield the right-of-way to any pedestrian and shall give an audible signal before passing said pedestrian.

(3) No e-bike shall be operated on any sidewalk unless the assisting motor is disabled and the person riding on the e-bike is supervising a child while

riding. (Ord. #3443, Jan. 1997, as amended by Ord. #4686-19, Nov. 2019 *Ch12\_6-20-20*)

**15-1508. Emerging from an alley, driveway, or building.** All persons operating a bicycle emerging from an alley, driveway, or building shall upon approaching a sidewalk or roadway yield the right-of-way to all pedestrians and automobiles. (Ord. #3443, Jan. 1997)

**15-1509. Driver and passengers.** All persons riding on a bicycle shall be on a regular seat. Extra riders shall not be permitted to ride on a bicycle in a manner other than the bicycle or its equipment was designed. (Ord. #3443, Jan. 1997)

**15-1510. Warning device.** 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 (100) feet, except that a bicycle shall not be equipped with nor shall any person use any siren or whistle. (Ord. #3443, Jan. 1997 as amended by Ord. #4686-19, Nov. 2019 *Ch12\_6-20-20*)

**15-1511. Hitching prohibited.** No person operating a bicycle shall attach oneself to a vehicle or hold onto another vehicle while it is moving. (Ord. #3443, Jan. 1997)

**15-1512. Speed.** No person shall operate a bicycle at a speed greater than is reasonable and prudent under the existing conditions, and in no case greater than the applicable posted speed limit. (Ord. #3443, Jan. 1997)

**15-1513. Carrying articles.** No person operating a bicycle shall carry any package, bundle, or article which prevents the operator from keeping at least one (1) hand upon the handlebars. (Ord. #3443, Jan. 1997)

**15-1514. Lights and reflectors.** Bicycles operated at nighttime shall be equipped with a white-light emitting lamp on the front that is visible from a distance of at least five hundred (500) feet and a red reflector or a red-light emitting lamp on the rear that is visible from a distance of at least five hundred (500). (Ord. #3443, Jan. 1997. Amended by Ord. #4849-23)

**15-1515. Brakes.** All bicycles shall be equipped with mechanical brakes suitable of bringing the bicycle to a quick stop. (Ord. #3443, Jan. 1997)

**15-1516. Bicycle parking.** No person shall park a bicycle on a multi-use trail, sidewalk, or roadway, in such a fashion that it obstructs any other lawful form of traffic. (Ord. #3443, Jan. 1997 as amended by Ord. #4686- 19, Nov. 2019 *Ch12\_6-20-20*)

**15-1517. Shared mobility.** (1) General operating regulations. (a) Any operator proposing a shared mobility platform within the city shall first obtain a business license and any applicable development permits.

(b) Shared mobility docking stations shall be installed on private property and only within the shared mobility zone. Accompanying shared mobile devices may be used as allowed by this chapter only within the shared mobility zone.

(c) Permittees operators agree that the city is not responsible for educating users regarding applicable laws. The city is not responsible for educating users on the use and operation of any shared mobile device. Permittees operators agree to educate users regarding all applicable laws and to instruct users to comply with all applicable laws.

(2) Indemnification of shared mobility platforms. Any operator shall indemnify and hold harmless the City of Johnson City from any claims arising from the provision or use of shared mobility.

(3) Abandonment. Any shared mobile that is abandoned or left unattended within the public right-of-way for a period greater than twelve (12) hours may be removed and impounded by the city at the expense of the permittee. (as added by Ord. #4686-19, Nov. 2019 *Ch12\_6-20-20*)

## CHAPTER 16

### PEDESTRIANS

#### SECTION

- 15-1601. Designation of crosswalks, safety zones.
- 15-1602. Pedestrians subject to traffic regulations.
- 15-1603. Right-of-way in crosswalks.
- 15-1604. Pedestrians to use right half of crosswalks.
- 15-1605. Crossing roadways at right angles.
- 15-1606. Yielding right-of-way.
- 15-1607. Crossing streets at other than crosswalks.
- 15-1608. Obedience to railroad signals.
- 15-1609. Walking on roadways.
- 15-1610. Solicitation of rides or business.
- 15-1611. Drivers to exercise due care.

