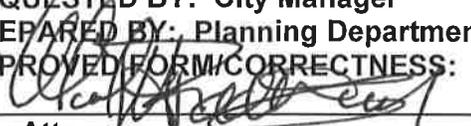


ORDINANCE NUMBER O17-10-18

AN ORDINANCE TO AMEND THE MUNICIPAL CODE OF THE CITY OF COOKEVILLE, AS ADOPTED BY ORDINANCE NO. O02-12-33, AND AS SINCE AMENDED, BY DELETING IN TITLE 15, ENTITLED "MOTOR VEHICLES, TRAFFIC AND PARKING", CHAPTER 6, ENTITLED "PARKING", AND INSERTING A NEW CHAPTER 6, ENTITLED "PARKING"

ORDINANCE NUMBER: O17-10-18
REQUESTED BY: City Manager
PREPARED BY: Planning Department
APPROVED FORM/CORRECTNESS:


City Attorney

PASSED 1ST READING: 11-2-17

PASSED 2ND READING: 12-7-17

PUBLIC HEARING HELD: 11-2-17

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COOKEVILLE, TENNESSEE:

Section 1: That the Municipal Code of the City of Cookeville, Tennessee, as adopted by Ordinance No. O02-12-33, and as since amended, be amended by deleting in Title 15, "Motor Vehicles, Traffic and Parking", Chapter 6, "Parking", and by inserting a new Chapter 6, entitled "Parking", to read as follows:

15-601. Purpose.

The purpose of this Chapter is to establish provisions for parking on or adjacent to city streets and public ways, including any publically maintained thoroughfare or right-of-way designed or intended for vehicular traffic (hereafter referred to as street), or in city owned and/or city controlled parking lots.

15-602. Authorization.

- (1) The establishment of restricted parking locations, time limits, metered parking, and other parking restrictions for parking on streets, parking adjacent to streets, and within city owned and/or city controlled parking lots shall be authorized only by the City Manager according to this Chapter.
- (2) Restrictions authorized by the City Manager shall be indicated by appropriate signage and/or markings where necessary.

15-603. Definitions.

- (1) Abandoned vehicle shall be defined as any vehicle parked on a street, adjacent to a street, or in a city owned and/or city controlled parking lot for longer than three (3) days, except those vehicles parked outside a residence and hereafter provided.
- (2) Junked vehicle shall be defined as any vehicle which is inoperative or reasonably appears to be inoperative; wrecked; dismantled; partially dismantled; or discarded. Conditions which may indicate that a motor vehicle is "junked" include, but are not limited to extensively rusted, without all

properly inflated tires, without windshields or window glass, without major chassis components or brake lights, or without any other vehicle component required by law for legal operation on a street.

- (3) Parking shall be defined as the standing or stopping of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of, and while actually engaged in, loading or unloading property or passengers.
- (4) Parking adjacent to the street shall be defined as an area to park a vehicle within the public right-of-way located adjacent to but outside the travel lanes of a street. Such spaces may be parallel or angled from the travel lane and may or may not be marked.
- (5) Parking on streets shall be defined as the parking of a vehicle partially or entirely within the travel lane of a street.
- (6) Street shall be defined as all the public ways maintained by the City of Cookeville, and any state or federal highway located in the city limits of Cookeville, Tennessee. Where applicable, street shall also include any alley or other right-of-way maintained by the City of Cookeville.
- (7) Travel lane shall be defined as the portion of a street designed to carry vehicle traffic, not including shoulders. For local streets the travel lane is between eighteen (18) to twenty (20) feet, depending on design. For collector streets the width is between twenty-two (22) and twenty-four (24) feet.
- (8) Vehicle shall be defined as any self-propelled vehicle designed primarily for transportation of persons or goods along public streets, alleys, or other public ways.

15-604. Administration and enforcement.

The provisions of this Chapter shall be administered and enforced by the Cookeville Police Department.

15-605. Applicability.

The provisions of this Chapter regulating or prohibiting the parking of a vehicle shall apply at all times; at those times herein specified; or as indicated on official signs and/or markings.

15-606. Parking prohibited on certain streets.

