



Board of Mayor and Aldermen

Meeting Agenda

Town Hall
334 Atoka-Munford Avenue
Tuesday, December 14, 2021
7:00 p.m.

Public Hearing – Beer Board – 6:15 pm

This time has been reserved to allow any public comments regarding an application from Rafat Y. Morshid dba The Chill Lounge, LLC., at 11180 Highway 51 S., Suite 8, Atoka TN for a license to sell beer for on premise sales. Notice of this public hearing was published on November 25th, 2021.

Public Hearing – Amending the Municipal/Regional Zoning Map – 6:45 pm

This time has been reserved to allow any public comments regarding an ordinance to amend the Atoka Municipal/Regional Zoning Map. The first consideration of the ordinance took place on October 19, 2021 and notice of this public hearing was published on November 25th, 2021.

Invocation & Pledge of Allegiance

I. Call to Order & Roll Call

II. Minutes

- | | |
|---------------------------------------------|-----------|
| a. Regular Board Meeting – November 9, 2021 | Exhibit A |
| b. Beer Board Meeting – November 9, 2021 | Exhibit B |

III. Reports

- | | |
|-----------------------|-----------|
| a. Financial Report ♦ | Exhibit C |
|-----------------------|-----------|

IV. Old Business

- | | |
|------------------------------------------------------------------|-----------|
| a. Ordinance – Final Consideration-Municipal/Regional Zoning Map | Exhibit D |
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V. New Business

- | | |
|-------------------------------------------------------------------------------------|-----------|
| a. Ordinances & Resolutions | |
| 1. Resolution – Oak Creek Phase Two Subdivision Acceptance | Exhibit E |
| 2. Resolution – Tipton County Hazard Mitigation Plan | Exhibit F |
| 3. Resolution – RFP for Early Warning Sirens – Bid Tabulation | Exhibit G |
| 4. Resolution – Approval of Fire Apparatus Grant Submittal | Exhibit H |
| 5. Resolution – Approval of Equipment Safety and Operations Grant Submittal | Exhibit I |
| 6. Ordinance – First Consideration – Motor Vehicles, Traffic, & Parking - Title 15 | Exhibit J |
| 7. Ordinance – First Consideration – Streets and Sidewalks – Title 16 | Exhibit K |
| 8. Ordinance – First Consideration - Electronic Participation for Elected Officials | Exhibit L |
| b. Miscellaneous Items | |
| 1. Fire Engine Purchase Approval | Exhibit M |

VI. Departmental Reports

- a. Code Enforcement
- b. Fire Department
- c. Parks Department
- d. Police Department
- e. Public Works Department

Director Wallace
Chief Posey
Director Isbell
Chief Rudolph
Director Patrick

VII. Miscellaneous Items from the Mayor, Board of Aldermen, Town Administrator

VIII. Citizen Concerns

IX. Adjourn



Office of the Town Administrator

MEMORANDUM

To: Honorable Mayor Daryl Walker & Board of Aldermen
From: Marc Woerner, Town Administrator
Re: Agenda items for December 14, 2021

1. **Exhibit A – Board Meeting Minutes** - The minutes from the Board's regular monthly meeting in November are included for review and approval.
2. **Exhibit B - Beer Board Meeting Minutes** - The minutes from the Beer Board's public hearing meeting in November are included for review and approval.
3. **Exhibit C – Financial Reports** – The monthly report detailing fiscal year financial performance through the month of November is included in the packet for your review.
4. **Exhibit D – Ordinance – Final Consideration – Zoning Map** - The Zoning Map was previously updated and needs to be adopted. Recently rezoned and annexed properties were corrected. Staff recommends adoption of the updated map. This is the final consideration to adopt the Ordinance and a public hearing will be held prior to this meeting.
5. **Exhibit E – Resolution – Adoption of the Oak Creek Phase II Subdivision** - The process to adopt the Oak Creek Phase II subdivision began with a request from the developer. Oak Creek Phase II is one of the subdivisions that the town agreed to place the final layer of asphalt. The Planning Commission modified their November agenda and provided a recommendation to adopt the subdivision to the Board of Mayor and Aldermen excluding the cul-de-sac at the end of E. Cherrybark.
6. **Exhibit F – Resolution - Hazard Mitigation Plan** – Municipalities throughout Tipton County have worked to create a Hazard Mitigation Plan Update. The update was approved by FEMA, pending adoption by each municipality and county government. Once the Hazard Mitigation Plan Resolution has been adopted it will be forwarded to FEMA for final approval. When a disaster is declared, federal funds may be available, and an adopted Hazard Mitigation Plan is imperative. The Resolution confirms Atoka's participation in the county plan and provides eligible access to said federal funds should the need arise.

- 7. Exhibit G – Early Warning Sirens Bid Tabulation** – A Request for Proposal (RFP) for Early Warning Sirens was put out to obtain pricing on the replacement of some or all of our early warning sirens. As you may recall, during a storm several months ago, two of our tornado early warning sirens were struck by lightning and are currently inoperable. We have received an insurance payment of approximately \$54,000 for the damages and those funds can be utilized for the purchase of new early warning sirens. There was also \$100,000 budgeted in the FY 2022 budget for upgrade/replacement of a couple early warning sirens. Between the insurance payment for the sirens that were damaged by lightning and the FY 2022 budget amount, we may be able to make a significant upgrade or replacement of our early warning system. The RFP has closed, and a bid tabulation is included in your packet for review. The Board requested two proposals. One to include the replacement of two (2) 360-degree omni-directional (non-rotating) type sirens that would provide both tone and voice capabilities, and the second was to include five (5) rotating, tone-only sirens. Each proposal would include the same complete, turn-key computer controlled, online software system with diagnostics and redundancies. Each system would be designed to activate automatically when the National Weather Service issues tornado warnings within designated polygons. A bid tabulation is included in your packet for review. The Board could utilize the available funds on hand and replace all five (5) rotating type sirens with an entire new system, or it may decide to replace only a couple Omni-Directional sirens. In any case, based on past experience, staff recommends awarding either bid proposal to Precision Communications.
- 8. Exhibit H – Resolution – Approval of Fire Apparatus Grant Submittal** – The grant application is for AFG Apparatus Grant funds for the purpose of adding a new fire engine to the Atoka Fire Department that will benefit the residents of the Town of Atoka. The grant application will be for \$650,000. The grant also requires cost participation from the Town. The anticipated cost share will be approximately \$30,952.38. Staff recommends approval of the grant submission.
- 9. Exhibit I – Resolution – Approval of Equipment Safety and Operations Grant Submittal** The grant application is for AFG Equipment Safety and Operations funds for the purpose of adding multiple pieces of extrication equipment to the Atoka Fire Department that will benefit the residents of the Town of Atoka. The grant will be to fully equip crews at Station 1 for motor vehicle extrication/rescue. The grant application will be for \$40,000 with a town participation of approximately \$1,904.76. Staff recommends approval of the grant submission.
- 10. Exhibit J – Ordinance – First Consideration - Motor Vehicles, Traffic, & Parking – Title 15** – In response to concerns from Board and Commission members, as well as citizens, town staff has worked to create revisions to the current Title 15 - Motor Vehicles, Traffic, and Parking ordinance. The Public Safety Committee, consisting of Alderman Feldmayer and Alderwoman Renfrow and town staff reviewed the proposed changes on December 7th. Members of the committee were in agreement of the proposed changes. The draft with mark

ups is included in your packet for review. Staff recommends adopting the proposed ordinance revisions on first consideration.

11. Exhibit K – Ordinance – First Consideration - Streets and Sidewalks – Title 16 – Title 16 coincides in some ways with the previously mentioned Title 15. The proposed revisions were reviewed and discussed by the Public Safety Committee on December 7th. Committee members were in agreement of the proposed changes. The draft with mark ups is included in your packet for review. Staff recommends adopting the proposed ordinance revisions on first consideration.

12. Exhibit L – Ordinance – First Consideration for Electronic Participation for Elected Officials – This ordinance would allow a member of the Board of Mayor and Aldermen to attend and participate sessions of the Board of Mayor and Aldermen by the use of two-way electronic audio-video communications when that member is deployed as a military service member as defined in the Tennessee Code Annotated § 6-54-143. Staff recommends adopting the proposed ordinance revisions on first consideration.

13. Miscellaneous Items –

- a. Exhibit M - Fire Engine Purchase Approval** – During the FY2022 budget planning process, the need for a new fire apparatus was discussed and payments were budgeted over a ten (10) year period. Fire Chief Posey convened an apparatus selection committee consisting of Lt. Hall, Lt. Taylor, Lt. Kinney, FF Stroud, and FF Cavallo. The selection committee put in numerous hours over the course of the last few months to define and identify an appropriate fire apparatus that would fulfill both current and future fire department needs. The town currently has \$214,450 on hand to put down on the new apparatus to achieve a discount. The town also budgeted \$91,000 for FY 2022 towards principal and interest payments that represent principal and interest payments for a ten (10) year capital outlay note. The delivery date for the new apparatus would be approximately 10-12 months. All manufacturers advised the selection committee that prices will go up between 5-8% in 2022. Delays in the purchasing decision could result in a \$50,000-\$80,000 increase in cost.

Included in your packets are the selection committee's recommendation to purchase a Sutphen Quint 75-ft Aerial Apparatus, Model SLR75. Sutphen is in its 131st year of operation, making it the oldest continuously owned and operated fire apparatus manufacturer in the country. It is a family-owned company and its name, Sutphen, is on the product. The cost of the Sutphen SLR75 Quint, with equipment, is \$995,000. See example below:

Supthen SLR75 Quint	\$ 995,000
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Funds on Hand - Down payment	\$ 214,450
Down payment Difference from FY22 Budgeted Amount	\$ 34,300
Total Down payment	\$ 248,750
Discount Obtained w/Down payment for additional equipment*	\$ 7,980.73

Total Cost - Supthen SLR75 Quint	\$ 995,000.00
Less Down payment	\$ (248,750.00)
Remaining Balance	\$ 746,250.00

FY 2022 Budgeted Amount Remaining	\$ 56,700
FY 2023 Assumed Budget Amount	\$ 91,000
Potential Budgeted Funds Available from FY 22 and FY23	\$ 147,700
Remaining Balance	\$ 746,250
Less Potential Budgeted Amounts on Hand at Delivery	\$ (147,700)
Amount of Capital Outlay Note Needed at Delivery	\$ 598,550

14. Department Reports – Monthly reports from the Departments have been included in the Board packet for your review.

If you have questions on any of these items prior to the Board meeting, please do not hesitate to call me.



December 14, 2021

Exhibit A

TOWN OF ATOKA
334 Atoka-Munford Avenue
Atoka, Tennessee 38004
Phone: (901) 837-5300
www.TownofAtoka.com

**Town of Atoka Board of Mayor and Aldermen
Regular Monthly Meeting
November 09, 2021, 7:00 p.m.**

The Invocation was led by Mayor Daryl Walker. All present joined in the pledge to the flag.

The meeting was called to order by Mayor Walker at 7:06 p.m.

The Town of Atoka Board of Mayor and Aldermen met with the following:

Present: Mayor Daryl Walker, Aldermen Barry Akin, John Harber, Cody Pace and Alderwoman Renfrow

Also present: Town Recorder Debbie Pickard, Town Administrator Marc Woerner, Town Attorney Kasey Culbreath, Police Chief Anthony Rudolph, Fire Chief Henry Posey, Park Director Dorothy Isbell, Public Works Director Dalton Patrick, and attached list.

Absent: Alderman Danny Feldmayer, Alderman Brett Giannini who is away on military service and Codes Director Wallace.

Regular Monthly Meeting October 19, 2021 – Exhibit A – Alderman Akin made a motion to accept the minutes as presented. Alderman Pace seconded the motion. All in favor. Motion carried.

Beer Board Meeting October 26, 2021 – Exhibit B – Alderman Akin made a motion to accept the minutes as presented. Alderman Pace seconded the motion. All in favor. Motion carried.

Financial Report: Exhibit C – Administrator Woerner reviewed the financial report as presented. Alderman Akin made a motion to accept the report as presented. Alderwoman Renfrow seconded the motion. All in favor. Motion carried.

Old Business: None

New Business:

1. **Special Presentation – Oath of Office - Fire Department** – Mayor Walker administered the Atoka Fire Oath of Office to Firefighter/AEMT- Sean Carter and Firefighter/EMR Hunter Long.
2. **Special Presentation – Citizen's Volunteer Service Award** – Mayor Walker presented to Curt Mayo a plaque in recognition for volunteering his audio-visual services at the various Town Board meetings at no charge to the Town.

Ordinances and Resolutions:

1. **Resolution – 21-11-01 – Approving Annual Donations for Fiscal Year 2022 – Exhibit D-** Administrator Woerner reviewed the resolution as presented. Alderman Akin made a motion to accept the resolution as presented. Alderwoman Renfrow seconded the motion. Roll call. Renfrow-yes, Akin-yes, Harber-yes, Pace-abstained, Feldmayer-absent and Giannini-absent. Motion carried.
2. **Consideration – Public Works Vehicle Purchase – Exhibit E** – Administrator Woerner and Director Patrick reviewed the proposed vehicle purchases as presented. Alderman Pace made a motion to approve the purchases, one vehicle for \$47,223.00 and the second one for \$36,903.00. Alderman Harber seconded the motion. All approved. Motion carried.
3. **Approval of an Application for a Transportation Alternatives Program (TAP) Grant – Exhibit F** – Administrator Woerner reviewed the proposed grant as presented. Alderman Akin made a motion to submit the application to TDOT. Alderwoman Renfrow seconded the motion. All approved. Motion carried.

Departmental Reports:

1. **Code Enforcement:** Director Wallace was absent. The Board reviewed the report as presented.
2. **Fire Department:** Chief Posey reviewed the report as presented. Chief Posey advised the Board of the following: The Fire Department participated in the Safe Night Out event and the Flag Retirement Ceremony. The apparatus committee has been meeting and are reviewing three different vendors for the fire apparatus.
3. **Parks Department:** Director Isbell reviewed the report as presented. Director Isbell advised the Board of the following: The Safe Night Out event was a huge success. The annual Tree Lighting will be November 30th at 7:00 pm and Santa's Ride will be December 10th and 11th.
4. **Police Department:** Chief Rudolph reviewed the report as presented. Chief Rudolph advised the Board of the following: Chief Rudolph shared a few notable arrests that occurred last month. The Police Department participated in the DEA Pill Take Back program collecting 142 pounds. The sergeant's position testing is still in process. Chief Rudolph is looking to create a corporal position to assist the sergeants. Chief Rudolph announced that Officer Palanki has graduated from the police academy.
5. **Public Works Department:** Director Patrick reviewed the report as presented. Director Patrick advised the Board of the following: Gibson Paving will start paving the Sterling Ridge subdivision phases 3, 4, 5, and 6 Monday November 15th. Pioneer Park has developed a leak under the culvert. ASPAC Paving is expected to start paving Town Hall parking lot next week.

Miscellaneous Items from the Mayor, Board of Aldermen, Town Administrator:

1. Alderman Akin reviewed the 2015 Fire Code that gives local fire officials the authority to extinguish fires.
2. Alderman Pace made a formal request to look into having a burn permit.
3. Alderwoman Renfrow asked for the status of the missed trash pickup with Waste Pro. Administrator Woerner advised that it is still a work in progress and that the entire industry is under great stress due to equipment failure and staffing issues.
4. Administrator Woerner complemented staff for an outstanding job during the Safe Night out event.
5. Administrator Woerner advised the Board of the following: The RFP for the early warning sirens has been put out. Town staff is working on a Christmas float to enter in the Munford Christmas parade. There will be an employee luncheon for Thanksgiving on November 19th from 11:30 to 1:00 and Town Hall will close for that time so that all the employees can participate. Tipton County has engaged with the Gresham Smith Firm to develop an infrastructure evaluation of Tipton County for future growth planning purposes. An advisory committee has been formed for the long-range comprehensive plan and has been submitted to Orion.
6. Administrator Woerner advised the Board that there is an option for Alderman Giannini (who is away on military deployment) to participate in public meetings electronically. The Board would have to pass an ordinance for that to happen. Woerner will bring a draft ordinance to consider in December.
7. Administrator Woerner advised the Board that November the 18th from 1:00 to 3:00 pm Chuck Downham of MTAS will give a presentation about planning and what his experience was as he was as the assistant town administrator and the town planner for the City of Spring Hill.

Citizen Concerns:

1. Alvin Plexico of 794 Williamsburg advised that he like to place a little free library at Pioneer Park. Mayor Walker advised him to get with Park Director Isbell.

Alderman Harber motioned to adjourn the meeting. Alderman Akin seconded the motion. The meeting ended at 8:28 pm.

W. Daryl Walker, Mayor

Deborah Pickard, Recorder



December 14, 2021
Exhibit B

TOWN OF ATOKA
334 Atoka-Munford Avenue
Atoka, Tennessee 38004
Phone: (901) 837-5300
www.TownofAtoka.com

**Town of Atoka Beer Board Meeting
Public Hearing
November 09, 2021, 6:15 p.m.**

The Town of Atoka Beer Board met with the following members:

Present: Mayor Daryl Walker, Aldermen Barry Akin, John Harber, Cody Pace and Alderwoman Christy Renfrow.

Also Present: Town Recorder Debbie Pickard, Town Administrator Marc Woerner, Town Attorney Kasey Culbreath, Police Chief Anthony Rudolph, Codes Director Rex Wallace, Fire Chief Henry Posey and the attached list.

Absent: Alderman Danny Feldmayer and Alderman Brett Giannini who is away on military service

Mayor Walker called the Beer Board meeting to order at 6:18 p.m.

Old Business: None

New Business:

Application for Beer Permit – Exhibit A – Mayor Walker reviewed the application for Rafat Morshid to obtain Class C (on-site) permit for the sale of beer located at 11180 Highway 51 S., Suite 8 in Atoka Tennessee. Alderman Harber made a motion to table Exhibit A to the December 14th meeting. Alderman Akin seconded the motion. All approved. Motion carried. Chief Rudolph advised the Board that the applicant, Mr. Morshid did not attend the meeting due to legal issues.

Miscellaneous Items:

- 1. Compliance Checks for Beer Permits – Exhibit B** – Mayor Walker reviewed the violation results as presented from the Magic Mart/Shell Station located at 14188 Highway 51 S. in Atoka. Alderman Harber made a motion to impose a suspension of the beer permit license with the option to pay a \$1000.00 fine in lieu of the suspension. If the fine is not paid in seven (7) days, then the suspension is in effect until the fine is paid. Alderman Akin seconded the motion. Roll call. Pace-yes, Harber-yes, Akin-yes, Renfrow-yes, Feldmayer-absent and Giannini-absent. Motion carried.
- 2. Compliance Checks for Beer Permits – Exhibit B** – Mayor Walker reviewed the violation results as presented from the Los Alibrejes Mexican Restaurant located at 114A Atoka Munford Avenue in Atoka. Ms. Alvarez advised the Board that she has provided online training for the servers and provided proof of the training certificates. Ms. Alvarez advised that she has posted signage throughout the business that identification is required to be served alcoholic beverages. Alderman Akin made a motion to impose a suspension of the beer permit license with the option to pay a \$250.00 fine in lieu of the suspension. If the fine is not paid in seven (7) days, then the suspension is in effect until the fine is paid. Alderman Harber seconded the motion. Roll call. Harber-yes, Akin-yes, Renfrow-yes, Pace-yes, Feldmayer-absent and Giannini-absent. Motion carried.

Adjournment: Alderman Akin made motion to adjourn the meeting. Alderman Harber seconded the motion. All approved motion carried. The meeting ended at 7:00 p.m.

