

TITLE 15

MOTOR VEHICLES, TRAFFIC AND PARKING

CHAPTER

1. MISCELLANEOUS.
2. EMERGENCY VEHICLES.
3. PARKING.
4. RULES OF THE ROAD AND OTHER TRAFFIC VIOLATIONS.
5. SPEED LIMITS.

CHAPTER 1

MISCELLANEOUS¹

SECTION

15-101. Weight limitations on Little Falls Road.

15-101. Weight limitations on Little Falls Road. (1) It appears necessary for the public health and safety of the residents of the Little Falls Road and West Cook Street areas and the residents of the City of Spencer, that a maximum total weight limitation of five (5) ton (10,000 pounds) be placed upon vehicles traveling said road.

(2) These said limitations shall not apply to any emergency vehicle, any school bus, any road construction equipment being operated in connection with repairs to property or town street, also included in this exception are vehicles making deliveries to residence on said street.

(3) Upon passage and a road sign being erected giving notice thereof, no person shall operate a vehicle with a gross weight in excess of the weight posted.

(4) Any person charged with violation of this section shall be subject to a fine of twenty-five dollars (\$25.00) and cost for such violation. Each

¹State 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.

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violation shall be deemed a separate offense for the purpose hereof. (Ord. #95-3, May 1995, as amended by Ord. #2000-2, Feb. 2001)

CHAPTER 2

EMERGENCY VEHICLES

SECTION

15-201. Interference with fire apparatus.

15-201. Interference with fire apparatus. It shall be punishable by a fine of \$10.00 for any vehicle to fail to yield right-of-way to members of fire department or fire apparatus in route to fire or to willfully interfere with operation at the scene of said fire. (Ord. #65-2, Jan. 1965)

CHAPTER 3

PARKING

SECTION

15-301. Parking within a fire plug.

15-302. Parking around courthouse square.

15-301. Parking within a fire plug. It shall be prohibited to park within fifteen (15) feet of any fire plug within the City of Spencer. Any violation of this section shall be punishable by a fine of ten dollars (\$10.00). (Ord. #65-3, Jan. 1965)

15-302. Parking around courthouse square. (1) All vehicular parking is prohibited on the public square surrounding the Van Buren County Courthouse between the hours of 10:00 P.M. and 5:00 A.M.

(2) Any person violating any of the provisions of this section shall, for each such offense, be punished by a fine of not less than \$2.00 nor more than \$50.00. In addition to the fine herein imposed, the City of Spencer may have such vehicle violating said section towed away and the person owning said vehicle, or responsible for said vehicle, will pay such towing charge as may be imposed by the person operating the towing service before regaining possession of the said vehicle. (Ord. #74-1, Aug. 1974)

CHAPTER 4

RULES OF THE ROAD AND OTHER TRAFFIC VIOLATIONS

SECTION

15-401. Adoption of state traffic statutes.

15-402. Compliance with financial responsibility law required.

15-403. Civil offense.

15-401. Adoption of state traffic statutes. By the authority granted under Tennessee Code Annotated, § 16-18-302, the City of Spencer adopts by reference as if fully set forth in this section the "Rules of the Road," "Equipment–Lighting Regulations" and "Financial Responsibility" 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 Spencer adopts Tennessee Code Annotated, §§ 55-8-181 through 55-8-193, 55-9-101 through 55-9-107, 55-9-201 through 55-9-207, 55-9-212 and 55-9-213; 55-9-302 through 55-9-308, 55-9-401 through 55-9-410, 55-9-414, 55-9-601 through 55-9-606, 55-12-139 and 55-21-108 by reference as if fully set forth in this section. (as added by Ord. #2011-5, Sept. 2011)

15-402. 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 to 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 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. (as added by Ord. #2012-2, March 2012)

15-403. Civil offense. (1) It is a civil offense to fail to provide evidence of financial responsibility pursuant to § 15-402. Any violation of § 15-402 is punishable by a civil penalty of up to fifty dollars (\$50.00). The civil penalty prescribed by § 15-402 shall be in addition to any other penalty prescribed by the laws of this state or by the city's municipal code of ordinances.

(2) On or before the court date, the person charged with a violation of § 15-402 may submit evidence of compliance with § 15-402 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. #2012-2, March 2012)

CHAPTER 5

SPEED LIMITS

SECTION

15-501. In general.

15-502. At intersections.

15-503. In school zones.

15-501. 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 case the posted speed limit shall apply. (as added by Ord. #97-1, April 1997)

15-502. 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. (as added by Ord. #97-1, April 1997)

15-503. In school zones. (1) Pursuant to Tennessee Code Annotated, § 55-8-152, the city shall have the authority to enact special speed limits in school zones. Such special speed limits shall not be less than fifteen (15) miles per hour; shall be enacted based on an engineering investigation; 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 section.

(2) In school zones where 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 ninety (90) minutes before the opening of a school, or a period of ninety (90) 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. (as added by Ord. #97-1, April 1997, modified)