

TITLE 15

MOTOR VEHICLES, TRAFFIC AND PARKING¹

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CHAPTER 1

DEFINITIONS

SECTION

- 15-101. Definitions.
 15-102.--15-130. Deleted.

15-101. Definitions. As used in this title, and as set forth in Tennessee Code Annotated (hereinafter "T.C.A.") § 55-8-101 (1) through (93), unless the context otherwise requires:

(1) "All-terrain vehicle" means either:

(a) A motorized nonhighway tire vehicle with no less than four (4) nonhighway tires, but no more than six (6) nonhighway tires, that is limited in total dry weight to less than two thousand five hundred pounds (2,500 lbs.), and that has a seat or saddle designed to be straddled by the operator and handlebars for steering control; or

¹Municipal code reference

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

(b) A motorized vehicle designed for or capable of cross-country travel on or immediately over land, water, snow, or other natural terrain and not intended for use on public roads traveling on two (2) wheels and having a seat or saddle designed to be straddled by the operator and handlebars for steering control;

(2) "Arterial street" means any United States or state numbered route, controlled access highway, or other major radial or circumferential street or highway designed by The City of Alcoa as part of a major arterial system of streets or highways;

(3) (a) "Authorized emergency vehicle" means vehicles of the fire department or law enforcement, vehicles or bicycles, and emergency vehicles, including vehicles operated by commissioned members of the Tennessee Bureau of Investigation when on official business;

(b) (i) "Authorized emergency vehicle" automatically includes every ambulance and emergency medical vehicle operated by any emergency medical service licensed by the department of health; and, notwithstanding any law to the contrary, regulation of these ambulances and emergency medical vehicles shall be exclusively performed by the department of health, and no special authorization, approval or filing shall be required pursuant to this title by the commissioner of safety;

(ii) "Authorized emergency vehicle" automatically includes every rescue vehicle or emergency response vehicle owned and operated by a state-chartered rescue squad, emergency lifesaving crew or active member unit of the Tennessee Association of Rescue Squads and no special authorization, approval or filing shall be required for the vehicle pursuant to this title by the commissioner of safety;

(4) "Autocycle" means a three (3) wheeled motorcycle that is equipped with safety belts, steering wheel, and non-straddle seating, and is manufactured to comply with federal safety requirements for motorcycle;

(5) "Automated driving system" or "ADS" means technology installed on a motor vehicle that has the capability to drive the vehicle on which the technology is installed in high or full automation mode, without any supervision by a human operator, with specific driving mode performance by the automated driving system of all aspects of the dynamic driving task that can be managed by a human driver, including the ability to automatically bring the motor vehicle into a minimal risk condition in the event of a critical vehicle or system failure or other emergency event;

(6) "Automated-driving-system-operated vehicle" or "ADS-operated vehicle" means a vehicle equipped with an automated driving system;

(7) "Bicycle" means every device propelled by human power upon which any person may ride, having two (2) tandem wheels, either of which is more than twenty inches (20") in diameter;

(8) "Bus" means every motor vehicle designed for carrying more than ten (10) passengers and used for the transportation of persons, and every motor vehicle, other than a taxicab, designed and used for the transportation of persons for compensation;

(9) "Business district" means the territory contiguous to and including a highway when within any six hundred feet (600') along the 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 that occupy at least three hundred feet (300') of frontage on one (1) side or three hundred feet (300') collectively on both sides of the highway;

(10) "Certified police cyclist" means any full time, sworn law enforcement officer who is certified by the International Police Mountain Bike Association or has otherwise been certified by the Tennessee peace officer standards and training commission as having received and successfully completed appropriate bicycle training in the performance of law enforcement functions;

(11) "Chauffeur" means every person who is employed by another for the principal purpose of driving a motor vehicle and every person who drives a school bus transporting school children or any motor vehicle when in use for the transportation of persons or property for compensation;

(12) "Class I off-highway vehicle" means a motorized vehicle with not less than four (4) nonhighway tires, nor more than six (6) nonhighway tires, whose top speed is greater than thirty-five miles per hour (35 mph), that is limited in total dry weight up to two thousand five hundred pounds (2,500 lbs.), that is eighty inches (80") or less in width, and that has a non-straddle seating capable of holding at least two (2) but no more than four (4) passengers and a steering wheel. "Class I off-highway vehicle" includes mini-trucks;

(13) "Class II off-highway vehicle" means any off-highway vehicle that is designed to be primarily used for recreational purposes, that has a non-straddle seating capable of holding at least two (2) but no more than four (4) passengers and a steering wheel, and that is commonly referred to as a sand buggy, dune buggy, rock crawler, or sand rail. "Class II off-highway vehicle" does not include a snowmobile or other vehicle designed to travel exclusively over snow or ice;

(14) "Commissioner" means the Tennessee Commissioner of Safety;

(15) "Controlled-access highway" means 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 the highway, street or roadway;

(16) "Crosswalk" means:

(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; or

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

(17) "Curb" means the lateral boundary of that portion of the street designated for the use of vehicles, whether marked by curbstones or not.

(18) "Dealer" means every person engaged in the business of buying, selling or exchanging vehicles of a type required to be registered and who has an established place of business for that purpose in the City of Alcoa;

(19) "Department" means the department of safety;

(20) "Driver" means:

(a) For purposes of a conventionally operated vehicle, every person who drives or is in actual physical control of a vehicle; and

(b) For purposes of an ADS-operated vehicle and when the context requires, the ADS when the ADS is engaged;

(21) "Dynamic driving task" means all of the real-time operational and tactical functions required to operate a vehicle in on-road traffic. "Dynamic driving task" does not include strategic functions, such as route selection and scheduling;

(22) "Electric bicycle" means a device upon which any person may ride that is equipped with two (2) or three (3) wheels, any of which is twenty inches (20") or more in diameter, fully operable pedals for human propulsion, and an electric motor of less than seven hundred fifty (750) watts, and meets the requirements of one (1) of the three (3) classes of electric bicycles defined in subsection (a), (b), or (c).

(a) "Class 1 electric bicycle" means an electric bicycle equipped with a motor that provides assistance only when the rider is pedaling, and that ceases to provide assistance when the bicycle reaches the speed of twenty miles per hour (20 mph);

(b) "Class 2 electric bicycle" means an electric bicycle equipped with a motor that may be used exclusively to propel the bicycle, and that is not capable of providing assistance when the bicycle reaches the speed of twenty miles per hour (20 mph);

(c) "Class 3 electric bicycle" means an electric bicycle equipped with a 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 miles per hour (28 mph) (2019, Reference T.C.A. § 55-8-301).

(23) "Essential parts" means all integral and body parts of a vehicle of a type required to be registered, the removal, alteration or substitution of which would tend to conceal the identity of the vehicle or substantially alter its appearance, model, type or mode of operation;

(24) "Established place of business" means the place actually occupied either continuously or at regular periods by a dealer or manufacturer where the books and records are kept and a large share of the business is transacted;

(25) "Explosives" means any chemical compound or mechanical mixture that is commonly used or intended for the purpose of producing an explosion and that contains any oxidizing and combustive units or other ingredients in those proportions, quantities or packing that an ignition by fire, by friction, by concussion, by percussion or by detonator of any part of the compound or mixture may cause such a sudden generation of highly heated gases that the resultant gaseous pressures are capable of producing destructive effects on contiguous objects or of destroying life or limb;

(26) "Farm tractor" means every motor vehicle designed and used primarily as a farm implement for drawing plows, mowing machines and other implements of husbandry;

(27) "Flammable liquid" means any liquid that has a flash point of seventy degrees Fahrenheit (70° F), or less, as determined by a tagliabue or equivalent closed-cup test device;

(28) "Foreign vehicle" means every vehicle of a type required to be registered brought into the City of Alcoa from another city, territory or country other than in the ordinary course of business by or through a manufacturer or dealer and not registered in the City of Alcoa;

(29) "Golf cart" means a motor vehicle that is designed and manufactured for operation on a golf course for sporting or recreational purposes and equipped with safety belts installed for use in the left front and right front seats and that is not capable of exceeding speeds of twenty miles per hour (20 mph);

(30) "Gross weight" means the weight of a vehicle without load plus the weight of any load thereon;

(31) "Highway," "roads," "streets," "roadway," means the entire width between the boundary lines of every way when any part thereto is open to the use of the public for purposes of vehicular travel.

(32) "Implement of husbandry" means every vehicle that is designed for agricultural purposes and exclusively used by the owner thereof in the conduct of the owner's agricultural operations;

(33) "Intersection" means:

(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 that 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; or

(b) Where a highway includes two (2) roadways thirty feet (30') or more apart, then every crossing of each roadway of that divided highway by an intersecting highway shall be regarded as a separate intersection. In the event the intersecting highway also includes two (2)

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

(34) "Laned roadway" means a roadway which is divided into two (2) or more clearly marked lanes for vehicular traffic;

(35) "License to operate a vehicle" means any operator's or chauffeur's license, including commercial driver's license or any other license or permit to operate a motor vehicle issued under the laws of this state including:

(a) Any temporary license or instruction permit;

(b) The privilege of any person to drive a motor vehicle whether or not that person holds a valid license; and

(c) Any nonresident's operating privilege as defined in this section.

(36) "Local authorities" means every county, municipal and other local board or body having authority to enact ordinances or make regulations relating to traffic under state law and of the City of Alcoa charter or code of ordinances.

(37) "Low speed vehicle" means any four (4) wheeled electric vehicle, excluding golf carts, whose top speed is greater than twenty miles per hour (20 mph) but not greater than twenty-five miles per hour (25 mph), including neighborhood vehicles. Low speed vehicles must comply with the safety standards (49 CFR 571.500);

(38) "Manufacturer" means every person engaged in the business of constructing or assembling vehicles of a type required to be registered at an established place of business in this city;

(39) "Medium speed vehicle" means any four-wheeled electric or gasoline-powered vehicle, excluding golf carts, whose top speed is greater than thirty miles per hour (30 mph), but whose maximum speed allowed is thirty-five miles per hour (35 mph) only on streets with a forty mile per hour (40 mph) or less posted speed limit, and otherwise meets or exceeds the federal safety standards set forth (49 CFR 571.500), except as otherwise provided in the registration requirements (T.C.A. § 55-4-136);

(40) "Metal tire" means every tire the surface of which in contact with the highway is wholly or partly of metal or other hard, non-resilient material;

(41) "Minimal risk condition" means a low-risk operating mode in which an ADS-operated vehicle when the ADS is engaged achieves a reasonably safe state upon experiencing a failure of the vehicle's ADS that renders the vehicle unable to perform the entire dynamic driving task;

(42) "Motor vehicle" means every vehicle, including a low speed vehicle or a medium-speed vehicle that is self-propelled, excluding electric bicycles and motorized bicycles, and every vehicle, including a low speed vehicle or a medium speed vehicle that is propelled by electric power obtained from overhead trolley wires, but not operated upon rails;

(43) "Motorcycle" means every motor vehicle that has 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, including an autocycle and does not include a tractor or motorized bicycle;

(44) "Motor-driven cycle" means every motorcycle, including every motor scooter, with a motor that produces no more than five (5) brake horsepower, or with a motor with a cylinder capacity not exceeding one hundred twenty-five cubic centimeters (125cc);

(45) "Motorized bicycle" means a vehicle with two (2) or three (3) wheels, an automatic transmission, and a motor with a cylinder capacity not exceeding fifty cubic centimeters (50cc) which produces no more than two (2) brake horsepower and is capable of propelling the vehicle at a maximum design speed of no more than thirty miles per hour (30 mph) on level ground. The operator of a motorized bicycle must be in possession of a valid operator's or chauffeur's license, and shall be subject to all applicable and practical rules of the road. A motorized bicycle may not be operated on a highway of the interstate and defense highway system, any similar limited access multilane divided highway, or upon sidewalks;

(46) "Off-highway vehicle" or "off-highway motor vehicle" means any vehicle designed primarily to be operated off public highways, including any Class I off-highway vehicle, Class II off-highway vehicle, all-terrain vehicle, any motorcycle commonly referred to as a dirt bike, or any snowmobile or other vehicle designed to travel exclusively over snow or ice;

(47) "Official traffic-control devices" means all signs, signals, markings and devices not inconsistent with this title, placed or erected by authority of a public body or official having jurisdiction for the purpose of regulating, warning or guiding traffic;

(48) "One-way street" means any street which has been designated and marked with posted signs indicating traffic shall proceed only in the one (1) indicated direction;

(49) "Operator" means:

(a) For purposes of a conventionally operated vehicle, every person, who drives or is in actual physical control of a motor vehicle upon a highway or who is exercising control over or steering a vehicle being towed by a motor vehicle, whether or not licensed as an operator or chauffeur; and

(B) For purposes of an ADS-operated vehicle and when the context requires, the ADS when the ADS is engaged.

(50) "Owner" means a person who holds the legal title of a vehicle, or in the event a vehicle is the subject of an agreement for the conditional sale or lease thereof, with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee, or in the event a mortgagor of a vehicle is entitled to possession, then the conditional vendee or lessee or mortgagor shall be deemed the owner for the purpose of this title;

(51) "Park," when prohibited, means the standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading;

(52) "Pedestrian" means any person afoot or using a motorized or non-motorized wheelchair;

(53) "Person" means a natural person, firm, co-partnership, association, corporation, or an engaged ADS;

(54) "Platoon" means a group of individual motor vehicles that are traveling in a unified manner at electronically coordinated speeds;

(55) "Pneumatic tire" means every tire in which compressed air is designed to support the load;

(56) "Pole trailer" means every vehicle without motive power designed to be driven by another vehicle and attached to the towing vehicle by means of a reach or pole, or by being boomed or otherwise secured to the towing vehicle, and ordinarily used for transporting long or irregularly shaped loads, such as poles, pipes or structural members capable, generally, of sustaining themselves as beams between the supporting connections;

(57) "Police officer" means every officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations;

(58) "Private road or driveway" means 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;

(59) "Railroad" means a carrier of persons or property upon cars, other than streetcars, operated upon stationary rails;

(60) "Railroad sign or signal" means any sign, signal or device erected by authority of a public body or official or by a railroad and intended to give notice of the presence of railroad tracks or the approach of a railroad train;

(61) "Railroad train" means a steam engine, electric or other motor, with or without cars coupled thereto, operated upon rails, except streetcars;

(62) "Recovered materials" means those materials which have been diverted or removed from the solid waste stream for sale, use, reuse or recycling, whether or not requiring subsequent separation processing. Such recovered materials are not solid waste;

(63) "Recyclable materials" means those materials which are capable of being reused or returned to use in the form of raw materials or products, whether or not such materials have been diverted or removed from the solid waste stream;

(64) "Recycling vehicle" means any vehicle that is designed and used exclusively for the collection or transportation of recovered materials or recyclable materials;

(65) "Residential district" means the territory contiguous to and including a highway not comprising a business district when the property on the highway for a distance of three hundred feet (300') or more is in the main improved with residences;

(66) "Right-of-way" means the privilege of the immediate use of the roadway;

(67) "Road tractor" means every motor vehicle designed and used for drawing other vehicles and not so constructed as to carry any load thereon either independently or any part of the weight of a vehicle or load so drawn;

(68) "Roadway" means 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, "roadway" refers to any such roadway separately, but not to all such roadways collectively;

(69) "Roller skates" has its ordinary meaning and means a pair of shoes mounted either with two (2) sets of wheels or multiple wheels in a line, most often propelled by the user in an upright, standing position;

(70) "Safety zone" means the area or space officially set apart within a roadway for the exclusive use of pedestrians and that 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;

(71) "School bus" means every motor vehicle owned by a public or governmental agency and operated for the transportation of children to or from school or privately owned and operated for compensation for the transportation of children to or from school;

(72) "Semitrailer" means every vehicle with or without motive power, other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that some part of its weight and that of its load rests upon or is carried by another vehicle;

(73) "Sidewalk" means that portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines, intended for use of pedestrians;

(74) "Skateboard" the term skateboard includes a board of any material with wheels affixed to the underside, customarily ridden by the user in an upright, standing position, and being propelled by gravitational power, human power, electrical motor, or internal combustion engine;

(75) "Solid tire" means every tire of rubber or other resilient material which does not depend upon compressed air for the support of the load;

(76) "Solid waste vehicle" means any vehicle engaged in the collecting and transporting of municipal solid waste (T.C.A. § 68-211-802) or recyclable materials (T.C.A. § 68-211-802);

(77) "Special mobile equipment" means every vehicle not designed or used primarily for the transportation of persons or property and incidentally operated or moved over the highways, including farm tractors, road construction or maintenance machinery, ditch-digging apparatus, well-boring apparatus and concrete mixers. The foregoing enumeration shall be deemed partial and shall not operate to exclude other vehicles that are within the general terms of this subdivision;

(78) "Specially constructed vehicle" means every vehicle of a type required to be registered not originally constructed under a distinctive name, make, model or type by a generally recognized manufacturer of vehicles and not materially altered from its original construction;

(79) "Stop," when required, means complete cessation from movement;

(80) "Stop line" means a white line placed generally in conformance with the Manual on Uniform Traffic Control Devices (MUTCD), as adopted by the department of transportation, denoting the point where an intersection begins;

(81) "Stopping" or "standing," when prohibited, means any stopping or standing of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic-control sign or signal;

(82) "Street" means the entire width between boundary lines of every way when any part thereof is open to the use of the public for purposes of vehicular travel;

(83) "Streetcar" means a car other than a railroad train for transporting persons or property and operated upon rails principally within the City of Alcoa;

(84) "Through highway" or "through street" means every highway or street, or portion of the highway or street, at the entrance to which vehicular traffic from intersecting highways or streets is required by law to stop before entering or crossing the same and when stop signs are erected;

(85) "Trackless trolley coach" means every motor vehicle that is propelled by electric power obtained from overhead trolley wires but not operated upon rails;

(86) "Tractor" means any self-propelled vehicle designed or used as a traveling power plant or for drawing other vehicles, but having no provision for carrying loads independently;

(87) "Traffic" means pedestrians, ridden or herded animals, vehicles, streetcars and other conveyances either singly or together while using any highway for purposes of travel;

(88) "Traffic-control signal" means any device, whether manually, electrically or mechanically operated, by which traffic is alternately directed to stop and to proceed;

(89) "Trailer" means every vehicle with or without motive power, other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that no part of its weight rests upon the towing vehicle;

(90) "Truck" means every motor vehicle designed, used or maintained primarily for the transportation of property;

(91) "Truck tractor" means every motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn;

(92) "Urban district" means the territory contiguous to and including any street that is built up with structures devoted to business, industry or dwelling houses situated at intervals of less than one hundred feet (100') for a distance of one-quarter (1/4) mile or more;

(93) "Vehicle" means every device in, upon or by which any person or property is or may be transported or drawn upon a highway, excepting devices used exclusively upon stationary rails or tracks. (1971 Code, § 9-102, as replaced by Ord. #15-347, Feb. 2015, amended by Ord. #15-350, April 2015, and replaced by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-102.--15-130. Deleted. (as added by Ord. #06-085, June 2006, renumbered by Ord. #05-105, Dec. 2006, and deleted by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

CHAPTER 2

ENFORCEMENT OF TITLE AND DRIVERS LICENSES

SECTION

- 15-201. Required obedience to laws.
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- 15-205. Penalties for violation.
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- 15-214. Learners permit - intermediate license - restrictions.
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- 15-216.--15-234. Deleted.

15-201. Required obedience to laws. It is unlawful and it is a civil ordinance violation for any person to do any act forbidden or fail to perform any act required in this title. (1971 Code, § 9-210, as replaced by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-202. Compliance with lawful orders. No person shall willfully fail or refuse to comply with any lawful order or direction of any police officer invested by law with authority to direct, control or regulate traffic (reference T.C.A. § 55-8-104). (1971 Code, § 9-214, as replaced by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-203. Public officers and employees. The provisions of this title applicable to drivers of vehicles upon the highways shall apply to the drivers of all vehicles owned or operated by the United States, Tennessee, or the City of Alcoa, or any other political subdivision of the City of Alcoa, subject to specific exceptions as are set forth in this title, or otherwise excused, pre-empted or immune under state or federal law (reference T.C.A. § 55-8-106). (1971 Code, § 9-215, as repealed and renumbered by Ord. #06-105, Dec. 2006, and replaced by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-204. Persons working on highways. Unless specifically made applicable, the provisions of this title shall not apply to persons, teams, motor vehicles and other equipment while actually engaged in work upon the surface of a highway or the adjacent right-of-way, but shall apply to these persons and vehicles when traveling to or from such work. This section shall not relieve the driver of a motor vehicle or equipment covered by this section from the duty to drive with due regard for the safety of all persons, all as provided by law (reference T.C.A. § 55-8-107). (1971 Code, § 9-216, as repealed and renumbered by Ord. #06-105, Dec. 2006, and replaced by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-205. Penalties for violation. (1) Unless otherwise stated herein, the penalty for violation of any provision of this title is a fine not to exceed fifty (\$50.00) dollars, plus any court costs or administrative fees allowed by local, state or federal laws.

(2) (a) Any person committing a violation of any provision of this title may be required, at the discretion of the court, to attend a driver education course approved by the department of safety in addition to, or in lieu of any portion or other penalty imposed.

(b) Additionally, the court may have authority to suspend or revoke a person's driving privileges as a result of a finding of violation of this title.

(c) Upon certification to the court clerk that a court ordered driver education or improvement course has been completed, the court clerk shall report the completion to the department of safety. The report shall be accomplished on the abstract of record of the court referenced in Tennessee Code Annotated, § 55-10-306.

(3) Subsection (2) shall not apply to any person who holds a Class A, B, or C license and is charged with any violation, except a parking violation, in any type of motor vehicle.

(4) Subsection (2) shall not apply to any person who holds any class of driver license and who is charged with any violation, except a parking violation, while operating a commercial motor vehicle (T.C.A. § 55-10-301). (1971 Code, § 9-217, as repealed and renumbered by Ord. #06-105, Dec. 2006, and replaced by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-206. Reexamination. The City of Alcoa municipal court judge shall have the authority to require any person brought before the judge's court for an alleged violation to submit to a reexamination by the department of safety when the judge has good cause to believe that the person, by reason of physical or mental disability, would not be able to operate a motor vehicle with safety upon the highways, or, in the discretion of the judge, would create a hazard to the driving public. However, the operator's or chauffeur's license of the person shall not be withheld or suspended pending the reexamination (T.C.A. § 55-10-309).

(1971 Code, § 9-218, as renumbered by Ord. #06-105, Dec. 2006, and replaced by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-207. Parents and guardians. The parent of any child and the guardian of any ward shall not authorize or knowingly permit that child or ward to violate any of the provisions of this title (T.C.A. § 55-8-171(b)). (1971 Code, § 9-219, as renumbered by Ord. #06-105, Dec. 2006, and replaced by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-208. Director of public safety. The city manager is hereby designated the director of public safety with the authority to appoint a designee to act in such capacity. (1971 Code, § 9-220, as amended and renumbered by Ord. #06-105, Dec. 2006, and replaced by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-209. Duties of director of public safety. The director of public safety is hereby authorized and it shall be his duty:

(1) To implement the provisions of this title and give general supervision over its enforcement.

(2) To issue all permits authorized under this title.

(3) To designate all vehicles which shall be considered emergency vehicles which are not specifically designated as such by this title.

(4) To designate and mark all streets which shall be one-way streets; to designate and mark which streets shall be two (2) laned streets or multiple-laned streets; and to designate and mark which streets shall be truck and/or bus routes.

(5) To design, designate and erect all traffic-control signs, signals, markings and devices and to designate their location.

(6) To designate and mark all no-parking or limited parking areas, pedestrian crosswalks, stop streets, and yield right of way streets, and to close to public traffic any streets or parts of streets upon a temporary basis as may be needed or required.

(7) To designate and mark all streets or street areas with a speed limit for vehicular traffic on said streets and street areas.

(8) To designate and mark all school zones, playground zones and congested area zones. (1971 Code, § 9-221, as repealed and renumbered by Ord. #06-105, Dec. 2006, and replaced by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-210. Authority and duties of police and fire departments.

(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 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 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. (1971 Code, § 9-222, as renumbered by Ord. #06-105, Dec. 2006, and replaced by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-211. Obedience to police and fire department officers. No person shall willfully fail or refuse to comply with any lawful order or direction of a police officer or fire department official. (1971 Code, § 9-223, as renumbered by Ord. #06-105, Dec. 2006, and replaced by Ord. #09-213, Oct. 2009, and Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-212. License required - requirements - exception - applicability to temporary licenses and permits. (1) Every person applying for an original or renewal driver license shall be required to comply with and be issued a classified driver license meeting the following requirements:

(a) No person, except those expressly exempted in this section, shall drive any motor vehicle upon a highway in this state unless the person has a valid driver license under this chapter for the type or class of vehicle being driven;

(b) No person, except those expressly exempted in this section, shall steer or, while within the passenger compartment of the vehicle, exercise any degree of physical control of a vehicle being towed by a motor vehicle upon a highway in this state unless the person has a valid driver license under this chapter for the type or class of vehicle being towed;

(c) No person shall receive a driver license unless and until the person surrenders to the department all valid licenses in the person's possession, issued to that person by this or any other jurisdiction. All surrendered licenses issued by another jurisdiction shall be returned, together with information that the person is licensed in this state. No person shall be permitted to have more than one (1) valid driver license at any time; and

(d) Any person licensed as a driver may exercise the privilege granted upon all streets and highways in this state and shall not be required to obtain any other license to exercise the privilege by any county, municipal or local board, or body having authority to adopt local police regulations.

(2) This section is applicable to the issuance of temporary driver licenses and permits.

(3) A Class M license shall not be required for the operation of an autocytle (reference T.C.A. § 55-50-301). (1971 Code, § 9-224, as renumbered by Ord. #06-105, Dec. 2006, and replaced by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-213. Misdemeanor - license. It is a civil ordinance violation for any person to:

(1) Display or cause or permit to be displayed, or have in the person's possession, any cancelled, revoked, suspended, or fraudulently altered driver license, certificate of driving or other government-issued photo identification document;

(2) Lend a driver license, certificate of driving or other government-issued photo identification document to any other person or knowingly permit the use thereof by another;

(3) Display or represent as one's own any driver license, certificate of driving or other government-issued photo identification document not issued to the person;

(4) Fail or refuse to surrender to the department upon its lawful demand any driver license, certificate of driving or other government-issued photo identification document that has been suspended, revoked, or cancelled;

(5) Permit or commit any unlawful use of a driver license, certificate of driving or other government-issued photo identification document issued to the person;

(6) Do any act forbidden or fail to perform any act required by this chapter, notwithstanding any contrary law; or

(7) Display or have in possession any photograph, photostat, duplicate, reproduction or facsimile of any driver license, certificate of driving or other government-issued photo identification document unless authorized by this chapter (T.C.A. § 55-50-601). (1971 Code, § 9-226, as repealed and renumbered by Ord. #06-105, Dec. 2006, and replaced by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-214. Learners permit - intermediate license - restrictions.

(1) (a) A person issued an intermediate driver license shall not operate a motor vehicle from eleven o'clock p.m. (11:00 P.M.) to six o'clock a.m. (6:00 A.M.) unless:

(i) Accompanied by a parent or legal guardian;

(ii) Accompanied by a licensed driver twenty-one (21) years of age or older, designated by the parent or legal guardian;

(iii) Driving to or from scheduled specifically-identified school-sponsored activities and events, if the driver has in the driver's possession written permission from the driver's parent or legal guardian authorizing the driver to go to or from the

specifically-identified scheduled school-sponsored activities and events;

(iv) Driving to or from full, or part-time employment, if the driver possesses written permission from the driver's parent or legal guardian identifying the location of employment and authorizing the driver to go to or from the employment; or

(v) Driving to or from hunting or fishing between the hours of four o'clock A.M. (4:00 A.M.) and six o'clock A.M. (6:00 A.M.) and in possession of a valid hunting or fishing license.

(b) In addition to subsection (1)(a), a person issued an intermediate driver license shall not operate a motor vehicle with more than one (1) passenger in the motor vehicle unless:

(i) One (1) or more of the passengers are twenty-one (21) years of age or older and possess a valid unrestricted driver license; or

(ii) The additional passengers are brothers, sisters, stepbrothers or stepsisters of the driver, including adopted or foster children residing in the same household of the driver, and the driver has in the driver's possession a letter from the driver's parent or legal guardian authorizing the passengers to be in the motor vehicle for the sole purpose of going to or from school (T.C.A. § 55-50-311(e)(1)-(2)).

(2) In addition to any other penalty, a fine of ten dollars (\$10.00) shall be imposed upon conviction for a violation of this section (T.C.A. § 55-50-311(g)). (1971 Code, § 9-227, as renumbered by Ord. #06-105, Dec. 2006, and replaced by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-215. License to be carried and exhibited on demand. Every licensee shall have the licensee's license in immediate possession at all times when operating a motor vehicle and shall display it upon demand to any officer or agent of the department or any police officer of the City of Alcoa, except that where the licensee has previously deposited the license with the officer or court demanding bail, and has received a receipt from the officer or the court, the receipt is to serve as a substitute for the license until the specified date for court appearance of licensee or the license is otherwise returned to the licensee by the officer or court accepting the license for deposit. Any peace officer, field deputy, or inspector of the department, or any other law enforcement officer of the City of Alcoa thereof, has the right to demand the exhibition of the license of any operator of a motor-driven cycle, and effect the arrest of any person so found to be in violation of this section (T.C.A. § 55-50-351). (1971 Code, § 9-228, as repealed and renumbered by Ord. #06-105, Dec. 2006, and replaced by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-216.--15-234. Deleted. (as added by Ord. # 15-372, Nov. 2015, and deleted by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

CHAPTER 3

MISCELLANEOUS

SECTION

- 15-301. Persons riding animals or driving animal drawn vehicles.
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- 15-324. Damaging pavements, hauling filth, cluttering streets, burning in streets, selling in streets, etc.
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15-301. Persons riding animals or driving animal drawn vehicles.

Every person riding an animal or driving any animal-drawn vehicle 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 this title, except those provisions of this title that by their very nature can have no application (T.C.A. § 55-8-105). (1971 Code, § 9-201, as replaced by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-302. Regulations governing nonmotor vehicles and animals.

(1) Every driver or person having charge of any nonmotor vehicle, on any of the public roads in or of this city, on meeting and passing another vehicle,

shall give one-half (1/2) of the road by turning to the right, so as not to interfere in passing.

(2) When nonmotor vehicles on public roads are traveling in the same direction, and the driver of the hindmost desires to pass the foremost, each driver shall give one-half (1/2) of the road, the foremost by turning to the right, and the hindmost to the left.

(3) (a) No driver shall stop a nonmotor vehicle on any of the public roads, for any cause or pretense whatever, without turning so far to the right as to leave at least one-half (1/2) of the road free, open, and unobstructed for other travelers and vehicles.

(b) Subdivision (3)(a) does not apply to a certified police cyclist engaged in the lawful performance of duty relating to traffic control.

(4) Drivers of nonmotor vehicles on public roads shall pass each other in a quiet, orderly, and peaceable manner, and shall not make any noise intended to disturb or frighten the driver or the animals drawing nonmotor vehicles.

(5) No person shall willfully, by noise, gesture or by other means, on or near public roads, disturb or frighten the driver or rider or the animals ridden or drawing vehicles thereon.

(6) An intentional or careless violation of this section constitutes a violation of this ordinance, punishable by a fine up to fifty dollars (\$50.00), plus court costs. More serious violations may be cited as criminal law violations punishable under state law.

(7) (a) All horse-drawn vehicles and/or equipment, whether farm or passenger, shall be equipped with a self-luminous white lamp which shall be visible from the front from a distance of at least five hundred feet (500') and with a self-luminous red lamp on the rear which shall be visible from a distance of at least five hundred feet (500') to the rear.