**15-1601. Designation of crosswalks, safety zone.** The city traffic engineer is hereby authorized:

(1) To designate and maintain, by appropriate devices, marks or lines upon the surface of the roadway, crosswalks 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; and

(2) To establish safety zones of such kind and character and at such places as he may deem necessary for the protection of pedestrians. (1985 Code, § 15-356)

**15-1602. Pedestrians subject to traffic regulations.** Pedestrians shall be subject to traffic-control signals as declared in § 15-706, but at all other places pedestrians shall be granted those rights and be subject to the restrictions stated in this chapter. (1985 Code, § 15-357)

**15-1603. Right-of-way in crosswalks.**

(1) Unless in a marked school zone when a warning flasher or flashers are in operation, 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) When in a marked school zone when a warning flasher or flashers are in operation, the driver of a vehicle shall stop to yield the right-of-way to a pedestrian crossing the roadway within a marked crosswalk or at an intersection with no marked crosswalk. The driver shall remain stopped until the pedestrian has crossed the roadway on which the vehicle is stopped.

(3) 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.

(4) Subsection (1) shall not apply under the conditions stated in



paragraph (2) of § 15-1606.

(5) 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.

. (1985 Code, § 15-358. Amended by Ord. #4849-23)

**15-1604. Pedestrians to use right half of crosswalks.** Pedestrians shall move, whenever practicable, upon the right half of crosswalks. (1985 Code, § 15-359)

**15-1605. Crossing roadways 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. (1985 Code, § 15-360)

**15-1606. Yielding 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 § 15-1607 when pedestrians are prohibited from crossing at certain designated places. (1985 Code, § 15-361)

**15-1607. Crossing streets at other than crosswalks.** (1) Between adjacent intersections at which traffic-control signals are in operation, pedestrians shall not cross at any place except in a marked crosswalk.

(2) No pedestrian shall cross a roadway other than in a crosswalk in any business district. (1985 Code, § 15-362)

**15-1608. Obedience 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. (1985 Code, § 15-363)

**15-1609. Walking on 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. (1985 Code, § 15-364)

**15-1610. Solicitation of 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 purpose of soliciting the watching or guarding of any vehicle while parked or about to be parked on a street or highway. (1985 Code, § 15-365)

**15-1611. Drivers to exercise due care.** Notwithstanding the foregoing 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. (1985 Code, § 15-366)

## CHAPTER 17

### ACCIDENTS

#### SECTION

15-1701. Immediate notice of accident.

15-1702. Report required.

15-1703. When driver unable to report.

15-1704. Reports confidential.

15-1705. Reports by operators of garages and repair shops.

**15-1701. Immediate notice of accident.** The driver of a vehicle involved in an accident resulting in injury to or death of a person, or property damage to an apparent extent of fifty dollars (\$50.00) 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. (1985 Code, § 15-383)

**15-1702. Report required.** The driver of a vehicle which is in any manner involved in an accident resulting in bodily injury to or death of any person or total property damage to an apparent extent of fifty dollars (\$50.00) or more shall, within ten (10) 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. (1985 Code, § 15-384)

**15-1703. When driver unable to report.** (1) Whenever the driver of a vehicle is physically incapable of giving an immediate notice of an accident as required in § 15-1701 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 § 15-1702 and such driver is not the owner of the vehicle, then the owner of the vehicle involved in such accident shall within ten (10) days after learning of the accident make such report not made by the driver. (1985 Code, § 15-385)

**15-1704. Reports confidential.** (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; except, however, 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 department in compliance with law. (1985 Code, § 15-386)

**15-1705. Reports by operators of garages and repair shops.** 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 written report must be made to the state, or which has been struck by a bullet or otherwise apparently involved in violence, shall report to the police department within twenty-four (24) 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. (1985 Code, § 15-387)

## CHAPTER 18

### AUTOMATED TRAFFIC ENFORCEMENT

#### SECTION

15-1801. Automated enforcement.

**15-1801. 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 warnings" shall include:

(i) The name and address of the registered owner of the vehicles;

(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 or by which a hearing must be requested, pursuant to subsection (3)(b)(ii) of this section, which dates shall be not less than thirty (30) days from the date of mailing of the citation;

(viii) A personally or electronically signed statement by a member of the police department that, based on inspection of recorded images, the 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 municipal 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 (1) 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 police department shall administer the traffic control photographic systems and shall maintain a list of system locations where traffic control photographic systems are installed.