W. Daryl Walker, Mayor

Deborah Pickard, Recorder

SUMMARY OF FINANCIAL CONDITION VS. BUDGET

For the Five Months Ending November 30, 2021

<u>General Fund</u>		5 months	% of Budget	
Revenues:		Actual	Budget	Total Budget
Property Tax		275,693	12.0%	2,295,420
Sales Tax		1,389,375	45.0%	3,084,681
Grants		1,393,726	246.0%	566,652
Other Revenues		471,625	39.6%	1,191,322
Total		3,530,419		7,138,075
Expenditures:				
Legislature & Judicial		20,955	31.8%	65,800
Finance & Administration		195,652	35.9%	544,890
Police		893,625	40.0%	2,234,518
Fire		631,095	35.5%	1,778,528
Planning & Inspection		97,953	23.0%	426,370
Streets		2,147,043	174.4%	1,230,754
Parks & Recreation		410,753	62.4%	658,215
Total		4,397,076		6,939,075
Excess Revenue Over Expenditures		-866,657		199,000
Cash on Hand at End of Period (1)		4,166,084		

<u>State Street Aid Fund</u>				
Revenue		154,426	45.9%	336,360
Expenditures		0	0.0%	336,360
Excess Revenue Over Expenses		154,426	0	
Cash on Hand at Beginning of Year		203,178		
Cash on Hand at End of Period		357,604		

<u>Drug Fund</u>				
Revenue		10,084	32.5%	31,000
Expenditures		22,700	73.2%	31,000
Excess Revenue Over Expenses		-12,616	0	0
Cash on Hand at Beginning of Year		44,454		
Cash on Hand at End of Period		31,838		

(1) Does not include Fire Dept, Celebrate, and Park AC of:

349,404

December 14, 2021

Exhibit C

<u>Solid Waste Collections</u>				
Revenue		275,848	46.0%	600,000
Expenditures		286,325	39.8%	720,000
Excess Revenue Over Expenses		-10,477	0	-120,000
Cash on Hand at Beginning of Year		116,211		120,000
*Cash on Hand at End of Period		227,112		0

SUMMARY OF FINANCIAL CONDITION WATER FUND

For the Five Months Ended November 30, 2021

Cash on Hand at Beginning of Year	\$ 523,465
Cash on Hand at End of Period	\$ 823,866
Total Bonds/Notes outstanding 11/30/21	\$ 908,591

Net Income(Regulatory Basis) vs. Prior Year				
	Actual			Prior Year
	11/30/2021	% of Budget	Total Budget	11/30/2020
Revenues	\$ 497,214	28.69%	\$ 1,733,002	\$ 1,119,057
Expenses				
(353) Water Purchases	\$ 224,959	51.13%	\$ 440,000	\$ 234,062
(100's) Payroll and Benefits	\$ 139,309	51.05%	\$ 272,874	\$ 263,004
(260) Repair Maintenance Services	\$ 23,972	33.29%	\$ 72,000	\$ 171,690
(241) Utility (Electric) Operations	\$ 2,472	27.76%	\$ 8,905	\$ 44,929
(211,290,292,310) Prof Service / Office Supplies	\$ 14,782	67.01%	\$ 22,061	\$ 38,840
* Other Operating Expenses	\$ 100,710	14.07%	\$ 715,623	\$ 90,633
(540) Depreciation	\$ 83,818	41.67%	\$ 201,163	\$ 197,917
Total	\$ 590,022	34.05%	\$ 1,732,626	\$ 1,094,102
Net Income (loss)	\$ (92,808)		\$ 376	\$ 24,955

WT/SW combined
previous year column

* Other Operating Expenses include: Uniforms - Vehicle Maintenance - Liability, Property
& Work Comp Insurance - Building Utilities & Maintenance

SUMMARY OF FINANCIAL CONDITION SEWER FUND

For the Five Months Ended November 30, 2021

Cash on Hand at Beginning of Year	\$ 2,006,806
Cash on Hand at End of Period	\$ 2,225,244
Total Bonds/Notes outstanding 11/30/21	\$ 1,231,224

Net Income(Regulatory Basis) vs. Prior Year				
	Actual			Prior Year
	11/30/2021	% of Budget	Total Budget	11/30/2020
Revenues	\$ 556,588	25.81%	\$ 2,156,835	\$ 1,119,057
Expenses				
(243) Sewer Treatment Fees	\$ 50,581	33.72%	\$ 150,000	\$ 53,027
(100's) Payroll and Benefits	\$ 141,361	50.31%	\$ 280,988	\$ 263,004
(260,269) Sewer Maintenance	\$ 131,161	45.54%	\$ 288,000	\$ 171,690
(241) Utility (Electric) Operation	\$ 39,481	43.94%	\$ 89,850	\$ 44,929
(211,290,292,310) Prof Services / Office Supplies	\$ 12,500	40.94%	\$ 30,535	\$ 38,840
* Other Operating Expenses	\$ 96,021	11.79%	\$ 814,342	\$ 90,633
(540) Depreciation	\$ 114,079	41.67%	\$ 273,790	\$ 197,917
Total	\$ 585,184	30.36%	\$ 1,927,505	\$ 1,094,102
Net Income (loss)	\$ (28,596)		\$ 229,330	\$ 24,955

WT/SW combined
previous year column

Total - All Funds: \$ 8,565,465

* Other Operating Expenses include: Uniforms - Vehicle Maintenance - Liability, Property & Work Comp Insurance - Building Utilities & Maintenance

ORDINANCE _____

AN ORDINANCE TO ADOPT THE TOWN OF ATOKA'S REVISED MUNICIPAL/REGIONAL ZONING MAP DATED JULY 1, 2021.

WHEREAS, pursuant to Tennessee Code Annotated Sections 13-7-201 and 13-7-202 a zoning ordinance and map have been adopted for the Town of Atoka; and,

WHEREAS, the Town of Atoka uses digital parcel data provided by Tipton County GIS; and,

WHEREAS, the Atoka Municipal-Regional Planning Commission has made administrative changes to parcels with various zoning districts depicted on the current Municipal Zoning Map; and,

WHEREAS, the Atoka Municipal-Regional Planning Commission has recommended that the Municipal-Regional Zoning Map (dated July 1, 2021) be officially adopted by the Town of Atoka; and,

WHEREAS, a public hearing was held before the Atoka Board of Mayor and Aldermen pursuant to Section 13-7-203, Tennessee Code Annotated, the time and place was published with fifteen days advance notice.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN OF THE TOWN OF ATOKA as follows:

SECTION 1. That the Town of Atoka's Municipal Zoning Map dated July 1, 2021 be adopted as presented,

SECTION 2. This Ordinance shall become effective immediately upon its adoption, the public welfare requiring it.

PASSED at the First Consideration by the Board of Mayor and Aldermen of the Town of Atoka, Tennessee on the 19th day of October, 2021.

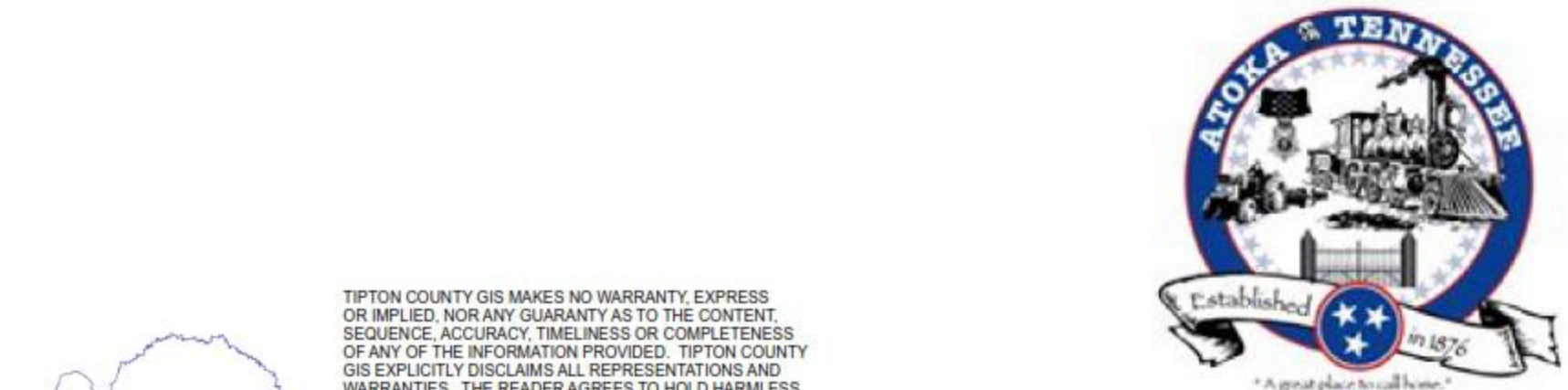
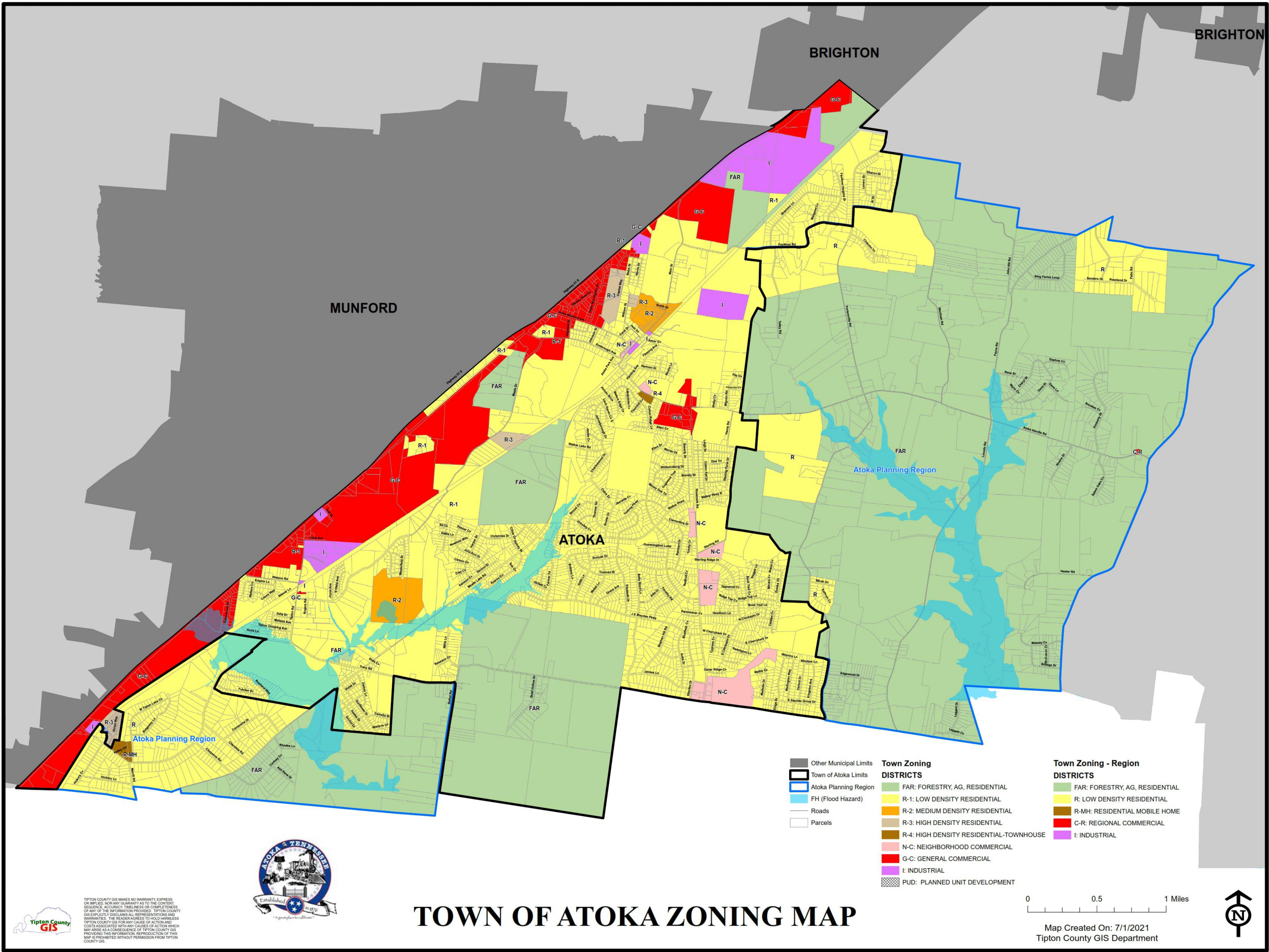
PUBLIC HEARING held by the Board of Mayor and Aldermen of the Town of Atoka, Tennessee on the 14th day of December, 2021.

PASSED at the Second Consideration by the Board of Mayor and Aldermen of the Town of Atoka, Tennessee on the 14th day of December, 2021.

W. Daryl Walker, Mayor

ATTEST:

Town Recorder



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TOWN OF ATOKA ZONING MAP

- Other Municipal Limits
 - Town of Atoka Limits
 - Atoka Planning Region
 - FH (Flood Hazard)
 - Roads
 - Parcels
- Town Zoning DISTRICTS**
- FAR: FORESTRY, AG, RESIDENTIAL
 - R-1: LOW DENSITY RESIDENTIAL
 - R-2: MEDIUM DENSITY RESIDENTIAL
 - R-3: HIGH DENSITY RESIDENTIAL
 - R-4: HIGH DENSITY RESIDENTIAL-TOWNHOUSE
 - N-C: NEIGHBORHOOD COMMERCIAL
 - G-C: GENERAL COMMERCIAL
 - I: INDUSTRIAL
 - PUD: PLANNED UNIT DEVELOPMENT
- Town Zoning - Region DISTRICTS**
- FAR: FORESTRY, AG, RESIDENTIAL
 - R: LOW DENSITY RESIDENTIAL
 - R-MH: RESIDENTIAL MOBILE HOME
 - C-R: REGIONAL COMMERCIAL
 - I: INDUSTRIAL

0 0.5 1 Miles

Map Created On: 7/1/2021
Tipton County GIS Department



RESOLUTION NO. _____

A RESOLUTION APPROVING AND ACCEPTING THE STREETS IN THE OAK CREEK PHASE II (2) SUBDIVISION IN THE TOWN OF ATOKA AS ROADS FOR PUBLIC MAINTENANCE.

WHEREAS, Apex Home Builders. has constructed various streets in rights-of-way dedicated and recorded to the Town of Atoka; and

WHEREAS, Apex Home Builders has formally requested for the Town of Atoka to accept the dedications of roads or streets and easements; and

WHEREAS, Article 6 of the Atoka Municipal Subdivision Regulations require that the Board of Mayor and Aldermen take action in the form of a resolution to accept infrastructure constructed by a developer and dedicated to the Town for public use; and

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF MAYOR AND ALDERMEN OF THE TOWN OF ATOKA, TENNESSEE as follows:

SECTION 1. The Board of Mayor and Aldermen of the Town of Atoka, Tennessee approves and accepts the currently constructed portions of West Cherrybark, Cypress Cove, Shumard Lane, Chinkapin Drive, Sweetgum Lane, and East Cherrybark, excluding the temporary turn around at the end of East Cherrybark in the Oak Creek II(2) Subdivision, for public maintenance and releases Apex Home Builders from all future responsibility related to said roadways.

SECTION 2. This Resolution takes effect immediately upon its passage and approval as outlined in Section 1, the public welfare requiring it.

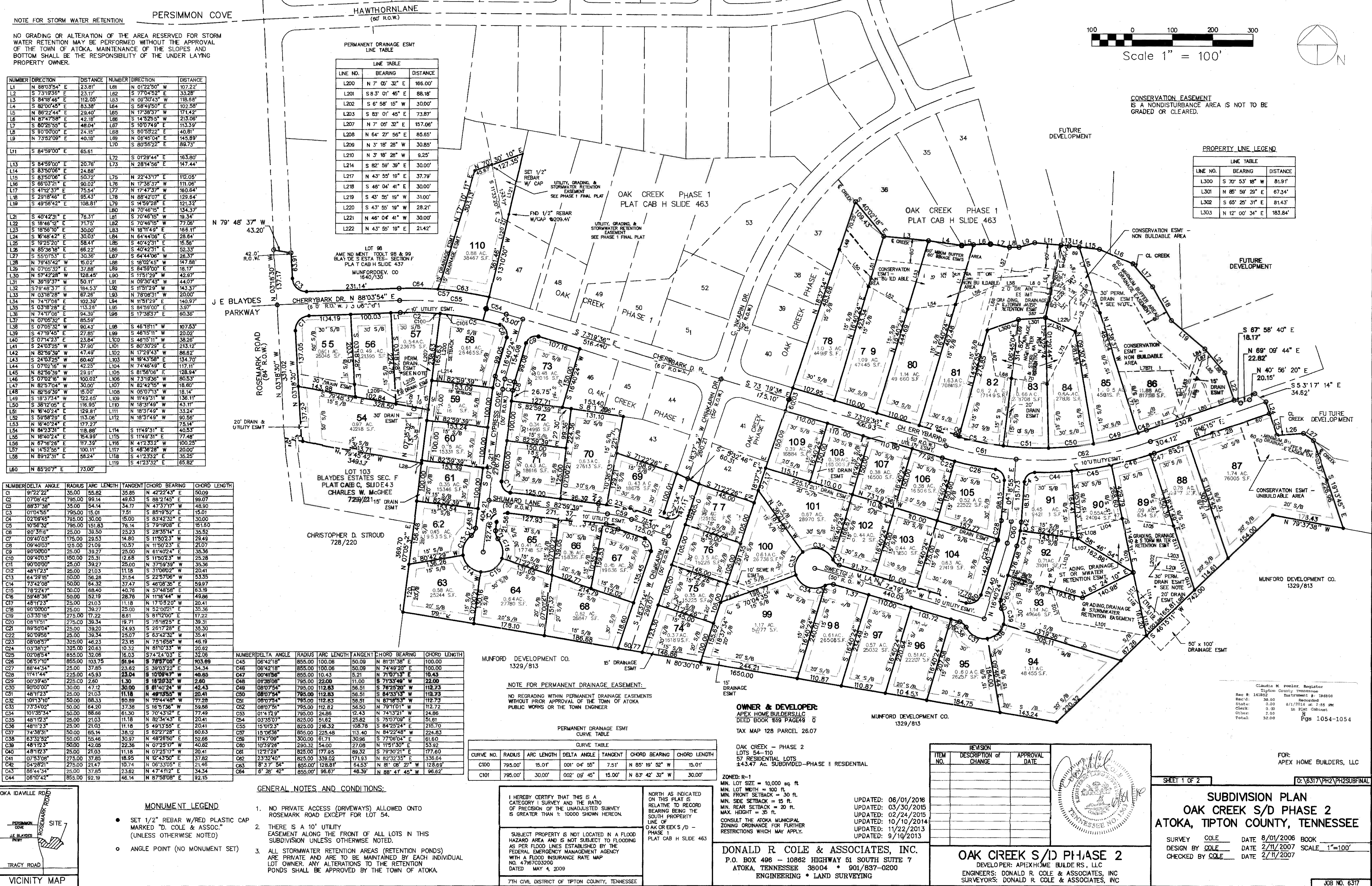
PASSED by the Board of Mayor and Aldermen of the Town of Atoka, Tennessee this 14th day of December 2021.