(b) This subsection (7) applies only if the horse-drawn vehicle is used as the owner's primary mode of personal or farm transportation and is regularly driven upon public roads or highways or the rights-of-way thereof (T.C.A. § 55-8-178). (1971 Code, § 9-202, as replaced by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-303. Reserved for funeral processions. (1971 Code, § 9-203, as replaced by Ord. #19-483, Oct. 2019 *Ch15_12-10-19*, and Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-304. Obscene or patently offensive bumper stickers, window signs, etc., prohibited. To avoid distracting other drivers and thereby reduce the likelihood of accidents arising from lack of attention or concentration, the display of obscene and patently offensive movies, bumper stickers, window signs or other markings on or in a motor vehicle that are visible to other drivers is prohibited (T.C.A. § 55-8-187).

(1) "Obscene" means: (a) The average person applying contemporary community standards would find that the work, taken as a whole, appeals to the prurient interest;

(b) The average person applying contemporary community standards would find that the work depicts or describes, in a patently offensive way, sexual conduct; and

(c) The work, taken as a whole, lacks serious literary, artistic, political, or scientific value.

(2) "Patently offensive" means that which goes substantially beyond customary limits of candor in describing or representing such matters (T.C.A. § 39-17-901(10)-(11)). (1971 Code, § 9-204, as replaced by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-305. Street sweeper. (1) For the purpose of this section, "street sweeper" means a vacuum or broom-type vehicle used for routine mechanized street, road, interstate highway, and/or bridge sweeping to clean and remove sand, dirt, soil, paper, glass, cans, and other debris.

(2) If operated in compliance with the national highway traffic safety administration standards, including the National Highway Safety Manual, a street sweeper may make intermittent stops as necessary to collect tree limbs, debris, and other objects the street sweeper cannot automatically collect and travel at a speed below the lawful minimum speed:

(a) On any particular roadway in all non-residential areas at any time except seven o'clock A.M. (7:00 A.M.) to eight thirty A.M. (8:30 A.M.) and four o'clock P.M. (4:00 P.M.) to six o'clock P.M. (6:00 P.M.) on weekdays;

(b) On any particular roadway in all residential areas at any time; or

(c) Notwithstanding subdivisions (2)(a) and (b), at any time on any roadway after an emergency or an event that makes street sweeping necessary or desirable.

(3) Absent non-compliance with this section, operator negligence or an intentional tort by an operator, operation of a street sweeper in compliance with this section shall not be a violation of law, and shall not subject the street sweeper to liability for claims for personal injury, property damage or death (T.C.A. § 55-8-190). (as added by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-306. Excessive noise from motor vehicles. (1) No person operating or occupying a motor vehicle on any public street, highway, alley, parking lot, or driveway shall operate or permit the operation of any sound amplification system including, but not limited to, any radio, tape player, compact disc player, loud speaker, or any other electrical device used for the amplification of sound from within the motor vehicle so that the sound is plainly audible at a distance of fifty feet (50') or more from the vehicle. For the purpose of this section,

"plainly audible" means any sound that clearly can be heard, by unimpaired auditory senses based on a direct line of sight of fifty feet (50') or more; however, words or phrases need not be discernible and the sound shall include bass reverberation.

(2) This section shall not be applicable to emergency or public safety vehicles, vehicles owned and operated by the City of Alcoa or any utility company, for sound emitted unavoidably during a job-related operation, school or community sponsored activities, auctioneers or auctioning activities, boats or other watercraft operated on waters or any motor vehicle used in an authorized public activity for which a permit has been granted by the City of Alcoa (T.C.A. § 55-8-193). (as added by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-307. Safety belt requirements - violations. (1) (a) It is unlawful for any person to buy, sell, lease, trade or transfer from or to Tennessee residents, at retail, an automobile that is manufactured or assembled commencing with the 1964 models, unless the automobile is equipped with safety belts installed for use in the left front and right front seats.

(b) It is unlawful for any person to buy, sell, lease, trade or transfer from or to Tennessee residents, at retail, a passenger motor vehicle that is manufactured or assembled commencing with the 1969 models, unless the passenger motor vehicle is equipped with safety belts installed for use in every designated seating position of the motor vehicle.

(2) All such safety belts shall be of a type and be installed in a manner approved by the department of safety. The department of safety shall establish specifications and requirements of approved types of safety belts and attachments. The department shall accept, as approved, all seat belt installations and the belt and anchor meeting the specifications of the Society of Automotive Engineers.

(3) As used in this section, unless specified otherwise, "passenger car" or "passenger motor vehicle" means any motor vehicle with a manufacturer's gross vehicle weight rating of eight thousand five hundred pounds (8,500 lbs.) or less that is not used as a public or livery conveyance for passengers. "Passenger car" or "passenger motor vehicle" does not apply to motor vehicles that are not required by federal law to be equipped with safety belts.

(4) A violation of this section is a civil ordinance violation. No court cost shall be imposed against anyone convicted of a violation of this section (T.C.A. § 55-9-601). (as added by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-308. Child passenger restraint systems. (1) (a) Any person transporting any child, under one (1) year of age, or any child, weighing twenty pounds (20 lbs.) or less, in a motor vehicle upon a road, street or highway of this state is responsible for the protection of the child and properly using a child passenger restraint system in a rear facing position, meeting federal motor vehicle safety standards in the rear seat if available or according to the child

safety restraint system or vehicle manufacturer's instructions (T.C.A. § 55-9-602 (a)(1)).

(b) Notwithstanding Tennessee Code Annotated, § 55-9-603, any person transporting any child, one through three (1-3) years of age weighing greater than twenty pounds (20 lbs.), in a motor vehicle upon a road, street or highway is responsible for the protection of the child and properly using a child passenger restraint system in a forward facing position, meeting federal motor vehicle safety standards in the rear seat if available or according to the child safety restraint system or vehicle manufacturer's instructions (T.C.A. § 55-9-602 (a)(2)).

(c) Notwithstanding Tennessee Code Annotated, § 55-9-603, any person transporting any child, four through eight (4-8) years of age and measuring less than four feet nine inches (4' 9") in height, in a passenger motor vehicle upon a highway, or City of Alcoa road or street, is responsible for the protection of the child and properly using a belt positioning booster seat system, meeting federal motor vehicle safety standards in the rear seat if available or according to the child safety restraint system or vehicle manufacturer's instructions (T.C.A. § 55-9-602(a)(3))

(d) (i) If a child is not capable of being safely transported in a conventional child passenger restraint system as provided for in this subsection (1), a specially modified, professionally manufactured restraint system meeting the intent of this subsection (1) shall be in use; provided, however, that this subdivision (1)(d) shall not be satisfied by use of the vehicle's standard lap or shoulder safety belts independent of any other child passenger restraint system. A motor vehicle operator who is transporting a child in a specially modified, professionally manufactured child passenger restraint system shall possess a copy of the physician's signed prescription that authorizes the professional manufacture of the specially modified child passenger restraint system.

(ii) A person shall not be charged with a violation of this subsection (1) if the person presents a copy of the physician's prescription in compliance with this subdivision (1)(d) to the arresting officer at the time of the alleged violation

(iii) A person charged with a violation of this subsection (1) may, on or before the court date, submit a copy of the physician's prescription and evidence of possession of a specially modified, professionally manufactured child passenger restraint system to the court. If the court is satisfied that compliance was in effect at the time of the violation, the charge for violating this subsection (1) may be dismissed (T.C.A. § 55-9-602(a)(4)).

(e) A person who is operating an autocycle shall not carry a child as a passenger if such child is required to be secured in a motor vehicle in a manner in accordance with this section unless:

- (i) The autocycle has an enclosed cab;
- (ii) The autocycle meets the federal motor vehicle safety standards for child restraints found in 49 C.F.R. 571.213 and 49 C.F.R. 571.225;
- (iii) The child is secured in a manner in accordance with this section (T.C.A. § 55-9-602(a)(5)).

(f) With respect to a vehicle equipped with an ADS, responsibility ascribed in this subsection (1) shall belong solely to the parent, guardian, or other human person accompanying the child in the vehicle, and not to the ADS or the owner of the ADS-operated vehicle (T.C.A. § 55-9-602(a)(6)).

(2) A violation of this section is a civil ordinance violation. In addition to or in lieu of the penalty imposed for this civil ordinance violation, persons found guilty of a first offense of violating this section may be required to attend a court approved offenders' class designed to educate offenders on the hazards of not properly transporting children in motor vehicles. A fee may be charged for the classes sufficient to defray all costs of providing the classes (T.C.A. § 55-9-602(c)).

(3) All fines imposed by this section shall be sent by the clerk of the court to the state treasurer (T.C.A. § 55-9-602(f)(2)).

(4) (a) (i) Notwithstanding Tennessee Code Annotated, § 55-9-603, any person transporting any child, nine through twelve (9-12) years of age, or any child through twelve (12) years of age, measuring four feet, nine inches (4' 9") or more in height, in a passenger motor vehicle upon a City of Alcoa road, street or highway is responsible for the protection of the child and properly using a seat belt system meeting federal motor vehicle safety standards. It is recommended that any such child be placed in the rear seat if available (T.C.A. § 55-9-602(g)(1)(A)).

(ii) Notwithstanding Tennessee Code Annotated, § 55-9-603, any person transporting any child, thirteen through fifteen (13-15) years of age, in a passenger motor vehicle upon a road, street or highway of this state is responsible for the protection of the child and properly using a passenger restraint system, including safety belts, meeting federal motor vehicle safety standards.

(b) A person charged with a violation of this subsection (d) may, in lieu of appearance in court, submit a fine of fifty dollars (\$50.00) to the City of Alcoa clerk of the court.

(c) No litigation tax levied pursuant to title 67, chapter 4, part 6, shall be imposed or assessed against anyone convicted of a violation of

this subsection (4), nor shall any clerk's fee or court costs, including but not limited to any statutory fees of officers, be imposed or assessed against anyone convicted of a violation of this subsection (4).

(d) (i) Notwithstanding any law to the contrary, no more than one (1) citation may be issued for a violation of this subsection (4) per vehicle per occasion. If the driver is neither a parent nor legal guardian of the child and the child's parent or legal guardian is present in the vehicle, the parent or legal guardian is responsible for ensuring compliance with this subsection (6).

(ii) (A) If no parent or legal guardian is present at the time of the violation, the driver is solely responsible for compliance with this subsection (4) if the vehicle is operated by conventional means.

(B) If the vehicle is operated by an ADS and:

(1) If no parent or legal guardian is present at the time of the violation, the human person accompanying the child is solely responsible for compliance with this subsection (5).

(2) If no parent or guardian is present at the time of the violation and more than one (1) human person accompanies the child, each person is jointly responsible for compliance with this subsection (4); or

(3) If no human person accompanies the child, the parent or legal guardian of the child is responsible for compliance with this subsection (4) (T.C.A, § 55-9-602(g)(1)(B))

(5) As used in this section, unless specified otherwise, "passenger motor vehicle" means any motor vehicle with a manufacturer's gross vehicle weight rating of ten thousand pounds (10,000 lbs.) or less, that is not used as a public or livery conveyance for passengers. "Passenger motor vehicle" does not apply to motor vehicles that are not required by federal law to be equipped with safety belts (T.C.A, § 55-9-602(h)).

(6) A person who has successfully met the minimum required training standards for installation of child restraint devices established by the national highway traffic safety administration of the United States department of transportation, who in good faith installs or inspects the installation of a child restraint device shall not be liable for any damages resulting from any act or omission related to the installation or inspection unless the act or omission was the result of the person's gross negligence or willful misconduct (T.C.A, § 55-9-602(I)) (as added by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-309. Use of safety belts in passenger vehicles. (1) (a) No person shall operate a passenger motor vehicle on any highway or city street, as defined in § 15-101, unless the person and all passengers four (4) years

of age or older are restrained by a safety belt at all times the vehicle is in forward motion.

(b) No person four (4) years of age or older shall be a passenger in a passenger motor vehicle on any highway or city street, as defined in § 15-101, unless the person is restrained by a safety belt at all times the vehicle is in forward motion.

(2) (a) This section shall apply only to the operator and all passengers occupying the front seat of a passenger motor vehicle.

(b) If the vehicle is equipped with a rear seat that is capable of folding, this section shall only apply to front seat passengers and the operator if the back seat is in a fold down position.

(3) As used in this section, unless specified otherwise, "passenger car" or "passenger motor vehicle" does not include any motor vehicle that is used as a public or livery conveyance for passengers or any motor vehicles that are not required by federal law to be equipped with safety belts, except autocycles as defined in § 15-101.

(4) (a) A violation of this section is a civil ordinance violation. All proceeds from the fines imposed by this subsection (4), except as otherwise provided by subdivisions (4)(b) and (c), shall be deposited in the state general fund and designated for the exclusive use of the division of vocational rehabilitation to assist eligible individuals with disabilities, as defined in Tennessee Code Annotated, § 49-11-602, who have been severely injured in motor vehicle accidents.

(b) (i) A person charged with a violation of this section may, in lieu of appearance in court, submit a fine of thirty dollars (\$30.00) for a first violation, and fifty dollars (\$50.00) for a second or subsequent violation to the City of Alcoa clerk of the court.

(ii) The revenue generated by fifteen dollars (\$15.00) of the thirty-dollar fine in subdivision (4)(b)(i) for a person's first conviction shall be deposited in the state general fund without being designated for any specific purpose. Ten dollars (\$10.00) of the thirty-dollar (\$30.00) fine for the person's first conviction under subdivision (4)(b)(i) shall be deposited in the state general fund and designated for the exclusive use of the division of vocational rehabilitation to assist eligible individuals with disabilities, as defined in Tennessee Code Annotated, § 49-11-602, who have been severely injured in motor vehicle accidents. The remaining five dollars (\$5.00) of the thirty-dollar (\$30.00) fine for the person's first conviction under subdivision (4)(b)(i) shall be retained by the court clerk.

(iii) The revenue generated by thirty dollars (\$30.00) of the fifty dollar fine under subdivision (4)(b)(i) for a person's second or subsequent conviction shall be deposited in the state general fund without being designated for any specific purpose. Twenty

dollars (\$20.00) of the fifty dollar fine (\$50.00) for the person's second or subsequent conviction under subdivision (4)(b)(i) shall be deposited in the state general fund and designated for the exclusive use of the division of vocational rehabilitation to assist eligible individuals with disabilities, as defined in § 49-11-602, who have been severely injured in motor vehicle accidents. The remaining five dollars (\$5.00) of the fifty dollar fine for the person's second or subsequent conviction under subdivision (4)(b)(i) shall be retained by the court clerk.

(5) Except as otherwise provided by subdivisions (4)(b) and (c), no clerk's fee nor court costs, including, but not limited to, any statutory fees of officers, shall be imposed or assessed against anyone convicted of a violation of this section. No litigation tax levied pursuant to Tennessee Code Annotated, title 67, chapter 4, part 6, shall be imposed or assessed against anyone convicted of a violation of this section.

(6) (a) A law enforcement officer observing a violation of this section shall issue a citation to the violator, but shall not arrest or take into custody any person solely for a violation of this section.

(b) The department of safety shall not report any convictions under this section except for law enforcement or governmental purposes.

(7) In no event shall a violation of this section be assigned a point value for suspension or revocation of a license by the department of safety, nor shall the violation be construed as any other offense under this title.

(8) This section does not apply to:

(a) A passenger or operator with a physical disability which prevents appropriate restraint in a safety seat or safety belt; provided, that the condition is duly certified in writing by a physician who shall state the nature of the disability, as well as the reason a restraint is inappropriate;

(b) A passenger motor vehicle operated by a rural letter carrier of the United States postal service while performing the duties of a rural letter carrier;

(c) Salespersons or mechanics employed by an automobile dealer who, in the course of their employment, test-drive a motor vehicle, if the dealership customarily test-drives fifty (50) or more motor vehicles a day, and if the test-drives occur within one (1) mile of the location of the dealership;

(d) Water, gas, and electric meter readers, and utility workers, while the meter reader or utility worker is:

(i) Emerging from and reentering a vehicle at frequent intervals; and

(ii) Operating the vehicle at speeds not exceeding forty miles per hour (40 mph);

(e) A newspaper delivery motor carrier service while performing the duties of a newspaper delivery motor carrier service; provided, that this exemption shall only apply from the time of the actual first delivery to the customer until the last actual delivery to the customer;

(f) A vehicle in use in a parade if operated at less than fifteen miles per hour (15 mph);

(g) A vehicle in use in a hayride if operated at less than fifteen miles per hour (15 mph);

(h) A vehicle crossing a highway from one (1) field to another if operated at less than fifteen miles per hour (15 mph); or

(i) An ADS or an ADS-operated vehicle. Except as otherwise provided by Tennessee Code Annotated, § 55-9-606(2), for purposes of an ADS-operated vehicle, a passenger or human operator required to be restrained by a safety belt pursuant to this section is solely responsible for the passenger's or human operator's compliance with such requirement.

(9) (a) Notwithstanding this section to the contrary, no person between sixteen (16) years of age and up to and through the age of seventeen (17) years of age, shall operate a passenger motor vehicle, or be a passenger therein, unless the person is restrained by a safety belt at all times the vehicle is in forward motion.

(b) Notwithstanding subdivision (2)(a), this subsection (9) shall apply to all occupants between sixteen (16) years of age and eighteen (18) years of age occupying any seat in a passenger motor vehicle.

(c) Notwithstanding subdivision (6)(a), a City of Alcoa law enforcement officer observing a violation of this subsection (9) shall issue a citation to the violator, but shall not arrest or take into custody any person solely for a violation of this subsection (9).

(10) Notwithstanding subsection (2), no person with a learner permit or an intermediate driver license shall operate a passenger motor vehicle in the City of Alcoa unless the person and all passengers between the ages of four (4) and eighteen (18) years of age are restrained by a safety belt at all times the vehicle is in forward motion (T.C.A. § 55-9-603). (as added by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-310. Dealers in secondhand automobile tires and accessories.

(1) Dealers in secondhand automobile tires or secondhand automobile accessories shall be required to make daily reports to the police headquarters of the City of Alcoa where these secondhand dealers transact their business, the reports to give a full description of all such articles that day purchased by the dealers, including numbers, markings, or workings appearing on the articles, and the description and address of the person from whom the articles were purchased by the dealer (T.C.A. § 55-14-101).

(2) No sale of any secondhand automobile tires or secondhand automobile accessories shall be made by any dealer in the articles until they have been in the dealer's possession for a period of three (3) days (T.C.A. § 55-14-102).

(3) All dealers shall keep records of all used automobile parts and/or accessories purchased by them for resale and these records shall contain, but not be limited to, the following:

(a) Name and address of the person from whom the dealer purchased the parts and/or accessories;

(b) A receipt signed by the person from whom the dealer bought the parts and/or accessories, showing the dealer's purchase price;

(c) The license number of the motor vehicle used by the seller, if there is one; and

(d) The person or place where the seller obtained the parts or accessories (T.C.A. § 55-14-105).

(4) The records of all used automobile parts and/or accessories purchased for resale shall be obtained by the dealer before purchasing the articles for resale (T.C.A. § 55-14-105).

(5) All records and information required to be kept by the dealer shall be made available for inspection by any law enforcement officer or official, and the records and information shall be kept by the dealer for a period of two (2) years from the date of purchase by the dealer; provided, that no law enforcement officer or official shall use this information for any purpose other than the enforcement of law (T.C.A. § 55-14-106)

(6) For purposes of this subsection, the word "dealer(s)" means all persons, partnerships or corporations engaged in the used or junk car business who purchase for resale used automobile parts and/or accessories. (T.C.A. § 55-14-104)

(7) A person who violates any provision of this section commits a civil ordinance violation (T.C.A. § 55-14-103). (as added by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-311. Open container law. (1) (a) No driver shall consume any alcoholic beverage or beer or possess an open container of alcoholic beverage or beer while operating a motor vehicle in the City of Alcoa.

(b) For purposes of this section:

(i) "Open container" means any container containing alcoholic beverages or beer, the contents of which are immediately capable of being consumed or the seal of which has been broken;

(ii) An open container is in the possession of the driver when it is not in the possession of any passenger and is not located in a closed glove compartment, trunk or other nonpassenger area of the vehicle; and

(iii) A motor vehicle is in operation if its engine is operating, whether or not the motor vehicle is moving.

(2) A violation of this section is a civil ordinance violation (T.C.A. § 55-10-416). (as added by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-312. Evidence of compliance with financial responsibility law.

(1) It is a civil ordinance violation to fail to provide evidence of financial responsibility pursuant to Tennessee Code Annotated, § 55-12-139 and, at such time, such person has not been responsible for a motor vehicle accident resulting in bodily injury or death.

(2) For purposes of subsection (1), a person is at fault for an accident if the person acted with criminal negligence in the operation of such person's motor vehicle.

(3) If the driver of a motor vehicle fails to provide evidence of financial responsibility pursuant to this section, a City of Alcoa officer may tow the motor vehicle (T.C.A. § 55-12-139).

(4) The record of conviction of an offense under this ordinance shall be promptly transmitted to the department of safety (T.C.A. § 55-12-140) (as added by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-313. Operation of vehicles injurious to highways. It is a civil ordinance violation for a vehicle, truck, engine, or tractor of any kind, whether the vehicle be propelled by steam, gasoline, or otherwise, to operate upon any City of Alcoa street, highway, or other public thoroughfare that, either by reason of its weight or the character of its wheels, will materially injure the surface or foundation of the street, road, highway, public thoroughfare, including the bridges thereon, unless and until the owner or operator of the vehicle of any kind has complied with the rules and regulations that may be prescribed by the departments of transportation and safety relating to the use of the highways by those vehicles (T.C.A. § 55-7-101). (as added by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-314. Reduction of maximum weight - notice. (1) From January 15 to April 15 of each year, and at any other time when, by reason of repairs, weather conditions, or recent construction of the road, the maximum weight permitted would damage the road, the department of transportation may specify any lower maximum weight that, in the discretion of the department, is necessary in order to protect the streets, roads, highways, or other public thoroughfares from unnecessary injury or damage.

(2) Notice of a reduction in weight of load shall be given by the department by posters posted at the termini of the road and all detours for one (1) week before the reduction of load becomes effective.

(3) It is a civil ordinance violation for anyone who drives or causes to be driven any vehicle upon any City of Alcoa thoroughfare in violation of this

section (T.C.A. § 55-7-103). (as added by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-315. Arrest of violators - reduction of overload before moving vehicle. (1) It is the duty of any City of Alcoa officer authorized by law to make arrests, when that officer detects any person engaged in the violation of §§ 15-313 or 15-314 or regulations issued thereunder, immediately to place in custody and take the person at once before the nearest judge of the court of general sessions for trial, and it is not lawful for any person to move the vehicle overloaded in violation of §§ 15-313 or 15-314 until the load has been reduced so as to comply with the provisions or a special permit has been obtained.

(2) The failure of the driver or the owner of the vehicle promptly to comply with these provisions commits a civil ordinance violation (T.C.A. § 55-7-105). (as added by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-316. Log trucks - improper fastening of load. (1) When timber, pulpwood, or logs are hauled upon a truck, tractor-trailer, or tractor-semitrailer combination, with a rated capacity of more than three-fourths (3/4) of a ton, every length of timber, pulpwood, or logs shall be securely fastened with either two (2) chains rated not less than three-eighths inch (3/8") proof coil, or two (2) wire rope cables of not less than three-eighths inch (3/8") diameter or any combination of the minimum size chain or cable, or two (2) nylon straps equivalent in tensile strength to the minimum size chain or cable.

(2) If the length of the timber, pulpwood, or logs hauled exceeds thirty-five feet (35'), every length shall be securely fastened with three (3) chains or cables, as described in subsection (1), or a combination of chains and cables, or three (3) nylon straps equivalent in tensile strength to the minimum size chain or cable (T.C.A. § 55-7-107).

(3) Any owner, operator, or other person having control over the loading of log trucks, who hauls logs or permits the hauling of logs in violation of this section commits a civil ordinance violation (T.C.A. § 55-7-108). (as added by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-317. Loose material hauled in open truck bed. (1) Any truck, or other motor vehicle, with an open bed, that is operated on any highway, road, or street open for public use in this state, shall be loaded so that any loose material transported in truck or other motor vehicle remains at least four inches (4") below the walls of the open bed, measured at the front, back and sidewalls; but the load may be piled higher in the center of the open bed. "Loose material" includes any substance that could spill, drop off, or blow away from the open bed when the vehicle is operated. "Loose material" does not include materials such as sand or salt that are purposely discharged from truck beds to clear roadways or improve traction, and does not include water sprayed on streets for purposes of sanitation.

(a) A violation of this section is a civil ordinance violation.

(b) A charge for violation of this section shall be brought against the hauler whose vehicle is found in violation; however, the hauler may recoup one-half (1/2) of the fine from the producer or loader of the material hauled in violation of this section.

(2) As used in this section, "hauler" includes both the owner and the driver of a vehicle, and both parties shall be jointly liable. Only one (1) fine shall be imposed on a hauler, regardless of a difference between ownership and operation, and the party or parties paying the fine shall have a right of recoupment against the producer or loader either in whole or in accordance with the producer's or loader's share of payment.

(3) (a) This section shall not include farm produce going to market.

(b) This section shall not apply to motor vehicles which transport crushed stone, fill dirt and rock, soil, bulk sand, coal, phosphate muck, asphalt, concrete, other building materials, forest products, unfinished lumber, agricultural lime and agricultural products and that are loaded in compliance with the four-inch requirement of this section. The exemption shall not apply to any load if any law enforcement officer sees any part of this material blowing off the vehicle (T.C.A. § 55-7-109). (as added by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-318. Use of engine compression braking devices. (1) It is a civil ordinance violation for truck tractors and semitrailers to use an engine compression braking device, unless the engine compression braking device is equipped with an operational, approved muffler. An "approved muffler" means any muffler that complies with Federal Motor Carrier Safety Regulations on noise emissions, compiled in 49 CFR 325.1 (T.C.A. § 55-7-117). (as added by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-319. Sale of motor fuel and lubricating oils. (1) It is a civil ordinance violation for any person, firm or corporation to sell or offer for sale at retail, for use or consumption in any motor vehicle, or to deliver into any motor vehicle for actual or apparent use therein, any product for use in supplying, creating or generating motive power to that motor vehicle, or lubricating oil for that motor vehicle, unless the person, firm or corporation conspicuously and plainly posts at the place of the sale or delivery, a sign or placard, stating the price of each such product, and oil, separately, and so that the prices can be readily and easily distinguished by brand or other designation as legible words, letters and figures of uniform size and dimensions. The sign or placard shall be so located and placed that it may easily be seen and read by purchasers or prospective purchasers of the product or oil (T.C.A. § 55-15-101).

(2) It is a civil ordinance violation for any person, firm or corporation to sell or offer for sale at retail, for use or consumption in any motor vehicle, or to deliver into any motor vehicle, for actual apparent use therein, any product

whatsoever for use in supplying, creating or generating motive power to the motor vehicle, or lubricating oil for the motor vehicle, at any price or prices, except the exact price or prices contained on the sign or placard required by this chapter, or to offer, deliver, grant, allow, give or promise, any actual, prospective, contingent, immediate or future benefits, concessions, discounts, refunds, premiums or gratuities of any kind or nature, that, in any degree, manner or extent, shall, or be calculated or intended to, effect or accomplish a sale of the product for other than the posted price or prices (T.C.A. § 55-15-102).

(3) "Motor vehicle," as used in this section, includes all vehicles propelled by any power other than muscular power, except traction engines, road rollers, fire and police vehicles, ambulances, agricultural tractors, tractor cranes, steam shovels, road building machinery, electric trucks with small wheels used in factories, warehouses, and railroad stations and operated principally on private property, and such vehicles run only upon rails or tracks (T.C.A. § 55-15-103). (as added by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-320. Regulations governing contract passenger carriers.

(1) (a) Except as provided in subsection (2), all passenger contract carriers regularly transporting passengers within or through the state who operate vehicles with a seating capacity of less than eight (8) passengers, excluding the driver, and employing more than five (5) drivers must comply with the minimum safety standards established by this section.

(b) A violation of any provision of this section or failure to perform any act required by this section is a civil ordinance violation.

(2) This part does not apply to:

(a) A person who makes a single daily round trip to commute to and from work;

(b) A person transporting only school children and teachers;

(c) A person operating an ambulance or funeral service;

(d) A person who, on occasion and not as a regular business enterprise, transports one (1) or more passengers for pay;

(e) A person operating a stretched-sedan type limousine;

(f) A person operating a taxicab service for the general public using vehicles with a seating capacity of fewer than seven (7) passengers;

(g) Any public nonprofit or private nonprofit that provides transportation to the general public or to a specific client group; or

(h) Any entity licensed under Tennessee Code Annotated, chapter 17 of title 55 operating a courtesy van or other motor vehicle (T.C.A. § 55-20-202). (as added by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-321. Operation of off-highway motor vehicles by minors.

(1) (a) Except as provided in subsection (1)(b) and (c), it is a civil ordinance violation for any parent or legal guardian of a person under eighteen (18) years of age to permit that person to operate or be a passenger on an off-highway motor vehicle, unless the person is wearing an appropriate helmet for off-highway vehicles. A parent or legal guardian commits an offense under circumstances indicating that the parent or legal guardian of the person under eighteen (18) years of age knew or should have known that the child is or would be operating, or is or would be a passenger on an off-highway motor vehicle.

(b) Subsection (1)(a) does not apply to a parent or legal guardian of a person under eighteen (18) years of age if the off-highway motor vehicle is being operated by a person under eighteen (18) years of age, or the person is a passenger on an off-highway motor vehicle, on the private property of the parent or legal guardian, or the private property of a relative.

(c) Subsection (1)(a) does not apply to a parent or legal guardian of a person under eighteen (18) years of age if the off-highway motor vehicle is being operated by a person under eighteen (18) years of age who is commuting for the purpose of hunting and is in possession of a valid hunting license.

(d) "Relative" means a person or persons in the lineal line of consanguinity to a property owner, a spouse, or person or persons in the lineal line of consanguinity of a spouse, and includes an individual in an adoptive relationship to a property owner or the spouse of the property owner (T.C.A. § 55-52-201).

(2) Except as provided in subsection (3), it is a civil ordinance violation, subject only to imposition of a fine, not to exceed fifty dollars (\$50.00) and court costs, not to exceed ten dollars (\$10.00), including, but not limited to, any statutory fees of officers (T.C.A. § 55-52-202(a)).

(3) (a) Upon commission of the first offense, it shall be a defense that the accused has since the date of the commission of the offense purchased or provided an appropriate helmet for the person under eighteen (18) years of age to wear while the person is operating or is a passenger on an off-highway motor vehicle and the parent or legal guardian intends to have the person use, or causes the person to use, or intends to cause the person to use the helmet as the law requires.

(b) On or before the court date indicated on the citation issued pursuant to subsection (5), if the parent or legal guardian presents the information contained in subdivision (2)(a) to the court and if the court is satisfied that the parent or legal guardian is serious about complying with the law, the charge against the parent or legal guardian may be dismissed. No court costs shall be assessed against a parent or legal guardian if the charge is dismissed pursuant to this subsection (3) (T.C.A. § 55-52-202(b)).

(4) In no event shall failure to wear an appropriate helmet for off-highway vehicles be admissible as evidence in trial of any civil action (T.C.A. § 55-52-202(c)).

