

**TITLE 15****MOTOR VEHICLES, TRAFFIC AND PARKING**<sup>1</sup>**CHAPTER**

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**CHAPTER 1****MISCELLANEOUS**<sup>2</sup>**SECTION**

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<sup>1</sup>Municipal code reference

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

<sup>2</sup>State 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.

- 15-110. Unauthorized traffic control signs, etc.
- 15-111. Presumption with respect to traffic control signs, etc.
- 15-112. School safety patrols.
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- 15-122. Bicycle riders, etc.
- 15-123. Reckless driving.
- 15-124. Driving under the influence.
- 15-125. Cutting through private property.
- 15-126. Careless driving.
- 15-127. Passenger restraints for children.

**15-101. Incorporation by reference of State offenses.** Pursuant to T.C.A. §55-10 307 and T.C.A. 16-18-302, all State offenses allowed to be incorporated by reference are so incorporated and made City offenses punishable in the City's municipal court. (Ord 2002-10, July, 2002, Ord. 2004-29, September, 2004, Ord. 2007-4, Jan. 2007)

**15-102. Motor vehicle requirements.** It shall be unlawful for any person to operate any motor vehicle within the corporate limits unless such vehicle is equipped with properly operating muffler, lights, brakes, horn, and such other equipment as is prescribed and required by Tennessee Code Annotated, title 55, chapter 9. (Ord. #1970-25, Aug. 1970)

**15-103. 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 purposes. (Ord. #1970-25, Aug. 1970)

**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. (Ord. #1970-25, Aug. 1970)

**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 municipality 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. (Ord. #1970-25, Aug. 1970)

**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. (Ord. #1970-25, Aug. 1970)

**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. (Ord. #1970-25, Aug. 1970)

**15-108. Miscellaneous traffic control signs, etc.<sup>1</sup>** 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 to willfully violate or fail to comply with the reasonable directions of any police officer. (Ord. #1970-25, Aug. 1970)

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<sup>1</sup>Municipal code references

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

**15-109. General requirements for traffic control signs, etc.** All traffic control signs, signals, markings, and devices shall conform to the latest revision of the Manual on Uniform Traffic Control Devices for Streets and Highways,<sup>1</sup> published by the U. S. Department of Transportation, Federal Highway Administration, and shall, so far as practicable, be uniform as to type and location throughout the municipality. This section shall not be construed as being mandatory but is merely directive. (Ord. #1970-25, Aug. 1970)

**15-110. Unauthorized traffic control signs, etc.** No person shall place, maintain, or display upon or in view of any street, any unauthorized sign, signal, marking, or device which purports to be or is an imitation of or resembles an official traffic control sign, signal, marking, or device or railroad sign or signal, or which attempts to control the movement of traffic or parking of vehicles, or which hides from view or interferes with the effectiveness of any official traffic control sign, signal, marking, or device or any railroad sign or signal. (Ord. #1970-25, Aug. 1970)

**15-111. Presumption with respect to traffic control signs, etc.** When a traffic control sign, signal, marking, or device has been placed, the presumption shall be that it is official and that it has been lawfully placed by the proper municipal authorities. (Ord. #1970-25, Aug. 1970)

**15-112. School safety patrols.** All motorists and pedestrians shall obey the direction or signal of the school safety patrol, 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 hand-slash or using authorized flags for giving signals. (Ord. #1970-25, Aug. 1970)

**15-113. Driving through funerals or other processions.** Except when otherwise directed by a police officer, no driver of a vehicle shall drive between the vehicles comprising a funeral or other authorized procession while they are in motion and when such vehicles are conspicuously designated. (Ord. #1970-25, Aug. 1970)

**15-114. Clinging to vehicles in motion.** It shall be unlawful for any person traveling upon any bicycle, motorcycle, coaster, sled, roller skates, or any other vehicle to cling to, or attach himself or his vehicle to any other moving vehicle upon any street, alley, or other public way or place. (Ord. #1970-25, Aug. 1970)

**15-115. Riding on outside of vehicles.** It shall be unlawful for any person to ride or for the owner or operator of any motor vehicle being operated on a street, alley, or other

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

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. (Ord. #1970-25, Aug. 1970)

**15-116. Backing vehicles.** The driver of a vehicle shall not back the same unless such movement can be made with reasonable safety and without interfering with other traffic. (Ord. #1970-25, Aug. 1970)

