

TITLE 9

MOTOR VEHICLES AND TRAFFIC¹

CHAPTER

1. MISCELLANEOUS.
2. SPEED LIMITS.
3. TURNING MOVEMENTS.
4. STOPPING AND YIELDING.
5. PARKING.
6. ENFORCEMENT.
7. JUNK VEHICLES.
8. INSURANCE ON VEHICLES.
9. TRAFFIC CONTROL PHOTOGRAPHIC SYSTEM.
10. TRUCK ROUTES.

CHAPTER 1

MISCELLANEOUS

SECTION

- 9-101. Motor vehicle requirements.
- 9-102. Authorized emergency vehicles defined.
- 9-103. Operation of authorized emergency vehicles.
- 9-104. Following emergency vehicles.
- 9-105. Running over fire hoses, etc.
- 9-106. Driving on streets closed for repairs, events etc.
- 9-107. Reckless driving.
- 9-108. One-way streets.
- 9-109. Unlaned streets.
- 9-110. Laned streets.
- 9-111. Yellow lines.
- 9-112. Miscellaneous traffic control signs, etc.
- 9-113. General requirements for traffic control signs, etc.
- 9-114. Unauthorized traffic control signs, etc.
- 9-115. Presumption with respect to traffic control signs, etc.
- 9-116. School safety patrols.
- 9-117. Driving through funerals or other processions.
- 9-118. Damaging pavements.

¹For provisions relating to obstructions and/or excavations in the public streets, alleys, sidewalks, and rights-of-way, see title 12 in this code.

- 9-119. Clinging to vehicles in motion.
- 9-120. Riding on outside of vehicles.
- 9-121. Backing vehicles.
- 9-122. Projections from the rear of vehicles.
- 9-123. Causing unnecessary noise.
- 9-124. Vehicles and operators to be licensed.
- 9-125. Passing.
- 9-126. Bicycles, scooters, motorcycles, skateboards, etc.
- 9-127. Police authority to re-route traffic.
- 9-128. Driving under the influence.
- 9-129. Adopting of state traffic statutes and regulations, and traffic related fines.
- 9-130. Jonesborough driving school program established.

9-101. 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 of the Tennessee Code Annotated, chapter 9, title 55. (Ord. of April 19, 1977, § 1-101)

9-102. 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 board of mayor and aldermen. (Ord. of April 19, 1977, § 1-102)

9-103. Operation of authorized emergency vehicles.¹ (1) The driver of an authorized emergency vehicle, when responding to an emergency call, or when in the pursuit of an actual or suspected violator of the law, or when responding to but not upon returning from a fire alarm, may exercise the privileges set forth in this section, subject to the conditions herein stated.

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

(3) The exemptions herein granted for an authorized emergency vehicle shall apply only when the driver of any such vehicle while in motion sounds an audible signal by bell, siren, or exhaust whistle and when the vehicle is equipped with at least one (1) lighted lamp displaying a red light visible

¹See § 9-401 in this code for provisions with respect to the operation of other vehicles upon the approach of emergency vehicles.

under normal atmospheric conditions from a distance of five hundred feet (500') 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. (Ord. of April 19, 1977, § 1-103)

9-104. Following emergency vehicles. No driver of any vehicle shall follow any authorized emergency vehicle apparently traveling in response to an emergency call closer than five hundred feet (500') or drive or park any vehicle within the block where fire apparatus has stopped in answer to a fire alarm. (Ord. of April 19, 1977, § 1-104)

9-105. 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 firefighter or police officer. (Ord. of April 19, 1977, § 1-105)

9-106. Driving on streets closed for repairs, events etc. Except for necessary access to property abutting thereon, no motor vehicle shall be driven upon any street that is barricaded, events or closed for repairs, events or other lawful purpose except as follows:

(1) Emergency vehicles.

(2) Service vehicles authorized by the police department to access certain areas within the barricaded boundary and to operate under guidelines established by the police department including a maximum limit of ten (10) miles per hour.

(3) During events and activities, slow moving vehicles, as defined by the state, that were once golf carts or other similar type vehicle with a maximum speed of twenty-five (25) miles per hour and authorized by the police department to access certain areas within the event or activity boundary and operating under guidelines established by the police department. (Ord. of April 19, 1977, § 1-106, as replaced by Ord. #2013-04, May 2013)

9-107. 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. (Ord. of April 19, 1977, § 1-107)

9-108. 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. (Ord. of April 19, 1977, § 1-109)

9-109. 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 sign posted by the town 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. (Ord. of April 19, 1977, § 1-110)

9-110. 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) 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 the traffic moving at less than the normal rate of speed shall use the extreme right lane. On one-way streets either lane may be lawfully used in the absence of markings to the contrary. (Ord. of April 19, 1977, § 1-111)

9-111. Yellow lines. On streets with a yellow line placed to the right of any lane line or centerline, 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. (Ord. of April 19, 1977, § 1-112)

9-112. Miscellaneous traffic control signs, etc.¹ It shall be unlawful for any pedestrian or the operator of any vehicle to violate or fail to comply with any traffic control sign, signal, marking, or device placed or erected by the state or the town unless otherwise directed by a police officer.

It shall be unlawful for any pedestrian or the operator of any vehicle willfully to violate or fail to comply with the reasonable directions of any police officer. (Ord. of April 19, 1977, § 1-113)

¹See also §§ 9-405 to 9-408 in this code.

