

TITLE 15

MOTOR VEHICLES, TRAFFIC AND PARKING¹

CHAPTER

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CHAPTER 1

MISCELLANEOUS²

SECTION

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¹Municipal code reference

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

Reserve funds for fines collected through speed and redlight enforcement: § 5-107.

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.

- 15-109. General requirements for traffic-control signs, etc.
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- 15-122. Truck routes.
- 15-123. Registration of vehicles.
- 15-124. Operation and parking of motor vehicles on public property.
- 15-125. Use of driver's license in lieu of bail.
- 15-126. Junked and certain other motor vehicles and accessories and junkyards.
- 15-127. Compliance with financial responsibility law required.
- 15-128. Penalty.

15-101. Motor vehicle requirements. It shall be unlawful for any person to operate any motor vehicle within the corporate limits unless such vehicle is equipped with properly operating muffler, lights, brakes, horn, and such other equipment as is prescribed and required by Tennessee Code Annotated, title 55, chapter 9. (1963 Code, § 9-101)

15-102. Driving on streets closed for repairs, etc. Except for necessary access to property abutting thereon, no motor vehicle shall be driven upon any street that is barricaded or closed for repairs or other lawful purpose. (1963 Code, § 9-106)

15-103. Reckless driving. Irrespective of the posted speed limit, no person, including operators of emergency vehicles, shall drive any vehicle in willful or wanton disregard for the safety of persons or property. (1963 Code, § 9-107)

15-104. One-way streets. On any street for one-way traffic with posted signs indicating the authorized direction of travel at all intersections offering access thereto, no person shall operate any vehicle except in the indicated direction. (1963 Code, § 9-109)

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

(a) When lawfully overtaking and passing another vehicle proceeding in the same direction.

(b) When the right half of a roadway is closed to traffic while under construction or repair.

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

(2) All vehicles proceeding at less than the normal speed of traffic at the time and place and under the conditions then existing shall be driven as close as practicable to the right hand curb or edge of the roadway, except when overtaking and passing another vehicle proceeding in the same direction or when preparing for a left turn. (1963 Code, § 9-110)

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

On two (2) lane and three (3) lane streets, the proper lane for travel shall be the right hand lane unless otherwise clearly marked. On streets with four (4) or more lanes, either of the right hand lanes shall be available for use except that traffic moving at less than the normal rate of speed shall use the extreme right hand lane. On one-way streets either lane may be lawfully used in the absence of markings to the contrary. (1963 Code, § 9-111)

15-107. Yellow lines. On streets with a yellow line placed to the right of any lane line or center line, such yellow line shall designate a no-passing zone, and no operator shall drive his vehicle or any part thereof across or to the left of such yellow line except when necessary to make a lawful left turn from such street. (1963 Code, § 9-112)

15-108. 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 municipality. (1963 Code, § 9-113)

15-109. General requirements for traffic-control signs, etc. Pursuant to Tennessee Code Annotated, § 54-5-108, all traffic control signs,

¹Municipal code references

Stop signs, yield signs, flashing signals, pedestrian control signs, traffic control signals generally: §§ 15-505--15-509.

signals, markings, and devices shall conform to the latest revision of the Tennessee Manual on Uniform Traffic Control Devices for Streets and Highways,¹ and shall be uniform as to type and location throughout the city. (1963 Code, § 9-114, modified)

15-110. Unauthorized traffic-control signs, etc. No person shall place, maintain, or display upon or in view of any street, any unauthorized sign, signal, marking, or device which purports to be or is an imitation of or resembles an official traffic-control sign, signal, marking, or device or railroad sign or signal, or which attempts to control the movement of traffic or parking of vehicles, or which hides from view or interferes with the effectiveness of any official traffic-control sign, signal, marking, or device or any railroad sign or signal. (1963 Code, § 9-115)

15-111. Presumption with respect to traffic-control signs, etc. When a traffic-control sign, signal, marking, or device has been placed, the presumption shall be that it is official and that it has been lawfully placed by the proper municipal authority. (1963 Code, § 9-116)

15-112. School safety patrols. All motorists and pedestrians shall obey the directions or signals of school safety patrols when such patrols are assigned under the authority of the chief of police and are acting in accordance with instructions; provided, that such persons giving any order, signal, or direction shall at the time be wearing some insignia and/or using authorized flags for giving signals. (1963 Code, § 9-117)

15-113. Driving through funerals or other processions. Except when otherwise directed by a police officer, no driver of a vehicle shall drive between the vehicles comprising a funeral or other authorized procession while they are in motion and when such vehicles are conspicuously designated. (1963 Code, § 9-118)

15-114. Clinging to vehicles in motion. It shall be unlawful for any person traveling upon any bicycle, motorcycle, coaster, sled, roller skates, or any other vehicle to cling to, or attach himself or his vehicle to any other moving vehicle upon any street, alley, or other public way or place. (1963 Code, § 9-120)

15-115. Riding on outside of vehicles. It shall be unlawful for any person to ride, or for the owner or operator of any motor vehicle being operated

¹For the latest revision of the Tennessee Manual on Uniform Traffic Control Devices for Streets and Highways, see the Official Compilation of the Rules and Regulations of the State of Tennessee, § 1680-3-1, et seq.