(5) (a) If a law enforcement officer observes a person under eighteen (18) years of age operating or being a passenger on an off-highway motor vehicle where no person eighteen (18) years of age or older is either the operator or passenger, the law enforcement officer shall obtain the name and address of the parent or legal guardian of the person from the operator of the off-highway motor vehicle for the purpose of issuing and mailing a citation in lieu of arrest pursuant to Tennessee Code Annotated, § 55-10-207 to the parent or legal guardian. It is a violation of Tennessee Code Annotated, § 39-16-502 for the person to knowingly give false information to the law enforcement officer.

(b) If a law enforcement officer observes a person under eighteen (18) years of age as a passenger on an off-highway motor vehicle where the operator is eighteen (18) years of age or older, the law enforcement officer shall issue a citation in lieu of arrest pursuant to Tennessee Code Annotated, § 55-10-207 to the operator if the operator is the parent or legal guardian of the passenger. If the operator is not the parent or legal guardian, the law enforcement officer shall obtain the name and address of the parent from the operator for the purpose of issuing and mailing a citation in lieu of arrest pursuant to Tennessee Code Annotated, § 55-10-207 to the parent or legal guardian. It is a violation of Tennessee Code Annotated, § 39-16-502 for the person to knowingly give false information to the law enforcement officer (T.C.A. § 55-52-202(d)). (as added by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-322. Chauffer using automobile without owner's consent. It is a civil ordinance violation for any chauffer or any other person in like capacity to use the automobile of another without the owner's permission or consent (T.C.A. § 55-5-105). (as added by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-323. School safety patrol. All motorists and pedestrians shall obey the directions or signals of school safety patrols, when such patrols are assigned under the authority of the chief of police, and are acting in accordance with instructions; provided, that such persons giving any order, signal or direction shall at the time be wearing some insignia and/or using authorized flags or giving signals. (as added by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-324. Damaging pavements, hauling filth, cluttering streets, burning in streets, selling in streets, etc. (1) No person shall operate upon any street of the municipality any vehicle, motor propelled or otherwise, which by reason of its weight or the character of its wheels or track is likely to damage the surface or foundation of the street.

(2) It shall be unlawful for any person to carry or haul any time, dirt, manure, filth, stone, brick or coal on or over any of the streets of the city, unless the vehicle in which the same is being conveyed is in a sufficiently tight and secure condition as to prevent any of the articles or materials being so hauled or conveyed from scattering or falling upon the street.

(3) It shall be unlawful for any person to build a fire or burn any leaves or refuse of any kind of the streets or public places of the city.

(4) It shall be unlawful for any person to place, keep or maintain upon any street, sidewalk, avenue or alley in the city, any tables, stall, booth or vending machine or to exhibit thereon any articles of merchandise or other articles for sale.

(5) It shall be unlawful for any person to park upon a street or highway any vehicle for the primary purpose of displaying advertisement. (as added by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-325. Playing in streets. (1) It shall be unlawful for any person to play any game or engage in any sport or amusement or skate on roller skates, ride or coast on kiddie cars, sleds, play wagons or to use vehicles of such character within the streets.

(2) It shall be unlawful for any parent, guardian or other person having charge or control of any child to permit such child to violate the provisions of this section.

(3) In the event any such parent, guardian or other person having charge or control of such child who violates the provisions of this section may prove in defense that he is unable to control such child in the observance of the provisions of this section and such parent, guardian or other person having charge of such child may thereupon be discharged from liability and such child may be proceeded against as a delinquent child under the statutes of the State of Tennessee in such cases provided. (as added by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

CHAPTER 4**VEHICLE EQUIPMENT****SECTION**

- 15-401. Televisions in motor vehicles.
- 15-402. Tinted motor vehicle windows.
- 15-403. Horn - bells, sirens or exhaust whistles on emergency vehicles
- 15-404. Mufflers.
- 15-405. Windshield wipers.
- 15-406. Brakes.
- 15-407. Performance ability of brakes.
- 15-408. Brake fluid - minimum standards.
- 15-409. Trucks to be equipped with rearview mirror.
- 15-410. Penalty for operating truck without rearview mirror.
- 15-411. Mudguards on trucks.
- 15-412. Maximum length on vehicles.
- 15-413. Maximum width and height.
- 15-414. Maximum weight per axle or group of axles allowed.
- 15-415. Buses - length limitations.
- 15-416. Permits for moving and towing vehicles of excess weight or size.

15-401. Televisions in motor vehicles. (1) A person shall not operate a motor vehicle with, or install in a motor vehicle, a television receiver, a video monitor, or a television video screen capable of displaying a television broadcast or video signal that produces entertainment or business applications, if the receiver, monitor or screen is intended to display images visible to the driver in a normal position when the vehicle is in motion.

- (2) The prohibitions contained in this section shall not apply to:
 - (a) The following equipment when installed in a motor vehicle:
 - (i) A vehicle information display;
 - (ii) A navigation or global positioning display;
 - (iii) A visual display used to enhance or supplement the driver's view forward, behind, or to the sides of a motor vehicle; or
 - (iv) A television receiver, video monitor, television or video screen or any other similar means of visually displaying a television broadcast or video signal, if the equipment is designed to prevent the driver from viewing the entertainment or business application when the motor vehicle is being driven;
 - (b) Television receivers or monitors used in government-owned vehicles by law enforcement officers in the course of their official duties;
 - (c) A wireless telephone or communication device when used for placing or receiving a telephone call or to access a navigation or global positioning display;

(d) Electronic monitors or displays used to monitor livestock being transported;

(e) (i) Computer or other electronic displays or monitors used in utility vehicles by employees of the utility in the course of their official duties; provided, however, that use shall be permitted only while the vehicle is stopped, standing or parked;

(ii) "Utility" means the City of Alcoa and any person, cooperative, board, commission, district, or any entity created or authorized by public act, private act, or general law to provide electricity, natural gas, water, waste water services, telephone service or any combination thereof, for sale to consumers in any City of Alcoa service area; and

(iii) "Cooperative" means any cooperative providing utility services, including, but not limited to, electric or telephone services, or both; or

(f) (i) When a motor vehicle's autonomous technology is engaged, an operator may use an integrated electronic display for communication, information, and other uses enabled by the display; provided, that the display is integrated with the vehicle such that it operates and functions in coordination with such autonomous technology and disables automatically any moving images visible to the motor vehicle operator when the autonomous technology is disengaged;

(iii) "Autonomous technology" means technology installed on a motor vehicle that has the capability to drive the motor vehicle without the active physical control or monitoring by a human operator.

(3) This section does not apply to City of Alcoa law enforcement officers who are engaged in the performance of their official duties (T.C.A. § 55-9-105). (1971 Code, § 9-101, as repealed by Ord. #06-105, Dec. 2006, replaced by Ord. #15-347, Feb. 2015, amended by Ord. #15-350, April 2015, and replaced by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-402. Tinted motor vehicle windows. (1) (a) It is unlawful for any person to operate, upon a highway or city street, street or road, any motor vehicle in which any window that has a visible light transmittance equal to, but not less than, that specified in the Federal Motor Vehicle Safety Standard (49 C.F.R. 571.205), has been altered, treated, or replaced by the affixing, application or installation of any material that:

(i) Has a visible light transmittance of less than thirty-five percent (35%); or

(ii) With the exception of the manufacturer's standard installed shade band, reduces the visible light transmittance in the windshield below seventy percent (70%).

(b) Any person who installs window tinting materials in the City of Alcoa for profit, barter, or wages or commissions is defined as a "professional installer" for the purposes of this section; and it is unlawful for a professional installer to apply tinting materials to any motor vehicle so as to cause that motor vehicle to be in violation of this section.

(c) All professional installers of window tinting materials shall supply and shall affix to the lower right corner of the driver's window an adhesive label, the size and style of which shall be determined by the City of Alcoa, that includes:

(i) The installer's business name; and

(ii) The legend "Complies with Tennessee Code Annotated, § 55-9-107."

(d) All professional installers of window tinting materials shall supply each customer with a signed receipt for each motor vehicle to which tinting materials have been applied that includes:

(i) Date of installation;

(ii) Make, model, paint color and license plate number and state;

(iii) The legend "Complies with Tennessee Code Annotated, § 55-9-107."

(iv) The legend "This receipt shall be kept with motor vehicle registration documents."

(e) The owner of any vehicle has the burden of proof that the motor vehicle is in compliance with this section.

(f) (i) The restrictions of this subsection do not apply to any of the following motor vehicles:

(A) Any motor vehicle model permitted by federal regulations to be equipped with certain windows tinted;

(B) Any motor vehicle bearing commercial license plates or government service license plates that are used for law enforcement purposes, for those windows rearward of the front doors;

(C) Any motor vehicle that is registered in another state and meets the requirements of the state of registration; and

(D) Any motor vehicle owned or leased by private investigators or licensed investigation companies.

(ii) This subdivision (1)(f) shall not be construed in any way to exempt the front door windows of any motor vehicle of any kind from the specifications of subdivision (1)(a)(i).

(2) Any person with a medical condition that is adversely affected by ultraviolet light may submit a statement to the City of Alcoa commissioner from that person's physician certifying that the person has a medical condition that

requires reduction of light transmission in the windows of the person's vehicle in excess of the standards established in subsection (1).

(3) A City of Alcoa police officer may detain a motor vehicle being operated on the City of Alcoa roads, streets or highways, when the officer has reasonable belief that the motor vehicle is in violation of subdivision (1)(a), for the purpose of conducting a field comparison test.

(4) It is a civil ordinance violation for the operator of a motor vehicle to refuse to submit a field comparison test when directed to do so, or to otherwise violate any provisions of this section (T.C.A. § 55-9-107). (1971 Code, § 9-211, as repealed and replaced by Ord. #06-105, Dec. 2006, and replaced by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-403. Horn - bells, sirens or exhaust whistles on emergency vehicles. (1) Every motor vehicle, when operated upon any City of Alcoa road, street or highway, shall be equipped with a horn in good working order capable of emitting sound audible under normal conditions from a distance of not less than two hundred feet (200'), and it is unlawful, except as otherwise provided in this section, for any vehicle to be equipped with or for any person to use upon a vehicle any siren, exhaust, compression or unreasonably loud or harsh sound by means of a horn or other warning device.

(2) Members of regular or volunteer fire departments may equip their privately owned vehicles to be used in responding to a fire alarm or other emergency with warning devices approved by the City of Alcoa Fire Chief, upon written certification to the City of Alcoa Police Chief that the person is a member of the department. In the event the warning devices are abused or used for other than their intended purpose by a member of the fire department, the City of Alcoa Fire Chief shall revoke the member's privilege of using the warning devices and shall notify, in writing, the City of Alcoa Police Chief of the revocation.

(3) (a) Subsection (1) does not apply to any privately-owned motor vehicle that is primarily operated for business purposes by any sales person, service representative, employee, lessee, or duly authorized agent of an emergency equipment company; provided, that the vehicle is marked with the lettering required by (3)(c).

(b) Any person operating a motor vehicle pursuant to this subsection (3) shall carry a copy of the company's business license or the person's or owner of the company's professional or occupational license, certification or registration issued by this state and appropriate identification issued by the owner of the company.

(c) Lettering shall be displayed on the left and right sides of the vehicle identifying the name of the company for which the vehicle is operated and on the front and rear of the vehicle designating it a "Demonstration Vehicle." The lettering shall be painted or affixed on, or

attached to, the vehicle in a permanent manner, and shall be at least three inches (3") in size.

(d) Nothing in this subsection (3) imposes any duty or obligation on a manufacturer of motor vehicles used by or sold to emergency equipment companies to equip the audible warning devices allowed at the time of the manufacture or sale.

(e) Nothing in this subsection (3) shall be construed to permit the operator of an emergency equipment company vehicle from operating any authorized audible warning device while the vehicle is on a City of Alcoa road, whether in motion or stationary.

(f) "Emergency equipment company" or "company" means any entity licensed as required by the City of Alcoa to sell or repair bells, sirens, or exhaust, compression or spark plug whistles, or other audible warning devices or equipment designed for use on motor vehicles that are operated for authorized law enforcement, emergency response, or other public safety activities (T.C.A. § 55-9-201). (1971 Code, § 9-212, as amended by Ord. #15-347, Feb. 2015, and Ord. #15-350, April 2015, and replaced by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-404. Mufflers. No person shall drive a motor vehicle on any City of Alcoa road, street or highway unless the motor vehicle is equipped with a muffler in good working order and in constant operation to prevent excessive or unusual noise and annoying smoke. It is unlawful to use a "muffler cutout" on any motor vehicle upon any City of Alcoa road, street or highway (T.C.A. § 55-9-202). (1971 Code, § 9-213, as replaced by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-405. Windshield wipers. Every motor vehicle having a windshield shall be equipped with two (2) windshield wipers for cleaning rain, snow or other moisture from the windshield in order to provide clear vision for the driver, unless one (1) windshield wiper cleans to within one inch (1') of each side of the windshield (T.C.A. § 55-9-203). (as added by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-406. Brakes. (1) Every motor vehicle, other than a motorcycle, when operated upon a highway shall be equipped with brakes adequate to control the movement of and to stop and hold the vehicle, including two (2) separate means of applying the brakes, each of which means shall be effective to apply the brakes to at least two (2) wheels. If these two (2) separate means of applying brakes are connected in any way, they shall be so constructed that failure of any one (1) part of the operating mechanism shall not leave the motor vehicle without brakes on at least two (2) wheels.

(2) Every motorcycle, and bicycle with motor attached, when operated upon a highway shall be equipped with at least one (1) brake, which may be operated by hand or foot.

(3) (a) Every trailer or semitrailer of a gross weight of three thousand pounds (3,000 lbs.) or more when operated upon a highway shall be equipped with brakes adequate to control the movement of and to stop and to hold the vehicle and so designed as to be applied by the driver of the towing motor vehicle from its cab, and the brakes shall be so designed and connected that in case of an accidental breakaway of the towed vehicle, the brakes shall be automatically applied.

(b) Subsection (3)(a) does not apply to any trailer or semitrailer operating solely within the City of Alcoa with a Gross Vehicle Weight Rating (GVWR) of seven thousand five hundred pounds (7,500 lbs.) or less and equipped with a hydraulic breakaway mechanism that is separate from the hitch itself and utilizes surge breaks.

(4) Every new motor vehicle, trailer, or semitrailer sold in the City of Alcoa and operated upon the city's highways shall be equipped with service brakes upon all wheels of the vehicle, except trucks and truck tractors having three (3) or more axles need not have brakes on the front wheels, unless these vehicles are equipped with at least two (2) steerable axles, the wheels of one (1) such axle need not be equipped with brakes, except any motorcycle, and except that any semitrailer of less than one thousand five hundred pounds (1,500 lbs.) gross weight need not be equipped with brakes.

(4) Subsection (3)(a) and subsection (4) shall not apply to trailers that are not required to be registered and licensed and that are used by or on behalf of farmers:

(a) Transporting farm products or livestock from farm to market:

(b) Transporting products, equipment, materials or supplies used in agricultural pursuits from market to farm or in their transfer from farm to farm or from one (1) part of a farm to another part of the same farm; or

(c) Delivering the trailer to any farm (T.C.A. § 55-9-204). (as added by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-407. Performance ability of brakes. (1) The service brakes upon any motor vehicle or combination of vehicles shall be adequate to stop the vehicle or vehicles when traveling twenty miles per hour (20 mph) within a distance of thirty feet (30') when upon dry asphalt or concrete pavement surface free from loose material where the grade does not exceed one percent (1%).

(2) The hand brake shall be adequate to stop the vehicle or vehicles within a distance of fifty-five feet (55') and the hand brake shall be adequate to hold the vehicle or vehicles stationary on any grade upon which operated.

(3) The service brakes upon a motor vehicle equipped with two (2) wheel brakes only, and when permitted, shall be adequate to stop the vehicle within a distance of forty feet (40') and the hand brake adequate to stop the vehicle within a distance of fifty-five feet (55').

(4) All braking distances specified in this section shall apply to all vehicles mentioned, whether the vehicles are not loaded or are loaded to the maximum capacity permitted under this chapter.

(5) All brakes shall be maintained in good working order and shall be so adjusted as to operate as equally as practicable with respect to the wheels on opposite sides of the vehicle (T.C.A. § 55-9-205). (as added by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-408. Brake fluid - minimum standards. No person shall have for sale, sell or offer for sale for use in motor vehicle brake systems in this state any hydraulic brake fluid unless of a type or brand approved by the commissioner of safety. No hydraulic brake fluid shall be approved that does not meet the minimum standard of the Society of Automotive Engineers for heavy duty grade hydraulic fluid (T.C.A. § 55-9-213). (as added by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-409. Trucks to be equipped with rearview mirror. Any motor truck using the City of Alcoa's streets, roads, highways, and other public thoroughfares, which, by reason of its construction, either when loaded or unloaded, prevents the driver's view of the rear, shall be equipped with a mirror arranged in a manner and maintained so that the driver or operator may view the roadway to the rear and note the approach of vehicles from the rear of the motor truck (T.C.A. § 55-9-206). (as added by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-410. Penalty for operating truck without rearview mirror. Any person driving a motor truck without a rearview mirror, and the owner of the motor truck, operated upon any public thoroughfare, in violation of Tennessee Code Annotated, § 55-9-206, commits a civil ordinance violation (T.C.A. § 55-9-207). (as added by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-411. Mudguards on trucks. (1) No person shall operate upon a highway or city street or street any motor vehicle, including a separate truck tractor, or combination of vehicles having a carrying capacity in excess of three thousand pounds (3,000 lbs.), if the motor vehicle or combination of vehicles is not equipped with rear fenders, mudflaps or mudguards of such size as to substantially prevent the projection of rocks, dirt, water or other substances to the rear. The fenders, flaps or guards shall be of a type approved by the commissioner of safety.

(2) This section shall have no application to farm vehicles, or vehicles used by farmers to haul produce from farm to market, nor shall it apply to vehicles used exclusively for hauling logs (T.C.A. § 55-9-212). (as added by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-412. Maximum length of vehicles. (1) For purposes of this section, "truck tractor" means the noncargo carrying power unit that operates in combination with a semitrailer or trailer, except that a truck tractor and semitrailer engaged in the transportation of automobiles may transport motor vehicles on part of the power unit.

(2) No motor vehicle as defined in Tennessee Code Annotated, § 55-1-103 consisting of a straight truck whose length, including any part of its body or load, exceeds forty-five feet (45') and no straight truck with trailer attached, the total length of which combination, including any part of the body or load, exceeds sixty-five feet (65') shall be operated on any highway or city street.

(3) Motor vehicles consisting of a truck-tractor and semitrailer or trailer combination shall be permitted to operate over the City of Alcoa highways; provided, that the towed vehicle shall not exceed fifty feet (50') in length from the point of attachment to the tractor, except that this length may be increased to fifty-two feet (52') when the load on the vehicle consists of livestock, motor vehicle parts, automobiles and/or motor vehicles. If the towed vehicle exceeds forty-eight feet (48') in length from the point of attachment to the tractor and the load on the vehicle does not consist of livestock, motor vehicle parts, automobiles and/or motor vehicles, the distance between the kingpin and the rearmost axle or a point midway between the two (2) rear axles, if the two (2) rear axles are a tandem axle, shall not exceed forty-one feet (41').

(4) Motor vehicles consisting of a truck-tractor and twin trailer combination shall be permitted to operate on the City of Alcoa highways; provided, that neither of the towed vehicles shall exceed twenty-eight feet six inches (28' 6") in length.

(5) The limitation as to length stated in this section shall not apply to loads of poles, logs or timber in single length pieces; provided, that no motor vehicle, including any part of the body or load, transporting such material shall be in excess of seventy-five feet (75') in length unless a permit has first been obtained as authorized in Tennessee Code Annotated, § 55-7-205.

(6) The length limitations described in this section shall be exclusive of safety and energy conservation devices designated by the commissioner except that no device excluded from the limitations of this section shall have by its design or use the capability to carry cargo.

(7) It is not a violation of the length limits set forth in this section when any otherwise properly titled and registered vehicle, which is in compliance with applicable length requirements, is disabled on the highways and requires a tow or other assistance in proceeding to an exit or a repair or

terminal facility within one hundred (100) miles of the point where the vehicle became disabled, and the combined lengths of the disabled vehicle and the tow vehicle exceed the limits in this section. This exemption shall only apply to vehicles disabled while operating on the highway, and only when authorized by the owner, terminal manager, owner's agent, or law enforcement official (T.C.A. § 55-7-201). (as added by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-413. Maximum width and height. (1) (a) No motor vehicle or any trailer or semitrailer, whose width, including any part of the load, exceeds eight feet (8') (that is, four feet (4') on each side of the center line of the vehicle), or whose height, including any part of the load, exceeds thirteen and one-half feet (13 1/2'), shall be operated on any highway or city street; provided, that this section shall not apply to farm tractors or farm machinery temporarily moving on any highway or city street.

(b) Subsection (1)(a) relating to maximum width restrictions on trailers and semitrailers shall not apply to a trailer or semitrailer utilized for transporting seed cotton or rolled hay bales; provided, that the width of any such trailer or semitrailer, including any part of the load, shall not exceed ten feet (10') (that is five feet (5') on each side of the center line of the trailer, or semitrailer), and such movement is performed during daylight hours within a radius of fifty (50) miles of the point of origin, and no part of the movement is upon any highway or city street designated and known as a part of the national system of interstate and defense highways or any fully controlled access highway facility or other federal-aid highway designated by the commissioner of transportation.

(c) In the event federal law and regulations permit the operation of passenger buses of widths in excess of eight feet (8') on the national systems of interstate and defense highways, then there may be operated on highways with four (4) or more lanes, and such other highways as are designated and approved by the commissioner within the state, passenger buses, the width of which do not exceed eight feet six inches (8' 6"), or such width, not exceeding eight feet six inches (8' 6"), as is permitted under the federal rules and regulations.

(d) It is not a violation of this section to transport a houseboat eighteen feet (18') in width, or less, on the highways, but any houseboat in excess of eight feet (8') shall be subject to the fees provided in Tennessee Code Annotated, § 55-7-205.

(2) Motor vehicles not exceeding eight feet six inches (8'6") in width are permitted to operate over the City of Alcoa highways. Incidental appurtenances and retracted awnings, where the width does not exceed six inches (6"), and safety devices, as designated by the commissioner, shall be excluded from the measurement of width. Within the limitations as provided in this chapter, any such vehicles may use and must confine themselves to the shortest reasonable route to and from the highway or city street system and terminals; or, in the

case of household goods carriers, to and from points of loading and unloading. Access to facilities in interchange areas adjoining these highways for food, fuel, repairs and rest shall not be denied.

(3) Notwithstanding the limitations in subsection (1), a motor vehicle, or a trailer or semitrailer, whose width, including any part of the load, does not exceed eight feet six inches (8' 6") (that is, four feet three inches (4' 3") on each side of the center line of the vehicle), and whose height, including any part of the load does not exceed thirteen feet six inches (13' 6"), may be operated on the City of Alcoa highways. Any such vehicles may use and must confine themselves to the shortest reasonable route to and from the City of Alcoa highways, and terminals; or, in the case of household goods carriers, to and from points of loading and unloading. Access to facilities in interchange areas adjoining these highways for food, fuel, repairs and rest shall not be denied (T.C.A. § 55-7-202). (as added by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-414. Maximum weight per axle or group of axles allowed.

(1) Except as otherwise provided by law, no freight motor vehicle shall be operated over, on, or upon public highways where the total weight on a single axle or any group of axles exceeds the weight limitations set forth in subsections (2)(a)-(g).

(2) (a) (i) No axle shall carry a load in excess of twenty thousand pounds (20,000 lbs).

(ii) Axle combinations and fifth wheel placement on the tractor shall ensure equal weight distribution on weight carrying axle combinations, and the axle combinations shall be equipped with brakes having power motivation.

(iii) An axle load as set out herein is defined as the total load transmitted to the road by all wheels whose centers may be included between two (2) parallel transverse vertical planes, not more than forty inches (40") apart, extending across the full width of the vehicle.

(b) The total gross weight concentrated on the highway surface from any tandem axle group shall not exceed thirty-four thousand pounds (34,000 lbs.) for each tandem axle group. "Tandem axle group" means two (2) or more axles spaced more than forty inches (40") and not more than ninety-six inches (96") apart from center to center having at least one (1) common point of weight suspension.

(c) The total gross weight of a vehicle, freight motor vehicle, truck-tractor, trailer or semitrailer or combinations of these vehicles operated over, on or upon the City of Alcoa public highways shall not exceed eighty thousand pounds (80,000 lbs.); provided, that when operating over or on the interstate system of this state the total gross weight shall not exceed the lesser of eighty thousand pounds (80,000 lbs.)

or the weight produced by application of the formula under Tennessee Code Annotated, § 55-7-203.

(d) "Freight motor vehicle," as used in this section, includes both the tractor or truck and the trailer, semitrailer or trailers, if any, and the weight of any combination shall not exceed the maximum fixed herein; provided, that no freight motor vehicle with motive power shall haul more than one (1) vehicle unless otherwise provided.

(e) No freight motor vehicle shall haul a trailer on any City of Alcoa highway when the trailer (including its load) weighs more than three thousand five hundred pounds (3,500 lbs.). The restrictions on hauling a trailer in excess weight of three thousand five hundred pounds (3,500 lbs.) by a freight motor vehicle, as described in the preceding sentence, shall not be applicable whenever a converter dolly or equivalent fixed connection having the same safety characteristics is appropriately installed or placed under the trailer to be hauled by this freight motor vehicle. For the purposes of this subsection (2)(e), "trailer" means a vehicle without motive power designed or used for carrying freight or property wholly on its own structure; provided, that it is not unlawful for any motor vehicle subject to this part to have a semitrailer, which, for the purposes hereof, is defined as a vehicle for the carrying of property or freight and so designed that some part of the weight of the semitrailer or its load rests upon or is carried by the motor vehicle to which it is attached. The hauling of a trailer (to the extent herein permitted) or a semitrailer shall be subject to the further provisions hereof. This part is not intended to prohibit the movements of spools carrying wire or cable, when used for construction or repair purposes. The weight limitation respecting trailers shall not be applicable to implements designed to distribute fertilizer while such vehicles are being drawn by a freight motor vehicle between the plant and the farm.

(f) If the gross weight of a freight motor vehicle does not exceed the sum obtained by computing the total weight allowable for the number and type of its axles, the driver shall not be cited for violation of an axle weight limitation while transporting crushed stone, fill dirt and rock, soil, bulk sand, coal, clay, shale, phosphate muck, asphalt, concrete, other building materials, solid waste, tankage or animal residues, livestock and agricultural products, or agricultural limestone over the City of Alcoa highways other than the portion designated as the interstate system.

(g) For purposes of enforcement of this section, weight restrictions shall be deemed to have a margin of error of ten percent (10%) of the true gross or axle weight for all logging, sand, coal, clay, shale, phosphate, solid waste, recovered materials, farm trucks and machinery trucks when being operated over the City of Alcoa highways other than the portion designated as the interstate system.

(h) Notwithstanding the maximum weight provisions of this section, in order to promote the reduction of fuel use and emissions, the maximum gross vehicle weight limits and axle weight limits for any motor vehicle subject to subdivision (2)(c) and equipped with idle-reduction technology or other emissions-reduction technology shall be increased by the weight of the idle-reduction technology or emissions-reduction technology; provided, that such weight is not more than five hundred fifty pounds (550 lbs.) or the maximum amount allowed by federal law, whichever is greater. At the request of an authorized representative of the department of safety, the motor vehicle operator shall provide proof by means of documentation or by a physical inspection that the vehicle is equipped with such idle-reduction technology or other emissions-reduction technology.

(3) For nondivisible overweight loads exceeding the maximum gross vehicle weight established in this section, the commissioner may issue a special permit allowing axle weights in excess of the axle weight limits established in subsection (2).

(4) To the extent required by federal law, the vehicle weight limitations set forth in this section do not apply to a covered heavy-duty tow and recovery vehicle operating on the City of Alcoa highways and within reasonable access to and from terminals and facilities for food, fuel, repairs, and rest.

(5) (a) To the extent required by federal law, the vehicle weight limitations otherwise set forth in this section do not apply to an emergency fire suppression vehicle while operating on the City of Alcoa highways within reasonable access to and from terminals and facilities for food, fuel, repairs, and rest. The following weight limitations shall apply instead:

(i) A maximum gross vehicle weight of eighty-six thousand pounds (86,000 lbs.);

(ii) Twenty-four thousand pounds (24,000 lbs.) on a single steering axle;

(iii) Thirty-three thousand five hundred pounds (33,500 lbs.) on a single drive axle;

(iv) Sixty-two thousand pounds (62,000 lbs.) on a tandem axle; and

(v) Fifty-two thousand pounds (52,000 lbs.) on a tandem rear drive steer axle.

(b) As used in this subsection (5), "emergency fire suppression vehicle" means a vehicle designed to be used under emergency conditions:

(i) To transport personnel and equipment; and

(ii) To support the suppression of fires and mitigation of other hazardous situations (T.C.A. § 55-7-203). (as added by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-415. Buses - length limitations. (1) A bus with a length of not more than forty-five feet (45') may be operated on a City of Alcoa highway.

(2) (a) No bus with a trailer attached, the total length in combination, including any part of the body or load, exceeds sixty-five feet (65') shall be operated on any City of Alcoa highway.

(b) No school bus transporting children to or from school or for extracurricular activities shall be operated on any City of Alcoa highway with a trailer attached (T.C.A. § 55-7-204). (as added by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-416. Permits for moving and towing vehicles of excess weight or size. (1) (a) The commissioner of transportation has the authority to grant special permits for the movements of freight motor vehicles carrying gross weights in excess of the gross weights set forth in § 55-7-203, or dimensions in excess of the dimensions set forth in Tennessee Code Annotated §§ 55-7-201 and 55-7-202, and shall charge a fee in accordance with the fee schedules contained in subsection (h) for the issuance of a permit for each movement.

(b) The fee provisions shall not apply to farm tractors or farm machinery moving on any highway.

(c) It is not necessary to obtain a permit, nor is it lawful to move any vehicle or machinery in excess of the maximum width and height prescribed in Tennessee Code Annotated, § 55-7-202, used for normal farm purposes only where the vehicle or machinery is hauled on a farm truck, or the vehicle or machinery is being transported by a farm machinery equipment dealer or repair person in making a delivery of new or used equipment or machinery to the farm of the purchaser, or in making a pickup and delivery of the farm machinery or equipment from the farm to a shop of a farm equipment dealer or repair person for repairs and return to the farm, and the movement is performed during daylight hours within a radius of fifty (50) miles of the point of origin, and no part of such movement is upon any highway designated and known as a part of the national system of interstate and defense highways or any fully controlled access highway facility.

(d) It is not necessary to obtain a permit nor is it unlawful to move any trailer or semitrailer utilized for transporting rolled hay bales; provided, that the width of the trailer or semitrailer, including any part of the load, does not exceed ten feet (10') (that is five feet (5') on each side of the centerline of the trailer or semitrailer), and the movement is performed during daylight hours within a radius of fifty (50) miles of the point of origin and no part of the movement is upon any highway designated and known as a part of the national system of interstate and defense highways or any fully controlled access highway facility or other federal-aid highway designated by the commissioner.

(e) No fee authorized by this section shall be charge for the issuance or renewal of such special permits to any retail electric service owned by the City of Alcoa or electric cooperative corporation, or to any telephone company or to contractors when they are moving utility poles doing work for such facilities.

(f) Upon compliance with the appropriate rules and regulations, such electric services, telephone companies, and their contractors, when they are moving utility poles, may be issued special permits for stated periods not exceeding one (1) year.

(g) All fees received shall be paid into the state treasury and placed in the highway fund for the administration of this section.

(h) The commissioner has the authority to reduce the maximum gross weight of freight motor vehicles operating over lateral highways and secondary roads where, through weakness of structure in either the surface of or the bridges over the lateral highways or secondary roads, the maximum loads provided by law, in the opinion of the commissioner, injure or damage the roads or bridges.

