

## TITLE 15

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

#### CHAPTER

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#### CHAPTER 1

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

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<sup>1</sup>Municipal code reference

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

<sup>2</sup>State law references

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

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**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. (1981 Code, §§ 14-172, 14-566, 14-567, 14-568, 14-569, 14-570, and 14-571, modified)

**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.

**15-103. [Deleted.]** (1981 Code, § 14-185, as deleted by Ord. #2005-11, March 2005)

**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. (1981 Code, §§ 14-217, 14-218, 14-219, and 14-220, modified)

**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 city 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.

**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. (1981 Code, § 14-190, modified)

**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.

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

It shall be unlawful for any pedestrian or the operator of any vehicle willfully to violate or fail to comply with the reasonable directions of any police officer. (1981 Code, §§ 14-236 and 14-543, modified)

**15-109. Detour or road closed signs; driver obedience required.** It shall be unlawful to tear down or deface any detour sign or to break down or drive around any barricade erected for the purpose of closing any section of a street to traffic during construction, repair, or for any purpose incident to the needs of public safety or convenience, or to drive over such section of the street until again thrown open to public traffic; however, such restriction shall not apply to the persons in charge of such construction or repair or project for public safety or convenience.

At any time that a street or alley is closed for any purpose the signs placed on said street or alley shall clearly designate that said street or alley is closed. (Ord. of May 1994)

**15-110. 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,<sup>2</sup> 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 city. (1981 Code, § 14-542, modified)

**15-111. 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. (1981 Code, § 14-548, modified)

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<sup>1</sup>Municipal code references

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

<sup>2</sup>This manual may be obtained from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

**15-112. 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 city authority.

**15-113. 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.

**15-114. 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.

Oncoming traffic is hereby instructed to proceed as normal when meeting a funeral procession. (1981 Code, § 14-178(5), modified)

**15-115. 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. (1981 Code, § 14-14, modified)

**15-116. 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. (1981 Code, § 14-10, modified)

**15-117. 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. (1981 Code, § 14-180, modified)

**15-118. Projections from the rear of vehicles.** Whenever the load or any projecting portion of any vehicle shall extend beyond the rear of the bed or body thereof, the operator shall display at the end of such load or projection, in such position as to be clearly visible from the rear of such vehicle, a red flag being not less than twelve (12) inches square. Between one-half (½) hour after sunset and one-half (½) hour before sunrise, there shall be displayed in place of the flag a red light plainly visible under normal atmospheric conditions at least two hundred (200) feet from the rear of such vehicle.

**15-119. 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.

**15-120. Vehicles and operators to be licensed.** (1) It shall be unlawful for any person to operate any motor vehicle within the corporate limits of the City of Cleveland, Tennessee, unless such vehicle complies with the requirements of Tennessee Code Annotated, title 55, chapter 4, entitled "Registration and Licensing of Motor Vehicles."

(2) It shall be unlawful for any person to operate any motor vehicle within the corporate limits of the City of Cleveland unless such person complies with the requirements of Tennessee Code Annotated, title 55, chapter 50, entitled the "Uniform Classified and Commercial Drive License Act of 1988." (1981 Code, §§ 14-170 and 14-172, as replaced by Ord. #2004-31, Aug. 2004)

**15-121. Passing.** Except when overtaking and passing on the right is permitted, the driver of a vehicle passing another vehicle proceeding in the same direction shall pass to the left thereof at a safe distance and shall not again drive to the right side of the street until safely clear of the overtaken vehicle. The driver of the overtaken vehicle shall give way to the right in favor of the overtaking vehicle on audible signal and shall not increase the speed of his vehicle until completely passed by the overtaking vehicle.

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

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

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

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

No vehicle operator shall attempt to pass another vehicle proceeding in the same direction unless he can see that the way ahead is sufficiently clear and unobstructed to enable him to make the movement in safety. (1981 Code, §§ 14-186, 14-187, 14-188, and 14-189, modified)

**15-122. Motorcycles, motor driven cycles, motorized bicycles, bicycles, etc.**

(1) Definitions. For the purpose of the application of this section, the following words shall have the definitions indicated:

(a) "Motorcycle." Every motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three (3) wheels in contact with the ground, but excluding a tractor or motorized bicycle.

(b) "Motor-driven cycle." Every motorcycle, including every motor scooter, with a motor capacity that does not exceed five (5) brake horsepower, or with a motor with a cylinder capacity not exceeding one hundred and twenty-five cubic centimeters (125cc);

(c) "Motorized bicycle." A vehicle with two (2) or three (3) wheels, an automatic transmission, and a motor with a cylinder capacity not exceeding fifty (50) cubic centimeters which produces no more than two (2) brake horsepower and is capable of propelling the vehicle at a maximum design speed of no more than thirty (30) miles per hour on level ground.

(2) Every person riding or operating a bicycle, motor cycle, motor driven cycle or motorized bicycle shall be subject to the provisions of all traffic ordinances, rules, and regulations of the city applicable to the driver or operator of other vehicles except as to those provisions which by their nature can have no application to bicycles, motorcycles, motor driven cycles, or motorized bicycles.

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

(4) No bicycle, motorcycle, motor driven cycle or motorized bicycle shall be used to carry more persons at one time than the number for which it is designed and equipped.

(5) No person operating a bicycle, motorcycle, motor driven cycle or motorized bicycle shall carry any package, bundle, or article which prevents the rider from keeping both hands upon the handlebars.

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

(7) Each driver of a motorcycle, motor driven cycle, or motorized bicycle 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.

(8) Every motorcycle, motor driven cycle, or motorized bicycle operated upon any public way within the corporate limits shall be equipped with a windshield or, in the alternative, the operator and any passenger on any such motorcycle, motor driven cycle or motorized bicycle shall be required to wear safety goggles, faceshield or glasses containing impact resistant lens for the purpose of preventing any flying object from striking the operator or any passenger in the eyes.

(9) It shall be unlawful for any person to operate or ride on any vehicle in violation of this section, and it shall also be unlawful for any parent or guardian knowingly to permit any minor to operate a motorcycle, motor driven cycle or motorized bicycle in violation of this section. (1981 Code, §§ 14-13, 14-181, 14-391, 14-392, 14-393, 14-394, 14-395, 14-396, 14-397, 14-398, 14-399, 14-400, and 14-401, modified)

**15-123. Delivery of vehicle to unlicensed driver, etc.**

(1) Definitions. (a) "Adult" shall mean any person eighteen years of age or older.

(b) "Automobile" shall mean any motor driven automobile, car, truck, tractor, motorcycle, motor driven cycle, motorized bicycle, or vehicle driven by mechanical power.

(c) "Custody" means the control of the actual, physical care of the juvenile, and includes the right and responsibility to provide for the physical, mental, moral and emotional well being of the juvenile. "Custody" as herein defined, relates to those rights and responsibilities as exercised either by the juvenile's parent or parents or a person granted custody by a court of competent jurisdiction.

(d) "Drivers license" shall mean a motor vehicle operators license or chauffeurs license issued by the State of Tennessee.

(e) "Juvenile" as used in this chapter shall mean a person less than eighteen years of age, and no exception shall be made for a juvenile who has been emancipated by marriage or otherwise.

(2) It shall be unlawful for any parent or person having custody of a juvenile to permit any such juvenile to drive a motor vehicle upon the streets, highways, roads, parkways, avenues or public ways in the city in a reckless, careless, or unlawful manner, or in such a manner as to violate the ordinances of the city. (1981 Code, §§ 14-170 and 14-171, modified)

**15-124. Use of roller skates, coasters, etc., restricted; exception.**

No person upon roller skates, or riding in or by means of any coaster, toy vehicle, or similar device, shall go upon any roadway except while crossing a street on a crosswalk. When so crossing such person shall be granted all the rights and shall be subject to all of the duties applicable to pedestrians. (1981 Code, § 14-9, modified)

**15-125. Driving on sidewalk.** The driver of a vehicle shall not drive within any sidewalk area except at a permanent or temporary driveway. (1981 Code, § 14-179)

**15-126. Driving on controlled-access roadways.** No person shall drive a vehicle onto or from any controlled-access roadway except at such entrances and exits as are established by public authority. (1981 Code, § 14-182)

**15-127. Load restrictions upon vehicles using certain highways.**

When signs are erected giving notice thereof, no person shall operate any vehicle with a gross weight in excess of the amounts specified at any time upon any of the streets or parts of streets so posted. (1981 Code, § 14-193)

**15-128. Commercial vehicles using certain streets.** (1) Definitions.

As used in this section, a "commercial vehicle" shall mean any "tractor/trailer truck" or any category of truck or other motor-driven vehicle with a gross weight in excess of 8,999 pounds.

(2) Commercial vehicles prohibited on certain city streets. When signs are erected on a city street stating "Commercial vehicles prohibited," no person shall operate any commercial vehicle at any time upon any of the city streets or parts of city streets so marked, except that commercial vehicles may be operated thereon for the purpose of delivering or picking up materials or merchandise and then only by entering such city street at the intersection nearest the destination of the commercial vehicle and proceeding thereon no further than the nearest intersection thereafter.

(3) Further exceptions. The foregoing provisions prohibiting commercial vehicle traffic shall not apply to any emergency vehicle, school bus, or any road construction equipment being operated by or for the City of Cleveland in connection with repairs on city property or a right of way owned by the City of Cleveland.

