

ORDINANCE 2018-01

AN ORDINANCE OF THE CITY OF BRENTWOOD, TENNESSEE PROVIDING THAT THE CODE OF ORDINANCES OF THE CITY OF BRENTWOOD BE AMENDED BY REVISING VARIOUS SECTIONS OF CHAPTER 66, REGARDING TRAFFIC AND VEHICLES

WHEREAS, Chapter 66 of the Code of Ordinances of the City of Brentwood contains provisions regarding traffic and vehicles within the City; and

WHEREAS, a comprehensive review of said Chapter has resulted in recommendations for numerous revisions in order to be consistent with applicable state law and to reflect or improve upon current City practices.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF BRENTWOOD, TENNESSEE, AS FOLLOWS:

SECTION 1. That section 66-2 of the Code of Ordinances of the City of Brentwood is hereby amended to revise, insert or delete certain definitions as follows:

Revise definition of “authorized emergency vehicles” to read as follows:

Authorized emergency vehicles means vehicles of the fire department or fire patrol; police vehicles, including police bicycles; ambulances and emergency vehicles as designated by the chief of police; and vehicles operated by commissioned members of the state bureau of investigation when on official business.

Revise definition of “bicycle” to read as follows:

Bicycle means every device propelled by human power upon which any person may ride, having two tandem wheels either of which is more than 20 inches in diameter.

Insert definition of “disabled” to read as follows:

Disabled means one who is disabled by paraplegia, amputation of leg, foot or both hands, or is disabled by loss of use of a leg, foot or both hands. “Disabled” also means any other condition, certified to by a physician duly licensed to practice medicine, resulting in a degree of disability (specifying the particular condition) so as not to be able to get about without great difficulty, including impairments that, regardless of cause or manifestation, confine the person to a wheelchair or cause the person to be so ambulatorily disabled that the person cannot walk 200 feet without stopping to rest, and includes but is not limited to persons using braces or crutches, and other persons who may be semiambulatory due to pulmonary or cardiac conditions, arthritis, cerebral palsy or similar conditions. The term "disabled driver" also

includes the owner of a motor vehicle with a vision of not less than 20/200 with correcting glasses in both functioning eyes.

Delete definition of “driver’s license.”

Insert definition of “golf cart” to read as follows:

Golf cart means a motor vehicle that is designed and manufactured for operation on a golf course for sporting or recreational purposes.

Delete definition of “handicapped driver.”

Delete definition of “license or license to operate a motor vehicle.”

Insert definition of “low speed vehicle” to read as follows:

Low speed vehicle means any four-wheeled electric vehicle, excluding golf carts, whose top speed is greater than 20 miles per hour but not greater than 25 miles per hour, including neighborhood vehicles. Low speed vehicles must comply with the safety standards in 49 CFR 571.500.

Insert definition of “medium speed vehicle” to read as follows:

Medium speed vehicle means any four-wheeled electric or gasoline-powered vehicle, excluding golf carts, whose top speed is greater than 30 miles per hour but not more than 35 miles per hour and otherwise meets or exceeds the federal safety standards set forth in 49 CFR 571.500, except as otherwise provided in T.C.A. § 55-4-136.

Revise definition of “motor vehicle” to read as follows:

Motor vehicle means every vehicle including a low speed vehicle or a medium-speed vehicle that is self-propelled, excluding motorized bicycles.

Revise definition of “motorcycle” to read as follows:

Motorcycle means every motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground, including a vehicle that is fully enclosed, has three wheels in contact with the ground, weighs less than 1,500 pounds, and has the capacity to maintain posted highway speed limits, but excluding a tractor or motorized bicycle.

Insert definition of “motorized bicycle” to read as follows:

Motorized bicycle means a vehicle with two or three wheels, an automatic transmission, and a motor with a cylinder capacity not exceeding 50 cubic centimeters which produces no more than two brake horsepower and is capable of propelling the vehicle at a maximum design speed of no more than 30 miles per hour on level ground. The operator of a motorized bicycle must be in possession of a valid operator's or chauffeur's license, and shall be subject to all applicable and practical rules of the road. A motorized bicycle may not be operated on a highway of the interstate and defense highway system, any similar limited access multilane divided highway, or upon sidewalks.

Revise definition of "pedestrian" to read as follows:

Pedestrian means any person afoot or using a motorized or nonmotorized wheelchair.

