

TITLE 15

MOTOR VEHICLES, TRAFFIC AND PARKING¹

CHAPTER

1. MISCELLANEOUS.
2. SPEED LIMITS.
3. TURNING MOVEMENTS.
4. PARKING.
5. ENFORCEMENT.
6. [DELETED.]
7. [DELETED.]

CHAPTER 1

MISCELLANEOUS²

SECTION

- 15-101. Adoption of state traffic statutes and regulations.
- 15-102. Motor vehicle requirements.
- 15-103. Driving on streets closed for repairs, etc.
- 15-104. General requirements for traffic-control signs, etc.
- 15-105. Presumption with respect to traffic-control signs, etc.
- 15-106. School safety patrols.
- 15-107. Driving through funerals or other processions.
- 15-108. Riding on outside of vehicles.
- 15-109. Projections from the rear of vehicles.
- 15-110. Causing unnecessary noise.
- 15-111. Vehicles and operators to be licensed.
- 15-112. Damaging pavements.
- 15-113. Bicycle riders, etc.

¹Municipal code reference

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

²State law references

Under Tennessee Code Annotated, § 55-10-307, the following offenses are exclusively state offenses and must be tried in a state court 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, § 55-10-501.

15-114. Truck route established.

15-115--15-123. [Deleted.]

15-124. Compliance with financial responsibility law required.

15-101. Adoption of state traffic statutes and regulations. All violations of state regulations for the operation of vehicles committed within the corporate limits of the municipality and which are defined by state law are hereby designated and declared to be offenses against the Town of Linden also. This provision shall not apply to any offenses in which the state courts have exclusive jurisdiction. (1978 Code, § 9-101, as replaced by Ord. #03-07-A, Aug. 2003)

15-102. 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. (1978 Code, § 9-106, as replaced by Ord. #03-07-A, Aug. 2003)

15-103. 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. (1978 Code, § 9-107, as replaced by Ord. #03-07-A, Aug. 2003)

15-104. 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. (1978 Code, § 9-109, as replaced by Ord. #03-07-A, Aug. 2003)

15-105. 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. (1978 Code, § 9-110, as replaced by Ord. #03-07-A, Aug. 2003)

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

15-106. 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. (1978 Code, § 9-111, as replaced by Ord. #03-07-A, Aug. 2003)

15-107. 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. (1978 Code, § 9-112, as replaced by Ord. #03-07-A, Aug. 2003)

15-108. 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. (1978 Code, § 9-113, as replaced by Ord. #03-07-A, Aug. 2003)

15-109. 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. (1978 Code, § 9-114, as replaced by Ord. #03-07-A, Aug. 2003)

15-110. 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. (1978 Code, § 9-115, as replaced by Ord. #03-07-A, Aug. 2003)

15-111. 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." (1978 Code, § 9-116, as replaced by Ord. #03-07-A, Aug. 2003)

15-112. Damaging pavements. No person shall operate or cause to be operated upon any street of the municipality any vehicle, motor propelled or

otherwise, which by reason of its weight or the character of its wheels, tires, or track is likely to damage the surface or foundation of the street. (1978 Code, § 9-117, as replaced by Ord. #03-07-A, Aug. 2003)

15-113. Bicycle riders, etc. No person under the age of sixteen (16) years shall operate any motorcycle, motorbike, 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. (1978 Code, § 9-118, as replaced by Ord. #03-07-A, Aug. 2003)

15-114. Truck route established. All trucks traveling through the town shall travel only on State Highways Nos. 13, 100 and 20 through the town limits of the Town of Linden. (1978 Code, § 9-120, as replaced by Ord. #03-07-A, Aug. 2003)

15-115- -15-123. [Deleted.] (as deleted by Ord. #03-07-A, Aug. 2003)

15-124. Compliance with financial responsibility law required.

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

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

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

(a) Documentation, such as the declaration page of an insurance policy, an insurance binder, or an insurance card from an insurance company authorized to do business in the Tennessee, stating that a policy of insurance meeting the requirements of the Tennessee Financial

Responsibility Law of 1977, compiled in Tennessee Code Annotated, chapter 12, title 55, has been issued;

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

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

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

(5) Evidence of compliance after violation. On or before the court date, the person charged with a violation of this section may submit evidence of compliance with this section in effect at the time of the violation. If the court is satisfied that compliance was in effect at the time of the violation, the charge of failure to provide evidence of financial responsibility may be dismissed. (as added by Ord. #02-2-A, March 2002)

CHAPTER 2

SPEED LIMITS

SECTION

15-201. In general.