**15-117. Projections from the rear of vehicles.** Whenever the load or any projecting portion of any vehicle shall extend beyond the rear of the bed or body thereof, the operator shall display at the end of such load or projection, in such position as to be clearly visible from the rear of such vehicle, a red flag being not less than twelve (12) inches square. Between one-half (½) hour after sunset and one-half (½) 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. (Ord. #1970-25, Aug. 1970)

**15-118. Causing unnecessary noise.** It shall be unlawful for any person to cause unnecessary noise by unnecessarily sounding the horn, "racing" the motor, or causing the "screeching" or "squealing" of the tires on any motor vehicle. (Ord. #1970-25, Aug. 1970)

**15-119. Vehicles and operators to be licensed.** It shall be unlawful for any person to operate a motor vehicle in violation of the "Tennessee Motor Vehicle Title and Registration Law" or the "Uniform Motor Vehicle Operators' and Chauffeurs' License Law." (Ord. #1970-25, Aug. 1970)

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

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

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

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

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

No vehicle operator shall attempt to pass another vehicle proceeding in the same direction unless he can see that the way ahead is sufficiently clear and unobstructed to enable him to make the movement in safety. (Ord. #1970-25, Aug. 1970)

**15-121. 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. (Ord. #1970-25, Aug. 1970)

**15-122. Bicycle riders, etc.** Every person riding or operating a bicycle, motorcycle, or motor scooter shall be subject to the provisions of all traffic ordinances, rules, and regulations of the city applicable to the driver or operator of other vehicles except as to those provisions which by their nature can have no application to bicycles, motorcycles, or motor scooter.

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

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

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

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

No person shall operate or ride upon any motorcycle, motorbike, or motor scooter unless such person is equipped with and wearing on the head a safety helmet with a secured chin strap and suspension lining, which said helmet shall conform to the type and design manufactured for the use of the operators and riders of such motor vehicles. (Ord. #1970-25, Aug. 1970)

**15-123. Reckless driving.** Irrespective of the posted speed limit, no person, including operators of emergency vehicles, shall drive any vehicle in willful or wanton disregard for the safety of persons or property on any of the public roads and highways, or on any of the streets or alleys or on any private property within the corporate limits of the City of Hendersonville. (Ord. #1970-25, Aug. 1970, as amended by Ord. #1976-6, May 1976)

**15-124. Driving under the influence.** No person shall drive or operate or be in physical control of any automobile or other motor driven vehicle on any of the public roads

and highways, or on any of the streets or alleys or on any private property, within the corporate limits of the City of Hendersonville, while under the influence of an intoxicant, or  
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while under the influence of drugs producing stimulating effects on the central nervous system. (Ord. #1970-25, Aug. 1970, as amended by Ord. #1974-33, April 1974, and Ord. #1976-10, May 1976)

**15-125. Cutting through private property.** It shall be unlawful for the driver or operator of any motor vehicle to drive upon or through any private property of service stations, shopping centers, churches, schools, etc., or upon or through any driveways that is not a part of the public thoroughfares of this city for the purpose of avoiding obedience to any traffic signal, regulation or traffic control. (Ord. #1972-30, Aug. 1972)

**15-126. Careless driving.** Every person operating a vehicle upon the streets within the City of Hendersonville shall drive the same in a careful and prudent manner, having regard for the width, grade, curves, corners, traffic and use of these streets and all other attendant circumstances, so as not to endanger the life, limb or property of any person. Failure to drive in such manner shall constitute careless driving and a violation of this section. (Ord. #1988-56, June 1988)

**15-127. Passenger restraints for children.** The provisions of Tennessee Code Annotated §55-9-602, which include the requirement that child passenger restraint systems, including safety belts meeting federal motor vehicle safety standards, must be used by children under sixteen (16) years of age, are hereby adopted by reference to apply to all persons traveling on the roads, streets, or highways of the City. (Ord. 2002-05, March, 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 mayor. (Ord. #1970-25, Aug. 1970, modified)

**15-202. Operation of authorized emergency vehicles.**<sup>1</sup> (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 lighted lamp displaying a red light visible under normal atmospheric conditions from a distance of 300 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. (Ord. # 1970-25, Aug. 1970)

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<sup>1</sup>Municipal 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 500 feet or drive or park such vehicle within the block where fire apparatus has stopped in answer to a fire alarm. (Ord. #1970-25, Aug. 1970)

**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. (Ord. #1970-25, Aug. 1970)

## CHAPTER 3

### SPEED LIMITS

#### SECTION

15-301. In general.

15-302. At intersections.