SECTION 2. That Division 3 of Chapter 66, Article II of the Code of Ordinances of the City of Brentwood is hereby amended to read as follows:

DIVISION 3. ISSUANCE OF CITATIONS; PENALTIES AND PROCEDURES

Sec. 66-66. Moving violation penalties.

Sec. 66-67. Illegal parking.

Sec. 66-68. Disposition of fines and forfeitures.

Sec. 66-69. Notice to appear in court.

Sec. 66-70. Presumption of guilt in violations of parking regulations.

Sec. 66-71. Validity of citations and warrants.

Sec. 66-72. Inspection of nonconforming vehicles.

Secs. 66-73—66-85. Reserved.

Sec. 66-66. Moving violation penalties.

(a) Unless another penalty is expressly provided in this Chapter or otherwise by law, every person convicted of a violation of any traffic ordinance shall be punished as provided in section 1-9 of this Code.

(b) Notwithstanding the foregoing, the following laws and regulations are adopted and incorporated herein by reference, along with any amendments to said laws and regulations which may hereafter be enacted:

T.C.A. § 55-10-301. Penalties for violations - driver education course.

Sec. 66-67. Illegal parking.

(a) 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 during the hours and at a place specified in the citation. The offender may waive the right to a judicial hearing and have the charges disposed of out of court, provided that the penalty for the violation is paid within ten days of the date of the citation. The penalty for parking in a fire lane or space on public or private property or in a disabled parking space, as prohibited by section 66-288 of this Code, shall be \$50.00 and the penalty for other parking violations shall be \$25.00. In addition, court costs in the amount established under section 22-4 of this Code shall be collected.

(b) In all prosecutions for alleged violations of the provisions of this chapter relating to parking regulations, the owner of the vehicle involved shall be presumed to have been the operator or in control thereof at the time the alleged offense was committed. Notwithstanding the foregoing, the registered owner of a rented or leased vehicle parked in violation of such provisions shall not be held liable for the violation if the owner shall, within 30 days of notification of the parking violation, furnish to the clerk of the city court the name, address, and driver's license number of the person or company who rented or leased the vehicle.

Sec. 66-68. Attachment of plates.

A person charged with a violation relating to the attachment or illumination of a registration plate pursuant to T.C.A. § 55-4-110, as adopted herein by reference, may, in lieu of appearance in court, submit a fine to the clerk of the court of \$10.00 for a first violation, and \$20.00 on second and subsequent violations. Furthermore, no court costs shall be imposed against a person convicted of such a violation relating solely to the attachment or illumination of a registration plate.

Sec. 66-69. Slow-moving vehicles; bicycle lanes.

A person charged with failing to conform with T.C.A. 55-8-123(4)(A), regarding slow-moving vehicles, or T.C.A. § 55-8-205, regarding bicycle lanes, shall receive a warning citation on the first offense and be liable for a fine of \$20.00 on the second offense, and \$50.00 on third and subsequent offenses.

Sec. 66-70. Citations; court proceedings.

(a) Whenever a person is charged by a police officer with a violation of any provision of this chapter, the police officer shall prepare, in triplicate, a written citation. Alternatively, the police officer may issue an electronic citation, provided that a paper copy of the citation is given to the person to whom the citation is issued. If an electronic citation is issued, a replica of the

citation shall be sent to the court clerk within three days of the date of issuance. All citations, whether paper or electronic, shall contain the information required by T.C.A § 55-10-207(i).

(b) The person charged, in order to secure release, must give a written promise to appear in court by signing at least one copy of the citation prepared by the police officer. The officer shall provide a copy of the citation to the person promising to appear. Thereupon, the officer shall release the person charged. If the officer is unable to secure the signature of the person charged, the officer shall nonetheless provide a copy of the citation to such person, and the citation shall serve as a notice to appear in court.

(c) Procedures for disposition of charges for which a citation has been issued shall be as provided in chapter 22 of this Code.

(d) Notwithstanding the foregoing, a person 18 years of age or older to whom a citation has been issued for a traffic or vehicle offense under this chapter may elect not to contest the charge and may, prior to the time set for appearance in court, submit the applicable fine and costs to the clerk of the court; provided, however, that any such payment of fine and costs in lieu of appearance in court must be in accordance with the court's policies and procedures, and the court may require appearance in court for designated violations. The payment of a fine shall not preclude any forfeiture or other measures that are otherwise required by law for disposition of a traffic citation.

Sec. 66-71. Validity of citations.

No traffic citation shall be declared void by reason of the fact that the incorrect ordinance or section number was cited, so long as the citation states a cause of action sufficient to place the defendant on notice of the charge he is called upon to defend against.