- (1) Parking on or adjacent to city streets classified as urban interstate, limited access highway, major arterial, and minor arterial as determined by the Classification of Thoroughfares maintained by the Cookeville Planning Department and available on the City of Cookeville website is prohibited. This provision excludes parking areas located adjacent to streets zoned as Central Business District.

- (2) Parking on city streets classified as major collectors as determined by the Classification of Thoroughfares maintained by the Planning Department and available on the City of Cookeville website shall be prohibited.
- (3) Parking on city streets classified as minor collectors as determined by the Classification of Thoroughfares maintained by the Planning Department and available on the City of Cookeville website shall be prohibited where an unobstructed width of the travel lane opposite a parked vehicle of not less than eighteen (18) feet cannot be provided.
- (4) Parking on local streets as determined by the Classification of Thoroughfares maintained by the Planning Department and available on the City of Cookeville website shall be prohibited where an unobstructed width of the travel lane opposite a parked vehicle of not less than twelve (12) feet cannot be provided.
- (5) No person shall park a vehicle on or adjacent to a street in such a manner or under such conditions that obstructs traffic. A clear view of the parked vehicle shall be available from a distance of at least two hundred (200) feet in each direction upon such street.

15-607. Parking requirements

- (1) No person shall be permitted to park, unattended, without first stopping the engine, locking the ignition, removing the key from the ignition, and, when parking upon any grade, turning the front wheel to the curb or side of the street.
- (2) Except as provided elsewhere within this Chapter, every vehicle parked on or adjacent to a street within this municipality shall be so parked that its right wheels are approximately parallel to and within eighteen (18) inches of the right edge or curb of the street. On one-way streets where the municipality has not placed signs prohibiting the same, vehicles may be permitted to park on the left side of the street, and in such cases the left wheels shall be required to be within eighteen (18) inches of the left edge or curb of the street.
- (3) No person shall park and leave unattended a vehicle on or adjacent to any street, or in any city owned and/or city controlled parking lot, or in any location accessible to the general public in the City of Cookeville with the engine running, unless the vehicle is locked and secured, and has been started by a remote starting device that prevents the vehicle from being driven by anyone other than the owner of said vehicle.
- (5) No person shall park or store on or adjacent to any street, or in any city owned and/or city controlled parking lot any device, which is not capable of being driven under its own power (self-propelled), or which cannot legally be operated on public streets. Such devices include but are not limited to trailers and boats. Any such device parked on or adjacent to the street or in city owned and/or city controlled parking lot is subject to being removed.

- (6) No person shall park on or adjacent to any street, or in any city owned and/or city controlled parking lot any vehicle or device with an expired license plate or registration tag or without a license plate or registration tag.
- (7) No person shall locate any merchandise for sale on or adjacent to any street, or in any city owned and/or city controlled parking lot. This includes vehicles; trailers; motorcycles; and any and all other merchandise of any type.

15-608. General restrictions and provisions.

- (1) No person shall stop or park a vehicle:
 - (a) in any place or manner that obstructs, blocks or impedes traffic;
 - (b) on a roadway side of any vehicle stopped or parked at the edge or curb of a street;
 - (c) on a sidewalk;
 - (d) within an intersection;
 - (e) on a crosswalk;
 - (f) between a safety zone and the adjacent curb or within thirty (30) feet of points on the curb immediately opposite the ends of a safety zone, unless a different length is indicated by signs or markings;
 - (g) alongside or opposite any street excavation or obstruction when stopping or parking would obstruct traffic;
 - (h) upon any bridge or other elevated structure, or within a highway tunnel, unless signs or meters have been installed by the City to indicate that parking is permitted;
 - (i) on any railroad tracks;
 - (j) on any controlled-access street;
 - (k) in the dividing area or median of any divided street (paved or unpaved), including crossovers;
 - (l) at any place where official signs or markings prohibit stopping or parking;
 - (m) in front of a ramp for handicapped persons so as to obstruct access to said ramp;
- (2) No person shall park a vehicle, whether occupied or not, except momentarily to pick up or discharge a passenger or passengers:

- (a) in front of or within fifteen (15) feet of a public or private driveway, or garage entrance, unless otherwise designated;
 - (b) opposite a public or private driveway, or garage entrance, unless there is at least twelve (12) feet of unobstructed roadway or otherwise designated;
 - (c) within fifty (50) feet of the apex (center point) of a curve that would impede access of large emergency vehicles and fire apparatus;
 - (d) in any designated or properly marked fire lane;
 - (e) within fifteen (15) feet of a fire hydrant;
 - (f) within fifteen (15) feet of a mailbox;
 - (g) within thirty (30) feet of a crosswalk at an intersection, unless otherwise designated;
 - (h) within thirty (30) feet upon the approach to any flashing signal, stop sign, yield sign or traffic control signal located at the side of the roadway, unless otherwise designated;
 - (i) within twenty (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 seventy-five (75) feet of said entrance (when properly marked or signposted);
- (3) No person shall park a vehicle, whether occupied or not, except temporarily while actually engaged in loading or unloading merchandise or passengers:
- (a) within fifty (50) feet of the nearest rail of a railroad crossing;
 - (b) in an alley;
 - (c) at any place where official signs or markings prohibit stopping or parking;
 - (d) within thirty (30) feet of the nearest intersection, unless otherwise designated.
- (4) No person shall park a vehicle on or adjacent to any street, or in any city owned and/or city controlled parking lot for the principal purpose of displaying such vehicle for sale.
- (5) No person shall park a vehicle on or adjacent to any street, or in any city owned and/or city controlled parking lot for the principal purpose of washing or repairing such vehicle except in the case of repairs necessitated by an emergency.

- (6) No person shall park a vehicle on or adjacent to any street, or in any city owned and/or city controlled parking lot for the primary purpose of advertising.
- (7) The restrictions imposed by this Chapter shall not apply to the driver of any vehicle which is disabled in such manner and to such extent that it is impossible to avoid stopping and temporarily leaving the vehicle in such position.

15-609. Angle parking.

- (1) On areas adjacent to streets which have been signed or marked by the municipality for angle parking, no person shall park a vehicle other than at the angle indicated by such signs or markings.
- (2) No vehicle shall be backed to the curb in an angled parking space adjacent to the street.
- (3) No person shall angle park any vehicle which has a trailer attached thereto or which has a length in excess of twenty (20) feet on any marked angled parking space adjacent to the street.

15-610. Parking space limitations.

No person shall park a vehicle in any marked 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. If the vehicle is too large to be parked within a single marked space it shall be parked in a manner that will not obstruct normal traffic flow.

15-611. Loading and unloading zones.

- (1) No person shall park a vehicle for any purpose or period of time other than for the expeditious and temporary loading or unloading of passengers or merchandise in any place marked by the City of Cookeville as a loading and unloading zone.
- (2) The City Manager may authorize the establishment of a loading zone for a retail business if the following conditions are met:
 - (a) The retail business must not have access to an existing loading zone or area.
 - (b) The retail business must sell merchandise too large or too heavy to be carried in a standard passenger car.

15-612. Regulations for metered parking.

- (1) On streets where parking meters have been installed, parking shall be regulated between the hours of 8:30 A.M. and 4:00 P.M. on all days except

Saturdays, Sundays and those holidays observed by the City of Cookeville. Alternate time restrictions may be established by the City Manager. The presumption shall be that all parking meters were lawfully installed by the City of Cookeville.

- (2) Any parking space regulated by a parking meter may be lawfully occupied by a vehicle only after a proper payment has been deposited in the parking meter and the said meter has been activated or placed in operation in accordance with the instructions printed thereon.
- (3) No owner or operator of any vehicle shall park or allow his vehicle to be parked in such a space when the parking meter therefor indicates no parking time allowed, whether such indication is the result of a failure to deposit payment or to operate the lever or other actuating device on the meter, or the result of the automatic operation of the meter following the expiration of the lawful parking time subsequent to depositing payment therein at the time the vehicle was parked.
- (4) It shall be unlawful for the owner or operator of any vehicle to park or allow his vehicle to be parked across any line or marking designating a parking meter space or otherwise so that such vehicle is not entirely within the designated parking meter space; provided, however, that vehicles which are too large to park within one space may be permitted to occupy two adjoining spaces provided proper payment is placed in both meters. This shall not apply if the parking meter is not functioning properly.
- (5) It shall be unlawful for any unauthorized person to open, deface, tamper with, willfully break, destroy, or impair the usefulness of any parking meter.
- (6) It shall be unlawful for any person to deposit in a parking meter any slug or other substitute for a coin of the United States other than those coins designated on the meter as proper, or provide other fraudulent forms of payment to parking meters.

