

ORDINANCE AMENDING GALLATIN MUNICIPAL CODE CHAPTER 16, ARTICLE II, SECTION 16-33 ILLEGAL PARKING; IMPOUNDMENT OF VEHICLES WITH OUTSTANDING TRAFFIC TICKETS AND ADDING SECTION 16-35 PUBLIC PARKING LOTS

WHEREAS, it is deemed in the public interest to amend the Gallatin Municipal Code from time to time; and

WHEREAS, The Mayor and City Council have recommended that the City of Gallatin Municipal Code be amended regarding illegal parking and impoundment.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF GALLATIN, TENNESSEE, that the Gallatin Municipal Code, Chapter 16, Article II, Section 16-33 is hereby amended by deleting Section 16-33 in its entirety and replacing it with the following:

Sec. 16-33 Illegal parking and impoundment

(a) *Generally.*

- (1) Parking at defined spaces within the following specified area shall be restricted to two (2) hours only and any violation of this period by parking more than two (2) hours at any space in the specified area shall result in the imposition of the fines, costs and impoundment of vehicles as hereinafter described.
- (2) Drivers, owners and operators of vehicles shall not park more than two (2) hours in any space within the following area: From the square west on West Main to Foster Street; from the square east on East Main Street to Boyers Street; from the square south on South Water Street to Smith Street; from the square north on North Water Street to Prince Street, and all street parking in and around the square itself.
- (3) The restrictions on parking in these areas shall be from 8:00 a.m. until 5:00 p.m., Monday through Saturday, Central Standard Time (or Central Daylight Time when applicable).
- (4) Motorists are expressly prohibited from parking their vehicles at any time in marked fire lanes in the city; or at any marked fire lane within any parking area including but not limited to shopping center parking areas and storefronts and any vehicles found parked in violation of this restriction shall be towed away and impounded and the owner and/or operator of any such vehicles so impounded shall be required to pay a fine, costs, charges and expenses as hereinafter numerated.
- (5) The personnel of the police department of the city shall monitor and patrol parking areas hereinabove described and shall mark and record the length of time the vehicles occupy any of the parking spaces referred to and write citations for any violation thereof.

- (6) The intent of the language of this article is to restrict parking to not more than two (2) hours in any of the spaces within the restricted area hereinabove described. Owners and operators of motor vehicles are therefore expressly prohibited from moving their vehicles from space to space to escape the two-hour restriction and any vehicle found by the personnel of the police department to have occupied one (1) or more spaces in violation of the restriction shall constitute a violation of this article and be subject to the imposition of fines and charges herein imposed.
- (7) It is unlawful to leave any vehicle standing in any public street when such vehicle constitutes a hazard to public safety or an obstruction to the normal flow of traffic. A hazard is defined as any vehicle left in the roadway which blocks a travel lane and/or causes the normal flow of traffic to be impeded or causes vehicles to veer into oncoming traffic to maneuver around the parked vehicle. A vehicle may only be parked in a properly marked and designated space for parking.
- (8) No person shall stop, stand or park a vehicle:
- (a) On a sidewalk;
 - (b) Upon any median, buffer strip, planting strip or landscape strip located between a sidewalk and roadway;
 - (c) Within an intersection or within 25 feet thereof, except to this shall have no application to:
 - (i) Intersections at which the flow of traffic is controlled by either a traffic light (providing the customary red, yellow and green signals) or a four-way stop sign;
 - (ii) Designated parking spaces when properly signed and marked;
 - (d) On a crosswalk or between sidewalk pedestrian ramps;
 - (e) On any controlled-access highway;
 - (f) Alongside or opposite any street excavation or obstruction when other traffic would be obstructed;
 - (g) Upon any bridge or other elevated structure, underpass or within a street tunnel;
 - (h) On a path or crosswalk within any park;
 - (i) In a bicycle lane;
 - (j) In any designated parking space so that any part of such vehicle occupies more than one such space or protrudes beyond the official markings designating such space;
 - (k) Without its right-hand wheels of the vehicle parallel to and within 18 inches of the right-hand curb;
 - (l) In front of a public or private driveway;
 - (m) Within fifteen (15) feet of a fire hydrant;
 - (n) In any area designated as a fire lane pursuant to the terms of any fire code adopted by the City of Gallatin;
 - (o) Within fifteen (15) feet of a mailbox.

