

## TITLE 15

### MOTOR VEHICLES, TRAFFIC AND PARKING<sup>1</sup>

#### CHAPTER

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3. SPEED LIMITS.
4. TURNING MOVEMENTS.
5. STOPPING AND YIELDING.
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#### CHAPTER 1

#### MISCELLANEOUS<sup>2</sup>

#### SECTION

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<sup>1</sup>Municipal code reference

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

<sup>2</sup>State law references

Under Tennessee Code Annotated, § 55-10-307, the following offenses are exclusively state offenses and must be tried in a state court or a court having state jurisdiction: driving while intoxicated or drugged, as prohibited by Tennessee Code Annotated, § 55-10-401; failing to stop after a traffic accident, as prohibited by Tennessee Code Annotated, § 55-10-101, et seq.; driving while license is suspended or revoked, as prohibited by Tennessee Code Annotated, § 55-7-116; and drag racing, as prohibited by Tennessee Code Annotated, § 5-10-501.

- 15-113. Driving through funerals or other processions.
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- 15-126. Three wheeled vehicles.
- 15-127. Unnecessary running of engines.
- 15-128. Compliance with financial responsibility law required.
- 15-129. Adoption of state traffic statutes.
- 15-130. Dockless small vehicles and scooters prohibited.

**15-101. Motor vehicle requirements.** It shall be unlawful for any person to operate any motor vehicle within the corporate limits unless such vehicle is equipped with properly operating muffler, lights, brakes, horn, and such other equipment as is prescribed and required by Tennessee Code Annotated, title 55, chapter 9. (1976 Code, § 9-101)

**15-102. Driving on streets closed for repairs, etc.** Except for necessary access to property abutting thereon, no motor vehicle shall be driven upon any street that is barricaded or closed for repairs or other lawful purpose. (1976 Code, § 9-106)

**15-103. Reckless driving.** Irrespective of the posted speed limit, no person, including operators of emergency vehicles, shall drive any vehicle in willful or wanton disregard for the safety of persons or property. (1976 Code, § 9-107)

**15-104. One-way streets.** On any street for one-way traffic with posted signs indicating the authorized direction of travel at all intersections offering access thereto, no person shall operate any vehicle except in the indicated direction. (1976 Code, § 9-109)

**15-105. Unlaned streets.** (1) Upon all unlaned streets of sufficient width, a vehicle shall be driven upon the right half of the street except:

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

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

(2) All vehicles proceeding at less than the normal speed of traffic at the time and place and under the conditions then existing shall be driven as close as practicable to the right hand curb or edge of the roadway, except when overtaking and passing another vehicle proceeding in the same direction or when preparing for a left turn. (1976 Code, § 9-110)

**15-106. Laned streets.** On streets marked with traffic lanes, it shall be unlawful for the operator of any vehicle to fail or refuse to keep his vehicle within the boundaries of the proper lane for his direction of travel except when lawfully passing another vehicle or preparatory to making a lawful turning movement.

On two (2) lane and three (3) lane streets, the proper lane for travel shall be the right hand lane unless otherwise clearly marked. On streets with four (4) or more lanes, either of the right hand lanes shall be available for use except that traffic moving at less than the normal rate of speed shall use the extreme right hand lane. On one-way streets either lane may be lawfully used in the absence of markings to the contrary. (1976 Code, § 9-111)

**15-107. Yellow lines.** On streets with a yellow line placed to the right of any lane line or center line, such yellow line shall designate a no-passing zone, and no operator shall drive his vehicle or any part thereof across or to the left of such yellow line except when necessary to make a lawful left turn from such street. (1976 Code, § 9-112)

**15-108. Miscellaneous traffic-control signs, etc.**<sup>1</sup> It shall be unlawful for any pedestrian or the operator of any vehicle to violate or fail to comply with any traffic-control sign, signal, marking, or device placed or erected by the state or the municipality unless otherwise directed by a police officer.

It shall be unlawful for any pedestrian or the operator of any vehicle to willfully violate or fail to comply with the reasonable directions of any police officer. (1976 Code, § 9-113)

**15-109. General requirements for traffic-control signs, etc.** All traffic-control signs, signals, markings, and devices shall conform to the latest revision of the Manual on Uniform Traffic Control Devices for Streets and

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<sup>1</sup>Municipal code references

Stop signs, yield signs, flashing signals, pedestrian control signs, traffic control signals generally: § 15-504--15-508.

