

TITLE 15

MOTOR VEHICLES, TRAFFIC AND PARKING¹

CHAPTER

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CHAPTER 1

MISCELLANEOUS²

SECTION

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¹Municipal code reference

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

²State law references

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

- 15-114. Clinging to vehicles in motion.
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- 15-121. Passing.
- 15-122. Damaging pavements.
- 15-123. Motorcycle, bicycle riders, etc.
- 15-124. Unlicensed motorized vehicles.

15-101. Motor vehicle requirements. It shall be unlawful for any person to operate any motor vehicle within the corporate limits unless such vehicle is equipped with properly operating muffler, lights, brakes, horn, and such other equipment as is prescribed and required by Tennessee Code Annotated, title 55, chapter 9. (1989 Code, § 9-101)

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. (1989 Code, § 9-106)

15-103. Reckless driving. Irrespective of the posted speed limit, no person, including operators of emergency vehicles, shall drive any vehicle in willful or wanton disregard for the safety of persons or property. (1989 Code, § 9-107)

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. (1989 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 municipality for one-way traffic.
- (d) When other emergency situations are declared by competent authority.

(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. (1989 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. (1989 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. (1989 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, county 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. (1989 Code, § 9-113)

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,² published by the U. S. Department of Transportation, Federal Highway Administration, and shall, so far as practicable, be uniform as to type

¹Municipal code references

Stop signs, yield signs, flashing signals: §§ 15-504--15-506.

²This manual may be obtained from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

and location throughout the city. This section shall not be construed as being mandatory but is merely directive. (1989 Code, § 9-114)

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 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. (1989 Code, § 9-115)

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 authority. All presently installed traffic-control signs, signals, markings and devices are hereby expressly authorized, ratified, approved and made official. (1989 Code, § 9-116)

15-112. 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 or sheriff 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. (1989 Code, § 9-117, modified)

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. (1989 Code, § 9-118)

15-114. Clinging to vehicles in motion. It shall be unlawful for any person traveling upon any bicycle, motorcycle, coaster, sled, roller skates, roller blades, ATVs, go carts 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. (1989 Code, § 9-120, modified)

15-115. Weight limits. It shall be unlawful for trucks and vehicles over twelve thousand (12,000) pounds gross vehicle weight to be operated or parked on residential district streets/roads maintained by the city. This shall not apply to emergency vehicles, or to vehicles on local deliveries and/or vehicles engaged in daily public or domestic maintenance endeavors. However, in no event shall such exempted vehicles be allowed to park unattended or overnight on any city

street or road without a permit issued by city hall. When such permits are issued, it will be the responsibility of the driver/owner of the vehicle to install any and all required traffic control devices and/or barriers to forewarn and protect the driving public. For purposes of this prohibition, trucks exceeding 12,000 pounds GVW may not travel north of Davies Plantation Road east nor south of the Mall entrance. (1989 Code, § 9-121, modified)

15-116. Riding on outside of vehicles. It shall be unlawful for any person to ride, or for the owner or operator of any motor vehicle being operated on a street, alley, or other public way or place, to permit any person to ride on any portion of such vehicle not designed or intended for the use of passengers. This section shall not apply to persons engaged in the necessary discharge of lawful duties. (1989 Code, § 9-122, modified)

15-117. Backing vehicles. The driver of a vehicle shall not back the same unless such movement can be made with reasonable safety and without interfering with other traffic. (1989 Code, § 9-123)

15-118. Projections from the rear of vehicles. Whenever the load or any projecting portion of any vehicle shall extend beyond the rear of the bed or body thereof, the operator shall display at the end of such load or projection, in such position as to be clearly visible from the rear of such vehicle, a red flag being not less than twelve (12) inches square. Between one-half ($\frac{1}{2}$) 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. (1989 Code, § 9-124)

15-119. Causing unnecessary noise. It shall be unlawful for any person to cause unnecessary noise by unnecessarily sounding the horn, "racing" the motor, or causing the "screeching" or "squealing" of the tires on any motor vehicle. (1989 Code, § 9-125)

