

TITLE 15

MOTOR VEHICLES, TRAFFIC AND PARKING¹

CHAPTER

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CHAPTER 1

MISCELLANEOUS²

SECTION

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¹Municipal code reference

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

²State law references

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

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- 15-124. Unlawful to drive into, against, or upon parked vehicle or fixed object.
- 15-125. Routes for gravel and concrete trucks.
- 15-126. Registration of motor vehicles.

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, § 9-101)

15-102. Driving on streets closed for repairs, etc. Except for necessary access to property abutting thereon, no motor vehicle shall be driven upon any street that is barricaded or closed for repairs or other lawful purpose. (1981 Code, § 9-106)

15-103. Reckless driving. No person shall drive any vehicle in willful or wanton disregard for the safety of persons or property. (1981 Code, § 9-107)

15-104. One-way streets. Where the municipality has designated certain streets 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, § 9-109)

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

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

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

(c) Upon a roadway designated and signposted by the 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. (1981 Code, § 9-110)

15-106. Laned streets. Where the municipality has had 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 right hand lane 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, § 9-111)

15-107. Yellow lines. Where the municipality has had 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 to enter another street, alley or driveway. (1981 Code, § 9-112)

15-108. Miscellaneous traffic-control signs, etc.³ 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 to willfully violate or fail to comply with the reasonable directions of any police officer. (1981 Code, § 9-113)

15-109. 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,⁴ 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. This section shall not be construed as being mandatory but is merely directive. (1981 Code, § 9-114)

³Municipal code references

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

⁴This manual may be obtained from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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

15-111. Presumption with respect to traffic-control signs, etc. When a traffic-control sign, signal, marking, or device has been placed, the presumption shall be that it is official and that it has been lawfully placed by the proper authority. All presently installed traffic-control signs, signals, markings and devices are hereby expressly authorized, approved and made official. (1981 Code, § 9-116)

15-112. School safety patrols. All motorists and pedestrians shall obey the directions or signals of school safety patrols when such patrols are assigned under the authority of the chief of police and are acting in accordance with instructions; provided, that such persons giving any order, signal, or direction shall at the time be wearing some insignia and/or using authorized flags for giving signals. (1981 Code, § 9-117)

15-113. Driving through funerals or other processions. Except when otherwise directed by a police officer, no driver of a vehicle shall drive between the vehicles comprising a funeral or other authorized procession while they are in motion and when such vehicles are conspicuously designated. (1981 Code, § 9-122)

15-114. Clinging to vehicles in motion. It shall be unlawful for any person traveling upon any bicycle, motorcycle, coaster, sled, roller skates, or any other vehicle to cling to, or attach himself or his vehicle to any other moving vehicle upon any street, alley, or other public way or place. (1981 Code, § 9-124)

15-115. Riding on outside of vehicles. It shall be unlawful for any person to ride, or for the owner or operator of any motor vehicle being operated 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, § 9-125)

15-116. Backing vehicles. The driver of a vehicle shall not back the same unless such movement can be made with reasonable safety and without interfering with other traffic. (1981 Code, § 9-126)

15-117. Projections from the rear of vehicles. Whenever the load or any projecting portion of any vehicle shall extend beyond the rear of the bed or body thereof, the operator shall display at the end of such load or projection, in such position as to be clearly visible from the rear of such vehicle, a red flag being not less than twelve (12) inches square. Between one-half ($\frac{1}{2}$) hour after sunset and one-half ($\frac{1}{2}$) hour before sunrise, there shall be displayed in place of the flag a red light plainly visible under normal atmospheric conditions at least two hundred (200) feet from the rear of such vehicle. (1981 Code, § 9-127)

15-118. Causing unnecessary noise. It shall be unlawful for any person to cause unnecessary noise by unnecessarily sounding the horn, "racing" the motor, or causing the "screeching" or "squealing" of the tires on any motor vehicle. (1981 Code, § 9-128)

15-119. Vehicles and operators to be licensed. It shall be unlawful for any person to operate a motor vehicle in violation of the "Tennessee Motor Vehicle Title and Registration Law" or the "Uniform Motor Vehicle Operators' and Chauffeurs' License Law." (1981 Code, § 9-129)

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

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

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

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

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, § 9-130)

15-121. Damaging pavements. No person shall operate or cause to be operated upon any street of the municipality any vehicle, motor propelled or

otherwise, which by reason of its weight or the character of its wheels, tires, or track is likely to damage the surface or foundation of the street. (1981 Code, § 9-119)

15-122. Bicycle riders, etc. Every person riding or operating a bicycle, motorcycle, or motor driven cycle 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, or motor driven cycles.