Highways,<sup>1</sup> published by the U. S. Bureau of Public Roads, and shall, so far as practicable, be uniform as to type and location throughout the municipality. This section shall not be construed as being mandatory but is merely directive. (1976 Code, § 9-114)

**15-110. Unauthorized traffic-control signs, etc.** No person shall place, maintain, or display upon or in view of any street, any unauthorized sign, signal, marking, or device which purports to be or is an imitation of or resembles an official traffic-control sign, signal, marking, or device or railroad sign or signal, or which attempts to control the movement of traffic or parking of vehicles, or which hides from view or interferes with the effectiveness of any official traffic-control sign, signal, marking, or device or any railroad sign or signal. (1976 Code, § 9-115)

**15-111. Presumption with respect to traffic-control signs, etc.** When a traffic-control sign, signal, marking, or device has been placed, the presumption shall be that it is official and that it has been lawfully placed by the proper municipal authority. (1976 Code, § 9-116)

**15-112. School safety patrols.** All motorists and pedestrians shall obey the directions or signals of school safety patrols when such patrols are assigned under the authority of the chief of police and are acting in accordance with instructions; provided, that such persons giving any order, signal, or direction shall at the time be wearing some insignia and/or using authorized flags for giving signals. (1976 Code, § 9-117)

**15-113. Driving through funerals or other processions.** Except when otherwise directed by a police officer, no driver of a vehicle shall drive between the vehicles comprising a funeral or other authorized procession while they are in motion and when such vehicles are conspicuously designated. (1976 Code, § 9-118)

**15-114. Clinging to vehicles in motion.** It shall be unlawful for any person traveling upon any bicycle, motorcycle, coaster, sled, roller skates, or any other vehicle to cling to, or attach himself or his vehicle to any other moving vehicle upon any street, alley, or other public way or place. (1976 Code, § 9-120)

**15-115. Riding on outside of vehicles.** It shall be unlawful for any person to ride, or for the owner or operator of any motor vehicle being operated on a street, alley, or other public way or place, to permit any person to ride on

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<sup>1</sup>This manual may be obtained from the Superintendent of Documents, U. S. Government Printing Office, Washington, D.C. 20402.

any portion of such vehicle not designed or intended for the use of passengers. This section shall not apply to persons engaged in the necessary discharge of lawful duties nor to persons riding in the load-carrying space of trucks. (1976 Code, § 9-121)

**15-116. Backing vehicles.** The driver of a vehicle shall not back the same unless such movement can be made with reasonable safety and without interfering with other traffic. (1976 Code, § 9-122)

**15-117. Projections from the rear of vehicles.** Whenever the load or any projecting portion of any vehicle shall extend beyond the rear of the bed or body thereof, the operator shall display at the end of such load or projection, in such position as to be clearly visible from the rear of such vehicle, a red flag being not less than twelve (12) inches square. Between one-half ( $\frac{1}{2}$ ) hour after sunset and one-half ( $\frac{1}{2}$ ) hour before sunrise, there shall be displayed in place of the flag a red light plainly visible under normal atmospheric conditions at least two hundred (200) feet from the rear of such vehicle. (1976 Code, § 9-123)

**15-118. Causing unnecessary noise.** It shall be unlawful for any person to cause unnecessary noise by unnecessarily sounding the horn, "racing" the motor, or causing the "screeching" or "squealing" of the tires on any motor vehicle. (1976 Code, § 9-124)

**15-119. Vehicles and operators to be licensed.** It shall be unlawful for any person to operate a motor vehicle in violation of the "Tennessee Motor Vehicle Title and Registration Law" or the "Uniform Motor Vehicle Operators' and Chauffeurs' License Law." (1976 Code, § 9-125)

**15-120. Passing.** Except when overtaking and passing on the right is permitted, the driver of a vehicle passing another vehicle proceeding in the same direction shall pass to the left thereof at a safe distance and shall not again drive to the right side of the street until safely clear of the overtaken vehicle. The driver of the overtaken vehicle shall give way to the right in favor of the overtaking vehicle on audible signal and shall not increase the speed of his vehicle until completely passed by the overtaking vehicle.

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

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

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

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

No vehicle operator shall attempt to pass another vehicle proceeding in the same direction unless he can see that the way ahead is sufficiently clear and unobstructed to enable him to make the movement in safety. (1976 Code, § 9-126)

**15-121. Damaging pavements.** 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. (1976 Code, § 9-119)

**15-122. Bicycle riders, etc.** Every person riding or operating a bicycle, motorcycle, or motor scooter shall be subject to the provisions of all traffic ordinances, rules, and regulations of the city applicable to the driver or operator of other vehicles except as to those provisions which by their nature can have no application to bicycles, motorcycles, or motor scooters.

No person operating or riding a bicycle, motorcycle, or motor scooter shall ride other than upon or astride the permanent and regular seat attached thereto, nor shall the operator carry any other person upon such vehicle other than upon a firmly attached and regular seat thereon.

No bicycle, motorcycle, or motor scooter shall be used to carry more persons at one time than the number for which it is designated and equipped.

No person operating a bicycle, motorcycle, or motor scooter shall carry any package, bundle, or article which prevents the rider from keeping both hands upon the handlebars.