Sec. 66-72. Inspection of nonconforming vehicles.

Any police officer may stop and inspect any motor vehicle which appears to be operated in violation of sections 66-352 or 66-379 of this Code. If, upon inspection, the vehicle is found to be in violation of this chapter, the operator shall be issued a citation stating the particulars of the violation and shall be advised, in general, of the repairs necessary to bring the vehicle into compliance with this chapter. The citation shall also state a time and place for appearance in court.

Secs. 66-73—66-85. Reserved.

SECTION 3. That Division 4 of Chapter 66, Article II of the Code of Ordinances of the City of Brentwood is hereby amended to read as follows:

DIVISION 4. VEHICLE IMPOUNDMENT

Sec. 66-86. Established; purpose.

Sec. 66-87. [DELETED.]

Sec. 66-88. Vehicles subject to impoundment.

Sec. 66-89. Notice to registered owner.

Sec. 66-90. Towing and storage charges.

Sec. 66-91. Release of vehicle from impoundment.

Sec. 66-92. Hearing.

Sec. 66-93. Sale of unclaimed vehicles.

Sec. 66-94. Records.

Secs. 66-95—66-115. Reserved.

Sec. 66-86. Removal and storage of vehicles.

The chief of police shall designate a storage place or storage places for motor vehicles which are required to be removed from the streets and other public or private places within the city limits for the reasons set forth in section 66-88. The chief of police shall establish, by rules and regulations, the procedures for the storage and release of vehicles that are impounded on city property and fix the methods of collecting storage charges. Notwithstanding the foregoing, the police department may arrange for the removal, preservation and storage of such vehicles through privately owned towing and storage operations.

Sec. 66-87. [DELETED.]

Sec. 66-88. Vehicles subject to impoundment.

Members of the police department shall have the authority to impound any vehicle, by having such vehicle towed to a designated storage place as established under section 66-86 or to the property of a privately owned towing and storage operation, under the following circumstances:

(1) When a vehicle is parked, stopped or standing upon an alley, street or highway so as to obstruct or impede the flow of traffic thereon or endanger the safety of the public.

(2) When a vehicle is parked, stopped or standing in violation of the following subsections of section 66-288

Subsection (a)(1)—On a sidewalk.

Subsection (a)(2)—In front of a public or private driveway.

Subsection (a)(4)—Within an intersection.

Subsection (a)(5)—Within 15 feet of a fire hydrant.

Subsection (a)(6)—On a crosswalk.

Subsection (a)(7)—Within 20 feet of a crosswalk at an intersection.

Subsection (a)(8)—Within 30 feet upon approach to a flashing beacon, traffic control signal or stop sign located at the side of the roadway.

Subsection (a)(10)—On railroad tracks.

Subsection (a)(11)—At the entrance to a fire station.

Subsection (a)(12)—Alongside or opposite any street excavation or obstruction.

Subsection (a)(13)—On the roadway side of any vehicle stopped at the edge of a street.

Subsection (a)(14)—Upon any bridge or other elevated structure upon a highway, or within a highway tunnel.

(3) In any marked fire lane.

(4) When a vehicle is parked in violation of subsection 66-293(5), prohibiting storing a vehicle upon a roadway for a continuous period of time longer than 24 hours; provided that, prior to impoundment, an officer of the police department shall mark the tire of a vehicle, photograph the vehicle or otherwise document the location and time the vehicle was initially observed by the officer. If the vehicle has not been moved after 24 hours from the time of such initial observation, the police department shall prominently affix a notice to the front windshield on the driver's side. The notice shall include the date and time the notice is placed on the windshield, the name of the officer issuing the notice, and a warning that the vehicle will be impounded if not moved within 24 hours. If at the expiration of the second 24-hour period the vehicle has not been moved, the police department may impound the vehicle.

(5) When a vehicle is parked upon any alley, street, highway or any other municipally leased or owned property and the vehicle has two or more delinquent parking tickets outstanding as to the vehicle; provided, however, the police department shall mail notice of delinquent parking tickets to the registered owner of the vehicle prior to the impoundment of the vehicle for delinquent tickets.

(6) At any place where official signs or markings designate a no parking or tow away zone.

(7) When a vehicle is blocking access to ramps, drives, entrances or parking spaces for disabled persons.

(8) When a vehicle is abandoned, immobile or unattended, as defined in section 66-117, provided that the procedures established in Article III herein for removal and disposition of such a vehicle are followed.