(4) Designated streets for commercial vehicle traffic. When signs are erected stating "truck routes," the following city streets are hereby designated as "truck routes." Commercial vehicle traffic is not prohibited on these streets.

- (a) Cherry Street, NE between 20<sup>th</sup> Street and 16<sup>th</sup> Street;
- (b) 16<sup>th</sup> Street, NE between Cherry Street and Carolina Avenue;
- (c) 15<sup>th</sup> Street, NE between Carolina Avenue and Parker Street;
- (d) 6<sup>th</sup> Street, SE between Wildwood Avenue and Linden Avenue;
- (e) 3<sup>rd</sup> Street, SE between Linden Avenue and Ocoee Street;
- (f) Linden Avenue, SE between Inman Street and 3rd/6th Street;
- (g) Euclid Avenue, SE between 3<sup>rd</sup> Street and 14<sup>th</sup> Street;
- (h) 14<sup>th</sup> Street, SE between Euclid Avenue and Church Street;
- (i) Church Street, SE between 14<sup>th</sup> Street and 19<sup>th</sup> Street.

(5) Enforcement. A violation of this section shall be punished by a fine not to exceed \$50.00. (1981 Code, § 14-194, as replaced by Ord. #2003-19, June 2003)

**15-129. Opening and closing vehicle doors.** No person shall open the door of a motor vehicle on the side available to moving traffic unless and until it is reasonably safe to do so, nor shall any person leave a door open on the side

of a motor vehicle available to moving traffic for a period of time longer than necessary to load or unload passengers. (1981 Code, § 14-15)

**15-130. Following too closely.** (1) The driver of a motor vehicle shall not follow another vehicle more closely than is reasonable and prudent, having due regard for the speed of such vehicles and the traffic upon and the condition of the highway.

(2) The driver of any motor truck or motor vehicle drawing another vehicle when traveling upon a roadway which is following another motor truck or motor vehicle drawing another vehicle, shall, whenever conditions permit, leave sufficient space so that an overtaking vehicle may enter and occupy such space without danger, except that this shall not prevent a motor truck or motor vehicle drawing another vehicle from overtaking and passing any like vehicle or other vehicle. (1981 Code, § 14-191)

**15-131. Overtaking and passing school bus; markings; discharging passengers.** (1) The driver of a vehicle upon a highway or street upon meeting or overtaking from either direction any school bus which has stopped on the highway or street for the purpose of receiving or discharging any school children shall stop the vehicle before reaching such school bus and such driver shall not proceed until such school bus resumes motion or is signaled by the school bus driver to proceed or the visual signals are no longer actuated.

(2) All motor vehicles used in transporting school children to and from school in this city are required to be distinctly marked "School Bus" on the front and rear thereof in letters of not less than six (6) inches in height, and so plainly written or printed and so arranged as to be legible to persons approaching such school bus, whether traveling in the same or the opposite direction.

(3) The driver of a vehicle upon a highway with separate roadways need not stop upon meeting or passing a school bus which is on a different roadway or when upon a controlled-access highway and the school bus is stopped in a loading zone which is a part of or adjacent to such highway and where pedestrians are not permitted to cross the roadway. For the purpose of this paragraph, separate roadways shall mean roadways divided by an intervening space which is not suitable to vehicular traffic.

(4) Except as otherwise provided by this section, the school bus driver is required to stop such school bus on the right-hand side of such street or highway, and such driver shall cause the bus to remain stationary and the visual stop signs on the bus actuated until all school children who should be discharged from the bus have been so discharged and until all children whose destination causes them to cross the road or highway at that place have negotiated such crossing. (1981 Code, § 14-192)

**15-132. Unattended motor vehicles.** (1) No person driving or in charge of a motor vehicle shall permit it to stand unattended in any public place

without first stopping the engine, locking the ignition, removing the ignition key from the vehicle, effectively setting the brake thereon and, when standing upon any grade, turning the front wheels to the curb or side of the highway.

(2) Whenever any police officer shall find a motor vehicle standing unattended with the ignition key in the vehicle, in violation of this section, such police officer is authorized to remove such key from such vehicle and to deliver such key to the police station.

(3) The registered owner of a vehicle found in violation of this section shall be held prima facie responsible for any such violation. (1981 Code, § 14-195)

**15-133. Lights on motor vehicles.** (1) (a) Every motor vehicle other than a motorcycle, road roller, road machinery or farm tractor operated on any street, road or highway within the corporate limits of the City of Cleveland shall be equipped with at least two (2) and not more than four (4) headlights, with at least one (1) on each side of the front of the motor vehicle.

(b) The headlights of every motor vehicle shall be so constructed, equipped, arranged, focused, aimed, and adjusted, that they will at all times mentioned in the Tennessee Code Annotated, § 55-9-401, and under normal atmospheric conditions and on a level road produce a driving light sufficient to render clearly discernible a person two hundred feet (200') ahead, but shall not project a glaring or dazzling light to persons in front of such headlights.

(c) Such headlights shall be displayed during the period from one-half (½) hour after sunset to one-half (½) before sunrise, during fog, smoke, or rain and at all other times when there is not sufficient light to render clearly discernible any person on the road at a distance of two hundred feet (200') ahead of such vehicle.

(d) Operation of headlights during periods of rain, as required in this section, shall be made during any time when rain, mist, or other precipitation, including snow, necessitates the constant use of windshield wipers by motorists.

(2) (a) Whenever the road lighting equipment on a motor vehicle is so arranged that the driver may select at will between two (2) or more distributions of light from headlights or lamps or auxiliary road lighting lamps or lights, or combinations thereof, directed to different elevations, the following requirements shall apply while driving during the times when lights are required:

(i) When there is no oncoming vehicle within five hundred feet (500'), the driver shall use an upper distribution of light; provided, that a lower distribution of light may be used when fog, dust, or other atmospheric conditions make it desirable for reasons of safety, and when within the corporate limits of the City

of Cleveland, there is sufficient light to render clearly discernable persons and vehicles on the street, highway, or road at a distance of five hundred feet (500') ahead and when following another vehicle within five hundred feet (500'); and

(ii) When within five hundred feet (500') of an oncoming vehicle, a driver shall use a distribution of light so aimed that the glaring rays therefrom are not directed into the eyes of the oncoming driver.

(b) Headlights shall be deemed to comply with the provisions of Tennessee Code Annotated, § 55-9-406, prohibiting glaring and dazzling lights, if the headlights are of a type customarily employed by manufacturers of automobiles and in addition are equipped with some anti-glare device approved by the Tennessee Department of Safety.

(c) No non-emergency vehicle shall operate or install emergency flashing light systems, such as strobe, wig-wag, or other flashing lights within the headlight assembly or grill area of the vehicle; provided, however, that a school bus may operate a flashing, wig-wag lighting system within the headlight assembly of the vehicle when the vehicle's visual stop signs are actuated for receiving or discharging school children.

(d) Auxiliary road lighting lamps may be used, but not more than two (2) of such lamps shall be lighted at any one (1) time in addition to the two (2) required headlights.

(e) No spotlight or auxiliary lamp shall be so aimed upon approaching another vehicle that any part of the high intensity portion of the beam therefrom is directed beyond the left side of the motor vehicle upon which the spotlight or auxiliary lamp is mounted, nor more than one hundred feet (100') ahead of such motor vehicle.

(f) Each lamp and headlight required under this section shall be in good condition and operational.

(3) (a) Every motor vehicle shall be equipped with two (2) red tail lamps and two (2) red stoplights on the rear of such vehicle, and one (1) tail lamp and one (1) stoplight shall be on each side, except that passenger cars manufactured or assembled prior to January 1, 1939, trucks manufactured or assembled prior to January 1, 1968, trucks manufactured or assembled prior to January 1, 1968, and motorcycles and motor-driven cycles shall have at least one (1) red tail lamp and one (1) red stoplight.

(b) No non-emergency vehicle shall operate or install emergency flashing light systems such as strobe, wig-wag, or other flashing lights in tail light lamp, stoplight area, or factory installed emergency flasher and backup light area; provided, however, that the foregoing prohibition shall not apply to the utilization of a continuously flashing light system on a motorcycle. For the purposes of this part, "continuously flashing light system" means a brake light system on a motorcycle in which the brake

lamp pulses rapidly for no more than five (5) seconds when the brake is applied, and then converts to a continuous light as a normal brake lamp until such time as the brake is released.

(c) The stoplight shall be so arranged as to be actuated by the application of the service or foot brake and shall be capable of being seen and distinguished from a distance of one hundred feet (100') to the rear of a motor vehicle in normal daylight, but shall not project a glaring or dazzling light.

(d) The stoplight may be incorporated with the tail lamp.

(e) Each lamp and stoplight required under this section shall be in good condition and operational.

(4) (a) No vehicle operated on any street, highway or road within the corporate limits of the City of Cleveland shall be equipped with any flashing red or white light or any combination of red or white lights which displays to the front of such vehicle except school buses, a passenger motor vehicle operated by a rural mail carrier of the United States postal service while performing the duties of a rural mail carrier, authorized law enforcement vehicles only when used in combination with a flashing blue light, and emergency vehicles used in firefighting, including ambulances, emergency vehicles used in firefighting which are owned or operated by the division of forestry, firefighting vehicles, rescue vehicles, privately owned vehicles of regular or volunteer firefighters certified in Tennessee Code Annotated, § 55-9-201(c), or other emergency vehicles used in firefighting owned, operated, or subsidized by the governing body of any county or municipality.