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

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

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

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

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

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

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

It shall be unlawful for any person to operate or ride on any vehicle in violation of this section and it shall also be unlawful for any parent or guardian knowingly to permit any minor to operate a motorcycle or motor driven cycle in violation of this section. (1981 Code, § 9-131)

15-123. Following too closely. 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 vehicle, the traffic and the condition of the street. (1981 Code, § 9-118)

15-124. Unlawful to drive into, against, or upon parked vehicle or fixed object. It shall be unlawful for the driver of any vehicle while operating such vehicle on a public street or alley to drive such vehicle into, against or upon a parked vehicle or fixed object thereon. (1981 Code, § 9-119)

15-125. Routes for gravel and concrete trucks. All gravel and concrete trucks using the public roads and streets of the city shall be confined to the use of Navy Road and the Raleigh-Millington Road. Said gravel and concrete trucks are hereby prohibited from using any other streets or roads within the city except when necessary to make deliveries to construction jobs and then only if the truck owner and/or driver has first obtained a permit from the city clerk. (1981 Code, § 9-120)

15-126. Registration of motor vehicles. There is hereby levied an annual license in the sum of thirty dollars (\$30.00) on each motor vehicle owned by a resident of the City of Millington using the public streets and highways of the city. The annual license fee levied by this section shall be due and payable to the county clerk at the time of renewal of each vehicle's state license tag. (1981 Code, § 9-121, as amended by Ord. #2001-09, June 2001, and replaced by Ord. #2016-8, June 2016)

CHAPTER 2

EMERGENCY VEHICLES

SECTION

15-201. Authorized emergency vehicles defined.

15-202. Operation of authorized emergency vehicles.

15-203. Following emergency vehicles.

15-204. Running over fire hoses, etc.

15-201. Authorized emergency vehicles defined. Authorized emergency vehicles shall be fire department vehicles, police vehicles, and such ambulances and other emergency vehicles as are designated by the chief of police. (1981 Code, § 9-102)

15-202. Operation of authorized emergency vehicles.⁵ (1) The driver of an authorized emergency vehicle, when responding to an emergency call, or when in the pursuit of an actual or suspected violator of the law, or when responding to but not upon returning from a fire alarm, may exercise the privileges set forth in this section, subject to the conditions herein stated.

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

(3) The exemptions herein granted for an authorized emergency vehicle shall apply only when the driver of any such vehicle while in motion sounds an audible signal by bell, siren, or exhaust whistle and when the vehicle is equipped with at least one (1) lighted lamp displaying a red light visible under normal atmospheric conditions from a distance of 500 feet to the front of such vehicle, except that an authorized emergency vehicle operated as a police vehicle need not be equipped with or display a red light visible from in front of the vehicle.

(4) The foregoing provisions shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor shall such provisions protect the driver from the consequences of his reckless disregard for the safety of others. (1981 Code, § 9-103)

⁵Municipal code reference

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

15-203. Following emergency vehicles. No driver of any vehicle shall follow any authorized emergency vehicle apparently travelling in response to an emergency call closer than five hundred (500) feet or drive or park such vehicle within the block where fire apparatus has stopped in answer to a fire alarm. (1981 Code, § 9-104)

15-204. Running over fire hoses, etc. It shall be unlawful for any person to drive over any hose lines or other equipment of the fire department except in obedience to the direction of a fireman or policeman. (1981 Code, § 9-105)

CHAPTER 3**SPEED LIMITS****SECTION**

15-301. In general.

15-302. At intersections.

15-303. In school zones.

15-304. In congested areas.

15-305. Drivers to operate vehicles safely.