9-113. General requirements for traffic control signs, etc. All traffic control signs, signals, markings, and devices shall conform to the latest revision of the Manual on Uniform Traffic Control Devices for Streets and Highways,¹ published by the U.S. Department of Transportation, Federal Highway Administration, and shall, so far as practicable, be uniform as to type and location throughout the town. This section shall not be construed as being mandatory but is merely directive. (Ord. of April 19, 1977, § 1-114)

9-114. Unauthorized traffic control signs, etc. No person shall place, maintain, or display upon or in view of any street, any authorized 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. (Ord. of April 19, 1977, § 1-115)

9-115. Presumption with respect to traffic control signs, etc. When a traffic control sign, signal, marking, or device has been placed, the presumption shall be that it is official and that it has been lawfully placed by the proper authority. All presently installed traffic control signs, signals, markings, and devices are hereby expressly authorized, ratified, approved, and made official. (Ord. of April 19, 1977, § 1-116)

9-116. 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 police department 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. (Ord. of April 19, 1977, § 1-117)

9-117. 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. (Ord. of April 19, 1977, § 1-118)

9-118. Damaging pavements. No person shall operate or cause to be operated upon any street of the town any vehicle, motor propelled or otherwise, which by reason of its weight or the character of its wheels, tires, or track is

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

likely to damage the surface or foundation of the street. (Ord. of April 19, 1977, § 1-119)

9-119. 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. (Ord. of April 19, 1977, § 1-120)

9-120. Riding on outside of vehicles. It shall be unlawful for any person to ride, or for the owner or operator of any motor vehicle being operated on a street, alley, or other public way or place to permit any person to ride on any portion of such vehicle not designed or intended for the use of passengers. This section shall not apply to persons engaged in the necessary discharge of lawful duties nor to persons riding in the load-carrying space of trucks. (Ord. of April 19, 1977, § 1-121)

9-121. 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. (Ord. of April 19, 1977, § 1-122)

9-122. Projections from the rear of vehicles. Whenever the load or any projecting portion of any vehicle shall extend beyond the rear of the bed or body thereof, the operator shall display at the end of such load or projection, in such position as to be clearly visible from the rear of such vehicle, a red flag being not less than twelve (12) inches square. Between one-half (½) hour after sunset and one-half (½) hour before sunrise, there shall be displayed in place of the flag a red light plainly visible under normal atmospheric conditions at least two hundred feet (200') from the rear of such vehicle. (Ord. of April 19, 1977, § 1-123)

9-123. 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. (Ord. of April 19, 1977, § 1-124)

9-124. 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." (Ord. of April 19, 1977, § 1-125)

9-125. 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. (Ord. of April 19, 1977, § 1-126)

9-126. Bicycles, scooters, motorcycles, skateboards, etc. Every person riding or operating a bicycle, scooter, motorcycle, or any motor-driven cycle, skateboard, go cart, or any wheeled vehicle designed for recreation or transportation shall be subject to the provisions of all traffic ordinances, rules, and regulations of the town 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-driven cycles.

No person operating or riding a bicycle, motorcycle, or motor-driven cycle 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-driven cycle shall be used to carry more persons at one (1) time than the number for which it is designed and equipped.

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

No person riding or operating a bicycle, scooter, skateboard, go cart or other wheeled vehicle shall operate such vehicle in a manner that interferes with motor vehicular traffic or causes a hazard to any pedestrian.

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

All motorcycles and motor-driven cycles operated on public ways within the corporate limits shall be equipped with crash bars approved by the state's Commissioner of Safety.

Each driver of a motorcycle or motor-driven cycle and any passenger thereon shall be required to wear on his head a crash helmet of a type approved by the state's Commissioner of Safety.

Every motorcycle or motor-driven cycle operated upon any public way within the corporate limits shall be equipped with a windshield of a type approved by the state's Commissioner of Safety, or, in the alternative, the operator and any passenger on any such motorcycle or motor-driven cycle shall be required to wear safety goggles of a type approved by the state's Commissioner of Safety for the purpose of preventing any flying object from striking the operator or any passenger in the eyes.

It shall be unlawful for any person to operate or ride on any vehicle in violation of this section, and it shall also be unlawful for any parent or guardian knowingly to permit any minor to operate a motorcycle or motor-driven cycle in violation of this section. (Ord. of April 19, 1977, as amended by ord. of October 9, 1989)

9-127. Police authority to re-route traffic. The chief of police may authorize the re-routing of traffic at any time he deems necessary for the health, safety, and welfare of the general public. (Code of 1982)

9-128. Driving under the influence. No person shall drive or operate any automobile or other motor driven vehicle while under the influence of an intoxicant, or while under the influence of narcotic drugs, or while under the influence of drugs producing stimulating effects on the central nervous system. (Code of 1982)

9-129. Adopting of state traffic statutes and regulations, and traffic related fines. (1) Pursuant to and to the full extent allowed by Tennessee Code Annotated, § 16-18-302(a)(2) and other state law, all violations of state regulations for the operation of vehicles committed within the corporate limits of Jonesborough which are defined by state law are hereby designated and declared to be offenses against the Town of Jonesborough also. This provision shall be specifically incorporate, but shall not be limited to, Tennessee Code Annotated, §§ 55-8-101 through 55-8-193, 55-10-101 through 55-10-310, 55-50-301, 55-50-302, 55-50-304, 55-50-305, 55-50-311, 55-50-601, 55-10-312, and 55-12-139, incorporated herein by reference as if fully set forth in this section. This provision shall apply only to the extent such state criminal statutes are a Class C misdemeanor. The maximum penalty for such violations under the code is a civil fine not in excess of fifty dollars (\$50.00) except where as otherwise stipulated in statue statutes.