15-202. At intersections.

15-203. In congested areas.

15-204. [Deleted.]

15-201. 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. (1978 Code, § 9-102, as replaced by Ord. #03-07-A, Aug. 2003)

15-202. 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. (1978 Code, § 9-103, as replaced by Ord. #03-07-A, Aug. 2003)

15-203. 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. (1978 Code, § 9-104, as replaced by Ord. #03-07-A, Aug. 2003)

15-204. [Deleted.] (as deleted by Ord. #03-07-A, Aug. 2003)

CHAPTER 3

TURNING MOVEMENTS

SECTION

15-301. U-turns.

15-302--15-304. [Deleted.]

15-301. U-turns. U-turns are prohibited. (1978 Code, § 9-201, as replaced by Ord. #03-07-A, Aug. 2003)

15-302- -15-304. [Deleted.] (as deleted by Ord. #03-07-A, Aug. 2003)

CHAPTER 4

PARKING

SECTION

15-401. Generally.

15-402. Angle parking.

15-403. Occupancy of more than one space.

15-404. Loading and unloading zones.

15-405. Presumption with respect to illegal parking.

15-401. Generally. 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. (1978 Code, § 9-301, as replaced by Ord. #03-07-A, Aug. 2003)

15-402. 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 (24) feet. (1978 Code, § 9-302, as replaced by Ord. #03-07-A, Aug. 2003)

15-403. 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. (1978 Code, § 9-303, as replaced by Ord. #03-07-A, Aug. 2003)

15-404. 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. (1978 Code, § 9-304, as replaced by Ord. #03-07-A, Aug. 2003)

15-405. 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

Change 5, September 2, 2003

15-9

is responsible for such illegal parking. (1978 Code, § 9-305, as replaced by Ord. #03-07-A, Aug. 2003)

CHAPTER 5

ENFORCEMENT

SECTION

- 15-501. Issuance of traffic citations.
- 15-502. Failure to obey citation.
- 15-503. Illegal parking.
- 15-504. Impoundment of vehicles.
- 15-505. Disposal of abandoned motor vehicles.
- 15-506. Violation and penalty.
- 15-507--15-510. [Deleted.]

15-501. Issuance of traffic citations.¹ 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. (1978 Code, § 9-401, as replaced by Ord. #03-07-A, Aug. 2003)

15-502. 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. (1978 Code, § 9-402, as replaced by Ord. #03-07-A, Aug. 2003)

15-503. 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 five (5) days during the hours and at a place specified in the citation. (1978 Code, § 9-403, as replaced by Ord. #03-07-A, Aug. 2003)

¹State law reference

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

15-504. 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 whose operator is arrested, or any unattended 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 fines and costs, or until it is otherwise lawfully disposed of. The fee for impounding a vehicle shall be five dollars (\$5.00) and a storage costs of one dollar (\$1.00) for each twenty-four (24) hour period or fraction thereof that the vehicle is stored. (1978 Code, § 9-404, as replaced by Ord. #03-07-A, Aug. 2003)

15-505. 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 through 55-16-109. (1978 Code, § 9-405, as replaced by Ord. #03-07-A, Aug. 2003)

15-506. 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 of fifty dollars (\$50.00)¹ for each separate offense.

(2) Parking violations. For other parking violations, the offender may, within five (5) days, have the charge against him disposed of by paying to the town recorder a fine of one dollar (\$1.00) provided he waives his right to a judicial hearing. If a violator of the restrictions on stopping, standing, or parking under the traffic laws or ordinances does not appear in response to a traffic citation affixed to such motor vehicle within a period of five (5) days the chief of police shall send to the owner of the motor vehicle to which the traffic citation was affixed a letter reminding him of his prima facie responsibility for the violation and warning him that in the event such letter is disregarded for a period of five (5) days a warrant of arrest will be secured. (1978 Code, § 9-406, as replaced by Ord. #03-07-A, Aug. 2003)

15-507- -15-510. [Deleted.] (as deleted by Ord. #03-07-A, Aug. 2003)

¹Municipal code reference
Penalties; traffic violations: § 3-601.

CHAPTER 6

(This chapter was deleted by Ord. #03-07-A, Aug. 2003)

CHAPTER 7

(This chapter was deleted by Ord. #03-07-A, Aug. 2003)