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, in which cases the posted speed limit shall apply. (1981 Code, § 9-301)

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, § 9-302)

15-303. In school zones. It shall be unlawful for any person to operate or drive a motor vehicle through any school zone or near any playground at a rate of speed in excess of fifteen (15) miles per hour when official signs indicating such speed limit have been posted by authority of the municipality. (1981 Code, § 9-303)

15-304. In congested areas. It shall be unlawful for any person to operate or drive a motor vehicle through any congested area at a rate of speed in excess of any posted speed limit when such speed limit has been posted by authority of the municipality. (1981 Code, § 9-304)

15-305. Drivers to operate vehicles safely. Notwithstanding any speed limit or zone in effect at the time, or right-of-way rules that may be applicable, every driver shall :

- (1) Operate his vehicle at a safe speed.
- (2) Maintain a safe lookout.
- (3) Use due care to keep his vehicle under control. (1981 Code, § 9-305)

CHAPTER 4

TURNING MOVEMENTS**SECTION**

15-401. Generally.

15-402. Right turns.

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

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

15-405. U-turns.

15-401. Generally. No person operating a motor vehicle shall make any turning movement which might affect any pedestrian or the operation of any other vehicle without first signaling his intention in accordance with the requirements of the state law.⁶ (1981 Code, § 9-401)

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, § 9-302)

15-403. Left turns on two-way roadways. At any intersection where traffic is permitted to move in both directions on each roadway entering the intersection, an approach for a left turn shall be made in that portion of the right half of the roadway nearest the center line thereof and by passing to the right of the intersection of the center line of the roadway being entered. (1981 Code, § 9-303)

15-404. Left turns on other than two-way roadways. At any intersection where traffic is restricted to one direction on one or more of the roadways, the driver of a vehicle intending to turn left at any such intersection shall approach the intersection in the extreme left hand lane lawfully available to traffic moving in the direction of travel of such vehicle and after entering the intersection the left turn shall be made so as to leave the intersection, as nearly as practicable, in the left hand lane lawfully available to traffic moving in such direction upon the roadway being entered. (1981 Code, § 9-404)

15-405. U-turns. U-turns are prohibited. (1981 Code, § 9-405)

⁶State law reference

Tennessee Code Annotated, § 55-8-143.

CHAPTER 5

STOPPING AND YIELDING

SECTION

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

15-501. Upon approach of authorized emergency vehicles.⁷ Upon the immediate approach of an authorized emergency vehicle making use of audible and/or visual signals meeting the requirements of the laws of this state, or of a police vehicle properly and lawfully making use of an audible signal only, the driver of every other vehicle shall immediately drive to a position parallel to, and as close as possible to, the right hand edge or curb of the roadway clear of any intersection and shall stop and remain in such position until the authorized emergency vehicle has passed, except when otherwise directed by a police officer. (1981 Code, § 9-501)

15-502. When emerging from alleys, etc. The drivers of all vehicles emerging from alleys, parking lots, driveways, or buildings shall stop such vehicles immediately prior to driving onto any sidewalk or street. They shall not proceed to drive onto the sidewalk or street until they can safely do so without colliding or interfering with approaching pedestrians or vehicles. (1981 Code, § 9-502)

15-503. To prevent obstructing an intersection. No driver shall enter any intersection or marked crosswalk unless there is sufficient space on the other side of such intersection or crosswalk to accommodate the vehicle he is operating without obstructing the passage of traffic in or on the intersecting street or crosswalk. This provision shall be effective notwithstanding any traffic-control signal indication to proceed. (1981 Code, § 9-503)

15-504. At railroad crossings. Any driver of a vehicle approaching a railroad grade crossing shall stop within fifty (50) feet but not less than fifteen

⁷Municipal code reference

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

(15) feet from the nearest rail of such railroad and shall not proceed further until he can do so safely:

(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, § 9-504)

15-505. At "stop" signs. The driver of a vehicle facing a "stop" sign shall bring his vehicle to a complete stop immediately before entering the crosswalk on the near side of the intersection or, if there is no crosswalk, then immediately before entering the intersection, and shall remain standing until he can proceed through the intersection in safety. (1981 Code, § 9-505)

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 placed by the municipality. (1981 Code, § 9-506)

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 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 will 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 until the green or "Go" is shown alone 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 at the signal. (1981 Code, § 9-507)

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, § 9-508)

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, § 9-509)

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,⁸ except in an emergency. (1981 Code, § 9-510)

⁸State law reference

Tennessee Code Annotated, § 55-8-143.