15-613. Regulations for limited-time parking.

- (1) On streets where limited-time parking signs have been installed, parking shall be regulated between the hours of 8:30 A.M. and 4:00 P.M. on all days except Saturdays, Sundays and those holidays observed by the City of Cookeville. Alternate time restrictions may be established by the City Manager. The presumption shall be that all limited-time parking signs were lawfully installed by the City of Cookeville.
- (2) It shall be unlawful for the owner or operator of any vehicle to park or allow his vehicle to be parked in a space regulated by a limited-time sign for more than the maximum period of time indicated on sign.
- (3) It shall be unlawful for any unauthorized person to deface, tamper with, willfully break, destroy, or impair the usefulness of limited-time parking sign.

15-614. Handicapped drivers and passengers parking.

- (1) It shall be unlawful for any person not having a distinguishing registration, license plate, placard or other authorization issued pursuant to Tennessee Code Annotated, § 55-21-101 through § 55-21-108, to park in any parking space reserved for handicapped drivers and passengers under said state statutes.
- (2) It shall be unlawful for any person to park a motor vehicle so that a portion of such vehicle encroaches into a disabled parking space in a manner which restricts, or reasonably could restrict, a person confined to a wheelchair from exiting or entering a motor vehicle properly parked within such disabled parking space on both public or private property.

15-615. Parking in city parking lots.

- (1) In city owned and/or city controlled parking lots, parking is permitted for operable licensed motorized vehicles only.
- (2) The storage or parking of non-motorized vehicles, trailers, equipment or merchandise in any city owned and/or city controlled parking lots is prohibited.
- (3) Mobile food vendors in operation as authorized in Title 9, Chapter 12 of this Municipal Code and vehicles or trailers utilized in City authorized special events shall be excluded from this provision only during permitted times and places. The City Manager may authorize the temporary parking or storage of trailers or equipment utilized in construction or repairs for which a building permit has been issued by the City of Cookeville.
- (4) Parking fees, where applicable, shall be authorized and established by the City Council.
- (5) The City may restrict parking in city owned and/or city controlled parking lots by appropriate signage. Any parking in violation of the posted signage is a violation of this Chapter and the vehicle is subject to citation and/or towing.
- (6) The City may also designate parking places by appropriate signage. Any parking in violation of the posted signage is a violation of this Chapter and the vehicle is subject to citation and/or towing.

15-616. Parking of commercial or fleet vehicles prohibited.

It shall be unlawful for any business, firm, or corporation to park overnight any fleet motor vehicle on or adjacent to any street or in any city owned and/or city controlled parking lot between the hours of 5:30 PM to 7:30 AM unless a special permit is issued for extraordinary cause. Government vehicles are exempt from this provision.

15-617. Parking on parade route or event venue.

- (1) Whenever in the judgment of the Chief of Police it is necessary, the Chief of Police may prohibit or restrict the parking of vehicles along a street or part thereof constituting a part of an event venue, the route of a parade or procession, erect temporary traffic signs to that effect, and prohibit and prevent such parking.
- (2) It shall be a parking violation to park or leave unattended any vehicle in violation of such signs or directions.
- (3) Any vehicle blocking a parade or event function may be towed at the owner's expense.

15-618. All night parking; abandoned and junked vehicles.

- (1) It shall be a parking violation for anyone to park any vehicle on or adjacent to any street, or in any city owned and/or city controlled parking lot for a period of twenty-four (24) hours or longer, unless parked in close proximity to the residence for the owner of the vehicle, or a guest of said residence.
- (2) A vehicle parked in one place on or adjacent to any street, or in any city owned and/or city controlled parking lot for three (3) consecutive days, after being marked with a warning, shall be deemed abandoned. An abandoned vehicle located on or adjacent to any street or in any city owned and/or city controlled parking lot shall be deemed a public nuisance and shall be subject to towing. This shall not apply to a vehicle lawfully parked by an owner of a residence immediately adjacent to the residence.
- (3) Any vehicle deemed to be a junked vehicle parked on or adjacent to any street, or in any city owned and/or city controlled parking lot shall be deemed a public nuisance. It shall be a parking violation for any person or persons to cause or allow a junked vehicle to be placed, located, maintained or to exist on or adjacent to any street, or in any city owned and/or city controlled parking lot. Any junked vehicle located on or adjacent to any street, or in any city owned and/or city controlled parking lot is subject to towing.