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. (1963 Code, § 9-121)

15-116. Backing vehicles. The driver of a vehicle shall not back the same unless such movement can be made with reasonable safety and without interfering with other traffic. (1963 Code, § 9-122)

15-117. Projections from the rear of vehicles. Whenever the load or any projecting portion of any vehicle shall extend beyond the rear of the bed or body thereof, the operator shall display at the end of such load or projection, in such position as to be clearly visible from the rear of such vehicle, a red flag being not less than twelve (12) inches square. Between one-half ($\frac{1}{2}$) hour after sunset and one-half ($\frac{1}{2}$) hour before sunrise, there shall be displayed in place of the flag a red light plainly visible under normal atmospheric conditions at least two hundred (200) feet from the rear of such vehicle. (1963 Code, § 9-123)

15-118. Causing unnecessary noise. It shall be unlawful for any person to cause unnecessary noise by unnecessarily sounding the horn, "racing" the motor, or causing the "screeching" or "squealing" of the tires on any motor vehicle. (1963 Code, § 9-124)

15-119. Vehicles and operators to be licensed. It shall be unlawful for any person to operate a motor vehicle in violation of the "Tennessee Motor Vehicle Title and Registration Law" or the "Uniform Motor Vehicle Operators' and Chauffeurs' License Law." (1963 Code, § 9-125)

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

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

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

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

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. (1963 Code, § 9-126)

15-121. Damaging pavements. No person shall operate upon any street of the municipality any vehicle, motor propelled or otherwise, which by reason of its weight or the character of its wheels or track is likely to damage the surface or foundation of the street. (1963 Code, § 9-119)

15-122. Truck routes. No truck, tractor, trailer or other vehicle having a rated capacity of more than one ton shall use any street or alley within the corporate limits unless such street or alley is designated as a federal or state highway. There shall be excepted from this prohibition such vehicles as are traveling on other streets by necessity in order to permit the operator to make a local delivery or accomplish some other lawful purpose. (1963 Code, § 9-127)

15-123. Registration of vehicles. (1) Every person, firm or corporation living in, or having a place of business in Union City and having motor vehicles regularly using the city streets shall be required to register motor vehicles with the Obion County Court Clerk annually and as evidence of registration of the motor vehicle, the Obion County Court Clerk shall issue a registration certificate. A certificate of registration for not more than two motor vehicles shall be issued at no charge to an ex-prisoner of war, upon producing evidence satisfactory to the Obion County Court Clerk of his or her being an ex-prisoner of war or surviving spouse of an ex-prisoner of war.

The city registration shall expire at the same time as the motor vehicle's state license plate.

The Obion County Court Clerk shall issue the certificate of registration at the same time as the state license plate for the motor vehicle is purchased.

(2) The fee for each motor vehicle as described herein for using the city streets shall be twenty dollars (\$20.00) if timely registered. An additional fee of five dollars (\$5.00) shall be charged for motor vehicles not timely registered. The city's definition of timely registration shall be the same as that set forth by the resolutions of the Obion County Commission for collection of its wheel tax.

(3) The mayor is authorized and directed to execute on behalf of the city a contract with Obion County and/or its county clerk containing such terms and provisions as will carry out the intent of this section as authorized by Tennessee Code Annotated, § 7-51-703. The collection of the fees for the city will be done on the same basis and in the same manner as provided by resolutions of the Obion County Commission for collection of its wheel tax and shall provide the same collection procedure and the same proration as required by the

resolutions adopted by the county commission for collection of its wheel tax. The contract shall also contain other terms and provisions about the remittance of the fees collected by the county clerk to the city as the mayor may deem appropriate on behalf of the city.

(4) The city's requirement relating to the transfer of the city's certificate of registration shall be the same as that provided by the resolutions for Obion County as adopted by the Obion County Commission for collection of its wheel tax and certificate issued by the county clerk shall be evidence of payment of the city's fee.

(5) Any person, firm or corporation owning or operating an automobile agency and/or used car motor vehicle lot in Union City shall be required to purchase an annual city registration for every vehicle for which a state license plate is purchased, demonstrator or otherwise; and, the fee shall be twenty dollars (\$20.00) for each dealer certificate of registration.

(6) Any person, firm or corporation who violates this section shall be guilty of a misdemeanor, and shall be fined not less than twenty-five dollars (\$25.00) nor more than fifty dollars (\$50.00) plus the court costs, and the city judge shall not have any authority to dismiss any citation issued by any authorized officer if the court finds that there has been a violation of this section, and both the fine and payment of the court costs shall be mandatory. Each day that a person, firm or corporation violates this section shall be a separate offense. (Ord. #10-94, Nov. 1993, as amended by Ord. #46-07, Oct. 2006)

15-124. Operation and parking of motor vehicles on public property. Motor vehicles may be operated and parked only on city streets, alleys, and public parking areas, and shall not be operated nor parked upon any publicly owned property, including but not limited to public sidewalks, walkways, parkways, or in any public park or recreation area or cemetery, provided this section shall not apply to operating and parking vehicles used for the purpose of making deliveries or for vending or maintenance services in public areas. The city manager may from time to time specifically designate areas where motor vehicles may be operated or parked for special occasions. (1963 Code, § 9-129)

15-125. Use of driver's license in lieu of bail. In addition to any other penalty or remedy provide by this code, when a citation is issued or when a person is arrested and charged with a violation of any municipal ordinance or state statute regulating traffic, excepting violations which call for the mandatory revocation of an operator's or chauffeur's license for any period of time, such person shall have the option of depositing his chauffeur's or operator's license with the officer, or city court, or County General Sessions Court, demanding bail in lieu of any other security required for his appearing

in the city court or the General Sessions Court of Obion County in answer to such charge before the court.