No person under the age of sixteen (16) years shall operate any motorcycle, motorbike, or motor scooter while any other person is a passenger upon said motor vehicle.

No person shall operate or ride upon any motorcycle, motorbike, or motor scooter unless such person is equipped with and wearing on the head a safety helmet with a secured chin strap and suspension lining, which said helmet shall conform to the type and design manufactured for the use of the operators and riders of such motor vehicles. (1976 Code, § 9-127)

**15-123. Selling merchandise, etc. from vehicles.** It shall be unlawful for any person to sell goods, wares or merchandise from any vehicle within the business district or in any congested area of the city. (1976 Code, § 9-128)

**15-124. Riding horses on streets prohibited.** It shall be unlawful for any person to move or ride a horse upon any street within the corporate limits unless participating in a community sponsored parade or activity. (1976 Code, § 9-129)

**15-125. Report of traffic accident required.** It shall be unlawful for any motorist involved in a traffic accident when there has been physical injury or death suffered by any person or persons, or there has been damage to property in excess of four hundred dollars (\$400.00) to fail to report such accident to the police department. Further, the driver of such vehicle shall remain at the scene of the accident until the investigation is completed or until he is relieved by the police department. Any such motorist who reports the accident to the police, who do not arrive for more than thirty (30) minutes after the accident is reported, may leave the scene of such accident. (1976 Code, § 9-131)

**15-126. Three wheeled vehicles.** Any vehicles having three (3) or more wheels in contact with the ground and which is propelled by human power shall not be operated or used upon any street of the city except upon an improved sidewalk in areas designated by the board of commissioners or the chief of police. Motor vehicles shall be excluded from any area or areas thus specifically designated for temporary use by the vehicles propelled by human power during the periods of such designated temporary use. (1976 Code, § 9-132)

**15-127. Unnecessary running of engines.** The continuous running of engines on buses, trucks, and other large commercial vehicles while parked on city parking lots or at city parking garages is prohibited. This prohibition shall include the continuous running of compressors on such vehicles. For purposes of this section, the running of such engines for more than ten (10) minutes while remaining parked shall be a violation. This prohibition shall not include the municipal parking lot adjacent to City Hall on Highway 321 and the Welcome Center parking lot on the spur since these are staging areas for the city's mass transit service and tour bus operations. (Ord. #2173, Feb. 1999)

**15-128. Compliance with financial responsibility law required.**

(1) Every vehicle operated within the corporate limits must be in compliance with the financial responsibility law.

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

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

(a) Documentation, such as the declaration page of an insurance policy, an insurance binder, or an insurance card from an insurance

company authorized to do business in Tennessee, stating that a policy of insurance meeting the requirements of the Tennessee Financial Responsibility Law of 1977, compiled in Tennessee Code Annotated, chapter 12, title 55, has been issued;

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

(c) The motor vehicle being operated at the time of the violation was owned by a carrier subject to the jurisdiction of the department of safety or the interstate commerce commission, or was owned by the United States, the State of Tennessee or any political subdivision thereof, and that such motor vehicle was being operated with the owner's consent. (as added by #2283, Nov. 2002)

**15-129. Adoption of state traffic statutes.** By the authority granted under Tennessee Code Annotated, § 16-18-302, the City of Gatlinburg adopts by reference as if fully set forth in this section, the "Rules of the Road," as codified in Tennessee Code Annotated, §§ 55-8-101 through 55-8-131, and §§ 55-8-133 through 55-8-180. Additionally, the City of Gatlinburg adopts Tennessee Code Annotated, §§ 55-4-101 through 55-4-128, 55-4-130 through 55-4-133, 55-4-135 through 55-4-138, 55-8-181 through 55-8-191, 55-8-193, 55-8-199, 55-9-401 through 55-9-408, 55-9-601 through 55-9-606, 55-12-139, and 55-50-351, by reference as if fully set forth in this section. (as added by Ord. #2363, Oct. 2006, and replaced by Ord. #2541, Sept. 2019 *Ch14\_03-23-22*, and Ord. #2574, July 2021 *Ch14\_03-23-22*)

**15-130. Dockless small vehicles and scooters prohibited.** As used in this section, the following definitions apply:

(1) "Dockless small vehicle system" or "system" means a system which provides bicycles, scooters, electric bicycles, electric scooters, or other small vehicles for short-term rentals for point-to-point trips and which may be locked and unlocked without the requirement of a bicycle rack or other docking station.

(2) "Dockless small vehicle" means a bicycle, scooter, electric bicycle, electric scooter, and other small, wheeled vehicle designed specifically for shared use utilizing GPS technology and can be deployed as part of a dockless small vehicle system.

(a) It is unlawful to operate a dockless small vehicle in a public right-of-way, on a city street, on public sidewalks, or on public property anywhere within the city.



