

**ORDINANCE NUMBER 22-01-01**

**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. 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, 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, face shield 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. l

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. 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, 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 14<sup>th</sup> day of December, 2021.

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

  
W. Daryl Walker, Mayor

ATTEST:

  
Town Recorder