

TITLE 15

MOTOR VEHICLES, TRAFFIC AND PARKING¹

CHAPTER

1. MISCELLANEOUS.
2. EMERGENCY VEHICLES.
3. SPEED LIMITS.
4. TURNING MOVEMENTS.
5. STOPPING AND YIELDING.
6. PARKING.
7. ENFORCEMENT.
8. ROADBLOCKS.

CHAPTER 1

MISCELLANEOUS²

SECTION

- 15-101. Adoption of state statutes.
- 15-102. Driving on streets closed for repairs, etc.
- 15-103. [Deleted.]
- 15-104. One-way streets.
- 15-105. Unlaned streets.
- 15-106. Laned streets.
- 15-107. Yellow lines.
- 15-108. Miscellaneous traffic-control signs, etc.
- 15-109. Unauthorized traffic-control signs, etc.
- 15-110. Presumption with respect to traffic-control signs, etc.
- 15-111. School safety patrols.

¹Municipal code reference

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

²State law references

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

- 15-112. Driving through funerals or other processions.
- 15-113. Clinging to vehicles in motion.
- 15-114. Riding on outside of vehicles.
- 15-115. Backing vehicles.
- 15-116. Projections from the rear of vehicles.
- 15-117. Causing unnecessary noise.
- 15-118. Vehicles and operators to be licensed.
- 15-119. Passing.
- 15-120. Damaging pavements.
- 15-121. Accidents.
- 15-122. Truck routes.
- 15-123. Loose material hauled in open truck bed.
- 15-124. Handicap parking spaces.
- 15-125. Duty to denote full time awareness and attention to operating vehicle.
- 15-126. Duty to drive at a safe speed, maintain proper lookout and keep vehicle under control.
- 15-127. Compliance with financial responsibility law required.

15-101. Adoption of state statutes. By the authority granted under Tennessee Code Annotated, § 16-18-302(a), the City of Fayetteville adopts by reference as if fully set forth in this section, the "Rules of the Road," as codified in Tennessee Code Annotated, §§ 55-8-101 through 55-8-131, and §§ 55-8-133 through 55-8-180. Additionally, the City of Fayetteville adopts Tennessee Code Annotated, §§ 55-8-181 through 55-8-193, § 55-9-601 through 55-9-606 and § 55-12-139 by reference as if fully set forth in this section. (1979 Code, § 9-101, as replaced by Ord. #2007-41, Dec. 2007)

15-102. Driving on streets closed for repairs, etc. Except for necessary access to property abutting thereon, no motor vehicle shall be driven upon any street that is barricaded or closed for repairs or other lawful purpose. (1979 Code, § 9-106)

15-103. [Deleted.] (1979 Code, § 9-107, as deleted by Ord. #2007-41, Dec. 2007)

15-104. One-way streets. On any street for one-way traffic with posted signs indicating the authorized direction of travel at all intersections offering access thereto, no person shall operate any vehicle except in the indicated direction. (1979 Code, § 9-109)

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

- (a) When lawfully overtaking and passing another vehicle proceeding in the same direction.
- (b) When the right half of a roadway is closed to traffic while under construction or repair.

(c) Upon a roadway designated and signposted by the city for one-way traffic.

(2) All vehicles proceeding at less than the normal speed of traffic at the time and place and under the conditions then existing shall be driven as close as practicable to the right hand curb or edge of the roadway, except when overtaking and passing another vehicle proceeding in the same direction or when preparing for a left turn. (1979 Code, § 9-110)

15-106. Laned streets. On streets marked with traffic lanes, it shall be unlawful for the operator of any vehicle to fail or refuse to keep his vehicle within the boundaries of the proper lane for his direction of travel except when lawfully passing another vehicle or preparatory to making a lawful turning movement.

On two (2) lane and three (3) lane streets, the proper lane for travel shall be the right hand lane unless otherwise clearly marked. On streets with four (4) or more lanes, either of the right hand lanes shall be available for use except that traffic moving at less than the normal rate of speed shall use the extreme right hand lane. On one-way streets either lane may be lawfully used in the absence of markings to the contrary. (1979 Code, § 9-111)

15-107. Yellow lines. On streets with a yellow line placed to the right of any lane line or center line, such yellow line shall designate a no-passing zone, and no operator shall drive his vehicle or any part thereof across or to the left of such yellow line except when necessary to make a lawful left turn from such street. (1979 Code, § 9-112)

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

It shall be unlawful for any pedestrian or the operator of any vehicle willfully to violate or fail to comply with the reasonable directions of any police officer. (1979 Code, § 9-113)

15-109. Unauthorized traffic-control signs, etc. No person shall place, maintain, or display upon or in view of any street, any unauthorized sign, signal, marking, or device which purports to be or is an imitation of or resembles an official traffic-control sign, signal, marking, or device or railroad sign or signal, or which attempts to control the movement of traffic or parking of