(2) (a) The commissioner has the authority to grant a special permit with a duration of one (1) year for the movement of a single motor vehicle, that has the width greater than one hundred two inches (102") but not exceeding one hundred eight inches (108"), and that is used exclusively to transport seed cotton modules.

(b) This special permit will allow the vehicle to travel upon the interstate system of highways and other federal-aid highways designated by the commissioner.

(c) The cost of this special annual permit shall be one hundred dollars (\$100.00).

(d) Solely during the harvest season for cotton, the movement of the vehicle operating under a special annual permit shall be unrestricted with respect to day of the week, time or holiday observation. At other times, the movement of the vehicle shall be subject to the rules and regulations which the commissioner has prescribed pursuant to subsection (e) (T.C.A. § 55-7-205). (as added by Ord. #19-484, Oct. 2019 ***Ch15_12-10-19***)

CHAPTER 5**EMERGENCY VEHICLES****SECTION**

- 15-501. Authorized emergency vehicles.
- 15-502. Following fire apparatus.
- 15-503. Crossing fire hose.
- 15-504. Following emergency vehicles.

15-501. Authorized emergency vehicles. (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 stated in this section.

(2) (a) A driver of an authorized emergency vehicle operating the vehicle in accordance with subsection (1) may:

(i) Park or stand, notwithstanding other provisions of this title that regulate parking or standing;

(ii) Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation;

(iii) Exceed the speed limits so long as life or property is not thereby endangered; and

(iv) Disregard regulations governing direction of movement or turning in specified directions.

(b) Subdivision (2)(a) 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 subdivision (2)(a) protect the driver from the consequences of the driver's own reckless disregard for the safety of others.

(3) (a) The exemptions granted under subsection (2) to a driver of an authorized emergency vehicle shall only apply when the vehicle is making use of audible and visual signals meeting the requirements of the applicable laws of this city, except that while parked or standing, an authorized emergency vehicle shall only be required to make use of visual signals meeting the requirements of the applicable laws of this city.

(b) Nothing in this section shall be construed to prohibit the driver of an authorized emergency vehicle, while parked or standing, from making use of both audible and visual signals meeting the requirements of the applicable laws of this city, in the discretion of the driver.

(4) An authorized emergency vehicle operated as a police vehicle may be equipped with or display a red light only in combination with a blue light visible from in front of the vehicle.

(5) Notwithstanding the requirement of this section that drivers of authorized emergency vehicles exercise due regard for the safety of all persons, the City of Alcoa, nor their officers or employees, shall be liable for any injury proximately or indirectly caused to an actual or suspected violator of a law or ordinance who is fleeing pursuit by law enforcement personnel. The fact that law enforcement personnel pursue an actual or suspected violator of a law or ordinance who flees from pursuit shall not render the law enforcement personnel, or the employers of the law enforcement personnel, liable for injuries to a third party proximately caused by the fleeing party unless the conduct of the law enforcement personnel was negligent and that negligence was a proximate cause of the injuries to the third party (T.C.A. § 55-8-108). (1971 Code, § 9-301, as replaced by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-502. 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 feet (500') or park the vehicle within the block where fire apparatus has stopped in answer to a fire alarm (T.C.A. § 55-8-168(a)). (as added by Ord. #06-105, Dec. 2006, and replaced by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-503. Crossing fire hose. No streetcar or vehicle shall be driven over any unprotected hose of a fire department when laid down on any street, private driveway or streetcar track, to be used at any fire or alarm of fire, without the consent of the fire department official in command (T.C.A. § 55-8-169(a)). (as added by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-504. Following emergency vehicles. No driver of any vehicle shall follow any authorized emergency vehicle apparently travelling in response to an emergency call closer than five hundred feet (500') or drive or park such vehicle within the block where fire department vehicle has stopped in answer to a fire alarm. (as added by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

CHAPTER 6

TRAFFIC CONTROL SIGNALS AND DEVICES

SECTION

- 15-601. Obedience to traffic control devices.
- 15-602. Traffic control signals - inoperative signals.
- 15-603. Pedestrian-control signals.
- 15-604. Flashing signals.
- 15-605. Unauthorized signs, signals, or markings.
- 15-606. Interference with traffic control devices or RR signs or signals.
- 15-607. Traffic control signs, signals, markers or devices; indication of ownership.

15-601. Obedience to traffic control devices. (1) The driver of any vehicle and the operator of any streetcar shall obey the instructions of any official traffic control device applicable thereto, unless otherwise directed by a traffic or police officer, subject to the exceptions granted the driver of an authorized emergency vehicle in this title.

(2) (a) No provision of this title 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.

(b) Whenever a particular section does not state that signs are required, that section shall be effective even though no signs are erected or in place.

(3) For purposes of this section, "traffic or police officer" means every officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations or a person licensed under Tennessee Code Annotated, title 62, chapter 35, who is retired in good standing from being a commissioned, post-certified law enforcement officer and who has notified the chief law enforcement officer in the jurisdiction where the retired officer will be directing or regulating traffic at least twenty-four (24) hours in advance, or as soon as possible in the event of an emergency, prior to performing traffic control functions in such jurisdiction (T.C.A. § 55-8-109). (1971 Code, § 9-401, as repealed and replaced by Ord. #06-105, Dec. 2006, and replaced by by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-602. Traffic control signals - inoperative signals. (1) Whenever traffic is controlled by traffic-control signals exhibiting the words "Go," "Caution," or "Stop," or exhibiting different colored lights successively one (1) at a time, or with arrows, the following colors only shall be used and the terms and lights shall indicate and apply to drivers or vehicles and pedestrians as follows:

- (a) Green alone or "Go":
 - (i) Vehicular traffic facing the signal may proceed straight through or turn right or left unless a sign at such place prohibits either 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 the signal is exhibited; and
 - (ii) Pedestrians facing the signal may proceed across the roadway within any marked or unmarked crosswalk;
- (b) Yellow alone or "Caution," when shown following the green or "Go" signal:
 - (i) Vehicular traffic facing the signal is warned that the red or "Stop" signal will be exhibited immediately thereafter and that vehicular traffic shall not enter or cross the intersection when the red or "Stop" signal is exhibited; and
 - (ii) Pedestrians facing the signal are advised that there is insufficient time to cross the roadway, and any pedestrian then starting to cross shall yield the right-of-way to all vehicles;
- (c) Red alone or "Stop":
 - (i) Vehicular traffic facing the signal shall stop before entering the crosswalk on the near side of the intersection or if there is a clearly marked stop line preceding the crosswalk, then before such stop line, but if there is neither a crosswalk nor a stop line, then before entering the intersection, and the vehicular traffic shall remain standing until green or "Go" is shown alone. A right turn on a red signal shall be permitted at all intersections within the City of Alcoa; provided, that the prospective turning car shall come to a full and complete stop before turning and that the turning car shall yield the right-of-way to pedestrians and cross traffic traveling in accordance with their traffic signal; provided further, that such turn will not endanger other traffic lawfully using the intersection. A right turn on red shall be permitted at all intersections, except those that are clearly marked by a "No Turns On Red" sign, which may be erected by the City of Alcoa at intersections which they decide to require no right turns on red in the interest of traffic safety;
 - (ii) No pedestrian facing such signal shall enter the roadway unless entry can be made safely and without interfering with any vehicular traffic; and
 - (iii) A left turn on a red or stop signal shall be permitted at all intersections within the City of Alcoa 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. A left turn on red shall be permitted at any applicable intersection except those clearly marked by a "No Turn on Red" sign, which may be erected by the City of Alcoa at intersections that these governments decide to require no left turns on red in the interest of traffic safety;

(d) Red with green arrow:

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

(ii) No pedestrian facing the signal shall enter the roadway unless entry can be made safely and without interfering with any vehicular traffic;

(e) In the event an official traffic-control signal is erected and maintained at a place other than an intersection, 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 before the stop line, but in the absence of any sign or stop line the stop shall be made at the signal;

(f) The operator of any streetcar shall obey the signals in subdivisions (1)(a)-(e) as applicable to vehicles;

(g) All electric highway, street and road vehicular traffic-control signals in Tennessee shall have a uniform arrangement of the colored lenses in the various signal faces of the signals, as follows: In each signal face, all red lenses in vertical signals shall be located above all yellow and green lenses, and in horizontal signals, to the left of all yellow and green lenses. Yellow lenses shall be located between any red lens or lenses and all other lenses; and

(h) Whenever in the City of Alcoa three (3) light traffic-control signals are used displaying successively green, yellow, and red lights for the direction of motorists and pedestrians, the minimum time exposure of the yellow light shall be three (3) seconds. Any city agency or any political subdivision of the City of Alcoa that installs, owns, operates, or maintains any such traffic-control signal light shall set or cause to be set the timing-control device for the signal light in compliance with this subdivision (1)(h). No city agency or any political subdivision of the City of Alcoa that installs, owns, operates, or maintains a traffic-control signal light in an intersection that employs a surveillance camera for the enforcement or monitoring of traffic violations shall reduce the time

exposure of the yellow light at the intersection with the intended purpose of increasing the number of traffic violations.

(2) Notwithstanding any law to the contrary, the driver of a motorcycle approaching an intersection that is controlled by a traffic-control signal utilizing a vehicle detection device that is inoperative due to the size of the motorcycle shall come to a full and complete stop at the intersection and, after exercising due care as provided by law, may proceed with due caution when it is safe to do so. It is not a defense to a violation that the driver of a motorcycle proceeded under the belief that a traffic-control signal utilized a vehicle detection device or was inoperative due to the size of the motorcycle when the signal did not utilize a vehicle detection device or that the device was not in fact inoperative due to the size of the motorcycle.

(3) The driver of any vehicle approaching an intersection that is controlled by a traffic-control signal that is inoperative because of mechanical failure or accident shall come to a full and complete stop at the intersection, and may proceed with due caution when it is safe to do so; provided, that if two (2) or more vehicles enter such an intersection from different directions at approximately the same time, after having come to full and complete stops, the driver of the vehicle on the left shall yield the right-of-way to the vehicle on the right. A traffic-control signal shall not be considered inoperative if the signal is operating in flashing mode. If a signal is operating in flashing mode, it shall require obedience by vehicular traffic.

(4) Notwithstanding any law to the contrary, the rider of a bicycle approaching an intersection that is controlled by a traffic-control signal utilizing a vehicle detection device that is inoperative due to the size of the bicycle shall come to a full and complete stop at the intersection and, after exercising due care as provided by law, may proceed with due caution when it is safe to do so. It is not a defense to a violation that the rider of a bicycle proceeded under the belief that a traffic-control signal utilized a vehicle detection device or was inoperative due to the size of the bicycle when the signal did not utilize a vehicle detection device or that the device was not in fact inoperative due to the size of the bicycle.

(5) It is not a violation of subdivision (1)(c), unless the front tires of a vehicle cross the stop line after the signal is red (T.C.A. § 55-8-110). (1971 Code, § 9-402, as repealed and replaced by Ord. #06-105, Dec. 2006, and replaced by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-603. Pedestrian-control signals. Whenever special pedestrian-control signals exhibiting the words or pictures depicting "Walk" or "Wait" or "Don't Walk" are in place, these signals shall indicate as follows:

(1) Walk. Pedestrians facing the 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; and

(2) Wait or Don't Walk. No pedestrian shall start to cross the roadway in the direction of the signal, but any pedestrian who has partially completed crossing on the walk signal shall proceed to a sidewalk or safety island while the wait signal is showing (T.C.A. § 55-8-111). (1971 Code, § 9-403, as repealed and replaced by Ord. #06-105, Dec. 2006, and replaced by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-604. 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 the light is clearly visible for a sufficient distance ahead to permit 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; and

(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 the signal only with caution.

(2) This section shall not apply at railroad grade crossings. Conduct of drivers of vehicles approaching railroad grade crossings shall be governed by the rules set forth in this title (T.C.A. § 55-8-112). (1971 Code, § 9-404, as repealed and replaced by Ord. #06-105, Dec. 2006, and replaced by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-605. Unauthorized signs, signals, or markings. (1) No person shall place, maintain or display upon or in view of any highway any unauthorized sign, signal, marking or device that purports to be or is an imitation of or resembles an official traffic control device or railroad sign or signal, or that attempts to direct the movement of traffic, or that hides from view or interferes with the effectiveness of any official traffic control device or any railroad sign or signal.

(2) No person shall sell or offer for sale any traffic control signal or device for use on any street, road, or highway in this city unless the device conforms to the requirements of this title.

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

(4) 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.

(5) Every prohibited sign, signal or marking is declared to be a public nuisance and the authority having jurisdiction over the highway is empowered

to remove the sign, signal or marking or cause it to be removed without notice (T.C.A. § 55-8-113). (1971 Code, § 9-405, and replaced by by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-606. Interference with traffic control devices or RR signs or signals. No person shall, without lawful authority, attempt to or in fact alter, deface, injure, knock down, or remove any official traffic-control device or any railroad sign or signal or any inscription, shield or insignia or other part of the device, sign or signal (T.C.A. § 55-8-114). (as added by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-607. Traffic control signs, signals, markers or devices; indication of ownership. The City of Alcoa is authorized to indicate the ownership of its sign, signal, marker and device in letters on the back of those items in letters not less than one-fourth inch (1/4") nor more than three-fourths inch (3/4") in height by use of a metal stamp, etching, or other permanent marking. Unlawful possession of any such sign, signal, marker, or device is a civil ordinance violation (T.C.A. § 55-8-184). (as added by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

CHAPTER 7

VEHICLE OPERATION - GENERAL RULES OF THE ROAD

SECTION

- 15-701. Driving on right side of roadway.
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- 15-724. Truck and/or bus streets or routes.
- 15-725. Motor vehicles in or on public parks.
- 15-726. Use of hand-held mobile device by person with learners permit or intermediate license.
- 15-727. Use of hand-held mobile telephone or personal digital assistant to transmit or read a written message prohibited while driving.

15-701. Driving on right side of roadway. (1) Upon all roadways of sufficient width, a vehicle shall be driven upon the right half of the roadway, except as follows:

- (a) When overtaking and passing another vehicle proceeding in the same direction under the rules governing such movement;
- (b) When the right half of a roadway is closed to traffic while under construction or repair;

(c) Upon a roadway divided into three (3) marked lanes for traffic under the applicable rules thereon; or

(d) Upon a roadway designated and signposted for one-way traffic.

(2) Upon all roadways any vehicle proceeding at less than the normal speed of traffic at the time and place and under the conditions then existing shall be driven in the right-hand lane then available for traffic, or as close as practicable to the right-hand curb or edge of the roadway, except when overtaking and passing another vehicle proceeding in the same direction or when preparing for a left turn at an intersection or into a private road or driveway (T.C.A. § 55-8-115). (1971 Code, § 9-501, as repealed by Ord. #06-105, Dec. 2006, and replaced by Ord. #09-213, Oct. 2009, and Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-702. Overtaking and passing vehicles. The following rules shall govern the overtaking and passing of vehicles proceeding in the same direction, subject to those limitations, exceptions and special rules hereinafter stated:

(1) The driver of a vehicle overtaking another vehicle proceeding in the same direction shall pass to the left thereof at a safe distance and shall not again drive to the right side of the roadway until safely clear of the overtaken vehicle; and

(2) Except when overtaking and passing on the right is permitted; the driver of an overtaken vehicle shall give way to the right in favor of the overtaking vehicle on audible signal and shall not increase the speed of the overtaken vehicle until completely passed by the overtaking vehicle (T.C.A. § 55-8-117). (1971 Code, § 9-503, as replaced by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-703. Passing vehicles proceeding in opposite direction. Drivers of vehicles proceeding in opposite directions shall pass each other to the right, and upon roadways having width for not more than one (1) line of traffic in each direction, each driver shall give to the other at least one half (1/2) of the main-traveled portion of the roadway as nearly as possible (T.C.A. § 55-8-116) (1971 Code, § 9-504, as replaced by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-704. When overtaking on right permitted. (1) The driver of a vehicle may overtake and pass upon the right of another vehicle only under the following conditions:

(a) When the vehicle overtaken is making or about to make a left turn, subject to subsection (2);

(b) Upon a street or highway with unobstructed pavement not occupied by parked vehicles of sufficient width for two (2) or more lines of moving vehicles in each direction; and

(c) Upon a one-way street, or upon any roadway on which traffic is restricted to one (1) direction of movement, where the roadway is free from obstructions and of sufficient width for two (2) or more lines of moving vehicles.

(2) The driver of a vehicle may overtake and pass another vehicle upon the right only under conditions permitting that movement in safety. In no event shall the movement be made by driving off the pavement or main-traveled portion of the roadway, or onto the shoulder.

(3) When overtaking or passing upon the right of another motor vehicle pursuant to this section or other law, the person shall not operate the motor vehicle within a bicycle lane.

(4) Notwithstanding this section, the driver of a bus operated by or for a publicly owned transit agency, not including a school bus, may overtake and pass a vehicle upon the right when operating on the shoulder or right-of-way of any City of Alcoa highway. Except for authorized emergency vehicles, the operation of a vehicle on the shoulder or right-of-way of a City of Alcoa highway, other than a bus authorized by the department, is an offense punishable as a civil ordinance violation (T.C.A. § 55-8-118). (1971 Code, § 9-505, as repealed by Ord. #06-105, Dec. 2006, and replaced by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*).

15-705. Limitations on overtaking and passing on left. No vehicle shall be driven to the left side of the center of the roadway in overtaking and passing another vehicle proceeding in the same direction, unless the left side is clearly visible and is free from oncoming traffic for a sufficient distance ahead to permit overtaking and passing to be completely made without interfering with the safe operation of any vehicle approaching from the opposite direction or any vehicle overtaken. In every event the overtaking vehicle must return to the right-hand side of the roadway before coming within one hundred feet (100') of any vehicle approaching from the opposite direction (T.C.A. § 55-8-119). (1971 Code, § 9-506, as repealed and replaced by Ord. #06-105, Dec. 2006, and replaced by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-706. Further limitations on driving to left of center on roadway. (1) No vehicle shall at any time be driven to the left side of the roadway under the following conditions:

(a) When approaching the crest of a grade or upon a curve in the highway where the driver's view is obstructed within three hundred feet (300') or such distance as to create a hazard in the event another vehicle might approach from the opposite direction;

(b) When approaching within one hundred feet (100') of or traversing any intersection or railroad grade crossing; or

(c) When the view is obstructed upon approaching within one hundred feet (100') of any bridge, viaduct or tunnel.

(2) The limitations of subsection (1) shall not apply upon a one-way roadway (T.C.A. § 55-8-120). (1971 Code, § 9-507, as replaced by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-707. Improper passing/no passing zones. It is a civil ordinance violation to overtake and pass or drive to the left of the roadway where signage or markings on the roadway prohibit such. When these signs or markings are in place and clearly visible to an ordinarily observant person, every driver of a vehicle shall obey the directions thereof (T.C.A. § 55-8-121). (1971 Code, § 9-508, as repealed and replaced by Ord. #06-105, Dec. 2006, and replaced by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-708. One-way roads and rotary islands. (1) It is a civil ordinance violation to drive in a direction other than as designated for signage directing one-way traffic.

(2) It is a civil ordinance violation to pass around a rotary traffic island other than to the right of the island (T.C.A. § 55-8-122). (1971 Code, § 9-509, as repealed and replaced by Ord. #06-105, Dec. 2006, and replaced by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-709. Driving on roadways laned for traffic/improper lane usage. Whenever any roadway has been divided into two (2) or more clearly marked lanes for traffic, the following rules, in addition to all others consistent with this section, shall apply:

(1) 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;

(2) Upon a roadway that is divided into three (3) lanes, a vehicle shall not be driven in the center lane except when overtaking and passing another vehicle where the roadway is clearly visible and the center lane is clear of traffic within a safe distance, or in preparation for a left turn or where the center lane is at the time allocated exclusively to traffic moving in the direction the vehicle is proceeding and is signposted to give notice of this allocation;

(3) Official signs may be erected directing slow-moving traffic to use a designated lane or designating those lanes to be used by traffic moving in a particular direction regardless of the center of the roadway, and drivers of vehicles shall obey the directions of every such sign; and

(4) (a) Where passing is unsafe because of traffic in the opposite direction or other conditions, a slow-moving vehicle, including a passenger vehicle, behind which five (5) or more vehicles are formed in line, shall turn or pull off the roadway wherever sufficient area exists to do so safely, in order to permit vehicles following it to proceed. As used in this subdivision (d), a slow-moving vehicle is one which is proceeding at

a rate of speed that is ten miles per hour (10 mph) or more below the lawful maximum speed for that particular roadway at that time.

(b) Any person failing to conform with subdivision (4)(a) shall receive a warning citation on first offense and be liable for a fine of twenty dollars (\$20.00) on second offense, and fifty dollars (\$50.00) on third and subsequent offenses.

(c) Subdivision (4)(a) shall not apply to funeral processions nor to school buses (T.C.A. § 55-8-123). (1971 Code, § 9-510, as repealed and replaced by Ord. #06-105, Dec. 2006, and replaced by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-710. Following too closely. (1) The driver of a motor vehicle shall not follow another vehicle more closely than is reasonable and prudent, having due regard for the speed of the vehicles and the traffic upon and the condition of the highway.

(2) The driver of any motor truck or motor vehicle towing another vehicle when traveling upon a roadway outside of a business or residence district and which is following another motor truck or motor vehicle towing another vehicle shall, whenever conditions permit, leave sufficient space so that an overtaking vehicle may enter and occupy that space without danger, except that this shall not prevent a motor truck or motor vehicle towing another vehicle from overtaking and passing any like vehicle or other vehicle.

(3) Motor vehicles being driven upon any roadway outside of a business or residence district in a caravan or motorcade, whether or not towing other vehicles, shall be so operated as to allow sufficient space between each vehicle or combination of vehicles so as to enable any other vehicle to enter and occupy the space without danger. This subsection (3) does not apply to funeral processions.

(4) Except for a motor vehicle in a platoon, no motor truck of more than one and one-half (1/2) ton rated capacity shall approach any other motor truck of like or greater capacity proceeding in the same direction on any of the highways of this city without the corporate limits of any municipality at a distance nearer than three hundred feet (300'), except in overtaking and passing such other trucks, or unless one (1) or both of these trucks have come to a stop or except in rendering assistance to a disabled or partly disabled truck (T.C.A. § 55-8-124). (1971 Code, § 9-511, as replaced by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-711. Divided highway. Whenever any highway has been divided into two (2) roadways by leaving an intervening space or by a physical barrier or clearly indicated dividing section so constructed as to impede vehicular traffic, every vehicle shall be driven only upon the right-hand roadway and no vehicle shall be driven over, across, or within any dividing space, barrier or section, except through an opening in the physical barrier or dividing section or

space or at a cross-over or intersection established by public authority (T.C.A. § 55-8-125). (1971 Code, § 9-502, as repealed by Ord. #06-105, Dec. 2006, and replaced by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-712. Controlled access roadways. No person shall drive a vehicle onto or from any controlled access roadway except at entrances and exits that are established by public authority (T.C.A. § 55-8-126). (1971 Code, § 9-512, as repealed and replaced by Ord. #06-105, Dec. 2006, and replaced by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-713. Restrictions on use of controlled access roadway. (1) The city may, with respect to any controlled-access roadway under its respective jurisdiction, prohibit the use of that roadway by pedestrians, bicycles or other nonmotorized traffic or by any person operating a motor-driven cycle.

(2) The city shall erect and maintain official signs on the controlled access roadway on which the regulations are applicable, and when the signs are erected, a person who disobeys the restrictions stated on the signs commits a civil ordinance violation (T.C.A. § 55-8-127). (1971 Code, § 9-513, as repealed and replaced by Ord. #06-105, Dec. 2006, amended by Ord. #15-347, Feb. 2015, and Ord. #15-350, April 2015, and replaced by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-714. Improper backing. The driver of a vehicle shall not back the vehicle unless that movement can be made with reasonable safety and without interfering with other traffic (T.C.A. § 55-8-163). (1971 Code, § 9-514, repealed and replaced by Ord. #06-105, Dec. 2006, and replaced by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-715. Obstruction to driver's view of driving mechanism. (1) No person shall drive a vehicle when it is so loaded, or when there are in the front seat such a number of persons, exceeding four (4), as to obstruct the view of the driver to the front or sides of the vehicle or as to interfere with the driver's control over the driving mechanism of the vehicle.

(2) No passenger in a vehicle or streetcar shall ride in a position that interferes with the driver's or operator's view ahead or to the sides, or that interferes with the driver's or operator's control over the driving mechanism of the vehicle or streetcar (T.C.A. § 55-8-165). (as added by Ord. #06-105, Dec. 2006, and replaced by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-716. Driving on mountain highways. The driver of a motor vehicle traveling on mountain highways shall hold that motor vehicle under control and as near the right-hand edge of the highway as reasonably possible and, upon approaching any curve where the view is obstructed within a distance of two hundred feet (200') along the highway, shall give audible warning with the horn

of the motor vehicle (T.C.A. § 55-8-166) (as added by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-717. Coasting prohibited. (1) The driver of any motor vehicle, when traveling upon a down grade, shall not coast with the gears of the vehicle in neutral.

(2) The driver of a commercial motor vehicle, when traveling upon a down grade, shall not coast with the clutch disengaged (T.C.A. § 55-8-167). (as added by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-718. Glass, nails, and substances on highway. (1) No person shall throw or deposit upon any highway, street or roadway any glass bottle, glass, nails, tacks, wire, cans or any other substance likely to injure any person, animal or vehicle upon the highway.

(2) Any person who drops, or permits to be dropped or thrown, upon any highway any destructive or injurious material shall immediately remove the same or cause it to be removed.

(3) Any person removing a wrecked or damaged vehicle from a highway shall remove any glass or other injurious substance dropped upon the highway from the vehicle (T.C.A. § 55-8-170). (as added by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-719. Transporting child in truck bed. (1) A person commits an offense who, on the streets, roads, or the highways of the City of Alcoa, transports a child under six (6) years of age in the bed of a truck with a manufacturer's ton rating not exceeding three-quarter (3/4) ton and having a pickup body style.

(2) (a) A person commits an offense who, on any street, roads, or the highways of the City of Alcoa, 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-quarter (3/4) ton and having a pickup body style.

(b) A person is prohibited from transporting 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-quarter (3/4) ton and having a pickup body style on city roads or highways.

(3) This section does not apply to a person transporting a child in the bed of such vehicle when that vehicle is being used as part of an organized parade, procession, or other ceremonial event, and when that vehicle is not exceeding the speed of twenty miles per hour (20 mph).

(4) This section does not apply when the child being transported is involved in agricultural activities (T.C.A. § 55-8-189). (as added by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-720. Operation of a platoon. (1) A person may operate a platoon on the City of Alcoa highway and streets upon permit issued by the City of Alcoa. The permit application provided pursuant to this subsection (1) must include a plan for general platoon operations.

(2) If the application and the plan submitted pursuant to subsection (1) are not rejected by the City of Alcoa within thirty (30) days after receipt, the person may operate the platoon.

(3) For purposes of a platoon operating pursuant to this section:

(a) The lead vehicle in the platoon is not drawing any subsequent vehicle in the platoon; and

(b) If the platoon includes a commercial motor vehicle, an appropriately endorsed driver who holds a valid commercial driver license must be present behind the wheel of each commercial motor vehicle in the platoon (T.C.A. § 55-8-201). (as added by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-721. Rules and regulations directing truck tractors and semitrailers to specific lanes on certain highways. It is a violation for truck tractors and semitrailers, as defined in § 15-101, to travel outside of lanes restricted by appropriate signage except when passing other motor vehicles (T.C.A. § 55-8-195). (as added by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-722. Driving on streets closed for repairs. Except for necessary access to property abutting thereon, no motor vehicle shall be driven upon any street that is barricaded or closed for repairs or other lawful purpose. (as added by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-723. Prohibited use of off-roadway accesses. Operators of motor vehicles are prohibited from leaving the roadway and traveling across private property, or public property devoted to use other than as a street or highway, in the following circumstances:

(1) To avoid compliance with a traffic control signal;

(2) To avoid compliance with a traffic control device;

(3) To avoid compliance with the lawful directions of a police officer;

(4) To avoid compliance with any traffic regulation or ordinance; or

(5) To travel from one roadway to another, using the non-roadway access as a cut through or shorter route. (as added by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-724. Truck and/or bus streets or routes. The director of public safety shall by order determine and designate such streets as shall be used as truck and/or bus streets or routes through the city or from point to point within the city as may in his judgment be necessary and proper for the systematic, orderly and convenient flow of traffic within the city and when such streets

and/or routes shall have been determined and designated, the same shall be plainly marked by appropriate signs and after which it shall be unlawful for any operator to operate buses and/or trucks other than in accordance with such designation. (as added by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-725. Motor vehicles in or on public parks. It shall be unlawful for any person or persons to operate any type of motor driven vehicle upon or in a public park within the municipal limits except that motorized wheelchairs, other person conveyances specially designed for the handicapped, and public service vehicles shall be allowed. (as added by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-726. Use of hand-held mobile device by person with learners permit or intermediate license. (1) No driver possessing a learner permit or intermediate driver license shall operate a motor vehicle in motion on any highway or city street while using a hand-held cellular telephone, cellular car telephone, or other mobile telephone.

(2) A violation of this section is a civil ordinance violation, punishable with as a fine of fifty dollars (\$50.00) and the driver shall be ineligible to apply for intermediate or unrestricted driver license for an additional ninety (90) days from the time the driver would otherwise be eligible to obtain the license type.

(3) It is an affirmative defense to prosecution under this section, which must be proven by a preponderance of the evidence, that the driver's use of a hand-held cellular or cellular car telephone was necessitated by a bona fide emergency. The use of a mobile phone while operating a vehicle by any driver who is eighteen (18) years of age or less to communicate with the person's custodial parents shall be deemed a bona fide emergency and shall not be a violation of this section (T.C.A. § 55-50-311(n)). (as added by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-727. Use of hand-held mobile telephone or personal digital assistant to transmit or read a written message prohibited while driving. (1) As used in this section:

(a) "Stand-alone electronic device" means a portable device other than a wireless telecommunications device that stores audio or video data files to be retrieved on demand by a user;

(b) "Utility services" means electric, natural gas, water, waste-water, cable, telephone, or telecommunications services or the repair, location, relocation, improvement, or maintenance of utility poles, transmission structures, pipes, wires, fibers, cables, easements, rights of way, or associated infrastructure; and

(c) "Wireless telecommunications device" means a cellular telephone, a portable telephone, a text-messaging device, a personal digital assistant, a stand-alone computer, a global positioning system receiver, or substantially similar portable wireless device that is used to

initiate or receive communication, information, or data. "Wireless telecommunications device" does not include a radio, citizens band radio, citizens band radio hybrid, commercial two-way radio communication device or its functional equivalent, subscription-based emergency communication device, prescribed medical device, amateur or ham radio device, or in-vehicle security, navigation, autonomous technology, or remote diagnostics system.

(2) (a) A person, while operating a motor vehicle on any road or highway in this state, shall not:

(i) Physically hold or support, with any part of the person's body, a:

(A) Wireless telecommunications device. This subdivision (2)(a)(i)(A) does not prohibit a person eighteen (18) years of age or older from:

(1) Using an earpiece, headphone device, or device worn on a wrist to conduct a voice-based communication; or

(2) Using only one (1) button on a wireless telecommunications device to initiate or terminate a voice communication; or

(B) Stand-alone electronic device;

(ii) Write, send, or read any text-based communication, including, but not limited to, a text message, instant message, email, or internet data on a wireless telecommunications device or stand-alone electronic device. This subdivision (2)(a)(ii) does not apply to any person eighteen (18) years of age or older who uses such devices:

(A) To automatically convert a voice-based communication to be sent as a message in a written form; or

(B) For navigation of the motor vehicle through use of a device's global positioning system;

(iii) Reach for a wireless telecommunications device or stand-alone electronic device in a manner that requires the driver to no longer be:

(A) In a seated driving position; or

(B) Properly restrained by a safety belt;

(iv) Watch a video or movie on a wireless telecommunications device or stand-alone electronic device other than viewing data related to the navigation of the motor vehicle; or

(v) Record or broadcast video on a wireless telecommunications device or stand-alone electronic device. This subdivision (2)(a) does not apply to electronic devices used for the

sole purpose of continuously recording or broadcasting video within or outside of the motor vehicle.