(b) It is unlawful to park, leave standing, leave lying, abandon, or otherwise place a dockless small vehicle in a public right-of-way or on public property anywhere within the city.

(c) A violation of this section is punishable by a fine not to exceed fifty dollars (\$50.00) for each offense. In addition, dockless small vehicles found to be abandoned at any location within the city, shall be impounded by the city and the owner thereof shall be required to pay an impound fee as established by the city in order to recover the vehicle. (as added by Ord. #2542, Oct. 2019 ***Ch14\_03-23-22***)

## CHAPTER 2

### EMERGENCY VEHICLES

#### SECTION

15-201. Authorized emergency vehicles defined.

15-202. Operation of authorized emergency vehicles.

15-203. Following emergency vehicles.

15-204. Running over fire hoses, etc.

**15-201. Authorized emergency vehicles defined.** Authorized emergency vehicles shall be fire department vehicles, police vehicles, and such ambulances and other emergency vehicles as are designated by the chief of police. (1976 Code, § 9-102)

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

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

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

(4) The foregoing provisions shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor shall such provisions protect the driver from the consequences of his reckless disregard for the safety of others. (1976 Code, § 9-103)

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<sup>1</sup>Municipal code reference

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

**15-203. Following emergency vehicles.** No driver of any vehicle shall follow any authorized emergency vehicle apparently travelling in response to an emergency call closer than five hundred (500) feet or drive or park such vehicle within the block where fire apparatus has stopped in answer to a fire alarm. (1976 Code, § 9-104)

**15-204. Running over fire hoses, etc.** It shall be unlawful for any person to drive over any hose lines or other equipment of the fire department except in obedience to the direction of a fireman or policeman. (1976 Code, § 9-105)

## CHAPTER 3

### SPEED LIMITS

#### SECTION

15-301. In general.

15-302. At intersections.

15-303. In school zones and near playgrounds.

15-304. In congested areas.

**15-301. In general.** It shall be unlawful for any person to operate or drive a motor vehicle upon any highway or street at a rate of speed in excess of twenty-five (25) miles per hour except where official signs have been posted indicating other speed limits, in which cases the posted speed limit shall apply. (1976 Code, § 9-201)

**15-302. At intersections.** It shall be unlawful for any person to operate or drive a motor vehicle through any intersection at a rate of speed in excess of fifteen (15) miles per hour unless such person is driving on a street regulated by traffic-control signals or signs which require traffic to stop or yield on the intersecting streets. (1976 Code, § 9-202)

**15-303. In school zones and near playgrounds.** It shall be unlawful for any person to operate or drive a motor vehicle through any school zone or near any playground at a rate of speed in excess of fifteen (15) miles per hour when official signs indicating such speed limit have been posted by authority of the municipality. This section shall not apply at times when children are not in the vicinity of a school and such posted signs have been covered by direction of the chief of police. (1976 Code, § 9-203)

**15-304. In congested areas.** It shall be unlawful for any person to operate or drive a motor vehicle through any congested area at a rate of speed in excess of any posted speed limit when such speed limit has been posted by authority of the municipality. (1976 Code, § 9-204)

## CHAPTER 4

### TURNING MOVEMENTS

#### SECTION

15-401. Generally.

15-402. Right turns.

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

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

15-405. U-turns.

**15-401. Generally.** No person operating a motor vehicle shall make any turning movement which might affect any pedestrian or the operation of any other vehicle without first ascertaining that such movement can be made in safety and signaling his intention in accordance with the requirements of the state law.<sup>1</sup> (1976 Code, § 9-301)

**15-402. Right turns.** Both the approach for a right turn and a right turn shall be made as close as practicable to the right hand curb or edge of the roadway. (1976 Code, § 9-302)

**15-403. Left turns on two-way roadways.** At any intersection where traffic is permitted to move in both directions on each roadway entering the intersection, an approach for a left turn shall be made in that portion of the right half of the roadway nearest the center line thereof and by passing to the right of the intersection of the center line of the two roadways. (1976 Code, § 9-303)

**15-404. Left turns on other than two-way roadways.** At any intersection where traffic is restricted to one direction on one or more of the roadways, the driver of a vehicle intending to turn left at any such intersection shall approach the intersection in the extreme left hand lane lawfully available to traffic moving in the direction of travel of such vehicle and after entering the intersection the left turn shall be made so as to leave the intersection, as nearly as practicable, in the left hand lane lawfully available to traffic moving in such direction upon the roadway being entered. (1976 Code, § 9-304)

**15-405. U-turns.** U-turns are prohibited. (1976 Code, § 9-305)

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<sup>1</sup>State law reference

Tennessee Code Annotated, § 55-8-143.