(2) The Jonesborough Board of Mayor and Aldermen may adopt by resolution a schedule of fines for various traffic violations for use in traffic enforcement and in programming electronic citation equipment used by the police department. Said list of fines may include the actual fine, litigation tax and court costs, and the violations listed are intended to outline more common offenses and do not represent all possible infractions.

(3) (a) As used in this section, "electronic citation" means a written citation or an electronic citation prepared by a law enforcement officer on paper or on an electronic data device with the intent the citation shall be filed, electronically or otherwise, with a court having jurisdiction over the alleged offense. Replicas of the citation data included in the electronic citation must be sent by electronic transmission within three (3) days of the issuance of the citation to a court with jurisdiction over the alleged offense.

(b) Pursuant to and in accordance with state statutory requirements found in Tennessee Code Annotated, § 55-10-207(3), the town shall collect an electronic citation fee of five dollars (\$5.00) for each traffic citation that results in a conviction. Such fee shall be assessable as court costs and shall be in addition to all other fees, taxes, and charges. It shall be paid by the defendant for any offense cited in a traffic citation delivered that results in a plea of guilty or nolo contendere, or a judgement of guilty.

(c) Sunset provision. The subsection of the chapter, § 9-129(3), and its five dollar (\$5.00) fee requirement, shall terminate five (5) years from the date of adoption, and at that time the town's municipal code shall be so amended and annotated, unless the five (5) year "sunset provision" is determined to be non-binding by the state. (as added by Ord. #2002-14, Dec. 2002, amended by Ord. #2006-10, Oct. 2006, replaced by Ord. #2014-9, Aug. 2014 and amended by Ord. #2019-11, Oct. 2019 ***Ch13_03-08-21***)

9-130 Jonesborough driving school program established. Jonesborough's driving school program is hereby established.

(1) The driving school program shall consist of a four (4) hour driving school and an eight (8) hour driving school.

(a) School classes will be held at a location accessible to the public to be determined by the Jonesborough Chief of Police.

(b) Instructors for the driving school classes must meet any instructor certification requirements necessary, and will be selected by the chief of police.

(c) Instructor compensation will come from the fees established for the driving school.

(d) The schedule of driving school classes will be determined by the chief of police in association with the individual instructors participating.

(2) The following driving school fees are established:

(a) Four (4) hour driving school is one hundred twenty dollars (\$120.00).

(b) Eight (8) hour driving school is one hundred sixty-five dollars (\$165.00).

(c) Fees for the school must be paid in advance.

(d) Fee payments received must be immediately receipted and submitted through the town recorder's office area.

(e) Fees will be used to pay for instructors, work books, and any other supplies associated with the course instruction.

(3) A driving school technology fund is hereby established in which twelve dollars (\$12.00) for a four (4) hour class and sixteen dollars (\$16.00) for an eight (8) hour class from the driving school fees paid by each class participant is set aside in reserve through the technology fund to be used for police department related equipment like radios, PDAs, etc. Funds remaining in the driving school technology fund at the end of each fiscal year will be carried over to the next fiscal year. [as added by Ord. #2018-01, Jan. 2018 *Ch12_04-09-18*]

CHAPTER 2

SPEED LIMITS

SECTION

9-201. In general.

9-202. At intersections.

9-203. In school zones.

9-204. In congested areas.

9-201. In general. It shall be unlawful for any person to operate or drive a motor vehicle upon any highway or street at a rate of speed in excess of thirty (30) miles per hour except where official signs have been posted indicating other speed limits, in which cases the posted speed limit shall apply. [Ord. of April 19, 1977, § 2-101]

9-202. 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. [Ord. of April 19, 1977, § 2-102]

9-203. In school zones. Generally, pursuant to Tennessee Code Annotated, § 55-8-152, special speed limits in school zones shall be enacted based on an engineering investigation; shall not be less than fifteen (15) miles per hour; and shall be in effect only when proper signs are posted with a warning flasher or flashers in operation. It shall be unlawful for any person to violate any such special speed limit enacted and in effect in accordance with this paragraph.

When the board of mayor and aldermen has not established special speed limits as provided for above, any person who shall drive at a speed exceeding fifteen (15) miles per hour when passing a school during a recess period when a warning flasher or flashers are in operation, or during a period of forty (40) minutes before the opening hour of a school or a period of forty (40) minutes after the closing hour of a school, while children are actually going to or leaving school, shall be prima facie guilty of reckless driving. [Ord. of April 19, 1977, § 2-103, modified]

9-204. 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 town. [Ord. of April 19, 1977, § 2-104]

CHAPTER 3

TURNING MOVEMENTS

SECTION

9-301. Generally.

9-302. Right turns.

9-303. Left turns on two-way roadways.

9-304. Left turns on other than two-way roadways.

9-305. U-turns.