Whenever any person deposits his chauffeur's or operator's license as herein provided, either the officer or court demanding bail shall issue said person a receipt for said license upon a form approved or provided by the Department of Safety, and thereafter said person should be permitted to operate a motor vehicle upon the public highways of this state during the pendency of the case in which the license was deposited.

The clerk or judge of a court accepting the license shall thereafter forward to the Department of Safety the license of a driver deposited in lieu of bail if the driver fails to appear in answer to the charge filed against him, which license shall not be released by the Department of Safety until the charge for which such license was so deposited has been disposed of by the court in which pending.

The licensee shall have his license in his immediate possession at all times when driving a motor vehicle and shall display it upon demand of any officer or agent of the department or any police officer of the municipality except where the licensee has previously deposited his license with the officer or the court demanding bail and has received a receipt from the officer or the court, the same is to serve as a substitute for the license until the specified date for court appearance of the licensee or the license is otherwise returned to the licensee by the officer or court accepting the same for deposit. (1963 Code, § 9-130)

15-126. Junked and certain other motor vehicles and accessories and junkyards. (1) For the purpose of this section, the following definitions shall be applicable:

(a) "Junked motor vehicle" means any motor vehicle which is partially dismantled or wrecked and which cannot safely or legally be operated.

(b) "Motor vehicle" means any self-propelled land vehicle which can be used for towing or transporting people or materials, including but not limited to automobiles, buses, trucks, motor homes, motorized campers, motorcycles, motor scooters, tractors, snowmobiles, dune buggies, and other off-the-road vehicles.

(c) "Motor vehicle accessories" means any part or parts of any motor vehicle.

(d) "Person" includes any individual, firm, partnership or corporation.

(e) "Private property" means any real property not owned by the federal government, state, county, city school board, or other public subdivisions.

(f) "Removal" means the physical relocation of a motor vehicle or a motor vehicle accessory to an authorized location.

(g) "Junkyard" means any business which is primarily engaged in the buying and selling of scrap metal, junk or scrap materials, but not primarily engaged in the repair of motor vehicles and/or the sale of parts of motor vehicles. This definition shall include the term "auto wrecking" as regulated by the Union City Zoning Ordinance.

(h) "Designated storage place" means any storage area allowed by and meeting the requirements of this section which is utilized for the lawful storage of any junked motor vehicle requiring repair, parts or tires as further set forth in this section.

(i) "Depository" means a publicly owned and operated site utilized for the storage and safekeeping of goods, vehicles, or other items requiring storage prior to their transfer out of public safekeeping.

(2) It shall be unlawful for any person owning or having custody of any junked motor vehicle or motor vehicle requiring repair, parts, or tires to be operable or motor vehicle accessories to store or permit any such vehicle or accessories to remain on any private property within the city for a period of more than thirty days after the receipt of a notice requiring such removal, and it shall be further unlawful for any person owning any private property or junkyard in the city to store or permit to remain any such vehicles or accessories on his property for more than a like period if not in compliance with this section. Such storage is declared to be a public nuisance and may be abated or removed and penalties imposed as provided in this section. However, motor vehicles awaiting repairs at auto repair or auto body shops shall be allowed up to, but no more than, an additional thirty days of storage after receipt of a notice as set forth above.

It shall be unlawful for any person, after notification to remove any junked motor vehicle or motor vehicle accessories from any private property has been given, to move the same to any other private property upon which such storage is not permitted or onto any public highway or other public property for purposes of storage.

(3) This section shall regulate motor vehicles and motor vehicle accessories within designated storage places, depositories or junkyards as set forth below:

(a) This section shall not apply to any motor vehicle or motor vehicle accessories stored within an enclosed building or in a lawfully designated storage place, depository, junkyard or seasonal use vehicle such as snowmobiles, motorcycles, motor scooters and non-motorized campers.

(b) A lawfully designated storage place or depository shall only be a location in zones designated on the Union City Zoning Map as B-2 (Intermediate Business), B-M (Business-Industrial), M-1 (Light Industrial), M-2 (Heavy Industrial), and P-M (Planned Industrial) Districts. Junkyards (auto wrecking) shall only be located within M-2

(Heavy Industrial) districts as set forth in the Union City Zoning Ordinance.

(c) Such designated storage area, depository, or junk yard shall:

(i) In the case of designated storage areas, or depositories, be so situated to conform to, and not extend into, any required front yard as set forth in the official Zoning Ordinance of Union City.

(ii) In the case of junkyards (auto wrecking), be so situated to conform to the Official Zoning Ordinance of Union City.

(iii) Be enclosed by a solid wall or fence which is opaque so as to not allow visibility from any street or public way of any junked motor vehicle, parts, or motor vehicle requiring repairs, parts, or tires. Such fencing shall be a minimum of six (6) feet in height so as to block the visibility of said vehicles or parts from any public way.

(iv) Along any boundaries not visible to any public way or parking area, a wall or fence shall be required which shall be a minimum of six (6) feet in height.

(d) Legally established designated storage places, depositories, or junkyards (auto wrecking), as defined by this section shall comply with the provisions of this section within six (6) months of passage. Notification of this compliance requirement shall be in conformity with § 15-126(5) and all subsequent sections of this section.

(4) The building inspector or any person designated in writing by the city manager on routine inspection or upon receipt of a complaint may investigate a suspected junked motor vehicle or motor vehicle requiring repair, parts or tires to be operable, or motor vehicle accessory, and record the make, model, style, and identification numbers and its situation. The inspector may also investigate motor vehicle accessories or complaints concerning designated storage areas, depositories, or junkyards in the same way and manner.