¹Municipal code references

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

vehicles, or which hides from view or interferes with the effectiveness of any official traffic-control sign, signal, marking, or device or any railroad sign or signal. (1979 Code, § 9-114)

15-110. Presumption with respect to traffic-control signs, etc. When a traffic-control sign, signal, marking, or device has been placed, the presumption shall be that it is official and that it has been lawfully placed by the proper municipal authority. (1979 Code, § 9-115)

15-111. School safety patrols. All motorists and pedestrians shall obey the directions or signals of school safety patrols when such patrols are assigned under the authority of the chief of police and are acting in accordance with instructions; provided, that such persons giving any order, signal, or direction shall at the time be wearing some insignia and/or using authorized flags for giving signals. (1979 Code, § 9-116)

15-112. Driving through funerals or other processions. (1) Unless complying with the specific order of a law enforcement officer, it is unlawful for the operator of a motor vehicle to knowingly:

(a) Fail to yield the right of way to a properly identified funeral procession progressing across an intersection in accordance with the provisions of Tennessee Code Annotated, § 55-8-183(a)(1);

(b) While following a properly identified funeral procession along a two lane street, road or highway, pass or attempt to pass a properly identified funeral procession; or

(c) Drive or attempt to drive between the vehicles within a properly identified funeral procession.

(2) Each violation of this subsection is punishable by a civil penalty not to exceed fifty dollars (\$50.00).

(3) For purposes of this subsection, to be "properly identified" funeral procession, such procession must be indicated by a flashing amber light and an auditory signaling device mounted on the lead vehicle or by other properly identified escort and a flag or other appropriate marking device on each vehicle in the procession indicating that such vehicle is part of the funeral procession. (1979 Code, § 9-117, as replaced by Ord. #2001-2, Feb. 2001)

15-113. Clinging to vehicles in motion. It shall be unlawful for any person traveling upon any bicycle, motorcycle, coaster, sled, roller skates, or any other vehicle to cling to, or attach himself or his vehicle to any other moving vehicle upon any street, alley, or other public way or place.

It shall be unlawful for any person to roller skate on any public street. (1979 Code, § 9-119)

15-114. Riding on outside of vehicles. It shall be unlawful for any person to ride, or for the owner or operator of any motor vehicle being operated on a street, alley, or other public way or place, to permit any person to ride on any portion of such vehicle not designed or intended for the use of passengers. This section shall not apply to persons engaged in the necessary discharge of lawful duties nor to persons riding in the load-carrying space of trucks. (1979 Code, § 9-120)

15-115. Backing vehicles. The driver of a vehicle shall not back the same unless such movement can be made with reasonable safety and without interfering with other traffic. (1979 Code, § 9-121)

15-116. Projections from the rear of vehicles. Whenever the load or any projecting portion of any vehicle shall extend beyond the rear of the bed or body thereof, the operator shall display at the end of such load or projection, in such position as to be clearly visible from the rear of such vehicle, a red flag being not less than twelve (12) inches square. Between one-half ($\frac{1}{2}$) hour after sunset and one-half ($\frac{1}{2}$) hour before sunrise, there shall be displayed in place of the flag a red light plainly visible under normal atmospheric conditions at least two hundred (200) feet from the rear of such vehicle. (1979 Code, § 9-122)

15-117. Causing unnecessary noise. It shall be unlawful for any person to cause unnecessary noise by unnecessarily sounding the horn, "racing" the motor, or causing the "screeching" or "squealing" of the tires on any motor vehicle. (1979 Code, § 9-123)

15-118. Vehicles and operators to be licensed. It shall be unlawful for any person to operate a motor vehicle in violation of the "Tennessee Motor Vehicle Title and Registration Law" or the "Uniform Motor Vehicle Operators' and Chauffeurs' License Law."

Any police officer may stop the operator of any motor vehicle for the purpose of determining whether or not there is compliance with the requirements of this section. (1979 Code, § 9-124)

15-119. Passing. Except when overtaking and passing on the right is permitted, the driver of a vehicle passing another vehicle proceeding in the same direction shall pass to the left thereof at a safe distance and shall not again drive to the right side of the street until safely clear of the overtaken vehicle. The driver of the overtaken vehicle shall give way to the right in favor of the overtaking vehicle on audible signal and shall not increase the speed of his vehicle until completely passed by the overtaking vehicle.

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

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

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

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

No vehicle operator shall attempt to pass another vehicle proceeding in the same direction unless he can see that the way ahead is sufficiently clear and unobstructed to enable him to make the movement in safety. (1979 Code, § 9-125)

15-120. Damaging pavements. No person shall operate upon any street of the municipality any vehicle, motor propelled or otherwise, which by reason of its weight or the character of its wheels or track is likely to damage the surface or foundation of the street. (1979 Code, § 9-118)

15-121. Accidents. The operator of any vehicle involved in an accident resulting in injury to any person or damage to any vehicle or other property shall immediately stop at the scene of such accident. Upon request he shall give his name, address and vehicle registration number and shall exhibit his operator's or chauffeur's license to the person injured or owning the property damaged.