9-301. Generally. No person operating a motor vehicle shall make any turning movement which might affect any pedestrian or the operation of any other vehicle without first ascertaining that such movement can be made in safety and signaling his intention in accordance with the requirements of the state law.¹ [Ord. of April 19, 1977, § 3-101]

9-302. 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. [Ord. of April 19, 1977, § 3-102]

9-303. Left turns on two-way roadways. At any intersection where traffic is permitted to move in both directions on each roadway entering the intersection, an approach for a left turn shall be made in that portion of the right half of the roadway nearest the centerline thereof and by passing to the right of the intersection of the centerlines of the two roadways. [Ord. of April 19, 1977, § 3-103]

9-304. Left turns on other than two-way roadways. At any intersection where traffic is restricted to one (1) direction on one (1) or more of the roadways, the driver of a vehicle intending to turn left at any such intersection shall approach the intersection in the extreme left-hand lane lawfully available to traffic moving in the direction of travel of such vehicle and after entering the intersection 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. [Ord. of April 19, 1977, § 3-104]

9-305. U-turns. U-turns are prohibited. [Ord. of April 19, 1977, § 3-104]

¹See § 55-8-143, Tennessee Code Annotated.

CHAPTER 4

STOPPING AND YIELDING

SECTION

- 9-401. Upon approach of authorized emergency vehicles.
- 9-402. When emerging from alleys, etc.
- 9-403. To prevent obstructing an intersection.
- 9-404. At railroad crossings.
- 9-405. At "stop" signs.
- 9-406. At "yield" signs.
- 9-407. At traffic control signals generally.
- 9-408. At flashing traffic control signals.
- 9-409. Stops to be signaled.
- 9-410. Pedestrians.

9-401. Upon approach of authorized emergency vehicles.¹ Upon the immediate approach of an authorized emergency vehicle making use of audible and/or visual signals meeting the requirements of the laws of this state, the driver of every other vehicle shall immediately drive to a position parallel to, and as close as possible to, the right-hand edge or curb of the roadway clear of any intersection and shall stop and remain in such position until the authorized emergency vehicle has passed, except when otherwise directed by a police officer. [Ord. of April 19, 1977, § 4-101]

9-402. 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. [Ord. of April 19, 1977, § 4-102]

9-403. 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. [Ord. of April 19, 1977, § 4-103]

9-404. At railroad crossings. Any driver of a vehicle approaching a railroad grade crossing shall stop within not less than fifteen feet (15') from the

¹See § 9-102 of this code for definition of "authorized emergency vehicle."

nearest rail of such railroad and shall not proceed further while any of the following conditions exist:

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

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

(3) A railroad train is approaching within approximately one thousand five hundred feet (1,500') of the highway crossing and is emitting an audible signal indicating its approach.

(4) An approaching railroad train is plainly visible and is in hazardous proximity to the crossing. [Ord. of April 19, 1977, § 4-104]

9-405. 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. [Ord. of April 19, 1977, § 4-105]

9-406. 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. [Ord. of April 19, 1977, § 4-106]

9-407. At traffic control signals generally. Traffic control signals exhibiting the words "Go," "Caution," or "Stop," or exhibiting different colored lights successively one (1) 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.

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

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

(b) Pedestrians facing such signal shall not enter the roadway.

(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.

(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. [Ord. of April 19, 1977, § 4-107]

9-408. At flashing traffic control signals. (1) Whenever an illuminated flashing red or yellow signal is used in a traffic sign or signal placed or erected in the town, it shall require obedience by vehicular traffic as follows:

(a) Flashing red (stop signal). When a red lens is illuminated with intermittent flashes, drivers of vehicles shall stop before entering the nearest crosswalk at an intersection or at a limit line when marked, or if none, then before entering the intersection, and the right to proceed shall be subject to the rules applicable after making a stop at a stop sign.

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

(2) This section shall not apply at railroad grade crossings. Conduct of drivers of vehicles approaching railroad grade crossings shall be governed by the rules set forth in § 9-404 of this chapter. [Ord. of April 19, 1977, § 4-108]

9-409. Stops to be signaled. No person operating a motor vehicle shall stop such vehicle, whether in obedience to a traffic sign or signal or otherwise, without first signaling his intention in accordance with the requirements of the state law,¹ except in an emergency. [Ord. of April 19, 1977, § 4-109]

9-410. Pedestrians. Pedestrians have right-of-way on Main Street. Two (2) signs of suitable design and size may be erected on two (2) conspicuous places on Main Street to read as follows: "Pedestrians Have Right-of-Way at Intersections of Streets" and which signs shall be placed as to be plainly visible to traffic proceeding in either direction, one (1) on the easterly portion of Main Street and one (1) on the westerly portion in order to become effective. [Code of 1982]

¹See Tennessee Code Annotated, § 55-8-143.

CHAPTER 5

PARKING

SECTION

- 9-501. Generally.
- 9-502. Angle parking.
- 9-503. Occupancy of more than one space.
- 9-504. Where prohibited.
- 9-505. Loading and unloading zones.
- 9-506. Presumption with respect to illegal parking.

9-501. 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 the Town of Jonesborough shall be so parked that its right wheels are approximately parallel to and within eighteen inches (18") of the right edge or curb of the street. On one-way streets where the town 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 inches (18") 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 for more than seventy-two (72) consecutive hours without the prior approval of the police department.