Sec. 66-89. Notice to registered owner and lienholders.

After a vehicle has been impounded and has remained unclaimed for 48 hours, the police department shall make reasonable efforts to notify the registered owner and any lienholders of record of the procedure for the release of the vehicle. Notwithstanding the foregoing, if a vehicle is considered abandoned, immobile or unattended as defined in section 66-117, the notification procedures established in T.C.A. § 55-16-105 shall apply.

Sec. 66-90. Towing and storage.

(a) The police chief shall establish policies, including rotation procedures and restrictions on rates, for companies towing vehicles on the city's behalf. A copy of such policies and any revisions to such policies shall be provided to each company providing towing services on the city's behalf and to any other company desiring to provide such services.

(b) For motor vehicles impounded on city property, storage charges shall be as established by the city manager from time to time. Any charges incurred for towing shall be paid by the vehicle owner.

(c) If a motor vehicle is impounded on the property of a private towing and storage operation, the vehicle owner shall be responsible to the towing and storage operation for all costs, unless the violation resulting in the impoundment is dismissed and it is determined that the impoundment of the vehicle was in error.

Sec. 66-91. Release of vehicle from impoundment.

(a) The owner of a vehicle impounded pursuant to this division or the owner's authorized agent may make application to take possession of the vehicle and remove such vehicle from the designated storage place upon presentation of an application for certificate of title or a certificate of title, and upon payment of the cost of towing the vehicle and all charges which may have accrued for the storage of the vehicle. However, payment of towing and storage fees shall not relieve the owner of responsibility for the violation.

(b) No owner of a vehicle shall evade the payment of any fee provided for in this division by representing that a person other than the owner was operating the vehicle at the time of the violation charged.

Sec. 66-92. Hearing.

(a) An owner whose vehicle has been towed and impounded pursuant to this division shall have an opportunity for a hearing in municipal court on the violation which resulted in the impoundment.

(b) If the court enters a dismissal as to the violation, the police department shall authorize the release the impounded vehicle to the owner if it has not previously been released. If the vehicle has previously been released from impoundment, the city manager may

authorize the reimbursement of any towing and storage fees paid by or on behalf of the owner, if the city manager determines that the impoundment of the vehicle was in error.

(c) If the court enters a conviction as to the violation, the owner shall be liable for the towing and storage fees in addition to the fine and court costs.

Sec. 66-93. Disposition of unclaimed vehicles.

If, at the end of 30 days, any impounded vehicle has not been claimed as provided in section 66-91 herein by its rightful owner or the owner's authorized agent, the vehicle shall be considered an abandoned motor vehicle and the disposition procedures provided in Article III herein and in T.C.A. Title 55, Chapter 16 shall apply.

Sec. 66-94. Records.

Proper records shall be maintained by the city, showing the date of each vehicle impoundment; the reason for the impoundment; the registered owner and any lienholders of record for each impounded vehicle; the date of release from impoundment; the date of sale of any impounded vehicle if the vehicle is sold by or on behalf of the city; the collection by the city of all fines, fees and costs; and the disposition of any proceeds from the sale of impounded vehicles.

Secs. 66-95—66-115. Reserved.

SECTION 4. That Chapter 66, Article III of the Code of Ordinances of the City of Brentwood is hereby amended to read as follows:

ARTICLE III. ABANDONED, IMMOBILE AND UNATTENDED VEHICLES; CURBSTONING

Sec. 66-116. Penalty for violation of article.

Sec. 66-117. Definitions; declaration of nuisance.

Sec. 66-118. Removal and disposition generally.

Sec. 66-119. Vehicles on private property.

Sec. 66-120. Liability for expenses when vehicle removed from private property.

Secs. 66-121—66-140. Reserved.

Sec. 66-116. Penalty for violation of article.

The violation of any of the provisions of this article shall constitute a civil offense, for which the violator shall be subject to penalty as provided in section 1-9. The powers conferred under this article shall be in addition and supplemental to such penalties.

Sec. 66-117. Definitions; declaration of nuisance.

(a) For purposes of this article, "abandoned motor vehicle" means a motor vehicle that:

(1) Is over four years old and is left unattended on public property for more than ten days;

(2) Is in an obvious state of disrepair and is left unattended on public property for more than three days;

(3) Has remained illegally on public property for a period of more than 48 hours;

(4) Has remained on private property without the consent of the owner or person in control of the property for more than 48 hours; or

(5) Has been stored in a garage or any type of storage or parking lot for more than thirty (30) consecutive days.