(5) Whenever the building inspector or other person designated in writing by the city manager finds or is notified that any junked motor vehicle or motor vehicle requiring repair, part(s), or tires to be operable, or motor vehicle accessories have been stored or permitted to remain on any private property or junkyard within the city, not in compliance with this section, the building inspector shall send by certified mail a notice to the owner of record of such motor vehicle or accessories, if such owner can be ascertained by the exercise of reasonable diligence, and also to the owner of the private property, as shown on the tax assessment records of the city, on which the same is located to remove such motor vehicle or motor vehicle accessories within thirty days. Such notice shall also contain the following additional information:

(a) Nature of complaint.

(b) Description and location of the motor vehicle and/or motor vehicle accessories.

(c) Statement that the motor vehicle or motor vehicle accessories will be moved from the premises, or the premises brought into compliance as set forth herein, no later than thirty (30) days from the date of notification, excepting an additional thirty days shall be granted for a motor vehicle awaiting repair.

(d) Statement that removal from the location specified in the notification to another location upon which such storage is not permitted is prohibited and shall subject the person to additional penalties.

(e) Statement that if removal is made, or the premises is brought into compliance with this section, within the time limits specified, notification shall be given in writing to the building inspector or other person designated in writing by the city manager to make inspections.

(f) Statement of the penalties provided for non-compliance within such notice.

(6) Each day that there is noncompliance with the notice of the building inspector or other person designated in writing by the city manager to make inspections shall be deemed and treated as a separate offense and each offense shall constitute a misdemeanor.

(7) In addition, the city shall have the right and power to apply to the district court having jurisdiction for injunctive or other relief as may be appropriate to abate nuisances. (1963 Code, § 9-131)

15-127. 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 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 ordinance is punishable by a civil penalty of up to fifty dollars (\$50). The civil penalty prescribed by this ordinance 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. (Ord. #13-02, April 2002)

15-128. Penalty. Moving traffic violations are misdemeanors and offenders shall be subject to a penalty of not more than fifty dollars (\$50.00).

If an offense continues from day to day, each day shall constitute a separate offense. (Ord. #14-96, April 1996)

CHAPTER 2**EMERGENCY VEHICLES****SECTION**

15-201. Authorized emergency vehicles defined.

15-202. Operation of authorized emergency vehicles.

15-203. Following emergency vehicles.

15-204. Running over fire hoses, etc.

15-201. Authorized emergency vehicles defined. Authorized emergency vehicles shall be fire department vehicles, police vehicles, and such ambulances and other emergency vehicles as are designated by the chief of police. (1963 Code, § 9-102)

15-202. 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 under normal atmospheric conditions from a distance of 500 feet to the front of such vehicle, except that an authorized emergency vehicle operated as a police vehicle need not be equipped with or display a red light visible from in front of the vehicle.

(4) The foregoing provisions shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor shall such provisions protect the driver from the consequences of his reckless disregard for the safety of others. (1963 Code, § 9-103)

¹Municipal code reference

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

15-203. Following emergency vehicles. No driver of any vehicle shall follow any authorized emergency vehicle apparently travelling in response to an emergency call closer than five hundred (500) feet or drive or park such vehicle within the block where fire apparatus has stopped in answer to a fire alarm. (1963 Code, § 9-104)

15-204. Running over fire hoses, etc. It shall be unlawful for any person to drive over any hose lines or other equipment of the fire department except in obedience to the direction of a fireman or policeman. (1963 Code, § 9-105)

CHAPTER 3

SPEED LIMITS

SECTION

15-301. In general.

15-302. At intersections.

15-303. In school zones and near playgrounds.

15-304. In congested areas.

15-301. In general. It shall be unlawful for any person to operate or drive a motor vehicle upon any highway or street at a rate of speed in excess of thirty-five (35) miles per hour except where official signs have been posted indicating other speed limits, in which cases the posted speed limit shall apply. (1963 Code, § 9-201)

15-302. At intersections. At all intersections, the speed limit shall be fixed for the streets, avenues or thoroughfares involved. (1963 Code, § 9-202)

15-303. In school zones and near playgrounds. It shall be unlawful for any person to operate or drive a motor vehicle through any school zone or near any playground at a rate of speed in excess of fifteen (15) miles per hour when official signs indicating such speed limit have been posted by authority of the municipality. This section shall not apply at times when children are not in the vicinity of a school and such posted signs have been covered by direction of the chief of police. (1963 Code, § 9-203, as replaced by Ord. #92-10, June 2010, and Ord. #106-12, March 2012)

15-304. In congested areas. It shall be unlawful for any person to operate or drive a motor vehicle through any congested area at a rate of speed in excess of any posted speed limit when such speed limit has been posted by authority of the municipality. (1963 Code, § 9-204)

CHAPTER 4

TURNING MOVEMENTS

SECTION

15-401. Signals.

15-402. Right turns.

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

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

15-405. U-turns.