If the owner of any vehicle or other property damaged is not available or known the operator shall leave in a conspicuous place on the property damaged a notice of the accident and shall leave his name and address and that of the owner of the vehicle he is driving.

When there is an injury to any person or property damage amounting to one hundred dollars (\$100.00) or more immediate notice of such accident shall be given to the police department. (1979 Code, § 9-126)

15-122. Truck routes. It shall be unlawful, except where reasonably necessary to make a service call or delivery, for any vehicle, trailer or combination thereof except a gooseneck trailer with a gross vehicular weight rating in excess of fifteen thousand (15,000) pounds to occupy or travel on any portion of the streets of the City of Fayetteville except for the following described truck routes.

WEST BOUND US64/SR15

Trucks traveling to points South US273 shall exit left on Thornton-Taylor Parkway (SR15, US64 By-Pass), thence in a Westerly direction, thence exit left US 64/SR15, thence in a Southerly direction, thence exit left on SR273.

Trucks traveling to points West on US 64 shall exit left on Thornton-Taylor Parkway (SR15/US64 By-Pass), thence in a Westerly direction, left US64/SR15.

Trucks traveling to points North on US431/SR273 exit left on Thornton-Taylor Parkway (SR15/US64 By-Pass), thence West along Thornton-Taylor Parkway, thence exit right on US431/SR273, and in a Northern direction.

Trucks traveling to points South on US431/231/SR10 shall exit left on Thornton-Taylor Parkway (SR15/US64 By-Pass), thence West along Thornton-Taylor Parkway, thence exit left on US431/231/SR10, and in a Southern direction.

Trucks traveling to points West on Hwy 110 - shall exit left on Thornton-Taylor Parkway (SR15/US64 By-Pass), thence Southern direction, thence exit right on State Route 110.

EAST BOUND US64/STATE ROUTE 15

Trucks traveling to points East on US64/SR15, shall exit right on Wilson Parkway (SR15/US64 By-Pass), thence in Easterly direction, thence exit right on US64/State Route 15, thence in an Easterly direction.

Trucks traveling to points North on US231/SR10, shall exit right on Wilson Parkway (SR15/US64 By-Pass), thence in an Easterly direction, thence exit right on US231/State Route 10, thence in a Northern direction.

Trucks traveling to points North on SR50 shall exit right on Wilson Parkway (State Route 15/US64 By-Pass), thence in an Easterly direction, thence exit right on US64/SR15, thence in an Easterly direction on US64/SR15, thence left on SR50 in a Northerly direction.

Trucks traveling to points North on US431/SR273 shall exit right on Wilson Parkway SR15/US64 By-Pass, thence in an Easterly direction, thence exit left on US431/SR273, thence in a Northerly direction.

Trucks traveling to points South on US431/231/SR10 shall exit right on Wilson Parkway SR15/US64 By-Pass, thence in an Easterly direction, thence exit right on US431/231/SR10 and continue in a Southerly direction.

Trucks traveling to points West on State Route 110, shall exit right on Wilson Parkway SR15/US64 By-Pass, thence in an Easterly direction, thence exit right on US431/SR10, and continue in a Southerly direction, thence exit right on State Route 110, and continue in a Southwestern direction.

NORTH BOUND US431/STATE ROUTE 10

Trucks traveling to points North on US431/State Route 273, shall continue in a Northerly direction.

Trucks traveling to points East on US64/SR15, shall exit right at Thornton-Taylor Parkway (SR15/US64 By-Pass), thence in an Easterly direction, thence exit right on US64/SR15.

Trucks traveling to points East on Hwy 50 North, shall (use above), then add... thence in an Easterly direction, thence exit left on State Route 50.

Trucks traveling to points North on US231/SR10, shall exit right at Thornton-Taylor Parkway (SR15/US64 By-Pass), thence in an easterly direction, thence exit right on US231/State Route 10.

Trucks traveling to points West on US64/SR15, shall exit left at Thornton-Taylor Parkway (SR15/US64 By-Pass), thence in a Westerly direction, thence left on US64/SR15.

Trucks traveling to points 273 South, shall exit left a Thornton-Taylor Parkway (SR15/US64 By-Pass), thence continue in a Westerly direction, exit left on State Route 273.

SOUTH BOUND US431/STATE ROUTE 50 NORTH

Trucks traveling to points South on US431/SR273, shall continue in a Southerly direction, thence, exit right SR110.

Trucks traveling to points South SR110, shall continue in a Southerly direction, thence exist right SR110.