## CHAPTER 5

### STOPPING AND YIELDING

#### SECTION

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

**15-501. Upon approach of authorized emergency vehicles.**<sup>1</sup> Upon the immediate approach of an authorized emergency vehicle making use of audible and/or visual signals meeting the requirements of the laws of this state, or of a police vehicle properly and lawfully making use of an audible signal only, the driver of every other vehicle shall immediately drive to a position parallel to, and as close as possible to, the right hand edge or curb of the roadway clear of any intersection and shall stop and remain in such position until the authorized emergency vehicle has passed, except when otherwise directed by a police officer. (1976 Code, § 9-401)

**15-502. When emerging from alleys, etc.** The drivers of all vehicles emerging from alleys, parking lots, driveways, or buildings shall stop such vehicles immediately prior to driving onto any sidewalk or street. They shall not proceed to drive onto the sidewalk or street until they can safely do so without colliding or interfering with approaching pedestrians or vehicles. (1976 Code, § 9-402)

**15-503. To prevent obstructing an intersection.** No driver shall enter any intersection or marked crosswalk unless there is sufficient space on the other side of such intersection or crosswalk to accommodate the vehicle he is operating without obstructing the passage of traffic in or on the intersecting street or crosswalk. This provision shall be effective notwithstanding any traffic-control signal indication to proceed. (1976 Code, § 9-403)

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<sup>1</sup>Municipal code reference

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

**15-504. At “stop” signs.** The driver of a vehicle facing a “stop” sign shall bring his vehicle to a complete stop immediately before entering the crosswalk on the near side of the intersection or, if there is no crosswalk, then immediately before entering the intersection, and shall remain standing until he can proceed through the intersection in safety. (1976 Code, § 9-404)

**15-505. At “yield” signs.** The drivers of all vehicles shall yield the right of way to approaching vehicles before proceeding at all places where “yield” signs have been posted. (1976 Code, § 9-405)

**15-506. At traffic-control signals generally.** Traffic-control signals exhibiting the words “Go,” “Caution,” or “Stop,” or exhibiting different colored lights successively one at a time, or with arrows, shall show the following colors only and shall apply to drivers of vehicles and pedestrians as follows:

(1) Green alone, or “Go”:

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

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

(2) Steady yellow alone, or “Caution”:

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

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

(3) Steady red alone, or “Stop”:

(a) Vehicular traffic facing the signal shall stop before entering the crosswalk on the near side of the intersection or, if none, then before entering the intersection and shall remain standing until green or “Go” is shown alone.

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

(4) Steady red with green arrow:

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

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

(5) In the event an official traffic-control signal is erected and maintained at a place other than an intersection, the provisions of this section shall be applicable except as to those provisions which by their nature can have no application. Any stop required shall be made at a sign or marking on the pavement indicating where the stop shall be made, but in the absence of any such sign or marking the stop shall be made a vehicle length short of the signal. (1976 Code, § 9-406)

**15-507. At flashing traffic-control signals.** Whenever an illuminated flashing red or yellow signal is used in a traffic sign or signal placed or erected by the municipality it shall require obedience by vehicular traffic as follows:

(1) **Flashing red (stop signal).** When a red lens is illuminated with intermittent flashes, drivers of vehicles shall stop before entering the nearest crosswalk at an intersection or at a limit line when marked, or if 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.

(2) **Flashing yellow (caution signal).** When a yellow lens is illuminated with intermittent flashes, drivers of vehicles may proceed through the intersection or past such signal only with caution. (1976 Code, § 9-407)

**15-508. At pedestrian control signals.** Wherever special pedestrian control signals exhibiting the words “Walk” or “Wait” or “Don't Walk” have been placed or erected by the municipality, such signals shall apply as follows:

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

(2) “Wait or Don't Walk.” No pedestrian shall start to cross the roadway in the direction of such signal, but any pedestrian who has partially completed his crossing on the walk signal shall proceed to the nearest sidewalk or safety zone while the wait signal is showing. (1976 Code, § 9-408)

**15-509. Stops to be signaled.** No person operating a motor vehicle shall stop such vehicle, whether in obedience to a traffic sign or signal or otherwise, without first signaling his intention in accordance with the requirements of the state law,<sup>1</sup> except in an emergency. (1976 Code, § 9-409)

**15-510. Pedestrians given right-of-way.** 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 cross walk when the pedestrian is upon the half

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<sup>1</sup>State law reference

Tennessee Code Annotated, § 55-8-143.



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. No pedestrian shall suddenly leave the 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. (1976 Code, § 9-410)

## CHAPTER 6

### PARKING

#### SECTION

- 15-601. Generally.
- 15-602. Angle parking.
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**15-601. Generally.** No person shall leave any motor vehicle unattended on any street without first setting the brakes thereon, stopping the motor, removing the ignition key, and turning the front wheels of such vehicle toward the nearest curb or gutter of the street.