CHAPTER 6

PARKING

SECTION

- 15-601. Generally.
- 15-602. Occupancy of more than one space.
- 15-603. Where prohibited.
- 15-604. Loading and unloading zones.
- 15-605. Parking of trucks, buses, in residential districts.
- 15-606. Parking of non-motorized equipment or vehicles in residential districts.
- 15-607. Violations of §§ 15-605 and 15-606.
- 15-608. Presumption with respect to illegal parking.

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 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, § 9-601)

15-602. Occupancy of more than one space. No person shall park a vehicle in any designated parking space so that any part of such vehicle occupies more than one such space or protrudes beyond the official markings on the street or curb designating such space unless the vehicle is too large to be parked within a single designated space. (1981 Code, § 9-603)

15-603. Where prohibited. No person shall park a vehicle on any street or other public way in violation of any sign placed or erected by the city, nor:

- (1) On a sidewalk.
- (2) In front of a public or private driveway.
- (3) Within an intersection or within fifteen (15) feet thereof.
- (4) Within fifteen (15) feet of a fire hydrant.
- (5) Within a pedestrian crosswalk.
- (6) Within fifty (50) feet of a railroad crossing.
- (7) Within twenty (20) feet of the driveway entrance to any fire station, and on the side of the street opposite the entrance to any fire station within seventy-five (75) feet of the entrance.
- (8) Alongside or opposite any street excavation or obstruction when other traffic would be obstructed.
- (9) On the roadway side of any vehicle stopped or parked at the edge or curb of a street.
- (10) Upon any bridge.
- (11) Alongside any curb painted yellow or red by the city.
- (12) In any parking space designated as being reserved for the physically disabled, pursuant to Tennessee Code Annotated § 55-21-105(a), except a person who meets the requirements for the issuance of a distinguishing placard or license plate or a disabled veteran's plate, as authorized under the provisions of Tennessee Code Annotated, title 55, chapter 21. A vehicle parking in such space shall display a distinguishing placard or license plate, or a disabled veteran's plate as authorized under the provisions of Tennessee Code Annotated, title 55, chapter 21. The penalty for violation of this subsection shall not be less than twenty-five dollars (\$25) nor more than fifty dollars (\$50)
- (13) On grass or any surface that is not asphalt, concrete or other hard surface dustless materials as approved by the city or not completely enclosed within a building. (1981 Code, § 9-604, as amended by Ord. #2018-4, May 2018)

15-604. 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, § 9-605)

15-605. Parking of trucks, buses, in residential districts. No truck, defined as a motor vehicle used or maintained for the transportation of property having 3 or more axles or having a gross weight of 8000 lbs. including load and vehicle and no bus defined as a motor designed for carrying more than 10 passengers and used for the transportation of persons may be parked in a residential district on the public streets in a residential district except for loading and unloading.

No truck suitable for handling hazardous materials may be parked on the public streets or on private property in a residential district at any time. (1981 Code, § 9-606)

15-606. Parking of non-motorized equipment or vehicles in residential districts. No person shall park or knowingly permit any non-motorized vehicle or equipment, such as, but not limited to, campers, trailers, boats and other recreational type equipment on any residential street in the city for a period of time longer than 24 hours consecutively. (1981 Code, § 9-607)

15-607. Violations of §§ 15-605 and 15-606. Any violation of § 15-605 and § 15-606 shall be a misdemeanor and punishable by a fine of not to exceed fifty dollars (\$50.00). (1981 Code, § 9-608, modified)

15-608. 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, § 9-705)

CHAPTER 7

ENFORCEMENT

SECTION

- 15-701. Issuance of traffic citations.
- 15-702. Citations for illegal parking.
- 15-703. Failure to obey citation.
- 15-704. Impoundment of vehicles.
- 15-705. Violation and penalty.