(b) Notwithstanding subdivisions (2)(a)(i) and (ii), and in addition to the exceptions described in those subdivisions, a function or feature of a wireless telecommunications device or stand-alone electronic device may be activated or deactivated in a manner requiring the physical use of the driver's hand while the driver is operating a motor vehicle if:

(i) The wireless telecommunications device or stand-alone electronic device is mounted on the vehicle's windshield, dashboard, or center console in a manner that does not hinder the driver's view of the road; and

(ii) The driver's hand is used to activate or deactivate a feature or function of the wireless telecommunications device or stand-alone electronic device with the motion of one (1) swipe or tap of the driver's finger, and does not activate camera, video, or gaming features or functions for viewing, recording, amusement, or other non-navigational functions, other than features or functions related to the transportation of persons or property for compensation or payment of a fee.

(3) (a) A violation of this section is a Class C misdemeanor, subject only to imposition of a fine not to exceed fifty dollars (\$50.00). However, if the violation is the person's third or subsequent offense or if the violation results in an accident, the fine is one hundred dollars (\$100.00); or if the violation occurs in a work zone when employees of the department of transportation or construction workers are present or in a marked school zone when a warning flasher or flashers are in operation, the fine is two hundred dollars (\$200.00). Any person violating this section is subject to the imposition of court costs not to exceed ten dollars (\$10.00), including, but not limited to, any statutory fees of officers. State and local litigation taxes are not applicable to a case prosecuted under this section.

(b) In lieu of any fine imposed under subdivision (3)(a), a person who violates this section as a first offense may attend and complete a driver education course pursuant to § 55-10-301.

(c) Each violation of this section constitutes a separate offense.

(4) This section does not apply to the following persons:

(a) Officers of this state or of any county, city, or town charged with the enforcement of the laws of this state, or federal law enforcement officers when in the actual discharge of their official duties;

(b) Campus police officers and public safety officers, as defined by § 49-7-118, when in the actual discharge of their official duties;

(c) Emergency medical technicians, emergency medical technician-paramedics, and firefighters, both volunteer and career, when in the actual discharge of their official duties;

(d) Emergency management agency officers of this state or of any county, city, or town, when in the actual discharge of their official duties;

(e) Persons using a wireless telecommunications device to communicate with law enforcement agencies, medical providers, fire departments, or other emergency service agencies while driving a motor vehicle, if the use is necessitated by a bona fide emergency, including a natural or human occurrence that threatens human health, life, or property;

(f) Employees or contractors of utility services providers acting within the scope of their employment; and

(g) Persons who are lawfully stopped or parked in their motor vehicles or who lawfully leave standing their motor vehicles.

(5) A traffic citation that is based solely upon a violation of this section is considered a moving traffic violation (T.C.A. § 55-8-199). (as added by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

CHAPTER 8

VEHICLE OPERATIONS - YIELDING AND TURNING

SECTION

- 15-801. Failure to yield right of way at intersections.
- 15-802. Left turn at intersection.
- 15-803. Vehicle entering through highway or stop intersection.
- 15-804. Vehicle entering highway from private road or driveway.
- 15-805. Emerging from alley, driveway or building.
- 15-806. Turning at intersections.
- 15-807. Turning on curve or crest of grade.
- 15-808. U-turns.
- 15-809. Turning movements - signal for stop or decrease in speed.
- 15-810. Signals for turns/failure to signal.
- 15-811. Signals by hand and arm or signal device.
- 15-812. Failure to exercise due care.

15-801. Failure to yield right-of-way at intersections. (1) The driver of a vehicle approaching an intersection shall yield the right-of-way to a vehicle which has entered the intersection from a different highway or drive.

(2) When two (2) vehicles enter an intersection from different highways or drives at approximately the same time, the driver of the vehicle on the left shall yield the right-of-way to the vehicle on the right.

(3) The right-of-way rules declared in subsections (1) and (2) are modified at through highways and otherwise as stated in this title.

(4) As used in this section:

(a) "Drive" means any way that is open to the use of the public for purposes of vehicular travel and that leads into or from premises that are generally frequented by the public at large; and

(b) "Intersection" includes the area within which vehicles traveling upon a highway and a drive that join one another at any angle may come in conflict (T.C.A. § 55-8-128). (1971 Code, § 9-601, as amended by Ord. #01-011, June 2001, and replaced by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-802. Left turn at intersection. (1) The driver of a vehicle within an intersection intending to turn to the left shall yield the right-of-way to any vehicle approaching from the opposite direction which is within the intersection or so close thereto as to constitute an immediate hazard, but the driver, having so yielded and having given a signal when and as required by this title, may make the left turn, and the drivers of all other vehicles approaching the intersection from the opposite direction shall yield the right-of-way to the vehicle making the left turn.

(2) As used in this section, "drive" means any way that is open to the use of the public for purposes of vehicular travel and that leads into or from premises that are generally frequented by the public at large and "intersection" includes the area within which vehicle traveling upon a highway and a drive that join one another at any angle may come in conflict (T.C.A. § 55-8-129). (1971 Code, § 9-602, as replaced by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-803. Vehicle entering through highway or stop intersection.

(1) The driver of a vehicle shall stop as required by signals or devices at the entrance to a through highway and shall yield the right-of-way to other vehicles which have entered the intersection from the through highway or which are approaching so closely on the through highway as to constitute an immediate hazard, but the driver having so yielded may proceed, and the drivers of all other vehicles approaching the intersection on the through highway shall yield the right-of-way to the vehicle so proceeding into or across the through highway.

(2) The driver of a vehicle shall likewise stop in obedience to a stop sign as required herein at an intersection where a stop sign is erected at one (1) or more entrances thereto although not a part of a through highway and shall proceed cautiously, yielding to vehicles not so obliged to stop which are within the intersection or approaching so closely as to constitute an immediate hazard, but may then proceed.

(3) (a) The driver of a vehicle who is faced with a yield sign at the entrance to a through highway, drive, or other public roadway is not necessarily required to stop, but is required to exercise caution in entering the highway, drive, or other roadway and to yield the right-of-way to other vehicles which have entered the intersection from the highway, drive, or other roadway, or which are approaching so closely on the highway, drive, or other roadway as to constitute an immediate hazard, and the driver having so yielded may proceed when the way is clear.

(b) Where there is provided more than one (1) lane for vehicular traffic entering a through highway, drive, or other public roadway, if one (1) or more lanes at the entrance are designated a yield lane by an appropriate marker, this subsection (3) shall control the movement of traffic in any lane so marked with a yield sign, even though traffic in other lanes may be controlled by an electrical signal device or other signs, signals, markings or controls (T.C.A. § 55-8-130). (1971 Code, § 9-603, as replaced by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-804. Vehicle entering highway from private road or driveway.

The driver of a vehicle about to enter or cross a highway, street or roadway from a drive, private road, or private driveway shall yield the right-of-way to all

vehicles approaching on the highway, street or roadway (T.C.A. § 55-8-131). (1971 Code, § 9-604, as replaced by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-805. 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 the 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 the roadway (T.C.A. § 55-8-150). (1971 Code, § 9-605, as replaced by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-806. Turning at intersections. The driver of a vehicle intending to turn at an intersection shall do so as follows:

(1) Right turns. Both the approach for a right turn and a right turn shall be made as close as practicable to the right-hand curb or edge of the roadway;

(2) Left turns on two-way roadways. At any intersection where traffic is permitted to move in both directions on each roadway entering the intersection, an approach for a left turn shall be made in that portion of the right half of the roadway nearest the center line thereof and by passing to the right of the center line where it enters the intersection, and after entering the intersection the left turn shall be made so as to leave the intersection to the right of the center line of the roadway being entered. Whenever practicable, the left turn shall be made in that portion of the intersection to the left of the center of the intersection;

(3) Left turns on other than two-way roadways. At any intersection where traffic is restricted to one (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 the driver's vehicle, and after entering the intersection, the left turn shall be made so as to leave the intersection, as nearly as practicable, in the left-hand lane lawfully available to traffic moving in that direction upon the roadway being entered;

(4) Local instructions. Local authorities in their respective jurisdictions may cause markers, buttons or signs to be placed within or adjacent to intersections and thereby require and direct that a different course from that specified in this section be traveled by vehicles turning at an intersection, and when markers, buttons or signs are so placed, no driver of a vehicle shall turn a vehicle at an intersection other than as directed and required by those markers, buttons or signs; and

(5) Two-way left turn lanes. Where a special lane for making left turns by drivers proceeding in opposite directions has been established:

- (a) A left turn shall not be made from any other lane unless a vehicle cannot safely enter the turn lane;
- (b) A vehicle shall not be driven in the left turn lane except when preparing for or making a left turn from or into the roadway;
- (c) A vehicle shall not use the left turn lane solely for the purpose of passing another vehicle;
- (d) A vehicle shall not enter a left turn lane more than a safe distance from the point of the intended turn;
- (e) When any vehicle enters the turn lane, no other vehicle proceeding in an opposite direction shall enter that turn lane if that entrance would prohibit the vehicle already in the lane from making the intended turn; and
- (f) When vehicles enter the turn lane proceeding in opposite directions, the first vehicle to enter the lane shall have the right-of-way (T.C.A. § 55-8-140). (1971 Code, § 9-606, as replaced by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-807. Turning on curve or crest of grade. No vehicle shall be turned so as to proceed in the opposite direction upon any curve, or upon the approach to or near the crest of a grade, where the vehicle cannot be seen by the driver of any other vehicle approaching from either direction within five hundred feet (500') (T.C.A. § 55-8-141). (as added by Ord. #01-008, April 2001, and replaced by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-808. U-turns. U-turns are prohibited, except in four (4) or more lane highways divided by curbs or grass plots and then only at designated crossovers. (as added by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-809. Turning movements - signal for stop or decrease in speed.

(1) No person shall turn a vehicle at an intersection unless the vehicle is in proper position upon the roadway, or turn a vehicle to enter a private road or driveway, or otherwise turn a vehicle from a direct course or move right or left upon a roadway, unless and until this movement can be made with reasonable safety. No person shall so turn any vehicle without giving an appropriate signal in the manner provided in this title in the event any other traffic may be affected by this movement.

(2) No person shall stop or suddenly decrease the speed, or "break check," without first giving an appropriate signal in the manner provided herein to the driver of any vehicle immediately to the rear when there is opportunity to give this signal (T.C.A. § 55-8-142 and § 55-8-140). (as added by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-810. Signals for turns/failure to signal. (1) Every driver who intends to start, stop, turn or partly turn, from a direct line, shall first see that

that movement can be made in safety, and whenever the operation of any other vehicle may be affected by such movement, shall give a signal required in this section, plainly visible to the driver of the other vehicle of the intention to make such movement.

(2) The signal required in this section shall be given by means of the hand and arm, or by some mechanical or electrical device approved by the department of safety, in the manner specified in this section. Whenever the signal is given by means of the hand and arm, the driver shall indicate the intention to start, stop, or turn, or partly turn, by extending the hand and arm from and beyond the left side of the vehicle, in the following manner:

(a) For left turn, or to pull to the left, the arm shall be extended in a horizontal position straight from and level with the shoulder;

(b) For right turn, or pull to the right, the arm shall be extended upward; and

(c) For slowing down or to stop, the arm shall be extended downward.

(3) These signals shall be given continuously for a distance of at least fifty feet (50') before stopping, turning, partly turning, or materially altering the course of the vehicle.

(4) Drivers having once given a hand, electrical or mechanical device signal, must continue the course thus indicated, unless they alter the original signal and take care that drivers of vehicles and pedestrians have seen and are aware of the change.

(5) Drivers receiving a signal from another driver shall keep their vehicles under complete control and shall be able to avoid an accident resulting from a misunderstanding of the signal.

(6) Drivers of vehicles, standing or stopped at the curb or edge before moving these vehicles, shall give signals of their intention to move into traffic, as provided in this section, before turning in the direction the vehicle shall proceed from the curb (T.C.A. § 55-8-143). (as added by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-811. Signals by hand and arm or signal device. (1) Any stop or turn signal required by this title shall be given either by means of the hand and arm or by a signal lamp or lamps or mechanical signal device approved by the department of safety as provided in this title, except as otherwise provided in subsection (2).

(2) Any motor vehicle in use on a highway shall be equipped with, and required signal shall be given by, a signal lamp or lamps or mechanical signal device approved by the department when the distance from the center of the top of the steering post to the left outside limit of the body, cab or load of the motor vehicle exceeds twenty-four inches (24"), or when the distance from the center of the top of the steering post to the rear limit of the body or load thereof exceeds fourteen feet (14'). The latter measurement shall apply to any single vehicle,

also to any combination of vehicles (T.C.A. § 55-8-144). (as added by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-812. Failure to exercise due care. (1) Notwithstanding the foregoing provisions of this title, 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.

(2) Notwithstanding any speed limit or zone in effect at the time, or right-of-way rules that may be applicable, every driver of a vehicle shall exercise due care by operating the vehicle at a safe speed, by maintaining a safe lookout, by keeping the vehicle under proper control and by devoting full time and attention to operating the vehicle, under the existing circumstances as necessary in order to be able to see and to avoid endangering life, limb or property and to see and avoid colliding with any other vehicle or person, or any road sign, guard rail or any fixed object either legally using or legally parked or legally placed, upon any roadway, within or beside the roadway right-of-way including, but not limited to, any adjacent sidewalk, bicycle lane, shoulder or berm (T.C.A § 55-8-136). (as added by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

CHAPTER 9

PEDESTRIANS

SECTION

- 15-901. Pedestrian subject to traffic regulations.
- 15-902. Pedestrian right-of-way in crosswalks.
- 15-903. Crossing other than crosswalks.
- 15-904. Pedestrians to use right half of crosswalks.
- 15-905. Pedestrians on roadway.
- 15-906. Limitations on where person may stand along roadway.
- 15-907. Blind persons; Deaf person.
- 15-908. Blind pedestrian right-of-way.
- 15-909. Deleted.

15-901. Pedestrian subject to traffic regulations. (1) Pedestrians shall be subject to traffic-control signals at intersections, and at all other places pedestrians shall be accorded the privileges and shall be subject to the restrictions stated in this title.

(2) Pedestrians shall strictly comply with the directions of any official traffic-control signal and are prohibited from crossing any roadway in a business district or any designated highways except in a crosswalk (T.C.A. § 55-8-133). (1971 Code, § 9-702, as replaced by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-902. Pedestrian right-of-way in crosswalks. (1)(a) 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.

(b) 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.

(c) This does not apply to § 15-903(2).

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

(3) 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 the stopped vehicle (T.C.A. § 55-8-134). (1971 Code, § 9-703, as replaced by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-903. Crossing other than crosswalks. (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) Between adjacent intersections at which traffic-control signals are in operation pedestrians shall not cross at any place except in a marked crosswalk (T.C.A. § 55-8-135). (1971 Code, § 9-704, as replaced by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-904. Pedestrians to use right half of crosswalks. Pedestrians shall move, whenever practicable, upon the right half of crosswalks (T.C.A. § 55-8-137). (1971 Code, § 9-705, as replaced by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-905. Pedestrians on roadways. (1) Except as provided in this section, where sidewalks are provided, it is unlawful for any pedestrian to walk or use a wheelchair along and upon an adjacent roadway.

(2) Where sidewalks are not provided or are obstructed, 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 that may approach from the opposite direction.

(3) Where sidewalks are not provided, are obstructed, or are not wheelchair accessible, any person using a wheelchair along and upon a highway shall, when practicable, use the wheelchair on the left side of the roadway or its shoulder facing traffic that may approach from the opposite direction; provided, that a person using a wheelchair along and upon a highway may use the wheelchair on the right side of the roadway or its shoulder if it is convenient or reasonably necessary for travel by the person (T.C.A. § 55-8-138). (1971 Code, § 9-706, as replaced by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-906. Limitations on where person may stand along roadway.

(1) No person shall stand in a roadway for the purpose of soliciting a ride or employment 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.

(3) No person shall loiter or conduct any commercial activity in, or in proximity to, the median of a City of Alcoa highway.

(4) Subsection (3) does not apply to:

(a) Employees of, or agents, contractors, or other persons under contract with, or acting on behalf of, the department of transportation; and

(b) Employees of, or agents, contractors, or other persons who are under contract with, or acting on behalf of the City of Alcoa, or a political subdivision of the state, or a utility, and who are permitted by the department of transportation to stand or conduct any activity in, or in proximity to, the median of a state highway.

(5) A violation of this section is a civil ordinance violation; except, that a person who violates subsection (3) shall receive a warning citation for a first offense (T.C.A. § 55-8-139). (1971 Code, § 9-707, as replaced by Ord. #19-484, Oct. 2019 ***Ch15_12-10-19***)

15-907. Blind persons; deaf person. (1) No person, unless totally or partially blind or otherwise incapacitated, while on any public street or thoroughfare shall carry in any raised or extended position any cane or similar walking stick colored white or white tipped with red.

(2) No person, unless totally or partially deaf, shall carry, hold, or use on any street, highway, or in any other public place, a leash blaze orange in color on any dog accompanying that person (T.C.A. § 55-8-179). (1971 Code, § 9-708, as replaced by Ord. #19-484, Oct. 2019 ***Ch15_12-10-19***)

15-908. Blind pedestrian right-of-way. Whenever any pedestrian guided by a guide dog or dog on a blaze orange leash, or carrying in any raised or extended position a cane or similar stick white in color or white tipped with red, shall undertake to cross any public street or thoroughfare in the City of Alcoa, the driver of each and every vehicle approaching that pedestrian carrying the cane or stick or conducted by such dog shall bring such vehicle to a complete stop and before proceeding shall take all precautions necessary to avoid injuring the pedestrian; provided, that nothing in this section shall be construed as making any person totally or partially blind or otherwise incapacitated guilty of contributory negligence in undertaking to cross any street or thoroughfare without being guided by a trained dog or carrying a cane or stick of the type specified herein (T.C.A. § 55-8-180). (1971 Code, § 9-709, as replaced by Ord. #19-484, Oct. 2019 ***Ch15_12-10-19***)

15-909. Deleted. (1971 Code, § 9-710, as deleted by Ord. #19-484, Oct. 2019 ***Ch15_12-10-19***)

CHAPTER 10**MOTORCYCLES, BICYCLES, AND OTHER VEHICLES****SECTIONS**

- 15-1001. Operation of bicycles, electric bicycles and play vehicles.
- 15-1002. Traffic laws apply to persons riding bicycles.
- 15-1003. Bicycles riding on, use of play vehicles.
- 15-1004. Clinging to vehicles.
- 15-1005. Bicycles - carrying articles.
- 15-1006. Bicycles - lamps and brakes.
- 15-1007. Requirements and laws applicable to electric bicycles.
- 15-1008. Unlawful modification of electric bicycle.
- 15-1009. Electric bicycle equipment requirements.
- 15-1010. Electric bicycle helmet requirements.
- 15-1011. Operation of electric bicycle on street or highway or path or trail.
- 15-1012. Motorcycles; Rights and duties.
- 15-1013. Motorcycles; Lanes.
- 15-1014. Riding on motorcycles.
- 15-1015. Helmet required.
- 15-1016. Seat for passenger.
- 15-1017. Windshields - safety goggles, face shields or glasses.
- 15-1018. Rearview mirrors and footrests.
- 15-1019. Parent or guardian knowingly permitting minor to violate this section.
- 15-1020. Headlamps on motorcycles.
- 15-1021. Motor driven cycles speed and equipment.
- 15-1022. Riding on roadways and bicycle paths.
- 15-1023. Roller skates and skateboarding.
- 15-1024. Use of off-highway motor vehicle.
- 15-1025. Off-highway vehicles - Class I or Class II.

15-1001. Operation of bicycles, electric bicycles and play vehicles.

(1) This chapter is applicable to electric bicycles and play vehicles whenever technically applicable.

(2) It is a civil ordinance violation for any person to do any act forbidden or fail to perform any act required in this chapter.

(3) The regulations applicable to bicycles, electric bicycles and play vehicles shall apply whenever a bicycle, electric bicycle or play vehicle is operated upon any highway, street, roadway, sidewalk, or upon any path set aside for the exclusive use of bicycles subject to those exceptions stated herein (T.C.A. § 55-8-171). (1971 Code, § 9-801, as replaced by Ord. #03-014, April 2003, and Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-1002. Traffic laws apply to persons riding bicycles. (1) Every person riding a bicycle or electric bicycle upon a roadway is granted all of the rights and is subject to all of the duties applicable to the driver of a vehicle under this title, except as to those provisions of this title that by their nature can have no application.

(2) Every person riding a bicycle or electric bicycle, is subject to the special regulations in this title applicable to bicycles or electric bicycles. (T.C.A. § 55-8-172). (1971 Code, § 9-802, as replaced by Ord. #03-014, April 2003, and Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-1003. Bicycles riding on, use of play vehicles. (1) A person propelling a bicycle shall not ride other than upon or astride a permanent and regular seat attached thereto, except for a certified police cyclist who is performing duties that require riding in a side dismounting position.

(2) No bicycle shall be used to carry more persons at one (1) time than the number for which it is designed or equipped.

(3) No person shall play on a highway or street, other than upon the sidewalk thereof, within the City of Alcoa, or use thereon roller skates, skateboards, coasters or any similar vehicle or toy or article on wheels or a runner, except in those areas as may be specially designated for that purpose by local authorities (T.C.A. § 55-8-173). (1971 Code, § 9-803, as replaced by Ord. #09-189, April 2009, and Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-1004. Clinging to vehicles. (1) No person riding upon any bicycle, roller skates, skateboard, sled or toy vehicle shall attach the bicycle, roller skates, skateboard, sled or toy vehicle, or that person's own body, to any streetcar or vehicle upon a roadway.

(2) This section shall not be construed to prohibit the attachment of a bicycle trailer or bicycle semitrailer to a bicycle if the trailer or semitrailer is designed specifically for that purpose (T.C.A. § 55-8-174). (1971 Code, § 9-804, as replaced by Ord. #03-014, April 2003, Ord. #R04-035, Oct. 2004, renumbered by Ord. #09-189, April 2009, and replaced by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-1005. Bicycles - carrying articles. No person operating a bicycle shall carry any package, bundle or article that prevents the driver from keeping at least one (1) hand upon the handlebars (T.C.A. § 55-8-176). (1971 Code, § 9-805, as renumbered by Ord. #09-189, April 2009, and replaced by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-1006. Bicycles - lamps and brakes. (1) Every bicycle, when in use at nighttime, shall be equipped with a lamp on the front, which shall emit a white light visible from a distance of at least five hundred feet (500') to the front, and either a red reflector or a lamp emitting a red light, which shall be visible

from a distance of at least five hundred feet (500') to the rear, when directly in front of lawful upper beams of head lamps on a motor vehicle.

(2) Every bicycle shall be equipped with a brake or brakes which will enable its driver to stop the bicycle within twenty-five feet (25') from a speed of ten miles per hour (10 mph) on dry, level, clean pavement (T.C.A. § 55-8-177). (1971 Code, § 9-806, as replaced by Ord. #R04-035, renumbered by Ord. #09-189, April 2009, and replaced by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-1007. Requirements and laws applicable to electric bicycles.

Except as otherwise provided in this chapter, the requirements and laws applicable to bicycles shall apply to electric bicycles (T.C.A. § 55-8-302). (1971 Code, § 9-807, as renumbered by Ord. #09-189, April 2009, and replaced by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-1008. Unlawful modification of electric bicycle. It is an offense for a person to knowingly modify an electric bicycle so as to change the speed capability of the electric bicycle and not appropriately replace, or cause to be replaced, the label indicating the classification required in this chapter (T.C.A. § 55-8-304). (1971 Code, § 9-808, as renumbered by Ord. #09-189, April 2009, and replaced by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-1009. Electric bicycle equipment requirements. (1) No electric bicycle shall be operated upon any street or highway unless the electric bicycle:

(a) Complies with applicable equipment and manufacturing requirements for electric bicycles established by state and federal law, including federal standards adopted by the United States Consumer Product Safety Commission and compiled in 16 CFR part 1512; and

(b) Is equipped in such a manner that the electric motor is disengaged or ceases to function when the brakes are applied, or that the electric motor is engaged through a switch or mechanism that, when released or activated, will cause the electric motor to disengage or cease to function.

(2) No class 3 electric bicycle shall be operated upon any City of Alcoa street or highway unless it is equipped with a speedometer that displays the speed the electric bicycle is traveling in miles per hour (T.C.A. § 55-8-305) (as added by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-1010. Electric bicycle helmet requirements. (1) A person under fourteen (14) years of age is prohibited from operating a class 3 electric bicycle upon any street or highway; provided, that the person may ride as a passenger on a class 3 bicycle that is designed to accommodate passengers.

(2) The operator and all passengers of a class 3 electric bicycle, regardless of age, shall wear a properly fitted and fastened bicycle helmet meeting federal standards established by the United States consumer product

safety commission or the American Society for Testing and Materials. A label on the helmet shall be affixed signifying the helmet complies with this subsection (2) (T.C.A. § 55-8-307). (as added by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-1011. Operation of electric bicycle on street or highway or path or trail. (1) (a) No class 3 bicycle shall be operated on any part of a path or trail where bicycles are authorized to travel, unless the path or trail is within or adjacent to the street or highway, or the City of Alcoa permits the operation of a class 3 electric bicycle on that path or trail.

(b) No electric bicycle shall be operated on any sidewalk unless the use of bicycles on sidewalks is authorized by resolution or ordinance by the City of Alcoa, and the electric motor is disabled.

(2) On any roadway, highway, or street, electric bicycles shall be restricted, or excluded by local resolutions and ordinances to the same extent as bicycles are restricted, limited, or excluded (T.C.A. § 55-8-306). (as added by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-1012. Motorcycles; rights and duties. Every person operating a motorcycle or autocycle is granted all of the rights and is subject to all of the duties applicable to the driver of any other vehicle under this title, except as to special regulations in this title and except as to those provisions of this title that by their nature can have no application (T.C.A. § 55-8-181). (as added by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-1013. Motorcycles; lanes. (1) All motorcycles are entitled to full use of a lane and no motor vehicle shall be driven in a manner that deprives any motorcycle of the full use of a lane. This subsection (1) shall not apply to motorcycles operated two (2) abreast in a single lane.

(2) The operator of a motorcycle shall not overtake and pass in the same lane occupied by the vehicle being overtaken.

(3) No person shall operate a motorcycle between lanes of traffic or between adjacent lines or rows of vehicles.

(4) Motorcycles and autocycles shall not be operated more than two (2) abreast in a single lane.

(5) Subsections (2) and (3) shall not apply to police officers in the performance of their official duties (2019, Reference T.C.A. § 55-8-182). (as added by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-1014. Riding on motorcycles. (1) 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 the 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.

(2) A person shall ride upon a motorcycle only while sitting astride the seat, headlamp illuminated, facing forward, with one (1) leg on each side of the motorcycle.

(3) No person shall operate a motorcycle while carrying any package, bundle, or other article which prevents the person from keeping both hands on the handlebars.

(4) No operator shall carry any person, nor shall any person ride, in a position that will interfere with the operation or control of the motorcycle or the view of the operator.

(5) (a) An operator commits an offense who, on the streets, roads, or the highways of the City of Alcoa, carries a child as a passenger on a motorcycle whose feet are not on foot pegs; provided, that this subsection (5) shall not apply to persons riding in a motorcycle sidecar.

(b) (i) No litigation tax levied shall be imposed or assessed against anyone convicted of a violation of this subsection (5), nor shall any clerk's fee or court costs, including, but not limited to, any statutory fees of officers, be imposed or assessed against anyone convicted of a violation of this subsection (5).

(ii) (A) The revenue generated by ten dollars (\$10.00) of the fifty-dollar (\$50.00) fine for a person's first conviction under this subsection (5), shall be deposited in the city general fund without being designated for any specific purpose. The remaining forty dollars (\$40.00) of the fifty-dollar (\$50.00) fine for a person's first conviction under this subsection (5) shall be deposited to the child safety fund;

(B) The revenue generated from a person's second or subsequent conviction under this subsection (5) shall be deposited to the child safety fund (T.C.A. § 55-8-164). (as added by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-1015. Helmet required. (1) The driver of a motorcycle, motorized bicycle, or motor-driven cycle, and any passenger on any of these, shall be required to wear either a crash helmet meeting the federal motor vehicle safety standards specified in 49 C.F.R. 571.218, or, if the driver or passenger is twenty-one (21) years of age or older, a helmet meeting the following requirements:

(a) The helmet shall meet the federal motor vehicle safety standards specified in 49 C.F.R. 571.218;

(b) Notwithstanding any provision in 49 C.F.R. 571.218, ventilation airways may penetrate through the entire shell of the helmet;

provided, that no ventilation airway shall exceed one and one-half inches (1 1/2") in diameter;

(c) Notwithstanding any provision in 49 C.F.R. 571.218, the protective surface shall not be required to be a continuous contour; and

(d) Notwithstanding any provision in 49 C.F.R. 571.218, a label on the helmet shall be affixed signifying that the helmet complies with the American Society for Testing Materials (ASTM), the Consumer Product Safety Commission (CPSC), the Southern Impact Research Center (SIRC), or the Snell Foundation.

(2) This section does not apply to persons riding:

(a) Within an enclosed cab;

(b) Autocycles that are fully enclosed;

(c) Golf carts;

(d) In a parade, at a speed not to exceed thirty (30) miles per hour, if the person is eighteen (18) years of age or older; or

(e) In a funeral procession, memorial ride, or body escort detail; provided that

(i) The driver travels at a speed not to exceed thirty (30) miles per hour;

(ii) The driver or passenger is twenty-one (21) years of age or older; and

(iii) The funeral procession, memorial ride, or body escort detail does not exceed a distance of fifty (50) miles (T.C.A. § 55-9-302). (as added by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-1016. Seat for passenger. No person shall ride as a passenger upon a motorcycle or motor-driven cycle unless a proper seat for a passenger is installed thereon (T.C.A. § 55-9-303). (as added by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-1017. Windshields - safety goggles, face shields or glasses. Every motorcycle or motor-driven cycle operated upon any highway or city street or road shall be equipped with a windshield, or, in the alternative, the operator and any passenger on that motorcycle or motor-driven cycle shall be required to wear safety goggles, face shields, or glasses containing impact resistance lenses (T.C.A. § 55-9-304). (as added by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-1018. Rearview mirrors and footrests. All motorcycles and motor-driven cycles operated upon any highway or city street or road shall be equipped with a rearview mirror and securely attached footrests for the operators and passengers on all motorcycles and motor-driven cycles (T.C.A. § 55-9-305). (as added by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-1019. Parent or guardian knowingly permitting minor to violate this section. Any parent or guardian who knowingly permits a minor to operate a motorcycle or motor-driven cycle in violation of the following commits a civil ordinance violation:

- (1) Tennessee Code Annotated, § 55-9-302 crash helmet required for driver and passenger -- exceptions.
- (2) Tennessee Code Annotated, § 55-9-303 seat for passenger.
- (3) Tennessee Code Annotated, § 55-9-304 windshields - safety goggles, face shields or glasses.
- (4) Tennessee Code Annotated, § 55-9-305 rearview mirrors and footrests (T.C.A. § 55-9-307). (as added by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-1020. Headlamps on motorcycles. Every motorcycle shall be equipped with at least one (1) and not more than two (2) headlamps (T.C.A. § 55-9-403). (as added by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-1021. Motor driven cycles speed and equipment. No person shall operate any motor-driven cycle at any time at a speed greater than thirty-five miles per hour (35 mph) unless the motor-driven cycle is equipped with a head lamp or lamps that are adequate to reveal a person or vehicle at a distance of three hundred feet (300') ahead (T.C.A. § 55-8-155). (as added by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-1022. Riding on roadways and bicycle paths. (1) (a) Any person operating a bicycle upon a roadway at less than the normal speed of traffic at the time and place and under the conditions then existing shall ride as close as practicable to the right-hand curb or edge of the roadway, except under any of the following situations:

- (i) When overtaking and passing another vehicle proceeding in the same direction;
- (ii) When preparing for a left turn at an intersection or into a private road or driveway; or
- (iii) When reasonably necessary to avoid conditions including, but not limited to, fixed or moving objects, parked or moving vehicles, pedestrians, animals, surface hazards, or substandard width lanes that make it unsafe to continue along the right-hand curb or edge. For purposes of this section, "substandard width lane" means a lane that is too narrow for a bicycle and another vehicle to travel safely side by side within the lane.