Trucks traveling to points East on US64/SR15 shall exit left at Thornton-Taylor Parkway (SR15/US64 By-Pass), thence in an Easterly direction, thence exit right on US64/SR15.

Trucks traveling in points East on Hwy 50 shall exit left at Thornton-Taylor Parkway (SR15/US64 By-Pass), thence in an Easterly direction, thence exit left on SR50.

Trucks traveling to points North on US231/SR10 shall exit left at Thornton-Taylor (SR15/US64 By-Pass), thence in an Easterly direction, thence exit right on US231/SR10.

Trucks traveling to points West on US64/SR15, shall exit right at Thornton-Taylor Parkway (SR15/US64 By-Pass), thence in a Westerly direction, thence exit left on US64/State Route 15.

Trucks traveling to points South SR273, shall exit right at Thornton-Taylor Parkway (SR15/US64 By-Pass), thence, continue in a Westerly direction, exit left on State Route 273.

SOUTH BOUND US231/SR10

Trucks traveling to points East on US64/SR15, shall exit left on Thornton-Taylor Parkway (US64 By-Pass/SR10), thence in a Westerly direction, thence exit left on US64/SR15, and continue in an Easterly direction.

Trucks traveling to points North on SR50 shall exit left on Thornton-Taylor Parkway (US64 By-Pass/SR10), thence in a Westerly direction, thence exit left on US64/SR10, thence in a Westerly direction, thence exit left on US64/SR15 in an Easterly direction, thence exit left on SR50.

Trucks traveling to points North on US431/SR273, shall exit left on Thornton-Taylor Parkway (US64 By-Pass/SR10) thence in a Westerly direction, thence exit right on US431/SR273, and continue in a Northerly direction.

Trucks traveling to points South on US431/231/SR10, shall exit left on Thornton-Taylor Parkway (US54 By-Pass/SR10), thence in a Westerly direction, thence exit left on US431/231/SR10.

Trucks traveling to points West on SR110 shall exit left on Thornton-Taylor Parkway (US64 By-Pass/SR10), thence in a Westerly

direction, thence, exit left on US431/231/SR10 and continue in a Southerly direction, thence exit right on SR110.

Trucks traveling to points West on US64/SR15, shall exit left on Thornton-Taylor Parkway (US64 By-Pass/SR10), thence in a Westerly direction, thence exit left on USD64/SR15.

Trucks traveling to points West SR273, shall exit left on Thornton-Taylor Parkway (US64 By-Pass/SR10), continue in a Westerly direction, thence exit left on SR273. (1979 Code, § 9-127)

15-123. Loose material hauled in open truck bed. Any truck, or other motor vehicle, with an open bed which is operated on any highway, road, or street open for public use in this city shall be loaded so that any loose material transported therein remains at least four (4) inches below the walls of such open bed, measured at the front, back, and sidewalls, but such load may be piled higher in the center of such open bed. Loose material includes any substance which could spill, drop off, or blow away from the open bed when the vehicle is operated. Loose material shall not include materials such as sand or salt which are purposely discharged from truck beds to clear roadways or improve traction. As used in this section the term "hauler" shall include both the owner and the driver of a vehicle and both parties shall be jointly liable. (1979 Code, § 9-128)

15-124. Handicap parking spaces. All handicap parking spaces hereinafter marked off or repainted shall be no less than 13.5 feet in width. (1979 Code, § 9-129)

15-125. Duty to devote full time awareness and attention to operating vehicle. It shall be unlawful for a driver of a vehicle to fail to devote full awareness and attention to operating such vehicle when such failure, under the conditions that then exist, endangers life, limb or property. (as added by Ord. #2001-3, Feb. 2001)

15-126. Duty to drive at a safe speed, maintain proper 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 of a vehicle shall, under the conditions that then exist:

- (1) Operate the vehicle at a safe speed;
- (2) Maintain a proper lookout; and
- (3) Use due care to keep the vehicle under control, and it shall be unlawful for a driver to fail to perform any or all of these measures. (as added by Ord. #2001-3, Feb. 2001)

15-127. Compliance with financial responsibility law required.

(1) Every vehicle operated within the corporate limits must be in compliance with the financial responsibility law.

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

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

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

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

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

(4) Civil offense. It is a civil offense to fail to provide evidence of financial responsibility pursuant to this section. Any violation of this section is punishable by a civil penalty of up to fifty dollars (\$50.00). The civil penalty prescribed by this section shall be in addition to any other penalty prescribed by the laws of this state or by the city's municipal code of ordinances.

(5) Evidence of compliance after violation. On or before the court date, the person charged with a violation of this section may submit evidence of compliance with this section in effect at the time of the violation. If the court is satisfied that compliance was in effect at the time of the violation, the charge of failure to provide evidence of financial responsibility may be dismissed. (as added by Ord. #2002-2, Feb. 2002)

CHAPTER 2

EMERGENCY VEHICLES

SECTION

15-201. Authorized emergency vehicles defined.

