

TITLE 15**MOTOR VEHICLES, TRAFFIC AND PARKING¹****CHAPTER**

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CHAPTER 1**MISCELLANEOUS²****SECTION**

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¹Municipal code reference

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

²State law references

Under Tennessee Code Annotated, § 55-10-307, the following offenses are exclusively state offenses and must be tried in a state court or a court having state jurisdiction: driving while intoxicated or drugged, as prohibited by Tennessee Code Annotated, § 55-10-401; failing to stop after a traffic accident, as prohibited by Tennessee Code Annotated, § 55-10-101, et seq.; driving while license is suspended or revoked, as prohibited by Tennessee Code Annotated, § 55-50-504; and drag racing, as prohibited by Tennessee Code Annotated, § 55-10-501.

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15-101. Definitions. The following terms, whenever used in this chapter, except as otherwise specifically indicated, shall be held to have each of the meanings hereinbelow set forth, and any such term used in the singular number shall be held to include the plural.

(1) "Alley." Any lane or other passageway as so designated by the official map of the Town of Arlington in Shelby County.

(2) "Authorized emergency vehicle." Vehicles of the police, sheriff or fire department, and such ambulances and emergency vehicles as are designated or authorized by the state commissioner of safety, Arlington Police Chief or the Shelby County Sheriff.

(3) "Bicycle." Every device propelled by human power upon which any person may ride, having two (2) tandem wheels either of which is more than twenty (20) inches in diameter.

(4) "Bus." Every motor vehicle designed for carrying more than ten (10) passengers and used for the transportation of persons; and every motor vehicle, other than a taxicab, designed and used for the transportation of persons for compensation.

(5) "Chauffeur." Every person who is employed by another for the principal purpose of driving a motor vehicle and every person who drives a school bus transporting school children or any motor vehicle when in use for the transportation of persons or property for compensation.

(6) "Coach stop." A space adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers.

(7) "Controlled-access highway." Every street, highway or roadway in respect to which owners or occupants of abutting lands and other persons have no legal right of access to or from the same except at such points only and in such manner as may be determined by the proper authorities having jurisdiction over such street, highway or roadway.

(8) "Crosswalk." That part of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the street measured from the curb or, in absence of curbs, from the edges of the traversable roadway. Such term shall also include any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface.

(9) "Curb." The lateral boundary of that portion of the street designated for the use of vehicles, whether marked with a curbstone or not.

(10) "Driver." Every person who drives or is in actual physical control of a vehicle.

(11) "Intersection." The areas embraced with the prolongation or connection of the lateral curb lines, or if none, then the lateral boundary lines of the roadways of two (2) streets which join one another at, or approximately at, right angles, or the areas within which vehicles traveling upon different streets joining at any other angle may come in conflict. Where a street includes two (2) roadways thirty (30) feet or more apart, then every crossing of each roadway of such divided street by an intersecting street shall be regarded as a separate intersection. In the event such intersecting street also includes two (2) roadways thirty (30) feet or more apart, then every crossing of two (2) roadways of such street shall be regarded as a separate intersection.

(12) "Laned roadway." A roadway which is divided into two (2) or more clearly marked lanes for vehicular traffic.

(13) "License to operate a motor vehicle." Any operator's or chauffeur's license, or any other license or permit to operate a motor vehicle issued under the laws of the state including:

(a) Any temporary license or instruction permit;

(b) The privilege of any person to drive a motor vehicle whether or not such person holds a valid license;

(c) Any nonresident's operating privilege as defined in the Tennessee Code.

(14) "Loading and unloading zone." Any portion of the street designated by the county or state by official signs for the use of vehicles while actually

engaged in loading or unloading freight or picking up and discharging passengers.

(15) "Metal tire." Every tire the surface of which in contact with the street is wholly or partly of metal or other hard, nonresilient material.

(16) "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.

(17) "Motor driven cycle." Every motorcycle, including every motor scooter, with a motor which produces not to exceed five (5) brake horsepower, or with a motor with a cylinder capacity not exceeding one hundred twenty-five (125) cubic centimeters.

(18) "Motorized bicycle." A vehicle with fully operable pedals for propulsion by human power, an automatic transmission, and 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. The operator of a motorized bicycle must be in possession of a valid operator's or chauffeur's license, and shall be subject to all applicable and practical rules of the road. A motorized bicycle may not be operated on a highway of the interstate and defense highway system, any similar limited-access multilane divided highway, or upon sidewalks.

(19) "Motor vehicle." Every vehicle which is self-propelled, excluding motorized bicycles, and every vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated upon rails.

(20) "Off-street parking facility." Any unenclosed lot, building or space used for the parking of automobiles or other motor vehicles where charges are made for the parking or storage of automobiles or other motor vehicle thereon.

(21) "Officer." Any person authorized to direct or regulate traffic or to make arrests for violations of traffic regulations, including Arlington Police Officers or Shelby County Sheriff's Deputies.

(22) "Official traffic-control devices." All signs, markings, signals and devices not inconsistent with this chapter, placed or erected by authority of the town, county or state for the purpose of regulating, warning or guiding traffic.

(23) "Operator." Every person, other than a chauffeur, who drives or is in actual physical control of a motor vehicle upon a highway or who is exercising control over or steering a vehicle being towed by a motor vehicle.

(24) "Owner." Any person in whose name any vehicle shall be registered under the laws of the state, or of any other political subdivision where such owner may be domiciled.

(25) "Parking." The standing of a vehicle, whether occupied or not, upon a street otherwise than temporarily for the purpose of, and while actually engaged in, receiving or discharging passengers, or loading or unloading merchandise, or in obedience to traffic regulations or traffic signs or signals.

(26) "Pedestrian." Any person afoot.

(27) "Pneumatic tire." Every tire in which compressed air is designed to support the load.

(28) "Private road or driveway." Every way or place in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner, but not by other persons.

(29) "Railroad." A carrier of persons or property upon cars, other than streetcars, operated upon stationary rails.

(30) "Railroad sign or signal." Any sign, electrically or manually operated signal or other device erected by authority of the proper officials of the county or state or by a railroad and intended to give notice of the presence of railroad tracks or the approach of a railroad train.

(31) "Railroad train." A steam engine, electric or other motor, with or without cars coupled thereto, operated upon rails, except streetcars.

(32) "Right-of-way." The privilege of the immediate use of the roadway.

(33) "Roadway." That portion of a street improved, designed or ordinarily used for vehicular travel, exclusive of the berm or shoulder. In the event a street includes two (2) or more separate roadways, the term "roadway" shall refer to any such roadway separately but not to all such roadways collectively.

(34) "Safety zone." The area or space officially set apart within a roadway for the exclusive use of pedestrians and which is protected or is so marked or indicated by adequate signs as to be plainly visible at all times while set apart as a safety zone.

(35) "School bus." Every motor vehicle owned by a public or governmental agency and operated for the transportation of children to or from school or privately owned and operated for compensation for the transportation of children to or from school.

(36) "Semi-trailer." Every vehicle, with or without motive power, other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that some part of its weight and that of its load rests upon or is carried by another vehicle.

(37) "Sidewalk." That portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines, intended for the use of pedestrians.

(38) "Solid tire." Every tire of rubber or other resilient material which does not depend upon compressed air for the support of the load.

(39) "Stop." When required, means complete cessation from movement.

(40) "Stopping, standing or parking." When prohibited, means any stopping or standing or parking of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of an officer or traffic control sign or signal.

(41) "Street." The entire width between right-of-way lines of every way, except designated alleys, publicly maintained when any part thereof is open to the use of the public for the purpose of vehicular travel.

(42) "Taxicab." Any vehicle, other than a bus, used in the carrying or transporting of persons or property for hire.

(43) "Taxicab stand." Any portion of the street assigned or allotted to any person for the exclusive purpose of parking one or more taxicabs.

(44) "Tractor." Any self-propelled vehicle designed or used as a traveling power plant or for drawing other vehicles, but having no provision for carrying loads independently.

(45) "Traffic." Pedestrians, ridden or herded animals, vehicles, and other conveyances, either singly or together, while using any street for purposes of travel.

(46) "Traffic-control signal." Any sign or device, whether manually, electrically or mechanically operated, by which traffic is alternately directed to stop and to proceed, or otherwise controlled.

(47) "Trailer." Every vehicle, with or without motive power, designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that no part of its weight rests upon the towing vehicle.

(48) "Truck." Every motor vehicle designed, used or maintained primarily for the transportation of property.

(49) "Vehicle." Every device in, upon or by which any person or property is or may be transported or drawn upon a street, excepting devices used exclusively upon stationary rails or tracks. (Ord. #1997-14, Oct. 1997)

15-102. General duties of the Arlington Police Chief and/or the Shelby County Sheriff under chapter. The Police Chief of Arlington and/or the Sheriff of Shelby County is hereby vested with the power and is charged with the duty of observing, administering and enforcing the provisions of this chapter and of all laws regulating the operation of vehicles of the use of the streets and highways in Arlington, Tennessee. (Ord. #1997-14, Oct. 1997)

15-103. Duty of officers to enforce traffic laws. It shall be the duty of the officers of the Arlington Police Department and/or deputies of the Shelby County Sheriff's Office or such persons as are assigned by the chief of police and/or the sheriff to enforce all traffic laws of Arlington, Tennessee and all the state motor vehicle laws applicable to traffic in the Town of Arlington. (Ord. #1997-14, Oct. 1997)

15-104. Authority to direct traffic. Officers of the Arlington Police Department, Shelby County Sheriff's Office or such persons as are assigned by the chief of police and/or the Sheriff of Shelby County are hereby authorized to direct all traffic by voice, hand or signal in conformance with traffic laws; provided, that in the event of a fire or other emergency or to expedite traffic or to safeguard pedestrians, officers of Arlington or the sheriff's office may direct traffic as conditions may require notwithstanding the provisions of the traffic laws. (Ord. #1997-14, Oct. 1997)

15-105. Authority of firemen to direct traffic. Personnel of the fire department, when at the scene of a fire, may direct or assist the Arlington Police or the sheriff's office in directing traffic at or in the immediate vicinity of the fire. (Ord. #1997-14, Oct. 1997)

15-106. Obedience to traffic officers. No person shall willfully fail or refuse to comply with any lawful order or direction of any officer, or of a fire department official at the scene of a fire, or any person authorized to direct, control or regulate traffic. (Ord. #1997-14, Oct. 1997)

15-107. Obedience to school safety patrols. All motorists and pedestrians shall obey the directions or signals of the school safety patrols, when such patrols are assigned under the authority of the Arlington Police Chief or the Shelby County Sheriff, and when acting in accordance with instructions; provided, that such persons giving any order, signal or directions shall at the time be wearing some insignia and using authorized flags for giving signals. (Ord. #1997-14, Oct. 1997)

15-108. Riding or driving animals or animal driven vehicles.

(1) Every person riding an animal upon a roadway, and every person driving any animal-drawn vehicle, shall be subject to the provisions of this chapter applicable to the driver of any vehicle, except those provisions of this chapter which, by their very nature, can have no application.

(2) No person shall ride or drive any animal upon any street or highway beyond a moderate gait. Every person riding or driving any animal upon any street or highway shall slacken the pace of such animal in approaching any street crossing upon which any person may be in the act of crossing and shall also slacken the pace of such animal when any person is boarding or leaving a bus or trackless trolley. Every person driving or riding any animal shall exercise due care to avoid colliding with or striking any person or property in a public street. It shall be unlawful for any person to leave any animal standing in a public street without the animal's being fastened or so guarded as to prevent running away, or to turn the animal loose in any street. (Ord. #1997-14, Oct. 1997)

15-109. Application of chapter to persons propelling pushcarts. Every person propelling any pushcart shall be subject to the provisions of this chapter applicable to the driver of any vehicle, except those provisions which, by their very nature, can have no application. (Ord. #1997-14, Oct. 1997)

15-110. Application of chapter to persons working on street. Unless specifically made applicable, the provisions of this chapter shall not apply to persons, teams, motor vehicles and other equipment while actually

engaged in work upon the surface of a street, but shall apply to such persons and vehicles when traveling to or from such work. (Ord. #1997-14, Oct. 1997)

15-111. Exemptions for authorized emergency vehicles. (1) The driver of an authorized emergency vehicle, when responding to an emergency call or when in the pursuit of an actual or suspected violator of the law or when responding to but not upon returning from a fire alarm, may exercise the privileges set forth in this section, but subject to the conditions herein stated.

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

(a) Park, stand or stop irrespective of the provisions of this chapter;

(b) Proceed past a red signal or stop sign, but only after slowing down as may be necessary for safe operation;

(c) Exceed the speed limits so long as he does not endanger life or property;

(d) Disregard regulations governing direction of movement or turning in specified directions.

(3) The exemptions herein granted to an authorized emergency vehicle shall apply only when such vehicle is making use of audible and visual signals meeting the requirements of the applicable state laws, except that an authorized emergency vehicle operated as a law enforcement vehicle need not be equipped with or display a red light visible from in front of the vehicle.

(4) The foregoing provisions shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor shall such provisions protect the driver from the consequences of his reckless disregard for the safety of others. (Ord. #1997-14, Oct. 1997)

15-112. Clinging to moving vehicles. No person riding upon any roller skates, skate board, sled, toy vehicle or other means of locomotion shall hang onto, catch hold of or otherwise attach himself to a moving vehicle for the purpose of being propelled thereby along the street or highway. (Ord. #1997-14, Oct. 1997)

15-113. Boarding or alighting from vehicle in motion. No person shall board or alight from any vehicle while such vehicle is in motion. (Ord. #1997-14, Oct. 1997)

15-114. Riding on portion of vehicle not intended for passengers. No person shall ride on any vehicle upon any portion thereof not designed or intended for the use of passengers. This provision also applies to minors under the age of eighteen (18) riding within a truck body intended for merchandise. This provision shall not apply to an employee eighteen (18) years or over, riding in the truck body intended for merchandise if he/she is engaged, in the necessary

discharge of a duty, if they are doing so, in a safe manner. (Ord. #1997-14, Oct. 1997)

15-115. Riding on motorcycles. A person operating a motorcycle or a motor-driven cycle shall ride only upon the permanent and regular seat attached thereto. Such operator shall not carry any other person nor shall any other person ride on a motorcycle unless such motorcycle is designed to carry more than one person, in which event a passenger may ride upon the permanent and regular seat if designed for two (2) persons, or upon another seat firmly attached behind the operator's seat. (Ord. #1997-14, Oct. 1997)

15-116. Motorcycles, etc.—wearing of crash helmets by driver and passenger required; operation of headlights required. (1) The driver of a motorcycle or motor-driven cycle and any passenger thereon shall be required to wear a crash helmet of a type approved by the commissioner of safety of the state.