(b) Any emergency rescue vehicle owned, titled and operated by a state chartered rescue squad, a member of the Tennessee Association of Rescue Squads, privately owned vehicles of regular or volunteer firefighters certified in Tennessee Code Annotated, § 55-9-201(c), and marked with lettering at least three inches (3") in size and displayed on the left and right sides of the vehicle designating it an "Emergency Rescue Vehicle," any authorized civil defense emergency vehicle displaying the appropriate civil defense agency markings of at least three inches (3"), and any ambulance or vehicle equipped to provide emergency medical services properly licensed as required in the State of Tennessee and displaying the proper markings, shall also be authorized to be lighted in one (1) or more of the following manners:

(i) A red or red/white visibar type with public address system;

(ii) A red or red/white oscillating type light; and

(iii) Blinking red or red/white lights, front and rear.

(c) Any vehicle, other than a school bus, a passenger motor vehicle operated by a rural mail carrier of the United States postal service while performing the duties of a rural mail carrier or an

emergency vehicle authorized by this section to display flashing red or red/white lights, or authorized law enforcement vehicles using red, white, and blue lights in combination, that displays any such lights shall be considered in violation of this subsection.

(d) Notwithstanding any provision of law to the contrary, nothing in this section shall prohibit a highway maintenance or utility vehicle, or any other type vehicle or equipment participating, in any fashion, with highway or utility construction, maintenance, or inspection, from operating a white, amber, or white and amber light system on any location on such vehicle or equipment, other than in the tailgate lamp, stoplight area, or factory installed emergency flasher and backup light area, if such light system is a strobe, flashing, oscillating, or revolving system, while the vehicle or equipment is parked upon, or entering or leaving any highway or utility construction, maintenance, repair or inspection site. A vehicle described in this subsection may display either:

(i) A white light system within the headlight assembly or grill area or that displays to the front of the vehicle; or

(ii) An amber light system on any location on such vehicle other than in the taillight lamp, stoplight area, or factory installed emergency flasher and backup light area, if such light system is flashing, oscillating, or revolving, while the vehicle is engaged in repair or maintenance work on or near any public highway.

(e) As used in subsection (4)(d), "utility" means any person, municipality, county, metropolitan government, cooperative, board, commission, district, or any entity created or authorized by public act, private act, or general law to provide electricity, natural gas, water, waste water services, telephone service, or any combination thereof, for sale to consumers in any particular service area. As used herein, "cooperative" means any cooperative providing utility services including, but not limited to, electric or telephone services, or both.

(f) Nothing in this subsection imposes any duty or obligation to install or utilize the lighting systems allowed in this section.

(5) A violation of any of the provisions of this section is punishable by a fine of not more than \$50.00 plus court costs and litigation tax, if applicable. (1981 Code, § 14-569, as replaced by Ord. #2006-19, June 2006)

**15-134. Wearing of seat belts.** (1) As used in this section, the term "passenger motor vehicle" shall mean a passenger motor vehicle as that term is defined in Tennessee Code Annotated, § 55-9-603.

(2) No person shall operate a passenger motor vehicle on any street or highway within the corporate limits of the City of Cleveland, unless the person operating the vehicle and all front seat passengers four (4) years of age or older are properly restrained by a safety belt at all times the vehicle is in forward motion.

(3) No person age four (4) years or older shall ride as a front seat passenger in a passenger motor vehicle which is operated on any street or highway within the corporate limits of the City of Cleveland, unless said front seat passenger is properly restrained by a safety belt at all times the vehicle is in forward motion.

(4) No person between sixteen (16) years of age and up to and through the age of seventeen (17) years of age shall operate a passenger motor vehicle, or ride as a passenger in a passenger motor vehicle, on any street or highway within the corporate limits of the City of Cleveland, unless such operator or passenger is properly restrained by a safety belt at all times the vehicle is in forward motion. Operators and passengers who are between the ages of sixteen (16) and up through the age of seventeen (17) must wear a safety belt while occupying any seat in such a passenger motor vehicle.

(5) No person with a learner's permit or intermediate driver license shall operate a passenger motor vehicle on any street or highway within the corporate limits of the City of Cleveland, unless the operator and all passengers between the ages of four (4) and seventeen (17) are properly restrained by a safety belt at all times the vehicle is in forward motion. All passengers who are between the ages of four (4) and seventeen (17) must wear a safety belt while occupying any seat in such a passenger motor vehicle.

(6) The requirements of this section shall not apply to:

(a) A passenger or operator with a physical disability which prevents appropriate restraint in a safety seat or a safety belt; provided, that the condition is duly certified in writing by a physician who shall state the nature of the disability, as well as the reason a restraint is inappropriate.

(b) A passenger motor vehicle operated by a rural letter carrier of the United States Postal Service while performing the duties of a rural letter carrier.

(c) Salespersons or mechanics employed by an automobile dealer who, in the course of their employment, test-drive a motor vehicle, if the dealership customarily test-drives fifty (50) or more motor vehicles a day, and if the test-drives occur within one (1) mile of the location of the dealership;

(d) Water, gas, and electric meter readers, and utility workers, while the meter reader or utility worker is:

(i) Emerging from and reentering a vehicle at frequent intervals; and

(ii) Operating the vehicle at speeds not exceeding forty miles per hour (40 mph);

(e) A newspaper delivery motor carrier service while performing the duties of a newspaper delivery motor carrier service; provided, that this exemption shall only apply from the time of the actual first delivery to the customer until the last actual delivery to the customer;

(f) A vehicle in use in a parade if operated at less than fifteen miles per hour (15 mph);

(g) A vehicle in use in a hayride if operated at less than fifteen miles per hour (15 mph);

(h) A vehicle crossing a highway from one field to another if operated at less than fifteen miles per hour (15 mph).

(7) A violation of this section shall be punishable by a fine of thirty dollars (\$30.00) for a first offense. A second or subsequent violation of this section shall be punishable by a fine of fifty dollars (\$50.00).

For any offense committed on or after January 1, 2016, a violation of this section shall be punishable by a fine of twenty five dollars (\$25.00) for a first offense. A second or subsequent violation of this section shall be punishable by a fine of fifty dollars (\$50.00). (as amended by Ord. of 8/26/96, replaced by Ord. #2015-32, Nov. 2015, and amended by Ord. #2017-51, Oct. 2017)

**15-135. Trespass by motor vehicles.** (1) Any person who drives, parks, stands, or otherwise operates a motor vehicle on, through or within a parking area, driving area or roadway located on privately owned property which is provided for use by patrons, customers or employees of business establishments upon such property, or adjoining property or for use otherwise in connection with activities conducted upon such property, or adjoining property, after such person has been requested or ordered to leave the property or to cease doing any of the foregoing actions shall be guilty of a civil offense. A request or order under this section may be given by a law enforcement officer or by the owner, lessee, or other person having the right to use or control of the property, or any authorized agent or representative thereof, including, but not limited to, private security guards hired to parol the property.

(2) As used in this section, "motor vehicle" includes an automobile, truck, van, bus, recreational vehicle, camper, motorcycle, motor bike, mo-ped, go-cart, all terrain vehicle, dune buggy, and any other vehicle propelled by motor.

(3) A property owner, lessee or other person having the right to the use or control of property may post signs or other notices upon a parking area, driving area or roadway giving notice of this section and warning that violators will be prosecuted; provided, however, that the posting of signs or notices shall not be a requirement to prosecution under this section and failure to post signs or notices shall not be defense to prosecution hereunder. (1981 Code, § 15-130, modified)

**15-136. [Repealed.]** This section was repealed by Ord. dated 3/24/97. (Ord. of June 1995, as amended by Ord. of 7/22/96 and repealed by Ord. of 3/24/97)

**15-137. Financial responsibility.** (1) Effective January 1, 2002, every vehicle driven on city streets and the public roads of the City of Cleveland, Tennessee, must be in compliance with the Tennessee Financial Responsibility law.

(2) At the time a driver of a motor vehicle is charged with any moving violation under title 55 of the Tennessee Code Annotated, chapters 8 and 10, parts 1 through 5, or chapter 50; or any city ordinance regulating the operation of motor vehicles within the city under this code of ordinances; or 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.

For purposes of section 15-137, "Proof of 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 1997 has been issued; or

(b) A certificate, valid for one (1) year, issued by the Commission of the Department of Safety, stating that a cash deposit or bond of the amount required by the Tennessee Financial Responsibility law of 1997 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.

(3) It is an offense to fail to provide evidence of financial responsibility pursuant to this section. Any violation of this section is punishable by a fine of not more than fifty dollars (\$50.00).

(4) The fine imposed by this section shall be in addition to any other fine imposed for any other violations of state law or any other ordinance under the city code.