15-202. Operation of authorized emergency vehicles.

15-203. Following emergency vehicles.

15-204. Running over fire hoses, etc.

15-201. Authorized emergency vehicles defined. Authorized emergency vehicles shall be fire department vehicles, police vehicles, and such ambulances and other emergency vehicles as are designated by the chief of police. (1979 Code, § 9-102)

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

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

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

(4) The foregoing provisions shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor shall such provisions protect the driver from the consequences of his reckless disregard for the safety of others. (1979 Code, § 9-103)

¹Municipal code reference

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

15-203. Following emergency vehicles. No driver of any vehicle shall follow any authorized emergency vehicle apparently travelling in response to an emergency call closer than five hundred (500) feet or drive or park such vehicle within the block where fire apparatus has stopped in answer to a fire alarm. (1979 Code, § 9-104)

15-204. Running over fire hoses, etc. It shall be unlawful for any person to drive over any hose lines or other equipment of the fire department except in obedience to the direction of a fireman or policeman. (1979 Code, § 9-105)

CHAPTER 3

SPEED LIMITS

SECTION

15-301. In general.

15-302. At intersections.

15-303. In school zones.

15-304. In congested areas.

15-301. In general. It shall be unlawful for any person to operate or drive a motor vehicle upon any highway or street at a rate of speed in excess of thirty (30) miles per hour except where official signs have been posted indicating other speed limits, in which cases the posted speed limit shall apply. (1979 Code, § 9-201)

15-302. At intersections. It shall be unlawful for any person to operate or drive a motor vehicle through any intersection at a rate of speed in excess of fifteen (15) miles per hour unless such person is driving on a street regulated by traffic-control signals or signs which require traffic to stop or yield on the intersecting streets. (1979 Code, § 9-202)

15-303. In school zones. Generally, pursuant to Tennessee Code Annotated, § 55-8-153, special speed limits in school zones shall be enacted based on an engineering investigation; shall not be less than fifteen (15) miles per hour; and shall be in effect only when proper signs are posted with a warning flasher or flashers in operation. It shall be unlawful for any person to violate any such special speed limit enacted and in effect in accordance with this paragraph.

When the governing body has not established special speed limits as provided for above, any person who shall drive at a speed exceeding fifteen (15) miles per hour when passing a school during a recess period when a warning flasher or flashers are in operation, or during a period of forty (40) minutes before the opening hour of a school or a period of forty (40) minutes after the closing hour of a school, while children are actually going to or leaving school, shall be prima facie guilty of reckless driving. (1979 Code, § 9-203)

15-304. In congested areas. It shall be unlawful for any person to operate or drive a motor vehicle through any congested area at a rate of speed in excess of any posted speed limit when such speed limit has been posted by authority of the municipality. (1979 Code, § 9-204)

CHAPTER 4

TURNING MOVEMENTS

SECTION

15-401. Generally.

15-402. Right turns.

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

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

15-405. U-turns.

15-401. Generally. No person operating a motor vehicle shall make any turning movement which might affect any pedestrian or the operation of any other vehicle without first ascertaining that such movement can be made in safety and signaling his intention in accordance with the requirements of the state law.¹ (1979 Code, § 9-301)

15-402. Right turns. Both the approach for a right turn and a right turn shall be made as close as practicable to the right hand curb or edge of the roadway. (1979 Code, § 9-302)

15-403. Left turns on two-way roadways. At any intersection where traffic is permitted to move in both directions on each roadway entering the intersection, an approach for a left turn shall be made in that portion of the right half of the roadway nearest the center line thereof and by passing to the right of the intersection of the center line of the two roadways. (1979 Code, § 9-303)

15-404. Left turns on other than two-way roadways. At any intersection where traffic is restricted to one direction on one or more of the roadways, the driver of a vehicle intending to turn left at any such intersection shall approach the intersection in the extreme left hand lane lawfully available to traffic moving in the direction of travel of such vehicle and after entering the intersection the left turn shall be made so as to leave the intersection, as nearly as practicable, in the left hand lane lawfully available to traffic moving in such direction upon the roadway being entered. (1979 Code, § 9-304)

15-405. U-turns. U-turns are prohibited except where permitted by posted signs or where the vehicle making the U-turn can be seen by the driver of any other vehicle approaching from either direction within five hundred feet (500'). (1979 Code, § 9-305)

¹State law reference

Tennessee Code Annotated, § 55-8-143.