15-619. Trucks—Parking prohibited.

- (1) It shall be unlawful for any person, firm, or corporation owning, operating or having control of any truck, truck tractor, trailer, semitrailer, pole trailer, bus or motor vehicle in excess of one (1) ton capacity to park the same on or adjacent to any street within the corporate limits, except that this section shall not apply to trucks, trailers or semi-trailers so parked while actually engaged in loading or unloading.
- (2) It shall be unlawful for any person, firm, or corporation owning, operating or having control of any truck, truck tractor, trailer, semitrailer, pole trailer, bus or motor vehicle which has refrigeration capability or capacity to park the same on or adjacent to any street, or in any city owned and/or city controlled parking lot within the corporate limits with the refrigeration units operating,

except that this section shall not apply to trucks, trailers or semi-trailers so parked while actually engaged in loading or unloading.

15-620. Penalties and remedies for violation of preceding sections.

- (1) The Cookeville Police Department shall be authorized to issue citations and/or cause the towing of vehicles in violation of the preceding § 15-601 through § 15-619.
- (2) Any person issued a citation for violating the preceding § 15-601 through § 15-619 shall be fined as follows:
 - (a) \$10.00 for first offense overtime parking violation;
 - (b) \$10.00 for first offense prohibited/improper parking violation;
 - (c) \$25.00 for first offense fire lane/fire hydrant parking violation;
 - (d) \$50.00 for handicapped parking violation.
 - (e) \$50.00 per offense for each additional offense per calendar year.
- (3) A letter will be mailed to the vehicle registrant if a citation for any of the parking restrictions listed in this Chapter has not been satisfied by the vehicle registrant, either by payment before, or appearance in city court on the court date indicated on the citation.
- (4) In any prosecution charging a violation of any law or regulation governing the parking of a vehicle, proof that the particular vehicle described in the citation or warrant was parked in violation of any such law or regulation, together with proof that the defendant named in the citation or warrant was, at the time of such parking, the registered owner of such vehicle, shall constitute in evidence a prima facie presumption that the registered owner of such vehicle is responsible for such violation, whether such violation is committed by the registered owner's bailee, lessee or customer.
- (5) The owner or operator of a vehicle towed for the violation of the preceding § 15-601 through § 15-619 shall be responsible for the payment of any towing and/or storage charges.
- (6) In all city owned and/or city controlled parking lots and where vehicles may be towed, the city shall erect signage giving the contact information so a owner or operator of a towed vehicle may claim the vehicle.
- (7) In addition to all other available remedies, any officer is authorized to have a vehicle towed, or require the driver or other person in charge of the vehicle, if present, to move the vehicle to a position off the street if the officer believes that public safety requires that the vehicle be moved.

15-621. Severability.

If any part, section or subdivision of this ordinance shall be held unconstitutional or invalid for any reason, such holding shall not be construed to invalidate or impair the remainder of this ordinance, which shall continue in full force and effect notwithstanding such holding.

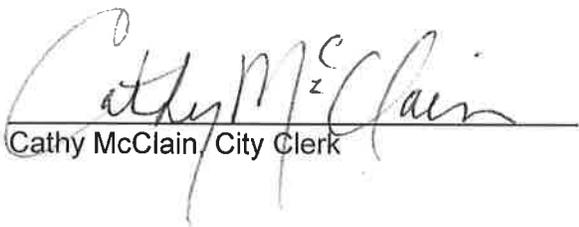
Section 2: This ordinance shall become effective immediately fourteen (14) days from and after its passage, the public welfare requiring it.

THE CITY OF COOKEVILLE, TENNESSEE



Ricky Shelton, Mayor

ATTEST:



Cathy McClain, City Clerk