(b) For purposes of this article, "curbstoning" means the selling, offering for sale, advertising for sale, or soliciting the sale of:

(1) Any motor vehicle without a properly endorsed certificate of title as required by T.C.A. § 55-3-127 by a person or entity engaged primarily in the sale of used motor vehicles if the person or entity is not licensed as a motor vehicle dealer under T.C.A. § 55-17-109; or

(2) More than five motor vehicles in any twelve-month period when the motor vehicles are titled in the person's name or the name of the entity engaged primarily in the sale of used motor vehicles if the person or entity is not licensed as a motor vehicle dealer under T.C.A. § 55-17-109.

(c) For purposes of this article, "immobile motor vehicle" means any motor vehicle, trailer, semitrailer, or combination or part of a motor vehicle, trailer, or semitrailer that is immobilized and incapable of moving under its own power due to an accident, mechanical breakdown, weather conditions or other emergency situation.

(d) For purposes of this article, "obvious state of disrepair" means a motor vehicle exhibiting one or more of the following characteristics: inoperable under its own power, without one or more wheels or inflated tires, burned throughout, or with more than one broken window.

(e) For purposes of this article, "unattended motor vehicle" means any motor vehicle, semitrailer, or combination or part of a motor vehicle, trailer, or semitrailer, that is on public or private property, unattended by the owner or authorized driver, and interferes with or impedes the orderly flow of traffic, or a motor vehicle that is unattended by reason of the arrest of the driver of such motor vehicle.

(f) The presence of a motor vehicle which is abandoned, immobile or unattended on private or public property is hereby declared a nuisance, which may be abated in accordance with the provisions of this article.

(g) This section shall not apply to any vehicle enclosed within a building on private property, or to any vehicle held in connection with an enterprise lawfully licensed by the city and properly operated in the appropriate zone pursuant to the zoning ordinance of the city, or any vehicle retained by the owner for antique collection purposes.

Sec. 66-118. Removal and disposition generally.

(a) *Removal by city.* The city, through its police department, may take into custody any motor vehicle which is abandoned, immobile, or unattended upon public property, or upon private property with the permission of the property owner. Furthermore, the city, through its police department, may take into custody any motor vehicle used in curbstoning on public or private property, provided that any motor vehicle used in curbstoning on residential property may not be taken into custody unless the police department provides notice on the motor vehicle at least 48 hours prior to the seizure. The city may employ its own personnel, equipment and facilities or hire persons, equipment and facilities for the purpose of removing, preserving and storing motor vehicles that have been abandoned, immobile, unattended or used in curbstoning.

(b) *Notice to owner and lienholders.* Notice that an abandoned, immobile or unattended vehicle has been removed and taken into custody shall be given as provided in T.C.A. Title 55, Chapter 16. The disposition of any such vehicle that is not reclaimed and the use of any proceeds shall also be carried out as provided in T.C.A. Title 55, Chapter 16. Any motor vehicle used in curbstoning is subject to seizure and forfeiture in the same manner as provided by law for seizure and forfeiture of other items under T.C.A. Title 40, Chapter 33.

(c) Nothing in this section shall preclude any other remedies available to the city for abandoned, immobile, unattended or curbstoned vehicles.

Sec. 66-119. Vehicles on private property.

(a) *Notice to remove.* Upon failure of any owner having control of property within the limits of the city to remove an abandoned, immobile or unattended vehicle, the city, acting through the police department or the planning and codes department, may serve a notice on the owner, lessee or person having control of the property, notifying such owner or other person of the existence of the nuisance and ordering the removal of the vehicle from the property within five days of service of notice, and informing the person of the procedure to appeal to the city manager. Such notice shall be served by one of the following methods:

(1) Personally serving the notice on the owner, lessee or person having control of such property.

(2) Mailing the notice to the last known address of the owner, lessee or person having control of the property by certified mail.

(3) Posting the notice on the vehicle or on the property on which the abandoned, immobile or unattended motor vehicle is found, provided that this method of service shall not be valid as to a non-occupant owner of the property.

(4) Publishing the notice in a newspaper of general circulation in the city on at least two occasions, provided that such publication occurs only after attempts by personal service or certified mail have been unsuccessful.