15-303. In school zones and near playgrounds.

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.<sup>1</sup> (Ord. #1970-26, Aug. 1970)

**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 controls, signals or signs which require traffic to stop or yield on the intersecting streets. (Ord. #1970-26, Aug. 1970)

**15-303. In school zones and near playgrounds.** It shall be unlawful for any person to operate or drive a motor vehicle through any school zone or near any playground at a rate of speed in excess of fifteen (15) miles per hour when official signs indicating such speed limit have been posted by authority of the municipality. This section shall not apply at times when children are not in the vicinity of a school and such posted signs have been covered by direction of the chief of police. (Ord. #1970-26, Aug. 1970)

**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. (Ord. #1970-26, Aug. 1970)

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<sup>1</sup>Ord. # 1976-16, dated June 1976, established speed limits along Main Street, also known as State Route 6 and U.S. Highway 31E.

## 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.<sup>1</sup> (Ord. #1970-27, Aug. 1970)

**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. (Ord. #1970-27, Aug. 1970)

**15-403. Left turns on two-way roadways.** At any intersection where traffic is permitted to move in both directions on each roadway entering the intersection, an approach for a left turn shall be made in that portion of the right half of the roadway nearest the center line thereof and by passing to the right of the intersection of the center lines of the two roadways. (Ord. #1970-27, Aug. 1970)

**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. (Ord. #1970-27, Aug. 1970)

**15-405. U-turns.** U-turns are prohibited. (Ord. #1970-27, Aug. 1970)

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<sup>1</sup>State law reference  
Tennessee Code Annotated, §55-8-143.

## STOPPING AND YIELDING

### SECTION

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

**15-501. Upon approach of authorized emergency vehicles.**<sup>1</sup> 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. (Ord. #1970-28, Aug. 1970)

**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. (Ord. #1970-28, Aug. 1970)

**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. (Ord. #1970-28, Aug. 1970)

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<sup>1</sup>Municipal 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. (Ord. #1970-28, Aug. 1970)

**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. (Ord. #1970-28, Aug. 1970)

**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. (Ord. #1970-28, Aug. 1970)

**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.

(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.

(6) Steady red with " Right turn on red after stop" sign:

(a) Vehicular traffic facing such signal shall bring his vehicle to a complete 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 he can proceed to make a right turn only; or until green or "Go" is shown alone.

(b) Pedestrians facing such signal shall not enter the roadway unless authorized to do so by a pedestrian "Walk" signal. (Ord. #1970-28, Aug. 1970, as amended by Ord. #1974-2, Jan. 1974)

**15-508. At flashing traffic control signals.** (1) Whenever an illuminated flashing red or yellow signal is used in a traffic sign or signal placed or erected in the 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. (Ord. #1970-28, Aug. 1970)

**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. (Ord. #1970-28, Aug. 1970)

**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,<sup>1</sup> except in an emergency. (Ord. #1970-28, Aug. 1970)

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<sup>1</sup>State 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. Presumption with respect to illegal parking.
- 15-607. Parking on Main Street.

**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 city has not placed signs prohibiting the same, vehicles may be permitted to park on the left side of the street, and in such cases the left wheels shall be required to be within eighteen (18) inches of the left edge or curb of the street.

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

Furthermore, no person shall wash, grease, or work on any vehicle, except to make repairs necessitated by an emergency, while such vehicle is parked on a public street. (Ord. #1970-29, Aug. 1970)

**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. (Ord. #1970-29, Aug. 1970)

**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. (Ord. #1970-29, Aug. 1970)

**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. (Ord. #1970-29, Aug. 1970)

**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 city as a loading and unloading zone. (Ord. #1970-29, Aug. 1970)

**15-606. 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. (Ord. #1970-29, Aug. 1970)

**15-607. Parking on Main Street.** Any vehicle parking or interfering with the general flow of traffic by blocking Main Street shall be in violation of this section. Any vehicle found to be in violation of this section may be impounded by the City of Hendersonville and stored at the expense of the owner(s) of the vehicle. The owner(s) of any vehicle found to be in violation of this section shall be subject to a fine not more than fifty dollars (\$50.00). (Ord. #1980-29, Oct. 1980)

## **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.**<sup>1</sup> 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 then allow such person to continue on their way. It shall be unlawful for any alleged violator to give false or misleading information as to his name or address. (Ord. #1970-30, Aug. 1970, as amended by Ord. 1997-25, June, 1997)