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

Notwithstanding anything else in this code to the contrary, no person shall park or leave a vehicle parked on any public street or alley within the fire limits between the hours of 1:00 A.M. and 5:00 A.M. or on any other public street or alley for more than seventy-two (72) consecutive hours without the prior approval of the chief of police.

Furthermore, no person shall wash, grease, or work on any vehicle, except to make repairs necessitated by an emergency, while such vehicle is parked on a public street. (1976 Code, § 9-501)

**15-602. 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 (24) feet. (1976 Code, § 9-502)

**15-603. Occupancy of more than one space.** No person shall park a vehicle in any designated parking space so that any part of such vehicle occupies more than one such space or protrudes beyond the official markings on the

street or curb designating such space unless the vehicle is too large to be parked within a single designated space. (1976 Code, § 9-503)

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

- (1) On a sidewalk.
- (2) In front of a public or private driveway.
- (3) Within an intersection or within fifteen (15) feet thereof.
- (4) Within fifteen (15) feet of a fire hydrant.
- (5) Within a pedestrian crosswalk.
- (6) Within twenty (20) feet of the driveway entrance to any fire station, and on the side of the street opposite the entrance to any fire station within seventy-five (75) feet of the entrance.
- (7) Alongside or opposite any street excavation or obstruction when other traffic would be obstructed.
- (8) On the roadway side of any vehicle stopped or parked at the edge or curb of a street.
- (9) Upon any bridge.
- (10) Alongside any curb painted yellow or red by the municipality.
- (11) For any vehicle other than a bus or taxicab to park in a taxicab stand, or bus stop or for the driver of a taxicab or bus to park in the business district on any street, other than in a designated taxicab stand or bus stop, provided, that such cabs or buses may park a reasonable length of time upon any street for the purpose of picking up or discharging passengers. (1976 Code, § 9-504)

**15-605. Loading and unloading zones.** No person shall park a vehicle for any purpose or period of time other than for the expeditious loading or unloading of passengers or merchandise in any place marked by the municipality as a loading and unloading zone. (1976 Code, § 9-505)

**15-606. 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. (1976 Code, § 9-506)

**15-607. Municipal parking facilities.** (1) The parking rate for the Aquarium and the Fred W. McMahan (Parkway) parking garages is hereby established at a flat rate of ten dollars (\$10.00) per visit.

(2) The Bishop Lane Parking Lot, formerly known as the Anna Porter Library Lot is hereby designated at permit parking only. The Highway 441 Parking Lot shall be a meter-pay lot at the rate of one dollar (\$1.00) per hour.

(3) The rates shall be doubled for any vehicle that requires more than one (1) designated parking space in which to park. In addition, no overnight or long-term parking will be allowed in any city parking facility.

(4) A monthly permit in the amount of thirty dollars (\$30.00) per month may be purchased for the Fred W. McMahan (Parkway) Parking Garage, Highway 441 Parking Lot and the Parking Lot on Bishop Lane (Old Library Lot). This monthly permit shall be good only at the Highway 441 and Library lots, and the Fred W. McMahan Parking Garage. The fee shall be fifteen dollars (\$15.00) for the current month when the purchase of the current month permit is made on or after the 15th day of the month. Permits shall expire on the first working day for city offices after the last day of the month. Holders of such permits shall not be charged an exit fee. A parking permit for the Aquarium Parking Garage shall be sixty dollars (\$60.00) per month.

(5) Permits will be sold only for the use of employees of Gatlinburg businesses and will not be sold for use by transients or tourists.

(6) Reserved.

(7) The city manager shall administratively determine the opening and closing dates for municipal parking facilities.

(8) Any paper permit issued by the city shall be prominently displayed on a vehicle at all times it is at a City of Gatlinburg parking facility. Any permit which is lost or stolen will be replaced upon request, and the lost permit number placed on a void list, so that it will no longer be valid. There will be a replacement fee of ten dollars (\$10.00) for misplaced permit cards that are used at the automated facilities. (1976 Code, § 9-507, as amended by Ord. #2147, March 1997, Ord. #2169, Aug. 1998, Ord. #2182, June 1999, Ord. #2203, May 2000, modified, Ord. #2254, Sept. 2001, Ord. #2294, July 2003 and Ord. #2362, Sept. 2006, replaced by Ord. #2368, April 2007, amended by Ord. #2540, Sept. 2019 *Ch14\_03-23-22*, replaced by Ord. #2553, Aug. 2020 *Ch14\_03-23-22*, amended by Ord. #2565, March 2021 *Ch14\_03-23-22*, Ord. #2579, Aug. 2021 *Ch14\_03-23-22*, and Ord. #2586, March 2022 *Ch14\_03-23-22*)

**15-608. Illegally parking motor vehicles on private property.** It shall be unlawful to park any motor vehicle on any private property without the consent of the owner of the property or person having control of the property. (1976 Code, § 9-508)