(5) On or before the court date for the hearing on the citation for failure to provide financial responsibility as required by this section, the person so charged may submit evidence of compliance with this section at the time of the violation. If the city judge is satisfied that in 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. of 11/13/2001)

**15-138. Child restraint systems.** (1) Any person transporting a child, under one (1) year of age, or any child weighing twenty (20) pounds or less, in a motor vehicle upon a road, street or highway within the corporate limits of the City of Cleveland, Tennessee, is responsible for the protection of the child and properly using a child passenger restraint system in a rear-facing position, meeting federal motor safety standards in the rear seat if available or according to the child safety restraint system or vehicle manufacturer's instructions.

(2) Any person transporting any child, one (1) through three (3) years of age weighing greater than twenty (20) pounds, in a motor vehicle upon a road, street or highway within the corporate limits of the City of Cleveland, Tennessee, is responsible for the protection of the child and properly using a child passenger restraint system in a forward-facing position, meeting federal motor vehicle safety standards in the rear seat if available or according to the child safety restraint system or vehicle manufacturer's instructions.

(3) (a) Any person transporting any child, four (4) through eight (8) years of age and measuring less than four feet, nine inches (4'9") in height, in a passenger motor vehicle upon a road, street or highway within the corporate limits of the City of Cleveland, Tennessee, is responsible for the protection of the child and properly using a belt positioning booster seat system, meeting federal motor vehicle safety standards in the rear seat, if available, or according to the child safety restraint system or vehicle manufacturer's instructions.

(b) If a child is not capable of being safely transported in a conventional child passenger restraint system as provided for in this subsection, a specially modified, professionally manufactured restraint system meeting the intent of this subsection shall be in use; provided that the provisions of this subsection shall not be satisfied by use of the vehicle's standard lap or shoulder safety belts independent of any other child passenger restraint system. A motor vehicle operator who is transporting a child in a specially modified, professionally manufactured child passenger restraint system shall possess a copy of the physician's signed prescription that authorizes the professional manufacture of the specially modified child passenger restraint system.

(c) A person shall not be charged with a violation of this subsection if such person presents a copy of the physician's prescription in compliance with the provisions of this subdivision to the arresting officer at the time of the alleged violation.

(d) A person charged with a violation of this section may, on or before the court date, submit a copy of the physician's prescription and evidence of possession of a specially modified, professionally manufactured child passenger restraint system to the court. If the court is satisfied that compliance was in effect at the time of the violation, the charge for violating the provisions of this section may be dismissed.

(4) Any person transporting any child, nine (9) through twelve (12) years of age, or any child through twelve (12) years of age, measuring four feet, nine inches (4'9") or more in height, in a passenger motor vehicle upon a road, street or highway within the corporate limits of the City of Cleveland, Tennessee, is responsible for the protection of the child and properly using a seatbelt system meeting federal motor vehicle safety standards. It is recommended that any such child be placed in the rear seat if available.

(5) Any person transporting any child, thirteen (13) through fifteen (15) years of age, in a passenger motor vehicle upon a road, street or highway within the corporate limits of the City of Cleveland, Tennessee, is responsible for the protection of the child and properly using a passenger restraint system, including safety belts, meeting federal motor vehicle safety standards.

(6) No more than one citation per vehicle per occasion may be issued for a violation of any of the foregoing subsections.

(7) If the driver of a vehicle who violates any of the foregoing subsections is neither a parent or legal guardian of the child and the child's parent or legal guardian is present in the vehicle, the parent or legal guardian is responsible for insuring that the provisions of the foregoing subsections are complied with. If no parent or legal guardian is present in the vehicle at the time of the violation, then the driver of the vehicle is solely responsible for compliance with the foregoing subsections.

(8) As used in this section, the term "passenger motor vehicle" means any motor vehicle with a manufacturer's gross vehicle weight rating of ten thousand pounds (10,000 lbs.) or less, that is not used as a public or livery conveyance for passengers. A "passenger motor vehicle" as used in this section does not apply to motor vehicles which are not required by federal law to be equipped with safety belts.

(9) A violation of 15-138(1), 15-138(2), or 15-138(3) will subject the offender to a fine in an amount not to exceed \$50, plus court costs and litigation tax, if applicable. A violation of 15-138(4) or 15-138(5) will subject the offender to a fine in the amount not to exceed \$50. However, a violation of 15-138(4) or 15-138(5) will not result in the imposition of any court costs or litigation tax. (as added by Ord. of 4/8/2002, replaced by Ord. #2004-29, Aug. 2004, and amended by Ord. #2004-37, Oct. 2004, and Ord. #2005-49, Jan. 2006)

**15-139. Transporting child in truck bed.** (1) No person shall transport a child between six (6) years of age and under twelve (12) years of age in the bed of a truck with a manufacturer's ton rating not exceeding three-quarter (3/4) ton and having a pickup body style.

(2) The provisions of this section do not apply to a person transporting such child in the bed of such vehicle when such vehicle is being used as part of an organized parade, procession, or other ceremonial event, and when such vehicle is not exceeding the speed of twenty miles per hour (20 m.p.h.).

(3) The provisions of this section do not apply when the child being transported is involved in agricultural activities.

(4) A violation of this section will subject the offender to a fine in an amount not to exceed fifty dollars (\$50.00), which does not include applicable court costs. (as added by Ord. #2004-15, May 2004)

**15-140. Window tinting on motor vehicles.** (1) (a) It is unlawful for any person to operate upon a public highway, street, or road within the corporate limits of the City of Cleveland any motor vehicle registered in this state, in which any window, which has a visible light transmittance equal to, but not less than, that specified in the Federal Motor Vehicle Safety Standard No. 205, has been altered, treated or replaced by the affixing, application or installation of any material which:

(i) Has a visible light transmittance of less than thirty-five percent (35%); or

(ii) With the exception of the manufacturer's standard installed shade band, reduces the visible light transmittance in the windshield below seventy percent (70%).

(b) Any vehicle model permitted by federal regulations to be equipped with certain windows tinted so as to not conform to the specifications of § 15-140(1)(a) is exempt from § 15-140(1)(a) with respect to those certain windows. Likewise, vehicles bearing commercial license plates shall be exempt from the specifications of § 15-140(1)(a) for those windows rearward of the front doors. Section 15-140(1)(a) shall not be construed in any way to exempt the front door windows of any vehicle of any kind from the specifications set forth in § 15-140(1)(a).

(2) (a) Notwithstanding the provisions of § 15-140(1)(a) to the contrary, any person with a medical condition that is adversely affected by ultraviolet light may submit a statement to the Tennessee Department of Safety from that person's physician certifying that the person has a medical condition which requires reduction of light transmission in the windows of such person's vehicle in excess of the standards established in § 15-140(1)(a). If an exemption is ultimately granted by the Tennessee Department of Safety, then the Commissioner of the Tennessee Department of Safety will supply a certificate or decal, indicating the degree of exemption, to the applicant. The applicant shall then display the certificate or decal in the motor vehicle at all times. If the exemption certificate or decal is displayed in the vehicle, then the operator of the vehicle with tinted windows shall be exempt from the provisions of § 15-140(1)(a) to the extent set forth on the exemption certificate or decal.

(3) It is probable cause for a full-time police officer of this city to detain a motor vehicle being operated on the public streets, highways or roads of this city when such officer has a reasonable belief that the motor vehicle is in violation of § 15-140(1)(a) for the purpose of conducting a field comparison test.

(4) It is a civil offense for the operator of a motor vehicle to refuse to submit to the field comparison test when directed to do so by a full time, salaried police officer, or for any person to otherwise violate any provisions of this section.

(5) A violation of this section is punishable by a fine of not more than \$50.00 plus court costs and litigation tax, if applicable. (as added by Ord. #2006-20, June 2006)

**15-141. Use of wireless telecommunications device or stand-alone electronic device prohibited while driving.** (1) As used in this section:

(a) "Stand-alone electronic device" means a portable device other than a wireless telecommunications device that stores audio or video data files to be retrieved on demand by a user;

(b) "Utility services" means electric, natural gas, water, wastewater, cable, telephone, or telecommunications services or the repair, location, relocation, improvement, or maintenance of utility poles, transmission structures, pipes, wires, fibers, cables, easements, rights-of-way, or associated infrastructure; and

(c) "Wireless telecommunications device" means a cellular telephone, a portable telephone, a text-messaging device, a personal digital assistant, a stand-alone computer, a global positioning system receiver, or substantially similar portable wireless device that is used to initiate or receive communication, information, or data. "Wireless telecommunications device" does not include a radio, citizens band radio, citizens band radio hybrid, commercial two-way radio communication device or its functional equivalent, subscription-based emergency communication device, prescribed medical device, amateur or ham radio device, or in-vehicle security, navigation, autonomous technology, or remote diagnostics system.

(2) (a) A person, while operating a motor vehicle on any street, road or highway within the corporate limits of the City of Cleveland, shall not:

(i) Physically hold or support, with any part of the person's body, a:

(A) Wireless telecommunications device.

This subdivision (2)(a)(i)(A) does not prohibit a person eighteen (18) years of age or older from:

(1) Using an earpiece, headphone device, or device worn on a wrist to conduct a voice-based communication; or

(2) Using only one (1) button on a wireless telecommunications device to initiate or terminate a voice communication; or

(B) Stand-alone electronic device;

(ii) Write, send, or read any text-based communication, including, but not limited to, a text message, instant message, email, or internet data on a wireless telecommunications device or stand-alone electronic device.