**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. (Ord. #1970-30, Aug. 1970)

**15-703. Illegal parking.** Whenever any motor vehicle without a driver is found parked or stopped in violation of any municipal ordinance by 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. (Ord. #1970-30, Aug. 1970)

**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 the vehicle of any person who is arrested, or any vehicle which is illegally parked, abandoned, or otherwise parked so as to constitute an obstruction or hazard

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<sup>1</sup>State law reference

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

to normal traffic. Any vehicle left parked on any street or alley for more than seventy-two (72) consecutive hours without permission from the chief of police or his designee 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 \$35.00 to \$45.00 and a storage cost of \$10.00 per day shall also be charged. (Ord. #1970-30, Aug. 1970, Ord. 1997-26, July 1997)

**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 dollars (\$50.00) for each separate offense.

(2) Parking citations. (a) Parking meter. If the offense is a parking meter violation, the offender may, within ten (10) days, have the charge against him disposed of by paying to the finance director a fine of one dollar (\$1.00) provided he waives his right to a judicial hearing. If he appears and waives his right to a judicial hearing after ten (10) days but before a warrant for his arrest is issued, his fine shall be three dollars (\$3.00).

(b) Other parking violations. For other parking violations, the offender may, within ten (10) days, have the charge against him disposed of by paying to the city recorder a fine of three dollars (\$3.00) provided he waives his right to a judicial hearing. If he appears and waives his right to a judicial hearing after ten (10) days but before a warrant is issued for his arrest, his civil penalty shall be five dollars (\$5.00).

## CHAPTER 8

### SIZE, WEIGHT, AND LOAD OF VEHICLES

#### SECTION

- 15-801. Definition of vehicle.
- 15-802. Operation of vehicles injurious to roads must conform to regulations.
- 15-803. Truck traffic restricted to certain streets.
- 15-804. Maximum width and height.
- 15-805. Special permits for moving vehicles of excess weight or size - reduction of weight and size regulations.
- 15-806. Applications.
- 15-807. Fee.
- 15-808. Deposit or bond.
- 15-809. Maximum weight may be lowered, when notices to be posted.
- 15-810. Penalty for violation.
- 15-811. Agreements to hold the municipality harmless from all claims, etc.
- 15-812. Agreements to hold the municipality harmless from all claims, etc.

**15-801. Definition of vehicle.** The word "vehicle" shall mean every device in, upon, or by which any person or property is or may be transported or drawn upon street, road, highway or public thoroughfare, excepting devices moved by human power or used exclusively upon stationary rails or tracks. (Ord. #1974-10, May 1976)

**15-802. Operation of vehicles injurious to roads must conform to regulations.** No vehicle, truck, engine, or tractor of any kind, whether such vehicle be propelled by steam, gasoline, or otherwise, shall be permitted to operate upon any street, road, highway, or other public thoroughfare which, either by reason of its weight or the character of its wheels, will materially injure the surface or foundation of such street, road, highway, public thoroughfare, including the bridges thereon, unless and until the owner or operator of such vehicle of any kind, shall have complied with such rules and regulations as may be prescribed by the Public Works Department, Department of Public Safety and Department of Transportation, relating to the use of such highways by such vehicles, without obtaining a special permit as herein provided. (Ord. #1974-10, May 1976, as amended by Ord. 1997-8, April, 1997)

**15-803. Truck traffic restricted to certain streets.** (1) For the purpose of this section, a truck is defined to be any vehicle designed or operated for the transportation of persons or property; and whose gross vehicle weight exceeds 10,000 pounds.

- (2) All trucks will be limited to the following streets:
  - (a) all federal and state routes

(b) routes designated in the Hendersonville Major Thoroughfare Plan (latest revision) as freeway, collector and urban arterial

(c) routes within commercial or industrial zoned areas as referenced by the Hendersonville Zoning Map (latest revision).

(3) Exceptions: The following are exceptions to this section:

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

(b) The operation of emergency vehicles upon any street in the city.

(c) The operation of trucks owned or operated by the city, any contractor or material man, while under contract to the city while engaged in the repair, maintenance, or construction of streets, street improvements, or street utilities within the city.

(d) The operation of school buses; buses used to transport persons to and from a place of worship, which runs a designated route, except for public carriers of persons for hire who hold a valid franchise license with the City of Hendersonville.