Furthermore, no person shall grease, or work on any vehicle, except to make repairs necessitated by an emergency, while such vehicle is parked on a public street. (Ord. of April 19, 1977, § 5-101)

9-502. Angle parking. On those streets which have been signed or marked by the town 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'). (Ord. of April 19, 1977, § 5-102)

9-503. 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. (Ord. of April 19, 1977, § 5-103)

9-504. Where prohibited. No person shall stop, stand or park a vehicle, except when necessary to avoid immediate conflict with other traffic or in compliance with law or the directions of a police officer or traffic-control device, in any of the following places:

- (1) On a sidewalk; 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;
- (2) In front of a public or private driveway;
- (3) Within an intersection;
- (4) Within fifteen feet (15') of a fire hydrant;
- (5) On a crosswalk or designated pedestrian walkway;
- (6) Within twenty feet (20') of a crosswalk at an intersection;
- (7) Within thirty feet (30') upon the approach to any flashing beacon, stop sign or traffic control signal located at the side of a roadway;
- (8) Between a safety zone and the adjacent curb or within thirty feet (30') of points on the curb immediately opposite the ends of a safety zone, unless a different length is designated through signs or markings by the town or state;
- (9) Within fifty feet (50') of the nearest railroad crossing unless where specifically designated by the town or state;
- (10) Within twenty feet (20') of the driveway entrance to any fire station and on the side of a street opposite the entrance within seventy-five feet (75') to any fire station when properly sign-posted;
- (11) Along side or opposite any street excavation or obstruction when stopping, standing or parking would obstruct traffic;
- (12) On the roadway side of any vehicle stopped or parked at the edge or curb of a street;
- (13) Upon any bridge or other elevated structure upon a highway or within a highway tunnel;
- (14) At any place where official signs prohibit stopping, standing or parking, whether temporary or permanent;
- (15) In a parking space clearly identified by an official sign as being reserved for the physically handicapped, unless, however, the person driving the vehicle is physically handicapped or parking the vehicle for the benefit of a physically handicapped person. A vehicle parking in such a space shall display a properly issued certificate or placard, or a disable veteran's license plate issued under Tennessee Code Annotated, § 55-4-237;
- (16) The provisions of this section do not apply to a certified police officer or cyclist engaged in the lawful performance of duty using a police bicycle or vehicle as a barrier or traffic control device at the scene of an emergency or in response to other calls for police service;
- (17) 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;

(18) 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;

(19) 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 in 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; and

(20) This section does not apply to a solid waste, public works, utility, police or fire vehicle while on the paved or improved main traveled portion of a sidewalk, 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, or other town or utility business; 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. (Ord. of April 19, 1977, § 5-104, as amended by Ord. #2002-13, Dec. 2007, and replaced by Ord. #2011-04, Feb. 2011)

9-505. 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 town as a loading and unloading zone.

Loading and unloading zones for trucks only are hereby designated as follows:

(1) From Farm and Home Supply to Lavenders Market and upon North Cherokee Street.

(2) Fifteen (15) minute parking from Farm and Home Supply to the West side of Chester Inn.

(3) No parking within fifteen feet (15') of street intersections. (Ord. of April 19, 1977, § 5-105, modified)

9-506. 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. (Ord. of April 19, 1977, § 5-106)

CHAPTER 6

ENFORCEMENT

SECTION

- 9-601. Issuance of traffic citations.
- 9-602. Failure to obey citation.
- 9-603. Illegal parking.
- 9-604. Impoundment of vehicles.
- 9-605. Disposal of "abandoned motor vehicles."
- 9-606. Storage fees for seized vehicles.

9-601. Issuance of traffic citations. 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 town 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. (Ord. of April 19, 1977, § 6-101)

9-602. 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. (Ord. of April 19, 1977, § 6-102)

9-603. Illegal parking. A violation of this section shall be punishable by such fine and/or costs established by the board of mayor and aldermen for the specific offense outlined under procedures established for traffic citations. (Ord. of April 19, 1977, § 6-103, as replaced by Ord. #2011-04, Feb. 2011)

9-604. Impoundment of vehicles. Members of the police department are hereby authorized, when reasonably necessary, for the security of the vehicle or to prevent obstruction of traffic, to remove from the streets and impound any vehicle which is parked so as to constitute an obstruction or hazard to normal traffic. Any impounded vehicle shall be stored until the owner or other person entitled thereto claims it, gives satisfactory evidence of ownership or right to possession, and pays all applicable fees and costs, or until it is otherwise lawfully disposed of. (Ord. of April 19, 1977, § 6-104, modified)

9-605. Disposal of "abandoned motor vehicles." "Abandoned motor vehicles" as defined in Tennessee Code Annotated, § 55-16-103, shall be impounded and disposed of by the police department in accordance with the provisions of Tennessee Code Annotated, §§ 55-16-103 to 55-16-109. (Ord. of April 19, 1977, § 6-105)

9-606. Storage fees for seized vehicles. Vehicles seized in accordance with the Tennessee Code Annotated from drivers arrested for multiple offense DUIs or driving on a revoked license shall be charged a storage fee of ten dollars (\$10.00) per day or any portion of a day for those days authorized for storage fee payment by the administrative court. Total storage fees, when applicable, will be determined by the recorder's office based on the judge's order and these fees shall be paid to the recorder's office before the vehicle is released. The recorder's office shall also collect any tow fees paid by the town and required to be reimbursed to the town by the courts before an impounded vehicle is released to the lien or title owner. (as added by Ord. #2005-12, June 2005)

CHAPTER 7

JUNK VEHICLES¹

SECTION

9-701. Short title.