This subdivision (2)(a)(ii) does not apply to any person eighteen (18) years of age or older who uses such devices:

(A) To automatically convert a voice-based communication to be sent as a message in a written form; or

(B) For navigation of the motor vehicle through use of a device's global positioning system;

(iii) Reach for a wireless telecommunications device or stand-alone electronic device in a manner that requires the driver to no longer be:

(A) In a seated driving position; or

(B) Properly restrained by a safety belt;

(iv) Watch a video or movie on a wireless telecommunications device or stand-alone electronic device other than viewing data related to the navigation of the motor vehicle; or

(v) Record or broadcast video on a wireless telecommunications device or stand-alone electronic device.

This subdivision (2)(a) does not apply to electronic devices used for the sole purpose of continuously recording or broadcasting video within or outside of the motor vehicle.

(b) Notwithstanding subdivisions (2)(a)(i) and (2)(a)(ii), and in addition to the exceptions described in those subdivisions, a function or feature of a wireless telecommunications device or stand-alone electronic device may be activated or deactivated in a manner requiring the physical use of the driver's hand while the driver is operating a motor vehicle if:

(i) The wireless telecommunications device or stand-alone electronic device is mounted on the vehicle's windshield, dashboard, or center console in a manner that does not hinder the driver's view of the road; and

(ii) The driver's hand is used to activate or deactivate a feature or function of the wireless telecommunications device or stand-alone electronic device with the motion of one (1) swipe or tap of the driver's finger, and does not activate camera, video, or gaming features or functions for viewing, recording, amusement, or other non-navigational functions, other than features or functions related to the transportation of persons or property for compensation or payment of a fee.

(3) (a) A violation of this section is a municipal ordinance violation, subject only to imposition of a civil penalty not to exceed fifty dollars (\$50.00). Any person violating this section is subject to the imposition of

court costs not to exceed ten dollars (\$10.00), including, but not limited to, any statutory fees of officers. State and local litigation taxes are not applicable to a case under this section.

(b) In lieu of any civil penalty imposed under subdivision (3)(a), a person who violates this section as a first offense may attend and complete a driver education course.

(c) Each violation of this section constitutes a separate offense.

(4) This section does not apply to the following persons:

(a) Officers of this state or of any county, city, or town charged with the enforcement of the laws of this state, or federal law enforcement officers when in the actual discharge of their official duties;

(b) "Campus police officers and public safety officers," as defined by Tennessee Code Annotated, § 49-7-118, when in the actual discharge of their official duties;

(c) Emergency medical technicians, emergency medical technician-paramedics, and firefighters, both volunteer and career, when in the actual discharge of their official duties;

(d) Emergency management agency officers of this state or of any county, city, or town, when in the actual discharge of their official duties;

(e) Persons using a wireless telecommunications device to communicate with law enforcement agencies, medical providers, fire departments, or other emergency service agencies while driving a motor vehicle, if the use is necessitated by a bona fide emergency, including a natural or human occurrence that threatens human health, life, or property;

(f) Employees or contractors of utility services providers acting within the scope of their employment; and

(g) Persons who are lawfully stopped or parked in their motor vehicles or who lawfully leave standing their motor vehicles.

(5) A traffic citation that is based solely upon a violation of this section is considered a moving traffic violation. (as added by Ord. #2009-61, July 2009, as replaced by Ord. #2019-35, July 2019 ***Ch18\_01-10-22***)

**15-142. Engine compression braking devices.** (1) All truck tractor and semi-trailers operating within the City of Cleveland shall conform to the visual exhaust system inspection requirements, 40 CFR 202.22, of the Interstate Motor Carriers Noise Emission Standards.

(2) A motor vehicle does not conform to the visual exhaust system inspection requirements referenced in subsection (1) if inspection of the exhaust system of the motor carrier vehicle discloses that the system:

(a) Has a defect that adversely affects sound reduction, such as exhaust gas leaks or alteration or deterioration of muffler elements.

(Small traces of soot on flexible exhaust pipe sections shall not constitute a violation.); or

(b) Is not equipped with either a muffler or other noise dissipative device, such as a turbocharger (supercharger driven by exhaust by gases); or

(c) Is equipped with a cut out, bypass, or similar device, unless such device is designed as an exhaust gas driven cargo unloading system.

(3) Violations of this section shall subject the offender to a civil penalty of fifty dollars (\$50.00) per offense, plus applicable litigation taxes and court costs. (as added by Ord. #2017-10, April 2017)

## CHAPTER 2

### EMERGENCY VEHICLES

#### SECTION

- 15-201. Authorized emergency vehicles defined.
- 15-202. Operation of authorized emergency vehicles.
- 15-203. Operation of other vehicles upon approach.
- 15-204. Following emergency vehicles.
- 15-205. 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.

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

(2) The driver of an authorized emergency vehicle may:

- (a) Park or stand irrespective of the provisions of this chapter.
- (b) Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation.
- (c) Exceed the maximum speed limits so long as he does not endanger life or property.
- (d) Disregard regulations governing direction of movement or turning in specified directions.

(3) The exemptions herein granted to an authorized emergency vehicle shall apply only when such vehicle is making use of audible and visible signals meeting the requirements of such applicable laws of this state, except that an authorized emergency vehicle operating as a police vehicle may be equipped with or display a red light only in combination with a blue 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

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<sup>1</sup>Municipal code reference

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

consequences of his reckless disregard for the safety of others. (1981 Code, § 14-11, modified)

**15-203. Operation of other vehicles upon approach.** (1) Upon the immediate approach of an authorized emergency vehicle making use of audible and visual signals required by § 15-202, or of a police vehicle properly and lawfully making use of an audible signal only, the driver of every other vehicle shall yield the right-of-way and 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.

(2) This section shall not operate to relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the highway. (1981 Code, § 14-12)

**15-204. Following emergency vehicles.** No driver of any vehicle shall follow any authorized emergency vehicle apparently traveling in response to an emergency call closer than five hundred (500) feet or drive or park such vehicle within the block where fire apparatus has stopped in answer to a fire alarm. (1981 Code, § 14-173, modified)

**15-205. 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. (1981 Code, § 14-174, modified)

## CHAPTER 3

### SPEED LIMITS

#### SECTION

15-301. In general.

15-302. At intersections.

15-303. In school zones.

**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 (30) miles per hour except where official signs have been posted indicating other speed limits as established by the transportation director in accordance with the Manual on Uniform Traffic Control Devices, in which cases the posted speed limit shall apply. (1981 Code, § 14-232, modified)

**15-302. At intersections.** It shall be unlawful for any person to operate or drive a motor vehicle through any intersection at a rate of speed in excess of fifteen (15) miles per hour unless such person is driving on a street regulated by traffic control signals or signs which require traffic to stop or yield on the intersecting streets. (1981 Code, § 14-233, modified)

**15-303. In school zones.** 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 be enacted based on an engineering investigation; shall not be less than fifteen (15) miles per hour; and shall be in effect only when proper signs are posted with a warning flasher or flashers in operation. It shall be unlawful for any person to violate any such special speed limit enacted and in effect in accordance with this paragraph.

In school zones where the city council has not established special speed limits as provided for above, any person who shall drive at a speed exceeding twenty (20) miles per hour when passing a school during a recess period when a warning flasher or flashers are in operation, or during a period of forty (40) minutes before the opening hour of a school, or a period of forty (40) minutes after the closing hour of a school, while children are actually going to or leaving school, shall be prima facie guilty of reckless driving. (1981 Code, § 14-234, modified)

## CHAPTER 4

### TURNING MOVEMENTS

#### SECTION

- 15-401. Signals for turns.
- 15-402. Right turns.
- 15-403. Left turns on two-way roadways.
- 15-404. Left turns on other than two-way roadways.
- 15-405. Restricted turn signs.
- 15-406. Limitations on "U" turns.

**15-401. Signals for turns.** (1) Every driver who intends to start, stop or turn, or partly turn from a direct line, shall first see that such movement can be made in safety, and whenever the operation of any other vehicle may be affected by such movement, shall give a signal required in this section, plainly visible to the driver of such other vehicle of the intention to make such movement.

(2) The signal herein required shall be given by means of the hand and arm, or by some mechanical or electrical device approved by the department of safety, in the manner herein specified. Whenever the signal is given by means of the hand and arm, the driver shall indicate the intention to start, stop, or turn, or partly turn by extending the hand and arm from and beyond the left side of the vehicle, in the following manner:

(a) For left turn, or to pull to the left, the arm shall be extended in a horizontal position straight from and level with the shoulder;

(b) For right turn, or pull to the right, the arm shall be extended upward; and

(c) For slowing down or to stop, the arm shall be extended downward.

(3) Such signals shall be given continuously for a distance of at least fifty feet (50') before stopping, turning, partly turning, or materially altering the course of the vehicle.

(4) Drivers having once given a hand, electrical or mechanical device signal, must continue the course thus indicated, unless they alter the original signal and take care that drivers of vehicles and pedestrians have seen and are aware of the change.

(5) Drivers receiving a signal from another driver shall keep their vehicles under complete control and shall be able to avoid an accident resulting from a misunderstanding of such signal.

(6) Drivers of vehicles, standing or stopped at the curb or edge before moving such vehicles, shall give signals of their intention to move into traffic, as hereinbefore provided, before turning in the direction the vehicle shall proceed from the curb.