15-120. Vehicles and operators to be licensed. It shall be unlawful for any person to operate a motor vehicle in violation of the "Tennessee Motor Vehicle Title and Registration Law" or the "Uniform Motor Vehicle Operators' and Chauffeurs' License Law." (1989 Code, § 9-126)

15-121. Passing. Except when overtaking and passing on the right is permitted, the driver of a vehicle passing another vehicle proceeding in the same direction shall pass to the left thereof at a safe distance and shall not again drive to the right side of the street until safely clear of the overtaken vehicle. The driver of the overtaken vehicle shall give way to the right in favor of the overtaking vehicle on audible signal and shall not increase the speed of his vehicle until completely passed by the overtaking vehicle.

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

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

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

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

No vehicle operator shall attempt to pass another vehicle proceeding in the same direction unless he can see that the way ahead is sufficiently clear and unobstructed to enable him to make the movement in safety. (1989 Code, § 9-127)

15-122. Damaging pavements. No person shall operate or cause to be operated upon any street of the city any vehicle, motor propelled or otherwise, which by reason of its weight or the character of its wheels, tires, or track is likely to damage the surface or foundation of the street. (1989 Code, § 9-119)

15-123. Motorcycle, bicycle riders, etc. (1) Every person riding or operating a bicycle, motorcycle, or motor driven cycle 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 driven cycles.

(2) No person operating or riding a bicycle, motorcycle, or motor driven cycle 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.

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

(4) No person operating a bicycle, motorcycle, or motor driven cycle shall carry any package, bundle, or article which prevents the rider from keeping both hands upon the handlebar.

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

(6) Each driver of a motorcycle or motor driven cycle and any passenger thereon shall be required to wear on his head a crash helmet of a type approved by the state's commissioner of safety.

(7) Every motorcycle or motor driven cycle operated upon any public way within the corporate limits shall be equipped with a windshield or, in the alternative, the operator and any passenger on any such motorcycle or motor driven cycle shall be required to wear safety goggles, faceshield or glasses containing impact resistant lenses for the purpose of preventing any flying object from striking the operator or any passenger in the eyes.

(8) It shall be unlawful for any person to operate or ride on any vehicle in violation of this section and it shall also be unlawful for any parent or guardian knowingly to permit any minor to operate a motorcycle, ATV, go carts or motor driven cycle in violation of this section.

(9) Official events (road races, bicycle tours, etc.) shall require an official permit to be obtained from Lakeland City Hall 30 days prior to the event. Permit fee to be fifty dollars (\$50.00). In no case shall more than one traffic lane be blocked. See § 16-108 for additional required deposit.

(10) No person shall operate a bicycle on public property in any area other than a public street or road (including right-of-way), or on a path, trail or other area specifically designated for bicycle riding. (1989 Code, § 9-128, modified, as amended by Ord. #02-02, Feb. 2002)

15-124. Unlicensed motorized vehicles. (1) ATVs, go carts, or any unlicensed motorized vehicles are prohibited on public streets, right-of-ways, and public parks.

(2) It shall be unlawful to operate ATVs, go carts, and other motorized vehicles without written permission of the property owner.

(3) It shall be unlawful for any person to operate or ride on any vehicle in violation of this section and it shall also be unlawful for any parent or guardian knowingly to permit any minor to operate a motorcycle, ATV, go cart or motor driven cycle in violation of this section.

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 city manager. (1989 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. (1989 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. (1989 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. (1989 Code, § 9-105)

CHAPTER 3

SPEED LIMITS

SECTION

15-301. In general.

15-302. At intersections.

15-303. In congested areas.