15-701. Issuance of traffic citations.⁹ 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, § 9-702)

15-702. Citations for illegal parking. Whenever any motor vehicle without a driver is found parked or stopped in violation of any of the restrictions imposed by this code, the officer finding such vehicle shall take its license number and may take any other information displayed on the vehicle which may identify its user, and shall conspicuously affix to such vehicle a traffic citation for the driver and/or owner to answer to the charge against him within ten (10) days during the hours and at a place specified in the citation. (1981 Code, § 9-703)

15-703. 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.

In the event any person fails to comply with a traffic citation ticket given to such person or attached to a vehicle or fails to make appearance pursuant to a summons directing an appearance in the traffic court, or if any person fails or

⁹State law reference

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

refuses to deposit bail as required, he shall be subject to arrest upon the issuance of a warrant. (1981 Code, § 9-704)

15-704. Impoundment of vehicles. Members of the police department are hereby authorized, when reasonably necessary for the security of the vehicle or to prevent obstruction of traffic, to remove from the streets and impound any vehicle whose operator is arrested or any vehicle which is illegally parked, apparently abandoned, or otherwise parked so as to constitute an obstruction or hazard to normal traffic. Such an 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. The fee for impounding a vehicle shall be five dollars (\$5.00) and the storage cost shall be one dollar (\$1.00) for each twenty-four (24) hour period shall also be charged. (1981 Code, § 9-701)

15-705. Violation and penalty. Unless otherwise provided, any violation of this title shall be a civil offense punishable as follows: Traffic citations. Traffic citations shall be punishable by a civil penalty up to fifty dollars (\$50.00) for each separate offense.

CHAPTER 8

AUTOMATED TRAFFIC SIGNAL ENFORCEMENT

SECTION

15-801. Definitions.

15-802. Administration.

15-803. Offense.

15-804. Procedure.

15-805. Penalty.

15-806. Exemptions.

15-807. Miscellaneous.

15-801. Definitions. The following words, terms and phrases, when used in this section, shall have the meaning 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, which shall be within thirty (30) days following the date of mailing of the citation;

(h) A signed statement by a member of the Millington 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 chapter:

(i) Of the manner and time in which liability alleged in the citation occurred and that the citation may be contested in the Millington City 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 tape, clearly identifying the registration plate number of the motor vehicle.

(4) "Speed violations" will include on the data bar the legal speed and verified violation speed of the vehicle, as well as the location and vehicle ownership information.

(5) "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.

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

(7) "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.

(8) "Vehicle owner" is the person identified by the Tennessee Department of Safety or other states' motor vehicle registration departments as the registered owner of a vehicle or the lessee of a vehicle under a lease of six (6) months or more. (as added by Ord. #2009-15, July 2009, and replaced by Ord. #2009-22, Nov. 2009, and Ord. #2010-05, March 2010)

15-802. Administration. (1) The city 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.

(2) 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.

(3) The city shall adopt procedures for the issuance of citations and warnings under this chapter. A citation or warning alleging that the violation of § 15-803 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 of this chapter.

(4) The citation or warning shall be sent by first-class mail to the vehicle owner's address, as given on the motor vehicle registration records maintained by the Tennessee Department of Safety and other states' motor vehicle registration departments, within thirty (30) days after the date of the

alleged violation. Personal delivery to or personal service of process on the vehicle owner shall not be required.

(5) The City of Millington shall have all necessary power and authority to contractually provide for the purchase, lease, rental, acquisition of equipment required to implement this chapter, and/or to enter into one or more service contracts to fully and necessarily implement the traffic control photographic system and the provisions of this chapter authorized hereby.

(6) The city may contract with third parties to perform ministerial and clerical functions. 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 Millington Police Department. Upon review of such images by the Millington Police Department, and upon express approval for the issuance of a citation by the Millington Police Department, a third party contractor may perform the ministerial and clerical functions of preparing, mailing, serving and/or processing citations. (as added by Ord. #2009-15, July 2009, and replaced by Ord. #2009-22, Nov. 2009, and Ord. #2010-05, March 2010)

15-803. Offense. (1) 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 Millington Municipal Code with respect to obedience to traffic lights, stop signs or traffic signals.