CHAPTER 5

STOPPING AND YIELDING

SECTION

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

15-501. Upon approach of authorized emergency vehicles.¹ Upon the immediate approach of an authorized emergency vehicle making use of audible and/or visual signals meeting the requirements of the laws of this state, or of a police vehicle properly and lawfully making use of an audible signal only, the driver of every other vehicle shall immediately drive to a position parallel to, and as close as possible to, the right hand edge or curb of the roadway clear of any intersection and shall stop and remain in such position until the authorized emergency vehicle has passed, except when otherwise directed by a police officer. (1979 Code, § 9-401)

15-502. When emerging from alleys, etc. The drivers of all vehicles emerging from alleys, parking lots, driveways, or buildings shall stop such vehicles immediately prior to driving onto any sidewalk or street. They shall not proceed to drive onto the sidewalk or street until they can safely do so without colliding or interfering with approaching pedestrians or vehicles. (1979 Code, § 9-402)

15-503. To prevent obstructing an intersection. No driver shall enter any intersection or marked crosswalk unless there is sufficient space on the other side of such intersection or crosswalk to accommodate the vehicle he is operating without obstructing the passage of traffic in or on the intersecting street or crosswalk. This provision shall be effective notwithstanding any traffic-control signal indication to proceed. (1979 Code, § 9-403)

¹Municipal code reference

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

15-504. At railroad crossings. Any driver of a vehicle approaching a railroad grade crossing shall stop within not less than fifteen (15) feet from the nearest rail of such railroad and shall not proceed further while any of the following conditions exist:

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

(2) A crossing gate is lowered or a human flagman signals the approach of a railroad train.

(3) A railroad train is approaching within approximately fifteen hundred (1500) feet of the highway crossing and is emitting an audible signal indicating its approach.

(4) An approaching railroad train is plainly visible and is in hazardous proximity to the crossing. (1979 Code, § 9-404)

15-505. At "stop" signs. The driver of a vehicle facing a "stop" sign shall bring his vehicle to a complete stop immediately before entering the crosswalk on the near side of the intersection or, if there is no crosswalk, then immediately before entering the intersection, and shall remain standing until he can proceed through the intersection in safety. (1979 Code, § 9-405)

15-506. At "yield" signs. The drivers of all vehicles shall yield the right of way to approaching vehicles before proceeding at all places where "yield" signs have been posted. (1979 Code, § 9-406)

15-507. At traffic-control signals generally. Traffic-control signals exhibiting the words "Go," "Caution," or "Stop," or exhibiting different colored lights successively one at a time, or with arrows, shall show the following colors only and shall apply to drivers of vehicles and pedestrians as follows:

(1) Green alone, or "Go":

(a) Vehicular traffic facing the signal may proceed straight through or turn right or left unless a sign at such place prohibits such turn. But vehicular traffic, including vehicles turning right or left, shall yield the right-of-way to other vehicles and to pedestrians lawfully within the intersection or an adjacent crosswalk at the time such signal is exhibited.

(b) Pedestrians facing the signal may proceed across the roadway within any marked or unmarked crosswalk.

(2) Steady yellow alone, or "Caution":

(a) Vehicular traffic facing the signal is thereby warned that the red or "Stop" signal will be exhibited immediately thereafter, and such vehicular traffic shall not enter or be crossing the intersection when the red or "Stop" signal is exhibited.

(b) Pedestrians facing such signal shall not enter the roadway unless authorized so to do by a pedestrian "Walk" signal.

(3) Steady red alone, or "Stop":

(a) Vehicular traffic facing the signal shall stop before entering the crosswalk on the near side of the intersection or, if none, then before entering the intersection and shall remain standing until green or "Go" is shown alone. Provided, however, that a right turn on a red signal shall be permitted at all intersections within the city, provided that the prospective turning car comes to a full and complete stop before turning and that the turning car yields the right of way to pedestrians and cross traffic traveling in accordance with their traffic signal. However, said turn will not endanger other traffic lawfully using said intersection. A right turn on red shall be permitted at all intersections except those clearly marked by a "No Turns On Red" sign, which may be erected by the city at intersections which the city decides require no right turns on red in the interest of traffic safety.

(b) Pedestrians facing such signal shall not enter the roadway unless authorized so to do by a pedestrian "Walk" signal.

(4) Steady red with green arrow:

(a) Vehicular traffic facing such signal may cautiously enter the intersection only to make the movement indicated by such arrow but shall yield the right-of-way to pedestrians lawfully within a crosswalk and to other traffic lawfully using the intersection.

(b) Pedestrians facing such signal shall not enter the roadway unless authorized so to do by a pedestrian "Walk" signal.