(2) Whenever motorcycles or motor-driven cycles are in operation upon the streets, highways and alleys of the Town of Arlington, headlights and tail lights shall be in operation irrespective of daylight or darkness. (Ord. #1997-14, Oct. 1997)

15-117. Motorcycles, etc.—passenger seats required. No person shall ride as a passenger upon a motorcycle or motor driven cycle unless a proper seat for a passenger is installed thereon. (Ord. #1997-14, Oct. 1997)

15-118. Motorcycles, etc.—windshield; wearing of goggles by operator and passenger. Every motorcycle or motor-driven cycle operating upon any public street or public alley or public highway shall be equipped with a windshield of a type approved by the commissioner of safety of the state, or, in the alternative, the operator and any passenger on such motorcycle or motor-driven cycle shall be required to wear safety goggles of a type approved by the commissioner of safety of the state for the purpose of preventing any flying object from striking the operator or any passenger in the eye. (Ord. #1997-14, Oct. 1997)

15-119. Motorcycles, etc.—penalty for violation of §§ 15-116 through 15-118. Any person who violates the provisions of §§ 15-116 through 15-118 shall be guilty of an offense and upon conviction shall be subject to punishment as provided in § 15-128 of this chapter. (Ord. #1997-14, Oct. 1997)

15-120. Motorcycles, etc.—parent deemed guilty of an offense for permitting minor to violate §§ 15-116 through 15-118. If any parent or guardian knowingly permits a minor to operate a motorcycle or motor-driven cycle in violation of §§ 15-116 through 15-118 such parent or guardian shall be

guilty of an offense and upon conviction shall be subject to punishment as provided in § 15-128 of this chapter. (Ord. #1997-14, Oct. 1997)

15-121. Child passenger safety responsibility. (1) Any person transporting a child under the age of four (4) years in a motor vehicle upon the roadways, streets or highways of the Town of Arlington shall be responsible for providing for the protection of the child and properly using a child passenger restraint system meeting federal motor vehicle safety standards; provided, however, nothing in this subsection shall restrict a mother from removing the child from the restraint system and holding the child when the mother is nursing the child or attending to its other physiological needs. Provided further, that in no event shall failure to wear a child passenger restraint system be considered as contributory negligence, nor shall failure to wear such child passenger restraint system be admissible as evidence in a trial of any civil action. All passenger vehicle rental agencies doing business in the town shall make available at a reasonable rate to those renting such vehicles an approved restraint as described in Tennessee Code Annotated, § 55-9-602.

(2) Violation of any provisions of this section is hereby declared an offense and anyone convicted of any such violation shall be fined not less than two dollars (\$2.00), nor more than fifty dollars (\$50.00), for each violation. (Ord. #1997-14, Oct. 1997)

15-122. Deposit of glass, nails, etc., in street or highway prohibited; removal of same. (1) No person shall throw or deposit upon any street any glass bottle, glass, nails, tacks, wire, cans or any other substance likely to injure any person, animal or vehicle upon such street. Any person who drops, or permits to be dropped or thrown, any destructive or injurious material upon any street shall immediately remove the same or cause it to be removed.

(2) Any person removing a wrecked or damaged vehicle from a street shall remove any glass or other injurious substance dropped upon the street from such vehicle. (Ord. #1997-14, Oct. 1997)

15-123. Report of vehicles stored for more than thirty days.

(1) Whenever a motor vehicle has been stored, parked or left in a garage, trailer park or court, or any type of storage or parking lot for a period of more than thirty (30) consecutive days, the owner of such garage, trailer park or lot shall report in writing the make, motor number, vehicle identification number and serial number of such motor vehicle to the Arlington Police Department or the Shelby County Sheriff's Office. This section shall not apply where the owner of the motor vehicle so parked or stored is personally known to the owner or operator of the garage, trailer park or court, storage or parking lot and where such motor vehicle owner has made arrangements for the parking or storing of such motor vehicle for a longer period of time than thirty (30) days.

(2) Any person who fails to submit the report required hereunder within ten (10) days after the termination of such thirty (30) day period shall forfeit all claims for storage or parking of such vehicle and shall be guilty of a misdemeanor and shall be fined not less than ten dollars (\$10.00) for each offense. Each day's failure to make such report shall be deemed a separate offense. (Ord. #1997-14, Oct. 1997)

15-124. Traffic records and reports. The Arlington Police Department or sheriff's office shall maintain a suitable system of filing accident reports, drivers' records, arrests, convictions for arrests or citations and shall periodically prepare a traffic report which shall be filed with the board of mayor and aldermen containing information on traffic matters in the town. Such reports shall include the following:

- (a) The number of traffic accidents, the number of persons injured and/or fatally injured, and other pertinent traffic accident data;
- (b) The number of traffic accidents investigated and other pertinent data on the safety activities of the sheriff's office;
- (c) The plans and recommendations of the division for future traffic safety activities. (Ord. #1997-14, Oct. 1997)

15-125. Chapter violators to furnish name and address. Any person charged with violating any provision of this chapter shall furnish to any officer or sheriff's deputy, on demand, his correct name and address and supply also, if required, proof of his identity. Any failure to comply with this requirement shall be justification for immediate arrest. (Ord. #1997-14, Oct. 1997)

15-126. Processions, vehicular or pedestrian, on streets or highways. (1) No person shall use the public streets or highways of the Town of Arlington for processions, pedestrian or vehicular, or a combination thereof, in conflict with any of the traffic ordinances, laws or regulations of the Town of Arlington, or whereby normal pedestrian or vehicular traffic may be impeded, hindered or obstructed, except upon notification in writing to the chief of police not less than seventy-two (72) hours nor more than thirty (30) days before the date and time of the commencement of the procession the following information:

- (a) The name, address and telephone number of the person, group of persons, firm, partnership, association, corporation, company or organization planning such a procession, and responsibility for its conduct.
- (b) The time of the procession's commencement; the composition of the procession; the specific route to be traveled; the starting point and the termination point.

(c) The approximate number of persons, animals and vehicles expected to participate in such processions, together with a description of the type of animals and vehicles involved.

(2) This section shall not apply to:

(a) Funeral processions proceeding by vehicle under the most reasonable route from the funeral home, church or residence of the deceased to the place of interment.

(b) A governmental agency acting within the scope of its functions.

(3) Upon receipt of such notification above described, the chief of police or his designated agent shall furnish to the person making such notification a written acknowledgment of receipt of such notification.

(4) In the event the notification shows that the procession will unreasonably interfere with the rights of others to use the streets with respect to time, route or composition, the chief of police shall direct that the plan for the procession shall be appropriately adjusted, with the provision that such change in plan shall be delivered to the person or group notifying the chief of police at least twenty-four (24) hours prior to the proposed beginning time of the procession.

(5) In the event that the chief of police receives notification of more than one procession to be held on the same date, the chief of police may route each of such processions so that they will not conflict with each other. (Ord. #1997-14, Oct. 1997)

15-127. Processions, vehicular or pedestrian, on streets or highways—participation prior to compliance with section. It shall be unlawful to participate in any manner in a procession on the public streets or highways as described herein prior to compliance with the provisions of § 15-126. (Ord. #1997-14, Oct. 1997)

15-128. Processions, vehicular or pedestrian, on streets or highways—penalty for violations of §§ 15-126 and 15-127. Any person violating any provision of §§ 15-126 and 15-127 shall, upon conviction, be subject to punishment as provided in § 15-201 of this municipal code. (Ord. #1997-14, Oct. 1997)

CHAPTER 2

ADMINISTRATION AND ENFORCEMENT

SECTION

- 15-201. General penalty; continuing violations; court costs; definitions.
- 15-202. When summonses deemed lawful complaints for prosecution.
- 15-203. Procedures applicable to summonses and traffic citations.
- 15-204. Violation forfeitures; exceptions.
- 15-205. Court may adopt rule permitting deposit of commercial or operator's license in lieu of bond.
- 15-206. Limitation on action for traffic violation; when action deemed commenced; service of summons.
- 15-207. Dismissal, nolle prosequing of summons or citation not prohibited.

15-201. General penalty; continuing violations; court costs; definitions. (1) Whenever in the ordinance comprising this chapter any act is prohibited or is made or declared to be unlawful or an offense, or wherever 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 the ordinance comprising this chapter shall be punished by a fine of not more than fifty dollars (\$50.00) for each separate violation; provided, however, that the infliction of a fine under the provisions under the ordinance comprising this chapter 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 the ordinance comprising this chapter or of any other ordinance. The general sessions judges shall fix the amount of any fine to be levied under the provisions hereof as his discretion may dictate. Each day that any violation of the ordinance comprising this chapter continues shall constitute a separate offense.

(2) Where any act of the general assembly of the state provides for a greater minimum penalty than one dollar (\$1.00), the minimum fine or penalty prescribed by the state shall prevail, and be assessed by the general sessions judge.

(3) Except for certain speeding offenses occurring on interstate highways, for each offense in which a fine is assessed a defendant by the court, or, where authorized, the defendant elects to pay a fine forfeiture and thereby waive the right to a court hearing, said defendant, in addition to the amount of the fine, shall be required to pay to the clerk of the general sessions court costs in the following amounts:

<u>Described fee or tax</u>	<u>Amount</u>
State litigation tax	\$11.25
County litigation tax	\$15.00

Clerk's fee	\$15.00
Sheriff's fee	\$15.00
Data processing fee	\$ 2.00
Library fee	\$ 1.50

(4) The following definitions shall apply to §§ 15-202 through 15-206:

(a) "Ordinance summons" is a ticket issued to an offender by an officer or other person authorized by law to appear in the general sessions court for any offense other than traffic, showing the offense charged and signed by the offender agreeing to appear at the place and time indicated; said ordinance summons being issued for the violation of any other ordinance, law or regulation of the town in the presence of an officer or other designated official authorized to issue such summonses by law.

(b) "Summons" is the process issued by the general sessions court, and signed by the judge or clerk as provided by law, and served by personal service or certified or registered mail, as provided by law.

(c) "Traffic citation" is any ticket issued by an officer or other person authorized by law where there is no personal delivery of the ticket to the offender and the ticket is not signed by the offender, such as a parking ticket.

(d) "Traffic summons" is any ticket issued to an offender by an officer or other person authorized by law to appear in the general sessions court, showing the offense charged and signed by the offender agreeing to appear at the time and place indicated, or to appear in the general sessions court clerk's office on or before the time indicated to pay the forfeiture required. (Ord. #1997-14, Oct. 1997)

15-202. When summonses deemed lawful complaints for prosecution. In the event the form of traffic summons, traffic citation or ordinance summons issued includes information as required under the general laws of this state, adopted herein, or the charter of the county or Arlington, or this section in respect to a complaint charging the commission of offense alleged in said traffic summons, traffic citation or ordinance summons to have been committed, then such summons or citation, when filed with the clerk's office, shall be deemed to be a lawful complaint for the purpose of prosecution under this chapter in accordance with the procedures herein. (Ord. #1997-14, Oct. 1997)

15-203. Procedures applicable to summonses and traffic citations. The following procedures shall apply as to traffic summonses, ordinance summonses and traffic citations:

(1) Traffic summonses. Every traffic summons issued shall provide for an appearance date. If the offender does not contest the charged offense and a mandatory court appearance is not required by the officer issuing the summons, he or she shall pay by mail or shall appear at the general sessions court clerk's office on the date set therein or at any time prior thereto and pay the forfeiture as set forth herein prior to or on the date set therein.

If any offender fails to appear on or before the appearance date, a docket shall be prepared and presented to the court. The court may, upon motion of the clerk, take a default judgment against a defendant in favor of the county in an amount not less than that specified by the schedule of forfeitures nor more than fifty dollars (\$50.00) per offense, plus costs, or the court, in its discretion, may issue a warrant for the arrest of such defendant.

(2) Ordinance summonses. Whenever any person is served with an ordinance summons, said person shall appear at the date and time set forth therein in court for hearing of said cause unless such violation has a forfeiture set specifically in § 15-204. If such person fails to appear on the date and time, a default judgment shall be taken not to exceed fifty dollars (\$50.00) and costs for each offense, or at the discretion of the court, a warrant may be issued for the arrest of the defendant.

(3) Traffic citation. Whenever any traffic citation has been issued, the citation shall provide for payment within fifteen (15) days from issuance. Any person receiving such traffic citation may appear and pay the forfeiture set therein at the general sessions court clerk's office on or before that date, either in person or by mail. If no one appears to pay such traffic citation by the end of said fifteen-day period, then a summons shall be issued and served either by personal service or certified or registered mail as provided by law indicating the date and time for such person to appear to answer the charge in such traffic citation. The traffic citation summons shall be set upon the docket specially established for such summons. If such person fails to appear to answer such summons before the court indicated and at the date and time provided for, the court, upon motion of the county or Arlington, shall take a default judgment against the defendant in favor of the county or Arlington. The amount of such default judgment shall be at least the amount of the forfeiture set for the violation of such section and no more than one hundred dollars (\$100.00) and costs for each violation.

The traffic citation summons shall be sworn to by the officer before a person designated as general sessions clerk for the purpose of taking oaths on a form of oath approved by a majority of the general sessions court judges. The general sessions court clerk's office shall certify that the defendant is the registered owner of the vehicle by signing the docket and certifying to such registration. The oath of the officer and certification of the clerk shall be prima facie evidence that the defendant violated the section charged. If the defendant contests the ownership of the vehicle or the violation of the ordinance, he shall file a sworn pleading in evidence of the hearing setting forth such defense or

defenses so as to allow the county sufficient time to prepare for the trial. (Ord. #1997-14, Oct. 1997, as amended by Ord. #1998-20, Aug. 1998)

15-204. Violation forfeitures; exceptions. (1) The general sessions court is hereby authorized to collect the following schedule of forfeitures:

TRAFFIC VIOLATIONS SCHEDULE OF FORFEITURES

Section Violated	Nature of Violation	Fine Forfeiture
15-106	Obedience to traffic officers	\$50.00
15-107	Obedience to school safety patrols	\$50.00
15-112	Clinging to moving vehicles	\$50.00
15-113	Boarding or alighting from vehicle in motion	\$50.00
15-114	Riding on portion of vehicle not intended for passengers	\$50.00
15-115	Riding on motorcycles	\$35.00
15-116	Motorcycles, etc.--wearing crash helmets by driver and passenger required; operation of headlights required	\$50.00
15-117	Motorcycles, etc.--passenger seats required	\$35.00
15-118	Motorcycles, etc.--windshield; wearing of goggles by operator and passenger	\$35.00
15-120	Motorcycles, etc.--parent deemed guilty of misdemeanor for permitting minors to violate §§ 15-116 through 15-118	\$50.00
15-121	Child passenger safety responsibility	\$65.00
15-122	Deposit of glass, nails, etc. in street prohibited; removal of same	\$50.00
15-125	Chapter violators to furnish name and address	\$50.00
15-301	State license required	\$45.00
15-302	Duty to devote full time and attention to operating vehicle	\$50.00
15-303	Duty to drive at safe speed, maintain lookout and keep vehicle under control	\$50.00

TRAFFIC VIOLATIONS SCHEDULE OF FORFEITURES

Section Violated	Nature of Violation	Fine Forfeiture
15-304	Driving when view or control obstructed	\$50.00
15-305	Lap driving	\$35.00
15-306	Pulling away from curb	\$35.00
15-307	Emerging from or entering alley, private driveway or building	\$50.00
15-308	Duty to drive on right side of roadway	\$40.00
15-309	Passing vehicles proceeding in opposite direction	\$40.00
15-310	Passing vehicles proceeding in same direction-- generally	\$40.00
15-311	Passing vehicles proceeding in same direction-- on right side	\$40.00
15-312	Passing vehicles proceeding in same direction-- duty of driver of overtaken vehicle	\$40.00
15-313	Overtaking and passing school buses; identification of buses	\$40.00
15-314	Driving on roadways laned for traffic	\$40.00
15-315	Driving on divided street	\$40.00
15-316	Entering/leaving controlled-access roadway	\$40.00
15-317	Driving in parks	\$40.00
15-318	Driving within sidewalk area	\$40.00
15-319	Obstructing intersection or crosswalk	\$40.00
15-320	Following too closely	\$45.00
GENERAL SPEED RESTRICTIONS		
15-321	Speed limit 15-mph zone:	
	16 mph through 25 mph	\$25.00
	26 mph through 35 mph	\$35.00
	36 mph through 40 mph	\$50.00

TRAFFIC VIOLATIONS SCHEDULE OF FORFEITURES

Section Violated	Nature of Violation	Fine Forfeiture
15-321	41 mph and over	\$75.00
	Speed limit 20-mph zone:	
	21 mph through 30 mph	\$25.00
	31 mph through 40 mph	\$35.00
	41 mph through 45 mph	\$50.00
15-321	46 mph and over	\$75.00
	Speed limit 25-mph zone:	
	26 mph through 35 mph	\$25.00
	36 mph through 45 mph	\$35.00
	46 mph through 50 mph	\$50.00
15-321	51 mph and over	\$75.00
	Speed limit 30-mph zone:	
	31 mph through 40 mph	\$25.00
	41 mph through 50 mph	\$35.00
	51 mph through 55 mph	\$50.00
15-321	56 mph and over	\$75.00
	Speed limit 35-mph zone:	
	36 mph through 45 mph	\$25.00
	46 mph through 55 mph	\$35.00
	56 mph through 60 mph	\$50.00
15-321	61 mph and over	\$75.00
	Speed limit 40-mph zone:	
	41 mph through 50 mph	\$25.00
	51 mph through 60 mph	\$35.00
	61 mph through 65 mph	\$50.00