(e) The operation of trucks owned or operated by the city, any contractor or vendor, while under contract to the city while engaged in the collection and disposal of solid waste within the city. (Ord. #1974-10, March 1974, as amended by Ord. #1976-1, Feb. 1976, modified, Ord. 1997-8, April 1997)

**15-804. Maximum width and height.** No motor vehicle as defined above or any trailer or semi-trailer, whose width, including any part of the load, exceeds eight (8) feet (that is, four (4) feet on each side of the center line of the vehicle) or whose height, including any part of the load, exceeds fourteen and one-half (14 ½) feet, shall be operated on any street, road, highway, or public thoroughfare, provided, that the provisions of this section shall not apply to farm tractors or farm machinery temporarily moving on any highway. Motor vehicles used in carrying property consisting of ordinary livestock or agricultural commodities and/or farm equipment if such motor vehicles are not used in carrying any other property for compensation, may be operated on any street or highway provided the height of such trailer, semi-trailer or vehicle including any part of the load shall not exceed fourteen and one-half (14 ½) feet. (Ord. #1974-10, May 1976)

**15-805. Special permits for moving vehicles of excess weight or size - reduction of weight and size regulations.** The mayor or his designated representative shall have the authority to grant special permits for the movements of vehicles carrying fixed loads weighing in excess of 14,000 pounds for the steering axle, 18,000 pounds for the single drive axle, 30,000 pounds for the tandem drive axle, with split axles, if independently suspended 18,000 pounds each, otherwise 30,000 pounds if suspended together, or a maximum gross weight of 52,000 pounds or dimensions in excess of the dimensions set forth in §§ 15-804

and 15-805. The mayor or his designated representative shall have the authority to reduce the

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maximum gross weight of vehicles operating over streets, roads, highways, or public thoroughfares where through weakness of structure in either the surface of or the bridges over such streets, roads, highways or public thoroughfares, the maximum loads provided by law, in the opinion of the mayor or his designated representative, injure or damage such roads or bridges. The authority issuing such permits shall have the right to revoke the same at any time in the event in the use of the same the holder of such permit shall abuse the privilege given thereby, or otherwise make wrongful use of the same. (Ord. #1974-10, May 1976, modified)

**15-806. Applications.** Applications for such permits as required herein shall be made to the mayor or his designated representative and shall state thereon the location and route, the load size thereof, the purpose thereof, the person, firm, corporation, association or others doing the actual hauling, the name of the person, firm, corporation, association or others for whom the work is being done, and shall contain an agreement, that the applicant will comply with all ordinances and laws relating to the work to be done. Such application shall be rejected or approved by the mayor or his designated representative within twenty-four hours of its filing, provided, same is filed twenty-four hours before the close of the regular business week of the office of the mayor. The mayor or his designated representative shall have twenty-four hours during its regular business week that it is open for business, to approve or reject such applications. (Ord. #1974-10, May 1976, modified)

**15-807. Fee.** The fee for such permits shall be \$10.00 per truck per day for the first 10,000 pounds over the allowable limit or any part that is in excess of the allowable limit, according to the provisions of § 15-805, and two dollars (\$2.00) for each additional 1,000 pounds thereafter. A thirty (30) day permit may be granted at the discretion of the mayor or his designated representative, for thirty dollars (\$30.00) per thirty (30) day period for the first 10,000 pounds and six dollars (\$6.00) for each additional 1,000 pounds thereafter. (Ord. #1974-10, May 1976, modified)

**15-808. Deposit or bond.** No such permit shall be issued unless and until the applicant has a signature or surety bond in such form and amount as the mayor or his designated representative shall deem adequate to cover the costs to the municipality in the event the applicant were to fail to make the proper restoration to any damaged street, road, highway, public thoroughfare, including the bridges thereon, but in no case less than \$5,000.00. This provision shall apply only when the vehicle exceeds the weight limits as specified herein. (Ord. #1974-10, May 1976, modified)

**15-809. Maximum weight may be lowered, when notices to be posted.** From November 15th to April 15th of each year, and at any other time when by reason of repairs,

weather conditions, or recent construction of the road, the maximum weight herein permitted would damage the road, the mayor or his designated representative may specify and lower  
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maximum weight, which in the discretion of the mayor or his designated representative, is necessary in order to protect such streets, roads, highways, or other public thoroughfares from unnecessary injury or damage; provided, that notice of such reduction in weight of load shall be given by the mayor or his designated representative by posters posted at the terminal of the road and all detours for one (1) week before such reduction of load becomes effective. (Ord. #1974-10, May 1976, modified)