15-401. Signals. No person operating a motor vehicle shall make any turning movement which might affect the operation of any other vehicle without first signaling his intention in accordance with the requirements of the state law.¹ (1963 Code, § 9-301)

15-402. Right turns. Both the approach for a right turn and a right turn shall be made as close as practicable to the right hand curb or edge of the roadway. (1963 Code, § 9-302)

15-403. Left turns on two-way roadways. At any intersection where traffic is permitted to move in both directions on each roadway entering the intersection, an approach for a left turn shall be made in that portion of the right half of the roadway nearest the center line thereof and by passing to the right of the intersection of the center line of the two roadways. (1963 Code, § 9-303)

15-404. Left turns on other than two-way roadways. At any intersection where traffic is restricted to one direction on one or more of the roadways, the driver of a vehicle intending to turn left at any such intersection shall approach the intersection in the extreme left hand lane lawfully available to traffic moving in the direction of travel of such vehicle and after entering the intersection the left turn shall be made so as to leave the intersection, as nearly as practicable, in the left hand lane lawfully available to traffic moving in such direction upon the roadway being entered. (1963 Code, § 9-304)

15-405. U-turns. U-turns are prohibited. (1963 Code, § 9-305)

¹State law reference

Tennessee Code Annotated, § 55-8-143.

CHAPTER 5

STOPPING AND YIELDING

SECTION

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

15-501. 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, or of a police vehicle properly and lawfully making use of an audible signal only, the driver of every other vehicle shall immediately drive to a position parallel to, and as close as possible to, the right hand edge or curb of the roadway clear of any intersection and shall stop and remain in such position until the authorized emergency vehicle has passed, except when otherwise directed by a police officer. (1963 Code, § 9-401)

15-502. When emerging from alleys, etc. The drivers of all vehicles emerging from alleys, parking lots, driveways, or buildings shall stop such vehicles immediately prior to driving onto any sidewalk or street. They shall not proceed to drive onto the sidewalk or street until they can safely do so without colliding or interfering with approaching pedestrians or vehicles. (1963 Code, § 9-402)

15-503. To prevent obstructing an intersection. No driver shall enter any intersection or marked crosswalk unless there is sufficient space on the other side of such intersection or crosswalk to accommodate the vehicle he is operating without obstructing the passage of traffic in or on the intersecting street or crosswalk. This provision shall be effective notwithstanding any traffic-control signal indication to proceed. (1963 Code, § 9-403)

¹Municipal code reference

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

15-504. At railroad crossings. Any driver of a vehicle approaching a railroad grade crossing shall stop within not less than fifteen (15) feet from the 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 fifteen hundred (1500) feet 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. (1963 Code, § 9-404)

15-505. 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. (1963 Code, § 9-405)

15-506. 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. (1963 Code, § 9-406)

15-507. At traffic-control signals generally. Traffic-control signals exhibiting the words "Go," "Caution," or "Stop," or exhibiting different colored lights successively one at a time, or with arrows, shall show the following colors only and shall apply to drivers of vehicles and pedestrians as follows:

(1) Green alone, or "Go":

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

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

(2) Steady yellow alone, or "Caution":

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

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

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

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

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

(4) Steady red with green arrow:

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

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

(5) In the event an official traffic-control signal is erected and maintained at a place other than an intersection, the provisions of this section shall be applicable except as to those provisions which by their nature can have no application. Any stop required shall be made at a sign or marking on the pavement indicating where the stop shall be made, but in the absence of any such sign or marking the stop shall be made a vehicle length short of the signal. (1963 Code, § 9-407)

15-508. 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 by the municipality 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 § 15-504 of this code. (1963 Code, § 9-408)

15-509. At pedestrian control signals. Wherever special pedestrian control signals exhibiting the words "Walk" or "Wait" or "Don't Walk" have been placed or erected by the municipality, such signals shall apply as follows:

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

(2) "Wait or Don't Walk." No pedestrian shall start to cross the roadway in the direction of such signal, but any pedestrian who has partially completed his crossing on the walk signal shall proceed to the nearest sidewalk or safety zone while the wait signal is showing. (1963 Code, § 9-409)

15-510. 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. (1963 Code, § 9-410)

¹State law reference
Tennessee Code Annotated, § 55-8-143.

CHAPTER 6

PARKING

SECTION

- 15-601. Generally.
- 15-602. Angle parking.
- 15-603. Occupancy of more than one space.
- 15-604. Where prohibited.
- 15-605. Loading and unloading zones.
- 15-606. Regulation by parking meters.
- 15-607. Lawful parking in parking meter spaces.
- 15-608. Unlawful parking in parking meter spaces.
- 15-609. Unlawful to occupy more than one parking meter space.
- 15-610. Unlawful to deface or tamper with meters.
- 15-611. Unlawful to deposit slugs in meters.
- 15-612. Special parking permits.
- 15-613. Presumption with respect to illegal parking.
- 15-614. Truck parking on streets in residential areas.

15-601. Generally. Except as hereinafter provided, every vehicle parked upon a street within this municipality shall be so parked that its right wheels are parallel to and within eighteen (18) inches of the right edge or curb of the street. On one-way streets where the municipality has not placed signs prohibiting the same, vehicles may be permitted to park on the left side of the street, and in such cases the left wheels shall be required to be within eighteen (18) inches of the left edge or curb of the street.