ATTEST:

Mayor

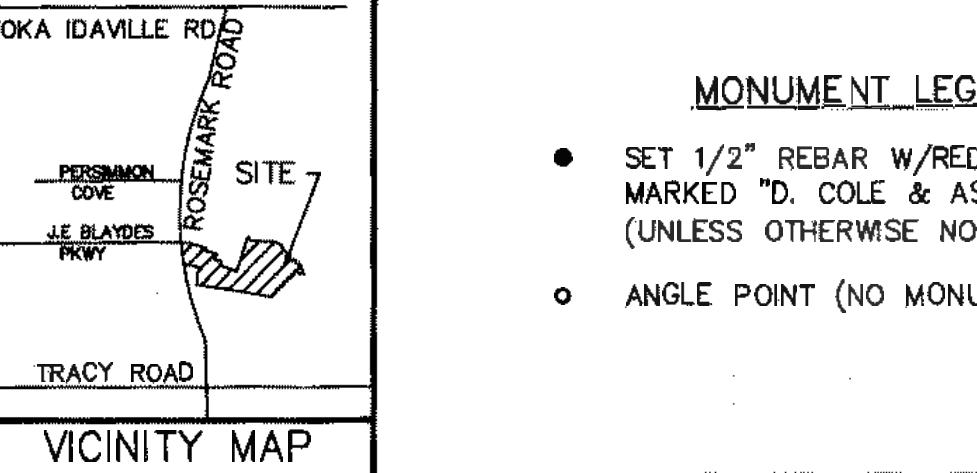
Town Recorder

H-1054 Oak Creek Subdivision Phase 2 filed for record August 1, 2016



NUMBER	DIRECTION	DISTANCE	NUMBER	DIRECTION	DISTANCE
L1	N 88°03'54" E	23.81'	L61	N 01°22'50" W	107.22'
L2	S 73°19'38" E	23.17'	L62	S 77°04'52" E	33.28'
L3	S 84°18'46" E	112.05'	L63	N 09°30'43" W	118.68'
L4	S 82°00'45" E	83.38'	L64	S 68°49'50" E	102.58'
L5	N 86°22'44" E	28.40'	L65	N 17°38'37" W	171.42'
L6	N 87°47'58" E	42.18'	L66	S 14°52'55" W	213.08'
L7	S 80°28'55" E	48.04'	L67	N 10°07'49" E	113.39'
L8	S 90°00'00" E	24.15'	L68	S 80°59'22" E	40.81'
L9	N 73°52'09" E	40.18'	L69	N 08°45'04" E	145.89'
L10	S 84°59'00" E	20.76'	L70	S 80°58'22" E	89.73'
L11	S 83°50'08" E	24.88'	L71	N 28°14'56" E	147.44'
L12	S 83°50'08" E	50.72'	L72	N 22°43'17" E	112.05'
L13	S 66°03'21" E	90.02'	L73	N 17°38'37" W	111.06'
L14	S 41°12'37" E	75.54'	L74	N 17°47'37" W	160.64'
L15	S 29°18'46" E	85.43'	L75	N 88°42'07" E	129.84'
L16	S 49°58'42" E	108.81'	L76	N 14°59'28" E	121.32'
L17	S 40°42'31" E	76.31'	L77	N 70°46'15" W	134.37'
L18	S 18°46'12" E	71.75'	L78	S 70°46'15" W	77.08'
L19	S 18°56'10" E	30.00'	L79	N 11°49'31" E	166.11'
L20	S 16°48'42" E	30.03'	L80	N 64°44'08" E	28.64'
L21	S 19°25'20" E	58.41'	L81	S 40°42'31" E	15.56'
L22	N 85°56'18" E	66.22'	L82	S 40°42'31" E	52.33'
L23	N 55°01'53" E	30.36'	L83	S 64°44'08" E	28.37'
L24	N 79°45'42" E	16.02'	L84	S 18°02'45" W	147.98'
L25	N 07°05'32" E	37.88'	L85	S 84°59'00" E	16.17'
L26	N 57°42'28" W	128.45'	L86	S 11°51'29" W	42.97'
L27	N 39°19'37" W	50.11'	L87	N 09°30'43" W	44.07'
L28	S 79°48'28" E	184.53'	L88	S 18°12'39" W	143.37'
L29	N 03°18'28" E	67.28'	L89	N 78°08'31" W	200.07'
L30	N 74°17'08" E	102.39'	L90	N 11°51'29" E	140.97'
L31	S 03°18'28" E	113.26'	L91	S 84°59'00" E	3.97'
L32	N 74°17'08" E	94.39'	L92	S 17°38'37" E	60.36'
L33	N 07°05'32" E	85.59'	L93	S 48°18'11" W	107.53'
L34	S 07°05'32" E	90.43'	L94	S 48°18'11" W	107.53'
L35	S 47°19'54" E	27.85'	L95	S 48°18'11" W	107.53'
L36	S 07°14'23" E	23.84'	L96	S 48°18'11" W	107.53'
L37	S 24°03'25" W	37.90'	L97	S 80°30'29" E	213.12'
L38	N 82°58'39" W	47.49'	L98	N 17°29'43" E	86.82'
L39	S 24°03'25" W	60.40'	L99	N 19°43'58" E	134.70'
L40	S 07°02'16" W	42.25'	L100	N 74°48'49" E	117.11'
L41	N 82°58'39" W	29.91'	L101	S 80°56'08" E	128.44'
L42	S 07°02'16" W	100.02'	L102	N 73°18'36" W	30.53'
L43	N 82°58'39" W	30.00'	L103	N 82°42'15" W	18.60'
L44	N 82°58'39" W	15.00'	L104	N 05°07'13" W	18.14'
L45	S 18°17'34" W	122.65'	L105	N 11°49'31" E	136.11'
L46	S 38°12'05" E	116.95'	L106	N 18°31'49" W	43.11'
L47	N 16°40'24" E	129.81'	L107	N 18°31'49" W	53.24'
L48	S 58°08'29" E	113.08'	L108	N 18°31'49" W	53.24'
L49	N 16°40'24" E	17.27'	L109	N 18°31'49" W	53.24'
L50	N 84°23'31" E	118.88'	L110	N 11°49'31" E	70.14'
L51	N 16°40'24" E	154.99'	L111	N 11°49'31" E	77.48'
L52	N 67°16'28" E	117.39'	L112	N 41°23'32" E	100.25'
L53	N 14°52'55" E	100.11'	L113	S 48°36'28" W	20.00'
L54	N 89°12'31" E	58.24'	L114	S 41°23'32" E	35.25'
L55	N 85°20'7" E	73.00'	L115	S 41°23'32" E	65.82'

NUMBER	DELTA	ANGLE	RADIUS	ARC LENGTH	TANGENT	CHORD BEARING	CHORD LENGTH
C1	91°22'22"	35.00'	55.82'	42.22'43"	50.09'	S 88°21'45" E	89.07'
C2	07°08'42"	795.00'	99.14'	49.63'	S 88°21'45" E	89.07'	
C3	88°37'38"	35.00'	54.14'	34.17'	N 47°37'17" W	48.80'	
C4	01°04'58"	795.00'	15.01'	7.51'	S 85°19'52" E	15.01'	
C5	02°09'45"	795.00'	30.00'	15.00'	S 83°42'32" E	30.00'	
C6	10°56'52"	795.00'	151.83'	76.14'	N 79°18'08" E	151.83'	
C7	90°31'16"	25.00'	39.50'	25.23'	S 28°31'14" E	35.52'	
C8	09°40'03"	175.00'	29.53'	14.80'	N 11°50'23" W	29.49'	
C9	09°40'03"	125.00'	21.09'	10.57'	N 11°50'23" W	21.07'	
C10	90°00'00"	25.00'	39.27'	25.00'	N 61°40'24" E	35.36'	
C11	09°40'03"	150.00'	25.31'	12.68'	N 11°50'23" W	25.28'	
C12	08°12'23"	25.00'	21.03'	11.18'	N 37°08'02" W	20.41'	
C13	64°29'15"	50.00'	56.28'	31.54'	S 22°37'08" E	53.35'	
C14	73°42'08"	50.00'	64.32'	37.47'	S 46°08'36" E	59.97'	
C15	78°22'47"	50.00'	68.40'	40.78'	N 57°48'58" E	63.19'	
C16	59°48'36"	50.00'	52.19'	28.76'	N 11°16'44" W	49.86'	
C17	48°12'33"	25.00'	21.03'	11.18'	N 17°02'20" W	20.41'	
C18	90°00'00"	25.00'	39.27'	25.00'	N 52°00'21" E	35.36'	
C19	03°35'18"	275.00'	17.22'	8.61'	N 81°12'00" E	17.22'	
C20	08°11'51"	275.00'	39.34'	19.71'	S 75°18'25" E	39.31'	
C21	89°50'04"	25.00'	39.20'	24.93'	S 26°17'28" E	35.30'	
C22	90°09'58"	25.00'	39.34'	25.07'	S 63°42'32" W	35.41'	
C23	08°08'57"	325.00'	46.23'	23.15'	S 73°18'58" W	46.19'	
C24	03°38'12"	325.00'	20.63'	10.32'	N 81°10'43" W	20.62'	
C25	02°08'54"	855.00'	32.06'	16.03'	S 74°24'03" E	32.06'	
C26	06°57'10"	855.00'	103.75'	51.94'	S 76°57'08" E	103.69'	
C27	86°44'34"	25.00'	37.85'	23.62'	S 39°03'22" E	34.34'	
C28	11°41'44"	225.00'	45.93'	23.04'	S 10°09'47" W	46.85'	
C29	00°39'45"	225.00'	2.60'	1.30'	S 18°20'32" W	2.60'	
C30	30°00'00"	30.00'	47.12'	30.00'	S 41°40'24" W	47.12'	
C31	48°12'23"	25.00'	21.03'	11.18'	N 48°13'55" W	20.41'	
C32	10°11'31"	50.00'	58.33'	30.89'	N 79°44'48" W	77.28'	
C33	73°34'02"	50.00'	64.20'	37.38'	S 16°51'36" W	59.88'	
C34	10°13'34"	50.00'	58.66'	31.30'	N 70°43'12" E	77.49'	
C35	48°12'23"	25.00'	21.03'	11.18'	N 82°34'43" E	20.41'	
C36	48°12'23"	25.00'	21.03'	11.18'	S 43°13'58" E	20.41'	
C37	74°38'31"	50.00'	55.14'	36.12'	S 82°27'28" E	60.63'	
C38	63°32'52"	50.00'	55.46'	30.97'	N 48°28'50" E	52.66'	
C39	48°12'23"	50.00'	42.05'	22.38'	N 07°25'17" W	40.82'	
C40	48°12'23"	25.00'	21.03'	11.18'	N 07°25'17" W	20.41'	
C41	07°53'09"	275.00'	37.85'	18.95'	N 12°43'50" E	37.82'	
C42	04°28'21"	275.00'	21.47'	10.74'	N 06°33'09" E	21.46'	
C43	08°44'34"	25.00'	37.85'	23.62'	N 47°41'12" E	34.34'	
C44	06°10'42"	855.00'	92.19'	46.14'	N 87°58'08" E	92.15'	



- GENERAL NOTES AND CONDITIONS:
- NO PRIVATE ACCESS (DRIVEWAYS) ALLOWED ONTO ROSEMARK ROAD EXCEPT FOR LOT 54.
 - THERE IS A 10' UTILITY EASEMENT ALONG THE FRONT OF ALL LOTS IN THIS SUBDIVISION UNLESS OTHERWISE NOTED.
 - ALL STORMWATER RETENTION AREAS (RETENTION PONDS) ARE PRIVATE AND ARE TO BE MAINTAINED BY EACH INDIVIDUAL LOT OWNER. ANY ALTERATIONS TO THE RETENTION PONDS SHALL BE APPROVED BY THE TOWN OF ATOKA.

I HEREBY CERTIFY THAT THIS IS A CATEGORY I SURVEY AND THE RATIO OF PRECISION OF THE UNADJUSTED SURVEY IS GREATER THAN 1:10000 SHOWN HEREON.

SUBJECT PROPERTY IS NOT LOCATED IN A FLOOD HAZARD AREA AND IS NOT SUBJECT TO FLOODING AS PER FLOOD LINES ESTABLISHED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY WITH A FLOOD INSURANCE RATE MAP NO. 4767C03005 DATED MAY 4, 2009

NORTH AS INDICATED ON THIS PLAN IS RELATIVE TO RECORD BEARING BEING THE SOUTH PROPERTY LINE OF OAK CREEK S/D - PHASE 1 PLAT CAB H SLIDE 463

7TH CIVIL DISTRICT OF TIPTON COUNTY, TENNESSEE

OWNER & DEVELOPER:
APEX HOME BUILDERS, LLC
DEED BOOK 639 PAGE 49
TAX MAP 128 PARCEL 26.07

OAK CREEK - PHASE 2
LOTS 54-110
57 RESIDENTIAL LOTS
143.47 AC. SUBDIVIDED - PHASE II RESIDENTIAL

UPDATED: 06/01/2016
UPDATED: 03/30/2015
UPDATED: 02/24/2015
UPDATED: 10/10/2014
UPDATED: 11/22/2013
UPDATED: 9/10/2013

DONALD R. COLE & ASSOCIATES, INC.
P.O. BOX 498 - 10862 HIGHWAY 51 SOUTH SUITE 7
ATOKA, TENNESSEE 38004 • 901/837-0200
ENGINEERING • LAND SURVEYING

REVISION	DESCRIPTION OF CHANGE	APPROVAL DATE
1	INITIAL SURVEY	06/01/2016
2	REVISION	03/30/2015
3	REVISION	02/24/2015
4	REVISION	10/10/2014
5	REVISION	11/22/2013
6	REVISION	9/10/2013

SUBDIVISION PLAN
OAK CREEK S/D PHASE 2
ATOKA, TIPTON COUNTY, TENNESSEE

FOR: APEX HOME BUILDERS, LLC

DATE: 8/01/2006
DESIGN BY: COLE
CHECKED BY: COLE
DATE: 2/11/2007
DATE: 2/11/2007

BOOK: 6317
SCALE: 1"=100'

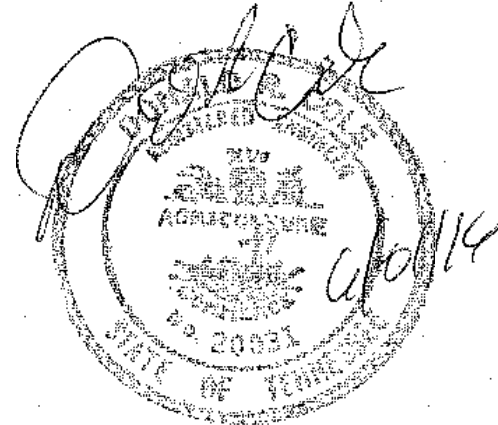
JOB NO. 6317

CERTIFICATE OF ADEQUACY OF STORM DRAINAGE

I, DONALD R. COLE, do hereby certify that I am a registered Professional Civil Engineer, and that I have designed all storm water drainage for this subdivision in accordance with the Atoka Municipal Subdivision Regulations to assure that in my professional opinion neither said subdivision or the adjoining properties will be damaged.

In witness where of, I, DONALD R. COLE, the said Professional Civil Engineer, hereunto set out my hand and affix my seal this 01 day of June, 2014

Donald R. Cole
Professional Civil Engineer
State of Tennessee
Certificate No. 20031



CERTIFICATE OF RECEIPT OF APPROVED WATER SYSTEM PLANS

I, Deanne Lovett, do hereby certify that a set of construction plans regarding the water supply and/or sanitary sewers for this subdivision bearing the seal of the Tennessee Department of Environment and Conservation which indicates said plans meet the Department's requirements, have been received.

7-27-16
Date Deanne Lovett
Public Works Supervisor

CERTIFICATE OF APPROVAL OF STREETS AND UTILITIES

I hereby certify: (1) that the streets, utilities and drainage facilities have been installed in an acceptable manner and according to the City's specifications, or (2) that a surety instrument has been provided to the Planning Commission in the amount of \$5000 which would assure completion of all required improvements for this subdivision, in case of default.

7-27-16
Date Deanne Lovett
Public Works Supervisor

CERTIFICATE OF APPROVAL FOR STREET NAME(S)

I, Deanne Lovett, do hereby certify that I have reviewed the proposed subdivision and certify that the name of the subdivision and/or name(s) of the street(s) within this proposed subdivision do not conflict with other subdivision and street names for emergency services purposes.

7-27-16
Date Deanne Lovett
Director of 911 Addressing

PLANNING COMMISSIONS CERTIFICATE OF APPROVAL OF THE FINAL PLAT

I, Neel Smith-Hume, do hereby certify that the Atoka Municipal/Regional Planning Commission has approved this Final Plat of subdivision for recording.

7/28/16
Date Neel Smith-Hume
Secretary, Atoka Municipal/Regional Planning Commission

NOTE FOR PERMANENT DRAINAGE EASEMENT:

NO REGRADING WITHIN PERMANENT DRAINAGE EASEMENTS WITHOUT PRIOR APPROVAL OF THE TOWN OF ATOKA PUBLIC WORKS OR THE TOWN ENGINEER

GENERAL NOTES AND CONDITIONS:

- NO PRIVATE ACCESS (DRIVEWAYS) ALLOWED ONTO ROSEMARK ROAD EXCEPT FOR LOT 54.
- THERE IS A 10' UTILITY EASEMENT ALONG THE FRONT OF ALL LOTS IN THIS SUBDIVISION UNLESS OTHERWISE NOTED.
- ALL STORMWATER RETENTION AREAS (RETENTION PONDS) ARE PRIVATE AND ARE TO BE MAINTAINED BY EACH INDIVIDUAL LOT OWNER. ANY ALTERATIONS TO THE RETENTION PONDS SHALL BE APPROVED BY THE TOWN OF ATOKA.

I HEREBY CERTIFY THAT THIS IS A CATEGORY I SURVEY AND THE RATIO OF PRECISION OF THE UNADJUSTED SURVEY IS GREATER THAN 1:10000 SHOWN HEREON.

SUBJECT PROPERTY IS NOT LOCATED IN A FLOOD HAZARD AREA AND IS NOT SUBJECT TO FLOODING AS PER FLOOD LINES ESTABLISHED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY WITH A FLOOD INSURANCE RATE MAP NO. 47167C0320G DATED MAY 4, 2009

7TH CIVIL DISTRICT OF Tipton County, Tennessee

NORTH AS INDICATED ON THIS PLAT IS RELATIVE TO RECORD BEARING BEING THE SOUTH PROPERTY LINE OF OAK CREEK S/D - PHASE I PLAT C&B H SLIDE 463

OWNER & DEVELOPER:
APEX HOME BUILDERS, LLC
DEED BOOK 1659 PAGE 490
TAX MAP 128 PARCEL 26.07

OAK CREEK - PHASE 2
LOTS 54-110
57 RESIDENTIAL LOTS
±43.47 Ac. SUBDIVIDED-PHASE II RESIDENTIAL

ZONED: R-1
MIN. LOT SIZE = 10,000 sq. ft.
MIN. LOT WIDTH = 100 ft.
MIN. FRONT SETBACK = 30 ft.
MIN. SIDE SETBACK = 15 ft.
MIN. REAR SETBACK = 20 ft.
MAX. HEIGHT = 35 ft.
CONSULT THE ATOKA MUNICIPAL ZONING ORDINANCE FOR FURTHER RESTRICTIONS WHICH MAY APPLY.

UPDATED: 06/01/2016
UPDATED: 03/30/2015
UPDATED: 02/24/2015
UPDATED: 10/10/2014
UPDATED: 11/22/2013
UPDATED: 9/10/2013

DONALD R. COLE & ASSOCIATES, INC.
P.O. BOX 496 - 10862 HIGHWAY 51 SOUTH SUITE 7
ATOKA, TENNESSEE 38004 • 901/837-0200
ENGINEERING • LAND SURVEYING

OWNER'S CERTIFICATE

I, Donald R. Cole, the undersigned owner of the property shown hereon, hereby adopt this as my plan of subdivision and dedicate the streets, easements, right-of-ways, rights of access as shown and all utilities to the City of Atoka forever, and hereby certify that I am the owner in fee simple, duly authorized so to act, and that said property is unencumbered by any taxes that have become due and payable.