(b) *Appeal of order to remove.* An owner, lessee or person having control of the property who is aggrieved by the determination or the order of the city may appeal to the city manager in accordance with the procedure stated in the notice. Such appeal must be filed within five days of service of notice. The city manager or a person designated by the city manager shall hear and determine the appeal as promptly as practicable but within 30 calendar days of receipt of the appeal. The order shall remain on hold, pending the determination of the city manager or the city manager's designee. The decision of the city manager or the city manager's designee, together with the reasons therefor, shall be provided in writing. The order of the department requiring removal of the vehicle may be affirmed, reversed or modified by the city manager or the city manager's designee. Unless it is made clear that the order is contrary to the provisions of this chapter or other law or ordinance, or is arbitrary and constitutes an abuse of discretion, the order shall be affirmed. Any party aggrieved by the action of the city manager or the city manager's designee may appeal the decision by court action as provided by law.

(c) *Compliance with order to remove; remedy for noncompliance.* An owner or other person in control of property shall be in violation of the provisions of this article if such owner or other person fails to comply with an order issued pursuant to this section to remove an abandoned, immobile or unattended vehicle within the time allowed, provided that the time initially allowed for compliance may be modified by action of the city manager or city manager's designee. If the abandoned, immobile or unattended vehicle interferes with or impedes public access to a street or other public property or otherwise poses a threat to public health or safety, the city may remedy the condition and abate the nuisance by taking into custody the abandoned, immobile or unattended vehicle as provided in T.C.A. Title 55, Chapter 16. The disposition of any such vehicle that is not reclaimed and the use of any proceeds shall also be carried out as provided in T.C.A. Title 55, Chapter 16.

(d) *Vehicles on private property without consent of property owner.* If a motor vehicle has remained on private property without the consent of the owner or person in control of the property for more than 48 hours, the city, with the permission of such owner or person in control of the property, may remove the motor vehicle and dispose of it according to the procedures set forth in this article.

Sec. 66-120. Liability for expenses when vehicle removed from private property.

The owner or person in control of property on which an abandoned, immobile or unattended vehicle has been left and has been removed by the city shall be liable for the unrecovered expenses incurred by the city in such removal, and upon the failure of the owner or occupant to pay the unrecovered expenses, the city manager may direct the city attorney to process a lien upon the property for the amount of such expenses.

Secs. 66-121—66-140. Reserved.

SECTION 5. That section 66-142 of the Code of Ordinances of the City of Brentwood is hereby amended to read as follows:

Sec. 66-142. Accidents and reports.

It shall be unlawful for any person to commit a violation of the following laws and regulations which are adopted and incorporated herein by reference, along with any amendments to said laws and regulations which may hereafter be enacted:

T.C.A. § 55-10-102. Accidents involving damage to vehicle.

T.C.A. § 55-10-103. Duty to give information and render aid.

T.C.A. § 55-10-104. Duty upon striking unattended vehicles.

T.C.A. § 55-10-105. Duty upon striking fixtures or other property on a highway or other public or private premises.

T.C.A. § 55-10-106. Immediate notice of accident.

T.C.A. § 55-10-109. When driver unable to report.

T.C.A. § 55-10-117. Removal of vehicles from accident scene where no personal injury has occurred.

SECTION 6. That section 66-171 of the Code of Ordinances of the City of Brentwood shall be amended by changing “T.C.A. § 55-8-174. Clinging to vehicles” to “T.C.A. § 55-8-174. Attachment to vehicles” and adding “~~T.C.A. § 55-8-199. Text messaging while operating a motor vehicle~~” the following at the end of said section-:

T.C.A. § 55-8-199. Text messaging while operating a motor vehicle.

T.C.A. § 55-8-204. Passing lane; restriction.

T.C.A. § 55-8-205. Bicycle lane; offenses.

T.C.A. § 55-8-207. Mobile device use.

SECTION 7. That section 66-257 of the Code of Ordinances of the City of Brentwood is hereby amended to read as follows:

Sec. 66-257. Maximum/minimum limits established.

(a) Except when a special hazard exists that requires lower speed for compliance with section 66-256, the limits specified in this section or established as authorized in this division shall be maximum lawful speeds, and no person shall drive a vehicle at a speed in excess of such maximum limits:

(1) Seventy miles per hour on all controlled-access highways with four or more lanes, which are designated as being on the state system of highways or the state system of interstate highways.

(2) Sixty-five miles per hour on all other state highways, except where official signs have been posted indicating other speed limits.

(3) Thirty miles per hour on all other streets within the city, except where official signs have been posted indicating other speed limits.

(b) In the left-hand lane of all controlled-access highways with four or more lanes, which are designated as being on the state system of highways or the state system of interstate highways, it is unlawful for any person to operate or drive a motor vehicle at a rate of speed less than 55 miles per hour.