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

Furthermore, no person shall wash, grease, or work on any vehicle, except to make repairs necessitated by an emergency, while such vehicle is parked on a public street. (1963 Code, § 9-501)

15-602. Angle parking. On those streets which have been signed or marked by the municipality for angle parking, no person shall park or stand a vehicle other than at the angle indicated by such signs or markings. No person shall angle park any vehicle which has a trailer attached thereto or which has a length in excess of twenty-four (24) feet. (1963 Code, § 9-502)

15-603. Occupancy of more than one space. No person shall park a vehicle in any designated parking space so that any part of such vehicle occupies

more than one such space or protrudes beyond the official markings on the street or curb designating such space unless the vehicle is too large to be parked within a single designated space. (1963 Code, § 9-503)

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

- (1) On a sidewalk.
 - (2) In front of a public or private driveway.
 - (3) Within an intersection or within fifteen (15) feet thereof.
 - (4) Within fifteen (15) feet of a fire hydrant.
 - (5) Within a pedestrian crosswalk.
 - (6) Within fifty (50) feet of a railroad crossing.
 - (7) Within twenty (20) feet of the driveway entrance to any fire station, and on the side of the street opposite the entrance to any fire station within seventy-five (75) feet of the entrance.
 - (8) Alongside or opposite any street excavation or obstruction when other traffic would be obstructed.
 - (9) On the roadway side of any vehicle stopped or parked at the edge or curb of a street.
 - (10) Upon any bridge.
 - (11) Alongside any curb painted yellow or red by the municipality.
- (1963 Code, § 9-504)

15-605. Loading and unloading zones. No person shall park a vehicle for any purpose or period of time other than for the expeditious loading or unloading of passengers or merchandise in any place marked by the municipality as a loading and unloading zone. (1963 Code, § 9-505)

15-606. Regulation by parking meters. In the absence of an official sign to the contrary which has been installed by the municipality, between the hours of 8:30 A.M. and 5:00 P.M., on all days except Sundays and national holidays observed by the United States Post Office, parking shall be regulated by parking meters where the same have been installed by the municipality. The presumption shall be that all installed parking meters were lawfully installed by the municipality. (1963 Code, § 9-506)

15-607. Lawful parking in parking meter spaces. Any parking space regulated by a parking meter may be lawfully occupied by a vehicle only after a proper coin has been deposited in the parking meter and the said meter has been activated or placed in operation in accordance with the instructions printed thereon. (1963 Code, § 9-507)

15-608. Unlawful parking in parking meter spaces. It shall be unlawful for the owner or operator of any vehicle to park or allow his vehicle to

be parked in a parking space regulated by a parking meter for more than the maximum period of time which can be purchased at one time.

No owner or operator of any vehicle shall park or allow his vehicle to be parked in such a space when the parking meter therefor indicates no parking time allowed, whether such indication is the result of a failure to deposit a coin or to operate the lever or other actuating device on the meter, or the result of the automatic operation of the meter following the expiration of the lawful parking time subsequent to depositing a coin therein at the time the vehicle was parked.

Furthermore, the parking of trucks, except small pickup trucks, and the placing and/or displaying of merchandise, wares, products or any other items for repair, sale, exchange and/or resale, within parking meter spaces are hereby prohibited, unless a temporary permit is issued by the mayor and councilmen. (1963 Code, § 9-508)

15-609. Unlawful to occupy more than one parking meter space.

It shall be unlawful for the owner or operator of any vehicle to park or allow his vehicle to be parked across any line or marking designating a parking meter space or otherwise so that such vehicle is not entirely within the designated parking meter space; provided, however, that vehicles which are too large to park within one space may be permitted to occupy two adjoining spaces provided proper coins are placed in both meters. (1963 Code, § 9-509)

15-610. Unlawful to deface or tamper with meters. It shall be unlawful for any unauthorized person to open, deface, tamper with, willfully break, destroy, or impair the usefulness of any parking meter. (1963 Code, § 9-510)

15-611. Unlawful to deposit slugs in meters. It shall be unlawful for any person to deposit in a parking meter any slug or other substitute for a coin of the United States. (1963 Code, § 9-511)

15-612. Special parking permits. Upon application and payment of the appropriate fee, the city clerk shall issue the following special parking permits which shall notwithstanding other provisions in this code to the contrary, authorize parking as indicated.

(1) **Parking meter permit.** A parking meter permit shall authorize parking by any parking meter at any time without activating such meter by inserting a coin. The cost per month for such a permit shall be in accordance with fees the municipality from time to time adopt by resolution, payable in advance, and shall be good only for the vehicle to which permanently and conspicuously attached.

(2) **Loading and unloading permit.** A loading and unloading permit may authorize the "in and out" parking of delivery vehicles on side streets in

front of or beside businesses for a monthly fee, payable by the quarter as the municipality may from time to time adopt by resolution.

(3) Off-street parking permit. An off-street parking permit may authorize parking on any city owned parking lot at any time for a monthly fee, payable by the quarter in advance, as the municipality may from time to time adopt by resolution. The permit shall be legal only for the vehicle to which it is permanently and conspicuously attached. (1963 Code, § 9-512)

15-613. 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. (1963 Code, § 9-513)

15-614. Truck parking on streets in residential areas. It shall be unlawful to park any truck, tractor, trailer or other vehicle having an automotive manufacturers rated capacity of one ton or more, upon any streets or alleyways within any residential zone, within the corporate limits of Union City, Tennessee, at any time except as follows:

(1) Such vehicles may be parked for delivery or "pick-up" calls, or for service calls, for such reasonable time as may be required.

(2) Such vehicles may remain upon such streets or alleyways during motor failures or breakdowns, or other emergencies, but should such emergency last for more than one-half day, the owner and/or driver of such vehicle will promptly notify the city police, and expeditious action will be taken by said owner or driver to remove the disabled vehicle. (1963 Code, § 9-514)

CHAPTER 7

ENFORCEMENT

SECTION

15-701. Issuance of traffic citations.