**15-609. Penalties.** Any person violating the provisions of § 15-608 shall be fined three dollars (\$3.00) for the violation thereof together with court costs of the cause. That in addition thereto the vehicle owner shall pay the towing and storage charge for the removal of the vehicle involved. The owner of the vehicle shall be afforded an opportunity for a hearing to contest the charge of illegal parking and the cost of same, however, the owner of said vehicle may waive his right to said trial by posting a cash bond sufficient to cover the cost of the fine, court costs, towing and storage charged. (1976 Code, § 9-510)

## CHAPTER 7

### ENFORCEMENT

#### SECTION

15-701. Issuance of traffic citations.

15-702. Failure to obey citation.

15-703. Illegal parking.

15-704. Impoundment of vehicles.

15-705. Violation and penalty.

**15-701. Issuance of traffic citations.**<sup>1</sup> When a police officer halts a traffic violator other than for the purpose of giving a warning, and does not take such person into custody under arrest, he shall take the name, address, and operator's license number of said person, the license number of the motor vehicle involved, and such other pertinent information as may be necessary, and shall issue to him a written traffic citation containing a notice to answer to the charge against him in the city court at a specified time. The officer, upon receiving the written promise of the alleged violator to answer as specified in the citation, shall release such person from custody. It shall be unlawful for any alleged violator to give false or misleading information as to his name or address. (1976 Code, § 9-601)

**15-702. Failure to obey citation.** It shall be unlawful for any person to violate his written promise to appear in court after giving said promise to an officer upon the issuance of a traffic citation, regardless of the disposition of the charge for which the citation was originally issued. (1976 Code, § 9-602)

**15-703. Illegal parking.** Whenever any motor vehicle without a driver is found parked or stopped in violation of any of the restrictions imposed by this code, the officer finding such vehicle shall take its license number and may take any other information displayed on the vehicle which may identify its user, and shall conspicuously affix to such vehicle a citation for the driver and/or owner to answer for the violation within ten (10) days during the hours and at a place specified in the citation. (1976 Code, § 9-603, modified)

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

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<sup>1</sup>State law reference

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

parked so as to constitute an obstruction or hazard to normal traffic. Any vehicle left parked on any street or alley for more than seventy-two (72) consecutive hours without permission from the chief of police shall be presumed to have been abandoned if the owner cannot be located after a reasonable investigation. Such an impounded vehicle shall be stored until the owner claims it, gives satisfactory evidence of ownership, and pays all applicable fines and costs. The fee for impounding a vehicle shall be ten dollars (\$10.00) and a storage cost of ten dollars (\$10.00) per day. (1976 Code, § 9-604)

**15-705. Violation and penalty.** Any violation of this title shall be a civil offense punishable as follows:

(1) Traffic citations. Traffic citations shall be punishable by a civil penalty up to fifty dollars (\$50.00) for each separate offense.

(2) Parking citations. For all parking citations, the offender may waive his/her right to a judicial hearing by the payment of the sum of fifty dollars (\$50.00) within ten (10) days of the citation. All others shall appear on the date specified on the citation for a hearing. (1976 Code, § 9-603, modified, as amended by Ord. #2575, July 2021 ***Ch14\_03-23-22***)

## CHAPTER 8

### BOOTING VEHICLES ON PRIVATE PROPERTY

#### SECTION

- 15-801. Purpose.
- 15-802. Definitions.
- 15-803. License required, prohibited acts.
- 15-804. Application.
- 15-805. License fee.
- 15-806. License suspension/revocation/refusal to issue.
- 15-807. Term of license.
- 15-808. Exhibition of license.
- 15-809. Conditions.
- 15-810. Fee charged for removing booting device.
- 15-811. Penalty.

**15-801. Purpose.** The purpose of this chapter shall be the protection of the health, safety and welfare of the citizens of Gatlinburg and their vehicles, and those of its visitors, by imposing reasonable regulations on the use of vehicle immobilization operations within the city limits upon private property. (as added by Ord. #2348, June 2006)

**15-802. Definitions.** (1) "Private parking facility" shall mean a parking facility owned by a private party, entity or organization or managed by a party other than the city.

(2) "Vehicle" shall mean every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, whether or not operational.