**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. (1981 Code, § 14-271, modified)

**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 lines of the two roadways. (1981 Code, § 14-271, modified)

**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. (1981 Code, § 14-271, modified)

**15-405. Restricted turn signs.** All persons operating vehicles on the streets of the city shall obey all authorized signs prohibiting right, left or "U" turns. (1981 Code, § 14-273, modified)

**15-406. Limitations on "U" turns.** No person operating a vehicle in the city shall turn such vehicle so as to proceed in the opposite direction upon any street in a business district or upon any other street unless such movement can be made in safety and without interfering with other traffic. (1981 Code, § 14-274, modified)

## CHAPTER 5

### STOPPING AND YIELDING

#### SECTION

- 15-501. Upon approach of authorized emergency vehicles.
- 15-502. Vehicle entering highway from private road, parking lot, driveway or alley.
- 15-503. To prevent obstructing an intersection.
- 15-504. At railroad crossings.
- 15-505. Vehicle entering through highway or stop intersection.
- 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.**<sup>1</sup> Upon the immediate approach of an authorized emergency vehicle making use of audible and/or visual signals meeting the requirements of the laws of this state, 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.

**15-502. Vehicle entering highway from private road, parking lot, driveway or alley.** The driver of a vehicle emerging from private road, parking lot, driveway or alley shall stop such vehicle immediately prior to driving onto any sidewalk, street or highway and shall yield the right of way to all vehicles approaching on the street or highway. Such vehicles shall not drive on the sidewalk, street or highway until they have yielded and they can safely proceed without colliding or interfering with pedestrians or vehicles. (1981 Code, § 14-256, modified, as amended by Ord. of 12/13/99)

**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

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<sup>1</sup>Municipal code reference

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

street or crosswalk. This provision shall be effective notwithstanding any traffic control signal indication to proceed. (1981 Code, § 14-257, modified)

**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. (1981 Code, § 14-258, modified)

**15-505. Vehicle entering through highway or stop intersection.**

(1) The driver of a vehicle approaching a stop sign shall stop completely before entering a crosswalk on the near side of the intersection, or if there is no crosswalk, shall stop at a clearly marked stop line, but if none, then at a point nearest the intersecting roadway where the driver or operator has a view of the approaching traffic on the intersecting roadway before entering the intersection. The driver of a vehicle approaching a stop sign shall stop as required herein at the entrance to a through highway and shall yield the right of way to other vehicles which have entered the intersection from the through highway or which are approaching so closely on the through highway as to constitute an immediate hazard.

(2) The driver of a vehicle approaching a stop sign shall stop in obedience to a stop sign at an intersection where a stop sign is erected at one or more entrances thereto although not part of the through highway. The driver shall yield the right of way to vehicles not obliged to stop which are within the intersection or approaching so closely as to constitute an immediate hazard. (1981 Code, §§ 14-253 and 14-254, modified, as amended by Ord. of 12/13/99)

**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. (1981 Code, §§ 14-253 and 14-255, modified)

**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. Provided, however, that generally a right turn on a red signal shall be permitted at all intersections within the city, provided that the prospective turning car comes to a full and complete stop before turning and that the turning car yields the right of way to pedestrians and cross traffic traveling in accordance with their traffic signal. However, said turn shall not endanger other traffic lawfully using said intersection. A right turn on red shall be permitted at all intersections except those clearly marked by a "No Turns On Red" sign, which may be erected by the city at intersections which the city decides require no right turns on red in the interest of traffic safety.

(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. (1981 Code, § 14-545, modified)

**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 in the city 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. (1981 Code, § 14-547, modified)

**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 city, 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. (1981 Code, § 14-546)

**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,<sup>1</sup> except in an emergency.

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<sup>1</sup>State 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. Designation of spaces.
- 15-605. Where prohibited.
- 15-606. Loading and unloading zones.
- 15-607. Presumption with respect to illegal parking.
- 15-608. Removal of illegally parked vehicles.
- 15-609. Parking in alleys.
- 15-610. Parking for display of vehicle for sale or repair.
- 15-611. Lamps on parked vehicles.
- 15-612. Buses; loading and unloading on streets, etc.
- 15-613. Use of bus, taxicab stands by other vehicles restricted.
- 15-614. Large vehicle and trailer parking restrictions in residential areas.

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

Except as hereinafter provided, every vehicle parked upon a street within this city shall be so parked that its right wheels are approximately parallel to and within eighteen (18) inches of the right edge or curb of the street. On one-way streets where the city 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, unless residing within the fire limits, 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. (1981 Code, § 14-291, modified)

**15-602. Angle parking.** On those streets which have been signed or marked by the city 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. (1981 Code, § 14-292, modified)

**15-603. Occupancy of more than one space.** No person shall park a vehicle in any designated parking space during the restricted or regulated time applicable to the parking zone in which such space is located so that any part of such vehicle occupies more than one such space or protrudes beyond the markings designating such space, except that a vehicle which is of a size too large to be parked within a single designated space shall be permitted to occupy two (2) adjoining parking spaces. (Ord. of Aug. 1995)

**15-604. Designation of spaces.** The city traffic engineer shall be responsible for having the parking space to be used designated by appropriate markings upon the curb and/or the pavement of the street. Parking spaces so designated shall be of appropriate length and width so as to be accessible from the traffic lanes of such street. (Ord. of Aug. 1995)

**15-605. Where prohibited.** No person shall park a vehicle in violation of any sign placed or erected by the state or city, nor:

(1) On a sidewalk; provided, however, a bicycle may be parked on a sidewalk if it does not impede the normal and reasonable movement of pedestrian or other traffic. Notwithstanding the prohibition against parking a motor vehicle on a sidewalk, a vehicle may be parked on a sidewalk if the city has posted a sign specifically allowing vehicles to park on a sidewalk on a specific street, or a portion thereof. Before posting a sign allowing parking on a sidewalk, the public works department shall determine that parking on a sidewalk on a specific street or a portion thereof is necessary due to specific traffic considerations which make it necessary to allow such parking.

Before the posting of any sign allowing parking on any sidewalk, the public works department shall also make reasonable efforts to notify nearby residents and give them opportunity to comment before any signs are posted.

- (2) In front of a public or private driveway;
- (3) Within an intersection;
- (4) Within fifteen feet (15') of a fire hydrant;
- (5) Within a pedestrian crosswalk;
- (6) Within twenty feet (20') of a crosswalk at an intersection;
- (7) Within thirty feet (30') upon the approach of any flashing beacon, stop sign or traffic control signal located at the side of a roadway;
- (8) Within fifty feet (50') of the nearest rail of a railroad crossing;
- (9) Within twenty feet (20') 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 feet (75') of such entrance when properly signposted;
- (10) Alongside or opposite any street excavation or obstruction when stopping, standing or parking would obstruct traffic;

(11) On the roadway side of any vehicle stopped or parked at the edge or curb of a street;

(12) Upon any bridge or other elevated structure upon a highway or within a highway tunnel;

(13) In a parking space clearly identified by an official sign as being reserved for the physically handicapped, unless, however, the person driving the vehicle is (a) physically handicapped, or (b) parking such vehicle for the benefit of a physically handicapped person. A vehicle parking in such a space shall display a certificate of identification or a disabled veteran's license plate issued under Tennessee Code Annotated, title 55, chapter 21.

(14) Fire lanes. (1981 Code, § 14-308, modified, as amended by Ord. of 11/13/2001, and Ord. #2009-68, Aug. 2009)

**15-606. 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 city as a loading and unloading zone. (1981 Code, §§ 14-346 and 14-347, modified)

**15-607. 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. (1981 Code, § 14-295, modified)

**15-608. Removal of illegally parked vehicles.** (1) Members of the police department are hereby authorized to remove a vehicle from a street or highway to the nearest garage or other place of safety, or to a garage designated or maintained by the police department, or otherwise maintained by the city under the circumstances hereinafter enumerated.

(a) When any vehicle is left unattended upon any bridge, viaduct, or causeway, or in any tube or tunnel where such vehicle constitutes an obstruction to traffic.

(b) When a vehicle upon a highway is so disabled as to constitute an obstruction to traffic and the person or persons in charge of the vehicle are by reason of physical injury incapacitated to such an extent as to be unable to provide for its custody or removal.

(c) When any vehicle is left unattended upon a street and is so parked illegally as to constitute a definite hazard or obstruction to the normal movement of traffic.

(d) Whenever a vehicle is found to be illegally parked in a controlled area and the records at the police department indicate that such vehicle has more than five (5) delinquent parking tickets the same shall be subject to impoundment as provided for herein.

(e) Whenever a vehicle is found to be parked or abandoned on a street that has been designated as a snow or ice emergency route and

said vehicle is impeding the safe and orderly flow of traffic after the mayor has officially proclaimed that a snow or ice emergency exists in the city.

(2) Whenever an officer removes a vehicle from a street as authorized in this section and the officer knows or is able to ascertain from the registration records in the vehicle the name and address of the owner thereof, the officer shall immediately give or cause to be given notice in writing to such owner of the fact of such removal and the reasons therefor and of the place to which such vehicle has been removed. In the event any such vehicle is stored in a public garage, a copy of such notice shall be given to the proprietor of such garage.