OWNER NOTARY CERTIFICATE
STATE OF TENNESSEE
COUNTY OF TIPTON

Personally appeared before me the undersigned Notary Public in and for said County and State, the within named, Donald R. Cole, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence) and who upon oath acknowledged himself to be an owner of APEX HOME BUILDERS LLC and that he as such owner, being authorized so to do, executed the foregoing instrument for the purposes therein contained on behalf of APEX HOME BUILDERS LLC Company.

WITNESS my hand and official seal at Tipton Tennessee, this the 25 day of July, 2016

Amber K. Gray
Notary Public

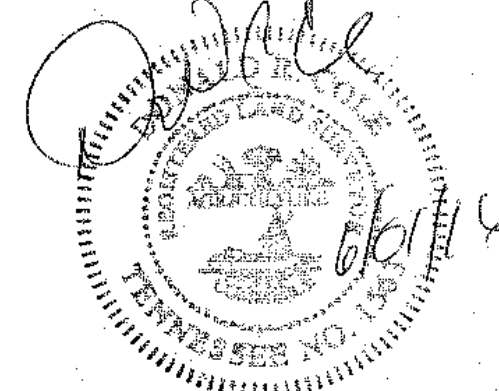
My Commission Expires: 5/16/17

CERTIFICATE OF SURVEY

I, DONALD R. COLE, do hereby certify that I am a registered Land Surveyor, and that I OAK CREEK SUBDIVISION - PHASE 2, a subdivision lying within the City of Atoka, Tennessee; said plot or map is a true and correct plot or map of the lands embraced therein, showing the subdivision thereof in accordance with the Municipal Subdivision Regulations of Atoka, Tennessee; I further certify that the survey of the lands embraced within said plot or map have been correctly monumented in accordance with the Municipal Subdivision Regulations of Atoka, Tennessee.

In witness where of, I, DONALD R. COLE, the said Registered Land Surveyor, hereunto set out my hand and affix my seal this 01 day of July, 2016

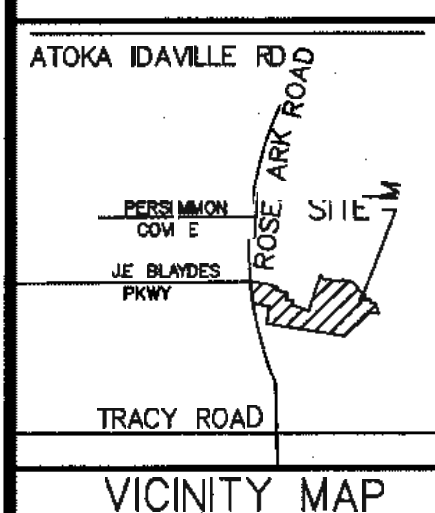
Donald R. Cole
Registered Land Surveyor
State of Tennessee
TN RLS# 1563



CERTIFICATE OF APPROVAL OF WATER, SEWER AND DRAINAGE SYSTEMS PLANS

I, Deanne Lovett, do hereby certify that I have reviewed the water, sewer and drainage systems plans for this subdivision and certify that they meet the requirements of the Municipal Subdivision Regulations and Technical Specifications of the City of Atoka and are hereby approved.

7-27-16
Date Deanne Lovett
Public Works Supervisor



REVISION		
ITEM NO.	DESCRIPTION of CHANGE	APPROVAL DATE

OAK CREEK S/D PHASE 2
DEVELOPER: APEX HOME BUILDERS, INC
ENGINEERS: DONALD R. COLE & ASSOCIATES, INC
SURVEYORS: DONALD R. COLE & ASSOCIATES, INC

SH E ETQ F 2

C:\6317\PH2\PH2SUB1

SUBDIVISION PLAN
OAK CREEK S/D PHASE 2
ATOKA, TIPTON COUNTY, TENNESSEE

SURVEY COLE DATE 8/01/2006 BOOK
DESIGN BY COLE DATE 2/11/2007 SCALE 1"=100'
CHECKED BY COLE DATE 2/11/2007

TOWN ENGINEER

DATE

JOB NO. 6317

RESOLUTION NO. _____

A RESOLUTION APPROVING AND ADOPTING A HAZARD MITIGATION PLAN FOR TIPTON COUNTY, TENNESSEE.

WHEREAS, the Town of Atoka recognizes the threat that natural hazards pose to people and property; and

WHEREAS, undertaking hazard mitigation actions before disasters occur will reduce the potential for harm to people and property while saving taxpayer dollars; and

WHEREAS, an adopted hazard mitigation plan is required as a condition of future grant funding for mitigation projects; and

WHEREAS, the Town of Atoka participated in the planning process with other local governmental units within Tipton County to prepare the Hazard Mitigation Plan;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF MAYOR AND ALDERMEN OF THE TOWN OF ATOKA, TENNESSEE as follows:

SECTION 1. The Board of Mayor and Aldermen of the Town of Atoka, Tennessee hereby adopts the Tipton County Hazard Mitigation Plan as an official plan.

SECTION 2. The Tipton County Emergency Management Agency will submit the adopted Hazard Mitigation Plan to the Federal Emergency Management Agency for final review and approval on behalf of the participating governmental units in substantively the same form and content as the agreement has been proposed.

SECTION 3. This Resolution takes effect immediately upon its passage and approval, the public welfare requiring it.

PASSED by the Board of Mayor and Aldermen of the Town of Atoka, Tennessee this 14th day of December, 2021.

Mayor

ATTEST:

Town Recorder

Town of Atoka

Early Warning Sirens RFP

Bids Due : December 1, 2021

Vendor	Location	Submittal Date	Previous Vendor	Proposal #1 (2) Omni Directional Sirens	Proposal #2 (5) Rotating Sirens
Precision Communication	Aberdeen, MS	12/1/2021	Yes	\$ 108,813.37	\$ 156,952.87
HQE Systems	Temecula, CA	12/1/2021	No	\$ 94,666.25	\$ 203,232.40
ATI Systems	E. Boston, MA	12/1/2021	No	\$ 140,564.11	
Capitol Electronics	University Park, IL	12/1/2021	No	\$ 95,545.36	\$ 146,696.18

December 14, 2021

Exhibit G

December 14, 2021

Atoka Fire FEMA Assistance for Firefighter Grant Request

Exhibit H & I

The AFD is requesting approval to submit applications for two separate FEMA grants at this time.

EXHIBIT I - The first grant is an application for extrication equipment. This equipment will be utilized to fully equip the crews stationed at Fire Station 1 by Townhall for motor vehicle extrication/rescue. The application will be in the amount of \$40,000.00 and does carry a cost share. When awarded the grant will fund \$38,095.24 and the cost share will be \$1,904.76.

EXHIBIT H - The second grant is an application for a new fire engine. This fire engine will be slated to replace the 25-year-old Smeal pumper located at Sta1. This will allow the newer Pierce pumper to be placed in reserve status and extend its life expectancy significantly as it is nearing 10 years in service itself. This request would also include the package price request to fully equip the engine with tools and equipment, allowing the current tools and equipment on the Smeal pumper to be repurposed to other AFD apparatus. This will limit the need for any new tools or equipment to be purchased in order to fully equip the department, this savings will more than balance out any cost share incurred when the grant application is approved. The application will be for \$650,000 and does carry a cost share. When awarded the grant will fund \$619,047.62 and the cost share will be \$30,952.38. This cost share is not incurred until all payments are due in full, and as the current application award time is approx. 6 months and apparatus build times are at least 12 months, this cost would not be due for at least 18 months.

As a side note these grants cannot be written for items that have been budgeted for already, I.E. Quint. We are hopeful for a positive outcome this year as the department has utilized a free grant writing assistance program offered by the IAFF.

Thank you for the help and consideration.

Lt Chance A Hall

RESOLUTION NO. _____

Exhibit H

A RESOLUTION APPROVING AND SUPPORTING THE SUBMISSION OF A GRANT APPLICATION TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY'S ASSISTANCE TO FIREFIGHTERS GRANT PROGRAM.

WHEREAS, the Federal Emergency Management Agency has responsibility for the administration of the Assistance to Firefighters (AFG) grant program which is designed to assist communities in adequately equipping fire departments to respond to the fire and medical needs in their communities; and

WHEREAS, the Town of Atoka, acting by and through its Board of Aldermen proposes to apply for FY 2022 AFG Apparatus Grant funds for the purpose of adding a new piece of fire apparatus equipment to the Atoka Fire Department that will benefit the residents of the Town of Atoka; and

WHEREAS, the Town of Atoka will provide local financial support in conjunction with the AFG Apparatus Grant funds to equip the department and will designate and appoint a Financial Officer to perform certain duties in the administration of said grant.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF MAYOR AND ALDERMEN OF THE TOWN OF ATOKA, TENNESSEE as follows:

SECTION 1. Mayor Daryl Walker is hereby authorized to execute and submit an application with appropriate assurances to the Federal Emergency Management Agency requesting FY 2022 AFG Apparatus Grant funds for the purpose of adding a new piece of fire apparatus to the Atoka Fire Department

SECTION 2. Mayor Daryl Walker is hereby designated and appointed as Financial Officer and to perform on behalf of the Town of Atoka, Tennessee, those acts and assume such duties as are consistent with said position.

SECTION 3. The Town Recorder is hereby directed to file in her office a duplicate or copy of the agreement after it has been executed by the parties or their duly authorized representatives.

SECTION 4. This Resolution takes effect immediately upon its passage and approval, the public welfare requiring it.

PASSED by the Board of Mayor and Aldermen of the Town of Atoka, Tennessee this 14th day of December 2021.

Mayor

ATTEST:

Town Recorder

RESOLUTION NO. _____

Exhibit I

A RESOLUTION APPROVING AND SUPPORTING THE SUBMISSION OF A GRANT APPLICATION TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY'S ASSISTANCE TO FIREFIGHTERS GRANT PROGRAM.

WHEREAS, the Federal Emergency Management Agency has responsibility for the administration of the Assistance to Firefighters (AFG) grant program which is designed to assist communities in adequately equipping fire departments to respond to the fire and medical needs in their communities; and

WHEREAS, the Town of Atoka, acting by and through its Board of Aldermen proposes to apply for FY 2022 AFG Equipment Safety and Operations funds for the purpose of adding multiple pieces of extrication equipment to the Atoka Fire Department that will benefit the residents of the Town of Atoka; and

WHEREAS, the Town of Atoka will provide local financial support in conjunction with the AFG Equipment Safety and Operation funds to equip the department and will designate and appoint a Financial Officer to perform certain duties in the administration of said grant.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF MAYOR AND ALDERMEN OF THE TOWN OF ATOKA, TENNESSEE as follows:

SECTION 1. Mayor Daryl Walker is hereby authorized to execute and submit an application with appropriate assurances to the Federal Emergency Management Agency requesting FY 2022 AFG Equipment Safety and Operation funds for the purpose of adding multiple pieces of extrication equipment to the Atoka Fire Department

SECTION 2. Mayor Daryl Walker is hereby designated and appointed as Financial Officer and to perform on behalf of the Town of Atoka, Tennessee, those acts and assume such duties as are consistent with said position.

SECTION 3. The Town Recorder is hereby directed to file in her office a duplicate or copy of the agreement after it has been executed by the parties or their duly authorized representatives.

SECTION 4. This Resolution takes effect immediately upon its passage and approval, the public welfare requiring it.

PASSED by the Board of Mayor and Aldermen of the Town of Atoka, Tennessee this 14th day of December 2021.

Mayor

ATTEST:

Town Recorder

Exhibit J

ORDINANCE NUMBER _____

AN ORDINANCE TO AMEND TITLE 15, MOTOR VEHICLE, TRAFFIC AND PARKING OF THE TOWN OF ATOKA MUNICIPAL CODE OF ORDINANCES.

WHEREAS, Tennessee Code Annotated allows municipalities to create codes to promote the health, safety, and welfare of its citizens; and

WHEREAS, Title 15 of the Town of Atoka Municipal Code of Ordinances regulates Motor Vehicles, Traffic and Parking; and

WHEREAS, The Town of Atoka's Public Safety Committee held a work session and recommends amendments to Title 15;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN OF THE TOWN OF ATOKA, THAT TITLE 15 OF THE MUNICIPAL CODE BE DELETED IN ITS ENTIRETY AND REPLACED WITH THE FOLLOWING LANGUAGE :

SECTION 1. Title 15 of the Atoka Municipal Code is amended to read as follows.

SECTION 2. TITLE 15

MOTOR VEHICLES, TRAFFIC AND PARKING

1. Miscellaneous
2. Emergency Vehicles
3. Speed Limits
4. Turning Movements
5. Stopping and Yielding
6. Parking
7. Enforcement
8. Operation of heavy or large vehicles on city streets within residential neighborhoods prohibited
9. General Penalty

CHAPTER 1 MISCELLANEOUS

- 15-101. Motor vehicle requirements.
- 15-102. Driving on streets closed for repairs, etc.
- 15-103. Reckless driving.
- 15-104. Driving under the influence.
- 15-105. One-way streets.
- 15-106. Unlaned streets.
- 15-107. Laned streets.
- 15-108. Yellow lines.
- 15-109. Miscellaneous traffic control signs, etc.

15-110. General requirements for traffic control signs, etc.

Municipal code reference Excavations and obstructions in streets, etc.: title 16.

State law references Under Tennessee Code Annotated, section 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, section 55-10-401; failing to stop after a traffic accident, as prohibited by Tennessee Code Annotated, section 55-10-101 et seq.; driving while license is suspended or revoked, as prohibited by Tennessee Code Annotated, section 55-7-116; and drag racing, as prohibited by Tennessee Code Annotated, section 55-10-501.

- 15-111. Unauthorized traffic control signs, etc.
- 15-112. Presumption with respect to traffic control signs, etc.
- 15-113. School safety patrols.
- 15-114. Driving through funerals or other processions.
- 15-115. Clinging to vehicles in motion.
- 15-116. Riding on outside of vehicles.
- 15-117. Backing vehicles.
- 15-118. Projections from the rear of vehicles.
- 15-119. Causing unnecessary noise.
- 15-120. Vehicles and operators to be licensed.
- 15-121. Passing.
- 15-122. Motorcycles, motor driven cycles, motorized bicycles, bicycles, etc.
- 15-123. Delivery of vehicle to unlicensed driver, etc.
- 15-124. Duty to drive at safe speed, maintain lookout and keep vehicle under control.
- 15-125. Compliance with financial responsibility law required.

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.

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. Reckless driving. Irrespective of the posted speed limit, no person, including operators of emergency vehicles, shall drive any vehicle in willful or wanton disregard for the safety of persons or property.

15-104. Driving under the influence. (See Tennessee Code Annotated, sections 55-10-401, 55-10-303, and 55-10-307).

15-105. 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.

15-106. 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 town 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.

15-107. 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.

15-108. 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.

15-109. Miscellaneous traffic control signs, etc.¹ It shall be unlawful for any pedestrian or the operator of any vehicle to violate or fail to comply with any traffic control sign, signal, marking, or device placed or erected by the state or the town 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.

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,¹ published by the U.S. Department of Transportation, Federal Highway Administration, and shall, so far as practicable, be uniform as to type and location throughout the town. This section shall not be construed as being mandatory but is merely directive.

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.

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 town 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.

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.

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.

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.

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 (1/2) hour after sunset and one-half (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.

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. 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."

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.

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 town 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.

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 adult to deliver the possession of or the control of any automobile or other motor vehicle to any person, whether an adult or a juvenile, who does not have in his possession a valid motor vehicle operators or chauffeurs license issued by the Department of Safety of the State of Tennessee, or for any adult to permit any person, whether an adult or a juvenile, to drive any motor vehicle upon the streets, highways, roads, avenues, parkways, alleys or public thoroughfares in the Town of Atoka unless such person has a valid motor vehicle operators or chauffeurs license as issued by the Department of Safety of the State of Tennessee.

(3) 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 town in a reckless, careless, or unlawful manner, or in such a manner as to violate the ordinances of the town.

15-124. Duty to drive at safe speed, maintain lookout and keep vehicle under control. 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.

15-125. Compliance with financial responsibility law required. (1) Every vehicle operated within the corporate limits must be in compliance with the financial responsibility law.

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

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

(a) Documentation, such as the declaration page of an insurance policy, an insurance binder, or an insurance card from an insurance company authorized to do business in Tennessee, stating that a policy of insurance meeting the requirements of the Tennessee Financial Responsibility Law of 1977, compiled in Tennessee Code Annotated, Chapter 12, Title 55, has been issued;

(b) A certificate, valid for one (1) year, issued by the commissioner of safety, stating that a cash deposit or bond in the amount required by the Tennessee Financial Responsibility

Law of 1977, compiled in Tennessee Code Annotated, Chapter 12, Title 55, has been paid or filed with the commissioner, or has qualified as a self-insurer under Tennessee Code Annotated, § 55-12-111; or

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

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

(5) Evidence of compliance after violation. On or before the court date, the person charged with a violation of this section may submit evidence of compliance with this section in effect at the time of the violation. If the court is satisfied that compliance was in effect at the time of the violation, the charge of failure to provide evidence of financial responsibility may be dismissed. (as added by Ord. #02-03-01, April 2002)

CHAPTER 2 EMERGENCY VEHICLES

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.

15-202. Operation of authorized emergency vehicles.¹ (1) 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 five hundred (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.

(2) 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.

(3) 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.

(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.

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.

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.

SPEED LIMITS

15-301. In general.

15-302. At intersections.

15-303. In school zones.

15-304. Along Highway 51.

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 twenty miles per hour (20 mph) except where official signs have been posted indicating other speed limits, in which cases the posted speed limit shall apply. (as amended by Ord. #14-02-01, Feb. 2014)

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.

15-303. In school zones. Pursuant to Tennessee Code Annotated, section 55-8-152, the town 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 board of mayor and aldermen has not established special speed limits as provided for above, any person who shall drive at a speed exceeding fifteen (15) miles per hour when passing a school during a recess period when a warning flasher or flashers are in operation, or during a period of 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.

15-304. Along Highway 51. The speed limit on Highway 51 shall be forty- five (45) miles per hour for one-half (½) mile north and south of Atoka-Munford Avenue and Munford-Atoka Avenue. (Ord. No. 87-2)

Ord. #14-02-01, Feb. 2014 (of record in the recorder's office) sets speed limits for specific roads.

TURNING MOVEMENTS

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

ascertaining that such movement can be made in safety and signaling his intention in accordance with the requirements of the state law.¹

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.

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.

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.

15-405. U-turns. U-turns are prohibited.

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

CHAPTER 5 STOPPING AND YIELDING

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

15-511 Right of way in a roundabout

15-501. Upon approach of authorized emergency vehicles.¹ Upon the immediate approach of an authorized emergency vehicle making use of audible and/or visual signals meeting the requirements of the laws of this state, 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. 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.

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.

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.

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.

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.

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 town, 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 town at intersections which the town 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.

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 town 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 section 15-504 of this code.

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 town, 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.

15-510. Stops to be signaled. No person operating a motor vehicle shall stop such vehicle, whether in obedience to a traffic sign or signal or otherwise, without first signaling his intention in accordance with the requirements of the state law,¹ except in an emergency.

15-511. Right of way in a roundabout.

(a) For the purposes of this section, a "roundabout" is a circular intersection where all entering traffic must yield to the vehicles within the intersection.

(b) A vehicle passing around a rotary traffic island or a roundabout may be driven only to the right of the island.

(c) When approaching or driving through a roundabout, a person driving a vehicle shall yield the right-of-way to the driver of a vehicle that is driving through the roundabout at the same time or as so closely as to present an immediate hazard and shall slow down or stop if

necessary to yield. However, this subsection does not require a person who is driving a vehicle through a roundabout to yield the right-of-way to the driver of a vehicle that is approaching the roundabout.