TRAFFIC VIOLATIONS SCHEDULE OF FORFEITURES

Section Violated	Nature of Violation	Fine Forfeiture
	66 mph and over	\$75.00
15-321	Speed limit 50-mph zone:	
	51 mph through 60 mph	\$25.00
	61 mph through 70 mph	\$35.00
	71 mph through 75 mph	\$50.00
	76 mph and over	\$75.00
15-321	Speed limit 55-mph zone:	
	56 mph through 65 mph	\$25.00
	66 mph through 75 mph	\$35.00
	76 mph through 80 mph	\$50.00
	81 mph and over	\$75.00
15-321	Speed limit-INTERSTATE-55 mph zone:	
	56 mph through 74 mph	\$2.00
	per mile over the limit; plus litigation taxes; no other costs	
	75 mph through 80 mph	\$30.00
	81 mph and over	\$50.00
15-321	Speed limit-INTERSTATE-65 mph zone:	
	66 mph through 74 mph	\$2.00
	per mile over the limit; plus litigation taxes; no other costs	
	75 mph through 80 mph	\$30.00
	81 mph and over	\$50.00
15-321	Speed limit-INTERSTATE-70 mph zone:	
	71 mph through 79 mph	\$2.00
	per mile over the limit; plus litigation taxes; no other costs	
	80 mph through 85	\$50.00

TRAFFIC VIOLATIONS SCHEDULE OF FORFEITURES

Section Violated	Nature of Violation	Fine Forfeiture
	86 mph and over	\$75.00
15-322	Speed limit-school zone--15 mph zone:	
	1 to 10 mph over	\$35.00
	11 to 20 mph over	\$50.00
	21 to 30 mph over	\$75.00
	31 mph or over mandatory	
15-323	Minimum speed regulations	\$40.00
15-324	Right-of-way at uncontrolled intersections	\$45.00
15-325	Yield intersections	\$45.00
15-326	Stop intersections	\$45.00
15-327	One-way streets	\$40.00
15-328	Turning movements generally	\$40.00
15-329	Markings or signs regulating manner of making turns	\$40.00
15-330	Prohibited turns	\$40.00
15-331	Limitations on turning around	\$40.00
15-332	Turning and stopping signals--generally	\$40.00
15-333	Turning and stopping signals--manner of giving with hand and arm	\$35.00
15-334	Turning and stopping signals--change of direction after signal given	\$35.00
15-335	Turning and stopping signals--duty of drivers receiving signal	\$35.00
15-336	Right-of-way when vehicle turning left at intersection	\$40.00
15-337	Limitations on backing	\$35.00
15-338	Procedure upon approach of authorized emergency vehicle	\$50.00

TRAFFIC VIOLATIONS SCHEDULE OF FORFEITURES

Section Violated	Nature of Violation	Fine Forfeiture
15-339	Following fire apparatus or driving near fire	\$25.00
15-340	Driving over fire hose	\$35.00
15-341	Driving in processions	\$35.00
15-342	Driving through processions	\$35.00
15-343	Striking parked vehicles or fixed objects	\$40.00
15-344	Operating vehicle for advertising purposes	\$35.00
15-345	Restriction on use of certain streets by trucks, trailers and heavy duty vehicles	\$50.00
15-346	Duty to stop at railroad crossing upon approach of train	\$50.00
15-401	Obedience to parking signs	\$30.00
15-402	Prohibited in specified places	\$30.00
15-403	Prohibited zones	\$30.00
15-404	Prohibited for certain purposes	\$30.00
15-405	Obstructing traffic prohibited	\$30.00
15-406	Opening door of parked or standing vehicle	\$30.00
15-407	Unattended vehicles	\$30.00
15-408	Stopping with left side to curb	\$30.00
15-409	Parking vehicles on residential streets	\$35.00
15-410	Parking of nonmotorized equipment or vehicles on residential streets	\$35.00
15-411	Storage of property on public streets and right- of-way unlawful	\$40.00
15-412	Parking in handicapped spaces	\$35.00
15-413	Bus stops	\$30.00
15-414	Vehicle owner not to permit parking violations	\$30.00
15-417	Bicycles--effect on regulations	\$30.00

TRAFFIC VIOLATIONS SCHEDULE OF FORFEITURES

Section Violated	Nature of Violation	Fine Forfeiture
15-504	Bicycles--equipment--lights and reflectors	\$30.00
15-508	Bicycles--riding on roadways	\$30.00
15-509	Bicycles--obedience to traffic control devices	\$30.00
15-601	Pedestrians--application of chapter	\$30.00
15-602	Pedestrians--use of crosswalks, generally	\$30.00
15-603	Pedestrians--when crossing at marked cross-walk required	\$30.00
15-604	Pedestrians--right-of-way in crosswalks	\$30.00
15-605	Pedestrians--crossing at other than crosswalks	\$30.00
15-607	Walking on roadway	\$30.00
15-608	Soliciting rides, employment or business	\$35.00
15-609	Duty of drivers with regard to pedestrians	\$35.00
15-701	Accidents--immediate notice to Arlington Police or sheriff's office	\$40.00
15-702	Accidents--garages to report	\$40.00
15-804	Improper state registration	\$45.00
15-805	Display of registration plates; manner	\$35.00
15-901	Brakes generally	\$40.00
15-902	Brakes for motorcycles and motorized bicycles	\$40.00
15-903	Brakes for trailers and semi-trailers	\$50.00
15-904	Service brakes required	\$40.00
15-905	Performance ability of brakes	\$40.00
15-906	Maintenance and adjustment of brakes	\$40.00
15-907	Lights--required on motor vehicles; visibility distance	\$40.00

TRAFFIC VIOLATIONS SCHEDULE OF FORFEITURES

Section Violated	Nature of Violation	Fine Forfeiture
15-908	Lights--on vehicles other than motor vehicles; visibility distance	\$40.00
15-909	Lights--headlamps on motorcycles	\$40.00
15-910	Lights--lamp at end of train of vehicles	\$40.00
15-911	Lights--lighting devices and reflectors on vehicles	\$35.00
15-912	Lights--headlights on motor vehicles; operation during inclement weather	\$35.00
15-913	Muffler required	\$35.00
15-914	Muffler cutout prohibited	\$35.00
15-915	Horn, bells, sirens or exhaust whistles on emergency vehicles	\$45.00
15-916	Windshields and windows	\$35.00
15-917	Windshield wipers	\$35.00
15-918	Steering mechanism and wheel alignment	\$35.00
15-919	Rear view mirrors	\$30.00
15-920	Vehicles to be constructed or loaded so as to prevent escape of load	\$50.00
15-921	Vehicles so constructed or loaded as to obstruct traffic prohibited	\$40.00
15-923	Extension of loads on passenger vehicles	\$35.00
15-924	Protruding objects	\$40.00
15-925	Ownership identification	\$35.00
15-926	Mud flaps on trucks	\$50.00
15-927	Operating vehicle equipped with tire in dangerous condition	\$35.00
15-928	Unnecessary noise	\$40.00
15-1004	Unauthorized signs, signals, etc.	\$50.00

TRAFFIC VIOLATIONS SCHEDULE OF FORFEITURES

Section Violated	Nature of Violation	Fine Forfeiture
15-1005	Altering, injuring traffic control device	\$75.00
15-1006	Traffic-control signal legend generally	\$40.00
15-1007	Flashing signals	\$40.00
15-1008	Pedestrian--control signal	\$30.00

(2) In addition to the fine forfeiture provided for herein, a court cost, including applicable litigation taxes and fees, shall be assessed and collected for each violation except that certain speeding offenses occurring on the interstate highways shall, in addition to the fine, be assessed litigation taxes and no other court costs.

(3) An officer issuing a summons is authorized to require the charged offender to make a mandatory court appearance. The officer shall note on the summons that a court appearance is mandatory. Where a court appearance is so mandated, no forfeiture may be taken.

(4) The established forfeitures as provided herein may be paid at the general sessions court clerk's office at any time prior to the court date appearing upon any citation or summons issued for a violation of any traffic ordinance except in those instances in which by law or order of court an appearance in court is required. Such payments at the general sessions court clerk's office may be made in person or by mail, or as otherwise provided by law. (Ord. #1997-14, Oct. 1997, as amended by Ord. #1998-20, Aug. 1998, as amended by Ord. #2016-10, Oct. 2016)

15-205. Court may adopt rule permitting deposit of commercial or operator's license in lieu of bond. The judges of the general sessions court by rules adopted by them may adopt the provisions of Tennessee Code Annotated, §§ 55-7-401 through 55-7-405 so as to provide for the deposit of a commercial operator's license in lieu of bond or other security. Such court rules when adopted shall be posted in the clerk's office and distributed to the sheriff's/ Arlington office for information and implementation. (Ord. #1997-14, Oct. 1997)

15-206. Limitation on action for traffic violation; when action deemed commenced; service of summons. (1) No action shall be commenced by the county in any court for the purpose of enforcing any violation of traffic ordinances of the county or Arlington after one year from the commission of the offense.

(2) For the purpose of this section a court action shall be deemed to be commenced:

- (a) Upon the arrest of the offender; or
 - (b) Upon the issuance of a traffic summons to the offender; or
 - (c) Upon the issuance of an arrest or bench warrant for the offender; or
 - (d) Upon the issuance of a summons to the offender.
- (3) A summons may be served by:
- (a) Personal service on the offender; or
 - (b) Registered or certified mail, addressee only, return receipt requested. (Ord. #1997-14, Oct. 1997)

15-207. Dismissal, nolle prosequing of summons or citation not prohibited. Nothing herein shall prevent the county through the county attorney's office or the attorney general's office from dismissing or nolle prosequing any summons or citation in open court. Such summons or citation shall be dismissed if it shall be determined that the citation was issued to a nonresident and is deemed uncollectible, there is a lack of proof, or for such other valid reasons as stated to the court.

CHAPTER 3

OPERATION OF VEHICLES

SECTION

- 15-301. State license required.
- 15-302. Duty to devote full time and attention to operating vehicle.
- 15-303. Duty to drive at safe speed, maintain lookout and keep vehicle under control.
- 15-304. Driving when view or control obstructed.
- 15-305. Lap driving.
- 15-306. Pulling away from curb.
- 15-307. Emerging from or entering alley, private driveway or building.
- 15-308. Duty to drive on right side of roadway.
- 15-309. Passing vehicles proceeding in opposite direction.
- 15-310. Passing vehicles proceeding in same direction--generally.
- 15-311. Passing vehicles proceeding in same direction--on right side.
- 15-312. Passing vehicles proceeding in same direction--duty of driver of overtaken vehicle.
- 15-313. Overtaking and passing school buses; identification of buses.
- 15-314. Driving on roadways laned for traffic.
- 15-315. Driving on divided streets.
- 15-316. Entering or leaving controlled-access roadway.
- 15-317. Driving in parks.
- 15-318. Driving within sidewalk area.
- 15-319. Obstructing intersection or crosswalk.
- 15-320. Following too closely.
- 15-321. General speed restrictions.
- 15-322. Speed limit in school zone.
- 15-323. Minimum speed restrictions.
- 15-324. Right-of-way at uncontrolled intersections.
- 15-325. Yield intersections.
- 15-326. Stop intersections.
- 15-327. One-way streets.
- 15-328. Turning movements generally.
- 15-329. Markings or signs regulating manner of making turns.
- 15-330. Prohibited turns.
- 15-331. Limitations on turning around.
- 15-332. Turning and stopping signals--generally.
- 15-333. Turning and stopping signals--manner of giving with hand and arm.
- 15-334. Turning and stopping signals--change of direction after signal given.
- 15-335. Turning and stopping signals--duty of drivers receiving signal.
- 15-336. Right-of-way when vehicle turning left at intersection.
- 15-337. Limitations on backing.

- 15-338. Procedure upon approach of authorized emergency vehicle.
- 15-339. Following fire apparatus or driving near fire.
- 15-340. Driving over fire hose.
- 15-341. Driving in processions.
- 15-342. Driving through processions.
- 15-343. Striking parked vehicles or fixed objects.
- 15-344. Operating vehicle for advertising purposes.
- 15-345. Restriction on use of certain streets by trucks, trailers and heavy-duty vehicles.
- 15-346. Duty to stop at railroad crossing upon approach of train.

15-301. State license required. No person shall operate any motor vehicle on any street or highway without having in his possession an operator's license or a chauffeur's license valid under the laws of this state. (Ord. #1997-14, Oct. 1997)

15-302. Duty to devote full time and attention to operating vehicle. It shall be unlawful for a driver of a vehicle to fail to devote full time and attention to operating such vehicle when such failure, under the then existing circumstances, endangers life, limb or property. (Ord. #1997-14, Oct. 1997)

15-303. 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. (Ord. #1997-14, Oct. 1997)

15-304. Driving when view or control obstructed. (1) No person shall drive a vehicle when it is so loaded, or when there are in the front seat such number of persons, exceeding four (4), as to obstruct the view of the driver to the front or sides of the vehicle or as to interfere with the driver's control over the driving mechanism of the vehicle.

(2) No driver of any bus shall permit his vision ahead or to the sides of his vehicle to be obscured by any passenger standing in the vestibule thereof, nor shall he permit any passenger to interfere with his control over the driving mechanism of the vehicle. (Ord. #1997-14, Oct. 1997)

15-305. Lap driving. No operator of a vehicle shall have in his lap any other person, adult or minor, nor shall the operator be seated in the lap of any person while the vehicle is in motion. (Ord. #1997-14, Oct. 1997)

15-306. Pulling away from curb. No vehicle shall be pulled out or backed from the curb into traffic until such movement may be made without danger to persons or property, and all vehicles proceeding in a street or highway shall have the right-of-way over all vehicles pulling from a curb into traffic. (Ord. #1997-14, Oct. 1997)

15-307. Emerging from or entering alley, private driveway or building. The driver of a vehicle entering into a street or highway, either from an alley or from a private road, driveway or building, shall yield the right-of-way to all pedestrians on a sidewalk crossing such alley or driveway and to all vehicles approaching on such street or highway, and it shall be the duty of the driver of every vehicle so entering a street or highway to bring his vehicle to a stop and not enter therein until same may be done with safety and without danger to others using the street or highway, and he shall proceed with caution. The driver of any vehicle leaving a street or highway to enter an alley, private driveway or building, shall likewise yield the right-of-way to all pedestrians on any sidewalk crossing such alley or driveway, and when such driver is making a left turn into an alley, private driveway or building, such driver shall yield the right-of-way to all vehicles approaching from the opposite direction. (Ord. #1997-14, Oct. 1997)

15-308. Duty to drive on right side of roadway. (1) Upon all roadways of sufficient width, a vehicle shall be driven upon the right half of the roadway, except as follows:

- (a) When overtaking and passing another vehicle proceeding in the same direction under the rules governing such movement.
- (b) When the right half of a roadway is closed to traffic while under construction or repair.
- (c) Upon a roadway designated and sign posted for one-way traffic.
- (d) Upon a roadway divided into three (3) marked lanes for traffic under the rules applicable thereon.

(2) Upon all roadways any vehicle proceeding at less than the normal speed of traffic at the time and place and under the conditions then existing shall be driven in the right-hand lane then available for traffic, or 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 at an intersection or into a private road or driveway. (Ord. #1997-14, Oct. 1997)

15-309. Passing vehicles proceeding in opposite direction. Drivers of vehicles proceeding in opposite directions shall pass each other to the right, and upon roadways having width for not more than one line of traffic in each direction, each driver shall give to the other at least one-half of the

main-traveled portion of the roadway as nearly as possible. (Ord. #1997-14, Oct. 1997)

15-310. Passing vehicles proceeding in same direction—generally.