(5) In the event an official traffic-control signal is erected and maintained at a place other than an intersection, the provisions of this section shall be applicable except as to those provisions which by their nature can have no application. Any stop required shall be made at a sign or marking on the pavement indicating where the stop shall be made, but in the absence of any such sign or marking the stop shall be made a vehicle length short of the signal. (1979 Code, § 9-407)

15-508. At flashing traffic-control signals. (1) Whenever an illuminated flashing red or yellow signal is used in a traffic sign or signal placed or erected by the municipality it shall require obedience by vehicular traffic as follows:

(a) Flashing red (stop signal). When a red lens is illuminated with intermittent flashes, drivers of vehicles shall stop before entering the nearest crosswalk at an intersection or at a limit line when marked, or if none, then before entering the intersection, and the right to proceed shall be subject to the rules applicable after making a stop at a stop sign.

(b) Flashing yellow (caution signal). When a yellow lens is illuminated with intermittent flashes, drivers of vehicles may proceed through the intersection or past such signal only with caution.

(2) This section shall not apply at railroad grade crossings. Conduct of drivers of vehicles approaching railroad grade crossings shall be governed by the rules set forth in § 15-504 of this code. (1979 Code, § 9-408)

15-509. At pedestrian control signals. Wherever special pedestrian control signals exhibiting the words "Walk" or "Wait" or "Don't Walk" have been placed or erected by the municipality, such signals shall apply as follows:

(1) Walk. Pedestrians facing such signal may proceed across the roadway in the direction of the signal and shall be given the right-of-way by the drivers of all vehicles.

(2) Wait or Don't Walk. No pedestrian shall start to cross the roadway in the direction of such signal, but any pedestrian who has partially completed his crossing on the walk signal shall proceed to the nearest sidewalk or safety zone while the wait signal is showing. (1979 Code, § 9-409)

15-510. Stops to be signaled. No person operating a motor vehicle shall stop such vehicle, whether in obedience to a traffic sign or signal or otherwise, without first signaling his intention in accordance with the requirements of the state law,¹ except in an emergency. (1979 Code, § 9-410)

¹State law reference

Tennessee Code Annotated, § 55-8-143.

CHAPTER 6

PARKING

SECTION

- 15-601. Generally.
- 15-602. Angle parking.
- 15-603. Occupancy of more than one space.
- 15-604. Where prohibited.
- 15-605. Loading and unloading zones.
- 15-606. Consent to markings.
- 15-607. Unlawful to interfere with officer.
- 15-608. Presumption with respect to illegal parking.
- 15-609. Loading zone regulations.

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

Except as hereinafter provided, every vehicle parked upon a street within this municipality shall be so parked that its right wheels are approximately parallel to and within eighteen (18) inches of the right edge or curb of the street. On one-way streets where the municipality has not placed signs prohibiting the same, vehicles may be permitted to park on the left side of the street, and in such cases the left wheels shall be required to be within eighteen (18) inches of the left edge or curb of the street.

Notwithstanding anything else in this code to the contrary, no person shall park or leave a vehicle parked on any public street or alley within the fire limits between the hours of 1:00 A.M. and 5:00 A.M. or on any other public street or alley for more than seventy-two (72) consecutive hours without the prior approval of the chief of police.

Furthermore, no person shall wash, grease, or work on any vehicle, except to make repairs necessitated by an emergency, while such vehicle is parked on a public street. (1979 Code, § 9-501)

15-602. Angle parking. On those streets which have been signed or marked by the municipality for angle parking, no person shall park or stand a vehicle other than at the angle indicated by such signs or markings. No person shall angle park any vehicle which has a trailer attached thereto or which has a length in excess of twenty-four (24) feet. (1979 Code, § 9-502)

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

street or curb designating such space unless the vehicle is too large to be parked within a single designated space. (1979 Code, § 9-503)

15-604. Where prohibited. No person shall park a vehicle in violation of any sign placed or erected by the municipality, nor:

- (1) On a sidewalk.
 - (2) In front of a public or private driveway.
 - (3) Within an intersection or within fifteen (15) feet thereof.
 - (4) Within fifteen (15) feet of a fire hydrant.
 - (5) Within a pedestrian crosswalk.
 - (6) Within fifty (50) feet of a railroad crossing.
 - (7) Within twenty (20) feet of the driveway entrance to any fire station, and on the side of the street opposite the entrance to any fire station within seventy-five (75) feet of the entrance.
 - (8) Alongside or opposite any street excavation or obstruction when other traffic would be obstructed.
 - (9) On the roadway side of any vehicle stopped or parked at the edge or curb of a street.
 - (10) Upon any bridge.
 - (11) Alongside any curb painted yellow or red by the municipality.
- (1979 Code, § 9-504)

15-605. Loading and unloading zones. No person shall park a vehicle for any purpose or period of time other than for the expeditious loading or unloading of passengers or merchandise in any place marked by the municipality as a loading and unloading zone. (1979 Code, § 9-505)

15-606. Consent to markings. Any person parking a vehicle in a parking space marked and set aside as such on the public square and streets of Fayetteville impliedly consents to the marking of the vehicle's tires with chalk for purposes of enforcing the parking ordinances and regulations of the city. (1979 Code, § 9-506)