SECTION 8. That section 66-260 of the Code of Ordinances of the City of Brentwood is hereby amended to read as follows:

Sec. 66-260. Alteration of maximum limits.

(a) Whenever the board of commissioners determines on the basis of an engineering and traffic investigation that the maximum speed permitted under section 66-257 on a highway designated as a state highway is greater than is reasonable and safe under the conditions found to exist upon the highway, or part of such highway, the board of commissioners may by resolution determine and declare a lower maximum limit thereon.

(b) Whenever the board of commissioners determines on the basis of an engineering and traffic investigation that the maximum speed permitted under section 66-257 on a street other than a highway designated as a state highway is greater or less than is reasonable and safe under the conditions found to exist upon the street, or part of such street, the board of commissioners may by resolution determine and declare a reasonable and safe maximum limit thereon.

(c) Engineering and traffic investigations used to establish special speed zone locations and speed limits under this section shall be made in accordance with established traffic engineering practices and in a manner that conforms to the Tennessee Manual on Uniform Traffic Control Devices. Documentation of the investigation shall be maintained in the city's records.

(d) Any altered limit established as authorized in this section shall be effective at all times, or during hours of darkness, or at other times as may be determined when appropriate signs giving notice thereof are erected upon such street or highway.

SECTION 9. That section 66-287(c) of the Code of Ordinances of the City of Brentwood shall be amended by changing “48 consecutive hours” to “24 consecutive hours.”

SECTION 10. That section 66-288 of the Code of Ordinances of the City of Brentwood is hereby amended to read as follows:

Sec. 66-288. Stopping, standing or parking prohibited in specific places; exceptions for disabled veterans and other disabled persons.

(a) No person shall stop, stand or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with law or the directions of a police officer or traffic control device, in any of the following places:

- (1) On a sidewalk.
- (2) In front of a public or private driveway.
- (3) Fire lanes or spaces on private or public property.
- (4) Within an intersection.
- (5) Within 15 feet of a fire hydrant.
- (6) On a crosswalk.
- (7) Within 20 feet of a crosswalk at an intersection.
- (8) Within 30 feet upon the approach to any flashing beacon, stop sign or traffic control signal located at the side of a roadway.
- (9) Between a safety zone and the adjacent curb or within 30 feet of points on the curb immediately opposite the ends of a safety zone, unless the department of transportation or the city indicates a different length by signs or markings.
- (10) Within 50 feet of the nearest rail of a railroad crossing.
- (11) Within 20 feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within 75 feet of such entrance when properly signposted.
- (12) Alongside or opposite any street excavation or obstruction when stopping, standing or parking would obstruct traffic.
- (13) On the roadway side of any vehicle stopped or parked at the edge or curb of a street.
- (14) Upon any bridge or other elevated structure upon a highway or within a highway tunnel.

(15) At any place where official signs prohibit stopping.

(16) In a parking space clearly identified by an official sign as being reserved for the disabled, unless, however, the person driving the vehicle is disabled or parking such vehicle for the benefit of a disabled person. A vehicle parking in such a space shall display a certificate or placard as set forth in T.C.A. § 55-21-101 et seq., or a disabled veteran's license plate issued under T.C.A. § 55-4-237.

(b) No person shall move a vehicle not lawfully under such person's control into any such prohibited area or away from a curb such distance as is unlawful.

(c) The provisions of this section shall not apply to:

(1) The driver of any vehicle which is disabled while on the paved or improved or main traveled portion of a road, street or highway in such manner and to such extent that it is impossible to avoid stopping and temporarily leaving such vehicle in such position.

(2) The driver of any vehicle operating as a carrier of passengers for hire and holding a certificate of convenience and necessity or interstate permit issued by the public service commission authorizing the operation of such vehicle upon the roads, streets or highways in this state, while taking passengers on such vehicle, or discharging passengers therefrom, provided, the vehicle is stopped so that a clear view of such vehicle shall be obtained from a distance of 200 feet in each direction, upon such roads, streets or highways.

(3) A solid waste vehicle while on the paved or improved main traveled portion of a road, street or highway in such manner and to such extent as is necessary for the sole purpose of collecting municipal solid waste, as defined by T.C.A. § 68-211-802(a)(10); provided, that such vehicle shall maintain flashing hazard lights at all times while it is stopping or standing; provided further, that the vehicle is stopped so that a clear view of such stopped vehicle shall be available from a distance of 200 feet in either direction upon the highway. The provisions of this subsection do not preclude any claimant from pursuing such claimant's common law claim for recovery pursuant to common law negligence.