(1) Except as otherwise provided in § 15-311, the driver of a vehicle overtaking 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 roadway until safely clear of the overtaken vehicle.

(2) No vehicle shall be driven to the left side of the center of the roadway in overtaking and passing another vehicle proceeding in the same direction, unless such left side is clearly visible and is free from oncoming traffic for a sufficient distance ahead to permit such overtaking and passing to be completely made without interfering with the safe operation of any vehicle approaching from the opposite direction or any vehicle overtaken. In every event the overtaking vehicle must return to the right hand side of the roadway before coming within one hundred (100) feet of any vehicle approaching from the opposite direction.

(3) No vehicle shall be driven to the left of the center of any street for the purpose of passing another vehicle when approaching within one hundred (100) feet of any intersection or while traversing any intersection or railroad grade crossing. This subsection shall not apply to one-way streets or to streets where special signs or markings permit driving to the left of the center.

(4) No vehicle shall be driven to the left of the center of the roadway upon any street of sufficient width for two (2) or more lines of moving vehicles in each direction, except when the right half of the roadway is obstructed, and then such movement shall be made in safety in accordance with this section. (Ord. #1997-14, Oct. 1997)

15-311. Passing vehicles proceeding in same direction—on right side. (1) The driver of a vehicle may overtake and pass upon the right of another vehicle only under the following conditions:

(a) When the vehicle overtaken is making or about to make a left turn.

(b) Upon a street with unobstructed pavement not occupied by parked vehicles of sufficient width for two (2) or more lines of moving vehicles in each direction when traffic is moving in two (2) or more substantially continuous lines in direction of travel.

(c) Upon a one-way street or upon any roadway on which traffic is restricted to one direction of movement, where the roadway is free from obstructions and of sufficient width for two (2) or more lines of moving vehicles.

(2) The driver of a vehicle may overtake and pass another vehicle upon the right only under conditions permitting such movement in safety. In no event

shall such movement be made by driving off the pavement or main-traveled portion of the roadway. (Ord. #1997-14, Oct. 1997)

15-312. Passing vehicles proceeding in same direction—duty of driver of overtaken vehicle. Except when overtaking and passing on the right is permitted, the driver of an overtaken vehicle shall give way to the right in favor of the overtaking vehicle and shall not increase the speed of his vehicle until completely passed by the overtaking vehicle. (Ord. #1997-14, Oct. 1997)

15-313. Overtaking and passing school buses; identification of buses. (1) The driver of a motor vehicle upon meeting or overtaking from either direction any school bus which has stopped for the purpose of receiving or discharging any school children shall stop the motor vehicle before reaching such school bus, and such driver shall not proceed until such bus resumes motion or is signaled by the school bus driver to proceed or the visual signals are no longer actuated.

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

(3) The driver of a vehicle upon a street or highway with separate roadways need not stop upon meeting or passing a school bus which is on a different roadway or when upon a controlled-access highway and the school bus is stopped in a loading zone which is part of or adjacent to such highway and where pedestrians are not permitted to cross the roadway.

(4) For the purpose of this section, "separate roadways" shall mean roadways divided by an intervening space which is not suitable to vehicular traffic.

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

(6) Any person failing to comply with the requirements of this section, requiring motor vehicles to stop upon approaching school buses, or violating any of the provisions of this section, shall be deemed guilty of a misdemeanor, and upon conviction shall be subject to punishment as provided by law. (Ord. #1997-14, Oct. 1997)

15-314. Driving on roadways laned for traffic. Whenever any roadway has been divided into two (2) or more clearly marked lanes for traffic, the following rules, in addition to all others consistent herewith, shall apply:

(1) A vehicle shall be driven entirely within a single lane and shall not be moved from such lane until the driver has ascertained that such movement can be made with safety.

(2) Upon a roadway which is divided into three (3) lanes, a vehicle shall not be driven in the center lane, except where overtaking and passing another vehicle where the roadway is clearly visible and such center lane is clear of traffic within a safe distance, or in preparation for a left turn, or where such center lane is at the time allocated exclusively to traffic moving in the direction the vehicle is proceeding and is sign posted to give notice of such allocation.

(3) Official signs may be erected directing slow-moving traffic to use a designated lane or designating those lanes to be used by traffic moving in a particular direction regardless of the center of the roadway and drivers of vehicles shall obey the directions of every such sign. (Ord. #1997-14, Oct. 1997)

15-315. Driving on divided streets. Whenever any street or highway has been divided longitudinally into two (2) roadways by leaving an intervening space, such as a parkway, wall, sunken way, viaduct or traffic-guide, every vehicle shall be driven to the right of the longitudinal division. No vehicle shall be driven across, over or within such divided space or section, except through an opening in such physical barrier or divided section or space, or at a crossover or intersection established by the county or state. This section shall not prohibit a driver from making a left turn into a private driveway where such turn is permitted and where such turn would require the driver to drive across a center dividing strip of the corrugated concrete type which does not constitute a physical barrier. (Ord. #1997-14, Oct. 1997)

15-316. Entering or leaving controlled-access roadway. No person shall drive a vehicle onto or from any controlled access roadway except at such entrances and exits as are established by the county or state. (Ord. #1997-14, Oct. 1997)

15-317. Driving in parks. All traffic regulations set forth in this chapter shall apply to all drives and all roadways within all public parks; provided, however, that, no person shall use the driveways in public parks by driving over such driveways in vehicles other than passenger vehicles, motorcycles, motor-driven cycles, bicycles and persons mounted on horseback. The use of all bridle paths is prohibited to all traffic other than to persons on horseback and pedestrians. (Ord. #1997-14, Oct. 1997)

15-318. Driving within sidewalk area. The operator of a motor vehicle shall not drive within any sidewalk area except in crossing such in a traverse manner at a permanent or temporary driveway. (Ord. #1997-14, Oct. 1997)

15-319. Obstructing intersection or crosswalk. No driver shall enter an intersection or a marked crosswalk unless there is sufficient space on the other side of the intersection or crosswalk to accommodate the vehicle he is operating without obstructing the passage of other vehicles or pedestrians, notwithstanding any traffic-control signal to proceed. (Ord. #1997-14, Oct. 1997)

15-320. Following too closely. The driver of a motor vehicle shall not follow another vehicle more closely than is reasonable and prudent, having due regard to the speed of such vehicle and the traffic upon and condition of the street or highway. (Ord. #1997-14, Oct. 1997)

15-321. General speed restrictions. It shall be unlawful for any person to drive a vehicle upon the streets or highways of this town at a speed greater than that which is posted by the town, county or state. (Ord. #1997-14, Oct. 1997)

15-322. Speed limit in school zone. No vehicle shall be driven at a greater rate of speed than fifteen (15) miles per hour on that portion of any street which has been designated as a school zone by official signs, during any time when school children are on the streets or sidewalks within such school zone, either en route to or returning from school or while school safety patrols or officers are on duty. Such school zones shall be confined to such portions of the streets adjacent to school grounds, or for a distance not to exceed seven hundred fifty (750) feet beyond the boundaries of such grounds. (Ord. #1997-14, Oct. 1997)

15-323. Minimum speed restrictions. No person shall drive a motor vehicle upon any street or highway at such a slow speed as to impede the normal and reasonable movement of traffic, except when reduced speed is necessary for safe operation or in compliance with the law. (Ord. #1997-14, Oct. 1997)

15-324. Right-of-way at uncontrolled intersections. The driver of a vehicle approaching an intersection not controlled by a traffic sign or signal shall yield the right-of-way to a vehicle which has entered the intersection from a different street or highway. When two (2) vehicles enter an uncontrolled intersection from different streets or highways at approximately the same time, the driver of the vehicle on the left shall yield the right-of-way to the driver of the vehicle on the right. (Ord. #1997-14, Oct. 1997)

15-325. Yield intersections. Whenever a "yield right-of-way" sign has been placed at or near an intersection, all drivers approaching such sign shall proceed with caution, slowing down or stopping if necessary so as not to interfere with traffic moving on the intersecting streets and such drivers shall not proceed into the intersecting street until such movement can be made with safety. (Ord. #1997-14, Oct. 1997)

15-326. Stop intersections. (1) Conduct generally. (a) When official stop signs are erected at or near the entrance to any intersection, every driver of a vehicle approaching a stop sign shall stop before entering the crosswalk on the near side of the intersection or, in the event there is no crosswalk, shall stop at a clearly marked stop line, but if none, then at the point nearest the intersection roadway where the driver has a view of approaching traffic on the intersecting roadway before entering the intersection except when directed to proceed by an officer or traffic-control signal.

(b) Every driver who has stopped his vehicle at a stop sign in compliance with this section shall remain stopped and shall not proceed into or through the intersecting street until such movement can be made in safety. Such driver shall yield the right-of-way to all vehicles moving in a lawful manner upon the intersecting street.

(2) Multiway stop intersections. (a) When official stop signs are erected at or near the entrances to any intersection creating a multiway stop intersection, the driver of a vehicle approaching such a stop sign, shall stop before entering the crosswalk on the near side of the intersections, or, in the event there is no crosswalk, shall stop at a clearly marked stop line, but if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway except when directed to proceed by an officer or traffic-control signal.

(b) The first vehicle approaching and stopping at a multiway stop intersection, after stopping, shall have the right-of-way to proceed into and through the intersection. Each succeeding vehicle approaching must stop at such intersection, and after stopping and yielding to the preceding vehicle, shall then have the right-of-way to proceed into and through the intersection.

(c) Each driver of a vehicle approaching and entering any multiway stop intersection must use reasonable and ordinary care in proceeding through the intersection. (Ord. #1997-14, Oct. 1997)

15-327. One-way streets. The town is hereby authorized to designate, by signs or markers, certain streets and alleys for traffic in only one direction where the conditions of traffic, width of street and other conditions make such restrictions necessary. Whenever a street or alley has been so designated s

one-way, no person shall drive a vehicle upon such a street in any direction other than that indicated by signs. (Ord. #1997-14, Oct. 1997)

15-328. Turning movements generally. (1) No person shall turn a vehicle at an intersection, or turn a vehicle to enter a private road or driveway, or otherwise turn a vehicle from a direct course or move right or left upon a roadway unless and until such movement can be made with reasonable safety.

(2) The driver of a vehicle intending to turn at an intersection shall do so as follows:

(a) Right turns. Except as otherwise indicated by directional markings placed in conformity with provisions of this chapter, both the approach for a right turn and right turn shall be made as close as practicable to the right-hand curb or edge of the street.

(b) 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 lane thereof and by passing to the right of such center line where it enters the intersection and after entering the intersection the left turn shall be made so as to leave the intersection to the right of the center line of the roadway being entered. Whenever practicable, the left turn shall be made in that portion of the intersection to the left of the center of the intersection.

(c) 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 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.

(3) The driver of any truck, bus or any large vehicle which cannot comply with the foregoing provisions due to the size of the vehicle may use such additional portions of the street or roadway as may be necessary for a right turn; provided, however, that, the driver of such vehicle, before making such turn, shall first determine that this movement may be made in safety. (Ord. #1997-14, Oct. 1997)

15-329. Markings or signs regulating manner of making turns. The town may cause markings or signs to be placed within or adjacent to intersections and thereby require and direct that a different course from that specified in § 15-327 be traveled by vehicles turning at an intersection, and when markings or signs are so placed, no driver of a vehicle shall turn a vehicle

at an intersection other than as directed and required by such markings or signs. (Ord. #1997-14, Oct. 1997)

15-330. Prohibited turns. Whenever authorized signs are erected indicating that no right or left turn is permitted, no driver of a vehicle shall disobey the directions of any such sign. (Ord. #1997-14, Oct. 1997)

15-331. Limitations on turning around. No driver of any vehicle shall make a u-turn (reverse direction) upon any street or highway except at locations designated by the town with authorized signs and such movement shall not be made unless the same can be made in safety and without interfering with other traffic. (Ord. #1997-14, Oct. 1997)

15-332. Turning and stopping signals—generally. The driver of any vehicle who intends to stop or turn, or partly turn from a direct line, shall first see that such movement can be made in safety, and whenever the operation of any other vehicle may be affected by such movement, shall give an appropriate signal, plainly visible to the driver of such other vehicle, of his intention to make such movement. Such signal shall be given continuously for a distance of at least fifty (50) feet before slowing down, stopping, turning, partly turning or materially altering the course of the vehicle. The signal herein required shall be given by means of the hand and arm or by some mechanical or electrical device approved by the state department of safety. (Ord. #1997-14, Oct. 1997)

15-333. Turning and stopping signals—manner of giving with hand and arm. Whenever the signal required by § 15-332 is given by means of the hand and arm, the driver shall indicate his intention to stop or turn, or partly turn, by extending the hand and arm from and beyond the left side of the vehicle, in the following manner:

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

(2) Right turn. For a right turn, or pull to the right, the arm shall be extended upward.

(3) Slowing down or stopping. For slowing down or to stop, the arm shall be extended downward. (Ord. #1997-14, Oct. 1997)

15-334. Turning and stopping signals—change of direction after signal given. Drivers having once given a hand, electrical or mechanical device signal must continue the course thus indicated, unless they alter the original signal and take care that the drivers of the vehicles and pedestrians have seen and are aware of the change. (Ord. #1997-14, Oct. 1997)

15-335. Turning and stopping signals—duty of drivers receiving signal. Drivers receiving a signal from another driver shall keep their vehicles

under complete control and shall be able to avoid an accident resulting from a misunderstanding of such signal. (Ord. #1997-14, Oct. 1997)

15-336. Right-of-way when vehicle turning left at intersection.

The driver of a vehicle within an intersection intending to turn to the left shall yield the right-of-way to any vehicle approaching from the opposite direction which is within the intersection or so close thereto as to constitute an immediate hazard, but such driver, having so yielded and having given a signal when and as required by this section, may make such left turn and the drivers of all other vehicles approaching the intersection from the opposite direction shall yield the right-of-way to the vehicle making the left turn. (Ord. #1997-14, Oct. 1997)

15-337. Limitations on backing. 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. (Ord. #1997-14, Oct. 1997)

15-338. Procedure upon approach of authorized emergency vehicle. (1) Upon the immediate approach of an authorized emergency vehicle making use of audible and visual signals meeting the requirements of the applicable laws of the state, or of a law enforcement vehicle properly and lawfully making use of a visible or audible signal only, the driver of every other vehicle shall yield the right-of-way and shall immediately drive to a position parallel to, and as close as possible to, the right-hand edge or curb of the roadway clear of any intersection and shall stop and remain in such position until the authorized emergency vehicle has passed, except when otherwise directed by an officer.

(2) This section shall not operate to relieve the driver of an emergency vehicle from the duty to drive with due regard for the safety of all persons using the street. (Ord. #1997-14, Oct. 1997)

15-339. Following fire apparatus or driving near fire. The driver of a vehicle, other than one on official business, shall not follow any fire apparatus traveling in response to a fire alarm closer than five hundred (500) feet or drive into or park such vehicle within the block where fire apparatus has stopped in answer to a fire alarm. (Ord. #1997-14, Oct. 1997)

15-340. Driving over fire hose. No vehicle shall be driven over any unprotected hose of the fire division when laid down on any street, highway, or private driveway to be used at any fire or alarm of fire, without the consent of the fire division official in command. (Ord. #1997-14, Oct. 1997)

15-341. Driving in processions. (1) Each driver in a funeral or other authorized procession shall drive as near the right-hand edge of the roadway as practical and shall follow the vehicle ahead as close as is practical and safe.

(2) Each driver of a vehicle in a funeral procession shall cause the lights on his vehicle to be lighted during the entire procession as a means of identifying the vehicle in the procession.