9-702. Definitions.

9-703. Findings of board; accumulation of junk vehicles declared nuisance.

9-704. Storage on public or private property prohibited.

9-705. Notice to remove.

9-706. Failure to remove declared misdemeanor.

9-701. Short title. This chapter shall be known as the "Abandoned, Junked, or Wrecked Vehicles Ordinance of the Town of Jonesborough, Tennessee." [Ord. of Sept. 10, 1974, art. 1]

9-702. Definitions. For the purpose of this chapter, the following words and terms shall have the designated meaning unless it is clear from the text that a different meaning is intended:

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

(2) "Recorder" means the recorder of the town or his duly authorized representative.

(3) "Police department" means the Police Department of the Town of Jonesborough.

(4) "Property" means any real property within the town which is not an improved street or highway.

(5) "Vehicle" means a machine propelled by power other than human power designed to travel along the ground by use of wheels, treads, or slides and transport persons or property or pull machinery and shall include, without limitation, automobiles, trucks, trailers, motorcycles, tractors, buggies, and wagons. [Ord. of Sept. 10, 1974, art. 2]

¹For a section providing for the disposal of abandoned motor vehicles which are on public property or on private property without the consent of the owner, see § 9-605 in this code.

9-703. Findings of board; accumulation of junk vehicles declared nuisance. The accumulation and storage of abandoned, wrecked, junked, partially dismantled, or inoperable motor vehicles on private property tends to reduce the value thereof, to invite plundering, to create fire hazards, and to constitute an attractive nuisance creating a hazard to the health and safety of minors. Such accumulation and storage of vehicles is further found to promote urban blight and deterioration in the community. Such wrecked, junked, abandoned, or partially dismantled or inoperable motor vehicles are in the nature of rubbish, litter, and unsightly debris in violation of health and sanitation laws. Therefore, the accumulation and storage of such vehicles on private property, except as expressly hereinafter permitted, is hereby declared to constitute a public nuisance which may be abated as such, which remedy shall be in addition to any other remedy provided in the town's ordinances. [Ord. of Sept. 10, 1974, art. 3, modified]

9-704. Storage on public or private property prohibited. No person shall park, store, or leave or permit the parking, storing, or leaving of any motor vehicle which is in a rusted, wrecked, junked, partially dismantled, inoperable, or abandoned condition upon any public or private property within the town for a period in excess of ten (10) days unless such vehicle is completely enclosed within a building or unless such vehicle is stored or parked on said property in connection with a duly licensed business or commercial enterprise operated and conducted pursuant to law and such parking or storing of vehicles is necessary to the operation of the business or commercial enterprise. [Ord. of Sept. 10, 1974, art. 3, § a, modified]

9-705. Notice to remove. Whenever it shall appear that a violation of any provision of this chapter exists, the recorder shall give, or cause to be given, notice to the registered owner of any motor vehicle which is in violation of this chapter, and he shall give such notice to the owner or person in lawful possession or control of the property upon which such motor vehicle is located, advising that said motor vehicle violates the provisions of this chapter and shall be moved to a place of lawful storage within ten (10) days. Such notice shall be served upon the owner of the vehicle by leaving a copy of said notice on or within the vehicle. Notice to the owner or person in lawful possession or control of the property upon which such motor vehicle is located may be served by conspicuously posting said notice upon the premises. [Ord. of Sept. 10, 1974, art. 3, § b, modified]

9-706. Failure to remove declared misdemeanor. The owner of any abandoned vehicle who fails, neglects, or refuses to remove the said vehicle or to house such vehicle and abate such nuisance in accordance with the notice given pursuant to the provisions of § 9-705 shall be guilty of a misdemeanor. [Ord. of Sept. 10, 1974, art. 3, § c]

CHAPTER 8

INSURANCE ON VEHICLES

SECTION

9-801. Compliance with financial responsibility law required.

9-802. Civil offense.

9-803. Evidence of compliance after violation.

9-801. 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 Tennessee Code Annotated, title 55, chapters 8 and 10, parts 1-5, chapter 50; any provision in this title of this municipal code; or at the time of an accident for which notice is required under Tennessee Code Annotated, § 55-10-106, the officer shall request evidence of financial responsibility as required by this section. In case of an accident for which notice is required under Tennessee Code Annotated, § 55-10-106, the officer shall request such evidence from all drivers involved in the accident with 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 a self-insurer under Tennessee Code Annotated, § 55-12-111; or

(c) The motor vehicle being operated at the time of the violation was owned by a carrier subject to the jurisdiction of the department of safety or in 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 Ord. #2002-07, April 2002]

9-802. Civil offense. It is a civil offense to fail to provide evidence of financial responsibility pursuant to this chapter. Any violation of this chapter is punishable by a civil penalty of up to fifty dollars (\$50.00). Any day a motor

vehicle is operated in violation of this chapter is a separate offense. The civil penalty prescribed by this chapter shall be in addition to any other penalty prescribed by the laws of this state or by the town's municipal code of ordinances. [as added by Ord. #2002-07, April 2002]

9-803. Evidence of compliance after violation. On or before the court date, the person charged with a violation of this chapter may submit evidence of compliance with this chapter in effect at the time of the violation. If the court is satisfied that compliance was in effect at the time of the violation, the charge of failure to provide evidence of financial responsibility may be dismissed. [as added by Ord. #2002-07, April 2002]

CHAPTER 9

TRAFFIC CONTROL PHOTOGRAPHIC SYSTEM

SECTION

9-901. Automated enforcement.