15-702. Failure to obey citation.

15-703. Illegal parking.

15-704. Impoundment of vehicles.

15-701. 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. (1963 Code, § 9-602)

15-702. Failure to obey citation. It shall be unlawful for any person to violate his written promise to appear in court after giving said promise to an officer upon the issuance of a traffic citation, regardless of the disposition of the charge for which the citation was originally issued. (1963 Code, § 9-603)

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

If the offense is a parking meter parking violation the offender may, within five (5) days, have the charge against him disposed of by paying to the city clerk a fine of one dollar (\$1.00) provided he waives his right to a judicial hearing. (1963 Code, § 9-604)

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

¹State law reference

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

arrested, or any vehicle which is illegally parked, abandoned, or otherwise parked so as to constitute an obstruction or hazard to normal traffic. Any vehicle left parked on any street or alley for more than seventy-two (72) consecutive hours without permission from the chief of police shall be presumed to have been abandoned if the owner cannot be located after a reasonable investigation. Such an impounded vehicle shall be stored until the owner claims it, gives satisfactory evidence of ownership and pays all applicable fines and costs. The fee for impounding a vehicle shall be five dollars (\$5.00) and a storage cost of be one dollar (\$1.00) per day shall be charged. (1963 Code, § 9-601)

CHAPTER 8

**AUTOMATED TRAFFIC SIGNAL
AND SPEED ENFORCEMENT SYSTEMS**

SECTION

15-801. Definitions.

15-802. Administration.

15-803. Offense.

15-804. Procedure.

15-805. Fine.

15-806. Miscellaneous.

15-801. Definitions. The following words, terms, and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

(1) "Citations and warning notices" shall include:

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

(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 the fine imposed and the date by which the fine should be paid;

(h) A 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 § 15-803 and/or §§ 15-301, 15-302, 15-303, or 15-304;

(i) A statement that recorded images are evidence of a violation of § 15-803 and/or §§ 15-301, 15-302, 15-303, or 15-304; and

(j) Information advising the person alleged to be liable under this chapter:

(i) Of the manner and time in which guilt alleged in the citation occurred and that the citation may be contested in the Union City City Court; and

(ii) Warning that failure to contest in the manner and time provided shall be deemed an admission of guilt and that a 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:

(a) On:

- (i) A photograph; or
 - (ii) A microphotograph; or
 - (iii) An electronic image; or
 - (iv) A videotape; or
 - (v) Any other medium; and
- (b) At least one (1) image or portion of tape, clearly identifying the registration number of the motor vehicle.
- (4) "Stop line" is a transverse white marking at an approach to an intersection that indicates a point behind which all vehicles must stop when so required by traffic control sign, signal or device.
- (5) "System location" is the approach to an intersection or a street or highway within the city limits which a photographic, video or electronic camera is directed and is in operation.
- (6) "Traffic control and speed photographic system" is 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 or exceeding the speed limit.
- (7) "Vehicle owner" is the person identified by the Tennessee Department of Safety as the registered owner of a motor vehicle or a lessee of a motor vehicle under a lease of six (6) months or more. (as added by Ord. #69-09, July 2008, and replaced by Ord. #91-10, June 2010)

15-802. Administration. (1) The Union City Police Department or an agent of the department shall administer the traffic control and speed limit enforcement photographic systems and shall maintain a list of system locations where traffic control photographic and speed limit enforcement systems are installed. The city may contact with third parties to perform ministerial and clerical functions.

(2) Any citation or warning for a violation of § 15-803 and/or §§ 15-301, 15-302, 15-303, or 15-304 issued by an officer of the Union City Police Department at a system location shall be treated in the manner prescribed in this chapter.

(3) No third party contractor shall have the authority to issue citations and no citations shall be issued except upon the review of the photograph(s), digital and/or video images by the Union City Police Department. Upon review of such images by the Union City Police Department, on each case, and upon express approval for the issuance of citation by the Union City Police Department, a third party contractor may perform the ministerial and clerical functions of preparing, mailing, serving and/or processing citations.

(4) The city shall adopt procedures for the issuance of citations and warnings under the section. A citation or warning alleging that the violation of § 15-803 and/or §§ 15-301, 15-302, 15-303, or 15-304 of this chapter occurred,

sworn to or affirmed by officials or agents of the city, based on inspection of recorded images produced by a traffic control and/or speed limit enforcement photographic system, shall be prima facie evidence of the facts contained therein and shall be admissible in any proceeding alleging a violation under this chapter. The citation or warning shall be forwarded by first-class mail postmarked no later than thirty (30) days after the date of the alleged violation, to the vehicle owner's address as given on the motor vehicle registration records maintained by the State of Tennessee Department of Safety and other states' motor vehicle registration departments. Personal delivery to or personal service of process on the owner of the vehicle shall not be required.

(5) Signs to indicate the use of traffic control and speed limit enforcement photographic systems shall be clearly posted. Signs to indicate the use of traffic control and speed limit enforcement photographic systems shall be posted in advance of individual system locations and may be posted elsewhere in the city.

(6) The City of Union City shall have all necessary power and authority to contractually provide for the purchase, lease, rental acquisition and/or to enter a service contract(s) so as to fully and necessarily implement the provisions of the traffic control and speed limit enforcement photographic system authorized hereby. (as added by Ord. #69-09, July 2008, and replaced by Ord. #91-10, June 2010)

15-803. Offense. It shall be unlawful for a vehicle to cross the stop line at a system location, in disregard or disobedience of the traffic control sign, signal or device at such location, or to otherwise violates any section of the Union City Municipal Code with respect to obedience to traffic lights, stop signs, or traffic signals. It shall be unlawful for a vehicle to travel through a speed location at a rate of speed in excess of limits established or posted for any location.