(3) A funeral or other authorized procession shall be permitted to proceed through a red light at an intersection when an officer in charge of the intersection or procession so directs and the procession shall continue moving and cross-traffic shall stop until the entire procession has passed such signal. (Ord. #1997-14, Oct. 1997)

15-342. Driving through processions. 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; provided, however, that this rule shall not apply to emergency vehicles answering emergency calls. (Ord. #1997-14, Oct. 1997)

15-343. Striking parked vehicles or fixed objects. It shall be unlawful for the driver of any vehicle while operating such vehicle on a public street, highway, or alley to drive such vehicle into, against or upon a parked vehicle or fixed object thereon. (Ord. #1997-14, Oct. 1997)

15-344. Operating vehicle for advertising purposes. No person shall operate or park on any street or highway any vehicle for the primary purpose of advertising unless authorized by the chief of police. (Ord. #1997-14, Oct. 1997)

15-345. Restriction on use of certain streets by trucks, trailers and heavy-duty vehicles. Trucks, trailers or heavy-duty vehicles shall not be allowed on any street or highway which the town may designate by appropriate official sign indicating that such street is so restricted, except that such vehicles may be operated thereon for the purpose of delivering or picking up materials or merchandise and then only by entering such street or highway at the intersection nearest the destination of the vehicle and proceeding thereon further than the nearest intersection thereafter; provided further, however, that, the town is hereby authorized to grant a permit to the operator of the vehicle to be driven on such street for a greater distance where urgent necessity requires it. This section shall apply only to vehicles of weight capacity of over one ton, excluding recreational vehicles, emergency vehicles, school buses and Memphis Area Transit Authority vehicles on designated routes. (Ord. #1997-14, Oct. 1997)

15-346. Duty to stop at railroad crossing upon approach of train.
(1) Whenever any person driving a vehicle approaches a railroad grade crossing under any of the following circumstances, the driver of such vehicle shall stop within fifty (50) feet but not less than fifteen (15) feet from the nearest rail of

such railroad, and shall not proceed until he can do so safely. The foregoing requirements shall apply when:

(a) A clearly visible electric or mechanical signal device gives warning of the immediate approach of a railroad train.

(b) A crossing gate is lowered or when a human flagman gives or continues to give a signal of the approach or passage of a railroad train.

(c) A railroad train approaching within approximately one thousand five hundred (1,500) feet of the street crossing emits a signal audible from such distance, or when such railroad train, by reason of its speed or nearness to such crossing is an immediate hazard.

(d) An approaching railroad train is plainly visible and is in hazardous proximity to such crossing.

(2) No person shall drive any vehicle through, around or under any crossing gate or barrier at a railroad crossing while such gate or barrier is closed or is being opened or closed. (Ord. #1997-14, Oct. 1997)

CHAPTER 4

STOPPING, STANDING AND PARKING

SECTION

- 15-401. Obedience to parking signs.
- 15-402. Prohibited in specific places.
- 15-403. Authority to create and designate tow away zones; parking in zones; enforcement.
- 15-404. Prohibited for certain purposes.
- 15-405. Obstructing traffic prohibited.
- 15-406. Opening door of parked or standing vehicle.
- 15-407. Unattended vehicles.
- 15-408. Stopping with left side to curb.
- 15-409. Parking vehicles on residential streets.
- 15-410. Parking of nonmotorized equipment or vehicles on residential streets.
- 15-411. Storage of property on public streets and right-of-way unlawful.
- 15-412. Parking in handicapped spaces.
- 15-413. Bus stops.
- 15-414. Vehicle owner not to permit parking violations.
- 15-415. Duty of Arlington Police Department or sheriff's office relative to illegally parked vehicles; ticket for parking violations.
- 15-416. Presumption in prosecutions for parking violations.
- 15-417. Impounding vehicles obstructing street.

15-401. Obedience to parking signs. The owner or operator of any vehicle shall obey the instructions of any official parking sign applicable thereto placed in accordance with this chapter, and other traffic ordinances of the town, unless otherwise directed by an officer or deputy. (Ord. #1997-14, Oct. 1997)

15-402. Prohibited in specified places. (1) No person shall stop, stand or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with the direction of an officer, deputy, or traffic-control device, in any of the following places:

- (a) On a sidewalk or between the curb and an adjacent sidewalk;
- (b) More than twelve (12) inches from the curb;
- (c) In front of a public or private driveway;
- (d) Within an intersection;
- (e) Within fifteen (15) feet of a fire hydrant;
- (f) On a crosswalk;
- (g) Within twenty (20) feet of a crosswalk at an intersection, unless otherwise designated by markers or parking meters;

- (h) Within thirty (30) feet upon the approach to any flashing beacon, stop sign, or traffic-control signal located at the side of a roadway;
 - (i) Within fifty (50) feet of the nearest rail of a railroad crossing;
 - (j) Within twenty (20) feet of the driveway entrance to any fire station and, on the side of the street opposite the entrance to any fire station, within seventy-five (75) feet of such entrance, when properly sign posted;
 - (k) Alongside or opposite any street excavation or obstruction when stopping, standing or parking would obstruct traffic;
 - (l) On the roadway side of any vehicle stopped or parked at the edge or curb of a street or highway;
 - (m) Upon any bridge or other elevated structure upon a street or highway or within a street or highway tunnel;
 - (n) Any place where official signs prohibit parking;
 - (o) So as to obstruct access to any United States mailbox;
 - (p) On any part of the interstate highway system; except that vehicles may be left on the portion of the interstate not intended for travel for a period of four (4) hours if a note is attached thereto or the hood of such vehicle is left raised indicating that an emergency situation necessitated the vehicle being left in this location;
 - (q) In any part of any designated fire lane.
- (2) No person shall move a vehicle not owned by such person into any such prohibited area or away from a curb such distance as is unlawful. (Ord. #1997-14, Oct. 1997)

15-403. Authority to create and designate tow-away zones; parking in zones; enforcement. (1) The town is hereby authorized to create and designate certain portions of public streets or highways as tow-away zones.

(2) It shall be unlawful for any person to park a vehicle within such designated areas, except as otherwise provided by law.

(3) Any vehicle parked within said zones shall be subject to removal by the town and/or sheriff's office at the expense and risk of the owner of said vehicle.

(4) § 15-802 of this municipal code shall be applicable with respect to the presumption of ownership. (Ord. #1997-14, Oct. 1997)

15-404. Prohibited for certain purposes. No person shall stand or park a vehicle upon any roadway for the principal purpose of:

- (1) Displaying it for sale or rent;
- (2) Washing, greasing or repairing such vehicle, except repairs necessitated by an emergency. (Ord. #1997-14, Oct. 1997)

15-405. Obstructing traffic prohibited. (1) No driver shall stop, stand or park a vehicle abreast of another vehicle parallel to the curb or in any other manner so as to interrupt or interfere with the passage of other vehicles on any street or highway except in the case of public emergency or when directed by an officer or deputy.

(2) It shall be unlawful to leave any vehicle standing in any street or highway when such vehicle constitutes a hazard to public safety or an obstruction to traffic. (Ord. #1997-14, Oct. 1997)

15-406. Opening door of parked or standing vehicle. Whenever any vehicle is standing or parked upon or beside a roadway, no person shall open any door of such vehicle on that side of the vehicle nearest the flow of traffic on such street or highway, whenever the opening of such door shall constitute a hazard or obstruction to vehicles moving on the street in a lawful manner. (Ord. #1997-14, Oct. 1997)

15-407. Unattended vehicles. (1) No person driving or in charge of a motor vehicle shall permit it to stand unattended without first stopping the engine, locking the ignition, removing the key and effectively setting the brake thereon and, when standing upon any grade, turning the front wheels to the curb or side of the roadway.

(2) The portion of this section pertaining to the locking of or removal of keys from the vehicle shall not apply when a vehicle is parked upon an "off-street parking facility" where an attendant is present.

(3) It shall be the duty of every person driving or in charge of any vehicle, when parking or stopping such vehicle, to secure such vehicle so that it shall not roll unattended into or upon any public street, highway, or alley. (Ord. #1997-14, Oct. 1997)

15-408. Stopping with left side to curb. No vehicle shall stop 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 and is not prohibited. (Ord. #1997-14, Oct. 1997)

15-409. Parking vehicles on residential streets. (1) It shall be unlawful for any person to park, or knowingly permit, any vehicle as defined in this chapter, on any residential street for a period of time longer than twenty-four (24) hours consecutively.

(2) No truck, truck trailer, or tractor or bus, as defined in this chapter, and 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 when actively being loaded or unloaded, or while such vehicle is being used in connection with any work or service being performed on adjacent property.

(3) 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.

(4) The chief of police and/or sheriff 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 Arlington Police Department or the sheriff's office in accordance with the provisions of § 15-417 of this chapter.

(5) Any violation of this section shall be penalized pursuant to the provisions of § 15-201 herein. (Ord. #1997-14, Oct. 1997)

15-410. Parking of nonmotorized equipment or vehicles on residential streets. (1) It shall be unlawful for any person to park or knowingly permit any nonmotorized vehicle or equipment, such as, but not limited to, campers, trailers, boats, or other recreational type equipment, on any residential street.

(2) Such nonmotorized vehicles or equipment may be removed by the Arlington Police Department or the sheriff's office in accordance with the provisions of § 15-417 relating to the impounding of vehicles obstructing the streets. (Ord. #1997-14, Oct. 1997)

15-411. Storage of property on public streets and right-of-way unlawful. (1) It shall be unlawful for any person to use a public street, highway, or public right-of-way along said street or highway, for the purpose of storing any item, except where otherwise lawfully provided.

(2) "Storage" is defined, for the purposes of this section, as the placing of any property in such public street, highway, or right-of-way in such a manner as to preclude the use of such street, highway, or right-of-way by the general public or the normal flow of vehicular or pedestrian traffic. (Ord. #1997-14, Oct. 1997)

15-412. Parking in handicapped spaces. No person shall stop, stand, or park a vehicle in a parking space clearly designated as being reserved for the physically handicapped, as provided for in Tennessee Code Annotated, §§ 55-21-104 and 105, unless the person driving the vehicle is physically handicapped or parking such vehicle for the benefit of a physically handicapped passenger. A vehicle parking in such space shall display a distinguishing placard, license plate, disabled veterans' license plate, or distress flag or card, under the provisions of Tennessee Code Annotated, title 55, chapter 21. A person who parks a vehicle in violation of this section shall be subject to a fine of not more than fifty dollars (\$50.00). 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 Tennessee Code Annotated, title 55, chapter 21. (Ord. #1997-14, Oct. 1997)

15-413. Bus stops. (1) The operator of a bus shall not stop, stand or park such vehicle upon any street at any place for the purpose of loading or unloading passengers or their baggage, other than at a coach stop designated by the town, except in case of an emergency.

(2) The operator of a bus shall enter a coach stop on a public street or highway in such a manner that the bus when stopped to load or unload passengers or baggage shall be in a position with the right front wheel of such vehicle not further than eighteen (18) inches from the curb and the bus approximately parallel to the curb so as not to unduly impede the movement of other vehicular traffic.

(3) No person shall stop, stand or park a vehicle other than a bus in a coach stop, when any such stop or stand has been officially designated and appropriately signed, except that the driver of a passenger vehicle may temporarily stop therein for the purpose of and while actually engaged in loading or unloading passengers when such stopping does not interfere with any bus waiting to enter or about to enter such stop. (Ord. #1997-14, Oct. 1997)

15-414. Vehicle owner not to permit parking violations. It shall be unlawful for any person to cause, allow, permit or suffer any vehicle registered in the name of such person to be parked in such manner as to violate the terms and provisions of this chapter. (Ord. #1997-14, Oct. 1997)

15-415. Duty of Arlington Police Department or sheriff's office relative to illegally parked vehicles; ticket for parking violations. Whenever any motor vehicle without a driver is found parked or stopped in violation of any of the restrictions imposed by this chapter or by state law, the officer or deputy 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 traffic citation ticket, on a form provided by the county, for the driver to answer to the charge against him within fifteen (15) days, during the hours and at a place specified on the ticket. (Ord. #1997-14, Oct. 1997)

15-416. Presumption in prosecutions for parking violations.

(1) In any prosecution charging a violation of any provision of this chapter 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.

(2) 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 at the point where, and for the time during which, such traffic violation occurred. (Ord. #1997-14, Oct. 1997)

15-417. Impounding vehicles obstructing street. (1) In order to remove all obstructions and to provide free use of the streets, highways, and alleys for the police, fire and sheriff's office and for the public, whenever a motor vehicle is wrecked or abandoned in the street, highway or alley, or is found parked in violation of any of the provisions of this chapter, and it becomes necessary, in the opinion of the Arlington Police Department or sheriff's office, to remove such vehicle for the roadway as an obstruction, such vehicle shall be towed or driven to a designated place or storage and stored until the owner claims the vehicle and gives satisfactory evidence of ownership. The sheriff's office is authorized to advertise for bids and to enter into a contract with a garage or storage company for fixed charges for pulling in and storing such vehicles and to provide by such contract that the garage or storage company shall look to the owner of the vehicle so pulled in or stored for the stipulated compensation.

(2) Where the Arlington Police Department or sheriff's office elects to pull in and store such vehicle a charge shall be made therefor as follows:

- (a) For pulling same in \$85.00
- (b) For storing same, per day \$10.00

For the purpose of fixing these charges, a day shall begin at 12:01 A.M. (Ord. #1997-14, Oct. 1997)

CHAPTER 5

BICYCLES

SECTION

- 15-501. Effect of regulations.
- 15-502. Traffic laws apply to persons riding bicycles.
- 15-503. Removal, alteration, etc. of serial number.
- 15-504. Equipment--lights and reflectors.
- 15-505. Equipment--brake.
- 15-506. Equipment--bell or other signal device.
- 15-507. Use of permanent seat required, carrying excess persons forbidden.
- 15-508. Riding on roadways.
- 15-509. Obedience to traffic-control devices.
- 15-510. Riding on sidewalks.
- 15-511. To be ridden in single file.
- 15-512. Clinging to moving vehicles.
- 15-513. Towing other vehicles.
- 15-514. Acrobatic and unicycle riding.

15-501. Effect of regulations. (1) It is an offense for any person to do any act forbidden or fail to perform any act required in this chapter.

(2) The parent of any child and the guardian of any ward shall not authorize or knowingly permit any such child or ward to violate any provisions of this chapter.

(3) These regulations applicable to bicycles shall apply whenever a bicycle is operated upon any street or highway or upon any path set aside for the exclusive use of bicycles subject to those exceptions stated herein. (Ord. #1997-14, Oct. 1997)

15-502. Traffic laws apply to persons riding bicycles. Every person riding a bicycle upon a roadway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of the vehicle by this chapter, except as to special regulations in this chapter and except as to those provisions of this chapter which by their nature can have no application. (Ord. #1997-14, Oct. 1997)

15-503. Removal, alteration, etc. of serial number. It shall be unlawful for any person to willfully or maliciously remove, destroy, mutilate or alter the serial number of any bicycle frame registered pursuant to this chapter. (Ord. #1997-14, Oct. 1997)

15-504. Equipment—lights and reflectors. (1) Every bicycle, when in use during hours of darkness, shall be equipped with a forward-facing light

upon the front which shall emit a white light visible from a distance of at least five hundred (500) feet, and with a rearward-facing red reflector upon the rear which shall be visible from one hundred (100) feet to six hundred (600) feet when directly in front of lawful lower beams of headlight or headlamps on a motor vehicle. A light emitting a red light visible from a distance of five hundred (500) feet to the rear may be used in addition to the red reflector.

(2) All new bicycles purchased after July 1, 1975, shall, and all others should, also be equipped with a forward-facing white reflector; and sideward-facing amber reflectors on the front and sideward facing red reflectors on the rear; and amber reflectors on front and rear sides of each foot pedal.