(d) If two (2) vehicles approach or drive through a roundabout at the same time or so closely as to present an immediate hazard, the driver on the right shall yield the right-of-way to the driver on the left and shall slow down or stop if necessary to yield.

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

CHAPTER 6 PARKING

- 15-601. Generally.
- 15-602. Angle parking.
- 15-603. Occupancy of more than one space.
- 15-604. Where prohibited.
- 15-605. Loading and unloading zones.
- 15-606. Owner's Responsibility
- 15-607. Storage of Property on public street and Right-of-way
- 15-608. Stopping or parking left side of curb

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 town 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 town 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 for more than twelve (12) consecutive hours without the prior approval of the chief of police. No truck, truck trailer, or tractor or bus having declared maximum gross vehicle weight rating of more than eight thousand (8,000) pounds shall be parked or left unattended on any residential street, except while actively being loaded or unloaded, or while such vehicle is being used in connection with any work or service being performed on adjacent property.

No recreation vehicle shall be parked or left unattended on any residential street or in any residential district, except while actively being loaded or unloaded.

The Atoka Police Department is authorized to remove any vehicle found parked in violation of this section when such vehicle constitutes a traffic hazard or obstruction of traffic. Such vehicle may be impounded by the police department. (as amended by Ord. #01-01-02, Feb. 2001)

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

15-603. Occupancy of more than one space. No person shall park a vehicle in any designated parking space so that any part of such vehicle occupies more than one such space or protrudes beyond the official markings on the street or curb designating such space unless the

vehicle is too large to be parked within a single designated space.

15-604. Where prohibited. No person shall park a vehicle in violation of any sign placed or erected by the state or town, 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.

(2) In front of a public or private driveway;

(3) Within an intersection;

(4) Obstructing fire access areas and fire hydrants.

(a) Within fifteen feet (15') of a fire hydrant;

(b) No obstruction of any kind, including motor vehicles or trailers, whether attended or unattended, shall be placed, stored, parked or permitted to remain for any period of time in any area required for the access of fire equipment to any public or private residential or business building or complex of such buildings, which may, in the discretion of the Chief of the Fire Department, and with the consent of the owner when such areas are not public property, be designated as "fire access areas."

(c) Such fire access areas may include both public and private streets and alleys designated by the Chief of the Fire Department, and off-street driveways or alleyways owned by such buildings or complexes of such buildings, designated by the Chief of the Fire Department with the consent of the owner thereof, and shall be marked by official signs designed and approved by the Chief of the Fire Department indicating that approval is pursuant to this section, which design shall be used exclusively by the Town and Fire Department. A record of all approved fire access areas shall be kept on file at the Fire Department.

(d) Any and all signs erected, or areas marked or posted as a fire access area, by any owner of private property must bear different identification and color scheme, and such signs must indicate that such designation is not an official fire access area enforceable by the Town Fire Department and Police Department. For the purposes of this section the terms "fire access areas" and "fire lanes" are synonymous.

(e) No such obstruction of any kind, including motor vehicles or trailers, whether attended or unattended, shall be placed, stored or parked or permitted to remain for any period of time within fifteen (15) feet of a fire hydrant, whether such fire hydrant is located on public streets, alleys, off-street driveways or alleyways or on public or private property, including, but not limited to residential or business buildings or complexes.

(f) When used herein, "owner" means individuals, partnerships or corporations actually legal owners or otherwise entitled to occupancy, use or possession thereof.

(g) Any person violating this section shall be guilty of a misdemeanor and such motor vehicles or trailers found in violation hereof may be impounded and towing and storage charges assessed under the provisions of the Town of Atoka ordinances.

(h) The amount of forfeiture which may be paid at the Municipal Court Clerk's Office for violation of this section is designated as \$50.00, which amount shall be added to the Municipal Court Clerk's Office schedule of forfeitures contained in Town of Atoka codes.

(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) No driver shall stop, stand, or park a vehicle abreast, or adjacent to, another vehicle parallel to the curb or in any other manner so as to interrupt or interfere with the passage of other vehicles on the street except in the case of public emergency or when directed by a police officer. (a) It is unlawful to leave any vehicle standing in any street when such vehicle constitutes a hazard to public safety or an obstruction to traffic.

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

(13) A person who parks a vehicle in violation of this section, as hereinafter set out in subsections A, B or C of this section shall be subject to a fine of not more than \$50.00, for each violation, or as provided in Town Ordinances, Title 3, Chapter 2 (Imposition of penalties and costs). This section shall be enforceable on public property or on private property where a business, firm or other person transacting business with the public from a permanent location, has provided especially marked parking spaces for the exclusive use of handicapped drivers or passengers, as set forth in T.C.A. § 55-21-101 et seq., and T.C.A. § 68-120-204. Notwithstanding any other provision set out in this Code, a \$50.00 penalty shall be automatically assessed with each violation, as authorized under T.C.A. §§ 55-21-108(a) and 55-21-108(b).

A. Vehicles parked adjacent to handicapped spaces. No person shall stop, stand, or park a vehicle in any space immediately adjacent to a designated handicapped space, so as to restrict, or unreasonably restrict, a handicapped person from exiting or entering a motor vehicle properly parked within such designated handicapped parking space.

B. Vehicles parked so as to encroach in to handicapped spaces. No person shall stop, stand or park a vehicle in any space immediately adjacent to a designated handicapped space, so that a portion of such vehicle encroaches into a handicapped parking space in a manner which restricts, or reasonably could restrict, a handicapped person from exiting or entering a motor vehicle properly parked within such handicapped parking space.

C. Vehicles parked so as to prevent use of curb cut or ramp by handicapped person. No person shall stop, stand or park a vehicle in a manner which restricts, or reasonably could restrict, a mobility impaired person, or a physically handicapped person, from using a curb cut or ramp designed to provide access to and from a sidewalk or parking area.

(14) Within twelve feet of the traffic lanes of U.S. Highway 51 for a distance of three hundred feet north and south of its intersection with the Tracy Road, Watson Road, Tipton Road, Munford-Atoka Road, Kimbrough Road, Main Street and Michael Drive. (Ordinance No. 35)

(15) Upon any roadway, parking or standing, for the principal purpose of (a) displaying it for sale or rent; (b) washing, greasing, or repairing such vehicle, except repairs necessitated by an emergency.

15-605. Loading and unloading zones. No person shall park a vehicle for any purpose or period of time other than for the expeditious loading or unloading of passengers or merchandise in any place marked by the town as a loading and unloading zone.

15-606. Violation of this section shall be a misdemeanor punishable as provided in section 11-101. Proof of ownership, as identification on registration records maintained by the Tennessee Department of Safety, or similar agency of other relevant state and as certified by the Municipal Court Clerk's Office, of any vehicle found parked in violation of this section shall be prima facie evidence that the vehicle, at the time of the violation, was operated and used by the owner, or by the owner's employee or agent while acting in the scope of their employment or agency and with the owner's authority, consent, and knowledge.

15-607. Storage of property on public streets and right of way unlawful.

(a) It is unlawful for any person to use a public street or public right-of-way along the street, for the purpose of storing any item, except where otherwise lawfully provided.

(b) "Storage" is defined, for the purposes of this section, as the placing of any property in such public street or right-of-way in such a manner as to preclude the use of such street or right-of-way by the general public or the normal flow of vehicular or pedestrian traffic.

15-608 Stopping or parking left side to curb. No vehicle shall stop or park with its left side to the curb; provided, however, that this prohibition shall not apply to one-way streets when such stopping has been authorized by the Town engineer and is not prohibited.

CHAPTER 7 ENFORCEMENT

15-701. Issuance of traffic citations. 15-702. Failure to obey citation.

15-703. Illegal parking.

15-704. Impoundment of vehicles.

15-705. Disposal of abandoned motor vehicles. 15-706. Deposit of driver license in lieu of bail.

15-701. Issuance of traffic citations.¹ When a police officer halts a traffic violator other than for the purpose of giving a warning, and does not take such person into custody under arrest, he shall take the name, address, and operator's license number of said person, the license number of the motor vehicle involved, and such other pertinent information as may be necessary, and shall issue to him a written traffic citation containing a notice to answer to the charge against him in the town 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.

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.

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

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, section 7-63-101 et seq.

15-704. Impoundment of vehicles.

(a) 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 citation tags 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.

(b) Vehicles with outstanding traffic tickets violations. Any unattended motor vehicle found parked at any time upon any public thoroughfare, street, alleyway or other public property of the town against which there is either a traffic citation or traffic summons that has not been paid 60 days after final adjudication may, by or under the direction of an officer or a member of the police department, either by towing or otherwise, be removed or conveyed to and impounded in any place designated by the Chief of Police. The town shall not be liable for any damage to such vehicle while such vehicle is towed or impounded.

(c) It shall be the duty of the officer or a member of the police department removing such motor vehicle, or under whose direction such vehicle is removed to inform in writing, as soon as practicable, the owner of an impounded vehicle of the nature and circumstances of the prior unsettled traffic citation(s), traffic summons(es), or warrant(s), for which, or on account of which, such vehicle was impounded. The notice shall also inform the owner that if he or she feels that the vehicle was towed, impounded in error, he or she may arrange for a prompt hearing before the Town Recorder, or his or her designee, by contacting him or her during normal business hours. The notice shall also state that the owner has a right to present evidence in his or her own behalf, to have a representative, and to have a decision that states its basis in writing. The Town Recorder, or his or her designee, shall hold a hearing within 48 hours after request and shall have the authority to immediately grant a free release or refund towing, and/or storage fees in those cases when a motor vehicle has been towed or impounded in error.

(d) If a warrant has not been issued, the owner of such impounded motor vehicle, or other duly authorized person, shall be permitted to repossess or secure the release of the vehicle upon the depositing of the forfeiture amount prescribed by ordinance for each violation for which there is a traffic citation or traffic summons outstanding, according to the standards set forth in subsection (a) of this section, and payment of towing and/or storage fees incurred by the impounding. If a warrant has been issued, then posting of the bond required by the municipal court clerk and payment of any towing and/or storage fees due shall be sufficient to obtain the release of the vehicle. Payments of towing and/or storage fees shall be made at the place where the vehicle was impounded.

15-705. Disposal of abandoned motor vehicles. "Abandoned motor vehicles," as defined in Tennessee Code Annotated, section 55-16-103, shall be impounded and disposed of by the police department in accordance with the provisions of Tennessee Code Annotated, sections 55-16-103 through 55-16-109.

15-706. Deposit of driver license in lieu of bail. (1) Deposit allowed. Whenever any person lawfully possessing a chauffeur's or operator's license theretofore issued to him by the Tennessee Department of Safety, or under the driver licensing laws of any other state or territory or the District of Columbia, is issued a citation or arrested and charged with the violation of any town ordinance or state statute regulating traffic, except those ordinances and statutes, the violation of which call for the mandatory revocation of a operator's or chauffeur's license for any period of time, such person shall have the option of depositing his chauffeur's or operator's license with the officer or court demanding bail in lieu of any other security required for his appearance in the town court of this town in answer to such charge before said court.

(2) Receipt to be issued. Whenever any person deposits his chauffeur's or operator's license as provided, either the officer or the court demanding bail as described above, shall issue the person a receipt for the license upon a form approved or provided by the department of safety, and thereafter the person shall be permitted to operate a motor vehicle upon the public highways of this state during the pendency of the case in which the license was deposited. The

receipt shall be valid as a temporary driving permit for a period not less than the time necessary for an appropriate adjudication of the matter in the municipal court, and shall state such period of validity on its face.

(3) Failure to appear - disposition of license. In the event that any driver who has deposited his chauffeur's or operator's license in lieu of bail fails to appear in answer to the charges filed against him, the clerk or judge of the municipal court accepting the license shall forward the same to the Tennessee Department of Safety for disposition by said department in accordance with the provisions of Tennessee Code Annotated, section 55-50-801 et seq. (Ord. No. 37)

15-707. Presumption in prosecutions for parking violations.

(a) In any prosecution charging a violation of any provision of this title or other law or regulation governing the stopping, standing or parking of a vehicle, proof that the particular vehicle described in the complaint was parked in violation of any such law or regulation, together with proof that the defendant named in the complaint was, at the time of such parking, the registered owner of such vehicle, shall constitute in evidence a prima facie presumption that the registered owner of such vehicle was the person who parked or placed such vehicle at the point where, and for the time during which, such violation occurred.

(b) This presumption shall not apply in instances where the vehicle involved was rented or leased. In these instances, the sworn statement of the lessor or renter that the person named in the statement was, at the time of such parking, the person to whom such vehicle was rented or leased, shall constitute in evidence a prima facie presumption that the person to whom the vehicle was rented or leased was the person who parked or placed such vehicle at the point where, and for the time during which, such traffic violation occurred.

CHAPTER 8 OPERATION OF HEAVY OR LARGE VEHICLES ON CITY STREETS WITHIN RESIDENTIAL NEIGHBORHOODS PROHIBITED

15-801. Definition of vehicle.

15-802. Heavy truck traffic prohibited on certain streets. 15-803. Signs posted.

15-804. Penalty.

15-801. Definition of vehicle. "Vehicle" means every device in, upon, or by which any person or property is or may be transported or drawn upon street, road, highway or public thoroughfares, excepting devices moved by human power or used exclusively upon stationary rails or tracks. (Ord. #00-11-01, Jan. 2001)

15-802. Heavy truck traffic prohibited on certain streets. (1) For the purpose of this section, a heavy truck is defined to be any vehicle whose gross vehicle weight exceeds 12,000 pounds.

(2) All heavy trucks will be prohibited from the following streets: Main Street, Kimbrough Avenue, Atoka McLaughlin Drive.

(3) The following categories are exempt from the prohibition of this section:

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

(b) The operation of heavy trucks owned or operated by the town, any contractor or materialman, while under contract to the town while engaged in the repair, maintenance, or construction of streets, street improvements, or street utilities within the town.

(c) The operation of school buses and buses used to transport persons to and from a

place of worship, which run a designated route.

(d) The operation of emergency vehicles upon any street in the town. (Ord. #00-11-01, Jan. 2001)

15-803. Signs posted. Signs shall be posted on the entrances to each of the streets listed in § 15-802(2) above indicating either by words or by appropriate symbols that heavy trucks are prohibited from traveling upon said streets. (Ord. #00-11-01, Jan. 2001)

15-804. Penalty. Any violation of this chapter shall be punishable by fine not to exceed fifty dollars (\$50). (Ord. #00-11-01, Jan. 2001)

CHAPTER 9 GENERAL PENALTY

15-901. Penalties in this section

(a) Whenever in this Code or in any ordinance of the Town, any act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or wherever in such code or ordinance the doing of any act is required or the failure to do any act is declared to be unlawful, and no specific penalty is provided therefor, the violation of any such provision of this Code or any such ordinance shall be punished by a fine of not more than \$50.00 for each separate violation; provided, however, that the infliction of a fine under the provisions of this Code or of any ordinance of the Town shall not prevent the revocation of any permit or license for violation of any provisions hereof where called for or permitted under the provisions of this Code or of any ordinance. The Municipal judge shall fix the amount of any fine to be levied under the provisions hereof as his or her discretion may dictate. Each day that any violation of this Code or of any ordinance continues shall constitute a separate offense.

(b) Where any act of the General Assembly of the state provides for a greater minimum penalty than \$1.00, the minimum fine or penalty prescribed by the state law shall prevail and be assessed by the municipal judge.

(c) In addition to the provisions of subsections A and B of this section, and any court costs established by any Town ordinance or state statute, the Town is authorized to create and collect penalties, pursuant to T.C.A. § 6-54-306, and in conformance therewith, to set a schedule specifying code section violation and penalty amount and instituting a general penalty fund from which monies may be disbursed.

(d) Penalties may be waived at the discretion of the judge.

SECTION 3. This Ordinance shall become effective immediately upon its adoption, the public welfare requiring it.

PASSED at the First Consideration by the Board of Mayor and Aldermen of the Town of Atoka, Tennessee on the 14th day of December, 2021.

PASSED at the Second Consideration by the Board of Mayor and Aldermen of the Town of Atoka, Tennessee on the 11th day of January, 2022.

W. Daryl Walker, Mayor

ATTEST:

Town Recorder

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ADDITION	* denotes that text is being added

December 14, 2021

Exhibit J

TITLE 15

MOTOR VEHICLES, TRAFFIC AND PARKING¹

CHAPTER

1. MISCELLANEOUS.
2. EMERGENCY VEHICLES.
3. SPEED LIMITS.
4. TURNING MOVEMENTS.
5. STOPPING AND YIELDING.
6. PARKING.
7. ENFORCEMENT.
8. OPERATION OF HEAVY OR LARGE VEHICLES ON CITY STREETS
WITHIN RESIDENTIAL NEIGHBORHOODS PROHIBITED.
- 9. GENERAL PENALTY**

CHAPTER 1

MISCELLANEOUS²

SECTION

- 15-101. Motor vehicle requirements.
- 15-102. Driving on streets closed for repairs, etc.
- 15-103. Reckless driving.
- 15-104. Driving under the influence.
- 15-105. One-way streets.
- 15-106. Unlaned streets.
- 15-107. Laned streets.
- 15-108. Yellow lines.
- 15-109. Miscellaneous traffic control signs, etc.
- 15-110. General requirements for traffic control signs, etc.

¹Municipal code reference

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

²State law references

Under Tennessee Code Annotated, section 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, section 55-10-401; failing to stop after a traffic accident, as prohibited by Tennessee Code Annotated, section 55-10-101 et seq.; driving while license is suspended or revoked, as prohibited by Tennessee Code Annotated, section 55-7-116; and drag racing, as prohibited by Tennessee Code Annotated, section 55-10-501.

DELETION	* denotes that text is being deleted
ADDITION	* denotes that text is being added

- 15-111. Unauthorized traffic control signs, etc.
- 15-112. Presumption with respect to traffic control signs, etc.
- 15-113. School safety patrols.
- 15-114. Driving through funerals or other processions.
- 15-115. Clinging to vehicles in motion.
- 15-116. Riding on outside of vehicles.
- 15-117. Backing vehicles.
- 15-118. Projections from the rear of vehicles.
- 15-119. Causing unnecessary noise.
- 15-120. Vehicles and operators to be licensed.
- 15-121. Passing.
- 15-122. Motorcycles, motor driven cycles, motorized bicycles, bicycles, etc.
- 15-123. Delivery of vehicle to unlicensed driver, etc.
- 15-124. Duty to drive at safe speed, maintain lookout and keep vehicle under control.
- 15-125. Compliance with financial responsibility law required.

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.

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. Reckless driving. Irrespective of the posted speed limit, no person, including operators of emergency vehicles, shall drive any vehicle in willful or wanton disregard for the safety of persons or property.

15-104. Driving under the influence. (See Tennessee Code Annotated, sections 55-10-401, 55-10-303, and 55-10-307).

15-105. 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.

15-106. 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.

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ADDITION	* denotes that text is being added

(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 town 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.

15-107. 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.

15-108. 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.

15-109. Miscellaneous traffic control signs, etc.¹ It shall be unlawful for any pedestrian or the operator of any vehicle to violate or fail to comply with any traffic control sign, signal, marking, or device placed or erected by the state or the town 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.

15-110. General requirements for traffic control signs, etc. All traffic control signs, signals, markings, and devices shall conform to the latest revision

¹Municipal code references

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

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of the Manual on Uniform Traffic Control Devices for Streets and Highways,¹ published by the U.S. Department of Transportation, Federal Highway Administration, and shall, so far as practicable, be uniform as to type and location throughout the town. This section shall not be construed as being mandatory but is merely directive.

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.

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 town 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.

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.

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

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

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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.

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.

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 (1/2) hour after sunset and one-half (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.

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. 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."

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.

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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.

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 town 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.

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(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.