(2) It shall be unlawful for any vehicle to exceed the lawful rate of speed established for any location in the City of Millington. (as added by Ord. #2009-15, July 2009, and replaced by Ord. #2009-22, Nov. 2009, and Ord. #2010-05, March 2010)

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 Millington; or

(b) Elect to contest the citation of the alleged violation in a hearing before the City Judge of the Millington 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 alleged violation, the vehicle owner shall permit the trier of fact in its discretion to infer such vehicle owner was the driver of the vehicle at the time of the alleged violation. Such an inference may be rebutted if the vehicle owner:

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

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

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

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

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

(ii) The actual operator of the vehicle at the time of the alleged violation is known to the vehicle owner. If the affidavit or statement includes this sentence, then the affidavit or statement must also include information accurately identifying the name and current address of the driver of the vehicle 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 connection with a tractor vehicle, or a passenger bus, in order to demonstrate that the vehicle owner was not the violator, the vehicle 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 and state of issuance of the person who was operating the vehicle at the time of the violation.

(f) In the event a vehicle owner provides a name and address of a person or entity, other than the vehicle 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. #2009-15,

July 2009, and replaced by Ord. #2009-22, Nov. 2009, and Ord. #2010-05, March 2010)

15-805. Penalty. (1) Any violation of the 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 to appear in the city court to contest the citation on the designated date, or to otherwise provide the information required under § 15-804, shall be deemed an acknowledgment by the vehicle owner of an indebtedness to the City of Millington of fifty dollars (\$50.00) and shall result in imposition of the stated fine and assessment of court costs and litigation tax by default judgment.

(3) No additional penalty or other costs shall be assessed for nonpayment of a citation that is based solely on evidence obtained from a surveillance camera installed to enforce or monitor traffic violations, unless a second notice is sent by first class mail to the vehicle owner, and the second notice provides for an additional thirty (30) days for payment of the citation. If the city sends a second notice to the vehicle owner, and the vehicle owner fails to pay the civil penalty within such time, the city court shall have the authority to enter a default judgment against the vehicle owner in the amount of the fifty dollar (\$50.00) civil penalty, an administrative fee/late fee in the amount of seventy-five dollars (\$75.00).

(4) If the violator fails to pay the civil penalty within thirty (30) days after the mailing of the second notice, then in addition to assessment of the administrative fee/late fee provided for above, the city shall have the right to engage a collection agency, either directly or through its photographic system contractor, to collect the unpaid civil penalty, fees and costs. In addition, the city shall have the right to collect from the violator the collection agency's fees, which shall not exceed forty percent (40%) of the sums collected as consideration for the civil penalty, fees and costs.

(5) The amount of any civil penalty, fees, costs or any judgment entered by the city court pursuant to this chapter shall constitute a debt to the city, and the city may enforce said judgment and collect said debt in the same manner as any other debt to the city.

(6) When a vehicle owner has provided evidence satisfactory to the city court that another person was the vehicle operator at the time of the violation, the same procedures set out above shall apply to such person as to the sending of notices, and payment of the civil penalty, administrative fee/late fee, court costs and litigation tax as are applicable to the vehicle owner.

(7) A violation for which a civil penalty is imposed under this section shall not be considered a moving violation and may not be recorded by the police department or the Tennessee Department of Safety or any other state's comparable department on the driving record of the vehicle owner or other driver of the vehicle and may not be considered in the provision of motor vehicle

insurance coverage. (as added by Ord. #2009-15, July 2009, and replaced by Ord. #2009-22, Nov. 2009, and Ord. #2010-05, March 2010)

15-806. Exemptions. The owners of the following vehicles are exempt from receiving a notice of violation:

- (1) Emergency vehicles with active emergency lights;
- (2) Vehicles moving through the intersection to avoid or clear the way for a marked emergency vehicle;
- (3) Vehicles under police escort; and
- (4) Vehicles in a funeral procession. (as added by Ord. #2009-15, July 2009, and replaced by Ord. #2009-22, Nov. 2009, and Ord. #2010-05, March 2010)

15-807. Miscellaneous. All recorded images generated by the automated traffic control photograph shall be solely owned by the City of Millington. (as added by Ord. #2009-15, July 2009, and replaced by Ord. #2009-22, Nov. 2009, and Ord. #2010-05, March 2010)