(3) Bicycles which are ridden in the streets or highways are recommended to use safety visibility pennants. (Ord. #1997-14, Oct. 1997)

15-505. Equipment—brake. Every bicycle, when operated upon streets or roadways in the town, shall be equipped with a brake which will enable the operator to make the braked wheels skid on dry, level, clean pavement. Such brake shall be maintained in good working order at all times. (Ord. #1997-14, Oct. 1997)

15-506. Equipment—bell or other signal device. No person shall operate a bicycle on any street or roadway unless it is equipped with a bell or other device capable of giving a signal audible for a distance of at least one hundred (100) feet, except that a bicycle shall not be equipped with nor shall any person use upon a bicycle any siren or whistle. (Ord. #1997-14, Oct. 1997)

15-507. Use of permanent seat required, carrying excess persons forbidden. (1) A person propelling a bicycle shall not ride other than upon or astride a permanent and regular seat attached thereto.

(2) No bicycle shall be used at any time to carry more persons than the number for which it has been equipped per person in terms of seats and handlebars, with the exception of properly installed child carriers with hand and foot protection. (Ord. #1997-14, Oct. 1997)

15-508. Riding on roadways. (1) Every person operating a bicycle upon a roadway, excluding sidewalks, shall ride in the same direction as motor-driven traffic and shall ride as near to the right side of the roadway as practicable, exercising due care when passing a standing vehicle or one proceeding in the same direction.

(2) No person shall operate a bicycle on any part of any roadway where official signs have been erected and are in place indicating the prohibition of such activity. (Ord. #1997-14, Oct. 1997)

15-509. Obedience to traffic-control devices. (1) Any person operating a bicycle should dismount and walk his bicycle as a pedestrian across

an intersection when traffic-control signals are in operation to regulate the flow of traffic.

(2) Any person operating a bicycle shall obey the instructions of all official traffic-control devices applicable to vehicles, such as "stop" signs, unless otherwise directed by an officer or deputy. (Ord. #1997-14, Oct. 1997)

15-510. Riding on sidewalks. (1) Any person may operate a bicycle on a sidewalk except where official signs have been erected and are in place indicating the prohibition of such activity.

(2) Whenever any person is riding a bicycle upon a sidewalk, such person shall yield the right-of-way to any pedestrian or operator of sidewalk-type vehicles, such as tricycles, and shall give an audible signal before overtaking and passing such pedestrian or operator. (Ord. #1997-14, Oct. 1997)

15-511. To be ridden in single file. Every person, when operating a bicycle upon the streets or roadways in the town, shall ride such bicycle in single file only and at no time shall bicycles be operated two (2) or more abreast. (Ord. #1997-14, Oct. 1997)

15-512. Clinging to moving vehicles. It shall be unlawful for any person riding upon a bicycle to cling or attach himself or his bicycle to any other moving vehicle upon a street or roadway. (Ord. #1997-14, Oct. 1997)

15-513. Towing other vehicles. The operator of a bicycle shall not tow or draw any coaster, sled, person on roller skates, toy vehicles or similar vehicle. (Ord. #1997-14, Oct. 1997)

15-514. Acrobatic and unicycle riding. (1) No person shall remove both hands from the handlebars or both feet from the pedals of a bicycle while riding on any roadway or sidewalk. Acrobatic or fancy bicycle riding in roadways or on sidewalks is prohibited.

(2) A unicycle (one-wheeled) device shall not be ridden in the roadway, but may be operated upon a sidewalk, except as where otherwise lawfully provided. (Ord. #1997-14, Oct. 1997)

CHAPTER 6

PEDESTRIANS

SECTION

- 15-601. Application.
- 15-602. Use of crosswalk, generally.
- 15-603. When crossing at marked crosswalk required.
- 15-604. Right-of-way in crosswalks.
- 15-605. Crossing at other than crosswalks.
- 15-606. Pedestrian tunnels or overhead crossings.
- 15-607. Walking on roadways.
- 15-608. Soliciting rides, employment or business.
- 15-609. Duty of drivers with regard to pedestrians.

15-601. Application. Pedestrians shall be subject to traffic-control signals at intersections as provided for this chapter, but at all other places pedestrians shall be accorded the privileges and shall be subject to the restrictions as hereinafter stated. (Ord. #1997-14, Oct. 1997)

15-602. Use of crosswalk, generally. Whenever there is a marked crosswalk, all pedestrians in crossing at such crosswalk shall stay within the markings or lines, and whenever practicable such pedestrian shall walk on the right half of the crosswalk. (Ord. #1997-14, Oct. 1997)

15-603. When crossing at marked crosswalk required. Between adjacent intersections at which traffic-control signals are in operation, pedestrians shall not cross at any place except in a marked crosswalk. (Ord. #1997-14, Oct. 1997)

15-604. Right-of-way in crosswalks. (1) When traffic-control signals are not in place or not in operation, the driver of a vehicle shall yield the right-of-way, slowing down or stopping if need be to so yield, to a pedestrian crossing the roadway within a crosswalk upon which the vehicle is traveling, or when the pedestrian is approaching so closely from the opposite half of the roadway as to be in danger, but no pedestrian shall suddenly leave a curb or other place of safety and walk or run into the path of a vehicle, which is so close that is impossible for the driver to yield.

(2) Whenever any vehicle is stopped at a marked crosswalk or at any unmarked crosswalk at an intersection to permit a pedestrian to cross the roadway, the driver of any other vehicle approaching from the rear shall not overtake and pass such stopped vehicle. (Ord. #1997-14, Oct. 1997)

15-605. Crossing at other than crosswalks. Every pedestrian crossing a roadway at any point other than within a marked crosswalk or within an unmarked crosswalk at an intersection shall yield the right-of-way to all vehicles upon the roadway. (Ord. #1997-14, Oct. 1997)

15-606. Pedestrian tunnels or overhead crossings. Any pedestrian crossing a roadway at a point where a pedestrian tunnel or overhead pedestrian crossing has been provided shall yield the right-of-way to all vehicles upon the roadway. (Ord. #1997-14, Oct. 1997)

15-607. Walking on roadways. (1) Where sidewalks are provided, it shall be unlawful for any pedestrian to walk along and upon an adjacent roadway.

(2) Where sidewalks are not provided, any pedestrian walking along and upon a roadway shall, when practicable, walk only on the left side of the roadway or its shoulder facing traffic which may approach from the opposite direction. (Ord. #1997-14, Oct. 1997)

15-608. Soliciting rides, employment or business. No person shall stand in a roadway for the purpose of soliciting a ride, employment or business from the occupant of any vehicle. (Ord. #1997-14, Oct. 1997)

15-609. Duty of drivers with regard to pedestrians. Notwithstanding the provisions of this chapter, every driver of a vehicle shall exercise due care to avoid colliding with any pedestrian upon any roadway and shall exercise proper precaution upon observing any child or confused or incapacitated person upon a roadway. (Ord. #1997-14, Oct. 1997)

CHAPTER 7

ACCIDENTS

SECTION

15-701. Immediate notice to Arlington Police Department or sheriff's office.
15-702. Garages to report.

15-701. Immediate notice to Arlington Police Department or sheriff's office. The driver of a vehicle involved in an accident resulting in injury to or death of any person or property damage in any apparent extent of four hundred dollars (\$400.00) or more shall immediately, by the quickest means of communication, give notice of such accident to the Arlington Police Department or sheriff's office. Whenever the driver of a vehicle is physically incapable of giving an immediate notice of an accident as required by this section, and there was another occupant in the vehicle at the time of the accident capable of doing so, or whenever the driver is not the owner of the vehicle, such occupant or the owner shall make or cause to be given the notice not given by the driver. (Ord. #1997-14, Oct. 1997)

15-702. Garages to report. The person in charge of any garage or repair shop to which is brought any motor vehicle which shows evidence of having been involved in an accident or struck by any bullet, shall report the facts immediately to the Arlington Police Department or sheriff's office after such motor vehicle is received, giving the license number, the engine number and the name and address of the owner or operator of such vehicle. Compliance with this section shall not relieve the driver of any vehicle involved in an accident from complying with § 15-701. (Ord. #1997-14, Oct. 1997)

CHAPTER 8

REGISTRATION OF VEHICLES

SECTION

- 15-801. Definitions.
- 15-802. Person required to register motor vehicles; exceptions.
- 15-803. Deleted.
- 15-804. Registration required; penalty.
- 15-805. Display of registration plates; manner.

15-801. Definitions. The following definitions shall apply to this chapter:

- (1) "Motorcycle." A motor vehicle having a saddle for the use of a rider and designed to travel on not more than three (3) wheels in contact with the ground, not including any (3) wheel vehicle designed for off-road use and only incidentally on the roadways.
- (2) "Motor vehicle." Any device self-propelled in, upon or by which a person or property is transported or drawn upon the streets, highways, or the public ways of the town except a motorcycle or special mobile equipment.
- (3) "Owner." The person who holds the legal title of a vehicle, or in the event a vehicle is the subject of an agreement for the conditional sale or lease thereof, with the right of purchase upon performance of the condition stated in the agreement, and with an immediate right of possession vested in the conditional vendee or lessee, or in the event a mortgagor of a vehicle is entitled to possession, then such conditional vendee or lessee or mortgagor shall be deemed the owner for the purpose of this chapter; provided that every agent, servant, or employee operating the vehicle for the owner shall also be defined as owner if the owner, whether a natural person, firm, copartnership, association or corporation, has failed to comply with this division, and such agent, servant or employee shall be required to comply with the registration of the vehicle which he is operating, and the owner so designates the agent, servant or employee for this purpose as representing him by his use of the streets or highways of the town.
- (4) "Person." Includes every natural person, firm, copartnership, association or corporation and shall be synonymous with the "owner" as defined herein and may be used interchangeably.
- (5) "Special mobile equipment." Any vehicle not designed or used primarily for the transportation of personal property and incidentally operated or moved over the streets or other public ways, such equipment including, but not limited to, farm tractors, self-propelled farm machines, and all-terrain vehicles (ATV's). (Ord. #1997-14, Oct. 1997)

15-802. Person required to register motor vehicles; exceptions.

(1) All residents of the town operating any motor vehicle or motorcycle shall register their motor vehicles and motorcycles with the county clerk's office as required by law during the dates prescribed by the state in Tennessee Code Annotated, title 55, chapters 1 through 6, as presently enacted or hereafter amended, for the original or renewal of state registration of motor vehicles or motorcycles or within five (5) days after the acquisition of any such vehicle.

(2) Exceptions to the registration requirement are the following:

(a) Vehicles owned by governmental agencies, that is, the United States government, state, county and municipal governments, which have a state motor vehicle registration plate designating them as such, are not required to register with the county.

(b) A handicapped or disabled veteran, or former prisoner-of-war, who is a permanent resident of the town and who qualifies under Tennessee Code Annotated, § 55-4-201, *et seq.*

(c) A resident of the state, and permanent resident of the county who is a recipient of the Congressional Medal of Honor and as qualified in Tennessee Code Annotated, § 55-4-236.

(d) A handicapped person who is permanently and totally confined to a wheelchair when so certified by a physician's statement, and other qualifications as defined in Tennessee Code Annotated, §§ 55-21-102 and 55-21-103 and is a permanent resident of the county.

(e) An active duty military serviceman or woman.

(f) Any motor vehicle or motorcycle classified as an antique vehicle under Tennessee Code Annotated, title 55.

(g) Any semi-trailer, utility trailer, or non-motorized mobile home.

(h) One motor vehicle and one motorcycle owned by a rural volunteer fireman permanently residing in this county.

(i) Any vehicle owned by an active member of the Tennessee National Guard and licensed pursuant to Tennessee Code Annotated, § 55-4-228.

(j) Any other exceptions allowable under Tennessee Code Annotated, title 55, which would be applicable to the county. (Ord. #1997-14, Oct. 1997)

15-803. Deleted. (Ord. #1997-14, Oct. 1997, as deleted by Ord. #2016-10, Oct. 2016)

15-804. Registration required; penalty. (1) No vehicle required to be registered under Tennessee Code Annotated, title 55, chapters 1 through 6, shall be operated upon any street or public roadway in the Town of Arlington unless there shall be attached thereto and displayed thereon when and as required by Tennessee Code Annotated, title 55, chapters 1 through 6, a valid

and outstanding registration plate or plates issued therefor to the owner thereof for the current registration year, or a registration plate or plates issued to the owner thereof with the proper tabs, stickers, or other device attached or affixed thereto indicating a valid renewal of such registration plate or plates. Violation of these requirement by the owner or operator thereof shall be an offense punishable by a fine of not more than fifty dollars (\$50.00).

(2) Any owner or operator of a vehicle who fails or refuses to display the certificate of registration therefor and in the case of a freight vehicle refusing to submit the vehicle and load for a weighing when directed by an officer of the law shall be guilty of an offense punishable as provided in § 15-201 of this municipal code. (Ord. #1997-14, Oct. 1997)

15-805. Display of registration plates; manner. Registration plates issued for motor vehicles shall be attached in compliance with state law. The registration plate issued for a truck shall be attached to the rear of the vehicle. The registration plate for a truck trailer shall be attached to the front of the vehicle. The registration plate issued for a motorcycle, trailer, semi-trailer, or dealer's plate shall be attached to the rear of the vehicle. (Ord. #1997-14, Oct. 1997)

CHAPTER 9

VEHICLE EQUIPMENT AND LOADS

SECTION

- 15-901. Brakes generally.
- 15-902. Brakes for motorcycles and motorized bicycles.
- 15-903. Brakes for trailers and semi-trailers.
- 15-904. Service brakes required.
- 15-905. Performance ability of brakes.
- 15-906. Maintenance and adjustment of brakes.
- 15-907. Lights--required on motor vehicles; exceptions; regulations as to color, type and visibility distance.
- 15-908. Lights--on vehicles other than motor vehicles; visibility distance.
- 15-909. Lights--headlamps on motorcycle.
- 15-910. Lights--lamp at end of train of vehicles.
- 15-911. Lights--lighting devices, reflectors on vehicles having width in excess of eight inches, truck tractors, and trailers; lamp or flag on projecting load.
- 15-912. Lights--headlights on motor vehicles; operation during inclement weather.
- 15-913. Muffler required.
- 15-914. Muffler cutout prohibited.
- 15-915. Horn; bells, sirens or exhaust whistles on emergency vehicles.
- 15-916. Windshields and windows.
- 15-917. Windshield wipers.
- 15-918. Steering mechanism and wheel alignment.
- 15-919. Rear view mirrors.
- 15-920. Vehicles to be constructed and loaded so as to prevent escape of load.
- 15-921. Vehicles so constructed or loaded as to obstruct traffic prohibited.
- 15-922. Permit required for excessively wide vehicles.
- 15-923. Extension of loads on passenger vehicles.
- 15-924. Protruding objects.
- 15-925. Ownership identification.
- 15-926. Mud flaps on trucks.
- 15-927. Operating vehicle equipped with tire in dangerous condition.
- 15-928. Unnecessary noise; decibel rating.