(3) Whenever an officer removes a vehicle from a street under this section and does not know and is not able to ascertain the name of the owner, or for any other reason is unable to give the notice as hereinabove provided, and in the event the vehicle is not returned to the owner within a period of three (3) days, the officer shall immediately send or cause to be sent a written report of such removal by mail to the state department whose duty it is to register motor vehicles and shall file a copy of such notice with the proprietor of any public garage in which the vehicle may be stored. Such notice shall include a complete description of the vehicle, the date, time and place from which removed, the reasons for such removal, and the name of the garage or place where the vehicle is stored. (1981 Code, § 14-296, modified)

**15-609. Parking in alleys.** No person shall park a vehicle within an alley in such a manner or under such conditions as to leave available less than ten (10) feet of the width of the roadway for the free movement of vehicular traffic, and no person shall stop, stand or park a vehicle within an alley in such position as to block the driveway entrance to any abutting property. (1981 Code, § 14-310)

**15-610. Parking for display of vehicle for sale or repair.** No person shall park a vehicle upon a roadway for the principal purpose of:

- (1) Displaying such vehicle for sale.
- (2) Washing, greasing or repairing such vehicle except repairs necessitated by an emergency. (1981 Code, 14-311)

**15-611. Lamps on parked vehicles.** Any lighted head lamps upon a parked vehicle shall be depressed or dimmed. (1981 Code, § 14-294, modified)

**15-612. Buses; loading and unloading on streets, etc.** It shall be unlawful for any owner and/or operator of any bus to allow the loading of passengers onto, or to allow the discharge of passengers from, any omnibus while such bus is upon any street, alley or thoroughfare of the city except where such loading or unloading is casual, intermittent and at a place apart from any bus terminal facility, or where the same is confined to passengers traveling to

and from points within the city to the area within the county immediately adjacent to the city. (1981 Code, § 12-6)

**15-613. Use of bus, taxicab stands by other vehicles restricted.** No person shall stop, stand or park a vehicle other than a bus in a bus stop or other than a taxicab in a taxicab stand when any such stop or stand has been officially designated and appropriately signed, except that the driver of a passenger vehicle may temporarily stop therein for the purpose of and while actually engaged in loading or unloading passengers when such stopping does not interfere with any bus or taxicab waiting to enter or about to enter such zone. (1981 Code, § 14-352)

**15-614. Large vehicle and trailer parking restrictions in residential areas.** (1) Definitions. For the purposes of this section the following words or phrases shall be defined as follows:

(a) Large vehicle. "Large vehicle" shall mean any motor vehicle, or a combination of connected vehicles and/or trailers, that exceeds twenty-five feet (25') in length or eighty inches (80") in width or eighty-two inches (82") in height.

Large vehicle shall also include any truck with three or more axels, or a bus or a van with a capacity of more than fifteen (15) passengers.

Large vehicle shall not mean or include pickup trucks or sport utility vehicles, which are less than twenty-five feet (25') in length and eighty-two inches (82") in height.

(b) Out-of-town visitor. "Out-of-town visitor" shall mean any natural person who does not reside in the City of Cleveland and who is temporarily visiting a resident of the city.

(c) Residential areas. "Residential areas" shall mean those areas of the city identified as residential zoning districts to include zones R-1, R-2 or R-3.

(d) Street. "Street" shall mean any public street, road, or highway within the corporate limits of the City of Cleveland.

(e) Trailer. "Trailer" shall mean any trailer, semitrailer, camp trailer (including tent trailers), unmounted camper, trailer coach, or fifth-wheel travel trailer.

(2) Large vehicle and trailer parking restrictions. Except as provided in §§ 15-614(c) and (d) of this code, no person may park or leave standing any large vehicle or trailer upon any street within a residential area of the City of Cleveland between the hours of 9:00 P.M. and 6:00 A.M.

(3) Exceptions. The prohibitions in § 15-614(2) shall not apply to:

(a) Any person who has been issued and is in possession of a current valid Oversized vehicle parking permit pursuant to § 15-614(4);

(b) Any person while actually engaged in the loading or unloading of a large vehicle or trailer but only for a period of time not to exceed twenty-four (24) hours;

(c) Any person while actually engaged in using a large vehicle or trailer between the hours of 9:00 P.M. and 6:00 A.M. in providing services to a residential building, including, but not limited to, cleaning services, residential repair services, and residential construction services; or

(d) Any properly authorized and licensed towing vehicle in the course of providing towing services;

(e) Any person while actually engaged in making emergency repairs to a large vehicle or trailer which preclude removal to a permitted parking area, but only for a period of time not to exceed twenty-four (24) hours;

(f) Any public or private agency emergency response vehicle.

(4) Oversized vehicle parking permit. An oversized vehicle parking permit shall be considered valid subject to the requirements and limitations set forth in this subsection.

(a) Purpose. The purpose of authorizing the issuance of oversized vehicle parking permits is to allow owners of oversize vehicles and trailers additional time to park their oversize vehicles and trailers on a public street near their residences for the purpose of loading or unloading such large vehicles and trailers, and to allow an out-of-town visitor to park on a street near the residence that the out of-town visitor is visiting for a limited time period.

(b) Application. The applicant shall file with the city clerk's office a completed city application form providing all of the information requested. The application must include the following information:

(i) The license plate number of the large vehicle or trailer;

(ii) The City of Cleveland residence address where the large vehicle or trailer will be parked or left;

(iii) Contact information, including a permanent address and phone number, of the city resident where the large vehicle or trailer will be parked or left;

(iv) The applicant's contact information, including permanent address and phone number;

(v) The dates for which the permit is sought to be valid.

The applicant and owner of the residence that the large vehicle or trailer will be parked shall attest to the accuracy of the information contained in the permit under penalty of perjury.

(c) Issuance. Oversized vehicle parking permits shall be issued on a form approved by the city. The permit shall be issued and valid only

for the specified parking use indicated on the permit. The permit must include the following:

- (i) The license plate number of the large vehicle or trailer;
- (ii) The applicant's name;
- (iii) The address or location adjacent to which the large vehicle or trailer is approved to park; and
- (iv) The date the permit was issued;
- (v) The date the permit expires; and
- (vi) The dates that the permit is valid.

(d) **Display.** All permits shall be placed in the lower driver's side of the windshield of the large vehicle or trailer in a manner that is clearly visible from the exterior. If the large vehicle or trailer does not have a windshield, the permit must be properly affixed to the outside of the large vehicle or trailer on the left side of the front of the vehicle. Failure to properly display the permit shall constitute a violation of this section.

(e) **Permitted parking location.** A vehicle with a current and valid oversized vehicle parking permit shall only park on the public street immediately adjacent to the address noted on the issued permit and may not park adjacent to any address not indicated on the issued permit.

(f) **Duration; expiration.** City residents: A city resident may apply for an oversized vehicle parking permit, which shall be valid for two (2) specified periods not to exceed five (5) consecutive calendar days each, and shall expire at 11:59 P.M. on the expiration date indicated on the permit. After expiration, the oversized vehicle parking permit shall be invalid.

A resident may apply for three (3) permits annually.

Out of town visitors: Out of town visitors may park an oversized vehicle with a city issued parking permit for a period of seven (7) days, with an option for a second seven (7) day period, not to exceed fourteen (14) consecutive days.

An out of town visitor may apply for three (3) seven (7) day permits annually.

(5) **Enforcement.** Enforcement actions may be taken as follows:

(a) **Parking violations.** Any person who violates any provision of this section shall be subject to all of the enforcement provisions of title 15, chapter 7, §§ 15-701 through 15-707 of the Cleveland Municipal Code.

In addition, if an oversized vehicle or trailer is left illegally parked or standing on a city street for five (5) consecutive days in violation of this section, the oversized vehicle or trailer is subject to removal under § 15-705 of the Cleveland Municipal Code.

(b) **Forged, altered, or counterfeit permits.** Any person who forges, alters, or counterfeits an oversized vehicle parking permit, or displays a forged, altered, or counterfeit oversized vehicle parking permit

shall be guilty of a civil offense, and is subject to civil penalty of fifty dollars (\$50.00) plus court costs. (as added by Ord. #2007-40, Oct. 2007, and replaced by Ord. #2018-24, July 2018)

## CHAPTER 7

### ENFORCEMENT

#### SECTION

- 15-701. Issuance of traffic citations.
- 15-702. Failure to obey citation.
- 15-703. Illegal cancellation of traffic citations.
- 15-704. Illegal parking.
- 15-705. Impoundment and immobilization of vehicles.
- 15-706. Disposal of abandoned motor vehicles.
- 15-707. Violation and penalty.

**15-701. Issuance of traffic citations.**<sup>1</sup> When a police officer halts a traffic violator other than for the purpose of giving a warning, and does not take such person into custody under arrest, he shall take the name, address, and operator's license number of said person, the license number of the motor vehicle involved, and such other pertinent information as may be necessary, and shall issue to him a written traffic citation containing a notice to answer to the charge against him in the city court at a specified time. The officer, upon receiving the written promise of the alleged violator to answer as specified in the citation, shall release such person from custody. It shall be unlawful for any alleged violator to give false or misleading information as to his name or address. (1981 Code, § 14-132, modified)

**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. (1981 Code, § 14-137, modified)

**15-703. Illegal cancellation of traffic citations.** It shall be unlawful for any person to cancel or solicit the cancellation of any traffic citation in any manner other than as provided by this chapter. (1981 Code, § 14-134)

**15-704. Illegal parking.** Whenever any motor vehicle without a driver is found parked or stopped in violation of any of the restrictions imposed by this

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<sup>1</sup>Municipal code reference

Issuance of citations in lieu of arrest and ordinance summonses in non-traffic related offenses: title 6, chapter 3.