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 adult to deliver the possession of or the control of any automobile or other motor vehicle to any person, whether an adult or a juvenile, who does not have in his possession a valid motor vehicle operators or chauffeurs license issued by the Department of Safety of the State of Tennessee, or for any adult to permit any person, whether an adult or a juvenile, to drive any motor vehicle upon the streets, highways, roads, avenues, parkways, alleys or public thoroughfares in the Town of Atoka unless such person has a valid motor vehicle operators or chauffeurs license as issued by the Department of Safety of the State of Tennessee.

(3) 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 town in a reckless,

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careless, or unlawful manner, or in such a manner as to violate the ordinances of the town.

15-124. Duty to drive at safe speed, maintain lookout and keep vehicle under control. 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. (as added by Ord. #01-01-01, Feb. 2001)

15-125. Compliance with financial responsibility law required. (1) Every vehicle operated within the corporate limits must be in compliance with the financial responsibility law.

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

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

(a) Documentation, such as the declaration page of an insurance policy, an insurance binder, or an insurance card from an insurance company authorized to do business in Tennessee, stating that a policy of insurance meeting the requirements of the Tennessee Financial Responsibility Law of 1977, compiled in Tennessee Code Annotated, Chapter 12, Title 55, has been issued;

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

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

(4) Civil offense. It is a civil offense to fail to provide evidence of financial responsibility pursuant to this section. Any violation of this section is punishable by a civil penalty of up to fifty dollars (\$50). The civil penalty

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prescribed by this section shall be in addition to any other penalty prescribed by the laws of this state or by the city's municipal code of ordinances.

(5) Evidence of compliance after violation. On or before the court date, the person charged with a violation of this section may submit evidence of compliance with this section in effect at the time of the violation. If the court is satisfied that compliance was in effect at the time of the violation, the charge of failure to provide evidence of financial responsibility may be dismissed. (as added by Ord. #02-03-01, April 2002)

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.

15-202. Operation of authorized emergency vehicles.¹ (1) 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 five hundred (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.

(2) 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.

(3) 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.

(4) The foregoing provisions shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the

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safety of all persons, nor shall such provisions protect the driver from the consequences of his reckless disregard for the safety of others.

¹Municipal code reference

Operation of other vehicle upon the approach of emergency vehicles:
section 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.

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.

CHAPTER 3

SPEED LIMITS¹

SECTION

15-301. In general.

15-302. At intersections.

15-303. In school zones.

15-304. Along Highway 51.

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 twenty miles per hour (20 mph) except where official signs have been posted indicating other speed limits, in which cases the posted speed limit shall apply. (as amended by Ord. #14-02-01, Feb. 2014)

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.

15-303. In school zones. Pursuant to Tennessee Code Annotated, section 55-8-152, the town 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 board of mayor and aldermen has not established special speed limits as provided for above, any person who shall drive at a speed exceeding fifteen (15) miles per hour when passing a school during a recess period when a warning flasher or flashers are in operation, or during a period of 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.

15-304. Along Highway 51. The speed limit on Highway 51 shall be forty-five (45) miles per hour for one-half (½) mile north and south of Atoka-Munford Avenue and Munford-Atoka Avenue. (Ord. No. 87-2)

¹Ord. #14-02-01, Feb. 2014 (of record in the recorder's office) sets speed limits for specific roads.

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 ascertaining that such movement can be made in safety and signaling his intention in accordance with the requirements of the state law.¹

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.

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.

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.

15-405. U-turns. U-turns are prohibited.

¹State law reference

Tennessee Code Annotated, section 55-8-143.

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
- 15-511. Right of way in a roundabout

15-501. Upon approach of authorized emergency vehicles.¹ Upon the immediate approach of an authorized emergency vehicle making use of audible and/or visual signals meeting the requirements of the laws of this state, 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. 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.

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.

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

¹Municipal code reference

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

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.

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.

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.

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 town, 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 town at intersections which the town 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.

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 town 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 section 15-504 of this code.

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 town, 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.

15-510. Stops to be signaled. No person operating a motor vehicle shall stop such vehicle, whether in obedience to a traffic sign or signal or otherwise, without first signaling his intention in accordance with the requirements of the state law,¹ except in an emergency.

15-511. Right of way in a roundabout.

(a) For the purposes of this section, a "roundabout" is a circular intersection where all entering traffic must yield to the vehicles within the intersection.

(b) A vehicle passing around a rotary traffic island or a roundabout may be driven only to the right of the island.

(c) When approaching or driving through a roundabout, a person driving a vehicle shall yield the right-of-way to the driver of a vehicle that is driving through the roundabout at the same time or as so closely as to present an immediate hazard and shall slow down or stop if necessary to yield. However, this subsection does not require a person who is driving a vehicle through a roundabout to yield the right-of-way to the driver of a vehicle that is approaching the roundabout.

(d) If two (2) vehicles approach or drive through a roundabout at the same time or so closely as to present an immediate hazard, the driver on the right shall yield the right-of-way to the driver on the left and shall slow down or stop if necessary to yield.

¹State law reference

Tennessee Code Annotated, section 55-8-143.

CHAPTER 6

PARKING

SECTION

15-601. Generally.

- 15-602. Angle parking.
- 15-603. Occupancy of more than one space.
- 15-604. Where prohibited.
- 15-605. Loading and unloading zones.

15-606. Owner's Responsibility

15-607. Storage of Property on public street and Right-of-way

15-608. Stopping or parking left side to curb

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 town 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 town 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 for more than twelve (12) consecutive hours without the prior approval of the chief of police.

No truck, truck trailer, or tractor or bus having declared maximum gross vehicle weight rating of more than eight thousand (8,000) pounds shall be parked or left unattended on any residential street, except while actively being loaded or unloaded, or while such vehicle is being used in connection with any work or service being performed on adjacent property.

No recreation vehicle shall be parked or left unattended on any residential street or in any residential district, except while actively being loaded or unloaded.

The Atoka Police Department is authorized to remove any vehicle found parked in violation of this section when such vehicle constitutes a traffic hazard or obstruction of traffic. Such vehicle may be impounded by the police department. (as amended by Ord. #01-01-02, Feb. 2001)

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

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

15-604. Where prohibited. No person shall park a vehicle in violation of

any sign placed or erected by the state or town, 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.

(2) In front of a public or private driveway;

(3) Within an intersection;

(4) Obstructing fire access areas and fire hydrants.

(a) Within fifteen feet (15') of a fire hydrant;

(b) No obstruction of any kind, including motor vehicles or trailers, whether attended or unattended, shall be placed, stored, parked or permitted to remain for any period of time in any area required for the access of fire equipment to any public or private residential or business building or complex of such buildings, which may, in the discretion of the Chief of the Fire Department, and with the consent of the owner when such areas are not public property, be designated as "fire access areas."

(c) Such fire access areas may include both public and private streets and alleys designated by the Chief of the Fire Department, and off-street driveways or alleyways owned by such buildings or complexes of such buildings, designated by the Chief of the Fire Department with the consent of the owner thereof, and shall be marked by official signs designed and approved by the Chief of the Fire Department indicating that approval is pursuant to this section, which design shall be used exclusively by the Town and Fire Department. A record of all approved fire access areas shall be kept on file at the Fire Department.

(d) Any and all signs erected, or areas marked or posted as a fire access area, by any owner of private property must bear different identification and color scheme, and such signs must indicate that such designation is not an official fire access area enforceable by the Town Fire Department and Police Department. For the purposes of this section the terms "fire access areas" and "fire lanes" are synonymous.

(e) No such obstruction of any kind, including motor vehicles or trailers, whether attended or unattended, shall be placed, stored or parked or permitted to remain for any period of time within fifteen (15) feet of a fire hydrant, whether such fire hydrant is located on public streets, alleys, off-street driveways or alleyways or on public or private property, including, but not limited to residential or business buildings or complexes.

(f) When used herein, "owner" means individuals, partnerships or corporations actually legal owners or otherwise entitled to occupancy, use or possession thereof.

(g) Any person violating this section shall be guilty of a misdemeanor and such motor vehicles or trailers found in violation hereof may be impounded and towing and storage charges assessed under the provisions of the Town of Atoka ordinances.

(h) The amount of forfeiture which may be paid at the Municipal Court Clerk's Office for violation of this section is designated as \$50.00, which amount shall be added to the Municipal Court Clerk's Office schedule of forfeitures contained in Town of Atoka codes.

- (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;~~ No driver shall stop, stand, or park a vehicle abreast, or adjacent to, another vehicle parallel to the curb or in any other manner so as to interrupt or interfere with the passage of other vehicles on the street except in the case of public emergency or when directed by a police officer. (a) It is unlawful to leave any vehicle standing in any street when such vehicle constitutes a hazard to public safety or an obstruction to traffic.

(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) A person who parks a vehicle in violation of this section, as hereinafter set out in subsections A, B or C of this section shall be subject to a fine of not more than \$50.00, for each violation, or as provided in Town Ordinances, Title 3, Chapter 2 (Imposition of penalties and costs). This section shall be enforceable on public property or on private property where a business, firm or other person transacting business with the public from a permanent location, has provided specially marked parking spaces for the exclusive use of handicapped drivers or passengers, as set forth in T.C.A. § 55-21-101 et seq., and T.C.A. § 68-120-204. Notwithstanding any other provision set out in this Code, a \$50.00 penalty shall be automatically assessed with each violation, as authorized under T.C.A. §§ 55-21-108(a) and 55-21-108(b).

A. Vehicles parked adjacent to handicapped spaces. No person shall stop, stand, or park a vehicle in any space immediately adjacent to a designated handicapped space, so as to restrict, or unreasonably restrict, a person confined to a wheelchair from exiting or entering a motor vehicle properly parked within such designated handicapped parking space.

B. Vehicles parked so as to encroach in to handicapped spaces. No person shall stop, stand or park a vehicle in any space immediately adjacent to a designated handicapped space, so that a portion of

such vehicle encroaches into a handicapped parking space in a manner which restricts, or reasonably could restrict, a person confined to a wheelchair from exiting or entering a motor vehicle properly parked within such handicapped parking space.

C. Vehicles parked so as to prevent use of curb cut or ramp by handicapped person. No person shall stop, stand or park a vehicle in a manner which restricts, or reasonably could restrict, a mobility impaired person, or a physically handicapped person, from using a curb cut or ramp designed to provide access to and from a sidewalk or parking area.

(15) Within twelve feet of the traffic lanes of U.S. Highway 51 for a distance of three hundred feet north and south of its intersection with the Tracy Road, Watson Road, Munford-Atoka Road, Kimbrough Road, Main Street and Michael Drive. (Ordinance No. 35)

(16) Upon any roadway, parking or standing, for the principal purpose of (a) displaying it for sale or rent; (b) washing, greasing, or repairing such vehicle, except repairs necessitated by an emergency.

15-605. Loading and unloading zones. No person shall park a vehicle for any purpose or period of time other than for the expeditious loading or unloading of passengers or merchandise in any place marked by the town as a loading and unloading zone.

15-606. Violation of this section shall be a misdemeanor punishable as provided in section 11-101. Proof of ownership, as identification on registration records maintained by the Tennessee Department of Safety, or similar agency of other relevant state and as certified by the Municipal Court Clerk's Office, of any vehicle found parked in violation of this section shall be prima facie evidence that the vehicle, at the time of the violation, was operated and used by the owner, or by the owner's employee or agent while acting in the scope of their employment or agency and with the owner's authority, consent, and knowledge.

15-607. Storage of property on public streets and right of way unlawful.
 (a) It is unlawful for any person to use a public street or public right-of-way along the street, for the purpose of storing any item, except where otherwise lawfully provided.
 (b) "Storage" is defined, for the purposes of this section, as the placing of any property in such public street or right-of-way in such a manner as to preclude the use of such street or right-of-way by the general public or the normal flow of vehicular or pedestrian traffic.

15-608 Stopping or parking left side to curb. No vehicle shall stop or park with its left side to the curb; provided, however, that this prohibition

shall not apply to one-way streets when such stopping has been authorized by the Town engineer and is not prohibited.

CHAPTER 7 ENFORCEMENT

SECTION

15-701. Issuance of traffic citations.

15-702. Failure to obey citation.

15-703. Illegal parking.

15-704. Impoundment of vehicles.

15-705. Disposal of abandoned motor vehicles.

15-706. Deposit of driver license in lieu of bail.

15-701. Issuance of traffic citations.¹ When a police officer halts a traffic violator other than for the purpose of giving a warning, and does not take such person into custody under arrest, he shall take the name, address, and operator's license number of said person, the license number of the motor vehicle involved, and such other pertinent information as may be necessary, and shall issue to him a written traffic citation containing a notice to answer to the charge against him in the town 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.

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.

15-703. Illegal parking. Whenever any motor vehicle without a driver is found parked or stopped in violation of any of the restrictions imposed by this code, or by state law, the officer finding such vehicle shall take its license registration number and may take any other information displayed on the vehicle which may identify its user, and shall conspicuously affix to such vehicle a citation for the driver and/or owner to answer for the violation within thirty (30) fifteen (15) days during the hours and at a place specified in the citation.

¹Municipal 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, section 7-63-101 et seq.

15-704. Impoundment of vehicles.

(a) 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 citation tags 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.

(b) Vehicles with outstanding traffic tickets violations. Any unattended motor vehicle found parked at any time upon any public thoroughfare, street, alleyway or other public property of the town against which there is either a traffic citation or traffic summons that has not been paid 60 days after final adjudication may, by or under the direction of an officer or a member of the police department, either by towing or otherwise, be removed or conveyed to and impounded in any place designated by the Chief of Police. The town shall not be liable for any damage to such vehicle while such vehicle is towed or impounded.

(c) It shall be the duty of the officer or a member of the police department removing such motor vehicle, or under whose direction such vehicle is removed to inform in writing, as soon as practicable, the owner of an impounded vehicle of the nature and circumstances of the prior unsettled traffic citation(s), traffic summons(es), or warrant(s), for which, or on account of which, such vehicle was impounded. The notice shall also inform the owner that if he or she feels that the vehicle was towed, impounded in error, he or she may arrange for a prompt hearing before the Town Recorder, or his or her designee, by contacting him or her during normal business hours. The notice shall also state that the owner has a right to present evidence in his or her own behalf, to have a representative, and to have a decision that states its basis in writing. The Town Recorder, or his or her designee, shall hold a hearing within 48 hours after request and shall have the authority to immediately grant a free release or refund towing, and/or storage fees in those cases when a motor vehicle has been towed or impounded in error.

(d) If a warrant has not been issued, the owner of such impounded motor vehicle, or other duly authorized person, shall be permitted to repossess or secure the release of the vehicle upon the depositing of the forfeiture amount prescribed by ordinance for each violation for which there is a traffic citation or traffic summons outstanding, according to the standards set forth in subsection (a) of this section, and payment of towing and/or storage fees incurred by the impounding. If a warrant has been issued, then posting of the bond required by the municipal court clerk and payment of any towing and/or storage fees due shall be sufficient to obtain the release of the vehicle. Payments of towing and/or storage fees shall be made at the place where the vehicle was impounded.

15-705. Disposal of abandoned motor vehicles. "Abandoned motor vehicles," as defined in Tennessee Code Annotated, section 55-16-103, shall be

impounded and disposed of by the police department in accordance with the provisions of Tennessee Code Annotated, sections 55-16-103 through 55-16-109.

15-706. Deposit of driver license in lieu of bail. (1) Deposit allowed. Whenever any person lawfully possessing a chauffeur's or operator's license theretofore issued to him by the Tennessee Department of Safety, or under the driver licensing laws of any other state or territory or the District of Columbia, is issued a citation or arrested and charged with the violation of any town ordinance or state statute regulating traffic, except those ordinances and statutes, the violation of which call for the mandatory revocation of a operator's or chauffeur's license for any period of time, such person shall have the option of depositing his chauffeur's or operator's license with the officer or court demanding bail in lieu of any other security required for his appearance in the town court of this town in answer to such charge before said court.

(2) Receipt to be issued. Whenever any person deposits his chauffeur's or operator's license as provided, either the officer or the court demanding bail as described above, shall issue the person a receipt for the license upon a form approved or provided by the department of safety, and thereafter the person shall be permitted to operate a motor vehicle upon the public highways of this state during the pendency of the case in which the license was deposited. The receipt shall be valid as a temporary driving permit for a period not less than the time necessary for an appropriate adjudication of the matter in the municipal court, and shall state such period of validity on its face.

(3) Failure to appear - disposition of license. In the event that any driver who has deposited his chauffeur's or operator's license in lieu of bail fails to appear in answer to the charges filed against him, the clerk or judge of the municipal court accepting the license shall forward the same to the Tennessee Department of Safety for disposition by said department in accordance with the provisions of Tennessee Code Annotated, section 55-50-801 et seq. (Ord. No. 37)

15-707. Presumption in prosecutions for parking violations.

A. In any prosecution charging a violation of any provision of this title or other law or regulation governing the stopping, standing or parking of a vehicle, proof that the particular vehicle described in the complaint was parked in violation of any such law or regulation, together with proof that the defendant named in the complaint was, at the time of such parking, the registered owner of such vehicle, shall constitute in evidence a prima facie presumption that the registered owner of such vehicle was the person who parked or placed such vehicle at the point where, and for the time during which, such violation occurred.

B. This presumption shall not apply in instances where the vehicle involved was rented or leased. In these instances, the sworn statement of the lessor or renter that the person named in the statement was, at the time of such parking, the person to whom such vehicle was rented or leased, shall constitute in evidence a prima facie presumption that the person to whom the vehicle was rented or leased was the person who parked or placed such

vehicle at the point where, and for the time during which, such traffic violation occurred.

CHAPTER 8

OPERATION OF HEAVY OR LARGE VEHICLES ON CITY STREETS WITHIN RESIDENTIAL NEIGHBORHOODS PROHIBITED

SECTION

15-801. Definition of vehicle.

15-802. Heavy truck traffic prohibited on certain streets.

15-803. Signs posted.

15-804. Penalty.

15-801. Definition of vehicle. "Vehicle" means every device in, upon, or by which any person or property is or may be transported or drawn upon street, road, highway or public thoroughfares, excepting devices moved by human power or used exclusively upon stationary rails or tracks. (Ord. #00-11-01, Jan. 2001)

15-802. Heavy truck traffic prohibited on certain streets. (1) For the purpose of this section, a heavy truck is defined to be any vehicle whose gross vehicle weight exceeds 12,000 pounds.

(2) All heavy trucks will be prohibited from the following streets: Main Street, Kimbrough Avenue, Atoka McLaughlin Drive.

(3) The following categories are exempt from the prohibition of this section:

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

(b) The operation of heavy trucks owned or operated by the town, any contractor or materialman, while under contract to the town while engaged in the repair, maintenance, or construction of streets, street improvements, or street utilities within the town.

(c) The operation of school buses and buses used to transport persons to and from a place of worship, which run a designated route.

(d) The operation of emergency vehicles upon any street in the town. (Ord. #00-11-01, Jan. 2001)

15-803. Signs posted. Signs shall be posted on the entrances to each of the streets listed in § 15-802(2) above indicating either by words or by appropriate symbols that heavy trucks are prohibited from traveling upon said streets. (Ord. #00-11-01, Jan. 2001)

15-804. Penalty. Any violation of this chapter shall be punishable by fine not to exceed fifty dollars (\$50). (Ord. #00-11-01, Jan. 2001)

CHAPTER 9**GENERAL PENALTY****SECTION****15-901. Penalties in this section****15-901 Penalties in this section**

(a) Whenever in this Code or in any ordinance of the Town, any act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or wherever in such code or ordinance the doing of any act is required or the failure to do any act is declared to be unlawful, and no specific penalty is provided therefor, the violation of any such provision of this Code or any such ordinance shall be punished by a fine of not more than \$50.00 for each separate violation; provided, however, that the infliction of a fine under the provisions of this Code or of any ordinance of the Town shall not prevent the revocation of any permit or license for violation of any provisions hereof where called for or permitted under the provisions of this Code or of any ordinance. The Municipal judge shall fix the amount of any fine to be levied under the provisions hereof as his or her discretion may dictate. Each day that any violation of this Code or of any ordinance continues shall constitute a separate offense.