(b) A citation or warning alleging that the violation of subsection (3) of this section occurred, sworn to (or affirmed) and by statement signed personally or electronically by a member of the police department or an employee of the City of Johnson City assigned to the police bureau, 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) In addition to the signage requirements of subsection (7) below, signs to indicate the use of traffic control photographic systems in Johnson City shall be posted and visible at various other locations in the city.

(3) Offense. (a) Except when directed to proceed by a police officer or traffic control signal, every driver shall stop when facing a red signal light at the stop bar, and it shall be unlawful for a vehicle to cross the stop bar at a system location when facing a red signal light as set out in § 15-705(3)(a), or for a vehicle to violate any other traffic regulation specified in this chapter.

(b) A person who receives a citation under subsection (2) may:

(i) Pay the civil penalty, in accordance with instructions on the citation, directly to the municipal court or to the contracted collection agency; or

(ii) Elect to contest the citation for the alleged violation. An election to contest such citation shall not result in civil penalties or court costs in addition to those assessed pursuant to section (4)(a) below, if the responsible party is then found by the court to have violated subsection (3).

(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 or control of the vehicle at the time of the violation shall be responsible.

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

(i) An affidavit stating the name and address of the person or entity who leased, rented, or otherwise had the care, custody or 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 or its license plate was stolen, along with a certified copy of the police report reflecting such theft, or that the vehicle was in the care, custody or control of some person who did not have his or her permission to use the vehicle, and stating the name and address of said person. An affidavit alleging theft of a motor vehicle or its plates must be provided by the registered owner of a vehicle receiving a notice of violation within thirty (30) days of the mailing date of the notice of violation.

If an individual identified pursuant to subsection (3)(d)(i) placed the vehicle in the care, custody or control of another at the time of the violation, said individual may likewise submit an affidavit pursuant to subsection (3)(d)(i). If an individual identified pursuant to subsection (3)(d)(i) demonstrates to the city court that he or she did not lease or rent the vehicle or otherwise was not given care, custody or control of the vehicle, the owner of the vehicle shall remain responsible for the violation, and a citation as set forth above shall be reissued to the owner of 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 fifty dollars (\$50.00) and the assessment of court costs for each violation. Failure to appear in court on the designated date shall subject the responsible person or entity to a civil penalty of fifty dollars (\$50.00) and the assessment of court costs. Being found by the court as having violated subsection (3) of this section shall likewise subject the responsible person or entity to a civil penalty of fifty dollars (\$50.00) and the assessment of court costs. No additional penalty or other costs shall be assessed for

non-payment of a traffic violation or citation that is based solely on evidence obtained from a surveillance camera installed to enforce or monitor traffic violations, unless a second notice is sent by first class mail to the registered owner of the motor vehicle and such second notice provides for an additional thirty (30) days for payment of such violation or citation. The city may enforce the civil penalties by a civil action in the nature of a debt.

(b) A violation for which a civil penalty is imposed under this section shall not be considered a moving violation and may not be recorded by the police department or the state department of safety on the driving record of the owner or driver of the vehicle and may not be considered in the provision of motor vehicle insurance coverage.

(5) Exemptions. The owners of the following vehicles are exempt from receiving a notice of violation:

- (a) Emergency vehicles with active emergency lights;
- (b) Vehicles moving through the intersection to avoid or clear the way for a marked emergency vehicle;
- (c) Vehicles under police escort; and
- (d) Vehicles in a funeral procession.

(6) Yellow light time exposure. The City of Johnson City shall not reduce or cause the reduction of the time exposure of the yellow light at any intersection where it installs, owns, operates, or maintains a traffic-control signal light that employs a surveillance camera for the enforcement or monitoring of traffic violations with the intended purpose of increasing the number of traffic violations.

(7) Signage and stop bars. At all system locations where traffic control photographic systems operate at intersections within the City of Johnson City, there shall be installed stop bars and signage stating that a traffic control photographic system is in operation. Such signage shall be placed near such system and/or on the roadside, not less than two hundred feet (200') from such system. (as added by Ord. #4297-07, Dec. 2008)