(b) This subsection (1) does not apply to a certified police cyclist engaged in the lawful performance of duty relating to traffic control.

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

for the exclusive use of bicycles. Persons riding two (2) abreast shall not impede the normal and reasonable movement of traffic and, on a laned roadway, shall ride within a single lane.

(b) Subdivision (2)(a) does not apply to a certified police cyclist engaged in the lawful performance of duty relating to traffic control or in pursuit of an actual or suspected violator of the law.

(3) The operator of a motor vehicle, when overtaking and passing a bicycle proceeding in the same direction on the roadway, shall leave a safe distance between the motor vehicle and the bicycle of not less than three feet (3') and shall maintain the clearance until safely past the overtaken bicycle (T.C.A. § 55-8-175) (as added by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-1023. Roller skates and skateboarding. (1) It shall be unlawful for any person to use or ride roller skates, skateboard or other similar devices on or about any public street, alley, public park, parking lot, public building or other public place, except in such areas and/or times as may be specially designated for such purposes by the city commission.

(2) In any area designated by the city commission as allowable for the use of roller skates, skateboard or other similar devices, all riders and operators of roller skates, skateboards or other similar devices shall wear proper safety gear including a safety helmet, and no person shall ride or use roller skates and skateboards in a negligent, careless or reckless manner.

(3) It shall be unlawful for any person to use or ride roller skates, skateboards or other similar devices on or about private property, regardless of whether or not such property is open to the public, if "No Skateboarding" signs are posted in locations reasonably likely to provide notice to possible violators of this ordinance.

(4) Upon a violation of this section, the police officer citing the offender may take possession of the roller skates, skateboard or other similar device and secure it until the ordinance violation is resolved. If the offender is a minor, the equipment shall be secured until the section violation is resolved or the parent or guardian of the minor appears at police headquarters and requests its return, whichever occurs first. (as added by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-1024. Use of off-highway motor vehicles. (1) No off-highway motor vehicle shall be operated or driven upon a highway unless the vehicle is registered as a medium speed vehicle; is registered as a Class I or Class II off-highway vehicle pursuant to this title, and operated on county roads; or is operated or driven for the purpose of crossing a highway as follows:

(a) On a two-lane highway, only to cross the highway at an angle of approximately ninety degrees (90°) to the direction of the roadway and at a place where a quick and safe crossing may be made;

(b) With respect to the crossing of a highway having more than two (2) lanes, or a highway having limited access, off-highway motor

vehicles may cross these highways, but only at a place designated by the department of transportation or local government authorities with respect to highways under their respective jurisdictions as a place where such motor vehicles, or specified types of such motor vehicles, may cross the highways, and these vehicles shall cross these highways only at those designated places and only in a quick and safe manner; and

(c) The City of Alcoa may designate, by the erection of appropriate signs of a type approved by the department, places where these motor vehicles, or specified types of these motor vehicles, may cross any highway having more than two (2) lanes or having limited access.

(2) Off-highway motor-driven cycles may be moved, by nonmechanical means only, adjacent to a roadway, in a manner so as to not interfere with traffic upon the highway, only for the purpose of gaining access to, or returning from, areas designed for the operation of off-highway vehicles, when no other route is available. The City of Alcoa may designate access routes leading to off-highway parks as suitable for the operation of off-highway vehicles, if such access routes are available to the general public only for pedestrian and off-highway motor vehicle travel (T.C.A. §55-8-185(a)-(b)). (as added by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-1025. Off-highway vehicles - Class I or Class II. (1) Any Class I or Class II off-highway vehicle operated on City of Alcoa roads, for the purpose of crossing from one (1) road, field, or area of operation to another, be operated upon a highway or city street or other road, except upon the interstate and national defense highway system, if:

(a) The crossing is made at an angle approximately ninety degrees (90°) to the direction of the highway and at a place where no obstruction prevents a quick and safe crossing;

(b) The vehicle is brought to a complete stop before crossing the shoulder or main traveled way of the highway;

(c) The operator yields the operator's right-of-way to all oncoming traffic that constitutes an immediate potential hazard; and

(d) Both the headlights and taillights are illuminated when the crossing is made.

(2) A Class I or Class II off-highway vehicle may be operated if, while on the City of Alcoa roads:

(a) The vehicle is equipped with:

(i) Brakes;

(ii) At least two (2) taillights, stoplights, and headlights;

(iii) Two (2) turn signal lamps or other devices under

Tennessee Code Annotated, § 55-8-144;

(iv) A horn under Tennessee Code Annotated, § 55-9-201;

(v) A roll bar;

(vi) Seat belts for each seat;

(vii) A manufacture-installed or equivalent spark arrester;
(viii) A manufacture-installed or equivalent muffler in proper working order and properly connected to the vehicle's exhaust system; and

(ix) A windshield, with or without wipers; except, that if the vehicle is not equipped with a windshield, then the operator and each passenger shall wear glasses containing impact resistant lenses, safety goggles, or a transparent face shield; and

(b) The operator shall be at least sixteen (16) years of age and possess a valid drivers license from this state or an equivalent license from another state.

(3) Every person operating a Class I or Class II off-highway vehicle upon a City of Alcoa road shall obey all of the duties applicable to the driver of a motor vehicle under this title, except as to those provisions that by their nature can have no application.

(4) Operation of the following off-highway vehicles shall be exempt from the registration requirements, and equipment and safety requirements of this title:

(a) An off-highway vehicle operated on any private or public recreational trail or area;

(b) An off-highway vehicle operated on an affiliated trail or area operated by a person or entity which has in place a safety program;

(c) Off-highway vehicles operated for agricultural purposes;

(d) Publicly-owned and operated off-highway vehicles that are used for wildlife management, law enforcement, emergency services, and other such purposes; and

(e) Off-highway motor vehicles operated pursuant to § 55-8-185, except as those registered as a Class I or Class II off-highway vehicle, and operated on a City of Alcoa road pursuant to this title (T.C.A. § 55-8-203). (as added by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

CHAPTER 11

RAILROADS AND RAIL CROSSINGS

SECTIONS

- 15-1101. Obedience to signal indicating approach of train.
- 15-1102. All vehicles must stop at certain railroad crossings.
- 15-1103. Moving heavy equipment at railroad crossings.
- 15-1104. Railroad locomotive engineers.
- 15-1105. Approaching and driving over a railroad highway grade crossing.
- 15-1106. Trains not to block street.
- 15-1107. Duty of railroad as to gates.
- 15-1108. Trespass - generally.
- 15-1109. Trespass - on railroad bridge.
- 15-1110. Getting on or off moving engines or trains.
- 15-1111.--15-1117. Deleted.

15-1101. Obedience to signal 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 the vehicle shall stop within fifty feet (50') but not less than fifteen feet (15') from the nearest rail of the railroad, and shall not proceed until that driver can do so safely. These requirements shall apply when:

(a) A clearly visible electric or mechanical signal device gives warning of the immediate approach of a railroad train or other on-track equipment, which shall mean any self-propelled machinery or vehicle traveling on a railroad track;

(b) A crossing gate is lowered or when a human flagger gives or continues to give a signal of the approach or passage of a railroad train or other on-track equipment;

(c) A railroad train or other on-track equipment approaching within approximately one thousand five hundred feet (1,500') of the highway crossing emits a signal audible from such distance and the railroad train or other on-track equipment, by reason of its speed or nearness to the crossing, is an immediate hazard; or

(d) An approaching railroad train or other on-track equipment is plainly visible and is in hazardous proximity to the crossing.

(2) No person shall drive any vehicle through, around or under any crossing gate or barrier at a railroad crossing while the gate or barrier is closed, being closed, or is being opened (T.C.A. § 55-8-145). (1971 Code, § 9-901, as replaced by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-1102. All vehicles must stop at certain railroad crossings.

(1) When stop signs are erected, the driver of any vehicle shall stop

within fifty feet (50') but not less than fifteen feet (15') from the nearest rail of the railroad and shall proceed only upon exercising due care.

(2) None of the sections of this chapter shall be construed as abridging or in any way affecting the common law right of recovery of litigants in damage suits that may be pending or brought against any railroad company or other common carrier (T.C.A. § 55-8-146). (1971 Code, § 9-902, as replaced by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-1103. Moving heavy equipment at railroad crossings. (1) No person shall operate or move any crawler-type tractor, steam shovel, derrick, roller, or any equipment or structure having a normal operating speed of ten (10) or less miles per hour or a vertical body or load clearance of less than one-half inch (1/2") per foot of the distance between any two (2) adjacent axles or in any event of less than nine inches (9"), measured above the level surface of a roadway, upon or across any tracks at a railroad grade crossing without first complying with this section.

(2) Before making any such crossing, the person operating or moving the vehicle or equipment described in subsection (1) shall first stop the same not less than fifteen feet (15') nor more than fifty feet (50') from the nearest rail of such railroad, and while so stopped shall listen and look in both directions along the track for any approaching train and for signals indicating the approach of a train, and shall not proceed until the crossing can be made safely.

(3) No such crossing shall be made when warning is given by automatic signal or crossing gates or a flagger or otherwise of the immediate approach of a railroad train or car. If a flagger is provided by the railroad, movement over the crossing shall be made under the flagger's direction (T.C.A. § 55-8-148). (1971 Code, § 9-903, as replaced by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-1104. Railroad locomotive engineers. Notwithstanding any law to the contrary, whenever an engineer of a railroad locomotive is required to show proof of identity under this title, in connection with operation of the locomotive, to any law enforcement officer, the engineer shall not be required to display an operator's or chauffeur's license, or driver license, but shall display an engineer's operator permit instead (T.C.A. § 55-10-116). (1971 Code, § 9-904, as replaced by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-1105. Approaching and driving over a railroad highway grade crossing. It is unlawful for the operator of a commercial motor vehicle to fail to:

(1) Slow down and check that the railroad highway grade crossing is clear of an approaching train, if the driver is not required by Tennessee Code Annotated, § 55-8-147 to always stop at the crossing;

(2) Stop before reaching the railroad highway grade crossing, if the tracks are not clear, if the driver is not required to always stop, pursuant to Tennessee Code Annotated, § 55-8-147;

(3) Have sufficient space to drive completely through the railroad highway grade crossing without stopping; or

(4) Negotiate a railroad highway grade crossing because of insufficient undercarriage clearance (T.C.A. § 55-50-412). (1971 Code, § 9-905, as replaced by Ord. #19-484, Oct. 2019 ***Ch15_12-10-19***)

15-1106. Trains not to block street. It shall be unlawful for any railroad or railroad company or its officers, agents, or servants to operate any train, engine, car or other equipment, or to cause any bell, gong, light, signal, gate or other warning device to operate, in such manner as to prevent or prohibit the use of any street for purposes of vehicular travel for a continuous period of time longer than ten (10) minutes, except that this provision shall not apply to trains or cars in continuous motion other than those engaged in switching. (as added by Ord. #19-484, Oct. 2019 ***Ch15_12-10-19***)

15-1107. Duty of railroad as to gates. (1) It shall be unlawful for any railroad company to keep the gates at crossing shut down for any unreasonable time, so as to obstruct travel.

(2) It shall be unlawful for the railroads' employees to shut down the gates while persons are between the gates, so as to keep them on the track.

(3) It shall be unlawful for any engineer or person in charge of an engine or train to move his engine or cars over a crossing unless the warning, as provided in this chapter, has been given. (as added by Ord. #13-303, Feb. 2013, and replaced by Ord. #19-484, Oct. 2019 ***Ch15_12-10-19***)

15-1108. Trespass - generally. It shall be unlawful for any person, not an employee, to walk or be upon the tracks of any railroad within the corporate limits, except where it is necessary to cross the same at regular and established street crossings, or to play or loiter about or upon the tracks, or within or upon the cars or engines of any railroad within the corporate limits. (as added by Ord. #19-484, Oct. 2019 ***Ch15_12-10-19***)

15-1109. Trespass - on railroad bridge. It shall be unlawful for any person, not an employee of a railroad company in the necessary discharge of his duty, to get upon or walk upon, or get inside of any railroad bridge. (as added by Ord. #09-213, Oct. 2009, and replaced by Ord. #19-484, Oct. 2019 ***Ch15_12-10-19***)

15-1110. Getting on or off moving engines or trains. It shall be unlawful for any person not a bona fide passenger or employee of a railroad company in the discharge of his duty, to jump, step or otherwise get upon or

from or swing to or in any manner attach himself to, any moving engine, car or train within the corporate limits. (as added by Ord. #09-213, Oct. 2009, and replaced by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-1111.--15-1117. Deleted. (as added by Ord. #09-213, Oct. 2009, and deleted by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

CHAPTER 12

SPEED LIMITS AND SPEEDING

SECTION

- 15-1201. Speed zones established.
- 15-1202. Speed limits.
- 15-1203. Minimum speed regulation.
- 15-1204. "Slow poke law."
- 15-1205. Special speed limits.
- 15-1206. Operation of low and medium speed vehicles; prohibitions.

15-1201. Speed zones established. (1) The City of Alcoa Board of Commissioners possesses the power to prescribe lower speed limits on highways designated as state highways in the city's respective jurisdiction when, on the basis of an engineering and traffic investigation, it is shown that the public safety requires a lower speed limit.

(a) Engineering and traffic investigations used to establish special speed zone locations and speed limits by the City of Alcoa on state highways shall be made in accordance with established traffic engineering practices and in a manner that conforms to the Tennessee manual on uniform traffic control devices (MUTCD). The investigations shall be documented and documentation shall be maintained by the City of Alcoa.

(b) All signs, signals and other forms of public notification of the speed limits, road hazards and other traffic conditions shall comply with the MUTCD.

(2) The City of Alcoa Board of Commissioners has the authority to prescribe lower speed limits within certain areas or zones, or on designated highways, avenues or streets that are not designated as state highways in its respective jurisdiction, and to erect appropriate signs and traffic signals (2019, § 55-8-153).

(3) It shall be unlawful for any person to operate or drive a motor vehicle in the City of Alcoa upon the highways, streets or roadways, or portions thereof, in excess of the speed posted for said highway, street or roadway or such parts thereof.

(4) It shall be unlawful for any person to operate or drive a motor vehicle in excess of thirty (30) miles per hour upon any street or portions of the street in the City of Alcoa where the speed limit has not been posted. (as added by Ord. #03-015, April 2003, and replaced by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-1202. Speed limits. (1) Except as provided in subsection (3), or elsewhere within this title, it is unlawful for any person to operate or drive a

motor vehicle upon any highway or public road of the City of Alcoa in excess of sixty-five miles per hour (65 mph).

(2) "Truck," as used in this section, means any motor vehicle of one and one-half (1 1/2) ton rated capacity or more.

(3) Unless otherwise posted with a lower speed limit, on all controlled-access highways with four (4) or more lanes, which are designated as being on the state system of highways or the state system of interstate highways, it is unlawful for any person to operate or drive a motor vehicle or a truck at a rate of speed in excess of seventy miles per hour (70 mph). In the left-hand lane of all controlled-access highways with four (4) or more lanes, which are designated as being on the state system of highways or the state system of interstate highways, it is unlawful for any person to operate or drive a motor vehicle at a rate of speed less than fifty-five miles per hour (55 mph) (T.C.A. § 55-8-152). (as added by Ord. #03-015, April 2003, and replaced by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-1203. Minimum speed regulation. (1) No person shall drive a motor vehicle at such a slow speed as to impede the normal and reasonable movement of traffic, except when reduced speed is necessary for safe operation or in compliance with law.

(2) Whenever the department of transportation or the City of Alcoa within its respective jurisdiction determines on the basis of an engineering and traffic investigation that slow speeds on any part of a highway consistently impede the normal and reasonable movement of traffic, the department or the City of Alcoa may determine and declare a minimum speed limit below which no person shall drive a vehicle except when necessary for safe operation or in compliance with law.

(3) Wherever there exists, at or near the top of any hill or grade, a turnout, passing bay or parking area adjacent to and to the right of any traffic lane of any state or federal highway within the City of Alcoa, any person driving or operating a truck or other slow-moving vehicle upon such traffic lane shall drive the truck or other slow-moving vehicle into and stop the same upon the turnout, passing bay or parking area and permit faster-moving vehicles following the truck or other slow-moving vehicle whose progress is being retarded to pass; provided, that the turnout, passing bay or parking area is marked by a traffic sign (T.C.A. § 55-8-154). (as added by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-1204. "Slow poke law." (1) On interstate and multilane divided highways that are three (3) or more lanes in each direction, a person shall not operate a vehicle in the passing lane, except when overtaking or passing a vehicle that is in a nonpassing lane.

(2) This section shall not apply:

- (a) When the volume of traffic does not permit the vehicle to safely merge into a nonpassing lane;
 - (b) When inclement weather or an official traffic control device makes it necessary to drive in the passing lane;
 - (c) When obstructions or hazards exist in a nonpassing lane;
 - (d) When avoiding traffic moving onto the highway from an acceleration or merging lane;
 - (e) When highway design makes it necessary to drive in the passing lane to exit or turn left;
 - (f) To authorized emergency vehicles engaged in official duties;
- or
- (g) To vehicles engaged in highway maintenance and construction operations.
- (3) As used in this section:
- (a) "Nonpassing lane" means any lane that is to the right of the passing lane; and
 - (b) "Passing lane" means:
 - (i) The furthestmost left lane; and
 - (ii) The lane immediately to the right of the furthestmost left lane, during the specified hours of specified days of the week when the furthestmost left lane is reserved for the exclusion use of high occupancy vehicles (T.C.A. § 55-8-204). (as added by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-1205. Special speed limits. (1) No person shall drive any vehicle equipped with solid rubber or cushion tires at a speed greater than a maximum of ten miles per hour (10 mph).

(2) No person shall drive a vehicle over any bridge or other elevated structure constituting a part of a highway at a speed which is greater than the maximum speed that can be maintained with safety to such bridge or structure, when the structure is signposted as provided in this section.

(3) Proof of the determination of the maximum posted speed and the existence of the signs shall constitute conclusive evidence of the maximum speed which can be maintained with safety to the bridge or structure (T.C.A. § 55-8-156). (as added by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-1206. Operation of low and medium speed vehicles; prohibitions. (1) (a) A low speed vehicle may be operated only on streets where the posted speed limit is thirty-five miles per hour (35 mph) or less. This subdivision (1)(a) does not prohibit a low speed vehicle from crossing a road or street at an intersection where the road or street has a posted speed limit of more than thirty-five miles per hour (35 mph).

(b) The City of Alcoa may prohibit the operation of low speed vehicles on any road under its jurisdiction if the City of Alcoa determines that the prohibition is necessary in the interest of safety.

(2) (a) A medium speed vehicle may be operated at a rate not to exceed thirty-five miles per hour (35 mph) only on streets where the posted speed limit is forty miles per hour (40 mph) or less. This subsection (2) does not prohibit a medium speed vehicle from crossing a road or street at an intersection where the road or street has a posted speed limit of more than forty miles per hour (40 mph).

(3) The City of Alcoa may prohibit the operation of medium speed vehicles on any road under its jurisdiction if the City of Alcoa determines that the prohibition is necessary in the interest of safety.

(4) Any person operating a low speed vehicle or medium speed vehicle must have in possession a valid Class D driver license (T.C.A. §55-8-191). (as added by Ord. #19-484, Oct. 2019 ***Ch15_12-10-19***)

CHAPTER 13

LIGHTING

SECTION

- 15-1301. Lights on vehicles other than motor vehicles.
- 15-1302. Lights required on motor vehicles.
- 15-1303. Lamp at end of train of vehicles.
- 15-1304. Lighting devices and reflectors on vehicles having width in excess of eighty inches, truck tractors, and trailers.
- 15-1305. Headlights on motor vehicles - operation during inclement weather.
- 15-1306. Inspecting and testing lamps emitting glare.
- 15-1307. Blue flashing emergency lights on motor vehicles.
- 15-1308.--15-1312. Deleted.

15-1301. Lights on vehicles other than motor vehicles. (1) Every vehicle other than a motor vehicle, when traveling upon a highway or city street, street or road thereof, dedicated, appropriated or open to the public use or travel, shall be equipped with a light attached to and on the upper left side of the vehicle, capable of displaying a light visible five hundred feet (500') to the front and five hundred feet (500') to the rear of the vehicle under ordinary atmospheric conditions, and the light shall be displayed during the period from one-half (1/2) hour after sunset to one-half (1/2) hour before sunrise and at all other times when there is not sufficient light to render clearly discernible any person on the road or highway at a distance of two hundred feet (200') ahead of the vehicle.

(2) Cotton wagons used exclusively to transport cotton shall not be required to display the light described in subsection (1), but shall display:

(a) A red tail lamp on the lower left corner of the rear of the wagon; and

(b) A triangle shaped slow-moving vehicle identification emblem meeting standard S276.8 of the American Society of Agricultural Engineers. The emblem shall be placed on the lower left corner of the rear of the wagon. The user of a cotton wagon shall be responsible for the proper function of the symbol or light, except for any malfunction resulting from the act or omission of another person.

(3) Horse drawn vehicles that are used on the highway or city streets primarily as means of transportation shall:

(a) Be equipped on the top with a battery powered white strobe light of a type approved for rural mail carriers under Tennessee Code Annotated, § 55-9-413 and shall have at least one hundred square inches (100 sq. in.) of reflector tape placed on the rear of the vehicle; or

(b) Be equipped with two (2) reflective type lanterns, one (1) to be placed on the left side of the vehicle and one (1) to be placed on the

right side of the vehicle with the lantern on the right side to be placed at least twelve inches (12") higher than the lantern on the left, and shall also have a minimum of one hundred square inches (100 sq. in.) of reflector tape placed on the rear of the vehicle, thirty-six inches (36") of reflector tape placed on each side of the vehicle, and twenty-four inches (24") of reflector tape placed at the highest point of the left front of the vehicle.

(4) During the period of time from one-half (1/2) hour before sunset until one-half (1/2) hour after sunrise, any implement of husbandry as defined in Tennessee Code Annotated, § 55-1-108 having a width of more than ninety-six inches (96"), which is towed behind a farm tractor or other motor vehicle, and the lighting of the farm tractor or other motor vehicle is concealed by the implement of husbandry, shall be equipped with two (2) red or amber flashing lamps, one (1) on each side, attached at the rear, or accompanied by a rear escort utilizing its emergency flashers (T.C.A. § 55-9-401). (as added by Ord. #04-015, April 2004 and replaced by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-1302. Lights required on motor vehicles. (1)(a) Every motor vehicle other than a motorcycle, road roller, road machinery or farm tractor shall be equipped with at least two (2) and not more than four (4) headlights, with at least one (1) on each side of the front of the motor vehicle. No nonemergency vehicle shall operate or install emergency flashing light systems, such as strobe, wig-wag, or other flashing lights within the headlight assembly or grill area of the vehicle; provided, however, that a school bus may operate a flashing, wig-wag lighting system within the headlight assembly of the vehicle when the vehicle's visual stop signs are actuated for receiving or discharging school children.

(b) Auxiliary road lighting lamps may be used, but not more than two (2) of the lamps shall be lighted at any one (1) time in addition to the two (2) required headlights.

(c) No spotlight or auxiliary lamp shall be so aimed upon approaching another vehicle that any part of the high intensity portion of the beam therefrom is directed beyond the left side of the motor vehicle upon which the spotlight or auxiliary lamp is mounted, nor more than one hundred feet (100') ahead of the motor vehicle.

(2) (a) Every motor vehicle shall be equipped with two (2) red tail lamps and two (2) red stoplights on the rear of the vehicle, and one (1) tail lamp and one (1) stoplight shall be on each side, except that passenger cars manufactured or assembled prior to January 1, 1939, trucks manufactured or assembled prior to January 1, 1968, and motorcycles and motor-driven cycles shall have at least one (1) red tail lamp and one (1) red stoplight. No nonemergency vehicle shall operate or install emergency flashing light systems such as strobe, wig-wag, or other flashing lights in tail light lamp, stoplight area, or factory installed

emergency flasher and backup light area; provided, however, that the foregoing prohibition shall not apply to the utilization of a continuously flashing light system. For the purposes of this part, "continuously flashing light system" means a brake light system in which the brake lamp pulses rapidly for no more than five (5) seconds when the brake is applied, and then converts to a continuous light as a normal brake lamp until the time that the brake is released.

(b) The stoplight shall be so arranged as to be actuated by the application of the service or foot brake and shall be capable of being seen and distinguished from a distance of one hundred feet (100') to the rear of a motor vehicle in normal daylight, but shall not project a glaring or dazzling light.

(c) The stoplight may be incorporated with the tail lamp.

(d) Motor vehicle tail light lamps may operate as following:

(i) A white backup light operates when the motor vehicle is in reverse;

(ii) When the driver is in a panic stop condition going forward, the backup lamp pulses or flashes red; and

(iii) Upon normal stops of the motor vehicle, there is no action by the backup light.

(3) Each lamp and stoplight required in this section shall be in good condition and operational.

(4) (a) No vehicle operated in this state shall be equipped with any flashing lights in any color or combination of colors that display to the front of the vehicle, other than factory installed emergency flashers, except as providing in this section and for the following vehicles:

(i) Motorcycle escorts of properly identified funeral processions authorized by Tennessee Code Annotated, § 55-8-183 to display green strobe flashing lights;

(ii) Vehicles owned by or leased to licensed public or private security services but not personally owned vehicles of security guards may display flashing lights in any color other than red, white, or blue, or in any combination of colors other than red, white, or blue; provided, that the flashing lights authorized by this subsection (4)(a)(ii) for security services vehicles shall not be operated or illuminated while the vehicle is on a City of Alcoa road, in motion or stationary, and shall only be illuminated when patrolling a shopping center or mall parking lot or other private premises or if stopped in a hazardous location for the purposes of warning;

(iii) A highway maintenance or utility vehicle or recovery vehicle may display flashing white or amber lights or any combination of flashing white and amber lights pursuant to subsection (5);

(iv) A motor vehicle operated for purposes of an emergency equipment company pursuant to subsection (7) may display flashing red, white, blue, or amber lights or any combination of flashing red, white, blue, and amber lights; provided, that emergency equipment company vehicles shall not display or illuminate the lights authorized by this section while the vehicle is on a public road, whether in motion or stationary;

(v) A passenger motor vehicle operated by an organ procurement organization or a person under an agreement with an organ procurement organization may display flashing white or amber lights or flashing white and amber lights in combination when transporting an organ for human transplantation;

(vi) A school bus, a passenger motor vehicle operated by a rural mail carrier of the United States postal service while performing the duties of a rural mail carrier, or an emergency vehicle used in firefighting, including ambulances, emergency vehicles used in firefighting that are owned or operated by the division of forestry, firefighting vehicles, rescue vehicles, privately owned vehicles of regular or volunteer firefighters certified in Tennessee Code Annotated, § 55-9-201(c), or other emergency vehicles used in firefighting owned, operated, or subsidized by the City of Alcoa may display flashing red or white lights or flashing red and white lights in combination; and

(vii) Authorized law enforcement vehicles and other vehicles authorized by Tennessee Code Annotated, § 55-9-414 to display flashing red, white, and blue lights in combination.

(b) Any emergency rescue vehicle owned, titled and operated by a state chartered rescue squad, a member of the Tennessee Association of Rescue Squads, privately owned vehicles of regular or volunteer firefighters certified in Tennessee Code Annotated, § 55-9-201(c), and marked with lettering at least three inches (3") in size and displayed on the left and right sides of the vehicle designating it an "Emergency Rescue Vehicle," any authorized civil defense emergency vehicle displaying the appropriate civil defense agency markings of at least three inches (3"), any ambulance or vehicle equipped to provide emergency medical services properly licensed as required in the state and displaying the proper markings, and any motor vehicle operated for purposes of an emergency equipment company pursuant to subsection (7); provided, that lights authorized by this subdivision (4)(b) for such emergency equipment company vehicle shall not be operated or illuminated while the vehicle is on a public road, whether in motion or stationary, shall also be authorized to be lighted in one (1) or more of the following manners:

(i) A red or red/white visibar type with public address system;

- (ii) A red or red/white oscillating type light; and
 - (iii) Blinking red or red/white lights, front and rear.
- (c) No vehicle operated in this state shall be equipped with any steady-burning lights that display to the front of the vehicle in any color other than white or amber or in any combination of colors other than white and amber, except for the following vehicles:
- (i) A vehicle equipped with headlamps, daytime running lamps, or other similar devices in any color or combination of colors between white and amber authorized by the Federal Motor Vehicle Safety Standard No. 108, as adopted by the National Highway Traffic Safety Administration and compiled in 49 CFR 571.108;
 - (ii) A motor vehicle operated for purposes of an emergency equipment company may display steady-burning red, white, blue, or amber lights, or any combination of steady-burning red, white, blue, and amber lights pursuant to subsection (7); provided, that emergency equipment company vehicles shall not display or illuminate the lights authorized by this section while the vehicle is on a public road, whether in motion or stationary;
 - (iii) A school bus, a passenger motor vehicle operated by a rural mail carrier of the United States postal service while performing the duties of a rural mail carrier, or an emergency vehicle used in firefighting, including ambulances, emergency vehicles used in firefighting that are owned or operated by the division of forestry, firefighting vehicles, rescue vehicles, privately owned vehicles of regular or volunteer firefighters certified in Tennessee Code Annotated, § 55-9-201(c), or other emergency vehicles used in firefighting owned, operated, or subsidized by the City of Alcoa may display flashing red or white lights or flashing red and white lights in combination;
 - (iv) Authorized law enforcement vehicles and other vehicles listed in Tennessee Code Annotated, § 55-9-414 may display steady-burning red, white, and blue lights in combination; and
 - (v) A personal vehicle operated by a transportation network company driver may display one (1) or more removable, illuminated, interior trade dress devices in any color other than red or blue, or in any combination of colors other than red or blue, that is issued by a transportation network company and that assists passengers in identifying and communicating with transportation network company drivers. The illuminated display on such a device shall not exceed five (5) candlepower.
- (5) (a) (i) Notwithstanding any law to the contrary, nothing in this section shall prohibit a highway maintenance or utility vehicle, or any other type vehicle or equipment participating, in

any fashion, with highway or utility construction, maintenance, or inspection, from operating a white, amber, or white and amber light system on any location on the vehicle or equipment while the vehicle or equipment is parked upon, entering or leaving any highway or utility construction, maintenance, repair or inspection site.