15-301. In general. It shall be unlawful for any person to operate a motor vehicle upon the streets of the City of Lakeland at a speed greater than twenty-five (25) mph, except in areas designated for a greater speed. (1989 Code, § 9-201, as amended by Ord. #02-04, March 2002)

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. (1989 Code, § 9-202)

15-303. 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 city. (1989 Code, § 9-203)

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 (1989 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. (1989 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. (1989 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. (1989 Code, § 9-304)

15-405. U-turns. U-turns are prohibited. (1989 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 "stop" signs.
- 15-505. At "yield" signs.
- 15-506. At flashing traffic-control signals.
- 15-507. 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, 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. (1989 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. (1989 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. (1989 Code, § 9-403)

15-504. 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

¹Municipal code reference

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

before entering the intersection, and shall remain standing until he can proceed through the intersection in safety. (1989 Code, § 9-404)

15-505. 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. (1989 Code, § 9-405)

15-506. At flashing traffic-control signals. Whenever an illuminated flashing red or yellow signal is used in a traffic sign or signal placed or erected in the city it shall require obedience by vehicular traffic as follows:

(1) 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.

(2) 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. (1989 Code, § 9-406)

15-507. 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. (1989 Code, § 9-407)

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. Presumption with respect to illegal parking.
- 15-607. No parking zones.
- 15-608. Impounding vehicles obstructing streets.
- 15-609. Parking and/or storage of recreational vehicles and equipment.

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 city shall be so parked that its right wheels are approximately parallel to and within six (6) 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 six (6) inches of the left edge or curb of the street.

Notwithstanding anything else in this code to the contrary, no person shall park or leave a vehicle parked on any public street or alley for more than seventy-two (72) consecutive hours without the prior approval of the city manager. Nor shall any person park or leave a recreational vehicle, camper, utility trailer, boat, or any other recreational or non-self propelled vehicle on any street at any time.

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. (1989 Code, § 9-501, modified)

15-602. Angle parking. On those streets which have been signed or marked by the city 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. (1989 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. (1989 Code, § 9-503)

15-604. Where prohibited. No person shall park a vehicle in violation of any sign placed or erected by the state, county or city, 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 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.
- (7) Alongside or opposite any street excavation or obstruction when other traffic would be obstructed.
- (8) On the roadway side of any vehicle stopped or parked at the edge or curb of a street.
- (9) Upon any bridge.
- (10) Alongside any curb painted yellow or red by the city. (1989 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 city as a loading and unloading zone. (1989 Code, § 9-505)

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. (1989 Code, § 9-506)

15-607. No parking zones. The provisions of Shelby County Ordinance 55 (as amended) are herewith adopted to be effective within the corporate limits of the City of Lakeland and shall be enforced by the Shelby County Sheriff's Department. Said "No parking zones" within the corporate limits will be designated and marked by the city manager/engineer in lieu of the "County Engineer" as prescribed in said Shelby County Ordinance. (1989 Code, § 9-507)

15-608. Impounded vehicles obstructing streets. The provisions of Shelby County Ordinance 56 are herewith adopted to be effective within the corporate limits of the City of Lakeland and shall be enforced by the Shelby County Sheriff's Department. (1989 Code, § 9-508)

15-609. Parking and/or storage of recreational vehicles and equipment. (1) Recreational vehicle and equipment, defined. Recreational vehicle and/or equipment shall be defined as trucks having three (3) or more axles or having a gross weight in excess of 8,000 pounds, commercial vehicles over nineteen (19) feet in length, buses (herein defined as a motor vehicle designed for carrying more than ten (10) passengers), recreational vehicles, boats (whether mounted on a trailer or not), motor homes, truck campers, travel trailers, boat trailers, tent trailers, camping trailers, motorized dwellings, fifth wheels, mobile homes, house trailers, trailers, utility trailers, semi-trailers, horse trailers, airplane gliders, off-highway motor vehicles, snowmobiles, sand buggies, dune buggies, all terrain vehicles, personal watercraft, tractors, implements of husbandry, golf carts, go-carts, or any other major recreational, commercial or agricultural vehicle or equipment.

(2) Parking and/or storage not permitted. Parking or storage of recreational vehicles and/or equipment is not permitted within a residential land use district unless there is compliance with the following:

(a) The recreational vehicle or equipment is housed within a vented garage or within a carport which is totally sight-screened from abutting properties by solid board fencing or sight-obscuring landscaping at least six feet in height; or

(b) The recreational vehicle or equipment may be located within a side or rear yard if in compliance with setback requirements applicable to accessory structures and sight-screened from abutting properties and right-of-way by solid board fencing or sight-obscuring landscaping at least six feet in height.