(4) A law enforcement officer using a motor vehicle or police bicycle while engaged in the lawful performance of duty.

(5) An employee of a public utility or the city's fire department or public works department using a motor vehicle while engaged in the lawful performance of duty.

SECTION 11. That section 66-289(a) of the Code of Ordinances of the City of Brentwood is hereby amended to read as follows:

Sec. 66-289. Parking of certain commercial vehicles restricted.

(a) No person shall park any commercial vehicle having a gross vehicular weight in excess of 10,000 pounds on a public street within a residential zoning district, on any residential lot of less than five acres in size, or within any property in an service institution zoning district; nor shall any person allow any such motor vehicle to be parked on any such property belonging to him or under his control. Excluded from this provision are emergency service vehicles, refuse collection vehicles subject to the provisions of subsection (b) of this section, vehicles used for the transportation of passengers to or from a permitted use in a service institution district and parked at the site of such use, and other vehicles actively performing a service between the hours of 7:00 a.m. and 9:00 p.m., including moving vans and vehicles needed for construction purposes.

SECTION 12. That section 66-305 of the Code of Ordinances of the City of Brentwood is hereby amended to read as follows:

Sec. 66-305. Reserved parking for disabled persons.

(a) The city manager or his designee is hereby authorized to designate, by the installation of appropriate signs, parking spaces for the exclusive use of disabled persons in those areas where a significant demand for parking by such persons may exist.

(b) Any merchant or owner of a privately owned parking lot for use by the general public is hereby authorized to designate, by the installation of appropriate signs, parking spaces for the exclusive use of disabled persons.

(c) Where signs bearing an official symbol are erected designating reserved parking spaces for disabled persons, no person shall stand or park a vehicle in any such space except disabled drivers or qualified operators parking a vehicle for the benefit of a disabled person.

(d) Violators of this section may be issued a parking ticket attached to the vehicle or a citation to court.

SECTION 13. That section 66-407 of the Code of Ordinances of the City of Brentwood shall be amended by changing “T.C.A. § 55-8-174. Clinging to vehicles” to “T.C.A. § 55-8-174. Attachment to vehicles.”

SECTION 14. That section 66-408 of the Code of Ordinances of the City of Brentwood is hereby amended to read as follows:

Sec. 66-408. Riding on sidewalk or crosswalk.

(a) A person riding or propelling a bicycle upon a sidewalk or a crosswalk shall yield the right-of-way to any pedestrian and shall give an audible signal before overtaking and passing such pedestrian.

(b) A person shall not ride a bicycle upon a sidewalk or a crosswalk where such use of bicycles is prohibited by official traffic control devices.

(c) A person propelling a vehicle by human power upon a sidewalk or a crosswalk shall have all the rights and duties applicable to a pedestrian under the same circumstances. (Formerly § 66-413.)

SECTION 15. That section 66-473 of the Code of Ordinances of the City of Brentwood is hereby amended to read as follows:

Sec. 66-473. Leaving roadway in order to avoid compliance.

It shall be unlawful for the operator of any vehicle to leave the roadway and travel across private property, or public property devoted to other than highway use, to avoid compliance with an official traffic signal or an official traffic sign or for the purpose of avoiding obedience to directions given by a police officer or any traffic regulation or ordinance.

SECTION 16. In case of conflict between this ordinance or any part hereof, and the whole or part of any existing ordinance of the City, the provision that establishes the higher standard shall prevail.

SECTION 17. If any section, subsection, clause, provision or portion of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, subsection, clause, provision or portion of this ordinance.

SECTION 18. That this ordinance shall take effect from and after its final passage and publication thereof, or fifteen days after its first passage, whichever occurs later, the general welfare of the City of Brentwood, Williamson County, Tennessee, requiring it.

PASSED: 1st reading 01/09/18

PLANNING COMMISSION n/a

2nd reading 01/22/18

NOTICE OF PASSAGE

Notice published in:

Williamson Tennessee n

Date of publication:

01-28-18

PUBLIC HEARING

Notice published in: n/a

Date of publication: _____

Date of hearing: _____

EFFECTIVE DATE

01-28-2018

Jill Burgin
MAYOR Jill Burgin

Holly Earls
RECORDER Holly Earls

Approved as to form:

Roger A. Horner
CITY ATTORNEY Roger A. Horner