(ii) Notwithstanding any law to the contrary, a recovery vehicle designed for towing a disabled vehicle, as defined in § 15-101, while in the performance of duties involved with towing an abandoned, immobile, disabled or unattended motor vehicle is authorized to display an amber light that is a strobe, flashing, oscillating or revolving system or any combination of white and amber lights. Such authorized light or lights may be displayed on any location on the vehicle or equipment, other than within the headlight assembly or grill area of the vehicle, in the tail light lamp or stoplight area, or factory installed emergency flasher and backup light area.

(iii) Notwithstanding any law to the contrary, an implement of husbandry, as defined in § 15-101, and a vehicle used to escort an implement of husbandry is authorized to display a white, amber, or white and amber light system on any location on the implement of husbandry or escort vehicle while the implement or vehicle is on a public road, whether in motion or stationary.

(b) As used in this subsection (5), "utility" means any person, municipality, county, metropolitan government, cooperative, board, commission, district, or any entity created or authorized by public act, private act, or general law to provide electricity, natural gas, water, waste water services, telephone service, or any combination thereof, for sale to consumers in the City of Alcoa.

(c) As used in subsection (5)(b), "cooperative" means any cooperative providing utility services including, but not limited to, electric or telephone services, or both.

(d) Nothing in this subsection (5) imposes any duty or obligation to install or utilize the lighting systems allowed in this section.

(6) Notwithstanding any law to the contrary, nothing in this section shall prohibit a motor vehicle used for the driver education and training course for Class D vehicles as provided by Tennessee Code Annotated, § 55-50-322(f) from operating an amber Light-Emitting Diode (LED) light system on the front and rear of such vehicle other than in the taillight lamp, stoplight area, or factory-installed emergency flasher and backup light area. The amber light-emitting diode light system shall not be placed in the driver's line of sight. Nothing in this subsection (6) imposes any duty or obligation to install or utilize the lighting system allowed in this subsection (6).

(7) (a) The prohibitions in subdivisions (1)(a) and (2)(a), and subsection (5) do not apply to any privately-owned motor vehicle that is primarily operated for business purposes by any salesperson, service representative, employee, lessee, or duly authorized agent of an emergency equipment company; provided, that the vehicle is marked with the lettering required by subdivision (7)(c).

(b) Any person operating a motor vehicle pursuant to this subsection (g) shall carry a copy of the company's business license or the person's or owner of the company's professional or occupational license, certification or registration issued by the City of Alcoa and appropriate identification issued by the owner of the company.

(c) Lettering shall be displayed on the left and right sides of the vehicle identifying the name of the company for which the vehicle is operated and on the front and rear of the vehicle designating it a "Demonstration Vehicle." The lettering shall be painted or affixed on, or attached to, the vehicle in a permanent manner, and shall be at least three inches (3") in size.

(d) Nothing in this subsection (7) imposes any duty or obligation on a manufacturer of motor vehicles used by or sold to emergency equipment companies to install, maintain or exhibit the lighting system allowed in this subsection (7) at the time of manufacture or sale.

(e) Nothing in this subsection (7) shall be construed to permit the operator of an emergency equipment company vehicle from operating any lighting equipment authorized by this subsection (7) while the vehicle is on a City of Alcoa road, whether in motion or stationary.

(f) As used in this section, "emergency equipment company" or "company" means any entity licensed as required by this state to sell or repair lighting equipment designed for use on motor vehicles that are operated for authorized law enforcement, emergency response, or other public safety activities (T.C.A. § 55-9-402). (as added by Ord. #04-015, April 2004, and replaced by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-1303. Lamp at end of train of vehicles. (1) Of time from one-half (1/2) hour before sunset until one-half (1/2) hour after sunrise, any implement of husbandry as defined in § 15-101 having a width of more than ninety-six inches (96"), which is towed behind a farm tractor or other motor vehicle, and the lighting of the farm tractor or other motor vehicle is concealed by the implement of husbandry, shall be equipped with two (2) red or amber flashing lamps, one (1) on each side, attached at the rear, or accompanied by a rear escort utilizing its emergency flashers.

(2) This section shall not apply to a single motor vehicle as is required in § 15-1302, but shall only apply to the last motor vehicle being drawn at the end of a train or group of motor vehicles (T.C.A. § 55-9-404). (as added by Ord. #04-015, April 2004, and replaced by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-1304. Lighting devices and reflectors on vehicles having width in excess of eighty inches, truck tractors, and trailers. (1) Every motor vehicle other than any passenger car, any road roller, road machinery or farm tractor having a width of eighty inches (80") or more shall be equipped with at least the following lighting devices and reflectors:

(a) On the front, at least two (2) headlamps, an equal number at each side; two (2) turn signals, one (1) at each side; two (2) clearance lamps, one (1) at each side; three (3) identification lamps, mounted on the vertical centerline of the vehicle, or the vertical centerline of the cab where different from the centerline of the vehicle, except that where the cab is not more than forty-two inches (42") wide at the front roofline, a single lamp at the center of the cab shall be deemed to comply with the requirements for identification lamps. No part of the identification lamps or their mountings may extend below the top of the vehicle windshield;

(b) On the rear, two (2) tail lamps, one (1) at each side; two (2) stop lamps, one (1) at each side; two (2) turn signals, one (1) at each side; two (2) clearance lamps, one (1) at each side; two (2) reflectors, one (1) at each side; and three (3) identification lamps, mounted on the vertical center line of the vehicle; provided, that the identification lamps need not be lighted if obscured by a vehicle towed by the truck; and

(c) On each side, one (1) side-marker lamp at or near the front, one (1) side-marker lamp at or near the rear; one (1) reflector at or near the front, and one (1) reflector at or near the rear.

(2) Every truck tractor shall be equipped as follows:

(a) On the front, at least two (2) headlamps, an equal number at each side; two (2) turn signals, one (1) at each side; two (2) clearance lamps, one (1) at each side; and three (3) identification lamps, mounted on the vertical centerline of the vehicle, or the vertical centerline of the cab where different from the centerline of the vehicle, except that where the cab is not more than forty-two inches (42") wide at the front roofline, a single lamp at the center of the cab shall be deemed to comply with the requirement for identification lamps. No part of the identification lamps or their mountings may extend below the top of the vehicle windshield; and

(b) On the rear, one (1) tail lamp; one (1) stop lamp; two (2) reflectors, one (1) at each side; and, unless the turn signals on the front are so constructed (double faced) and located as to be visible to passing drivers, two (2) turn signals on the rear of the cab, one (1) at each side.

(3) Every semitrailer or full trailer eighty inches (80") or more in overall width, except converter dollies, shall be equipped as follows:

(a) On the front, two (2) clearance lamps, one (1) at each side;

(b) On the rear, two (2) tail lamps, one (1) at each side; two (2) stop lamps, one (1) at each side; two (2) turn signals, one (1) at each side; two (2) clearance lamps, one (1) at each side; two (2) reflectors, one (1) at

each side; and three (3) identification lamps, mounted on the vertical centerline of the vehicle; provided, that the identification lamps need not be lighted if obscured by another vehicle in the same combination;

(c) On each side, one (1) side-marker lamp at or near the front; one (1) side-marker lamp at or near the rear; one (1) reflector at or near the front; one (1) reflector at or near the rear; and, in case of semitrailers and full trailers thirty feet (30') or more in length, at least one (1) additional side-marker lamp at optional height and at least one (1) additional reflector, the additional side-marker lamp or lamps and reflector or reflectors to be at or near the center or at approximately uniform spacing in the length of the vehicle; and

(d) For the purposes of these regulations, "converter dolly" is a motor vehicle with a fifth wheel lower half or equivalent mechanism, the attachment of which vehicle converts a semitrailer to a full trailer. Each dolly, when towed singly by another vehicle, and not as part of a full trailer, shall be equipped with one (1) stop lamp, one (1) tail lamp, and two (2) reflectors on the rear. No lighting devices or reflectors are required on the front or sides of any dolly.

(4) (a) Except as provided in subdivision (4)(b), from one-half (1/2) hour before sunset to one-half (1/2) hour after sunrise and at all other times when lights are required to be displayed, there shall be attached to the rearmost extremity of any load that projects four feet (4') or more beyond the rear of the body of the motor vehicle, or at any tailboard or tailgate so projecting, or to the rearmost extremity of any load, carried on a pole trailer, at least one (1) red lamp, securely fastened thereto, which shall be visible from a distance of five hundred feet (500') to the sides and rear under normal atmospheric conditions. At all other times one (1) red flag, at least eighteen inches (18") square, made of cloth, synthetic or man-made material, shall be so displayed.

(b) This subsection (4) shall only apply to:

(i) Any noncommercial motor vehicle transporting property intrastate; and

(ii) Any commercial motor vehicle having a gross vehicle weight rating (GVWR) or a gross combination weight rating (GCWR) of twenty six thousand pounds (26,000 lbs.) or less when such motor vehicle is transporting property intrastate.

(c) Tennessee Code Annotated, title 65, chapter 15, and all applicable federal rules shall apply to all commercial vehicles having a GVWR or a GCWR of more than twenty six thousand pounds (26,000 lbs.).

(5) From one-half (1/2) hour before sunset to one-half (1/2) hour after sunrise and at all other times when lights are required to be displayed, any motor vehicle or trailer transporting intrastate a load of logs, long pulpwood, poles, or posts that projects four feet (4') or more beyond the rear of the body or

bed of such vehicle, when the vehicle is operated on any highway or city street or parked on the shoulder or immediately adjacent to the traveled portions of such highway, shall have securely affixed as close as practical to the end of any such projecting load either:

(a) One (1) amber strobe-type lamp, complying with SAE J595, equipped with a multidirectional type lens so mounted as to be visible from the rear and both sides of the projecting load. If the mounting of one (1) amber strobe lamp cannot be accomplished so that it is visible from the rear and both sides of the projecting load, multiple amber strobe lights, complying with SAE J595, shall be utilized so as to meet the visibility requirements of this subdivision (5)(a). The amber strobe lamp shall flash at a rate of at least sixty (60) flashes per minute and shall be plainly visible from a distance of at least five hundred feet (500') to the rear and sides at a radius of one hundred eighty degrees (180°) of the projecting load. At all other times one (1) red flag, at least eighteen inches (18") square, made of cloth, synthetic or man-made material, shall be so displayed; or

(b) One (1) amber Light-Emitting Diode (LED) light, complying with SAE J595, equipped with a multidirectional type lens, mounted so as to be visible from the rear and from both sides of the projecting load. If the mounting of one (1) amber LED light cannot be accomplished so that it is visible from the rear and from both sides of the projecting load, multiple amber LED lights, complying with SAE J595, shall be utilized so as to meet the visibility requirements of this subdivision (5)(b). The amber LED light shall flash at a rate of at least sixty (60) flashes per minute and shall be plainly visible from a distance of at least five hundred feet (500') from the rear and sides at a radius of one hundred eighty degrees (180°) of the projecting load. Any LED light shall be constructed of durable, weather resistant material and may be powered by the vehicle's electrical system or by an independent battery system, or both. If the LED light is powered by an independent battery system, the driver of the vehicle shall have in the driver's immediate possession charged, spare batteries for use in case of battery failure. Any solid state LED lighting that consists of multiple LED lights shall not have less than eighty-five percent (85%) of the LED lights in operable condition. At all other times one (1) red flag, at least eighteen inches (18") square, made of cloth, synthetic or man-made material, shall be so displayed (T.C.A. § 55-9-405). (as added by Ord. #04-015, April 2004, and replaced by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-1305. Headlights on motor vehicles - operating during inclement weather. (1) The headlights of every motor vehicle shall be so constructed, equipped, arranged, focused, aimed, and adjusted, that they will at all times mentioned in § 15-1301, and under normal atmospheric conditions and

on a level road produce a driving light sufficient to render clearly discernible a person two hundred feet (200') ahead, but shall not project a glaring or dazzling light to persons in front of the headlights. The headlights shall be displayed during the period from one-half (1/2) hour after sunset to one-half (1/2) hour before sunrise, during fog, smoke, or rain and at all other times when there is not sufficient light to render clearly discernible any person on the road at a distance of two hundred feet (200') ahead of the vehicle.

(2) Operation of headlights during periods of rain, as required in this section, shall be made during any time when rain, mist, or other precipitation, including snow, necessitates the constant use of windshield wipers by motorists (T.C.A. § 55-9-406). (as added by Ord. #04-015, April 2004, and replaced by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-1306. Inspecting and testing lamps emitting glare. (1) Any law enforcement officer having reasonable ground to believe that any headlamp or auxiliary driving or fog lamp or any device upon a vehicle emits a glaring light, or otherwise fails to comply with the requirements of this section, may require the driver of the vehicle to stop and submit the lamp to an inspection or test. The officer making the inspection shall require the driver of the vehicle to remove the illegal lamp within twenty-four (24) hours, and may arrest the driver and give the driver a notice to appear, and may further require the driver or the owner of the vehicle to produce in court satisfactory evidence of the removal of the illegal lamp (T.C.A. § 55-9-409(a)).

(2) In the event any headlight or auxiliary driving or fog light, by reason of faulty adjustment or otherwise, emits a glaring light or otherwise fails to comply with this part, the officer making the inspection shall direct the driver to make the light or lights conform to the requirements of this part within forty-eight (48) hours. The officer may also arrest the driver and give the driver a notice to appear, and further require the driver or the owner of the vehicle to produce in court satisfactory evidence that the light or lights have been made to conform with the requirements of this part (T.C.A. § 55-9-409(b)).

(3) Whenever the driver of a vehicle is directed by a law enforcement officer to stop and submit the lights upon the vehicle to an inspection or test under the conditions stated in subsections (2) and (3), it is the duty of the driver to stop and submit to the inspection or test, and a failure or refusal to do so is a civil ordinance violation (T.C.A. § 55-9-410). (as added by Ord. #04-015, April 2004, and replaced by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-1307. Blue flashing emergency lights on motor vehicles. It is an offense for anyone to install, maintain or exhibit blue flashing emergency lights or blue flashing emergency lights in combination with red flashing emergency lights, except full-time, salaried, uniformed law enforcement officers of the state, county, or city and municipal governments of the state, and commissioned members of the Tennessee Bureau of Investigation when their official duties so

require as defined by Tennessee Code Annotated, §§ 38-8-106 and 38-8-107, except as authorized in Tennessee Code Annotated, § 55-9-414(b)-(f) (T.C.A. § 55-9-414). (as added by Ord. #04-015, April 2004, and replaced by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-1308.--15-1312. Deleted. (as added by Ord. #04-015, April 2004, and deleted by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

CHAPTER 14

STOPPING AND PARKING

SECTION

- 15-1401. Parking, generally.
- 15-1402. Vehicles and streetcars must stop at stop signs.
- 15-1403. Passing school, church or youth bus.
- 15-1404. Stopping and parking on roadways.
- 15-1405. Officer authorized to remove illegally stopped vehicles.
- 15-1406. Stopping, standing or parking prohibited in specific areas --
Exceptions.
- 15-1407. Unattended motor vehicle.
- 15-1408. Illegal parking; rented or leased vehicles.
- 15-1409. Angle parking.
- 15-1410. Occupancy of more than one space.
- 15-1411. Loading and unloading zones.
- 15-1412. Heavy vehicle parking prohibited.
- 15-1413. Presumption with respect to illegal parking.
- 15-1414. Towing firms.
- 15-1415. Written authorization required for towing or storage of motor vehicle.
- 15-1416. Impoundment of vehicles.
- 15-1417. Notice of impoundment and repossession.
- 15-1418. Disposition of unclaimed vehicles.

15-1401. Parking, generally. (1) Except as otherwise provided in this section, 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 the vehicle parallel to and within eighteen inches (18") of the right edge or curb of the roadway.

(2) On one-way roadways, where the city has not placed signs prohibiting same, parking of vehicles is permitted with the left-hand wheels adjacent to and within eighteen inches (18") of the left edge or curb; provided also that if lanes are designated by painted lines for parking, all parking vehicles shall be within such lines.

(3) No person shall wash, grease or work on any vehicle, except to make repairs necessitated by an emergency, while such vehicle is parked on a City of Alcoa street (T.C.A. § 55-8-161). (as added by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-1402. Vehicles and streetcars must stop at stop signs. Every driver of a vehicle and every operator of a streetcar approaching 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 or operator has a view of approaching traffic on the intersecting roadway before entering the intersection, except when directed to proceed by a police officer or traffic control signal (T.C.A. § 55-8-149). (as added by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-1403. Passing school, church or youth bus.

(1) (a) (i) The driver of a vehicle upon a highway with separate roadways need not stop upon meeting or passing a school bus that is on a different roadway or when upon a controlled-access highway and the school bus is stopped in a loading zone that is a part of or adjacent to the highway and where pedestrians are not permitted to cross the roadway.

(ii) For the purpose of this section, "separate roadways" means roadways divided by an intervening space that is not suitable to vehicular traffic.

(b) The school bus driver is required to stop the school bus on the right-hand side of the road or highway, and the driver shall cause the bus to remain stationary and the visual stop signs on the bus actuated, until all school children who should be discharged from the bus have been so discharged and until all children whose destination causes them to cross the road or highway at that place have negotiated the crossing.

(2) (a) (i) The driver of a vehicle on a highway upon meeting or overtaking from either direction any church bus which has stopped on the highway for the purpose of receiving or discharging passengers shall stop the vehicle before reaching the church bus, and the driver shall not proceed until the church bus resumes motion or is signaled by the church bus driver to proceed or the visual signals on the bus are no longer actuated.

(ii) This subsection (2) shall not apply unless the church bus has the same type of safety equipment indicating the bus has stopped as is required for school buses.

(b) All motor vehicles used in transporting passengers to and from churches in this city are required to be distinctly marked "Church Bus" on the front and rear thereof in letters of not less than six inches (6") in height and so plainly written or printed and so arranged as to be legible to persons approaching the church bus, whether traveling in the same or the opposite direction.

(c) The driver of a vehicle upon a highway with separate roadways need not stop upon meeting or passing a church bus which is on a different roadway or when upon a controlled access highway and the church bus is stopped in a loading zone that is a part of or adjacent to the highway and where pedestrians are not permitted to cross the roadway.

(d) Except as otherwise provided by this subsection (2), the church bus driver is required to stop the church bus on the right-hand side of the road or highway, and the driver shall cause the bus to remain stationary and the visual stop signs on the bus actuated until all passengers who should be discharged from the bus have been so discharged and until all passengers whose destination causes them to cross the road or highway at that place have negotiated the crossing.

(3) (a) (i) The driver of a vehicle on a highway upon meeting or overtaking from either direction any youth bus that has stopped on the highway for the purpose of receiving or discharging passengers shall stop the vehicle before reaching the youth bus, and the driver shall not proceed until the youth bus resumes motion or is signaled by the youth bus driver to proceed or the visual signals on the bus are no longer actuated.

(ii) Subdivision (3)(a)(i) shall not apply unless the youth bus has the same type of safety equipment indicating the bus has stopped as is required for school buses.

(b) All motor vehicles owned by corporations or organizations used in transporting child passengers to and from child care centers in this city or to and from the activities of religious, charitable, scientific, educational, youth service or athletic institutions or organizations are required to be distinctly marked "youth bus" on the front and rear thereof in letters of not less than six inches (6") in height and so plainly written or printed and so arranged as to be legible to persons approaching such youth bus, whether traveling in the same or the opposite direction.

(c) (i) The driver of a vehicle upon a highway with separate roadways needs not stop upon meeting or passing a youth bus that is on a different roadway or when upon a controlled access highway and the youth bus is stopped in a loading zone that is a part of or adjacent to such highway and where pedestrians are not permitted to cross the roadway.

(ii) For the purpose of subdivision (3)(c)(i), "separate roadways" means roadways divided by an intervening space that is not suitable to vehicular traffic.

(d) Except as otherwise provided by this subsection (3), the youth bus driver is required to stop the youth bus on the right-hand side of the road or highway, and the driver shall cause the bus to remain stationary and the visual stop signs on the bus actuated until all passengers who should be discharged from the bus have been so discharged and until all passengers whose destination causes them to cross the road or highway at that place have negotiated the crossing.

(e) For purposes of this subsection (3), a "youth bus" means a motor vehicle designed for carrying not less than fifteen (15) passengers

and used for the transportation of persons (T.C.A. § 55-8-151). (as added by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-1404. Stopping and parking on roadways. (1) Upon any highway outside of a business or residential district, no person shall stop, park, or leave standing any vehicle, whether attended or unattended, upon the paved or main-traveled part of the highway when it is practicable to stop, park or so leave the vehicle off such part of the highway, but in every event an unobstructed width of the highway opposite a standing vehicle of not less than eighteen feet (18') shall be left for the free passage of other vehicles, and a clear view of the stopped vehicle shall be available from a distance of two hundred feet (200') in each direction upon such highway.

(2) (a) This section shall not apply to the driver of any vehicle that is disabled while on the paved or main-traveled portion of a highway in a manner and to an extent that it is impossible to avoid stopping and temporarily leaving that disabled vehicle in such position.

(b) This section shall not apply to the driver of any vehicle operating as a carrier of passengers for hire and holding a certificate of convenience and necessity, or interstate permit issued by the department of safety or any local regulatory transit authority of the state authorizing the operation of that vehicle upon the roads, streets or highways in Tennessee, while taking passengers on that vehicle, or discharging passengers therefrom; provided, that in every event an unobstructed lane of travel of the highway opposite the standing vehicle shall be left for free passage of other vehicles and a clear view of that stopped vehicles shall be available from a distance of two hundred feet (200') in either direction upon the highway.

(c) This section does not apply to a solid waste vehicle while on the paved or improved main traveled portion of a road, street or highway in a manner and to an extent as is necessary for the sole purpose of collecting municipal solid waste (Tennessee Code Annotated, § 68-211-802); provided, that such vehicle shall maintain flashing hazard lights at all times while it is stopping or standing; and provided further, that the vehicle is stopped so that a clear view of the stopped vehicle is available from a distance of two hundred feet (200') in either direction upon the highway. In addition to flashing hazard lights, these vehicles shall be required to maintain special lights visible from both the front and the rear indicating that the truck is stopped. The department of safety is authorized to promulgate rules and regulations regarding special lighting required by this subdivision (2)(c). This subdivision (2)(c) does not preclude any claimant from pursuing a common law claim for recovery pursuant to common law negligence.

(d) Subsection (1) does not apply to a recycling vehicle while on the paved or improved main traveled portion of a road, street, or highway

in a manner and to an extent as is necessary for the sole purpose of collecting or transporting recovered materials or recyclable materials; provided, that the vehicle shall maintain flashing hazard lights at all times while it is stopping or standing; provided, further, that the vehicle is stopped or standing so that a clear view of the vehicle shall be available from a distance of two hundred feet (200') in either direction upon the highway. This subdivision (2)(d) does not preclude any claimant from pursuing a common law claim for recovery pursuant to common law negligence.

(3) Notwithstanding subsection (1), no person shall stop, park or leave any motor vehicle, whether attended or unattended, upon the paved or unpaved portions of any entrance or exit ramp of any highway; provided, that a driver of a motor vehicle that has become disabled may leave the vehicle on an entrance or exit ramp until such time as the disabled motor vehicle can be repaired or towed, as long as the vehicle is not obstructing the passage of other motor vehicles. Furthermore, the department may take into consideration an emergency situation or compliance with federal laws (T.C.A. § 55-8-158). (as added by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-1405. Officer authorized to remove illegally stopped vehicles.

(1) Whenever any police officer finds a vehicle in violation of § 15-1404, the officer is authorized to move the vehicle, or to require the driver or other person in charge of the vehicle to move it, to a position off the paved or main-traveled part of the highway.

(2) Whenever any police officer finds a vehicle unattended upon any bridge or causeway or in any tunnel, or on any highway, where the vehicle constitutes an obstruction to traffic, the officer is authorized to provide for the removal of that vehicle to the nearest garage or other place of safety, at the expense of the owner (T.C.A. § 55-8-159). (as added by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-1406. Stopping, standing or parking prohibited in specific areas - exceptions. (1) No person shall stop, stand or park a vehicle outside of the limits of an incorporated municipality, except when necessary to avoid conflict with other traffic or in compliance with law or the directions of a police officer or traffic-control device, in any of the following places:

- (a) On a sidewalk; provided, that a bicycle may be parked on a sidewalk if it does not impede the normal and reasonable movement of pedestrian or other traffic, or such parking is not prohibited by ordinance;
- (b) In front of a public or private driveway;
- (c) Within an intersection;
- (d) Within seven and one-half feet (7 1/2') to fifteen feet (15') of a fire hydrant. An incorporated municipality shall determine and shall appropriately identify the distance from a fire hydrant to stop, stand or

park a vehicle; provided, that this distance conforms to this subdivision (1)(d);

- (e) On a crosswalk;
- (f) Within twenty feet (20') of a crosswalk at an intersection;
- (g) Within thirty feet (30') 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 feet (30') of points on the curb immediately opposite the ends of a safety zone, unless the department of transportation or local traffic authority indicates a different length by signs or markings;
- (i) Within fifty feet (50') of the nearest rail of a railroad crossing;
- (j) Within twenty feet (20') of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within seventy-five feet (75') of that entrance when properly signposted;
- (k) Alongside or opposite any street excavation or obstruction when stopping, standing or parking would obstruct traffic;
- (l) On the roadway side of any vehicle stopped or parked at the edge or curb of a street;
- (m) Upon any bridge or other elevated structure upon a highway or within a highway tunnel;
- (n) At any place where official signs prohibit stopping; and
- (o) In a parking space clearly identified by an official sign as being reserved for persons with physical disabilities, unless, however, the person driving the vehicle has a physical disability or is parking the vehicle for the benefit of a person with a physical disability. A vehicle parking in such a space shall display a certificate or placard as set forth in this title, or an issued disabled veteran's license plate.

(2) Subsection (1) does not apply to a certified police cyclist engaged in the lawful performance of duty using a police bicycle as a barrier or traffic-control device at the scene of an emergency or in response to other calls for police service.

(3) No person shall move a vehicle not lawfully under that person's control into any such prohibited area or away from a curb such distance as is unlawful.

(4) (a) This section shall not apply to the driver of any vehicle that is disabled while on the paved or improved or main traveled portion of a road, street or highway in a manner and to an extent that it is impossible to avoid stopping and temporarily leaving the vehicle in such position.

(b) This section shall not apply to the driver of any vehicle operating as a carrier of passengers for hire who is authorized to operate such vehicle upon the roads, streets or highways in Tennessee, while taking passengers on the vehicle, or discharging passengers from that vehicle; provided, that the vehicle is stopped so that a clear view of the

vehicle shall be obtained from a distance of two hundred feet (200') in each direction, upon the roads, streets or highways.

(c) This section does not apply to a solid waste vehicle while on the paved or improved main traveled portion of a road, street or highway in a manner and to an extent as is necessary for the sole purpose of collecting municipal solid waste, as defined by Tennessee Code Annotated, § 68-211-802; provided, that the vehicle shall maintain flashing hazard lights at all times while it is stopping or standing; provided further, that the vehicle is stopped so that a clear view of the stopped vehicle shall be available from a distance of two hundred feet (200') in either direction upon the highway. This subdivision (4)(c) does not preclude any claimant from pursuing a common law claim for recovery pursuant to common law negligence.

(d) This section does not apply to a recycling vehicle while on the paved or improved main traveled portion of a road, street, or highway in a manner and to an extent as is necessary for the sole purpose of collecting or transporting recovered materials or recyclable materials; provided, that the vehicle shall maintain flashing hazard lights at all times while it is stopping or standing; provided further, that the vehicle is stopped or standing so that a clear view of the vehicle shall be available from a distance of two hundred feet (200') in either direction upon the highway. This subdivision (4)(d) does not preclude any claimant from pursuing a common law claim for recovery pursuant to common law negligence (T.C.A. § 55-8-160). (as added by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-1407. Unattended motor vehicle. No person driving or in charge of a motor vehicle shall permit it to stand unattended without first stopping the engine, locking the ignition, and effectively setting the brake thereon and, when standing upon any grade, turning the front wheels to the curb or side of the highway (T.C.A. § 55-8-162(a)). (as added by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-1408. Illegal Parking; rented or leased vehicles. (1) The responsibility for illegally parking on any road, highway, or street in this city in any restricted zone or space to include, but not limited to:

- (a) An unauthorized parking space designated for persons with disabilities;
- (b) Specifically prohibited places;
- (c) No parking zones;
- (d) Overtime zones or metered parking spaces; or
- (e) Fire lanes;

(2) Subsection (1) shall not apply to the registered owner of a rented or leased vehicle parked in violation of law when that owner can furnish sworn

evidence that the vehicle was, at the time of the parking violation, leased or rented to another person.

(3) In such instances, the owner of the vehicle shall, within thirty (30) days after notification of the parking violation, furnish to the appropriate court or law enforcement agency, the name, address, and driver license number of the person or company who leased or rented the vehicle. If the owner fails to provide the information within the thirty (30) day period, then the owner shall become personally liable for the violation (T.C.A. § 55-8-186). (as added by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-1409. Angle parking. On those streets which have been signed or marked by the municipality for angle parking, no person shall park or stand a vehicle other than at the angle indicated by such signs or markings. No person shall angle park any vehicle which has a trailer attached thereto or which has a length in excess of twenty-four feet (24'). (as added by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-1410. Occupancy of more than one space. No person shall park a vehicle in any designated parking space so that any part of such vehicle occupies more than one (1) such space or protrudes beyond the official markings on the street or curb designating such space unless the vehicle is too large to be parked within a single designated space. (as added by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-1411. Loading and unloading zones. No person shall park a vehicle for any purpose or period of time other than for the expeditious loading or unloading of passengers or merchandise in any place marked by the municipality as a loading and unloading zone. (as added by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-1412. Heavy vehicle parking prohibited. (1) It shall be unlawful for any person, firm or corporation owning, operating or having control of any semi-tractor trailer (defined as a trailer with four (4) or more wheels, supported in front by a truck tractor/towing vehicle of ten (10) wheels) or truck tractor/towing vehicle, to park the same upon any street, avenue, alley, public way or yard in any residential area of the city.

(2) The provisions of this section shall not be deemed to prohibit the lawful parking of such vehicles or equipment upon any street, avenue, alley, public way or yard in any residential area of the city for the actual loading or unloading of goods, wares, or merchandise, provided, however, that loading and unloading as used in this section shall be limited to the actual time consumed in such operation.

(3) Any owner or operator or other person having control of such vehicle or equipment parked upon any street, avenue, alley, unpaved grassy,

public way or yard in any residential area of the city in violation of this section may be cited by the police department to appear in the Alcoa City Court, and the court costs shall be charged to the owner or operator or other person having control of such vehicle or equipment. (as added by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-1413. Presumption with respect to illegal parking. When any unoccupied vehicle is found parked in violation of any provision of this chapter there shall be a prima facie presumption that the registered owner of the vehicle is responsible for such illegal parking. (as added by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-1414. Towing firms. (1) It is a civil ordinance violation for a towing firm to make, confer or offer any payment or any other pecuniary benefit to an owner or manager of property from which the firm has towed a vehicle with the intent of rewarding the owner or manager for referring the vehicle for towing.