9-902. Definitions.

9-903. General provisions.

9-904. Offense.

9-905. Penalty.

9-901. Automated enforcement. Implementation of a system for capturing violations of traffic control signs, signals, and devices, and speed limits as defined in the code, with a traffic control photographic system that will use the photographic images as prima-facie evidence of the traffic violations and will authorize the Jonesborough Department of Public Safety or an agent of the department to issue civil citations for the violations, said automated enforcement provisions to be in addition to all current methods of traffic enforcement. (as added by Ord. #2008-03, May 2008)

9-902. Definitions. The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

(1) "Citations and warning notices" means:

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

(b) The registration plate number of the motor vehicle involved in the violation;

(c) The violation charged;

(d) The location of the violation;

(e) The date and time of the violation;

(f) A copy of the recorded image;

(g) The amount of civil penalty imposed and the date by which the civil penalty should be paid;

(h) A personally or electronically signed statement by a member of the police department that, based on inspection of recorded images, the motor vehicle was being operated in violation of § 9-904 of this chapter; and

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

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

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

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

(3) "Recorded images" means images recorded by a traffic control photographic system on:

(a) A photograph;

(b) A micrograph;

(c) An electronic image;

(d) Videotape; or

(e) Any other medium; and

(f) At least one (1) image or portion of tape, clearly identifying the registration plate number of the motor vehicle.

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

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

(6) "Vehicle owner" means the person identified by the state department of safety as the registered owner of a vehicle. (as added by Ord. #2008-03, May 2008, and amended by Ord. #2011-02, Jan. 2011)

9-903. General. (1) The Jonesborough Department of Public Safety or an agent of the police department shall administer the traffic control photographic systems and shall maintain a list of system locations where traffic control photographic systems are installed.

(2) A citation or warning alleging that the violation of § 9-904 of this chapter occurred, sworn to and by statement signed personally or electronically by a member of the police department or agents of the police department, based on inspection of recorded images produced by a traffic control photographic system, shall be evidence of the facts contained therein and shall be admissible in any proceeding alleging a violation under this section. The citation or warning shall be forwarded by first-class mail to the owner's address as given on the motor vehicle registration. Personal service of process on the owner shall not be required.

(3) Signs to indicate the use of traffic control photographic systems shall be posted. (as added by Ord. #2008-03, May 2008)

9-904. Offense. (1) Except when directed to proceed by a police officer or traffic control signal, every driver shall stop when facing a red signal light at the stop line, or, if none, before entering the crosswalk on the near side of the intersection, and it shall be unlawful for a vehicle to cross the stop line or stop

point at a system location when facing a red signal light as set out in § 9-407, it shall be unlawful to violate speed limits as set out in § 9-201, or for a vehicle to violate any other traffic regulation specified in this chapter.

(2) A person who receives a citation under § 9-903 may:

(a) Pay the civil penalty, in accordance with the instructions on the citation, which may be paid directly to the municipal court or to the contracted collection agency; or

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

(3) The owner of a vehicle shall be responsible by strict liability for a violation under this section, which shall be a civil violation only, except by sworn affidavit presented to the court on or before the court date listed in the citation or by sworn evidence in open court, wherein the owner acknowledges that the vehicle was in the care, custody, or control of another person at the time of the violation, and such person accepts responsibility for the violation by written acknowledgment by affidavit or by sworn testimony in court, or the owner submits an affidavit to the court on or before the court date listed in the citation stating under oath that the vehicle was commercially leased at the time of the violation, the name and current address of the person who was the lessee of the vehicle at the time of the violation, and that the vehicle was rented or leased by the person so named from a person in the business of renting or leasing motor vehicles at the time, or as set out in subsection (4)(c) below.

(4) It shall be an affirmative defense to the liability under this section, proven by a preponderance of the sworn evidence that:

(a) The operator of the motor vehicle was acting in compliance with a lawful order of a police officer;

(b) The operator of a motor vehicle violated the instructions of the traffic control signal so as to yield the right-of-way to an immediately approaching authorized emergency vehicle;

(c) The motor vehicle was a stolen vehicle and being operated by a person other than the owner of the vehicle without the effective consent of the owner; provided the owner submits proof acceptable to the court that the theft of the vehicle had been timely reported to the appropriate law enforcement agency;

(d) The license plate depicted in the recorded image of the infraction was a stolen plate being displayed on a motor vehicle other than a motor vehicle for which the plate had been issued; provided that the owner submits proof acceptable to the court that the theft of a license plate had been timely reported to the appropriate law enforcement agency; or

(e) The person who received the notice of violation was not the owner of the motor vehicle at the time of the violation; provided such person supplies proof of the transfer of ownership, and the person provides the name and address of the purchaser or transferee. (as added by Ord. #2008-03, May 2008, and amended by Ord. #2011-02, Jan. 2011)

9-905. Penalty. (1) Any violation of § 9-904 of this chapter shall subject the responsible person or entity to a civil penalty of fifty dollars (\$50.00) plus the assessment of court costs for each violation. Failure to appear in court on the designated date shall subject the responsible person or entity to a civil penalty of fifty dollars (\$50.00) and the assessment of court costs. Being found by the court as having violated § 9-904 of this chapter shall likewise subject the responsible person or entity to a civil penalty of fifty dollars (\$50.00) and the assessment of court costs. The town may enforce the civil penalties by a civil action in the nature of a debt.