15-901. Brakes generally. Every motor vehicle other than a motorcycle, when operated upon any street or roadway within the Town of Arlington, shall be equipped with brakes adequate to control the movement of and to stop and hold such vehicle, including two (2) separate means of applying the brakes, each of which means shall be effective to apply the brakes to at least two (2) wheels. If these two (2) separate means of applying brakes are connected

in any way, they shall be so constructed that failure of any one part of the operating mechanism shall not leave the motor vehicle without brakes on at least two (2) wheels. (Ord. #1997-14, Oct. 1997)

15-902. Brakes for motorcycles and motorized bicycles. Every motorcycle and bicycle with motor attached when operated upon any roadway within the Town of Arlington shall be equipped with at least one brake, which may be operated by hand or foot. (Ord. #1997-14, Oct. 1997)

15-903. Brakes for trailers and semi-trailers. Every trailer or semitrailer of a gross weight of three thousand (3,000) pounds or more, when operated upon any street or roadway within the Town of Arlington, shall be equipped with brakes adequate to control the movement of and to stop and to hold such vehicle and so designed as to be applied by the driver of the towing motor vehicle from its cab, and the brakes shall be so designed and connected that in case of accidental breakaway of the towed vehicle, the brakes shall be automatically applied. (Ord. #1997-14, Oct. 1997)

15-904. Service brakes required. Every new motor vehicle, trailer or semi-trailer sold in this town or county and operated upon any of the streets or roadways of the town or county shall be equipped with service brakes upon all wheels of every such vehicle, except the following:

(1) Trucks and truck tractors having three (3) or more axles need not have brakes on the front wheels, unless such vehicles are equipped with at least two (2) steerable axles the wheels of one such axle need not be equipped with brakes;

(2) Motorcycles; and,

(3) Any semi-trailer of less than one thousand five hundred (1,500) pounds gross weight need not be equipped with brakes. (Ord. #1997-14, Oct. 1997)

15-905. Performance ability of brakes. (1) The service brakes upon any motor vehicle or combination of vehicles shall be adequate to stop such vehicle when traveling twenty (20) miles per hour within a distance of thirty (30) feet when upon dry asphalt or concrete pavement surface free from loose material where the grade does not exceed one percent (1%).

(2) Under the above conditions, the hand brake shall be adequate to stop such vehicle within a distance of fifty-five (55) feet and such hand brake shall be adequate to hold such vehicle stationary on any grade upon which operated.

(3) Under the above conditions, the service brakes upon a motor vehicle equipped with two (2) wheel brakes only, when permitted under this chapter, shall be adequate to stop the vehicle within a distance of forty (40) feet

and the hand brake adequate to stop the vehicle within a distance of fifty-five (55) feet.

(4) All braking distances specified in this section shall apply to all vehicles mentioned, whether or not such vehicles are loaded to the maximum capacity. (Ord. #1997-14, Oct. 1997)

15-906. Maintenance and adjustment of brakes. All brakes specified in this chapter shall be maintained in good working order and shall be so adjusted as to operate as equally as practicable with respect to the wheels on opposite sides of the vehicles. (Ord. #1997-14, Oct. 1997)

15-907. Lights—required on motor vehicles; exceptions; regulations as to color, type and visibility distance. (1) Every motor vehicle other than a motorcycle, road roller, road machinery or farm tractor shall be equipped with at least two (2) and not more than four (4) headlights, with at least one on each side of the front of the motor vehicle; provided that, auxiliary road lighting lamps may be used, but not more than two (2) of such lamps shall be lighted at any time in addition to the two (2) required headlights; and, provided that, no spotlight or auxiliary lamps shall be so aimed upon approaching another vehicle that any part of the high intensity portion of the beam therefrom is directed beyond the left side of the motor vehicle upon which the spotlight or auxiliary lamp is mounted, nor more than one hundred (100) feet ahead of such motor vehicle.

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

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

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

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

(6) No vehicle operated in this state shall be equipped with any flashing red light which displays to the front of such vehicle except school buses and emergency vehicles used in fire fighting including ambulances, fire-fighting vehicles, rescue vehicles, privately owned vehicles of regular or volunteer firemen certified in Tennessee Code Annotated, § 55-9-201(c), or other emergency vehicles used in fire fighting owned, operated, or subsidized by the governing body of any county or municipality; provided, however, that, any emergency rescue vehicle owned, titled and operated by a state chartered rescue

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

- (a) A red light visibar type with P.A. system;
- (b) A red oscillating type light;
- (c) Blinking red lights, front and rear.

(7) Any vehicle, other than an emergency vehicle authorized by this section to display flashing red lights, which displays any such lights shall be considered in violation of this provision and subject for each offense. (Ord. #1997-14, Oct. 1997)

15-908. Lights—on vehicles other than motor vehicles; visibility distance. Every vehicle other than a motor vehicle when traveling upon town streets or roadways dedicated, appropriated or open to public use or travel, shall be equipped with a light attached to and on the upper left side of such vehicle, capable of displaying a light visible five hundred (500) feet to the front and five hundred (500) feet to the rear of such vehicle under ordinary atmospheric conditions and such light shall be displayed during the period from one-half hour after sunset to one-half hour before sunrise and at all other times when there is not sufficient light to render clearly discernable any person on the road or highway at a distance of two hundred (200) feet ahead of such vehicle. (Ord. #1997-14, Oct. 1997)

15-909. Lights—headlamps on motorcycle. Every motorcycle shall be equipped with at least one and not more than two (2) headlamps. (Ord. #1997-14, Oct. 1997)

15-910. Lights—lamp at end of train of vehicles. Every motor vehicle and every trailer or semi-trailer which is being drawn at the end of a train of vehicles shall carry at the rear a lamp of a type which exhibits a yellow or red light plainly visible under normal atmospheric conditions from a distance of five hundred (500) feet to the rear of such vehicle and such light shall be so constructed and placed that the number plate carried on the rear of such vehicle shall under like conditions be so illuminated by a white light as to be read from a distance of fifty (50) feet to the rear of such vehicle. (Ord. #1997-14, Oct. 1997)

15-911. Lights—lighting devices reflectors on vehicles having width in excess of eight inches, truck tractors, and trailers; lamp or flag

on projecting load. (1) Every motor vehicle other than any passenger car, any road roller, road machinery or farm tractor having a width of eighty (80) inches or more shall be equipped with at least the following lighting devices and reflectors:

(a) On the front, at least two (2) headlamps, an equal number at each side; two (2) turn signals, one at each side; two (2) clearance lamps, one at each side; three (3) identification lamps, mounted on the vertical centerline of the vehicle, or the vertical centerline of the cab where different from the centerline of the vehicle, except that where the cab is not more than forty-two (42) inches wide at the front roofline, a single lamp at the center of the cab shall be deemed to comply with the requirements for identification lamps. No part of the identification lamps or their mounting may extend below the top of the vehicle windshield;

(b) On the rear, two (2) tail lamps, one at each side; two (2) stop lamps, one at each side; two (2) turn signals, one at each side; two (2) clearance lamps, one at each side; two (2) reflectors, one at each side; three (3) identification lamps, mounted on the vertical centerline of the vehicle, provided that the identification lamps need not be lighted if obscured by a vehicle towed by the truck;

(c) On each side, one side-marker lamp at or near the front, one side-marker lamp at or near the rear; one reflector at or near the front, and one reflector at or near the rear.

(2) Every truck tractor shall be equipped as follows:

(a) On the front, at least two (2) headlamps, an equal number at each side; two (2) turn signals, one at each side; two (2) clearance lamps, one at each side; three (3) identification lamps, mounted on the vertical centerline of the vehicle, or the vertical centerline of the cab where different from the centerline of the vehicle, except that where the cab is not more than forty-two (42) inches wide at the front roofline, a single lamp at the center of the cab shall be deemed to comply with the requirement for identification lamps. No part of the identification lamps or their mountings may extend below the top of the vehicle windshield.

(b) On the rear, one tail lamp; one stop lamp; two (2) reflectors, one at each side; and, unless the turn signals on the front are so constructed (double faced) and located as to be visible to passing drivers, two (2) turn signals on the rear of the cab, one at each side.

(3) Every semi-trailer or full trailer eighty (80) inches or more in overall width, except converter dollies, shall be equipped as follows:

(a) On the front, two (2) clearance lamps, one at each side;

(b) On the rear, two (2) tail lamps, one at each side; two (2) stop lamps, one at each side; two (2) turn signals, one at each side; two (2) clearance lamps, one at each side; two (2) reflectors, one at each side; three (3) identification lamps, mounted on the vertical centerline of the

vehicle, provided that the identification lamps need not be lighted if obscured by another vehicle in the same combination.

(c) On each side, one side-marker lamp at or near the front; one side-marker lamp at or near the rear; one reflector at or near the front; one reflector at or near the rear; and, in case of semi-trailers and full trailers thirty (30) feet or more in length, at least one additional side-marker lamp at optional height and at least one additional reflector, the additional side-marker lamp (or lamps) and reflector (or reflectors) to be at or near the center or at approximately uniform spacing in the length of the vehicle.

(d) For the purposes of these regulations, a converter dolly is a motor vehicle with a fifth wheel lower half or equivalent mechanism, the attachment of which vehicle converts a semi-trailer to a full trailer. Each dolly, when towed singly by another vehicle, and not as part of a full trailer, shall be equipped with one stop lamp, one tail lamp, and two (2) reflectors on the rear. No lighting devices or reflectors are required on the front or sides of any dolly.

(4) During the time when lights are required to be displayed, there shall be attached to the rearmost extremity of any load which projects four (4) feet or more beyond the rear of the body of the motor vehicle, or at any tailboard or tailgate so projecting, or to the rearmost extremity of any load, carried on a pole trailer, at least one red lamp, securely fastened thereto, which shall be visible from a distance of five hundred (500) feet to the sides and rear under normal atmospheric conditions. At all other times a red flag of cloth, synthetic or man-made material shall be so displayed. (Ord. #1997-14, Oct. 1997)

15-912. Lights--headlights on motor vehicles; operation during inclement weather. (1) The headlights of every motor vehicle shall be so constructed, equipped, arranged, focused, aimed, and adjusted, that they will at all times under normal atmospheric conditions and on a level road produce a driving light sufficient to render clearly discernible a person two hundred (200) feet ahead, but shall not project a glaring or dazzling light to persons in front of such headlights. Such headlights shall be displayed during the period from one-half hour after sunset to one-half hour before sunrise, during fog, smoke, or rain and at all other times when there is not sufficient light to render clearly discernible any person on the road at a distance of two hundred (200) feet ahead of such vehicle.

(2) Operation of headlights during periods of rain, as required in this section, shall be made during any time when rain, mist, or other precipitation, including snow, necessitates the constant use of windshield wipers by motorists. (Ord. #1997-14, Oct. 1997)

15-913. Muffler required. No person shall drive a motor vehicle on a street or roadway unless such motor vehicle is equipped with a muffler in good

working order and in constant operation to prevent excessive or unusual noise, annoying smoke and the escape of excessive gas, steam or oil. (Ord. #1997-14, Oct. 1997)

15-914. Muffler cutout prohibited. It shall be unlawful to use a muffler cutout on any motor vehicle upon a street or roadway. (Ord. #1997-14, Oct. 1997)

15-915. Horn; bells, sirens or exhaust whistles on emergency vehicles. (1) Every motor vehicle, when operated upon any street or roadway shall be equipped with a horn in good working order capable of emitting sound audible under normal conditions from a distance of not less than two hundred (200) feet, and it shall be unlawful, except as otherwise provided in this section, for any vehicle to be equipped with or for any person to use upon a vehicle any siren, exhaust, compression or spark plug whistle or for any person at any time to use a horn otherwise than as a reasonable warning or to make any unnecessary or unreasonably loud or harsh sound by means of a horn or other warning device.

(2) Every Arlington police, sheriff's office, fire department and fire patrol vehicle and every ambulance and emergency repair vehicle of public service companies used for emergency calls shall be equipped with a bell, siren, or exhaust whistle of a type approved by state law. (Ord. #1997-14, Oct. 1997)

15-916. Windshields and windows. (1) It shall be unlawful for any person to drive any vehicle upon a street or roadway with any sign, poster or other non-transparent material upon the front windshield, sidewings, side or rear window of such motor vehicle other than a certificate or other paper required to be so displayed by law, where such sign, poster or other non-transparent material will interfere with, obstruct or impair the driver's view from and through the windshield, sidewings, side or rear window of such vehicle. The windshield and windows of such vehicle shall be of transparent material so as to furnish the driver a clear unobstructed view of the front, sides and rear.

(2) All motor vehicles shall be equipped with safety glass of a type approved by the commissioner of the state department of safety, for windshields, doors and windows, according to the provisions of state law. It shall be unlawful to operate any motor vehicle in the Town of Arlington upon which the glass of the windshield, doors, windows or window vents is broken, cracked, pitted, discolored, marred or otherwise defective so as to constitute an impairment or obstruction to the vision of the operator.

(3) It shall be unlawful for any person to operate a motor vehicle upon a public highway, street or road, which has been altered, treated or replaced by the affixation, application or installation of any material which:

- (a) Reduces the light transmittance in both front windows below eighteen (18) percent; or
- (b) Causes the reflectance of any window to be more than thirty-five (35) percent.
- (4) No sunscreen material shall be installed below the manufacturer's standard shade ban length and width of the front windshield.
- (5) All installers of tinted glass or other light-retarding materials shall supply an adhesive sticker or other method of certification that the standards required under this section have been met by the materials or method used on the motor vehicle.
- (6) All drivers with tinted windows, or windows treated with other light-retarding materials, shall completely roll down the window on the driver's side of the vehicle or exit the vehicle immediately upon being stopped by a uniformed law enforcement officer. (Ord. #1997-14, Oct. 1997)

15-917. Windshield wipers. Every motor vehicle other than a motorcycle and a motor-driven cycle shall be equipped with a device for cleaning rain, snow or other moisture from the windshield of a vehicle, which device shall be so constructed as to be controlled or operated by the operator of the vehicle. (Ord. #1997-14, Oct. 1997)

15-918. Steering mechanism and wheel alignment. No motor vehicle shall be driven upon a public highway, street or road when the "play" in the steering wheel is in excess of three (3) inches. The steering arms, tie rod, drag link or other mechanism by which the vehicle is steered, and the associated parts, must be secure and free from excessive "play" or wear. The "toe-in" and "toe-out" shall not vary more than one-quarter inch from the factory specifications. Rear wheels must be in good condition and in alignment so as not to have more than a ten-foot sideslip per mile, and the center bolts must be secure in the rear springs. (Ord. #1997-14, Oct. 1997)

15-919. Rear view mirrors. No person shall drive a motor vehicle on a public highway, street or road unless such vehicle is equipped with a mirror so located as to reflect to the driver a view of the roadway for distance of at least two hundred (200) feet to the rear of such vehicle. (Ord. #1997-14, Oct. 1997)

15-920. Vehicles to be constructed and loaded so as to prevent escape of load. (1) No vehicle shall be driven or moved on any public highway, street or road unless such vehicle is so constructed as to prevent its contents from dropping, shifting, leaking or otherwise escaping therefrom.

(2) No owner, lessee, operator or driver shall load any vehicle with dirt, ashes, rubbish, debris, sand, gravel, wood chips or any other material that is capable of blowing or slipping from a vehicle as a result of movement or exposure to air, wind current or weather, in such a manner or to the extent that

such load or a material can or will fall or drop from the vehicle to the roadway and no vehicle so loaded shall be driven or conveyed through any street of the Town of Arlington.

(3) All vehicles, transporting dirt, ashes, rubbish, debris, sand, gravel, wood chips or any such material shall be loaded so that the top of the load making contact with any sideboard or side panel or front or rear part of the enclosure must not be within six (6) inches of the top of the part of the enclosure contacted, and at no time shall the load exceed the six (6) inches as stated in this section during transportation of load without being covered.

(4) Subsection (3) of this section does not apply to any load-carrying compartment that completely encloses the load or to the transporting of any load that is otherwise suitably covered or secured by other means which prevents the escape of loose material.

(5) It shall be unlawful for any person to use a motor vehicle to dispose of, or cause to be disposed of, any garbage, rubbish or other waste materials not suitable for fill purposes on any property other than a garbage dump or sanitary landfill, so designated by the Town of Arlington or Shelby County.