The owner of a vehicle shall be responsible for a violation under this chapter, except as provided herein. When such owner provides evidence in accordance with the procedures set forth in § 15-804(2) that the vehicle was in the care, custody, or control of another person at the time of the violation, then the person who had the care, custody and control of the vehicle at the time of the violation shall be responsible. (as added by Ord. #69-09, July 2008, and replaced by Ord. #91-10, June 2010)

15-804. Procedure. (1) A person who receives a citation or warning notice under this chapter for violations of § 15-803 and/or §§ 15-301, 15-302, 15-303, or 15-304 may:

(a) Pay the fine in accordance with instructions on the citation, directly to the City of Union City; or

(b) Elect to contest the citation of the alleged violation in a hearing before the city judge of the Union City Municipal Court, in accordance with the instructions on the citation.

(2) Guilt under this chapter and/or chapter 3 of title 15 of the Municipal Code of the City of Union City shall be determined based upon preponderance of the evidence. Admission into evidence of a citation or warning notice, together with proof that the defendant was, at the time of the violation, the registered owner of the vehicle shall permit the trier of fact in its discretion to infer such owner of the vehicle was the driver of the vehicle at the time of the alleged violation. Such an inference may be rebutted if the owner of the vehicle:

(a) Testifies under oath in open court that the owner was not the operator of the vehicle at the time of the alleged violation and the trier of fact accepts such testimony as true; or

(b) Furnishes to the city court, prior to the return date established on the citation or warning notice, the owner's sworn notarized affidavit or statement, under penalty of perjury, that the vehicle was in the care, custody, or control of another person or entity at the time of the violation and accurately identifying the name and accurately stating the current address and relationship to or affiliation with the vehicle at the time of the alleged violation; or

(c) Furnishes to the city court, prior to the return date established on the citation or warning notice, a certified copy of a police report showing that the vehicle or the registration plates had been reported to the police as stolen prior to the time of the alleged violation or within a timely manner after the alleged theft occurred; or

(d) Furnishes to the city court, prior to the return date established on the citation or warning notice, an affidavit or statement under penalty of perjury signed by the owner before a notary public, stating that, at the time of the alleged violation, the vehicle involved was stolen or was in the care, custody or control of some other person who did not have the owner's permission to use the vehicle. If the owner elects to present such an affidavit or statement, the affidavit or statement must include one (1) of the following statements:

(i) The actual operator of the vehicle at the time of the alleged violation is unknown to the owner; or

(ii) The actual operator of the vehicle at the time of the alleged violation is known to the owner. If the affidavit or statement includes this sentence, then the affidavit or statement must also include information accurately identifying the name and the current address of the driver at the time of the alleged violation.

(e) In the case of a commercial vehicle with a registered gross weight of ten thousand (10,000) pounds or more, a tractor vehicle, a trailer operated in combination with a tractor vehicle, or a passenger bus,

in order to demonstrate that said owner was not the violator, the owner shall, in a letter mailed to the city court by certified mail, return receipt requested:

- (i) State that the person named in the citation was not operating the vehicle at the time of the violation; and
 - (ii) Provide the name, address and driver's license identification number of the person who was operating the vehicle at the time of the violation.
- (3) In the event the owner of a vehicle provides a name and address of a person or entity other than the owner who had leased, rented or otherwise had care, custody, control or possession of the vehicle at the time of the alleged violation, the city shall then issue a citation or warning to the person or entity so identified. (as added by Ord. #69-09, July 2008, and replaced by Ord. #91-10, June 2010)

15-805. Fine. (1) Any violation of this chapter and/or chapter 3 of title 15 of the Municipal Code of the City of Union City shall result in a fine of fifty dollars (\$50.00).

(2) Failure to pay the fine by the designated date, or appear in the city court to contest the citation on the designated date, or to otherwise provide the information under § 15-804(2)(b),(c),(d) or (e) shall be deemed an acknowledgment by the owner of an indebtedness to the City of Union City of fifty dollars (\$50.00) and shall result in an imposition of a judgment by default of fifty dollars (\$50.00). Such a default judgment will also result in the assessment of court costs and litigation tax as otherwise provided for under the Union City Municipal Code for non-parking offenses. The city may collect this debt and/or fine in the same manner as any other debt to the city.

(3) All revenues generated from fines, penalties, and assessments associated with the enforcement of this chapter and/or chapter 3 of title 15 of the Municipal Code of the City of Union City shall be applied to the costs incurred in administering the provisions of this chapter, including but not limited to, equipment costs, administrative costs, and associated processing costs. Any excess revenues shall then be limited to the payment of costs associated with traffic and safety education programs and thereafter shall be available for general government operating and capital expenditures.

(4) A violation for which a fine is imposed under this section shall not be considered a moving violation and may not be recorded by the Union City Police Department of the Tennessee 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. #69-09, July 2008, and replaced by Ord. #91-10, June 2010)

15-806. Miscellaneous. All recorded images generated by the traffic control photograph system, including but not limited to, photographs, electronic

images, and videotape, shall be solely owned by the City of Union City. (as added by Ord. #69-09, July 2008, and replaced by Ord. #91-10, June 2010)