(b) Where any act of the General Assembly of the state provides for a greater minimum penalty than \$1.00, the minimum fine or penalty prescribed by the state law shall prevail and be assessed by the municipal judge.

(c) In addition to the provisions of subsections A and B of this section, and any court costs established by any Town ordinance or state statute, the Town is authorized to create and collect penalties, pursuant to T.C.A. § 6-54-306, and in conformance therewith, to set a schedule specifying code section violation and penalty amount and instituting a general penalty fund from which monies may be disbursed.

(d) Penalties may be waived at the discretion of the judge.

December 14, 2021

Exhibit K

ORDINANCE NUMBER _____

AN ORDINANCE TO AMEND TITLE 16, STREETS AND SIDEWALKS, ETC OF THE TOWN OF ATOKA MUNICIPAL CODE OF ORDINANCES.

WHEREAS, Tennessee Code Annotated allows municipalities to create codes to promote the health, safety, and welfare of its citizens; and

WHEREAS, Title 16 of the Town of Atoka Municipal Code of Ordinances regulates Streets and Sidewalks, etc; and

WHEREAS, The Town of Atoka's Public Safety Committee held a work session and recommends amendments to Title 16;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN OF THE TOWN OF ATOKA, THAT TITLE 16 OF THE MUNICIPAL CODE BE AMENDED WITH THE FOLLOWING LANGUAGE:

SECTION 1.

Omitting: Title 16. Section 16-101 Obstructing streets. alleys, or sidewalks prohibited. No person shall use or occupy any portion of any public street, alley, sidewalk, or right of way for the purpose of storing, selling, or exhibiting any goods, wares, merchandise, or materials.

Inserting: Title 16. Section 16-101 It is unlawful to obstruct the public streets, alleyways, or right-of-way with boxes, barrels, or anything, or any kind of obstruction whatsoever, or permit trees, shrubs, or other foliage to project into the street or alleyway so as to impair the vision or passage of motorists.

SECTION 2.

Omitting: Title 16. Section 16-102 Trees projecting over streets, etc. regulated. It shall be unlawful for any property owner or occupant to allow any limbs of trees on his property to project over any street or alley at a height of less than fourteen (14) feet or over any sidewalk at a height of less than eight (8) feet.

Inserting: Title 16. Section 16-102 It shall be unlawful to place or cause to be placed, any manner of buildings, erections, depositories, overhanging banners, temporary banners marking off portions of streets, or other obstructions, with any sort of permanency for private use, benefit, or profit, upon any portion of the public grounds, thoroughfares, or passageways of the municipality, except for emergencies arising or repairs being made by Municipal entities or their designees, without the approval of the Town Administrator, and issuance of a permit by the Code Enforcement Officer for the Town of Atoka, or his or her designee.

SECTION 3. This Ordinance shall become effective immediately upon its adoption, the public welfare requiring it.

PASSED at the First Consideration by the Board of Mayor and Aldermen of the Town of Atoka, Tennessee on the 14th day of December, 2021.

PASSED at the Second Consideration by the Board of Mayor and Aldermen of the Town of Atoka, Tennessee on the 11th day of January, 2022.

W. Daryl Walker, Mayor

ATTEST:

Town Recorder

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December 14, 2021

Exhibit K

TITLE 16

STREETS AND SIDEWALKS, ETC

CHAPTER

1. MISCELLANEOUS.
2. EXCAVATIONS.
3. EMERGENCY ADDRESS SYSTEM.

CHAPTER 1

MISCELLANEOUS

SECTION

- 16-101. Obstructing streets, alleys, or sidewalks prohibited.
- 16-102. Trees projecting over streets, etc., regulated.
- 16-103. Trees, etc., obstructing view at intersections prohibited.
- 16-104. Projecting signs and awnings, etc., restricted.
- 16-105. Banners and signs across streets and alleys restricted.
- 16-106. Gates or doors opening over streets, alleys, or sidewalks prohibited.
- 16-107. Littering streets, alleys, or sidewalks prohibited.
- 16-108. Obstruction of drainage ditches.
- 16-109. Abutting occupants to keep sidewalks clean, etc.
- 16-110. Parades, etc., regulated.
- 16-111. Operation of trains at crossings regulated.
- 16-112. Animals and vehicles on sidewalks.
- 16-113. Fires in streets, etc.
- 16-114. Basketball goals alongside or within public rights-of-way.

16-101. ~~Obstructing streets, alleys, or sidewalks prohibited. No person shall use or occupy any portion of any public street, alley, sidewalk, or right of way for the purpose of storing, selling, or exhibiting any goods, wares, merchandise, or materials.~~ It is unlawful to obstruct the public streets, alleyways, or right-of-way with boxes, barrels, or any thing, or any kind of obstruction whatsoever, or permit trees, shrubs, or other foliage to project into the street or alleyway so as to impair the vision or passage of motorists.

16-102. ~~Trees projecting over streets, etc. regulated. It shall be unlawful for any property owner or occupant to allow any limbs of trees on his property to project over any street or alley at a height of less than fourteen (14) feet or over any sidewalk at a height of less than eight (8) feet.~~ It shall be unlawful to place or cause to be placed, any manner of buildings, erections, depositories, overhanging banners, temporary banners marking off portions of streets, or other obstructions, with any sort of permanency

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for private use , benefit, or profit, upon any portion of the public grounds, thoroughfares, or passageways of the municipality, except for emergencies arising or repairs being made by Municipal entities or their designees, without the approval of the Town Administrator, and issuance of a permit by the Code Enforcement Officer for the Town of Atoka, or his or her designee.

16-103. Trees. etc. obstructing view at intersections prohibited. It shall be unlawful for any property owner or occupant to have or maintain on his property any tree, shrub, sign, or other obstruction which prevents persons driving vehicles on public streets or alleys from obtaining a clear view of traffic when approaching an intersection.

Municipal code reference: Related motor vehicle and traffic regulations: title 15.

16-104. Projecting signs and awnings, etc., restricted. Signs, awnings, or other structures which project over any street or other public way shall be erected subject to the requirements of the building code. *

16-105. Banners and signs across streets and alleys restricted. It shall be unlawful for any person to place or have placed any banner or sign across or above any public street or alley except when expressly authorized by the board of mayor and aldermen after a finding that no hazard will be created by such banner or sign.

16-106. Gates or doors opening over streets, alleys, or sidewalks prohibited. It shall be unlawful for any person owning or occupying property to allow any gate or door to swing open upon or over any street, alley, or sidewalk except when required by law.

16-107. Littering streets, alleys, or sidewalks prohibited. It shall be unlawful for any person to litter, place, throw, track, or allow to fall on any street, alley, or sidewalk any refuse, glass, tacks, mud, or other objects or materials which are unsightly, or which obstruct or tend to limit or interfere with the use of such public ways and places for their intended purposes.

16-108. Obstruction of drainage ditches. It shall be unlawful for any person to permit or cause the obstruction of any drainage ditch in any public right of way.

16-109. Abutting occupants to keep sidewalks clean, etc. The occupants of property abutting on a sidewalk are required to keep the sidewalk clean. Also, immediately after a snow or sleet, such occupants are required to remove all accumulated snow and ice from the abutting sidewalk.

16-110. Parades, etc., regulated. It shall be unlawful for any person, club, organization, or other group to hold any meeting, parade, demonstration, or exhibition on the public streets without some responsible representative first securing a permit from the town recorder.

16-111. Operation of trains at crossings regulated. No person shall operate any railroad train across any street or alley without giving a warning of its approach as required by state law; nor shall he make such crossing at a speed in excess of twenty-five (25) miles per hour. It shall also be unlawful to stop a railroad train so as to block or obstruct any street or alley for a period of more than five (5) consecutive minutes. (Ord. No. 21)

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16-112. Animals and vehicles on sidewalks. It shall be unlawful for any person to ride, lead, or tie any animal, or ride, push, pull, or place any vehicle across or upon any sidewalk in such manner as unreasonably interferes with or inconveniences pedestrians using the sidewalk. It shall also be unlawful for any person knowingly to allow any minor under his control to violate this section.

16-113. Fires in streets, etc. It shall be unlawful for any person to set or contribute to any fire in any public street, alley, or sidewalk.

16-114. Basketball goals alongside or within public rights-of-way.

(1) No portable or fixed basketball goal shall be placed, erected, or maintained on or alongside the right-of-way of any public street within the municipal limits of the Town of Atoka so as to allow a person or persons to play within the street. The placement of any basketball goal within a public right of way or the presence of persons within a public street playing basketball on such a goal shall be a violation of this section.

(2) Any violation of this section shall be punishable by a fine of fifty dollars (\$50.00). (As added by Ord. #03-11-01, Dec. 2003)

*Municipal code reference: Building code: title 12, chapter 1.

CHAPTER 2

EXCAVATIONS*

SECTION

16-201. Permit required.

16-202. Applications.

16-203. Fee.

16-204. Deposit or bond.

16-205. Safety restrictions on excavations.

16-206. Restoration of streets, etc.

16-207. Insurance.

16-208. Time limits.

16-209. Supervision.

16-201. Permit required. It shall be unlawful for any person, firm, corporation, association, or others, including utility districts to make any excavation in any street, alley, or public place, or to tunnel under any street, alley, or public place without having first obtained a permit as herein required, and without complying with the provisions of this chapter; and it shall also be unlawful to violate, or vary from, the terms of any such permit; provided, however, any person maintaining pipes, lines, or other underground facilities in or under the surface of any street may proceed with an opening without a permit when emergency circumstances demand the work to be done immediately and a permit cannot

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reasonably and practicably be obtained beforehand. The person shall thereafter apply for a permit on the first regular business day on which the office of the town recorder is open for business, and the permit shall be retroactive to the date when the work had begun.

16-202. Applications. Applications for such permits shall be made to the town recorder, or such person as he may designate to receive such applications, and shall state thereon the location of the intended excavation or tunnel, the size thereof, the purpose thereof, the person, firm, corporation, association, or others doing the actual excavating, the name of the person, firm, corporation, association, or others for whom the work is being done, and shall contain an agreement that the applicant will comply with all ordinances and laws relating to the work to be done. Such application shall be rejected or approved by the town recorder within twenty-four (24) hours of its filing.

*State laws reference This chapter was patterned substantially after the ordinance upheld by the Tennessee Supreme Court in the case of City of Paris. Tennessee v. Paris-Henry County Public Utility District, 207 Tenn. 388, 340 S.W.2d 885 (1960).

16-203. Fee. The fee for such permits shall be twenty dollars (\$20.00).

16-204. Deposit or bond. No such permit shall be issued unless and until the applicant therefor has deposited with the town recorder a cash deposit. The deposit shall be in the sum of five hundred dollars (\$500.00) if no pavement is involved or one thousand dollars (\$1,000.00) if the excavation is in a paved area and shall insure the proper restoration of the ground and, laying of the pavement, if any. Where the amount of the deposit is clearly inadequate to cover the cost of restoration, the town recorder may increase the amount of the deposit to an amount considered by him to be adequate to cover the cost. From this deposit shall be deducted the expense to the town of relaying the surface of the ground or pavement, and of making the refill if this is done by the town or at its expense. The balance shall be returned to the applicant without interest after the tunnel or excavation is completely refilled and the surface or pavement is restored.

In lieu of a deposit the applicant may deposit with the town recorder a surety bond in such form and amount as the town recorder shall deem adequate to cover the costs to the town if the applicant fails to make proper restoration.

16-205. Safety restrictions on excavations. Any person, firm, corporation, association, or others making any excavation or tunnel shall do so according to the terms and conditions of the application and permit authorizing the work to be done. Sufficient and proper barricades and lights shall be maintained to protect persons and property from injury by or because of the excavation being made. If any sidewalk is blocked by any such work, a temporary sidewalk shall be constructed and provided which shall be safe for travel and convenient for users.

16-206. Restoration of streets, etc. Any person, firm, corporation, association, or others making any excavation or tunnel in or under any street, alley, or public place in this town shall restore the street, alley, or public place to its original condition except for the surfacing, which shall be done by the town but shall be paid for promptly upon completion by such person, firm, corporation, association, or others for which the excavation or tunnel was made. In case of unreasonable delay in restoring the street, alley, or public place, the town recorder shall give notice to the person, firm, corporation,

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association, or others that unless the excavation or tunnel is refilled properly within a specified reasonable period of time, the town will do the work and charge the expense of doing the same to such person, firm, corporation, association, or others. If within the specified time the conditions of the above notice have not been complied with, the work shall be done by the town, an accurate account of the expense involved shall be kept, and the total cost shall be charged to the person, firm, corporation, association, or others who made the excavation or tunnel.

16-207. Insurance. In addition to making the deposit or giving the bond hereinbefore required to insure that proper restoration is made, each person applying for an excavation permit shall file a certificate of insurance indicating that he is insured against claims for damages for personal injury as well as against claims for property damage which may arise from or out of the performance of the work, whether such performance be by himself, his subcontractor, or anyone directly or indirectly employed by him. Such insurance shall cover collapse, explosive hazards, and underground work by equipment on the street, and shall include protection against liability arising from completed operations. The amount of the insurance shall be prescribed by the town recorder in accordance with the nature of the risk involved; provided, however, that the liability insurance for bodily injury shall not be less than \$100,000 for each person and \$300,000 for each accident, and for property damages not less than \$25,000 for anyone (1) accident, and a \$75,000 aggregate.

16-208. Time limits. Each application for a permit shall state the length of time it is estimated will elapse from the commencement of the work until the restoration of the surface of the ground or pavement, or until the refill is made ready for the pavement to be put on by the town if the town restores such surface pavement. It shall be unlawful to fail to comply with this time limitation unless permission for an extension of time is granted by the town recorder.

16-209. Supervision. The person designated by the board of mayor and Aldermen shall from time to time inspect all excavations and tunnels being made in or under any public street, alley, or other public place in the town and see to the enforcement of the provisions of this chapter. Notice shall be given to him at least ten (10) hours before the work of refilling any such excavation or tunnel commences.

CHAPTER 3

EMERGENCY ADDRESS SYSTEM

SECTION

16-301. New structures and mobile homes.

16-302. Address numbers must be displayed.

16-301. New structures and mobile homes. (1) All persons, firms, corporations, and other legal entities constructing new structures or locating or relocating mobile homes in Atoka, Tennessee, shall obtain an address notification form or serial number, duly issued by the Tipton County Emergency Communications Center, E-911 Address Systems Office.

DELETION	* denotes that text is being deleted
ADDITION	* denotes that text is being added

(2) Any utility company operating in the Town of Atoka, Tennessee, shall advise all customers when requesting service that an address must be obtained from the Tipton County Emergency Communications Center. A "new structure" is defined as a house, apartment, or commercial structure newly constructed, being occupied by the applicant for the first time and that will require a utility installation visit to obtain utility service. The subscriber will be required to provide proof that a proper address has been issued. Proof shall consist of providing the assigned street and structure number and the serial number of the address notification form as issued by the Tipton County Emergency Communications Center, E-911 Address Systems Office.

(3) Applicants shall apply for an address from the Tipton County Emergency Communications, E911 Address Systems Office. Application may be made via the telephone or in writing to Tipton County Emergency Communications Center, E911 Address Systems Office. The Tipton County Communications Center, E-911 Address Systems Office shall furnish the applicant with a copy of the address notification form to present to the utility companies and the United States Postal Service, when requested by said utilities and Postal Service. When a request is made for an address, the approximate location will be obtained from the applicant along with any identifying structures or landmarks which may help locate the structure or property requiring the address.

(4) As soon as practically possible after a request is made for an address to the Tipton County Emergency Communications Center, E-911 Address Systems Office, an address shall be issued, and the necessary form filled out and a serial number assigned to said form. The Address Systems Office shall maintain a record of all addresses issued. (As added by Ord. #03-07-02, Aug. 2003)

16-302. Address numbers must be displayed. (1) The Tipton County Emergency Communications Center, E-911 Address Systems Office shall advise the applicant to post in a conspicuous place on the structure the address number which shall be standard numbers at least four (4) inches high. The address numbers shall be posted within thirty (30) days of occupancy of the structure.

(2) The applicant shall remove any numbers which might be mistaken for or confused with the address number assigned to the structure by the issuing authority.

(3) Each principal building or structure shall display the address number assigned to the building on the front wall where the entrance is located. In case the principal building is occupied by more than one business or family dwelling units, each separate front entrance shall display a separate number. Where suite or lot numbers are assigned, the suite or lot number shall also be displayed in the same manner as the building number.

(4) Numerals indicating the official numbers assigned to each principal building, or each front entrance to such building, shall be posted in a manner as to be legible and distinguishable from the street or road on which the property is located with numbers painted or applied, of not less than four inches (4") in height.

(5) Mailboxes shall be marked with the building number as assigned by the Tipton County Emergency Communications Center, E-911 Addressing Office.

(6) If the structure is not visible from the street or road on which it is located, and no mailbox is beside the driveway leading to the structure, a sign or number post shall be erected which will allow the numbers to be displayed either vertically from the top down or horizontally.

(7) In the event that the owner or occupant or person in charge of any house or building refuses to

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ADDITION	* denotes that text is being added

comply with the terms of this chapter, failing to affix the number assigned within thirty (30) days after notification, or by failing within thirty (30) days to remove any old number affixed to such house or building, or house or building entrance, or elsewhere, which may be confused with the number assigned thereto, said owner or occupant shall be punished by paying a fine of not less than ten dollars (\$10.00) for every day that the situation is not rectified after receiving a written citation for such failure to comply with the Tipton County Emergency Communications Center, E-911 Address Systems Office.
(As added by Ord. #03-07-02, Aug. 2003)

ORDINANCE NUMBER _____

AN ORDINANCE TO ALLOW A MEMBER OF THE BOARD OF MAYOR AND ALDERMEN OF THE TOWN OF ATOKA, TENNESSEE, TO ATTEND SESSIONS OF THE BOARD OF MAYOR AND ALDERMEN BY THE USE OF TWO-WAY ELECTRONIC AUDIO-VIDEO COMMUNICATION WHEN THAT MEMBER IS DEPLOYED AS A SERVICE MEMBER AS DEFINED IN TENNESSEE CODE ANNOTATED § 6-54-143.

WHEREAS, Tennessee Code Annotated § 6-54-143 allows a member of municipal legislative bodies who is deployed to attend sessions of the legislative body by two-way electronic audio-video; and

WHEREAS, Tennessee Code Annotated § 6-54-143 requires that the legislative body approve by a two-thirds vote an ordinance allowing the member to participate in board sessions;

NOW, THEREFORE BE IT ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN OF THE TOWN OF ATOKA:

SECTION 1. A member of the Board of Mayor and Aldermen of the Town of Atoka who is a deployed service member as defined by Tennessee Code Annotated § 6-54-143 may attend sessions of the Board of Mayor and Aldermen as allowed under Tennessee Code Annotated § 6-54-143.

SECTION 2. Tennessee Code Annotated § 6-54-143 allows attendance at board sessions under the following conditions:

(a) By passage of an ordinance, by a two-thirds ($\frac{2}{3}$) vote, a municipal legislative body may allow a service member who is deployed for thirteen (13) months or less while serving as a member of the municipal legislative body to attend sessions of the body through the use of two-way electronic audio-video communication during the deployment. Attendance by the use of two-way electronic audio-video communication does not prevent the service member from being allowed to vote or drawing pay for attendance. Only one (1) service member at a time may attend and vote in sessions of the body as provided in this subsection (a).