(c) If there is no reasonable access to a rear or side yard, recreational vehicles or equipment not exceeding four (4) feet in height may be located in the front yard provided they are not visible from the public right-of-way or adjacent properties.

(d) Recreational vehicles or equipment must be licensed (if licensing required by state authority for use) and operable.

(e) The parking surface is paved or of all-weather surface such as asphalt.

(f) Exception. Notwithstanding any other provision of this ordinance, a vehicle or piece of equipment that was a legal non-conforming use and in compliance with resolution 127 of the City of Lakeland may continue to be parked on the same property and in the driveway by the occupant of the property, provided all of the following requirements are met:

(i) There is no reasonable access to the rear or side yard;
and

(ii) There is sight-screening from all abutting properties by sight-obscuring landscaping, or if landscaping is inadequate to provide proper screening, by a fence; and

(iii) The parking surface is paved or of all-weather surface such as asphalt; and

(iv) The recreational vehicle or equipment is licensed (if licensing required by state authority for use), registered to the legal owner of the property on which it is parked, and operable; and

(v) No portion of the recreational vehicle or equipment intrudes over the curb, sidewalk and/or into the public right-of-way; and

(vi) The legal owners of all recreational vehicle or equipment purported to fall within the provisions of the exception created in paragraph (f) above shall register the recreational vehicles and/or equipment with the city no less than thirty (30) days after the effective date of this section. Failure of the recreational vehicle and/or equipment owner to register a recreational vehicle and/or piece of equipment as herein required shall constitute full, complete and permanent waiver of the exception herein granted; and

(vii) The exception herein granted shall exist only for the limited duration of the life of the recreational vehicle and/or equipment registered and only for the owner of the residential property for whom this exception was granted. If the recreational vehicle and/or equipment is destroyed by an act of God, as opposed to an intentional act and/or mere lack of continued functional use, the recreational vehicle and/or piece of equipment may be replaced by a similar such item and this exception shall continue to apply provided the recreational vehicle and/or equipment is registered as required herein.

(g) For purposes of this section, all sides of a property that abut a public right-of-way constitute a front yard.

(3) Accessory use of recreational vehicles and/or equipment while parked within residential land use district is absolutely prohibited.

(4) Parking or storage of recreational vehicles and/or equipment for compensation is not permitted in residentially zoned districts. Parking or storage of recreational vehicles and/or equipment on property where there is no unity of ownership interests in the recreational vehicle and/or equipment with a leasehold or fee interest in the subject property is absolutely prohibited. This paragraph does not apply to storage facilities provided exclusively for tenants of multifamily dwelling complexes.

(5) Commercial vehicles that exceed nineteen (19) feet in length are not permitted to be parked overnight on residential properties.

(6) This section does not apply to vehicles with camper shells or to watercraft moored over water.

(7) For purposes of this section, any new fencing or new sight-obscuring landscaping required must be installed in accordance with the City of Lakeland Fence Ordinance (Lakeland Ord. #120).

(8) Vehicles or equipment as herein defined parked on a driveway or other suitable impervious surface for the purpose of loading and unloading may remain parked or stored in the front yard for a period not to exceed 48 hours.

(9) Appeal. The board of appeals shall have the authority to grant variances from these standards in accordance with the provisions of this section. Any person who wishes to appeal a decision of the building official or seek a variance from certain conditions of this section must first request a hearing before the board of appeals. The board of appeals shall not grant a variance unless it makes findings based upon evidence presented to it as follows:

(a) Physical or topographical conditions. The particular physical surroundings, shape, or topographic conditions of the specific property involved would result in a particular hardship upon the owner, as distinguished from a mere inconvenience, if the strict application of the section were carried out;

(b) Relationship to other properties within the district. The conditions upon which the petition for variance is based would not be applicable, generally, to other property within the same district;

(c) Permitted activity. The variance will not authorize activities in the residential zoning district other than those provided for in this section;

(d) Financial implications. The variance is not based solely on financial considerations;

(e) Self-creating hardship. The alleged difficulty or hardship has not been created by any person having an interest in the property after the effective date of this section;

(f) Special privileges. Granting the variance will not confer on this applicant a special privilege that is denied by this section to other lands, structures or buildings in the same residential district;

(g) Minimum variance required. The variance is the minimum variance that will make possible reasonable use of the land.