State law reference

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

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 by the next municipal court date during the hours and at a place specified in the citation. (1981 Code, §§ 14-138 and 14-297, modified)

**15-705. Impoundment and immobilization 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, or which has been parked for more than one (1) hour in excess of the time allowed for parking in any place, or which has been involved in two (2) or more violations of this title for which citations have been issued and the vehicle not removed. Any impounded vehicle shall be stored until the owner or other person entitled thereto claims it, gives satisfactory evidence of ownership or right to possession, and pays all applicable fees and costs of impoundment and storage, or until it is otherwise lawfully disposed of.

The officer may, at his discretion, immobilize the vehicle by installing on, or attaching to such vehicle, a device designed to restrict the normal movement of the vehicle. If the vehicle is immobilized, the officer shall affix to the vehicle a notice in writing, on a form provided by the chief of police, advising the owner, driver or person in charge of the vehicle that the vehicle has been immobilized by the City of Cleveland Police Department and that release from the immobilization may be obtained at a designated place for a fee of \$50.00. It shall be unlawful for any person to remove or attempt to remove any such device before a release is obtained.

**15-706. 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.

**15-707. Violation and penalty.** Any violation of this title shall be a civil offense punishable as follows:

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

(2) Parking citations. (a) Time limit parking. If the offense, and each violation shall be considered a separate offense, is a time limit parking violation, the offender may, prior to the next municipal court date, have the charge against him disposed of by paying to the city clerk a fine of fifteen dollars (\$15.00) for each offense within twenty-four hours of the time when such citation was attached to such vehicle. If he or she fails

to pay the citation on or before the scheduled court date, the fine shall be thirty dollars (\$30.00) for each offense.

(b) Handicapped parking. For the violation of parking in a handicapped parking space under § 15-604(13) of this code, the offender may be punished by a civil penalty of up to fifty dollars (\$50.00).

(c) Upon finding that a vehicle has been parked in excess of the time allowed and the owner of the vehicle has outstanding three (3) unpaid delinquent parking citations on any vehicle, the officer may, at his discretion, immobilize the vehicle by installing a boot on, or attaching to such vehicle, a device designed to restrict the normal movement of the vehicle. If the vehicle is immobilized, the officer shall affix to the vehicle a notice in writing, on a form provided by the chief of police, advising the owner, driver or person in charge of the vehicle that the vehicle has been immobilized by the City of Cleveland Police Department and that a release from the immobilization may be obtained by payment of all fees and expenses. Booted vehicles that remain longer than twenty-four (24) hours may be towed and a hold will be placed on the vehicle until such time as all fines and towing costs are resolved. It is owner's responsibility to pay all costs associated with towing. It shall be unlawful for any person to move, remove or attempt to remove any such device or the vehicle before a release is obtained.

(d) Upon finding a vehicle parked in a fire lane or within 15 feet of a fire hydrant the vehicle will be towed. The violator is responsible for the tow bill and any storage bill. The officer will remain with the vehicle until the tow truck arrives unless called to respond to another call. The tow truck will be canceled by the officer when possible should the violator return to the vehicle before the tow truck arrives. A violation of this section will result in a fine not to exceed \$50.00. A second or subsequent violation of this section will result in an additional fine not to exceed \$50.00, and the vehicle will be towed. (as amended by Ords. of 1/22/2001, Ord. of 12/10/2001, and Ord. #2013-41, Oct. 2013)

## CHAPTER 8

### AUTOMATED TRAFFIC SIGNAL ENFORCEMENT SYSTEMS

#### SECTION

- 15-801. Definitions.
- 15-802. Administration.
- 15-803. Offenses.
- 15-804. Procedure.
- 15-805. Civil penalty.
- 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 subsection, 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 civil penalty imposed and the date by which the civil penalty 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;
  - (i) A statement that recorded images are evidence of a violation of § 15-803; and
  - (j) Information advising the person alleged to be liable under this section:
    - (i) Of the manner and time in which liability alleged in the citation occurred and that the citation may be contested in the Cleveland Municipal Court; and
    - (ii) Warning that failure to contest in the manner and time provided shall be deemed an admission of liability and that a default judgment may be entered thereon.
- (2) "In operation" means operating in good working condition.
- (3) "Recorded images" means images recorded by a traffic control photographic system:
  - (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 take, 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 a traffic control sign, signal or device.

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

(6) "Traffic control 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.

(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. #2008-05, Jan. 2008)

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

(2) Any citation or warning for a violation of § 15-803 issued by an officer of the Cleveland 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 Cleveland Police Department. Upon review of such images by the Cleveland Police Department, on each case, and upon express approval for the issuance of a citation by the Cleveland 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 this section. A citation or warning alleging that the violation of § 15-803 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 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 photographic systems shall be clearly posted. Signs to indicate the use of traffic control photographic systems shall be posted in advance of individual system locations and may be posted elsewhere in the city.

(6) The City of Cleveland 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 photographic system authorized hereby. (as added by Ord. #2008-05, Jan. 2008)

**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 violate any section of the Cleveland Municipal Code with respect to obedience to traffic lights, stop signs or traffic signals.

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. #2008-05, Jan. 2008)

**15-804. Procedure.** (1) A person who receives a citation or warning notice under this chapter may:

(a) Pay the civil penalty, in accordance with instructions on the citation, directly to the City of Cleveland; or

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

(2) Liability under this chapter 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 that 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 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 owner of the person or entity who leased, rented or otherwise had possession of the vehicle at the time of the alleged violation; or

(c) Furnishes to 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 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 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 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. #2008-05, Jan. 2008)

**15-805. Civil penalty.** (1) Any violation of this chapter shall be deemed a civil violation for which a civil penalty of fifty dollars (\$50.00) shall be assessed.

(2) Failure to pay the civil penalty by the designated date, or appear in 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 Cleveland 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 Cleveland Municipal Code for non-parking offenses. The city may collect this debt in the same manner as any other debt to the city.

(3) All revenues generated from penalties and assessments associated with the enforcement of this chapter 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 civil penalty is imposed under this section shall not be considered a moving violation and may not be recorded by the Cleveland Police Department or 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. #2008-05, Jan. 2008)

**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 Cleveland. (as added by Ord. #2008-05, Jan. 2008)

## CHAPTER 9

### RESTRICTIONS ON USE OF CERTAIN STREETS BY CERTAIN TRUCKS; TRUCK ROUTES

#### SECTION

15-901. Restrictions on use of certain streets by certain trucks.

15-902. Truck routes.

15-903. Violations and penalty.

#### **15-901. Restrictions on use of certain streets by certain trucks.**

(1) As used in this chapter, the word "truck" shall mean any type of truck with five (5) or more axles.

(2) Trucks, as defined in this chapter, shall not be operated at any time on any of the following streets within the City of Cleveland:

(a) On North Ocoee Street (State Route 74) beginning at its intersection with 25th Street (State Route 60) and continuing north to the intersection of North Ocoee Street and Keith Street (U.S. 11 and State Route 2).

(3) Exceptions. The following are exceptions to the prohibition listed in § 15-901(2).

(a) The operation of any emergency vehicles.

(b) The operation of trucks owned or operated by the city, or any contractor or material man, while engaged in the repair, maintenance, or construction of the street, street improvements, or street utilities.

(c) If the truck has been officially detoured through the city by lawful authority.

(d) The operation of trucks upon any street where necessary to the conduct of business at a destination point within the city, provided streets designated as truck routes are used until reaching the intersection nearest the destination point.

(4) No person shall be charged with a violation of this section unless the street is marked with appropriate signs approved by the Tennessee Department of Transportation which notify trucks with five or more axles of the prohibition on truck traffic.

(5) Any street restricted as to truck traffic under the provisions of this section shall be subject to the posting of a notice on at least two (2) occasions in a newspaper of general circulation. Said notice shall be published at least thirty (30) days prior to the posting of signage on the restricted street. (as added by Ord. #2008-07, Feb. 2008)

**15-902. Truck routes.** (1) The city hereby designates the following route as a truck route for use by trucks as defined in this chapter.

Beginning with the intersection of 25th Street (State Route 60) and continuing West to Keith Street (U.S. 11 - State Route 2). This truck route shall be posted with appropriate signs as approved by the Tennessee Department of Transportation.

(2) Under the provisions of this section, this truck route shall be subject to the posting of a notice on at least two (2) occasions in a newspaper of general circulation. Said notice shall be published at least thirty (30) days prior to the posting of signage of the truck route. (as added by Ord. #2008-07, Feb. 2008)

**15-903. Violations and penalty.** It shall be unlawful for any person to violate any provisions of this chapter. Any person violating the provisions of this chapter shall be subject to a civil penalty for each violation not to exceed fifty dollars (\$50.00), plus applicable court costs and litigation tax. (as added by Ord. #2008-07, Feb. 2008)