- (9) No person shall stop, stand or park a vehicle, except momentarily to pick up or discharge a passenger or passengers:
 - (a) At any place where official signs or pavement markings prohibit stopping, standing or parking;
 - (b) Within an alley except during the necessary and expeditious loading and unloading of merchandise or freight, and no person shall stop, stand or park a vehicle within an alley in such a position as to block the normal flow of traffic.
- (b) *Impoundment of vehicles with outstanding traffic ticket violations.*
 - (1) Any unattended motor vehicle found parked at any time upon any public thoroughfare, public or private parking lot, street, alleyway or other public property in the city against which there are two (2) moving violations or three (3) parking violations, or two (2) parking violations and one (1) moving violation five (5) days overdue; or against which there has been issued an outstanding warrant for a traffic violation may, by or under the direction of an officer or member of the police department, either by towing or otherwise, be removed or conveyed to and impounded in any place designated by the chief of police, or immobilized in such manner as to prevent its operation, except that no such vehicle shall be immobilized by any means other than by the use of a device or other mechanism which will cause no damage to such vehicle unless it is moved while such device or mechanism is in place.
 - (2) It shall be the duty of the officer or member of the police department removing or immobilizing such motor vehicle, or under whose directions such vehicle is removed or immobilized, to inform as soon as practicable the owner of an impounded or immobilized vehicle of the nature and circumstances of the prior unsettled traffic violation citations, summonses, or warrants for which, or on account of which, such vehicle was impounded or immobilized. In any case involving immobilization of a vehicle pursuant to this section, such member or officer shall cause to be placed on such vehicle, in a conspicuous manner, notice sufficient to warn any individual to the effect that such vehicle has been immobilized and that any attempt to move such vehicle might result in damage to such vehicle.
 - (3) The owner of such impounded or immobilized motor vehicle, or other duly authorized person, shall be permitted to repossess or to secure the release of the vehicle upon the depositing of the collateral required for his or her appearance in the city court which shall be a cash deposit equal to all fines, costs and fees of impoundment, to answer for each violation for which there is an outstanding or otherwise unsettled traffic violation citation, summons, or warrant and payment of tow-in and storage fees imposed by the impounder. If a warrant has not been issued, payment of tow-in and storage fees and payment of the forfeiture amount required by the city ordinance shall secure the release. Payments are to be made at the office of the city recorder between 8:00 a.m. and 4:00 p.m. Monday through Friday; or at the police station at all other times.

BE IT FURTHER ORDAINED BY THE CITY OF GALLATIN, TENNESSEE, that the Gallatin Municipal Code, Chapter 16, Article II, Section 16-35 is added as follows:

(a) *Prohibitions*

- (1) On any public parking lot which is owned, leased or maintained by the City of Gallatin, it shall be unlawful to leave any vehicle parked for longer than the times posted, to create a traffic hazard, or to obstruct the safe passage of vehicles or pedestrians. No vehicle shall remain parked in any city lot for more than twenty-four (24) hours or the vehicle may be impounded pursuant to this chapter. Failure to follow posted rules in a public parking lot owned, leased or maintained by the City of Gallatin shall also be unlawful.
- (2) To the fullest extent possible, all other regulations and prohibitions found in Chapter 16 shall apply in any public parking lot owned, leased or maintained by the City of Gallatin.

- (b) *Exceptions.* City-owned vehicles shall not be subject to the timed parking requirements above.

BE IT FURTHER ORDAINED BY THE CITY OF GALLATIN, TENNESSEE, that this Ordinance shall take effect upon passage, the public welfare requiring such.

PASSED FIRST READING: July 6, 2021.

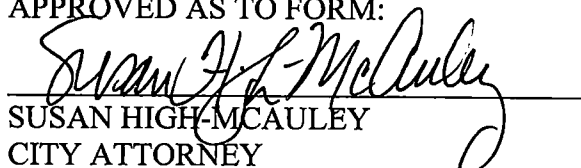
PASSED SECOND READING: July 20, 2021.


MAYOR PAIGE BROWN

ATTEST:


CONNIE KITTRELL
CITY RECORDER

APPROVED AS TO FORM:


SUSAN HIGH-MCAULEY
CITY ATTORNEY