(b) As used in this section, “service member” means a member of the following:

(1) The active and reserve components of the army, navy, air force, marine corps, or coast guard of the United States;

- (2) The United States merchant marine;
- (3) The commissioned corps of the United States public health service;
- (4) The commissioned corps of the national oceanic and atmospheric
administration of the United States; or
- (5) The national guard of this state.

SECTION 3. This ordinance shall take effect upon final adoption by a two-thirds vote of the Board of Mayor and Aldermen and being signed by the Mayor.

Adopted on first consideration _____, 2021

Adopted on second consideration _____, 2021

Mayor, W. Daryl Walker

Attest:

Town Recorder, Debbie Pickard

Exhibit M

Atoka Fire Department Quint Specifications and Recommendation

The following is to serve as the official recommendation and basic specifications for the AFD quint as discussed and decided by the Atoka Fire Department apparatus committee.

After several weeks of discussion and research the committee decided on a basic list of specifications for the proposed apparatus that would serve to function as a frontline firefighting and rescue apparatus for the Town of Atoka Fire Department. Multiple vendors were requested to submit quotes with these basic specifications and based on government contract pricing.

These basic specs included: single axle 75-foot vertical reach aluminum structure ladder, 1500gpm water pump with 500-gallon tank, 12-liter Cummins Diesel Engine with compatible drive train, on board class A foam capability, lockable interior EMS compartment, wireless aerial nozzle remote, sufficient scene lighting, department specified hose carrying capacity, compartment storage space sufficient for department needs, and wireless radio communication ability.

After receiving three separate quotes for three different makes and models of apparatus the committee compared the three based on price, vendor specific options, ease of maintenance due to commercially available parts, and build quality. After lengthy discussion, the apparatus committee has recommended purchasing of the Sutphen SLR75 Quint.

This decision was based on the following metrics:

- The SLR75 offers an industry leading 3 to 1 safety factor, the next closest was 2.5 to 1.
- The aerial structural warranty is a 30-year warranty, 10 years longer than most other vendors with 20-year warranties, all other warrants include a 5-year 100,000-mile engine and drive train, a lifetime frame warranty, a body structure warranty of 10 years, a 10 year paint warranty, and other components per vendor warranties.
- The aerial construction is a huck bolt fastener system, verses welding, which allows for small single sections of the aerial to be replaced should they be damaged verses cutting and welding or full replacement of aerial sections
- The shortest wheelbase at 208 inches allowing for the tightest turning radius.
- The rear body and compartment construction is stainless steel, not aluminum like other vendors.
- The most storage space of approx. 198 cubic feet, not including in cab storage.
- The Sutphen uses many commercially available parts, which allows for ease of maintenance, verses proprietary parts that limit you to only one supply source.
- With Cummins engine and Allison drive train, any ASE certified diesel mechanic shop can work on the engine and drive train, as well as other items such as the suspension, brake systems, and steering which use commercially available heavy truck components. Sutphen also has mobile emergency vehicle technicians and service trucks located within a 2-3 hour response radius.
- The Sutphen SLR75 base requested spec price was the lowest of the three vendors with HGAC government contract pricing.

- Sutphen is in its 131st year of operation, making it the oldest continuously owned and operated fire apparatus manufacturers in the country. Never reorganized, owned, or operated by anyone other than a Sutphen, family atmosphere is apparent.
- Many major fire departments, as well as smaller departments, nation wide operate Sutphen apparatus to include, Miami-Dade Fire, Columbus Fire, Ft Lauderdale Fire, Dekalb County GA, Franklin TN Fire, La Verne TN Fire, to name just a few.

December 14, 2021

Exhibit M





**FAMILY OWNED
SINCE 1890**

**Prepayment Discount Options
For The
Atoka Fire Department
Atoka, TN**

Current Bid Price **\$995,000.00**

Option 1 25%	For a prepayment in the amount of \$248,750.00 the discount would be \$7,980.73 for a total selling price of \$987,019.27
Option 2 50%	For a prepayment in the amount of \$497,500.00 the discount would be \$15,961.46 for a total selling price of \$979,038.54
Option 3 75%	For a prepayment in the amount of \$746,250.00 the discount would be \$23,942.19 for a total selling price of \$971,057.81
Option 4 100%	For a full prepayment, we offer a discount of \$31,922.92 for a final selling price of \$963,077.08

NOTE: For any option above, the prepayment would be due within 30 days of contract signing in order to receive the discounts listed. Any remaining balance would be due at the time of delivery.

Sutphen Corporation
PO Box 158 • Amlin, OH 43002-0158
6450 Eiterman Road • Dublin, OH 43016-8711
Tel 614 889-1005 • Toll Free 800 848-5860 • Fax 614 889-0874
www.sutphen.com • Sutphen@sutphencorp.com

Code Enforcement Monthly Report
Fiscal Year 2021

PERMIT INFORMATION													TOTAL
Building Permit - Commercial	JUL	AUG	SEPT	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUNE	TOTAL
		1		2									1
Building Permit - Industrial		0											0
Building Permit - Residential - Addition	3	2	3	1	2								5
Building Permit - Residential - New Build	7	5	1	4	15								12
Building Permit - Residential - Upstairs Finish	2	1		1									3
Misc Permit - Detached Garage		0			4								0
Misc Permit - Fence	1	3	3	1	3								4
Misc Permit - Fireworks Stand		0											0
Misc Permit - Pool Permit		2	1	1	2								2
Misc Permit - Sign Permit	1	0		2									1
Misc Permit - Storage Shed	3	1	1	1	7								4
TOTAL PERMIT INFORMATION	17	15	9	13	33								87.00
CERTIFICATE OF OCCUPANCY	JUL	AUG	SEPT	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUNE	TOTAL
Certificate of Occupancy - Commercial	0	0											
Certificate of Occupancy - Industrial	0	0											0
Certificate of Occupancy - Residential	6	13	3	18	9								19
TOTAL CERTIFICATE OF OCCUPANCIES	6	13	3	18	9	0	0		0	0	0	0	49
BUILDING INSPECTIONS	JUL	AUG	SEPT	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUNE	TOTAL
Form Board / Set Back Inspection	5	5	1	2	14								10
Footing Inspection	2	1	1	1	2								3
Plumbing Inspection	4	5	4	6	6								9
Sheeting Inspection	9	3	4	7	7								12
Brick Ties Inspection	12	8	8	19	5								20
Framing Inspection	16	8	9	15	7								24
Insulation Inspection	4	6	4	15	2								10
TOTAL BUILDING INSPECTIONS	52	36	31	65	43								227
CODE ENFORCEMENT ACTIONS	JUL	AUG	SEPT	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUNE	TOTAL
Municipal Court Citations													
Property Maintenance Complaints - Closed	46	12	49	60	39								58
Property Maintenance Complaints - Received	57	15	67	63	93								72
TOTAL CODE ENFORCEMENT ACTIONS	103	27	116	123	132								130
PERMIT FEES	JUL	AUG	SEPT	OCT	NOV	DEC	JAN		MAR	APR	MAY	JUNE	TOTAL
Collected Fees	\$7,103	\$3,538	\$1,119	\$3,743	\$9,264								\$24,767
TOTAL PERMIT FEES	\$7,103	\$3,538	\$1,119	\$3,743	\$9,264								\$24,767

COMMENTS

November-21						
Incidents	Current Month	Previous Month	Current Month Last Year	Year to Date	Dollar Loss	Dollar Saved
Structure Fires-Atoka	4	4	3	24		
Structure Fires-County Area	5	3	1	33		
Total	9	7	4	57	\$0	\$0
Fires Other-Atoka	4	7	6	69		
Fires Other-County Area	0	1	2	15		
Total	4	8	8	84		
HazMat Calls-Atoka	2	0	2	13		
HazMat Calls-County Area	0	0	0	0		
Total	2	0	2	13		
MVA-Atoka	23	20	8	145		
MVA-County Area	2	0	1	22		
Total	25	20	9	167		
EMS Calls-Atoka	62	84	58	705		
EMS Calls-County Area	12	10	1	117		
Total	74	94	59	822		
Other Calls (Service, Good Intent)-Atoka	2	6	2	76		
Other Calls (Service, Good Intent)-County Area	0	0	1	3		
Smoke Alarm Checks	56	47	28	492		
Smoke Alarm Installs	2	1	10	22		
Total	2	6	3	79		
Mutual Aid Given	8	4	1	67		
Mutual Aid Received	11	6	2	57		
Total Calls-Atoka	97	121	79	1032	\$0	\$0
Total Calls-County Area	19	14	6	190	\$0	\$0
Totals for the Month	116	135	85	1222	\$0	\$0
Vehicle Fleet Status	DAYS OUT OF SERVICE		COMMENTS			
ENGINE 11 Smeal						
ENGINE 12 Wilson	30		Permantly OOS- Transmission, Pump			
ENGINE 13 Pierce						
BRUSH TRUCK 13 Ford						
Reserve Firefighter Hours	Training	Work	Total Hours	YTD Hours		
	36	73.5	109.5	2106.5		
Comments						
Station 1 closed for 8 hours on 11/5/21, and for 12 hours on 11/29/21 for lack of personnel.						

Atoka Parks and Recreation

November Monthly Report- Calendar Year 2021-2022

Program/League Information					Special Event Information				
Description	Participants This Year	Participants Last Year	Program Cost	Fees Collected	Description	This Year	Last Year	Event Cost	Fee/Donations Collected
Summer-Y-Space Camp	16	N/A NEW	\$580.81	\$1,088.71	Rock the Block-August	est. 2,000	300 + cars	\$27,670.21	\$950.00
Summer-Y-Challenger-Soccer Camp	22	20	\$0.00	\$0.00	Autumn in Atoka	est. 500+	75+	\$1,467.60	\$2,520.00
Summer-Y-Lego 1 Camp		16			Safe Night Out	900 bags	1,000 bags	\$4,786.84	\$5,324.50
Summer-Y-Lego 2 Camp	17	N/A-NEW	\$652.40	\$1,680.00	Veteran's Ceremony-November	est. 50	est. 50		\$0.00
Summer-Y-Summer-Adventure Camp	19	16	\$1,053.55	\$1,472.00	Tree Lighting-December			TBA	\$0.00
Summer-Y-Art Camp		16			Santa's Ride-Meet/Greet-December			TBA	\$0.00
Summer-Y-Blast Ball/Tball		161			Christmas Decorating-December			TBA	\$0.00
Fall-Y-Soccer Camp	39	N/A- NEW	\$1,638.56	\$2,020.50	Easter-Bunny Brunch				
Fall-Y-AYSO-Soccer	279	150	\$16,453.78	\$22,175.00	Food Truck Festival-March				
Spring-Y-AYSO-Soccer		255			BBQ Fest- April				
Fall-Y-REC-Softball	325	280	\$21,199.20	\$30,610.00	Cops & Bobbers-June				
Spring-Y-FASA-Softball		355			Movies in The Park #1-TBA				
Fall-A-Kickball	3	4	\$416.00	\$684.00	Movies in the Park #2-TBA				
Spring-A-Kickball		N/A			Tournament #1-TBA				
Winter-Y-Little Sports		25			Tournament #2- TBA				
Summer-Y-Little Sports	25	N/A NEW	\$618.48	\$1,245.00					
Summer-A-Softball		9							
Fall-Y-Art Class	20	19	\$1,108.79	\$1,470.00					
Spring-Y-Art Class		26							
Adult-Art/Craft Class	10	N/A	\$416.54	\$315.00					
Concession Sales					Current Activities: Adult Kickball				
Description					Current Registrations: Winter Little Sports				
Nancy Lane Park	\$1,572.74	\$1,752.02	\$21,338.93	\$20,681.48	Upcoming Events: Spring Sports, Food Truck Festival 3/12, Atoka BBQ Fest 4/1 & 4/2				
Walker Park	\$0.00	\$280.40	\$9,267.69	\$805.07					
Rentals									
Description					Other Information: Tree Lighting attendance was HUGE! Fountain has been installed at Pioneer Park. Spring we will treat the water to get the rest of the brush and algae out also with paving the walking trail and parking lot. Bank looks to be holding up currently.				
Splash Pad-Regular (8)	\$320.00	N/A	\$1,440.00	N/A					
Splash Pad-Private (2)	\$200.00	N/A	\$1,700.00	N/A					
Softball Fields	\$60.00	N/A	\$145.00	N/A					
Other Facilities	\$40.00	N/A	\$40.00	N/A					
Citizen Service/Park Maintenance									
Description					Current FYTD Last FYTD				
Q-Alert Service Request-Closed	3	0	9	5					



Atoka Police Department

68 Atoka - McLaughlin Drive



Tennessee Incident Based Reporting System - Part 1 Crimes				
Town of Atoka	365 Days			
11/28/2021	2020	2021	+/-/=	% Chg
Assault-Agg(All)	9	11	2	22.2%
Assault-Agg	3	6	3	100.0%
Assault-Agg DV	5	4	-1	-20.0%
Child Abuse Agg	1	1	0	0.0%
Auto Thft	8	6	-2	-25.0%
Bur-Non-res	0	2	2	200.0%
Bur-Residential	9	5	-4	-44.4%
Bur-Bus	6	2	-4	-66.7%
Homicide	0	0	0	0.0%
Murder	0	0	0	0.0%
Negligent Manslaughter	0	0	0	0.0%
Justifiable Homicide	0	0	0	0.0%
Larceny(All)	57	50	-7	-12.3%
Shoplift Fel	1	0	-1	-100.0%
Shoplift Misd	11	3	-8	-72.7%
Th Build	6	3	-3	-50.0%
Th Fr M/V	13	10	-3	-23.1%
Th Veh Parts	3	6	3	100.0%
Th Other Trailer	3	7	4	133.3%
Other Th/Non-Specific	20	21	1	5.0%
Rape	3	0	-3	-100.0%
Robbery-Bus	0	0	0	0.0%
Robbery-Per	0	0	0	0.0%
Robbery-In	0	0	0	0.0%
Carjacking	0	0	0	0.0%
Part 1 Totals	92	76	-16	-17.4%



Atoka Police Department

68 Atoka - McLaughlin Drive



	Tennessee Incident Based Reporting System - Additional Crimes			
Town of Atoka	Year to Year Comparison			
11/28/2021	2020	2021	+/-/=	% Chg
Fraud	15	8	-7	-46.7%
ID Theft	2	5	3	150.0%
Credit Card	2	1	-1	-50.0%
Swindle / Scheme	11	2	-9	-81.8%
Counterfeit / Forgery	2	2	0	0.0%
Weapons	0	4	4	400.0%
MV Crash	161	177	16	9.9%
Injury	12	27	15	125.0%
Hit and Run	11	11	0	0.0%
Property damage	150	139	-11	-7.3%
Drugs / Narcotics	8	18	10	125.0%
Felony	3	6	3	100.0%
Misdemeanor	4	7	3	75.0%
Driving under Influence	1	5	4	400.0%
Additional Totals	186	209	23	12.4%
Misc Reports	222	281	59	26.6%
Bus and Res Alarms	207	237	30	14.5%
Calls for Service	6,389	6,691	302	4.7%

Enforcement	2020	2021	+/-/=	% Chg
Arrests	147	121	-26	-17.7%
Felony	29	34	5	17.2%
Misdemeanor	118	87	-31	-26.3%
Citations	1,591	1,402	-189	-11.9%
General Sessions	82	69	-13	-15.9%
City Court	386	424	38	9.8%
Warnings	1,123	909	-214	-19.1%

Atoka Public Works

Monthly Report - Calendar Year 2021

CUSTOMER ACCOUNTS	JANUARY	FEBRUARY	MARCH	APRIL	MAY	JUNE	JULY	AUGUST	SEPTEMBER	OCTOBER	NOVEMBER	DECEMBER	TOTAL
NEW ACCOUNTS OPENED	19	13	34	22	30	33	27	30	22	25	23		278
EXISTING ACCOUNTS CLOSED	15	7	16	12	7	14	9	12	13	7	3		115
NET CHANGE - CUSTOMER ACCOUNTS	4	6	18	10	23	19	18	18	9	18	20	0	163

SEWER SERVICE ISSUES	JANUARY	FEBRUARY	MARCH	APRIL	MAY	JUNE	JULY	AUGUST	SEPTEMBER	OCTOBER	NOVEMBER	DECEMBER	TOTAL
TANK PUMPING - VENDOR	36	10	35	32	26	21	33	26	23	29	25		296
TOTAL SEWER SERVICE ISSUES	36	10	35	32	26	21	33	26	23	29	25	0	296

SOLID WASTE SERVICE ISSUES	JANUARY	FEBRUARY	MARCH	APRIL	MAY	JUNE	JULY	AUGUST	SEPTEMBER	OCTOBER	NOVEMBER	DECEMBER	TOTAL
NEW CUSTOMERS (delivered can)	17	10	56	25	29	59	30	36	15	31	27		335
MISSED COLLECTIONS	28	19	66	154	31	67	150	29	55	51	105		755
DAMAGED / REPLACED CANS	3	4	8	10	6	6	10	5	4	4	8		68
OTHER / TRASH	2	2	4	24	1	2	12	25	7	7	16		102
TOTAL SOLID WASTE SERVICE ISSUES	50	35	134	213	67	134	202	95	81	93	156	0	1260

WATER SERVICE ISSUES	JANUARY	FEBRUARY	MARCH	APRIL	MAY	JUNE	JULY	AUGUST	SEPTEMBER	OCTOBER	NOVEMBER	DECEMBER	TOTAL
METER SET - PRIMARY SERVICE	2	0	1	3	2	1	6	1	2	1	2		21
METER SET - AUXILIARY SERVICE	0	0	1	1	0	2	1	0	0	0	0		5
METER MAINTENANCE	0	0	1	4	0	1	2	1	4	4	0		17
METERS REPLACED/ Antenna Added	2	0	0	2	0	0	0	0	17	1	1		23
ADJUSTMENTS	0	4	6	8	1	3	5	0	2	5	1		35
LATE PAYMENTS	424	423	533	465	588	573	494	588	531	701	590		5910
NON-PAYMENT DISCONNECTION	58	N/A	50	45	41	77	48	66	63	128	85		661
TOTAL WATER SERVICE ISSUES	486	427	592	528	632	657	556	656	619	840	679	0	6672

WORK ORDERS	JANUARY	FEBRUARY	MARCH	APRIL	MAY	JUNE	JULY	AUGUST	SEPTEMBER	OCTOBER	NOVEMBER	DECEMBER	TOTAL
WATER	17	28	46	67	95	27	97	101	104	170	141		893
SEWER	65	53	88	70	97	87	75	59	54	57	60		765
DITCHES, OTHER ISSUES	36	39	106	87	66	59	56	55	42	35	31		612
UTILITY LOCATES	151	232	454	397	209	259	219	187	130	155	133		2526
TOTAL WORK ORDERS	269	352	694	621	467	432	447	402	732	330	365	0	5111

WASTE PRO QUARTERLY COLLECTION	JANUARY	FEBRUARY	MARCH	APRIL	MAY	JUNE	JULY	AUGUST	SEPTEMBER	OCTOBER	NOVEMBER	DECEMBER	TOTAL
WASTE COLLECTED													0

BILLING INFORMATION	JANUARY	FEBRUARY	MARCH	APRIL	MAY	JUNE	JULY	AUGUST	SEPTEMBER	OCTOBER	NOVEMBER	DECEMBER	TOTAL
ACH ACCOUNTS	380	382	388	388	387	390	396	394	399	412	419		4335
E-BILL ACCOUNTS	912	917	920	935	942	952	965	977	980	1093	1090		10683
SOLID WASTE CUSTOMERS	2780	2786	2809	2817	2826	2854	2864	2876	2883	2895	2904		31294
RECYCLING CUSTOMERS	2133	2137	2160	2166	2181	2211	2227	2242	2249	2263	2281		24250

COMMENTS