(3) "Vehicle immobilization" shall mean the impounding, incapacitating or immobilizing of any vehicle, whether motorized or not, without the permission of the owner or agent of the owner of the vehicle by the use of any device, wheel clamp, object barrel, "car boot," mechanism, or method, either attached to the vehicle or not, by the owner or agent of the property upon which the vehicle is parked, that does not allow the owner of the vehicle, or his or her authorized agent, to freely move the vehicle from the place where it is immobilized. (as added by Ord. #2348, June 2006)

**15-803. License required, prohibited acts.** It shall be unlawful for any person, individual, corporation or agent or employee of such to:

(1) Operate a booting business within the city without first applying for and receiving a license as set out herein;

(2) Immobilize a vehicle of another person for breach of condition not stated on the signage required by this chapter;

- (3) Charge a fee for release of an immobilized vehicle in excess of the fee stated on the signage required by this chapter;
- (4) Use any device, object, barrel, "car boot," mechanism, or method that injures or damages the vehicle when installed, removed or while the owner or agent of the owner of the vehicle does not move or attempt to move the vehicle; or
- (5) Violate any provision of this chapter. (as added by Ord. #2348, June 2006)

**15-804. Application.** All applicants for a vehicle immobilization license under this chapter must file with the city an application furnished by the city. The applicant shall furnish the following information:

- (1) Name or trade name, address and telephone number of the licensee's permanent and fixed place of business. A permanent or fixed place of business shall be a physical location, building, office or similar, and must have a street address and shall not be a post office box or drop box.
- (2) Telephone number of 24-hour access for complaints that must have a person respond to the phone call/complaint within twelve (12) hours of receipt.
- (3) Name, address and telephone number of insurance carrier for the business. Insurance shall be carried at all times during the licensing period in the amount of at least ten thousand dollars (\$10,000.00) per claim and the vehicle immobilization license shall be canceled upon notice of lapse of insurance.
- (4) Current fee schedule charged for the release of all vehicles immobilized.
- (5) Copy of the notice that will be attached to vehicles pursuant to § 15-809(c). (as added by Ord. #2348, June 2006)

**15-805. License fee.** There shall be accompanied with a completed application for license an agent photo identification card for each agent of the licensee that will be performing immobilization of vehicles and a non-refundable administration fee in the amount of twenty-five dollars (\$25.00).

- (1) The license shall be for the business or individual that requests said license. The license allows the licensee and all of its actual employees to engage in the business of vehicle immobilization.
- (2) A license is not transferable or assignable. (as added by Ord. #2348, June 2006)

**15-806. License suspension/revocation/refusal to issue.** The city shall refuse to approve issuance or revoke a license for failure to maintain any condition of this chapter, a violation of the Gatlinburg Municipal Code, or one or more of the following reasons:



(1) The making of any false statement as to a material matter in an application for a license, or license renewal, or in a hearing concerning the license.

(2) Violation by the licensee, applicant, or an employee of licensee or applicant of any provision of this chapter. (as added by Ord. #2348, June 2006)

**15-807. Term of license.** Each license issued under this chapter shall be one (1) calendar year expiring on December 31<sup>st</sup> of each year. Each renewal for license shall be considered an application for a new license with satisfaction of all conditions and qualifications under the chapter. The fee for the issuance of a lost, destroyed or mutilated license shall be ten dollars (\$10.00). (as added by Ord. #2348, June 2006)

**15-808. Exhibition of license.** Each license or agent photo identification card shall be carried and visibly displayed by the licensee and their employees or agents when engaged in vehicle immobilization at a private parking facility and shall be presented by the licensee, employee, or agent upon contact with any person. License may not be covered or obscured by any article of clothing. (as added by Ord. #2348, June 2006)

**15-809. Conditions.** Each licensee or employee or agent of the licensee under this chapter shall observe all the following:

(1) Any devices used in the immobilization of any vehicle shall be in safe and proper working condition.

(2) Emergency vehicles used in police, fire, or medical emergencies shall not be immobilized for any reason. Upon proof that an unmarked vehicle is used for the same purpose, the vehicle immobilization unit shall be removed immediately at no charge.

(3) An easily removed notice must be affixed to the driver's side window of each vehicle immobilized notifying the owner of the vehicle of the reason for the immobilization as well as the requirements necessary for the release of the vehicle. Upon payment of the release fee, the sticker shall be removed. The notice shall contain the following information:

(a) Name and telephone number of company or person to contact for the release of the vehicle.

(b) Cost of the release of the vehicle.

(c) Acceptable forms of payment for the release of the vehicle.

(d) Time and reason vehicle immobilized.

(4) All licensees shall have twenty-four (24) hour service and access. Licensees shall respond to all calls for release of a vehicle within thirty (30) minutes of a request for response and must remain at the facility until the immobilization device is removed, unless the payment of the fee is refused. The licensee, employees or agents of the licensee may exceed the thirty (30) minute response requirement if they are actively engaged in the release of another



**15-811. Penalty.** Any person, individual or corporation who shall violate any of the provisions of this chapter shall be guilty of a misdemeanor and upon conviction shall be punished by a fine not to exceed fifty dollars (\$50.00). Each incident of violation shall be a separate offense and punishable as herein described. (as added by Ord. #2348, June 2006, and renumbered by Ord. #2389, June 2008)