(h) Effect on public welfare. Granting the variance will not be detrimental to the public welfare or injurious to other property or improvements in the area in which the subject property is located.

(i) Effect on adjacent property. The variance will not impair an adequate supply of light and air to adjacent property, substantially increase the congestion in the public streets, increase the danger of fire,

endanger the public safety, adversely impact drainage or create erosion, or substantially diminish or impair property values within the area.

(j) Nonconforming status. The variance is not based on the presence of non-conforming use of neighboring lands, structures, or buildings in the same residential district.

(k) Prohibited uses. Under no circumstance shall the board of appeals¹ grant a variance to allow a use not permitted under the terms of this section or any use expressly or by implication prohibited by the terms of this section or other regulations of the City of Lakeland.

(l) Conditions of variance. The board of appeals may impose such conditions and restrictions upon the premises benefited by a variance as may be necessary to reduce or minimize the injurious effect of such variation upon surrounding property including, but not limited to, requiring additional landscaping and screening measures, and better carry out the general intent of this section.

(10) Private restrictive covenants effect. This section shall not create a right to park and/or store recreational vehicles and/or equipment where otherwise prohibited by private restrictive covenants.

(11) Bona fide farming operations on agricultural zoned property excepted. The provisions of this section shall not apply to vehicles and equipment used in bona fide farming operations on agriculturally zoned property when such vehicles and equipment are parked on property zoned for agricultural uses.

(12) Severability. The provisions of this section are severable. If any provision of this section or the application thereof to any person or circumstance is held to be invalid by a court of competent jurisdiction, such invalidity shall not affect other provisions or applications of this section that can be given effect without the invalid provision or application.

(13) Fine for violation. Any person, firm or corporation violating any provision of this section shall be fined an amount not to exceed fifty dollars (\$50.00) for each offense, and a separate offense shall be deemed committed for each day in which each separate violation continues. (as added by Ord. #03-24, Feb. 2003, and replaced by Ord. #03-54, Dec. 2003)

¹Municipal code reference

Board of appeals: title 2, chapter 4.

CHAPTER 7

ENFORCEMENT

SECTION

- 15-701. Issuance of traffic citations.
- 15-702. Failure to obey citation.
- 15-703. Illegal parking.
- 15-704. Impoundment of vehicles.
- 15-705. Disposal of abandoned motor vehicles.
- 15-706. Violation and penalty.

15-701. Issuance of traffic citations.¹ When a law enforcement 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 Shelby County General Session's 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. (1989 Code, § 9-601)

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. (1989 Code, § 9-602)

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. (1989 Code, § 9-603)

15-704. Impoundment of vehicles. Members of the Shelby County Sheriff's Department are hereby authorized, when reasonably necessary for the

¹State law reference

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

security of the vehicle or to prevent obstruction of traffic, to remove from the streets and impound any vehicle whose operator is arrested or any unattended vehicle which is parked so as to constitute an obstruction or hazard to normal traffic. Any impounded vehicle shall be stored until the owner or other person entitled thereto, claims it, gives satisfactory evidence of ownership or right to possession, and pays all applicable fees and costs, or until it is otherwise lawfully disposed of. (1989 Code, § 9-604)

15-705. Disposal of abandoned motor vehicles. "Abandoned motor vehicles," as defined in Tennessee Code Annotated, § 55-16-103, shall be impounded and disposed of by the Sheriff's Department in accordance with the provisions of Tennessee Code Annotated, §§ 55-16-103 through 55-16-109. (1989 Code, § 9-605)

15-706. 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. For 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).