**15-810. Penalty for violation.** It shall be the duty of any officer authorized by law to make arrests, when he detects any person engaged in the violation of any of the provisions of the chapter, or regulations issued thereunder, immediately to place in custody and take such person before the city judge for trial, and it shall not be lawful for any person to move the vehicle overloaded in violation of the provisions of this chapter until the load has been reduced so as to comply with said provisions or a special permit has been obtained. Each violation of this chapter shall have a penalty of not more than a five hundred dollar (\$500.00) fine, or thirty (30) days in jail, or both, for each separate violation. (Ord. #1974-10, May 1976, modified)

**15-811. Agreements to hold the municipality harmless from all claims, etc.** Anyone, any person, firm, public or private corporation, association, or others, who obtain a special load permit to travel any public streets, roads, highways, public thoroughfares, including bridges, shall agree by virtue of the issuance of such permit as required herein and whether or not such permit is obtained, agrees that in any event, that they save this municipality harmless from all claims for damages that may result to persons or property by reason of the operation of a vehicle as herein stated. (Ord. #1974-10, May 1976)

## CHAPTER 9

### ACCIDENTS

#### SECTION

15-901. Accidents involving death or personal injury.

15-902. Accidents involving damage to vehicle.

15-903. Duty to give information and render aid.

15-904. Duty upon striking unattended vehicles.

15-905. Duty upon striking fixtures upon a highway.

15-906. Immediate notice of accident.

15-907. Violation.

**15-901. Accidents involving death or personal injury.** The driver of any vehicle involved in an accident on public or private property within the City of Hendersonville resulting in injury to or death of any person shall immediately stop such vehicle at the scene of such accident or as close thereto as possible but shall then forthwith return to and in every event shall remain at the scene of the accident until he has fulfilled the requirements of § 15-903. Every such stop shall be made without obstructing traffic more than is necessary. (Ord. #1976-13, May 1976)

**15-902. Accidents involving damage to vehicle.** The driver of any vehicle involved in an accident on public or private property within the City of Hendersonville resulting only in damage to a vehicle which is driven or attended by any person shall immediately stop such vehicle at the scene of such accident or as close thereto as possible but shall forthwith return to and in every event shall remain at the scene of such accident until he has fulfilled the requirements of § 15-903. Every such stop shall be made without obstructing traffic more than is necessary. (Ord. #1976-13, May 1976)

**15-903. Duty to give information and render aid.** The driver of any vehicle involved in an accident on public or private property within the City of Hendersonville resulting in injury to or death of any person or damage to any vehicle which is driven or attended by any person shall give his name, address and the registration number of the vehicle he is driving, and shall upon request and if available exhibit his operator's or chauffeur's license to the person struck or the driver or occupant of or person attending any vehicle collided with, and shall render to any person injured in such accident reasonable assistance, including the carrying, or the making of arrangements for the carrying, of such person to a physician, surgeon or hospital for medical or surgical treatment if it is apparent that such treatment is necessary or if such carrying is requested by the injured person. (Ord. #1976-13, May 1976)

**15-904. Duty upon striking unattended vehicles.** The driver of any vehicle which collides with any vehicle which is unattended on public or private property within the City of Hendersonville shall immediately stop and shall then and there either locate and notify the operator or owner of such vehicle of the name and address of the driver and owner of the vehicle striking the unattended vehicle or shall leave in conspicuous place in the vehicle struck a written notice giving the name and address of the driver and of the owner of the vehicle doing the striking and a statement of the circumstances thereof. If the owner or driver is not located, the Hendersonville Police Department shall be notified. (Ord. #1976-13, May 1976)

**15-905. Duty upon striking fixtures upon a highway.** The driver of any vehicle involved in an accident resulting only in damage to fixtures or other public or private property legally upon or adjacent to a highway within the City of Hendersonville shall take reasonable steps to locate and notify the owner or person in charge of such property of such fact and of his name and address and of the registration number of the vehicle he is driving and shall upon request and if available exhibit his operator's or chauffeur's license and shall make all other reports required by law. (Ord. #1976-13, May 1976)

**15-906. Immediate notice of accident.** The driver of a vehicle involved in an accident resulting in injury to or death of any person or property damage to an 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 Hendersonville Police Department. (Ord. #1976-13, May 1976, modified)

**15-907. Violation.** Violations of this chapter shall be punishable by a fine not to exceed five hundred dollars (\$500.00) and imprisonment in the Sumner County Jail not to exceed ninety (90) days. (Ord. #1976-13, May 1976, modified)