15-607. Unlawful to interfere with officer. It shall be unlawful for any person to interfere with a police officer in marking said vehicle's tires mentioned in § 15-606 above or to erase the chalk marks until such time as the vehicle has been moved from the parking space where its tires were marked. (1979 Code, § 9-507)

15-608. Presumption with respect to illegal parking. When any unoccupied vehicle is found parked in violation of any provision of this chapter, there shall be a prima facie presumption that the registered owner of the vehicle is responsible for such illegal parking. (1979 Code, § 9-508)

15-609. Loading zone regulations. The city administrator with the approval of the police and fire committee shall have the right to adopt regulations concerning loading zone of vehicles on the public streets of the city, the removal by towing of same, the issuance of loading zone permits, and the cost thereof. A list of said regulations shall be on file at the municipal building and shall be open to public inspection during reasonable business hours. Signs shall be posted informing the public of no loading zone or limited loading zone areas. (1979 Code, § 9-509)

CHAPTER 7

ENFORCEMENT

SECTION

15-701. Issuance of traffic citations.

15-702. Failure to obey citation.

15-703. Illegal parking.

15-704. Impoundment of vehicles.

15-705. Violation and penalty.

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

It shall be unlawful for any alleged violator to give false or misleading information as to his name or address. (1979 Code, § 9-602)

15-702. Failure to obey citation. It shall be unlawful for any person to violate his written promise to appear in court after giving said promise to an officer upon the issuance of a traffic citation, regardless of the disposition of the charge for which the citation was originally issued. (1979 Code, § 9-603)

15-703. Illegal parking. Whenever any motor vehicle without a driver is found parked or stopped in violation of any of the restrictions imposed by this code, the officer finding such vehicle shall take its license number and may take any other information displayed on the vehicle which may identify its user, and shall conspicuously affix to such vehicle a citation for the driver and/or owner to answer for the violation within ten (10) days during the hours and at a place specified in the citation. (1979 Code, § 9-604, modified)

15-704. Impoundment of vehicles. Members of the police department are hereby authorized, when reasonably necessary to prevent obstruction of traffic, to remove from the streets and impound any vehicle whose operator is arrested, or any vehicle which is illegally parked, abandoned, or otherwise parked so as to constitute an obstruction or hazard to normal traffic. Any vehicle left parked on any street or alley for more than seventy-two (72)

¹State law reference

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

consecutive hours without permission from the chief of police shall be presumed to have been abandoned if the owner cannot be located after a reasonable investigation. Such an impounded vehicle shall be stored until the owner claims it, gives satisfactory evidence of ownership, and pays all applicable fines and costs. The fee for impounding a vehicle shall be twenty dollars (\$20.00) and a storage cost of two dollars (\$2.00) per day shall also be charged. (1979 Code, § 9-601)

15-705. Violation and penalty. Any violation of this title shall be a civil offense punishable as follows:

(1) Traffic citations. Traffic citations shall be punishable by a civil penalty up to fifty and no/100 (\$50.00) dollars for each separate offense.

(2) Parking violations. For parking violations, the offender may waive his/her right to a judicial hearing and have the charges disposed of out of court but the fines shall be ten and no/100 (\$10.00) dollars within ten days and fifteen and no/100 (\$15.00) dollars thereafter. (1979 Code, § 9-604, as replaced by Ord. #2002-7, June 2002)

CHAPTER 8

ROADBLOCKS

SECTION

15-801. Roadblocks.

15-801. Roadblocks. No one shall hold a roadblock for the solicitation of contributions on the streets of Fayetteville except organizations that:

(1) Secure a permit from the chief of police who shall issue no more than two in any one month or a total of eighteen in any calendar year. Organizations may make applications for permits in the twelfth month prior to the issuance of the permit.

(2) Operate the roadblock only between the hours of 9:00 a.m. and 12:00 (noon) with persons fourteen (14) years of age or older at no more than four (4) intersections.

(3) Require the solicitors to wear bright, high visibility clothing or vests prescribed by the chief of police.

(4) Require solicitors, including all street sale vendors which term shall include newsboys, who operate within the legal rights of way inside the limits of the City of Fayetteville, to wear bright, high visibility clothing or bright, high visibility vests, prescribed by the chief of police.

(5) Require organizations that desire to hold a roadblock for the solicitation of contributions to secure a permit from the chief of police as set out in 15-801(1) and the chief of police shall issue a permit after following the criteria as set out in the Fayetteville Municipal Code in chapter 3, Charitable Solicitors section 9-302. If the chief of police denies such permit, the appeal procedure set out in 9-303 may be followed. (as added by Ord. #95-12, June 1995, and amended by Ord. #96-20, Dec. 1996; and further amended by Ord. #99-5, Nov. 1999)