(2) A violation for which a civil penalty is imposed under this section shall not be considered a moving violation and may not be recorded by the police department or the state department of safety on the driving record of the owner or driver of the vehicle and may not be considered in the provision of motor vehicle insurance coverage. (as added by Ord. #2008-03, May 2008, as amended by Ord. #2011-02, Jan. 2011)

CHAPTER 10

TRUCK ROUTES

SECTION

- 9-1001. Short title.
- 9-1002. Definitions.
- 9-1003. Through-trucks downtown prohibited.
- 9-1004. Truck route established.
- 9-1005. Appropriate signage required.
- 9-1006. Local deliveries or designated truck depot stops.
- 9-1007. GPS directional systems.
- 9-1008. Violations.

9-1001. Short title. This chapter shall be known as the "Truck Route Ordinance of the Town of Jonesborough." [as added by Ord. #2016-10, Sept. 2016 *Ch12_04-09-18*]

9-1002. Definitions. For the purpose of this chapter, the following words and terms shall have the meanings ascribed to them in this section, except where the content clearly indicates a different meaning.

(1) "Downtown Jonesborough" means anywhere in Jonesborough's historic district, especially Main Street downtown, but also areas of narrow street width and reduced turning radius that make it difficult or impossible for a large truck to navigate without causing congestion and/or traffic safety issues.

(2) "GPS system" means a directional system available to drivers that provides information on available traffic routes that helps said drivers navigate the shortest or most appropriate way possible from one (1) point to another.

(3) "Through-truck" means a tractor-trailer vehicle with eighteen (18) wheels or more, or a large delivery vehicle with a minimum of ten (10) wheels that is intending to travel through Jonesborough without stopping to make a documented delivery.

(4) "Truck route signage" means those signs erected for the purpose of directing truck drivers to the appropriate truck route(s) through Jonesborough. [as added by Ord. #2016-10, Sept. 2016 *Ch12_04-09-18*]

9-1003. Through-trucks downtown prohibited. (1) Through-trucks or large delivery vehicles attempting to travel through the Town of Jonesborough without a delivery downtown are prohibited from traveling through downtown Jonesborough or on streets within the historic district connecting to Main Street and downtown.

(2) Through-trucks are prohibited from using Washington Drive and Boone Street to access US-11E (SR-34) or Main Street in order to travel through Jonesborough, and are prohibited from traveling on Main Street from Oak Grove

Avenue (SR-81) through downtown to Headtown Road. [as added by Ord. #2016-10, Sept. 2016 *Ch12_04-09-18*]

9-1004. Truck route(s) established. (1) Trucks, whether through-trucks or large delivery trucks, are expected to travel on Jackson Boulevard, US-11E (SR-34), on Boones Creek Road (SR-354), on SR-81 and on SR-353 in Jonesborough.

(2) Persimmon Ridge Road which connects SR-81 to US-11E is Jonesborough's designated truck route to be used by all through-trucks traveling to and from US-11E (SR-34) and SR-81 and SR-353 in Jonesborough. [as added by Ord. #2016-10, Sept. 2016 *Ch12_04-09-18*]

9-1005. Appropriate signage required. The Jonesborough Police Department with the assistance of the Street Department of Jonesborough shall install signage that notifies drivers of through-trucks the direction to the Persimmon Ridge Road truck route as well as signage prohibiting access to downtown Jonesborough via Boone Street, Washington Drive or other such streets that might provide inappropriate access to through-truck traffic into downtown Jonesborough. [as added by Ord. #2016-10, Sept. 2016 *Ch12_04-09-18*]

9-1006. Local deliveries or designated truck depot stops. Large trucks making deliveries into Jonesborough may travel on any public street that is capable of providing the width and turning radius necessary to safely access delivery sites. However, the Jonesborough Police Department is authorized to limit or prohibit local access to any large delivery vehicle the police department determines will create a public safety or congestion problem while carrying out the delivery. The police department may also require a size restriction on trucks undertaking deliveries on a regular basis in the downtown historic area. Large trucks going to and from a truck depot in Jonesborough must use the access route(s) designated by the Jonesborough Police Department, with any applicable route designation being subject to review, if questioned, by the board of mayor and aldermen. [as added by Ord. #2016-10, Sept. 2016 *Ch12_04-09-18*]

9-1007. GPS directional systems. Jonesborough's ordinance establishing designated truck routes and prohibited streets to through-truck traffic in Jonesborough is not in any manner diminished, modified, or replaced by information a driver of a through-truck vehicle may obtain through a GPS directional system. Drivers shall be responsible for observing and reading signage erected to direct through-truck traffic in Jonesborough. [as added by Ord. #2016-10, Sept. 2016 *Ch12_04-09-18*]

9-1008. Violations. Any violation of this chapter shall subject the responsible driver or entity to a penalty of fifty dollars (\$50.00) plus an

assessment of court costs for each violation. [as added by Ord. #2016-10, Sept. 2016 *Ch12_04-09-18*]