(6) In any prosecution charging a violation of any provision of this section, proof that the particular vehicle described in the complaint or summons was used in violation of this section, together with proof that the defendant named in the complaint or summons was, at the time of the violation, the registered owner of such vehicle, or in the case of a lease, the lessee of such vehicle, shall constitute in evidence a prima facie presumption that the registered owner of such vehicle, or the lessee of such vehicle, as the case may be, was the person in control of such vehicle at the time of such violation, or that such vehicle was at such time being used or operated at his instruction and direction, and in his behalf. (Ord. #1997-14, Oct. 1997)

15-921. Vehicles so constructed or loaded as to obstruct traffic prohibited. No person shall drive or direct any vehicle on a public highway, street or road when such vehicle is in a condition, or so constructed or loaded as to be likely to cause delay in traffic or injury to persons or property. (Ord. #1997-14, Oct. 1997)

15-922. Permit required for excessively wide vehicles. No person shall drive or convey through any public highway, street or road any vehicle, the width of which, with its load, exceeds eight (8) feet, except in accordance with a permit issued by the proper authorities. (Ord. #1997-14, Oct. 1997)

15-923. Extension of loads on passenger vehicles. No passenger vehicle shall carry any load extending beyond the fenders on the left side of such vehicle or extending more than six (6) inches beyond the line of the fender on the right side thereof. (Ord. #1997-14, Oct. 1997)

15-924. Protruding objects. It shall be unlawful to operate any motor vehicle in the Town of Arlington whereon any installation, attachment or addition thereto or any portion of the vehicle's body, such as windows, doors or bumpers are damaged and are protruding so as to create a dangerous condition to any person or property. (Ord. #1997-14, Oct. 1997)

15-925. Ownership identification. All local commercial trucking vehicles, including, but not limited to, vehicles carrying or hauling gravel, sand, metals, trash, garbage, wood, brick, oils, tar, tar derivatives, cement, pipes, beams, or any similarly related materials, shall have identification by displaying on two (2) parallel horizontal lines, on the right and left frontmost doors of such trucking vehicle, in letters at least three (3) inches high, the name of the owner or firm, or in the event equipment is leased, the name of lessee, on the first line and the street address immediately below upon the second line, and an individual vehicle identification number no less than six (6) inches in height on the frontmost doors shall be displayed conspicuously. (Ord. #1997-14, Oct. 1997)

15-926. Mud flaps on trucks. (1) No person shall operate upon a public highway, street or road any motor vehicle or combination of vehicle having a carrying capacity in excess of three thousand (3,000) pounds, which motor vehicle or combination of vehicles is not equipped with rear fenders, mud flaps or mudguards which shall be of such size as will substantially prevent the projection of rocks, dirt, water or other substances to the rear. Such fenders, flaps or guards shall be of type approved by the state department of safety.

(2) This section shall have no application to farm vehicles, or vehicles used by farmers to haul produce from farm to market, nor shall it apply to vehicles used exclusively for hauling logs.

(3) Any person violating the provisions of this section shall be guilty of an offense which shall be punishable as provided in § 15-201. (Ord. #1997-14, Oct. 1997)

15-927. Operating vehicle equipped with tire in dangerous condition. It shall be unlawful to operate in the Town of Arlington any motor vehicle while using thereon any tire or tires with visibly exposed fabric or bulges or other obvious defects indicating a dangerous condition. (Ord. #1997-14, Oct. 1997)

15-928. Unnecessary noise; decibel rating. (1) Definitions. For the purposes of this section, certain words and phrases used herein are defined as follows:

(a) "Ambient noise" is the all-encompassing noise associated with a given environment being usually a composite of sounds from many sources, near and far.

(b) "A-weighted level" is the total sound pressure level of all noise as measured with a sound level meter using the A-weighting network. The unit of measurement is the db(A).

(c) "Band pressure level" of sound for a specified frequency band is the sound pressure level for the sound contained within the restricted band. The reference pressure must be specified.

(d) "Cycle" is the complete sequence of values of a periodic quantity that occurs during a period.

(e) "Decibel or dB" is one-tenth of a bel and is a unit of level when the base of the logarithm is the tenth root of ten (10), and the quantities concerned are proportional to power.

(f) "Sound analyzer" is a device for measuring the band pressure level or pressure spectrum level of a sound as a function of frequency.

(g) "Sound level meter" is an instrument, including a microphone, an amplifier, an output meter, and frequency-weighting networks for the measurement of noise and sound levels in a specified manner.

(h) "Sound pressure level," in decibels of sound, is twenty (20) times the logarithm to the base ten (10) of the ratio of the pressure of this sound to the reference pressure, which reference pressure is for the purposes of this section a reference pressure of twenty (20) micro-newtons per meter squared.

All technical definitions are in accordance with American National Standards Institute S1. 1-1960 entitled "Acoustical Terminology."

(2) Motorized vehicles. It shall be unlawful to operate a motorized vehicle, including, but not limited to, cars, trucks, buses, motorcycles, motorbikes, minibikes, and go-carts, within the Town of Arlington, on private or public property, which creates a noise or sound which exceeds the noise level limits set out in Table 1 below:

TABLE 1. LIMITING NOISE LEVELS FOR MOTOR VEHICLES

	Maximum Allowable Limit (dB(A))
<u>Trucks and buses:</u>	
Over 10,000 pounds	
Measured at 50 feet	87
Measured at 25 feet	93
Under 10,000 pounds	
Measured at 50 feet	80
Measured at 25 feet	86

Passenger cars:

Measured at 50 feet	78
Measured at 25 feet	84

Motorcycles, go-carts, trail bikes and other motorized vehicles not classified as trucks or passenger cars:

Measured at 50 feet	87
Measured at 25 feet	93

(a) The measurement of sound or noise shall be made with a sound level meter meeting the standards prescribed by the American National Standards Institute. The instrument shall be maintained in calibration and good working order. A calibration check shall be made of the system at the time of any noise measurement. Measurements recorded shall be taken so as to provide a proper representation of the noise source and shall not exceed the above levels as measured in any direction. The microphone during measurement shall be positioned so as not to create any unnatural enhancement or diminution of the measured noise. A windscreen for the microphone shall be used when required. Traffic, aircraft and other transportation noise sources and other background noises shall not be considered in taking measurements except where such background noise interferes with the primary noise being measured.

(b) Measurement of noise levels caused by a moving vehicle shall be confirmed by a noise level measurement taken with the vehicle stationary. The driver of said vehicle shall be required to accelerate his engine to one-half throttle, in order to conduct the noise level reading.

(3) Mufflers. It shall be unlawful for any person to operate or cause to be operated any muffler attached to any motor vehicle or any other mechanized unit which produces noise levels exceeding dB(A) ratings as set out in Table 1 and accompanying subsections above.

(4) Horns and other warning devices generally. It shall be unlawful for any person to operate or cause to be operated any horn, siren, whistle, bell or any electronic blast which may be attached to any motor vehicle or other mechanized unit which is in any manner inconsistent with § 15-915.

(5) Trains. It shall be unlawful for any person to operate or cause to be operated a warning device of any type, including, but not limited to, a whistle, horn or electronic blast, on trains or vehicles which operate on stationary rails in excess of eighty-seven (87) dB(A) at fifty (50) feet (Table 1 above) for a sustained period of more than thirty (30) seconds, except as may be required by any federal safety regulation requiring sounding of warning signals at grade crossings.

(6) Manner of enforcement. Violations of this section shall be prosecuted in the same manner as other offense violations of the ordinance comprising this chapter, and shall be initiated upon issuance of a traffic citation

ticket, or brought upon complaint of a private citizen by issuance of a summons, after verification by an officer using a sound meter.

(7) Exemptions. The following uses and activities shall be exempt from noise level regulations:

(a) Ambulance, whether owned by private company or government operated, while upon call to scene of accident or emergency situation.

(b) Vehicles used as garbage collection trucks while in performance of duties and used for either loading or processing of garbage and debris, whether privately owned or government operated.

(c) County or town fire equipment upon emergency call and return.

(d) Arlington Police, Shelby County Sheriff's equipment, and/or other city, county, state and federal law enforcement equipment, upon emergency call.

(e) Vehicular equipment used in connection with removal of trees, brush, undergrowth, etc., whether privately owned or government operated.

(f) All of the above-mentioned vehicles, with the exception of county fire equipment, shall be required to maintain mufflers and related equipment within the noise level regulations contained in this section.
(Ord. #1997-14, Oct. 1997)

CHAPTER 10

TRAFFIC CONTROL DEVICES

SECTION

- 15-1001. Installation and maintenance generally.
- 15-1002. Uniformity; when official.
- 15-1003. When signs required.
- 15-1004. Unauthorized signs, signals, etc.
- 15-1005. Altering, injuring, etc., devices.
- 15-1006. Traffic-control signal legend generally.
- 15-1007. Flashing signals.
- 15-1008. Pedestrian-control signal.
- 15-1009. Controlled access roadways.
- 15-1010. Obedience to devices.

15-1001. Installation and maintenance generally. The Town of Arlington and/or the county shall place and maintain traffic-control signs, signals and devices when and as required under this chapter and other traffic ordinances of the county to make effective the provisions of this chapter and other ordinances, and may place and maintain such additional traffic-control devices as may be necessary to regulate traffic under this chapter, other traffic ordinances of the town or county or under state law, or to guide or warn traffic. (Ord. #1997-14, Oct. 1997)

15-1002. Uniformity; when official. All traffic-control signs, signals and devices required by this chapter for a particular purpose shall, so far as practicable, be uniform as to type and location throughout the town or county. All traffic-control devices so erected and not inconsistent with the provisions of state law or this chapter shall be official traffic-control devices. (Ord. #1997-14, Oct. 1997)

15-1003. When signs required. No provision of this chapter for which signs are required shall be enforced against an alleged violator if at the time and place of the alleged violation an official sign is not in proper position and sufficiently legible to be seen by an ordinarily observant person. Whenever a particular section does not state that signs are required, such section shall be effective even though no signs are erected or in place. (Ord. #1997-14, Oct. 1997)

15-1004. Unauthorized signs, signals, etc. (1) No person shall place, maintain or display upon or in view of any public highway, street or road any unauthorized, sign, signal, marking or device which purports to be or is an imitation of or resembles an official traffic-control device or railroad sign or

signal, which attempts to direct the parking or movement of traffic, which hides from view or interferes with the effectiveness of any official traffic-control device or any railroad sign or signal, and no person shall place or maintain nor shall any public authority permit upon any public highway, street or road any sign or signal bearing thereon any commercial advertising. This section shall not be deemed to prohibit the erection, upon private property adjacent to highways, or signs giving useful directional information and of a type that cannot be mistaken for official signs.

(2) Every such prohibited sign, signal or making is hereby declared to be a public nuisance and the town is hereby empowered to remove the same or cause it to be removed without notice. (Ord. #1997-14, Oct. 1997)

15-1005. Altering, injuring, etc, devices. (1) No person shall, without lawful authority, attempt to or in fact alter, deface, injure, knock down or remove any official traffic-control device or any railroad sign or signal or any inscription, shield or insignia thereon, or any other part thereof.

(2) Violation of this section shall be an offense punishable as provided in § 15-201. (Ord. #1997-14, Oct. 1997)

15-1006. Traffic-control signal legend generally. (1) Whenever traffic is controlled by traffic-control signals exhibiting illuminated and different colored circular lenses or lighted arrows successively one at a time or in combination, only the colors green, yellow and red shall be used, except for special pedestrian signals carrying a word or symbol legend, and such signals shall indicate and apply to drivers of vehicles and pedestrians as follows:

(a) Green indication:

(i) Vehicular traffic facing the signal may proceed straight through or turn right or left, unless a sign at such place prohibits either 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.

(ii) Vehicular traffic facing a green arrow signal, alone or in combination with another indication, may cautiously enter the intersection only to make the movement indicated by such arrow, or such other movements as are permitted by other indications shown at the same time. Such vehicular traffic shall yield the right-of-way to pedestrians within any adjacent crosswalk and to other traffic lawfully within the intersection.

(iii) Unless otherwise directed by a pedestrian control signal, pedestrians facing any green signal, except when the sole green signal is a turn arrow, may proceed across the roadway within any marked or unmarked crosswalk.

(b) Steady yellow indication, when shown following the green indication:

(i) Vehicular traffic facing a steady yellow signal is thereby warned that the related green movement is being terminated or that a red indication will be exhibited immediately thereafter.

(ii) Pedestrians facing a steady yellow indication, unless otherwise directed by a pedestrian control signal, are thereby advised that there is insufficient time to cross the roadway before a red indication is shown, and no pedestrian shall then start to cross the roadway.

(c) Steady red indication:

(i) Vehicular traffic facing a steady red signal shall stop at a clearly marked stop line, if any, before entering the crosswalk on the near side of the intersection, or, if none, then before entering the intersection, and shall remain standing until an indication to proceed is shown, except that a right turn shall be permitted at any time unless otherwise prohibited by a sign; and, 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 all vehicles lawfully within the intersection in accordance with the signal indications controlling them, and such turn will not endanger other traffic lawfully using such intersection. A right turn on red shall be permitted at all intersections except those clearly marked by a "NO TURN ON RED" sign.

(ii) Unless otherwise directed by a pedestrian control signal, no pedestrian facing a steady red indication alone shall enter the roadway.

(iii) A left turn may be permitted by sign during the display of a steady red indication at any intersection where a one-way street intersects with another one-way street moving in the same direction into which the left turn would be made from the original one-way street. Before making such a turn, the turning car shall come to a full and complete stop and shall yield the right-of-way to pedestrians and all vehicles lawfully in the intersection in accordance with the traffic signal controlling them, and so as not to endanger traffic lawfully using the intersection. Unless signs permitting this left turn during the display of a steady red indication are erected, left turns on red are prohibited.

(2) If an official traffic control signal is erected and maintained on a public highway, street or road, at a location other than an intersection with another public highway, street or road, including, but not limited to, a private road or a driveway entering a public highway, street or road, or a signal-

controlled midblock pedestrian crossing, and if signal indications are provided to control traffic entering or crossing the public highway, street or road, 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 stop line 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 before entering the near side crosswalk or sidewalk, or, if none, the stop shall be made at the roadway right-of-way. If no signal indications are provided to control the traffic on the private road or driveway, the provisions of this chapter covering vehicles entering and leaving a roadway via an uncontrolled private road or driveway shall apply. (Ord. #1997-14, Oct. 1997)

15-1007. Flashing signals. Whenever an illuminated flashing circular red or yellow signal is used in conjunction with a traffic sign or signal, it shall require obedience by vehicular traffic as follows:

(a) Flashing red (stop signal). When a red signal is illuminated with rapid intermittent flashes, drivers of vehicles shall stop at a clearly marked stop line, but 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 signal is illuminated with rapid intermittent flashes, drivers of vehicles may proceed through the intersection or past such signal only with caution.

(c) This section shall not apply at railroad grade crossings. Conduct of drivers of vehicles approaching railroad grade crossings shall be governed by the rules as set forth in Tennessee Code Annotated, § 55-8-145. (Ord. #1997-14, Oct. 1997)

15-1008. Pedestrian-control signal. Whenever special pedestrian-control signals exhibiting the words "Walk" or "Don't Walk" are in place, such signals shall indicate and require obedience as follows:

(1) Walk. Pedestrians facing such a signal may proceed across the roadway in the direction of the signal, within a marked crosswalk, if one exists, and shall be given the right-of-way by the drivers of all vehicles.

(2) Flashing or don't walk. No pedestrian shall start to cross the roadway in the direction of such signal, but any pedestrian who has begun his crossing on the "walk" signal may proceed to a sidewalk or designated pedestrian refuge area.

(3) Steady "don't walk." No pedestrian shall leave the curb or start crossing the roadway in the direction of such signal. (Ord. #1997-14, Oct. 1997)

15-1009. Controlled-access roadways. The chief of police or sheriff may, with respect to any controlled-access roadway under his jurisdiction, prohibit the use of any such roadway by pedestrians, bicycles or other non-

motorized traffic or by any person operating a motor-driven cycle. Such prohibition shall be indicated by appropriate signs and, when so erected, no person shall disobey the restrictions stated on such signs. (Ord. #1997-14, Oct. 1997)

15-1010. Obedience to devices. The driver of any vehicle, or any pedestrian, shall obey the instructions of any official traffic-control device applicable thereto placed in accordance with this chapter and other traffic ordinances of the town or county, unless otherwise directed by an officer or deputy. (Ord. #1997-14, Oct. 1997)