(2) An owner or manager of property from which a towing firm has towed a vehicle may not solicit or receive any payment or other pecuniary benefit from a towing firm in exchange for referring a vehicle for towing to the firm (T.C.A. § 55-16-113). (as added by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-1415. Written authorization required for towing or storage of motor vehicle. It is a civil ordinance violation for a garagekeeper or towing firm to tow or to store a vehicle without obtaining an express written authorization for towing and storage of each vehicle from a law enforcement officer, or from the owner of the vehicle, or from the owner, or the authorized agent of the owner, of the private property from which the vehicle is to be towed (T.C.A. § 55-16-112). (as added by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-1416. Impoundment of vehicles. Members of the police department are hereby authorized, when reasonably necessary to prevent obstruction of traffic, to remove from the streets and impound any vehicle whose operator is arrested, or any vehicle which is illegally parked, abandoned, or otherwise parked so as to constitute an obstruction or hazard to normal traffic. Any vehicle left parked on any street or alley without permission from the chief of police shall be presumed to have been abandoned if the owner cannot be located after a reasonable investigation. Such an impounded vehicle shall be stored until the owner claims it, gives satisfactory evidence of ownership, and pays all applicable fines and costs. The fee for impounding a vehicle shall be five dollars (\$5.00) and a storage cost of one dollar (\$1.00) per day shall also be charged, or such charges as may be made by privately operated agencies providing this service. (as added by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-1417. Notice of impoundment and repossession. Prior to the removal of any vehicle under authority of this title, the vehicle will be tagged with notice specifying the date and time after which the vehicle will be removed, and the owner of the property will be given ten (10) days notice (by certified mail, return receipt requested) of the impending action of the city and the necessary steps to avoid removal of the vehicle, and subsequent impoundment. After a vehicle is towed, the owner may, within thirty (30) days of the date the vehicle is towed, present to the city sufficient evidence of ownership and the ability to comply with all conditions otherwise violative of this title. Upon payment of costs to the towing company for the removal and storage of such vehicle, the same shall be released to the owner thereof. The City of Alcoa will not be responsible for any damage resulting from the storage or removal of said vehicles. (as added by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-1418. Disposition of unclaimed vehicles. In the event a vehicle is removed from public property under this title is not claimed during the period of thirty (30) days from date of removal, the city shall proceed to sell such vehicle at public auction for cash to the highest bidder and out of the proceeds of the sale, he shall first defray the expense of the sale, the expense of removal and storage of the vehicle and the remainder, if any, shall be paid in the general fund in the city. (as added by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

CHAPTER 15

ACCIDENTS

SECTION

- 15-1501. Duty to give information and render aid.
- 15-1502. Duty upon striking unattended vehicles.
- 15-1503. Duty upon striking fixtures - ADS-operated vehicle.
- 15-1504. Immediate notice of accident.
- 15-1505. Written report of an accident.
- 15-1506. When driver unable to report.
- 15-1507. False reports.
- 15-1508. Garages to report.
- 15-1509. Removal of vehicles from accident scene where no personal injury has occurred.
- 15-1510. Multiple drivers involved in an accident.
- 15-1511. Parties to a crime.
- 15-1512. Offenses by persons owning or controlling vehicles.
- 15-1513. Illegal cancellation of traffic citation.
- 15-1514. Off-road vehicles.

15-1501. Duty to give information and render aid. (1) The driver of any vehicle involved in an accident resulting in injury to or death of any person or damage to any vehicle that is driven or attended by any person shall give the driver's name, address and the registration number of the vehicle the driver is driving, and shall, upon request and if available, exhibit that driver's operator's or chauffeur's license, or driver license, to the person struck or the driver or occupant of or person attending any vehicle collided with, and shall render to any person injured in the accident reasonable assistance, including the carrying, or the making of arrangements for the carrying, of the person to a physician, surgeon or hospital for medical or surgical treatment if it is apparent that treatment is necessary or if carrying is requested by the injured person.

(2) The requirements in subsection (1) shall apply to accidents occurring upon highways and the premises of any shopping center, trailer park or any apartment house complex, or any other premises that are generally frequented by the public at large.

(3) With respect to an ADS-operated vehicle, as defined by § 15-101, the requirements of subsection (1) are satisfied if the motor vehicle's owner, or a person on behalf of the motor vehicle's owner, promptly contacts a law enforcement officer or agency to report the accident and the ADS-operated vehicle remains on the scene of the accident as otherwise required by law (T.C.A. § 55-10-103). (as added by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-1502. Duty upon striking unattended vehicles. (1) The driver of any vehicle that collides with any unattended vehicle shall immediately stop and shall then and there either locate and notify the operator or owner of that vehicle of the name and address of the driver and owner of the vehicle striking the unattended vehicle, or shall leave in a conspicuous place in the vehicle struck a written notice giving the name and address of the driver and of the owner of the vehicle doing the striking and a statement of the circumstances thereof. Written notices prepared pursuant to this section shall include information pertaining to the insurance policy, including the name of the insurer, of the driver and of the owner of the vehicle. If the driver and the owner have a certificate of compliance with the Tennessee Financial Responsibility Law of 1977, compiled in Tennessee Code Annotated, chapter 12 of title 55, issued by the commissioner of safety, a copy of the certificate shall be included in the written notice.

(2) The requirements in subsection (1) shall apply to accidents occurring upon highways and the premises of any shopping center, trailer park or any apartment house complex, or any other premises that are generally frequented by the public at large.

(3) With respect to an ADS-operated vehicle, as defined by § 15-101, the requirements of subsection (1) are satisfied if the motor vehicle's owner, or a person on behalf of the motor vehicle's owner, promptly contacts a law enforcement officer or agency to report the accident and the ADS-operated vehicle remains on the scene of the accident as otherwise required by law (T.C.A. § 55-10-104) (as added by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-1503. Duty upon striking fixtures - ADS-operated vehicle.

(1) The driver of any vehicle involved in an accident resulting only in damage to fixtures or other property legally upon or adjacent to a highway or city street or on the premises of any shopping center, trailer park or any apartment house complex, or any other premises that are generally frequented by the public at large, shall take reasonable steps to locate and notify the owner or person in charge of the property of that fact, the driver's name, address, and the registration number of the vehicle that the driver was driving, and shall, upon request and if available, exhibit the driver's operator's or chauffeur's license, or driver license, and shall make report of the accident when and as required in 15-1505.

(2) With respect to an ADS-operated vehicle, as defined by § 15-101, the requirements of subsection (1) are satisfied if the motor vehicle's owner, or a person on behalf of the motor vehicle's owner, promptly contacts a law enforcement officer or agency to report the accident and the ADS-operated vehicle remains on the scene of the accident as otherwise required by law (T.C.A. § 55-10-105). (as added by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-1504. Immediate notice of an accident. (1) The driver of a vehicle involved in an accident resulting in injury to or death of any person or property damage to an apparent extent of fifty dollars (\$50.00) or more shall immediately, by the quickest means of communication, give notice of the accident to the City of Alcoa police department if the accident occurs within the City of Alcoa.

(2) The requirements in subsection (1) shall apply to accidents occurring upon highways and the premises of any shopping center, trailer park or any apartment house complex, or any other premises that are generally frequented by the public at large.

(3) With respect to an ADS-operated vehicle, as defined by § 15-101, the requirements of subsection (1) are satisfied if the motor vehicle's owner, or a person on behalf of the motor vehicle's owner, promptly contacts a law enforcement officer or agency to report the accident and the ADS-operated vehicle remains on the scene of the accident as otherwise required by law (T.C.A. § 55-10-106). (as added by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-1505. Written report of an accident. (1)(a) The driver of a vehicle that is in any manner involved in an accident resulting in bodily injury to or death to any person, or in which damage to the property of any one (1) person, including the driver's, in excess of one thousand five hundred dollars (\$1,500.00) is sustained, shall within twenty (20) days after the accident, forward a written report of the accident to the department of safety; provided, that persons making written reports to the department pursuant to § 15-1502 shall not be required to make any additional report pursuant to this section, § 15-1506, or Tennessee Code Annotated, § 55-10-111.

(b) If an accident results in damage to City of Alcoa property in excess of four hundred dollars (\$400.00), then the driver of the vehicle involved in the accident shall file a written report in accordance with subsection (1)(a).

(2) The requirements in subsection (1) shall apply to accidents occurring upon highways and the premises of any shopping center, trailer park or any apartment house complex, or any other premises that are generally frequented by the public at large.

(3) Written reports prepared pursuant to this section shall include information pertaining to the insurance policy, including the name of the insurer, of the driver and of the owner of the vehicle. If the driver and the owner have a certificate of compliance with the Tennessee Financial Responsibility Law of 1977, compiled in Tennessee Code Annotated, chapter 12, issued by the commissioner of safety, a copy of the certificate shall be included in the written notice.

(4) With respect to an ADS-operated vehicle, the written reports required under subsection (1) must be completed by the vehicle's owner (T.C.A. § 55-10-107). (as added by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-1506. When driver unable to report. (1) An accident report is not required under this part from any person who is physically incapable of making a report during the period of incapacity.

(2) Whenever the driver of a vehicle is physically incapable of giving an immediate notice of an accident as required in § 15-1504, and there was another occupant in the vehicle at the time of the accident capable of doing so, the occupant shall make or cause to be given the notice not given by the driver.

(3) Whenever the driver is physically incapable of making a written report of an accident as required in § 15-1505, and the driver is not the owner of the vehicle, then the owner of the vehicle involved in the accident shall within twenty (20) days after learning of the accident make the report not made by the driver (T.C.A. § 55-10-109). (as added by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-1507. False reports. Any person who gives information as required in §§ 15-1505 or 15-1506, knowing or having reason to believe that the information is false, commits a civil ordinance violation (T.C.A. § 55-10-110). (as added by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-1508. Garages to report. The person in charge of any garage or repair shop, to which is brought any motor vehicle that shows evidence of having been involved in an accident of which report must be made as provided in § 15-1505, or of having been struck by any bullet, shall report to the department within twenty-four (24) hours after the motor vehicle is received, giving the engine number, registration number, and the name and address of the owner or operator of the vehicle (T.C.A. § 55-10-113).

15-1509. Removal of vehicles from accident scene where no personal injury has occurred. (1) Notwithstanding any law to the contrary, a motor vehicle involved in a traffic accident and the driver of the motor vehicle shall be subject to this section.

(2) This section shall apply to any motor vehicle traffic accident that occurs on a highway, street, or roadway within the City of Alcoa.

(3) When a motor vehicle traffic accident occurs with no apparent serious personal injury or death, the driver of each motor vehicle involved in the traffic accident, or any other occupant of any such motor vehicle who possesses a valid driver license, should remove the vehicle from the immediate confines of the roadway into a safe refuge on the shoulder, emergency lane, or median, or to a place otherwise removed from the roadway whenever, in the judgment of the driver, the moving of a vehicle may be done safely and the vehicle is capable of being normally and safely driven, does not require towing, and may be operated under its own power in its customary manner without further damage or hazard to itself, to the traffic elements, or to the roadway. The driver of the motor vehicle may request any person who possesses a valid driver license to

remove the motor vehicle as provided in this section, and that person may comply with the request.

(4) The driver or any other person who has removed a motor vehicle from the main traveled way of the road as provided in subsection (3) before the arrival of a law enforcement officer shall not be considered liable or at fault regarding the cause of the accident solely by reason of moving the vehicle pursuant to this section.

(5) This section does not abrogate or affect a driver's duty to file any written report that may be required by law, but compliance with the requirements of this section does not allow a driver to be prosecuted for the failure to stop and immediately report a traffic accident.

(6) This section does not abrogate or affect a driver's duty to stop and give information in accordance with law, nor does it relieve a law enforcement officer of the officer's duty to render a report in accordance with law (T.C.A. § 55-10-117). (as added by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-1510. Multiple drivers in vehicle involved in accident. If a motor vehicle is involved in an accident and there is more than one (1) driver of the motor vehicle, only the driver contributing to the accident shall be charged with a violation of the rules of the road complied within this title (T.C.A. § 55-10-118). (as added by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-1511. Parties to a crime. Every person who commits, attempts to commit, conspires to commit, or aids or abets in the commission of any act declared in this title to be a crime, whether individually or in connection with one (1) or more other persons, or as a principal, agent or accessory, is guilty of the offense, and every person who falsely, fraudulently, forcibly or willfully induces, causes, coerces, requires, permits or directs another to violate any provision of this title is likewise guilty of the offense (T.C.A. § 55-10-201). (as added by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-1512. Offenses by persons owning or controlling vehicles. It is unlawful for the owner, or any other person, employing or otherwise directing the driver of any vehicle to require or knowingly to permit the operation of the vehicle upon a highway in any manner contrary to law (T.C.A. § 55-10-202). (as added by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-1513. Illegal cancellation of traffic citation. Any person who cancels or solicits the cancellation of any traffic citation, in any manner other than provided in this title, commits a civil ordinance violation (T.C.A. § 55-10-204). (as added by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-1514. Off-road vehicles. (1) For the purposes of this section, "motor vehicle" means any motor vehicle as defined in § 15-101, which possesses a

four-wheel drive capability and that is designed and suitable for operation off the highway on the natural terrain.

(2) It is unlawful for any person to operate a motor vehicle on private property for the purposes of testing or demonstrating driving skills or ascertaining certain vehicle endurance factors, unless the consent of the owner or person in control of the property has been granted for the activities. The driving skills and vehicle endurance factors include, but are not limited to, cross-country driving, drag racing or testing the motor vehicle's capabilities over natural, rough or muddy terrain.

(3) Any person found guilty of a violation of this section shall be fined not less than fifty dollars (\$50.00) and in the discretion of the court, the person's driver license shall be subject to suspension for six (6) months (T.C.A. § 55-10-206). (as added by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

CHAPTER 16**MOTOR VEHICLE TITLE AND REGISTRATION****SECTION**

- 15-1601. Driving or moving unregistered vehicle upon highway.
- 15-1602. Certificates, liens, transferees, impoundment or abandoned vehicles, change in ownership.
- 15-1603. Renewal certificates and registration plates.
- 15-1604. Registration certificate to be carried in vehicle or on driver's person.
- 15-1605. Display of registration plates.
- 15-1606. Temporary operation permits.
- 15-1607. Notice of change of address.
- 15-1608. Required posting of placard on mobile home.
- 15-1609. Theft or embezzlement and recovery of registered vehicle.
- 15-1610. Permanent records of transactions.
- 15-1611. Penalties for sale, shipment, or manufacture of passenger cars or components not bearing identification numbers.
- 15-1612. Fraudulent statements in registration or title application.
- 15-1613. Misuse of evidences of registration.
- 15-1614. Moving any motor vehicle located on private property.
- 15-1615. Use of stolen plates.

15-1601. Driving or moving unregistered vehicle upon highway.

- (1) (a) It is a civil ordinance violation to:
 - (i) Drive or move or for any owner knowingly to permit to be driven or moved on any highway any vehicle of a type required to be registered under Tennessee Code Annotated, chapters 1-6 of title 55 that is not registered or for which the appropriate fee has not been paid when and as required under Tennessee Code Annotated, chapters 1-6 of title 55; or
 - (ii) Operate or for any owner knowingly to permit to be operated on lands, other than a highway, an off-motor vehicle for which certificate of title has not been issued or for which the appropriate fee has not been paid when as required under Tennessee Code Annotated, chapters 1-6 of title 55.
- (b) Notwithstanding subsections (1)(a)(i) and (ii), when application accompanied by proper fee has been made for a certificate of title for a vehicle, the vehicle may be operated temporarily pending issuance of a certificate of title upon displaying a duplicate application for the certificate of title, duly verified by the county clerk of the county in which the vehicle has been registered, which shall be prepared by the county clerk, upon request, without the payment of an additional fee.

(2) (a) It is a civil ordinance violation for any person to occupy or for any owner knowingly to permit to be occupied any mobile home or house trailer required to be registered under Tennessee Code Annotated, chapters 1-6 of title 55, that is not registered, for which certificate of title has not been issued or for which the appropriate fee has not been paid when and as required under Tennessee Code Annotated, chapters 1-6 of title 55.

(b) Notwithstanding subsection (2)(a), when an application accompanied by proper fee has been made for a certificate of title for a mobile home or house trailer, the mobile home or house trailer may be occupied temporarily pending issuance of a certificate of title upon the displaying of a duplicate application for the certificate of title, duly verified by the county clerk of the county in which the house trailer has been registered, which shall be prepared by the county clerk, upon request, without the payment of an additional fee.

(3) A duly authorized City of Alcoa agent, employee, or representative shall be expressly authorized without necessity of a search warrant to go upon the premises, land or real property of any person for the purpose of inspection or examination of any mobile home or house trailer, located on the property, for the purposes of carrying out this chapter (T.C.A. § 55-3-102). (as added by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-1602. Certificates, liens, transferees, impoundment or abandoned vehicles, change in ownership. (1) It is a civil ordinance violation for any person to fail or neglect to properly endorse or deliver any certificate of title to the department, a transferee, or other person lawfully entitled to the certificate of title.

(2) It is a civil ordinance violation for any lienor, including a mortgagee or a vendor, to fail or neglect upon the discharge of the lien, mortgage or encumbrance, to properly discharge the lien in the manner provided for in this part and, if the certificate of title be in the lienor's possession, to fail to deliver the certificate to the person entitled to the certificate.

(3) It is a civil ordinance violation for any lienor whose lien has been discharged to fail to report the discharge to the department within seventy-two (72) hours from the date of discharge by registered mail, return receipt demanded.

(4) It is a civil ordinance violation for any transfer to fail or neglect to enter the transferee name on a properly endorsed certificate of title before delivery to the transferee.

(5) It is a civil ordinance violation for any person to possess an executed certificate of title without the name of the transferee appearing on the certificate of title.

(6) Any person found to be in violation of subsection (4) or (5) shall be liable for the sales or use tax on the fair market value of the vehicle as is

determined by reference to the most recent issue of an authoritative automotive pricing manual, such as the NADA Official Used Car Guide, Southeastern Edition, or by an appraisal by a duly licensed motor vehicle dealer in the state, plus a twenty-five percent (25%) penalty.

(7) Any person found to be in possession of a vehicle with an improperly assigned title which fails to identify the transferee must immediately establish ownership of the vehicle, register the vehicle and pay the required tax and penalty. The vehicle will be impounded by state or City of Alcoa law enforcement officials until the person in possession can prove ownership or until the rightful owner is located. In the event the rightful owner cannot be established within thirty (30) days, the vehicle will be deemed abandoned and will be disposed of by the commissioner of safety.

(8) Insurance companies authorized to underwrite policies on motor vehicles as a result of a paid claim are authorized to endorse change in ownership on the certificate of title or registration without obtaining a new certificate of title or registration or registering with the department for sales and use tax purposes (T.C.A. § 55-3-127). (as added by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-1603. Renewal certificates and registration plates. (1) The holder of a valid and outstanding certificate of registration for a noncommercial vehicle shall apply for its renewal through the office of the clerk of the county of the owner's residence. The registration issued for a commercial vehicle may be renewed through the office of the clerk of the county of the owner's principal place of business within the state, or of the county of incorporation in the case of a corporate owner or of any other county in which the owner or corporate owner maintains an office or place of business. Any applicant for the renewal of a registration under which the fee is to be prorated or apportioned and any nonresident applicant for renewal shall, within the discretion of the commissioner, make application directly to the division.

(2) For the purposes of this subsection, "commercial vehicle" means any vehicle that is operated in the furtherance of any commercial enterprise; provided, that vehicles registered with Tennessee Association of Realtors new specialty earmarked license plates shall be deemed not to be commercial vehicles.

(3) This subsection is not applicable to a county wheel tax or like local fee due and owing to local government for the use of the vehicle (T.C.A. § 55-4-105). (as added by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-1604. Registration certificate to be carried in vehicle or on driver's person. (1) Every certificate of registration shall at all times be carried in the vehicle to which it refers or shall be carried by the person driving, or in control of the vehicle, who shall display the certificate upon demand of any officer or employee of the department. The owner may, in order to ensure its

safekeeping, provide a duplicate or facsimile of the certificate of registration to be kept in the vehicle for display by any person who may legally operate the vehicle under the owner's registration.

(2) The provision of subsection (1) requiring that a certificate of registration be carried in the vehicle to which it refers, or by the person driving the vehicle, shall not apply when the certificate of registration is used for the purpose of making application for renewal of registration or upon a transfer of the vehicle.

(3) For purposes of any vehicle operating as part of a platoon, as defined by § 15-101, the requirements of subsection (1) are satisfied if the certificate of registration is at all times carried in the first or lead vehicle in the platoon.

(4) For purposes of an ADS-operated vehicle, as defined by § 15-101, the requirements of subsection (1) are satisfied if the certificate of registration is at all times carried in or available electronically through, the vehicle to which it refers (T.C.A. § 55-4-108). (as added by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-1605. Display of registration plates. (1) The registration plate issued for passenger motor vehicles shall be attached on the rear of the vehicle. The registration plate issued for those trucks with a manufacturer's ton rating not exceeding three-quarter (3/4) ton and having a panel or pickup body style, and also those issued for all motor homes, regardless of ton rating or body style thereof, shall be attached to the rear of the vehicle. The registration plate issued for all other truck tractors shall be attached to the front of the vehicle. All dealers' plates, as provided in Tennessee Code Annotated, § 55-4-226, and those registration plates issued for motorcycles, trailers or semitrailers shall be attached to the rear of the vehicle.

(2) Every registration plate shall at all times be securely fastened in a horizontal position to the vehicle for which it is issued so to prevent the plate from swinging and at a height of not less than twelve inches (12") from the ground, measuring from the bottom of the plate, in a place and position to be clearly visible and shall be maintained free from foreign materials and in a condition to be clearly legible; provided, if a motorcycle is equipped with vertically mounted license plate brackets, its license plate shall be mounted vertically with the top of such license plate fastened along the right vertical edge. No tinted materials may be placed over a license plate even if the information upon the license plate is not concealed.

(3) (a) Except as provided in subsection (3)(b), for all motor vehicles that are factory-equipped to illuminate the registration plate, the registration plate shall be illuminated at all times that headlights are illuminated.

(b) Subsection (3)(a) shall not apply to any antique motor vehicle as defined in Tennessee Code Annotated, § 55-4-111(b).

(4) (a) As used in this subsection (4), "historic military vehicle" means a vehicle, including a trailer, that is at least twenty-five (25) years old at the time of making application for registration, was manufactured for use in any country's military forces, and is maintained to represent the vehicle's military design and markings, regardless of the vehicle's size or weight.

(b) An owner or operator of a historic military vehicle is not required to display the vehicle's registration plate on the vehicle in accordance with this section. In lieu of such display, the owner or operator shall maintain the vehicle's registration plate in the vehicle and produce the plate for inspection upon the request of any law enforcement officer.

(5) (a) A violation of this section is a civil ordinance violation. All proceeds from the fines imposed by this subsection (5) shall be deposited in the state general fund.

(b) A person charged with a violation of this section may, in lieu of appearance in court, submit a fine of ten dollars (\$10.00) for a first violation, and twenty dollars (\$20.00) on second and subsequent violations to the clerk of the court that has jurisdiction of the offense within the county in which the offense charged is alleged to have been committed.

(c) If the violation of this section results solely from the failure to illuminate the registration plate at all times headlights are required to be displayed, the fine set out in subsection (5) shall be the only amount if the person is assessed. No litigation tax levied pursuant to Tennessee Code Annotated, title 67, chapter 4, part 6 shall be imposed or assessed against anyone convicted of a violation of this section nor shall any clerk's fee or court costs, including, but not limited to, any statutory fees of officers, be imposed or assessed against anyone convicted of a violation of this section. Further, the lighting violation described in subsection (5)(c) shall be considered a nonmoving traffic violation and no points shall be added to a driver's record for such violation (T.C.A. § 55-4-110). (as added by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-1606. Temporary operation permits. Any person operating a motor vehicle on a temporary operation permit which has expired or in violation of the terms thereof commits a civil ordinance violation and, in addition, shall be required to register the vehicle concerned with the department, and the arresting officer shall not permit the vehicle to leave the officer's charge or custody until the proper registration thereof has been effected (T.C.A. § 55-4-115) (as added by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-1607. Notice of change of address. Whenever any person, after applying for or receiving a title or registration, moves from the address named

in the application or title or registration, or when the name of an applicant is changed for any reason, the person shall within ten (10) days thereafter, notify the department of the change or changes. Failure to do so is a civil ordinance violation (T.C.A. § 55-4-131). (as added by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-1608. Required posting of placard on mobile home. (1) The department of transportation shall issue to all annual permit holders a placard bearing the applicable permit number and a telephone number to be used to report unsafe or erratic driving to the department of transportation. This placard shall be designed by the department of transportation in consultation with the department of safety. The transporter of a manufactured home under an annual permit shall prominently display this placard on the rear of the manufactured home being moved. Replacement placards shall be issued after a sufficient showing of loss or destruction of the original placard and payment of a fifty-dollar (\$50.00) replacement fee.

(2) Failure to properly display a placard pursuant to subsection (1) is a civil ordinance violation (T.C.A. § 55-4-411). (as added by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-1609. Theft or embezzlement and recovery of registered vehicle. (1) The owner, lienholder or insurer of the owner of a registered vehicle that has been stolen or embezzled shall notify the Tennessee Highway Patrol or the Blount County Sheriff's Office or Alcoa Police Department of the theft or embezzlement, but in the event of an embezzlement, the person shall make the report only after having procured the issuance of a warrant for the arrest of the person charged with the embezzlement.

(2) Every owner or other person who has given any notice under subsection (1) must notify the law enforcement department of a recovery of the vehicle.

(3) In the event the owner is notified by any law enforcement officer or by a garage or wrecker operator of the recovery of the stolen vehicle, it is the duty of the owner to immediately notify the owner's theft insurer of the vehicle's recovery and its location.

(4) Any person, firm or corporation violating this section commits a civil ordinance violation (T.C.A. § 55-5-102). (as added by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-1610. Permanent records of transactions. (1) Any person, firm, or corporation engaged in the business of buying or selling used automobile parts shall keep permanent records of transactions of buying or selling engines, transmissions, vehicle bodies, chassis, doors, deck lids, front end clips (fenders and grill), seats, differentials, tires and wheels, steering wheels, automobile radios and automobile tape players, and bumpers. The record must include from

whom the item was purchased and the seller's address and driver license number, and to whom the item was sold and the purchaser's address and driver license number, as well as the description of the item and any identifying number or numbers. The records must be kept for a period of three (3) years from the date of the transaction and made available to all law enforcement officers for inspection at any reasonable time during business hours without prior notice or the necessity of obtaining a search warrant.

(a) Notwithstanding this title to the contrary, any motor vehicle dismantler and recycler that is licensed pursuant to Tennessee Code Annotated, § 55-17-109 and is fully compliant with the reporting requirements of Tennessee Code Annotated, § 55-3-203(c), is not required to keep the records required by subsection (1)(a), with regard to transactions of selling the parts described. All other required records must be kept.

(b) Any person, firm, or corporation engaged in the business of selling used automobile parts must provide a bill of sale, including the source part, when requested by the purchaser of any major component part, in order to comply with Tennessee Code Annotated, § 55-3-206, which requires the inspection and certification of any rebuilt motor vehicle.

(2) Any person, firm, or corporation required to keep records by Tennessee Code Annotated, §§ 55-5-106 - 55-5-110 and knowingly failing to do so commits a civil ordinance violation (T.C.A. § 55-5-108). (as added by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-1611. Penalties for sale, shipment, or manufacture of passenger cars or components not bearing identification numbers. Any person, firm or corporation who sells, offers for sale, ships or causes to be shipped into this state, or manufactures a passenger car, passenger car engine or passenger car transmission, the same being intended to be sold at retail within the state, that does not bear an identification number or numbers as set out in this part, commits a civil ordinance violation (T.C.A. § 55-5-109). (as added by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-1612. Fraudulent statements in registration or title application. Any person who fraudulently uses a false or fictitious name in any application for the registration of a vehicle or certificate of title, or knowingly conceals a material fact, or otherwise commits a fraud in the application, commits a civil ordinance violation (T.C.A. § 55-5-113). (as added by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-1613. Misuse of evidences of registration. It is a civil ordinance violation for a person to lend to another any certificate of title, certificate of registration, registration plate, special plate, or permit issued to such person,

if the person desiring to borrow the same would not be entitled to the use thereof, nor shall any person knowingly permit the use of any of the same by one not entitled thereto, nor shall any person display upon a vehicle any certificate of registration, registration plate, or permit not issued for that vehicle or not otherwise lawfully used thereon under Tennessee Code Annotated, chapters 1-6 of title 55 (T.C.A. § 55-5-115). (as added by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-1614. Moving any motor vehicle located on private property.

(1) It is a civil ordinance violation for any person, or the person's agent, to move or cause to be moved, any motor vehicle located on private property, from the property, if the owner of the motor vehicle has acquired any interest in the private property by virtue of a lease or any contract, without the express consent of the owner of the motor vehicle; or upon request by the owner or tenant of the property on which the vehicle is located; or unless the person so moving the motor vehicle has acquired an interest in the vehicle by operation of law, a security interest agreement, or is acting pursuant to an order of a court of competent jurisdiction, including the City of Alcoa municipal court.

(2) This section shall not restrict the City of Alcoa's ability to regulate the parking or towing of any motor vehicle located within the boundaries of the municipality (T.C.A. § 55-5-122). (as added by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-1615. Use of stolen plates. It is a civil ordinance violation for any person to display upon a vehicle, for the purpose of indicating its registration, any license plate known by the user to have been stolen, or reported as lost or stolen in an application made to the department for a replacement plate, or issued as the replacement for a plate falsely reported to have been lost or stolen (T.C.A. § 55-5-126). (as added by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

CHAPTER 17

PRIVATE VEHICLE SALES

SECTION

15-1701. Definitions.

15-1702. Regulations.

15-1701. Definitions. For the purpose of this section, the following terms are defined and shall be construed as follows:

(1) "Private vehicle sale" shall be the offering for sale or exchange, or the sale or exchange to the public of any vehicle, including a car, truck or motorcycle (or any other type of vehicle that requires a license for operation on public streets) at a sale held on privately owned residentially zoned or used property.

(2) "Residentially zoned or used property" is any real estate, lot or tract located in the City of Alcoa, which is used primarily for residential purposes. (as added by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-1702. Regulations. It shall be unlawful for any person, firm, partnership, corporation or association to advertise, promote, conduct or hold any private vehicle sale within the corporate limits of the City of Alcoa, except as provided herein:

(1) Not more than two (2) private vehicle sales may be held during any one (1) calendar year or at any one (1) residentially zoned or used property. The vehicle offered for the private vehicle sale shall be owned at the time of the sale by the occupant of the residentially or used property and shall not have been purchased by the occupant for the purpose of resale.

(2) Each such private vehicle sale may last no longer than sixty (60) continuous days.

(3) Court ordered sales and sales by executors or administrators in the settlement of estates are exempt from the provisions of this section.

(4) Sales of vehicles which are advertised by newspaper or radio for private appointment only, and which are not advertised by signs either on or off the premises, or on the vehicle and are not exhibited on the premises in such a manner as to indicate public sale, are exempt from the provisions of this section. (as added by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

CHAPTER 18**FEDERAL MOTOR CARRIER SAFETY REGULATIONS****SECTION**

15-1801. Adoption of the Federal Motor Carrier Safety Regulations.

15-1802. Penalty.

15-1801. Adoption of the Federal Motor Carrier Safety Regulations. The City of Alcoa adopts all chapters and provisions of the Federal Motor Carrier Safety Regulations under title 49 of the Code of Federal Regulations. Except as stated in this chapter, provisions of the Federal Motor Carrier Safety Regulations preempt any laws of title 15 to the contrary. (as added by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)

15-1802. Penalty. (1) The penalty for violation of any provision of this chapter is a fine not to exceed fifty (\$50.00) dollars, plus any court costs or administrative fees allowed by local, state or federal laws.

(2) (a) Any person committing a violation of any provision of this chapter may be required, at the discretion of the court, to attend a driver education course approved by the department of safety in addition to, or in lieu of any portion or other penalty imposed.

(b) Additionally, the court may have authority to suspend or revoke a person's driving privileges as a result of a finding of violation of this chapter. (as added by Ord. #19-484, Oct. 2019 *Ch15_12-10-19*)